

**CALIFORNIA COASTAL COMMISSION**

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**Memorandum****November 5, 2015**

To: Commissioners and Interested Persons

From: Jack Ainsworth, Senior Deputy Director

Re: ***Additional Information for Commission Meeting Friday, November 6, 2015***

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# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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 KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

TO: California Coastal Commission  
 FROM: Coastal Counties of Local Government Working Group  
 DATE: November 2, 2015  
 SUBJECT: Considerations for November 6, 2015 Workshop: Local Governments and Coastal Commission Working Together on Local Coastal Programs and Sea Level Rise

This cover letter addresses the topics to be discussed by the Coastal Commission and local government representatives at the workshop to be held on November 6, 2015. Those topics are: 1) Local Coastal Programs (LCPs) and amendments thereto; and 2) Sea Level Rise (SLR) and the recently approved SLR Guidance Document.

Santa Cruz County and other coastal counties appreciate the opportunity to discuss how we can best work with the Coastal Commission to ensure practical, reality-based policies and regulations consistent with the Coastal Act, especially in an era of increasing attention to climate change and sea level rise. As partners in implementing the Coastal Act through our certified LCP policies and regulations, we hope that open and straightforward communication results in actions and changes that support efficient and effective implementation by local governments and the Coastal Commission.

Santa Cruz County Supervisor Zach Friend is a member of the Coastal Counties Local Government Working Group (LGWG) and offered to have the Santa Cruz County Planning Director summarize the input of other coastal counties in conjunction with providing its comments. Exhibit A presents the written letters that have been submitted by the counties of Ventura (and the Harbor Department), Humboldt, Santa Barbara, Del Norte, San Luis Obispo, Mendocino, and Santa Cruz. This cover letter presents the key points and "requests" of local agencies.

### **LOCAL COASTAL PROGRAMS**

- 1. Where regular meetings between local agency and coastal staff occur, this has allowed for early discussion of work efforts and projects, a more efficient partnership, and refined actions.***

REQUEST: We request that the Coastal Commission promote regular communication, and make it clear to coastal staff that modifications should only be proposed in the event of a very clear need. Improved working relationships and open communication should result in fewer suggested modifications to materials submitted to the Coastal Commission. However, too often it is not until the staff report is released that coastal counties and cities are informed of the scope of modifications, many of which should have already been resolved. Modifications involve a significant amount of time and effort to be completed which can be averted with ongoing discussions with coastal staff. Members of the general public who participated in local processes and project reviews are often unaware of modification proposals and/or unable to participate at the Coastal Commission level due to timing and logistics.

2. ***It has always been a challenge for the Coastal Commission to hire qualified staff due to funding constraints, however, the Commission's approach to hiring staff on an interim basis will not lead to a permanent solution.***

REQUEST: We request that the Coastal Commission hire permanent staff. Additionally, direct staff to guard against perfection being the enemy of the good, and look at bigger picture concerns and the intent of the Coastal Act. With Commission staff at capacity to handle existing regulatory work together with ongoing LCP planning, local governments suffer the consequences: projects are delayed or time extensions are granted so that Commission staff has additional time to prepare a staff report. Further, additional training should be required for coastal staff, to increase understanding of Chapter 3 policies and ensure consistent implementation of Coastal Act policies.

3. ***Most LCPs are already certified. Local proposals for change are intended for the better.***

REQUEST: We request that the Coastal Commission and its staff support the decisions of local jurisdictions. When the Coastal Commission transfers permit authority to the local governments consistent with Coastal Act Section 30519(a), a local government's role as a regulatory agency is committed to upholding the Coastal Act. We respectfully request that the Coastal Commission and staff recognize that in most instances local processes have already accommodated and adjusted proposals to try to address concerns of opponents to the extent feasible. When the Coastal Commission tries to further compromise as a result of remaining opposition, this can often disrupt the delicate balance achieved at the local level. Recommendations from coastal staff need to be reality-based and feasible.

4. ***Respect the project objectives and public decision-making processes of local agencies.***

REQUEST: We request that the Coastal Commission and its staff recognize the enormous level of time, money and effort invested by local governments and project sponsors prior to an application being filed with the Coastal Commission. These resources are valuable, scarce and irrecoverable once spent.

5. ***Allow for incremental (phased) improvements to LCPs.***

REQUEST: We request the Coastal Commission allow for a phased approach to LCP amendments and not hold proposed amendments hostage to a full implementation vision of coastal staff and/or Commission. An established procedure should be put in place that limits modifications to the defined scope of proposed LCP amendments and to allow coordination so that they may be addressed prior to being heard by decision-makers.

6. ***Grants – Competitions and/or Available Allowances?***

REQUEST: We request that the Coastal Commission continue to advocate for availability of grants. The success of LCP updates is dependent on available funding. And while grant opportunities to fund LCP updates were made available in 2013 and 2014, the amount of money available was not enough. This made the selection process very competitive and left many local governments unable to modernize their LCPs. Consider grant allowances that could be accessed by coastal jurisdictions without competitions.

## SEA LEVEL RISE GUIDANCE

1. ***The SLR Policy Guidance document should be used as the basis for developing LCP amendments, and not as the basis for conducting project-level reviews.***

REQUEST: We request that the Coastal Commission provide adequate time for local jurisdictions to interpret and implement the SLR Policy Guidance document through local land use regulations. Allow local governments to address SLR for their specific geographic areas through a variety of policies and strategies that are responsive to variable conditions along their respective coastlines. Applying the guidance on a project-by-project basis would likely introduce a piece-meal approach to addressing SLR, with resulting inconsistent determinations provoking hostility among applicants who feel they are not being treated fairly. If a county or city-wide approach is encouraged, coastal residents would know up-front what will be expected should SLR affect their property.

2. ***Recognize that public funding constraints will constrain adaptation responses for public infrastructure.***

REQUEST: We request that the Coastal Commission be receptive to all potential SLR adaptation strategies including those that do not incorporate worst-case scenarios or may involve balancing competing objectives of the Coastal Act. If the SLR Policy Guidance is truly “flexible”, deviating from the Guidance to protect public infrastructure and coastal access and recreational areas should not delay the certification or approval of the proposed SLR adaptation strategies. Practical approaches over time can and should be adjusted to reflect changing conditions.

3. ***Work to resolve conflicts between federal Flood Emergency Management Agency (FEMA) requirements that may be in conflict with other resource constraints or objectives of the Coastal Act. Consider other real world factors and processes that affect the coast, and accept different approaches. Review and consider strategies within San Francisco’s “Guidance for Incorporating Sea Level Rise into Capital Planning in San Francisco: Assessing Vulnerability and Risk to Support Adaptation”. Explore conditions of development approval to ensure internalization of private risk and expenses.***

REQUEST: We request that the Coastal Commission engage with FEMA and local governments, to explore realistic adaptive strategies that address hazards related to climate change and sea level rise. Minimization of risk should not be interpreted as elimination of risk. Some risk is acceptable and must be recognized as such in practical and reality-based policies and regulations. In the case of private properties that do not involve a relationship to protection of public infrastructure and/or public access and visitor-serving assets, a goal of shifting and internalizing risk acceptance to the private property owner should be a goal.

4. ***Abandon the novel interpretation of “existing development” meaning only that which existed at the time the Coastal Act was approved, and identify a more solid policy rationale for whether or not an existing structure may be improved, redeveloped, or protected. Clarify “repair and maintenance”.***

REQUEST: We request that the Coastal Commission, rather than trying to redefine “existing development”, or track cumulative repair, maintenance and improvements through the life of a structure (with a goal of denying those activities after a point) work to articulate alternative public policy rationales for regulating existing development in the coastal zone. Many densely developed urban areas will need to be regulated differently than less-developed areas. Also, CCR Section §13252(b) states that “unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under Coastal Act Section 30610(d) but instead

constitutes a replacement structure requiring a Coastal Development Permit.” At the August 12, 2015 hearing, Commissioners were concerned that the replacement of undermined structural elements could exceed the 50% threshold when in fact the existing structure has not changed. In the absence of clear guidance on what constitutes maintenance, existing development will be reclassified as new development and thus subject to Coastal Act Policy 30253 that would prohibit the maintenance of protective devices. A one-size-fits-all strategy for retreat and removal of shoreline protection structures will not be in the public interest in many developed coastal areas.

**5. Recognize limitations of local government land use controls and limited local funding available to address sea level rise.**

REQUEST: We request that the Coastal Commission recognize that a strategy of rezoning lands, adopting new zoning regulations, or establishing programs such as Transferable Development Rights, is not likely to affect the nature of private land use for the foreseeable future, as existing developments might become nonconforming to the new regulations, but they would be *legal* nonconforming and allowed to continue. TDR programs are complex and unlikely to be feasible in urbanized coastal areas of California due to the paucity of vacant land and high prices for both land and structures. Recognize that local governments do not have funding available to “buy out” existing developments or property interests, especially since redevelopment agencies no longer exist.

**6. Ensure that Coastal Commission activities and decisions are consistent with the legislative intent of the Coastal Act.**

REQUEST: The fundamental legislative intent of the Coastal Act expressed in Section 30001.5 must continue to be respected, and new interpretations should not be pursued that are legally vulnerable and would erode public trust in fair and equitable governance. Section 30001(d) finds and declares *“That existing developed areas, and future developments that are carefully planned and developed consistent with the policies of this division, are essential for the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone”*.

Section 30001.5 includes the following goals for the coastal zone, and includes both natural and man-made (“artificial”) resources:

- a. *Protect, maintain, and where feasible, enhance and restore the overall quality of ... its natural and artificial resources.*
- b. *Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.*
- c. *Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.*

EXHIBIT A: September/October 2015 Letters from coastal counties:

1. Ventura (including the Harbor Department)
2. Humboldt
3. Santa Barbara
4. Del Norte
5. San Luis Obispo
6. Mendocino
7. Santa Cruz



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Honorable Steve Kinsey, Chair  
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San Francisco, CA 94105

**Subject: California State Association of Counties, Coastal Counties Regional Association Local Government Officials Comments for the California Coastal Commission November 6, 2015 Public Workshop on LCP Planning Program and Sea Level Rise Guidance.**

Chair Kinsey and Commissioners;

Thank you for the opportunity to participate in the November 6, 2015 Public Workshop as California State Association of Counties, Coastal Counties Regional Association (Coastal Counties) Local Government Officials. We are committed to support our common goal to sustain open communication and information exchange between local government officials, Coastal Commissioners and the public.

As Co-Chairs of Coastal Counties, we understand the importance of this 2015 workshop to identify and discuss issues and opportunities in regards to LCP Planning Program and implementation of the adopted Sea Level Rise Guidance. We respectfully submit for your review the Coastal Counties Local Government Officials comments representing key highlights of issues and opportunities facing Coastal Counties throughout California.

The Coastal Counties Local Government Officials commend the Coastal Commission for remaining committed to fostering and strengthening the local government relationship. Our desire, through a robust discussion of commonality among our jurisdictions, is that the outcomes generated from this workshop help lead to tangible, positive action steps going forward. We all recognize the benefit of our shared California Coastline and look forward to working together to help enhance that benefit for current and future generations.

Sincerely,

Kathy I. Long, Co-Chair  
Coastal Counties Regional Association  
Ventura County Board of Supervisors, Chair

Virginia Bass, Co-Chair  
Coastal Counties Regional Association  
Humboldt County Board of Supervisors



# Local Coastal Plan (LCP) Amendment Process

County of Ventura • Resource Management Agency • Planning Division  
*800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [ventura.org/rma/planning](http://ventura.org/rma/planning)*

September 17, 2015

Listed below are topics of interest related to the Planning Division's work on the County's Local Coastal Program (LCP). Land use development in the Coastal Zone is governed by the Ventura County LCP, which includes three components:

- The Coastal Area Plan (CAP) is a policy document that is part of the County's General Plan. As required by the State's General Plan Guidelines, the CAP has an associated Technical Appendix that provides background information on various topics addressed in the CAP. The most recent, comprehensive update to the CAP occurred in 1983.
- The Coastal Zoning Ordinance (CZO) is an implementation document that defines land use and development regulations for the coastal zone.
- The County's two adopted Categorical Exclusion Orders (E-83-1 and E-83-1A), were certified in September 1986 and December 1987, respectively.

All components of the County's LCP were previously adopted by the Board of Supervisors and certified by the California Coastal Commission. The information below addresses ongoing work associated with the first two components of the LCP. This information is being provided for possible use during the California State Association of Government's (CSAC) Coastal Counties Regional Association Joint Workshop to be held on November 6, 2015.

## **Phase II Updates to Local Coastal Program (LCP):**

The Ventura County Planning Division is currently working on a phased update to the County's LCP to ensure that coastal land use policies and regulations reflect current standards of practice in the coastal zone. Although that update is focused on ordinance-level changes to the CZO, it does include auxiliary, policy-level amendments to the CAP. In February 2013, the CCC certified Phase I of the County's LCP update. Phase I included amendments focused on correcting errors, explaining regulatory intent, and amending text and graphic content to address new laws, technology and standard practices that emerged since the LCP was certified in 1983.

The Ventura County Planning Division is now engaged in the Phase 2 text amendments, which involve a more substantive and comprehensive set of amendments to the CAP and CZO. Topics include film permits, parking requirements, sign standards,

archaeology/paleontology resources, tree protection, water efficient landscaping, and wireless communication facilities.

### **Coordination/Efficiency in LCP Amendment Process**

The LCP update is funded through the Coastal Impact Assistance Program (CIAP), a federal grant program. Pursuant to the CIAP grant agreement, the scope-of-work for this update is limited to a specific list of topic areas, and the performance period expiration date for this project is December 2016, at which time funding expires. Given these factors, we have the following three areas of concern regarding the Phase II amendments:

- Availability of CCC staff to review draft text amendments and produce necessary documents within the time frame provided by the CIAP grant;
- Nature and extent of potential CCC amendment requests following an extensive Coastal staff review process; and
- Geographic location of CCC hearings for Phase II amendments during the summer 2016 time frame projected for CCC certification.

In January 2013, a meeting was held with representatives from the California Coastal Commission (CCC or Commission) Ventura Field Office and Ventura County planning staff. The purpose of the meeting was to initiate early communication and coordination and avoid potential processing delays during the development of Phase 2 amendments. Ventura County planning staff emphasized that certification of Phase 2 is dependent on CCC staff's ability to identify and resolve issues in a timely manner. If issues are not resolved, or if issues are not identified, during the consultation process with CCC staff, then Ventura County could be left with an uncertified document after years of work on LCP amendments.

Since then, several meetings with CCC staff were conducted and significant progress was made on Phase 2 amendments. In general, Ventura County and CCC staff have worked in a cooperative manner to resolve differences and to prepare draft amendments that can be certified by the CCC. However, we are concerned that CCC staff reviews and the certification process for Phase 2 amendments may be subject to delays that could result in the LCP not being adopted by the Board of Supervisors or certified by the Commission prior to the December 31, 2016 deadline established by the CIAP grant.

To prevent potential delay in the processing of Phase 2 amendments, and to ensure an efficient review and certification process, the Planning Division developed the following recommendations:

1. CCC Staff Reviews. That Commission staff work with the Planning Division to establish a defined schedule of reviews that result in the completion of final reviews for all Phase 2 topics before the close of 2015.



2. CCC Conditional Approval and Requested Modifications. We request that Commission staff inform Ventura County of all requested modifications to the proposed text amendments prior to the County's public hearing process for the Phase 2 amendments. In November 2013, the CCC approved Phase 1 with suggested modifications. However, the requested modifications were minor and could have been resolved in advance of the County Board of Supervisors (BOS) hearing held in July 2013. The conditional approval added three months to the discretionary hearing process.
3. CCC Hearing Schedule, Venue, and Time Extensions. Commission hearings are held once a month in various locations throughout the state. The 2016 hearing schedule will not be known until late 2015 early 2016. To ensure the County's stakeholders are provided a convenient location to participate, the CCC hearing location should support Ventura County's discretionary hearing schedule and be held in Ventura County in July 2016.

In addition, time extensions afforded to the CCC during the review and certification of Phase 2 will delay when the text amendments become effective. Pursuant to Coastal Act Section 30513 and California Code of Regulations, Title 14, Section 13522, an amendment to the LCP must be scheduled for a public hearing and the Commission must take action **no later than 60 days** from the date the complete amendment was received. Most of the Phase 2 amendments<sup>1</sup> are scheduled to be formally submitted to the CCC in April 2016, and the 60th day would be June/July 2016. However, pursuant to Coastal Act Section 30517 and California Code of Regulations, Title 14, Section 13535 (c), the Commission is authorized to extend for good cause the 60-day time limit for a period **not to exceed one year**. Commission staff regularly requests an extension to the 60-day time limit in order to allow adequate time to review and analyze the amendment and to allow for a local hearing venue.

*Prepared by: Rosemary Rowan and Jennifer Welch, Long Range Planning Section*

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<sup>1</sup> Due to staff resource changes at the County, we now anticipate that amendments related to ESHA will be scheduled for review by County decision-makers and the Commission during the second half of 2016, or approximately six months following public hearings for other Phase II topic areas. Due to the anticipated delay for ESHA, the California coastal trail will be processed concurrently with ESHA.



# Response to Sea Level Rise Policy

## Guidance (adopted on 08/12/2015)

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [ventura.org/rma/planning](http://ventura.org/rma/planning)

September 17, 2015

On August 12, 2015, the California Coastal Commission (CCC or Commission) adopted the Sea Level Rise (SLR) Policy Guidance document dated May 27, 2015. During its public deliberations prior to adopting the document, the CCC emphasized that the SLR Policy Guidance document is not a regulatory document and, instead, is an informational document that provides options and potential solutions to sea level rise for California's coastal communities. Ventura County concurs with the approach publicly stated by the CCC, and expects to utilize information within the SLR Policy Guidance document when engaged in the future preparation of SLR-related amendments to the County's Local Coastal Program (LCP). However, until more funding is allocated to SLR-related amendments for LCP amendments, the effective implementation of the SLR Policy Guidance document will remain a challenge. In addition, the County remains concerned about the premature use of the SLR Policy Guidance document for regulatory purposes.

Significant funding constraints at both the Commission and local government levels limit the capacity to update LCPs. Although three grant programs were recently funded to support California local governments in updating LCPs to address sea level rise, Ventura County was not selected to receive a grant award. One reason given for the award selections was that priority was given to competing coastal counties that do not have certified LCPs in place. While it is important that the SLR Policy Guidance document be implemented through the standard LCP amendment process, a lack of funding for that process will create significant implementation delays. Without additional funding, which should be combined with a reasonable timeline in which to implement the SLR Policy Guidance document through the LCP amendment process, it is quite possible that the recently-adopted SLR Policy Guidance document will lead to problems for Ventura County when processing permit applications for development within Ventura County's coastal zone for reasons summarized below.

1. **Guidance versus regulations.** If the standard of review for project permit applications is the Coastal Act or a certified LCP, and the SLR Policy Guidance document is used by the Commission as the mechanism to interpret the Coastal Act with regard to sea level rise, then projects will be subjected to unrealistic expectations and standards if the SLR Policy Guidance document's guiding principles are treated as regulations and used as the basis to deny or condition a project or a proposed amendment to a LCP that does not address sea level rise at all or in a manner that is consistent with the guiding principles. Given the fiscal and regulatory challenges facing coastal jurisdictions, we believe that it is particularly important that the SLR Policy Guidance document be used as the basis for developing LCP amendments, and not as the basis for conducting project-level review.

Although Public Resources Code (PRC) Section 30620(a)(3) authorizes the Commission to adopt “interpretive guidelines” to assist local governments, the Commission, and applicants in determining how Coastal Act policies are applied in the coastal zone, such guidelines do not enlarge the powers or authority of local governments or the Commission. During its public deliberations prior to adopting the guidelines, the Commission emphasized that the SLR Policy Guidance document provides local governments with a great deal of flexibility because it offers a variety of tools to develop an adaptation strategy specific to that jurisdiction’s physical environment, erosion and oceanographic forces, and development patterns. Further, the Commission stated that the guidance is considered a “living document”, and the adaptive strategies provided are not an exhaustive list. Furthermore, several Commissioners inquired about how the CCC would distinguish the guidance from regulation, and one Commissioner requested assurance that its contents would be applied in a flexible manner in different regions.

In our view, adequate time must be provided for local jurisdictions to interpret and implement the SLR Policy Guidance document through local land use regulations because the LCP amendment process required to incorporate the guidance as part of an LCP will be technically challenging and controversial. That is particularly true where conflicts exist between a sea level rise adaptation strategy that fulfills federal requirements but is not consistent with the Coastal Act. For example, Coastal Act Section 30253 states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. When developing LCP policies and implementation standards to address flooding, federal Flood Emergency Management Agency (FEMA) requirements may be in conflict with other resource constraints or objectives of the Coastal Act, such as protection of visual resources, community character, and public access and recreation. FEMA requirements mandating that structures meet the base flood elevation are often accomplished using caissons or other elevation techniques. The SLR Policy Guidance document, however, states that these types of building elements result in negative visual impacts and may be considered hard shoreline protective devices. It is therefore unclear whether the “flexibility” provided by the SLR Policy Document would allow a modest use of elevation techniques, consistent with FEMA requirements, or whether the CCC would reject projects designed to comply with such regulations as inconsistent with the Coastal Act.

- 2. Life Expectancy of Seawalls and Structures Protected by Them.** The SLR Policy Guidance document emphasizes the need to remove shoreline protection devices such as seawalls. However, shoreline protection devices protect a large portion of Ventura County’s coastline, which includes existing public parks and residential neighborhoods originally built during the 1930s. These areas will be subject to storms, and property owners will be requesting permits to repair and maintain existing structures and existing shoreline protection devices. However, the SLR Policy Guidance document is not clear on the topic of existing seawalls, and thus it provides no clear guidance on how existing (or new) development that is protected by such seawalls will be handled.

PRC Section 30235 permits seawalls when required to protect existing development in danger from erosion, and when such seawalls are designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Although the Coastal Act does not define “existing structure”, the SLR Guidance document suggests the date by which a structure qualifies as an “existing structure” for the purpose of evaluating whether it may be eligible for shoreline protection is 1976, the date the Coastal Act was enacted. At the August 12, 2015 hearing, one Commissioner noted that there are structures that are 75 to 100 years old that could be

considered “existing” historical coastal resources. In Ventura County, many beach front residences were built in the 1930s are potential historic resources that have not yet been evaluated or designated as historic properties.

If applied to LCPs as written, application of the SLR Policy Guidance document could result in a cumbersome tracking process and the eventual destruction of existing neighborhoods along the Ventura County coastline that rely on sea walls for protection. For applicants who request repairs or renovations to existing structures, Section 13252(b) of the Commission’s regulations states that “unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under Coastal Act Section 30610(d) but instead constitutes a replacement structure requiring a Coastal Development Permit.” A challenge with applying Section 13252(b) is determining what constitutes replacement of 50 percent of the structure. The SLR Policy Guidance document suggests that all repairs and modifications to a structure qualify and should be tracked, and that a cumulative 50 percent threshold should be used to define additional maintenance or modification as new development that no longer qualifies for a seawall under PRC 30235.

FEMA initiated the California Coastal Analysis and Mapping Project (CCAMP) to address high flood risk areas impacted by coastal flooding. In Ventura County, coastal areas immediately adjacent to the ocean are designated as Special Flood Hazard Areas, an area that would be inundated by a flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). Homes and businesses with mortgages from federally regulated or insured lenders in high-risk flood areas are required to have flood insurance. In order to obtain flood insurance, a project will need to comply with FEMA and, as the SLR Guidance implies, structural modifications required by FEMA could be considered “new” development. At the August 12, 2015 hearing, one Commissioner noted that the SLR Guidance document does not clearly address this issue, but further noted that it could be addressed through the LCP amendment process.

Determining when a structure is considered “new” or “existing” is critical to coastal land use planning in Ventura. The Guidance promotes the Commission’s plan to phase out seawalls and, if the Guidance is imposed by the Commission as a firm policy interpretation to support this phase-out plan, local governments could find it difficult to propose and implement alternative adaptive strategies that allow seawalls to remain when they protect existing development.

### **3. Regional Approach to Adaptive Management.**

Ventura County contains multiple shoreline beach areas that provide coastal access and recreation to local residents and visitors, but the lack of a consistent, regional approach to the approval process for seawalls by the CCC could lead to more narrow beaches and reduced coastal access within the County. Seawalls affect beach replenishment, and one Commissioner specifically called out Ventura County as an area that will be challenging because of its land form, geology, and oceanographic currents. Ventura County will also be a challenge because a substantial amount of its shoreline will be affected by seawalls that protect critical public infrastructures such as U.S. Highway 101, Pacific Coast Highway 1, and the coastal-adjacent Union Pacific railroad line. A concern is that, absent a regional approach to shoreline armoring, beaches will become narrower, which limits or temporarily cuts off lateral access and recreational opportunities.


The SLR Policy Guidance document, at Chapter 7, Coastal Development and Hazards, contains a goal that would allow shoreline protective devices only to protect existing and endangered structures. The Guidance further suggests that properly-designed shoreline armoring would, in most cases, be allowed to remain in the foreseeable future on intensely developed, urbanized shorelines. As shown by the two examples below, previous Commission action on seawalls in Ventura County illustrates the trade-offs between protecting public infrastructure and beach or public access protection.

- The recently completed Caltrans South Coast HOV Lane Project added northbound and southbound carpool lanes and a Class I bike path on the southbound side of the highway from Rincon to Mussel Shoals. According to the environmental impact report prepared for the project, design standards to protect the transportation system from sea level rise were prohibitively expensive and, in some cases, would act like a dam and result in upstream flooding impacts. The CCC determined that the Caltrans project, as designed, preserved a sandy beach area by avoiding new encroachment onto any part of the beach. Although the project was conditioned to provide public parking, coastal access and restrooms, there was no requirement to mitigate adverse impacts on local sand supply. At the August 12, 2015 hearing, one Commissioner described a similar project in the San Diego North Coast I-5 Corridor. For that project, the beneficial uses of the project prevailed and Caltrans was only required to show that the SLR Guidance document was considered and that Caltrans understood the risks.
- In contrast, in June 2008, the CCC approved repairs to and the addition of approximately 5,000 tons of new armor stone to an existing 2,040 foot long rock revetment located seaward of the existing residential community of Seacliff. The project was conditioned to improve public access and submit a plan that establishes a Shoreline Sand Supply and Public Access Fund Account and a deposit of \$60,000 to mitigate for impacts to shoreline sand supply for the loss of public recreational use over 25 years.

In order to successfully incorporate adaptive strategies to address sea level rise, coastal communities should be provided sufficient time to evaluate properties at risk and effective policies and implementation measures that eliminate or minimize adverse impacts on local shoreline sand supply. Inconsistent, piecemeal action in response to specific requests for coastal development permits would not only result in conflicts between applicants who feel that are not being treated equally or fairly, it would also hinder the County's efforts to provide a regional approach to protecting the coast.

4. **Scenario-based analysis.** The goal of scenario-based analysis for SLR is to understand where and at what point SLR, and the combination of SLR and storms, pose risks to coastal resources or threaten the health and safety of a developed area. In our view, a reasonable approach would be to align scenario-based time frames with the planning horizon of the Local Coastal Program. For example, if the time horizon for the LCP is 25 years, then the best-available science for that 25-year period should be used to analyze and prepare SLR-related policy and development standards.

Currently, the CCC endorses the 2012 National Research Council's (NRC) Report with the following SLR projections:

TIME PERIOD*	NORTH OF CAPE MENDOCINO	SOUTH OF CAPE MENDOCINO	
by 2030	-2 – 9 in (-4 – +23 cm)	2 – 12 in (4 – 30 cm)	
by 2050	-1 – 19 in (-3 – + 48 cm)	5 – 24 in (12 – 61 cm)	
by 2100	4 – 56 in (10 – 143 cm)	17 – 66 in (42 – 167 cm)	

\* With Year 2000 as a baseline

The SLR Policy Guidance document recommends that the highest projections of SLR be evaluated on a project-by-project basis in order to understand the implications of a worst case scenario on a proposed project. However, we believe that extending an analysis out 85 years is far too speculative, and adding expensive development conditions to projects based on long-term, inconclusive predictions will be difficult to justify. That is particularly true for development where the life expectancy of the structure is significantly less than 85 years. Furthermore, the legal ramifications of the approach outlined in the SLR Policy Guidance document are still unknown. During the August 12, 2015 hearing, two Commissioners stated that many applicants will not be able to afford an 85-year analysis and their project will likely never get approved. It was suggested that applicants not be held to an exhaustive analysis when there are ways to plan for the future without implementing regulatory measures today.

- 5. Private Property Takings Issues.** A recent California Appellate Court opinion regarding a seawall protecting two adjacent single-family residences in the City of Encinitas (*Lynch v. California Coastal Commission*) upheld the Coastal Commission’s action to impose a 20-year expiration date on a seawall as a condition for approving a coastal development permit. San Diego Superior Court Judge Earl Maas called the 20-year limitation applied to a seawall project as “simply a power grab” designed to force the owners into making more concessions in coming years or to force the removal of the sea wall altogether. When the case was appealed to the California Court of Appeal, Fourth Appellate District, a dissenting judge stated that regulations cannot be so excessive that they cancel statutory and constitutional rights, and stated that imposing a 20-year expiration date on a seawall permit was an unnecessary, extreme, and invalid demand that did not constitute genuine mitigation. One could argue that the Commission’s power to impose this type of mitigation unfairly forces the homeowners to waive their rights and property interests. The California Supreme Court has accepted the case for review and should rule within the next year.

If the CCC continues to condition projects in this manner, then all seawalls along Ventura County’s coast could be subject to the same 20-year restriction. Given the economic implications associated with the removal of shoreline protection devices that protect existing development, including capital improvements and transportation corridors, interim adaptive strategies that could include elevating structures, retrofits, or the use of materials that increase the strength or resilience of development should be allowed until potential retreat strategies and programmatic approaches can be developed,

Land use regulations that prevent all economical beneficial use of the property are vulnerable to a takings challenge. The SLR Policy Guidance includes a recommendation that local agencies explore whether legal doctrines regarding nuisance, changing shoreline property lines, or the public trust independently allow for significant limitations on the use of

the property. In our view, this responsibility should lie with the CCC. The CCC could reject proposed LCP amendments that address sea level rise when those amendments are not consistent with the SLR Policy Guidance document. It is therefore important that the CCC ensure that its policies meet legal standards.

*Prepared by: Jennifer Welch and Rosemary Rowan, Long Range Planning Section*




## HARBOR DEPARTMENT

## MEMORANDUM

**DATE:** October 8, 2015

**TO:** Supervisor Kathy Long

**FROM:** Lyn Krieger, Director 

**SUBJECT:** Comments on Sea Level Rise Policy Guidance adopted by the California Coastal Commission on August 12, 2015

Congratulations on your adoption of the Sea Level Rise Policy Guidance document on August 12, 2015. As local agencies with land use and public safety responsibilities, we are committed to addressing the challenges that may accompany sea level rise. We have worked with your staff to make suggestions about areas of concern, and noted that Commission staff and the Commission amended the draft document based on comments received. Now that the document is adopted, we have additional comments for your consideration.

Many local agencies are undertaking work to determine the likely effects of sea level rise on their areas, and to begin planning mitigation for these potential effects. In western Ventura County, local agencies are cooperating in the evaluation of potential impacts. However, as with any significant policy change, this planning takes time, and is not likely to be complete for a period for several years. In the meantime, while the work is underway, we have some specific concerns.

1. Local agency comments on the Draft Sea Level Rise Policy Guidance were consistent in expressing concern that the document, once adopted, continue to be considered as "guidance," not regulation. In fact, many of the sections in the Guidance document appear poised to become the standard of review for projects in the coastal zone. We understand that it is common to use the standard available when evaluating projects, in part to ensure consistency of application. We also understand that it is difficult to review a variety of analyses and arguments on a project-by-project basis. However, there is considerable variation along the California Coast in the potential effects and timing of sea level rise, and there are many specific variations in types of coastal development and community needs that must be included in the consideration. We urge you to continue thinking of this as flexible guidance while local agencies complete their

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first assessments. We do have some concern that other public agencies will find it efficient to use the Coastal Commission's Guidance for their own reviews. As Coastal Commission staff cooperate/collaborate with other public agencies, we urge you to make clear that these are guidance only, and not regulatory at this time.

2. There is a continuing issue with the application of the Guidance document to Port Master Plans, Public Works Plans (PWP's), and Long Range Development Plans (LRDP's). The Guidance document, as adopted, is focused on the process to be used under Local Coastal Plans (LCP's), and especially the process of issuing Coastal Development Permits (CDP's). The document implies that these plans are to be treated as equal to LCP's. We do not believe this is always possible. This policy position does not address the regulatory structure of the Coastal Act, and the types of authority granted to agencies holding other plans. In each of the alternate plan types, the agency is often the property owner, and the agency may have private parties as lessees on its properties. The permit processes and rights of the parties vary in these circumstances. We had hoped the final Guidance document would make it clear that the holders of Port Master Plans, PWP's and LRDP's would be collaborating with the Coastal Commission and staff to outline policies for application of the new Guidance. We hope that such collaboration will still be undertaken.
3. When addressing harbors and ports, there need to be additional considerations when reviewing sea level rise assessments. As you know, harbor property inundation defenses currently include breakwater structures, jetties, sea walls, groins, tide gates, pump systems, dewatering systems, and adaptation by floor level heights. On a buildable parcel, none of these protective measures can be considered either in isolation or for a single parcel. In addition, many ports and harbors also host sewer lift stations, which must be protected. These concerns were not articulated in the Guidance document, so we ask that you clarify these matters in any update.
4. Ports and harbors have numerous uses defined as "coastal dependent" under the Coastal Act. These uses include marinas, boat yards, commercial fishing, and maritime terminals, among others. Because these coastal dependent uses are identified as unique resources in the Coastal Act, we request that there be some separate handling of sea level rise for these uses. Water-based development, such as marinas and marine terminals, of course, have very specific issues which relate to the adjacent landside support facilities.
5. Local agencies which hold certified Port Master Plans, PWP's, and LRDP's also require collaboration regarding the distribution of risks. The Guidance document outlines that it is intended to ensure that risk is nearly always assumed by the property owner. In the case of a port or harbor, where the property is held by a local agency, and the long lessee has specific rights by contract, this issue becomes more complicated, and more delicate. We urge you to work with us to

address this concern, and how it will affect the evaluation of strategies to address sea level rise. For example, while the land is often owned by the local agency, the infrastructure and buildings are generally constructed by the private lessee, with infrastructure being turned back to a public agency for operation and maintenance. Unwinding these threads after the passage of decades, and crafting an equitable solution, will be difficult. While we agree that planning for sea level rise must be done, we would appreciate your collaboration, understanding, and support on this issue.

6. Similarly, there are issues unresolved concerning agencies as landowners and construction permitted in/on buildings owned by lessees. The comments in the Guidance document regarding existing "at risk" structures call for work on these properties to be limited to basic repairs and maintenance, and not to extend the life of the structure. This puts local agency landlords in a difficult position. If a new roof is needed to protect the lessees' interests, it is likely to be installed – most landlord agencies have no way under current leases to prevent it. In fact, many leases require such improvements to be made from time to time. At the same time, this improvement extends the life of the structure. Similarly, tenant improvements may trigger a requirement for seismic strengthening, also extending the life of the structure. There are many instances where repairs and maintenance will extend project life. Not allowing these improvements may, in some cases, trigger a "taking." These issues become more complex, of course, when the public agency or its lessees upgrade structures to meet new regulatory requirements. We request that the Commission consider treating this issue as it has others in the past, where structures with longer life spans, or meeting new regulations, be required only to demonstrate incremental mitigation at reasonable intervals.

Again, congratulations for taking a step forward on this important issue. We look forward to our continued work together.

Cc: Board of Supervisors  
Michael Powers, CEO  
Leroy Smith, County Counsel  
Charles Lester, Executive Director, California Coastal Commission



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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## MEMO

DATE: October 1, 2015  
FROM: Rob Wall, AICP, Supervising Planner  
TO: Virginia Bass, 4<sup>th</sup> District Supervisor  
SUBJECT: Coastal Commission Performance Report to CSAC

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Staff is aware that one of the chief complaints of local coastal jurisdictions, inclusive of Humboldt, is that when amending LCPs, the Coastal Commission often requires amendments to other sections of their respective LCPs that were not requested by the local government. Our chief criticism, within the Long Range Planning Division, is the receipt of Coastal Commission grant funds to complete scope described tasks only to have further studies or analysis (out of grant funded scope) required by the Commission. The grants are appreciated as noted below; but this matter should be discussed at your CSAC meeting.

On a positive note, Staff applauds other efforts for coordination and early input. The following are a bulleted list of what I have observed both at the City of Eureka and at the County of Humboldt:

- Increased availability of Local Coastal Commission Staff/phone calls returned in a timely manner
- Strict adherence (2 years plus) of monthly Planning Staff meetings/local assistance on coastal planning matters and code enforcement
- Recognition of local conditions/ for example, unique tectonic subsidence
- Recognition of local leadership/Bay-wide approach to Humboldt Bay's LCPs/Aldaron Laird's work.
- The LCP grant allocations to Humboldt Bay jurisdictions.
- Additional staff at our local Coastal Commission office. We would hope grants get extended or made permanent.
- A collaborative LCP update process with realistic expectations.

As noted previously, the grant allocations have been mostly positive. The out of scope matters are our greatest concern.

As always, I am available for questions and look forward to continuing CSAC's efforts to improve Coastal Commission management of LCPs.

## **Initial Reactions to California Coastal Commission Sea Level Rise Policy Guidance**

**October 5, 2015**

The California Coastal Commission adopted its Sea Level Rise Policy Guidance document on August 12, 2015. This memorandum briefly outlines initial reactions from a local agency perspective.

### **Foundational Questions**

Review of the Guidance prompts the following questions:

1. Is the Guidance realistic for achieving the State's policy goals of increasing resilience, reducing risks, and protecting coastal resources?
2. Does the Guidance provide sufficient clarity on key technical and policy issues?
3. Will the Guidance ultimately help or hinder local agencies to take actions toward adaptation for sea level rise?
4. Will the coastal development permitting process be a limiting factor for adaptation?
5. What are the keys for successful implementation of the Guidance?
6. Is the Coastal Commission's traditional regulatory paradigm the best model for effective governance in response to sea level rise?
7. Are cultural changes at the Coastal Commission necessary for successful implementation of the Guidance?

The following comments are intended to contribute to a discussion of these questions and potential steps to address them.

### **Comments**

#### Analysis and Decision-making

The Guidance addresses complex technical and policy issues and creates a state-wide framework for analysis and decision-making. Much uncertainty remains on how the Guidance will be applied in practice.

Issues:

- Several of the framing principles in Chapter 2 are broad with potentially far-reaching implications – in particular, Principles 4, 8, 11, 12, and 14. Specific examples would be helpful to understand how these principles will be interpreted and applied. The Coastal Commission should consider gathering input from local agencies on how to apply these principles in real situations.
- Principle 4 calls for using “a precautionary approach by planning and providing adaptive capacity for the highest amounts of possible sea level rise” (pg. 38). We foresee that there may often be good

reasons not to apply the most conservative assumptions about possible sea level rise in planning projects, based on fundamental risk management concepts and avoiding unnecessary impacts to coastal resources. The City and County of San Francisco’s guidance document for incorporating sea level rise in capital planning (CCSF, 2014) offers a pragmatic discussion of this issue. Further discussions with the Coastal Commission about applying Principle 4 to real examples would be beneficial.

- The Guidance notes that there are “many ways to evaluate and minimize risks” and “different types of analyses and actions will be appropriate depending on the type of project or planning effort” (pg. 100). The steps outlined in Chapter 6 (Addressing Sea Level Rise in CDPs) will require extensive effort. Based on the complexity of the issues, local agencies can easily become overwhelmed if regulatory uncertainty is high. The risk of “paralysis by analysis” is substantial. The Coastal Commission should solicit input from local agencies in determine the methods and levels of detail for performing these analyses in real-world applications.
- Chapter 7 (Adaptation Strategies) presents a long list of goals, analyses, and considerations for planning adaptation strategies. The Guidance acknowledges that items on the list may not apply in all circumstances, and that “sea level rise planning may involve a number of trade-offs among various competing interests” (pg. 126). Nevertheless, the list represents a seemingly daunting gauntlet for local agencies trying to advance adaptation projects that are feasible and can pass Coastal Act muster. Many policy interpretations and judgment decisions will be required. The regulatory burden could easily become a deterrent to creative solutions, and the risk of abandoned or deferred projects is high. The Coastal Commission should consider how it can engage local agencies for collaborative discussions on how to proactively plan adaptation projects within the framework of Chapter 7.
- The Guidance encourages planning ahead to preserve and protect critical facilities and infrastructure (pgs. 140-141). The potential use of “long-term public works plans” and allowance for phased implementation approaches are mentioned. More details are needed for local agencies to understand whether these measures will be feasible and beneficial.
- The Guidance will be applied at a wide range of project scales. Caution is warranted to avoid a “one-size-fits-all” approach and to avoid using “super-projects” as the standard that all other projects must conform to. For example, the Guidance references the Piedras Blancas Highway 1 Realignment project in San Luis Obispo County as an example of planned retreat, a project that spanned multiple decades and cost tens of millions of dollars. Very few projects will have this level of funding and planning resources. The Coastal Commission should consider recognize a range of example or model projects and ensure that the permitting process is flexible with appropriate consideration for scale.
- The Guidance discusses legal issues such as the distinction between existing and new development and the implications for shoreline protection (Chapter 8: Legal Context of Adaptation Planning). We anticipate many situations around Humboldt Bay where re-location of infrastructure will not be feasible. Consideration of shoreline protection will be crucial for Humboldt Bay which has many miles of private and public levees protecting infrastructure and agricultural land. Developing regulatory clarity on how to address the levees around Humboldt Bay is a high regional priority.

### Regulatory Paradigm

The Coastal Commission’s traditional paradigm is command-and-control regulation. The Coastal Act prohibits development, broadly defined, without possession of a Coastal Development Permit. CDPs are issued sparingly and only after a long and detailed permitting process.

The first step in the permitting process is for the applicant to submit a complete application (the Coastal Commission typically defers any specific feedback until a permit application is deemed complete). Multiple cycles of requests for additional information are typical. These requests typically steer the applicant to make project modifications and produce plans or studies to demonstrate compliance with policies of the Coastal Act. Plans, studies, and submittals are expected to provide a high level of detail,

however the required level of detail for analysis and documentation is often made clear only through iterations. Once the application is deemed complete, the Coastal Commission performs its formal analysis and develops a range of prescriptive conditions and requirements that are necessary for issuance of the CDP. The CDP is issued only after permits from all other agencies are issued. There often appears to be a presumption that the applicant has unlimited funds. Minimizing the costs to the applicant for engaging in the permitting process appear to be given limited consideration. In addition, even if the applicant considers the project to be urgent, the duration of the permitting process normally spans multiple years (with the exception of projects that qualify for emergency permits).

Roles in the CDP process are traditionally hierarchical. The applicant initiates the project, performs scoping, prepares plans and designs, consults with resource agencies, conducts technical studies, evaluates alternatives, and analyzes impacts. If the project is approved, the applicant is solely responsible for construction, mitigation, monitoring, and post-construction reporting. The Coastal Commission sets the parameters for the analysis of impacts (e.g., methods, assumptions, thresholds, level of documentation) and determines what revisions, requirements, and mitigations are necessary for the project to be consistent with Coastal Act policies.

Local agencies commonly seek CDPs for projects to repair or improve existing infrastructure (e.g., to remedy deteriorating or threatened facilities or to make upgrades based on current safety and engineering standards). Local agencies also commonly seek CDPs for projects to address impaired watersheds and streams (e.g., removing excess sediment to reduce flood hazards and improve ecosystem services). The Coastal Commission is traditionally agnostic, or neutral, on all projects, irrespective of whether they benefit the public interest. The status quo is the preferred condition, and the burden is on the applicant to justify changing the status quo. The Coastal Commission traditionally assumes no responsibility for actively contributing to the strategic planning of projects.

#### Issues:

- Funding is a strict constraint for local agencies. The more time and money needed to engage in the permitting process and the more extensive the mitigation and monitoring requirements, the less time and money are available for implementing other projects. By setting a too-high bar for CDPs, the Coastal Commission will inadvertently reduce local agencies' capacity to pursue adaptation projects and increase the likelihood of the "do nothing" approach rather than proactive adaptation strategies. The Coastal Commission should acknowledge that public funds are severely limited and should be more accountable for reducing the cost burden of the permitting process. The Coastal Commission should formally adopt a priority to support the economic needs of local agencies and prudent fiscal management of public funds.
- Sea level rise represents substantial risks to coastal communities. Many communities face existing hazards which will worsen with sea level rise, while other communities will soon face imminent hazards. Therefore inaction is unacceptable. When considering the risks of sea level rise, the status quo should not be the preferred condition. The Coastal Commission should consider how to support and expedite the permitting process to enable timely action.
- Principle 18 in Chapter 2 (pg. 41) addresses the Coastal Commission's goal to coordinate and collaborate with other agencies. However, this discussion is limited to the Coastal Commission's "review and approve" role within the traditional regulatory paradigm. The magnitude of the risks posed by sea level rise warrant bold and innovative measures to initiate adaptation projects and reduce risk. The Coastal Commission should acknowledge more explicitly that the State depends on local agencies to achieve the goals for safeguarding California and reducing climate risk. The Coastal Commission should consider how it can expand its role to be proactive and supportive of bringing adaptation projects to fruition. The Coastal Commission should develop performance measures for how it provides meaningful support for adaptation and should actively monitor whether important projects get stalled due to permitting gridlock.

### Potential Pilot Project

In order to effectively implement the Sea Level Rise Guidance, the Coastal Commission will likely need to evolve into taking a more collaborative role in working with local agencies. Humboldt Bay may provide a venue for a pilot project to test this approach. The Coastal Commission participates in the Humboldt Bay Sea Level Rise Adaptation Planning Project (<http://humbolddbay.org/humboldt-bay-sea-level-rise-adaptation-planning-project>) which was initiated in 2010. The last phase of funding ended in February 2015. In September 2015, the City of Eureka applied for funds from the State Coastal Conservancy to implement the next phase of sea level rise planning for Humboldt Bay in the form of the Eureka Slough Diked Lands Sea Level Rise Adaptation Project. If the project is funded and moves forward, the Coastal Commission will be invited to participate in a stakeholder group with the goal of increasing the resiliency of the diked land, properties, and assets within the Eureka Slough hydrologic unit of Humboldt Bay to the effects of sea level rise. This working group would be an opportunity to discuss the foundational questions listed above and to apply the recommendations discussed in this memorandum.

### Prepared by:


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COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: California Coastal Commission

FROM: Dr. Glenn Russell, Director 

DATE: October 9, 2015

RE: Santa Barbara County Comments for Public Workshop on November 6, 2015

C.: Doreen Farr, Third District Supervisor  
Salud Carbajal, First District Supervisor  
Mona Miyasato, CEO  
Renee Bahl, Assistant CEO  
Dianne Black, Assistant Director  
Matt Schneider, Deputy Director

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The County of Santa Barbara Planning and Development Department is pleased to have the opportunity to provide input for the upcoming November 6, 2015 California Coastal Commission workshop that will consider the Local Coastal Program Amendment process and the recently adopted Sea Level Rise Policy Guidance. Our input will be in the form of answers to a series of questions that I believe address the key issues to be discussed at the workshop. Overall, Santa Barbara County's experience working with Coastal Commission staff is much more effective than several years ago and we look forward to a continued positive working relationship.

**Improvements in the Local Coastal Program Amendment Process**

**In your experience, is the California Coastal Commission's standard of review for Local Coastal Plan amendments adequate or do disagreements over interpretation result in confusion and uncertainty? What measures would improve communication and coordination?**

I think that Santa Barbara County's responses to the above questions are best stated in the context of our experience with the coastal zoning ordinance (LUDC) reformatting project and how we have changed our LCP amendment process in response to that experience. The Board of Supervisors directed staff to reformat all the County zoning ordinances without making any substantive changes to the ordinances. For example, use tables for all zone districts were added to the ordinances, which previously had described permit requirements for uses in lists and narrative text. This was accomplished for all zoning ordinances and the reformatted inland zoning ordinances (i.e. County and Montecito Land Use and Development Codes) are currently



in effect. Adoption of the Coastal LUDC required an LCP amendment and once approved by the Board of Supervisors, the amendment application was submitted to the California Coastal Commission for processing and certification.

Despite County staff spending considerable time explaining to Coastal Commission staff how the Development Code was organized and working on revised language that would address their concerns, our first realization that there were significant problems was when we received a final staff report immediately prior to the Coastal Commission hearing in the Fall of 2009. The staff report contained suggested modifications to thirty six subject areas in the draft zoning ordinance with multiple modifications for each subject area. Their suggested modifications included most of the subject areas in the ordinance, despite the fact that what the County had done was simply to reformat the existing ordinance that had been previously certified by the California Coastal Commission. The reason that the Coastal Commission staff justified the magnitude of the suggested modifications that they proposed was based on their interpretation of the standard of review. They asserted that coastal implementation measures, such as the zoning ordinance, must be consistent with the Land Use Plan. Our Coastal Land Use Plan incorporates Coastal Act policies by reference. Based on that, Coastal Commission staff determined that the standard of review was the entire Coastal Act and they suggested modifications to any portion of the Coastal Zoning Ordinance that they felt were not consistent with the Coastal Act, despite the fact that they were making modifications to portions of the ordinance that had not been substantively changed during the reformatting process and which had been previously certified by the Coastal Commission. Needless to say we were shocked and asked that the hearing be postponed so that we could work with Coastal Commission staff to address their concerns.

This turned into a year and a half effort that ultimately failed. Working closely with Coastal Commission staff, we were able to address most of the Coastal Commission staff's concerns. Many suggested modifications were deleted and agreement was reached on many others. However, there remained several suggested modifications for which agreement could not be reached. These were quite controversial, which became clear during an extensive public outreach process that County staff was directed to carry out by the Board of Supervisors. These modifications had to do with prohibitions on previously permitted uses, such as private coastal bluff stairways, and requiring permits for uses that were previously exempt from zoning permits, such as certain agricultural practices and structures for animal keeping. In addition, limits were proposed for the size of principal residences on land zoned Agriculture. Despite the best efforts of both Coastal Commission and County staff, agreement could not be reached on these relatively few suggested modifications. The Coastal LUDC, with the suggested modifications, was certified by the Coastal Commission. The Board of Supervisors ultimately rejected what the Coastal Commission had approved, resulting in the end of a process that took years and cost hundreds of thousands of dollars. In the end, we simply went back to Article II, the Coastal Zoning Ordinance that was originally adopted in 1982 that we had attempted to improve through the reformatting process. We still use Article II today.

Needless to say, this was a disaster that we would not like to repeat. County staff and Coastal Commission staff have since worked closely to develop a working relationship for LCP amendments that largely addresses the two questions posed above. Although more focused than the LUDC, LCP amendments processed since the LUDC have gone quite well for a number of reasons. First, we have found it quite useful to work closely on LCP amendments prior to going

through the County approval process. This allows for the discussion of issues of concern early in the process. Also, we have identified a single key County staff person who works closely with one or two Coastal Commission staff. In addition, we have regular bimonthly meetings with Coastal Commission staff where discussions of potential LCP amendment processing issues can be discussed at the management level. This improved coordination and communication has resulted in a positive and constructive working relationship where the free exchange of ideas and possible code language achieves consensus more often than not. Of course, there are still some areas of disagreement.

In addition to coordination prior to and during the County LCP amendment approval process, it is also important to build in enough time during the Coastal Commission staff review of the LCP amendment application to address issues that often come up during application processing. This coordination, done by the same staff that coordinated during the County portion of the process, focuses on suggested modifications that Coastal Commission staff proposes. We have found that some suggested modifications really are not necessary once they have been discussed by staff. Also, it is important to make sure that the structure and wording of suggested modifications is consistent with the format of our zoning code. This often results in wording changes suggested by County staff to the proposed suggested modifications. Or, more generally, discussions concerning what the Coastal Commission staff is really looking for sometimes result in mutual development of suggested modifications that are more mutually agreeable than would otherwise be the case.

The moral of this story is do not wait to engage Coastal Commission staff until the staff report is released just before the hearing. Engage Commission staff early and often.

**Did you apply for a CCC grant? Did you receive it? If so, how is the coordination/timeline progressing with CCC staff? Enough staff for timely review?**

We applied for and received the following Coastal Commission-related grants as part of our multi-phased Coastal Resiliency Project that addresses adaptation to rising sea level:

- Coastal Conservancy Climate Ready Grant (\$200,000)-South Coastal hazard modeling, mapping, and vulnerability assessment (July 2014- December 2015)
- Ocean Protection Council LCP Sea Level Rise Adaption Grant (\$175,000)- North Coastal hazard modeling, mapping, and vulnerability assessment (July 2015- December 2017)
- Coastal Commission LCP Planning Grant (\$8,000)- Coastal hazards LCP Amendment (July 2015- April 2017)

We applied for, but did not receive the following grant:

- Coastal Conservancy Climate Ready (Phase III) Adaptation Planning Grant- This would have informed our LCP amendment and resulted in the development of an Adaptation Plan that contained adaptation strategies for sea level rise. We will continue to seek funding for this purpose, but will also use whatever resources are available to develop LCP adaptation policies, such as the Coastal Commission guidance on sea level rise policies.

Notwithstanding the fact that we did not receive one grant, we have found the process to be reasonable and had no problems coordinating with Coastal Commission staff in processing our grant applications.

### **Sea Level Rise Policy Guidance**

**Now that the Sea Level Rise Policy Guidance document has been adopted by the Coastal Commission, do you have any remaining concerns about its contents or how it might be applied?**

Understanding that this policy guidance document has been adopted by the Commission, it is useful to summarize the County's perspective on the adopted document. The County commented on the draft document twice, on 2/13/14 and then again on a revised draft on 7/10/15. These comments are intended to address the final adopted document.

The County appreciates the Coastal Commission's work in developing guidance relative to analysis and appropriate treatment of sea level rise. The County found the SLR Policy Guidance to be well written, organized, and informative. Specifically, the County welcomes the new sections that discuss using scenario-based analysis for sea level rise planning, sea level rise adaptation impacts concerning environmental justice, and the chapter on adaptation strategies. The County understands that the SLR Policy Guidance provides a broad framework and is a starting point for sea level rise land use planning; however, the County continues to have concerns regarding the feasibility of implementing many of the recommended adaptation strategies for existing development which can result in potential legal issues. Specific concerns include but are not limited to 1) uses for built out areas become nonconforming or 2) shortening the proposed life of a project that cannot be sited safely without protection efforts or impacts to coastal resources if the project site is constrained by hazards. Additionally, there is still some apprehension that the SLR Policy Guidance may be interpreted as a regulatory document in the future.

#### Addressing Sea Level Rise in Local Coastal Programs

The direction specified in Step 6 on page 93 that states “[s]ea level rise projections should be re-evaluated and updated as necessary” will likely be costly and time consuming for local jurisdictions that may not have staff with the tools or skills to track sea level locally. In particular, areas like Santa Barbara County lack continuous records from tide gauges to even track changes to sea level. The purpose of this comment is to highlight the need for additional resources to accomplish this task.

#### Addressing Sea Level Rise in Coastal Development Permits

The SLR Policy Guidance states that applications must address many parameters over multiple sea level rise scenarios regarding the effects of sea level rise on a proposed project. These parameters include an analysis of geologic stability, erosion, flooding/inundation, wave run up, and wave impacts over the life of a project. The information required for individual Coastal Development Permits is extremely complex, and is likely to be difficult for individual applicants to obtain.

The SLR Policy Guidance states that in addition to analyzing the effects of sea level rise on a proposed project under various scenarios of sea level rise, applicants must also analyze and submit information on the impacts of sea level rise to various hazards and resources located on the project site itself. Again, the analysis identified in Step 3 is the responsibility of an applicant and not of local jurisdictions. The analysis required by this policy will likely be very costly and potentially infeasible for an applicant to determine on a case by case basis, especially for Coastal Habitats, Agricultural Resources, Water Quality and Groundwater.



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September 30, 2015

**Re: Enhancing the Local Assistance Program & LCP Planning and Sea Level Rise Public Workshop**

Del Norte County understands that the Coastal Commission will be conducting a public workshop to solicit feedback and comments on two broad coastal planning topics on November 6<sup>th</sup> in Half Moon Bay. We appreciate this opportunity to provide direct feedback to the Commission related to the issues under discussion. As such, please find several brief suggestions below.

**I. Local Assistance Program & LCP Planning**

- Creation of an online read-only page to view status of submitted amendments or appeals by jurisdiction (e.g. Office of Planning and Research State Clearinghouse "CEQAnet").
- Access to online mapping showing various coastal zone boundaries and jurisdiction.
- Require more clear documentation that a substantial issue exists when an appeal application is filed on a local decision (i.e. raise the standard of proof).
- Improved communication with the local agency after an appeal is filed (in order to resolve issues prior to an SI hearing).
- Reduce time to process LCP amendments and CDP application and appeals.
- Local jurisdictions should be given a greater role in determining the prioritization of those applications that are submitted (i.e. those related to public safety or have a clear public benefit should be processed first).

**II. Sea Level Rise Guidance**

- Open access to SLR planning related assistance to communities (i.e. eliminate grants and push funding to agencies with need for assistance).
- The adopted CCC SLR Guidance references the best current available science as the 2012 NRC Report which includes data suggesting that sea level rise trends vary significantly throughout the state. It is therefore important for the CCC's regional districts to account for this intra-district variability during the implementation of the CCC SLR Guidance for each LCP.



## DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

**TO:** CENTRAL COAST PLANNING DIRECTORS  
Ventura County – Kim Prillhart, Director  
Monterey County – Carl Holm, Director  
Santa Barbara County – Glenn Russell, Director and Dianne Black, Assistant Director

**FROM:** James A. Bergman, San Luis Obispo County Planning and Building Director

**DATE:** September 21, 2015

**SUBJECT:** Coastal Topics – Central Coast Counties; San Luis Obispo

On November 6, 2015, elected officials and Planning staff will participate with the California Coastal Commission at a Local Government Joint Workshop. This White Paper presents ideas to be considered as part of a dialog from the Central Coast Counties (Ventura, Monterey, Santa Barbara and San Luis Obispo) from the perspective of the County of San Luis Obispo. It is hoped that collaboration between the Central Coast Counties will identify and discuss common issues that each agency has faced as local administrators of the California Coastal Act (CCA) and develop a regional strategy for addressing them.

The Central Coast Counties last completed a similar meeting in 2012. Below is a summary of issues brought forward in that discussion. It appears that all of the concepts still apply to the situation encountered by the County of San Luis Obispo.

### ISSUES FROM 2012

#### Coastal Policy

- Counties have limited resources available to update Local Coastal Plans (LCP) and early input from Coastal Commission staff is impertative to ensure timely completion of LCP amendments, especially when county staff is obligated to provide outreach to our local communities and stakeholders as prerequisite to a local decision. New information or policy direction at late in the process without local public outreach efforts can result in substantial or indefinite delays to LCP amendments. The Planning Directors would like to foster a collaborative approach that yields a measured return on local investments into LCP amendments and would like to strive for a new model that at a minimum achieves approval of incremental amendments versus the alternative of having no amendment approved.
- By the time a staff report is written or dispute resolution is offered, interpretation of a specific coastal issue or policy is often already well developed. The Planning Directors would like to explore the opportunity for pre-Dispute Resolution conferences with an empowered Coastal Commission manager or the Executive Director to present both sides of an unresolved issue, prior to formal Dispute Resolution or a hearing with the Coastal Commission. The Planning Directors would like to pursue a balanced approach to resolving disagreements.

- Appeals can be administratively problematic for counties, especially if the appeal is used as a vehicle to set new regulations absent an LCP amendment or used as a precedent for all future actions.
- Each of the counties expressed an interest in proposing a clarified statewide definition for Environmentally Sensitive Habitat Area (ESHA) that is reasonable and can be easily understood by the public and implemented by local jurisdictions.
- Establishing the historical use of a site as the baseline condition is not consistently applied. More commonly Coastal Commission staff use a forensic, natural ground cover condition setting as the baseline condition, even when a historical use exists.
- There is inconsistency in implementation of the CCA and LCPs from District Office to District Office. At the same time, it does not appear that the District Offices are able, without the Executive Director's approval, to negotiate reasonable compromises.

#### Building Strong Agency Relations with Executive Director and Coastal Commission Staff

- The Planning Directors want to build strong relations with the Executive Director and Coastal Commission Staff. To improve this relationship it would be beneficial for the the Planning Directors to meet with the new Executive Director and understand his philosophy and management approach to creating a cohesive agency culture and relationship with County Planning Departments.
- We want to help change the culture of the Coastal Commission staff, and work in a more collaborative way together, so we can be as proud of our innovative planning work in the Coastal Zone as we are in our inland areas.

#### **ACTION ITEMS FROM 2012**

- Coordinate responses to the upcoming California State Association of Counties, Coastal Counties Regional Association through local representatives and Kim Prillhart with Ventura County. Survey responses are due by February 15, 2012.
- Schedule a second meeting of this group for March 2012.
- Consider attending the April 11-13, 2012 Coastal Commission meeting in Ventura, if a workshop is held to discuss the survey results.

#### **Reflection on 2015 Experiences**

Members of the San Luis Obispo Planning and Building Department in general have a good working relationship with Coastal Commission staff. We were recently perplexed when we received a letter from the Commission delaying important policy implementation because the Commission felt that we did not do enough outreach because a very small number of people, who have a vested interest, disagreed with a decision that was made by our Board of Supervisors after extensive public debate (see attached letter). Staff resources are severely limited and we would prefer to not send staff to distant meetings for small changes made to address obvious issues in our County.

### **Conflicting State Mandates**

This past year has seen the County twice have to balance important human life safety issues between various State entities that had different missions, perspectives, and requests. The first situation involved the issuance of an emergency permit for a brackish water treatment plant in the community of Cambria to ensure enough potable water during this unprecedented drought. Assisting a community in their effort to avoid running out of water that is critical for basic hygiene, public health, ensuring adequate fire protection was our most important goal. Yet we found ourselves in a long dialog with various State entities (the Governor's Office, the Commission, and the State Water Quality Control Board) all espousing different actions. The County found itself in the position of risking alienating our partner agencies and the local community as well as carrying a hefty legal liability burden in the name of doing what was needed. We worked closely with Coastal staff to address their concerns only to be contacted at the last minute by the Director asking that we rescind the Emergency Permit. We are in the process of rebuilding a new coastal team and would very much welcome more time with Coastal staff at all levels to assist us in gaining mutual understanding of the local issues and attitudes as well as the needs of the Commission.

The second situation also involved the Community of Cambria and the effects of the drought that left up to 30 to 40 percent of the forest dead or dying. This situation placed the community at great risk from a wildland fire. Cal Fire was advocating action to have hazardous trees removed by property owners while Commission staff appeared hesitant to allow removal of such a large number of trees through the procedure outlined in our adopted Local Coastal Plan and preferred removal through a Coastal Development Permit. County staff spent five months working to find a solution agreeable to the Commission, Cal Fire, and the Cambria Community Services District. In the end, the County developed a process that followed the procedure of the adopted Local Coastal Plan but structured in a way that allowed a one time mailing to all residents. The delay in finding a solution, in our opinion, did not instill trust in the system by the residents of Cambria and led to the removal of trees without oversight or required tree replacement. Developing a mutual system to address emergency situations that would allow all participants to convene and understand the immediacy of the threat and to be empowered to make quick decisions within the parameter of the Coastal Act would bring much better service to communities in California. In addition, staff is very interested in working closely with the Coastal staff to develop policy to better manage the coastal forest in Cambria to assure safety and to protect this unique environment.

### **SGMA AND THE ROLE OF THE COASTAL COMMISSION**

The Sustainable Groundwater Management Act (SGMA) has been adopted by the State and will serve to manage groundwater basins in a sustainable manner. The County is already starting to implement SGMA but it is a time and resource intensive task. In addition, it is highly political and is balanced on very precise negotiating by property owners, agencies, and community groups. Staff would like to see a well defined framework for participation by the Commission and staff in order to avoid a different perspective coming at the last minute after the community has developed a plan that is acceptable to the stakeholders and meets the requirements of SGMA. Management of our water resources is paramount to meet the goals of the County and the Coastal Commission and needs to be handled with strategic thought in order to avoid unneeded delays in implementation.

Attachment 1 – Letter from Coastal Commission regarding public outreach



**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV



July 9, 2015

James Bergman, Director  
San Luis Obispo County Planning and Building Department  
976 Osos Street, Room 200  
San Luis Obispo, CA 93408

**Subject: San Luis Obispo County LCP Amendment Number LCP-3-SLO-15-0013-1 Part D  
(Warehousing)**

Dear Mr. Bergman:

Please note that on July 8, 2015, the California Coastal Commission did not approve the above-referenced proposed LCP amendment, and instead took action to extend the deadline for the Commission's action on this proposed LCP amendment by one year. The new action deadline is now September 14, 2016.

At the July 8<sup>th</sup> hearing the Commission took testimony from several members of the public who indicated that they would be adversely affected by the proposed change (to eliminate warehousing as an allowed use in the residential multi-family land use designation), and who requested that the proposed prohibition be re-thought, including in terms of applying standards to the use as opposed to prohibiting the use, as apparently was the County Planning Commission's recommendation on this matter. Commissioner comments were sympathetic to the issues raised by commenters, and ultimately the Commission extended the action deadline by one year to allow your office time to consider their input and potentially to reconsider the manner in which warehousing is addressed within the residential multi-family land use designation.

I write today to request that you engage with these stakeholders, and any other relevant and interested parties, to explore whether there may be a different approach to address the issues identified. We believe that either approach (appropriate standards for the use or prohibition, and other permutations on these two as well) could likely be found Coastal Act consistent, and we are hopeful that you can come up with an approach that addresses relevant concerns and that can resolve the issues raised to the Commission on July 8<sup>th</sup> in a way that all affected parties can support. We do not intend to reschedule this matter for Commission consideration until after you have engaged in this way and we hear back from your office on the results of that engagement. We also strongly encourage your staff to attend the next Commission meeting when this is agendaized (and all Commission hearings when County items are being considered), as your lack of participation on July 8<sup>th</sup> was also called out as problematic in Commissioner comments.

James Bergman, San Luis Obispo County Planning and Building Department Director  
San Luis Obispo County LCP Amendment Number LCP-3-SLO-15-0013-1 Part D (Warehousing)  
July 9, 2015  
Page 2

If you have any questions or would like to discuss this matter further, please don't hesitate to contact me or Kevin Kahn, the Central Coast District Supervisor who was handling this proposed County LCP amendment, at the address and phone number on the front page.

Sincerely,



Dan Carl, Director  
Central Coast District Office  
California Coastal Commission

cc: Jeff Edwards, J. H. Edwards Company



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
**KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR**

TO: California Coastal Commission

FROM: County of Santa Cruz Planning Department

DATE: October 30, 2015

SUBJECT: Considerations for November 6, 2015 Workshop: Local Governments and Coastal Commission Working Together on Local Coastal Programs and Sea Level Rise

Santa Cruz County appreciates the opportunity to provide comments and to participate in the November 6<sup>th</sup> Workshop to discuss how local jurisdictions can best work with the Coastal Commission to ensure that Local Coastal Programs are consistent with the Coastal Act and that LCPs and coastal projects take climate change and sea level rise into account.

As partners in implementing the Coastal Act through our certified LCP policies and regulations, we hope that open and straightforward communication results in actions and changes that support efficient and effective implementation by local governments and the Coastal Commission.

Santa Cruz County Supervisor Zach Friend is a member of the Coastal Counties Local Government Working Group (LGWG) and offered to have the Santa Cruz County Planning Director summarize the input of other coastal counties in conjunction with providing its comments. Therefore, Santa Cruz County worked with other coastal county planning directors to summarize their input in the cover letter that presents key points and "requests" from coastal counties. This letter, as well as the other letters submitted by coastal counties, should be considered as attachments to that cover letter.

Improved working relationships and more open communication has fostered greater coastal and planning staff understandings, refinements to local agency proposals, and fewer suggested modifications to materials submitted to the Coastal Commission. It is in that spirit of continued communication that these comments are offered for consideration. The content of this letter reflects input by managers in the planning department.

### **LOCAL COASTAL PROGRAMS**

#### Communication and Partnership

Santa Cruz County appreciates the quarterly meetings and more open communication with our local coastal staff, and in general the improved relationship has resulted in fewer modifications and better work products. In particular, early review and coordination between Santa Cruz County planning staff and coastal staff of the 2014 update to County Code Chapter 13.20 - Coastal Regulations, benefitted from this approach.

As with many things, more communication often leads to discovery of shared objectives and opportunities for better coordination, which ultimately benefits both agencies and the public. It is always better to understand

each other and strive for consensus, so that fewer modifications to materials submitted to the Coastal Commission occur. Modifications are undesirable in that the general public is typically much less involved or aware than when a proposal is before the local agency, and modifications involve significant additional time and effort to be completed.

At the quarterly meetings, it has been possible to foster a relationship of “regulatory partners”, and this culture of partnership is one that should continue to be strengthened between coastal staff and local government staff. For those times when that partnership approach is not apparent, we would like to feel free to openly discuss concerns with the local division managers. For instance, it would be helpful if managers of both organizations could talk if staff communications seem to be conveying distrust of local expertise, motives or actions, or appear to be advocating for individual staff views. A culture of respect for the determinations which have been made through local public processes by local decision-makers should be fostered.

While the quarterly meetings and better communication have improved the relationship, a theme remains that at times staff appear to be focused on finding fault, or are more sympathetic to those that oppose a local agency decision (including neighbors or attorneys who frequently sue local agencies), rather than respecting the regulatory partnership and common processes that we share.

#### Certified Land Use Plans and Implementing Regulations Transferred Most Authority to Local Government

Most local jurisdictions’ Local Coastal Programs have already been certified as in being compliance with the Coastal Act. Local governments share the same role and responsibility as the Coastal Commission, in being regulatory agencies committed to upholding the Coastal Act. It is part and parcel of our regulations, and not an afterthought. After about 35 years experience developing and implementing LCP policies and regulations at the local level, local agencies have valuable “real world” perspectives that should be valued. Local public decisions involve balancing technical and environmental considerations, along with ensuring consistency with adopted public policies/regulations, as well as considering the needs and desires of both applicants and the general public (including visitors to the coast!).

When proposed LCP Amendments policy and regulatory amendments are submitted to the Coastal Commission, this is the culmination of identifying a need for policy refinement, working with stakeholders, CEQA environmental review, and public hearings. The great preponderance of these proposals are sound, even though some level of controversy or opposition may continue to exist. A great deal of resources have been dedicated, a local compromise achieved. It is really not a desired or viable objective for a public agency to NOT be consistent with the Coastal Act. It should not be an objective of the Coastal Commission to address or solve every remaining concern.

If the LCP Amendment process becomes too difficult or contentious at the Coastal Commission level, local agencies will simply choose not to update or amend their LCPs. Pursuant to Coastal Act Section 30513 and the California Code of Regulations, Title 14, Section 13522, an amendment to an LCP must be scheduled for a public hearing and the Commission must take action no later than 60 days from the date the complete application was submitted. Coastal counties believe this reflects an intent that amendments to certified LCPs should in large measure defer to local government actions. The Coastal Act always intended to shift decision-making back to local governments after LCPs were adopted. It follows that, if a local government later determines through LCP decision-making processes that an amendment is desirable, the State Coastal Commission should consider a perspective of being deferential to such decisions.

#### Re-Interpretations of Coastal Act and/or Certified LCPs

It should be an objective of the Coastal Commission to minimize “new” interpretations of the Coastal Act and especially avoid coastal staff new interpretations of existing certified LCP policies that result in changes to how proposals are evaluated. For example, there have been situations over the past few years in Santa Cruz where

coastal staff has interpreted “existing use” of a vacant property to mean “existing land use designation”, where in the past an “existing use” meant the actual use that occurred and literally actually existing on the ground. When applied to “coastal priority land use” policies, this is not realistic and can lead to poor outcomes.

In one example, applying this new interpretation led to a belief by coastal staff that the Coastal Act and the County LCP called for protection of the existing commercial zoning of a small vacant lot that was originally a single-family parcel within a residential subdivision, then later re-designated for commercial use, which never occurred and was not feasible. The County proposed to amend a policy which called for the vacant small lot to be developed in conjunction with an adjacent small parcel that contained an existing single family residence. By 2015, it was considered extremely unlikely that someone would purchase and demolish an existing single family home and the vacant lot in order to develop a small visitor-serving commercial project in a substandard location. The County Board of Supervisors recognized the infeasibility of its existing policy and land use designation, and voted to allow a single-family residential use on the lot, which was originally created as a single-family lot. However, once submitted as an LCP Amendment, coastal staff cited a County LCP policy that calls for “prohibiting the conversion of any existing priority use to another use, except for a use of equal or higher priority” and did not support the County’s decision, because coastal staff saw the “existing use” as “commercial” while the County saw it as “vacant”. Even when looking to future land use, under County policy “general commercial” and “residential” have equal priority, but coastal staff insisted that the vacant property at the edge of a single-family subdivision should be considered “visitor-serving commercial”. Coastal staff proposed modifications that included new parking policies for Seacliff Village, which would have been a significant policy change never considered by the public or County Board of Supervisors. The County’s actions reflected realistic prospects, while coastal staff’s recommendations reflected wishful thinking about an infeasible future. Thankfully, the Coastal Commission agreed with the County, but the time and energy spent on this really minor project seems a misuse of public resources.

### Coastal Development Projects

A factor that may benefit from Commission and management direction to staff, is the appropriate role as far as detailed code compliance comments by coastal staff during CEQA and local project review processes. It is of concern that the County is receiving letters requesting that detailed coastal staff comments and concerns about projects be added to the “administrative record”. It is more helpful when coastal staff simply picks up the phone and talks with the local planner about questions or concerns, as this can often lead to greater mutual understandings and refinement of both input and work products, such as refined policies or conditions of approval for a coastal development permit.

As an example, the County recently received a detailed written comment letter about drainage design during the CEQA review period, for a mixed-use project proposed for a site that is currently fully impervious, and about which county planning and public works staff have been working with the applicant and already ensured code compliance. Coastal staff comments also objected to two signs at this corner site (it is common that buildings on a corner have signs facing each street frontage). The proposed project is a sustainable mixed-use project located in a key visitor-serving coastal area, proposing a restaurant, commercial uses and upper floor residential use, in compliance with the County Code. The development would replace a lumber sales structure that has been vacant for many years. It would seem more appropriate for coastal staff to allow the local CEQA and project-review processes to be carried out and a local decision made, before such detailed letters are sent and added to the administrative record that seem to convey an unfavorable Commission staff position on a project.

At the local planner level, we do realize that county staff planners sometimes “miss” and overlook compliance issues that coastal staff is well within their role to call attention to when important coastal resources and coastal access is at stake. Very recently, Santa Cruz County needed to rescind a staff-level approval of a coastal permit, when management became aware that certain key coastal compliance matters had been overlooked. That also

resulted in formation of a coastal bluffs staff working group within our planning department that will meet to discuss projects on coastal bluffs to ensure regulatory compliance.

It is important that coastal and local agency staff continue working together. There are many ways that proposed policies, regulations and projects can be evaluated, balanced, and determined to be consistent with the Coastal Act and existing certified LCPs. Development permits, exception and variance provisions are part of the certified Local Coastal Program, and local processes and decisions about when they are approvable should be respected.

### Complex Local Processes and LCP Amendments

In response to local citizen and Board of Supervisors concerns about “what’s not working” in our Code, the County of Santa Cruz has developed proposals for reformatting, clarifying and modernizing its zoning code. Of course, we have been very mindful of ensuring that coastal-implementing provisions are not weakened, even though some provisions are being changed in order to clarify the code or address new uses or concerns that have arisen over the past 20-30 years.

By the time we submit the proposal to the Coastal Commission, we will have spent several years on the “Code Modernization”, which will also include Sustainability Policies and Regulations to implement our Sustainable Santa Cruz County Plan, Economic Vitality Strategy, and Climate Action Strategy (each of which involved extensive public engagement). We will have completed an Environmental Impact Report, and our Planning Commission and Board of Supervisors will have held many public hearings and balanced competing public views about policy and made difficult decisions. The final result will not make everybody happy, and Commissioners will hear from some of these people and their attorneys. Please keep the big picture in mind and respect local decisions, rather than hunt for provisions here or there that a coastal staffperson thinks could be made even more explicitly supportive of the Coastal Act. (As an example, it is not necessary for coastal staff to continually suggest modifications that simply repeat over and over again throughout our regulations that a project may need a Coastal Development Permit and/or must be consistent with the LCP. It is clearly understood and provided for in our Chapter 13.20 of our Zoning Ordinance that is part of the Local Coastal Implementation Program.)

Things have changed since the late 1970’s and 1980’s. Consider how relatively quickly many local jurisdictions adopted Land Use Plans and implementing regulations to comply with the Coastal Act after adoption. Take a look at the CEQA environmental review documents that were the standard in the early 1980’s. Consider the level of litigation that now occurs, with attorneys and some members of the public having developed finely honed skills and rhetoric to oppose just about anything.

In the face of the current complexity of land use regulation and environmental review, and level of desirable public engagement that occurs, it has become more common for local governments to pursue “issue-based” or “topical” policy and regulatory updates. While taking care to ensure that a General Plan/Local Coastal Program and implementing regulations remain internally consistent, we have found that better outcomes result from examining an issue or related set of issues without the complexity of a “comprehensive update” that tries to update everything all at once. Taking more time to flesh out policies and regulations for that issue or topic, and to explain the proposals to the public so that informed public participation can occur prior to a decision, results in better policies, regulations and projects.

The issue of “complexity” is brought up in order to emphasize that coastal staff must continue to guard against activities that would result in “scope creep” or “mission creep”. If an LCP amendment is submitted that addresses Topic A, coastal staff should not try to have the submittal become about Topics A, B and C. It may be that Topics B and C are a “work in progress” or a “future update” at the local level, but completion of B and C should not hold up Coastal Commission action on Topic A.

## Project Objectives and Phased LCP Updates

As an example, early in 2016 the County of Santa Cruz expects to submit an LCP package that revolves around “safety updates”. Some of the work was grant-funded. We are proposing to incorporate new policies and amend regulations related to climate change and sea level rise, along with updating other provisions related to geohazards, floodplains, grading, erosion control, airport safety, noise and fire hazards. This package of updates will be a significant improvement over existing regulations, bringing the County into conformance with the FEMA model floodplain ordinance, the state’s Airport Land Use Planning Handbook, and new state laws regarding fire hazards. Amendments to grading and erosion control provisions will assist with enforcement against violators such as the cannabis cultivators who are creating totally unacceptable impacts in the Santa Cruz Mountains.

Santa Cruz is concerned that, because the package of updates may not reflect the full desires of the Coastal Commission (such as that expressed in the SLR Guidance), the good work and more stringent standards of the update proposals will be delayed. In the face of uncertainty about SLR, Santa Cruz County does not believe that it is appropriate at this time to incorporate “worst case scenarios” as the basis of our regulations. Our regulations would require projects to design to an assumed three feet of sea level rise, which is the moderate and realistic level recommended by both the National Research Council 2012 report and the Federal Flood Risk Management Standard established by Executive Order in 2015. Given a choice between NOT amending provisions related to sea level rise/climate change, or adopting new and more stringent regulations in light of these factors, we would hope that the Coastal Commission can accept incremental improvement, even though each of the specific assumptions and methodologies of the recent SLR Guidance are not fully incorporated.

## Grants

We appreciate and support the continuation of Coastal Commission-related grants, such as from the Coastal Conservancy, Ocean Protection Council, and Coastal Commission. Many of the grant-funded activities relate to hazard modeling, mapping, vulnerability assessments and identification of adaptation strategies. While grants are generally a good thing, accepting a grant from the Coastal Commission can be perceived as a local agency being “in a contract with” and “must adopt” an outcome of what coastal staff want, which may be at variance with the policy and regulatory perspectives of the local government. Also, now that the economy has rebounded to a degree, it can be difficult to make local staff resources available to apply for a grant, and to participate with and administer grant-funded activities. One option to consider is to do away with the competition aspect of grants, and simply make grants available (perhaps based on population) to each agency.

## ***SEA LEVEL RISE GUIDANCE***

### Guidance Needed for Urbanized Areas, and for Existing Areas Already Mostly Armored/Protected by Seawalls

Santa Cruz appreciates that the draft versions of the Sea Level Rise Guidance released in 2013 and 2015 were modified to respond to local agency comments. However, the Guidance does not adequately address urbanized areas and other existing conditions, especially where shoreline protection structures are already a norm and there are no available locations to “relocate / shift back” existing homes and developments. Legal vulnerabilities are also not adequately represented and addressed. Perhaps the Commission was under time constraints to adopt the SLR document, but the resultant premature adoption will likely lead to confusing and conflicting responses along Coastal California due to legal concerns, inability to carry out the analyses promoted by the Guidance, and varying local conditions especially in urbanized areas. A “do nothing” scenario is a distinct possibility if the odds of success for proposed LCP Amendments or adaptation projects are too low.

While Coastal Commissioners and the Executive Director expressed sentiments about “flexibility” and “not regulatory” at the August 2015 meeting, the document itself does not particularly convey flexibility. It would be preferable that the results of many local and regional study efforts that are currently underway all along the

coast be available to better inform local policies and regulations; and thus better inform a future revised statewide SLR Guidance document. Efforts include hazard mapping, sediment studies, mapping and analysis of current conditions of existing development and existing shoreline protection structures, infrastructure vulnerability assessments, and adaptation strategies that include identification of financial mechanisms to pay for adaptation.

Study efforts will reveal a need for a variety of approaches along different areas of the coast, and in some cases coastal protection structures will be appropriate in order to protect not only existing (and some new or redeveloped) structures, but also key public infrastructure and visitor-serving assets. Once a more flexible variety of strategies have been developed, these should be reflected in a CCC SLR Guidance document that is not as solely focused on the strategy of bluff retreat and the removal of existing structures that is promoted through use of legally vulnerable new interpretations of the Coastal Act.

### Need to Protect Public Infrastructure and Key Coastal Visitor-Serving Areas and Assets

Strategies are needed to address the future of vital public infrastructure that relates to a core value of the Coastal Act approved by the voters in 1975: that the general public continue to have access to the coast. Not only to its beaches and natural resources, but also to its developed visitor-serving resources. Public infrastructure is necessary to support all types of public access. Recognizing that access is a paramount consideration all along the coast, the form that takes and the challenges involved with ensuring that access is an important contextual factor. The huge variety of natural and developed conditions that exist along coastal California mean that a great deal of information gathering and analysis must occur in order to carefully craft policies and regulations that respond to these varied local conditions. A “one size fits all” approach to policies, implementing regulations and permit procedures all along Coastal California is not appropriate and would not achieve and protect the overall goals of the Coastal Act.

In 19 pages, along with 13 pages of appendices, the City and County of San Francisco have presented a helpful and reality-based approach to public infrastructure planning and adaptation, involving: 1) sea level rise science review; 2) vulnerability assessment, 3) risk assessment, and 4) adaptation planning. The San Francisco guidance document accepts reasonable projections and does not always require planning or mitigation for worst-case scenarios, such as El Nino winter storms combined with King Tides. Acceptance of some risk and some future damage is recognized as a realistic scenario, as it would be too expensive to protect against worst-case scenarios, and for some areas clean-up/repairs as needed is realistically the only viable option. It is not considered acceptable to allow areas of San Francisco to be inundated and key assets to disappear. Other countries have protected key assets against rising seas and other threats, and San Francisco is preparing to do the same in some areas. The Coastal Commission’s SLR Guidance document should also reflect a variety of realistic approaches to sea level rise, and should not presume to be able to avoid risk and damage through land use and permitting activities. Use of local powers to vacate and abate dangerous buildings may end up being more effective than zoning, permitting new development, or Transferable Development Rights (TDR) programs which would need to involve “underzoned” highly desirable coastal areas to “transfer” development rights to, which don’t really exist in Santa Cruz County and other areas along the coast.

The accumulated level of investment in existing infrastructure and developments along the California coast is enormous. Investment has been occurring for many decades, and most of the desirable coastal locations were developed prior to adoption of the Coastal Act. Even under the suggested new definition for “existing development” contained within the SLR Guidance document, these areas are eligible for protection. Both public and private sector investments serve visitors to the coast.

### Opportunities to Leverage Private Investment for to Protect Public Infrastructure and Coastal Access?

The world is adjusting to new economic realities in the wake of the Great Recession. The public has a limited appetite for taxes and fees. The era of redevelopment agencies is over for most local jurisdictions (the new law



will not accommodate more affluent areas of California, which are common along the coast). Resources to create or modify assessment districts are limited, and the odds of success are low. Who will pay to protect or relocate key public infrastructure? In many cases, protection is the most viable option within highly urbanized and expensive coastal areas. Can the resources of wealthy private property owners along the coast be leveraged for public benefit? Will the Coastal Commission ensure that costs of public infrastructure adaptation projects do not make the projects infeasible?

In some cases, investments by private property owners to protect their properties can achieve public benefits. For example, an owner of a house, commercial property, or hotel on a coastal bluff that is the only private development between the ocean and public infrastructure, may be willing to invest in modern protection structures that will also protect that public infrastructure. Leveraging private investment in order to protect public infrastructure at no cost to the public should be considered as a realistic strategy in some areas along the coast. In some areas, replacement of existing rip-rap with modern structures could result in broader beaches.

### Erosion and Sand Supply

Geologic and oceanographic forces conditions vary all along the California coastline. Some coastal bluff areas are highly erodible sand dunes, while others are less subject to wave attack and will erode more slowly, or are already protected by seawalls or other types of shoreline protection structures. Many of these areas were developed “pre-Coastal Act” and under any interpretation of the Act are eligible for protection (until they become public trust lands).

Outside of the coastal zone (as well as inside), current erosion control and drainage retention/detention regulations that apply to all properties proposed for development, and updated grading and erosion control regulations that apply even to existing properties and not just new development, can sometimes have the result of NOT supplying sediment to streams and rivers. In many locations, this reduced sediment supply could be having more impact on beach sand than the arrested erosion of coastal bluffs where they are armored.

For this reason, a policy rationale anchored in preventing protection of coastal bluffs in order to not adversely affect sand supply to beaches, may for some areas be a less important policy basis than other policies such as protecting coastal access and public infrastructure. An area-by-area analysis, with consideration to context and existing conditions and developments, is appropriate. Sand replenishment strategies are expensive and not appropriate in certain conditions. Groins can often be more effective to capture sand from the littoral drift and create/protect beaches.

### Natural / Managed Retreat and Internalizing Costs/Risks to Private Property Owners

In situations where private developments do not involve a relationship to protection of public infrastructure and/or public access and visitor-serving assets, a goal of shifting and internalizing risk acceptance to the private property owner should be a goal. In these situations, managed or natural retreat is probably the most appropriate strategy if the development is affecting coastal resources. Application specifications, conditions of approval, deed restrictions, and local powers to abate dangerous structures can appropriately manage “amortization” of structures that are modified by more than a threshold amount in the future, if that is the appropriate policy for the subject area/structure.

But in the meantime before a structure must be abandoned, why should public agencies care about the level of private investment that is at risk? The answer is two-fold: 1) The public (local governments) should not end up with the responsibility of demolishing and removing uninhabitable improvements that have been abandoned by the property owner; and 2) the public (through FEMA insurance rates) should not be responsible for insuring and providing resources for repair or replacement of structures after a disaster that is related to coastal/SLR processes.

Rather than strict limits on improvements and redevelopment based on uncertain scenarios that may emerge within the next 100 years, the Coastal Commission, FEMA and local governments could explore strategies to internalize risk to private property owners. Could FEMA's "Coastal Barriers Resources System" (also called COBRA zones) used in floodplain management be expanded for use? It involves a position that removes FEMA from financial involvement associated with building and development. Presently, it appears that the system is used for "undeveloped portions of designated coastal barriers (including the Great Lakes)". But what if FEMA removed itself from insuring properties on coastal bluffs along the California coast where local governments and the Coastal Commission have determined that natural/managed retreat is the most appropriate policy? And with regard to future demolition/ removal costs, what if conditions of approval required either formation of a Geologic Hazards Abatement District (GHAD) to bear those costs or deposits required to fund future removals? These approaches may require legislation, but both may be reasonable ways of allowing investments and assumption of risk by private property owners on coastal bluff properties over the future decades, rather than prevention of such investments based on speculation or public concern over the viable term of private investments.

### Project-Level Reviews

Even without an adopted CCC SLR Guidance document, local agencies and professional geologists/ engineers have already been incorporating assumptions about climate change and SLR as new policies and new projects are considered and designed. However, at any given point in time, an actual decision must be made that is based on a reasonable projection of future conditions – e.g. a single number rather than range of numbers as a sea level rise design criteria.

Basing decisions on worst-case scenarios could result in the "inaction" scenario that the SLR Guidance itself says would be two to four times worse than if "actions" are taken. A project action must be reasonable, feasible, and of benefit in order to attract funding for implementation. No applicant or agency has unlimited funding for studying, which is why only the most reasonable scenarios should be evaluated for decision-making purposes.

### Limitations of and Caution against Over-reliance on Local Land Use Controls

The strategy of having local governments rezone land and adopt new zoning regulations is unlikely to have much effect on private land use in the foreseeable future. Existing developments might become nonconforming to new zoning or regulations, but they would be legal non-conforming, and local governments allow these uses and structures to continue.

In that projections about the extent of sea level rise and impacts are uncertain, it may be unsupportable to impose setbacks or conditions of approval related to repairs, maintenance and improvements to existing structures based on the worst-case scenario that can be envisioned.

Chapter 8 of the SLR Guidance mentions that if takings claims may exist, local agencies should consider either allowing an exception or purchasing a property interest. In that local governments, especially now that redevelopment agencies have been dissolved, do not have funds to buy out expensive interests in beachfront/coastal bluff properties, the regulations of the Coastal Commission and local governments will need to allow for exceptions and continuation/improvements of certain structures.

Finally, Chapter 8 also suggests that local governments should consider establishing a Transferable Development Rights (TDR) program for properties that are subject to significant development restrictions, as another way to minimize potential exposure to takings claims. It must be recognized that TDR programs require a "receiving area" that is desirable in the marketplace but which is presently "underzoned", such that there is a market incentive for buyers to purchase a development right from the "transfer area" in order to be able to upzone and develop in the receiving area. In that the subject at hand is California beachfront property, purchase of

development rights would likely be expensive, which when combined with land and development costs for an improvement in the receiving area, would mean that the receiving area would need to be a quite attractive and high value area. In Santa Cruz County, there are no such available or identifiable areas. Only if the State of California elected to so designate certain open space and parklands in Santa Cruz, would such a TDR strategy even be worth exploring, which is considered to be extremely unlikely.

#### Improvements and New Development Anticipated by Coastal Act

The Coastal Act provides for “new development” (Article 6 of the Coastal Act) as distinct from “existing structures”, in a manner that anticipates future modifications of existing structures. In fact, Section 30212(b) provides that “new development”, for the purpose of determining whether or not a Coastal Development Permit is required, does NOT include: (1) replacement of any structure (as exempted or excluded by the Act); (2) the demolition and reconstruction of a single-family residence provided that the reconstructed residence shall not exceed the floor area, height or bulk of the structure by more than 10 percent; (3) improvements to any structure which do not change its intensity of use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

Section 30212(b)(4) provides that ALL repair and maintenance activities are exempt, unless the activity may have an adverse impact on lateral public access along the beach, even if a Coastal Development Permit would otherwise normally be required pursuant to Section 30610. In reality, repair and maintenance projects seldom require a building permit, and thus escape the attention of both local government and the Coastal Commission. In addition, “nexus and proportionality” legal principles constrain the ability of government to deny repair and maintenance, or to impose significant conditions of approval on repair and maintenance activities (such as removal of a seawall due to a proposed repair or maintenance).

Furthermore, Section 30250 anticipates “improvements” to existing structures, which is understood to include activities beyond repair and maintenance. Improvements can include a kitchen remodel or replacement of windows, which may or may not require a building permit. An improvement can include an addition of square footage, for which a coastal bluff site will not require a Coastal Development Permit (CDP) if less than 10%, but will require a CDP if more than 10%. However, the Coastal Act and most jurisdictions implementing regulations place no limitations on approval of such an addition over 10% as long as it does not extend seaward.

Section 30250 indicates that new residential, commercial, or industrial development (and new visitor-serving facilities in particular) should be located within, contiguous with, or in close proximity to existing developed areas with adequate public infrastructure. Clearly, one of the objectives of the Coastal Act was to limit expansion of urban services, and to instead infill existing developed coastal areas. The Coastal Act anticipated and provides for new development in these existing developed areas, as well as continued repair, maintenance, improvements to existing structures (exempt or excluded if less than 10% additions) which it recognized were not “built out” when the Coastal Act was adopted. The Coastal Act was intended to guide the “developing out” of existing urbanized coastal areas, which oftentimes provide a great deal of visitor-serving uses along the coast, and which should be protected.

#### Legislative Intent and Goals of Coastal Act

The legislative findings and declarations within Chapter 1 of the Coastal Act clearly articulate legislative intent. Section 30001(d) finds and declares “That existing developed areas, and future developments that are carefully planned and developed consistent with the policies of this division, are essential for the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone”.

Section 30001.5 includes the following goals for the coastal zone, and includes both natural and man-made (“artificial”) resources:

- a. Protect, maintain, and where feasible, enhance and restore the overall quality of ... its natural and artificial resources.
- b. Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c. Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

The threat of climate change and sea level rise is not new, but thankfully is gaining public acceptance as something that must be considered, planned for, and adapted to. However, 40 years ago voters did not envision the Coastal Act would require the eventual removal of all existing developed structures along coastal bluffs and beaches. Developed structures, neighborhoods and visitor-serving assets are explicitly addressed by the Coastal Act, as meeting social, economic, and recreational needs of Californians. Protection of natural resources and recognition of private property rights are also guiding principles in the coastal zone.

Policies that would result in illegal/unpermitted improvements, or deterioration of existing structures that remain useful and not threatened by SLR, jeopardizes public safety and neighborhood character.

Again, thank you for the invitation to submit these thoughts for consideration, and we look forward to continuing to work together for the benefit of coastal resources and visitors to the California coast.



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Community Development  
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707-822-3775

F2

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105  
Attn: Susan Hansch, Chief Deputy Director

November 5, 2015

Re: City of Arcata's LCP Update Grant Timeline

Dear Ms. Hansch:

The City of Arcata is currently participating in the Coastal Commission's 2014-2015 LCP Update Grant program and has been working hard to meet the program's April 20, 2016, deadline. We have undertaken a comprehensive update of our 1989 certified LCP. We are concerned that, given the complexity of the project and the public process that we'd like to engage in to ensure that the City develops the most relevant policies and standards that we can, this deadline may not be achievable. In speaking with our local Commission staff and regional planning partners, it appears that we are not alone in this concern.

There are several key elements that are of concern to the City:

1. The Statewide LCP update effort is primarily focused on preparing our coastal communities and infrastructure for sea level rise. However, the Commission's own policy guidance on this topic was not adopted until August 12, 2015. This occurred well into the program calendar;
2. With limited staffing both on our side and at the Commission, it appears that getting drafts through in a timely manner will prove difficult. We would like to point out that one of the earliest amendments to the Statewide work program was to remove the Coastal Commission review and certification timeframe from the end of the grant calendar indicating that the Commission acknowledges the significant period of time that will be necessary to complete its own considered and thorough review;
3. We've been hearing through the grapevine that other jurisdictions, including our regional partners, are feeling like the program deadline is unrealistic and potentially unattainable;
4. Even with recent workplan amendments to allow more flexibility in our task deadlines, we feel like the final completion date is not realistic. We have no way to know how our administrative draft review at our Planning Commission and City Council will take place; we've allocated 3 meetings each, but we cannot control public comment or the deliberation and modifications requested by our elected and appointed bodies.

Some of our milestones include: six (6) very well advertised public outreach meetings throughout the summer of 2015; participation in the Humboldt Bay SLR Adaptation Planning Project since its inception in 2013; regular meetings with our regional partners, Humboldt County and the City of Eureka, as well as with our North Coast Commission staff here in Arcata; completion of our Existing Conditions Report; and internal draft chapters of both the Land Use Plan and Implementation Plan.

We continue to strive to produce a quality document that will be relevant for our community in the years to come, but we will need more time. Please consider our request in light of the extremely complicated nature of the project. We respectfully request an extension to September 30, 2016.

With kind regards,

A handwritten signature in blue ink, appearing to read "Larry P. Oetker", is written over a horizontal line.

Larry P. Oetker, Community Development Director

Cc: Steve Kinsey, Coastal Commission Chair  
Kelsey Ducklow, CCC Grant Coordinator  
Bob Merrill, CCC, North Region  
Jim Baskin, CCC, North Region  
Rob Wall, Humboldt County  
Rob Holmlund, City of Eureka