

CALIFORNIA COASTAL COMMISSION

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May 11, 2015

TO: California Coastal Commission and Interested Parties

FROM: Charles Lester, Executive Director

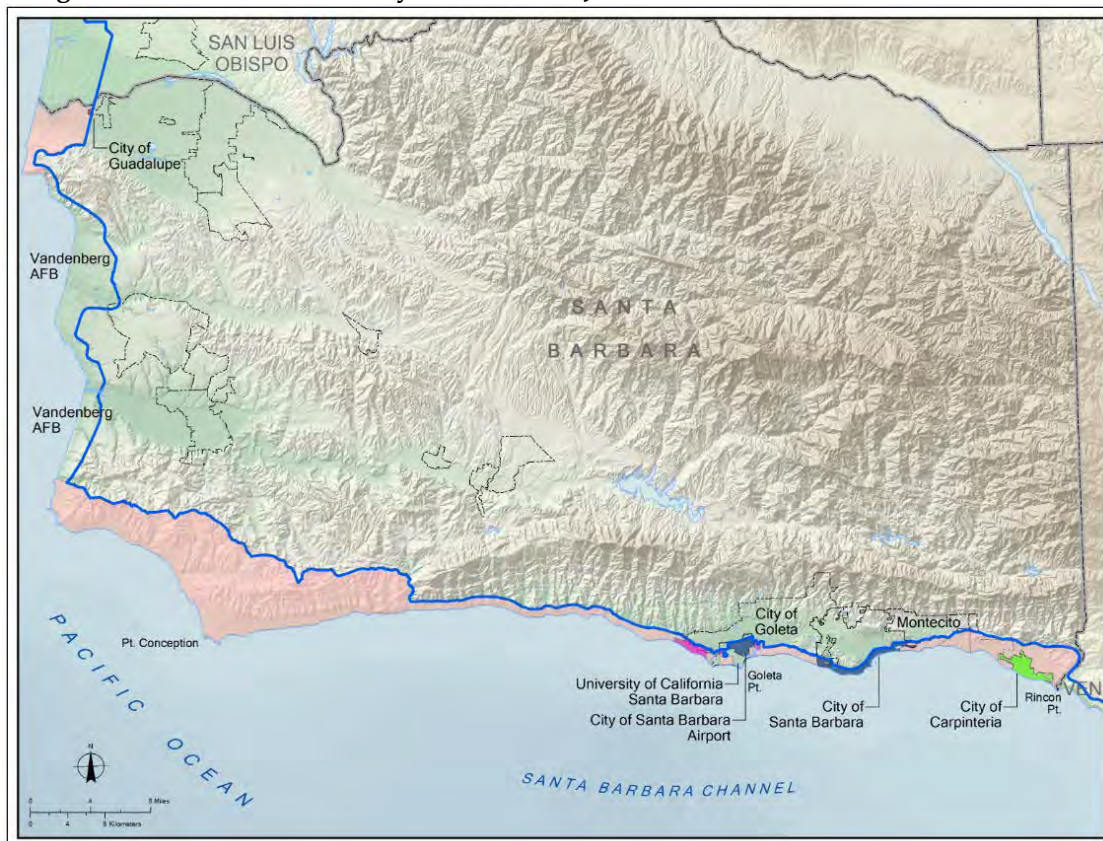
SUBJECT: Executive Director's Report, May, 2015

Significant reporting items for the month. [Strategic Plan](#) (SP) reference provided where applicable:

LCP Program Status – Santa Barbara County (SP Goal 4)

There are 5 LCP jurisdictions in Santa Barbara County: the Cities of Guadalupe, Goleta, Santa Barbara, and Carpinteria; and the County of Santa Barbara, including the Channel Islands. The County of Santa Barbara's LCP was certified in 1982, though it includes the Channel Islands Area of Deferred Certification (ADC). The County's LCP was partially updated in 2004. The County is currently working on a Master Plan update for the community of Isla Vista, as well as a plan for the Gaviota Coast. The County received an LCP Update grant of \$183,000 (including an \$8,000 grant directly from the Commission and a \$175,000 grant from OPC to be administered by the Commission) in November and December 2014 respectively to work on an LCP update that will be primarily focused on addressing climate change and sea level rise.

Figure 1. Santa Barbara County Coastal Zone Jurisdictions



The City of Carpinteria was also certified in 1982, and the Land Use Plan (LUP) was updated in 2002 and 2005. The City of Santa Barbara LCP was certified in 1986, and partially updated in 1996. The Commission awarded the City an LCP grant of \$123,000 in January, 2014 to work on an LCP update, including an emphasis on addressing climate change and sea level rise. The first year of work has been completed under the grant which is scheduled to be complete by 2016. The City of Guadalupe LCP was certified in 1991 (not updated). The City of Goleta, which was incorporated in 2002, is working on LCP certification, supported by a Commission LCP grant of \$125,000 awarded in January, 2014. The first year of work has been completed and the grant is scheduled to be complete overall by 2016. Finally, Santa Barbara County includes the UC Santa Barbara, which recently completed a comprehensive update of the UCSB Long Range Development Plan (LRDP), certified by the Commission in December 2014.

Notice of Appealable Local Coastal Permits Available Online

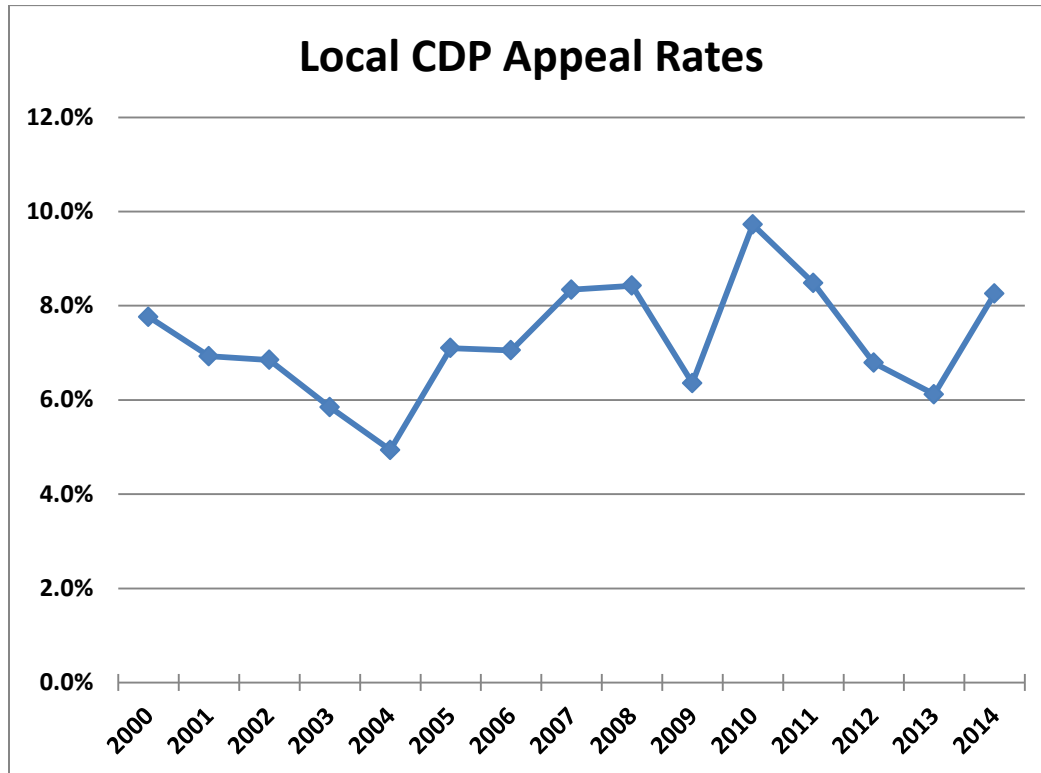
The Coastal Commission is now posting on its [website](#) a daily [notice](#) of the pending appealable local coastal development permits from jurisdictions with certified LCPs. Information about the Commission's CDP appeal process is available [here](#). Local governments report many hundreds of locally-approved CDPs (final local action notices or FLANs) to the Commission every year, with between slightly more than half to two-thirds being appealable to the Commission.

Final Local Actions Reported to Commission, 2000-2014

Year	FLANs	Appealable	Percent appealable
2000	2188	1185	54%
2001	2152	1256	58%
2002	2150	1241	58%
2003	1933	1163	60%
2004	2004	1134	57%
2005	2121	1155	54%
2006	2107	1134	54%
2007	1915	1043	54%
2008	1611	1009	63%
2009	1256	818	65%
2010	1175	792	67%
2011	1025	672	66%
2012	1086	707	65%
2013	1101	670	61%
2014	1134	678	60%
Totals	24958	14657	59%

Commission Permit Appeals Background CDMS Data¹

The Coastal Commission's CDP appeal process is an important oversight mechanism for the protection of public access and coastal resources. Citizens that participate in local CDP reviews, or two Commissioners on behalf of the Commission, may file an appeal of a local CDP decision. Since 2000 the Commission has received an average of 70 appeals a year. This reflects an average appeal rate of 7.2%, ranging from a high of 9.7% in 2010 to a low of 4.9% in 2004. More information on the Commission's appeal process is available in the [background report](#) presented to the Commission in June, 2014.



The Commission reviews all filed appeals to determine whether they raise a substantial issue of conformity with an LCP and/or the Coastal Act as applicable. The Commission must hold an initial appeal hearing within 49 days unless the applicant waives this time requirement to give the Commission more time to evaluate the appeal. If the Commission determines that an appeal does not raise a substantial issue, the local government permit decision is final. If the Commission finds that an appeal does raise a substantial issue, it takes jurisdiction over the matter and conducts an independent *de novo* review of the coastal development permit application. Most of the time this *de novo* review requires that the applicant or local government provide additional information and analysis to address the appeal issues.

The time required to process an appeal is a function of many factors, including whether a substantial issue is raised, the complexity of the issue, the availability of information and the commitment of the applicant to address the issues, and the Commission's staffing levels and competing workload. As with other pending workload, such as LCP amendments, the Commission's ability to process appeals was severely impacted by the staff reductions during the economic crisis and statewide staff furloughs. In the last several years, the relative increase in

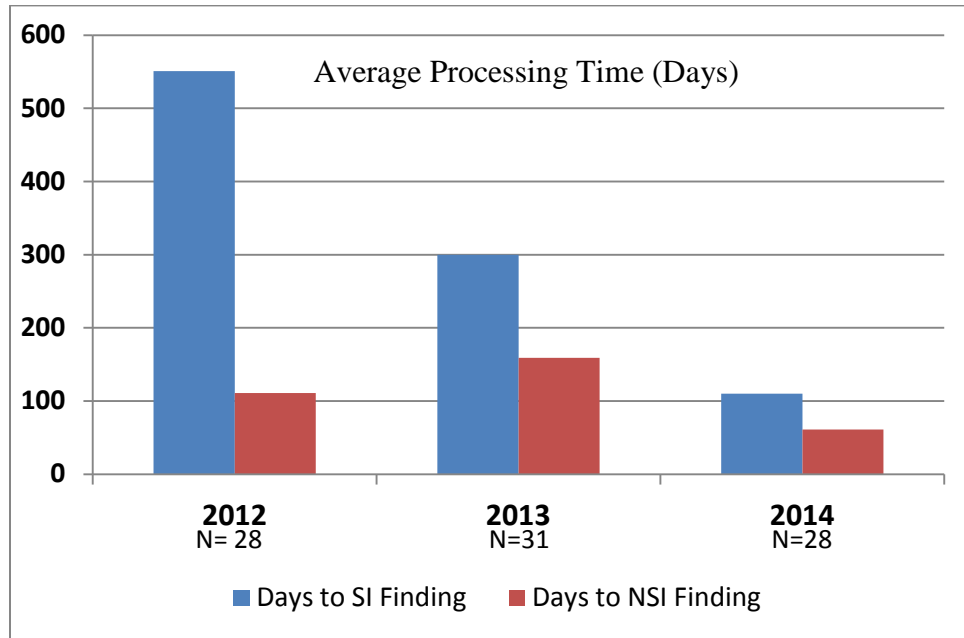
¹ Discussion based on best available data as of 5/7/2015; may be subject to minor errors.

staffing levels has enabled the Commission to process appeals more quickly, particularly those that do not raise substantial issues.

Available CDMS data shows that one hundred and sixty-eight (168) appeals have been filed with the Commission since January, 2012. Of these, the Commission found that 62 (37%) raised no substantial issue and 38 (22%) raised a substantial issue, of which 24 have since been approved (23) or denied (1). Another 68 are: recently filed (10); have received a 49 day waiver and are awaiting additional information and analysis (26); or have been withdrawn or closed (32). As shown below, the average processing time for the appeals that raised no substantial issue was 116 days (< 4 months) from appeal filing to Commission decision. The median processing time was 47 days, meaning half were heard by the Commission under the 49 day threshold. The average processing time for all appeals filed since 2012 that have had a substantial issue hearing was 311 days from filing to SI hearing; the median was 228 days. The Commission has also approved 23 appeals, with the average time from appeal filing to final Commission action of 342 days and a median processing time of 319 days.

Status	#	%	Average Days to Decision or Pending	Median Days to Decision or Pending
Withdrawn/Closed/Other	32	19%	-	-
SI Hearing Held	99	59%	188	72
No Substantial Issue Found	62	37%	116	47
Substantial Issue Found – All	38	23%	311	228
- Substantial Issue Found --Approved	23	14%	342	319
-Substantial Issue Found – Denied	1	<1%	325	325
-Substantial Issue Found -- Pending	14	8%	220	123
49 Day Waiver Received -- Pending	26	15%	472	366
Recently Filed	10	6%	-	-

Available data also suggests that the Commission's capacity for addressing appeals has improved with the additional staff resources in the last two years. As shown below, the average number of days from appeal file date to Commission decision has decreased for both appeals where the Commission has found substantial issue and those where it has found no substantial issue. The total number of appeals filed and the totals acted on in a substantial issue hearing are comparable for all three years.



Overall, the Commission has 70 active appeals statewide that have been pending longer than six months. Most of these are either awaiting additional information from the applicant or are in the process of being suspended due to inactivity. Typically this means that the applicant has not followed up on Commission information requests or is not otherwise in contact with the Commission. The Commission's regulations do not provide a mechanism for the Commission to unilaterally declare that long-standing appeals be dismissed due to inactivity.

Public Information Officer (SP 7.1.1)

Noaki Schwartz has been hired as the Commission's new Public Information Officer. Noaki will start on June 1 and comes to the Commission with broad media and coastal and environmental reporting experience, including work with the *Associated Press* and the *LA Times*. Securing and filling the PIO position has been a longstanding goal for the agency and will enable the Commission to be more proactive in the media, including providing information about the Commission's programs and actions and responding to media inquiries.

New CEA Position (SP 4.2.4, 7.4.3)

The Commission's proposal to create a new CEA A position was approved by the State Personnel Board (SPB) on April 16, 2015. The position was subsequently advertised on the Commission's website and the Statewide CEA bulletin board. Following the required examination process, Steve Hudson in the Commission's South Central Coast District office was appointed to the position as of May 11, 2015. Steve has been the Manager of the South Central District for over seven years. The addition of this new CEA position to the Commission will enable Senior Deputy Director Jack Ainsworth to allocate more time to Statewide LCP Planning and Policy functions that have heretofore been unstaffed or covered by the Executive Director or CEAs as time allows. These functions include LCP program management and staff training and professional development.

Sea Level Rise Guidance Update (SP Goal 3, Objective 3.1)

Commission staff currently anticipates the revised *Sea Level Rise Guidance* coming back to the Commission for review and possible action in summer 2015. Completion of revisions to the draft *Sea Level Rise Guidance* was initially postponed until the comprehensive *Safeguarding California Plan* was released by the California Natural Resources Agency. Commission staff has developed a revised internal draft of the *Sea Level Rise Guidance* that addresses Commission and public comments and that is aligned with the goals and priorities presented in the *Safeguarding California Plan*. The revised draft is currently undergoing focused pre-review by members of the State Coastal Leaders Partnership for Sea-Level Rise, COCAT Members, and other state agencies. After the state agency pre-review is complete on May 15, Commission staff will make any needed revisions and complete the revised public review draft. Commission staff intends to release a revised public draft a month before bringing it to the Commission for action to ensure that there is adequate time for public, Commission, local government and other agency review. Staff is tentatively planning on an initial public hearing on the revised Sea Level Rise Guidance at the Commission's June meeting, with action deferred to a later meeting.

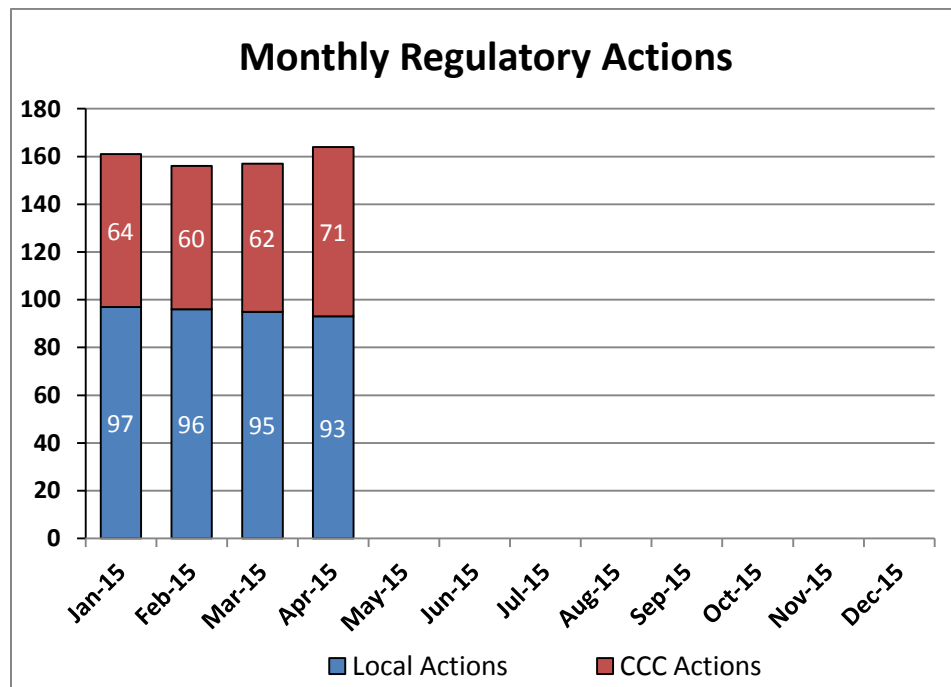
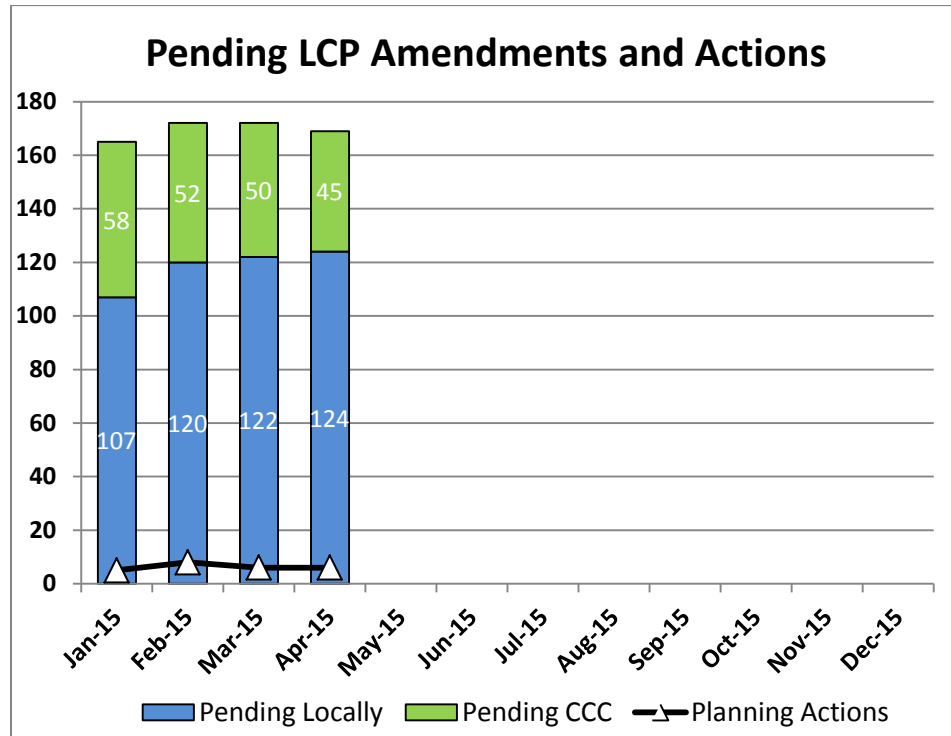
Budget Update

The Commission's budget for FY 15-16 is currently under consideration by the Legislature. (Please see [February 10, 2015 staff report](#) on Budget for details and FY 15-16 budget under consideration.) The Senate Budget Sub-committee No. 2 heard the Commission's budget on April 30, 2015.

The Executive Director, Chief Deputy Director and Legislative Director attended the hearing. Charles Lester testified and highlighted the Commission's LCP work and Sea-Level Rise and Climate Change work. Because of scheduling conflicts, the hearing was continued until May 7, 2015. On May 7, the Senate Budget Sub-committee approved the Commission's budget as per the Governor's Budget. The Assembly Budget Sub-committee No. 3 hearing on the Commission budget is scheduled for Wednesday, May 13, 2015 during the Commission meeting. The Chief Deputy Director and the Legislative Director will cover the Assembly Sub-committee hearing while the Executive Director is at the Coastal Commission meeting. We will provide the Commission an update after the Assembly hearing.

LCP and CDP Workload Data

Monthly Commission and local government planning and permit activity is reported below, as provided by the Commission's Coastal Data Management System (CDMS).



Meetings and Events

- Commission staff, along with Commission Chair Kinsey and Commissioner Greg Cox participated in the [California Coastal Law Conference 2015](#), sponsored by Nossaman LLP, on May 7, 2015, in La Jolla.
- [Coastal Symposium 15](#). The Executive Director and staff will be participating in a symposium in San Diego, May 26-28, 2015, with a focus on coastal resilience and the Commission's forthcoming sea level rise guidance.

Executive Order B-30-15 regarding GHG Reduction and Climate Adaptation

Governor Brown issued [EO B-30-15](#) on April 29, 2015 to direct that state agencies implement measures to further reduce greenhouse gas emission (GHGs) and to take climate change into account in planning and decision making. The Order, which follows below, includes direction to the Natural Resources Agency to ensure implementation of the [Safeguarding California](#) plan, which calls for continued investment in updating LCPs to address sea level rise. In addition to the Commission's on-going LCP and regulatory work addressing climate change, Commission staff will be evaluating options and strategies for helping to implement this new order.

Executive Department

State of California

EXECUTIVE ORDER B-30-15

WHEREAS climate change poses an ever-growing threat to the well-being, public health, natural resources, economy, and the environment of California, including loss of snowpack, drought, sea level rise, more frequent and intense wildfires, heat waves, more severe smog, and harm to natural and working lands, and these effects are already being felt in the state; and

WHEREAS the Intergovernmental Panel on Climate Change concluded in its Fifth Assessment Report, issued in 2014, that "[w]arming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia" and that "[c]ontinued emission of greenhouse gases will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive and irreversible impacts for people and ecosystems;" and

WHEREAS projections of climate change show that, even under the best-case scenario for global emission reductions, additional climate change impacts are inevitable, and these impacts pose tremendous risks to the state's people, agriculture, economy, infrastructure and the environment; and

WHEREAS climate change will disproportionately affect the state's most vulnerable citizens; and

WHEREAS building on decades of successful actions to reduce pollution and increase energy efficiency the California Global Warming Solutions Act of 2006 placed California at the forefront of global and national efforts to reduce the threat of climate change; and

WHEREAS the Intergovernmental Panel on Climate Change has identified limiting global warming to 2 degrees Celsius or less by 2050 as necessary to avoid potentially catastrophic climate change impacts, and remaining below this threshold requires accelerated reductions of greenhouse gas emissions; and

WHEREAS California has established greenhouse gas emission reduction targets to reduce greenhouse gas emissions to 1990 levels by 2020 and further reduce such emissions to 80 percent below 1990 levels by 2050; and

WHEREAS setting an interim target of emission reductions for 2030 is necessary to guide regulatory policy and investments in California in the midterm, and put California on the most cost-effective path for long term emission reductions; and

WHEREAS all agencies with jurisdiction over sources of greenhouse gas emissions will need to continue to develop and implement emissions reduction programs to reach the state's 2050 target and attain a level of emissions necessary to avoid dangerous climate change; and

WHEREAS taking climate change into account in planning and decision making will help the state make more informed decisions and avoid high costs in the future.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately

IT IS HEREBY ORDERED THAT:

1. A new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030 is established in order to ensure California meets its target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050.
2. All state agencies with jurisdiction over sources of greenhouse gas emissions shall implement measures, pursuant to statutory authority, to achieve reductions of greenhouse gas emissions to meet the 2030 and 2050 greenhouse gas emissions reductions targets.
3. The California Air Resources Board shall update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent.
4. The California Natural Resources Agency shall update every three years the state's climate adaptation strategy, *Safeguarding California*, and ensure that its provisions are fully implemented. The *Safeguarding California* plan will:
 - Identify vulnerabilities to climate change by sector and regions, including, at a minimum, the following sectors: water, energy, transportation, public health, agriculture, emergency services, forestry, biodiversity and habitat, and ocean and coastal resources;
 - Outline primary risks to residents, property, communities and natural systems from these vulnerabilities, and identify priority actions needed to reduce these risks; and
 - Identify a lead agency or group of agencies to lead adaptation efforts in each sector.
5. Each sector lead will be responsible to:
 - Prepare an implementation plan by September 2015 to outline the actions that will be taken as identified in *Safeguarding California*, and
 - Report back to the California Natural Resources Agency by June 2016 on actions taken.
6. State agencies shall take climate change into account in their planning and investment decisions, and employ full life-cycle cost accounting to evaluate and compare infrastructure investments and alternatives.

7. State agencies' planning and investment shall be guided by the following principles

- Priority should be given to actions that both build climate preparedness and reduce greenhouse gas emissions;
- Where possible, flexible and adaptive approaches should be taken to prepare for uncertain climate impacts;
- Actions should protect the state's most vulnerable populations; and
- Natural infrastructure solutions should be prioritized.

8. The state's Five-Year Infrastructure Plan will take current and future climate change impacts into account in all infrastructure projects

9. The Governor's Office of Planning and Research will establish a technical, advisory group to help state agencies incorporate climate change impacts into planning and investment decisions.

10. The state will continue its rigorous climate change research program focused on understanding the impacts of climate change and how best to prepare and adapt to such impacts.

This Executive Order is not intended to create, and does not, create any rights or benefits, whether substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 29th day of April 2015.


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

