

Draft CCC Residential Adaptation Policy Guidance

Response to Comments

ID	Comments Summarized	Response
City of Imperial Beach – Comment Letter #1		
1-1	In the box for the redevelopment definition (B.7), commenter requested to change increased market value language and have the user note language match the policy language related to the cost of alterations serving as one way to define a redevelopment threshold.	The user box for B.7 was revised to clarify that the threshold is based on 50% of the cost of the existing structure, not the potential increase in the cost of the structure after the improvements are completed.
California Association of Realtors – Comment Letter #2		
2-1	Commenter agrees that no single category or strategy for sea level rise adaptation is the best option as a general rule and local governments should work on legally viable solutions	It is noted throughout the document that different types of strategies will be appropriate in different locations and for different hazard management and resource protection goals.
2-2	Commenter disagrees with the interpretation of "existing structure"	Please see FAQ response #2 for an in-depth discussion of shoreline protection for existing structures.
2-3	Comments on Policy A3 ‘Mapping Coastal Hazards’. The commenter suggests that maps and information should be prepared in a GIS and available in a scale for homeowners to use site specific detail on hazards, restrictions, and compliance triggers. Website myhazards.caloes.ca.gov is provided as a format suggestion	Local governments might choose this option, depending on their resources. The user box note for A.3 was revised to reference GIS maps.
2-4	Comments on Policy A6 ‘Assumption of Risk’. Commenter recommends restating the language of the assumption of risk, waiver of liability and indemnity policy. Believe the assumption of risk is a legal transfer of liability that ought to be negotiated by parties to a sale, and not imposed by mass recoding by a regional governmental agency. The "public funds may not be available in the future to repair or continue to provide services" provision should include a description of a triggering event or set of conditions upon which the local government would cut off public funding.	The assumption of risk policy contains elements that are often used by local governments and the Coastal Commission in permit conditions. The user note describes how the broad intent of assumption of risk policies is to ensure that property owners are aware of and internalize the risk of developing in coastal hazard areas. Requiring that landowners acknowledge coastal risks through deed restrictions, real estate marketing material, and other means alerts potential owners to hazards, so that they can plan accordingly, and it can also help insulate against successful takings claims. The policy language regarding availability of public funds was revised to focus on the maintenance of services to support residential development which may no longer be possible when sea level rise-related hazards are persistently present. This issue will be further addressed in the Commission’s upcoming guidance on infrastructure.
2-5	Comments on A7 ‘Real Estate Disclosure of Hazards’. Commenter suggests it should be incumbent on local jurisdictions to adopt the policy to provide the necessary disclosure information to the public, ideally on a searchable website like myhazards.caloes.ca.gov.	This disclosure policy is intended to rely on the sea level rise hazards maps created by local governments through their vulnerability assessments. The user box note for A.7 was revised to clarify the hazard mapping will be provided by local governments. Local jurisdictions would ideally adopt an ordinance requiring

		disclosure pursuant to Civil Code section 1102.6a so that buyers, sellers, and hazard disclosure companies are aware of the requirement and know the correct process to use.
2-6	Comments on B7 'Redevelopment'. Commenter suggests the definition unfairly restricts residents from necessary routine maintenance and upkeep of their homes, such as roof replacement and laminate flooring. Commenter disagrees with B7, and believes the policy would result in the degradation of vibrant communities that make the coastal zone attractive.	Please see FAQ response #4 that explains how routine maintenance and upkeep would not typically qualify as redevelopment. The user note to policy B.7 was edited to clarify this point.
2-7	Comments on G3 Sea Level Rise overlay zones. Commenter asserts that maintaining and repairing homes under standard conditions poses no threat to coastal resources. Suggest local governments should be under obligation to notify existing property owners of the overlay zones and other facts about hazards associated with their property.	Routine maintenance should not threaten coastal resources in the present; however, sea level rise overlay zones anticipate increasing hazardous conditions in the future. Please see FAQ response #4 for more discussion on this subject. A revised section on the coastal resources at risk due to sea level rise was created in the Background section of the guidance. Sea Level Rise Overlay Zones (hazard overlay zones and beach open space zones) can be useful tools for informing long-term adaptation strategies. An overlay zone can meet multiple objectives, set boundaries based on a worst case scenario, and define the policy considerations for those areas. For example, policies in Sea Level Rise Overlay Zones might trigger downzoning, redevelopment restrictions, structure removal, or other adaptation measures for development.
2-8	Comments on G4 Beach Open Space Zones. Commenter asserts that it is offensive that a local government would rezone and condemn a home based on public safety and deem it habitable for transient occupancy to the benefit of local governments at the expense of home owners. The proposed policy allows condemnation without just compensation and public necessity for a takings.	The model policies are written in accordance with Pub. Res. Code § 30010 which requires just compensation in the event of condemnation. Model Policy G.10 suggests that local governments may "pursue funding to acquire non-conforming structures <i>from willing sellers...</i> " Model policies are also not required, but provide a starting point for local government customization of adaptation strategies. The trigger-based policies are intended to phase in strategies over time as hazards become manifest. Flexibility in financing buy-outs will be important for local governments pursuing some adaptation strategies Local governments will need to avoid takings, and the sample policies are intended to help them adapt in ways that allow their communities to continue to thrive.
2-9	Comments on G9 Managed retreat program. Commenter states that approval for redevelopment in a beach open space zone will be conditioned on participation in the managed retreat program. This will require a deed restriction where the home will be modified or removed "when necessary to maintain the minimum beach width." Thus, concerned routine maintenance will trigger re-siting, redesign, armoring removal, and for some properties, forced participation in	The model policy for the managed retreat program encourages voluntary participation, and is envisioned to be a long term strategy. Please see FAQ response #4 that explains how routine maintenance and upkeep would not typically qualify as redevelopment. Many strategies encourage resilient building design and retrofits (Model Policies C.1 and E.4).

	the managed retreat program--denying homeowners the ability to reasonably maintain their properties under normal operating conditions and life expectancies. Discourages the installation of desirable improvements like water conservation systems, solar power, and energy efficient features.	
	East Shore Planning Group/North Marshall Residents – Comment Letter #3	
3-1	Commenter expresses concern that public outreach for the guidance was not adequate; that the guidance unfairly singles out residential properties; and that the guidance “establishes takings litigation precedents.”	<p>The Draft Guidance was released on the Coastal Commission’s website on July 28, 2017 for a 2-month public comment period. To solicit and encourage comments on the draft, Commission staff conducted 3 public webinars, 3 conference calls with local governments, and held a public hearing on the item in August 2017. Commission staff released a Revised Draft on March 6, 2018, added a second public comment period to provide additional time for public review before taking revisions to a Commission hearing.</p> <p>This policy guidance focuses on residential development because it is one of the most prevalent community development patterns along California’s coast, and thus poses one of the more frequent hazards management challenges. The Commission understands that sea level rise adaptation for other types of development will also need to be addressed and plans to develop additional guidance related to sea level rise and infrastructure. The Commission is also working with local governments on sea level rise adaptation for all development types through LCP planning and individual permits. The Residential Adaptation Policy Guidance is meant to be a resource or tool for how local governments might plan for sea level rise in ways that minimize hazards to residential development, protect coastal resources, and address takings concerns (See Section 4 and Model Policy B.10 Takings Analysis).</p>
3-2	Commenter states that not all coastal areas have residential development that can cause the loss of shoreline beaches, dunes, and other recreational areas. “The threat of climate change...is an underlying and much larger cause to be addressed—rather than ‘maintaining residential development’.”	Section 1 was edited to clarify that not all coastal areas face the same threats to resources from the effects of development. The concept of coastal squeeze is also explained in more detail I. This Draft Guidance provides local governments with model policies, which can be tailored to the specific circumstances faced in their jurisdictions.
3-3	The commenter argues that policies that make it more difficult for average coastal community members to maintain their homes on the coast, but allow wealthy homeowners to remain could potentially lead to loss of access to the coast. “Consequently, coastal access would become increasingly exclusive...in conflict with the	The model policies are suggestions to address the threats of coastal hazards from rising seas. As sea level rises, public beach areas and residential development will face these hazards. In addition, public beach areas provide low-cost recreational opportunities and are used by all members of the public. The Coastal Act requires the Commission and local governments to maximize public access and protect

	Coastal Act, which was enacted specifically to protect 1) the coastal environment and 2) affordable coastal access including full time residential and visitor-serving overnight stays.”	coastal resources such as beaches. In this Draft Guidance, many of the model policies work together to achieve Coastal Act requirements
3-4	<p>The commenter suggests educating coastal communities about pathway choices and options before aggressively limiting options in all cases.</p> <ul style="list-style-type: none"> • The commenter believes we need visioning that is very pragmatic and specific about the engineering, environmental, economic, social, legal, and technological details of options. 	<p>The Draft Guidance supports sea level rise planning that educates the public and decision makers on the risks and options for addressing current and future hazards in proactive ways to protect communities and coastal resources. Establishing collaborative approaches and long term strategies that are phased, innovative and adaptive are encouraged. The Revised Draft Guidance adds additional language on the importance of a community-driven planning process to evaluate and select adaptation strategies given a community’s vision and input.</p>
3-5	<p>Commenter expressed a need for a more collaborative approach between staff and coastal communities.</p> <ul style="list-style-type: none"> • “we need to collaboratively explore promising strategies and innovations and conduct targeted pilot projects to increase our understanding of these options.” • “urgency should be directed toward proactive community approaches and working together on comprehensive solutions.” 	<p>The Draft Guidance recommends a collaborative approach between the Commission, local governments, and the public. The document has been revised to place even more emphasis in the Section 2 subheading “Develop Adaptation Plan” on the need for a community adaptation planning process that facilitates public participation.</p>
3-6	<ul style="list-style-type: none"> • The commenter disagrees that existing development is defined by the time of the Coastal Act passage. He expressed concern that permits after 1977 for solar systems, bringing electrical up to code, and roof replacements will be penalized while unpermitted work rewarded. 	<p>Please see FAQ response #2 for an in-depth discussion of shoreline protection for existing structures. In addition, repair and maintenance and small additions, such as the addition of solar systems, generally would not constitute redevelopment, and as such, primary structures built prior to 1977, even with minor improvements, would be considered existing structures for purposes of applying for shoreline protection under Section 30235.</p>
East Shore Planning Group– Comment Letter #4		
4-1	<ul style="list-style-type: none"> • Commenter states that regular maintenance should not be a trigger for meeting CCC SLR requirements for new development. 	<p>Routine maintenance does not constitute redevelopment unless certain triggers are met. Please see FAQ response #4 for a more detailed explanation of the distinction between repair and maintenance and redevelopment.</p>
4-2	<ul style="list-style-type: none"> • Commenter states that issues of where in Tomales Bay shoreline homes are not related to sea level rise. The guidance will result in accelerated deterioration of homes or ignored permitting requirements. • Commenter suggests provisions applicable to new shoreline protective devices should only apply to activities that specifically address the threats of sea level rise. 	<p>The Coastal Act recognizes that each community and location along the coast is unique. The Draft Guidance does not prescribe an approach for each unique circumstance, but rather, provides a set of policy options for local governments to use in developing LCP policies. Not all policies will be appropriate in all areas, and policies need to be tailored to fit the particular circumstance. In addition, routine maintenance is not defined as redevelopment. The Draft Guidance clarifies that in cases where redevelopment thresholds are met, it is important to ensure that the new development is built to ensure safety and stability, consistent with LCP</p>

		policies.
4-3	<p>Commenter states that requirements for SLR modifications should be reasonable, incremental, and adaptive</p> <ul style="list-style-type: none"> • Many section F policy requirements “appear to be punitive and they presume that the knowledge of sea-level rise and available responses is complete”. • F9 "no future shoreline armoring" would prevent future technologies and community wide approaches from being employed in the future (see C-SMART draft July2017 report) • These policies prevent incremental modifications to address SLR--we should plan for stages as they occur. 	<p>Model policies are not required, but provide a starting point for local government customization of adaptation strategies using multiple policies. Section F provides options for dealing with shoreline protective devices. In addition, adaptation strategies chosen may need to change over time to address increased sea level rise and associated increased exposure to hazards as sea level rise exacerbates storm surge and high waves. The legal context of various options will also need to be considered in each situation and ultimately, adaptive responses will need to be consistent with the Coastal Act.</p> <p>The Revised Draft Guidance includes model policies for adaptation strategies that encourage resilient building design and retrofits. In addition, the Revised Draft Guidance encourages community wide approaches that embrace adaptation planning processes that include adaptation pathways (incremental adaptation), community visioning and maximizing public participation.</p>
4-4	<p>Commenter states “further adaptations would be subject to Coastal Commission permitting and review, so a preemptive waiver of the right to seek a permit seems excessive.”</p>	<p>A Limits on Future Shoreline Armoring policy (See Model Policy F.9) is a tool that can be used to ensure compliance with policies that require new development to be safe without the need for a shoreline protective device. In addition, limits for new development and disclosure of possible sea level rise and migrating public trust boundaries can ensure that new property owners are on notice regarding the limitations of the property. This will help ensure that any such owners have an appropriate understanding of the potential use of the property: namely, that such use may be limited by future hazards, exacerbated by sea level rise.</p>
4-5	<p>Additional comments from East Shore planning group</p> <p>1. More opportunity for public input</p> <p>Commenter claims the guidance is regulation and that a special committee of the Coastal Commission should be formed to consider staff recommendations, public forums, and make recommendations to the Commission.</p>	<p>This document is intended to function as interpretive guidance pursuant to PRC 30620 for effective implementation of the Coastal Act in light of sea level rise and does not contain any new regulations or amend or supersede any existing statutory or regulatory requirements. Please see FAQ response #1 for additional in-depth discussion of the intent of the Draft Guidance.</p> <p>The Draft Guidance suggests that local governments should provide opportunity for public input as they consider their shoreline vulnerabilities and craft their community’s goals for adaptation options. The FAQ document includes a summary of public input opportunities to date, and a second comment period is provided on the Revised Draft Guidance document to allow for further input.</p>
4-6	<p>2. Failure to consider the coastal-resource value of coastal communities</p> <p>Commenter suggests an objective of the policy guidance should be to maintain and protect long-term coastal communities as coastal</p>	<p>The purpose of the Draft Guidance is to promote adaptation strategies to effectively address coastal hazard risks and protect coastal resources over time. Through their adaptation planning processes, communities might decide that a goal of their LCP update to address sea level rise is to maintain and protect certain</p>

	resources.	special community areas to the extent that is possible consistent with applicable laws and regulations. See Model Policy G.2 Adaptation Plan and G.3 Adaptation Plan for Highly Vulnerable Areas.
4-7	3. Community action would be foreclosed Commenter cites Marshall's history of working on community solutions to problems (East Shore Community Plan and wastewater system for Tomales Bay). Suggests that community wide solution of raising homes through a coordinated effort would be stopped by the guidelines.	Model policies are intended to be customized and reflect local conditions. A variety of approaches may be appropriate for any given area. To be certified, LCP policies must be consistent with and able to carry out the Coastal Act.
4-8	4. Preservation of housing Commenter suggests that the policy guidelines would favor the wealthy because permits are expensive.	The Coastal Act requires that most new development in the coastal zone receive a coastal development permit – the Draft Guidance does not change that requirement. Preservation of housing, including lower-cost housing, is an important consideration for many local jurisdictions. Further, there are various tools under the Coastal Act to help expedite the review of certain types of permits, including reduced permit fees.
4-9	5. Mitigation Commenter points out Marshall homes that do not front beaches or tide pools should not be required to mitigate negative impacts that are not results of direct permitted activities. Suggest use of tideland waters in Marshall would not be changed by sea level rise adaptation.	Not all approaches in the Draft Guidance will be appropriate for every jurisdiction, nor is it an exhaustive list of options. Different regions will have different vulnerable assets and coastal resources to be protected that would be considered in the context of permitting new development. Additionally, local governments must ensure that permit conditions they impose on a case-by-case basis to mitigate impacts of a development have a nexus with the impacts caused by the development, and that any required mitigation is roughly proportional to those impacts. However, local governments also have broader authority to legislatively require, through LCPs or other means, land use restrictions that protect or enhance coastal resources, without the need to demonstrate that the application of such measures has a nexus and is proportional in each application. See <i>Cal. Building Industry Assn v. City of San Jose</i> (2015) 61 Cal.4th 435.
Coastal Rights Coalition– Comment Letter #5		
5-1	“Adaptation strategies will be required for all coastal resources and development. These must be community based and MUST apply equally to all property types, including public property. “To build the resilience of coastal communities and ecosystems, coordinated adaptation efforts must consider sea level rise and coastal flooding impacts.” (NOAA Digital Coast) Adopting strategies or “guidance” on a piecemeal basis, i.e. “residential” is not only wrong, it is certain to promote uncoordinated strategies that are ineffective.”	This Draft Guidance focuses on residential development because it is one of the most prevalent community development patterns along California’s coast, and thus poses one of the more frequent hazards management challenges. In many cases, local jurisdictions will need to consider adaptation strategies for infrastructure, including roads, and other public property, as they develop their community vision for addressing impacts of sea level rise on their shorelines. As noted in this Draft Guidance, adaptation planning processes should help communities coordinate their adaptation strategies for all of their sea level rise vulnerabilities. While outside the scope of this guidance, the Commission plans to provide future guidance on sea level rise planning for critical infrastructure.

5-2	<p>“The ownership rights of all private property types are equally protected by the State and / or the U.S. Constitution. Throughout this document, limitations are proposed to abrogate those rights on an arbitrary and capricious basis, or force others (local governments) to do so in Local Coastal Plan revisions. Such “Takings” are illegal.”</p>	<p>Sea level rise adaptation policies may potentially give rise to takings concerns. Considerable discussion is provided in Section 4 to address these concerns. The Revised Draft Guidance provides policy recommendations to help local governments avoid takings, including by calling for the approval of development that is inconsistent with the Chapter 3 policies of the Coastal Act if such approval is necessary to avoid an unconstitutional taking of private property.</p>
5-3	<p>“We are well aware that the Coastal Act was effective January 1, 1977. Throughout this guidance document, you repeatedly assert that development permitted after that date is denied protection from storm damage and should be treated differently from those permitted prior to that date. This assertion is wrong, has no basis in law and should be deleted wherever it occurs.”</p>	<p>Please see FAQ response #2 for an in-depth discussion of shoreline protection for existing structures.</p>
5-4	<p>“Despite your claims to the contrary – “What it is Not”, this document is “rulemaking”. It must be submitted to the Office of Administrative Law for approval, prior to any consideration by the Coastal Commissioners.”</p>	<p>This document is proposed as interpretive guidance pursuant to PRC 30620 for effective implementation of the Coastal Act in light of sea level rise and does not contain any new regulations or amend or supersede any existing statutory or regulatory requirements. The adoption of interpretive guidelines pursuant to PRC 30620 is exempt from the Administrative Procedures Act. (PRC 30333(b); <i>California Coastal Comm’n v. Office of Administrative Law</i> (1989) 210 Cal.App.3d 758, 762.) Please see FAQ response #1 for additional in-depth discussion of the intent of the Draft Guidance.</p>
<p>Coastal Property Owners Association of Santa Cruz County– Comment Letter #6</p>		
6-1	<p>“In regards to the above policy guidance it is imperative to state clearly that it is only policy guidance.”</p>	<p>Please see FAQ response #1 for additional in-depth discussion of the intent of the Draft Guidance. We also state throughout the Draft Guidance that the information and policy recommendations are advisory and not comprehensive. They should be considered on a location-specific and case by case basis in a way that fulfills the requirements of the Coastal Act, certified LCPs, and other relevant laws and policies and includes consideration of local conditions.</p>
6-2	<p>“The policy guidance seems to be targeting residences built after 1976 in an attempt to circumvent the Coastal Act’s promise to allow coastal properties to be protected from the erosive forces of the ocean. It appears as an additional step towards removing the property rights of California coastal property owners contrary to the California State Constitution.”</p>	<p>Please see FAQ response #2 for an in-depth discussion of shoreline protection for existing structures.</p>

6-3	<p>“The policy guidance suggests that homes should be allowed to be destroyed by ocean forces or even removed without just compensation. This was confirmed during the web conferencing of August 29, 2017. The policy guidance needs to address and mandate compensation for properties which will be damaged or destroyed by any policy guidance that prevents homeowners from protecting their homes.”</p>	<p>Sea level rise adaptation policies may potentially give rise to takings concerns. Considerable discussion is provided in Section 4 to address these concerns. The Draft Guidance provides policy recommendations that can help local governments address takings challenges.</p>
6-4	<p>“In the interest of the many concerns addressed in the policy guidance there should be comprehensive policy guidance for all coastal properties, both private and public.”</p>	<p>This Draft Guidance focuses on residential development because it is one of the most prevalent community development patterns along California’s coast, and thus poses one of the more frequent hazards management challenges. While outside the scope of this Guidance, the Commission plans to provide future guidance on sea level rise planning for critical infrastructure.</p>
6-5	<p>“It is suggested that the policy guidance be placed on hold until the above clarifications are included and a compensation mechanism is put into place.”</p>	<p>Suggestion noted.</p>
<p>West Marin Environmental Action Committee– Comment Letter #7</p>		
7-1	<p>“As an overall comment, the Draft Residential Guidance presents many strong proposed approaches and policies for local municipalities to address SLR through LCPs. The following is a list detailing positive examples from the Draft Residential Guidance, including areas of the Draft Residential Guidance which align with EAC’s climate change adaptation principles.”</p> <p>“The Draft Residential Guidance successfully:</p> <ul style="list-style-type: none"> • Emphasizes use of the best available science. • Emphasizes the importance of maximum public access and protection of coastal resources in light of SLR and the Coastal Act, ensuring that the California coast is protected for both present and future generations. • Employs a suite of strategies and offers flexibility for different municipalities and geographic types (i.e. typologies). • Employs a proactive and phased approach to SLR adaptation.” 	<p>Comment noted.</p>
7-2	<p>Commenter placed minor Recommendations in Italics:</p> <ul style="list-style-type: none"> • “Encourages policies which seek to avoid the “coastal squeeze” and preserve important intertidal and low-lying habitats, which are especially important for shorebirds and other species. <i>More detail could be added on the importance of these coastal resources.</i> • “Emphasizes the need for regional collaboration, especially around 	<p>More detail was added on the importance of coastal resources, with a new “Coastal Resources at Risk” subsection in Section 2. More emphasis in Section 1 was added to highlight the importance of infrastructure planning in many residential contexts and the need to engage additional stakeholders in collaboration when conducting Adaptation Planning processes (See Section 2).</p> <p>Community participation in adaptation planning is also more prominently</p>

	<p>infrastructure and transportation planning. <i>More emphasis and elaboration could be placed on this point.</i></p> <ul style="list-style-type: none"> • “Emphasis on the need for “enhanced community participation.” <i>Additional emphasis could be placed on the importance of public participation in community scale adaptation planning.</i>” 	<p>represented in a new subsection “Develop Adaptation Plan” in Section 2.</p>
7-3	<p>“It is important that the Draft Residential Guidance provides sufficient examples and shoreline types to be a comprehensive resource for the varied municipalities.”</p>	<p>More detail on the complexity of typology contexts was added to Section 1. The Draft Guidance notes the variety of types within even one jurisdiction and offers more guidance on how the presence of other factors (infrastructure, accessways, environmentally sensitive habitat areas (ESHA), etc.) might influence the phasing of adaptation pathways and how different stakeholders might be involved in the planning process (Section 2).</p>
7-4	<p>Commenter states that “in addition to seeking other funding sources, municipalities could seek out foundation and/or land trust grants for acquisition of vacant vulnerable properties. (Page 54 of the Draft Residential Guidance includes property acquisitions. (G.1. Management of Sea Level Rise Hazards, iv.a.)”</p>	<p>The Revised Draft Guidance added a new subsection in Section 5 and an Appendix to highlight additional adaptation funding sources (including those requested).</p>
<p>Katie Beacock – Comment Letter #8</p>		
8-1	<p>The commenter encourages the exploration of design based solutions as opposed to a blanket ruling of limiting a property owner’s ability to rebuild or remodel including raising their property to FEMA heights. “There is no logical reason to force homeowners to retreat rather than use a design process to protect their home. This action would take away a property owner’s rights without even a monetary reimbursement.”</p> <ul style="list-style-type: none"> • The commenter states that “the public has plenty of access to the Beach in Stinson, more than the environment, the roads and local water can accommodate. I urge you to strike the thought of retreat rather than remodel for safety.” 	<p>The Revised Draft Guidance states that no single adaptation strategy (protect, accommodate, or retreat) should be considered the best option as a general rule. Multiple options are presented for consideration, and the Revised Draft Guidance notes that adaptation pathways through which long and short term strategies could be phased is encouraged. Remodeling for safety is one type of adaptation that many communities might consider (see Model Policies C.1 and E.4).</p>
8-2	<ul style="list-style-type: none"> • The commenter states that “Marin County had excellent workshops looking at some of the solutions during our Sea Level Rise Task force process for West Marin coast areas. The CCC should do some travel down this avenue instead of all your draconian solutions that are not solutions for the individual Property Owner and Tax Payer.” 	<p>The Revised Draft Guidance offers a variety of policy options for communities and local governments to consider and highlights in multiple sections that public participation in adaptation planning is important and valuable. Community participation in adaptation planning is also more prominently represented in a new subsection “Develop Adaptation Plan” in Section 2.</p>

Heather Lindsey – Comment Letter #9		
9-1	Disclose Risks to Property Owners, Page 8. “Considering adding the word “impact” after the word “intent”.”	Changes were made to this section to clarify the purpose of disclosing risks.
9-2	First sentence, page 9. Consider repeating the language found there at the end of page 2. <i>“For purposes of implementing the Coastal Act, no single category or even specific strategy should be considered the “best” option as a general rule. Different types of strategies will be appropriate in different locations and for different hazard management and resource protection goals. ”</i>	This language was not repeated verbatim, but the concept is repeated in Section 3. “In most cases, especially for LCP land use and implementation plans, multiple adaptation strategies will be needed and every community will need to assess their risks and their potential options. There are a number of options for how to address the risks and impacts associated with sea level rise.”
9-3	Analyzing Alternative Adaptation Strategies, page 11, paragraph 4, first sentence. Consider replacing “vital to” with “a requirement for”. Analyzing Alternative Adaptation Strategies, page 11, paragraph 4, last sentence. Consider repeating the language found there at the end of page 2 for assistance in the framing the entire document. “In preparing an adaptation plan, communities should consider all of their options and evaluate them according to impact on coastal resources, effectiveness at reducing risk, costs, and feasibility (technical, legal, social, or political).”	A new subsection was created to address community engagement in “Develop Adaptation Plan” in Section 2. It repeats the language requested at the end of the first new paragraph.
9-4	Soft Shoreline Protection (Protect), page 12, and Adaptive Design (Accommodate), page 13: “Adaption Plans need to outline how/by which criteria cities and communities will evaluate and implement future solutions. The process for evaluating future technologies and solutions is a critical path missing in this section.”	A new subsection “Develop Adaptation Plan” in Section 2 describes some of the process for identifying and evaluating adaptation strategies. Considering future creative solutions for adaptation would also follow the steps as laid out in Section 3’s planning framework (Figure 4).
9-5	Hard Shoreline Armoring (Protect), paragraph 3 Consider adding the following paragraph in the 3 rd paragraph. “However, in the rare communities, where the hard armoring is set significantly higher than the community behind it, hard armoring may need an alternate evaluation.”	The proposed model policies should be considered on a location-specific and case by case basis in a way that fulfills the requirements of the Coastal Act, certified LCPs, and other relevant laws and policies and includes consideration of local conditions. The Revised Draft Guidance does not prescribe an approach for each unique circumstance, but rather, provides a set of tools for local governments to use in developing LCP policies. Not all policies will be appropriate in all areas, and policies will likely need to be tailored to fit the particular circumstance.
9-6	Comments on Managed Retreat (Retreat/Realignment) paragraph 3: The commenter requests the document “delineate what the factors are that impact the feasibility of managed retreat. This is insufficient; this area needs to list some of the more common factors that impact the feasibility of managed retreat, and state that the list	Additional discussion on managed retreat considerations was added to Section 3, which now discusses how communities may wish to consider additional factors when analyzing the feasibility of managed retreat, including shoreline development density, short and long term financial impacts, displacement of residents, and environmental justice concerns.

	<p>is not comprehensive due to the differences between cities/counties. Some areas of this document are very detailed; the factors determining the feasibility of managed retreat should be as well. The people in charge of creating the Adaption Plans for their cities and counties need to understand what factors may help determine feasibility. “</p> <ul style="list-style-type: none"> • “Consider inserting language after <i>“The feasibility of managed retreat and realignment strategies depends on a number of factors,”</i>. Language to be inserted, <i>“including, <u>but not limited to:</u></i> • <i>Geography</i> • <i>Long-term financial impact of planned retreat on the community and on city finances</i> • <i>Legal Precedent</i> • <i>Historical Precedent</i> • <i>Impact on current home owners in managed retreat area</i> • <i>Numerical understanding of how many people, homes, structures, and public facilities need to be relocated</i> • <i>Short-term financial impact of managed retreat on City finances”</i> <p>“A city needs to understand whether it can survive the economic burden of managed retreat. This may be inferred in the following sentence “Selecting, financing, and promoting a managed retreat program will likely require a community scale approach to managing coastal hazards (Policy G.1) and creation of an Adaptation Plan (Policy G.2).”, but it needs to be better outlined.”</p>	<p>The Revised Draft Guidance also added an example of managed retreat in California to highlight the process one community used to buy out individual parcels over time and create a shoreline park (See Section 3, Box 2).</p> <p>Please see FAQ response #8 for in-depth discussion of managed retreat and feasibility.</p>
9-7	<p>Section 3, page 14, Managed Retreat (Retreat/Realignment), paragraph 4: Consider rephrasing “Again, a community visioning process is the first step for communities to take in order to explore the potential for such an adaptation approach.” Throughout the document it is unclear whether a community visioning process is a condition precedent to managed retreat.”</p>	<p>The Revised Draft Guidance added in Section 2 (Policy recommendations for all hazardous areas) a subsection titled “Develop Adaptation Plan” to make it clear that all jurisdictions should engage a community visioning process when developing adaptation plans in order to communicate sea level rise vulnerabilities and scope appropriate strategies for adaptation.</p>
9-8	<p>Figure 2. Page 27. “Consider inserting a pathway where there is a remodel/new development but the city’s legislation allows armament to remain.”</p>	<p>Section 4 notes in a new subsection <i>Adaptation Strategies for Development Constructed after January 1, 1977</i> that in some cases, it might be possible to permit shoreline protection for new development. In addition, shoreline armoring may be an allowable adaptation strategy, at least in the short-term, in order to protect areas where new and existing (i.e., pre-Coastal Act) residential</p>

		development are intermingled and it is not feasible to have the shoreline armoring only protect the existing development. A note in the caption for Figure 5 was added to clarify that the flow chart is simplified and that case specific questions should be addressed by legal staff. The flow chart was also modified from the first draft version for clarity
9-9	Figure 3. Page 31. Consider adding language “Triggers are dependent on the geography and patterns of the area. Trigger terms need to be well-defined.”	The adaptation pathway figure is called a “hypothetical example” in the caption. Triggers are discussed in multiple parts of the Guidance, and are meant to be customized to local context. Text in Section 5 describes that triggers should be informed by local community involvement, and will reflect a community’s risk tolerance, local hazard conditions and geography, and adaptation vision.
9-10	G.9 (a) Managed Retreat Program, Page 57. “This section fails to envision a section where managed retreat will endanger an entire community. Managed “retreat” assumes that “retreat” is the best solution. But in cities/counties/areas where the beachfront structures sit higher than much of the community behind it, what is outlined does not work.”	As noted in the document, no single adaptation strategy (protect, accommodate, or retreat) should be considered the best option as a general rule. The model policies are options to be considered, and only recommended for consideration where they might be appropriate. Not every option is listed, nor every local context.
9-11	G.9 (a) Managed Retreat Program, Page 57. Consider adding; “for more than XXX percent of the calendar year” after the language “width of [‘XXX feet’ or ‘to restore adequate public access to the beach’ feet].” G.9 (d) Managed Retreat Program, Page 57. Consider adding “for more than XXX percent of the calendar year” after the language “is damaged beyond [XX%] or is threatened with imminent damage;%; is no longer habitable; or leasing becomes otherwise infeasible.”	The Revised Draft Guidance reflects requested edits to the policy language for the Managed Retreat Program (now Model Policy G.10).
Seadrift Association , Jeff Loomans – Comment Letter #10		
10-1	Introductory sections. Commenter states that model policies are not guidance, but mandates. The legal section is “a litany of questionable interpretations of the Coastal Act and related doctrines as if those interpretations represent established law.”	Please see FAQ response #1 for in-depth discussion of the intent and effect of the Draft Guidance.
10-2	A3 Mapping Coastal Hazards. Commenter interprets the language as a mandate and proposes that the model language should not apply because Marin County staff and local constituencies prefer elevation as a viable alternative to addressing sea level rise. Commenter claims that worst case scenarios are not appropriate or useful for adaptation planning.	Please see FAQ response #1 for in-depth discussion of the intent and effect of the Draft Guidance, including how jurisdictions remain free to develop other policies, so long as they are consistent with the Coastal Act. The Revised Draft Guidance describes in Section 5 (Implementation) that analyzing a worst-case “high” projection for the planning horizon or expected life of the proposed development provides a conservative upper bound for planning

		<p>based on current information. Analyzing the upper bound or potential “worst case scenario” is consistent with the State of California Sea-Level Rise Guidance (2013 and 2018 Update) and the Coastal Commission’s Sea Level Policy Guidance adopted in August 2015. Not all development will be designed to withstand the sea level rise impacts projected in the planning horizon, but analysis of high sea level rise scenarios over the typical anticipated life of development types will help inform longer term adaptation planning.</p>
10-3	<p>B.1.b Siting to protect coastal resources and minimize hazards. Commenter states “It is both unreasonable and unduly burdensome to require each homeowner to conduct a study to determine future acceleration of erosion and flooding due to continued and accelerated sea level rise.” Contests the use of the term “landward” in the policy because it does not reflect Marin’s local conditions as defining appropriate siting.</p>	<p>Comments on applicability of specific policy options to Marin County reflect one local context. The Revised Draft Guidance serves to inform LCP policy development statewide. Where language (such as “landward” in policy B.1.b) is not applicable in a local context, the model policies are intended to be customized.</p> <p>The user note for Model Policy A.3-Mapping Coastal Hazards explains how local governments might adopt and maintain up-to-date LCP coastal hazard maps to streamline consideration of CDP applications because such maps could be used in lieu of site-specific coastal hazard reports in certain circumstances. Although such maps may provide less detailed or precise information than a site-specific report, local governments may be able to rely on them to ensure consistency with LCP hazard policies if they condition the CDP to address uncertainties related to hazards. Site-specific studies for coastal development permits are necessary unless hazards are identified on LCP hazard maps at a level of detail adequate to ensure LCP policies and development standards can be complied with in the permitting process.</p>
10-4	<p>B3 Reliance on Shoreline Armoring. Commenter claims that there are no rational grounds to deny reliance on existing protective devices for redevelopment.</p>	<p>Coastal Act Section 30253 provides that new development shall not require the construction of protective devices that substantially alter natural landforms along bluffs and cliffs. Although Section 30235 allows shoreline protection for “existing structures” if certain criteria are met, the Commission considers redeveloped structures to be new structures rather than existing ones. Accordingly, redeveloped structures are subject to Section 30253. Please also see FAQ response #2 for discussion of shoreline protection for existing structures.</p>
10-5	<p>B6 Minor Development in Hazardous Areas & B7 Redevelopment. Commenter notes that Marin County has rejected the 50% replacement language and contends that these policies are improper mandates. “There is nothing in the Coastal Act mandating a 50% standard, and in many cases local governments have applied historically different standards for when redevelopment might</p>	<p>The Revised Draft Guidance explains that it is important for LCPs to define redevelopment in order to address risks from coastal hazards to shoreline residential development over time, but that local jurisdictions have some flexibility in how they do so. At a minimum, the definition should include replacement of 50% or more of structural components, and this standard is derived from 14 California Code of Regulations Section 13252(b). Please see FAQ</p>

	trigger certain compliance measures.”	response #3 for in-depth discussion of redevelopment.
10-6	C1 Adaptive Design. Commenter states that language is too vague and removable foundations conflict with federal FEMA flood zone mandates.	Adaptive design policy language can serve as a launching pad for development of a policy specific to a jurisdiction. Flexible foundation designs may be suitable for certain shoreline contexts where they are not in conflict with FEMA flood zone regulations. Of particular concern are situations where deepened perimeter foundations or caissons might become exposed to wave action or erosion, in which case removal options identified in the design plans would be useful.
10-7	D1 Removal Conditions/Development Duration. Commenter claims that the language is an illegal mandate. Commenter also states that “if any public agency requires the structures to be removed” improperly intrudes on the right for local jurisdictions to determine which public agencies might have such powers. Also, the commenter states that the public trust boundary migration can only be determined by the State Lands Commission. Lastly, the commenter states that removal conditions based on the need for new and/or augmented shoreline protective devices are illegal.	<p>Model Policy D.1 has been modified to state that development that comes to be located on public trust land must be removed unless the Coastal Commission and State Lands Commission or other trustee agency permit it to remain. The revised Model Policy D.1 also clarifies the meaning of the condition regarding removal ordered by a public agency. Local jurisdictions could modify the model policy to list relevant agencies if it wished to do so.</p> <p>See also FAQ response #6 for a discussion of public agency responsibilities to protect public trust resources. Please note the discussion on public trust in Section 4 is extensive and references a more in-depth discussion of the public trust doctrine in California and how it relates to sea level rise-- See also Center for Ocean Solutions, Stanford Woods Institute for the Environment, The Public Trust Doctrine: a Guiding Principle for Governing California's Coast under Climate Change (2017).</p> <p>Regarding the removal condition tied to the need for new/augmented shoreline protection, the policy only applies to new development. Thus, it would not be applied to existing development with already-existing shoreline protection, unless that structure is redeveloped.</p>
10-8	<p>F. Building Barriers to protect from hazards. Commenter disagrees with existing structures definition in policy language.</p> <p>F1 Shoreline and Bluff protective devices. Commenter disagrees with definition of existing development and claims there is no reason to deny usage of existing legal shoreline protective devices.</p>	Please see FAQ response #2 for an in-depth discussion of shoreline protection for existing structures. Also, see Section 4 of the Revised Draft Guidance for a description of the legal context of adaptation planning as well as interpretation of Coastal Act Section 30235.
10-9	F.5 Evaluation of Existing Shoreline Armoring and F.6 Shoreline Armoring Duration. Commenter states these are inappropriate mandates.	Please see FAQ response #1 for additional in-depth discussion of the intent of the Residential Adaptation Policy Guidance.

Seadrift Association , Peter Sandmann – Comment Letter #11		
11-1	<p>The commenter objects to model language as mandatory, not guidance. Their evidence: on page 4, it is stated: “One of the Commission’s top priorities is to coordinate with local governments to complete and update LCPs in a manner that adequately addresses sea level rise and reflects the recommendations in this document.”</p> <p>The commenter Claims the 2015 document is underground rulemaking</p>	<p>Please see FAQ response #1 for in-depth discussion of the intent and effect of the Residential Adaptation Policy Guidance.</p>
11-2	<p>The commenter states that the Commission misuses the 2015 SLR Policy Guidance by planners requiring Seadrift applicant to “provide an analysis of anticipated impacts from coastal hazards, including sea level rise, over the anticipated lifetime of the development. The steps recommended in the Coastal Commission’s Adopted Sea Level Rise Policy Guidance (2015) may be used as a reference. These steps include: [the letter then goes on to specify 5 specific requirements, all drawn from the Guidance document].</p> <p>[The letter then goes on to state] Step 2 shall include an engineering analysis, prepared by a licensed civil engineer with experience in coastal processes, for the proposed development site. The analysis shall consider changes to the groundwater level, inundation, flooding, wave run-up, and erosion risks to the site that may occur from both the lagoon and ocean side of the site, as applicable, over the expected economic life of the development, assuming a 100-year storm event occurring during high tide, without existing shoreline armoring, and under a range of sea level rise conditions At a minimum, the submitted report shall provide: (1) maps/profiles of the project site that show long-term erosion, [etc., etc.]”</p>	<p>The Commission’s 2015 Sea Level Rise Policy Guidance was adopted pursuant to Coastal Act Section 30620, and the Residential Adaptation Policy Guidance is also developed in line with this section. See also FAQ response #1 for a discussion of intent. Site-specific and detailed engineering analyses may be required to determine consistency with Coastal Act and applicable LCP requirements for new development proposed in hazard-prone areas.</p>
Santa Cruz County– Comment Letter #12		
12-1	<p>The commenter requests that the document should provide that active beach erosion and other potential impacts may need to be studied on a case by case basis—a study in northern Monterey bay found that coastal protection structures had no long term effects on active erosion of adjacent beaches.</p>	<p>The Summary and Background sections were edited to reflect general effects of shoreline protection with acknowledgement of some case specific instances (such as hard geologic features) influencing potential impacts from sea level rise. The study that is cited evaluates the impacts of seawalls from 1986 to 1995, prior to accelerating sea level rise. Unless there are hard geologic features or other unique circumstances, it is generally understood that as sea level rises, beaches will migrate inland, and if such migration is prevented, there will be beach loss.</p>
12-2	<p>Commenter states that the existing development interpretation</p>	<p>Please see FAQ response #2 for an in-depth discussion of shoreline protection for</p>

	would hamper the county’s ability to regulate redevelopment and mitigate existing and future impacts of coastal protection structures.	existing structures. The Revised Draft Guidance document provides model policies that can be customized to address the unique circumstances in each local coastal jurisdiction.
12-3	Commenter also notes removal or lack of maintenance of protection could adversely affect neighboring properties. Thus, Model policy language in B1.c, B.3, B.5, F.5, F.6, and F.9 should be modified to provide greater flexibility.	<p>The Revised Draft Guidance discusses that it also may be appropriate in some circumstances to maintain or modify existing shoreline armoring in front of a redeveloped property if such armoring is necessary to protect existing, nearby structures and is the least environmentally damaging alternative. Neighboring or adjacent properties entitled to shoreline protection are a consideration noted in Model Policy B.3 – Reliance on Shoreline Armoring, F.5 – Evaluation of Existing Shoreline Armoring, and F.6 – Shoreline Armoring Duration. Armoring protecting adjacent existing structures is also noted in the revised Figure 5 - Analytical steps for considering shoreline armoring to protect residential structures.</p> <p>Not all adaptation strategies will be applicable in all cases, but should instead be evaluated and implemented based on the individual circumstances in a way that fulfills the requirements of the Coastal Act.</p>
12-4	Local jurisdictions should be able to take into consideration the capacity of existing approved protection structures when calculating required setbacks for redevelopment of existing residential structures. This would be consistent with the position that the guidance is advisory and provides flexibility to local jurisdictions.	In most cases, reliance on existing armoring to protect new development would perpetuate development in hazardous areas and encourage the continuance and expansion of armoring, thereby exposing people and property to hazards and impacting coastal resources, which is inconsistent with the Coastal Act and the need to protect public trust resources. However, as noted above, unique policy approaches may be appropriate under certain circumstances.
Bolinas Community Public Utility District– Comment Letter #13		
13-1	The commenter argues that that Commission guidance would result in language adopted without meaningful public input from affected communities.	Please see the FAQ for a discussion of public input opportunities provided. The Commission welcomes public participation and comments on the Revised Draft Guidance and a second comment period is provided to allow for additional input. The Draft Guidance is not meant to represent a complete sea level rise approach for any single jurisdiction, as it is not comprehensive or applicable in all cases. It serves as a starting point for providing adaptation planning language that has been requested by many local governments.
13-2	The commenter claims the draft guidance does not balance preserving coastal resources as well as social and economic well-being of persons in the coastal zone.	The Revised Draft Guidance notes in the new Section 1 <i>Coastal Resources at Risk</i> subsection how coastal access and recreation areas, habitats (e.g., wetlands, coastal bluffs, dunes, and beaches), coastal agricultural lands, water quality and supply, cultural resources, community character, and scenic quality are among the coastal resources protected by the Coastal Act. It also describes policy options, such as beach nourishment, soft armoring, and elevation of structures, that can allow coastal communities and existing development patterns to continue, at least for the immediate future. The information and model policies contained in

		the Guidance should be considered on a location-specific and case by case basis in a way that fulfills the requirements of the Coastal Act, certified LCPs, and other relevant laws and policies and includes consideration of local conditions.
13-3	The commenter claims no provision of the Coastal Act legislates a managed retreat approach and does not agree with webinar Q&A discussion on the Coastal Act setting up a structure that can slowly move development out of hazards way.	The Draft Guidance does not require specific adaptation strategies and acknowledges that no strategy should be considered the best as a rule. The document offers options for communities to consider. The Draft Guidance does not replace the Coastal Act; instead it is meant to help guide implementation of the Coastal Act in local contexts when considering the impacts of sea level rise. See FAQ response #8 for more discussion of managed retreat.
13-4	The commenter suggests the California Legislature should engage in developing sound public policy regarding managed retreat	Comment noted. See also the State of California Sea-Level Rise Guidance 2018 Update for a discussion of managed retreat.
13-5	The commenter states that the redevelopment definition is overreaching and not supported by the Coastal Act.	Please see FAQ response #3 for discussion on redevelopment.
13-6	The commenter states that the guidance imposes complicated obligations on communities and does not help protect coastal communities as valuable coastal resources.	Please see FAQ response #1 for the intent of the Guidance. In addition, the Revised Draft Guidance notes in the new Section 1 <i>Coastal Resources at Risk</i> subsection how coastal access and recreation areas, habitats (e.g., wetlands, coastal bluffs, dunes, and beaches), coastal agricultural lands, water quality and supply, cultural resources, community character, and scenic quality are among the coastal resources protected by the Coastal Act. It also describes policy options that communities can pursue, such as beach nourishment, soft armoring, and elevation of structures, that can allow coastal communities and existing development patterns to continue, at least for the immediate future. New development should be undertaken in such a way that the consequences from developing in high hazard areas will not be passed on to the general public or cause the loss of coastal resources.
13-7	Commenter disagrees with the assumption of risk policies that other property owners in other states do not shoulder.	An assumption of risk policy helps alert property owners to the hazards they are facing and will continue to confront. Assumption of risk is also not a new concept; the Commission and many local governments have imposed assumption of risk conditions on new coastal development for decades. The assumption of risk policy alerts owners and future purchasers of property that their properties are in a hazardous area so they can plan accordingly.
	City of Del Mar– Comment Letter #14	
14-1	The commenter emphasizes the importance of accounting for the local context in the Commission’s sea level rise policy guidance. We have been advised this is an untested area of the law and it is critical that local jurisdictions be afforded flexibility to consider a phased	The Adaptation Pathways subsection in Section 5 describes the phased approach allowing for sequencing of adaptation measures. The model policies should be considered on a location-specific and case by case basis in a way that fulfills the requirements of the Coastal Act, certified LCPs, and other relevant laws and

	approach that will allow for resolution of issues at the local level where possible.	policies and includes consideration of local conditions.
14-2	<p>Specifics in Del Mar</p> <p>“Del Mar is currently looking into available options for development of a local Adaptation Plan; and the draft Policy Guidance, webinars, and Coastal Commission discussion on this topic have been helpful in that regard. That being said, the City has not and will not commit to any specific direction until the City Council has had a chance to review and consider the options. Through our own multi-year process we have learned there must be robust public dialogue regarding the various adaptation options available. Del Mar established a technical advisory committee in 2015 to provide a public forum to help engage the public to discuss and consider adaptation strategies and provide input. The City plans to use this forum to further engage the community and increase participation prior to formulating draft Local Coastal Program (LCP) documents. Del Mar plans to provide a full toolbox of adaptation options for future decision makers to choose from: beach nourishment; seawalls of certain design to be built, repaired, and maintained to protect existing structures in the beach neighborhood; bluff adaptation options depending on whether the railroad is relocated; and does not consider retreat options.</p>	<p>The Revised Draft Guidance is meant to provide adaptation policy options for consideration and explain how adaptation strategies can help fulfill requirements of the Coastal Act. It appears that the City of Del Mar has made progress in understanding its sea level rise vulnerabilities and community adaptation vision. The Coastal Commission will continue to support local jurisdictions as they evaluate adaptation options and encourage community engagement.</p>
	Laura DeMarco – Comment Letter #15	
15-1	<p>“It is important that each city's Adaptation Plan be able to be tailored in recognition of the distinct context and history of each community's residential beach development, unique topography, and applicable voter-approved initiatives that are already part of their previously certified LCP.”</p> <p>“..the Commission's Sea Level Rise Adaptation Residential Guidance should allow Del Mar's Adaptation Plan to include the voter-approved BPI that protects our historic, visitor-serving Beach Colony.”</p>	<p>The Revised Draft Guidance is meant to provide adaptation policy options for consideration by local governments and explain how adaptation strategies can help fulfill requirements of the Coastal Act. The model policies should be considered on a location-specific and case by case basis in a way that fulfills the requirements of the Coastal Act, certified LCPs, and other relevant laws and policies and includes consideration of local conditions.</p>
	Ventura County– Comment Letter #16	
16-1	The commenter stated that the guidance is helpful because it	Comment noted.

	conceptualizes options that may be available to local municipalities that are planning to adapt to sea level rise. “We look forward to continued coordination with Coastal Commission staff on the grant project, and more detailed, area-specific guidance would be appreciated.”	
16-2	The commenter expressed concern about the Ventura context and the cost/benefits of relocating shoreline protection for a few feet of retreat before the highway must be protected.	More discussion of the infrastructure/residential context was added to Section 1. Also, please see FAQ response #8 for more discussion on the feasibility of managed retreat strategies. Cost-benefit analysis of adaptation options will be important for jurisdictions planning to implement adaptation projects, and there is no single best option as a rule.
16-3	The commenter requested staff comments below each model policy to describe intent, define terminology, and provide insight.	Additional language was added to shaded user notes boxes under the model policy language options to explain intent and offer insight.
16-4	The commenter suggests crafting policies to curtail use via the 50% threshold, public trust land or repetitive loss instead of using anticipated lifetimes of development.	The Revised Draft Guidance recommends use of adaptation or removal triggers based on indicators of exposure to hazards, migrating public trust, redevelopment, and repetitive loss. It does not intend anticipated lifetime to be a trigger for adaptation actions; rather, the anticipated life is meant as a planning tool to help in determining appropriate use of property, site design and relevance of sea level rise projections.
16-5	The commenter would like more guidance on reducing legal liability because it is difficult to decide what allows reasonable economic use and actions that could constitute legal takings.	This Guidance does not attempt to provide a simple set of parameters on what constitutes legal takings because the determination of whether a particular policy or regulation may in some circumstances be applied in a way that constitutes a taking is so fact-intensive and context-specific,. However, the Revised Draft Guidance does provide policy recommendations that could reduce the potential for a successful takings claim. There are also other resources that jurisdictions could consult with regard to issues of takings and sea level rise. E.g., Michael Allan Wolf, Strategies for Making Sea-Level Rise Adaptation Tools 'Takings-Proof', 28 J. Land Use & Env'tl. L. 157 (2013), available at http://scholarship.law.ufl.edu/facultypub/404 ; Megan M. Herzog & Sean B. Hecht, Combatting Sea Level Rise in Southern California: How Local Governments Can Seize Adaptation Opportunities While Minimizing Legal Risk, 19 HASTINGS WEST NORTHWEST J. ENVTL. L. & POL'Y 463 (2013) available at https://dornsife.usc.edu/assets/sites/291/docs/pdfs/Herzog_and_Hecht_-_Combatting_Sea-Level_Rise_in_Southern_California_2013.pdf ; Environmental Law Institute, Legal Risk Analysis for Sea Level Rise Adaptation Strategies in San Diego (2017), available at https://www.eli.org/sites/default/files/eli-pubs/legal-

		risk-analysis-sea-level-rise-adaptation-strategies-san-diego.pdf .
16-6	The commenter stated that the guidance should provide a pathway to allow siting and design alternatives analysis at a neighborhood scale (C.1, F.3, E.2, F.8) and not for every project.	Model Policies G.1-G.13 explicitly reference a community scale approach as compared to project level permitting, and the coastal hazard mapping policy notes suggest the possibility of streamlining what is required of permittees in certain circumstances. It is recommended that jurisdictions work with Commission staff on developing a custom neighborhood scale site and design alternatives analysis policy as appropriate for local conditions.
16-7	The commenter requested more information regarding how existing development can be modified to improve safety and resilience.	Adaptive design is described in Section 3 and Model Policies C.1 (Adaptive Design) and E.4 (Flood Hazard Mitigation) provide examples of adaptive design policies. An example in Box 1 (Stinson Beach, Marin County) describes one way a community is using flood elevation rules for sea level rise accommodation.
16-8	The commenter asked for recommendations on the use of emergency permits that result in permanent armor. Would SPDs conflict with repetitive loss policy G.7?	Emergency permitting was addressed in the revision, as well as in a new Model Policy F.11. The repetitive loss policy G.7 does not directly reference SPDs, though a local government could modify the language to address them.
16-9	The commenter stated that state and federal funding should be provided for planning and implementation—“The guidance should clarify that local governments will not be expected to solely incur the costs of sea level rise adaptation programs, particularly with regard to the creation of programs to implement special assessment districts, in lieu fees, mitigation banks, amortization lease-back or incentive programs such as transfer of development rights (TDRs).”	Please see FAQ response #7. The Commission recognizes that funding opportunities are constantly evolving, that demand for funding is increasing, and that there is a significant need for additional funding opportunities. Two funding related model policies are included in the Revised Draft Guidance, as well as a new Section 5 subsection discussion and an appendix of funding opportunities.
State Coastal Conservancy (SCC)– Comment Letter #17		
17-1	<p>SCC is very supportive of nature-based approaches and green infrastructure to building resilience to sea level rise.</p> <p>Living Shorelines have been shown to be a successful national method of a combined natural bank stabilization and habitat enhancement approach that can also be utilized as a climate adaptation strategy in low- to medium-energy coastal and estuarine environments. Integrated Living Shoreline approaches have been successfully tried and tested by USFWS, NOAA and other partners for more than two decades on the East Coast and the Gulf Coast, and since 2012 by the California State Coastal Conservancy and multiple local, state, federal, and non-profit partners at multiple sites in San Francisco Bay and the open coast in San Diego, Newport, and Humboldt Bay. The projects have resulted in increased wave attenuation benefits, sediment stabilization and shoreline</p>	Comment noted. Commission staff appreciates the sharing of information on the success of living shoreline projects. Model Policies E.2 (Soft Shoreline Protection), F.2 (Prioritization of Types of Shoreline Armoring), and G.6 (Beach Nourishment) provide examples relevant to soft shoreline protection and may be useful to local governments considering living shorelines approaches.

	protection, and habitat restoration and enhancement for fish, mammals, birds, and a wide variety of aquatic species. Re-linking native habitat types in a multi-objective, multihabitat approach improves habitat connectivity and exchange of propagules, food resources, wildlife corridors, and physical shoreline values.	
	Terry Houlihan - Comment Letter #18	
18-1	Commenter states that key policies proposed are based on interpretations of Coastal Act (Public Resources Code or PRC) sections 30235 and 30253 that are entirely new to the Commission.	The discussion of Sections 30235 and 30253 in this Residential Adaptation Policy Guidance reflect interpretations laid out in the Commission adopted 2015 Sea Level Rise Policy Guidance. Please see FAQ response #2 for an in-depth discussion of shoreline protection for existing structures.
18-2	Commenter cites Surfrider Foundation v. California Coastal Commission, Case A110033 in the California Court of Appeal, First Appellate District. Commenter requests a full discussion of the case.	Please see FAQ response #2 for an in-depth discussion of shoreline protection for existing structures.
18-3	Commenter objects that the guidance does not mention legislative efforts that have not passed [AB 1129 (Stone) and others].	Please see FAQ response #2 and the FAQ Appendix for an in-depth discussion of shoreline protection for existing structures.
18-4	<p>Commenter claims the guidance places the interests of owners of now existing structures in the coastal zone behind the interests of various public uses of the zone. “Both interests are equally important under the Coastal Act—one does not take priority over the other.”</p> <ul style="list-style-type: none"> • States that there should be no blanket policy condemnation of any particular approach to protecting existing structures. • States that “Retreat” strategies and B.2 Removal Plan Conditions should not be imposed on existing structures. 	The Coastal Act requires protection of coastal resources, including provision of maximum public access, prioritizes coastal-dependent and coastal-related development over residential and other uses, and calls for maximum public participation in decision-making. The Revised Draft Guidance does not require specific adaptation strategies and acknowledges that no strategy should be considered the best as a rule. The application of the model policies and adaptation strategies should be chosen on a case by case basis based on the requirements of the Coastal Act and other relevant laws and policies and local conditions. Removal plan conditions and any other project conditions would only be imposed via a coastal development permit for new development; thus, these conditions would not be imposed on existing development that does not require a new permit. Please see FAQ response #2 for an in-depth discussion of shoreline protection for existing structures.
18-5	Commenter states that the sea level rise policy documents seek to compel coastal counties to adopt local use plans that incorporate provisions that conflict with the express provisions of the Coastal Act, leading to each county being sued to test whether their local ordinance is preempted by the state law. Commenter would like a discussion of preemption of local ordinances by state law.	Please see FAQ response #1 regarding the intent of the Residential Adaptation Guidance.
18-6	Commenter states that the Commission should abandon efforts to develop generally applicable rules that try to remove or relocate	The Revised Draft Guidance contains information on a variety of adaptation approaches, and the Guidance is meant to inform sea level rise adaptation

	existing structures threatened by sea level rise. “To the extent that sea level rise results in existing structures creating a public nuisance or hazard, existing law on those subjects, together with condemnation law, provide adequate solutions to address such problems.”	planning for development of or updates to LCPs Defining triggers based on public nuisance, growing hazard conditions, and public trust boundary migration are relevant for employing retreat-based adaptation strategies. Please see Section 4 of the Revised Draft Guidance for more discussion of legal considerations and FAQ response #8 for more information on managed retreat.
18-7	Commenter disagrees with redevelopment policies, claiming the Coastal Act does not give any basis for redevelopment policy. Cites 14 Cal. Admin. Code section 13252(a) and (b) and Section 30610(d) to justify.	Please see FAQ response #3 for more discussion of the redevelopment issue.
18-8	Commenter claims that the guidance overstates public trust concerns. The discussion of the public trust doctrine at pp.18-22 incorrectly assumes that movement of the mean high tide line must inevitably push back shoreline development. The government agency with authority over public trust lands could choose to authorize preexisting uses to continue on public trust lands. The doctrine provides no useful guidance for policy making.	Please see FAQ response #6 for a detailed discussion of the public trust and the migration of the mean high tide line.
City of Imperial Beach – Comment Letter #19		
19-1	1. Guidance, not law. the wording of several provisions in the guidance seems to cloud this key principle: a. Reference to “formal adoption” by the Commission (p. 1, para 1), b. Reference to LCP amendments needing to “reflect the recommendations in this document” (p.4) reinforces a mandatory or checklist use of the guidance in the context of LCP updates;	The Revised Draft Guidance clarifies in intent of the Guidance in the Background Section at the end of the “Importance of LCPs” so that it is not misinterpreted as mandated. Please see FAQ response #1 for more discussion of the intent of the Guidance.
19-2	2. Overstating the Conflict Between Residential Development and Public Access. The second paragraph (p.1) clearly frames the challenge presented by coastal development in the context of the Coastal Act, but assumes there is an inherent conflict requiring “existing” development to eventually give way in order to preserve public access.	The Revised Draft Guidance rephrased paragraph 2 in the Introduction to clarify the threats of sea level rise and the impacts will vary depending on the context.
19-3	3. Typologies. Inclusion of “Shore development typology groups” (p.5) seems intended to be helpful, but could tend to make everyone (including Commission staff) try to “fit” their project or LCP into these categories, which will not work in many cases. California’s coastal variety and complexity (Imperial Beach fits two categories, plus one not included – Bayfront) make such typologies illustrative	The Revised Draft Guidance emphasizes that typologies are not all inclusive, and additional considerations are also mentioned in the revised Section 1.

	and non-all-inclusive, which should be more clearly stated.	
19-4	4. Policy Options. Table 2 (p.6) needs a preamble noting that the list is not exhaustive and localities may choose others (e.g., groins in sec. F).	The Revised Draft Guidance notes that the model policy list is not exhaustive and selected policies should be customized to local context. This statement was added to the Table 2 caption as well.
19-5	5. Policy Options -- Beach Management Plan. Table 2 (p.7) item G.8 while well-meaning is a new “requirement” as well as being somewhat redundant with all of the other provisions in community scale planning having to do with the beach itself. Also, beach management plans would need to incorporate adjacent commercial or public recreational areas, not just residential areas of the beach. Also, establishing minimum beach widths should be optional or tailored to local variable conditions	The Beach Management Plan policy (now G.9) is a sample policy and meant to be considered within the local context. Not every community scale policy will be selected or appropriate for every jurisdiction and by the nature of a larger shoreline extent will likely encompass more than just residential land uses. This model policy is just one way a community’s residential neighborhood might select an adaptation approach and triggers that are appropriate to the local context and a community’s risk tolerance. Where commercial or other public recreational areas are part of the shoreline, these areas might also be encompassed by measures laid out in a Beach Management Plan.
19-6	6. Policy Recommendations -- Use Best Available Science. A good principle (p.7) that can become problematic when new SLR estimates come out after a recent vulnerability assessment using the best science at the time (say 2-5 years ago). Analyzing “the high projections” of SLR, which are now beyond 2 meters by 2100, could, if communities are forced (strongly encouraged) to use it, be inconsistent with the phased or trigger approaches to adaptation planning, A related point: there is not yet a State or national consensus on the SLR challenges that coastal California is addressing, and therefore no major allocation of State or federal funding or financing mechanisms that spread the financial burden of adaptation implementation beyond the coastal communities themselves, most of whom are small and unable to fund infrastructure, beach replenishment, or buy-outs on their own.	The Revised Draft Guidance suggests a precautionary approach that considers a worst case scenario consistent with the State Sea-Level Rise Policy Guidance (2018 Update) and the Coastal Commission’s 2015 Sea Level Rise Policy Guidance. The Revised Draft Guidance clarifies that communities should analyze a range from moderate to high projections of sea level rise in their planning for coastal hazards. Designing for a moderate projection might be appropriate, while planning triggers could indicate when more long-term approaches (when higher sea levels occur) are needed. The Revised Draft Guidance also recognizes that additional funding for addressing sea level rise challenges is needed. A new Appendix A is provided as a resource of potential funding opportunities. See also the State of California Sea-Level Rise Guidance (2018 Update) for more information on sea level rise challenges.
19-7	7. Policy Recommendations – Regulate Redevelopment. The redevelopment concept (p.8) seems to be a relatively new hybrid to cover the area between new development and renovations, repairs, improvements, and not clearly covered in the Coastal Act, making this a potential quasi-regulatory expansion of Act requirements if we are not careful. Local jurisdictions should have the maximum flexibility to address this gap area, based on local conditions and a	Full disclosure of hazard risk and protecting public access are important goals, and phased solutions are appropriate ways to plan to address sea level rise. Please see FAQ response #3 for more discussion of the redevelopment issue.

	coherent LCP approach. Again, interim or phased solutions should be encouraged, such as elevation of properties on an individual scale, or improved seawall or revetment protection combined with beach replenishment or soft protections on a community scale, with the latter creating space for property improvements (including possibly “redevelopment”) so long as full disclosure is provided and public access interests are protected.	
19-8	8. Siting New Development. This section (pp. 11-12) refers to “all types of development” not just residential development. Applicability to residential should be clarified to avoid broadening this guidance beyond its intended purpose, and to recognize that other development (e.g., hotel or other quasi-public uses) may contain inherent justifications for exception.	The Revised Draft Guidance clarifies that the new development is residential in this section, and note that Model Policy B.10 -Takings analysis - provides model language for when exceptions to prohibitions of new development in hazardous areas might be allowed.
19-9	9. Developing Adaptation Strategies for Specific Areas. This discussion (pp 9-14) is generally very helpful, particularly when tempered by the statement that for purposes of implementing the Coastal Act, “no single category [protect, accommodate, retreat] or even strategy should be considered the ‘best’ option as a general rule.” Regarding the managed retreat portion (p.14), my comment as a locally elected official is that although this will be inevitable at certain points in the future that vary from area to area, even possibly within a community as small as Imperial Beach, municipalities and their citizens, as a general proposition, have a right to exist and to remain economically, socially and environmentally as viable as possible for as long as feasible. The statement that retreat is more cost effective than armoring over timescales greater than 25 years, may apply to less dense areas where the retreat options do not involve moving an entire low-lying municipality.	The managed retreat discussion was revised to reflect the need for local economic feasibility studies when this adaptation approach is considered. Conducting economic analysis of adaptation options will be important for informing long term adaptation plans. The intent of phased pathways with triggers is to promote community sustainability and healthy economies as well as protecting public access and coastal resources now and into the future. Please see FAQ response #8 for more discussion of managed retreat.
19-10	10. Legal Considerations -- Protection of “Existing” Structures. The Commission’s interpretation of the Coastal Act, that essentially grandfathers in the legality of revetments and seawalls protecting structures built before January 1, 1977, while making the protection of more recent structures legally suspect...The Commission should	Please see FAQ response #2 for an in-depth discussion of shoreline protection for existing structures.

	let go of this forced interpretation and allow LCP's to address adaptation on a community-wide basis that can include consistent treatment of revetments and seawalls within a broader community-based strategy of "mitigating adverse impacts on local shoreline sand supply."	
19-11	11. Model Policy Language—A.7 Real Estate Disclosure of Hazards. This appears to be covered already by established real estate industry disclosure requirements. Matters already covered should not be added to LCP requirements.	Real estate hazard disclosures do not typically include coastal hazards intensified by sea level rise effects on flooding and erosion risk. The new policy encourages disclosure of such risks as properties are marketed and sold in hazard areas.
19-12	IB Staff suggest that the following guiding principles be added to the Introduction: "1. Emphasize the document is not regulatory and that only when a municipality's LCP is silent on an issue, would guidance to assist in decision making be sought from these guidelines. 2. All protective devices should be permissible under the right circumstances. The absolute prohibition of any device or technique does not provide maximum flexibility for local coastal community needs. 3. Certainty and reliance for development activities necessary for the overall community health need to be assured, so the ability to rely upon an adopted LCP and the science upon which it was developed need to be static until consensus on new science is achieved or an update to the LCP is performed."	The information and model policies in the Revised Draft Guidance should be considered on a location-specific and case by case basis in a way that fulfills the requirements of the Coastal Act, certified LCPs, and other relevant laws and policies and includes consideration of local conditions. Please see FAQ response #1 for more discussion of the intent of the Guidance. Coastal Act Section 30235 outlines the limited circumstances when shoreline protective devices may be considered permissible. The model policies provided in the Revised Draft Guidance reflect Section 30235 requirements. The model policies in part A (Understanding sea level rise hazards) support defining best available science to inform LCP policies and contain provisions for updating that science. Another way to accommodate uncertainty in sea level rise projection estimates is to use triggers for phasing adaptation actions through a variety of policy options.
19-13	Table 2, page 6 —"List of model policy options": Add a preamble, suggested language: "The following policy options are not absolute and shall be determined at a Local Level and predicated upon locally adopted triggers"	The table caption was edited to reflect that the list is not exhaustive and selected policies should be customized for each local context.
19-14	Page 8 - Disclose Risks to Property Owners section: the last sentence should be reworded as following: Thus, LCP updates that account for the intent of Policies A.1-A.7 and G.1-G.2 may be considered.	The intent of this statement was to convey that understanding sea level rise hazards and laying out a framework for adaptation planning should be pursued by all local governments updating LCPs to address sea level rise. The Revised Draft Guidance reflects edits to the sentence for clarity.
19-15	Page 11-12 – Siting New Development section – the last sentence should be reworded as follows: "Providing for exceptions where there is a need to permit new development in a hazardous area to ensure community vitality and resiliency may be accommodated	This edit was not incorporated as stated. Exceptions to Coastal Act requirements might be made to avoid takings, but not to ensure "vitality or resiliency". Unique considerations for local context are addressed in the Revised Draft Guidance Section 6 Community Scale Adaptation Planning note: "Community participation

	provided coastal access is maintained and enhanced.	in adaptation planning can highlight unique coastal resources and different opportunities for maintaining them within the adaptation pathways approach.”
19-16	Page 14 – Managed Retreat – The study cited that asserts retreat is more cost effective than maintaining armoring – to make this assertion for one of the basis of retreating seems cavalier in light of the complexities associated with individual community economics, land use, physical community development, geography, armoring techniques, etc. Staff would suggest this statement be eliminated as it does not account for the aforementioned complexities.	The managed retreat section was edited to provide more details on the complexities of determining the feasibility of this strategy. The study cited was qualified as an example and notes that cost effectiveness estimates should include value of the local property tax base as well as maintenance costs for armoring.
19-17	Page 27 – Legal framework flow chart: The term “economically viable” should be defined by the local community and consider the community’s overall economic health.	This flow chart was edited to simplify it, and is only a general framework. The Revised Draft Guidance notes in the caption that planners should consult legal staff for case specific questions. A reasonable economic use is another way of stating a use of the property that avoids an uncompensated taking. The minimum amount of development that will avoid a taking may vary in different locations of the state, and different locations within a given jurisdiction, based on a variety of factors, including the reasonable, investment-backed expectations of landowners in that area. It is not necessary for LCPs to define what constitutes a reasonable economic use that will avoid a taking. Rather, because any such determination is fact-specific, it may be more appropriate to make such determinations on a case-by-case basis. Local governments could choose to have an LCP define the factors that such an analysis would account for or provide more detail on how such determinations will be made.
19-18	Page 29 – Adaptation Pathways – great concept as it establishes an approach that is locally based and inclusive of “event triggers”. This trigger approach as depicted by Figure 3 on page 31 – is based upon events, which are local, and as such provide an incremental and pragmatic method to address SLR that will most likely have greater community support. This is one reason why all shoreline protection devices and techniques need to be permissible for each community because of its individual and unique complexities may determine through its LCP which approach is best.	Commission staff supports the use of adaptation pathways using locally relevant event triggers. When deciding on and developing policies to support an adaptation strategy that may include armoring in an LCP, local governments should consider working closely with Coastal Commission staff in crafting such land use policy language to address their unique and special circumstance and to be consistent with Coastal Act policies.
19-19	Page 43 – B. Avoid siting new development... - This entire section should incorporate a preamble that recognizes the individual community’s economic health and adaptation pathways.	This point is now addressed in the Revised Draft Guidance Section 6 Community Scale Adaptation Planning note. “Community participation in adaptation planning can highlight unique coastal resources and different opportunities for maintaining them within the adaptation pathways approach.”
19-	Page 46 – B.* Nonconforming Structures: This section is problematic	Text was added to the note above B.7-Redevelopment to reflect this concept,

20	as it seems to leave only retreat as an option to address SLR. There should be an acknowledgement that these structures may remain in the context of an overall adaptation strategy that is trigger based. If the “event triggers” are not happening, then redevelopment and development and non-conforming structures should remain.	though the Trigger-Based Adaptation Approaches User Note (in Policy Section G.) better reflects the concepts of triggers.
19-21	Page 47 – Exceptions – the definition of reasonable economic use should be defined by the community and take into account its overall community’s economic health.	See response above (19-17).
19-22	Page 48 – managed retreat D.1 – this section is problematic. It would severely limit any development opportunities by requiring a deed restriction for removal. Again, managed retreat seems to be the only option and does not offer an alternative approach.	The Revised Draft Guidance does not require specific adaptation strategies and acknowledges that no strategy should be considered the best as a rule. Adaptation strategies should be chosen on a case by case basis based on the requirements of the Coastal Act and other relevant laws and policies and with due consideration of local conditions. See FAQ response #8 for more discussion of managed retreat feasibility.
19-23	Page 49: see previous comments regarding managed retreat.	
19-24	Pages 50-53: F. Building Barriers to Protect From Hazards: Shoreline armoring and protective devices should be permissible as determined through the LCP and not precluded outright. It is one tool that may serve to protect a larger system and a community’s economic health and public access.	See response above (19-18).
19-25	Pages 53-58 – Community Scale Adaptation Planning: Agreed with note that a parcel level action is too limited and that a community wide approach is necessary, which is precisely why a local approach that can use all tools, if appropriate, should be permissible and established at the local level.	See response above (19-18).
The Jon Corn Law Firm – Letter #20		
20-1	<p>Commenter states that the proposed guidance will severely restrict private property rights by eliminating property owner’s rights to protect their property and existing homes from erosion.</p> <p>“Relocating blufftop property owners to a more inland location (and/or acquiring coastal property from private citizens) to preserve public access to the coast will be both cost prohibitive and logistically impossible for local governments.”</p>	The Revised Draft Guidance does not require specific adaptation strategies and acknowledges that no strategy should be considered the best as a rule. It serves as a starting point for providing adaptation planning language that has been requested by many local governments. Please see FAQ response #1 and #8 for more discussion of the intent of the Guidance and managed retreat strategy considerations.
20-2	Commenter states a “bar on the construction of significant improvements to properties that are currently protected by sea walls would severely restrict the owner’s rights to enjoy their	Some model policy options might help local governments address takings concerns. For example, policies requiring assumption of risk, disclosure of hazards, limits on future shoreline protective devices, and disclosure of possible

	<p>property and will negatively impact property values for all homeowners.”</p> <p>The proposed guidance “mandates the imposition of onerous deed restrictions and conditions for development of blufftop property, including the waiver of all rights to future shoreline protection, and an agreement to remove or relocate structures that may require future protection.”</p> <p>”Neither a proposed waiver of future shoreline protection, nor an agreement to remove or relocate structures at some point in the future, have any relationship to the actual impacts caused by coastal development. Further, the Coastal Act does not require private property owners to waive their right to protect their homes, nor does it require removal of structures in exchange for the right to develop privately owned coastal property.”</p>	<p>sea level rise and migrating public trust boundaries can ensure that new property owners are aware of the limitations of the property. This will help ensure that any such owners have an appropriate, “reasonable investment backed expectation” for the use of the property: namely, that such use will be limited by future hazards, exacerbated by sea level rise.</p> <p>A limit on rights to future shoreline protective devices is a tool that can be used to ensure compliance with policies that require new development to be safe without the need for a shoreline protective device. In addition, such waivers for new development and disclosure of possible sea level rise and migrating public trust boundaries can ensure that new property owners are on notice regarding the limitations of the property.</p> <p>Similarly, conditions requiring future removal or relocation of a structure may be necessary in some cases to ensure that approved development does not encroach on public trust land or come to be located in a hazardous location where its structural stability is compromised. Such conditions can help ensure that private property owners may enjoy their land and development for so long as it is safe and remains on private property.</p>
20-3	<p>“A state-wide, government sponsored, coastal sand replenishment and retention program would be a far superior solution to protect and enhance the state’s coastline.”</p>	<p>Local governments are encouraged to collaborate regionally to explore adaptation approaches that might be appropriate to address sea level rise in their jurisdictions. Additionally, if sand replenishment is pursued, communities should consider the availability of sand resources for their future nourishment needs given increasing beach erosion and costs as sea level rises. A subsection on regional coordination was added to Section 5.</p>
<p>Marin County– Comment Letter #21</p>		
21	<p><i>Marin County used tracked changes documents to submit comments. See tables at the end for response.</i></p>	
<p>Public Citizen, Kathleen McCarthy – Comment Letter #22</p>		
22-1	<p>Commenter states it “is unreasonable to even consider asking longtime property owners to abandon their homes for a “maybe” future sea level rise.”</p>	<p>A main theme of the Guidance is that local governments should begin efforts to identify and respond to sea level rise impacts through a variety of means, and include public participation in adaptation planning processes (see Section 2). The Revised Draft Guidance is not meant to represent a complete sea level rise approach for any single jurisdiction or applicable in all cases. It serves as a starting point for providing adaptation planning language that has been requested by many local governments. The planning pathway approach for community scale adaptation also offers a way to manage uncertainty in timing and extent of sea level rise impact by incorporating triggering actions in the planning or implementation stages of adaptation strategies. With this approach, new</p>

		adaptation measures would not be utilized until sea level rise impacts trigger them.
	The Nature Conservancy, Surfrider Foundation, Orange County Coastkeeper, Sierra Club– Letter #23	
23-1	Commenters cautiously support the adoption of the trigger-based approach in the Guidance, but suggest clarifying that the stages along each adaptation pathway should not create path-dependence, and that for many places, retreat (whether it is managed or forced by flooding) may be the end result.	The Revised Draft Guidance notes in the Adaptation Pathways subsection that “[w]hile adaptation options are typically designed to last for particular amounts of time, the coastal environment is dynamic and adaptation measures are not guaranteed to work forever. Communities should look for signs that some options have run their course and plan adaptation pathways to transition actions as needed, despite any predicted impact timeframe... In areas subject to future hazards, the life of any particular development will be limited by site conditions.”
23-2	“[B]est available science should not be categorized as a policy option, in that it is neither policy nor optional”	Policies designating best available science sources and update criteria are recommended for all coastal hazard areas. The specific criteria written in the policy language will be customized to each jurisdiction.
23-3	“A clear preference for “soft” solutions should be emphasized in the Guidance in order to proactively and precautionarily protect valuable public resources.”	Where appropriate, the Commission supports use of the Model Policy E.2 (Soft Shoreline Protection) which provides for soft or natural shoreline protection methods. Model Policy F.2 (Prioritization of Types of Shoreline Protection) can be used to specify preferences as well.
23-4	“Additional factors in the typology should include the significance of the habitat in the vicinity of the development and socioeconomic characteristics.”	The Revised Draft Guidance added these considerations to the discussion of typology.
23-5	“The Guidance Should Make Specific Recommendations Related to Emergency Armoring”	The Revised Draft Guidance added discussion of emergency armoring in Section 2 and a Model Policy F.11 - Emergency Permits.
23-6	“Clarify Public Access Requirements and Public Resource Protections”	The Revised Draft Guidance added more discussion on public access and coastal resource protection in Section 1.
23-7	“The Guidance must clarify the extent to which local governments should plan to protect the Public Trust in the model policy language, and the role of local governments versus the role of the State Lands Commission.” The model language does not go far enough to protect public resources, including policies F.3 and G.3.	The Revised Draft Guidance added language on public trust to Model Policy F.3 - Siting and Design to Avoid and to Mitigate Impacts. The model policy on Sea Level Rise Hazard Overlay Zones (Now G.4) was left to reference hazard risk. The discussion on public trust in Section 4 is extensive and references a more in-depth discussion of the public trust doctrine in California and how it relates to sea level rise-- See Center for Ocean Solutions, Stanford Woods Institute for the Environment, <i>The Public Trust Doctrine: a Guiding Principle for Governing California's Coast under Climate Change</i> (2017). Please see FAQ response #6 for more detail on protecting public trust resources.
23-8	Setbacks and Buffers: “Local governments should increase mandatory setbacks from the coast and must understand how setbacks are a critical component to SLR planning and adaptation.” Policy B.1b should go into greater detail on determining setbacks in	Greater model language detail on setbacks appropriate for unique geologic settings is beyond the scope of this project, but the Revised Draft Guidance adds emphasis on the coastal resources at risk to sea level rise in Section 1 and notes the importance of setbacks in sea level rise planning in Section 2.

	order to protect coastal resources in the face of sea level rise.	
23-9	“[P]olicy B.2 - Removal Plan Conditions for New Development in Hazardous Areas does not adequately address potential impacts to public resources.”	The Revised Draft Guidance adds consideration of public trust resources in the model policy language, as the property owner has a responsibility to “restore the site in a way that best protects the public trust and coastal resources.” Additionally, Model Policy B.2 references Model Policy D.1, which was modified to have a stronger emphasis on protecting public trust lands.
23-10	“In order to inform and identify thresholds and triggers, the CCC should encourage local governments to establish baseline conditions, model a range of possible climate change impacts and responses, and monitor actions to detect changes in baseline conditions and determine efficacy of adaptation measures. Specific policy language should be developed, recommending that local governments study and understand baseline conditions, where thresholds have been exceeded in the past, and where they may be exceeded in the future on a community scale.”	The Revised Draft Guidance adds language to address baseline conditions in Model Policy G.1 and added more discussion of monitoring in Section 1. The note for trigger-based adaptation approaches was also edited to highlight the importance of understanding past and future threshold exceedance.
23-11	“Regarding policy G.8 - Beach Management Plan, which establishes a framework to protect beach areas. One element that we recommend including is the requirement to develop a sediment management plan.”	The Revised Draft Guidance changes the language to address this comment.
23-12	“The Guidance needs to elaborate on its policy approach for floodplain buyouts and easements.”	The Revised Draft Guidance adds a reference in the Section 3 Managed Retreat subsection to a detailed resource on Floodplain Buyouts-- <i>Floodplain Buyouts: An Action Guide for Local Governments on How to Maximize Community Benefits, Habitat Connectivity, and Resilience</i> . https://www.eli.org/research-report/action-guide-floodplain-buyouts . The Revised Draft Guidance also enhanced the Managed Retreat subsection with more discussion of the Coastal Act and additional considerations.
23-13	“Additionally, the words, “over time” must also be clarified in the language quoted above from policy G.7. Policy G.7 should further spell out the steps of rezoning under a specified time frame - such as General Plan updates and ordinance updates. Rezoning is an essential element of sea level rise and climate change adaptation planning and must be clearly addressed.”	The Revised Draft Guidance deletes the words “over time” to clarify the policy. Rezoning will be most effective at preventing redevelopment of damaged structures if done before catastrophic storms, though when a local government does rezoning could also be specified in a customized policy. The Revised Draft Guidance also emphasizes the importance of downzoning in the legal considerations section and the user note on Model Policy B.7 – Redevelopment. The Revised Draft Guidance added a note in Section G to point out that multiple community-scale policy mechanisms (e.g., buy-outs, transfer of development rights, beach management plans) provide potential approaches that tend to function as rolling easements when planned in advance and coupled with overlay zones and accompanying downzoning of residential uses.
23-	“Policy G.9c calls for the use of easements to direct future coastal	A user note before Model Policy G.9 Managed Retreat Program was added

14	<p>development outside of high hazard areas. The use of easements is particularly important for protecting critical coastal habitats and public access to the coast. Anywhere that dedication of a lateral easement can be required to protect current public access or coastal habitats, the permitting authority should also require that that the easement rolls landward as sea level rises in order to ensure that the impact of the development is offset for the lifetime of the structure. This should be clarified in G.9c.”</p> <ul style="list-style-type: none"> • “The Guidance would also benefit from language that prioritizes especially vulnerable areas in any buyout program, such as repetitive loss parcels and parcels with ESHA or enhanced ecological features. In cases where FEMA funding is available, non-FEMA entities (such as insurance or mortgage companies) could bear the initial financial burden while FEMA prepares for the ultimate buyout - thus adding an element of practicality for homeowners who have been displaced.” 	discussing rolling easements and prioritizing areas with public access, sensitive habitat, or repetitive loss properties.
23-15	<p>“The Organizations also support policy G.9d and the recommendation to pursue funding to purchase easements and to acquire non-conforming structures... It would also be helpful if the State took it upon itself to either provide funding directly – with a dedicated, permanent funding stream – or otherwise incentivized it.”</p>	The Commission recognizes that funding opportunities are constantly evolving, that demand for funding is increasing, and that there is a significant need for additional funding opportunities. Please see FAQ response #7 for more information.
23-16	<p>“[P]olicy F.2 does not go far enough to ensure protection of public access and public resources. Use of such protection structures should also be time-limited to the lifetime of the structure.”</p>	The general concept of permitting shoreline armoring while a protected structure is present (or removing armoring when the protected structure no longer exists) is inherent in Model Policy F.6 – Shoreline Armoring Duration.
23-17	<p>“The Organizations applaud the Commission’s efforts to obtain covenants that new development will not require seawalls, as stated in policy F.5 - Evaluation of Existing Shoreline Armoring. These covenants alone will not be sufficient... Once the limited lifetime of these structures is both recognized and built into the forward planning process, meaningful sea level rise adaptation policies that protect public access and coastal habitats will be achievable if the Commission engages in a program of robust enforcement.”</p>	Comment noted. Section 5 of the Revised Draft Guidance states that “[i]mplementing adaptation strategies will be strengthened by tying policies to monitoring and enforcement of permit conditions. Actual policies and permits issued should be clear and identify benchmarks to evaluate implementation, so as to avoid any misunderstandings and to increase compliance.”
23-18	<p>“The Guidance model policy language does not go far enough to ensure reevaluation of coastal protection structures on a time frame that is meaningful with respect to the projected impacts of sea level rise... Section F, Building Barriers to Protect From Hazards, needs to</p>	The Revised Draft Guidance adds language to the Model Policy F.8 Shoreline Armoring Monitoring to suggest periodic inspection every 5 years.

	ensure that protection devices for existing development are time limited to the life of the structure and require frequent reevaluation. In the absence of such measures for frequent reevaluation, as well as robust enforcement to ensure removal of structures that do not conform with the Coastal Act, California will adopt a de facto policy of permanent coastal development and fortification”	
	Public citizen, Penny Elia – Comment Letter #24	
24-1	“As a long-standing Sierra Club member, I have been working in conjunction with the Club, Surfrider, The Nature Conservancy and Orange County Coastkeeper on a multi-organizational submittal, but felt it was important to also comment as an individual since this is a topic that’s near and dear to me and one that I struggle with in my own City of Laguna Beach. We are losing some of our most precious beaches here in Laguna due to intensification of armoring via a total abandonment of Coastal Act compliance by the City. Architects, developers and beach front property owners are being provided with over-the-counter/administrative permits by the City when they fail at securing Coastal Development Permits through the Coastal Commission. This issue has been the subject of many an appeal, but the appeals don’t stop the armoring - - the City has found a way around it all and it’s all to the detriment of our beaches - - meaning the resources and the public access.”	The Residential Adaptation Guidance is intended to help planners address the loss of coastal resources such as beaches and public access due to coastal armoring in light of a future of rising sea levels.
24-2	Commenter suggests “there needs to be strength and clarity added to several of the guidelines given that as a few of the Commissioners commented in August, there is bound to be a lot of push back. Strength and clarity as far as permit requirements, monitoring, condition compliance, triggers for review, etc. are just a few of the areas that I hope you will revisit”. “Drawing once again from Commissioner comments at the August hearing, I agree with Chair Bochco (and paraphrase her statements) that although the land and tide may fluctuate the concept of public trust doesn’t change. Commissioner Brownsey also reminded staff that conflict over implementation could be a challenge and that a strong conflict resolution policy must be in place, and that it will be important to hear from visitors and users of our public beaches.”	Notes were edited and additional notes provided in Section 6 to clarify the intent of the model policies. See also FAQ response #1.
24-3	“It was also noted at the August 9 hearing that policies and guidelines may not be adequate to accomplish the task at hand. Legislation may need to be implemented that will bolster these	While specific legislation might clarify further how planning should consider sea level rise adaptation, the Coastal Act hazards policies as written can guide policy making that considers changing hazard conditions. Section 4 describes some

	policies and guidelines.”	relevant legal considerations.
	Public Citizen – Robin Rudisill – Comment Letter #25	
25-1	I. Which Science and Who Decides – “It seems that one of the most critical variables in planning for sea level rise is which scientific projection is used and who decides. I’m very concerned about the decisions being left with the local jurisdictions as they do not tend to want to put money towards preventing future disasters. Also, we’ve seen way too many situations where there has been inappropriate political interference with evidence and scientific facts...public officials have a duty to effectively communicate future vulnerabilities to the public and to act on them...Thus, I hope that the Coastal Commission will make the guidelines and future requirements very clear and non-negotiable and that you will not leave it up to the local jurisdictions to decide whether or how to protect their coastal areas.”	Model Policy A.1 suggests policy language on how best available science can be specified in the LCP. See also the State Sea-Level Rise Guidance (2018 Update) for discussion of best available science on sea level rise for California.
25-2	II. Focus on Prevention – “The California Coastal Commission should work with other Coastal Jurisdictions in the U.S. and internationally. Efforts to transition to clean energies from our fossil-fuel world must be prioritized with proposed legislation. We hope that the Coastal Commission makes it a priority to be a leader in that effort.”	The Revised Draft Guidance offers an additional policy (C.2-Design guidelines to reduce greenhouse gas emissions) that pertains to climate change mitigation.
25-3	III. Responsibility and Authority Must Remain With the State – “The model policy language for LCP’s is well thought out. The effectiveness will depend on how much oversight the Coastal Commission will have over local governments’ implementation and enforcement of the LCP regulations.”	Once an LCP has been certified, Coastal Commission staff monitors coastal development permits issued at the local level. Some of these decisions can be appealed by members of the public or the Commission itself.
25-4	IV. Communications to the Public: More is Better – “The Public needs more education and awareness on the subject. It is important to start early on (the time is now!) and it should continue. Perhaps there can be short videos distributed, or brochures, and/or a template for Town Halls in Coastal Communities. The idea of bringing requirements into the real estate sale/purchase disclosure process is outstanding. If we had been doing that relative to Coastal Act requirements up to now, people would have a much greater understanding of the law and we would have a significantly more protected coast.”	Comment noted. To emphasize the importance of public participation in community visioning, the Revised Draft Guidance adds a subsection on developing adaptation plans to Section 2 - Policy Recommendations for All Hazardous Areas.
25-5	V. Recent Los Angeles City Council Decisions that Certain Coastal-Parcels are Underutilized and Should be Used for Affordable and	Comment noted.

	<p>Homeless Housing Must be Reversed</p> <p>A. Thatcher Yard, in the Oxford Triangle Subarea of Venice, Must be Kept intact as a Coastal Maintenance Yard “This is valuable property, currently designated as Public Facilities for maintenance of our beaches and surrounding waterways, which is an important coastal zone-related use. This property is most definitely not surplus or under-utilized. In addition, the City’s Public Facilities zones are to be used for our future needed public facilities, including for fire, police, parks, beaches and other waterways. This land is essentially protected by our General Plan and coastal land use plan in order to assure sufficient ability of the City to respond to the /city’s public and coastal needs.”</p> <p>B. The Venice Blvd. Median Strip, between Dell and Pacific, Must be Kept as Open Space “Please see recent email to Staff in this regard, below. It would clearly be a huge mistake to embark on such a project, in the very area where commercial and/or Public Facilities may need to be relocated due to sea level rise, and also in an area clearly very exposed to Sea Level Rise as it is one block from the beach and adjacent to the Venice Canals.”</p>	
<p>County of Santa Barbara – Comment Letter #26</p>		
<p>26-1</p>	<p>Commenter requested background sources on anticipated duration of residential development. Include manufactured homes</p>	<p>The Revised Draft Guidance adds detail on sources and included manufactured homes in the Model Policy A.2.</p>
<p>26-2</p>	<p>Commenter noted that high projections are not the only ones to use in adopted policies; a medium scenario may be applicable for design purposes</p>	<p>The Revised Draft Guidance describes in Section 5 (Implementation) that analyzing a worst-case “high” projection for the planning horizon or expected life of the proposed development provides a conservative upper bound for planning pathways based on current information. This approach is also consistent with the State Sea-Level Rise Guidance (2018 Update). Not all development will be designed to withstand the sea level rise impacts projected in the planning horizon, but analysis of high sea level rise scenarios over the typical anticipated life of development types will help in longer term adaptation planning. Also, the Section 5. <i>Adaptation Pathways</i> subsection notes that “[i]n some cases, it may be appropriate to design for the local hazard conditions that will result from more moderate sea level rise scenarios, as long as decision makers and project applicants plan to implement additional adaptation strategies if conditions change more than anticipated in the initial design.”</p>
<p>26-3</p>	<p>Hazard Reports (A.4-A.5): Commenter suggests a site visit or</p>	<p>Please see the user note for the Model Policy A.3 Mapping coastal hazards, which</p>

	questionnaire process to avoid home owners needing an expensive report when the models might overestimate the reach of the hazards for more inland development.	addresses streamlining permitting using LCP maps and notes that individual studies may not be required where a broader scale map is appropriate.
26-4	<ul style="list-style-type: none"> • Redevelopment (B.7): Commenter requests language to ensure that new redevelopment does not disincentivize managed retreat and adaptive design or prevent safe repair and maintenance. It should also not preclude rebuilding after a disaster unrelated to sea level rise. Also, the commenter suggests the definition should not conflict with exemptions in Section 30212 and other Coastal Act exemptions for improvements to existing single family residences. • Commenter requests we revise policy B.7 to ensure cut back development on bluff tops are not redevelopment. 	<p>Please see the enhanced note in the Revised Draft Guidance for Model Policy B.7 Redevelopment and FAQ responses #3 and #4 for more discussion of redevelopment and repair and maintenance.</p> <p>The suggestion for defining cut back development on blufftops is something that a local government might consider when customizing a redevelopment policy.</p>
26-4	<ul style="list-style-type: none"> • Migration of development onto public trust lands (D.1): Commenter requests we modify the policy to propose triggers for removal before it is located partially or entirely on public trust lands. • Trigger policy examples (G.7-G.9): more triggers would be helpful to explore and provide. • Triggers for managed retreat along bluff backed coast (bluff erosion) • Triggers for managed retreat due to Flooding (related to fig. 3 in guidance) • Triggers for managed retreat due to Inland movement of public trust land • Show example triggers for hazards on each shore development typology (expand hypothetical adaptation pathway figure 3) 	<p>A few more examples of triggers are called out in the subsection Adaptation Pathways in Section 5 of the Revised Draft Guidance.</p> <p>A number of examples for triggers are provided in the Revised Draft Guidance. See Section 6 G. COMMUNITY SCALE ADAPTATION PLANNING <u>Trigger-Based Adaptation Approaches</u> (Model Policies G.8-G.10).</p>
26-5	Commenter requested “Monitoring/reporting options for when triggers have been reached (not necessarily relying on property owners to self-report)”	Local governments might establish monitoring programs or partnerships that allow monitoring on a broader scale than parcel specific reporting from property owners. The Revised Draft Guidance adds more discussion of monitoring on a community scale in Section 2. When adaptation is integrated into a permitting, monitoring could be included as a condition of the permit.
26-6	Commenter requested “Options for landowners and local agencies that don’t require local agency to acquire additional risk by purchasing or taking over the property”	Buyouts are only one option for adaptation approaches related to retreat. Other options include Transfer of Development Rights (TDRs), rolling easements, deed restrictions, or repetitive loss policies.
Public Citizen, Judy Taylor – Comment Letter #27		
27-1	“1) Disagrees with the date of existing structure to prior to January 1, 1977.”	Please see FAQ response #2 for an in-depth discussion of shoreline protection for existing structures.

27-2	"2) GIS data should be used for all mapping."	The specification of technology used for mapping and serving those data is left to local governments. The Revised Draft Guidance adds language to the user note for model policies related to mapping coastal hazards that local governments should, when possible, create hazard zone maps using a Geographic Information System (GIS) and make these digital data layers available to the public and property owners. In this way, community residents, visitors, investors, natural hazard disclosure companies, realtors, and insurers can be made aware of the risks and prepare for adapting to future hazards.
27-3	"3) Local jurisdictions need to provide the disclosure information, not individual real estate agents or property owners, and that information needs to be easily accessible."	Jurisdictions may notice property owners of any new vulnerability mapping, and policy options for real estate disclosure are within the purview of those local governments. The guidance recommends that local governments make hazard information accessible to property owners and the public.
27-4	"4) Redevelopment needs to exclude and non-conforming needs to allow maintenance and repairs and work such as new windows, solar, retrofitting plumbing, etc. Managed Retreat program participation should not be required in the same situations."	Routine maintenance is not a part of redevelopment policy triggers and the note was edited to clarify this point. Please see FAQ response #4 for more detail on repair and maintenance. Many adaptation strategies encourage resilient building design and retrofits. The managed retreat program language encourages voluntary participation and is a long term strategy.
27-5	"5) If a CDP applicant can provide site specific evidence that the general data, maps, overlays, etc., do not apply or general restrictions are not warranted, that site specific data may be used to allow the CDP. "	Site specific data is generally considered as more indicative of local conditions than a general hazard map. The Revised Draft Guidance notes that site-specific studies for coastal development permits are necessary unless hazards are identified on up-to-date LCP hazard maps at a level of detail adequate to ensure LCP policies and development standards can be complied with in the permitting process, including through use of permit conditions to address any uncertainties related to hazards (See Model Policy A.4 user note).
27-6	"6) As a Realtor, I am concerned about how a community of property owners will be "put on notice if their parcels are subject to current or future coastal hazards on the Coastal hazard maps." Will this be an affirmative requirement on the part of the city or county? Will it be a post card? Not known until a permit is applied for?"	The Draft Guidance recommends a collaborative approach between the Commission, local governments, and the public. The document has been revised to place even more emphasis in the Section 2 subheading "Develop Adaptation Plan" on the need for a community adaptation planning process that facilitates public participation. Customizing the policy language presented and specifying noticing requirements should be addressed by the local government through their planning process.
27-7	"7) Where development would be better if variances were allowed, further from a buffer if closer to the property line, those variances will be supported."	The guidance does not include a specific policy on variances, but many LCPs include variances which are applied on a case-by-case basis.
27-8	"8) With the 50% rule for redevelopment, an allowance needs to be made for unpreventable cost overruns. Improvements that "extend the anticipated duration of the development in a non-conforming	Definitions of redevelopment are common in land use planning and not inconsistent with policies in the Coastal Act. Please see FAQ response #3 for more detail on redevelopment considerations.

	location" should not be automatically and categorically prohibited. "	
27-9	<p>"9) With land divisions, there will be situations where denial of a permit would not be legally permitted, i.e. would be a takings. These situations will need a case by case review and there should not be these blanket prohibitions. Require that certain findings have to be made but do not outright prohibit."</p>	<p>The Revised Draft Guidance Section 4. <i>Addressing Takings Concerns</i> subsection discusses the issue of takings. Because the determination of whether a particular policy or regulation may in some circumstances be applied in a way that constitutes a taking is so fact-intensive and context-specific, this Guidance cannot provide a simple set of parameters for when agencies should either allow exceptions to a land use regulation or consider purchasing a property interest. The Revised Draft Guidance and several of the model policies provide a framework for avoiding future instances of takings; however, there may still be circumstances where a taking of private property would be unavoidable when applying the Coastal Act or LCP policies. In those cases, to help carry out Section 30010 of the Coastal Act by avoiding an application of the Act that would cause an unconstitutional taking of private property, a local government may adopt an LCP policy that allows some development in a sea level rise hazard zone even though that development would normally be prohibited pursuant to other LCP policies. See Model Policy B.10.</p>
27-10	<p>"10) As to the contingency funds, what will that look like over time? When a property sells, how will the new owner be "approved"? This provision needs to be fleshed out with real estate and insurance/bonding input."</p>	<p>The idea of contingency funds should be explored by local governments who identify the model policy as helpful for their adaptation planning. Input from real estate and insurance professionals during the LCP planning process when these model policies might be considered for application and use would be beneficial.</p>

Note that Marin County submitted comments in two tracked changes documents. The responses below address each Comment #. Please see the original comment documents for more context regarding each question.

Marin.Co Comments-ccc_draft Res Adapt_POLICY_Guidance.docx

Marin County – Comment Submission #21	Response
Page 2: Comment [CDA1] CDA 9/29/2017 11:00:00 AM	
In the interest of public involvement and productive interagency collaboration and coordination, please post all letters and comments received on these guideline in a readily accessible fashion on the Commission’s website at the earliest possible time.	Comment letters were posted on the Residential Adaptation Policy Guidance webpage online on October 19, 2017.
Page 2: Comment [CDA2] CDA 9/26/2017 11:06:00 AM	
Please confirm that even if this Draft Policy Guidance is adopted as an “Interpretive Guideline” it will remain a set of suggestions for Local Governments to consider and will not have the force of regulations or legal standards.	This document is intended to function as interpretive guidance pursuant to PRC 30620 for effective implementation of the Coastal Act in light of sea level rise and does not contain any new regulations or amend or supersede any existing statutory or regulatory requirements. See FAQ response #1 for more discussion.
Page 2: Comment [CDA3] CDA 9/29/2017 10:00:00 AM	
<p>Despite this statement, it appears that in practice Commission staff may be proposing these guidelines as standards that LCPs will be required to meet to gain certification.</p> <p>Certain policies are stated as mandatory, even when the guidance is not explicitly required, and arguably exceeds the mandate of the Coastal Act. For example the statement on Page 21 that policies specific to residential adaptation must ensure that residences and any ancillary development, including shoreline armoring, are not located on trust lands and will not harm public trust resources by interfering with future migration of such trust lands.</p>	These guidelines are meant to offer policy options that should be considered on a case specific basis. The model policies are written for local governments to customize to create their own LCP policies, which might include requirements. The specific statement on page 21 of the Draft has been modified to address this comment and offer greater clarity on public trust uses.
Page 1: Comment [CDA4] CDA 9/26/2017 11:48:00 PM	
Please clarify how this “formal adoption” as set out in Section 30620 will be made consistent with the statement under “How to use this Document” above that “This Guidance is advisory and not a regulatory document or legal standard of review for the actions that the Commission or local governments may take under the Coastal Act...”	The fact that the Commission must formally adopt interpretive guidelines pursuant to Public Resources Code Sections 30333 and 30620(a)(3) does not make the guidelines regulatory.

<p>Section 30620 Interim procedures;</p> <p>(a) By January 30, 1977, the commission shall, consistent with this chapter, prepare interim procedures for the submission, review, and appeal of coastal development permit applications and of claims of exemption. These procedures shall include, but are not limited to, all of the following:</p> <p>(3) Interpretive guidelines ...</p> <p>(b) The commission may thereafter, from time to time, and, except in cases of emergency, after public hearing, modify or adopt additional procedures or guidelines that the commission determines to be necessary to better carry out the purposes of this division.</p>	
<p>Page 1: Comment [CDA5] CDA 9/26/2017 11:49:00 PM</p>	
<p>Please include a specific statement adopted by the State Lands Commission regarding interpretation of the Public Trust Doctrine as it relates to sea level rise and the migration of the Public Trust.</p>	<p>State Lands Commission staff reviewed the Draft Residential Adaptation Policy Guidance, with particular focus on elements related to the Public Trust, and the ambulatory Public Trust boundary, and supports its implementation. In addition, the State Lands Commission has issued guidance documents of its own that describe how public trust tidelands are generally ambulatory, rather than fixed. See, e.g., http://www.slc.ca.gov/Home/Documents/PublicAccessGuide-DRAFT.pdf. It has also cited with approval guidance documents put out by others that describe how sea level rise will cause migration of public trust lands. See http://www.centerforoceansolutions.org/news-stories/public-trust-doctrine-guiding-principle-governing-californias-coast-under-climate (cited on State Lands Commission’s website).</p>
<p>Page 2: Comment [CDA6] CDA 9/29/2017 10:01:00 AM</p>	
<p>The discussion in this section is inadequate, failing to mention one of the most obvious and proven accommodation adaptation-elevating structures. Please acknowledge this approach to accommodation, hazard, which is in fact a solution that has long been national policy through the National Flood Insurance Program of the Federal Emergency Management Agency (FEMA).</p>	<p>The summary section is not meant to go into detail on the adaptation strategies, and policy C.1 notes elevating structures as a potential strategy later in the Guidance.</p>

Page 2: Comment [CDA7] CDA 9/26/2017 11:49:00 PM	
Historically, Commission staff has required increasing amounts of detail in the LUP. Please include a clear acknowledgement that reserving detail for the IP as indicated here is a fully acceptable practice, at the discretion of the local government.	LUPs should be detailed enough to ensure consistency with Chapter 3 policies of the Coastal Act. Less detail may be needed in situations where a local government submits its proposed LUP and IP at the same time, so that the Coastal Commission can see that all necessary detail will be included in the LCP as a whole.
Page 2: Comment [CDA8] CDA 9/26/2017 11:50:00 PM	
It is encouraging to read in this Draft Policy Guidance support for flexibility and locally-adapted approaches to policies, rather than statewide across the board mandates that have sometimes characterized previous suggested modifications to LCP amendment proposals.	Comment noted.
Page 2: Comment [CDA9] CDA 9/26/2017 11:50:00 PM	
Please clarify if the model policies will be part of the proposed interpretive guideline.	Language was clarified that the model policies are part of the interpretive guidelines.
Page 3: Comment [CDA10] CDA 9/26/2017 11:51:00 PM	
It would be helpful to provide research that presents data and analysis of how beaches and wetlands will actually respond to sea level rise (SLR), including the degree they are submerged at different stages of SLR, the process of and time frame for reaching a new dynamic equilibrium (if at all) between rising ocean levels and the dry beach, and the relative size of resulting beaches and wetlands. This should be provided for representative typologies of the California Coast.	Additional information about the impacts of sea level rise on beaches and wetlands was added to Section 1 in a new subsection <i>Coastal Resources at Risk</i> , including a graphic and more references. However, presenting technical details for unique local circumstances is outside the scope of this Guidance document. Further references and a chapter describing the impacts of sea level rise can be found in the 2015 Sea Level Rise Policy Guidance (https://www.coastal.ca.gov/climate/slrguidance.html).
Page 4: Comment [CDA11] CDA 9/26/2017 11:51:00 PM	
We very much agree. Due to what appears to be staffing shortages within the CCC, the public engagement process at the Commission level can be constrained prior to Commission hearings on proposed amendments and modifications thereto. For matters of such import as a major LCP re-write amendment, the Commission could conduct a working session with their staff and local government, rather than 15 -20	Public engagement will continue to be a priority for the Commission and local governments addressing sea level rise through their LCPs. Note that many recent LCP grants include provisions for scheduling time for stakeholder meetings and coordination with Commission staff on incorporating adaptation strategies into the LCP

<p>minutes allotted for testimony. The formal hearing would come at a subsequent session. Whether this approach is feasible or not, the Commission should advocate for increasing their staff to enable them to spend more time working with local governments to resolve issues and to develop and release proposed modifications to LCP amendments for public review and comment much earlier than what tends to the current practice of issuing extensive addenda merely days before a hearing.</p>	<p>framework.</p>
<p>Page 4: Comment [CDA12] Marin CDA 9/17/2017 10:48:00 PM</p>	
<p>Please strike “and reflects the recommendations in this document”- it is confusing and inconsistent with prior statements (including the highlighted one above) that the document is advisory.</p>	<p>Language was edited to clarify this point.</p>
<p>Page 5: Comment [CDA13] CDA 9/26/2017 10:43:00 AM</p>	
<p>The California coast is much more diverse than the 6 categories listed here, and the actual “variety of key planning issues important for addressing sea level rise in particular places” will be far more varied. The Legislature required Local Coastal Plans in specific recognition that these plans must take into account the specific conditions and circumstances of each part of our extremely varied coast, and craft plans that particularly and specifically take these variations into account. Policy guidance can be helpful in facilitating consideration of options for addressing sea level rise issues; however LCP amendments should ultimately be developed to fit the conditions on the ground with room for adaptive management going forward.</p>	<p>The intent of the typology groups was to facilitate consideration of relevant shoreline type adaptation strategies, but each jurisdiction will need to consider its local shoreline context in the adaptation planning process.</p>
<p>Page 5: Comment [CDA14] CDA 9/26/2017 11:52:00 PM</p>	
<p>There are other typological considerations that could be more important- whether there is a public walkway, parking or access facility between the homes and the beach, whether they are on septic tanks or sewer, the kinds and extent of adaptations already existing.</p>	<p>Language describing recognition of other important factors beyond shoreline type was added to this section.</p>
<p>Page 5: Comment [CDA15] CDA 9/18/2017 10:22:00 PM</p>	
<p>To what degree will beaches and wetlands be reduced or eliminated simply by inundation or mobilization by higher ocean water levels irrespective of the presence or absence of adjacent development?</p>	<p>Answering this question would require a vulnerability assessment at the local level.</p>

Page 6: Comment [CDA16] CDA 9/25/2017 8:48:00 AM	
<p>What will be regarded as Best Available Science? The USGS (CoSMoS) and the FEMA NFIP Maps are widely considered to be appropriate current sources of information to rely upon in developing and applying LCP policies; however, it would be helpful to explain what happens if competing studies or data are presented from outside the local agency. To ensure consistency and predictability, best available science should be determined by policies and standards adopted and certified in LCPs.</p>	<p>Model policy A.1 offers an example of how an LCP might specify the Best Available Science to be used in a vulnerability assessment and permitting process. Local governments could specify that where competing studies differ, the most precautionary data should inform maps for long term planning efforts in LCPs. The local government’s selection of particular studies should be supported by substantial evidence.</p>
Page 6: Comment [CDA17] CDA 9/25/2017 8:36:00 AM	
<p>While specific hazards reports may be warranted, they may be unnecessarily duplicative or inconsistent with more comprehensive best available science. The LCP should be able to specify when project-specific studies should and should not be relied upon and how they should be used.</p>	<p>This statement reflects the reason that local governments might wish to modify model policies A.3 and A.4 to reflect the most appropriate data sources for a jurisdiction. The Revised Draft Guidance notes that site-specific studies for coastal development permits are necessary unless hazards are identified on up-to-date LCP hazard maps at a level of detail adequate to ensure LCP policies and development standards can be complied with in the permitting process, including through use of permit conditions to address any uncertainties related to hazards (See Model Policy A.4 user note).</p>
Page 6: Comment [CDA18] CDA 9/26/2017 10:42:00 AM	
<p>The term “redevelopment” is not defined in the Coastal Act. The Draft Policy Guidance should clarify whether this definition is an optional standard that local jurisdictions may or may not choose to adopt, or alternatively if its inclusion is intended to establish a new requirement to be imposed through the LCP update process. The importance of clarify regarding intent here cannot be understated. Proposing the definition as a future mandate would conflict with the ACT and exceed the CCC’s authority.</p>	<p>Definitions of redevelopment are common in land use planning and not inconsistent with policies in the Coastal Act. The purpose for defining redevelopment is to avoid a conversion of an existing, non-conforming structure into a new, non-conforming structure through either a single renovation or through incremental changes to the structure. See FAQ response #3 for discussion of the redevelopment issues frequently raised in comment letters.</p>
Page 6: Comment [CDA19] CDA 9/18/2017 10:39:00 PM	
<p>Elevating structures to move them above the hazard zone deserves its own distinct category here, especially since it is a national objective through FEMA’s National Flood Insurance Program (NFIP) to protect lives and reduce risks of damage.</p>	<p>Elevation is typically considered to be an adaptive design measure and is reflected in Model Policy C.1. Local governments may create specific elevation policies that address hazards in their jurisdictions.</p>

Page 7: Comment [CDA20] CDA 9/26/2017 10:41:00 AM	
This appears to be a new obligation that would be placed on local governments. No mandate for it appears in the Coastal Act. The Draft Policy Guidance should clarify that these proposed plans and other Community Scale Adaptation Planning elements are entirely voluntary on the part of local governments and will not be mandated through suggested modifications.	Not all approaches listed in the Revised Draft Guidance will be appropriate for every jurisdiction, nor does the Revised Draft Guidance provide an exhaustive list of options. The proposed Beach Management Plan policy provides one suggested method for addressing sea level rise when carrying out the Coastal Act’s mandates to maximize public access, protect life and structures from coastal hazards, and protect other coastal resources.
Page 7: Comment [CDA21] CDA 9/25/2017 8:54:00 AM	
Please clarify that analyzing high projections does not necessarily mean relying upon them as dictates for building regulations in the short to medium time frame projections.	This language was clarified in the document. As a general matter, all communities should embrace the best available science and analyze a range from moderate to high projections of sea level rise in their planning for coastal hazards. Analyzing high projections, and designing projects with those projections in mind, is particularly important with projects that have little adaptive capacity.
Page 8: Comment [CDA22] CDA 9/26/2017 11:53:00 PM	
The CCC should propose legislation to provide local agencies funds for ongoing monitoring as such data will be critical to the continuing assessment, mitigation and adaptation of sea level rise risks.	The Commission recognizes that funding opportunities are constantly evolving, that demand for funding is increasing, and that there is a significant need for the development of additional funding opportunities.
Page 8: Comment [CDA23] CDA 9/25/2017 8:55:00 AM	
Consistent with the overriding direction that “This Guidance is advisory and not a regulatory document or legal standard of review...” the phrase “are necessary” should be deleted and rephrased to read “Local governments pursuing LCP updates addressing sea level rise should consider the intent of Policies A.1 - A.7 and Policies G.1 – G.2.”	The Revised Draft Guidance rephrases the sentence to clarify the intent of using policies A.1-A.7 and G.1-G.2.
Page 8: Comment [CDA24] CDA 9/26/2017 11:53:00 PM	
This section, and particularly the statement to “limit a property owner’s ability to rebuild or renovate,” appears contradictory when juxtaposed against the guideline	Rebuilding and redevelopment restriction strategies could be used to limit the ways a property owner can rebuild or renovate a

<p>objective to “ensure that redevelopment is resilient to future hazards.” The Guidance should provide an expanded explanation of how the CCC encourages resiliency through design in communities where little to no opportunity exists for relocation\while at the same time discourages the modifications that would create the resiliency.</p>	<p>structure located in a sea level rise hazard zone. Model policies C.1-C.2 encourage adaptive design that may offer more resilient ways to rebuild or renovate.</p>
<p>Page 8: Comment [CDA25] CDA 9/25/2017 9:36:00 AM</p>	
<p>The definition of “Redevelopment” in the model policies appears nowhere in the Coastal Act nor its Administrative Regulations. The arbitrary division of a structure into component parts and then applying the 50% trigger to each and any of those parts is inconsistent with the rules currently applied by most local governments (and FEMA’s own triggers for achieving hazard safety).In the case of Marin County, it also conflicts with the Commission-approved Categorical Exclusion. How many other Local Governments are similarly affected? In particular, this proposal creates a serious disincentive to at-risk people raising their homes consistent with FEMA policies for flood and storm safety. The Commission should be clear as to whether this definition and other related policies are intended to advance an overarching goal of managed retreat in low lying coastal communities and if this goal will be implemented through conditions of CDP approval.</p>	<p>See FAQ response #3 for discussion of the redevelopment issues frequently raised in comment letters.</p>
<p>Page 8: Comment [CDA26] CDA 9/26/2017 10:40:00 AM</p>	
<p>Design-based approaches (including elevation) should be at least as readily available to local government for LCP approval as “Rebuilding and redevelopment restriction” strategies. Please reword this sentence to read: “...Other more design-based approaches that attempt to maintain development in such areas (e.g., elevation) may also be appropriate in LCPs....”</p>	<p>Language was reworded for clarity.</p>
<p>Page 9: Comment [CDA27] CDA 9/19/2017 11:49:00 AM</p>	
<p>This seems to presume that rebuilding restrictions are the only means by which development would be “phased out”. What about other non-regulatory factors (insurance costs, personal choice, convenience, etc.). In addition, many areas of the world have learned to “live with water,” and this strategy will be considered on both the coast and Bayside in Marin, so that some potentially exposed properties might be able to continue without becoming high-risk or high-impact.</p>	<p>Language was edited for clarity and now cites other factors that might be considered.</p>

Page 9: Comment [CDA28] CDA 9/27/2017 3:05:00 PM	
Piers used to elevate structures out of the hazard zone are listed here in error. They are not “hard armoring.” And rather fall under “Accommodate” i.e. a measure to “modify existing development ... to decrease hazard risks and thus increase the resiliency of development to the impacts of sea level rise.” Elevating structures through use of piers is more accurately described below under “Adaptive Design (Accommodate)” (page 13). Piers should be consistently defined and described as a design accommodation throughout since different standards apply to shoreline protective devices.	The Revised Draft Guidance adds a footnote to describe how caissons might function as shoreline protection and the Revised Draft Guidance deletes pier elevation from the “protect” strategy.
Page 9: Comment [CDA29] CDA 9/27/2017 3:06:00 PM	
Again, elevation on piers (or otherwise) is an accommodation measure to be listed here. Floodproofing is another accommodation measure that should be called out.	Edits were made to address these comments.
Page 9: Comment [CDA30] CDA 9/19/2017 12:04:00 PM	
For internal consistency the distinction between “clustering development in less vulnerable areas” as “Accommodate” and “limit the construction of new development in vulnerable areas” as Retreat should be clarified.	The Revised Draft Guidance clarifies that compact design to cluster development could be construed as an accommodation measure.
Page 10: Comment [CDA31] CDA 9/19/2017 12:07:00 PM	
Marin County strongly supports this basic tenet.	Comment noted. Adaptation planning is complex and no single strategy should be considered the best option as a general rule.
Page 10: Comment [CDA32] CDA 9/26/2017 10:38:00 AM	

<p>It would be very valuable if the Draft Policy Guidelines could elaborate and describe specific examples how various areas have implemented these “adaptation pathways” into the future either in long term plans or in on-the- ground experience.</p>	<p>The Revised Draft Guidance includes a footnote with more on adaptation pathways and examples from https://coastadapt.com.au/pathways-approach</p> <p>Additional references that might be of interest are:</p> <p>Rosenzweig, C. and W.D. Solecki, 2014: Hurricane Sandy and adaptation pathways in New York: Lessons from a first-responder city. <i>Global Environmental Change</i>, 28, 395-408. https://pubs.giss.nasa.gov/docs/2014/2014_Rosenzweig_ro00410k.pdf</p> <p>Wise, R.M., I. Fazey, M. Stafford Smith, S.E. Park, H.C. Eakin, E.R.M. Archer Van Garderen, and B. Campbell, 2014: Reconceptualising adaptation to climate change as part of pathways of change and response. <i>Global Environment Change</i>, 28, 325-336.</p>
<p>Page 11: Comment [CDA33] CDA 9/19/2017 12:14:00 PM</p>	
<p>This is an extremely important fundamental principle that should be highlighted, and consistently used when evaluating LCPs, and particularly any part of Adaptation Plans integrated into the LCP.</p>	<p>The principle of adaptation pathways is highlighted in multiple parts of the Revised Draft Guidance (Section 3 and Section 5).</p>
<p>Page 11: Comment [CDA34] CDA 9/19/2017 12:42:00 PM</p>	
<p>This too is a fundamental principle. The products and LCP provisions developed through a strong community engagement should be given great weight in reviewing the LCP.</p>	<p>The Revised Draft Guidance adds “Develop Adaptation Plan” to Section 2 to emphasize the importance of community engagement.</p>
<p>Page 11: Comment [CDA35] CDA 9/25/2017 9:53:00 AM</p>	
<p>Marin County agrees with this approach.</p>	<p>Comment noted. The Revised Draft Guidance describes how local conditions should be considered when customizing trigger conditions.</p>
<p>Page 12: Comment [CDA36] CDA 9/27/2017 3:06:00 PM</p>	
<p>We appreciate that piers used to elevate structures are not included here. Perhaps for clarity it should be explained where the referenced caissons come into play, e.g. as support for seawalls or to reinforce bluffs.</p>	<p>See response to comment CDA28.</p>

Page 12: Comment [CDA37] CDA 9/27/2017 3:07:00 PM	
To be a balanced discussion of “financial assets”, this section acknowledge the property tax, visitor and sales taxes accrued from coastal property uses (i.e. funding to state which would be preserved to some extent through accommodation strategies.	The Revised Draft Guidance clarifies that while shoreline armoring can protect built assets and an associated property tax base, it can cause adverse impacts to coastal resources, including beaches, which will need to be mitigated.
Page 12: Comment [CDA38] CDA 9/27/2017 3:07:00 PM	
Is there best available science that describes the consequences to current beaches if there is no backshore development. To what degree will sea level inundate and erode beaches in any case?	Physical processes at a local level need to be evaluated to determine the feasibility of maintaining shoreline habitat migration in the absence of armoring. A vulnerability assessment that integrates geologic factors in shoreline erosion estimates could help answer this question in case specific evaluations.
Page 13: Comment [CDA39] CDA 9/29/2017 10:06:00 AM	
[Please OPEN Reviewing Pane to see full comments. They are also appended at the end.]	Comments CDA40-49 on page 13 are addressed below.
Page 13: Comment [CDA40] CDA 9/26/2017 11:17:00 PM	
Since the Draft Policy Guidance advocates the current use of soft measures, it would be helpful to local governments to have information about where “living shorelines” have been implemented along the open coast, including beach areas, and, if available, data on their cost vs. performance.	This request is beyond the scope of this Guidance, but many recent projects might help answer these questions. California’s Fourth Climate Assessment project on natural infrastructure will offer technical design specifications and additional information on different living shoreline types. See: http://resources.ca.gov/climate/safeguarding/research/
Page 13: Comment [CDA41] CDA 9/26/2017 10:34:00 AM	
Under Coastal Act Section 30235, referenced construction must meet the standards of “designed to eliminate or mitigate adverse impacts on local shoreline sand supply” not the “least environmentally damaging feasible” standard. Section 30235 addresses the requirements for the referenced construction in specific terms, taking precedence over more general standards. While local governments often choose to implement the least environmentally damaging alternative, our concern here, in part, is with the Draft Policy Guidance reaching beyond the four corners of the Coastal Act. The Draft Policy Guidance should make clear distinctions between the statutory limits of the Coastal	Section 30235 contains some standards applicable to shoreline protection, but other provisions of the Coastal Act, its implementing regulations, and the California Environmental Quality Act also apply. It is these other provisions that require agencies to analyze alternatives to shoreline protection and to adopt an alternative if it is feasible and it substantially lessens any significant adverse impacts that the protective device might have on the environment. See 14 Cal. Code Regs §§ 13053.5(a) (applications for

<p>Act and proposed policies that would expand those limits.</p>	<p>development “shall [] include any feasible alternatives or any feasible mitigation measures available which would substantially lessen any significant adverse impact which the development may have on the environment.”), 13540(f) (an LUP must ensure “that an activity will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.”); Public Resources Code § 21080.5(d)(2)(i). Please see FAQ response #5 for more discussion of shoreline armoring mitigation.</p>
<p>Page 13: Comment [CDA42] CDA 9/27/2017 3:10:00 PM</p>	
<p>Please clarify if FEMA does currently allow floodproofing for residential structures in lieu of elevating.</p>	<p>For purposes of the Coastal Act, floodproofing is one method to minimize risk to life and property due to flood hazards, as well as to ensure structural stability, and local governments may wish to consider encouraging or requiring it in appropriate circumstances, along with elevation and other adaptation options. Note that FEMA requirements and flood insurance rates may vary, but FEMA regulatory maps do not address sea level rise impacts. In addition, FEMA encourages communities to establish additional or more stringent requirements than the National Flood Insurance Program sets forth (See FEMA P-55, Coastal Construction Manual: Principles and Practices of Planning, Siting, Designing, Constructing, and Maintaining Residential Buildings in Coastal Areas, 4th Edition (2011); https://www.fema.gov/media-library-data/20130726-1510-20490-7150/fema55_voli_ch5.pdf).</p>
<p>Page 13: Comment [CDA43] CDA 9/29/2017 10:04:00 AM</p>	
<p>No text.</p>	
<p>Page 13: Comment [CDA44] CDA 9/27/2017 3:09:00 PM</p>	
<p>This is precisely the approach Marin County has taken through its proposed LCP amendments, and the support here is appreciated.</p>	<p>Accommodation design strategies can help increase resiliency to sea level rise impacts and should be considered as part of the adaptation suite of options for shoreline planning where appropriate.</p>

Page 13: Comment [CDA45] CDA 9/26/2017 11:21:00 PM	
<p>Speculation needs to be tempered by the wise planning principles articulated in numerous places above (e.g. pg.11) that counsel “reserving [actions] until certain triggers are met. ... apportion risk over time and allow for the use of adaptation options closer to the time they are needed, rather than building now for the worst case future condition.”</p> <p>Local governments can take these potential longer term impacts into consideration for defining Adaptation pathways and promoting public understanding of the challenges that subsequent generations will need to address.</p>	<p>The Revised Draft Guidance recommends local governments include potential longer term impacts when they define adaptation pathways. The Revised Draft Guidance recognizes this process may not be completed in one LCP update, and adaptive management as well as successive LCP updates might be necessary as sea level rise impacts manifest.</p>
Page 13: Comment [CDA46] CDA 9/26/2017 11:21:00 PM	
<p>Local governments should be allowed to establish the reasonable balance between protecting the safety of coastal residents, business owners and visitors and impacts to coastal views.</p>	<p>The information and recommendations in the Revised Draft Guidance should be considered on a location-specific and case by case basis in a way that fulfills the requirements of the Coastal Act, certified LCPs, and other relevant laws and policies and includes consideration of local conditions.</p>
Page 13: Comment [CDA47] CDA 9/27/2017 3:10:00 PM	
<p>Please expand on how this would occur.</p>	<p>Piles can alter shoreline processes and block access. As the public trust boundary moves inland with sea level rise, a structure could loom over tidelands, with the structure and/or its supports forming physical and psychological barriers to public access. Pile-supported structures may, through erosion, interfere with coastal processes, block access and, at the extreme, result in structures looming over or directly on top of the beach. In addition, such structures may still need shoreline protection to remain safe over the long term. The Revised Draft Guidance clarified the phrasing on this issue.</p>
Page 13: Comment [CDA48] CDA 9/27/2017 3:11:00 PM	
<p>Are there examples of this? Couldn't the habitat still exist?</p>	<p>Migration of sandy beach or tidal habitat underneath elevated structures is an expected impact of sea level rise in some shoreline areas. See response to comment CDA49.</p>

Page 13: Comment [CDA49] CDA 9/27/2017 3:12:00 PM	
Are there case studies and best available science to support this assertion?	For more information on natural shoreline habitat migration (e.g., of tidal marshes and beaches), see <i>Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future</i> (2012) https://www.nap.edu/read/13389/chapter/8
Page 14: Comment [CDA50] CDA 9/27/2017 3:12:00 PM	
Local governments can take these potential longer term impacts into consideration and develop contingent responses	These are considerations for adaptation planning and the pathways approach (See Section 5).
Page 14: Comment [CDA51] CDA 9/27/2017 3:13:00 PM	
What about the possible negative impacts of retreat? Breaking up existing communities, local economic losses as the critical mass relocates elsewhere, loss of sense of place, loss of cultural resources, displacement of lower income residents who cannot afford to move, environmental impacts of new construction including GHG emissions which exacerbate climate change, straining existing community infrastructure with influx of new relocated residents, and several other consequences. Cons were described for the other strategies, why not this one?	The feasibility of managed retreat strategies was addressed in this section – referencing significant challenges for implementation. The Revised Draft Guidance added more language to the discussion regarding physical feasibility of shoreline habitat retreat and potential associated loss of property tax and displacement of residents. See FAQ response #8 for more discussion of retreat.
Page 14: Comment [CDA52] CDA 9/27/2017 3:13:00 PM	
The study cited for this conclusion looked at a rural area of North East England (Humber Estuary) with presumably vastly lower land/development values. Highly questionable to apply these findings to California.	The study cited demonstrates an example of how costs of protection increasing over time can influence cost-effectiveness evaluations of retreat. However, many factors influence the feasibility of retreat, and the cost-effectiveness of hard armoring will depend on the beneficial value of protected development to the local tax base and who is paying (private versus public entity). The Revised Draft Guidance adds language to the retreat discussion to describe some of these complexities; in addition, to provide a California example of retreat, a case study box was added in this section.
Page 14: Comment [CDA53] CDA 9/27/2017 3:14:00 PM	
It's hard to imagine a community "visioning" itself out of existence absent major financial incentives. Millions of dollars were allocated for managed retreat subsequent	Because managed retreat strategies could result in local economic loss and displacement of residents, innovative concepts for keeping

<p>to Superstorm Sandy. It would be helpful guidance to describe how these programs worked out.</p>	<p>residents in the community and designing vulnerable shoreline areas to function over time as new community open space or recreational assets might be a part of an adaptation planning discussion. See more on different visions for retreat at: <i>Floodplain Buyouts: An Action Guide for Local Governments on How to Maximize Community Benefits, Habitat Connectivity, and Resilience</i>. https://www.eli.org/research-report/action-guide-floodplain-buyouts</p>
<p>Page 14: Comment [CDA54] CDA 9/27/2017 3:15:00 PM</p>	
<p>This expansive view of the obligations of a local government under an LCP is far beyond the scope set out by the Coastal Act, and under Section 65302 of the Government Code are principally addressed in the Safety Element and Local Hazard Management Plan.</p>	<p>Many jurisdictions coordinate their LCPs and General Plans in order to provide consistency and efficiency. Although state planning law and the Coastal Act contain different requirements that may apply to General Plans and LCPs, there is also significant overlap in terms of the basic issues that must be included in both. For example, both LCPs and General Plans must address safety and hazard issues. Pursuant to recent amendments to Government Code section 65302, jurisdictions must also review and update the safety element of their general plan as necessary to address climate adaptation and resiliency strategies applicable to that city or county. The update must include a set of goals, policies, and objectives based on a vulnerability assessment, identifying the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts. A visioning process is one way a community can proceed in addressing its obligations under the Coastal Act, and also fulfill the city or county's general plan obligations and fundamental duty to protect public health and safety in the face of sea level rise.</p>
<p>Page 16: Comment [CDA55] CDA 9/27/2017 3:16:00 PM</p>	
<p>The standard is Eliminate OR Mitigate. The Draft Policy Guidance should more clearly articulate that under current law eliminating existing development is not the only option and that minimizing or lessening adverse impacts is also permitted.</p>	<p>It is correct that, in situations where shoreline protective devices are permitted to protect existing structures pursuant to Section 30235, impacts to local shoreline sand supply must be eliminated or mitigated. The proposed Guidance does not state that elimination of existing development is the only option to address sand supply</p>

	<p>impacts, or to address sea level rise more generally. Rather, it acknowledges that there are a variety of approaches to deal with sea level rise, including elevation, beach replenishment, moving development back on oceanfront lots, and coastal armoring in appropriate circumstances.</p>
<p>Page 16: Comment [CDA56] CDA 9/27/2017 3:16:00 PM</p>	
<p>As noted, under Coastal Act Section 30235 specified shoreline construction must meet the standards of “designed to eliminate or mitigate adverse impacts on local shoreline sand supply” not the “least environmentally damaging feasible” standard. Section 30235 addresses the requirements for the referenced construction in specific, taking precedence over more general standards.</p>	<p>See response to CDA 41 and FAQ response #5.</p>

The 2015 Policy Guidance is not law or regulation, and in any event “existing” should be taken at its plain meaning, just as the Commission argued in *Surfrider Foundation v. California Coastal Commission*, with Judge Warren agreeing and ruling that “the term “Existing Structures” refers to Existing Structures at the time of the permit application.”

For the record - reasons cited by Commission in *Surfrider v. CCC* case supporting argument that “existing” means

“currently existing” NOT “existing as of 1977” include:

1. The term “existing” appears at least 15 times in Chapter 3 of Coastal Act and each time refers to currently existing conditions.
2. It would make little sense to evaluate permit applications under conditions as they existed 30 or more years ago...
3. It is not consistent with Legislative intent to interpret term to prohibit approval of seawalls for post-Coastal Act structures regardless of how much life and property might be lost.
4. In cases where the Legislature intended for “existing” to mean something other than “currently existing”, they included a specific date (for example, Section 30610.6 refers to “legal lot existing...on the effective date of this section”
5. CCC’s brief states that the Commission “has consistently interpreted Section 30235 to refer to structures that existed at the time of application” (and cites Commission’s chief counsel’s testimony during the public hearing as proof).
6. Concluding comment from CCC brief “The Commission is not aware of a single instance in the history of the Coastal Act in which it has determined that “existing structures” in 30235 refers only to structures that predated the Coastal Act.”

Please see FAQ response #1 for discussion about shoreline protection for existing structures, including a discussion about the Commission’s position in the referenced *Surfrider* litigation.

<p>Page 16: Comment [CDA58] CDA 9/27/2017 3:18:00 PM</p>	
<p>How does this apparently new statutory interpretation square with many seawalls the Commission itself approved under Section 30235? Neither the 2015 Guidance nor this proposed extension should attempt to rewrite the law. This paragraph should be deleted.</p>	<p>As discussed in its 2015 Sea Level Rise Policy Guidance, the Commission has previously approved a number of shoreline protective devices that protect post-Coastal Act development because the devices were necessary to protect adjacent, pre-Coastal Act structures. The Revised Draft Guidance is not intended to and does not change the law that applies to shoreline protection or any other Coastal Act issue. However, the Commission is statutorily entitled to issue interpretive guidelines such as this pursuant to Public Resources Code section 30620, and in doing so may refine its interpretation of the Coastal Act in light of current facts and circumstances. Please see FAQ response #1 for more discussion about shoreline protection for existing structures.</p>
<p>Page 16: Comment [CDA59] CDA 9/27/2017 3:19:00 PM</p>	
<p>Section 30240(b) does not contain the language “under present and future conditions.” The Draft Policy Guidance should not be written to change the Coastal Act</p>	<p>This Guidance does not change the Coastal Act; rather, it offers guidance on interpreting and carrying out the Coastal Act’s provisions in light of sea level rise. Section 30240(b) references the “continuance of those habitat and recreation areas,” which refers to a future condition in which environmentally sensitive habitat areas or recreation areas still exist. The draft Guidance explains the policy as it protects recreational or environmentally sensitive habitat areas from degradation.</p> <p>The recommendation to consider a project’s impacts on both current and future habitat is also consistent with public agencies’ duty to exercise a continuing supervision over public trust resources, which includes wildlife and its habitat. It is also consistent with the general requirement in CEQA that public agencies consider all reasonably foreseeable impacts that projects they approve will have on the environment over their entire lifetime. As the California Supreme Court held in <i>Neighbors for Smart Rail v. Exposition Metro Line Construction Authority</i> (2013) 57 Cal. 4th 439, 449, agencies must “give the public and decision makers the most accurate picture practically possible of the</p>

	<p>project's likely impacts.” Where baseline environmental conditions are expected to change over the foreseeable future, a lead agency may need to analyze the impacts that a project will have on those changed, future conditions in order to provide an accurate picture of a project’s impacts over time. <i>Id.</i> at 453, fn.5. When analyzing a project’s impacts on sensitive shoreline habitat (or public access or other shoreline resources, for that matter), jurisdictions will likely need to consider both how a project will affect that existing habitat immediately as well as how it will affect the habitat as that habitat shifts in the future due to sea level rise. .</p>
<p>Page 17: Comment [CDA60] CDA 9/25/2017 11:51:00 AM</p>	
<p>This is a highly speculative and presumptuous statement that appears to have been included in the Guidance without sufficient deliberation regarding if and how flood proofing and elevating structures will be prohibited under the Coastal Act based on foreseeable future circumstances. How will “foreseeably” be determined, under what time frame and set of assumptions? Will it be determined by the hazards analysis submitted by the permit applicant? Rather than basing current decision making on a future worst case scenario, shouldn’t this be an area of the Guidance where adaptive management is recognized as a means of addressing future conditions as they become better known and more predictable?</p>	<p>Floodproofing and elevating structures may help minimize the risk of structural flooding and help ensure that structures are stable. Accordingly, these adaptation methods may be useful tools in the short- to medium-term. However, this section of the Draft Guidance describes how elevating or floodproofing structures may not be an appropriate long-term response to sea level rise because, even if finished living space is elevated and safe from flooding, such elevated structures may cause impacts to public access or biological resources on beaches as the mean high tide line—and sandy beaches—migrate inland over time. In addition, it may become increasingly difficult to provide services such as road access, sewer and water supply. Moreover, such structures could eventually be located on public trust lands, which would raise potential concerns regarding consistency with the public trust doctrine and the requirement that applicants for development demonstrate that they own adequate legal title to the property where development occurs. 14 Cal. Code Regs § 13053.5(b). Likewise, at such time as any structure that used to be on private land comes to be located on public trust land, it will be located in an area where the Coastal Commission, rather than a local government with a certified LCP, has authority to regulate any new development associated with it. See Public Resources Code § 30519(b).</p> <p>Local governments will need to determine, based on substantial</p>

	<p>evidence developed through a vulnerability assessment, local hazard risk assessment, or other means, what future conditions should be considered. The analysis should be based on the best available science. Because there is uncertainty involved in forecasting future sea level rise and coastal hazards, local governments could consider permitting development in areas where it may not be safe from future, worst-case hazard scenarios, or where it may adversely impact future migrating beach habitat, if the development is conditioned to require adaptation, removal, or relocation in the future. This approach would address the commenter’s suggestion to allow adaptive management over time as future conditions become better known.</p>
<p>Page 17: Comment [CDA61] CDA 9/19/2017 5:02:00 PM</p>	
<p>“construction that alters natural shoreline processes” is specifically and solely regulated by Section 30235.</p>	<p>The Revised Draft Guidance describes how Section 30235 allows fill of coastal waters in situations where the criteria of 30235 are met, notwithstanding Section 30233’s general restriction on such fill.</p>
<p>Page 17: Comment [CDA62] CDA 9/26/2017 10:30:00 AM</p>	
<p>The Coastal Act regulates “development,” not existing authorized structures and uses. We don’t see a sufficient nexus to require a property owner to remove an existing legal shoreline protective device because the proposed definition of “redevelopment” requires a Coastal Development Permit for replacing a portion of the homes subfloor, foundation or siding. Similarly, the Coastal Act does not provide that the retention of existing bulkheads can be made subject to the conditions enumerated here. Without a convincing legal analysis as to how these types of substantive changes clearly comport with the Coastal Act, we strongly recommend this paragraph be deleted.</p>	<p>The paragraph to which the commenter refers does not discuss removal of existing legal shoreline protective devices when the property is redeveloped. For more discussion of that issue, see FAQ responses #3 and #4. Additionally, this paragraph does not suggest that retention of existing bulkheads should be subject to the enumerated conditions when new development is proposed near the bulkheads. Rather, it describes situations in which new development may rely on existing bulkheads to provide protection from flooding and coastal hazards, in compliance with Coastal Act Section 30253 (or similar LCP policies).</p>
<p>Page 17: Comment [CDA63] CDA 9/20/2017 10:53:00 AM</p>	
<p>This is an important observation, and in Marin’s case existing residential development by far outnumbers any potential new development.</p>	<p>The Revised Draft Guidance recognizes the complexity of the developed shoreline in many communities.</p>
<p>Page 17: Comment [CDA64] CDA 9/25/2017 12:13:00 PM</p>	

<p>As previously stated, the proposed definition of “redevelopment” is an overly expansive change in regulations despite the explicit assertion that the Guidance does not constitute new regulations, and is not supported by the Coastal Act. Additionally, please address whether denying the elevation of a house above the hazard Base Flood Elevation to increase the likelihood of flooding, storm related damage and eventual loss would allow enough economically viable use to avoid a takings? This is an important issue to local governments if they are expected to adhere to and defend this legal conclusion through their local permit decisions. The rationale that “there is already an existing economic use of the property” seems flimsy without more legal analysis.</p>	<p>A case by case consultation is necessary to determine legal takings risk, and any such fact-specific analysis is outside the scope of this Guidance. In cases where compliance with all LCP policies would constitute a taking, local governments may approve the minimum development necessary to avoid such a taking, notwithstanding the development’s non-compliance with the LCP. See Coastal Act Section 30010 and Model Policy B.10 Takings Analysis.</p>
<p>Page 17: Comment [CDA65] CDA 9/27/2017 3:19:00 PM</p>	
<p>This is an important caveat that should be stated clearly in the document, not relegated to a footnote.</p>	<p>Examples of bulkhead benefits to public access are appropriate to note in a footnote. The broader discussion is about when urban infill might rely on existing shoreline armoring that does not have negative impacts on natural shoreline processes or public access.</p>
<p>Page 18: Comment [CDA66] CDA 9/27/2017 3:20:00 PM</p>	
<p>Under the Coastal Act 30235, this is true in any location when found “ to protect existing structures”</p>	<p>The commenter is correct that, under Coastal Act Section 30235, shoreline protection is allowed in any location—and not just urbanized locations—as long as the criteria of 30235 and other relevant provisions of the Coastal Act are met. However, the Draft Guidance suggests that shoreline protection is more likely to be both necessary and the least damaging alternative—and therefore allowed—in urbanized areas that meet the criteria suggested in the Guidance. In addition, in some such locations, shoreline armoring may be fully consistent with Coastal Act and LCP policies, and may therefore be allowable even if Section 30235’s criteria are not met.</p>
<p>Page 18: Comment [CDA67] CDA 9/27/2017 3:21:00 PM</p>	
<p>Please confirm the ambulatory line is based on NGVD 1988 and will be updated next in 2022.</p>	<p>A datum is a base elevation used as a reference for elevations. The historical system that has been used by surveyors and engineers for most of the 20th Century is NGVD 29, or the National Geodetic Vertical Datum of 1929. It has been replaced by the more accurate North American Vertical Datum of 1988 (NAVD 88). It is important</p>

	<p>for local officials to specify that studies cite the datum used to ensure elevations from different studies (such as different mean high tide line surveys) are comparable.</p> <p>The national tidal datum epoch (NTDE) is the specific 19-year period adopted by NOAA’s National Ocean Service (NOS) as the official time segment over which sea level observations are taken and reduced to obtain mean values for datum definitions. The present epoch is 1983-2001. It is the policy of NOS to consider a revised NTDE every 20-25 years to account for sea level changes caused by global sea level rise and the effects of long term land movement on local sea level due to subsidence or glacial rebound. NOAA will update tidal datum epochs and more information can be found online at: https://tidesandcurrents.noaa.gov/press/tidaldatum.html.</p> <p>Also note that the passive and delayed reactionary nature of recalculations of long-term tidal datum epochs may not keep pace with projected changes to the coastline and accelerating sea level rise.</p>
<p>Page 18: Comment [CDA68] CDA 9/20/2017 11:14:00 AM</p>	
<p>It would be helpful to further explain how a local government would operationally determine the historical MHTL. Are there survey reports delineating that line using the appropriate tidal datum at the time the structure was built or some other way to determine where the line was, and under law then now exists?</p>	<p>Whether historical surveys are available depends on the location. In the future, innovations for MHTL survey methods locating shoreline property boundaries might help create more rational and flexible data collection options. For a more in-depth discussion of the public trust doctrine in California and how it relates to sea level rise, see Center for Ocean Solutions, Stanford Woods Institute for the Environment, The Public Trust Doctrine: a Guiding Principle for Governing California's Coast under Climate Change (2017).</p> <p>Because the location of the MHTL is so important in making permitting decisions along the coast, it can be useful for jurisdictions to begin monitoring and surveying MHTL on a regular basis in locations where private property may soon be affected by rising tides. See Model Policy G.8 (recommending that jurisdictions monitor mean high tide line as part of a beach management plan).</p>

	Any such monitoring and surveying should be undertaken in coordination with the State Lands Commission.
Page 19: Comment [CDA69] CDA 9/27/2017 3:22:00 PM	
Is the State Lands Commission entrusted with making, arbitrating, or taking legal action to enforce these determinations as part of its exclusive jurisdiction described below, or is the Coastal Commission sharing or assuming some of that authority?	As described in this Guidance, the State Lands Commission and Coastal Commission have separate but complementary roles to play in protecting public trust resources. For example, the Coastal Commission must ensure that applicants for new development have adequate legal title to the land underlying the proposed development. 14 Cal. Code Regs. §§ 13053.5(b), 13169(a)(2). A failure to demonstrate such legal title is a ground for denial of the development. <i>Lechuza Villas West v. Cal. Coastal Comm'n</i> (1997) 60 Cal.App.4th 218, 225. Additionally, although the State Lands Commission has sole authority to determine whether to lease public trust lands under its jurisdiction, local governments and the Coastal Commission both have the authority and duty to regulate uses of land in a manner that protects the public trust. They could carry out this duty, in part, by requiring applicants for development near public trust land to submit periodic evidence that the development remains on private property. Ultimately, the State Lands Commission would need to be involved in any binding boundary determination.
Page 19: Comment [CDA70] CDA 9/27/2017 3:22:00 PM	
This is a tenuous legal basis upon which to establish a statewide regulatory scheme.	This document offers broad guidance on the concepts related to public trust and does not establish new regulations. In addition, although the <i>Milner</i> court decision cited in the Draft Guidance is not binding law in California, experts in the field of property law and the public trust have advised that the “California common law recognizes the same ambulatory property boundary of the mean high tide line and the benefits and consequences discussed in <i>Milner</i> that flow to tideland and upland owners.” Center for Ocean Solutions, Stanford Woods Institute for the Environment, <i>The Public Trust Doctrine: A Guiding Principle for Governing California’s Coast Under Climate Change</i> (2017), p. 20. In particular, “[a]llowing such

	<p>[shoreline protection] structures to fix the shoreline boundary in perpetuity to the detriment of the public would conflict with several well-established principles of law, including the ambulatory nature of the shoreline boundary, prohibitions on upland owners artificially moving the shoreline boundary to benefit themselves, and prohibitions on direct or indirect conveyance of public trust tidelands to private ownership. Thus, absent formal action by the State Lands Commission, actions to prevent erosion by the State, a local government, or a private landowner do not fix the shoreline boundary.” <i>Id.</i> at 6. California courts have also acknowledged that shoreline development is inherently risky because it may be constructed on land that is currently private but may become public in the future due to coastal erosion. <i>Lechuza Villas West v. Cal. Coastal Comm’n</i> (1997) 60 Cal.App.4th 218, 225, 243. Thus, although there is some uncertainty regarding how courts will resolve future boundary disputes involving obstruction of the migration of the public trust boundary, this guidance is based on well recognized principles of property and public trust law.</p>
<p>Page 20: Comment [CDA71] CDA 9/26/2017 10:11:00 AM</p>	
<p>It would be extremely helpful if the Coastal Commission could work with the SLC to provide local governments easy access to accurate, updated, digital maps of these areas (it’s difficult to regulate an area where the boundaries are unknown or unclear).</p>	<p>Delineation of the mean high tide line and public trust land is a resource intensive survey process and not practical for the entire state. More work is needed on this subject.</p>
<p>Page 20: Comment [CDA72] CDA 9/25/2017 12:22:00 PM</p>	
<p>We note the qualifier “generally.”</p>	<p>This document offers broad guidance on the concepts related to public trust.</p>
<p>Page 21: Comment [CDA73] CDA 9/26/2017 10:10:00 AM</p>	
<p>A good reason for the CCC to provide a reliable delineation of these areas to local governments.</p>	<p>See response to comment CDA71.</p>
<p>Page 21: Comment [CDA74] CDA 9/27/2017 3:23:00 PM</p>	
<p>Has SLC been involved in discussions on this topic?</p>	<p>State Lands Commission staff reviewed the Draft Residential Adaptation Policy Guidance, with particular focus on elements</p>

	related to the Public Trust and the ambulatory Public Trust boundary, and supports its implementation.
Page 22: Comment [CDA75] CDA 9/27/2017 3:24:00 PM	
“Must” is not appropriate for a document that “is advisory and not a regulatory document or legal standard “ as described for this Guide.	This document offers broad guidance on the concepts related to public trust and does not establish new regulations. The phrasing of this paragraph has been modified slightly to provide greater clarity.
Page 22: Comment [CDA76] CDA 9/27/2017 3:24:00 PM	
As acknowledges on Page 20 of the Guidance, there may be other avenues for the circumstances described here:” In cases where development is proposed on tidelands, the applicant will need to obtain a lease or other appropriate authorization from the State Lands Commission or the appropriate tidelands grantee in addition to an appropriate development approval from the Coastal Commission.” A policy statement that ensures the relocation or removal of development closes the door to options that may be available through the SLC.	This section offers guidance on how policies could address public trust concerns as sea levels rise. No single policy is required. The phrasing has been modified slightly to provide greater clarity.
Page 22: Comment [CDA77] CDA 9/27/2017 3:25:00 PM	
From a broader societal view, this seems like requiring someone to continually prove their innocence until they are found guilty.	Many permits require periodic assessment of trigger conditions (e.g., property owners assess bluff retreat every 5 years). Trigger mechanisms provide an avenue for phased responses.
Page 24: Comment [CDA78] CDA 9/27/2017 3:26:00 PM	
Are there cases that address what happens when the action that reduces property value (eg. severe building restrictions) and the intended outcome (providing for future protection of a beach) are widely separated in time?	This document offers broad guidance on the concepts related to takings and other legal issues. Jurisdictions would need to consult their own counsel for fact-specific legal inquiries.
Page 25: Comment [CDA79] CDA 9/25/2017 2:16:00 PM	
It appears the intent of the Guidance is to assertively define “redevelopment” so as to circumvent the Coastal Act by reclassifying repair and maintenance and other minor alterations as new development and thereby subject existing development to the new policies being proposed. Shouldn’t this substantive change in law, and related changes, be done through the Legislature as Coastal Act amendments?	The intent of redevelopment policies is to address nonconforming development in hazardous areas in ways that allow property owners to understand their risks, maintain their properties, and internalize the risks of developing further in sea level rise hazard zones. See FAQ responses #3 and 4 for further discussion.

Page 25: Comment [CDA80] CDA 9/27/2017 3:29:00 PM	
“Repair and maintenance” typically IS exempt (unless ON a beach or within 50 feet of a bluff edge). Sentence should read “in most cases...repair and maintenance IS exempt...”	More language to clarify repair and maintenance was added to the user note with the Model Policy B.7. See FAQ response #4 for further discussion.
Page 25: Comment [CDA81] CDA 9/27/2017 3:30:00 PM	
Does this refer to new purchases? Aren't investment backed expectations established at the time the investment (purchase of the home) is made based on governing land use laws in effect at that time, not when government changes established rules?	<p>Rebuilding restrictions are an important way for local governments to signal to current and potential future property owners that structures are subject to hazards and may not be permitted to remain indefinitely. Placing such information and acknowledgment of risk in permit conditions and deed restrictions will help convey this information and ensure that future purchasers are on notice of it. Additionally, communication of new LCP rebuilding restrictions can help educate property owners about the sea level rise hazards present in particular areas.</p> <p>Investment-backed expectations are most clearly set in reference to the regulatory scheme in place at the time when property is purchased; however, new restrictions on coastal development also play a role in setting economic expectations of both current and future owners. For example, if a regulatory scheme (such as the Coastal Act or its predecessor, Proposition 20) existed at the time of purchase but a specific application of the law (such as an LCP amendment adding policies regarding building in hazardous locations) did not occur until after the property was purchased, this may still be relevant and could defeat a takings claim. See, e.g., <i>Ciampitti v. United States</i> (1991) 22 Cl. Ct. 310. Likewise, if a new regulatory scheme goes into effect after a person purchases a property, application of the new regulations may not cause a taking if they allow continued use of the property in the same manner it had been used, such as if it allows continued use of an existing residence, but disallows additions to, or redevelopment of, the residence. See <i>Esposito v. South Carolina Coastal Council</i> (4th Cir. 1991) 939 F.2d 165. Additionally, if a person purchases a parcel of land in a sensitive location, such as on the coast, agencies may</p>

	<p>defend against a takings claim to new regulations by arguing that the owner should have known that preexisting regulations might be strengthened. <i>Deltona Corp. v. United States</i> (Ct. Cl. 1981) 657 F.2d 1184; <i>Good v. United States</i> (Fed. Cir. 1999) 189 F.3d 1355; <i>District Intown Properties Ltd. Partnership v. District of Columbia</i> (D.C. Cir.) 198 F.3d 874. As summarized in the <i>District Intown Properties</i> case, <i>Good</i> held that “the claimant had no reasonable expectations where he purchased the land subject to environmental regulation and watched as public concern for the environment increased and the applicable regulations became more stringent before seeking approval for development.” 198 F.3d at 884.</p> <p>Thus, people who purchased property in the Coastal Zone—and certainly people who purchased property after the passage of Proposition 20—should expect that their land will be regulated to some extent and that those regulations may change and possibly become more strict over time. See also <i>Lucas v. S.C. Coastal Council</i> (1992) 505 U.S. 1003, 1035 (Kennedy, J., concurring) (property owners’ reasonable expectations should account for the all potential state regulations that may apply to particular types of land; for instance, “[c]oastal property may present such unique concerns for a fragile land system that the State can go further in regulating its development and use”) (cited with approval in <i>Murr v. Wisconsin</i> (2017) 137 S. Ct. 1933, 1946). Of course, whether or not approval or application of any specific, new LCP policies would constitute a taking is a fact-specific inquiry that local governments would have to consider at the time the issue arises.</p>
Page 26: Comment [CDA82] CDA 9/20/2017 12:32:00 PM	
Beyond just the mention, please elaborate to provide guidance about how this specifically relates to coastal planning and the Coastal Act.	The Mitigation Fee Act (Govt. Code, § 66000 et seq.) establishes a procedure by which developers may proceed with a project and still protest the imposition of fees or a possessory interest in property.
Page 30: Comment [CDA83] CDA 9/26/2017 9:51:00 AM	
The costs of implementing adaptation measures are not addressed in a meaningful	A key part of retreat and nature-based adaptation strategies is that

<p>way in this document. In many cases adaptation measures are difficult to envision and design, especially “green” adaptations, much less cost out. These challenges will have a significant impact on the timing and effectiveness of local government’s ability to deploy responses.</p> <p>The Draft Policy Guidance should focus more on identifying strategies for addressing immediate to short term impacts of sea level rise that are feasible in light of the limitations on current and future resources available to design and implement adaptation strategies. Marin is using this approach through our local sea level rise planning efforts and LCP amendments rather than more speculative end game requirements that seek to leverage the Coastal Development Permit process by requiring residents to agree to vacate and demolish their homes when proposing minor remodel and replacement projects that fall under the proposed definition of redevelopment.</p>	<p>advanced consideration and planning is needed to study these options before opportunities for implementation are lost. The Commission also recognizes that funding is needed and opportunities are evolving quickly. A subsection on funding and a list of potential funding sources in an appendix have been added to the Guidance.</p> <p>Identifying strategies for short term impacts of sea level rise will be more immediately important for communities to add to LCP updates. However, it is also important to begin a sea level rise planning process for longer term impacts as well. The Draft Guidance does not require particular retreat strategies be adopted for short term impacts. Communities should explore all of their options for adaptation, and the Draft Guidance recommends a pathways approach using locally relevant triggers and vulnerability assessments.</p>
<p>Page 32: Comment [CDA84] CDA 9/20/2017 12:58:00 PM</p>	
<p>It should be noted that the Marin draft LCP is closely aligned with the NFIP/CRS (a strategy we hope will be supported by the CCC in review of the County’s LCP hazard policies and standards).</p>	<p>The Revised Draft Guidance recommends alignment of LCP policies with other plans, ordinances, and programs.</p>
<p>Page 32: Comment [CDA85] CDA 9/20/2017 12:58:00 PM</p>	
<p>In the interest of providing helpful information to local governments (as with the other notes below), please explain if the City has beach-level residential development or is the description solely addressing blufftop residential uses?</p>	<p>The Solana Beach example represents blufftop development.</p>
<p>Page 32: Comment [CDA86] CDA 9/20/2017 1:01:00 PM</p>	
<p>Presumably by erosion and failures of the bluff?</p>	<p>Retreat of the bluff would result from erosion.</p>
<p>Page 33: Comment [CDA87] CDA 9/20/2017 1:04:00 PM</p>	
<p>Does it apply only to new seawalls, or to repair of seawalls, or to owners who have existing seawalls but do not anticipate coastal permits?</p>	<p>Impact fees were to be applied upon issuance of building permits for new substantial infills or coastal structures, or upon the issuance of a renewal permit for existing substantial infills or</p>

	coastal structures.
Page 33: Comment [CDA88] CDA 9/20/2017 1:08:00 PM	
Is there evidence that these actually resulted in replenishment or protection of the beach, and if so, how much? As noted in the following paragraph, the document questions whether a “federally- sponsored 50-year beach replenishment effort...will actually result in long-term protection of the beach in places like Solana Beach, where the beaches and cliffs are constantly subject to high wave energy, and thus where the results of sand replenishment may be short-lived.” So can we learn from this case study which, if any, is the more viable strategy: the city of Solana Beach’s recreational fee, the Commission’s beach impact fees, or the federal nourishment project?	Solana Beach is pursuing a beach replenishment project with Encinitas, but this has not yet occurred. Strategies for resource protection will need to be studied on a case by case basis.
Page 34: Comment [CDA89] CDA 9/25/2017 6:20:00 PM	
This is a good example of why Marin has persisted to obtain certification for the home elevation strategy from the CCC.	Comment noted.
Page 35: Comment [CDA90] CDA 9/20/2017 1:25:00 PM	
Are the cabins individually owned on separate lots? If so will the owners need to purchase lots in the expanded RE zone from other owners? Was the price of those lots perhaps set as a part of this plan?	Cabins were commonly owned by the Big Lagoon Park Company, which owned both the TC and RE zoned property.
Page 35: Comment [CDA91] CDA 9/20/2017 1:39:00 PM	
This would be clearer and more accurate if written “that in the long term is subject to erosion...”	Language was edited to clarify.
Page 36: Comment [CDA92] CDA 9/25/2017 6:09:00 PM	
Does this refer to homes on the beach itself? If so, it may be addressing a home that is more the exception than the rule. At the end of document we provide images of the “spider house” raised beachfront home. Under the Marin County’s proposed LCP Amendments, the height of these homes would have been lower by 7 feet as shown	The example was referring to homes on the beach. This case was clarified in the revised example.
Page 36: Comment [CDA93] CDA 9/27/2017 3:32:00 PM	
More specifically, what is the beach access and recreation issue here? Many of the streets in Stinson Beach terminate by opening up directly onto the beach providing for	The example was to represent where beach areas were roped off from the public.

<p>direct access. In other areas where dunes separate the existing development from the beach, there are lateral trails to a beach that is as noted much broader and open than Broad Beach. It's unclear how raising a home, in place, along these streets would limit beach access and recreation.</p>	
<p>Page 36: Comment [CDA94] CDA 9/27/2017 3:32:00 PM</p>	
<p>Please note the proposed policy requires compliance with FEMA BFE in addition to 3 feet</p>	<p>Edits were made as suggested.</p>

Marin County Policy Language Comments

Marin.Co.Comments-ccc_draft Res Adapt_MODELS_Guidance-draft-8-17.docx

<p>Page 38: Comment [CDA1] CDA 9/26/2017 2:10:00 PM</p>	
<p>This introduction should clarify that these model policies are not mandatory, and that when they contain the words “shall,” “required.” “must,” etc., those are in the context of a model which a local government can adopt or modify, but that such phrasing is not necessarily required for LCP certification.</p>	<p>The introduction was further enhanced to reiterate that this guidance is advisory and not a regulatory document or legal standard of review for the actions that the Commission or local governments may take under the Coastal Act.</p>
<p>Page 38: Comment [CDA2] CDA 9/20/2017 5:08:00 PM</p>	
<p>It should again be made clear here that these model policies are merely one way LCPs could be changed, that they are not mandatory, and that they could be appropriate in future timeframes, not necessarily in near term LCP Amendments.</p>	<p>The Revised Draft Guidance Section 6 repeats the note from the first section that most model policies need to be customized before they can be incorporated into individual LCPs. In addition, not all policies are applicable or required in every jurisdiction.</p>
<p>Page 39: Comment [CDA3] CDA 9/22/2017 11:07:00 AM</p>	
<p>Due to their critical importance to coastal management and regulation, please provide the methodology and analysis used to determine the “anticipated duration” of residential development along the California coast, including data showing the full range, and median value of ages of the structures reviewed to determine “anticipated life.”</p>	<p>Anticipated durations were derived from common practice by Coastal Commission staff, local governments, developers, and U.S. Department of Housing and Urban Development (HUD)’s Durability by Design guide. Local governments could choose to use different timeframes if they are supported by substantial evidence.</p>
<p>Page 39: Comment [CDA4] CDA 9/26/2017 2:11:00 PM</p>	

<p>The validity of coastal hazard maps are matters of science and fact. The standard for determining whether a local government can use LCP coastal Hazard maps” in-lieu of site-specific coastal hazard reports” must be based on the extent to which the maps represent best available science, and should not be made contingent upon a local government’s compliance with the requirements listed here, for example requiring property owners to “agree to remove development subject to appropriate future triggers,”. This note should be revised to clarify that withholding use of LCP coastal hazard maps, when the maps are adequate to make decisions on permit requests, as a means of leveraging local government and property owner acceptance of certain policies is not the intent. If you read this statement in the converse, would it mean that CDP conditions requiring property owners to abandon and demolish their homes will not be required if a site-specific analysis is submitted? Logically, this note doesn’t make sense.</p>	<p>The intent of the Mapping Coastal Hazards and Site-specific Coastal Hazards Studies policies were to offer suggestions for streamlining local permit processes. Where more general maps appropriately delineate the hazards, and uncertainty over the proposed development’s safety from hazards could be addressed with permit conditions, a local government might choose to forgo requirements for site-specific studies so that property owners would not have to incur that expense.</p>
<p>Page 39: Comment [CDA5] CDA 9/26/2017 2:11:00 PM</p>	
<p>This statement is ambiguous and incomplete, and hence does not provide useful guidance. It should be clarified that the worst case “high” projection should be provided for informational purposes, and to set the context for adaptation pathways and long range planning to be carried out through future adaptive management strategies. To avoid confusion, this section should reiterate the guidance in section 3 that “policies apportion risk over time and allow for the use of adaptation options closer to the time they are needed, rather than building now for the worst case future condition.”</p>	<p>Worst case “high” projection should be provided for informational and planning purposes. In some cases, it might be appropriate to design for high projections, while in other cases, moderate projections might be more appropriate to use for design purposes. Edits were made to better reflect this understanding of adaptation pathways.</p>
<p>Page 39: Comment [CDA6] CDA 9/26/2017 2:12:00 PM</p>	
<p>Please clarify the phrase s “Groundwater Inundation’ and “uprising of groundwater” in terms of the physical processes these phrases are intended to describe.</p> <p>As evidenced by the restricted geographic scope and slow pace of implementation of California’s Sustainable Groundwater Management Act, assessing potential groundwater impacts is an expensive and challenging proposition. Since the purpose of this guidance is to assist applicants and local governments in addressing the Coastal Act, will the CCC work with appropriate</p>	<p>Added a footnote to describe groundwater inundation threats: Where seawater and overlying groundwater responds to tidal forcing, sea level rise will cause the groundwater table to rise, and in low-lying areas the water table could approach and ultimately rise above the ground surface. Even where the water table does not rise above the land surface, groundwater at shallow depths could present significant challenges to the maintenance of development. Groundwater inundation threats from sea level rise for</p>

state agencies to provide useful information about groundwater and sea level rise?	coastal California are not well studied at this time, but the Commission supports data sharing regarding this impact.
Page 39: Comment [CDA7] CDA 9/26/2017 2:12:00 PM	
Again, consistent with the Guidance framework, delete the word “required.” Just as significantly, as written here, the determination that a “development may be subject to coastal hazards” automatically triggers a site-specific Hazards report. This determination should make reference to the qualifier in the next section that states that if issues are sufficiently addressed in an area-wide hazards evaluation, an individual report need not be required.	Customizing the policy language presented is for the local government to address as appropriate for their jurisdiction. Requiring local hazard reports under certain circumstances could be an appropriate policy option so there is no need for the model language to be edited in the guidance.
Page 40: Comment [CDA8] CDA 9/22/2017 12:04:00 PM	
Does this refer to applicants for development or all potentially affected property owners?	At a minimum, applicants for new development should be made aware of their hazards risk. Local governments can decide whether and how to notify other property owners about coastal hazards, and doing so would be consistent with the Coastal Act’s purposes. However, the Coastal Act only regulates new development, not existing development.
Page 40: Comment [CDA9] CDA 9/22/2017 12:04:00 PM	
Who determines “as necessary?” What are the criteria for necessity? Has the State of California committed to a schedule of update of best available science?	As the State of California updates best available science about sea level rise and coastal hazards, local governments might review whether it is important to update their vulnerability assessments subsequently. Conditions that might render a necessary update could include changes to physical shorelines or management measures (e.g., tide gates) that could affect modeling results, large alterations in magnitude of expected scenarios, or new science enabling significant modeling improvements.
Page 40: Comment [CDA10] CDA 9/22/2017 12:10:00 PM	
This is unclear. Does this mean the criteria are required to be included in an LCP, or is the reference actually to a Coastal Permit rather than an LCP?	Language was clarified. Site-specific studies for coastal development permits are necessary unless hazards are identified on LCP hazard maps at a level of detail adequate

	to ensure LCP policies and development standards can be complied with in the permitting process.
Page 40: Comment [CDA11] CDA 9/26/2017 2:13:00 PM	
Revise- this Guidance is advisory	Requiring particular hazard report contents is the point of the Model Policy. There is no need for the model language to be edited in the guidance, but customization by local governments should address appropriate report contents for their jurisdictions.
Page 40: Comment [CDA12] CDA 9/22/2017 1:00:00 PM	
Establishing these are generally outside the capabilities of most local governments. Is it possible the Coastal Commission could work with the State Lands Commission, the California Coastal Sediment Management Workgroup, and other responsible agencies, including academic institutions, to provide such information as part of the Guidance?	Establishing erosion rates for the state is outside the scope of this guidance, but local governments might identify potential data sources through their work with Coastal Commission staff on LCP updates.
Page 40: Comment [CDA13] CDA 9/22/2017 1:08:00 PM	
See note above. But such information can best be determined by monitoring programs over a suitable timeframe. Can the Commission assist in recruiting state agencies to help, especially for the portion within the State Public Trust? Additionally some of the federal coastal management funds should be allocated to this purpose.	Modeling future projected conditions that integrate long term erosion rates is a key component for local vulnerability assessments. The Commission will be coordinating with the State Lands Commission on public trust delineation issues and recognizes the complexity of the modeling tasks and the need for allocating funding to these types of efforts.
Page 41: Comment [CDA14] CDA 9/26/2017 2:13:00 PM	
Generally in most dense to medium dense areas the parcels are of a size such that one part of the site will likely be as hazardous as another with regard to sea level rise,	While some parcel sizes might be too small for locating safe building envelopes, it is important to document this fact in a coastal hazard report.
Page 41: Comment [CDA15] CDA 9/22/2017 1:12:00 PM	
Please define "groundwater Inundation." Does it mean displacement of fresh water in groundwater aquifers with sea water or something else? What mechanism would affect the stability of development?	See response to comment CDA6. Stability can be affected by groundwater due to hydrostatic loads, uplift, flooding, and possible corrosion if it is not

	considered in the design of the foundation.
Page 41: Comment [CDA16] CDA 9/22/2017 1:12:00 PM	
Will referencing the extensive analysis carried out in FEMA NFIP studies be sufficient?	FEMA NFIP studies could provide a source for discussion of study assumptions if they are a part of the hazard analysis done for the report.
Page 41: Comment [CDA17] CDA 9/20/2017 6:54:00 PM	
These are factors in the new FEMA NFIP maps. They should suffice.	Local governments can consider providing hazard report recommendations as appropriate to their local context and data sources.
Page 41: Comment [CDA18] CDA 9/26/2017 2:13:00 PM	
How will these estimates be developed? Does CCC staff have examples of such studies completed, and the costs associated with them?	There are multiple sources of these types of studies and local governments should consult with Commission staff about what data sources might be available in their regions.
Page 41: Comment [CDA19] CDA 9/20/2017 6:56:00 PM	
When the CoSMoS 3.0 models incorporating geomorphological change become available, will these be accepted for this purpose?	CoSMoS 3.0 models might provide useful results where the data are available to local governments.
Page 41: Comment [CDA20] CDA 9/26/2017 2:14:00 PM	
Does the Commission accept the FEMA science in this regard?	Regulatory FEMA maps do not account for sea level rise at this time. Local governments should consult with Commission staff about FEMA mapping products.
Page 43: Comment [CDA21] CDA 9/20/2017 7:00:00 PM	
This statement should be revised to more precisely reflect the applicability of existing development to Coastal Act section 30235. Please correct by replacing “property owners” with “coastal permit applicants”	The note describes the broad intent of assumption of risk policies to enable property owners to internalize the risk of developing in coastal hazard areas. However, the note was edited to refer to “new development” as is reflected in the Model Policy language.
Page 43: Comment [CDA22] CDA 9/26/2017 2:14:00 PM	

<p>Does this mean the property owner is bound to forego state or federal disaster assistance and funding other than that contractually obligated through flood insurance?</p>	<p>This policy does not obligate property owners to forego state or federal aid. The policy is meant to further clarify the role of local governments.</p>
<p>Page 43: Comment [CDA23] CDA 9/26/2017 2:15:00 PM</p>	
<p>Elevation to BFE+ SLR freeboard is not defined as “armoring”</p>	<p>The referenced phrase concerns shoreline armoring, not elevation of structures.</p>
<p>Page 43: Comment [CDA24] CDA 9/20/2017 7:03:00 PM</p>	
<p>This is a determination that belongs to the State Lands Commission.</p>	<p>The location of the public trust boundary is a determination by the State Lands Commission. Letters from the agency often inform coastal development permit approvals.</p>
<p>Page 43: Comment [CDA25] CDA 9/20/2017 7:04:00 PM</p>	
<p>This is ambiguous. Does “no longer on private property” refer to a government purchase, or subject to the public trust, in which the property is still private, but encumbered? What “adaptation planning requirements” would require removal -wouldn’t those instead be LCP regulations? The guidance on the Waiver should be more specific. clarified to be made specific in the Waiver.</p>	<p>An important consideration for jurisdictions planning for sea level rise is that the public trust boundary will migrate inland as sea levels rise. As described in the legal section of this Draft Guidance, the ordinary high-water mark, which is generally measured by the mean high tide line, delineates the boundary between public and private property. If the shoreline naturally accretes and a beach gets larger, the new land belongs to the landowner. But if it naturally erodes, or if sea levels rise and the mean high tide line moves landward, then the property line generally moves inland as well. What used to be private, dry land does not remain private, nor does it remain private while becoming encumbered with the public trust; rather, it generally becomes public property. This public property is subject to the public trust, and the State, and local governments, including through their Coastal Act obligations, have a duty to protect public trust uses of such property. That is what Model Policy A.6 refers to when it discusses how structures may need to be moved if they are no longer located on private property.</p> <p>Structures constructed at grade and not protected by</p>

	<p>shoreline armoring will likely be threatened, moved, or destroyed long before the mean high tide line—and thus the public trust boundary—causes the development to be located on public tidelands. However, elevated structures that allow waves and water to flow beneath them might come to be located on public tidelands. LCP policies could require development permits to recognize this potential impact by requiring structure removal if the public trust boundary moves during the lifetime of the development such that the development is no longer located on private land and is encroaching on public trust property. More clarification was added in the note to describe this situation, and edits on adaptation planning requirements were also added to specify they would be referencing the relevant LCP regulation.</p> <p>See FAQ response #6 for more discussion of public trust resources.</p>
<p>Page 43: Comment [CDA26] CDA 9/26/2017 2:15:00 PM</p>	
<p>It would be helpful to provide the relevant Code, Case Law or other legal citation since the real estate industry has a tendency to push back on some types of disclosures that may inhibit sales transactions.</p>	<p>California Civil Code section 1102.3 governs real estate disclosure requirements in California. Certain disclosures, including for specified natural hazards, is required by state law. (Civil Code § 1102.6.). However, cities and counties are permitted to adopt additional disclosure requirements, such as for natural hazards not already specified by state law. (Civil Code § 1102.6a.) Using this authority, cities and counties could adopt an ordinance requiring disclosure of the fact that properties are in mapped sea level rise or other specifically identified coastal hazard zones. The statutorily mandated natural hazard disclosure statements are generally filled out by third party disclosure companies, and it will be important for jurisdictions to clearly map the hazard areas, preferably using GIS, so that the disclosure companies can easily determine whether a property is</p>

	<p>located within a hazard area.</p> <p>Requiring that landowners acknowledge coastal risks through deed restrictions, real estate marketing material, and other means not only alerts potential owners to hazards, so that they can plan accordingly, but can also help insulate against successful takings claims. See <i>Good v. United States</i> (Fed. Cir. 1999) 189 F.3d 1355, 1362-63 (rejecting a takings claim and holding that a landowner “lacked a reasonable, investment-backed expectation that he would obtain the regulatory approval needed to develop the property at issue here” in part because his “sales contract specifically stated that ‘[t]he Buyers recognize that ... as of today there are certain problems in connection with the obtaining of State and Federal permission for dredging and filling operations.’”).</p>
Page 44: Comment [CDA27]	CDA 9/26/2017 2:16:00 PM
Is this duplicative of what Real estate brokers are already required to do? Is there unnecessary overlap here, and if so, is intent to duplicate normal due diligence for good measure?	Sea level rise is not among the natural hazards required for real estate disclosure by the State of California. The purpose of this policy is to disclose this risk so that property owners are aware of the potential hazards and can internalize the costs.
Page 44: Comment [CDA28]	CDA 9/26/2017 2:16:00 PM
Delete “Redevelopment” as used here or clarify as an optional tool if local governments choose to implement. It appears nowhere in the Coastal Act or its Administrative Regulations and yet appears to be elevated to the same status as “development”	See FAQ response #3 for a discussion of issues related to redevelopment.
Page 44: Comment [CDA29]	CDA 9/26/2017 2:17:00 PM
How will this be determined, and by whom? Existing available models delineate inundation, but only provide rough indications of the shoreline. Is the intent to rely upon project-specific studies submitted by permit applicants?	The process for assessing erosion and flood vulnerability due sea level rise can depend on LCP segment maps and/or coastal hazard risk reports and local governments can specify their requirements in policies like A.3, A.4, and A.5.

Page 44: Comment [CDA30] CDA 9/26/2017 2:17:00 PM	
This is inconsistent with the Coastal Act sec. 30253 standard of “Minimize risk”	The intent for Model Policy B.1 is to reflect the analytical process of avoiding hazards first and then minimizing risk if that is not possible. However, the policy language has been changed in the Revised Draft Guidance for clarity.
Page 45: Comment [CDA31] CDA 9/26/2017 2:17:00 PM	
See comments in B-2, D-1	
Page 45: Comment [CDA32] CDA 9/26/2017 2:17:00 PM	Model policy B.2 offers options for laying out the need for removal plan conditions for new permitted structures that will be subject to coastal hazards. This policy is intended to allow local governments to address risks proactively and ensure that property owners internalize the risks of new development in hazard areas. Bonding is not part of this policy, but local governments could choose to specify policies (such as D.2) that account for a financing stream.
See comments in B-2, D-1	
Page 45: Comment [CDA33] CDA 9/26/2017 2:18:00 PM	
See comments in B-2, D-1	
Page 45: Comment [CDA34] CDA 9/26/2017 2:19:00 PM	
CDA has previously raised concerns about the unworkability of requiring a bond to secure removal. No mention of a bond here; is intent to include as condition of CDP? What mechanism can the Guidance suggest to fund and enforce such a Plan?	
Page 46: Comment [CDA35] CDA 9/26/2017 2:19:00 PM	
Delete here and in all other instances or clarify in some way that “redevelopment” is an optional approach to treating minor remodels as new construction that may or may not be adopted by local governments.	Definitions of redevelopment are common in land use planning and not inconsistent with policies in the Coastal Act. The purpose for defining redevelopment is to avoid a conversion of an existing, non-conforming structure into a new, non-conforming structure through either a single renovation or through incremental changes to the structure. See FAQ response #3 for discussion of the redevelopment issues frequently raised in comment letters.
Page 46: Comment [CDA36] CDA 9/26/2017 2:20:00 PM	
If there is an existing SPD, wouldn't that indicate it was needed to ensure geologic stability in the first place? What is the result the guidance intends to	Constructing new development with reliance on shoreline armoring creates the need to maintain and/or increase the

<p>create here, and how is that consistent with Sec.30235?</p>	<p>armoring over time, which can prolong the exposure of coastal resources to negative impacts of armoring. The broad intent of siting and designing new development to forego shoreline armoring is to allow for eventual removal of armoring once the original structures or uses it was built to protect (presumably per Section 30235) are removed, modified, or otherwise no longer require its protection. This, in turn, will help restore more natural shoreline processes and minimize ongoing harm to public access, visual and other resources.</p>
<p>Page 47: Comment [CDA37] CDA 9/26/2017 2:20:00 PM</p>	
<p>This is a unreasonable requirement considering how low the threshold is set by the “redevelopment” definition. For example, a 30-year old residence is in need of partial subfloor replacement due to dry rot (slightly over 50% triggering “redevelopment”). Because it’s located within an ESHA buffer, would the owner be required to move the entire home to achieve compliance with ESHA policies?</p>	<p>As described in FAQ response #3, defining and regulating redevelopment are crucial components of an LCP and are critical to carrying out the Coastal Act and its hazard policies; however, local governments have some discretion in defining redevelopment. In addition, the definition of redevelopment is not meant to, and cannot, override statutory exemptions, which may continue to provide practical ways to approve minor improvement projects</p>
<p>Page 47: Comment [CDA38] CDA 9/26/2017 2:21:00 PM</p>	

<p>Is the intent here to supersede Categorical Exclusion Orders (for Marin Order E-82-6) and Coastal Act exemptions indicated below? Important to be clear on this point and to maintain existing Cat Ex Orders and Coastal Act provisions.</p> <ol style="list-style-type: none"> 1. Outside of defined areas, § 13250(b)(1) exempts Improvements to existing Single-Family Residences from coastal permit requirements. 2. In other defined areas § 13250(b)(4) exempts residential improvements of 10% or less of floor area and increase of 10% in height. 3. § 13252 exempts the replacement of 50 percent or more of a single family residence not destroyed by natural disaster from coastal permit requirements. 4. Section 30610(g)(1) of the Act itself authorizes the zoning-compliant replacement of any structure, other than a public works facility, destroyed by a disaster without a coastal permit, further providing the increase in floor area, height, or bulk of up to 10%. It defines “disaster” as any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner. 5. Finally, Categorical Exclusion Order E-82-6 excludes from permit requirements over a large area of the Marin Coastal Zone “additions to existing single-family dwellings which would result in an increase of no more than 50% of the floor area of the dwelling before the addition or 1,000 square feet, whichever is less. <p>In each separate case above, the proposed “Redevelopment” language makes no provision to meet the relevant parts of the Categorical Exclusions, the Act or the Administrative Regulations.</p>	<p>related to existing homes. The user note was edited to reflect that routine repair and maintenance are not considered redevelopment.</p>
<p>Page 48: Comment [CDA39] CDA 9/26/2017 2:21:00 PM</p>	
<p>A very imprecise standard</p>	<p>Each local government is encouraged to customize policies to specify design standards and trigger conditions as they deem appropriate.</p>
<p>Page 48: Comment [CDA40] CDA 9/26/2017 2:22:00 PM</p>	

Could interfere with raising structures adequately	See response to CDA39.
Page 49: Comment [CDA41] CDA 9/26/2017 2:22:00 PM	
Another example of apparent disconnect between stated advisory status of Draft Policy Guidance and what appears to be attempt to establish foothold on new requirements.	The intent of the removal condition policy is to require removal when certain triggers are reached. The Draft Guidance offers options and this policy itself is not required.
Page 49: Comment [CDA42] CDA 9/26/2017 2:22:00 PM	
This statement sounds cavalier (“any public agency” without any stated authority) in light of the impact of the decision.	Local governments are encouraged to customize policies to specify the public agency with relevant jurisdiction for red tagging or authorizing removal.
Page 49: Comment [CDA43] CDA 9/29/2017 12:53:00 PM	Comment was blank.
Page 49: Comment [CDA44] CDA 9/29/2017 12:53:00 PM	
Is this the State Lands Commission Policy or is the CCC acting on their authority?	See FAQ response #6 for a discussion of agency roles.
Page 49: Comment [CDA45] CDA 9/29/2017 12:54:00 PM	Comment was blank.
Page 49: Comment [CDA46] CDA 9/26/2017 2:24:00 PM	
CDA has previously indicated that bonding is not practical. Since the purpose of this document is to provide guidance, please provide specific guidance on how this policy could be carried out.	<p>The State Lands Commission has required surety bonds in lease agreements that they executed with lessees of tidelands property. Bonds may be used for lease compliance (such as payment of rent) and restoration costs. Bonds can ensure that any improvements authorized on that property are removed and the site restored, or else that there are sufficient funds to remove them and restore the site, at the end of the lease term. The Coastal Commission or State Lands Commission could provide the commenter with specific examples of such leases and lease terms upon request.</p> <p>Local governments that choose to pursue bond requirements are welcome to use Model Policy D.2. The intent of D.2 is to provide an idea to local governments</p>

	concerned about financing the removal of structures that could be expected to pose additional risk to coastal resources or public safety if not removed. It is up to each jurisdiction to make determinations about whether to pursue bonding.
Page 49: Comment [CDA47] CDA 9/26/2017 2:25:00 PM	This Limited Authorization Period policy has been removed in the Revised Draft Guidance. However, Model Policy D.1 has suggested development removal conditions that are intended for projects like single family residences.
Under CCC definition of redevelopment, a higher percentage of structures would come under this requirement.	
Page 49: Comment [CDA48] CDA 9/26/2017 2:25:00 PM	
Is this to indicate that single family residences are not intended to be subject to requirements such as these?	This Limited Authorization Period policy has been removed in the Revised Draft Guidance.
Page 49: Comment [CDA49] CDA 9/26/2017 2:26:00 PM	
Does this mean the authorization period is limited to the “time allowed for development of a Retreat Management Plan.?”	
Page 49: Comment [CDA50] CDA 9/26/2017 2:27:00 PM	This essentially means that a permit is just temporary and after specified time will need to be completely redone.
This essentially means that a permit is just temporary and after specified time will need to be completely redone.	
Page 50: Comment [CDA51] CDA 9/26/2017 2:27:00 PM	Community scale projects that incorporate soft shoreline protection can be encouraged through LCP policies, some examples of which are in this section.
This is something CDA staff is pursuing, with the intention of working with both adjacent private land owners and park agencies.	
Page 50: Comment [CDA52] CDA 9/26/2017 2:28:00 PM	The Commission recognizes that many policies related to adaptation (such as biological policy habitat buffers) might need to be updated over time to allow for new approaches to address sea level rise impacts.
For Marin, this would require a change to Biological Policies that have already been approved by the CCC.	
Page 50: Comment [CDA53] CDA 9/26/2017 2:28:00 PM	

<p>Please explain how this requirement is or is not supported by Coastal Act sec. 30240 as currently written</p>	<p>Please see discussion of Section 30240 in Section 4. The Coastal Act mandates that ESHA and marine resources shall be protected against significant disruption of habitat value and shall be maintained, enhanced, and restored as feasible (Sections 30230, 30233, 30240, 30240(a), 30240(b)). The main goals that relate to coastal habitats in Section 30240 are to a) avoid significant disruption to sensitive habitats and b) avoid significant impacts to habitats from adjacent development. Certified LCPs should already have policies and standards to ensure that ESHA, wetlands, and other coastal habitats and resources are protected, as required by the Coastal Act. An additional buffer area may be needed to allow for the expected migration of wetlands and other shoreline habitats caused by sea level rise over the anticipated duration of the development, thus avoiding significant disruption or degradation of that habitat over time.</p>
<p>Page 51: Comment [CDA54] CDA 9/26/2017 2:29:00 PM</p>	
<p>It is for the Legislature, not the CCC, to change the law.</p>	<p>As previously indicated and stated in the Draft Guidance itself, it does not change the law. The language referred to in the Draft Guidance has been slightly modified to be more precise.</p>
<p>Page 51: Comment [CDA55] CDA 9/26/2017 2:30:00 PM</p>	
<p>This language is not required by the plain language of PRC Sec 30235., which specifically states the requirements (“local sand supply”) and does not reference other such standards. The specific rule shouldn’t get lost in general policy statement.</p> <p>Section 30235 Construction altering natural shoreline</p> <p>Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal- dependent uses or to protect existing structures or public beaches in danger from erosion, and when</p>	<p>Section 30235 contains some standards applicable to shoreline protection, but other provisions of the Coastal Act, its implementing regulations, and the California Environmental Quality Act also apply. It is these other provisions that require agencies to analyze alternatives to shoreline protection and to adopt an alternative if it is feasible and it substantially lessens any significant adverse impacts that the protective device might have on the environment. See 14 Cal. Code Regs §§ 13053.5(a) (applications for development “shall [] include any feasible</p>

designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.				alternatives or any feasible mitigation measures available which would substantially lessen any significant adverse impact which the development may have on the environment”), 13540(f) (an LUP must ensure “that an activity will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.”); Public Resources Code § 21080.5(d)(2)(i).
Page 51: Comment [CDA56]	CDA	9/26/2017 2:30:00 PM		
Again, not in 30235				
Page 51: Comment [CDA57]	CDA	9/26/2017 2:31:00 PM		
This again fails to reflect the precise statutory language. See previous comment				Please see FAQ response #5 for more discussion.
Page 52: Comment [CDA58]	CDA	9/26/2017 2:31:00 PM		
Exempt piers used to elevate structures				We edited the language for clarity and consistency with references to caissons as shoreline protection.
Page 52: Comment [CDA59]	CDA	9/26/2017 2:32:00 PM		
Not supported by law. See above				See response to CDA55 and FAQ response #5 for more discussion.
Page 52: Comment [CDA60]	CDA	9/26/2017 2:32:00 PM		
Awkward and unnecessary phrase				As local governments customize language for their jurisdictions, they can wordsmith phrases to better express the meaning of their policies.
Page 52: Comment [CDA61]	CDA	9/26/2017 2:33:00 PM		
Goes beyond 30235. See above				See response to CDA55 and FAQ response #5 for more discussion.
Page 52: Comment [CDA62]	CDA	9/26/2017 2:33:00 PM		
What is the Coastal Act support for this and following provisions How does it comport with sec. 30235?				
Page 53: Comment [CDA63]	CDA	9/26/2017 2:34:00 PM		

CDA objects to definition of redevelopment.	Please see FAQ response #3 for discussion of redevelopment definitions.
Page 53: Comment [CDA64] CDA 9/26/2017 2:34:00 PM	
Presumably determined by monitoring in "F8"	Many of these model policies are meant to work together.
Page 53: Comment [CDA65] CDA 9/26/2017 2:34:00 PM	
This will leave the structure unprotected from shoreline hazards. Is that the intent or is elevating structure to meet BFE in addition to sea level rise factor the solution on small lots with no opportunity for relocation?	The intent of this model policy is to encourage new structures to be safe from hazards and remove armoring that is not necessary. Elevation could be an appropriate redevelopment strategy for sea level rise resilience.
Page 53: Comment [CDA66] CDA 9/26/2017 2:34:00 PM	
"Existing" means existing at the time of application, and is not limited to structures that predated the Coastal Act.	Please see FAQ response #2 for an in-depth discussion of shoreline protection for existing structures.
Page 54: Comment [CDA67] CDA 9/26/2017 2:35:00 PM	
Conditions not required by 30235	See response to CDA55 and FAQ response #5 for a broader discussion of Section 30235.
Page 54: Comment [CDA68] CDA 9/26/2017 2:36:00 PM	
By eliminating the possibility of "refacing" a failing bulkhead, this requirement will make repair and replacement much more complicated and expensive	The policy does not eliminate the possibility of refacing, but would encourage landward repair. The intention is to prevent seaward expansion of existing bulkheads in a manner that would interfere with public trust uses of the water, constitute "fill" of the water, or otherwise conflict with relevant Coastal Act or LCP policies.
Page 54: Comment [CDA69] CDA 9/26/2017 2:36:00 PM	
How does this apply to existing structures?	Model Policy F.10 applies to new development or redevelopment of bulkheads for waterfront development.
Page 54: Comment [CDA70] CDA 9/26/2017 2:37:00 PM	

<p>None of this is a requirement under the Coastal Act. CCR § 13511. Common Methodology sets out those requirements.</p> <p>In fact Coastal Act Sec. 30500(c) specifies</p> <p>“The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the commission and with full public participation...”</p> <p>The County has made significant progress in this regard under our Adaptation Planning process.</p>	<p>Model language is offered as a suite of options for identifying and eventually implementing adaptation strategies to sea level rise. The information and recommendations provided in the Revised Draft Guidance should be considered on a location-specific and case by case basis in a way that fulfills the requirements of the Coastal Act, certified LCPs, and other relevant laws and policies, and that gives consideration to local conditions.</p>
<p>Page 55: Comment [CDA71] CDA 9/26/2017 2:38:00 PM</p>	
<p>It would be helpful for the CCC to work with the NPS to encourage them to participate in such swaps, and through the CCC Federal Programs and Consistency authority to create incentives to do so.</p>	<p>The Commission recognizes that adaptation planning is a complex topic and that additional efforts and information on a number of topics, including additional examples of implemented adaptation strategies, will be necessary. The Commission will continue to support efforts to address sea level rise, including supporting regional coordination and working with local governments and agency partners.</p> <p>Note that the Commission has a recent Plan for Improved Agency Partnering Agreement with Caltrans to work on sea level rise issues.</p>
<p>Page 55: Comment [CDA72] CDA 9/26/2017 2:38:00 PM</p>	
<p>Smaller local governments could benefit from the Commission using its considerable influence to have Caltrans dedicate cooperation, time and attention to SLR issues affecting Highway 1 and other state roads.</p>	
<p>Page 55: Comment [CDA73] CDA 9/26/2017 2:39:00 PM</p>	
<p>See above</p>	
<p>Page 55: Comment [CDA74] CDA 9/26/2017 2:39:00 PM</p>	
<p>The CCC should actively steer more state and federal resources to local governments to enable this to happen.</p>	
<p>Page 55: Comment [CDA75] CDA 9/26/2017 2:39:00 PM</p>	<p>The Commission supports innovative approaches to adaptation and encourages local governments to pursue natural infrastructure pilot projects and share lessons learned with other jurisdictions.</p>
<p>These will be to some extent experimental project. Some questions about them may not have immediate answers. The Commission should nevertheless expedite the approval of coastal permits even in the face of some uncertainty.</p>	
<p>Page 56: Comment [CDA76] CDA 9/26/2017 2:40:00 PM</p>	

As noted above, our Adaptation Plan is separate from the LCP. As implementation projects come forward, necessary coastal permits will be sought.	Developing adaptation plans before permitting adaptation projects is one way to form and implement adaptation strategies. LCP policies could also be used to define strategy approaches for a community and guide the permitting process.
Page 56: Comment [CDA77] CDA 9/26/2017 2:41:00 PM	
All of these through G11 are of course “advisory and not a regulatory document or legal standard of review” as provided in the preamble to this document.	See response to CDA70 and FAQ response #1.
Page 56: Comment [CDA78] CDA 9/26/2017 2:41:00 PM	
As a consequence of our support of the Marin/Sonoma CRSMP, CDA is hoping to start such an effort with involved agencies soon.	The Commission will continue to support efforts to address sea level rise, including supporting regional coordination on sediment management approaches to beach and dune adaptation.
Page 57: Comment [CDA79] CDA 9/26/2017 2:41:00 PM	
Such a program would of course be voluntary at the discretion of a local government since the Coastal Act does not require managed retreat programs	See response to CDA70 and FAQ response #1.
Page 58: Comment [CDA80] CDA 9/26/2017 2:42:00 PM	
Such a program would of course be voluntary at the discretion of a local government since the Coastal Act does not require managed retreat programs	See response to CDA70 and FAQ response #1. The Draft Guidance offers options and this policy itself is not required.
Page 58: Comment [CDA81] CDA 9/26/2017 2:42:00 PM	
As noted, CDA objects to this notion which is not in the Coastal Act.	
Page 58: Comment [CDA82] CDA 9/26/2017 2:42:00 PM	
Voluntary.	
Page 58: Comment [CDA83] CDA 9/26/2017 2:43:00 PM	
Voluntary	

Page 59: Comment [CDA84] CDA 9/26/2017 2:44:00 PM	
Voluntary.	
Page 59: Comment [CDA85] CDA 9/26/2017 2:44:00 PM	
Voluntary.	

Webinar (8.2.17) Q&A Session

	Comment Summary	Response
1	There were multiple questions about the status of legislation or the need for changes to the Coastal Act.	Commission staff did not have insight into the legislation under discussion, but believe the Coastal Act as currently written supports the model adaptation policies.
2	Many participants asked about land uses other than residential, citing commercial and infrastructure assets as important for adaptation planning.	Commission staff proposed to conduct this project with a limited scope to enable the production of a document within a grant timeframe. Other efforts to produce guidance on infrastructure will soon be underway, and local governments (including LCP grant recipients) continue to work with Commission staff on LCP updates that address a wide range of adaptation issues that encompass residential as well as other land uses.
3	A little more background on what methodologies would help to "internalize risk" was requested.	Property owners should assume the risk and take responsibility for developing in a hazardous location so the public does not have to assume the burden of collapsing structures, resulting debris on the beach or in the water, clean-up costs associated with such destruction, and the public resource impacts inherent in property owners obtaining shoreline armoring to protect new structures constructed in unsafe locations. Assumption of risk, indemnification of local governments, disclosures of risk for owners to be aware, and impacts of development over time need to be mitigated over time by the owner. For example, mitigation should address impacts on the public's coastal resources.
4	One question was about how public beach nourishment would be funded.	There are many ways adaptation implementation will be funded. Many beach nourishment projects are funded with local-federal cost sharing. One nourishment project that is currently underway is at Broad Beach, where property owners in a Geologic Hazard Abatement District are financing the adaptation project. Financing adaptation implementation will be an important component of local government planning processes that should involve maximum public participation as communities develop their adaptation visions.

5	<p>In the guidance, do you intend to weight or emphasize some adaptation measures over others? For example, choosing armoring over managed retreat for a threatened or damaged residential site, over a longer time horizon, as the area continues to get threatened and damaged with increasing magnitude and frequency which will most certainly be the case, the site will ultimately become an “unmanaged retreat.”</p>	<p>Potential policies speak to prioritization. The Draft Guidance does not weight policies; such prioritization is a community level process that should reflect legal requirements and local vulnerabilities. This guidance presents a library of strategies.</p>
6	<p>Pg 2 Are the model policies part of the proposed interpretive guideline? Specifically: Pg 46 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of this LUP (or subject amendment) certification; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of 50% or greater of the floor area</p>	<p>Yes, the model policies are part of the guidance. Please refer to the table on how to use this document. It is not regulatory, or a legal standard of review. It is a tool to assist local governments to develop policies appropriate for their jurisdictions. The samples are provided as a model for modification for individual jurisdictions and not all are appropriate everywhere. For further explanation, see FAQ #1. For more information on redevelopment, refer to FAQ #3.</p>
7	<p>What does use of policies 'only if relevant' mean? Can a local government determine not only what is relevant, but what is appropriate?</p>	<p>The Draft Guidance policies are examples, and this document is an overall a tool to use. The Coastal Act and the LCP are standards of review.</p>
8	<p>The Guidelines stress the need for “enhanced community participation.” In this case the statewide constituency for SLR is the affected community, and this is of such importance that it deserves an interactive workshop with the Commission where the public can participate in a meaningful way. For example, based on online interactive polling, each of those issues could be taken up for discussion by the Commission individually, with some of the original commenters stating their case and interacting with the Commission. The workshop should be scheduled for a day when no other items are to be heard to give the Commission enough time to digest the information. Then they should vote after a regular public hearing at a later date.</p>	<p>Commission staff has been working to maximize participation. Commission staff has limitations on time but appreciates suggestions on workshops and will be looking into options to engage more stakeholders.</p>

9	<p>Will the State Lands Commission be addressing the issue of public trust lands and harm to public trust resources by interfering with future migration of such trust lands?</p> <p>Will the State Lands Commission be addressing in a rulemaking the issue of current development interfering with FUTURE migration of public trust lands?</p>	<p>Commission staff is coordinating with the State Land Commission on this issue. In particular, State Lands Commission staff reviewed the Draft Residential Adaptation Policy Guidance, with particular focus on elements related to the Public Trust, and the ambulatory Public Trust boundary, and supports its implementation. In addition, the Center for Ocean Solutions, in coordination with law and policy experts, developed a consensus statement on public trust and what that means with sea level rise, which can be found at: http://www.centerforoceansolutions.org/publications/public-trust-consensus-statement.</p>
10	<p>Good to hear there will be more opportunities for input. It is unfortunate that there was so minimal advance notice of this webinar, and such limited capacity to accommodate interested and affected parties, especially for meaningful give and take. Future interaction should provide ample opportunity for input.</p>	<p>Commission staff noted the interest in the first webinar. Since then, staff has provided multiple webinars and public presentations to introduce the draft document and has posted recordings and slides on the Commission website. Commission staff also welcomes additional input, calls, letters, and emails.</p>
11	<p>Does the coastal commission have a 'default position', (to protect or to not protect) concerning residential developments that are closer to the waterline than would be allowed since the coastal act? Would the commission just assume these developments be eliminated over time? Or is the commission neutral and leaving that up to local LCPs?</p>	<p>This is a complex question. In general, Coastal Act section 30235 allows protection for existing structures, essentially grandfathering development that was permitted in unsafe locations prior to the Coastal Act, if certain criteria are met. On the other hand, new developments should be built farther back from the beach or in another way that doesn't require future armoring (section 30253). For pre-Coastal Act residential development that is in hazardous locations, there is no one "default position"; rather, whether that development may obtain shoreline armoring or other protection so that it may remain requires a case-by-case analysis under Section 30235 and other Coastal Act and LCP provisions. Local jurisdictions have significant flexibility in determining where existing patterns of development may remain and where they should change. However, as the public trust migrates inland, it may become another factor that must be considered.</p>
12	<p>In the implementation of the adaptation pathway there are triggering actions, how are the funding paths and timelines matched up the triggers identified in the pathways?</p>	<p>The hypothetical graphic (shown in the Draft Guidance in Section 5) was an example to start communities thinking. Commission staff does not have more details for individual cases. However, the triggers should be soon enough for implementation actions. The point of early adaptation planning processes is for communities and planners to think about how the strategies fit together. If jurisdictions have given</p>

		themselves 10 years to plan, the trigger needs to speak to that horizon. More research will need to be done in individual cases.
13	How do you see adaptation pilot or demonstration projects specifically for residential development being permitted or tried under current policies?	The Commission supports innovative approaches to adaptation and encourages local governments to pursue natural infrastructure pilot projects and share lessons learned with other jurisdictions. The Broad Beach project referenced in Section 1 of the Draft Guidance (Box 1) demonstrates one way the Commission has approached new innovative adaptation projects--limiting its approval to 10 years subject to extensive monitoring and reporting requirements.
14	The guidance presents examples where local agencies plan to purchase private property in some instances. This is not realistic for many agencies and could involve a costly condemnation process. Is anyone at the CCC considering a program to assist agencies in this regard?	Commission staff will continue to work on funding issues. FEMA hazard mitigation programs could be used to help fund strategies. Funding should be brought into the conversation --it is a big barrier, especially for buyouts. Local governments should bring this up for future discussion.
15	Is existing development only defined as structures built prior to the Coastal Act? What about newer structures that are building legally under a CDP?	The Residential Adaptation Guidance follows the Commission's adopted 2015 Sea Level Rise Policy Guidance interpretation of existing development entitled to shoreline protection. See FAQ # 2 for more discussion on this issue.
16	Are storms considered by the CC as "sea level rise"?	In the Guidance, the term sea level rise refers to the longer term trend of global and regional sea level rise as an impact of climate change, rather than episodic storms. However, storms contribute to hazards, and jurisdictions should analyze the effects of storm surges on top of sea level rise.
17	Are roads / streets close to the ocean under the CC purview?	If roads are in the coastal zone, then development associated with them falls within the permitting requirements of the Coastal Act and must be permitted by the Commission or a local jurisdiction with delegated Coastal Act authority.
18	Is there guidance on balancing competing needs--e.g. the need to protect existing private development, versus protecting a walkable beach, where the two conflict?	The Coastal Act protects a variety of sometimes competing resources. In some cases the Coastal Act places a higher priority on certain resources; for example, it speaks of maximizing public access. (Pub. Res. Code § 30310). In addition, some provisions are mandatory (e.g., section 30240 requires strict protection of environmentally sensitive habitat), whereas other provisions express the need to protect resources when feasible or appropriate (e.g., section 30253(e), which provides for the protection of special communities "where

		<p>appropriate”). When the Commission takes actions pursuant to the Coastal Act and there is a conflict between different policies, it must resolve such conflicts “in a manner which on balance is the most protective of significant coastal resources.” (Pub. Res. Code § 30007.5.) A community level vulnerability analysis and adaptation planning process is important in order to recognize any such conflicts, understand the risks and goals of the community, and analyze how the community’s goals relates back to the requirements of the Coastal Act.</p>
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Webinar (8.29.17) Q&A Session

	Comment Summary	Response
1	Why is there not a section mandating that the state purchase those existing homes which the Coastal Commission will not allow to be protected?	This guidance cannot mandate state purchases of properties. Commission staff agrees funding will be necessary for buyout and to pursue adaptation strategies. While some funding has been provided for sea level rise planning, not as much funding is currently available for implementation. The Coastal Commission is working with FEMA to try to understand how local governments can best use disaster and pre disaster funding that may be available given the huge need for funding sea level rise adaptation. In the future there might be bond funding available, so stakeholders should continue to communicate their needs to the state and through other avenues.
2	What is the Commission's view of maintaining already existing (county-permitted) sea walls protecting development?	Existing, legally permitted shoreline protection can be repaired and maintained in most cases. Often a permit is required for that repair but does not require review as a new structure. See F.4 Repair and Maintenance of Shoreline Protective Devices for more information.
3	Under F 1 are all post 1-1-77 properties with existing shoreline protection required to secure new permits for the protective devices?	Model Policy F.1 is the LCP provision corresponding to Coastal Act Section 30235. This model policy does not call for new permits for authorized shoreline protective devices that are currently in place.
4	There is going to be a lot of review work coming up - is the Coastal Commission going to expand staff and budget?	On the whole, the Commission does not have a large expansion of staff planned but anticipates additional federal funds to help with guidance work (e.g., critical infrastructure policy development) and Commission staff plans to work with other state and regional agencies on that guidance development.
5	How will this guidance incorporate the revision to State SLR guidance scheduled for adoption in January 2018?	The Revised Draft Guidance discusses the State Sea-Level Rise Guidance (2018 Update) recent scientific advances, and provides a footnoted web link.
6	Where is information on repair of seawalls becoming new development found in the draft document?	Information can be found in Model Policy F.4 - Repair and Maintenance of Shoreline Protective Devices.

7	On pg. 46, the box language about increased market value should be eliminated because first it is not discussed in A or B below, and second because it is very hard to measure the causation of market value increases in rising market time periods.	Commission staff revised the user note so that it tracks the policy language accurately. The intended point is that, using the Model Policy B.7 Redevelopment, even if development does not exceed 50% of the physical redevelopment thresholds, it could be considered redevelopment if it meets a cost threshold.
8	Are you expecting to require local governments to do detailed hazard exposure mapping with SLR as part of LCP updates?	Even with limited staff or technical resources, any amount of vulnerability exposure assessment is helpful. The Commission's 2015 Sea Level Rise Policy Guidance document has direction on this subject and other LCP grant work and draft vulnerability assessments are good places to look for more examples of how this has been approached.