

CALIFORNIA COASTAL COMMISSION

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October 22, 2015

TO: Commissioners and Interested Persons

FROM: Charles Lester, Executive Director
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 Elizabeth Fuchs, AICP, Manager, Statewide Planning Unit

SUBJECT: Background Report for the November 6, 2015 Local Government Workshop

I.	Background.....	1
II.	Recent Improvements in the LCP Program	3
III.	Current Challenges in LCP Planning and Coordination	5
IV.	Current Challenges in Sea Level Rise Adaptation Planning	7
	ATTACHMENT: Local Government Background Materials submitted	9

I. BACKGROUND**A. HISTORY OF LOCAL GOVERNMENT WORKSHOPS**

This is the third public workshop the Commission has conducted with local coastal government officials to discuss topics related to the Local Coastal Program (LCP) component of the California Coastal Act. These workshops recognize the importance of the partnership among the Commission, local governments and the public in carrying out the Coastal Act through the LCPs.

The 2009 Workshop¹.

The first workshop occurred in 2009 and it focused on potential means of improving the LCP amendment process for all stakeholders, including the need for improved communication and collaboration with the Commission. As follow up to this workshop, from 2009-2012, the Commission staff, working more closely with local government staff, made progress on these initiatives. For example:

- **Commission management emphasized with staff the need for regular and early coordination** on priority issues, policy development, and procedural matters. Within

¹ See the full report on suggestions from the 2009 workshop presented at the Commission's October 2009 hearing at [Report on Improving the Local Coastal Planning Process. http://documents.coastal.ca.gov/reports/2009/10/W13-10-2009.pdf](http://documents.coastal.ca.gov/reports/2009/10/W13-10-2009.pdf)

staffing constraints, more early and ongoing pre-application meetings were held with local staff and Commission staff increased participation at local public meetings (e.g., Zoning Administrator, Planning Commission Board of Supervisors or City Council meetings).

- **Both Commission and local staffs increased early coordination** on amendments -- by local government staff alerting Coastal Commission staff of upcoming items and by coastal staff providing early input to local processes. Commission staff made efforts to provide any draft suggested modifications available earlier in the process.
- **Commission implemented certain streamlining**, including eliminating a significant backlog of pending LCP amendments in Santa Cruz County through procedural streamlining and coordination.
- **Commission staff applied for and received federal grant funding to continue the LCP Communication Initiative work.** Staff continued to meet with the Local Government Working Group, and to participate upon request in meetings of the coastal groups of CSAC and the League of Cities. These efforts helped to increase outreach, coordination, and feedback concerning implementation of the Commission's programs.
- **Commission staff published new and updated LCP assistance documents** for maximizing effective and efficient collaborative LCP planning for both the Commission and local government. These included the *Procedural Guidance on Updating Implementation Plans*², the online *Guide to Updating the Land Use Plan LUP*³ and "*Tips/Best Practices for Processing LCP Amendments*"⁴.
- The Commission and local governments acknowledged that **significant improvements would require increased funding and staff resources** for both local government and Commission staff.

The 2012 Workshop⁵

The next workshop continued the dialogue on ways to renew and enhance the LCP planning partnership. As follow up to this workshop, from 2012 to the present, the Commission staff, working with local governments, made progress on new and existing initiatives, and many were incorporated into the agency Strategic Plan. For example:

- With support of local coastal jurisdictions, the Legislature and the Governor authorized additional temporary funding for more staff and for planning grants available to local government to complete or update LCPs. **The Commission awarded 23 planning**

² <http://www.coastal.ca.gov/la/landx.html>

³ <http://www.coastal.ca.gov/la/lcp.html>

⁴ http://www.coastal.ca.gov/la/TipsLCPAmend_Nov2013.pdf

⁵ <http://documents.coastal.ca.gov/reports/2013/4/F9b-4-2013.pdf>

grants to 21 coastal jurisdictions for LCP planning, including planning to address sea level rise. (CCC Strategic Plan Action item 4.4.6)

- Identified LCP priorities as those where local jurisdictions were undertaking LCP planning supported by CCC LCP grants and allocated resources to those priorities. **Assigned staff and emphasized early communication and coordination efforts** to assure early discussion on issues, scope and scheduling of any pending LCP amendments, consistent with Coastal Act statutory deadlines. Followed the *Draft Tips/Best Practices for Processing LCP Amendments* to the extent resources allowed. (Appendix II of <http://documents.coastal.ca.gov/reports/2012/12/W3-12-2012.pdf>) (CCC Strategic Plan Action 4.4.2 and 4.4.3)
- As a result of the temporary staffing increase, the Commission **reduced the backlog of pending LCP amendments and significantly decreased the average processing time** for filed LCP submittals from over a year during the peak staff furlough year of 2010 to about four months in 2014 – a reduction of 64%. (http://documents.coastal.ca.gov/assets/press-releases/2014-in-review/CA_Coastal_Commission_2014_In_Review.pdf)
- A review of data also shows that the **average number of days from submittal to filing of planning items has decreased** since 2012 by an average of 25% in 2014 and by 67% to date in 2015⁶ which is an indicator that early communication and collaboration is resulting in more expeditious review of most planning items.
- **Updated the Commission’s online LUP Update Guide.** (CCC Strategic Plan Action item 4.2.3; 2.13; 2.4.2; 2.5.1)
- **Continued to discuss improving the LCP process** with representatives of local governments through the Local Government Working Group and a planned 2015 workshop. (CCC Strategic Plan Action item 4.4.1)
- **Organized and conducted workshops** on policy and planning information related to protection of agricultural resources⁷ and protection of affordable overnight accommodations⁸, and held several public hearings and webinars on the proposed sea level rise guidance. (CCC Strategic Plan Action item 4.2.3)

II. RECENT IMPROVEMENTS IN THE LCP PROGRAM

The first two workshops resulted in improved relationships with local government partners in coastal management and enhancements to the LCP process. As the Executive Director reported on the LCP program in his report of March 2014:⁹

⁶ CDMS Data report Accessed 10/1/2015

⁷ <http://documents.coastal.ca.gov/reports/2013/5/W3-5-2013-a1.pdf>

⁸ <http://documents.coastal.ca.gov/reports/2014/12/W3-12-2014.pdf>

⁹ <http://documents.coastal.ca.gov/reports/2014/3/W5a-3-2014.pdf>

Since 2011, the Commission has made a concerted statewide effort to increase early collaboration efforts with local governments. Progress has been made in reducing conflict and overall processing times for LCP amendments...

The Budget Act of 2013 included a \$3 million budget augmentation for the Coastal Commission to address Local Coastal Programs, and authorization for 25 new positions. This has allowed the Commission to hire additional limited-term staff specifically to address a backlog of uncertified and outdated LCPs, work on certifying the uncertified jurisdictions, and address climate change and sea level rise in those plans...An additional \$1 million per year for two years was allocated for local assistance grants to local governments to complete or update LCPs... As shown in Figure 4, efforts to implement the best management practices for LCP amendments has enabled the Commission to reduce the total number of LCP amendments pending with the Commission. In addition, as a result of the budget augmentation of the last fiscal year 2013- 2014, the Commission has made additional progress over the last six months and projects further reduction in the backlog of actively pending LCPs (submitted to the Commission and awaiting hearing). The Commission has also been able to reduce the average processing times for LCP amendments. As shown in Figure 5, the average time between the filing and hearing of an LCP amendment is trending down. Figure 5 also shows the clear relationship between staff capacity and efficiency, as LCP processing time increased markedly during the years of staff furloughs related to the state budget crisis.

Since 2012, the additional temporary resources (starting in FY 13-14) and the commitment to better communication during the LCP planning process has resulted in key coastal management protections through new and updated LCPs/Public Works Plans, Long Range Development Plans and Port Master Plans. This included certifications of:

- **LCP for the Santa Monica Mountains segment of Los Angeles County**
- **The City of Solana Beach LUP**
- **The City of Seaside LCP**
- **Phase I of the Ventura County LCP Update**
- **The City of Chula Vista Bayfront Master Plan (LCP/Port Master Plan Amendment)**
- **The City of Grover Beach LCP Update**
- **The North Coast Corridor (NCC) Public Works Plan and Transportation and Resource Enhancement Program (PWP/TREP) and related LCP amendments** for the cities of San Diego, Encinitas, Carlsbad and Oceanside for the transportation infrastructure improvements and community and resource enhancements located within the North Coast Corridor (NCC) of San Diego County
- **The Long Range Development Plan Update for UC Santa Barbara**
- **The Port of Los Angeles Port Master Plan Update**

Successful early and ongoing collaboration with local governments helped to minimize many issues in these planning matters that led to more streamlined certifications. For example, the City of Grover Beach LCP update was approved as submitted after close coordination between Commission and City staff.

III. CURRENT CHALLENGES IN LCP PLANNING AND COORDINATION

A. Managing State and Local Perspectives

Commission staff have significantly increased efforts to conduct early and ongoing coordination and communication related to LCP amendments, locally issued coastal development permits, post certification matters, and enforcement issues. In general, Commission staff has good working relationships with the local planning staffs and through this coordination has often succeeded in avoiding major disagreements over Coastal Act interpretation. However, there are instances where mutual satisfactory coordination did not occur or was not perceived as successful. This can sometime manifest itself in different perspectives on local versus state roles or disagreement on the extent of suggested modifications recommended to an LCP or changes to a coastal development permit. Disagreement on fundamental issues can sometimes be expected. Even after extensive communication, the Commission and local decision-makers do not always agree on how to address a particular Coastal Act issue in a particular case. While communication with local officials as well as staff can help minimize issues, such tension may nonetheless be present. However, cases where such differences exist are often fewer than expected. For example, of the 1,054 locally issued coastal development permits in FY 14 of which 718 (68%) were appealable, only 60 (8%) were appealed. And in terms of the appeals heard in 2014, 18 (30% of those appealed) raised no issues warranting Commission de novo review. Thus, much coastal management is occurring without major state and local disputes.

At the same time, despite increased communication and collaboration, including communication early in the planning process, challenges still occasionally occur at the submittal stage with disagreement over the information to conduct the LCP Amendment review. This can be seen by local governments as extending the timeline for action. Local governments can sometimes view Commission staff positions, even if communicated early, as beyond the scope of an intended amendment or outside of the analysis considered by the local review and administrative record. However, sometimes such differences reflect the need to protect resources and public access that are of more than local importance, as required by the Coastal Act Section 30501 and Code of Regulations Section 13513. These types of concerns are meant to be addressed by the best practices of early coordination. However, more improvements can be pursued, depending on available resources. Additional training especially on issues of statewide importance may increase understanding of Chapter 3 policies. Improved information sharing on key Commission decisions that illustrate implementation of Chapter 3 policies could further enhance collaboration and understanding of ways that state and local perspectives can be addressed.

B. Financial Support Should Continue and Expand

State and local staff may be at capacity. The infusion of temporary (FY 13-14, FY14-15, FY15-16) financial support has been central to the ability to provide early collaboration and to support local LCP planning efforts. At the same time, though, the workload has also greatly increased. The implementation of 23 local planning grants, as well as planning pursued by local governments at their own initiative without state grants, has resulted in even more demand for early and ongoing Commission staff coordination and participation in the local planning. The Commission is finding that staff is at capacity to handle existing regulatory work as well as ongoing LCP planning. In addition, some local governments have identified that LCP planning at the local level is taking longer than anticipated and that the timelines in the recent LCP grants are challenging to meet. Additional phasing of LCP planning grant work may be needed to better support local efforts.

In any case, what might have been at one time been considered the exception (significant collaborative work between local governments and Commission staff from LCP amendment inception to certification), is now generally the rule, and expectations are high. Although Commission staff is committed to such a process, the reality is that there are a hundred or so local governments and special districts with planning program responsibilities - LCPs or similar ones, such as Port Master Plans, Public Works Plans, Long Range Development Plans - statewide, and the Commission staff is in the midst of a significant uptick in major LCP amendment -- including overall LCP update -- work. There are currently 122 planning projects pending locally statewide¹⁰. Commission staff is currently hard pressed to provide all of the local government assistance that is being requested and/or is needed.

The funding for the temporary Commission staff augmentation is currently scheduled to end in June of 2016. Additional – and ongoing – funding will be critical if the current degree of coordination is to be maintained, and hopefully expanded. Absent ongoing funding, and ongoing staffing capacity, the Commission will simply not be in a position to provide the level of coordination desired by local governments. More important, the substantive planning work to update and complete LCPs, including address sea level rise and climate adaptation planning, will suffer and possibly be more contentious absent effective state-local coordination

C. Staff and Officials May Benefit From Access to Information and Training.

Some of the disagreements and communication challenges between commission staff and local governments stem from the differences between LCPs and local General Plans. Local General Plans typically do not include the level of detail and specificity that is required in LCPs in order to carry out the resource protection and public access requirements of the Coastal Act. The required level of detail and specificity required in LCPs has been a point of contention between local government officials and the Commission in past LCP planning efforts. Understandably, local government officials would like the LCP to integrate and conform to the local General Plan as considerable planning efforts and local stakeholder involvement went into preparing the General Plan.

¹⁰ <http://documents.coastal.ca.gov/reports/2015/10/Tu6a-10-2015.pdf>

There is a need for better understanding of the Chapter 3 policies of the Coastal Act and LCPs by local officials and better understanding by Commission staff of local general planning efforts in order to bridge this gap. With turnover, local coastal staff and elected officials are sometimes new to coastal planning. The Commission staff, especially at the district level, has increased efforts to provide some training and orientation to the Coastal Act to local staffs. Expansion of this type of training for local governments may help strengthen collaboration and communication and a better understanding of the Coastal Act Chapter 3 policies and LCP program by local officials. Additionally, new Commission staff could benefit from training in local general planning efforts. Also helpful may be a better understanding of the unique requirements of LCPs, including, for example, the distinctions in the Coastal Act that make LCPs different than regular General Plan requirements that local officials are more familiar with under General Plan law. However, the ability to provide such training is constrained by limited staff resources. The Commission will be seeking additional funds or ways to more efficiently provide overall Coastal Act and LCP training which can be accessed on demand online.

IV. CURRENT CHALLENGES IN SEA LEVEL RISE ADAPTATION PLANNING

On Wednesday, August 12, 2015, the Coastal Commission unanimously adopted the *Sea Level Rise Policy Guidance* (Guidance) <http://www.coastal.ca.gov/climate/slrguidance.html> as interpretive guidelines for Local Coastal Programs and Coastal Development Permit applicants. The Guidance is intended to assist in the preparation for sea level rise within the context of the Coastal Act. It is guidance only and not regulation.

Significant LCP planning to address sea level rise and adaptation is already underway at the local level. Grant programs, including the Commission's LCP Local Assistance grant program, the Ocean Protection Council (OPC) LCP Sea-level Rise grant program and the State Coastal Conservancy (SCC) Climate Ready grant programs are all supporting work to address sea level rise and climate adaptation in various ways.

Commission staff reviewed the detailed comments submitted by local governments on the draft sea level rise guidance document as well as comments made in discussions of the Local Government Working Group. Based on this review, staff summarized some general concerns raised by local governments in the Draft Guidance document, including for example:

- The need for directions, examples, guidance and technical scientific support to conduct vulnerability analysis and translate results into key policies and adaptation alternatives identified in the Guidance.
- Challenges in integrating the Guidance with ongoing LCP planning already underway.
- The need for locally specific data and research for economic analysis of SLR impacts.
- How to prioritize adaptation strategies.
- The distinctions in adaptation planning faced by rural versus developed urban communities.

- The need to find ways to share information or leverage resources regionally and with other programs, such as the FEMA flood mapping efforts or regional sediment management efforts.
- The fiscal impacts to local governments and the need for expanding financial support for adaptation work.
- The legal context of adaptation planning, especially private property “takings” issues.
- The need for local outreach and communication, especially to local communities, stakeholders and property owners.
- Greater understanding of how the Guidance will be applied in the Commission’s regulatory program.
- How to reduce regulatory hurdles for implementing adaptation policies in LCPs.
- The issues faced by low income communities in terms of capacity to prepare and respond to sea level rise.

In response to these comments from local governments, many updates and revisions were made to the final *Sea Level Rise Policy Guidance* before it was adopted by the Commission in order to address the issues raised, including those noted above. The adopted *Sea Level Rise Guidance* includes a description of next steps in Chapter 9 page 173.

http://documents.coastal.ca.gov/assets/slr/guidance/August2015/9_Ch9_Adopted_Sea_Level_Rise_Policy_Guidance.pdf

There are currently ongoing Commission efforts to provide technical assistance and support to local governments. In addition to the SLR Guidance that can help inform local planning, the Commission staff is planning outreach on the Guidance in the coming months, which will include on-line guidance and resources. The Commission also has a federally-funded project, *Managing the Coastal Squeeze – Resilience Planning for Shoreline Residential Development* that will provide additional policy guidance, including potentially model ordinances for shoreline residential development and redevelopment. And, the recently developed *2016 Updated Assessment and Strategy: the California Coastal Management Program* (required by Section 309 of the Coastal Zone Management Act) includes a 5-year strategy titled *Management Options to Protect Public Trust Lands and Resources* that will guide future federally funded grant projects and address issues raised by sea level rise with respect to public trust lands and resources.

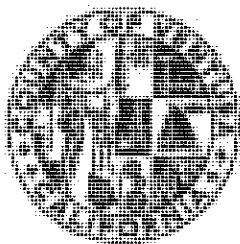
Commission staff has also provided input to a project researchers at the Emmett Institute on Climate Change and the Environment, UCLA School of Law, are completing to develop a model ordinance as a tool for local governments on how to integrate sea level rise adaptation strategies into the complex web of existing local, state, and federal coastal and floodplain management policies.

These efforts illustrate that the Commission recognizes that implementing adaptation planning is a challenge for all levels of government. The Commission is committed to continuing technical assistance for local governments undertaking LCP planning wherever feasible.

**ATTACHMENT: LOCAL GOVERNMENT BACKGROUND MATERIALS
SUBMITTED**

Attached are the materials submitted by local government representatives as background for the workshop. These include:

California State Association of Counties, Coastal Counties Regional Association Local Government Officials Comments for the California Coastal Commission November 6, 2015 Public Workshop on LCP Planning Program and Sea Level Rise Guidance (emailed 10/12/2015).



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California Coastal Commission
Honorable Steve Kinsey, Chair
45 Fremont Street #2000
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Subject: California State Association of Counties, Coastal Counties Regional Association Local Government Officials Comments for the California Coastal Commission November 6, 2015 Public Workshop on LCP Planning Program and Sea Level Rise Guidance.

Chair Kinsey and Commissioners;

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

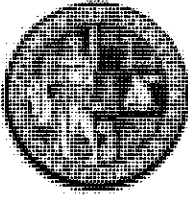
As Co-Chairs of Coastal Counties, we understand the importance of this 2015 workshop to identify and discuss issues and opportunities in regards to LCP Planning Program and implementation of the adopted Sea Level Rise Guidance. We respectfully submit for your review the Coastal Counties Local Government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

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

Sincerely,

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

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



Local Coastal Plan (LCP) Amendment Process

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

September 17, 2015

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

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

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

Phase II Updates to Local Coastal Program (LCP):

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

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

A-2

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

Coordination/Efficiency in LCP Amendment Process

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

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

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

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

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

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

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

In addition, time extensions afforded to the CCC during the review and certification of Phase 2 will delay when the text amendments become effective. Pursuant to Coastal Act Section 30513 and California Code of Regulations, Title 14, Section 13522, an amendment to the LCP must be scheduled for a public hearing and the Commission must take action **no later than 60 days** from the date the complete amendment was received. Most of the Phase 2 amendments¹ are scheduled to be formally submitted to the CCC in April 2016, and the 60th day would be June/July 2016. However, pursuant to Coastal Act Section 30517 and California Code of Regulations, Title 14, Section 13535 (c), the Commission is authorized to extend for good cause the 60-day time limit for a period **not to exceed one year**. Commission staff regularly requests an extension to the 60-day time limit in order to allow adequate time to review and analyze the amendment and to allow for a local hearing venue.

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

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



Response to Sea Level Rise Policy

Guidance (adopted on 08/12/2015)

County of Ventura • Resource Management Agency • Planning Division

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

September 17, 2015

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

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

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

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

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

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

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

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

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

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

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

3. Regional Approach to Adaptive Management.

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

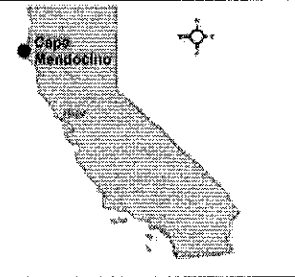
The SLR Policy Guidance document, at Chapter 7, Coastal Development and Hazards, contains a goal that would allow shoreline protective devices only to protect existing and endangered structures. The Guidance further suggests that properly-designed shoreline armoring would, in most cases, be allowed to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

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

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

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

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

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

* With Year 2000 as a baseline

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

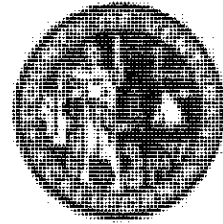
- 5. Private Property Takings Issues.** A recent California Appellate Court opinion regarding a seawall protecting two adjacent single-family residences in the City of Encinitas (*Lynch v. California Coastal Commission*) upheld the Coastal Commission's action to impose a 20-year expiration date on a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

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

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

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

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



**HARBOR
DEPARTMENT**

MEMORANDUM

DATE: October 8, 2015
TO: Supervisor Kathy Long
FROM: Lyn Krieger, Director *LK*
SUBJECT: Comments on Sea Level Rise Policy Guidance adopted by the California Coastal Commission on August 12, 2015

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

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

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

From the desk of . . .
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A-11

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

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

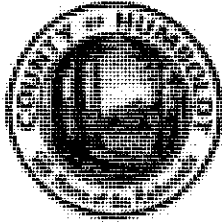
address this concern, and how it will affect the evaluation of strategies to address sea level rise. For example, while the land is often owned by the local agency, the infrastructure and buildings are generally constructed by the private lessee, with infrastructure being turned back to a public agency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

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

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

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

A-13



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707) 445-7541 • Fax: (707) 268-3792

MEMO

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

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

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

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

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

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

A-14



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

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

October 5, 2015

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

Foundational Questions

Review of the Guidance prompts the following questions:

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

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

Comments

Analysis and Decision-making

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

Issues:

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

A-15

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

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

Regulatory Paradigm

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

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

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

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

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

Issues:

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

Potential Pilot Project

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

Prepared by:

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COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: California Coastal Commission

FROM: Dr. Glenn Russell, Director *Glenn Russell*

DATE: October 9, 2015

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

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

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

Improvements in the Local Coastal Program Amendment Process

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A-21

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

Sea Level Rise Policy Guidance

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

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

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

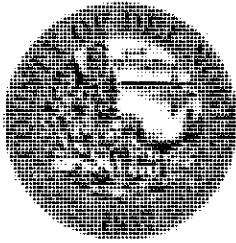
Addressing Sea Level Rise in Local Coastal Programs

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

Addressing Sea Level Rise in Coastal Development Permits

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

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



COUNTY OF DEL NORTE
COMMUNITY DEVELOPMENT DEPARTMENT

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September 30, 2015

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

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

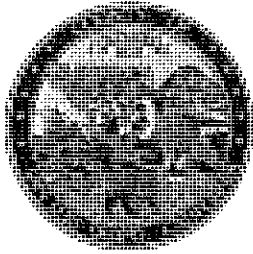
I. Local Assistance Program & LCP Planning

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

II. Sea Level Rise Guidance

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

A-24



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

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

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

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

DATE: September 21, 2015

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

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

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

ISSUES FROM 2012

Coastal Policy

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

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A-25

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

Building Strong Agency Relations with Executive Director and Coastal Commission Staff

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

ACTION ITEMS FROM 2012

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

Reflection on 2015 Experiences

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

Conflicting State Mandates

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

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

SGMA AND THE ROLE OF THE COASTAL COMMISSION

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

Attachment 1 – Letter from Coastal Commission regarding public outreach

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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July 9, 2015

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

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

Dear Mr. Bergman:

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

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

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

A-28

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

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

Sincerely,



Dan Carl, Director
Central Coast District Office
California Coastal Commission

cc: Jeff Edwards, J. H. Edwards Company

A-29