

**CALIFORNIA COASTAL COMMISSION**

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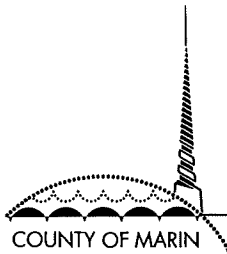


**Th3**

**CCC and Local Government Public Workshop**

**December 16, 2020**

**CORRESPONDENCE**



COMMUNITY DEVELOPMENT AGENCY  
**PLANNING DIVISION**

Thomas Lai  
ASSISTANT DIRECTOR

December 8, 2020

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Hon. Chair and Members  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105

**RE: Joint Statement on Adaptation Planning  
California Coastal Commission and Local Government Public Workshop,  
December 17, 2020, Agenda Item 3**

Honorable Members of the Commission,

Thank you for the opportunity to comment on the implementation of your *Joint Statement on Adaption Planning*. If these principles are properly put into practice, it would be a sea change in the relationship between the Commission and Local Governments and would put the LCP program on a productive new course for the benefit of all.

As you know, the County of Marin has been a flagship in pioneering early sea level rise efforts, completing a *Vulnerability Assessment* in 2015 and an *Adaptation Report* in 2018, and currently undertaking two feasibility studies of nature-based adaptation alternatives. We hope the *Joint Statement* will provide a basis for moving our LCP Hazards section forward to certification.

We are cautiously optimistic because we see that the *Statement* recognizes the critical importance of planning for sea level rise adaptation in a way that responds to unique local community contexts, supports creative and flexible solutions, allows a phased approach based on thresholds rather than specific timelines, strives for predictable and efficient permitting procedures, and recognizes the value of incremental near-term progress as a foundation for longer-term outcomes, or as stated in the document, “progress over perfection”.

However, we all know that the devil that could sink this effort lies in the details of implementation. To that end, we offer below some examples of real-world implementation detail that would keep this important work afloat. These are drawn from our experience with Suggested Modifications and/or the Interpretive SLR and Draft Residential Adaptation Guidance documents.

### **A. Local Context and Flexibility**

#### ***Joint Principles***

- *Plan for sea level rise adaptation in a way that is **responsive and***

*flexible, and based on **unique local community contexts.***

- *Work for creative planning solutions that provide for **local flexibility** at the LCP and community level and statewide consistency at the policy level.*

**Creative Solutions and Actions**

- **Opportunity:** *The Commission and local governments agree that while some degree of statewide consistency is important, all LCP updates should address unique local issues.*
- **Action:** *Draw from recent certified LCP updates to compile successful examples of the baseline policies and concepts detailed above that achieve an appropriate balance between statewide policy consistency and local LCP flexibility.*

These statements crucially recognize that a cookie-cutter approach to adaptation planning will not be effective or appropriate in a State with widely varying local conditions. For example, in the Marin community of Stinson Beach, the Commission proposed that structures should be re-sited with increased setbacks to the shoreline to avoid storm and SLR damage. While this type of policy may provide a measure of protection for parts of the coast with large parcels that increase in elevation away from the shore, Stinson Beach is characterized by small, low-lying parcels where the re-siting of structures would do little to avoid inundation and wave attack.

Similarly, Stinson Beach has eclectic neighborhoods with varying home heights. The need to raise homes above flood and wave hazard levels as require by FEMA (and further supported by pending LCP Amendments) could result in structures that exceed current height limits, particularly for two-story homes. In these limited cases, policies allowing some flexibility in heights would encourage more owners to comply with elevation requirements and improve safety without the burden of an uncertain Variance process or the need for expensive alterations to the existing structure.

Unique local characteristics also occur along the East Shore of Tomales Bay in the historic community of Marshall, where many shoreline homes built in the early 1900’s were constructed partially over the bay on pilings and piers along the North Pacific Coast Railroad. Highway I replaced the railroad, and the bulkheads underneath these homes now hold the Highway in place. In this case, Commission modifications requiring that such piers and bulkheads be subject to the same stringent requirements as new development would significantly increase the permitting complexity and expense for property owners needing to make repairs or improvements to the structures supporting their homes. Allowing such structures to be maintained for the public good - supporting the only local access route along the coast- is an excellent example of needed flexibility consistent with the Coastal Act

**B. Stakeholder and Community Engagement**

- *Engage and collaborate with all stakeholders, including community members, visitors, business owners, and tribal groups, as well as underserved and other vulnerable communities ...*



Vigorous public engagement is a hallmark of local planning in Marin and most other local coastal programs. However, collaboration requires not just engagement but cooperation between participants. If stakeholder and community engagement is to be truly collaborative, efforts must be made to guard against overly prescriptive input and interpretations by the Commission – beyond the requirements of the Coastal Act – that undermine vigorous participation by the community .

**C. Best Available Science**

- *Incorporate the best available science on sea level rise into guidance, policies, plans, and permits and have explicit processes for updating these with new information.*

Coastal planners throughout the state are committed to utilizing the best available science. Indeed, the availability of USGS CoSMoS 1.0 was critical to Marin’s work. Whatever can be done to support such science should be aggressively pursued. In particular, we would value the opportunity to utilize the CoSMoS 3.0 model available to planners in Southern California.

**D. Adaptation Pathways as the Model for Phasing LCP Planning.**

***Joint Principles***

- *Develop **phased approaches** to adaptation based on thresholds that trigger future policy and planning reviews and updates.*

***Creative Solutions and Actions***

- **Opportunity:** *The Commission and local governments can agree on clear and established timeframes under which the LCP update will be operable. Identifying the appropriate scope and time horizon for the update (e.g., for the next 10-20 years)... The entities could agree that the present round of policy updates will not be the last, and commit to multiple, more regular updates rather than one major update.*
- **Action:** *... co-develop guidance on an improved LCP update process that supports more frequent and incremental or ‘phased’ updates to LCPs, including identifying appropriate time horizons ...*

These principles acknowledge the simple truth that long term sea level rise adaptation need not, indeed cannot, occur all at once. For example, requirements on current homeowners to obtain a bond for the potential removal of a structure 60 to 80 years in the future as the Commission has suggested, is simply unworkable not only because it is impossible to predict what the future cost will be, but also because applying a worst case estimate could burden the owner with an untenable debt.

Instead, LCP phasing should be structured around Adaptation Pathways.

An Adaptation Pathways approach provides a rational and effective way to address the uncertainty inherent in climate change and sea level rise. Adaptation pathways structure planning phases to reveal the relationship between current actions and potential future options. For example, the first step in a Pathway (and LCP phase) could initially identify low-

regret near-term decisions that effectively address the threats over that period, but also preserve future options. Actions suitable for the first 10-20 years could be put in place with relatively less controversy, while more complex adaptation approaches, such as employing Geologic Hazard Assessment Districts (GHADs), creative insurance mechanisms, shared sinking funds and other yet-to-be developed innovations could be worked out to be triggered in future phases. Each step along the pathways provides time to rigorously prepare for the next stage. This preparation includes identifying changes in environmental conditions and trends, analyzing and applying the results of monitoring, updating best available science, and integrating new socio-economic factors. This approach enables the timely and effective allocation of resources (including LCP planning resources) while ensuring the ability to adapt in the face of sea level rise in the long run. It avoids policies that are inadequate, wasteful or unnecessarily restrictive

Perhaps most importantly, it helps formulate a planning program and commensurate LCP phasing that is tailored as a natural fit to local conditions and context, rather than an arbitrarily imposed schedule of LCP submissions.

#### **E. Regional Planning and Mitigation**

- *Create and refine new tools to support adaptation, such as regional mitigation to offset impacts to public beaches, to achieve better environmental, economic, and community outcomes over the long term.*
- **Action:** State and local governments agree to work together to develop shared guidance on pathways to creative solutions while properly evaluating, limiting, and mitigating coastal resource impacts. This should include exploring the concept of regional planning and mitigation opportunities across jurisdictions

In the long run, we are dealing with a grim reality – by the end of the century, Stinson Beach as we know it will be gone through a combination of drowning and accelerated erosion. What are the implication of parcel by parcel sand mitigation when ultimately that sand will be washed away? Excessive mitigation requirements will sabotage the ability of homeowners to maintain their homes as a part of the early phases of a phased adaptation program.

Several years ago Marin County joined with Sonoma County, the Greater Farallones National Marine Sanctuary and other organizations to form what now has become the North Central California Coastal Sediment Coordination Committee (NCCSCC), a part of the state Sediment Management Plan to assess and address regional approaches to sand management. We have identified some potential for improving and extending the life of our beaches, and we hope the Commission will support and engage in creative projects to capitalize on that potential consistent with this Principle.

#### **F. Strive for predictable and efficient planning**

- *Strive for agency cultures and procedures that support predictable and efficient planning, permitting and project delivery.*



Developing an LCP/LCP Amendment is inherently a lengthier process than most local planning due to the involvement of the Commission at all stages – something that is not true of General Plan or Plan Element work. Effectively implementing this commitment to predictability and efficiency will make the process much more productive than has been the case in many areas in the past.

The definition of “existing” is a case in point. For nearly 40 years, the term has referred to what is currently “in existence” at the time of permit application. However, the Commission has recently reinterpreted it to mean only that which was in existence prior to 1977, despite arguing exactly the opposite in the 2005 Surfrider Foundation v. California Coastal Commission California Appellate Court case. This significant reinterpretation of the term occurred several years after Marin County’s LCP Amendments had gone through more than 40 public workshops and meetings, including seven Planning Commission and three Board hearings prior to Board adoption in June 2013. This type of unpredictable reinterpretation of terms can have extremely significant consequences and has been the source of extensive debate between the County and the Commission and delay in the certification process. Implementation of this Principle must squarely address these kinds of problems.

The Commission’s newly introduced concept of “redevelopment” also presents challenges from the standpoint of the predictability and efficiency of the Coastal Permit process. As proposed by the Commission in modifications to Marin County’s LCP, redevelopment is defined as the alteration of 50% or more of any single major structural component or a 50% or greater increase in floor area or any alterations which exceeds 50 percent of the structure’s market value, all tracked cumulatively over time from the adoption of the Coastal Act in 1977. As we have expressed in the past, this concept is unnecessarily complicated, confusing and difficult to track and implement over time. Under the County’s certified LCP and zoning in effect since 1982, “improvements to an existing structure” and structural alterations or additions resulting in an increase of less than 10 percent of the internal floor area are exempt from Coastal Permit requirements. Application of these exemption categories currently do not require tracking of individual structural components, calculations of cumulative changes, or consideration of market value. Further, the County’s Building Permit records would not consistently provide a clear record of work done to a structure that did not otherwise require a discretionary approval. So in many cases, it is likely that neither the County nor the current owner would have access to detailed records regarding previous work completed since 1977 broken down by individual structural component or value. Instead, Marin County intends to pursue more straightforward development standards that can realistically be measured and tracked, consistent with the stated principle of a predictable and efficient permitting process.

#### **G. Draw from successful certified LCP updates.**

- **Action:** *Draw from recent certified LCP updates to compile successful examples of the baseline policies and concepts detailed above that achieve an appropriate balance between statewide policy consistency and local LCP flexibility.*

Learning from what works makes obvious sense, but the definition of “successful examples” warrants careful consideration. It should mean that which has achieved the specific coastal objectives it was designed to address, but in a way that has earned local acceptance and

avoided substantive litigation. What should **not** be drawn from are instances where local governments have acceded to policies imposed by Suggested Modifications they have resisted, but where they have given up in order to win certification otherwise withheld by the Commission.

We look forward to continuing our work with the Commission and your staff on the completion of our LCP Update and continued adaptation planning efforts throughout Marin's coastal zone.

Sincerely,



Thomas Lai,  
Assistant Director

cc: Supervisor and Coastal Commissioner Katie Rice  
Supervisor Dennis Rodoni  
Supervisor Damon Connolly  
Supervisor Kathrin Sears  
Supervisor Judy Arnold



# CITY OF DEL MAR

December 10, 2020

VIA EMAIL AND MAIL

Chair Steve Padilla and Coastal Commissioners  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105

**Subject: Comment for the December 17, 2020 Coastal Commission Public Workshop  
City of Del Mar Request for Policy Changes and Process Improvements to the  
Sea Level Rise Planning Process as Necessary to Support Local Government**

Chair Steve Padilla and Members of the Coastal Commission:

We understand that the Coastal Commission is holding a public workshop on December 17, 2020 together with the League of Cities and Association of Counties to discuss sea level rise adaptation planning. I am writing to reiterate the City of Del Mar's prior requests for improvements to the sea level rise planning process as necessary to support local government. Del Mar has actively participated as a partner in the sea level rise planning process since 2013. Attached are two letters we submitted in the past to contribute to the discussion of State policy and guidance.

After multiple years of science-based studies, significant resource commitment, and extensive collaboration between our agencies, the Del Mar City Council adopted an incremental approach to adaptation that is reflected in its adopted comprehensive policies, regulations, and long-range plans, which contain a variety of strategies to address projected sea level rise, flooding, and bluff erosion. This included completion of a Vulnerability and Risk Assessment, Land Use Plan, Adaptation Plan, Sediment Management Plan, Wetland Habitat Migration Assessment, and Floodway, Floodplain, and Coastal Bluff regulations (October 2018); and new Sand Compatibility Opportunistic Use Program (August 2020). In spite of the thoughtful approach taken, final certification of the Local Coastal Program Amendments remains stalled, which is a common experience that we understand is shared by other local agencies located along the California shoreline.

The City agrees with the Coastal Commission's intent to accommodate a customized adaptation approach that considers local conditions and respects local context. However, two main changes are needed to further bolster this approach and facilitate statewide sea level rise adaptation progress include:

- 1) **Local jurisdictions need to be allowed to incrementally implement adaptation as needed to minimize risk.** The Commission's current preference for implementation of worst case scenario plans for year 2100 in the present context is unrealistic, erodes public confidence, and prevents much needed adaptation progress. There is time to take a more thoughtful approach that more effectively minimizes risk of hazards through



implementation of adaptation projects and actions needed now. Implementation of feasible and reasonable plans that address adaptation in phases is the only way for State and local governments to realistically and successfully adapt.

- 2) **The State must consider and give weight to the effect adaptation planning decisions will have on the long term viability of local jurisdictions.** The State's current interest in imposing expensive sea level rise studies on a property-by-property basis and mandated conditions of approval requiring planned retreat (based on "potential future conditions" instead of actual risk) put local government at high risk of legal and fiscal challenges that are incommensurate with the comparatively low risk of projected hazard to the public health and safety on such properties. Instead, local government commitments to prepare regular vulnerability assessments (8-10 year cycles), preserve public access to coastal resources, and take a more precise focus on adaptation needs in high risk hazard areas can help State and local agencies regain public confidence and support for sea level rise adaptation planning.

The City of Del Mar has shown it is interested in pursuing proactive adaptation measures that will ensure the long-term viability of the City. We appreciate your consideration for the adaptation needs of local government and look forward to working with the Coastal Commission, League of Cities, and Association of Counties as this discussion continues to evolve.

Should you have any questions or require any further information, please contact Amanda Lee, Principal Planner at [alee@delmar.ca.us](mailto:alee@delmar.ca.us) or (858) 755-9313 ext.1167.

Sincerely,



CJ Johnson  
City Manager

cc: Members of the Del Mar City Council  
State Senator Toni Atkins  
State Assemblymember Chris Ward  
County Supervisor Kristin Gaspar  
Jack Ainsworth, Executive Director, California Coastal Commission  
Hasan Ikhata, Executive Director, SANDAG  
Catherine Hill, League of California Cities

encl: City of Del Mar Letter to CCC, April 30, 2018  
City of Del Mar Letter to CCC, September 29, 2017



# City of Del Mar



April 30, 2018

VIA EMAIL AND MAIL

Mary Matella and Sea Level Rise Working Group  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

**SUBJECT: Coastal Commission Draft Residential Adaptation Policy Guidance**

Dear Mary Matella and the Members of the Coastal Commission Sea Level Rise Working Group,

Thank you for the opportunity to comment on the revised draft Residential Adaptation Policy Guidance. We appreciate the on-going coordination and opportunity to comment. After a multi-year, local sea level rise planning process and robust public dialogue in regards to the challenges of planned retreat as an adaptation approach, on May 21, 2018, Del Mar is scheduled to adopt its Adaptation Plan. The City remains concerned that the Commission's evolving discussion of planned retreat, which lacks supporting implementation tools, could ultimately affect Del Mar residents, owners, and the long-term viability of the City.

Del Mar strongly agrees with the Coastal Commission's stated intent to customize adaptation to local conditions. In Del Mar, we have unique neighborhood features and vulnerabilities relating to coastal bluffs, the San Dieguito Lagoon, low lying floodplains affected by the San Dieguito River, and a century-old beach-level neighborhood with associated public facilities and infrastructure subject to coastal and river flooding. It is imperative that jurisdictions with plans that meet State law requirements be afforded the opportunity to account for unique circumstances and constraints in the local context, particularly in regards to planned retreat.

In response to unique local characteristics, Del Mar's proposed Adaptation Plan:

- Closely follows the Coastal Act requirements and State policy guidance
- Identifies the community's goals and long-term vision
- Provides a full toolbox of near-term, mid-term, and long-range adaptation options
- Identifies a favored strategy to pursue a combination of beach nourishment/management and flood management programs and projects to maintain the quality beach and public access
- Relies on the certified LCP allowance for seawalls of a certain design to be built, repaired, and maintained per Del Mar's "Beach Preservation Initiative"(BPI)- the community's desired regulations to protect the beach for present & future generations, protect existing structures in the beach neighborhood and that successfully removed prior beach encroachments and set the approved build-to line for future development

- Explains that beach front seawalls serve a key functional role in Del Mar to protect structures and coastal access from flooding in adjacent low lying floodplain areas
- Explains that implementation of planned retreat in Del Mar's North beach neighborhood is "infeasible" and includes eight findings in the plan to support this conclusion

As mentioned, Del Mar thoughtfully considered planned retreat as an option, and concluded it is infeasible due to the associated economic, environmental, engineering, social, political, and legal uncertainties. Based on our experience, it is concerning that the State's guidance represents planned retreat as simply a recommended policy approach; while in practice, Coastal Commission staff has indicated it not only expects the City of Del Mar to include planned retreat as a long-term option, but also expects the City to begin planning for retreat now. The Commission's approach in this regard is unreasonable given the City's conclusion and supporting findings that planned retreat is infeasible in this LCPA planning timeframe. There appears to be a problematic disconnect between the policy guidance regarding planned retreat as a long-term option and the fact that staff instead considers it a required policy element.

While Del Mar recognizes that our particular situation can be successfully justified and explained based on the definition of "feasible" under the Coastal Act; it is important to note the effect the State's mixed-messaging is having on the public dialogue. Distrust of the State's intent regarding existing development has greatly complicated local planning efforts. Given the high stakes at play in terms of property rights and untested legal scenarios, it is extremely important that the State work as a partner to facilitate local adaptation planning and avoid pushing approaches that the public considers infeasible and unreasonable to pursue.

In closing, the City would like to emphasize the importance of accounting for the local context in the Commission's policy guidance. This is an untested area of the law with many uncertainties and unknown variables. Local jurisdictions must be afforded flexibility to consider a phased approach that allows for conflict resolution at the local level. It is crucial that we work together to maintain a predictable process for development review with reasonable requirements that can adapt to changing environmental conditions and that will allow owners, including the City, to nimbly move forward if and when the level of severity and risk becomes significant. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dwight Worden". The signature is fluid and cursive, with the first name being more prominent.

Dwight Worden  
Mayor





# City of Del Mar



September 29, 2017

VIA EMAIL AND MAIL

California Coastal Commission  
c/o Sea Level Rise Working Group  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

**SUBJECT: Coastal Commission Draft Residential Adaptation Policy Guidance**

Dear Members of the Coastal Commission Sea Level Rise Working Group,

Thank you for the opportunity to comment on the draft Residential Adaptation Policy Guidance. Members of the Del Mar City Council and City staff viewed your recent webinars and presentations to the Coastal Commissioners. We appreciate the on-going coordination between our agencies and would like to take this opportunity to comment on how the Commission's Policy Guidance could affect Del Mar residents, owners, and the City itself.

The main takeaway at this point is that any adaptation plan developed to meet state requirements must be afforded the opportunity to account for and adapt to the unique circumstances and constraints within the local context. We agree with the Coastal Commission approach to customize adaptation strategies to local conditions. In Del Mar, we have unique neighborhood features and vulnerabilities that must be accounted for relating to coastal bluffs, the San Dieguito Lagoon, low lying floodplains affected by the San Dieguito River, a century-old beach front neighborhood subject to both coastal and river flooding, and public facilities and infrastructure.

Del Mar is currently looking into available options for development of a local Adaptation Plan; and the draft Policy Guidance, webinars, and Coastal Commission discussion on this topic have been helpful in that regard. That being said, the City has not and will not commit to any specific direction until the City Council has had a chance to review and consider the options. Through our own multi-year process we have learned there must be robust public dialogue regarding the various adaptation options available. Del Mar established a technical advisory committee in 2015 to provide a public forum to help engage the public to discuss and consider adaptation strategies and provide input. The City plans to use this forum to further engage the community and increase participation prior to formulating draft Local Coastal Program (LCP) documents.

We are getting substantial feedback, particularly from owners in areas of projected flooding and erosion-related impacts. The following concerns are a sample of what we are hearing in regards to unique local characteristics and options for adaptation in Del Mar:

- Provide a full toolbox of adaptation options for future decision makers to choose from
- Prioritize beach nourishment and sand replenishment
- Maintain a walkable beach for as long as possible
- Avoid conflicts with Del Mar's 1988 "Beach Preservation Initiative" (BPI)- the community's desired regulations to protect the beach for present & future generations
- Maintain the certified LCP allowance for seawalls of certain design to be built, repaired, and maintained per the BPI to protect existing structures in the beach neighborhood
- Beach front seawalls serve a key functional role in Del Mar to protect structures and coastal access by minimizing coastal flooding in adjacent low lying floodplain areas
- It is too soon to plan for retreat of any structures on private property in Del Mar
- Managed retreat is not feasible for the century-old Del Mar beach neighborhood
- Bluff adaptation options will vary depending on whether railroad tracks are relocated

In closing, the City would like to emphasize the importance of accounting for the local context in the Commission's sea level rise policy guidance. We have been advised this is an untested area of the law and it is critical that local jurisdictions be afforded flexibility to consider a phased approach that will allow for conflict resolution at the local level where possible. It is crucial that we work together to maintain a predictable process for development review with reasonable requirements that can adapt to changing environmental conditions and that will allow the City to nimbly move forward with the planning needed to respond for public property when the level of severity and risk has increased to the specified level of significance, and to provide that same flexibility for private owners to make decisions in regards to vulnerable private property. Thank you for your consideration.

If you have follow up questions, please contact Del Mar Planning staff at: (858)755-9313, or via email [kgarcia@delmar.ca.us](mailto:kgarcia@delmar.ca.us) or [alee@delmar.ca.us](mailto:alee@delmar.ca.us)

Sincerely,

A handwritten signature in black ink that reads "Terry Sinnott". The signature is written in a cursive, flowing style.

Terry Sinnott  
Mayor

# Alliance of Coastal Marin Villages<sup>1</sup>

*Bolinas, Dillon Beach, Inverness, Inverness Park, Marshall, Muir Beach, Olema,  
Point Reyes Station, Stinson Beach, Tomales*

## Item Th3

December 12, 2020

Via email: [StatewidePlanning@coastal.ca.gov](mailto:StatewidePlanning@coastal.ca.gov)

California Coastal Commission  
455 Market Street  
Suite 300  
San Francisco, CA 94105

Re: Local Government Workshop on Sea Level Rise and Implementation of the Joint Statement on Adaptation Planning, Agenda Item TH3.

Dear California Coastal Commissioners:

On behalf of the Alliance of Coastal Marin Villages (“ACMV”), we submit this letter in support of the pending implementation of the Commission’s recently adopted Joint Statement on Adaptation Planning (“Joint Statement”) for the upcoming sea level rise planning session at the Commission and Local Government Workshop on December 17, 2020. We urge the continued implementation of the shared principles contained in the Joint Statement in connection with the Commission and Local Government Working Group’s sea level rise planning efforts in 2021 and beyond, as well as the Commission’s ongoing certifications of Local Coastal Program (“LCP”) updates. The ACMV previously submitted a letter in support of the Joint Statement on October 30, 2020 and we were very heartened by the Commission’s adoption at the November 2020 meeting.

In our view, the Joint Statement contains critically important shared principles that are vital to the success of sea level rise adaptation planning. It is essential to plan for sea level rise in a way that is “*responsive and flexible*, and based on *unique local community contexts*”, that relies on the *collaboration and cooperation of stakeholders*, and that deploys “*phased approaches to adaptation based on thresholds* that trigger future policy and planning review and updates”. (Quotes taken directly from the Shared Principles in the Joint Statement.) The CCC staff’s December 10, 2020 Background Report for the upcoming workshop clearly summarizes the preceding Local Government Workshops conducted over the past eleven years at which these and other principles were robustly debated. We are pleased the resulting shared principles have been formally adopted by the Commission and will guide its sea level rise planning efforts.

Coastal West Marin is a prime example of why consideration of local context is so important to successful sea level rise planning as the ACMV’s ten member villages all face dramatically different sea level

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<sup>1</sup> The Alliance of Coastal Marin Villages represents the villages located in unincorporated West Marin County that are in the Coastal Zone: Bolinas, Dillon Beach, Inverness, Inverness Park, Marshall, Muir Beach, Olema, Point Reyes Station, Stinson Beach and Tomales. The ACMV meets regularly to discuss and address issues of common concern and on a quarterly basis with Marin County Supervisor Dennis Rodoni. The ACMV also endeavors to closely follow Marin County and California Coastal Commission (“CCC”) actions that have the potential to impact our communities, including but not limited to updates to the Marin County Local Coastal Program (“LCP”), the governing land use document for our communities.



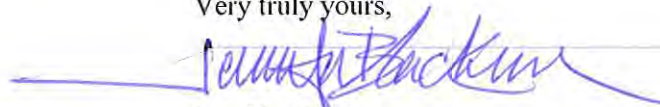
rise hazards. We would even go so far as to submit that an inflexible, standardized approach to sea level rise planning in coastal California is doomed to failure. For example, setback requirements might make good sense in highland bluff areas (i.e., such as those in Muir Beach or the Bolinas Mesa) and no sense at all in low-lying areas (such as Stinson Beach or downtown Bolinas); and while shoreline protection devices may serve multiple worthy public purposes in some areas (such as the bulkheads supporting Highway One and Marshall's visitor-serving businesses, in addition to private homes) they may serve no useful purpose in other areas (such as Point Reyes Station).

The shared principles in the Joint Statement commendably call for the development of phased approaches to sea level rise adaptation planning with specific future trigger points and the use of periodic planning reviews/updates. Phased approaches implicitly recognize that not all coastal locations will be threatened by sea level rise on the same timeline. Once again, the coastal villages of West Marin serve as excellent real world examples: Tomales, Point Reyes Station and Olema all are villages in the Coastal Zone, but they are located far higher (in elevation) and/or further (in distance) from the shoreline than Stinson Beach, downtown Bolinas, Marshall or Dillon Beach – as such, applying the same siting and design timeframes to these villages is simply inappropriate. It is far more sensible to use localized adaptation pathways that respect the best available science for sea level rise projections as the Joint Statement envisions. Combined with periodically revisited planning reviews that take advantage of progressively advancing sea level rise science, a phased approach to adaptation will produce the best village-by-village planned outcomes along our coast.

We also believe that flexible, creative planning approaches that recognize unique local contexts are far more likely to elicit stakeholder collaboration and cooperation, which is another critical element of successful sea level rise planning. Successful planning of any nature requires widespread buy-in and compliance. We strongly recommend that the Commission and the Local Government Working Group continue to genuinely listen to, engage with, and incorporate the excellent feedback it regularly receives from local stakeholders in connection with its sea level rise adaptation planning efforts in 2021 and beyond.

In closing, we would like to endorse the excellent, detailed comment letter dated December 8, 2020 and submitted by Tom Lai, Assistant Director, Marin County Community Development Agency. We share Mr. Lai's cautious optimism about the potential for implementation of the shared principles in the Joint Statement to materially improve the Commission's sea level rise adaptation planning efforts. Thank you very much for this opportunity to share our comments.

Very truly yours,



Jennifer Blackman  
Chair, Alliance of Coastal Marin Villages

cc: Steve Padilla, Chair, California Coastal Commission, [Stephen.Padilla@coastal.ca.gov](mailto:Stephen.Padilla@coastal.ca.gov)  
Donne Brownsey, Vice Chair, California Coastal Commission, [Donne.Brownsey@coastal.ca.gov](mailto:Donne.Brownsey@coastal.ca.gov)  
Sara Aminzadeh, Commissioner, California Coastal Commission, [Sara.Aminzadeh@coastal.ca.gov](mailto:Sara.Aminzadeh@coastal.ca.gov)  
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Linda Escalante, Commissioner, California Coastal Commission, [Linda.Escalante@coastal.ca.gov](mailto:Linda.Escalante@coastal.ca.gov)

Letter to California Coastal Commission

December 12, 2020

Page Three

Carole Groom, Commissioner, California Coastal Commission, [Carole.Groom@coastal.ca.gov](mailto:Carole.Groom@coastal.ca.gov)

Dr. Caryl Hart, Commissioner, California Coastal Commission, [Caryl.Hart@coastal.ca.gov](mailto:Caryl.Hart@coastal.ca.gov)

Erik Howell, Commissioner, California Coastal Commission, [Erik.Howell@coastal.ca.gov](mailto:Erik.Howell@coastal.ca.gov)

Katie Rice, Commissioner, California Coastal Commission, [Katie.Rice@coastal.ca.gov](mailto:Katie.Rice@coastal.ca.gov)

Effie Turnbull-Sanders, Commissioner, California Coastal Commission, [Effie.Turnbull-Sanders@coastal.ca.gov](mailto:Effie.Turnbull-Sanders@coastal.ca.gov)

Roberto Uranga, Commissioner, California Coastal Commission, [Roberto.Uranga@coastal.ca.gov](mailto:Roberto.Uranga@coastal.ca.gov)

Mike Wilson, Commissioner, California Coastal Commission, [Mike.Wilson@coastal.ca.gov](mailto:Mike.Wilson@coastal.ca.gov)

Supervisor Lynda Hopkins: [district5@sonoma-county.org](mailto:district5@sonoma-county.org)

Supervisor John Leopold: [john.leopold@santacruzcounty.us](mailto:john.leopold@santacruzcounty.us)

Supervisor Bruce Gibson: [bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us)

Derek Dolfie, Environmental Quality Legislative Representative, California League of Cities:

[ddolfie@cacities.org](mailto:ddolfie@cacities.org)

Councilmember Harvey Rarback, Half Moon Bay: [HRarback@hmbcity.com](mailto:HRarback@hmbcity.com)

Tom Lai, Assistant Director, Marin County Community Development Agency, [tlai@marincounty.org](mailto:tlai@marincounty.org)

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December 16, 2020

Honorable Chair Padilla  
Honorable Local Government Representatives  
*Submission via internet*

Dear Chair Padilla & Local Government Workshop Participants:

I am writing on behalf of the Ventura County Coastal Association of REALTORS® (VCCAR) the more than 2,000 members engaged in the real estate in Ventura County. The Association includes REALTORS® and all of the services required to complete a real estate transaction. This group of professionals provide a vital service to our west Ventura County communities. As a coalition this workshop is working toward a collective solution to sea level rise on the California coast. VCCAR represents the real estate industry in all coastal communities of Ventura County. We want to express our opinion on issues regarding existing development, managed retreat, securing ports, and avoiding takings.

Under Coastal Act section 30235, existing structures are entitled to develop a shoreline protection device when threatened by wave action. The CCC has tried to define this as structures existing before January 1, 1977, which is unjustified based upon legislative analysis. Importantly there have been two efforts to amend the Coastal Act by the legislature to change the definition of “existing development” to mean before 1977, Assembly Bill 2943 in 2002 and Assembly Bill 1129 in 2017; both of which failed. The Coastal Commission does not have the authority to write law or regulations, referring to this date in the proposed statewide interpretations for sea level rise. It is inappropriate to utilize amendments to LCP’s to impose a new interpretation of law. All changes must be made with statewide public review and consideration.

Managed retreat is a commonsense land use practice where practical, especially in rural areas where existing structures can be relocated further inland when they are demolished and rebuilt, so that they will never need a shoreline protection device. This should be implemented where practical, however in more urban areas, especially where there is not a deep enough parcel to relocate the development, managed retreat is not practical, and the property owners must be allowed to defend their property from wave attack.

Facilities, like the Port of Hueneme and others, are critical infrastructure to our State. It will be nearly impossible to require managed retreat to these facilities. The CCC must work with these facilities to find a way to appropriately manage sea level rise, in a way that continues to support commerce activities.

Additionally, without substantive measures including coastal armoring and bulkheads entire areas of California’s most iconic coastal communities will be lost to the ocean from Sea Level Rise. These coastal communities are also critical to California both economically and culturally, and they should not be surrendered to the sea.

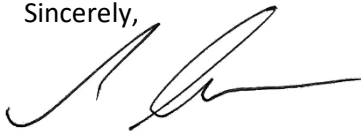
Takings should be avoided at all costs. *Article I, Section I* of the California Constitution states that it is an inalienable right to protect private property from damage. In areas where it is impractical and inappropriate to retreat, governments and communities should cooperate to develop both soft and hard



solutions to Sea Level Rise, including beach nourishment, offshore reefs, breakwaters, groins, bulkheads, and community seawalls. It should be rare whereupon there are regulations that don't allow redevelopment that can't either successfully retreat or protect itself from sea level rise but should that occur it is imperative that the government have funding mechanisms to purchase the land at fair market value through eminent domain.

We strongly encourage the members of the CCC and local government participants at the workshop consider a variety of solutions and not allow a one-size fits all for the more than 1,100 miles of coastline. Like other Associations of REALTORS® and organizations up and down the coast, Ventura County Coastal Association of REALTORS® supports protection of our critical and existing development, managed retreat where practical and an avoidance of takings from property owners. We respectfully ask such considerations from the CCC and our Local Government representatives.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Comstock', with a long horizontal flourish extending to the right.

Tim Comstock  
2020 VCCAR President

cc: California Coastal Commission

**From:** [Coastal Statewide Planning](#)  
**To:** [Ducklow, Kelsey@Coastal](mailto:Ducklow,Kelsey@Coastal)  
**Subject:** Fw: Coastal Protection  
**Date:** Wednesday, December 16, 2020 8:39:28 PM

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**From:** Frank Vella <[frank@starboardnet.com](mailto:frank@starboardnet.com)>  
**Sent:** Thursday, December 17, 2020 12:07 AM  
**To:** Coastal Statewide Planning <[StatewidePlanning@coastal.ca.gov](mailto:StatewidePlanning@coastal.ca.gov)>  
**Subject:** Coastal Protection

Hello,

I am a lifelong resident of Pacifica and have a home less than a ½ mile from the ocean. I am staunchly opposed to any legislation or “recommendations” that do not create or restore protection that is needed for many local properties.

Managed retreat is certainly not something needs to be applied to every area. As we know all areas are not alike. Many areas along the coast are the economic and cultural lifeblood of the area and should not be given up to natures elements if possible.

I hope that we can create a coastal environment that works for all those here and those who come to visit.

**Frank**

C: 650-464-8062

E: [Frank@FrankVella.com](mailto:Frank@FrankVella.com)



December 16, 2020

Honorable Chair Padilla  
Member Participants of the League of Cities  
Member Participants of the California State Association of Counties (CSAC)  
*Via Internet Submission*

Dear Honorable Chair Padilla & Participants of the Local Government Workshop:

Thank you for the excellent work and commitment you are demonstrating to address the critical topic of Sea Level Rise, and what regulations should be incorporated into the various Local Coastal Programs (LCP's) in the state for planning purposes. We are Smart Coast California (SCCa), a nonprofit organization dedicated to advocating for the collaborative stewardship of the coast, the special place where the land and the water meet; dedicated to community sustainability, property rights and the environment. Our statewide membership of over 90,000 acknowledges the imperative planning effort underway and appreciate the opportunity to provide comment on several overarching issues.

#### Existing Development

Under Coastal Act section 30235, existing structures are entitled to develop a shoreline protection device when threatened by wave action. The California Coastal Commission (CCC) has periodically endeavored to redefine this as structures existing before January 1, 1977, which we believe is unjustified based upon legislative analysis. There have been two efforts to amend the Coastal Act by the legislature to change the definition of "existing development" to mean before 1977, Assembly Bill 2943 in 2002 and Assembly Bill 1129 in 2017. **Both bills failed.** The Coastal Commission cannot write law or regulations referring to this 1977 date in the proposed statewide interpretations for sea level rise since this date is not constituted by law or regulation. Furthermore, it would be inappropriate to utilize amendments to LCP's as a vehicle to impose a new interpretation of section 30235 of the Coastal Act with consequences statewide.

#### Managed Retreat

SCCa supports managed retreat as a commonsense land use practice *where practical*, especially in rural areas where existing structures and infrastructure can be relocated further inland when they are demolished and rebuilt, so that they will never need a shoreline protection device. However in more urban areas, especially where a parcels cannot accommodate relocation of the development, managed retreat will not be practical, and the property owners must be allowed to defend their property from wave attack. In many of our iconic communities, allowing the ocean to permanently inundate and destroy them is not something SCCa will support (e.g. San Diego, Del Mar, Balboa Island/Newport Beach, Seal Beach, Malibu, Oxnard, Monterey, etc.). These communities, and others similarly situated, should be protected with offshore reefs, breakwaters, beach nourishment, and if required seawalls and bulkheads. Should our government enact regulations which do not allow a property owner to defend their development from wave attack, and there is no place for the property owner to "retreat" to, this will result in a regulatory taking.

#### Takings

The CCC and some local agencies are contemplating regulations that would prohibit a property owner from armoring their home or business to provide protection from rising seas and storm waves. This raises serious concerns pertaining to a regulatory taking without just compensation, and any such regulations must comport with the following Constitutional principles and the Coastal Act itself:

- *Fifth Amendment of the U.S. Constitution*  
The "Takings Clause" of the Fifth Amendment of the U.S. Constitution states that government cannot take private property without just compensation (emphasis added):

#### *Amendment V*

*No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*

- *Constitution of the State of California*

The California Constitution also has strong protections for private property; (emphasis added):

*Article I - Declaration of Rights - Section 1 (emphasis added)*

*(a) All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.*

- *California Coastal Act*

With the adoption of the Coastal Act in 1976, the legislature specifically prohibited the Coastal Commission and local governments from implementing the Coastal Act through their Local Coastal Programs and from engaging in actions that would take or damage private property without just compensation.

*Section 30010 (emphasis added)*

*The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.*

#### Just Compensation

Should the CCC and local agencies adopt regulations that require a property owner to allow the ocean to consume their structure, effectively taking it for a public use, it is imperative that there be an established mechanism to pay full market value for the property that is being sacrificed for the planning goals of preserving the beach. Accordingly, we recommend that the following steps and policies be incorporated into any LCP update:

- Utilizing the Vulnerability Studies completed for local sections of coastline and identify the specific properties that will not be allowed to protect their structures under the auspices of “Managed Retreat” or similar adaptation strategies. This tabulation must be precise by parcel and comprehensive for the entire planning area.
- A rough estimation of the cost to effectively condemn these properties should be calculated to allow the elected officials and communities to properly plan for this financial responsibility.
- A funding mechanism and account should be established to make sure that the monies are available to pay the property owner for their losses, including general tax and bond funding.
- The government should be responsible for any demolition/relocation and restoration of the site required by these regulations.



It is the hallmark of responsible government to ensure it can pay for that which it legislates, and basic fairness dictates that you have the funding mechanism in place so that when the need arises from your regulations your constituents will be dealt with in a seamless and fair fashion. Said funding mechanism should be in place *before* the adoption of any regulation that will preclude an owner from protecting their property under the auspices of managed retreat.

#### “Critical” Development

In past deliberations the CCC has acquiesced that important development like Ports will not be required to implement managed retreat. However, without substantive measures, including coastal armoring and bulkheads, entire areas of California’s most iconic coastal communities will be lost to the ocean from Sea Level Rise. SCCa contends these coastal communities are also critical to California both economically and culturally, and they should not be surrendered to the sea. Without enhanced coastal protection there are entire swaths of coastal communities that would be lost to Sea Level Rise. Utilizing the aforementioned vulnerability assessments, the CCC and local jurisdictions should identify those areas of coastline where communities should literally “stand their ground”.

#### Community and Government Solutions

In areas where it is impractical or inappropriate to retreat, governments and communities should cooperate to develop both soft and hard solutions to Sea Level Rise, including beach nourishment, offshore reefs, breakwaters, groins, bulkheads and community seawalls. Shoreline protection devices have oftentimes been constructed in a piecemeal fashion, resulting in a lower efficacy and more damage to our precious beaches. Offshore solutions, notably offshore reefs and breakwaters, coupled with beach nourishment, show tremendous promise to protect our communities, while actually improving the beaches and enhancing the marine habitat. These solutions are beyond the reach of individual property owners, and will require a concerted effort by Federal, State, and local governments. We strongly encourage proactive planning, design, and implementation of these holistic solutions in critical sections of coastline identified in the vulnerability studies.

In conclusion, SCCa again salutes the CCC and the local government participants for proactively working to plan for Sea Level Rise. We recognize tough decisions must be made and these decisions need to be addressed early. With sound planning principles we can achieve our mutual goal to protect our beautiful coastal communities, precious environment and property owners’ rights. We recognize with 1,100 miles of coastline this level of specificity and nuance is a herculean task. However, with the combined efforts of the CCC and local governments, and the support of organizations like SCCa, we can create a framework for the LCP’s to prepare us for Sea Level Rise, protecting both our cherished communities and precious environment.

Sincerely,



Matt Capritto  
2020 President

Cc: California Coastal Commission  
Participants of the Local Government Workshop

**From:** [Coastal Statewide Planning](#)  
**To:** [Ducklow, Kelsey@Coastal](mailto:Ducklow_Kelsey@Coastal)  
**Subject:** Fw: California Coastal Commission and Local Government Public Workshop on SLR & Managed Retreat  
**Date:** Wednesday, December 16, 2020 8:40:01 PM

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**From:** Mitch cfc <mitch@citizensforcoastalconservancy.org>  
**Sent:** Wednesday, December 16, 2020 7:35 PM  
**To:** Leon cfc <leon@citizensforcoastalconservancy.org>; Coastal Statewide Planning <StatewidePlanning@coastal.ca.gov>  
**Cc:** Dane Crosby <dane@citizensforcoastalconservancy.org>  
**Subject:** Fw: California Coastal Commission and Local Government Public Workshop on SLR & Managed Retreat

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**Sent:** Wednesday, December 16, 2020 11:06 AM  
**To:** statewideplanning@coastal.ca.gov <statewideplanning@coastal.ca.gov>  
**Cc:** Krista Pleiser <kpleiser@sbaor.com>; Leon cfc <leon@citizensforcoastalconservancy.org>  
**Subject:** California Coastal Commission and Local Government Public Workshop on SLR & Managed Retreat

Dear Sir or Madame,

I am writing today to express my support for **Smart Coast California** and their positions specifically on the rejection on the adaptive strategy referred to as "Managed Retreat".

I live in Imperial Beach, CA - currently a focal point for much of this SLR debate and a recent vortex of activity and focus by the CCC. Our community over-whelmingly rejected this "strategy" in our LCP (Local Coastal Program). Additionally, our local City Councilman Ed Spriggs is very aware of this reality and I trust he will be forthcoming with these facts as represents our regional area on your panel.

I represent a local 501c3 non-profit group known as **Citizens for Coastal Conservancy** and we also support many of the alternative solutions and strategies as identified by **Smart Coast California** - including substantive measures such as coastal armoring and bulkheads. Our coastal community is also critical to our South Bay region - both economically and culturally, and it should not simply be surrendered to the sea.

C4CC supports communities and government entities to cooperate to develop both soft and hard solutions to Sea Level Rise, including beach nourishment, offshore reefs, breakwaters,

groins, bulkheads, community seawalls and other forms of coastal armoring.

We reject the CCC's recent "one size fits all" mentality and request that more meaningful and long-term solutions be identified and customized for specific community and environmental needs.

Respectfully,

Mitchell D. McKay

President - Citizens for Coastal Conservancy

a 501c3 non-profit based in Imperial Beach, CA 91932

[mitch@citizensforcoastalconservancy.org](mailto:mitch@citizensforcoastalconservancy.org)

EIN #83-3516727



Scenic Pacifica  
Incorporated Nov. 22, 1957

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## CITY OF PACIFICA

170 Santa Maria Avenue • Pacifica, California 94044-2506  
[www.cityofpacifica.org](http://www.cityofpacifica.org)

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**MAYOR**  
Sue Beckmeyer

**MAYOR PRO TEM**  
Mary Bier

**COUNCIL**  
Mike O'Neill  
Sue Vaterlaus  
Tygarjas Bigstycck

December 15, 2020

Steve Padilla, Chair  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105

**Subject: City of Pacifica Comments re: Commission and Local Government Public Workshop**

Dear Honorable California Coastal Commissioners:

Thank you for your commitment to work collaboratively with California's coastal local governments. Your recent collaborative work with the California State Association of Counties (CSAC) and the League of California Cities (LCC) is vital to the future of California's coastal communities and to our state continuing to lead the way in effective sea level rise adaptation. As a unique coastal community in an urban setting just south of San Francisco with extensive areas of pre-Coastal Act development, the City of Pacifica has a great deal of experience to share, and a great deal at stake, related to Adaptation Planning and our Local Coastal Land Use Plan adaptation planning update process which has now spanned 10 years of effort. On behalf of the Pacifica City Council, I would like to provide the following comments regarding the Commission/CSAC/LCC Joint Statement on Adaptation Planning.

1. The Joint Statement includes acknowledgment throughout the document of how each coastal community is unique, with widely differing opportunities and constraints, and how there is not a "one size fits all" approach to adaptation. While these broad policy statements are encouraging to read in the Joint Statement, it is essential that they are honored in the detailed Coastal Commission staff work and in the decision-making of the Commissioners;
2. Coastal communities, such as Pacifica, have and will expend significant time and resources in developing adaptation plans uniquely tailored to their communities that comply with the Coastal Act while balancing economic, environmental, legal and social factors. The Coastal Commission's review of LCLUP updates must honor this local authority and expertise which is recognized in the Coastal Act rather than ignore the economic, environmental, legal, and social realities local governments work so hard with their communities to balance;
3. The City supports establishing phased approaches to adaptation planning, regional strategies, and reasonable planning horizons as excellent creative solutions and actions presented in the Joint Statement.



The City of Pacifica has worked closely and collaboratively with Coastal Commission staff for many years, and looks forward to continuing this partnership throughout our LCLUP update process and numerous other vital projects along the Pacifica coastline. Honoring the letter and intent of the Joint Statement on Adaptation Planning will help support our vital partnership.

Sincerely,

A handwritten signature in blue ink that reads "Sue Beckmeyer". The signature is fluid and cursive, with a long horizontal stroke at the end.

SUE BECKMEYER  
Mayor

cc: Pacifica City Council  
Ed Waage, Chair, League of California Cities Coastal Cities Group Leadership Committee  
Josh Becker, Senator, California State Senate District 13  
Kevin Mullin, Speaker pro Tempore, California State Assembly District 22  
Don Horsley, Supervisor, San Mateo County Board of Supervisors  
Carole Groom, Supervisor, San Mateo County Board of Supervisors and Coastal Commissioner

**From:** [Coastal Statewide Planning](#)  
**To:** [Ducklow, Kelsey@Coastal](mailto:Ducklow,Kelsey@Coastal)  
**Subject:** Fw: Do No Harm  
**Date:** Wednesday, December 16, 2020 8:40:19 PM

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**From:** Mary Giacoletti <mpowergiacoletti@gmail.com>  
**Sent:** Wednesday, December 16, 2020 12:05 AM  
**To:** Coastal Statewide Planning <StatewidePlanning@coastal.ca.gov>  
**Subject:** Fwd: Do No Harm

Lost previous message.

Sent from my iPhone

Begin forwarded message:

**From:** Mary Giacoletti <mpowergiacoletti@gmail.com>  
**Date:** December 15, 2020 at 3:08:32 PM PST  
**To:** Mary Giacoletti <mpowergiacoletti@gmail.com>  
**Subject: Do No Harm**

To Coastal Commissioners:

That humanity is at odds with the planet is beyond dispute. That most people believe they do no harm is also the case. At the contentious intersection of these disparate views is the matter of coastal development. On-going and recent research leads to a very definite conclusion: Stop further damage.

The impact of building, particularly high-density building, is lowering the level of the water table, increasing salt intrusion, degrading the quality of the existing water supply and adding to the already significant erosion. Add in what we think we know about climate change and we are on dangerous, and shifting ground.

The problems seen at Gleason Beach, of houses collapsed into the sea, a “graveyard of sea walls,” the \$73 million cost to relocate the highway inland, will be problems experienced along the entire length of California.

We are obliged to abandon old habits and pursue a different path.

Included in any decision made by the Coastal Commission should be the underlying reminder to do no further harm.

Respectfully,  
Mary Giacoletti  
San Simeon  
Sent from my iPhone

**From:** [Coastal Statewide Planning](#)  
**To:** [Ducklow, Kelsey@Coastal](mailto:Ducklow_Kelsey@Coastal)  
**Subject:** Fw: California Coastal Commission Meeting December 2020  
**Date:** Wednesday, December 16, 2020 8:40:41 PM

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**From:** Candie Noel <cnoel@baileyproperties.com>  
**Sent:** Tuesday, December 15, 2020 11:37 PM  
**To:** Coastal Statewide Planning <StatewidePlanning@coastal.ca.gov>  
**Cc:** Candie Noel <cnoel@baileyproperties.com>  
**Subject:** California Coastal Commission Meeting December 2020

Thank you for holding this local government public workshop to plan for sea level rise. It is a very complex matter. There are no simple solutions, or one size fits all with sea level rise adaptation. In your discussions and 2021 planning I would hope you will consider the following items.

**Existing Development-** Under Coastal Act section 30235 existing structures are entitled to develop a shoreline protection device when threatened by wave action. The CCC has tried to define this as structures existing before January 1, 1977, which is unjustified based upon legislative analysis. Importantly there have been two efforts to amend the Coastal Act by the legislature to change the definition of “existing development” to mean before 1977, Assembly Bill 2943 in 2002 and Assembly Bill 1129 in 2017. Both bills failed. The Coastal Commission cannot write law or regulations, and referring to this date in the proposed statewide interpretations for sea level rise does not constitute law. Furthermore it would be inappropriate to utilize amendments to LCP’s as a vehicle to impose a new interpretation with consequences state wide.

**Managed Retreat-**this is a common sense land use practice where practical, especially in rural areas where existing structures can be relocated further inland when they are demolished and rebuilt, so that they will never need a shoreline protection device. This should be implemented where practical, however in more urban areas, especially where there is not a deep enough parcel to relocate the development, managed retreat is not practical, and the property owners must be allowed to defend their property from wave attack.

**“Critical” Development-**Past positions have acquiesced that important development like Ports will not be required to implement managed retreat. However without substantive measures including coastal armoring and bulkheads entire areas of California’s most iconic coastal communities will be lost to the ocean from Sea Level Rise. These coastal communities are also critical to California both economically and culturally, and they should not be surrendered to the sea.

**Community and Government Solutions-** In areas where it is impractical and inappropriate to retreat, governments and communities should cooperate to develop both soft and hard solutions to Sea Level Rise, including beach nourishment, offshore reefs, breakwaters, groins, bulkheads and community seawalls.

**Avoid Takings**-Article I, Section I of the California Constitution clearly states that it is an inalienable right to protect private property from damage. It should be rare whereupon there are regulations that don't allow redevelopment that can't either successfully retreat or protect itself from Sea Level Rise, but should that occur it is imperative that the government have funding mechanisms to purchase the land at fair market value through eminent domain.

Thank you for your consideration.





DATE: December 15, 2020

TO: Mayor Ed Waage, Chair and the Coastal Cities Group Leadership Committee

RE: Local Government SLR Working Group priorities for work efforts in 2021

Dear Mayor Ed Waage and the Coastal Cities Group Leadership Committee,

The Scenic Coast Association of Realtors'® nearly 400 members and affiliates are an integral part of the Coastal Communities. As a group we are also one of the primary advocates of private property rights in the local area. Please accept this communication as our organizations requested points for consideration when determining the potential work products, deliverables and other activities that will help to advance sea level rises adaptation planning.

**Existing Development-** Under Coastal Act section 30235 existing structures are entitled to develop a shoreline protection device when threatened by wave action. The CCC has tried to define this as structures existing before January 1, 1977, which is unjustified based upon legislative analysis. Importantly there have been two efforts to amend the Coastal Act by the legislature to change the definition of "existing development" to mean before 1977, Assembly Bill 2943 in 2002 and Assembly Bill 1129 in 2017. Both bills failed. The Coastal Commission cannot write law or regulations, and referring to this date in the proposed statewide interpretations for sea level rise does not constitute law. Furthermore it would be inappropriate to utilize amendments to LCP's as a vehicle to impose a new interpretation with consequences state wide.

**Managed Retreat-**this is a common sense land use practice where practical, especially in rural areas where existing structures can be relocated further inland when they are demolished and rebuilt, so that they will never need a shoreline protection device. This should be implemented where practical, however in more urban areas, especially where there is not a deep enough parcel to relocate the development, managed retreat is not practical, and the property owners must be allowed to defend their property from wave attack.

**"Critical" Development-**Past positions have acquiesced that important development like Ports will not be required to implement managed retreat. However without substantive measures including coastal armoring and bulkheads entire areas of California's most iconic coastal communities will be lost to the ocean from Sea Level Rise. These coastal communities are also critical to California both economically and culturally, and they should not be surrendered to the sea.

**Community and Government Solutions-** In areas where it is impractical and inappropriate to retreat, governments and communities should cooperate to develop both soft and hard solutions to Sea Level Rise, including beach nourishment, offshore reefs, breakwaters, groins, bulkheads and community seawalls.

**Avoid Takings-**Article I, Section I of the California Constitution clearly states that it is an inalienable right to protect private property from damage. It should be rare whereupon there are regulations that don't allow redevelopment that can't either successfully retreat or protect itself from Sea Level Rise, but should that occur it is imperative that the government have funding mechanisms to purchase the land at fair market value through eminent domain.

Sincerely,

Lisa Keelan, Association Executive  
Scenic Coast Association of Realtors®  
830 Morro Bay Boulevard  
Morro Bay, CA 93442  
805/772-4405  
ScenicLisa@gmail.com

**East Shore Planning Group**  
**P. O. Box 827**  
**Marshall, CA 94940**  
[ESPG@eastshoreplanninggroup.org](mailto:ESPG@eastshoreplanninggroup.org)

December 14, 2020

California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105

By email to [StatewidePlanning@coastal.ca.gov](mailto:StatewidePlanning@coastal.ca.gov)

**Local Government Workshop on Sea Level Rise and Implementation of the  
Joint Statement on Adaptation Planning  
December 17, 2020 Agenda Item TH3.**

Dear Members of the California Coastal Commission:

I write on behalf of the East Shore Planning Group on Tomales Bay in Marshall.<sup>1</sup> We greatly appreciate the new flexibility that the Joint Statement provide in being able to employ various adaptation techniques and to allow phased adaptation depending on the particular circumstances that exist.

In many ways the Marshall community is a perfect example of why the “one-size-fits-all-forever” approach to sea-level rise adaptation, and why permitting reflected in the “Sea Level Rise Policy Guidance” and the “Draft Sea-Level Rise Adaptation Guidance for Residential Development” is not a workable approach.

The town of Marshall dates back to the days of the narrow-gauge railroad that served the area from 1876 to 1930. Shoreline bulkheads were constructed and maintained to protect the rail lines throughout the decades. Those same bulkheads now protect Highway One, several visitor-serving businesses, many homes and an exemplary community wastewater system that protects the environment and serves residential and visitor uses.



*Small shore-side cottages along Tomales Bay in Marshall— typically less than 1,000 sq. ft. The bulkheads behind the homes protect Highway One and the East Shore Community Wastewater System that serves 50 of Marshall’s 84 homes. The town of Marshall is an extremely popular and picturesque historic tourist destination, an important coastal resource for the enjoyment by visitors and residents alike.*

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<sup>1</sup> ESPG is a California not-for-profit corporation formed in 1984 that has a membership of about 90 owners and tenants of residential, commercial and agricultural properties in the unincorporated area of Marin County in Marshall and along the east shore of Tomales Bay. ESPG is the primary local organization involved with issues of development in the area. ESPG has been active in the formulation of the amendments to the Marin County LCP since the process began.

Various forms of shoreline protection devices have been a fact in our area since the 1850s. While we do not support new development dependent on coastal armoring, we do believe that during the period of phased adaptation we need to maintain our existing infrastructure while it continues to support our community's housing, visitor-serving businesses and Highway 1.

In the long run, these homes, businesses, and Highway 1 itself will likely be challenged by sea-level rise. However, there are many years and decades ahead during which this community and its existing improvements can serve residences, businesses, and visitors, and they should not be prematurely condemned by inflexible policies.

Our situation calls for innovative and creative planning that may need to be adjusted in the years ahead. Imposing hard and fast requirements for individual coastal permits for maintenance of our piers, foundations and bulkheads, the same as for new shoreline construction, will only hasten the premature demise of currently usable infrastructure. Expensive permit conditions as to construction, bonding, professional reports and mitigation for continued short-term and medium-term use of existing homes and businesses are counterproductive, as are policies that prevent seismic and other structural upgrades. They do not aid the environment and will only penalize those who cannot afford hundreds of thousands of dollars to protect coastal businesses, useable housing stock, and our communities. They will also make it less likely that the community and the County officials can develop constructive permitting approaches that will be acceptable to and observed by the members of the community.

So, at this moment in time, the adoption of the Joint Statement and its support by the Marin County Community Development Agency as well as the Alliance of Coastal Marin Villages makes us cautiously optimistic. We implore the Coastal Commission and its staff to fully embrace the spirit of these principles, developed over many years of workshops, and to not fall short of the breadth of the collaborative efforts that they endorse.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Mary Halley". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mary Halley, President, East Shore Planning Group