

## CALIFORNIA COASTAL COMMISSION

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# F10e

**Prepared October 12, 2022 for October 14, 2022 Hearing**

**To:** Commissioners and Interested Persons  
**From:** Dan Carl, Central Coast District Director  
Tristen Thahalbuber, Coastal Planner  
**Subject:** **Additional hearing materials for F10e**  
**LCP Amendment Number LCP-3-SCO-20-0066-2 (Coastal Hazards Update)**

This package includes additional materials related to the above-referenced hearing item as follows:

Additional correspondence received in the time since the staff report was distributed

**CA Coastal Commission- Local Government Sea Level Rise Working Group  
Update on Neighborhood Scale and Regional Approaches to Adaptation  
Planning**

**RECEIVED**

Oct 4, 2022

OCT 11 2022

Honorable Chair and Commissioners:

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CENTRAL COAST AREA

The Local Government Sea Level Rise (SLR) Working Group convened in 2018 and is focused on the common goal of adapting to sea-level rise and making Local Coastal Program (LCP) updates more predictable, efficient, and effective. Our Working Group is made up of two members of the Coastal Commission, together with locally elected officials representing the California State Association of Counties and the California League of Cities. We explore strategies which maintain statewide consistency in protecting coastal resources and access, while providing for local flexibility to best serve local conditions and priorities.

The Working Group understands that your Commission will consider an LCP update from Santa Cruz County that includes neighborhood scale approaches to SLR adaptation planning. Please know that the Working Group is not commenting on Santa Cruz's plan, nor trying to influence any decision currently before the Commission. Rather, this letter is intended to provide an update on our progress and to encourage further exploration of local- and regional-scale strategies for adaptation planning, including at the neighborhood level.

In August of 2022, the Working Group conducted a Local Government Workshop with the Coastal Commission in Calabasas, CA. The group highlighted products and progress from the last three years including a conflict resolution process during LCP development, guidelines for a phased approach to LCP updates, and a commitment to developing regional approaches to adaptation planning. Summary notes of these proceedings is available upon request.

**The Challenge: Consistent yet Flexible Adaptation Planning**

One of the key findings of the Working Group was that the current piecemeal approach to sea level rise planning needs to be improved. In particular, a parcel-by-parcel approach to planning, permitting and development is costly and enormously cumbersome because the scale of sea level rise is bigger than one parcel. Continuing to plan under this approach across the state will contribute to inconsistent outcomes. Likewise, given that impacts of sea level rise will vary greatly in different places on the coast, a one-sized fits all approach is also not suitable for protecting coastal resources nor community development.

The working group has identified planning and development challenges and hopes to collaboratively develop useful strategies to address these challenges, which include:

- Uncertainty about the exact timing and impacts of sea level rise on specific locations or areas.
- Complex legal and regulatory risks and questions regarding takings, repetitive loss, and circumstances in which shoreline protective devices may be allowed.
- Parcel-specific siting and design approaches that are inconsistent with other adjacent or nearby parcels and that, without coordination, will likely lead to greater impacts to coastal resources and existing communities.
- Lack of consistency at the regulatory level and reinvention of adaptation planning processes for each project.
- Lack of certainty for property owners regarding what steps they can take now or in the future to protect and adapt their homes thereby discouraging active adaptation of properties and encouraging property owners to keep structures as-is in hazard areas.
- Lack of buy-in from a variety of stakeholders; difficulty communicating about LCP policy language and the risk factors on which policy is built.
- Concerns from many stakeholders about how to protect beaches and other natural areas, including from stakeholders who live inland and visit and recreate on beaches as well as the local tourist economies of coastal jurisdictions.
- The need to evaluate adaptation strategies that maintain and enhance a community's environmental, economic, and social viability.
- Lack of funding to implement adaptation strategies.
- How to effectively phase different adaptation approaches in response to changing conditions.

To help address these challenges, the Working Group supports the timely development of strategies for planning at a local or “neighborhood” scale. A neighborhood-scale approach to sea level rise planning has the potential to protect coastal resources over a larger area than a parcel-by-parcel approach. It also could provide more certainty to property owners, local governments, and members of the public about approaches that will be implemented. While it may take some time and effort for the Working Group to carefully navigate the challenges listed above and refine a neighborhood scale approach, the potential outcome could greatly assist local governments as they seek to address the impacts of sea-level rise in a programmatic and consistent way.

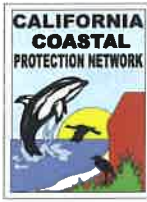
We do encourage expeditious consideration and testing of local- and regional-scale strategies for adaptation planning, including at the neighborhood level.

**Proposed January 27, 2023 Workshop: Perspectives on Neighborhood and Regional Approaches to Adaptation Planning**

As a Working Group, we are in the early phases of describing the nature of the challenges, setting goals for better coastal planning and protection, and scoping a framework for potential neighborhood-scale adaptation approaches. We would like to include more expertise and voices in this discussion. To this end, we are planning a workshop for January 27, 2023. We expect to hold this workshop in Santa Barbara to hear from various stakeholders on this topic.

We thank the Commission for supporting the Working Group. We have developed strong working relationships among local elected officials, staff from local jurisdictions, and organizations representing member cities and counties. We look forward to problem solving in the coming months with a broad range of stakeholders and partners to develop methods to effectively adapt our coast to address the impacts of sea level rise.

*Respectfully submitted by the Coastal Commission Local Government Sea Level Rise Working Group*



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OCT 07 2022

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Oct 7, 2022

To: Donne Brownsey, Chair, California Coastal Commission

Cc: John Ainsworth, Executive Director, California Coastal Commission  
Ryan Moroney, District Supervisor, California Coastal Commission  
Rainey Graeven, District Supervisor, California Coastal Commission

Sent via e-mail

**Re: Opposition to item F10e, Santa Cruz County Local Coastal Program Amendment for Coastal Hazards**

Dear Chair Brownsey and Commissioners,

As leaders from the undersigned organizations, we stand united on the principles that all Californians deserve the opportunity to access and enjoy the California Coast and that the state government has a legal duty to ensure municipalities protect public resources and public trust lands, including beaches and waves. From this basis, we urge the California Coastal Commission to deny the Santa Cruz County proposed Local Coastal Program Amendment (LCPA), specifically the Shoreline Protection Exception Area (SPEA) that would create a precedential loophole in the California Coastal Act,

undermine key policies that prohibit shoreline armoring for new development, and degrade coastal public access and wildlife habitat statewide.

We are gravely concerned with certain provisions of the Land Use Plan and Implementation Plan updates of the LCP relating to Santa Cruz County's coastal hazard response, adaptation and resiliency, especially provisions that allow for increased and/or extended shoreline hardened armoring. The County proposes an SPEA that would allow for increased shoreline armoring on an unlimited basis from Pleasure Point to the Capitola city limits.

The amendment would also allow a one-time exception for new development and redevelopment to rely on seawalls in 40% of the County's shoreline, to the detriment of coastal resources and the public sandy beach. We agree with the staff report that "the proposed amendment does not adequately protect coastal resources and cannot be found consistent with the Coastal Act for several key reasons," noting that the County is proposing to overemphasize shoreline armoring in response to sea level rise. **We therefore strongly urge the Commission to deny the LCP amendment and ask the County to reconsider its coastal hazard policies for addressing sea level rise and climate change-related hazards.**

#### Major LCPA Impacts

Notably, the County's LCPA policies would eliminate the possibility for upland migration of coastal habitats for nearly half of its 29 miles, devastating wildlife and biodiversity as sea levels rise within the Monterey Bay National Marine Sanctuary. The overreliance on seawalls contradicts the state's priority to conserve 30 percent of our lands and coastal waters by 2030 and threatens the vitality of one of the nation's most spectacular national marine sanctuaries. The Sanctuary is home to important species, including eelgrass, threatened shorebirds, brown pelicans, sea otters, and numerous other wildlife, and it serves as one of the world's most outstanding biodiversity hotspots. If we fail to commit to adaptation pathways that lead to managed retreat, including within urban and suburban areas, we will lose critical coastal habitats and fail to meet state goals for habitat conservation. Local governments should focus on nature-based adaptation for interim and long-term solutions rather than seawalls. Nature-based solutions will produce multiple benefits, including preservation of coastal habitats and protection of wildlife.

The SPEA would result in the addition of hardened armoring in the Pleasure Point to Capitola area of Santa Cruz regardless of whether it is protecting new or existing structures. The policy purportedly would affect only blufftop areas where beaches are

already eroded. However, even if beach width is minimal or non-existent, public tidelands and nearshore habitats would be impacted. Coastal armoring not only kills the beaches, but it also has a negative impact on waves since there will be refraction off the seawalls and other hard structures that compromises the natural wave shape and direction. Pleasure Point is home to some of California's most iconic surf breaks. On any given day, hundreds of surfers of all skill levels can be found along the Point. Pleasure Point in particular is known for its valuable and popular surfing resources with well-shaped waves. **The impacts of hardened armoring on access and recreation are too severe to be negated. Compromising on this issue could create a very dangerous precedent statewide for managing coastal resources in the face of rising sea levels.**

### Coastal Act Inconsistencies

The SPEA outlined in Section 16.10.040 of the Santa Cruz Public Safety Element, Hazard Update is defined in subsection (NN) as "coastal bluffs and beaches between Soquel Point and the Capitola city limit and any other area [sic] geographic area that may be designated in an adopted Shoreline Management Plan, and describes locations where shoreline and coastal bluff protection structures are acceptable." Section 16.10.070 (H)(3)(n) states that in the SPEA "new shoreline and coastal bluff protection structures shall be allowed on all parcels to protect existing structures, or on vacant parcels...." This stands in stark contrast to state law provisions, which state that new development "shall" not in any way require a shoreline protection device (PRC § 30253). There is no exception in the Coastal Act that would allow armoring for new structures. In fact, that action, as proposed in the Shoreline Protection Exception Area, is expressly forbidden by Section 30253. This bedrock coastal protection law has been utilized and defended by coastal advocates for decades. The SPEA should be deleted as an invalid concept under state coastal law.

The Santa Cruz County LCPA would allow for a broad interpretation of existing structure, inconsistent with prior interpretations and case law. The amendment states, "Existing structures, **including but not limited to** structures that existed prior to implementation of the Coastal Act in 1978" (emphasis added). This goes against years of interpretation that changes in the law are effective from the date of the law going forward. The date of the Coastal Act implementation is largely recognized as January 1, 1977. The County's definition is contrary to the established interpretation of the law and intent of the Coastal Act. The amendment also allows for not only the replacement of 50% or more of a habitable structure's major structural components but also, remarkably, the addition of square footage by more than 50% over the existing habitable space. It fails to qualify that all redevelopment must be calculated cumulatively

from the date of existing development. Beyond the 50% threshold, a structure should be considered new and not entitled to shoreline armoring.

### Conclusion

If the Coastal Commission approves the Santa Cruz County LCPA as proposed, it will open a Pandora's Box for jurisdictions across the state to copy the approach. It will create a major loophole in the Coastal Act that will undermine the state's efforts and substantial investments in ensuring equitable coastal preservation as sea levels rise. **Please deny the County's LCPA and uphold the Coastal Act's key provisions that prohibit shoreline armoring for new development.**

We look forward to working with the County on new policies that will protect public resources, coastal access and recreational opportunities along this outstanding stretch of coastline.

Sincerely,

Mandy Sackett  
California Policy Coordinator  
Surfrider Foundation

Marce Gutiérrez-Graudiņš  
Founder / Executive Director  
Azul

Alli Webster  
Chair  
Santa Cruz Chapter  
Surfrider Foundation

Laura Morgan, MD  
West Sonoma County Health Centers  
Andrew Johnson  
California Representative  
Defenders of Wildlife

Trish Mulvey  
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CLEAN South Bay

Esabella Bonner  
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Black Surf Santa Cruz

Adriana Guerrero  
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Save Our Shores

Susan Jordan  
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Lucero Sanchez  
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San Diego Coastkeeper



Garry Brown  
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