

CALIFORNIA COASTAL COMMISSION

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W8

CCC and Local Government Working Group Workshop

September 11, 2024

CORRESPONDENCE

September 6, 2024

Dear Chair Hart and all California Coastal Commission Members

cc: Kate Hucklebridge, Executive Director, California Coastal Commission

Re: Neighborhood-scale Adaptation Workshop and Draft Discussion Paper

Thank you for the work that has taken place over the past several years to listen to the voices of stakeholders throughout the State of California regarding Local Coastal Programs and specifically the critical inclusion of planning to address the accelerating climate crisis including both escalating erosion and future sea level rise.

Over the past nine months, after taking part in the local planning process in the City of Pacifica for a decade, I've spoken during general public comment times at California Coastal Commission meetings expressing concerns with a move in the City to carve out sections of our spectacular California Coast that has the potential to undermine the internationally acclaimed landmark legislation that is the California Coast Act. The Draft Discussion Paper, and lack of clarity it provides, reflects a series of assumptions and only raises more questions about how to responsibly plan for the long-range future of the Coast.

For years, Coastal Staff has provided clear and direct feedback to City Staff regarding the draft City of Pacifica update to the Local Coastal Program and how it could not be found consistent with the Coastal Act, including Sections 30235 and 30253, as submitted. The feedback rightly noted that:

“...In short, the City’s proposal does not actually take the difficult coastal hazard questions facing this community, and is most aptly described as a “full-armoring” adaptation plan that would essentially commit the City in the long run to the detrimental effects of same, including the loss of its beach and shoreline recreational areas. This commitment to “full armoring” is clear as the City’s proposal explicitly requires that managed retreat be prohibited from even being considered in any LCP/CDP analysis scenario. The City’s proposed coastal hazard provisions cannot be found consistent with the Coastal Act as proposed.”

Summary of Staff Recommendation, Prepared February 24, 2023 (for March 8, 2023 Hearing, that the City of Pacifica had pulled from the agenda), from: Stephanie Rexing, North Central Coast District Manager; Julia Koppman Norton, Coastal Resilience Coordinator; Oceane Ringuette, Coastal Planner. (See attached.)

Since that time, the City and Coastal Staffs have continued conversation to move forward with the needed update to the decades old LCP. Unfortunately, that has led us to where we are today with the City unable or unwilling to prepare long-range strategies to address not only the future significant impacts associated with coastal hazards, but those that the City of Pacifica has been experiencing since the El Nino of 1983 and that have been accelerating since.

While the language about refusing to consider managed retreat as an option for addressing visible coastal hazards has been removed from the Pacifica draft LCP and other updates have

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been made since the (2023) memo, what remains is a plan for continued hard-armoring of the shoreline in Pacifica.

What has also changed is that plans are now being put forth under the guise of being a “neighborhood-scale adaptation” strategy for West Sharp Park and Rockaway Beach that inexplicably provides not only for continued hard-armoring, but also for **INTENSIFIED NEW DEVELOPMENT** behind a proposed expanded seawall, including areas of the seawall south of the Pacifica Pier that have never been breached and a section for where a nature-based solution should be considered.

Continued hard armoring and intensified development – none of which is “coastal dependent” - in a known coastal hazard zone is the antithesis of the intention of the Coastal Act. This “neighborhood-scale adaptation” plan is not adaptation. The proposed concept is a continuation of age-old attempts to hold back naturally eroding bluffs that create the beaches, trying to hold firm what is an unfixed and ever-changing shoreline, that have been shown over decades to be ineffective for the long-term and that have accelerated erosion and loss of our beaches.

The CCC and Local Government Working Group draft discussion paper indicates concern from some about a prescriptive “one-size fits all” approach to coastal planning. However, unlike other jurisdictions LCP updates, the City of Pacifica’s planning process already included a Sea Level Rise Adaptation Planning process that included geographic sub-areas, recognizing the variation between the tall sandy bluffs in the north along Esplanade/Manor to the at sea level area where Pacifica State Beach, Linda Mar is situated. That early planning, grant-funded through the Coastal Commissions grant program, also included active discussion of monitoring and “triggers” for when adaptation strategies would need to kick-in.

On December 5, 2023, that all changed when Pacifica City Staff dropped the concept of Special Shoreline Resiliency Areas (SSRA’s, initially coined Special Resiliency Areas, SRA’s) on the community. The name of this concept would be laughable if it weren’t so egregious. Coastal resiliency is defined as the ability of a community to bounce-back and/or recover from hazardous events. Fixing the shoreline with hard-armoring is not adaptation.

The proposed implementation of neighborhood-scale adaption in Pacifica allows for additional and seemingly into perpetuity hard-armoring of two key areas of the shoreline – to allow for additional intensified development that is not coastal dependent in a coastal hazard zone -- areas that have already been impacted by decades of hard-armoring that is reflected in the loss of sandy beaches and coastal habitat.

What will be gained for the People of California and those beyond by allowing this “neighborhood-scale adaptation” strategy is nebulous – no actual mitigation measures have been presented and the current’s concept allows this strategy to be initiated only with a timeline for planning further community engagement.

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To date the City of Pacifica's community engagement activities have been contrived and focused on only the number of meetings held and number of attendees. Presentations of information are made and prescribed outcomes that City Staff are desirous of implementing have been the result. Voices throughout the community are canceled out; this is not actual community engagement whereby voices are heard, responded to, and consensus reached.

This is highlighted by public comments during City of Pacifica City Council meetings where the public – on all sides of the coastal management discussion – have ***universally spoken out AGAINST the SSRA's***. The concept is unequitable between neighborhoods, has already led to a clamor of interest to be included in areas where hard armoring will be perpetuated in an attempt to expand hard armoring to all of the coast.

While recognizing that adaptation will be different by each geographic sub-region, we must consider the coast holistically and plans for the long term. Yes, this is difficult work, however this bigger vision will ultimately be more economical and beneficial.

Please consider providing the means to support municipalities to:

- Require plans to include plans by geographic sub-region (versus this side bar of "neighborhood-scale adaptation) and triggers.
- Require a long-range vision for the ENTIRE shoreline of a municipality (or shared shoreline covering multiple jurisdictions) - not a piecemeal approach that carves out sections of the coast, creating inequity and leaves future generations to work through the difficult decisions that some are trying to kick down the road.
- Require meaningful community engagement with funding to include trainers skilled in mediation and visioning.
- Partner with coastal resiliency experts and communities to develop educational materials that help communities understand the hazards and why we all need to plan for the climate crisis, including how these efforts will benefit both current and future generations, versus a focus on fear and confusion that has come out of current processes. Support planning efforts that dispel the misinformation that anyone is advocating for immediate managed retreat.
- If hard armoring is allowable for the short to near term while long-range planning and implementation is taking place ensure that NO additional people or structures will be placed in harms way through new intensified non-coastal dependent development, as it will only perpetuate the cycle of armoring versus true adaptation and resilience.
- If hard armoring is allowable ensure that strong mitigations -- and not those that should be provided anyway such updated bathrooms, bike racks, dog poop bags stations, or vertical access to beaches that no longer exist as identified by the City of Pacifica -- are identified PRIOR to any implementation.

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Say NO to carving out sections of the California Coast, not only in Pacifica, but throughout the State of California.

Say YES to visionary planning that establishes holistic planning for the future, while addressing short-mid term needs on the way to achieving (these goals) and maintain the strong globally acknowledged accomplishment that is the Coastal Act.

Embrace the idea and support through innovative grant funding for the neologism (new words) created through a social practice arts engagement process in Pacifica:

Wedapting: A community coming together through dialogue and problem solving for long term planning to adapt to extreme storms, sea level rise or other extreme weather events caused by climate change. A coming together for mutual protections. An openness of a community to weather difficult discussions around triggering topics. This includes long term planning for both private homes and city infrastructure, recognizing both are essential components of a successful community.

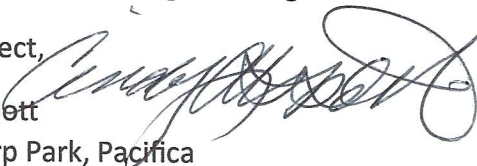
Let's not succumb to another neologism:

Byeog (Korean in origin): Wall sickness. Wall sickness is not solving the problem, but is like taking Tylenol. It may make you feel better temporarily but does nothing to cure you. Recognizing it is the nature of water to find its way. Seawalls can push sea level rise higher in neighboring communities, shifting the problem without ever addressing the underlying issue. To begin to build walls is like a virus; they keep reproducing. Eventually the entire continent would need to be enclosed – and we would have walled ourselves inside.

Thank you for your long-standing and continuing support for the California Coast.

With respect,

Cindy Abbett
West Sharp Park, Pacifica
Attachment

A handwritten signature in black ink, appearing to read 'Cindy Abbett', written over the typed name and address.

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
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W14a

Prepared February 24, 2023 (for March 8, 2023 Hearing)

To: Coastal Commissioners and Interested Persons

From: Stephanie Rexing, North Central Coast District Manager
Julia Koppman Norton, Coastal Resilience Coordinator
Oceane Ringuette, Coastal Planner

Subject: **City of Pacifica Local Coastal Program Amendment Number LCP-2-PAC-20-0036-1 (City of Pacifica LUP Update)**

SUMMARY OF STAFF RECOMMENDATION

The City of Pacifica is proposing a complete update of its Local Coastal Program (LCP) Land Use Plan (LUP). The City's LUP was originally approved by the Commission in 1980, and the current LCP, including the Implementation Plan (IP), was certified with the City assuming coastal development permitting (CDP) authority in 1994. The City intends to update its IP following certification of the proposed LUP update. In the interim, the City intends the updated LUP to provide the primary standard of review for proposed development, and if there were to be any conflicts between the updated LUP and the older IP (and these are to be expected until the IP too is updated), the updated LUP would prevail.

The City of Pacifica is located about 10 miles south of San Francisco along the San Mateo County 'coastside', where the coastal zone boundary mostly tracks along Highway 1 and encompasses residential neighborhoods, visitor-serving and commercial areas, as well as open space and habitat areas. In addition, the City is also a very popular recreational destination for visitors from all over the Bay Area, due in part to its beaches, open spaces, and well-known beginner surf breaks, but also due to its proximity to both the San Francisco area and to the Peninsula, San Mateo, the Santa Clara (or Silicon) Valley, and the East Bay. With the exception of its beaches and other shoreline-adjacent open space, the built-out environment of the City essentially extends right up to the shoreline interface, and shoreline armoring is present along roughly a third of the City's entire shoreline including along almost all of the shoreline fronted by developed areas.

The City's proposed LUP update is a complete overhaul that would replace the existing LUP, and contains updated policies to reflect new information and approaches to coastal resource management since the original certification over four decades ago. It includes new provisions to address both coastal resource issues not covered in the existing LUP and to reflect the emergence of new City priorities. To that end, while the

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City completed a “Sea Level Rise Vulnerability Assessment” and “Sea-Level Rise Adaptation Plan” in January and September 2018, respectively (funded by the Coastal Commission’s grant program), and although the proposed LUP update acknowledges that Pacifica will experience significant impacts associated with coastal hazards, including impacts exacerbated by sea level rise along its coastline, the City’s proposed new and updated LUP provisions cannot be found consistent with the Coastal Act, including Sections 30235 and 30253¹, as submitted.

Specifically, the City’s proposal would limit application of the proposed coastal hazard provisions to a very limited subset of potential development. In effect, most of the coastal hazard policies would actually not apply to development located on low-lying shoreline or blufftop land on shoreline fronting sites, even if the development is and/or would be subject to coastal hazards now or in the future. Thus, the vast majority of such development would not be required to provide adequate analyses to demonstrate it would avoid, minimize, and mitigate for such hazards and associated impacts over time including that the development would not rely on armoring. As proposed, only new development on vacant, immediate shoreline-adjacent properties, which are extremely limited in Pacifica, would be required to be designed and sited safe from hazards without shoreline armoring, and only these projects would be subject to associated required approval conditions (e.g., related to hazard disclosure, avoiding armoring, mitigation for impacts, etc.).

In fact, the proposed definitions, when applied to the City’s associated proposed provisions, would actually expand allowances for shoreline armoring throughout the City, and are structured to ensure that the existing development pattern in hazardous areas of the City would be allowed to continue in perpetuity. This includes allowing for unlimited redevelopment on sites developed prior to the time this LUP is certified and already protected by armoring, and allowing for existing shoreline armoring to be redeveloped/replaced irrespective of what it is protecting if such armoring is not expanded in height or length by more than 10 percent. In short, the City’s proposal does not actually take on the difficult coastal hazard questions facing this community, and is most aptly described as a ‘full-armoring’ adaptation plan that would essentially commit the City in the long run to the detrimental effects of same, including the loss of its beach and shoreline recreational areas. This commitment to ‘full armoring’ is clear as the City’s proposal explicitly requires that managed retreat be prohibited from even being considered in any LCP/CDP analysis scenario. The City’s proposed coastal hazard provisions cannot be found consistent with the Coastal Act as proposed.

Thus, modifications are suggested to ensure Coastal Act consistency. To be clear, such modifications should not appear to be unfamiliar to the City as they are the same types of changes that staff has been suggesting to the City for many years. In fact, they are even further refined and limited to the extent feasible to the core changes necessary to allow for a functioning LUP with respect to hazards. In other words, there are even more possible modifications that have been previously identified as appropriate changes for the City to consider that have been ‘left on the table’ in this effort. Not because those changes would not also be appropriate under the Coastal Act, because they would and

¹ References to the Coastal Act or Sections refer to Pub. Resources Code Division 20.

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could help to further improve the LUP, but more in the spirit of trying to provide the City an as-modified LUP that can be approved and that retains the City's proposed structure and many of its core provisions in a way that can ideally be accepted by the City and form the basis for future LCP planning, including the IP update that would need to follow. Staff is optimistic that the City will understand the suggested modifications in that way, and choose to move City coastal management planning forward through their acceptance accordingly.

Beyond the coastal hazard concerns, the proposed LUP mostly provides for appropriate updated provisions affecting coastal resources in the City, and should be able to effectively govern proposed coastal zone development moving forward, with some caveats. In particular, the proposed LUP raises questions as it relates to natural resource protection, including ensuring that habitat resources are appropriately identified in the first place, and that appropriate buffers are provided to ensure their protection as required by the Coastal Act. In addition, the proposal is lacking in terms of ensuring that constraints to development are clearly identified and addressed, including in terms of adequacy of public services. These issues also raise Coastal Act inconsistencies.

Fortunately, modifications can be provided that can address these issues and others, and allow for an approvable LUP update. These modifications ensure sufficient analysis of, and accounting for, the impacts of coastal hazards on proposed development; limits on allowances for shoreline armoring; adequate site constraint analysis, including as it relates to public services; clarifications around required natural resource delineation and buffer areas; environmentally sensitive habitat area protections; and other general clarifications that ensure a cohesive and Coastal Act consistent LUP update. Again here, staff has previously made all of these points to the City during the course of time that the proposed LUP update has been pending, including providing suggested language to address such issues going back several years. In fact, Commission and City staff worked extensively on the proposed update as it was being developed, and ultimately as it went through the City's local review processes. While Commission Staff and the City made progress toward consensus through this process, disagreements remain on a number of key topics, including most notably with respect to the proposed LUP's coastal hazards and coastal resilience approach. Importantly, though, such disagreement is not due to lack of staff to staff coordination, rather it is simply that the City and Commission staff have had and continue to have different approaches to addressing the coastal zone issues facing the City. No matter what, staff very much thanks the City and City staff for their commitment to the LUP update process, and continues to stand ready to partner with the City to work next on the IP update to follow.

To conclude, as suggested to be modified, staff believes that the proposed LUP update amendment is consistent with and adequate to carry out the Coastal Act, and recommends that the Commission approve the as-modified LUP update. The motions to implement staff's recommendation are found on **page 6** below.

Staff Note: LCP Amendment Action Deadline

The proposed LCP amendment was filed as complete on August 12, 2022. The proposed amendment affects only the LUP portion of the LCP and the 90-working-day

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action deadline was December 22, 2022. On December 16, 2022, the Commission extended the action deadline by one year, and thus the Commission has until December 22, 2023 to take a final action on this LCP amendment.

September 6, 2024

To: Caryl Hart, Chair, California Coastal Commission

Cc: Kate Huckelbridge, Executive Director, California Coastal Commission

Re: Neighborhood-scale Adaptation Workshop and Draft Discussion Paper

Dear Chair Hart and Commissioners,

The Pedro Point Community Association (Pacifica CA) has significant concerns regarding the Local Government Working Group's proposed policy directive, "neighborhood-scale adaptation," as outlined by the city of Pacifica and the Coastal Commission's willingness to set aside the Coastal Act as a misdirected effort to find compromise with the city of Pacifica and other coastal cities. Pacifica's only alternative to sea level rise adaptation is to further utilize hard armoring as the only option for sea level rise and climate crisis adaptation and in-fact further expand hard armoring throughout our city which would devastate our beaches, estuaries and other coastal resources that are intended to be protected under the Coastal Act.

With continued armoring, the majority of Pacifica's beaches will disappear in the near future while attempting to prioritize private property owners over the Public Trust Lands all the while knowing that it is only a matter of time before these private properties are red-tagged and become a public nuisance. These coastal resources are legally protected under the Coastal Act and the Coastal Commission is legally mandated to protect these resources.

In an attempt to compromise, the Coastal Commission adopted "neighborhood-scale adaptation" under guiding Principle #9 in 2023 as a viable approach in the Commission's Public Trust Guiding Principles. The document specifically advocates nature-based adaptation as the preferred solution which is backed by data and analysis from the best available scientific and modeling data to alleviate known coastal hazards (USGS CoSMoS). Yet, the city of Pacifica has completely disregarded nature-based solutions and has not identified a single site where a nature-based solution is viable. The city only advocates for neighborhood-scale seawalls across Pacifica even though multiple community groups and individual citizens of Pacifica have established that sites including the Rockway Quarry and Pedro Point Field & Wetlands are viable options for nature-based adaptation to protect our neighborhoods and city infrastructure which is also required under SB379. The city has instead chosen, under the ongoing LCLUP planning, to change zoning at these sites (which contain multiple environmental hazards and protected habitat) as potential residential zoning. Note that the current city council's intent is not to compromise, but instead to incrementally exempt the whole city of Pacifica from the Coastal Act.

Additionally, the city is attempting to circumvent the conflict resolution provision of the coastal act (30007.5 & 30200(b)) by stating they will improve coastal resources in other areas in an attempt to balance the admitted damage they will cause to the beaches and estuaries with the sea walls. They attempt to offset this coastal ecosystem devastation by providing restrooms, parking and sidewalk trails

above the sea wall stating this will provide the public more access to recreational resources which is moot when one considers the coastal resource will be devastated. This attempt at conflict resolution is risible and illegal under the Coastal Act; one cannot devastate a natural coastal resource without improvements to another natural coastal resource elsewhere...I don't believe bathrooms and sidewalks count.

It is well documented that increased wave reflection is made worse by hard armoring and devastates adjacent beaches and shoreline environments which has only worsened due to the global warming climate crisis. The Fairway West neighborhood, by happenstance, is protected by three levels of nature-based environments:

1. Sharp Park Beach which acts as a buffer against storm surge
2. The low rising golf course earthen berm that acts as a nascent dune ecosystem that absorbs some wave overtopping
3. The Mori Point GGNRA wetlands and Sharp Park Golf Course which absorbs storm runoff and ocean storm surge

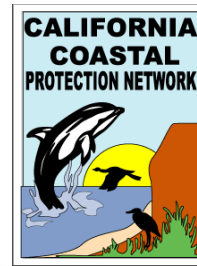
Our city officials are not being honest with the people in this neighborhood by not discussing the impact from the elimination of Sharp Park Beach due to the sea wall just north of them which would most certainly eliminate one of their coastal resiliency buffers (the beach) which would severely erode the earthen berm and consequently oversaturate the wetland buffer zone thus flooding their neighborhood. In neighborhoods like Pedro Point we have the opportunity to implement a nature-based solution in the Pedro Point Field & Wetland which is a known hazard zone that will protect the surrounding homes and yet the city instead is advocating a change from C-R to residential for undisclosed reasons.

We know you are doing your best to find a compromise, but please do not ignore the voices of the people who are here to defend you and the Coastal Act.

Kind Regards,

Sam Casillas

Planning and Development Committee Chair
Pedro Point Community Association



PEDRO POINT COMMUNITY ASSOCIATION

September 6, 2024

To: Caryl Hart, Chair, California Coastal Commission

Cc: Kate Huckelbridge, Executive Director, California Coastal Commission

Re: Neighborhood-scale Adaptation Workshop and Draft Discussion Paper

Dear Chair Hart and Commissioners,

The undersigned organizations are writing with serious concerns regarding the Local Government Working Group’s proposed policy directive, “neighborhood-scale adaptation,” as a key approach to planning for rising seas. The concept is born out of conflict between local governments and the California Coastal Commission (Commission) over when shoreline armoring is allowable. However, this new approach is poorly defined, raising more questions than it answers, and includes an inherent conflict of assumptions between the Commission and local governments that would have dire consequences for the California coast.

Defining our relationship to seawalls is a crucial sticking point in planning for coastal hazards related to climate change and rising seas. If seawalls remain our primary adaptation response, and we refuse to make room for the coast to move landward, we will lose beachfront, public trust lands, public access, and waves to rising seas. With continued armoring, the [majority of Southern California’s beaches](#) will likely disappear over the coming decades—the same beaches and coastal resources that the Coastal Commission is legally charged to protect. Meanwhile, local governments are subject to enormous pressure from private property owners to protect their property with armoring despite the direct, destructive, and well-established consequences for coastal public access and resources.

By way of compromise, “neighborhood-scale adaptation” was memorialized in 2023 as a viable approach in the Commission’s *Public Trust Guiding Principles and Action Plan* under guiding Principle #9. Though the document optimistically encourages nature-based adaptation on a neighborhood or regional scale,

recent examples in Santa Cruz County, Ventura County, and Pacifica suggest that local governments envisioned other approaches for neighborhood-scale adaptation: neighborhood-scale seawalls.

Given the projected scale of sea level rise, addressing bigger portions of the coast has intrinsic efficiencies. If done responsibly and legally—that is, ensuring the preservation of public trust resources—there may be opportunities that this policy approach could capture. However, as currently discussed, it raises the existential and untenable risk of neighborhood-scale seawalls that will greatly increase the rate and extent of coastal armoring, contrary to the requirements of the Coastal Act, and thereby accelerate coastal erosion, beach loss, and destruction of both wildlife habitat and public access opportunities.

Evidence-Based Policy Needed

Before advancing this policy approach further, we respectfully urge the Commission to produce a report showing data that empirically verifies the assertion that “the current approach is not working.” The seminal and globally renowned California Coastal Act is primarily hailed as a success story in coastal management, public access, and environmental protection. Thus far, through the process of planning for sea level rise over the past decade, unbalanced coastal hazard plan proposals that over-rely on coastal armoring have been rejected, and numerous advancements in planning and assessing vulnerabilities have been made. We would not view the current approach and adherence to state law—including the victories for preserving public trust resources—as a failure.

This analysis should consider whether “existing development” built before 1977, now reaching the end of its useful life, may present opportunities in the near term to reduce coastal armoring. Critical analysis of how this policy would impact the coast and avert the enormous risk of increasing the rate of coastal armoring is necessary. Defined parameters for protecting public resources through this novel approach are absent from the draft discussion document.

Conflict of Assumptions

The difficulty is not in the concept of “neighborhood-scale” sea level rise adaptation planning; rather, it is in the underlying assumptions of the participants in that process, particularly with respect to the legal principles. This conflict of assumptions occurred in the recent County of Santa Cruz Local Coastal Program (LCP) update, [which resulted in the Commission denying the LCP update.](#) The County had proposed a policy that would allow for a neighborhood-scale seawall along Pleasure Point Drive but failed to consider the Coastal Act’s legal framework or adequate mitigation for conflict resolution.

On the surface, the problem is that local governments have been unwilling or unable to agree with the Commission on the content of LCPs. This situation is understandable politically. The wealthiest and most influential coastal constituents assert that their property must be protected, and they bolster their messages with threats of regulatory takings lawsuits or claims of adverse use of campaign contributions.

The Commission must find ways to advance the adoption or updating of LCPs while also preventing the wholesale armoring of the coast. Several examples already exist of local governments assuming that this draft policy would support neighborhood-scale seawalls with complete disregard for the Coastal Act, mitigation, and other relevant legal parameters.

The only way to move forward with this process is to return to the basic legal principles that might form the assumptions underlying this planning process. The most important of these are (1) the Coastal Act, including its protections for coastal access and recreation and its restrictions on coastal armoring; (2) the

Public Trust; and (3) the protections for private property embedded in the interpreted regulatory takings concepts of the Fifth and Fourteenth Amendments. These elements must be respected for the process to succeed; attempts to circumvent them are doomed to fail.

We strongly recommend updating the draft discussion paper to focus on protecting public coastal resources including access. For example, definitions and examples of conflict resolution approaches need to be included before adoption and championing of this approach move forward. Until the Commission specifies its assumptions regarding acceptable conflict resolution, an inherent conflict of assumption will continue, and local governments like Santa Cruz, Pacifica, and Ventura will build the possibility of neighborhood-scale seawalls into their land use plans without defining what type of mitigation would be needed - creating an inherent imbalance and skew adaptation response towards unchecked coastal armoring.

We are counting on the Commission to protect public coastal resources. The draft discussion paper endorses the concept of neighborhood-scale seawalls where necessary without specifying how public resources will be protected as mandated by law. The concepts of public access and public trust are barely mentioned in this document.

Pacifica: A Case in Point

The City of Pacifica is currently embroiled in controversy over a neighborhood-scale adaptation approach they call “Special Shoreline Resiliency Areas” (SSRA). This policy would allow neighborhood-scale seawalls to front entire neighborhoods at Rockaway and West Sharp Park without defining mitigation options, such as restoration or managed retreat elsewhere. The overarching goal for the SSRAs in Pacifica is to add new intense development in a coastal hazard zone, as is proposed in the Sharp Park Specific Plan. From the undersigned organization’s perspective, this is problematic because no legal mechanism allows for blanket shoreline armoring exceptions. The Coastal Act only narrowly permits shoreline armoring for coastal-dependent uses and pre-Coastal Act structures.

Given the pressure to move forward, the Commission has indicated it may approve this policy, provided the City completes a “Shoreline Adaptation Program”. Unfortunately, the City has defined minimal mitigation measures for the large-scale seawalls, which would also include undisclosed trails, vertical access, bike racks, and dog poop bag stations. Applying this approach statewide could result in the walling off of much of California’s public beach space to benefit private property owner with public “benefits” like stairways to non-existent beaches.

Shoreline armoring has degraded or completely destroyed beaches and surf throughout Pacifica. There is no safe access to the ocean between the pier and Land’s End. Anecdotally, surfers have reported that the wave quality at Rockaway has deteriorated. One of the best surf spots, Rocky’s, was at the reef seaward of Shoreview. Historic photos and elder surfers report that in decades past, the protruding point produced a high-quality wave that was lost when rocks were placed on the shore, increasing wave reflection and impeding sand deposition.

Residents from nearby Pacifica neighborhoods not covered by the proposed SSRAs strongly oppose the policy. Dozens of residents from West Fairway Park have testified at [local meetings](#) in outrage, citing injustice. One resident had this to say:

“SSRAs: either everybody is in or nobody is in. What you are doing is blowing off Esplanade, West Manor, the RV Resort, Shoreview and Pedro Point [neighborhoods]. I suspect they know

you are abandoning them in favor of two smaller neighborhoods because it is a manufactured solution. Not a good idea. You are going to strip people you know of shoreline protection.”

Another stated:

“Nothing here that's been presented tonight for my property on shoreview. I am the property owner who had a 300 pound boulder thrown up from the ocean through my garage during a storm last year [...] I woke up to piles of sand in my home. I have the solar panels on my roof ripped off [...] While Rockaway Beach and the [Sharp Park] golf course may be protected, I have no protection for my home.”

Many community members have called for the expansion of SSRAs to include more or all neighborhoods in the City. The residents' messages beg the question: Is the neighborhood-scale approach poised to expand out of control and doom California's beaches?

What was meant to be a compromise to find a middle ground only makes matters more divisive. One inherent flaw with neighborhood-scale adaptation is that it favors some neighborhoods over others. As this plays out throughout the coast, the implications could be that lower-income neighborhoods, those that cannot afford neighborhood-scale solutions, for example, are left subject to coastal hazards. Less vocal communities may also be at a disadvantage. Wave runup and overtopping that have damaged Pacifica homes will likely worsen. Large-scale seawalls are not the solution for homeowners, businesses, or the City. They are a major bummer for the beach going public and beach ecology.

The Coastal Act

Other than a narrow exception under policy 30235, every pertinent Coastal Act policy militates against armoring the coast. Consider the impacts of a seawall. It reduces and, in most cases, will eventually eliminate public access. Further, it constrains and prevents most forms of public recreation; it has detrimental impacts on marine resources; it degrades the scenic and visual qualities of the coastal area; and it causes a permanent alteration of the natural landforms. Given these multiple potential impacts to resources protected by policies 30210, 30220, 30230, and 30251, it is understandable that the Legislature in 30253(c) required that new development not “require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.” Seawalls are an abomination to the geophysical, biological, and human resources of the natural coastline. They benefit the individual property owners behind the wall at the expense of the public and the ecosystem.

The only policy that would be furthered and expanded by the proposed neighborhood-scale approach is 30235, which is not a resource protection policy but an exception to resource protection. Expanding that exception would not be “more protective of significant coastal resources,” as stated in the discussion paper. The discussion paper implies that conflict resolution policies would be invoked to justify this Coastal Act work-around. However, this justification is flawed. There must be a conflict between coastal resource policies to invoke conflict resolution. In this case, none exists.

Legally, the conflict resolution provisions within the California Coastal Act, sections 30007.5 and 30200(b), were designed to address situations where the application of different policies leads to a genuine, unavoidable conflict between resource protection objectives. These provisions allow the Commission to harmonize and prioritize policies when they clash, ensuring the most protective outcome for coastal resources as a whole. For instance, conflict resolution might be invoked when the preservation of public access could be at odds with the protection of environmentally sensitive habitat areas. In such

cases, the Commission is tasked with weighing the policies and determining a balanced approach that upholds the overarching goals of the Act.

In contrast, using conflict resolution as a justification for neighborhood-scale seawalls represents a misuse of these legal provisions. Here, there is no legitimate conflict between policies; instead, the construction of seawalls directly contradicts several core principles of the Coastal Act, such as the preservation of natural landforms, public access, and marine resources. The attempt to apply conflict resolution in this context is not about resolving a clash between policies but rather about circumventing the protections that the Act is intended to enforce. This approach undermines the legal integrity of the conflict resolution mechanism, which was never meant to facilitate exceptions for private interests at the expense of the public.

Stretching the conflict resolution provisions to justify shoreline armoring undermines the very purpose of these provisions, which is to resolve genuine policy conflicts in a manner consistent with the Coastal Act's goal of maximizing protection for coastal resources. Therefore, invoking conflict resolution to support neighborhood-scale seawalls is not only legally flawed but also contrary to the fundamental objectives of the Act.

The proposals from Santa Cruz County, Ventura County, and Pacifica would all allow new development to rely on neighborhood-scale seawalls - a straightforward violation of the Coastal Act. None of their proposed LCP updates acknowledge the legal conflict or propose adequate mitigation for neighborhood-scale seawalls. The local government's application of this new approach and the Commission's expectations do not match. This mismatch exemplifies the conflict of assumptions and significant risk that this approach carries, especially without an adequate definition of expectations for Coastal Act consistency.

Demand for Clarity

We believe this approach, as described, would not be legal or consistent with the California Coastal Act. At a minimum, more clarity is needed. If the Commission intends to create a loophole around the Coastal Act policies for coastal armoring and invoke conflict resolution, careful attention to clarity and defining expectations is necessary. Presently, the document is filled with generalities and lacks specific direction for how the protection of public resources would be achieved with this approach. Greater specificity is necessary to ensure that this policy does not result in a sacrifice of the public trust on behalf of those who have wealth, power, and coastal property.

The document is silent on what coastal resources are furthered or enhanced by a regional armoring proposal. Coastal armoring is contrary to access, recreation, habitat protection, and development policies of the Act and the public trust doctrine.

Championing Nature-based solutions

In considering the "neighborhood-scale adaptation" policy, we must prioritize nature-based solutions over seawalls, which can exacerbate erosion and harm coastal ecosystems. Instead of reinforcing hard armoring, the policy should incentivize approaches like living shorelines, dune restoration, and managed retreat, which protect our coastlines while preserving natural habitats. By prioritizing planning grants for local governments that rely on nature-based approaches, streamlining permitting, offering technical assistance to guide communities through the process, and forming a working group that is focused on

championing and prompting nature-based solutions, the Commission can encourage the shift away from seawalls that destroy public resources.

Public Trust

It is well-established that the state owns all lands below the ordinary high tide line and holds those lands, including the beach and submerged waters, in trust and for the benefit of the public. As the United States Supreme Court announced in the *Iodestar* case, *Illinois Central Railroad v. Illinois*, 146 U.S. 454, 460 (1892), the state may not abdicate control of these lands and waters and must preserve them for the use of the public.

The Commission must consider how the use of non-trust resources will impact public trust resources. The public trust must be protected “whenever feasible,” and the Commission must not alienate public trust lands for the limited purpose of coastal armoring.

In the report entitled “Protecting Shoreline Resources in the Face of Sea Level Rise,” Dr. Charles Lester notes the Commission’s affirmative duty to protect the public trust, citing multiple examples where the affirmative duties of the public trust doctrine are embedded in state law. Ultimately, the report confirms:

“The California Coastal Act generally embodies many of the values protected by California’s public trust doctrine. The CCC must protect maximum shoreline public access and recreation, including lower-cost facilities and public recreational and water-oriented activities; and ensure that development is compatible with the continuance of recreation areas, such as tidelands. It must maintain, enhance and restore marine resources and protect sensitive shoreline habitats and natural processes. The agency also must protect the economic, commercial, and recreational importance of fishing activities, and prioritize visitor-serving commercial recreation over private residential development or general commercial and industrial development. Scenic resources must be protected, including by minimizing the alteration of natural landforms, such as beaches.”

Overall, new development generally must not have significant adverse effects, either individually or cumulatively, on coastal resources, such as tidelands. Neighborhood-scale seawalls would eliminate vertical and horizontal beach access and the public trust resource itself. This curtailment of public beach access rights will also infringe on the right to coastal access enshrined in the California Constitution Section X, Article IV, and the abdication of stewardship will violate the public trust doctrine. The magnitude and irreversibility of the harm to public trust lands and waters dictate that the Commission deny the regional armoring proposals.

Any proposed coastal armoring, including one undertaken as part of a “neighborhood-scale” program, requires analysis of the public trust impacts of the proposed development. As with any other potentially significant impact, the Commission (or any local government operating under a certified LCP) should analyze the site-specific evidence and, if there is an impact upon the Public Trust, make the findings available and take appropriate actions. In an era of rising sea levels, the Commission should be making a public trust finding with respect to every shoreline development.

Conclusion

In conclusion, while the concept of neighborhood-scale adaptation has potential, it needs careful refinement to avoid unintentionally endorsing widespread coastal armoring. If done correctly, this policy could strike a balance that allows for large-scale shoreline restoration while addressing the needs of

coastal communities. The Commission must clarify its stance on how public resources will be protected and ensure that any adaptation policy is consistent with the Coastal Act. We urge the Commission to clearly define the parameters of acceptable solutions, emphasizing nature-based approaches and the protection of public trust resources. By refining this policy with a focus on ecological sustainability and legal consistency, the Commission can better balance the needs of coastal communities with the imperative to preserve California's cherished coastline for all.

Sincerely,

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Heal the Bay



September 6, 2024

Delivered via email

Re: California Coastal Commission and Local Government Working Group Workshop

Honorable Commissioners,

Surfrider Foundation San Diego County signed onto the coalition letter expressing the concerns of both Surfrider and other organizations with the concept of “neighborhood-scale adaptation” planning. Please accept these additional comments from the perspective of our San Diego County Chapter.

We live in an era of accelerated rising seas and powerful coastal storm surges, yet we continue to fight (and often lose) against reckless development on top of our eroding bluffs and beaches. Our chapter has been an outspoken opponent of coastal armoring, and the continuing development patterns that necessitate it, for over 30 years. We have always relied on the Coastal Commission to uphold the Coastal Act, including the established interpretation that an existing structure is one that was built prior to the Coastal Act becoming effective in 1977.

But even with Coastal Act protections in place, the San Diego County coastline is being armored in front of both “existing structures” and new developments via emergency permits, LCP misinterpretations, and other loopholes that coastal property owners successfully push through local governments and the Commission time and time again. Emergency permitting allowed construction of a [100-foot seawall](#) at Terramar beach in 2008 to protect two homes built only four years prior, despite geotechnical reports that said the home’s 40-foot setback would guarantee safety for 75 years. And in Solana Beach, a home built in 1996 with a deed restriction against future shoreline protection was granted a [seawall permit in 2021](#) through clever legal machinations with neighboring property owners. The reality in San Diego County is that if you can afford to build a seawall, you’ll ultimately get one.

We appreciate the Commission’s dedication to preserving our coastline. But speaking frankly, we are losing the war to save San Diego County’s beaches. Our beaches, our coastal access, our surfing waves, and our coastal ecosystems are constantly being chipped away so that an entitled few can enjoy million-dollar views from properties that should have never been built so close to the beach. And while we’ve seen and

commented on many CDPs for both individual and “neighborhood-scale” armoring, we cannot recall a single San Diego Coast District CDP application from property owners, either individual or at a “neighborhood-scale,” that involved a non-armoring form of adaptation.

Therefore, it should not surprise you that our chapter reads “neighborhood-scale adaptation” and sees “neighborhood-scale seawalls.” We fear that for property owners who wield immense influence in the cities where they reside, “neighborhood-scale adaptation” is a way to more efficiently build seawalls that protect their properties while sacrificing continued coastal access for the rest of us. Armoring is currently the go-to solution for coastal property owners regardless of whether they come forward as individual owners or as part of a neighborhood. This paradigm needs to change, therefore we ask that the Commission ensure that the Local Government Workshop does not result in streamlining larger seawall projects under the guise of adaptation.

We should remind you that our chapter is pragmatic about armoring in circumstances that warrant it, consistent with the Coastal Act. We supported SANDAG’s Del Mar Bluffs Stabilization Project #5, despite hundreds of feet of seawalls, because the decision included a plan and timeframe for moving the railroad off Del Mar’s eroding bluffs and restoring the beach after-the-fact. Even though armoring was involved and the mitigation was inadequate, we agreed that it was an acceptable compromise because the LOSSAN corridor is critical infrastructure for which long-term adaptation was laid out in the plan.

Generally speaking, we support the other proposals in the Local Government Working Group. We’re supportive of phased LCP Updates and anything else that will deem real adaptation more efficient. We all know that LCPs from 30-40 years ago are no longer sufficient to deal with the rising seas we face. We wholeheartedly support “neighborhood-scale adaptation” if the adaptation in question actually protects coastal resources and the people who depend upon them. We support dune restoration, living shorelines, and relocation of threatened infrastructure because those strategies constitute true coastal adaptation.

Constructing a seawall is not real adaptation. Nor is placing hundreds of tons of boulders on the beach to protect a home that would otherwise be washed away, that someone willingly purchased knowing full well the risks involved. The only thing adaptive about these strategies is that the vast majority of us lose our beaches in order to adapt to the needs of a privileged few. As for mitigation, we cannot help assuming it would be wholly inadequate without seeing specific suggestions or policies. Does adequate mitigation even exist for walling off our beaches at a neighborhood-scale in San Diego County, where the coastline is fully developed? What good is a required beach access stairway if no beach remains to access?

The Commission has talked a lot about environmental justice these last few years. Allowing the continued destruction of public beaches to serve the interests of an elite minority is one of, if not the most, pervasive environmental injustices occurring under the Commission's purview. Therefore, we are gravely concerned that the Commission might allow for larger armoring projects than what we currently suffer in San Diego County.

In conclusion, the San Diego County Chapter calls on the Commission to firmly reject any proposal that allows for streamlined neighborhood-scale armoring in our district. Meanwhile, we support any good-faith effort to streamline neighborhood-scale adaptation that actually benefits our beaches and the millions of people who rely on them for both recreation and their livelihood.

Sincerely,

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Policy Manager
San Diego County Chapter, Surfrider Foundation

Kristin Brinner & Jim Jaffee
Residents of Solana Beach
Co-Leads of the Beach Preservation Committee
San Diego County Chapter, Surfrider Foundation