

City of Encinitas

February 12, 2014

VIA EMAIL AND MAIL

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

RE: CALIFORNIA COASTAL COMMISSION DRAFT SEA LEVEL RISE POLICY GUIDANCE

The City of Encinitas appreciates the opportunity to comment on the Coastal Commission's draft sea level rise policy document. City staff and community members continue to look to the Coastal Commission as a resource to help address water and land-related issues and to help communities prepare for the challenges associated with sea level rise.

California's coastal management program is carried out through a partnership between state and local governments. City staff supports the efforts of the Coastal Commission to better understand the long-term impacts of sea level rise. On behalf of the City of Encinitas, the City is submitting the following comments for review and consideration in the preparation of the draft policy guidance document. Some of our comments have been raised by other impacted cities as well as the League of California Cities, whose letter has been attached for your reference.

1. Public and Stakeholder Engagement

This is a statewide effort and as such, early coordination should include relevant partners, research institutions, and staff from impacted, local agencies. Further, this "guidance document" appears to advance ground rules for future development and protection of resources in the Coastal Zone. Coastal Commission staff should consult with local agencies to determine how best to inform the local community stakeholders and property owners of impacted properties. For many people, sea level rise is a new issue – and local agencies are best positioned to keep local constituents informed and educated.

For example, Coastal Commission staff could facilitate open house/workshop sessions and/or informational public presentations in select local communities. The Commission may also want to consider providing the general public with more source direct information about sea level rise and of anticipated hazards.

2. "Guidance Document" Use and Purpose

It is noted on page 12 that the "guidance document" is not to function as a regulatory document as "it does not govern the planning and regulatory actions of the Commission or local governments". However, on page 88 it is noted that this document serves as a means to develop planning and permitting policy guidance and it will be used in coastal

permitting and LCP planning and amendments. The document consists of very detailed procedures for LCP amendments (p.37), CDP standards of review (p. 66), and flowcharts and filing checklists (pp. 81 and 82) for sea level rise analysis.

As such, we are unclear as to how the Coastal Commission will apply these guidelines to LCP amendments, public capitol improvement projects or private land development projects.

- LCP Amendments. The guidelines are unclear whether future amendments will be required to incorporate these policy guidelines as part of the application. Page 37 notes that LCPs are essential to fully implementing sea level rise adaptation efforts and future amendments must consider sea level rise. However, it is not clear what planning process will trigger full review of shoreline management policies and adaptation measures in a LCP. It seems that this "guidance document" suggests that it will be voluntary or incentive based for the time being; however, LCP amendments become effective only after it is approved by the Coastal Commission and there might be a perceived means of connection to address sea level rise for unrelated amendment applications. Also, Coastal Commission staff is already empowered to periodically review and monitor LCP effectiveness (and suggest corrective actions). The implementing consequences of this "guiding document" as it relates to planning processes should be made clear and more publicly advertised.
- Public/Private Development Projects. Most coastal blufftop development and protective devices require a CDP for public/private land development projects. Criteria for coastal blufftop development are restricted as specified under the City's Municipal Code and approved LCP, which currently do not include sea level rise policies as outlined in the "guidance document." The City is able to issue many land development permits under our current LCP; however, those permits are subject to appeal by the Coastal Commission.

Based on the scope of the "guidance document", the Commission will be requiring changes to a project or other mitigation measures to minimize risks from sea level rise. As such, there will need to be more front-end coordination with the Coastal Commission staff and local agencies on some site development applications to avoid major project redesigns late in the review process. It would be beneficial to better understand how Coastal staff intends to accommodate for this front-end coordination.

3. Methodology and Data

Agencies should operate under the same methodologies and data sets. There are too many areas of disagreement on the science and projections for future change, which could lead to different techniques for sea level rise analysis. Figure 8 on page 113 visually represents different projections. Depending on its local application and study over time, different shoreline responses will result for neighboring jurisdictions (bluffs and cliffs, beaches, coastal dunes, changing retreat rates, coastal sediment supplies).

This is important to address since dissimilar projections will impact community level planning and shoreline protection and management.

4. Public Safety

The relationship between the physical nature and condition of bluffs, rising sea levels, anticipated erosion rates, safe/unsafe conditions, and natural condition immunity should be further explored as accelerated erosion may increase hazards or injury risk.

- Coastal Act Section 30252 requires the provision and protection of maximum public access and recreation.
- The San Diego Hazard Mitigation Plan identifies the need to reduce the possibility of damage and losses due to coastal bluff failures to existing assets particularly people as a goal and objective in the City of Encinitas.
- The US Army Corps of Engineers Coastal Storm Damage Reduction Project also incorporates bluff failures into the analysis for public safety risk stating, “as sea levels rise, the bluffs will be even more exposed to crashing waves, which carve notches into the bluffs. Bluffs affected by these notches are then prone to episodic collapse. Consequently, public facilities and residential properties on the upper bluff experience land loss and damages to the property. In addition to this problem, the study area’s high demand for recreation - while the narrow beach area combined with bluff failures – represents a significant safety issue for those recreating.”
- Bluff erosion is a “natural condition” as a matter of law for purposes of Government Code Section 831.2 et al. Public beaches are also in a natural and unimproved condition.

5. Sand Nourishment

According to page 153, LCPs can identify locations where beach nourishment may be appropriate.

Preventative beach nourishment can greatly influence scenario based planning sea level rise. If an agency has a demonstrated history of success with beach nourishment programs and has financial commitments to continue the placement of sand on beaches to reduce erosion over the life of a proposed structure, there may be different data sets or factors to consider when evaluating sea level rise into those project of planning situations. It is assumed that likely changes in beach conditions due to sea level rise will already be incorporated into beach nourishment and replenishment plans.

As such, it is unclear how these “soft protection” variables influence sea level rise projections or influence mitigation measures for site development applications.

6. Regional Planning

The “guidance document” is part of a larger statewide strategy to respond to climate change. But it is the sum of all of its parts that will equate to change. It is stated several times in this “guidance document” that the best available environmental science should

be utilized to conduct coastal land use planning and development. However, cumulative knowledge is limited and there are many areas of disagreement.

Actual sea level rise in a particular location along the coast will likely vary due to changes in vertical land motion and ocean circulation (p. 30). Therefore, if the goal is to come up with adequate information to drive LCP policy or address sea level rise in CDPs, a more comprehensive set of regional and/or sub-regional historical data is needed.

The "guidance document" specifies that local governments should identify technical assistance and pursue funding and partnerships necessary to support LCP updates. However, the appropriate geographic scale for this type of coordinated process is at the regional level. Developing uniform and consistent implementing approaches to shoreline management is necessary. That is, agencies should be working together to find areas of agreement and resolve areas of disagreement:

- Local water levels are affected by local land uplift, tides, waves, atmospheric forcing, and other oceanographic complexities, like water cooling. Regionally approved data sets and trending models can generate a reasonable representation of future conditions that can be specialized locally for different, uniform planning horizons.
- District offices can be the official, central source of information on sea level rise to enable sub-regional or localized planning efforts. Periodic re-examination and update of projections can occur through this regional clearinghouse (to commission and release of new scientific reports on sea level rise).
- Community participation can be maximized and local agencies can have a more active role in implementation. Coastal Commission staff can help develop regionally/sub-regionally specific sea level rise policies and implementing ordinances (this would include sea level rise guidance for CDPs and adaptation strategies). Decisions about how to address various challenges can be implemented consistently in neighboring jurisdictions.

7. Second Unit Prohibition

In areas subject to erosion, flood, or wave hazards, it is recommended on page 50 to add policies to the LCP that limit the addition of second units. However, there are common engineering solutions that are available to minimize these hazards. As such, we find that the policy should be modified to recognize these alternative solutions.

Also, this type of policy approach should be well vetted with the State Department of Housing and Community Development (HCD).

8. Recommended Measures and Policies

LCPs become effective only after the Commission certifies the LCP and its provisions' conformity with the policies of Chapter 3 of the Coastal Act. LCPs contain the policy and regulatory framework for future development in the Coastal Zone. The "guidance document" notes that two types of updates will be necessary to address sea level rise:

policies and ordinances that apply to all development exposed to sea level rise; and policies and land use changes to address specific risks.

Appendix C outlines possible sea level rise adaptation measures. Some of the community level planning measures and shoreline management/shore protection policies include:

- A limitation on subdivisions in hazard areas or require lots to meet specific standards in order to protect resources;
- Implementation of a TDR program to restrict development in areas, and allow transfer of development rights to inland parcels.
- Use a conservation easement program to limit or restrict development on portions of a lot parcel
- Redefine redevelopment so that in areas vulnerable to sea level rise hazards, redevelopment will not increase non-conformance and that eventually users will convert to conforming structures.
- Require shoreline protection to be removed or considered to be removed if the structure for which it was installed no longer exists or needs protection; removal of shoreline protection structures or waiver of rights to shoreline protection.
- Identify critical infrastructure vulnerable to hazards from sea level rise and include criteria for managed relocation to ensure continued function of critical infrastructure.
- Require sellers of real estate to disclose certain property defects and levels of current and potential vulnerabilities.

In order to evaluate their effectiveness and impact, it is unclear how this list of measures was developed and whether there are any community-level and/or site specific level examples associated with each measure.

9. Additional Research Needs

Sea level rise science is evolving. There needs to be greater information to understand long-term bluff retreat rate, erosions rate due to various seal-level rise scenarios, and erosion potential from 100-year storms and other extreme events. It is acknowledged that during the process of creating this "guidance document", additional areas of research have been identified; however, more research or more specific information may be needed.

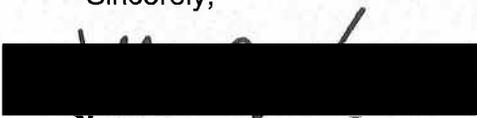
- Additional research is needed to understand the economic analysis of sea level rise impacts. Over the next 50 to 100 years, sea level rise will greatly influence how the coast contributes to local economic activity, tourism and fiscal stability.
- Models that show projections for sea level rise and assessing coastal hazards typically account for wave run up and storm surge. However, these flooding

dynamics are only known or closely estimated based on inputs from past events. In order to accurately model future events, more information is needed. This should be a research priority - there needs to be monitoring and measuring during storm events in order to inform policy. The State should be taking the lead on this as this is a non-funded, State mandated program.

- Guidance on coastal planning-related decisions should be informed about how the rate of retreat might change as a result of sea level rise. However, historical data on bluff erosion does not cover a time period with rising sea levels. Since 2000 there has been little, if any, measurable rise in sea level for most locations in California (p. 124).

We again appreciate the opportunity to comment on this effort. Should you have any questions or would like to discuss our comments, please feel free to contact Mike Strong, Associate Planner, at [REDACTED] or via email at [REDACTED].

Sincerely,



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