

Sea-Level Rise Inquiry

Tim Goncharoff [REDACTED]

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There is much to like in the DRAFT Sea-Level Rise Policy Guidance. But there are also some surprising omissions. The very first guiding principle is “A. USE SCIENCE TO GUIDE DECISIONS [Coastal Act Sections 30006.5; 30335.5]

1. Acknowledge and address sea-level rise as necessary in planning and permitting decisions.” The document goes on at length about local planning and permitting decisions, which is important, but it says little about action at the state level. When guiding planning and building decisions, the most powerful tool we have is the State Building Code, now known as CALGreen, administered by the California Building Standards Commission, an independent commission within the State and Consumer Services Agency. If we seriously want local agencies to consider sea level rise and other climate change impacts in their planning, the best place to codify these recommendations is in the state building code. Indeed, many local governments have no building code of their own, but just use the state’s.

Thank you,

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Comments on Draft Sea-Level Rise Policy Guidance

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I compliment the commission and staff on the effort that went into the Draft Sea-Level Rise Policy Guidance. It is an honest effort in the face of rapidly changing information and emerging science. As a local planner, however, it presents me with substantial challenges.

I work in the City and County of Santa Cruz, an area similar in many ways to much of the developed coastline of California. There is little undeveloped property. A great deal of public infrastructure as well as residential and commercial development lies close to existing sea level. Our downtown shopping district, police department and city hall are six feet above current sea level.

The challenges of implementing the recommended changes to the Local Coastal Program seem immense. The overall impression is that the Commission was envisaging proposed development on a virgin landscape, with abundant open space, land sloping steadily uphill from the shore, multiple undeveloped locations at various elevations to choose from, and private and public property owners with unlimited resources. Of course, this describes nowhere in present-day California.

One of the principal difficulties lies in the call for local governments to use the best available science and to adjust plans as scientific projections evolve. The document then goes on to explain that current projections of sea-level rise vary for some areas from 10 inches to 14 feet! In response to this dramatic uncertainty, the proposal calls for local planners to plan for a “range of possibilities.” How, I ask you, do we do that? Floating buildings? (This is, indeed, suggested at one point.) The only reasonable choice is to plan for a worst-case scenario, likely with an additional buffer built in to acknowledge that the projections are changing quickly, and tending toward greater and faster sea level rise.

So, suppose we require that all new buildings have occupied floors no less than 16 feet above current sea level. Perhaps they can use the lower area for parking or storage. But it means that in many areas, any structure at all will violate existing height requirements. Imagine the impact on a coastal residential community if all new homes suddenly are perched on platforms high in the air looming over neighboring structures.

And for commercial buildings the challenges are even worse. The Commission imposes maximum height restrictions along most of the coast, and there is no suggestion of relaxing

these. If any new building must sacrifice the bottom 16 feet, in many cases there will no longer be enough vertical clearance to construct a financially viable structure.

As for public infrastructure, such as wastewater treatment plants (discussed at some length in the plan), given the uncertainty, when do we move them? And to where? Again, the wise choice seems to be do it as soon as possible, and put it as high as possible. Of course, wastewater treatment plants are placed near sea level for sound reasons. Assuming we can find a new inland location for our plant, and the money to pay for it, do we then plan on pumping lower elevation wastewater up to it while we wait for the oceans to rise? What of the cost in energy and greenhouse gas emissions? And of course, this is just one example. Infrastructure of all kinds is at risk, from stormwater systems to roads and power plants. The cost and uncertainty of all this leads many planners and public officials to just throw up their hands in defeat.

Other suggestions further hamper the redevelopment of existing areas. “Restricting the area of a lot that can be developed,” “establishing minimum setbacks from bluff edges,” and “requiring property owners to assume the risks of developing in a hazardous location” are all sensible precautions when dealing with undeveloped land, but this will be rare. In most cases it will be applied to already-developed property. The likely result is that economic development stops, that older structures are not replaced, but are instead allowed to slowly degrade over time. The economic effect on property owners is likely to lead to a great deal of expensive litigation against local governments, with no certainty of a positive outcome.

The one acknowledgment of this difficulty is the recommendation to establish “Acquisition and buyout programs.” Seriously? When local governments can barely keep their doors open, the proposal is for them to raise billions of dollars to buy out coastal property owners while at the same time paying to relocate and rebuild all of our public infrastructure? Given the lack of resources and the scarcity of replacement land in most areas, this is a recipe for an endless legal nightmare and a declining spiral of local revenues as coastal properties decline, are abandoned or destroyed and not replaced.

The suggestions for “beach nourishment and replenishment” are inadequate, contradictory and unrealistic. They again seem to imagine a gently sloping landscape with no development, allowing for the gradual retreat of beaches and wetlands. Where in California does this landscape exist? In Santa Cruz, where I live and work, most of our beaches are surrounded by high cliffs. A few feet of sea level rise will mean these beaches largely disappear. And the prospects of getting permits to dredge millions of tons of sand annually from the Monterey Bay National Marine Sanctuary seem slight, to put it mildly. The reality, here and in many other areas, is that the beaches will be largely lost, with consequent dramatic impacts on habitat and tourism. Blithely suggesting that local governments can somehow mitigate these impacts sets us up to fail.

I recognize that Coastal Commission and other state staff are struggling to deal with an unprecedented challenge, and this is a worthwhile first step. But simply putting the burden of dealing with impossible circumstances on struggling local governments is unrealistic, and a waste of a valuable planning opportunity. I encourage the staff and the Commission to be more forthright and courageous in acknowledging the scope of the problem and the need for unprecedented action to address it.

The reality is that most coastal communities have nowhere to go. There is little adjacent land to retreat to, and insufficient public resources to acquire it. Some low-lying towns are going to cease to exist. Many more will lose much of their beachfront commercial and residential development. There

will be widespread failures of waste water treatment plants and other infrastructure. Mandating that local communities plan for these eventualities does not create the resources for them to do so. A glaring gap in the plan is the kind of large-scale coastal protection projects now common in the Netherlands and currently being considered for New York and elsewhere. We cannot protect the entire coast, but does it follow that we can't protect anywhere? I can't blame the Commission for wanting to avoid the argument over what to save, but the discussion needs to happen, and soon.

I tend to resent those who merely criticize without offering alternatives, so I will close with a few positive suggestions:

1. California should indemnify local communities against lawsuits for loss of property or property value when that loss is the result of a properly-approved Local Coastal Program.
2. The state should undertake a comprehensive study of at-risk coastal infrastructure and develop a statewide plan for relocating, consolidating, rebuilding or otherwise preparing for the effects of sea-level rise, with a statewide funding mechanism to pay for it all.
3. The California Building Code should be amended to include new requirements for coastal development, to encourage consistency across the state and to relieve local governments of difficult, time-consuming, expensive and very contentious planning efforts.
4. California should review local agency formation commission requirements to streamline the process of annexing land, combining jurisdictions, or disincorporating cities as needed to address the impacts of climate change.

Thank you,

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