

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



W6h

July 28, 2017

TO: California Coastal Commission and Interested Persons

FROM: John Ainsworth, Executive Director
Susan M. Hansch, Chief Deputy Director
Michelle Jesperson, Federal Programs Manager
Madeline Cavalieri, Coastal Program Manager
Mary Matella, PhD, Environmental Scientist

SUBJECT: August 9-11, 2017 California Coastal Commission Meeting - Presentation on Draft Residential Adaptation Policy Guidance – Discussion Item
Only/Commission will consider final version at a Fall 2017 meeting

Background

The Draft Residential Adaptation Policy Guidance is a product of the Coastal Commission’s FY 2014 Project of Special Merit NOAA Federal Grant Award. The overall goal of this project is to assist local governments in planning for residential shoreline development and redevelopment that is resilient to coastal hazards while maximizing protection of coastal resources such as public access to the beach and shoreline, recreation, visual resources, and shoreline ecology along the coast.

The new draft policy guidance follows up on, and is meant as a companion document to, the Commission’s adopted [2015 Sea Level Rise Policy Guidance](#), which set forth broad principles related to planning for sea level rise. This new draft policy guidance presented here for your review provides a more in-depth discussion of sea level rise adaptation policies specifically related to residential development and examples of policies that cities and counties could adopt for use in different community and geologic contexts.

The project also supports achievement of the Commission Strategic Plan goals of addressing climate change through LCP planning, and specifically addresses the Commission’s Strategic Plan actions to develop specific regulatory guidance for addressing coastal hazards, including “standards for redevelopment and development in hazard zones” (Action 3.1.2); provide the public with information and guidance on climate change and sea level rise through workshops and presentations (Action 3.1.4); and update LCPs to address climate change and sea level rise (Action 4.2.3).

Process of Development of this Draft Policy Guidance

In the process of developing this draft policy guidance for residential development, Commission staff assessed existing shoreline residential areas and reviewed existing LCP planning documents, mapping and various datasets to identify and characterize coastal areas of the state. Staff developed a typology, or systematic classification of types that have similar characteristics, to describe the residential development and hazard conditions found along California's coastline. This typology is useful for guiding the application of alternative statewide sea level rise adaptation policies that are consistent with the Coastal Act. Throughout the project, staff conducted outreach and educational activities with local governments and other interested stakeholders to glean valuable input during the drafting phase of developing the policy guidance. Discussion with stakeholders at poster presentations (2017 California Climate Symposium, 2016 Ocean Climate Summit) and Commission work on LCP grants and other LCPs have informed the content of the policy guidance. The Coastal Commission Sea Level Rise Team and a Steering Committee of internal staff members also contributed and reviewed Coastal Act policy analysis and model policy language. Commission staff will continue to work with local governments and other interested stakeholders to glean valuable input in shaping the policy guidance and model language before finalizing the policy guidance.

Summary of Draft Policy Guidance

Residential development is the foundation of many of California's coastal communities. However, if residential development is maintained adjacent to the shoreline, the coast cannot migrate inland as sea level rises, which will cause the narrowing and eventual loss of beaches, dunes and other shoreline and offshore recreational areas. If this occurs, public recreational areas will be lost, while private residences will be maintained. This challenge to maintaining public access has the potential to cause significant conflicts with the Coastal Act, which was enacted for the purpose of protecting California's coastal resources. It also conflicts with the public trust doctrine, as embodied in other statutes, Art. 10, Section 4 of the California Constitution, and the common law. Furthermore, it presents a significant environmental justice issue, because residents may continue to enjoy shoreline access, while the general public may be blocked from accessing the shore.

Given the severity of impacts that could occur as a result of sea level rise, and the uncertainties surrounding projections of sea level rise over the lifetimes of many coastal projects, communities, planners, coastal managers and project applicants will need to use adaptation strategies to effectively address coastal hazard risks and protect coastal resources over time. In Section 1, the policy guidance explains how Local Coastal Program (LCP) planning for sea level rise can provide for resilient shoreline residential development while protecting coastal resources. That Section also presents background on LCP planning, residential development, and the challenges that sea level rise presents for different types of hazards and development.

Section 2 contains a group of LCP policies that apply to all adaptation planning efforts, while Section 3 details considerations for developing adaptation strategies in specific areas and contexts. As described in Section 4, these adaptation strategies will need to be evaluated, identified and implemented within a complex array of laws, including the Coastal Act, public trust doctrine, and takings law. Section 5 on Implementation presents a summation of how LCP

Planning Steps interact with specific adaptation policies (identified in Section 7). The Implementation Section also presents ways of phasing in adaptation strategies over time as sea levels rise. Next, Section 6 presents case studies showing how sea level rise vulnerabilities have recently been addressed in different types of community contexts.

Finally, Section 7 presents sample policies for cities and counties to consider for use in different community and geologic contexts. There are a number of options for how to address the risks and impacts associated with sea level rise in the shorter term, through evaluation of coastal development permit applications, and in the longer term through development of management plans and LCP updates. In most cases, the strategies for addressing sea level rise hazards will require proactive planning to ensure protection of coastal resources and development. Such proactive adaptation strategies generally fall into the following categories, though some strategies combine elements of more than one:

- 1) Avoid Siting Development in Hazard Areas;
- 2) Design for the Hazard (accommodation);
- 3) Move Development Away from Hazards (managed realignment/retreat);
- 4) Move Hazards Away from Development (soft or natural protection)
- 5) Build Barriers to Protect from Hazards (hard protection)

The LCP model policy language is organized according to these general adaptation approaches which may also be incorporated into conditions of approval of development by the Commission and local government through the coastal development permit process. Additionally, a section on community scale planning incorporates multiple adaptation approaches into individual policies.

The model policies are intended to provide guidance for the development of LCP policies, with an emphasis on applicability to residential development. Not all approaches listed will be appropriate for every jurisdiction, nor is it an exhaustive list of options. In addition, looking at a single policy does not indicate how the entire LCP achieves compliance with the Coastal Act. Similarly, in this policy guidance, the model policies work together. For example, policies on setbacks might only work if another policy requires the site-specific hazard report that is needed to calculate the setback. Therefore, users of the model policies should consult all sections of this policy guidance for assistance in understanding how the policies work together.

The draft policy guidance document is attached as Exhibit 1.

Request for Comments

The comment period on the draft policy guidance opened on July 28, 2017, and will close on Friday, September 15th. After reviewing and considering comments, staff will prepare a revised document that can be brought forward to the Commission for adoption in the fall.

Opportunities to provide comments include the Commission's hearing in Calabasas (August 9 – 11, 2017), and sending written comments. Comments may be submitted by email to ResidentialAdaptation@coastal.ca.gov or by US Mail to the address below.

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

Next Steps

A webinar introducing the draft policy guidance planned for August 2, 2017 will offer an orientation to the Draft Residential Adaptation Policy Guidance. Commission staff will provide additional opportunities to engage local governments, other interested parties and the public on reviewing and providing input on this draft policy guidance over the next few months such as through in-person workshops, webinars or listening sessions. Commission staff anticipates bringing a final version of this policy guidance back to the Commission in Fall 2017 for final review and adoption.