Challenges & Strategies in Updating Local Coastal Programs: Three Perspectives

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• ANDY HALL, CITY MANAGER, CITY OF IMPERIAL BEACH
• ED WAAGE, MAYOR, CITY OF PISMO BEACH
The Coastal Cities Group of the League of California Cities

- 61 coastal cities out of League’s 482 total CA cities
- Forum for League to provide information and updates on coastal issues
- Facilitates relationships between League coastal cities and the Coastal Commission
Leadership Committee of the CCG

- One League appointed councilmember or mayor from each of six CA regions plus that city’s city manager or other city staff member

- Leadership Committee has met with the Commission’s Executive Director and twice appeared before the full Commission

- These meetings and appearances have been well received by the Commissioners and staff
Why a League CCG?

- Coastal Issues are California Issues

- California’s beaches, bays, and ocean are major international, national, regional, and local attractions, helping draw over 250 million tourists to the state each year

- California has the nation’s largest ocean and coastal economy worth more than $44 billion per year

- Not counted -- the hundreds of $billions generated by companies and industries attracted to California because of its coastal amenities
California Issues are Coastal Issues

- California’s population is expected to grow from about 39 million in 2015 to about 44 million by 2030; about 70% are likely to live in coastal cities and counties.

- Climate change exacerbates not only wild fire threats, but also the frequency and severity of coastal storms, which threaten our beaches and other coastal resources.

- These economic realities, population growth and climate-driven trends, including predicted sea level rise, will make coastal land use management one of THE critical challenges facing California.

- The Coastal Commission and Local Coastal Programs are currently where these big issues clash in the form of local land use decisions.
The Coastal Act

Enacted in 1976 to protect coastal natural resources, enhance public access to the shoreline, and balance development and conservation within the “coastal zone”

The coastal zone runs from 3 miles at sea to an inland boundary that varies from several blocks in urban areas to as much as 5 miles in less developed areas.

The Coastal Act also provides authority and guidance to the Coastal Commission with respect to its mission to protect coastal resources and public access.

The Act also mandates collaborate with coastal jurisdictions in the coastal land use management process.
The Coastal Commission

Established: 1972 by the Prop 20, the California Coastal Conservation Initiative

Made permanent in the 1976 Coastal Act; serves as the state’s principal coastal management agency

Composition: 15 members; 3 designated State agency heads; 6 at large and 6 by coastal district; Executive director, central and regional staff

Mission: To implement the Coastal Act and ensure that development in the coastal zone is consistent with the Act

Method: Ensure that localities have up to date Local Coastal Programs enabling them to make the coastal land use decisions locally subject to appeal to the Commission
Local Coastal Programs (LCPs)

LCPs can be thought of as the equivalent of General Plans for areas within the Coastal Zone.

LCPs specify appropriate location, type, and scale of new or changed uses of land and water.

Each LCP includes a land use plan and measures to implement the plan (such as zoning ordinances).

LCPs must be consistent with the policies of Coastal Act

Until the Coastal Commission certifies an LCP, the Commission makes the final decisions on development in the Coastal Zone.
Key Areas Needing Resolution in the LCP Process with the Commission

Commission focus on sea level rise adaptation and numerous related issues without updated Coastal Act

Concerns that Commission favors managed retreat as its preferred or default SLR adaptation strategy

Recent resolution indicating strong disfavor of sand replenishment as a SLR or beach erosion adaptation strategy

Uncertainty regarding status of existing sea walls and revetments and ability to renovate, upgrade them

Commission pressing for affordable housing including vacation rentals in coastal zone
Updating the Local Coastal Program

Cecilia Gallardo-Daly, Community Development Director

League of California Cities 2018 Annual Conference
September 13, 2018
Coastal Zone

- Coastal Zone extends inland to I-5
- 5 miles of coastline in the City
- 20+ acres of public beaches
- 15 public beach access ways
- Comprises approximately 15% of the City
- LOSSAN Rail corridor runs along City coastline
- 2.3 mile beach trail
LCP Status

- Original Land Use Plan (LUP) certified in 1988
- Comprehensive LUP update approved in 1996
- Implementation Plan (IP) approved in 1996, but CCC suggested modifications not accepted by City
- LUP Amendment represents comprehensive update and replacement of certified LUP
- New Draft IP in progress
- At present, City does not have a Certified LCP
Key Objectives

- Retain Local Control throughout the LCP Update Process
- Implement City Vision and Long Terms Goals for Community
- Ensure LUP Policies reflect local preferences and unique conditions
- Provide greater certainty to local property owners and businesses
- LCP Certification to streamline permit process
LUP Update Process

- Initiated in 2014
- Submitted to Coastal Commission February 2016
- Certified August 2018
- Extensive public involvement
- Extensive coordination and compromise w/ Coastal Commission Staff
City Staff + CCC Staff Coordination

- Coastal staff review and input **prior** to City Council review and approval
- Coastal staff reviewed and commented on drafts of each Chapter
- Regular coordination meetings and teleconferences
- Once City Council adopted, LUP formally submitted to Coastal Commission
CCC Suggested Modifications to the LUP

- All chapters were modified by CCC Staff
- Major Reorganization of LUP by CCC Staff
- Major substantive policy changes and minor edits (200+ Suggested Modifications)
  - Chapter 1: Introduction
  - Chapter 2: Land Use
  - Chapter 3: Public Access and Recreation
  - Chapter 4: Marine and Land Resources
  - Chapter 5: Hazards, Shoreline/Canyon/Bluff Development
  - Chapter 6: Visual, Cultural and Historic Resources
  - Chapter 7: Definitions and Acronyms
City Staff + CCC Staff Coordination

- City worked with CCC staff to collaborate on LUP
- Regular coordination meetings and teleconferences
- Compromise occurred on both sides throughout the process
- City was willing to accept many Suggested Modifications
- Discussion of policies where City and CCC were not in alignment
- Goal to minimize the number of policies where there was disagreement
- Result: Updated LUP that the San Clemente City Council adopted
Coordination & Compromise

Major Issue Areas:

• Definition of “Existing Development” - Removal of 1977 reference in Hazards Policies
• Changes to Shoreline Protection Rights - Blanket Waiver Requirement in Hazards Policies and all other references to mandatory/blanket waiver requirements
Executive Level Coordination

- Meetings and teleconferences between CCC Executive Director and Community Development Director and City Manager required
  - Outlined common goal of LCP certification
  - Discussed outstanding areas of disagreement
  - Made clear that certain policies were non-starters and would derail the process
City Staff + CCC Staff Coordination

• 200+ Suggested Modifications from CCC Staff
• Ex Parte Communications with CCC Commissioners Required
• 2 CCC Public Hearings
• City made clear which Suggested Modifications would not be supportable by City Council
Next Steps:

- Sea Level Rise Vulnerability Assessment
  - In progress
  - Draft completed this summer
  - Submittal to the CCC in August
  - Draft Coastal Resiliency Plan
- Draft Implementation Plan in progress
  - IP will be stand alone document
  - Title 18 of the San Clemente Municipal Code
  - Draft anticipated to be complete this winter
Incorporating the Implications of Sea Level Rise into the Local Coastal Plan Update in Imperial Beach

Andy Hall
City Manager,
Imperial Beach
Imperial Beach:

- Most Southwesterly City in the Continental United States
- Population: 28,000 (metro area 3 million+, international metro 5 million+)
- Bordered by Coronado to the north, San Diego to the east, Tijuana to the south and the Pacific Ocean on the west
- Surrounded on 3 sides by tidal waters; 85% in the Coastal Zone
- 14 miles from downtown San Diego
Imperial Beach Sea Level Rise Assessment

- SLR Vulnerability assessment and adaptation strategy study undertaken 2015-16 with funding from the Coastal Conservancy and SD Foundation

- Option for Coastal Commission funding not taken due to requirement to follow study with a LCP update process; not ready for that.

- Findings were that risk of SLR damage significant in absence of adaptation, and 5 adaptation strategies were analyzed of many available
Road 2100 – 2.0 meters

- # Miles of Road
- Total = 73.1 miles
- Coastal Erosion = 5.4 miles
- Coastal Flooding = 29.6 miles
- (40%)
Adaptation Strategies Analyzed in the 2016 Report

- Hardening and armoring of the entire IB coastline (continuing current condition)
- Managed retreat or phased relocation
- “Business-as-usual” sand nourishment
- Hybrid dune and cobble approach plus sand replenishment
- Five groins (jetties) along entire 1.5 miles of developed oceanfront
SLR Adaptation Decisions Can and Need to be Phased Over Time

**Regulatory Timeline - Planning and Implementation Phases**

- **2016 (0 ft)**
  - **PROTECT**: Maintain Existing Armoring

- **2046 (1.6 ft)**
  - **PROTECT & ACCOMMODATE**: Replace Riprap with Seawall
  - **Sediment Mgt., Retrofit Stormwater Pumps**

- **2069 (3.3 ft)**
  - **ACCOMMODATE & RETREAT**: Elevate Roadways and Structures
  - **Phased Retreat**

- **2100 (6.6 ft)**
  - **RETREAT**: Phased Relocation of Infrastructure
  - **Acquisition of Upland Adjacent Properties**

**Legend**
- **Trigger point**
- **Decision**
- **Planning**
- **Implemented**
Why Triggers?

- The Science is evolving - there may also be new or additional strategies not currently identified that will be developed over time that will enhance resilience and adaptation. Various models differ on impact - Ocean Protection Council’s new projections.

- There is not one single approach to effective adaptation and depending on event, event severity, and event frequency different strategies or combinations of strategies will need to be utilized over time.

- There may be measurable events where managed retreat is necessary in the latter half of the century but is not necessary in the near-term.
Each Coastal Community should be able to prioritize what areas are necessary to protect

Almost two-thirds of the Imperial Beach shoreline has been left undeveloped, representing an existing managed retreat strategy. For economic survival, in fact, the very existence of the City, Imperial Beach will need to implement adaptation strategies such as beach replenishment and living shorelines that will preserve property, and maintain critical natural and economic resources such as the shoreline.
Points of Discussion with the California Coastal Commission

- The anticipated timeframes of the LCP conflict with longer-term concerns identified by the Coastal Commission. The LCP is a 20-30 horizon, Managed Retreat may not be necessary for 50+ years. Yet, there is increasing pressure to indicate Managed Retreat as a preferred adaptation strategy NOW.

- Recent language in a resolution marginalizes any adaptation strategies except Managed Retreat.

- If the preferred or only option is Managed Retreat and your community is surrounded on three sides by rising sea levels, your community will be essentially eliminated over time both physically and economically.
Summary of Imperial Beach LCP Key Issues

- The LCP needs to address the specific needs of Imperial Beach, while addressing Coastal Act priorities (e.g., public access; beach preservation; environmental protection), not forced into a one size fits all statewide policy.

- Specific near and medium-term adaptation strategies need to be recognized and accepted in the context of longer term strategies still needing refinement.

- More intensive strategies will be implemented when triggered by measurable events rather than an arbitrary timeline.

- Imperial Beach needs to seek ways to embrace sea level rise wherever possible – the threats are pertinent for understanding and review today.
“Patience is the calm acceptance that things can happen in a different order than the one you have in mind.”
TO UPDATE OR NOT TO UPDATE... THAT IS THE QUESTION!

Ed Waage, Mayor
City of Pismo Beach
Pismo Beach

- Population – 8198 (2017)
- Median Age – 53.7
- Median Income - $76,000
- Median Property Value - $633,300
Tourism is Key to Our Economy

- Hotel / Motel Rooms – 2,005
- Vacation Rentals – 284
- RV / Camping Spaces – 697 (provides low cost accommodations)
- Lodging generates over half of our revenue
Aging LCP / GP

- LCP is certified and last major update 1983.
- Resisted updating – wanted to keep bluff erosion policy intact.
- Over half of the City is in a Coastal Zone.
- Separate General Plan was last updated in 1998; covers non-coastal zone.
- Aging LCP/GP mean it no longer reflects current conditions and coastal policies.
- Developers like certainty and our LCP/GP do not provide it.
Key City Objectives & Concerns - LCP Preparation Process

- Combine the 1983 Zoning Code (coastal) and 1998 Zoning Code (non-coastal) into a more functional and efficient land use tool.
- Update our equally antiquated General Plan.
- Incorporate policies and practices dealing with sea level rise issues, bluff retreat, sea walls, etc.
  - Provide adequate property protections for existing residents and businesses.
- Provide a clear path and more certainty for projects through consistency of definitions and policies.
- Streamline entitlement process for projects that comply with the Coastal Act by incorporating exclusions and/or Director’s exemptions.
Interactions with CCC

- Over the past two years, the City has taken a much more pro-active and cooperative approach.
- Good relationship with new Director and staff.
- Example is our new Short Term Rental ordinance.
  - Staff said we have a model ordinance for other cities to follow.
Short Term Rental Ordinance

- Primary Residence Only
  - May only rent whole home ½ year, homestays year round
- No cap on number of units, open to R-1 and R-2 zones only.
- On-site parking requirements (1 or 2 spaces)
- Good neighbor policy, with “3 strikes” clause
- Initial fees and inspections
- Notification to neighbors
- Steep fines ($750, then $1,000 per thereafter)
Preparation

- Met with CCC staff in June 2018 to discuss the LCP update.
- Agreed we would:
  - Identify areas that are mutually acceptable.
  - Majority of effort into the areas where a difference of opinion exists.
- CCC staff indicated its willingness to be cooperative and open to ideas.
Next Steps

- Forming an LCP Advisory Committee of various community stakeholders.
  - Residents, representatives from businesses, as well as representatives from professional trades.
- Preparing the application materials to submit for the next round of CCC Grants for Land Use Element Update.
- Received $85k to help offset costs for a STR ordinance, lower-cost visitor-serving accommodation study and sea-level rise study.
Next Steps Cont.

- Next steps also include issuing an RFP for areas that will require additional studies and environmental review.
- The goal is to implement the updated LCP within 2 years.
QUESTIONS AND CONTACT INFORMATION

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