



September 23, 2024

Public comments transmitted via:
statewideplanning@coastal.ca.gov

California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

RE: California Coastal Commission Sea Level Rise Policy Guidance – Public Comment

Dear California Coastal Commissioners and Staff:

On behalf of the League of California Cities (Cal Cities), thank you for the opportunity to comment on the Public Review Draft of the 2024 Sea Level Rise Policy Guidance Update (Draft Guidance), as required by SB 272 (Laird, Chaptered 384, Statutes of 2023). Cal Cities advocates on behalf of California's 483 towns and cities, including the 61 cities, lying in whole or in part, in the coastal zone. Cal Cities prioritizes planning to strengthen climate change resilience and disaster preparedness as a core local government function. We formally organize coastal cities to engage directly with the California Coastal Commission (Commission) in a Local Government Working Group (LGWG). We recognize the Commission's leadership and continued commitment to working with local governments.

This letter is submitted as public comment to the Commission by the September 23, 2024 deadline. Specifically, we offer the following comments on the Draft Guidance:

1) The Draft Guidance must be revised to accurately reflect the mandate of SB 272 which requires local governments to complete sea level rise plans by January 1, 2034.

As stated in SB 272, statute specifically identifies the requirements local governments must meet by the specified deadline. SB 272 requires a local government in the coastal zone or within the San Francisco Bay to 1) develop a sea level rise plan as part of either a local coastal program or a shoreline resiliency plan that includes certain information, including sea level rise adaptation strategies and recommended projects, 2) requires local governments to comply by January 1, 2034, and 3) prioritizes funding for implementation of sea level rise adaptation strategies in approved plans. SB 272 does not require approval of those plans by the Commission by January 1, 2034. Therefore, the Draft Guidance should be revised to provide clear direction to local governments that they are required to complete the sea level rise plans by the deadline and other actions taken by the Commission must be removed from the Draft Guidance. On page 97 of the Draft Guidance, consistent with SB 272, states that the local government must complete the components required of the sea level rise plan by the required deadline. Consistent with Appendix D, the Draft Guidance needs to provide local governments clear direction on what must be completed and by when. Local governments cannot be asked to be responsible for whether the Commission will be able to review and approve sea level rise plan amendments to LCPs for all coastal cities and counties by



January 1, 2034. SB 272 did not require specific action by the Commission; therefore, the Draft Guidance should clearly articulate what is required of local governments in statute.

2) The Draft Guidance should include recognition that for SB 272 to be considered operative, there must be available funding.

SB 867 from 2022 was vetoed by the Governor based on not having available funding to support the implementation of the requirements in the bill. To address this issue, SB 272 included the specific provision in Public Resources Code Section 30985.6 that states: *"The operation of this division is contingent upon an appropriation for its purposes by the Legislature in the annual Budget Act or another statute."* The Draft Guidance should include a reference to this provision of the bill showing the contingency this places on the overall operative nature and implementation efforts of the bill. Funding made available in the annual budget or another statute could support both the state and local governments to meet the intent of SB 272. We commend the Commission's Executive Director who in her remarks at the Commission's August 2024 Public Workshop on SB 272 that the bill underscores the need for additional funding for local governments to continue working on the sea level rise adaptation and vulnerability assessments. She specifically remarked that securing such funding is a long-term need for local governments to complete the work required in SB 272. We are appreciative of these comments and would like to ensure this statutory provision is recognized in the Draft Guidance.

3) The Draft Guidance should recognize, and build upon the baseline policies, specifically the Joint Statement Shared Principles, identified in the Sea Level Rise Working Group: 2021 Work Products, as required in SB 272.

As noted above, both the Commission and local governments engage in the LGWG, which serves as a collaborative forum for state and local government leaders to discuss pressing coastal issues, including sea level rise. Significant effort and time by the Commission and their staff, as well as cities and counties, has gone into the LGWG collaboration and work products to chart a more productive path to solving some of the most pressing coastal issues in California. The legislative findings and declarations in Section 1(b) of SB 272 notably recognizes the LGWG for its work-to-date on sea level rise adaptation, including the following: *"(1) The California Coastal Commission's Local Government Working Group is comprised of local elected officials, commission staff, and two members of the commission. In November 2020, the California Coastal Commission, the League of California Cities, and the California State Association of Counties asked the Local Government Working Group to develop principles and strategies for incorporating sea level rise into local coastal program updates."*

Also required under Public Resources Code Section 30985.2(a) in SB 272, the Commission is required to establish guidelines for the preparation of the sea level rise plan requirements in SB 272, where the guidelines *"... shall recognize and build upon the*



baseline policies as described in the 'Sea Level Rise Working Group: 2021 Work Products' as published by the California Coastal Commission on December 3, 2021." As referenced in the December 2021 Work Products, the LGWG developed Shared Principles in its October 2020 Joint Statement on Adaptation Planning (see Appendix A of this letter). While the Joint Statement is linked in the Introduction Section on page 34 in the Draft Guidance, there is no recognition of how the Joint Statement's Shared Principles were built upon to produce the current "*Principles for Addressing Sea Level Rise the Coastal Zone*", as summarized on page 16 to 18 in the Executive Summary and detailed in Chapter 2 starting on page 43 of the Draft Guidance.

Cal Cities would like to request an additional principle be added to the Draft Guidance that specifically recognizes the role of local governments as instrumental in the decision-making, planning, design, and implementation of adaptation strategies that incorporate sea level rise. Local governments are responsible under SB 272 for integrating sea level rise plans into LCPs and their role should be distinguished in the principles of the Draft Guidance. Cities both plan and implement on-the-ground solutions that support the ongoing local, state, and regional efforts to plan and adapt to coastal flooding and sea level rise. The Draft Guidance should include the following principle, which builds upon the Joint Statement Share Principles previously developed by the LGWG:

Empower and Collaborate with Local Governments to Plan and Adapt to Sea Level Rise [Coastal Act Section 30500]

- *Recognize and support local governments in planning and adapting to sea level rise through technical assistance and funding opportunities.*
- *Allow for sea level rise planning and adaptation in a way that is responsive and flexible, and based on unique local community contexts.*
- *Work towards creative planning solutions that provide for local flexibility in local coastal programs and community levels, as well as statewide consistency at the policy level.*
- *Allow for phased approaches for sea level rise adaptation that trigger future policy and planning reviews and updates and the best available science and understanding progresses over time.*
- *Provide predictable and efficient support to local governments in planning, permitting and project implementation efforts when addressing sea level rise.*
- *Recognize progress over perfection and highlight incremental progress in the near-term to lay a foundation for, but not preclude, longer-term progress and outcomes related to sea level rise.*

We respectfully submit these comments on behalf of California's coastal cities and towns. Please contact Melissa Sparks-Kranz, Cal Cities Legislative Representative, at msparkskranz@calcities.org or 916-658-8232 should you have any questions regarding our public comments.



Sincerely,

A handwritten signature in blue ink that reads "Melissa J. Sparks-Kranz".

Melissa Sparks-Kranz
Legislative Affairs Lobbyist
League of California Cities

Appendix A. Excerpt from the [Joint Statement on Adaptation Planning](#) referenced in the [Sea Level Rise Working Group: 2021 Work Products](#)

Shared Principles to Guide Adaptation Planning and Projects

The California Coastal Commission, the California State Association of Counties, and the League of California Cities together pledge to:

- Plan for sea level rise adaptation in a way that is responsive and flexible, and based on unique local community contexts.
- Work for creative planning solutions that provide for local flexibility at the LCP and community level and statewide consistency at the policy level.
- Engage and collaborate with all stakeholders, including community members, visitors, business owners, and tribal groups, as well as underserved and other vulnerable communities who live, visit, and recreate along the coast to ensure equitable participation in adaptation planning processes, and equitable outcomes from decisions.
- Incorporate the best available science on sea level rise into guidance, policies, plans, and permits and have explicit processes for updating these with new information.
- Develop phased approaches to adaptation based on thresholds that trigger future policy and planning reviews and updates.
- Disclose the location, type, timeframe, and severity of coastal hazards due to sea level rise to property owners and the public, for example, through risk disclosure policies, conditions on permits, or publicly available vulnerability assessments.
- Create and refine new tools to support adaptation, such as regional mitigation to offset impacts to public beaches, to achieve better environmental, economic, and community outcomes over the long term.
- Strive for agency cultures and procedures that support predictable and efficient planning, permitting and project delivery.
- Commit to progress over perfection; develop policies and plans that highlight incremental progress in the near-term to lay a foundation for, but not preclude, longer-term progress and outcomes.
- Focus on and prioritize public infrastructure planning to model opportunities for innovative adaptation strategies that benefit coastal resources and communities.