

Marina LCP Coastal Hazards Edits

LUP HAZ-1: “It is the intent of the Local Coastal Program to strongly discourage the use of ensure that no shoreline protective devices and to only allow them subject to very limited circumstances and exacting criteria ~~are utilized for new or existing development.~~”

It is the City’s view that no shoreline protective devices (other than those nature-based approaches described in LUP HAZ-7) shall be allowed under any circumstances. This strong stance is supported by the Coastal Commission’s own Condition of Approval (COA) #14 pertaining to the CalAm CDP (A-3-MRA-19-0034) approved on November 17, 2022, and by the City’s issuance of a CDP for the MCWD small desal plant at 11 Reservation Rd., on November 27th, 1995. Both of these actions forbid future armoring of facilities that may become subject to damage due to coastal hazards such as sea level rise (SLR). Furthermore, the City’s 1996 CDP issuance for the Sanctuary Beach Resort on Dunes Dr. includes a finding that prohibits future shoreline protection in favor of managed retreat. There are currently no public or private facilities within the mapped hazards zone that would require protection. The City, therefore, finds the inclusion of such policies unnecessary.

LUP HAZ-4: “...; and shall avoid shoreline protection devices consistent with Policy HAZ-6.”

The City declines to incorporate the above modification to LUP HAZ-4 or the modifications to LUP HAZ-6 below given the explanation provided above in reference to LUP HAZ-1. If no shoreline protective devices (i.e., hard-armoring, etc.) are allowed, the following criteria for their development is not necessary.

LUP HAZ-6: Replace with the following:

Shoreline protective devices shall only be allowed if they meet all of the following criteria:

- a) Allowable Shoreline Protective Devices. The shoreline protective device is required: (1) to serve a coastal-dependent use (e.g., certain public coastal access infrastructure such as beach stairways/paths); or (2) to protect a public beach in danger of erosion; or (3) to protect an existing principal structure that was legally constructed on or before January 1, 1977 (and that has not been changed in a way that constitutes redevelopment) and that is in danger from erosion (i.e., would be unsafe to use or occupy within two storm seasons)).
- b) Least Damaging Alternative. The shoreline protective device is the least environmentally damaging feasible alternative. Hard armoring (such as seawalls) shall only be allowed if other strategies (such as relocation; nature-based adaptation strategies like dune enhancement projects, beach nourishment, vegetative planting, drainage control and landscape

improvements; and hybrid strategies) are not feasible, less environmentally damaging alternatives.

- c) Design Standards. All shoreline protective devices shall be sited and designed to both avoid coastal resource impacts and enhance coastal resources to the maximum extent feasible, and to mitigate for any unavoidable coastal resource impacts if full avoidance is infeasible. Potential impact avoidance or minimization measures include reducing the footprint of the structure, enhancing visually blighted conditions, increasing beach width, restoring/enhancing habitat value, and integrating new access features/opportunities.
- d) Mitigation. Proportional mitigation is required for all unavoidable coastal resource impacts, including with respect to impacts on shoreline sand supply, sandy beaches, public recreational access, public views, natural landforms, and water quality. Proportional "in lieu" fees may be used as a tool for impact mitigation if in-kind options (such as developing new public access facilities commensurate to offset the access impacts identified) are not feasible, and if such fees are deposited into an interest bearing account managed by the City or an appropriate public or non-profit entity and used to address the project's impacts, such as by being used for coastal adaptation projects or programs, including public coastal recreational access improvements. Impact mitigation shall be evaluated and required in 20-year increments, with CDP amendments required beyond the 20-year term.
- e) Monitoring. Shoreline protective devices shall be regularly monitored (at least once after any significant storms) by a civil engineer and/or engineering geologist familiar and experienced with shoreline protective devices and processes, and monitoring reports reflecting such evaluation shall be completed and submitted to the Executive Director and City every five years, and shall at a minimum cover all aspects of the repair and maintenance provisions specified below.
- f) Repair and Maintenance. The shoreline protective device shall be repaired and maintained as necessary to ensure that it continues to exist in its approved and/or required state (including CDP requirements pertaining thereto), particularly in relation to ensuring the continued utility and function of the design standard requirements above. However, alterations that result in a 50% replacement of the armoring shall not be considered repair and maintenance but instead a replaced/redeveloped armoring device whereby the entire device shall be reviewed against the LCP as if it were new.
- g) Armoring Duration. The shoreline protective device shall only be authorized until the time when the existing principal structure or coastal dependent use that is protected by such a device: (1) is no longer present; (2) no longer requires armoring; or (3) is redeveloped and no longer is considered an existing principal structure. Permits for shoreline protective

devices shall require that permittees submit and diligently pursue a CDP application to remove the authorized shoreline protective device within six months of a written determination by the City (if the City was the permitting authority for the shoreline protective device) or the Coastal Commission's Executive Director (if the Commission was the permitting authority for the shoreline protective device) that the shoreline protective device is no longer authorized to protect the structure or use it was designed to protect. In the case of coastal redevelopment of a previous existing structure, removal of the authorized shoreline protective device and restoration of the affected area shall be required as part of construction of the redeveloped structure.

- h) Emergency Authorization. In cases of emergency, an emergency shoreline protective device may be approved on a temporary basis, and only under the condition that the device is required to be removed unless a regular CDP is approved for retention of the structure. In such cases, a complete CDP application shall be required to be submitted within 60 days following construction of the temporary emergency shoreline protective device, unless an alternate deadline is authorized by the Planning Director for good cause, including continued good faith efforts toward submittal of such application. Any such temporary emergency shoreline protective device shall be consistent with all LCP shoreline protective device standards, including in terms of avoiding coastal resource impacts to the maximum possible extent. Mitigation for impacts will be required through the regular CDP process, including mitigation commensurate with the duration of impacts caused by the emergency temporary device. The City shall notify the Executive Director upon receipt of a request for an emergency shoreline protective device within the City's CDP jurisdiction.

Policy HAZ-9: "This may include relocation to sites inland and away from any significant coastal hazards threat to avoid the need for any shoreline armoring and, notwithstanding other dune ESHA protection policies, (e.g., the City shall work with State Parks to pursue measures to relocate the existing public parking and restroom structures at the present location of the Marina State Beach Parking Lot to a site outside of the projected erosion hazards zone), and restoration of the site to dune/beach habitats.

The City accepts above modification to HAZ-9.

LUP Definitions:

~~Existing Development: An "existing development" means any structure or development lawfully in existence post January 1, 1977 and currently existing within the coastal zone.~~

~~Pre-Coastal Act Existing Development: An "Existing Pre-Coastal Act development" or "Existing structure" means a structure or development lawfully in existence prior to the effective date of the Coastal Act (January 1, 1977) that has not been redeveloped since.~~

City accepts the Coastal Act definition as provided by Coastal Commission staff above. Given that there are no developments or structures within the hazards zone that predate January 1, 1977, other than MCWD's former WWTP facility and associated outfall that are proposed for eventual removal, this definition does not impact the City of Marina.

IP Purpose: "...and to ensure that ~~no~~ shoreline protective devices are only utilized subject to very limited circumstances in the future..."

The City declines to incorporate this modification given the explanation provided above in reference to LUP HAZ-1.

IP III.F: Shoreline protective devices are ~~prohibited~~ only allowable in the Marina coastal zone when found consistent with LUP Policy (HAZ-6).

The City declines to incorporate this modification given the explanation provided above in reference to LUP HAZ-1.

IP V.A: The City shall work with the following entities on coastal hazards resiliency planning, including the preparation of a Coastal Hazards Response Plan, when certain triggers are met, including the following (or as identified as part of any CDP conditions): ~~The following entities shall be responsible for monitoring the following areas along it's the shoreline to determine whether adaptation triggers have been met. (HAZ 13) and report these monitoring results annually to the City (HAZ 9,12,13). There are two adaptation triggers identified for each of the vulnerable properties. The first is a trigger to produce a Coastal Hazard Response Plan. The second trigger requires implementation of the plan or face penalties. Penalties could include fines, red tagging and/or cease and desist orders. These triggers and conditions shall apply to, at a minimum (or as otherwise identified in any CDP condition):~~

The City declines the removal of the language in IP V.A above because it explicitly (rather than implicitly) outlines potential penalties that the City may apply for nonconformance.

IP V.B: "Monitoring, including as required by any CDP condition, shall occur once per year and following storm events..."

The City accepts above modification to IP V.B.