

**CALIFORNIA COASTAL COMMISSION**

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April 29, 2019

Jim Nakagawa  
City Planner  
Community Development Department  
City of Imperial Beach  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932

Re: City of Imperial Beach Final Administrative Draft General Program/Local Coastal Program Land Use Plan (LUP)

Dear Mr. Nakagawa,

Commission staff appreciates the opportunity to review and provide comments on the City's Final Administrative Draft General Plan/LUP dated January 25, 2019. Staff recognizes the hard work and dedication that City staff has put into this well-researched and highly tailored document. With every revised draft, the City has honed in on its history and community character as well as the challenges that lay before it and the careful thought that has been put into their solutions. Our last comment letter in regards to Chapter 4.0 (Conservation and Ecotourism Element), 5.0 (Parks, Recreation, and Coastal Access Element) and 7.0 (Safety Element) was sent on February 8, 2018. This comment letter addresses the current LUP as a whole while taking into account previous comments and revisions. A number of our comments are in regards to the language used in discussing several important elements of the LUP, both in terms of its strengths and specificity. A number of comments relate to policies or topics that were discussed in our previous letter, which should still be referenced for overall context. Please note that Commission staff may have additional comments as other revisions are made by the City and as we continue to review the draft LUP document.

**Chapter 2.0 – Land Use Element**

- Coastal Act Sections 30250, 30252, 30255 and 30220 are cited within the Coastal Act Policies – Land Use box at the end of the chapter, but are not mentioned within the Coastal Act Policies discussion section. Please rectify appropriately. Section 30252 is also repeated within the Coastal Act Policies – Land Use box, so please remove one of the references.
- Please add within either Table L-2 or draft an appropriate policy to establish the maximum height (in feet) allowed for buildings within the Coastal Zone.
- Commission staff would advise the City to remove Policy 2.5.1. We believe such an evaluation and resulting project opportunities would be best addressed as the

subject of an LCP amendment.

- Staff would like further clarification on Policy 2.5.5. What specifically defines a short-term rental? Has the City updated its inventory of both short-term rentals and overnight accommodations to see how both markets are operating and what range of affordability is evidenced? How do accessory dwelling units factor into transient overnight accommodations? Within key visitor commercial destination areas such as Seacoast Drive and Palm Avenue/State Route 75, would short-term rentals be allowed on the ground floor and potentially introduce residential uses?
- To identify environmental justice (EJ) communities and priority impacts in the area, we suggest including maps that identify environmental justice communities and associated environmental pollution burdens. These maps can include social and demographic population information and concentration/exposure to environmental hazards existing in Imperial Beach. We recommend, if possible, including maps that also cover neighboring areas with non-resident populations who might regularly interact with Imperial Beach. For example, a map could be provided from CalEnviroScreen 3.0, and the results can be overlaid with land use in Imperial Beach. This map can then be used to determine whether all environmental justice concerns and communities have been adequately addressed through the General Plan goals in this section and other related sections. We also suggest including a brief discussion of EJ communities residing in or nearby Imperial Beach and the various environmental pollution and health hazards.
- The City should consider whether it can incorporate additional EJ policies pertinent to Imperial Beach, either in this section or related General Plan sections after reviewing the Commission's recently adopted Environmental Justice Policy, particularly pages 5-11. The Commission adopted its EJ Policy to guide implementation of its environmental justice authority and how it may consider environmental justice impacts relating to coastal zone resources. The section "Statement of Environmental Justice Principles" contains various EJ impacts related to different coastal resources as well as public participation in the decision making process based on EJ communities stakeholder input. Please refer to: [https://documents.coastal.ca.gov/assets/env-justice/CCC\\_EJ\\_Policy\\_FINAL.pdf](https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf).
- Similar to Table CE-1 in the General Plan section on Climate Change, please include a table listing related EJ policies or sections containing EJ policies in other General Plan sections for reference to related policies.
- Please cite Coastal Act Section 30250(a) within the document in discussing Table L-2 on Land Use Designations.

### **Chapter 3.0 – Mobility Element**

- Please revise the Parking Requirements chart on M-21 so that the chart does not cut

off at the bottom.

- A discussion of parking monitoring on M-21 mentions the potential for site-specific monitoring and evaluation for locations experiencing development changes, with an emphasis on C/MU-2. Commission staff would generally encourage parking monitoring for new development within the commercial/mixed-use zones as well as for development sited near public parking lots used for accessing the coast.
- Revise Policy 3.5.1 to the following:

Provide and manage parking so that it is reasonably available when and where it is needed ~~without degrading coastal resources or impeding~~ public recreational use of coastal amenities and facilities.
- Revise Policy 3.5.3 to the following:

~~Promote~~ Encourage the consolidation of off-street parking for several uses and the placement of parking behind buildings, rather than along the street front, to improve walkability, allow for a more pedestrian-oriented environment, reduce the number of street ingress and egress points, and facilitate well-designed, small-lot infill development.
- Revise Policy 3.5.4 to the following:

~~Develop~~ Encourage shared parking for properties located west of Seacoast Drive and on Seacoast Drive.
- Revise Policy 3.5.9 to the following:

Promote and permit public use of private parking facilities currently underutilized on weekends and holidays (i.e., serving office buildings) in all commercial/mixed use zones located within ¼ mile of the beach.

#### **Chapter 4.0 – Conservation and Ecotourism Element**

- Staff appreciates the hard work that has gone into detailing the value of the Tijuana River National Estuarine Research Reserve and the San Diego Bay as well as the creation of new and stronger policies to protect these ecologically sensitive and unique resources. We continue to have strong concerns, however, that the City is reluctant to designate these and other potential areas as Environmentally Sensitive Habitat Areas (“ESHA”) and has in fact deleted discussion of ESHA from its most recent draft. We understand from our reading of the *Key Proposed General Plan Updates and Coastal Act Consistency Summary* that the City must maintain a balance between competing economic and housing needs as well as maintain flexibility in the ability to develop or redevelop sites adjacent to these resources

(San Diego Bay in particular). However, we believe ESHA designation for these resources is pivotal as a baseline in understanding how they are protected within the regulatory framework of the Coastal Act. We acknowledge that these resources fall under layers of state and federal protection, and in the case of TRNERR, are recognized internationally for their ecological richness. However, the Coastal Act mandates the strongest protection for these areas. Current LCP Updates must map areas that currently meet the ESHA definition and also have policies that address changing conditions over time, both to update/reclassify mapped areas and consider possible designation of new areas as ESHA.

- Additionally, other resources within the City's jurisdiction should be considered for ESHA designation if they meet the definition as stated in Section 30107.5 and defined within the report on CE-1. Staff will need to see a discussion of the resources noted above as ESHA as well as the inclusion of any other resource area that meets the definition. As stated in our previous letter, we will also need to review for consistency with Section 30240, which will require policies pertaining to the resource-dependent uses allowed in ESHA, adjacent uses not degrading ESHA, and required buffers between development and ESHA. This section on ESHA should map currently existing ESHA locations within the City as well as include a policy on future determinations of ESHA as resources and conditions change over time, including procedures to make site-specific determinations over time.
- Similar to our past concerns with ESHA, Commission staff continues to have concerns related to how the LUP addresses wetland protection. As noted before, the current LUP draft is written with little distinction between ecologically notable areas such as TRNERR and San Diego Bay, and smaller wetlands exhibiting the full range of conditions and potential degradation. Section 30233(a) of the Coastal Act contains protections for wetlands and limits the filling of wetlands to identified high priority uses, where there are no feasible less environmentally damaging alternatives, and mitigation measures have been provided. The current LUP draft does not specify how these protections will be applied to wetlands within the City limits, and policies relating to wetlands appear to be conflated with discussion and policies relating more specifically to TRNERR and San Diego Bay. The City must either make a section exclusively focused on ESHA resources (such as TRNERR and the Bay) and another on wetlands, or create a section describing both in explicit terms. Either way, a map is required that depicts the location and cover types of wetlands within the City, as well as policies specifying a time table for updated biology reports on wetland determinations (as habitat and hydrology can change over time), the limited uses when wetlands fill may be permitted, requirements for the provision of a buffer or setbacks from wetlands, and clear standards for what types of development are permitted in the required buffer.
- The California Coastal Act discussion section on page CE-2 should reference protections for ESHA and wetlands while referring to the maps and information

provided above.

- Please revise Policy 4.2.4(d) so that it explicitly prohibits the use of invasive plants according to California Invasive Plant Council. Suggested revisions to the policy include:

Require ~~Give preference to~~ species that are drought-and salt-tolerant, native, and noninvasive plants to the extent feasible.

- Policy 4.3.1 appears to be consistent with Section 30250 (a) of the Coastal Act and its general requirements for siting new development in existing developed areas. However, as noted in staff's last comment letter, Coastal Act protections for ESHA are much more restrictive and must also be included in the LCP.
- The buffer Policy 4.3.2 refers explicitly to TRNERR, and provides for the implementation of a buffer area between wetlands and new development, the width of which will vary according to project type and location, but will otherwise be a minimum of 100 feet unless State Department of Fish and Game and U.S. Fish and Wildlife approval are secured for a reduction of buffer width. A previous version of this policy had included the Coastal Commission as a third regulatory agency consulted on buffer width, but has been removed from this most recent draft. Staff had previously commented that this policy should be changed so that the buffer cannot be reduced to less than 50 feet under any circumstances and must also describe the types of development that will be permitted within the buffer. Staff notes that the City looks forward to public improvements such as paved bikeways and other infrastructure and uses benefitting the public should be allowed in buffer areas, but maintains that this policy must be strengthened to protect habitat that would be considered ESHA as well as wetlands in general. Commission staff invites the City to work with us to form a buffer policy that both protects wetlands and ESHA, and allows for certain types of development that may be valuable to the public and the City.
- Please add a section titled "Coastal Act" under the Water Quality Section and add the following language:

The City of Imperial Beach shall protect and, where feasible, restore the quality of coastal waters to implement Coastal Act policies (in particular Sections 30230 and 30231, text included at the end of this [section]). Coastal waters include the ocean, rivers, streams, wetlands, estuaries, lakes, and groundwater.

All applicants for a Coastal Development Permit for development that has the potential for adverse water quality or hydrologic impacts to coastal waters shall be required to:

1. Protect and restore water quality
  2. Minimize pollutants in runoff from development
  3. Plan, site, and design development to minimize the transport of pollutants in runoff from the development into coastal waters.
  4. Plan, site, and design development to minimize post-development changes in the site's runoff flow regime (i.e., volume, flow rate, timing, and duration), to preserve the pre-development hydrologic balance and prevent adverse changes in the hydrology of coastal waters (i.e., hydromodification).
- Please revise Policy 4.4.3 as follows:

Preserve, and where possible, create or restore areas that provide water quality benefits, such as riparian corridors and wetlands, and promote the design of new developments so that it protects the natural integrity of drainage systems and water bodies. Plan, site, and design development to protect and, where feasible, restore hydrologic features such as stream corridors, drainage swales, topographical depressions, groundwater recharge areas, floodplains, and wetlands.
  - Please revise Policy 4.4.9 as follows:

Require new development and encourage existing development to use drought-tolerant non-invasive landscaping with preference for the use of California native plantings. Plan, site, and design development to preserve or enhance non-invasive vegetation to achieve water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control.
  - We recommend the remaining language in Policy 4.4.9 should be made into a separate policy.
  - Please add the following policies under 4.4 Water Quality:
    - a. In areas in or adjacent to an Environmentally Sensitive Habitat Area (ESHA), plan, site, and design development to protect the ESHA from any significant disruption of habitat values resulting from the discharge of stormwater or dry weather runoff flows.
    - b. Address runoff management early in the site design planning and alternatives analysis for all development, integrating existing site characteristics that affect runoff (such as topography, drainage patterns, vegetation, soil conditions, natural hydrologic features, and infiltration conditions) in the design of strategies that minimize post-development changes in the runoff flow regime, control pollutant sources, and, where necessary, remove pollutants.

- c. For sites where the area of new and/or replaced impervious and semi-pervious surfaces is greater than or equal to 50% of the pre-existing impervious and semi-pervious surfaces, runoff from the entire developed area, including the pre-existing surfaces, shall be addressed.
  - d. Use Source Control BMPs, which can be structural features or operational actions, in all development to minimize the transport of pollutants in runoff from the development.
  - e. Implement appropriate protocols to manage BMPs (including ongoing operation, maintenance, inspection, and training) in all development, to protect coastal water resources for the life of the development.
  - f. Minimize water quality impacts during construction by minimizing erosion and sedimentation, minimizing the discharge of other pollutants resulting from construction activities, and minimizing land disturbance and soil compaction.
  - g. Avoid construction of new stormwater outfalls and direct stormwater to existing facilities with appropriate treatment and filtration, where feasible. Where new outfalls cannot be avoided, plan, site, and design outfalls to minimize adverse impacts to coastal resources from outfall discharges, including consolidation of existing and new outfalls where appropriate.
- Please add the following text under a new section entitled “Additional Policies for Regulating Developments of Water Quality Concern” to follow Policies 4.4:

Certain categories of development have a greater potential for adverse impacts to water quality and hydrology due to the extent of impervious surface area, type of land use, and/or proximity to coastal waters. Categories of Developments of Water Quality Concern are identified in the LCPs Implementation Plan. These categories of development may parallel, in part or in whole, the Priority Development Projects identified in the MS4 Permit.

Additional BMPs may be required for a Development of Water Quality Concern and they shall comply with the following additional policies:

1. Conduct a polluted runoff and hydrologic site characterization by a qualified licensed professional, early in the development planning and design stage, and document the expected effectiveness of the proposed BMPs.
2. Size LID, Runoff Control, and Treatment Control BMPs to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85th percentile 24-hour storm event for volume-based BMPs, or two times the 85th percentile 1-hour storm event for flow-based BMPs.

3. Use an LID approach that gives priority to preventive Site Design strategies to minimize post-development changes in the site's stormwater flow regime, supplemented by structural BMPs to retain on-site (by means of infiltration, evapotranspiration, or harvesting for later on-site use), at a minimum, the runoff produced by the 85th percentile 24-hour design storm, to the extent appropriate and feasible.
4. Conduct an alternatives analysis to demonstrate that there are no appropriate and feasible alternative project designs that would substantially improve runoff retention, if a proposed development will not retain on-site the runoff produced by the 85th percentile 24-hour design storm using an LID approach.
5. Use a Treatment Control BMP (or suite of BMPs) to remove pollutants of concern from any portion of the runoff produced by the 85th percentile 24-hour design storm that will not be retained on-site, or if additional pollutant removal is necessary to protect coastal waters.
6. If a proposed development will add a net total of more than 15,000 square feet of impervious surface area, and any portion of the runoff produced by the 85th percentile 24-hour design storm will not be retained on-site, use a structural Runoff Control BMP to minimize adverse post-development changes in the runoff flow regime.

Please note that staff has recommendations for the Water Quality section of the City's Implementation Plan, and will be providing those separately.

- As stated in staff's previous comment letter, please revise Policy 4.7.2 so that it states:

New visitor-serving uses should not displace existing low-cost visitor-serving uses unless an equivalent low-cost replacement is provided ~~where feasible~~.

- Revise Policy 4.7.8 so that it states:

Explore opportunities to relocate the City Public Works Yard and develop the site and other suitable San Diego Bay shoreline properties for visitor serving and ecotourism purposes compatible with nearby sensitive habitats and with sea level rise in consideration.

- Revise Policy 4.7.9. so that it states:

Pursue opportunities to increase pedestrian access to the San Diego Bay including improving street ends and expanded pedestrian facilities along the Bayshore Bikeway, while avoiding impacts to sensitive resources and ESHA.

- Please change Policy 4.7.11e to the following:

Support research, cultivation, and farming (aquaculture) of coastal resources, and other eco-tourism endeavors, in a manner that is sustainable and designed to ~~minimize impacts~~ to avoid adverse impacts on coastal resources ~~to the maximum extent feasible.~~

- The Key Proposed General Plan Edits and Coastal Act Consistency Summary notes that both a vegetation and wildlife image will be included in the final draft document. Will this image be exclusive to TRNERR, or would it highlight species from other ESHA/wetland areas?

### **Chapter 5.0 – Parks, Recreation, and Coastal Access Element**

- Please include a policy under 5.2 that addresses how the City intends to balance public access along trails with the need to protect ESHA resources.
- Please add a policy that coastal-dependent and coastal-related development will be prioritized over other development in accordance with Section 30001.5 of the Coastal Act.
- **Public parking:** In our last comment letter, staff requested that the City address any fees or timing restrictions associated with off-street public parking, as well as include a map depicting where public off-street parking within the City is available for public access. The La Jolla Community Plan was provided as an example of an acceptable level of detail. Finally, staff requested that a policy be added to the LUP that the adoption and implementation of any new parking fees, a residential permit program, and/or time restrictions are discouraged and would require a coastal development permit and possibly an LCP amendment.

The City has indicated in its response to comments that the above requested specifications should not be included in the General Plan/LUP due to potential changes over time and also to ensure public safety. The LUP must be clear that the adoption of fees, changes to public parking regulations or the institution of a residential permit parking programs constitute “development” under the Coastal Act because they affect the ability of the public to access the coast. Therefore, at a minimum, such actions require a coastal development permit. In addition, changes over time are exactly the reason that LCPs must be updated over time through LCP amendments to address new initiatives. Therefore, we still believe the City should be able to provide visitors and residents with a clear idea of where existing and planned public access opportunities exist, and what general restrictions they may encounter. Please provide the information previously requested, as well as add a policy regarding LCP and CDP approval for new parking restrictions.

- **Encroachments and Unpermitted Signage:** As discussed in our previous letter,

please provide information as to whether there are any areas of the City with encroachments on, or disincentives to use of, public beaches or accessways (e.g., illegal no parking signs, red curbs or barriers, fences, or unpermitted signage). If so, those should be identified and measures to remove them should be included in this chapter. Policies should be included to discourage the future placement of such encroachments or signs.

- Policy 5.1.10 states that opportunities to create a new linear park along the City Bayfront will be evaluated. Please include language indicating that early coordination with the Commission regarding biological impacts, size/intensity, and siting options will take place.
- Commission staff appreciates the expanded discussion of public accessways and their condition included as part of the Discussion under 5.2 and laid out in Table P-2. We still believe this section warrants further details and can work with City staff to clarify.
- As stated in our previous comment letter, Commission staff would like more information as to whether there are any existing closures or curfews on beaches, parking lots, or accessways in the City? While Policy 5.2.1 provides for maintaining free public beach access, the LUP should include a policy clarifying that such restrictions on public access are prohibited and that adoption of any restrictions will require an LCP amendment and coastal development permit.
- Policy 5.2.3 states that physical access to the City's coastal resource areas will be provided for all segments of the population "consistent with public safety needs *and without overburdening the City's public improvements, or causing substantial adverse impacts to adjacent private property owners* [emphasis added]." By what metric would physical access be considered an overburdening of the City's public improvements or cause substantial adverse impacts to property owners? We recommend this policy be deleted.
- After the aforementioned ESHA policies are revised, Policy 5.2.3 should be revised as follows:

Site, design, and manage access-ways to seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes to avoid adverse impacts to these sensitive habitats. See also the Conservation Element for policies related to access to Environmentally Sensitive Habitat Areas (ESHA).

- Policy 5.2.4 provides for protection in the siting, designing, and managing of access-ways to seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes in order to avoid adverse impacts to these sensitive habitats. Please note that sensitive habitat areas such as the ones described

could be classified as ESHA and as such, would warrant more stringent protection measures and such provisions would need to be identified in the LUP.

- Policy 5.2.5(b) indicates impacts may potentially be mitigated through the dedication of a mapped LCP access or trail alignment. Can the City please provide more information on this and the current status of trails that may qualify for dedication under this policy? Have these access paths or trail alignments been previously identified for acquisition?

- Please revise Policy 5.2.5(c) as follows:

Do not displace public parking areas serving recreation uses unless a ~~strategy~~ to provide comparable public access is provided.

- A goal of Policy 5.2.9 is to encourage the use of access-ways through the installation of appropriate signage that indicates, where applicable, the existence and location of nearby public parking areas. Please create a map for the LUP that indicates where public parking areas are located within the Coastal Zone. This would be helpful for both policy-makers and the public in locating key accessibility points that warrant protection.

- Please revise Policy 5.2.15 to the following:

New development should be designed to avoid ~~to be the alternative with the least~~ impacts to ~~on~~ coastal resources and recreation, be the minimum size necessary while still meeting the basic objectives of the development, and shall provide any necessary mitigation if adverse effects on public access are anticipated.

- Commission staff appreciates the added discussion of the California Coastal Trail (CCT) on P-16 and the inclusion of Policy 5.2.17 on trail coordination, but would like to request more information in accordance with our previous comments. This includes more information as to what trail segments have been officially designated and/or signed as part of the California Coastal Trail and if the City has done any coordination with the State Coastal Conservancy to date regarding CCT planning? Additionally, Figure M-5 on M-19 of the Mobility Element includes a depiction of the CCT where it intersects with a City bike lane. Please include a narrative and visual depiction of where the CCT has connections between existing and planned trail systems, including trails within the TRNERR. As an example, please see the attached pdf file depicting North Carlsbad's Trails. This map includes the locations of bike lanes, seawalls, existing and future trails, unpaved and paved trails, if parking is available at trailheads, as well as existing and future parks.
- Please revise Policy 5.2.17 to include the Coastal Commission as a named agency to coordinate with planning and implementation of the California Coastal Trail.

## Chapter 7.0 – Safety Element

Staff has noted that the January 2019 Draft Safety Element contains some significant changes as compared to the last draft Commission staff reviewed and commented on in February 2018. We appreciate the updated draft but there is still a need for coordination between Commission and City staffs.

Overall, this Sea Level Rise (“SLR”) section’s approach to adaptation is to allow protective devices (even for new development) and pursue beach nourishment through activities like beneficial reuse, nourishment projects through regional partnerships, and seeking funding for nourishment at all levels. Managed retreat is brought up as not being necessary for the foreseeable future in light of other options. The policies that allow protective devices for new development are the most problematic parts of the section. Indeed, we’ve noticed that our recommendations on many policies that were meant to signal a strong movement towards limiting coastal armoring now and into the future have instead been diluted with exceptions and weakened language that allows for continued armoring of the coast. Policies that include language such as “try to” and “work to ensure” are vague and leave the door open to subjective interpretation. Such language needs to be replaced with language that provides clear, enforceable requirements.

This final draft chapter of the LUP contains policies on shoreline protective devices that raise concerns and warrant further coordination between Commission and City staffs. Section 30235 of the Coastal Act limits the types of development for which protective devices may be approved to: existing structures, coastal-dependent uses, and public beaches in danger from erosion. Section 30253 requires new development to assure stability and structural integrity without requiring shoreline protective devices (“SPD”s) that alter natural landforms. However, the Safety Element includes several provisions that conflict with these policies, including allowances for new development to construct (Policy 7.1.12) and rely on (Policy 7.1.6d) protective devices.

Commission staff recognize that due to the daunting challenges posed by sea level rise, the City needs to explore all adaptation options, and Commission staff would like to work with the City to explore possible ways in which allowances for SPDs could be included within the City’s overall adaptation approach along with provisions to protect coastal resources. In this vein, the Introduction to the Safety Element acknowledges the need to ensure a resilient community while also protecting coastal resources (“*The planning and implementation of adaptation strategies that focus on the protection and enhancement of public and private property and preservation of natural resources is a priority,*” page S-6; and, “*2.2.5 Adopt sea level rise adaptation approaches that both preserve public access and public and private infrastructure*”, page L-10) The Introduction also acknowledges that SPDs can lead to the loss of beach width, and that beaches are a core part of the City’s economy and identity as well and an important Coastal Act resource. The Draft Safety Element’s general approach to adaptation is to allow SPDs for both existing and new development and pursue beach replenishment to maintain a walkable beach at low tide, through a variety of policies.

While allowing SPDs in circumstances that conflict with the Coastal Act is problematic on its face, Commission staff can foresee a scenario in which these allowances are paired with additional provisions to make a policy package that, overall, is the most protective of coastal resources both now and as it is implemented over time. Although coastal armoring generally has significant adverse impacts on coastal resources, there are situations where armoring may be lawfully allowed and may represent a reasonable short- to mid-term adaptation strategy. In general, this may be true in urbanized areas where existing residential development and/or critical infrastructure exist, where development is already protected by armoring, where the impacts of armoring on natural shoreline processes will be minimal due to the geology of the area, and where the armoring is the least environmentally damaging alternative for adaptation. However, to the extent that LCP policies—or projects approved pursuant to them—allow for shoreline armoring, local governments must ensure, through a comprehensive shoreline management plan or similar effort, that such policies and projects safeguard coastal access, mitigate for all impacts to coastal resources affected by armoring, protect public trust resources, and ensure equitable access to and benefits from coastal resources.

Any allowances for SPDs for new development should be clearly placed in the context of an adaptation pathway that will ensure protection of coastal resources over time. Commission staff would like to work with City staff to develop additional provisions to ensure the protection of coastal resources and would like to meet with City staff to discuss ideas, including, but not limited to:

- **Shoreline Management Plan** that ensures maintenance of public access and recreational resources – The LCP could include a detailed Shoreline Management Program to ensure that public access and recreational resources are protected in the long term. It could address the eventualities that SPDs will cause beaches to narrow over time even with beach replenishment, and that SPDs may eventually become ineffective; and, it could identify next steps the City will take to protect coastal resources like access and recreation as well as development. Policy 7.1.2 calls for the development of a comprehensive beach and shoreline management plan; this policy could be expanded to include the elements described here.

One way the Management Plan could achieve the goal of ensuring continued beach access is by establishing the minimum beach width necessary to support public access and recreation in Imperial Beach, considering the needs of both residents and visitors. This minimum beach width could then be used to 1) inform beach replenishment activities and 2) serve as a threshold after which a subsequent phase of adaptation measures will be triggered. The thresholds could be detailed enough to account for differences in summer versus winter beach widths and the number of surveys a narrowed beach must be observed in order to consider the threshold crossed.

Additionally, the LCP should acknowledge that the City will most likely have to undertake additional adaptation measures after the combination of short-term approvals for SPDs and beach nourishment are no longer effective at protecting both coastal resources and development, including possible land use changes like intensification of development in safe areas and phased relocation from hazardous areas. Because of this possibility, another core component of a policy package that complements SPD allowances is detailed noticing to property owners, as discussed below.

- **Noticing property owners** – Ensuring that property owners are sufficiently noticed about both hazards and potential future adaptation responses is an essential part of SLR adaptation. Imperial Beach property owners should fully understand the risks of developing in a hazardous area and understand that protective devices or the development itself may have to be removed in the future due to increased coastal hazards or pursuant to future plans and/or LCP updates (as described above). Assumptions of risk should be recorded via deed restrictions to ensure that any future property owners are also noticed and that the disclosure runs with the land.
- **Removal Criteria** -- While Policy 7.1.23 requires applicants to prepare a Removal and Restoration Plan when essential public safety services to the site can no longer be maintained, this policy should be expanded to include other triggers for removal, including when removal is required pursuant to future plans and/or LCP updates (see above) and/or when development is no longer located on private property due to the migration of the public trust.
- **Monitoring** – The LCP should include a robust monitoring program that allows the City to track whether public access and recreation needs are being fulfilled. Policy 7.1.3 calls for monitoring but relies on data from the SANDAG Regional Shoreline Monitoring Program; this policy should be expanded to state that the SANDAG methodology will be supplemented as necessary to provide detail needed to determine if the beach meets any thresholds identified in the Shoreline Management Plan described above. The City itself acknowledges and seems keen to develop an appropriate monitoring program judging by the discussion on S-3 of the current draft, and Commission staff can work with the City to ensure this goal is fulfilled.
- **Mitigation** – Policy 7.1.9 calls for the City to continue using the sand mitigation fee, and prioritizing sand replenishment and/or retention projects first, and public access/recreation projects second. In order for this policy to ensure adverse impacts to shoreline sand supply from approved SPDs are fully mitigated, the City should design the fee to fully capture the cost of maintaining beach access and recreation through replenishment as well as impacts to public views, water quality, and other Coastal Act resources. Policies should require periodic reevaluation of mitigation requirements (historically the Commission has used 20-year increments for this). It is not clear that the methodology described in Policy 7.1.9 fully achieves these

goals. Commission staff would also be interested in discussing the introduction of a mitigation fee associated with potential impacts to public recreation.

In summary, Commission staff recognizes that if the City's proposed policies that allow SPDs for new development and redevelopment are to be considered consistent with the Coastal Act, they would have to be presented alongside additional policies that require both development and coastal resources to be protected over time as sea level rises.

As a general note, the Coastal Commission Sea Level Rise Policy Guidance was updated in 2018. Please refer to the 2018 version rather than the 2015 version in the Coastal Act discussion on S-4. Specifically, the 2018 version includes updated best available science on sea level rise projections, consistent with the State Sea Level Rise Guidance (OPC 2018) and *Rising Seas In California* (Griggs et al. 2017). Commission staff holds that this LCP update would be an ideal time for the City to develop a comprehensive adaptation plan based on the results of the SLR Assessment and the City's priorities.

Many of our policy-specific comments are reiterations of requests for revisions to language and expanded discussion of specific topics that were noted in our February 2018 letter. For context, please refer to this letter.

- Please include a larger discussion of the role the Silver Strand Littoral Cell plays in the supply of beach sand, as found on CO-2 of the existing LCP. This will provide a valuable background on the natural processes and current issues (i.e. the damming of the Tijuana River) in the beach area.
- As drafted, the LCP does not include a clear vision for adaptation along the city's bay and estuary shorelines, where wetlands and other habitats form the margin between development and waterways. The Shoreline Management Plan described above could include a section that identifies adaptation measures to ensure the maintenance of wetlands habitats, and provide that SPD allowances could sunset if wetland impacts cross identified thresholds.
- Due to the heavy emphasis on beach nourishment as an adaptation strategy, the Safety Element should include additional policies that spell out best management practices for replenishment projects. These BMPs should address issues around grain size, timing, placement, avoidance of sensitive species, etc. Commission staff can work with City staff to develop these details.
- A previous version of the draft LUP had a discussion box entitled "Sea Level Rise Adaptation Strategies" towards the beginning of the Safety Element chapter. This most recent draft has eliminated the discussion box but still references it on the first line of S-4. Please rectify.
- The City acknowledges on S-5 of the final draft that an adaptation timeline is

needed, specifically one that responds to when different adaptation strategies are needed based on when certain benchmarks are met using data obtained from local and regional monitoring efforts. The City returns to this need for an “informed selection of adaptation strategies” on S-11, including, but not limited to, monitoring the severity and frequency of flooding, coastal erosion, storm, and other sea level rise related events and identifying alternative strategies and their implementation timelines. Commission staff certainly appreciates the City’s attention to this need as well as the more specific language referring to how the City will protect public infrastructure on S-12, but would like to see a more detailed discussion of baseline data, specific triggers, and what physical locations will be monitored for the determining of these triggers. As noted in our discussion points above, Commission staff can work the City in determining effective thresholds for employing different levels of adaptation strategies as part of the Shoreline Management Plan.

- Similar to our last comment letter, staff would like to see the inclusion of a discussion on the tension that may arise in attempting to protect both public and private property, as well as both natural and built assets. Policy 2.2.5 of the Land Use Element calls for the adoption of sea level rise adaptation approaches that preserve public access as well as public and private infrastructure. While undoubtedly the ultimate goal of adaptation, as noted in our last letter, protecting these different assets may be in direct conflict (i.e. continuing to protect a beachfront structure over the long-term will often necessarily mean that the beach, and associated habitat and recreational space, is lost) and warrants early planning and discussion in attempting to balance competing interests and needs into the future.
- Commission staff understands that the topic of managed retreat is a difficult one to broach, and may not seem necessary to evaluate at the present if the City remains dedicated to beach nourishment and soft shore line enhancement projects. Nevertheless, Commission staff believes managed retreat should still be considered on the list of adaptation options. The City should add language to the current LUP draft that managed retreat as a sea level rise adaptation strategy will be revisited every 5 years, or identify thresholds at which point managed retreat will be considered. While the City may not currently consider it a viable or necessary adaptation strategy in the foreseeable future, the option must be discussed and weighed periodically using the most current science and monitoring data. In general, the City should strive to have a timeline in place for re-evaluation of sea level rise adaptation strategies, including the order in which they are being implemented, the effectiveness of any given strategy, and if any new or modified approaches should be considered for immediate or future use.
- Table 7.2 states that the anticipated economic lifetime of residential and commercial development is 50-75 years. Commission staff has clarified internally

and would like a return to the range of 75-100 years, which is a more realistic estimate of the typical economic life of structures.

- Policy 7.1.6. allows for the enhancement and extension of armoring “provided that it does not result in feasibly avoidable negative community impacts and are necessary to protect structures from identified coastal hazards.” Commission staff has concerns that the language for this policy is subjective and unenforceable, and would allow for extensive armoring of the shoreline. As noted in our discussion above, Commission staff can foresee circumstances where shoreline protection devices can be implemented for the short- to mid-term in order to protect critical infrastructure and urban areas. However, the full suite of adaptation strategies must also be considered, which ultimately provides the City with maximum flexibility in addressing shoreline concerns in conjunction with public access and choosing the least environmentally damaging alternative. Commission staff can work with the City to create a strong policy that allows for some use of shoreline protection that is ultimately framed by a Shoreline Management Plan to ensure the City has a methodical approach to dealing with the issues sea level rise presents to stakeholders.

- Please revise Policy 7.1.6(a) to the following:

~~Seek to avoid~~ Prohibit repair and maintenance projects that result in seaward encroachment of the shoreline protective device.

As a note on this policy, the footprint of SPDs should be limited to private property, and the policy should be written as a clearly enforceable standard.

- Please revise Policy 7.1.6(b) to the following:

~~Work to ensure that~~ Repair and maintenance projects shall address and **mitigate** ~~mitigation~~ all coastal resource impacts the shoreline protective device is having, including with respect to local sand supply, public views and public recreational access.

- Policy 7.1.6(c) should be revised as follows:

Repair and maintenance that increases a shoreline protection device by more than 50 percent of its existing size constitutes replacement and is subject to requirements pertaining to new shoreline protection devices, ~~unless those requirements preclude the City from protecting its economy, environment, and community character.~~

In addition to the revision above, please note as in our last comment letter on the same policy, the Commission’s regulations restrict any foundation work, the

placement of solid materials, the replacement of 20% or more of materials with a different kind and the use of any mechanized equipment when addressing repair and maintenance activities on revetments and protective devices. Such work exceeds the parameters of repair/maintenance activity; and, if desired, it requires a coastal development permit.

- Policy 7.1.6(d) allows for enhancements and new development of shoreline protective devices provided that no negative community impacts are created and a walkable beach is maintained at low tide. Please refer to the discussion above at the beginning of this chapter review for our general comments on expanding the use of SPDs. Please also note that the timeline for the use of shoreline protective devices should be linked to the land use designations set forth in the Implementation Plan.
- In the last draft, Policy 7.1.7 was drafted to leave potentially hazardous areas undeveloped, with sufficient open space for public health, access, and safety. Commission staff had several questions referring to the definition of “potentially hazardous areas,” including how they would be identified, and why this updated policy language appeared less restrictive than a similar one in the current LCP. Commission staff has noted that this policy is no longer present in the most current draft, but still finds the discussion prescient and therefore worth inclusion as a policy within the final LUP.
- Policy 7.1.7 allows for coastal armoring to protect and maintain beach accessways. Part (a) of the policy would limit the armoring to the minimum necessary “unless the size and scope provides a broader systems benefit.” Can the City please clarify what this means? Would this mean extending protection to private development? Similarly, part (c) of the policy would limit armoring to revetments and/or seawalls “unless it can be demonstrated that such devices are enhancing the City’s economy, environment, and community character.” Does this policy reference the type of protective device being used or the amount of armoring allowed? The effectiveness of any armoring of the coast would be subject to the set of triggers under the Shoreline Management Plan, including quantifiable data obtained from monitoring of key parameters (discussed above).
- Please revise Policy 7.1.11(a) so that it includes the language from the last draft LUP. Please define “stringline” as well and how it will be determined at a site. The policy should read as follows:

Interim devices may be allowed prior to completion of a comprehensive shoreline protection plan designed for the area, provided they do not encroach seaward of a string line of similar devices.

- Policy 7.1.12 states that new development on the coast shall incorporate an engineered seawall in its design if shoreline protection is determined to be

necessary, and notes that the seawall shall be on private property other than the required toe protection. In the previously certified LUP as well as the last draft LUP update, this policy applied only to new development fronting Ocean Boulevard north of Imperial Beach Boulevard. Commission staff generally finds the use of shoreline protection for new development inconsistent with the Coastal Act, and cannot support a broad allowance for its potential use across all new development. Commission staff also does not support the allowance of any private shoreline protection on public beaches.

Furthermore, the policy states that the seawall should be designed to protect the development from flooding during a combined design storm and high tide event; this policy should be clarified to state that any shoreline protection that is allowed would have to be designed to withstand not only a design storm and high tide event, but also the level of predicted sea level rise over the life of the development. Given our current understanding of sea level rise, it would be beneficial for the City to consider how the impacts or trade-offs associated with this policy differ today compared to when the LCP was originally certified.

- Commission staff has noted that several key phrases in Policy 7.1.13 have been revised from the last draft including that public improvements will now be designed to “minimize” SPDs rather than “avoid” them, as well as that shoreline protection alignment options along certain areas of Ocean Boulevard will be no longer be restricted but will be “evaluated and prioritized.” We question the weakening of this policy language and recommend the provision be revised so that it matches that in the last version of the LUP.
- The exception to allow shoreline protection for public improvements described in Policy 7.1.13(b) exists in the current LCP; however, it only applies to improvements at the Palm Avenue streetend. The proposed policy would extend the exception to all streetends. Why is the city now proposing to allow shoreline protection for all streetends? What are the impacts of expanding the application of this exception beyond just Palm Avenue?
- Policy 7.1.15 of the previous draft LUP required a minimum 50-foot setback for buildings proposed to be developed or redeveloped in locations where there are seacliffs, as well as ensuring that buildings are structurally sound and will not require SPDs that would alter natural landforms along bluffs and cliffs. Our last comment letter had requested clarification on where in the City’s jurisdiction this policy would apply. The policy seems to have been removed from this final draft LUP version, but staff recommends this policy be included once more.
- Please revise Policy 7.1.17 as follows:

Partner with the Tijuana River National Estuarine Research Reserve

(TRNERR) to pursue joint adaptation planning and strategies to ensure existing and future sea level rise impacts do not restrict emergency access to the Tijuana Estuary and identify potential negative impacts City adaptation strategies may have on the estuary and avoid them whenever feasible.

- Policy 7.1.21 requires geotechnical investigations to examine sea level rise. Additional detail should be included either here or in the IP about when these reports are required and from whom, as well as the required contents of the report, including details such as SLR projections, types of hazards, project alternatives analysis, etc. Commission staff can work with City staff to develop these details.
- Please revise Policy 7.1.25 as follows:  
  
Evaluate hazard risks when reviewing proposals to adjust lot lines in areas subject to existing or future sea level rise impacts consistent with the IB SLR Assessment, the Coastal Commission Sea Level Rise Policy Guidance, and future updates.
- How are “high-risk areas” defined in Policy 7.1.26?
- The last draft LUP included a policy (Policy 7.3.1) that provided for the designation of primary flooding areas to open space use and restricted development. Any structures in these areas were to be temporary, moveable, and/or capable of withstanding future flooding throughout the economic life of the development with/without off-site flood protective works or channelization. This policy has been deleted from this most recent draft, but Commission staff has concerns that no appropriate policy has been created to replace it. We suggest re-incorporating a similar policy, with the caveat that “primary flooding areas” be defined or rephrased, and development be designed without reliance on off-site protective works or channelization.
- Policy 7.1.27 has been revised to state that future flooding areas will be informed by the 2016 Imperial Beach SLR Assessment and its future updates. While Commission staff considers this a good starting point, as the City includes within it a number of useful maps depicting FEMA repetitive loss properties, coastal flooding hazard extents, and effects on infrastructure, we want to clarify if the City updates and maintains any flooding databases/hazards maps currently? Because the SLR Assessment is only intended to be updated every 10 years, staff would encourage the City to collect data on flooding in the short-term and maintain a protocol for ensuring that flooding concerns in areas identified in the SLR Assessment have not worsened over time or reached farther inland. Sea level rise over the life of the development should also be considered for any adequate flood control program. The policy has also been revised to require that the minimum finished floor level be above the known or projected flood plain level wherever

feasible. Staff would recommend strengthening this language to require that the minimum finished floor level be designed to accommodate the total sea level rise expected over the lifetime of the development based on the most current science.

Additionally, Subsection (d) should be rephrased to read:

Restrict development in open 100-year floodplain areas that remain uncommitted to development as identified on Figure S-1 ~~unless it can be demonstrated that de-minimus impacts result and the City's economy, environment and social character are enhanced.~~ No habitable structures or filling shall be permitted in the floodplain and only uses compatible with periodic flooding shall be allowed.

- As requested in staff's previous letter, a policy should be added to the Flooding section to clarify the thresholds for any "redevelopment" proposed within the floodplain.
- Staff requested in our last comment letter that Section 30236 of the Coastal Act be addressed in this section. While the Section has been added to the "Coastal Act Policies – Safety" box at the end of the chapter, no discussion of the policy takes place within the Chapter. Please address where substantial alterations of rivers and streams have taken place, and how future development will comply.
- As previously requested by staff, this LUP update should include more information on how public access will be impacted by sea level rise, including findings from the City's Vulnerability Assessment (if available). While Table 7.1 does a good job of summarizing several key findings from the Vulnerability Assessment, the Commission is interested in understanding how lateral and vertical public access will be impacted by sea level rise as well as the logistics of protecting public access. Which trails are threatened by sea level rise? Can these trails be rerouted at different levels of anticipated rise? A policy should be added that states the City will investigate how public access will be re-routed and maintained over time.
- Please add a policy in Section 7.2 under Fire Hazards that addresses access to sensitive habitat, including brush management impacts to ESHA.

### **Chapter 8.0 – Design Element**

- Page D-4 indicates that a Figure D-1 has been added that identifies the primary public coastal view corridors, but no Figure is attached. Please add this Figure.
- Policy 8.3.1.b provides for evaluation of options to adjust building envelope regulations to offset potential loss of site area due to sea level rise. Is this policy referencing new development only, or also redevelopment? Please see our comments

above on the Safety Element for a discussion of triggers and thresholds. Adjusting building envelope regulations will require a full evaluation and would need to be created with the economic lifetime of a building in mind. Additionally, adjusting building envelope regulations may need to be considered for properties which are considered to be inland, depending on the timing and type of development. Such regulatory modifications would also necessitate future LCP amendment(s).

- Policy 8.3.1.c provides for consideration of increased setbacks as needed to preserve walkways and sandy beach areas. The need for increased setbacks for public access areas could be incorporated into the City's Safety Element cited above, as well as the Shoreline Protection Device Management Plan.
- Please add a policy that states lighting for development/redevelopment will be designed with sensitive coastal resources in mind, and should be the minimum necessary in order to avoid effects on wildlife.

We look forward to continuing to collaborate on the City's comprehensive Local Coastal Program Update. Please contact me if you have any questions about these comments.

Sincerely,



Stephanie Leach  
Coastal Planner

cc (copies sent via email):

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