



SMART COAST REPORT

DECEMBER 2023

CELEBRATING OUR PROGRESS ENGAGING IN COASTAL PROPERTY RIGHTS

As the year winds down, it's time to celebrate the strides we've achieved together in advocating for coastal property rights and intelligent land use policies. Since our inception in 2019, Smart Coast California has tirelessly educated the public about these pivotal issues affecting California's beautiful 1,100-mile coastline.

California's coast attracts people worldwide, emphasizing the need for thoughtful decisions that preserve property rights and accessibility. Your support has been integral in advancing our mission and spreading awareness about these fundamental principles.

As we reflect on our achievements, we invite you to consider a year-end contribution. Your generosity fuels our efforts to advocate for responsible policies that maintain property rights while safeguarding the beauty and accessibility of our coastline.

Let's continue our journey toward a sustainable coast. [Donate now](#) and play a part in preserving coastal property rights.

Thank you for being a beacon of support for Smart Coast California's engagement.

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STAKEHOLDER MEETING RECAP

By John Frith, The Write Stuff Communications



A recent court case is likely to overturn the California Coastal Commission's view that only structures in place before the Coastal Act went into effect in 1977 can be protected from sea level rise, two experts said at the October Smart Coast California virtual stakeholder meeting.

However, both attorney Steven Kaufmann and Smart Coast consultant Don Schmitz said it will take an appeals court until late 2024 or early 2025 to issue a definitive ruling – and in the meantime, the Coastal Commission will undoubtedly continue to pressure local governments to abide by its viewpoint in formulating plans to accommodate sea level rise.

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The trial court ruled in July that the clear language in the Coastal Act says that existing properties can be protected by seawalls, revetments or other means. This was the second trial court ruling to come to that conclusion, the first being a 2005 case that Kauffman litigated affecting Pismo Beach.

Ironically, in that case, the Coastal Commission was sued by an environmental group over its policy that existing structures could be protected. That in fact was the commission's view from 1977 until 2015 when its staff issued its initial sea level rise guidance and declared that only structures in place before 1977 could be considered "existing structures."

Kaufmann said the Casa Mira trial court emphatically ruled that the Coastal Commission's new policy was wrong.

"It is clear that the statute supports people protecting their existing structure from the danger of property damage due to subsequent erosion," the court wrote. "It is the commission's position that the Coastal Act should be interpreted such as all seaside homes and buildings constructed after 1976, if endangered by erosion, should be allowed to fall into the sea and be destroyed. The commission takes the position that erosion of seaside cliffs creates beach sand and that continued existence of a sandy beach is the ultimate goal, and private property rights are insignificant."

Schmitz told stakeholders that the commission is also ignoring the staggeringly high costs local governments would face if they prohibit property owners from protecting their homes and businesses. Doing so would constitute a taking and property owners would need to be compensated for their losses.

He pointed out that the current value of parcels that could be threatened by sea level rise is roughly \$40 billion in San Mateo County, \$14 billion in Santa Clara County, \$11 billion in Orange County, and \$10 billion in Marin County.

"This is why a lot of these communities are balking over the concept of instituting managed retreat in their local coastal program amendments because those counties, those cities, will be on the hook for compensating property owners if managed retreat policies result in constitutional takings. This would literally bankrupt even the richest cities in the state," he said.

"Because of the global application of managed retreat, the whole concept of having an appropriate statewide plan to deal with sea level rise is in jeopardy. So we stand shoulder to shoulder with the Coastal Commission on coming up with good planning policies and regulations so that our communities can deal with the issue in a way that takes into account all of the economic factors, because if it's not economically viable, then it's just not going to work. So we're hopeful that this court case will provide more clarity."

"It is clear that the statute supports people protecting their existing structure from the danger of property damage due to subsequent erosion"

Casa Mira Homeowners Assn v. CCC ruling (July 2023)

Continue reading on next page >

UPCOMING EVENTS 2024

A large yellow rectangular banner with a repeating pattern of the Smart Coast California logo in the background. The logo consists of a stylized house icon with a green roof and a blue wave, followed by the text "Smart Coast California".

**SAVE
THE
DATE**

**OCTOBER
17-18
2024**

**POLICY
SUMMIT**

Renaissance Newport
Beach Hotel

For more info visit
www.smartcoastca.org/events

Exciting ANNOUNCEMENT Municipal Collective

Be a partner with Smart Coast California

Smart Coast California can assist with effective decision making in our coastal communities as we prepare for rising seas in California.

Includes

Insight to coastal communities Local Coastal Programs and Sea Level Rise Plans including an engagement list and timeline.

1 ticket to the annual Policy Summit and opportunity for municipal recognition at Policy Summit and other events.

Access to Planner Compendium

Partner with us at

<https://www.smartcoastca.org/partners.html>

Planning Compendium

- Statewide Status of LCPAs Addressing Sea Level Rise
- Jurisdictional Statuses Explained
- Projections for Sea Level Rise Projections: Sources
- Milliman – Key Findings and Evaluating Probabilistic Projections, Phase I and II
- Locally Proposed/Adopted Adaptation Policies
- Nature-Based Solutions
- Tiered Response
- Managed Retreat
- Defining “Existing Structures”
- Provisions for Just Compensation
- Collaborative Local Government Sea Level Rise Working Group Activity
- Neighborhood-Scale Adaptation
- Geologic Hazard Abatement Districts (GHADs)
- Major Remodels
- Coastal Edge Setbacks



UPCOMING LCP EFFORTS

Smart Coast California updates our website with our upcoming Local Coast Program Amendments (LCPA), Sea Level Rise Programs (SLR), and Coastal Hazards about once a month. We are providing this information so you know where your jurisdiction is in the process and the need for critical engagement.

Priority ONE

Item is set for Coastal Commission Agenda (or awaiting scheduling)

OR

Item scheduled for local hearing with date set, anticipated soon, or in important progress stage

Arcata



Carlsbad



Santa Cruz City



Priority TWO

Item in process with no hearing date set

Imperial Beach
Marin County
Pismo Beach
Avalon
Carpinteria
Eureka
Hermosa Beach
Laguna Beach
Marina
Monterey City
Monterey County
National City
Oceanside
San Diego City
Pacific Grove
Santa Barbara City
Ventura County
Ventura City

Priority THREE

Item in process with no hearing date anticipated

Goleta
Humboldt County
Huntington Beach
Oxnard
Seal Beach
Sonoma County
Coronado
Dana Point
Grover Beach
Los Angeles - Venice Segment
Mendocino County
Newport Beach
Solana Beach
Trinidad

LCP Process



Website STAY INFORMED

CURRENT LCP/SLR EFFORTS

Efforts of local municipalities within California and status of SLR/LCP process.

POLICIES

Policies that have been adopted by the Smart Coast California Board of Directors.

ARTICLES OF INTEREST

Find articles related to sea level rise, coastline policies, and interesting local news.

SIGN UP

Stay on top of what's happening by joining our newsletter and responding to calls for action. Your voice needs to be heard.

SOLUTIONS TO MANAGED RETREAT

Read our scientific reports and existing alternatives to managed retreat.

PARTNERS

We have accomplished a lot, but there's much more to be done to protect property rights. Please contribute today?

CONNECT WITH US ON SOCIAL MEDIA!



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www.facebook.com/smartcoastca

