

Exhibit 10: Summary of Proposed Phase 2 VC Resilient Topics

The following two tables summarize the broad topical areas to be covered if grant funding for Phase 2 of VC Resilient is approved and secured. The focus of Phase 2 would be an update to the County's Local Coastal Program (LCP) to address sea level rise and associated hazards. This would include additional public outreach, meetings with other agencies, technical analyses, evaluation of consistency with existing LCP policies and development standards, legal analysis and implications, and additional discussion with Coastal Commission staff.

Recognizing that there are differing perspectives on how to implement the Coastal Act, these are topical areas that will require additional discussion as Planning Division staff works through specific policy language and programs related to sea level rise and other hazards. Consistent with the grant obligations for the current VC Resilient project, Planning staff developed preliminary draft policies that would address basic elements of sea level rise planning, such as hazards reports, disclosures, and designing new development to be more resilient to hazards. In their response to the proposed policies, Coastal Commission staff recommended many additional policies, the content of which mirror the suggested policies contained in State sea level rise guidance. Coastal Commission staff also included proposed updates related to other hazards in the County's LCP, such as earthquakes, which were not included in the scope for Phase 1 of this project. Pending direction from the Board of Supervisors, the goal for Phase 2 of VC Resilient would be to integrate Coastal Commission staff recommendations where feasible and appropriate, after taking time to further analyze them to identify any legal issues, implementation issues, technical issues, etc. prior to public hearings for local adoption and filing for certification by the Coastal Commission of proposed LCP amendments. Phase 2 would consolidate the hazards policies and sea level rise policies into one section of the LCP. Relevant Climate Action Plan policies from the General Plan (once adopted) would also be transferred into the Coastal Area Plan.

Table 1 highlights topical areas that would require additional coordination with other County departments or technical analyses, as described below, but that were generally included in the preliminary draft policies shown in Exhibit 7. This is followed by Table 2, which summarizes policy topics that were excluded from Exhibit 7, because further review and vetting during Phase 2 of the project is necessary before incorporating them into the County's LCP in any substantive way. It should be noted that if Phase 2 is authorized, some of the proposed draft policies and programs in Exhibit 7 may be revised or removed entirely, while new policies and programs may be added. As described above, Phase 2 would include further public review and Board action on all policies and programs.

Each topical area below highlights whether interagency review and technical analysis is still needed. Additional public outreach, coordination with Coastal Commission staff, and other County agencies is still needed for every topic listed below.

Table 1. Sea Level Rise Policy Topics that Require Additional Coordination and/or Technical Analysis

Policy Topic and Brief Overview	Additional Interagency Review and Coordination Needed	Additional Technical Analysis and/or Examples from other Jurisdictions
<p>1. Content of Proposed Coastal Hazards Report. The County would require a Hazards Report for development located within the Coastal Hazards Screening Area (generally proposed to include all uses seaward of Pacific Coast Highway, Hollywood Beach and Silverstrand areas). This report would be submitted at the time of discretionary permit application to demonstrate that any new development or substantial redevelopment will be sited and designed to be resilient to sea level rise.</p> <p>The report contents would include many of the technical analyses that are already required today, such as wave run-up studies and erosion impacts, but more work is needed to determine how the requirements for the report will ensure that new development is sited and designed for resiliency to sea level rise.</p>	<p>Coordination needed with PWA-Watershed Protection District, Building and Safety Division, and other County departments that may propose projects within the Coastal Hazard Screening Area (PWA Transportation, GSA-Parks, etc.).</p>	<p>This is one of the universal components of sea level rise updates. There are examples of coastal hazards report requirements adopted by other California coastal jurisdictions, but there are likely only a few reports that have been submitted and included in a determination of application completeness.</p>

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<p>2. Coastal Hazards Screening Area. Maps showing where Coastal Hazard Reports would be required for new development. This screening area is shown in Exhibit 7 and is generally proposed to include all uses seaward of Pacific Coast Highway and the Hollywood Beach and Silverstrand neighborhoods.</p>	<p>Any agency with facilities in the Coastal Hazards Screening Area or any agency that would review applications for development within this area should review the maps and provide input.</p>	<p>This is a universal component of other sea level rise updates. Many other jurisdictions have simply included the Vulnerability Assessment maps, but these maps poorly match with parcel boundaries. Still under discussion is whether the screening area should be adopted as a zoning overlay and whether Caltrans highways should be included since Caltrans, while a State agency, is still subject to the County's LCP for projects located within the coastal zone. More coordination is needed to fully address these aspects of the Coastal Hazards Screening Area.</p>
<p>3. Development of Real Estate Disclosure Language. The County would require real estate disclosures when property located within the identified Coastal Hazards Screening Area is sold.</p>	<p>Additional Coordination needed with the County Assessor, PWA-Real Estate Services, and County Counsel.</p>	<p>This is one of the universal components of other sea level rise updates. Real estate disclosures are frequently used for development in hazardous areas and are helpful for prospective buyers. However, more analysis is needed to determine the appropriate content of the notice and the method for adding it to the existing real estate disclosures for properties located within the Coastal Hazards Screening Area.</p>
<p>4. Subdivision. The County should require preparation and submittal of a Coastal Hazards Report for a proposed subdivision located within the Coastal Hazards Screening Area.</p>	<p>Coordination needed with PWA-Engineering Services Department.</p>	<p>More analysis is needed regarding the potential for subdivision in the Coastal Zone in order to determine if such a policy is necessary. Generally, most of the shoreline lots with in the Coastal Zone have already been developed.</p>

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<p>5. Bluff Setbacks. The County would include sea level rise analysis in the determination of the appropriate setbacks for development on coastal bluffs.</p> <p>Since most of the County’s coastal bluffs are located inland of highways, this is not as extensive an issue as it is in other jurisdictions such as Santa Barbara County and the City of Del Mar. However, there is some development located on hazardous bluffs on the South Coast and some development at Rincon Point that may be affected.</p>	<p>Additional review and development of methods and calculations are needed in coordination with PWA-Engineering staff. Any coastal-wide bluff policies would need to be included in a comprehensive LCP hazards update, which would also require extensive inter-agency review.</p>	<p>More technical analysis will be needed to determine the effect of any proposed bluff setback polices and new standards pertaining to existing uses and development potential.</p>

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<p>6. Elevating new development. The habitable floor area, often referenced as the lowest horizontal structural member, could be elevated to accommodate flooding.</p> <p>Non habitable floor space, such as a garage could still be located in the flood areas provided that it is designed properly and allows the free-flow of flood waters.</p>	<p>More coordination is needed with PWA-Watershed Protection District and PWA-Engineering Services Department staff to determine how the policy would function with the County's Floodplain Ordinance and FEMA standards.</p>	<p>Elevating new development to accommodate potential flooding is a proven approach being used in many other jurisdictions, particularly for storm flooding. The City of Oxnard currently requires shoreline development to be elevated, and other jurisdictions such as the County of Marin have proposed to consider both FEMA flood zones and sea level rise hazards in the siting and design of new development. Planning staff's preliminary policy approach is to design for an additional foot above the FEMA base flood elevation, and the sea level rise "medium" projections, or whichever flood potential is greater.</p> <p>However, more technical analysis is needed to evaluate the differences between building site elevations, sea level rise projections, and FEMA flood maps to determine the amount that development should be required to be elevated. Most other jurisdictions require the habitable floor area to be raised one or two feet above sea level rise and FEMA flood zone potential.</p>

Table 2. Sea Level Rise Policy Topics that Were Not Included in the Preliminary Draft Policies and Programs Shown in Exhibit 7, Because they Require More Technical Analysis and Discussion with Other County Departments and Coastal Commission Staff to Determine Whether to Move Forward and/or Whether Revisions are Needed.

Policy Topic and Brief Overview	Additional Interagency Review and Coordination Needed	Additional Technical Analysis and/or Examples from other Jurisdictions
<p>1. Assumption of Risk (Waivers). Waivers would be included as a condition of new development and would require the applicant to acknowledge and agree to various conditions and limitations on rights. These waivers could have the effect of generally reducing County liability by having landowners formally acknowledge that they are building in a hazardous area without the right to build new permanent armor, and that there may be a reduction of the provision of services.</p>	<p>If it is decided that assumption of risk waivers will be proposed in the County's LCP, then more coordination will be needed with County Counsel to understand the legal implications.</p>	<p>If it is decided that risk waivers will be included in the County's LCP more analysis is needed to determine the appropriate scope and language of the waiver. The waiver should implement sea level rise policies and programs.</p> <p>In recent sea level rise amendments to their respective LCPs, the City of Newport Beach, County of Marin, and City of Del Mar required conditions on new development in identified hazard areas that waives the use of armor (Newport and Del Mar), or waives damage claims against the County (Marin).</p>
<p>2. Design new development for future removal. Would require new coastal development to be planned and designed for removal as part of the discretionary permit processed by the Planning Division</p>	<p>If it is decided that new development should and can be designed for future removal, more coordination will be needed with PWA-Watershed Protection, Building and Safety Division, and other County agencies that could propose projects within the Coastal Hazard Screening Area (PWA Transportation, GSA-Parks, etc.).</p>	<p>More research is needed to understand how to design different types of structures for future removal or relocation as part of the discretionary permit and to determine if design for removal can be shown on final building permit plans. It may be cost prohibitive to remove some types of building foundations.</p>

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<p>3. Condition of Approval for Coastal Armor Removal on New Development. An armor removal condition would be applied to new residential and commercial uses that requires removal of armor (e.g., seawalls) when it is no longer needed to protect the principal use.</p>	<p>If it is decided that conditions for armor removal will be applied to new discretionary development, interagency review and more coordination with County Counsel, Building and Safety Division, and PWA-Engineering staff will be required.</p>	<p>Conditions related to armor removal have been included in draft sea level rise policies in some jurisdictions, but have not been formally certified by the Coastal Commission. This topic needs more analysis to determine the legal nexus. No other California jurisdiction has as high a percentage of its respective coastline armored as Ventura County.</p>
<p>4. Updates to other Coastal Area Plan Hazard Policies. If the hazards sections of the Coastal Area Plan are updated for sea level rise and condensed into one section (see Topic 6 below), the 40-year-old hazards policies should also be updated. This would include policies for bluffs, earthquakes, wildfires, and tsunamis.</p>	<p>Extensive coordination needed with PWA-Watershed Protection District, PWA-Engineering Services, the Sherriff's Office of Emergency Services, and the Building and Safety Division, among others. The hazards policies could also be updated for conformity with the General Plan Update Hazards Element.</p>	<p>Technical updates to the summaries of introductory narrative text would be included, as well as potential updates to equations and formulas used to evaluate the impacts hazards present to new and existing development. Certified examples from other jurisdictions would also be helpful.</p>

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<p>5. Continuation of Coastal Area Plan Reorganization. For the past 10-years, Planning staff has been successful in securing grant funding to update and reorganize the Coastal Area Plan using a phased approach. Phase 2 of this project would continue this process and consolidate the hazards policies into one section of the Coastal Area Plan.</p>	<p>The revised format would be presented to other agencies when they review the updated content.</p>	<p>Other than the analysis described in Topic 5 above, no additional technical analysis is needed.</p>