



**CITY OF NEWPORT BEACH**

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Will O'Neill

June 4, 2021

The Honorable Toni Atkins  
President Pro Tem, California State Senate  
State Capitol, Room 205  
Sacramento, CA 95814

**RE: SB 1 (Atkins) – Notice of Opposition Unless Amended**

Dear Senate President pro Tempore Atkins:

The City of Newport Beach writes to respectfully oppose SB 1 in its current form unless it is amended. The bill gives disproportionate authority to the California Coastal Commission (CCC) over sea level rise determinations. While the City commends SB 1's environmental justice initiative, other goals central to the bill regarding sea level rise policy are either already widely implemented or anticipated under existing regulations. The Federal Emergency Management Agency's (FEMA) flood maps is one such example as well as comprehensive local plans and studies to make informed policy decisions on sea level rise. SB 1 would serve to needlessly inhibit and complicate housing development and other economic activity in the coastal zone. Below is a brief overview of the City's opposition to the bill.

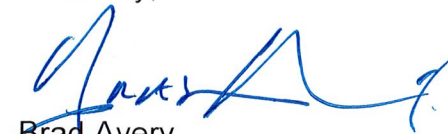
**Lack of Policy Direction.** SB 1 does not contain a well-defined strategy to combat sea level rise. It broadens the authority of the CCC to formulate and implement sea level rise policy statewide, even though many coastal communities already have local plans or such policies in place. For example, Appendix A of the City's

Implementation Plan ensures sea level rise is adequately addressed in the review of coastal development permit applications and in future updates and amendments to the City's Local Coastal Program (LCP). This includes preparing and periodically updating comprehensive studies of local changes in sea levels and other coastal hazard conditions. A future vulnerability assessment is also stipulated in Appendix A. This assessment will enable the City to prepare an LCP update that implements additional actions based on the actual rise in sea level and in response to expected future impacts, where appropriate. How would the yet-to-be drafted CCC sea level rise policy account for local variation and unique coastal conditions? Without understanding what the CCC's sea level rise approach will be, it is concerning that new policy would conflict with, not complement, the City's existing codified plan.

**Local Jurisdictions Need More Support, Not Added Bureaucracy.** SB 1 has the unintended potential to worsen the housing crisis. To satisfy the Regional Housing Needs Assessment (RHNA) requirements established by Governor Newsom, Orange County needs to zone for over 180,000 more housing units by October 2029. Over 75,000 of the units must be very low-income to low-income homes. Expanded authority under the bill could allow CCC to deny the approval of a development to promote a managed retreat policy that is inconsistent with existing flood protection standards. In this way, homes will not be built if coastal cities up and down the state are required to ignore the existence of already built flood control projects when adopting or amending Local Coastal Programs. This issue could easily be clarified in the bill to ensure that a flood management project is operated and maintained by a public flood control agency with a dedicated funding source. Without this clarification, the CCC will have virtually unlimited authority as it relates to sea level rise.

Cities must be able to effectively plan for the impacts of sea level rise that reflect the specific environmental and development context. The bill does not offer an articulated solution to guide development of the coastal zone in response to sea level rise. Instead, it adds a duplicative layer of oversight and delay to the already complex development process. For these reasons, the City must oppose the bill unless it is amended to narrow the CCC's authority to rely on the same flood protection currently used for existing housing and critical infrastructure in the coastal zone.

Sincerely,



Brad Avery  
Mayor  
Newport Beach

cc. Senator David Min  
Assemblywoman Cottie Petrie-Norris  
Newport Beach City Council  
Grace Leung, City Manager  
Seimone Jurjis, Community Development Director  
League of California Cities (Via email: [cityletters@cacities.org](mailto:cityletters@cacities.org))