**COASTAL PROPERTY OWNERS ASSOCIATION OF SANTA CRUZ COUNTY**

October 8, 2019

To: Board of Supervisors

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Regarding Proposed Local Coastal Program and County Code Amendments

Board of Supervisors Agenda Item 7892, 10/8/19

County Government Center  
701 Ocean Street, Room 525  
Santa Cruz, CA 95060

Dear Supervisors:

We have received the Planning Department’s Staff Report and recommended Amendments to the County’s Proposed Local Coastal Plan Public Safety Element. It appears that the Planning Department has addressed most of our concerns and is prepared to make additional changes to the LCP Amendments and it is moving in the right direction. We want to support the County’s effort to develop a Local Coastal Plan as long as it is practical and reasonable, and believe we are close.

We greatly appreciate the County’s stance against the Coastal Commission’s requests to define new development as any change to the coastal property or structure since the Coastal Act was passed in 1977, but instead by defining an existing structure as a structure, regardless of the original construction date, where all modifications of the structure within any five-year period do not exceed a threshold of modification of 65% of the major structural components as a whole.  The County’s proposal would lower the percentage to 50% to be more consistent with other provisions of the Coastal Act. In addition, the County would take into consideration any pre-existing shoreline protection in calculating the useful life of the property, structures and the required minimum set-back from coastal cliffs or bluffs, when reviewing permit applications for any new or re-development of the structure(s).

We understand the Planning Staff is also recommending the LCP be sent back to the Planning Commissions for review and approval after on 10/23/19, after the recommended changes have been made. However, we want to make sure that three essential changes and clarifications are made in the revised LCP:

1. The term and condition for pre-existing shoreline protection devices **shall NOT be altered.** Those permits issued in perpetuity, prior to or following the coastal act, or more recently issued by the County and Coastal Commission, shall NOT be changed. Property owners will be allowed to maintain their armoring devices according to the terms of their initial permits.
2. The concept of an “all cause and unlimited” release of liability, indemnification of the County and Coastal Commission, and “hold harmless” has recently been ruled unlawful in San Diego. Instead, the liability release to be recorded on the Property Deeds should be limited to potential harm or danger to the public or safety hazards **due to natural erosion of cliffs, bluffs, sea level rise, storm surges or other natural events (resulting from the new development), for the useful life of the structures** similar to the language on new County Permit applications. This language must also be in the LCP.
3. The **“Sand Mitigation fees”** proposed by the Coastal Commission are unreasonable, not based on proven scientific principles, and amount to excessive tax without representation. Therefore, any Sand Mitigation fees **must be based on hard science and estimates of the actual potential sand loss which will occur at the site of the proposed armoring devices.** Only a fraction of the mineral composition of the coastal cliffs will generate quality sand to replenish the beaches. 90% of the sand supply along the Santa Cruz Coastline comes from the rivers, streams and lagoons which dump into the ocean, according to Gary Griggs, professor and noted expert on sea level rise and coastal erosion at UC Santa Cruz. There is a natural and seasonal migration of the sand, which affects the sand levels at certain times of the year. These factors must be taken into consideration when determining any Sand Mitigation fees. Property owners may offer improved public access and protection from beach erosion in lieu of Sand Mitigation fees.

Only **new permits** for new coastal development or re-development (more than 65% of major structural components), and requests for new shoreline protection (armoring devices) shall be required to complete a coastal hazards assessment, file a release of liability, indemnification, and hold harmless document to be recorded on the property deeds, or may be subject to sand mitigation fees.

We further request a follow-up meeting with Kathy Malloy and David Carlson to review the revised LCP before it is presented to the Planning Commissions on 10/23/19.

Sincerely,  
   
Steve Forer  
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