

COASTAL PROPERTY OWNERS ASSOCIATION OF SANTA CRUZ COUNTY

March 7, 2020

To: Board of Supervisors

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Regarding Proposed Local Coastal Program and County Code Amendments
Board of Supervisors Agenda Item #14, (8532), 3/10/20
County Government Center
701 Ocean Street, Room 525
Santa Cruz, CA 95060

Dear Supervisors:

We met with Kathy Molloy and David Carlson on 1/10/20 and again on 2/27/20, to discuss our ongoing concerns, present issues still needing clarification, and propose alternative language, including relating to the one-time redevelopment/replacement allowance in the latest draft of the proposed amendments to Santa Cruz County's Local Coastal Program relating to coastal bluffs and beaches (land use plan section 6.4) and geologic hazards (implementation plan chapter 16.10. We have negotiated with the County in good faith, and have provided thoughtful and reasonable input on changes which are needed to clarify the documents. We have hired a land use attorney, Derric Oiver, with Fenton & Keller, to advise and assist the CPOA in this LCP update process. Mr. Oliver has submitted two letters to Kathy Molloy, dated 2/7/20 and 3/6/20, with his detailed analysis and requested changes. Given the "one time limitation" on major redevelopment/replacement, its significant adverse impact on coastal property owners, and its lack of clarity and inconsistencies between section 6.4 and chapter 16.10, **we are opposed to the Board of Supervisors adopting these documents as is. Instead we urge the Board of Supervisors to direct County planning staff to take more time in refining these documents, and make our requested changes as indicated below.**

CPOA's major objections are as follows:

- Refer to Derric Oliver's two letters to Kathy Molloy, dated 2/7/20 & 3/6/20, for detailed analysis and specific changes requested.

- The "one time limitation" to major redevelopment/replacement > 50% of the major structural components" should be:
 - Modified in land use plan section 6.4. and implementation plan chapter 16.10 to indicate the "one time limitation" on major redevelopment/replacement structures only applies to exceptions to the minimum required set back (25 feet or 75 year projected erosion) from coastal bluffs, for structures damaged due to coastal erosion.
 - Move all references to the "one time limitation" on major redevelopment/replacement structures to the exceptions provisions in section 6.4 and chapter 16.10, OR
 - Delete all references to the "one time limitation" on major redevelopment/replacement structures from both section 6.4 and chapter 16.10
- The County has failed to adequately justify the need for the inclusion of the "one time only" limitation on major redevelopment/replacement structures. What CPOA has been told during in-person meetings with Kathy Molloy and David Carlson are inconsistent with the language included in 6.4 and 16.10. As stated during the County Planning Department's public informational meeting on 3/2/20, the real reason for including this "one time only" limitation was that it was requested by Coastal Commission staff as a condition for Coastal Commission certification. According to our attorney, Derric Oliver, there is no legal basis under the Coastal Act for requiring this be included, and it will have a major impact on limiting further development, and property values in Santa Cruz County.
- The CPOA members are opposed to any further limitation on redevelopment/replacement structures as it will essentially obsolete our properties, substantially limit the use and enjoyment of our properties, adversely impact property values and impose additional deed restrictions, which must be disclosed upon sale.
- The inconsistencies between in the language included in the Public Safety Element relating to coastal bluffs and beaches (land use plan section 6.4) and the implementation plan relating to geologic hazards (chapter 16.10) must be corrected and clarified.

Therefore, we are urging you to delay your vote on the proposed 6.4 Public Safety Element Amendments and Chapter 16.10 Ordinance Code Amendments Regarding Geologic Hazards until these issues are adequately addressed.

There are many other changes, in addition to those described above, that adversely impact the rights of coastal property owners, and there are many areas that leave open important questions and require further clarification. Some items requiring clarification are detailed on Exhibit A (CPOA concerns) included in this letter.

Given the magnitude of the changes in the latest draft of the LCP, inconsistencies, areas needing further clarification, the adverse consequences to coastal property owners and the increasing possibility that Santa Cruz County will be open to undesirable litigation, **we do not support the changes** in the final Safety Code Amendments Section 6.4 – Local Coastal Program for Beach and Coastal Bluffs.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Forer". The signature is written in a cursive style with a large, stylized "S" and "F".

Steve Forer

President, Coastal Property Owners Association of Santa Cruz County