COASTAL PROPERTY OWNERS ASSOCIATION – SANTA CRUZ COUNTY
ANNUAL MEETING via Zoom on Thursday, November 12, 2020
7:00 – 8:30 p.m.

Here are examples of some of the questions we have already submitted to the Planning Department:

Planning Department responses provided in the boxes below each question. A "major project" means a greater than 50% project, generally, with the detailed definition provided in SCCC 16.10.040(N).

1. How has the County modified the language regarding the "one-time only limitation" on major redevelopment/replacement structures on coastal properties?

Please see Policy 6.4.11 and SCCC 16.10.070(H)(1)(l) and Board of Supervisors memo dated 9/15/2020.

2. Does the one-time limitation on major redevelopment/replacement structure apply to?
    a. All future projects on the property.

Only major projects, as defined.

    b. Will the first major redevelopment/replacement project be allowed to take any existing shoreline armament into consideration in determining the minimum 25 foot or 75-year setback for the structure?

Yes, provided the armoring is existing and legally established.

    c. Replacements due to natural disasters such as fire or earthquake damage.

No, for in-kind replacement. Yes, for more than in-kind replacement. Please see Policy 6.4.13.

    d. Cumulative improvements (< 50% of major structural components).

Cumulative improvements are only counted for rolling 5-year periods. See SCCC 16.10.040(N)(2).

    e. Is exempt from the new LCP and Safety Code requirements.

No

    f. Must still meet the 25' set back or 75 year estimated erosion.

Yes

    g. Will future property owners be allowed to make major improvements?

The one-time policy applies to the property. The first major project constructed in the future under the proposed policy may rely on existing, legal armoring. The second major project, regardless of the property owner, would not be allowed to rely on the armoring.

    h. Major redevelopment/replacements in FEMA Flood Zone Areas should be based on a rolling consecutive 5-year period.

The one-time limitation applies to projects on coastal bluffs. Please see Policy 6.4.11 For projects in FEMA flood zones, if the project qualifies as substantial improvement, the structure must be elevated. Please see the definition of substantial improvement in SCCC 16.10.160-S and the definition of cumulative improvement in SCCC 16.10.160-S..

3. Will both the FEMA standards and the LCP requirements be applied to properties in FEMA Flood Zone Areas?

Yes. When reading the policies, however, please note language that applies to coastal bluff properties or properties in FEMA flood zones. There are also policies that apply generally in both areas.

4. What options are available for improvement/replacement structures on the beaches in FEMA Flood Zone areas?

If the project qualifies as substantial improvement, the structure must be elevated. Please see the definition of substantial improvement in SCCC 16.10.160-S and the definition of cumulative improvement in SCCC 16.10.160-S. Some of these building sites on the beach require additional geologic review because they are located below a coastal bluff.

5. There should be no new limitations on shoreline protection imposed by the County that are more restrictive than what is permitted by the Coastal Act.

This is a policy decision and it is not prohibited for the County to be more restrictive than the Coastal Act. However, for the most part, County policies are less restrictive compared to the interpretation of the Coastal Act by the Coastal Commission.

6. Will the first major redevelopment/replacement project be approved, be allowed to take into consideration any existing shoreline protection, and will not be required to have a geological hazard assessment?

In the area subject to Policy 6.4.11, the first major project constructed in the future under the proposed policy may rely on existing, legal armoring. The second major project would not be allowed to rely on the armoring. These types of projects require an appealable Coastal Development Permit that is considered by the Zoning Administrator.

7. Within the Shoreline Protection Exception Area (SPEA) extending from Soquel Point (APN 028-304-72) to the Capitola City border, allow for the construction of a vertical, uniform sea wall, which is esthetic, blends in with coastline, and provides for additional horizontal public access.
    a. There are currently 16 properties with structures along Opal Cliffs that are less than the required 25-foot set back and are at risk for further coastal bluff erosion. Will they be allowed to construct a vertical sea wall to protect their parcel from further bluff erosion in accordance with the plan for a uniform sea wall, before a GHAD is formed and the plans are finalized for the uniform sea wall?

    Yes, subject to all LCP policies, including but not limited to, Policy 6.4.25 and related Guiding Principles.

    b. For property owners with existing sea walls, will they be allowed to repair and redesign their protective structures so that they can be interfaced and connected to the uniform sea wall?

    Yes

    c. Will existing sea walls be taken into consideration when calculating the required set back?

    Yes

    d. Are structures within the Shoreline Protections Exception Area (SPEA) be exempt from the 25-foot set back, geological hazards assessment, and mitigation fees?

    No

8. For properties along East Cliff Drive from the Harbor to Soquel Point, how will the Shoreline Management Plans be developed?

Please see Policy 6.4.37 and Programs l and m.

    a. Who will participate in the development of the Shoreline Management Plans?
    b. Will there be a feasibility study to investigate the feasibility of removing the revetment rocks to be replaced with a vertical seawall like that proposed in the SPEA?
    c. What if it is not economically and environmentally feasible to remove the revetment rocks, and it would place the public safety and infrastructure at risk?

    These would all be reasonable issues to address according to Policy 6.4.37 and Programs l and m.

9. Under what circumstances may the County grant a waver to the 75 year or 25-foot setback requirement?

Please see Policy 6.4.10.

10. If a structure is damaged due to coastal erosion or wave run-up, what additional limitations and requirements will be imposed on replacement/repair structures?

Please see Policies 6.4.13 and 6.4.17.

11. Will the new requirements for a geologic hazard assessment and new monitoring maintenance & repair plans be applied to pre-existing permits for shoreline protection, prior to the adoption of the proposed LCP and Code Amendments?

Requirements for geologic review of projects on coastal bluffs and beaches and maintenance and monitoring of shoreline protection are not new. The proposed policy amendments clarify the requirements for monitoring and maintenance and would apply to existing armoring at the time of a major project.

12. We are concerned about how these limitations will affect our property values and impose additional deed restrictions, which must be disclosed upon sale.

Understood.

13. Under what specific circumstances will the new LCP requirements for mitigation fees and recordation of accepted risk on the property deeds be required?
    a. If the property is not located in the SPEA or designated area with a Shoreline Management Plan?
    b. If there is a triggering event requiring a new Coastal Development Permit?

Mitigation fees and deed recordations apply to major projects. Please see Policy 6.4.25(a), (b), and (J) regarding mitigation of impacts. Note the sand mitigation fee calculation does not apply to Pajaro Dunes. See Policy 6.4.9 for deed language.