

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT  
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# F16b

**Prepared February 10, 2022 for February 11, 2022 Hearing**

**To:** Commissioners and Interested Persons  
**From:** Kevin Kahn, Central Coast District Manager  
Rob Moore, Coastal Planner

**Subject: Additional hearing materials for F16b (Safety Element Update)**

This package includes additional materials related to the above-referenced hearing item as follows:

Additional correspondence received since the staff report was distributed.



PAJARO DUNES ASSOCIATION & PAJARO DUNES NORTH ASSOCIATION

The Honorable Donne Brownsey, Chair  
Members of the California Coastal Commission

February 8, 2022

**RE: Item F16b, California Coastal Commission Meeting of February 11, 2022 – Santa Cruz County LCP Amendment No. LCP-3-SCO-20-0067-2 (Safety Element)**

Dear Chair Brownsey and Commissioners:

The Pajaro Dunes Homeowners Associations have been working with the County of Santa Cruz all through the process of the preparation of the LCP amendments. We are happy to see that the review is progressing and that the non-coastal hazards section is under your consideration for approval.

We have been advised by Kevin Kahn of your staff that Pajaro Dunes regulatory elements will be addressed in the forthcoming second component of the LCP, and so our comments on this portion of the LCP are limited at this time.

Nonetheless, we remain concerned with one aspect of the Safety Element in Chapter 16.13.160E, which states that "'Existing construction or structure' means structures for which the 'start of construction' commenced before April 15, 1986, which is the date of the County of Santa Cruz's first map showing flood hazard areas." We consider this an arbitrary date for purposes of this LCP and that "existing" should refer to that which currently is in existence.

Thank you for considering this issue.

**Jeff Raimundo**  
**Board President**  
**Pajaro Dunes North Association**

**Bob Scranton**  
**Board President**  
**Pajaro Dunes Association**

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January 31, 2022

The Honorable Donne Brownsey and Members of the California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105

RE: Item 16b, California Coastal Commission Meeting of February 11, 2022 – Santa Cruz County LCP Amendment No. LCP-3-SCO-20-0067-2 (Safety Element)

Dear Honorable Chair Brownsey and members of the California Coastal Commission:

On behalf of the Santa Cruz County Association of REALTORS<sup>®</sup> and our members, I would like to share with you our support and concerns regarding the Santa Cruz County LCP Amendments.

**The Santa Cruz County Association of REALTORS (SCCAR) would like to express support for policy: SE-17**

**Shoreline Protection:**

- SE-17: “Seek to internalize private costs of repair, replacement and/or abatement of structures on shorelines and coastal bluffs to private property owners, while also recognizing that in some locations public agencies, special districts and private property owners should work together to achieve mutually beneficial conditions in the near- to mid-term, while recognizing that the long-term may mean that improvements must be relocated or removed.” [Page 12 of Exhibits 1 and 2]

The SCCAR supports the inclusion of community-wide solutions for shoreline protection through collaboration among public agencies, special districts, and private property owners as provided. Creative on- and offshore solutions show tremendous promise to protect our communities, while actually improving the beaches and enhancing the marine habitat. Community protection (seawalls, bluff-walls, artificial reefs, etc.) can often be more effective and cost efficient than single-property protective devices. SCCAR also notes that forming Geologic Hazard Abatement Districts is a highly useful tool to accomplish community-wide protection.

**SCCAR objects** to the definition of existing as proposed in Ordinance 5350, Chapter 16.13, Section 16.13.160-E. and suggests modifications as follows:

**Existing Development:**

SCCAR requests that the definition of “existing” be consistently defined throughout the Safety Element as what is currently in existence, rather than as defined (April 15, 1986).



- 16.13.160-E. **“Existing construction or structure’** means structures for which the “start of construction” commenced before April 15, 1986, which is the date of the County of Santa Cruz’s first map showing flood hazard areas.” [Page 32 of Exhibits 3 and 4, emphasis added].

#### **References to Coastal Hazards:**

Noticing that, per the Coastal Commission’s modifications, all references to Coastal Hazards and associated policies have been stricken, SCCAR is highlighting the references to the mean high tide line and sea level rise in the excerpt of the below policy in the event the County of Santa Cruz and Coastal Commission staff intended removal.

- 6.6.13 Required Recordation on Deed of Notice of Geologic/~~Coastal~~ Hazard, Acceptance of Risk, Liability Release, and Indemnification Prior to Permit Approval  
  
.... **Public Funds**. That public funds may not be available in the future to repair or continue to provide services to the site (e.g., maintenance of roadways or utilities) and under such circumstances the County does not guarantee essential services to the site will continue to be provided, ~~especially to sites that have or will soon become public trust lands as the mean high tide line migrates inland due to sea level rise~~; .... [Pages 36-38 of Exhibit 2, emphasis added]

Thank you for this opportunity to comment on this agenda item. If you have any questions, please do not hesitate to contact me at (831) 245-6446 or [gad@mysccar.org](mailto:gad@mysccar.org)

Sincerely,

**VICTOR GOMEZ**

Government Affairs Director

Santa Cruz County Association of REALTORS ®

Rose Marie McNair, Broker  
1715-42<sup>nd</sup> Ave. Suite C  
Capitola, CA 95010  
DRE#00547533

February 3, 2022

Honorable Donne Brownsey  
Members of the California Coastal Commission  
455 Market St.  
San Francisco, CA 94102

RE: California Coastal Commission Recommendations dated Feb. 11, 2022-Santa Cruz County LCP

Dear Honorable Brownsey and Commissioners:

I have been an active, local real estate broker in Santa Cruz County for over 4 decades, and have always been interested in the governance of private property, and its impacts on their homes and land. I am also on the Board of Directors of Smart Coast

The proposed recommendations in the County of Santa Cruz have been in process for several years. As a REALTOR® in our community, the LCP has been included with our General Plan since 1994. Given the volume of the ordinances, which impact, not only Coastal properties, but the surrounding area of our County—with the inclusion of both the General Plan (GP) and the Local Coastal Plan (LCP), this document is very voluminous and substantive, and every effort must be made to provide clarity to the public. Often, documents contain acronyms, and for the most part, the CCC has effectively provided definitive explanation to facilitate understanding.

In the Definitions, “Existing Development” was discussed during both the Santa Cruz County Planning Commission meetings and Board of Supervisors meetings. After much discussion, it appeared that we had agreed that “existing” is defined, simply as that which is currently in existence. In other words, if it is there NOW, it exists, and no date of beginning or ending is necessary if the structure is viable. Please reference current language in Chapter 16.13.160E, and consider removing any arbitrary date such as April 15, 1986. It can be agreed that some homes that are built *prior* to that date still “exist”, and often are many times in better condition than structures built well after that date. When using the terminology of “existing”, consider the effect of placing a specific date in a document; it will most likely cause the desire to constantly amend such a date in the future.

Both the County of Santa Cruz and the California Coastal Commission will be the authors of the code that is to be followed by those in the Coastal Zone. It should be noted that throughout the State of California, each Coastal jurisdiction will have its own signature which will address the needs of their very own specific City and County throughout the State of California. .

It is noted that some coastal properties may have deed restrictions recorded on their properties, should certain hazard condition exist. For example, in Ordinance 5350, Section 16.13.900 allows for recordation of notice of a geologic hazard “whenever a site inspection, flood study, geologic hazards assessment of full geologic report identifies the presence of a geologic or flood hazard that causes a site, building, structure or portions thereto rendered unsafe or dangerous...” This notice is for safety reasons, and therefore when recorded on the title provides needed disclosure to prospective buyers, as well as their respective agents.

The enumerated 17 Safety Element Goals regarding Hazards and Climate Change are designed to educate and alert the public. SE-1 states “To protect human life, private property and the environment.” And SE-13 “Encourage community involvement and public-private partnerships to respond to potential climate impacts, particularly for those most vulnerable.” Each one of the Safety Element Goals addresses different issues and considerations.

Given that the final adoption of the forthcoming Coastal ordinance will be finalized sometime in the Fall of 2022, I trust that the public will continue to make comments and suggestions after Feb. 11, 2022.

Thank you for your consideration,

Rose Marie McNair, Broker  
DRE#00547533

**From:** [CentralCoast@Coastal](mailto:CentralCoast@Coastal)  
**To:** [Moore, Robert@Coastal](mailto:Moore, Robert@Coastal)  
**Subject:** Fw: Comments /Recommendations for 2/11/2022 Safety Element Update  
**Date:** Friday, February 4, 2022 3:13:34 PM

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**From:** Valerie Mishkin <[vmishkin@baileyproperties.com](mailto:vmishkin@baileyproperties.com)>  
**Sent:** Friday, February 4, 2022 2:08 PM  
**To:** [CentralCoast@Coastal](mailto:CentralCoast@Coastal) <[CentralCoast@coastal.ca.gov](mailto:CentralCoast@coastal.ca.gov)>  
**Subject:** Comments /Recommendations for 2/11/2022 Safety Element Update

January 31 2022,

Honorable Donne Brownsey  
Members of California Coastal Commission

RE: Comments and Recommendations for item 16B February 11 2022  
Santa Cruz County LCP-3-SCO-200067-2 (Safety Element Update)

As a local Realtor and city resident, serving on the board of directors for Smart Coast California, I am expressing my thoughts at this time.

I Support SE-17 Which provides for shoreline protection. Much of our City and County are within coastal boundaries. We are a small county with nowhere to retreat. Our mountains and farmland are not options to relocate to and expand population in these zones. Retreat should be our last resort. There are many options to explore in terms of protecting our homes and businesses. Collaboration between property owners, public agencies, and special districts may include seawalls, bluff-walls, artificial reefs, groins, etc. Forming Geological Hazard Abatement Districts may also help community wide protection.

Reference Policy SE-17 of the "Safety Element Goals Regarding Hazards and Climate Change" found in exhibit 1 page 12 of 67.

SE-17: Seek to internalize private costs of repairs, replacement and /or abatement of structures on shorelines and coastal bluffs to private property owners, while also recognizing that in some locations public agencies, special district, and private property owners should work together to achieve mutually beneficial conditions in the near-to mid-term, while recognizing that the long-term may mean that improvements be relocated or removed.

I Oppose the definition of existing as having any date on it. If it is in existence now or in the future it exists period. Please remove 16.13.160-E "Existing construction or structure" means structures for which the start of construction commenced before April 15 1986, which is the date of the County of Santa Cruz's first map showing flood hazard areas.

Reference to the definition of existing construction or structure, found in Exhibit 3, Ordinance NO 5350 Page 32 of 97.

16.13.160-E "E" Definitions. "Existing construction or structure" means structures for which the start of construction commenced before April 15 1986, which is the date of the county of Santa Cruz's first map showing flood hazard areas.

Lastly, I advise the removal of the reference to sea level rise on Page 38 of Exhibit 2 as all other references to Coastal Hazards and associated policies have been stricken. I acknowledge that public funds may not be available for repair or continue to be provided as circumstances change. However, I request the following language be deleted:

"especially to sites that have or will soon become public trust lands as the mean tide line migrates inland due to sea -level rise;"

Thank you for allowing public input at this time.

Valerie Mishkin DRE # 02092111

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