

Section 1: Below are the proposed new policies with an introduction. See Section 2 for existing policies that will be completely replaced with the new policies in Section 1. The policies in Section 1 and Section 2 contain references to new development and development activities and the definitions of these terms are included in Section 3.

COASTAL BLUFFS AND BEACHES

Coastal communities are particularly vulnerable to impacts from sea level rise and hazards that result from extreme weather, including flooding and inundation, erosion, and wave impacts. Current scientific projections regarding climate change and sea level rise require that the County update policies related to coastal bluffs and beaches, and shoreline and coastal bluff armoring, to acknowledge and incorporate sea level rise into development standards that apply to proposed projects. Policies are needed to guide response to proposed changes on existing developed properties due to involuntary damage, as well as to proposed demolition/replacement projects or reconstructions that are pursued voluntarily by property owners.

Much of the Santa Cruz County coastline, particularly in the urbanized developed areas, has some level of armoring (walls, riprap, etc.). The primary type of coastal armoring in this area is riprap, but concrete, steel, wood, and gabion basket armoring also exist. East Cliff Drive is one of the four primary east-west transportation corridors in Santa Cruz County which include Highway One, Soquel Drive/Avenue, the Santa Cruz Branch Rail Line and East Cliff Drive/Portola Drive/Opal Cliffs Drive. A modern seawall has been constructed by the County of Santa Cruz in the Pleasure Point area along East Cliff Drive that should greatly reduce potential damage from coastal erosion to East Cliff Drive as well as the homes on the inland side of the road. This seawall is featured in the Coastal Commission's Sea Level Rise Guidance document as a model and desired approach for protecting public access and scenic and visual qualities when armoring is necessary and allowable, and this is the approach that county policies would try to facilitate for the near- and mid-term before the time in the future when it is no longer feasible to protect blufftop properties (i.e. a future time beyond the 2040 planning horizon of this Safety Element).

It is not uncommon for East Cliff Drive, a key arterial road, to be closed or damaged where it crosses Schwann Lake, Corcoran Lagoon and Moran Lake during large winter storms. In flood hazard areas it is not appropriate to construct hard armoring structures that divert or block flood waters. Future sea level rise may require that bridges be built to cross the lagoon frontages, if the current road locations are to be maintained. Such bridges would be designed to maximize lagoon function.

Expectations about the "expected life" or "design life" of improvements are an important consideration when establishing policies related to coastal bluff development. County policies in the 1994 General Plan/Local Coastal Program required throughout the unincorporated area a geologic setback from the top of a coastal bluff sufficient to provide a stable building site over the assumed 100-year lifetime of the structure. Updated County policies require evaluation of the setback considering not only historical shoreline and bluff retreat data, but also acceleration of shoreline and bluff retreat due to continued and accelerated sea level rise, and other climate impacts according to best available science. The level of uncertainty regarding the rate and amount of future sea level rise and future effects on coastal properties makes it difficult to predict when, where, and how much the coast will change in the future. Property owners will be required to acknowledge and accept the risk of building along the coast in order to re-set expectations regarding the expected life of structures within a context of rising sea levels. In this way, it is expected that property owners and future buyers and financiers of property along the coast will be well aware of and prepare for the projected limited lifespans of structures. In that the urban development pattern is well established and urban lot sizes do not typically accommodate moving structures back, it is established for the urban area that county policies and owner expectations reflect a potentially shorter expected life of improvements, which is a component of the County's proposed adaptation strategy.

Although shoreline armoring may reduce or delay coastal erosion processes as long as it remains functioning, ultimately coastal erosion continues, periodic maintenance and repair is needed, and even the best shoreline armoring devices will eventually fail. At some point in the future, coastal erosion processes will overwhelm the capacity of shoreline and coastal bluff armoring, in terms of feasibility from both physical and cost considerations. Existing regulatory tools such as the Abatement of Dangerous Building Code can react to evolving conditions by requiring non-occupancy and/or removal of all or portions of a building or shoreline armoring device. While shoreline armoring remains in place, it modifies coastal erosion through the reduction of wave erosion energy, or reflection or refraction of wave energy. For example, focused erosion can occur at the ends of the armoring. More broadly, shoreline armoring has impacts on natural shoreline processes, including ultimately a loss of beach in many areas, and thus the use of armoring as a response to coastal hazards must be carefully examined in this context. While shoreline armoring can be helpful in protecting against coastal erosion, proper setbacks from the brow of bluffs, drainage control, and special construction are all necessary to protect structures, roadways, and utilities from damage for the duration of the expected design life of the improvements.

Different Contexts Within and Outside of Urban and Rural Services Lines (Urban / Non-Urban)

A fundamental land use policy of Santa Cruz County since adoption of the Measure J growth management framework in 1978 is to encourage new development to locate within existing developed urban areas, and to protect agricultural land and natural resources. Santa Cruz County has a long established Urban and Rural Services Line (USL/RSL) which defines an area of the county characterized by urban densities of development based on a pattern of existing supporting urban infrastructure. In contrast, areas along the coast that are not within the USL/RSL are characterized by low-intensity development, agriculture and open space. Along the coast the USL includes the communities of Live Oak, Soquel and Aptos/Seacliff/Rio del Mar. The RSL includes locations that reflect urban patterns of development within more rural contexts, including La Selva Beach, Place de Mer, Sand Dollar Beach, Canon Del Sol, Sunset Beach, and Pajaro Dunes.

The area of the County along the coast within the USL is essentially completely urbanized and dominated by single-family residential development on top of coastal bluffs and on beaches or back beach areas. The USL boundary at the west is the Santa Cruz Harbor coastal resource and City of Santa Cruz city limit. The boundary at the east extends to and includes the community of Seascape. This urbanized area along the coast includes the City of Capitola city limits, and the Capitola shoreline is currently protected with rip rap, and coastal bluff armoring within the key coastal visitor serving resource of Capitola Village. This urbanized area along the coast also contains critical public infrastructure such as roads, sewer, water supply, drainage, parking lots and train tracks. In many areas, such as along Opal Cliffs Drive, only one row of residential lots separates public roads and infrastructure from the coastal bluff and beach. Those existing roads and infrastructure improvements support public access to the coast, and support structures, businesses and economic activity related to visitor accommodations and tourism, a key job and business sector for Santa Cruz County.

Shoreline and coastal bluff armoring are common within the USL/RSL, currently protecting about one-half of the urbanized area along the coast. These urban areas are part of an historical pattern of development that has been present for decades along the County's coast, and most of this urban development occurred before the Coastal Act became effective in 1977. The currently existing types of shoreline and coastal bluff armoring include natural stone rip-rap, concrete or wood retaining walls, gabion baskets, and concrete rip-rap of various shapes and sizes. Some of these existing measures take up areas of the beach that otherwise would be available to the public (at least in the near- to mid-term before sea level rise may consume the shoreline in certain locations), some have more visual impacts than others, and some are better-maintained than others.

Shoreline and coastal bluff armoring not common outside of the urbanized coastal areas of Santa Cruz County. Given the two distinctly different contexts that exist within the unincorporated area, the proposed coastal bluffs and beaches and armoring policies reflect a “hybrid approach”, with “managed natural retreat” (“MNR”) establishing the regulatory approach in the rural areas, and “conditional accommodation, acceptance of risk, amortization and adaptation” (“AAAA”) establishing the regulatory approach in the urban areas.

Objective

The objective of the coastal bluffs and beaches policies is to recognize and minimize risks to life, property, and public infrastructure in coastal hazard areas; and to minimize adverse impacts on coastal resources from development in coastal hazard areas.

The Coastal Act requires that new development be sited and designed to be safe from hazards and to not adversely impact coastal resources. Coastal Act Section 30235 allows shoreline protective devices to protect existing structures in danger from erosion and when the protective device is designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Coastal Act Section 30253 prohibits new development that would in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. In the development of LCP policies, the Coastal Commission’s Sea Level Rise Guidance Document recommends local governments use adaptation measures that best implement the statewide resource protection and hazard policies of the Coastal Act considering the diverse geography and conditions of different parts of the state.

Policies must be consistent with the Coastal Act. At times, Coastal Act policies may conflict, and it is difficult to balance achievement of competing interests. Notably, Section 30007.5 of the Coastal Act (“Legislative findings and declarations; resolution of policy conflicts”) provides guidance for such balancing:

“The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.”

Other key provisions of the Coastal Act which provide guidance for policy development include sections 30001(c) and (d) (regarding “Legislative findings and declarations; ecological balance”), which finds and declares:

(c) *“That to promote the public safety, health and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.”*

(d) *“That existing developed areas, and future developments that are carefully planned and developed consistent with the policies of this division, are essential for the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone”.* [emphasis added]

Section 30001.5 of the Coastal Act (“Legislative findings and declarations; goals”) includes the following goals for the coastal zone, and includes both natural and man-made (“artificial” or developed) resources:

- a. *Protect, maintain, and where feasible, enhance and restore the overall quality of ... its natural and artificial resources.*

- b. *Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.*
- c. *Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.*
- d. *Assure priority for coastal-dependent and coastal-related development over other development on the coast.*

County of Santa Cruz Guiding Principles

Key information and guiding principles related to coastal bluffs and beaches, and shoreline and coastal bluff armoring, which have guided formation of policies, include the following considerations supporting a “hybrid approach”. The approach reflects a strategy of “managed natural retreat” (“MNR”) for rural, agricultural and open space areas; and of “conditional accommodation, acceptance of risk, amortization and adaptation” (“AAAA”) for existing developed areas within the Urban and Rural Services Lines:

- At the time the Coastal Act was effective in 1977, the urbanized areas of Santa Cruz County were largely developed in a similar form as today, and as of 2017 approximately one-half of the properties within the urbanized area (within the Urban and Rural Services Lines) are protected by some form of shoreline and coastal bluff armoring.
- For these urbanized areas, which were predominately urbanized prior to approval of the Coastal Act, it is not considered reasonable or feasible to expect that shoreline and coastal bluff armoring will be removed or cease to exist within the immediate or near future, even in the face of climate change and sea level rise.
- Recognize that the Coastal Act explicitly allows shoreline and coastal bluff armoring to be installed to protect existing structures and public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing structures include roadways used to access coastal resources, critical public facilities such as water and sewer lines, and visitor-serving assets such as vacation rentals and commercial areas, in addition to private homes and other private improvements.
- Recognize that existing approved shoreline and coastal bluff armoring is subject to requirements for monitoring, maintenance and repair. Recognize too that such armoring was approved to protect then-existing structures, and when the existing structure is redeveloped or replaced, that structure is subject to current policies and standards, including those of avoiding armoring, or reconstructing or replacing armoring with a modern approach which reduces impacts on coastal resources. Removal of armoring may be appropriate in certain cases, although removal may not be feasible due to unacceptable impacts on adjacent properties.
- Recognize that the Coastal Act also recognizes that new development would occur after adoption in 1977, and that approved developments can be considered essential for economic and social well-being. New development within the USL/RSL may be allowed to rely upon existing or modernized armoring, as determined appropriate through the coastal development permit process.
- Recognize that the Coastal Act and other land use laws require consideration of private property rights and ensure that policy and permitting decisions do not unduly expose the County of Santa Cruz to litigation.
- Strive to avoid placement of new rip rap that is typically associated with “emergency permits”, in favor of early planning for construction of modern more-vertical armoring approaches in urbanized areas that would replace rip rap, in a manner that would lead to improved public access and

improved visual resources during the planning horizon for the expected life of structures, when armoring is determined to be appropriate.

- Recognize that roadways crossing the mid-County lagoons (Schwann, Corcoran, and Moran) are not candidates for seawall protection, and that future road designs for crossing the lagoons may require bridges if the roads are to continue in their current locations.
- Recognize that dredging of the harbor by the Santa Cruz Port District supplies nearly all the sand to beaches in the mid-county and south-county with relatively small amounts of sand supplied by erosion of coastal bluffs.
- Pursue a “managed natural retreat” strategy within rural, agricultural and open space areas, which reflects accommodation of natural processes and policies which do not favor shoreline and coastal bluff armoring, with new development placed beyond a 75 or 100-year geologic setback line.
- Pursue an “adaptation and amortization” strategy within urbanized areas that conditionally accommodates improvements to and replacements of structures on coastal bluffs, but that emphasizes an expected limited lifespan (generally, 75 years for residential or commercial structures, or 100 years for critical structures and facilities) due to sea level rise and increased coastal hazards, with agreement by property owners to undertake adaptation responses as warranted by future conditions and/or LCP and CDP requirements.
- Realize that adaptation and amortization will take place over decades, in light of past and existing conditions, private property rights, and uncertainty about future conditions; but prepare for the time that sea level rise and climate change will mean that development along the shoreline will need to be removed, and ensure that private property owners internalize the risk and ultimately bear the costs of adaptation and removal.
- Within urbanized areas, a primary goal is to establish a regulatory approach that will encourage or require replacement of existing armoring with modern measures that are considered near- to mid-term improvements. Strive to ensure that these measures are unified in appearance, that remove rip rap as feasible to increase sandy beach areas, that incorporate public access features as feasible, that are colored and treated to better match natural materials, that participate in programmatic mitigation approaches that fund priority investments in sand replenishment and beach access, and that provide funds for eventual removal of measures in the longer-term when repair and replacements are no longer feasible or appropriate.
- Recognize that the County will periodically update the Safety Element and applicable regulations in order to reflect evolving conditions and best available science. The planning horizon and timeframe of this current Safety Element is to the year 2040.
- Recognize that in the near- to mid-term, expenditures by private owners of coastal bluff properties for shoreline and coastal bluff armoring, will allow time for the County of Santa Cruz to identify funding for, and carry out priority adaptation projects, related to relocation of critical public infrastructure (which may also include roads and bridges) that must be undertaken in the future.
- Recognize that Shoreline Management Plans will be needed to plan for and implement sea level rise adaptation strategies in hazardous areas of the County. Shoreline Management Plans will be prepared for areas within the USL/RSL to address potential effects of development, including shoreline armoring, and at-grade and elevated buildings, on beach areas, potential opportunities to improve public access to the coast, protection of coastal resources, and adaptation of public roads and infrastructure.
- In conjunction with approval of coastal development permits for reconstruction, additions or demolition/replacement of existing structures located on coastal bluffs and on the shoreline within

the urbanized area (within Urban and Rural Services Lines), impose conditions of approval consistent with principles of nexus and proportionality, including:

- Acceptance of risk associated with geologic and coastal hazards by owners, including the potential for a limited expected lifespan for improvements as identified by technical reports and/or as dictated by conditions on the ground.
- Waiver of any claim of damage or liability against and indemnification of the County and the California Coastal Commission for any damages or injury in connection with the permitted development.
- Agreement to Monitoring, Maintenance and Repair Program, and to a level of hazard trigger requiring the owner to prepare a Coastal Hazards Report regarding adaptation response to evolving conditions of and closer proximity of the coastal bluff to habitable structures, which may include a required Removal and Restoration Plan.
- Require that property owners agree and record a restriction that notifies current and future owners of a potential future formation of a Geologic Hazard Abatement District (GHAD) or similar mechanism such as a County Service Area (CSA).
- Require property owners within the USL/RSL to recognize that should a future Shoreline Management Plan become effective, future activities that exceed “maintenance and repair” of existing shoreline and coastal bluff armoring may only be considered if determined to be consistent with the Shoreline Management Plan, such as a unified modern design that is to be implemented through a GHAD or CSA, to address related units of coastal bluff properties and coastal resources that exist within the urbanized area or sub-area; and which could involve removal of shoreline armoring in certain circumstances.
- Require property owners to recognize that local jurisdictions have the power to require that unsafe/dangerous structures be vacated and/or abated/removed, under the California Building Code and Code for Abatement of Dangerous Buildings, when site conditions are such that hazards to life and public safety are no longer acceptable. In addition, require such property owners to recognize that a future Shoreline Management Plan may require implementation of sea level rise adaptation strategies, potentially including managed retreat, and armoring and other structure removal, in certain circumstances. Ensure that property owners are responsible for costs of removal of development and restoration of sites in a manner that best enhances coastal resources.
- When otherwise allowable, require redevelopment of existing shoreline armoring to be the least environmentally damaging alternative and ensure that all impacts are mitigated.
- Require property owners to recognize that as sea level rises, the public trust boundary will in most cases migrate inland, resulting in currently private lands becoming public land that is held in the public trust for public trust purposes, including public access and recreation and other coastal-dependent uses.

Objective 6.4 Coastal Bluffs and Beaches

(LCP) To reduce and minimize risks to life, property, and public infrastructure from coastal hazards, including projected hazards due to sea level rise, wave run-up and coastal erosion, and to minimize impacts on coastal resources from development.

General Shoreline Policies

6.4.1 Shoreline Policy Framework and Time Horizon

- (LCP)** Recognize the diverse nature of the coastline and coastal development in the County and implement a policy hierarchy with general policies that apply to all projects, policies that apply to shoreline type, policies that apply to project type, and policies that address ongoing adaptation to sea level rise along the County’s coastline and in specific shoreline areas.

Recognizing that shoreline and blufftop areas are inherently dynamic and hazardous places to build, particularly with respect to sea level rise in the coming decades, while at the same time understanding that property owners and project applicants seek a level of assurance regarding the anticipated lifetime of proposed projects, the shoreline and coastal bluff policies of this Safety Element shall be considered to be in effect until the year 2040, by which time the expectation is that shoreline management plans and an updated set of policies within a Safety Element Amendment will have been adopted. Therefore, development permitted pursuant to the policies of this Element shall be approved with conditions of approval and deed restrictions which establish that after the year 2040, the subject development may be required to implement certain adaptation options, up to and including removal or relocation in accordance with the policies of this section and/or policies developed in accordance with a shoreline management plan. This time horizon may be extended, if determined appropriate, through a shoreline management plan (or plans) that guide development and implementation of adaptation responses related to coastal hazards and sea level rise.

6.4.2 Site Development to Minimize Coastal Hazards and Protect Coastal Resources

- (LCP)** Require all developments to be sited and designed to avoid, and where unavoidable to minimize, coastal hazards affecting the proposed development, and to not contribute to increased coastal hazards on adjacent properties, as determined by the geologic hazards assessment or through geologic and engineering investigations and reports, and within acceptable risk levels for the nature of the proposed development. Consider the effects of projected sea level rise in designing proposed improvements. Protect coastal resources (e.g. public access, beaches, and coastal habitats) from significant impacts through project design. Where impacts are unavoidable either deny the project or impose mitigation measures to reduce risks to acceptable levels and reduce impacts on coastal resources to less than significant levels. New development, replacement, reconstruction and/or redevelopment projects that seek to rely on existing shoreline armoring shall be required to re-evaluate the impacts of such armoring on coastal resources and implement the least environmentally damaging alternative and mitigate for any unavoidable impacts.

6.4.3 Coastal Hazard Technical Reports to Use Best Available Science for Sea Level Rise Projections and Calculations of Geologic/Coastal Hazards Setbacks

- (LCP)** Recognize scientific uncertainty by using within technical reports and project designs reasonably foreseeable projections of sea level rise (SLR) within the acceptable range established by the best available science and statewide guidance. The projection to be used in technical reports shall be based upon current best professional practices and best available science. Guidance may be provided for projections to be used for intermediate or longer-term timeframes, such as 50-year or 100-year SLR projections.

6.4.4 Identifying Planning Horizons

- (LCP)** The time horizon to use to evaluate sea level rise is the expected design life of development, after which such development is expected to be removed, replaced or redeveloped. A new, replacement, reconstructed or redeveloped residential or commercial structure has an expected design life of 75 years. A critical structure or facility has an expected design life of 100 years. The hazards analysis shall evaluate the site over 75 or 100 years. Using that evaluation, the structure would be set back or designed to avoid hazards over the planning horizon, if possible.

However, in areas subject to future hazards, the expected design life of any particular development may be limited by site conditions and an exception approved by the County may specify a shorter expected life than the 75 or 100-year horizon. The expected life of development in the coastal zone is not an entitlement to maintain development in hazardous areas, but rather shall be used for sea level rise planning purposes. The actual life of the development shall be as established through conditions of a coastal development permit and/or as dictated by actual conditions on the ground.

6.4.5 Geologic Hazards Assessment and Technical Reports in Coastal Hazard Areas

(LCP) Require a geologic hazards assessment or full geologic, geotechnical, hydrologic, and/or other engineering report(s) for all development activities within 100 feet of a coastal bluff (including shoreline areas seaward of the bluff). Other technical reports may be required if significant potential hazards are identified by the hazards assessment. Reports must be prepared based on current best professional practices and best available science. and Setback calculations consider historical shoreline and bluff retreat factors but must also consider projected acceleration of retreat due to sea level rise, wave run-up and other climate impacts according to best available science which may include requirements for alternatives analysis under a range of future possible scenarios. Reports must be accepted by the County in order to use report findings as the basis for design of proposed structures or improvements.

6.4.6 Prohibit New Lots or Parcels in Coastal Hazard Areas

(LCP) Do not allow the creation of new lots or parcels in areas subject to coastal hazards, or within geologic setback areas necessary to ensure a building site for an expected 75 or 100-year lifetime, or where development would require the construction of public facilities or utility transmission lines within coastal hazard areas.

6.4.7 New Development in Hazardous Areas

(LCP) Allow new development in areas subject to storm wave inundation or beach or bluff erosion on existing lots of record, only under the following circumstances:

(a) A technical report(s), including a geologic hazards assessment, geologic, geotechnical, hydrologic, or other engineering report, demonstrates that the potential hazard can be adequately mitigated by providing a minimum 75 or 100-year geologic/coastal hazards setback calculated at the time of submittal of the development application without consideration of shoreline armoring.

(b) As an alternative to the 75 or 100-year hazard setback, the property owner may apply for a Geologic/Coastal Hazards Setback Exception to request that the geologic setback applicable to the site reflect a shorter expected lifespan for the development on condition that the property owner fully accepts the risk of same and agrees to removal of all development on the site (including any shoreline armoring) as may be required by triggers or other conditions identified in the Notice that is required and recorded pursuant to Policy 6.4.9.

(c) Mitigation of the potential hazard is not dependent on shoreline or coastal bluff armoring, except when within the USL/RSL provided such armoring is legally established and is required to be modified as necessary to meet current professional standards for such armoring and to mitigate its coastal resource impacts; and

(d) The owner records a Notice of Geologic/Coastal Hazards, Acceptance of Risk, and Liability Release on the property deed that describes the potential hazards, documents the calculated expected lifespan of improvements (while noting that actual conditions and triggers

may dictate a different time frame), provides that the current and all future owners and successors in interest accept the risks to people and property, agrees to removal and restoration of the site as required by terms of the Notice recorded pursuant to Policy 6.4.9, and includes a release of liability of and waiver of claims against the County of Santa Cruz, and of the Coastal Commission, as relevant, for damages or injury in connections with the permitted development.

6.4.8 Density Calculations

(LCP) Exclude areas subject to coastal inundation, as defined by geologic hazard assessment or full geologic report, as well as bluff faces, sandy beach areas, and areas subject to the public trust from use for density calculations.

6.4.9 Required Recordation on Deed of Notice of Geologic/Coastal Hazard, Acceptance of Risk, Liability Release, and Indemnification as a Condition of Coastal Development Permit Approval

(LCP) As a condition of approval of Coastal Development Permits for development activities on sites subject to coastal hazards, require the applicant to record on title/deed to the property, prior to issuance of a building permit or grading permit, a Notice of Geologic/Coastal Hazard, Acceptance of Risk, and Liability Release. The Notice shall be in a form approved by the County of Santa Cruz, and shall include the following acknowledgements and agreements, on behalf of the applicant and all successors and assigns, as applicable to the specific project:

Coastal Hazards. That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction and the interaction of same;

Assume and Accept Risks. To assume and accept the risks to the Applicant and the properties that are the subject of a Coastal Development Permit of injury and damage from such coastal and geologic hazards in connection with the permitted development;

Waive Liability. To unconditionally waive any claim of damage or liability against the County of Santa Cruz and of the California Coastal Commission, and the officers, agents, and employees of each of these agencies, for injury or damage in connection with the permitted development;

Indemnification. To indemnify and hold harmless the County and the California Coastal Commission, and the officers, agents, and employees of each of these agencies, with respect to the County's and/or Coastal Commission's approval (or non-appeal) of the development against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage in connection with the permitted development;

Property Owner Responsible. That any adverse effects to property caused by the permitted development shall be fully the responsibility of the property owner. That cost of abatement and/or future removal of structures shall be the responsibility of the property owner;

Flood Insurance. If the structure is built so that it does not comply with an effective BFE data as may be shown on future final Flood Insurance Rate Maps (FIRM), acknowledging that the structure may be subject to a higher flood insurance rating, likely resulting in higher-risk annual flood insurance premium if the property owner purchases flood insurance (voluntarily, or as required by mortgage lenders). If a program is created in the future that removes the subject location from being eligible for FEMA flood insurance, agree to abide with the terms of such a program.

Formation of GHAD or CSA. The property owner and / or any future heirs or assigns, by accepting a Coastal Development Permit, acknowledge that a Geologic Hazard Abatement District (GHAD) or County Service Area (CSA) may be formed in the future by the County (or other public agency) or a private entity to address geologic and coastal hazards along the

shoreline and coastal bluff (or related unit thereof) and coastal resources that exist in the project area, and assessments may be proposed for the abatement of geologic hazards.

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);

Occupancy. That the occupancy of structures where sewage disposal or water systems are rendered inoperable may be prohibited;

Public Trust Lands. That the structure may eventually be located on public trust lands; and

Removal or Relocation. In accordance with County regulations and Orders of the Chief Building Official, County Geologist, or Civil Engineer, that all development on the site, including shoreline and coastal bluff armoring, will be required to be removed or relocated and the site restored at the owner's expense if it becomes unsafe, it is no longer located on private property, it is required to be removed pursuant to a future, County-approved Shoreline Management Plan, or if essential services to the site can no longer feasibly be maintained consistent with Policies 6.4.32 through 6.4.35 below. In addition, within the USL/RSL, the development must adhere to Shoreline Management Plans adopted by the County, which may require property owners to take actions to protect, adapt, accommodate and/or retreat from coastal hazards.

6.4.10 Exceptions Takings Analysis

(LCP)

Where full adherence to all LCP policies, including for setbacks and other hazard avoidance measures, would preclude a reasonable economic use of the property as a whole in such a way as to result in an unconstitutional taking of private property without just compensation, the County of Santa Cruz or Coastal Commission if on appeal, may allow some form of development that provides for the minimum economic use necessary to avoid an unconstitutional taking of private property without just compensation. There is no taking that needs to be avoided if the proposed development constitutes a nuisance or is otherwise prohibited pursuant to other background principles of property law (e.g., public trust doctrine). In no case shall the coastal bluff setback be less than 25 feet except as specifically allowed by Policies 6.4.13 and 6.4.28. Continued use of an existing structure, including with any permissible repair and maintenance (which may be exempt from permitting requirements), may provide a reasonable economic use. If development is allowed pursuant to this policy, it must be consistent with all LCP policies to the maximum extent feasible. Approval of a lesser level of hazard reduction based upon accepting a lower than normal expected lifespan for the proposed improvements, may be based on conditions of approval to include requirements to remove improvements as life safety hazards become more imminent and upon notice of the County Building Official and County Geologist, and possible other limitations on future reconstruction or redevelopment of improvements.

Shoreline Policies by Shoreline Type

6.4.11 Geologic/Coastal Hazards Setbacks from Coastal Bluffs for New Development, Redevelopment and Reconstruction Within the Urban and Rural Services Lines

(LCP)

New development involving placement of new, replaced, redeveloped or reconstructed habitable improvements on a coastal bluff site, and development of new, replaced, redeveloped or reconstructed nonhabitable structures for which a building permit is required, shall be set back a minimum of 25 feet from the top edge of the bluff on sites located within the Urban and Rural Services Lines (USL/RSL). A setback greater than 25 feet may be required based on conditions on and adjoining the site, based upon recommendations of required geologic, soil engineering and/or other technical reports, in order to protect life safety for the reasonably foreseeable future. Within the USL/RSL, the geologic/coastal hazards setback shall be

sufficient to provide a stable building site for a 75 or 100-year assumed expected life of the improvements, calculated at the time of application for permits when the technical reports are submitted.

Within the Urban and Rural Services Lines, the calculation of the 75 or 100-year geologic/coastal setback, or alternate timeframe setback requested under an exception procedure, may take into consideration the effect of existing legally established shoreline or coastal bluff armoring. If the geologic setback relies on existing armoring, the applicants shall be required to re-evaluate such armoring consistent with Policy 6.4.25 regarding shoreline armoring, including that and such armoring is required to be modified as necessary to meet current professional standards for such armoring and to mitigate its coastal resource impacts. However, armoring installed under an emergency coastal permit shall not be factored into the setback calculation unless a regular Coastal Development Permit is issued, and all conditions of the permit are met. In addition, technical reports prepared for sites within the Urban and Rural Services Lines shall also include analysis based upon an alternative calculation of the 75 or 100-year setback that neglects any effect of existing armoring, in order to provide a measure of the effects of the existing armoring on the site conditions and provide information for decision making.

6.4.12 Geologic/Coastal Hazards Setbacks from Coastal Bluffs for New Development, Redevelopment and Reconstruction Outside of the Urban and Rural Services Lines

(LCP) New development involving placement of new, replaced, redeveloped or reconstructed habitable improvements on a coastal bluff and/or shoreline site, and development of new, redeveloped or reconstructed nonhabitable structures for which a building permit is required, shall be set back a minimum of 25 feet from the top edge of the bluff on sites located outside of the Urban and Rural Services Lines (USL/RSL). A setback greater than 25 feet may be required based on conditions on and adjoining the site, based upon recommendations of required geologic, soil engineering and/or other technical reports, in order to protect life safety for the reasonably foreseeable future. Outside the USL/RSL, the geologic/coastal hazards setback shall be sufficient to provide a stable building site for a 75 or 100-year setback, calculated at the time of application for permits when the technical reports are submitted.

Outside the Urban and Rural Services Lines the calculation of the 75 or 100-year geologic/coastal hazards setback shall be based on existing site conditions and shall not take into consideration the effect of any existing or proposed shoreline or coastal bluff armoring.

6.4.13 Modification, Reconstruction, or Replacement of Damaged Structures on Coastal Bluffs

(LCP) If structures located on or at the top of a coastal bluff are damaged as a result of coastal hazards, including slope instability and seismically induced landslides, and where the loss involves 50 percent or more of Major Structural Components, allow reconstruction, redevelopment or replacement if all applicable LCP policies and regulations can be met, including the minimum 25-foot and the applicable 75 or 100-year geologic/coastal setbacks, or alternate setback authorized by an approved setback exception that establishes a shorter-term expected life for the structure.

For structures involuntarily damaged by other than coastal hazards (fire, for example), where the loss involves 50 percent or more of the Major Structural Components, allow “in kind” reconstruction, redevelopment or replacement if the following conditions are met:

(1) the area of the structure that is within the geologic/coastal hazard setback does not exceed 25% of the area of the structure, and the property owner has agreed to record a Notice of Geologic/Coastal Hazards, Acceptance of Risk, and Liability Release prior to issuance of the building and/or grading permit; OR

(2) the structure cannot be relocated to increase the setback due to inadequate parcel size, and the property owner has agreed to record a Notice of Geologic/Coastal Hazards, Acceptance of Risk, and Liability Release prior to issuance of the building and/or grading permit.

Allow other than “in-kind” reconstruction, redevelopment or replacement of involuntarily damaged structures in accordance with all applicable LCP policies and regulations.

Exemption: Public beach facilities and replacements consistent with Coastal Act Policy 30610(g).

6.4.14 Bluff Face Development

(LCP)

Structures, grading, and landform alteration on bluff faces are prohibited, except for the following: public access structures where no feasible alternative means of public access exists or shoreline or coastal bluff armoring if otherwise allowed by the LCP. Such structures shall be designed and constructed to be visually compatible with the surrounding area to the maximum extent feasible and to minimize effects on erosion of the bluff face.

6.4.15 Flood Hazard Policies

(LCP)

As further addressed in Section 6.6 Flood Hazards, all structures shall be located outside of the flood hazard area, wherever possible, and to incorporate floodproofing measures as required by FEMA and local flood regulations in areas subject to flood hazards, provided such floodproofing measures are consistent with the shoreline armoring policies for development along coastal bluffs and the shoreline.

6.4.16 Flood Hazard Mitigation

(LCP)

If it is infeasible for development to avoid flooding hazards, it shall be designed to minimize risks from flooding, including as influenced by sea level rise, over the anticipated life of the development to the maximum extent feasible and otherwise constructed using design techniques that will limit damage caused by floods. See Policies in Section 6.6 and the Floodplain Regulations) Residential design shall incorporate appropriate flood hazard mitigation measures, including, but not limited to: elevating the finished floor (e.g., above the estimated combined 100-year storm flood elevation considering sea level rise and wave uprush scenario); locating only non-habitable space below the flood hazard elevation; elevating and storing hazardous materials out of the flood hazard area; elevating mechanical and utility installations; prohibiting basements; and using flood vents and anchoring structures where appropriate. However, elevated height should be limited to ensure consistency with visual resource protection policies, and to ensure that access to utilities, including water, sewer, and roads, can continue over the anticipated duration of the development. If such access cannot be ensured consistent with LCP policies, then conditions shall be added requiring assumption of risk, removal conditions, and retreat management plan.

6.4.17 Reconstruction or Replacement of Damaged Structures due to Storm Wave Inundation

(LCP)

If structures located in areas subject to storm wave inundation are damaged as a result of any cause and the loss involves more than 50 percent of the value of the structure before the damage occurred, allow reconstruction or replacement only if all applicable regulations and LCP policies can be met. Also see policies in Section 6.6 Flood Hazards.

Exceptions: Public beach facilities and replacements subject to Coastal Act Section 30610(g).

6.4.18 Pajaro Dunes

(LCP)

Siting and design of new development and other development activities in the Pajaro Dunes Community shall take into account the extent of erosion of the primary frontal dune during the 100-year flood (or 1% annual chance flood). Development shall be elevated a sufficient amount to prevent impacts to coastal resources, assure structural stability of the development, and avoid coastal hazards over the expected lifespan of the development in accordance with the Flood Hazard policies in Section 6.6 and the Floodplain Regulations. When permitted, development shall be subject to removal plan conditions in Policy 6.4.37 – Removal Plan Conditions for New Development in Hazardous Areas.

6.4.19 Rocky Shoreline Development

(LCP)

Development atop rocky shoreline areas with no beach or limited beach shall not impact existing public access to the shoreline and shall incorporate conditions of approval as appropriate to increase public access to the shoreline.

6.4.20 Development Along Creeks and Rivers in the Coastal Zone

(LCP)

Where creeks and rivers discharge to the coastal zone recognize the combined effects of riverine flooding and coastal storm flooding causing elevated flood levels relative to existing FEMA flood mapping. Require hydrologic analysis to determine risk and appropriate development restrictions and flood resistant designs in these areas.

6.4.21 Habitat Buffers

(LCP)

Provide buffers from the edge of wetlands or other environmentally sensitive habitat areas including riparian habitat, including as required by LUP ESHA and other habitat policies. Development shall ensure that as sea level rises buffer areas shall also expand appropriately to allow for migration of wetlands and other shoreline habitats. Uses and development within buffer areas shall be limited to uses allowed under the County’s policies and ordinances involving sensitive habitat and riparian corridor protection. All development, such as grading, buildings and other improvements, adjacent to or draining directly to a habitat area must be sited and designed so it does not disturb habitat values, impair functional capacity, or otherwise degrade the habitat area.

Shoreline Policies by Project Type

6.4.22 Publicly Owned Facilities

(LCP)

Existing publicly-owned and quasi-public facilities that are coastal-dependent or visitor serving uses such as public access improvements and lifeguard facilities, that are located within 25 feet or within a calculated 75 or 100-year setback from the edge of the bluff, may be maintained, repaired, reconstructed, redeveloped and/or replaced. Any repair or replacement shall be designed and sited to avoid the need for shoreline protection to the extent feasible.

6.4.23 Public Works Facilities

(LCP)

Public works projects as defined in the Coastal Act shall be consistent with the Local Coastal Program.

6.4.24 Public Services in Coastal Hazard Areas

(LCP) Prohibit utility facilities and service transmission systems, including internet/broadband service, in coastal hazard areas, unless they are necessary to serve existing development or public facilities.

6.4.25 Structural Shoreline and Coastal Bluff Armoring

(LCP) (a) Limit shoreline and coastal bluff armoring to serve coastal dependent uses or to protect existing structures or public beaches from significant threats. The armoring shall be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Armoring may also be considered for vacant lots where both adjacent parcels are already similarly protected, or vacant lots which through lack of protection threaten adjacent or nearby developed lots; or those which protect public roads and infrastructure, and coastal recreation areas.

(b) For sites located within the Urban and Rural Services Lines, recognize that nearly all the coastal bluff properties have been developed for many decades, and a majority are already protected by a variety of shoreline and coastal bluff armoring that involve a range of impacts to coastal resources. Through the coastal development permit review process for proposed new development, replacement, reconstruction or redevelopment of structures on a site, require, consistent with the principles of nexus and proportionality, improvement or replacement of existing armoring that involve impacts, with rehabilitated or modern protection structures designed to reduce and/or mitigate impacts to coastal resources including but not limited to visual resources, sandy beach, and public access.

Project Review

(c) Require any application for shoreline and coastal bluff armoring to include a thorough analysis of all reasonable alternatives including, but not limited to, the following:

- (1) Relocation or partial removal of the threatened structure
- (2) Protection of the upper bluff and blufftop (including through planting appropriate native vegetation and removing invasive plant species, and better drainage controls) or the area immediately adjacent to the threatened structure
- (3) Natural or “green” infrastructure (like vegetated beaches, dune systems, and wetlands)
- (4) Engineered shoreline or coastal bluff armoring (such as beach nourishment, revetments, or vertical walls)
- (5) Other engineered systems to buffer coastal areas
- (6) Combinations or hybrids of the above
- (7) Consistency with an approved shoreline management plan, if applicable

(d) Shoreline or coastal bluff armoring shall be designed as close as possible to the coastal bluff or structure requiring protection and must be designed to minimize adverse impacts. Design considerations include but are not limited to the following:

- (1) Minimize the footprint of the armoring on the beach
- (2) Provide for public recreational access

- (3) Provide for future access for maintenance of the armoring
 - (4) Strive for a continuous lateral pedestrian access as physically feasible
 - (5) Minimize visual intrusion by using materials that blend with the color or natural materials in the area, contouring to match nearby landforms as much as possible, and using vegetation for screening
 - (6) Meet approved engineering standards and applicable County Code provisions for the site as determined through the coastal development, building, and grading permit process
 - (7) The design must be based on detailed technical studies to accurately define geologic, hydrologic and oceanographic conditions affecting the site
 - (8) Eliminate or mitigate adverse impacts on local shoreline sand supply
 - (9) All armoring structures shall incorporate permanent survey monuments for future use in establishing a survey monument network along the coast for use in monitoring seaward encroachment or slumping of armoring and erosion trends
- (e) For development activities protected by existing shoreline and coastal bluff armoring, the coastal permit application shall include
- (1) Re-assessment of the need for the armoring (see paragraph (l) below)
 - (2) A report on the need for any repair or maintenance of the device (see paragraph (k) below)
 - (3) Evaluation of the potential for removal based on changed conditions
 - (4) The age and condition of the existing principal structure being protected (or evaluation of the coastal-dependent use being served, or public beach being protected, if applicable)
 - (5) A report on changed geologic site conditions including but not limited to changes relative to sea level rise
 - (6) If the existing armoring is addressed in an approved Geologic Hazard Abatement District Plan of Control, consider the status of implementation of the Plan of Control
 - (7) Assessment of impacts to coastal resources (see (c) and (d) above)
 - (8) Recommendation to avoid or mitigate impacts to coastal resources
 - (9) If approved, such development associated with existing shoreline or coastal bluff armoring shall meet all the other requirements of this policy, including with respect to the impact mitigation requirements
- (f) For sites protected by existing rip rap, require that the applicant submit a report at the time of filing an application for a coastal development permit, including a Recovery Plan for the maintenance and repair and possible removal of all or a portion of the existing rip rap revetment, to recover migrated rip rap and to provide for least disturbance of the beach and shoreline while also functioning as necessary to protect the structures on and adjacent to the parcel. The Recovery Plan must incorporate Best Management Practices for maintenance and repair to address

potential impacts to sensitive species and environmental resources, as well as Best Management Practices for construction during maintenance and repair activities.

Conditions of Approval

- (g) Shoreline or coastal bluff armoring should be the least environmentally damaging feasible alternative to serve coastal-dependent uses or to protect a structure or a public beach in danger from erosion
 - (1) Hard armoring (such as seawalls and revetments, etc.) shall only be allowed if soft alternatives (such as managed retreat/relocation, beach nourishment, vegetative planting, and drainage control, etc.) are not feasible, or are not the least environmentally damaging feasible alternative
 - (2) Permit shoreline or coastal bluff armoring only if non-structural measures are infeasible from an engineering standpoint or not economically viable
 - (3) Hard armoring is limited as much as possible to avoid coastal resource impacts
 - (4) Alternatively, an approved Shoreline Management Plan may authorize hard armoring for identified sections of the coast.

- (h) No shoreline or coastal bluff armoring shall be allowed for the sole purpose of protecting an accessory structure.

- (i) All shoreline and coastal bluff armoring shall be sited and designed to avoid coastal resource impacts to the maximum feasible extent. All unavoidable coastal resource impacts shall be appropriately mitigated. Any approved new, replacement, reconstructed or redeveloped shoreline protection structure must not result in unmitigated impacts to coastal resources including.
 - (1) Reduced or restricted public beach access
 - (2) Adverse effects on shoreline processes and sand supply
 - (3) Increased erosion or flooding on adjacent properties,
 - (4) Adverse impacts on coastal visual or recreational resources, or harmful impacts on wildlife and fish habitats or archaeological or paleontological resources

- (j) Mitigation Programs. Require mitigation of unavoidable adverse impacts on coastal resources, including payment of in lieu fees where in-kind options are not possible. The shoreline or coastal bluff armoring project shall include proportional mitigation for all unavoidable coastal resource impacts, including impacts on shoreline sand supply, sandy beaches, public recreational access, public views, natural landforms, and water quality. At a minimum, the effects of the armoring with respect to retention of sand generating materials, the loss of beach/sand due to its footprint, and passive erosion shall be evaluated. Proportional in-lieu fees may be used as a proxy for impact mitigation if in-kind options (such as developing new public access facilities) are not possible, and if such in-lieu fees are deposited in an interest-bearing account managed by the County and used only for mitigations offsetting unavoidable adverse impacts of the project. Required mitigation shall be

determined based on reasonable calculation of unavoidable adverse impacts of a specific project on coastal resources, and may include the following:

- (1) Sand Mitigation - to mitigate for loss of beach quality sand which would otherwise have been deposited on the beach the County may collect a fee proportional to the impact of the project on the deposit of beach quality sand which would have otherwise occurred to implement projects which mitigate for loss of beach quality sand due to shoreline or coastal bluff armoring. The methodology used to determine the appropriate mitigation fee will be as approved by the California Coastal Commission and which may be administratively amended from time to time by the Commission. The mitigation fee shall be deposited in an interest-bearing account designated by the Planning Director or County Parks Director.
 - (2) Public Recreation Mitigation - to mitigate for public recreational impacts associated with actual loss of public recreational opportunities, including access, caused by the armoring, the County shall identify mitigation that allows for objective quantification of the value of beach and shoreline area that is related in both nature and extent to the impact of the project. Project applicants have the option of proposing an in-kind public recreation/access project or payment of fees to the County in lieu of in-kind mitigation of impacts. At the County's discretion, these projects may be accepted if it can be demonstrated that they would provide a directly-related recreation and/or access benefit to the general public. Fees paid to the County to mitigate public recreational impacts shall be calculated based on the cost to provide alternative public recreational opportunity, proportional to the loss of public recreational opportunity caused by the project. Fees paid to the County for use of County-owned property, such as rights-of-way, for the project may be credited at the County's discretion towards mitigation of public recreational impacts associated with a project if committed to use for projects that provide alternative public recreational opportunity; however fees paid for use of County-owned property are not limited to the amount of public recreational impacts. Fees for use of County-owned property may be established and amended by the County from time to time.
- (k) No approval shall be given for any development activity involving a shoreline or coastal bluff armoring that does not include a requirement for submittal and County acceptance of a Monitoring, Maintenance and Repair Program prior to finalization of the building/grading permit for the structure. The Program shall include, but is not limited to the following elements;
- (1) Monitoring by an engineer or engineering geologist familiar and experienced with coastal structures and processes.
 - (2) Report to the County upon completion of construction of the armoring and every five years or less thereafter, as determined by either the County Geologist or a qualified professional, for as long as the armoring remains authorized

- (3) The report shall detail the condition of the structure and list any recommended maintenance and repair work
 - (4) The monitoring plan and periodic report shall address impacts to shoreline processes and beach width, public access, and availability of public trust lands for public use
 - (5) The monitoring, maintenance and repair program shall be recorded on the title/deed of the property
 - (6) The program shall allow for County removal or repair of shoreline or coastal bluff armoring, at the owner's expense, if its condition creates a public nuisance or if necessary, to protect the public health and safety
 - (7) The program shall include any other monitoring, maintenance, and repair activities the County determines necessary to avoid or mitigate impacts to coastal resources
- (l) Armoring Duration. The shoreline or coastal bluff armoring shall only be authorized until the time when the existing structure that is protected by such a device 1) is no longer present; or 2) no longer requires armoring. Permittees shall be required to submit a coastal permit application to remove the authorized shoreline or coastal bluff armoring within six months of a determination that the armoring is no longer authorized to protect the structure it was designed to protect because the structure is no longer present or no longer requires armoring. In the case of projects involving replacement, reconstruction or redevelopment of structures being protected by armoring, the coastal development permit process shall evaluate the existing armoring along with the proposed structure, and shall require improvement, replacement or removal of the authorized shoreline or coastal bluff armoring as appropriate to reduce impacts on coastal resources.
- (m) Urbanized Area Shoreline Management Strategy Alternative. For projects located within the Urban and Rural Services Lines, property owners must agree and acknowledge that approved shoreline or coastal bluff armoring may be maintained and repaired (with building or grading permits as needed) in accordance with conditions of approval of Coastal Development Permits authorizing the armoring; but that new, replacement, reconstructed or redeveloped armoring, or any addition to, enlargement, or expansion of an existing armoring will require updated technical reports and approval of another coastal development permit. The property owner and /or any future heirs or assigns must further acknowledge and agree that, should a Shoreline Management Plan become effective, any future shoreline or coastal bluff armoring (including but not limited to seawalls, revetments, retaining walls, tie backs, caissons, piers, groins, etc.), that exceed previously authorized maintenance and repair of the existing armoring, will only be considered for approval if proposed as part of a comprehensive strategy outlined in an approved Shoreline Management Plan, such as a unified project design that is implemented through a Geologic Hazard Abatement District (GHAD) to address related units of coastal bluff properties and coastal resources that exist in the urbanized area. Such a Strategy may allow for phased implementation within sub-areas. The Shoreline Management Plan would be required to address effects on beach areas, potential

opportunities to improve public access to the coast, protection of visual resources, and protection of public roads and infrastructure in response to sea level rise.

Emergency Authorization

(n) In cases of emergency, an emergency shoreline protective device may be approved on a temporary basis only, and only under the condition that the device is required to be removed unless a regular coastal development permit is approved for retention of the structure. In such cases, a complete coastal development permit application shall be required to be submitted within 60 days following construction of the temporary emergency shoreline protective device, unless an alternate deadline is authorized by the Planning Director for good cause and good faith efforts continue toward submittal of the application. Any such temporary emergency shoreline protective device shall be sited and designed to be the minimum necessary to abate the identified emergency, and to be as consistent as possible with all LCP shoreline protective device standards, including in terms of avoiding coastal resource impacts to the maximum feasible extent. Mitigation for impacts will be required through the regular coastal development permit process, although mitigation commensurate with the duration of impacts caused by the emergency temporary device may also be required as determined by the County to be warranted. The County shall notify the Coastal Commission upon receipt of a request for an emergency shoreline protective device within the County’s coastal permit jurisdiction.

6.4.26 Drainage and Landscape Plans

(LCP)

Require drainage and landscape plans to consider potential hazards on and off site, to require removal of invasive plants and replacement with native bluff and/or other county-approved acceptable species in the area within 10 feet of the blufftop edge and below and be approved by the County Geologist prior to the approval of development in coastal hazard areas. Require that approved drainage and landscape development not contribute to offsite impacts and that the defined storm drain system or Best Management Practices be utilized where feasible. The applicant shall be responsible for the costs of repairing and/or restoring any off-site impacts caused by drainage and landscape work on the site. All drainage shall be directed inland to established drainage systems and shall not be directed seaward over or through bluffs.

6.4.27 Drainage and Improvements within 25 feet or applicable setback from coastal bluff.

(LCP)

Drainage systems shall be designed to ensure that no drainage will flow over the coastal bluff. The drainage system (including water from landscaping and irrigation) shall not contribute to coastal bluff erosion. Furthermore, all drainage system components shall be maintained in good working order. All deck, stairs etc. within the 25-foot or applicable geologic/coastal setback are required to be structurally detached from other structures and not require a building permit.

6.4.28 Exception for Foundation Replacement and/or Upgrade

(LCP)

Foundation replacement and/or foundation upgrades that meet the definition of development activity in Chapter 13.20 Coastal Regulations of the Santa Cruz County Code, shall meet the 25-foot minimum and the applicable 75 or 100-year geologic/coastal hazard setback requirements. An exception to those requirements is allowed for foundation replacement and/or upgrade for existing structures that are located partly or wholly within the setback if the Planning Director determines that:

(1) the area of the structure that is within the geologic/coastal hazard setback does not exceed 25% of the area of the structure, and the property owner has agreed to record a Notice of Geologic/Coastal Hazards, Acceptance of Risk, and Liability Release prior to issuance of the building and/or grading permit; OR

(2) the structure cannot be relocated to meet the setback due to inadequate parcel size, and the property owner has agreed to record a Notice of Geologic/Coastal Hazards, Acceptance of Risk, and Liability Release prior to issuance of the building and/or grading permit.

6.4.29 Additions to Existing Structures Located on Coastal Bluff and Beaches

(LCP)

Additions of any size to existing structures located on coastal bluff sites, including second story and cantilevered additions that extend the existing structure in a seaward direction, shall comply with the applicable geologic/coastal hazards setback requirements of Policies 6.2.11 and 6.2.12. Prohibit additions of any size to existing structures located on beaches or in the wave run-up zone, including second story and cantilevered additions, that extend the existing structure in a seaward direction.

6.4.30 Swimming Pools and Spas

(LCP)

All new swimming pools, spas and similar in-ground and above-ground water recreation or fishpond types of features shall be located landward of the applicable geologic/coastal hazard setback. Any new water-containing features of this nature shall have double-wall construction with leak detection systems and drains to facilities and locations approved by the County.

6.4.31 Accessory Structures

(LCP)

Coastal Development Permits are required for accessory structures in coastal hazard areas (including on bluffs and in the shoreline area), whether habitable or nonhabitable, and whether or not a building permit is required under Chapter 12.10 Building Regulations. CDPs authorizing accessory structures must include a condition of approval that requires the property owner and all successors in interest to remove the structure if the County Geologist, the Building Official or a licensed geotechnical engineer determines that the accessory structure is at risk of failure due to erosion, landslide or other form of bluff collapse or geologic/coastal hazard. In the event that portions of the development fall to the bluffs or ocean before they are removed/relocated, the landowner shall be required to remove all recoverable debris associated with the development from the bluffs and ocean and lawfully dispose of the material in an approved disposal site.

Ongoing Adaptation

6.4.32 Removal Conditions/Development Duration

(LCP)

New development and redevelopment on private property located in areas subject to coastal hazards shall be conditioned to require that it be removed, and the affected area restored if:

- (a) any government agency has ordered that the structures are not to be occupied due to coastal hazards, or if any public agency requires the structures to be removed;
- (b) essential services to the site can no longer feasibly be maintained (e.g., utilities, roads);
- (c) the development is no longer located on private property due to the migration of the public trust boundary; or
- (d) removal is required pursuant to an adopted Shoreline Management Plan.

Such condition shall be recorded on a deed restriction against the subject property. See Policy 6.4.9.

6.4.33 Abatement of Unsafe Site or Structure

(LCP) If coastal hazards result in an unsafe site or unsafe structure, dangerous conditions shall be abated in accordance with County regulations and Orders of the Chief Building Official. If all or any portion of improvements are deemed uninhabitable, the improvements shall be removed, and the affected area restored, unless an alternative response is approved by the County of Santa Cruz, and by the California Coastal Commission if the project is within the Coastal Commission's original jurisdiction. Alternative responses to coastal hazards may include (1) pursuit of a Coastal Development Permit consistent with County Code regulations in Chapter 13.20 (Coastal Zone Regulations) and Chapter 16.10 (Geologic Hazards); and/or (2) pursuit of an alternative consistent with an adopted shoreline management plan.

6.4.34 Bluff or Beach Erosion Trigger for Technical Report

(LCP) If the mean high tide line or the blufftop edge migrates to within 10 feet of a principal structure or to any other point where the site or structure is deemed unsafe by County regulations and/or the County Geologist, Civil Engineer, or Chief Building Official, the property owner shall retain a licensed geologist or civil engineer with experience in coastal processes and hazard response to prepare a geotechnical investigation and Coastal Hazards Report that addresses whether all or any portions of the residence and related development are threatened by coastal hazards, and that identifies actions that should be taken to ensure safe use and occupancy, which may include removal or relocation of all or portions of the threatened development and improvements, or other alternate responses. The property owner shall undertake activities to pursue an appropriate response in accordance with adopted and applicable County of Santa Cruz and California Coastal Commission regulations. The geotechnical investigation and Coastal Hazards Report shall be submitted to the Executive Director of the California Coastal Commission, and to the Planning Director, Chief Building Official and County Geologist of Santa Cruz County. If the residence or any portion of the residence is proposed to be removed, the Applicant shall submit a Removal and Restoration Plan.

6.4.35 Removal and Restoration

(LCP) If an appropriate government agency so orders, or as a result of the above-referenced geotechnical investigation and Coastal Hazards Report, it is determined that any portion of the approved development must be removed due to coastal hazards, or if removal is required pursuant to Policies 6.4.9 or 6.4.32 or 6.4.33, a Removal and Restoration Plan shall be submitted to the County for review and approval. No removal activities shall commence until the Removal and Restoration Plan and all other required plans and permits are approved. The plan shall specify that in the event that portions of the development fall to the bluffs or ocean before they are removed/relocated, the landowner will remove all recoverable debris associated with the development from the bluffs and ocean and lawfully dispose of the material in an approved disposal site. If it is determined that separate grading and coastal development permits are required in order to authorize the activities, the application shall be submitted as soon as immediately feasible, including all necessary supporting information to ensure it is complete. The Removal and Restoration Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, and shall be implemented immediately upon County approval, or County approval of required permit applications, as may be required.

6.4.36 Repetitive Loss Properties

(LCP) Repetitive loss properties shall be subject to the requirements of Policy 6.4.13 and 6.4.17 regarding damage due to coastal bluff erosion and storm wave impacts and inundation. Repetitive Loss property is any habitable building for which two or more coastal hazard events within in any ten-year rolling period caused damage, the repair of which meets or exceeds either 1) the definition of redevelopment or 2) in the case of structures in the coastal flood

hazard zone (Zone V) the definition of substantial damage. Multiple losses at the same location within 10 days of each other are counted as 1 loss. The loss history includes all ownership of the property within the 10-year rolling period.

6.4.37 Shoreline Management Plan(s)

(LCP)

Seek funding to assist with more specific planning that would assess alternatives and identify preferred strategies for how various segments of the urbanized area shoreline/coastal bluffs could transition if more comprehensive modern approaches to shoreline protection were implemented by the County and/or private property owners through Geologic Hazard Abatement District(s) or County Service Area(s); rather than property-by-property measures. Consistent with Policy 6.4.1, the shoreline and coastal bluff policies of this Safety Element shall be considered to be in effect until the year 2040, by which time the expectation is that shoreline management plans and an updated set of policies within a Safety Element Amendment will have been adopted. Therefore, development permitted pursuant to the policies of this Element shall be approved with conditions of approval and deed restrictions which establish that after the year 2040, the subject development may be required to implement certain adaptation options, up to and including removal or relocation in accordance with the policies of this section and/or policies developed in accordance with a shoreline management plan. This time horizon may be extended, if determined appropriate, through a shoreline management plan (or plans) that guide development and implementation of adaptation responses related to coastal hazards and sea level rise. Should a future Shoreline and Coastal Bluffs Management Plan(s) become effective, all proposed new development, redevelopment, replacement or reconstruction shall be found to be substantially consistent with the provisions of the approved management plan. The shoreline management plan(s) shall identify appropriate adaptation options to implement if and when shoreline and coastal bluff armoring is no longer a feasible solution; shall identify triggers for when other adaptation options should be implemented; and shall identify priority areas for future adaptation responses.

Programs

(LCP)

a. Relocate if feasible, essential public facilities such as sewer lines and sanitation pump stations to locations outside of coastal hazard areas when they are due for expansion or replacement or major upgrade. (Responsibility: Public Works)

(LCP)

b. Develop and implement a program to correct existing erosion problems along coastal bluffs caused by public drainage facilities and monitor and enforce compliance of private drainage facilities with approved designs and applicable standards. (Responsibility: Public Works)

(LCP)

c. Review existing public coastal protection structures to evaluate the presence of adverse impacts such as pollution problems, loss of recreational beach area, and fish kills and implement feasible corrective actions. (Responsibility: Public Works, Environmental Health, Planning Department)

(LCP)

d. Support, encourage, and seek funding from FEMA and other appropriate agencies for the initiation of a review of all shoreline protective structures to evaluate their effectiveness and potential for becoming public hazards. Shoreline armoring can become public hazards, for example, if they are in such a state of disrepair that portions have fallen or are in imminent danger of falling onto beaches. Where it is determined that such structures are public hazards or where they provide ineffective protection due to inadequate maintenance, notify the property owner and require the property owner to either maintain the structure to a reasonable level or remove and replace the structure within one year of the notice, or sooner if the hazard is

imminent. Consider County action to maintain or remove and replace the structure and recover costs by a lien against the property if the property owner does not act within one year of such notice. (Responsibility: Planning Department, Board of Supervisors)

- (LCP) e. Notify private property owners in areas subject to coastal hazards they are responsible for costs of responding to property damage due to coastal erosion, coastal flooding, and wave run-up hazards, including but not limited to repair, replacement, relocation and/or removal of a portion or all of damaged structures. Encourage property owners to create a contingency fund to cover future costs to modify, relocate and/or remove development that may become threatened in the future by sea level rise and/or when removal triggers are met. Costs for removal and restoration may be based on estimates provided by a licensed building moving/demolition contractor for the amount of contingency funds necessary to remove the structure, including any seawall and restore the site. The amount of contingency funds should be reviewed every ten years and adjusted to account for changed site conditions, inflation and other conditions that effect the amount of future contingency funds needed.
- (LCP) f. Support, encourage, seek funding, and cooperate with the Coastal Conservancy, Coastal Commission, State Lands Commission, and the Army Corps of Engineers for the establishment and maintenance of a permanent survey monument monitoring network along the coast. Utilize existing monuments set by Caltrans, other public agencies, geologic consultants, and others to the greatest degree possible. Incorporate the use of these monuments into all future planning for shoreline protective structures. Provide geo-reference (latitude and longitude) for each monument and structure. (Responsibility: Planning Department, Public Works)
- (LCP) g. Explore, with regional, state and federal agencies as appropriate, whether it is desirable or feasible to create a program that would exclude certain areas of the coast and/or certain types of projects, from being eligible for FEMA insurance or other programs that involve shifting costs of private property repair, replacement or abatement to public agencies or to insurance ratepayers in general.
- (LCP) h. Consider the best available and most recent scientific information with respect to the effects of coastal hazards and long-range sea level rise when establishing sea level rise maps, scenarios, and assumptions for use in geologic, geotechnical, hydrologic and engineering investigations, including coastal hazards analyses. Support scientific studies that increase and refine the body of knowledge regarding potential sea level rise in the County, and possible responses to it.
- (LCP) i. Research and identify a range of financing mechanisms to support the implementation of adaptation strategies, including through grant programs (e.g. State Coastal Conservancy Climate Ready grants, NOAA Coastal Resilience grants, FEMA/Cal OES Hazard Mitigation funding) and utilization of in-lieu fees collected as mitigation for shoreline armoring.
- (LCP) j. Work with entities that plan or operate infrastructure, such as Public Works, Santa Cruz County Sanitation District, Water Districts, the Regional Transportation Commission, Caltrans and PG&E, to plan for potential realignment of public infrastructure impacted by sea level rise, with emphasis on critical accessways.
- (LCP) k. Support efforts to develop and implement innovative design alternatives that reduce or eliminate flood damage, especially those which would qualify through FEMA as acceptable alternatives to elevation under the National Flood Insurance Program (NFIP). Encourage

homeowners to implement voluntary floodproofing measures in conjunction with development that is not required to be elevated.

- (LCP)** 1. **Shoreline Management Plan** Pursue grant funding to enable creation of multiple Shoreline Management Plans for the shoreline areas within the Urban and Rural Services Lines, where such Plans shall be structured around sections of the shoreline with similar existing conditions and potential hazards. Shoreline management plans would include the short- and long-term goals for the specified area, the management actions and policies necessary for reaching hazard reduction, environmental and public access goals, and necessary monitoring and maintenance to ensure effectiveness. The Plan will examine priorities for shoreline management, timelines, options, specific projects to be implemented, phasing and action triggers. As components of the management plans, assess seasonal and long-term shoreline changes and the potential for flooding or damage from erosion, sea level rise, waves, and storm surge. Plans will provide requirements for adapting existing development, public improvements, coastal access, recreational areas, and other coastal resources. Plans will assess the impact of existing and future development, and evaluate the feasibility of hazard avoidance, managed retreat, restoration of the sand supply and beach nourishment in appropriate areas. Plans will incorporate strategies necessary to manage and adapt to changes in wave, flooding, and erosion hazards due to sea level rise.
- (LCP)** m. Identify in the Shoreline Management Plan specific objectives for defined subareas of the County’s coastline. Define subsections geographically where multiple adjacent properties would be managed toward the same objective. Identify the subareas and specific policies that apply in the zones.
- (LCP)** n. Identify in the Shoreline Management Plan actions and programs that can be implemented in the near term or would be implemented based on pre-determined future triggers to preserve recreational, habitat, and other coastal resource values. Include research into opportunities for additional adaptation actions that would be implemented based on future impacts. Possible actions may include removal, modification or relocation of existing development.
- (LCP)** o. Establish in the Shoreline Management Plan the conditions of existing beaches and coastal access including widths and berm heights throughout the tidal and seasonal ranges. In addition, document existing surfing resources including the conditions that create the surfing resource. The purpose of studying existing beaches and surfing resources is to provide a baseline to monitor future changes as a result of sea level rise, assess the impact of existing development, and support future actions outlined in the Shoreline Management Plan.
- (LCP)** p. Seeking additional funding to implement the Shoreline Management Plan or specific actions outlined in the Plan
- (LCP)** q. Take actions to support creation of Geologic Hazard Abatement District(s) or County Service Area(s) involving one or more sections of the coastline, as a preferred mechanism for funding replacement of existing armoring in the urban area with more modern measures, for portions of the coast within urban and rural services lines that are planned to be protected in the near- to mid-term.

Section 2: Below are existing policies that would be replaced with the new policies in Section 1 above.

COASTAL BLUFFS AND BEACHES

Policies

6.2.10 Site Development to Minimize Hazards

(LCP) Require all developments to be sited and designed to avoid or minimize hazards as determined by the geologic hazards assessment or geologic and engineering investigations. *(Revised by Res. 81-99)*

6.2.11 Geologic Hazards Assessment in Coastal Hazard Areas

(LCP) Require a geologic hazards assessment or full geologic report for all development activities within coastal hazard areas, including all development activity within 100-feet of a coastal bluff. Other technical reports may be required if significant potential hazards are identified by the hazards assessment. *(Revised by Res. 81-99)*

6.2.12 Setbacks from Coastal Bluffs

(LCP) All development activities, including those which are cantilevered, and non habitable structures for which a building permit is required, shall be set back a minimum of 25 feet from the top edge of the bluff. A setback greater than 25 feet may be required based on conditions on and adjoining the site. The setback shall be sufficient to provide a stable building site over the 100-year lifetime of the structure, as determined through geologic and/or soil engineering reports. The determination of the minimum 100 year setback shall be based on the existing site conditions and shall not take into consideration the effect of any proposed shoreline or coastal bluff protection measures. *(Revised by Res. 81-99)*

6.2.13 Exception for Foundation Replacement and/or Upgrade

(LCP) Foundation replacement and/or foundation upgrades that meet the definition of development activity shall meet the 25-foot minimum and 100-year stability setback requirements. An exception to those requirements may be granted for existing structures that are located partly or wholly within the setback if the Planning Director determines that:

- 1) the area of the structure that is within the setback does not exceed 25% of the area of the structure, OR
- 2) the structure cannot be relocated to meet the setback due to inadequate parcel size. *(Revised by Res. 81-99)*

6.2.14 Additions to Existing Structures

(LCP) Additions, including second story and cantilevered additions, shall comply with the setback requirements of 6.2.12. *(Revised by Res. 81-99)*

6.2.15 New Development on Existing Lots of Record

(LCP) Allow development activities in areas subject to storm wave inundation or beach or bluff erosion on existing lots of record, within existing developed neighborhoods, under the following circumstances:

- a) A technical report (including a geologic hazards assessment, engineering geology report and/or soil engineering report) demonstrates that the potential hazard can be mitigated over the

100-year lifetime of the structure. Mitigations can include, but are not limited to, building setbacks, elevation of the structure, and foundation design;

b) Mitigation of the potential hazard is not dependent on shoreline or coastal bluff protection structures, except on lots where both adjacent parcels are already similarly protected; and

c) The owner records a Declaration of Geologic Hazards on the property deed that describes the potential hazard and the level of geologic and/or geotechnical investigation conducted. *(Revised by Res. 81-99)*

6.2.16 Structural Shoreline Protection Measures

(LCP) Limit structural shoreline protection measures to structures which protect existing structures from a significant threat, vacant lots which through lack of protection threaten adjacent developed lots, public works, public beaches, or coastal dependent uses.

Require any application for shoreline protection measures to include a thorough analysis of all reasonable alternatives, including but not limited to, relocation or partial removal of the threatened structure, protection of the upper bluff or area immediately adjacent to the threatened structure, engineered shoreline protection such as beach nourishment, revetments, or vertical walls. Permit structural protection measures only if non-structural measures (e.g. building relocation or change in design) are infeasible from an engineering standpoint or not economically viable.

The protection structure must not reduce or restrict public beach access, adversely affect shoreline processes and sand supply, increase erosion on adjacent properties, or cause harmful impacts on wildlife and fish habitats or archaeological or paleontological resources.

The protection structure must be placed as close as possible to the development requiring protection and must be designed to minimize adverse impacts to recreation and to minimize visual intrusion.

Shoreline protection structures shall be designed to meet approved engineering standards for the site as determined through the environmental review process.

Detailed technical studies shall be required to accurately define oceanographic conditions affecting the site. All shoreline protective structures shall incorporate permanent survey monuments for future use in establishing a survey monument network along the coast for use in monitoring seaward encroachment or slumping of revetments or erosion trends.

No approval shall be given for shoreline protective structures that do not include permanent monitoring and maintenance programs. Such programs shall include a report to the County every five years or less, as determined by a qualified professional, after construction of the structure, detailing the condition of the structure and listing any recommended maintenance work. Maintenance programs shall be recorded and shall allow for County removal or repair of a shoreline protective structure, at the owner's expense, if its condition creates a public nuisance or if necessary to protect the public health and safety. *(Revised by Res. 81-99)*

6.2.17 Prohibit New Building Sites in Coastal Hazard Areas

(LCP) Do not allow the creation of new building sites, lots, or parcels in areas subject to coastal hazards, or in the area necessary to ensure a stable building site for the minimum 100-year lifetime, or where development would require the construction of public facilities or utility transmission lines within coastal hazard areas or in the area necessary to ensure a stable building site for the minimum 100-year lifetime.

6.2.18 Public Services in Coastal Hazard Areas

(LCP) Prohibit utility facilities and service transmission systems in coastal hazard areas unless they are necessary to serve existing residences. *(Revised by Res. 81-99)*

6.2.18.1 Density Calculations

(LCP) Exclude areas subject to coastal inundation, as defined by geologic hazard assessment or full geologic report, from use for density calculations. *(Added by Res. 81-99)*

6.2.19 Drainage and Landscape Plans

(LCP) Require drainage and landscape plans recognizing potential hazards on and off site to be approved by the County Geologist prior to the approval of development in the coastal hazard areas. Require that approved drainage and landscape development not contribute to offsite impacts and that the defined storm drain system or Best Management Practices be utilized where feasible. The applicant shall be responsible for the costs of repairing and/or restoring any off-site impacts.

6.2.20 Reconstruction of Damaged Structures on Coastal Bluffs

(LCP) Permit reconstruction of structures on or at the top of a coastal bluff which are damaged as a result of coastal hazards, including slope instability and seismically induced landslides, or are damaged by non-coastal related hazards (fire, etc.) and where the loss is less than 50 percent of the value, in accordance with the recommendations of the hazards assessment. Encourage relocation to a new footprint provided that the new location is landward of the previous site at the best possible site not affecting resources (e.g. the most landward location, or landward of the area necessary to ensure a stable building site for the minimum 100-year lifetime, or not necessitating a future shoreline protective structure).

When structures located on or at the top of a coastal bluff are damaged as a result of coastal hazards, including slope instability and seismically induced landslides, and where the loss is greater than 50 percent of the value, permit reconstruction if all applicable regulations can be met, including minimum setbacks. If the minimum setback cannot be met, allow only in-kind reconstruction, and only if the hazard can be mitigated to provide stability over a 100-year period.

For structures damaged by other than coastal hazards, where the loss is greater than 50% of the value, allow in-kind reconstruction, subject to all regulations except for the minimum setback. Allow other than in-kind reconstruction only if the minimum setback is met.

Exemption: Public beach facilities and replacements consistent with Coastal Act Policy 30610(g). *(Revised by Res. 81-99)*

6.2.21 Reconstruction of Damaged Structures due to Storm Wave Inundation

(LCP) Permit reconstruction of individual structures located in areas subject to storm wave inundation, which are damaged as a result of coastal hazards, and loss is less than 50 percent of the value, in accordance with recommendations from the geologic hazards assessment and other technical reports, as well as with policy 6.2.16.

When structures located in areas subject to storm wave inundation are damaged as a result of coastal hazards and the loss is greater than 50 percent of the value, permit reconstruction if all applicable regulations can be met. If the minimum setback cannot be met, allow only in-kind reconstruction, and only if the hazard can be mitigated to provide stability over a 100 year period.

For structures damaged greater than 50 percent of the value by other than coastal hazards, allow in-kind reconstruction which meets all regulations except for the coastal bluff setback. Allow other than in-kind reconstruction only if the minimum setback is met.

Exceptions: Public beach facilities and replacements consistent with Coastal Act Policy 30610(g).
(Revised by Res. 81-99)

Programs

- (LCP) a. Relocate if feasible, essential public facilities such as sewer lines to locations outside of coastal hazard areas when they are due for expansion or replacement. (Responsibility: Public Works)
- b. Zone areas subject to coastal erosion, inundation, and potential bluff failure to the Geologic Hazards Combining district. (Responsibility: Planning Department)
- (LCP) c. Develop and implement a program to correct existing erosion problems along coastal bluffs caused by public drainage facilities. (Responsibility: Public Works)
- d. Review existing coastal protection structures to evaluate the presence of adverse impacts such as pollution problems, loss of recreational beach area, and fishkills and implement feasible corrective actions. (Responsibility: Environmental Health, Planning Department)
- (LCP) e. Support, encourage, and seek funding from FEMA and other appropriate agencies for the initiation of a review of all shoreline protective structures to evaluate their effectiveness and potential for becoming public hazards. Shoreline protective structures can become public hazards, for example, if they are in such a state of disrepair that portions have fallen or are in imminent danger of falling onto beaches. Where it is determined that such structures are public hazards or where they provide ineffective protection due to inadequate maintenance, consider notifying the property owner and requiring the property owner to either maintain the structure to a reasonable level or remove and replace the structure within one year of the notice. Consider County action to maintain or remove and replace the structure and recover costs by a lien against the property if the property owner does not act within one year of such notice. (Responsibility: Planning Department, Board of Supervisors)
- (LCP) f. Support, encourage, seek funding, and cooperate with the Coastal Conservancy, Coastal Commission, State Lands Commission, and the Corps of Engineers for the establishment and maintenance of a permanent survey monument monitoring network along the coast. Utilize existing monuments set by Caltrans, other public agencies, geologic consultants, and others to the greatest degree possible. Incorporate the use of these monuments into all future planning for shoreline protective structures. Provide geo-reference (latitude and longitude) for each monument and structure. (Responsibility: Planning Department, Public Works)

Section 3: Below are the proposed General Plan definitions of the terms, development activities and new development. Note this proposal would change the percent number in the definition of development activities from 65 percent to 50 percent. The definition of new development would be modified to be consistent with the definition of development activity and FEMA regulations that apply in flood hazard areas (beaches).

Development Activity

(LCP) Any project that includes activity in any of the following categories is considered to be development activity:

- (1) The construction or placement of any habitable structure, including a manufactured home and including a non-residential structure occupied by property owners, employees and/or the public;
- (2) Modification, reconstruction or replacement of 50 (fifty) percent of the major structural components -- consisting of the foundation, floor framing, exterior wall framing, and roof framing -- of an existing habitable structure or critical structure or facility within any consecutive five-year period whether the work is done at one time or as the sum of multiple projects. For the purpose of this section, the following are not considered major structural components: exterior siding; non-structural door and window replacement; roofing material; decks; chimneys; and interior elements including but not limited to interior walls and sheetrock, insulation, kitchen and bathroom fixtures, mechanical, electrical and plumbing fixtures. The extent of alterations to major structural components will be calculated in accordance with administrative guidelines adopted by resolution of the Board of Supervisors;
- (3) The addition of habitable square footage to any structure, where the addition increases the habitable square footage by more than fifty (50) percent or 500 square feet, whichever is greater, over the existing habitable space within a consecutive five-year period. This allows a total increase of up to fifty (50) percent of the original habitable space of a structure, whether the additions are constructed at one time or as the sum of multiple additions over a consecutive five-year period;
- (4) An addition of any size to a structure that is located on a coastal bluff, dune, or in the coastal hazard area, that extends the structure in a seaward direction;
- (5) A division of land or the creation of one or more new building sites, except where a land division is accomplished by the acquisition of such land by a public agency for public recreational use;
- (6) Any change of use from non-habitable to habitable, according to the definition of "habitable" found in Section 16.10.040, or a change of use from any non-critical structure to a critical structure;
- (7) Any repair, alteration, reconstruction, replacement or addition affecting any structure that meets either of the following criteria:
 - (a) Posted "Limited Entry" or "Unsafe to Occupy" due to geologic hazards, or
 - (b) Located on a site associated with slope stability concerns, such as sites affected by existing or potential debris flows;

- (8) Grading activities of any scale in the 100-year flood plain or the coastal hazard area, and any grading activity which requires a permit pursuant to Chapter 16.20;
- (9) Construction of roads, utilities, or other facilities;
- (10) Retaining walls which require a building permit, retaining walls that function as a part of a landslide repair whether or not they require a building permit, sea walls, rip-rap erosion protection or retaining structures, and gabion baskets;
- (11) Installation of a septic system;
- (12) Any human made change to developed or undeveloped real estate in the Special Flood Hazard Area, including but not limited to buildings or other structures, mining, dredging, filling grading, paving, excavation, drilling operations, or storage of equipment or materials. This is in addition to any activity listed in items 1-11;
- (13) Any other project that is defined as development under Section 13.20.040, and that will increase the number of people exposed to geologic hazards, or that is located within a mapped geologic hazard area, or that may create or exacerbate an existing geologic hazard, shall be determined by the Planning Director to constitute development for the purposes of geologic review. (*Resolution No. 52-2012*)

New Development

(LCP) Any development activity excluding:

- (1) In flood hazard areas: reconstruction, demolition, alteration or improvement of any structure within any five year period which equals or exceeds 50 (fifty) percent of the existing structure's fair market value.
- (2) All other areas: modification, reconstruction or replacement of 50 (fifty) percent or more of the major structural components of an existing habitable structure within any consecutive five-year period. (See Development Activity.)