

3/28/19

Hi all-

As many of you know, the County of Santa Cruz is in process of changing their General Plan, Local Coastal Plan, and various ordinances.

The results of the changes are profound, for example:

Deed Restrictions that potentially limit a Coastal Property owner from protecting their home in the future and disallow the property owner from taking legal action against the County and the Coastal Commission regarding the matter. These deed restrictions will also potentially make it difficult to mortgage the property and will lessen the value of the property.

Yearly fees for both existing and proposed bluff protection exceeding \$5000 (not including the preparation costs for required submittals and documentation) when the County determines that your bluff protection is not on your property.

Mitigation fees for both existing and proposed bluff protection that can (and do) result in 100s of thousand dollars.

As some of you are already aware, elements of these new requirements are already being imposed on bluff front homes as Conditions of Approval.

The reason I am writing this e-mail is many of you (and others) have expressed a desire to affect some change regarding these matters however it is difficult for one individual to do so.

After discussions with Keith Adams (President of the County of Santa Cruz Coastal Home Owners Association), coastal home owner Jim Vaundagna, and attorney Anna DiBenedetto we have come up with a potential avenue to move forward with a group effort towards real change.

Currently Keith's organization is attempting to work with the County but finding little success. The organization is often minimally active, even to the point the Board does not meet for years at a time, unless there are issues that require more time and attention. Keith bares most of the burden to keep informed and to e-mail out to the membership etc. when some issue arises that could be of concern and he is approaching a point where he no longer wishes to bare that responsibility.

Keith is amenable to a more aggressive approach to issues but needs new Board members in order to move forth with that approach. Jim Vaundagna has volunteered to be a Board member but I believe three more are needed. Coastal home owner Steve Laub is considering.

The approach here is to have an organization able to file a suit, or suits, using donations from members and on behalf of all members.

Some of the potential suits that have been discussed (with attorneys):

1. I filed a Brown Act Violation complaint (through Anna DiBenedetto's office) regarding the yearly fees adopted by resolution by the Board of Supervisors last year. The County was essentially non-responsive so the next action is to file suit.

Assuming the case is won the result is the hearing must be re-scheduled and heard again. This allows the coastal community to comment en-masse regarding the issue (virtually no one was aware of it) and potentially file another suit if necessary, as the “fees” do not meet state legislated requirements for such fees.

2. Another Brown Act Violation complaint has been filed regarding the Planning Commission’s recommendation of approval of the proposed revisions. Critical documents were not included in the agenda packet and once the hearing was opened the audience was told that the Planning Commission would not be acting on the item, but once the public hearing was closed, the Planning Commission reversed that decision and recommended approval. If the County does not uphold the Brown Act complaint of their own volition, then file suit to require the Planning Commission re-schedule and re-hear the hearing.

3. I believe this one is the most important, it essentially would be the thread to pull that would unravel the County of Santa Cruz Code. State legislation mandates that building standards be uniform. In order to alter from California Building Code etc., findings must be made and filed with the Building Standards Commission that the community’s geology, topography, or climate are unique and file those findings with the Building Standards Commission. However the Building Standards Commission does not review whether those findings are valid. I have verified with the appropriate professionals that the County of Santa Cruz is in fact, not unique in any of those categories. Therefore, any building standard of the County’s regarding geology, grading, erosion, flooding, etc...is not valid.

For Example: Building hazards regarding seismic, flooding, grading, and geology, are all dictated by existing building codes,

and the authority for administering those codes lay with the Building Department. However County code gives administration to those codes to the Planning Department and they are contained in Planning code. This has resulted in the County Planning code and staff dictating how to mitigate hazards, geologic hazards for example, while their purview should be limited to mitigation of environmental, beach access, and aesthetic issues under state legislation. The result is an expensive, time consuming, and potentially dangerous situation.

The “elegance” of this suit is that it would benefit the whole County. Due to the current housing crisis there is a great deal of pressure that the appropriate codes be followed regarding building. i.e. arguing property rights does not need to be the thrust, it is arguing that the suit is for protecting the public from a process that is, as said, expensive, time consuming, and potentially dangerous. Due to the state wide implications of the suit, it may also garner support from various other organizations (such as the Realtors).

It is also important to note that these types of suits are subject to the California Code of Civil Procedure and attorney’s fees may be awarded by the court if the suit is won.

I am blind cc’ing this e-mail for your privacy; please contact me if you are interested or have questions. I can also put you in contact with Keith Adams.

Thank you for your consideration.

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