

CALIFORNIA COASTAL COMMISSION

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Staff:	ALK/LB <i>ALK</i>
Staff Report:	September 21, 2000
Hearing Date:	October 10-13, 2000
Commission Action:	

Item Wed 13d**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-00-141

APPLICANTS: Frank & Gloria Montesinos

PROJECT LOCATION: 117 Santa Ana Lane, San Clemente, Orange County

PROJECT DESCRIPTION: Demolition of a 500 square foot, one-story residential structure and construction of a new 4651 square foot, split-level, three to four-story, 44' high (maximum height from centerline of frontage road), 2-unit condominium complex with two 2-car attached garages.

Lot Area:	5735 sq. ft.
Building Coverage:	1824 sq. ft.
Pavement Coverage:	2765 sq. ft.
Landscape Coverage:	920 sq. ft.
Parking Spaces:	Four (4)
Land Use Designation:	Residential High Density
Ht. above centerline of Monterey Lane:	34'
Ht. above centerline of Santa Ana Lane:	44'
Avg. max. height above finished grade:	36' 6"

LOCAL APPROVALS RECEIVED:

Approval-in-Concept from the Department of Community Development of the City of San Clemente and Approval of Cultural Heritage Permit 99-114 from the Planning Commission of the City of San Clemente.

SUMMARY OF STAFF RECOMMENDATION:

The applicant proposes to demolish an existing structure and construct a new 44' high (from centerline of Santa Ana Lane) 2-unit condominium in the Pier Bowl district of the City of San Clemente. The major issue of this staff report is community character and cumulative effects on public coastal views. As proposed, the project will be inconsistent with the height of surrounding development.

Staff recommends that the Commission **APPROVE** the proposed development with two (2) special conditions. Special Condition No. 1 requires the applicant to submit revised project plans which show the height of the structure not to exceed a maximum height of 30' 6" above the centerline of Santa Ana Lane. Special Condition No. 2 requires the recordation of a deed restriction prohibiting future height increases

SUBSTANTIVE FILE DOCUMENTS:

City of San Clemente Certified Land Use Plan, City of San Clemente Pier Bowl Specific Plan and Coastal Development Permits 5-00-111 (Ballard); P-2-28-77-312 (Schroeder), P-5-13-77-920 (Ratkelis), P-7-11-77-1324 (Easton), P-7-28-77-1482 (Glover), P-12-2-77-2353 (Hartfield); and P-80-7017 (Rampart Research and Financial).

LIST OF EXHIBITS:

1. Vicinity Map
2. Assessor's Parcel Map
3. Pier Bowl Boundary Map
4. Project Plans
5. Location of Previously-Issued CDPs in Pier Bowl District
6. Copies of Previously-Issued CDPs in Pier Bowl District
7. Staff Field Survey—Number of Stories
8. Objection Letters Received
9. Pier Bowl Specific Plan View Corridor Exhibit
10. Photos of Surrounding Development

STAFF RECOMMENDATION:

The staff recommends that the Commission **APPROVE** the permit with special conditions.

MOTION:

I move that the Commission approve Coastal Development Permit No. 5-00-141 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 including the public access and recreation policies of Chapter 3, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. **STANDARD CONDITIONS**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. **SPECIAL CONDITIONS**

1. **Final Project Plans**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, two (2) full sets of final project plans approved in concept by the City of San Clemente which demonstrate that the structure approved by Coastal Development Permit No. 5-00-141 does not exceed a maximum height of 30' 6" above the centerline of Santa Ana Lane.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. **Future Development Deed Restriction**

- A. By acceptance of this permit, the applicant hereby acknowledges that the height of the structure approved by Coastal Development Permit No. 5-00-141 for development at 117 Santa Ana Lane in the City of San Clemente shall not exceed a maximum height of 30' 6" above the centerline of Santa Ana Lane.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development

within the parcel. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

II. Findings and Declarations

The Commission hereby finds and declares

A. Project Location, Description and Background

Project Location

The subject site is located at 117 Santa Ana Lane in the Pier Bowl area of the City of San Clemente (Exhibits 1 & 2). The subject site is a corner lot with frontage on Monterey Lane to the east and Santa Ana Lane to the southwest. The site is located within the Residential High (RH) density zoning designation, approximately one-quarter mile from the shoreline. The nearest public coastal access is provided at the entrance to the San Clemente Municipal Pier.

The Pier Bowl is a mixed-use district adjacent to the Municipal Pier, which serves as the central focal point of the City (Exhibit 3). The area includes commercial, visitor-serving and residential development. As described in the Pier Bowl Specific Plan, the topography of the subject area gently slopes seaward, forming a "natural amphitheater to the ocean."

Project Description

The applicant is proposing the demolition of a 500 square foot, one-story residential structure and construction of a new 4651 square foot, split-level, three to four-story, 44' high (maximum height from centerline of frontage road), 2-unit condominium complex with two 2-car attached garages (Exhibit 4). One garage will take access from Monterey Lane, while the other garage will take access from Santa Ana Lane. The project also involves approximately 370 cubic yards of cut for site preparation. Excess material will be disposed of at the Prima Deshecha Landfill.

City Approval of Project

On November 3, 1999, the City of San Clemente Planning Commission approved Cultural Heritage Permit 99-114 for construction of the proposed duplex. The Cultural Heritage Permit was necessary due to the existence of a designated historic structure next door to the subject site.

Prior Commission Actions in Subject Area

The majority of existing development within the subject area appears to be pre-Coastal Act (constructed prior to the passage of the Coastal Act). However, Commission staff has identified seven (7) Commission approvals determined to be applicable to the currently proposed development. These are residential projects either conditioned to maintain a specific height limit or were proposed at the height specified below. Of the structures in the immediate vicinity of the proposed duplex, all have been limited to a height of 30' 6" or less from the centerline of the frontage road. Exhibit 5 graphically depicts the location of each prior Commission action.

CDP 5-00-111 (Ballard)

On June 14, 2000, the Commission heard and continued application number 5-00-111 (Ballard) so that the applicant and staff could resolve outstanding issues regarding the

height of a proposed duplex at 108 Capistrano Lane. On August 10, 2000, the Commission approved the project with two special conditions limiting the maximum building height and requiring the recordation of a future improvement deed restriction to maintain that height (Exhibit 6a). Special Condition No. 1 required the height of the proposed structure to be limited to **20' above the centerline of the frontage road (Capistrano Lane)**, thereby maintaining consistency with the Commission's prior approval at the lot next door (Schroeder, discussed below). Special Condition No. 2 required the applicants to record a deed restriction which notifies the applicants and any future landowners that the structure approved by CDP 5-00-111 shall not exceed a maximum height of 20' above the centerline of Capistrano Lane. The Ballard site is located four lots north of the subject site, across Capistrano Lane.

P-5-13-77-920 (Ratkelis)

On August 11, 1977, the Commission approved CDP No. P-5-13-77-920 (Ratkelis) for the construction of a 3-level duplex with four-car subterranean level garage, conditioned not to exceed **30' 6" above the centerline of Santa Ana Lane** at 117 Capistrano Lane (Exhibit 6b). This structure is located directly adjacent to the subject site, at the corner of Capistrano Lane and Santa Ana Lane.

P-2-28-77-312 (Schroeder)

On April 4, 1977, the Commission approved P-2-28-77-312 (Schroeder) for the construction of a four-story duplex, conditioned not to exceed **20' from the centerline of the frontage road (Capistrano Lane)** at 110 Capistrano Lane (Exhibit 6c). The Schroeder residence is located three lots north of the subject site, across Capistrano Lane.

P-7-11-77-1324 (Easton)

On August 11, 1977, the Commission approved CDP No. P-7-11-77-1324 (Easton), which allowed the construction of a four-story duplex, conditioned not to exceed **36' above the centerline of Alameda** and **23' 6" above the centerline of Santa Ana Lane** at 122 Santa Ana Lane (Exhibit 6d). This structure is located across the street from the subject site, at the intersection of Santa Ana Lane, Monterey Lane and S. Alameda Lane.

P-7-28-77-1482 (Glover)

On August 25, 1977, the Commission approved CDP No. P-7-28-77-1482 (Glover) for the construction of a three-story, four-unit apartment building with subterranean garage for eight cars, proposed at **28' 4" above the centerline of the frontage road** at 511 Avenida Del Mar (Exhibit 6e). This structure is located two lots north of the subject site, at the intersection of Avenida Del Mar, Capistrano Lane and Santa Ana Lane.

P-12-2-77-2353 (Hartfield)

On January 9, 1978, the Commission approved CDP No. P-12-2-77-2353 (Hartfield), which allowed the construction of a 3-story (over garage level) triplex, conditioned not to exceed **26' above average finished grade** and **36' above the centerline** of the frontage road at 123 Coronado Lane (Exhibit 6f). This structure is located two blocks west of the subject site, at the intersection of Monterey Lane, S. Alameda Lane and Coronado Lane.

P-80-7017 (Rampart Research and Financial)

On August 11, 1980, the Commission approved CDP P-80-7017 (Rampart Research and Financial) for the demolition of a single-family dwelling and construction of a new three-story, five-unit condominium proposed at **25' above average finished grade** and **32' above the centerline of the frontage road** at 103 Coronado Lane (Exhibit 6g). This structure is located one block west and eight lots north of the subject site, at the intersection of Avenida Del Mar, S. Alameda Lane and Coronado Lane.

Field Survey Results

The majority of residential development in the surrounding area is made up of split level duplexes and apartments on sloping lots. Building heights vary from structure to structure and block to block. Exhibit 7 shows the results of a Commission staff field survey documenting the number of stories of each existing structure.

Public Comment

Five (5) letters of opposition to the proposed project have been received to date (Exhibit 8). The opponents express concern over the height of the proposed structure as it relates to community character and the adjacent historic structure. Many have requested the height of the proposed duplex be restricted to the height of surrounding development.

B. Standard of Review

The Commission certified the City of San Clemente Land Use Plan (LUP) on May 11, 1988, and approved an amendment in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan (IP) portion of the Local Coastal Program (LCP). The suggested modifications expired on October 10, 1998. Therefore, the City has no certified LCP and the Commission retains permit issuance jurisdiction.

The City has recently submitted the revised IP for Commission review. The Commission will be considering this item at its October 2000 hearing. However, until such time as the IP is approved and the City's LCP has been fully certified by the Commission, the Chapter Three policies of the Coastal Act are applied as the standard of review. The City's certified LUP will be used as guidance in the current analysis.

Also noted, the City adopted the Pier Bowl Specific Plan on October 13, 1993. The Specific Plan is included in the City's recent IP submittal for Commission review. However, as the Commission has yet to certify the Specific Plan, the Plan will not be applied as guidance.

C. Scenic and Visual Resources

1. Coastal Act Policy

Section 30251 of the Coastal Act states, in pertinent part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

2. City of San Clemente Land Use Plan Policies

Section 305 of the City's certified LUP contains the following Coastal Visual and Historic Resources Goals and Policies.

Policy XII.5 states:

Preserve the aesthetic resources of the City, including coastal bluffs, visually significant ridgelines, and coastal canyons, and significant public views.

Policy XII.9 states:

Promote the preservation of significant public view corridors to the ocean.

3. Pier Bowl Specific Plan Policies

The Pier Bowl Specific Plan contains policies and standards for allowable building height and view preservation within the Pier Bowl district. During public workshops for the development of the Specific Plan, the protection of significant public views was identified as an important design issue. Included in the Specific Plan is an identification of significant view corridors, including the Pier and ocean from Avenida Del Mar. Exhibit 9 illustrates four of the six designated view corridors in the Specific Plan. However, as the Commission has yet to certify the City's Specific Plan, these policies will not be used as guidance in the current analysis.

4. Analysis of Scenic and Visual Resource Issues

The applicant is proposing to demolish an existing 500 square foot one-story structure and construct a new 4651 square foot three-four story structure in its place. The project is sited in an area where development is allowed to reach to a maximum average building height of 45 feet above existing grade. (Averages are used to accommodate development on sloping lots.) However, at present, the structures along the south side of Capistrano Lane do not typically exceed a 35-foot maximum height above existing grade. In addition, the majority of development within the surrounding residential neighborhood maintains a consistent building height of approximately 35 feet above existing grade. This pattern of development has created a uniform line of structures along each parallel block within the Pier Bowl area. Each row of residences steps down with the topography toward the ocean (Exhibit 10). However, as proposed, the 44' high duplex (maximum height above Santa Ana Lane) will exceed the heights of adjacent structures, creating an incongruous feature in the current pattern of residential development.

Due to the curvature and topography of the roadway (Monterey Lane) and the pattern of existing development, the proposed project will not obstruct public views of the ocean. However, the project will affect views toward the Pier Bowl Core as seen from the San Clemente Pier. While the view of the Core from the Pier will not be obstructed by the proposed duplex, the structure will create an obtrusive, nonconforming element in the center of existing development, thus affecting the appearance of the Pier Bowl Core when viewed from the Pier. The duplex will appear noticeably out of character with adjacent structures when viewed from the adjacent streets.

As discussed previously, the Commission has imposed building height restrictions on five (5) developments in the subject area to ensure the preservation of coastal views and community character. Two (2) other Commission-approved projects were proposed at a height acceptable to the Commission. Commission actions include the recent approval of a duplex at 108 Capistrano Lane, which was limited to 20' above the centerline of the frontage road [(5-00-111 (Ballard))]. This approval was consistent with the Commission's prior approval at 110 Capistrano Lane [P-2-28-77-312(Schroeder)]. Relevant to the current application, the Commission previously approved the construction of a 3-level duplex at 117 Capistrano Lane, directly north of the subject site, conditioned not to exceed 30' 6" above the centerline of Santa Ana Lane [(P-5-13-77-920 (Ratkelis))]. Also applicable, the Commission limited the height of a structure across the street to 36' above the lower (seaward) frontage road and 23' 6" from the perpendicular cross street [P-12-2-77-2353 (Hartfield)]. The proposed duplex would exceed the height of the adjacent structures and

create a new development precedent if approved at 44' above the centerline of Santa Ana Lane.

Existing development steps down as you travel closer to the shoreline, mimicking the natural topography of the Pier Bowl. If structures are allowed to be constructed at the maximum allowable height (45'), regardless of the current pattern of adjacent development, the visual appearance of the neighborhood will be significantly altered. In order to maintain community character, new development must be sensitive to the existing topography and adjacent rooflines.

Opponents of the proposed development contend that the Commission has set a precedent of limiting height in the Pier Bowl area and should not allow the current structure to exceed previously imposed height restrictions. In addition, there is concern that the proposed duplex will negatively affect the adjacent historic structure. As stated in one letter,

"...another building at 117 Santa Ana Lane right in front of a historical building, whose height will overwhelm said historical building and it is being built on a small lot, it should be kept at the same height as surrounding buildings and compliment the historical building by not going to extreme height."

In its approval of Cultural Heritage Permit 99-114, the City determined the proposed project to be "compatible with the scale of other properties in the surrounding neighborhood" and "will maintain views of the abutting historic structure from the public street on Monterey Lane." As such, the City has deemed the proposed duplex to be in conformance with the character of the neighborhood and "not detrimental to the orderly development of the City."

While the Commission recognizes that the proposed duplex meets the City's zoning requirements for height, the project will conflict with the qualitative policies for preservation of scenic and visual resources contained in the City's certified LUP and the Coastal Act. Moreover, as the proposed project may set a precedent for future development within the Pier Bowl High Density residential area, the more protective policy must be enforced. Subsequent applicants may propose to construct structures to the maximum allowable building height (45'), thereby creating a taller pattern of development within the Pier Bowl. These incremental height increases will result in cumulative adverse effects on public views of the Pier and the ocean from public roadways.

5. Special Conditions

To ensure conformance with the scenic and visual resource protection policies of the Coastal Act, the Commission imposes the following special conditions. Special Condition 1 requires the applicant to submit two (2) full sets of project plans, approved by the City of San Clemente, showing that the proposed structure does not exceed a maximum height of 30' 6" above the centerline of the frontage road (Santa Ana Lane). Special Condition 2 requires the applicant to record a deed restriction which notifies the applicant and any future landowners that the structure approved by CDP 5-00-141 shall not exceed a maximum average height of 30' 6" above the centerline of Santa Ana Lane.

6. Conclusion

The proposed project will be incompatible with the character of surrounding development, inconsistent with Section 30251 of the Coastal Act and the City's certified LUP. The Commission has set a precedent of limiting height in the subject area. As such, the Commission's current action is consistent with previous actions.

The proposed duplex does not conform to the existing pattern of development, will result in an incremental adverse impact, and will set a precedent for future development in the subject area. Over time, incremental impacts can have a significant cumulative adverse visual impact.

Based on records research and field visits, Commission staff has confirmed that the majority of existing structures in the surrounding neighborhood have been constructed at comparable heights. In addition, the Commission has set a precedent of limiting height in the subject area. As such, the Commission's current action is consistent with prior actions in the Pier Bowl district. The Commission finds the proposed duplex, as conditioned, to be consistent with Section 30251 of the Coastal Act.

D. New Development

1. Coastal Act Policies

As defined by Section 30106 of the Coastal Act, "development" includes a change in the density or intensity of use of land or construction, reconstruction, demolition, or alteration of the size of any structure. The proposed project involves the demolition of an existing structure and construction of a new duplex.

Section 30250 (a) of the Coastal Act requires that new development be located where it will not have significant adverse effects on coastal resources. It states, in relevant part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

As stated previously, Section 30251 of the Coastal Act requires development to be "visually compatible with the character of surrounding areas." Therefore, new development should be designed in a scale and height consistent with existing structures.

2. City of San Clemente Land Use Plan Policies

Section III. G of the City of San Clemente Certified Land Use Plan (LUP) contains various policies regarding new residential development within the Pier Bowl district. These policies are being used as guidance.

LUP Policy I.5 addresses multi-family residential development as follows:

Require that multi family residential projects be designed to convey a high level of quality and distinctive neighborhood character in accordance with the Urban Design Element.

The LUP includes the following policy intent for the Pier Bowl area:

Plan policy provides for the continuation of the Pier Bowl as a recreational activity area. Coastal recreational uses including retail, restaurant, hotel, bed and breakfast, time share, and residential are allowed. Cultural and recreational activities, including the Ocean Festival, are encouraged. Building design in the Pier Bowl is required to

preserve public views, encourage pedestrian activity, to be sensitive to the Pier Bowl's topography and to be a Spanish Colonial Revival Architecture style.

The LUP also contains Policy VI.5 requiring the preparation of a Specific Plan to guide new development in the Pier Bowl:

Formulate a Specific Plan incorporating detailed land uses, design and public improvement requirements to ensure consistent development of the Pier Bowl area.

3. Pier Bowl Specific Plan Policies

The Pier Bowl Specific Plan provides policies, development standards and design guidelines for new development in the subject area. Of particular interest as it relates to the currently proposed development, the Specific Plan requires the design of buildings to be compatible with the surrounding area, particularly adjacent buildings and suggests that in-fill development not contrast greatly with the neighboring structure. However, as noted previously, the Pier Bowl Specific Plan has not been reviewed and certified by the Commission and therefore, cannot be applied in the current analysis.

4. Analysis of Development Issues

The applicant is proposing a new 34'-44' high duplex on a sloping corner lot in the Pier Bowl area of San Clemente. The project is consistent with the height limit set forth in both the City of San Clemente Zoning Ordinance for structures within the Residential High (RH) density district. However, as proposed, the structure will exceed the maximum height of the adjacent duplex fronting Santa Ana Lane by approximately 13' 6". As shown in Exhibit 10, existing development in the subject area steps down with the topography towards the ocean. The adjacent three-story duplex was conditioned by the Commission to a height not to exceed 30' 6" from the centerline of the frontage road (Santa Ana Lane), whereas the proposed three to four story split level structure will be 44' high. The adjacent historic structure on Monterey Lane is two stories in height. As proposed, the duplex will be taller than both the historic structure on Monterey Lane and the adjacent duplex on Santa Ana Lane. Consequently, the proposed project will not follow the established pattern of development and be out of character with surrounding structures.

Section 30250 (a) of the Coastal Act prohibits new development from being sited where it will have an adverse affect on coastal resources. As scenic and visual qualities are considered a public resource, the proposed development would have an adverse affect on a coastal resource. Existing coastal views from public roadways within Pier Bowl area will be incrementally obstructed as structures are allowed to be built to the 45' height limit. Over time, this will have a cumulative and significant adverse impact.

The Commission has previously imposed building height restrictions in the subject area, thereby setting a development precedent, as reviewed on pages 4-5 of the current report. Existing structures along Capistrano Lane and Santa Ana Lane are limited to a maximum height that will maintain public views of the coastline and preserve the character of the surrounding neighborhood. The proposed project exceeds the height of adjacent structures and will create a new development precedent if approved at 44' above Santa Ana Lane.

5. Conclusion

The Commission finds that the development, as proposed, will have an incremental adverse effect, which sets a precedent that will result in a significant cumulative adverse effect on public coastal views and the character of development in the Pier Bowl district. However,

as conditioned to maintain a building height consistent with the adjacent structure, the proposed development is consistent with Sections 30250 and 30251 of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The Commission is scheduled to hear this item at its October 2000 meeting. Therefore, the Commission retains coastal development permit jurisdiction in the City of San Clemente.

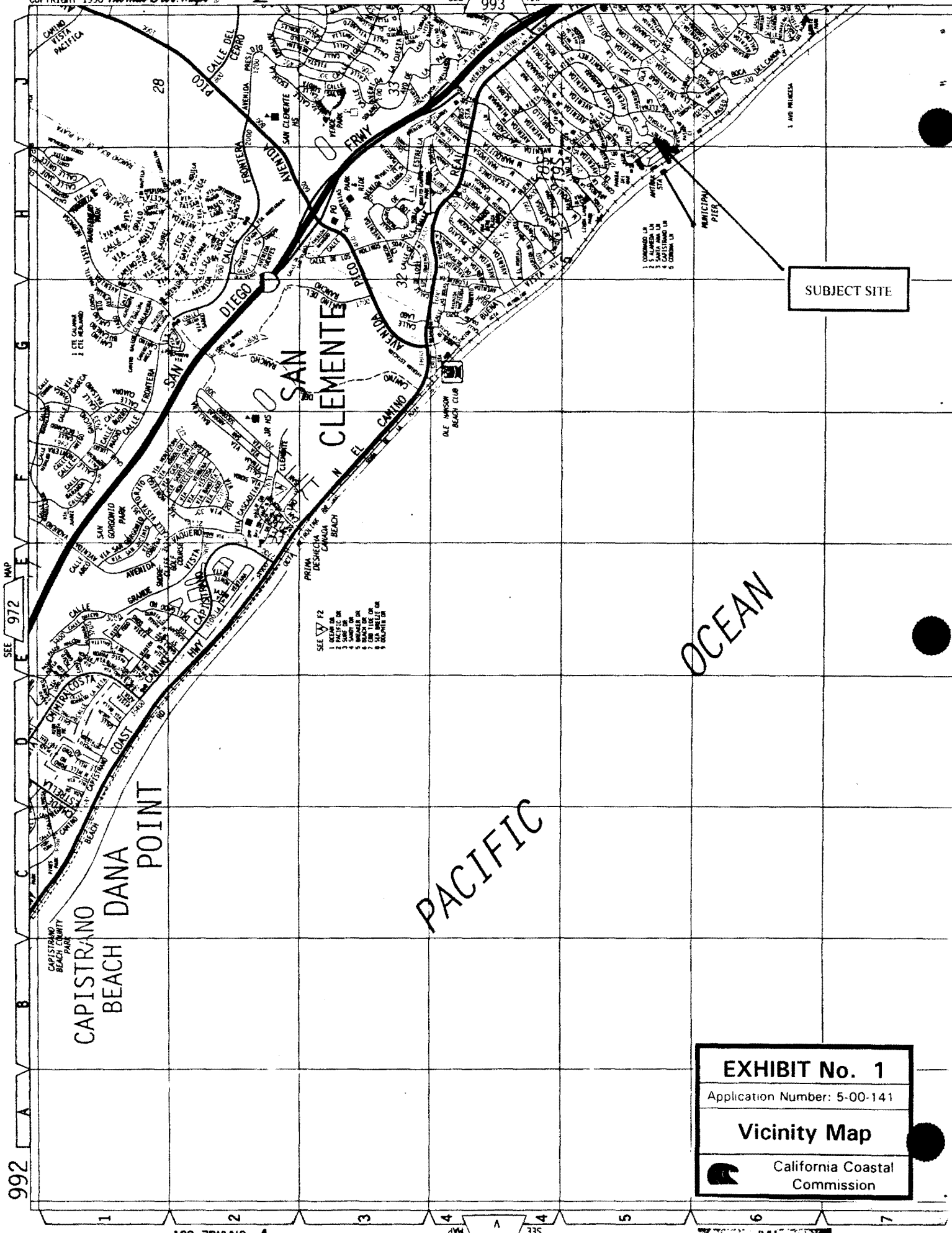
As stated previously, the City has recently submitted the revised IP for Commission review. The Pier Bowl Specific Plan is included in the City's submittal. The Specific Plan includes policies that are intended to be consistent with the Chapter Three policies of the Coastal Act. Consistency with the scenic and visual resource policies of the Coastal Act must be ensured prior to LCP certification.

While the IP is still under consideration, the Commission can not take any action that may prejudice the City's ability to prepare a certified LCP. The proposed development is inconsistent with the visual resource policies of the Coastal Act. In addition, the proposed development is inconsistent with the policies contained in the City's certified Land Use Plan regarding preservation of public views of the coastline. Therefore, approval of the proposed development will prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

F. Consistency with the California Environmental Quality Act (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to address impacts on scenic and visual resources and community character. Mitigation measures, in the form of special conditions, require 1) submittal of revised project plans; and 2) recordation of a deed restriction limiting allowable building height, will minimize all adverse effects. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of CEQA.



SUBJECT SITE

- SEE F2
- 1 OCEAN
 - 2 PACIFIC
 - 3 SAN
 - 4 HARBOR
 - 5 BRIDGE
 - 6 SAN JUAN
 - 7 SAN JUAN

OCEAN

PACIFIC

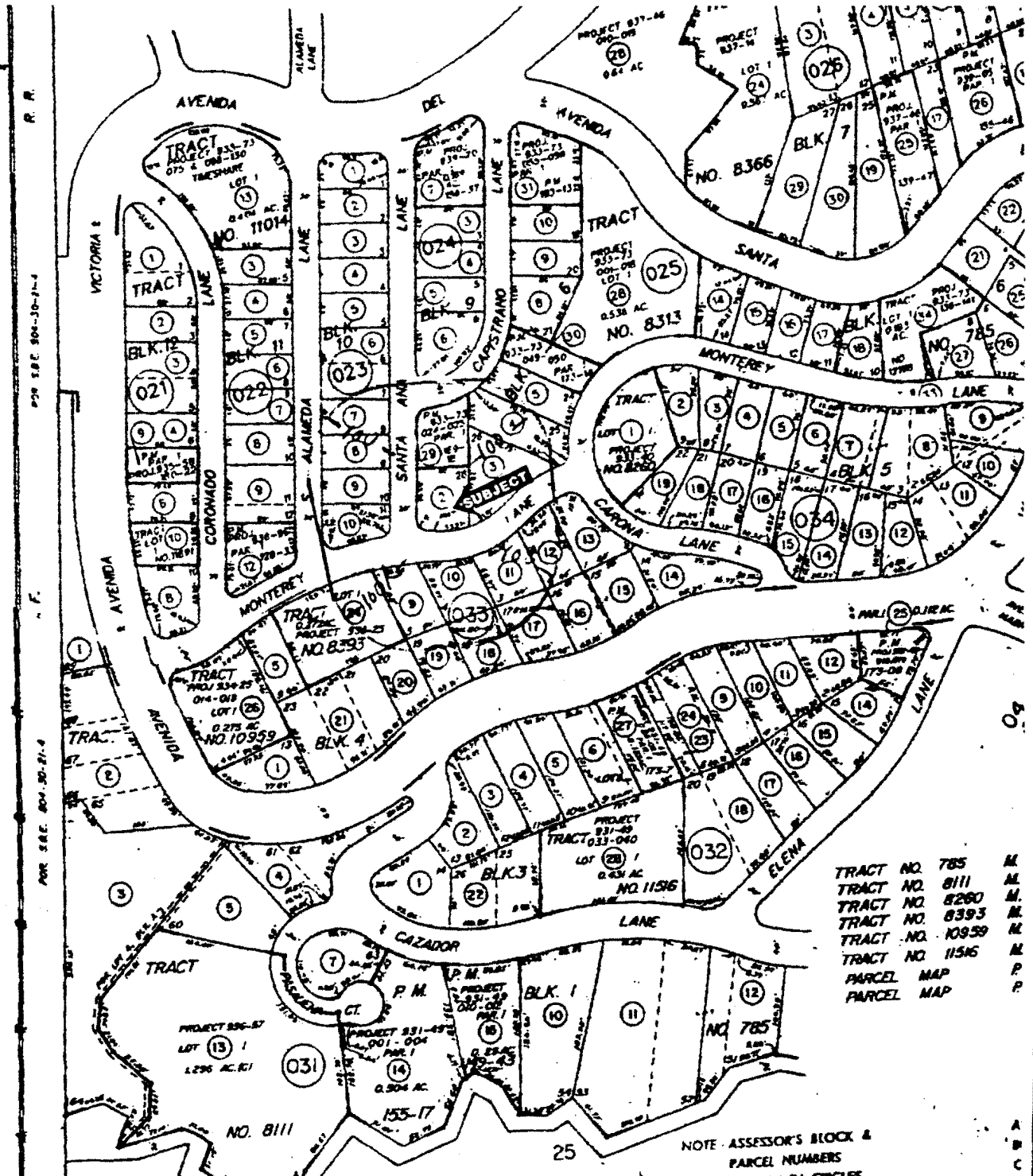
EXHIBIT No. 1
 Application Number: 5-00-141
Vicinity Map
 California Coastal Commission

SEE 972 MAP

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1 ORANGE CO.

MAP



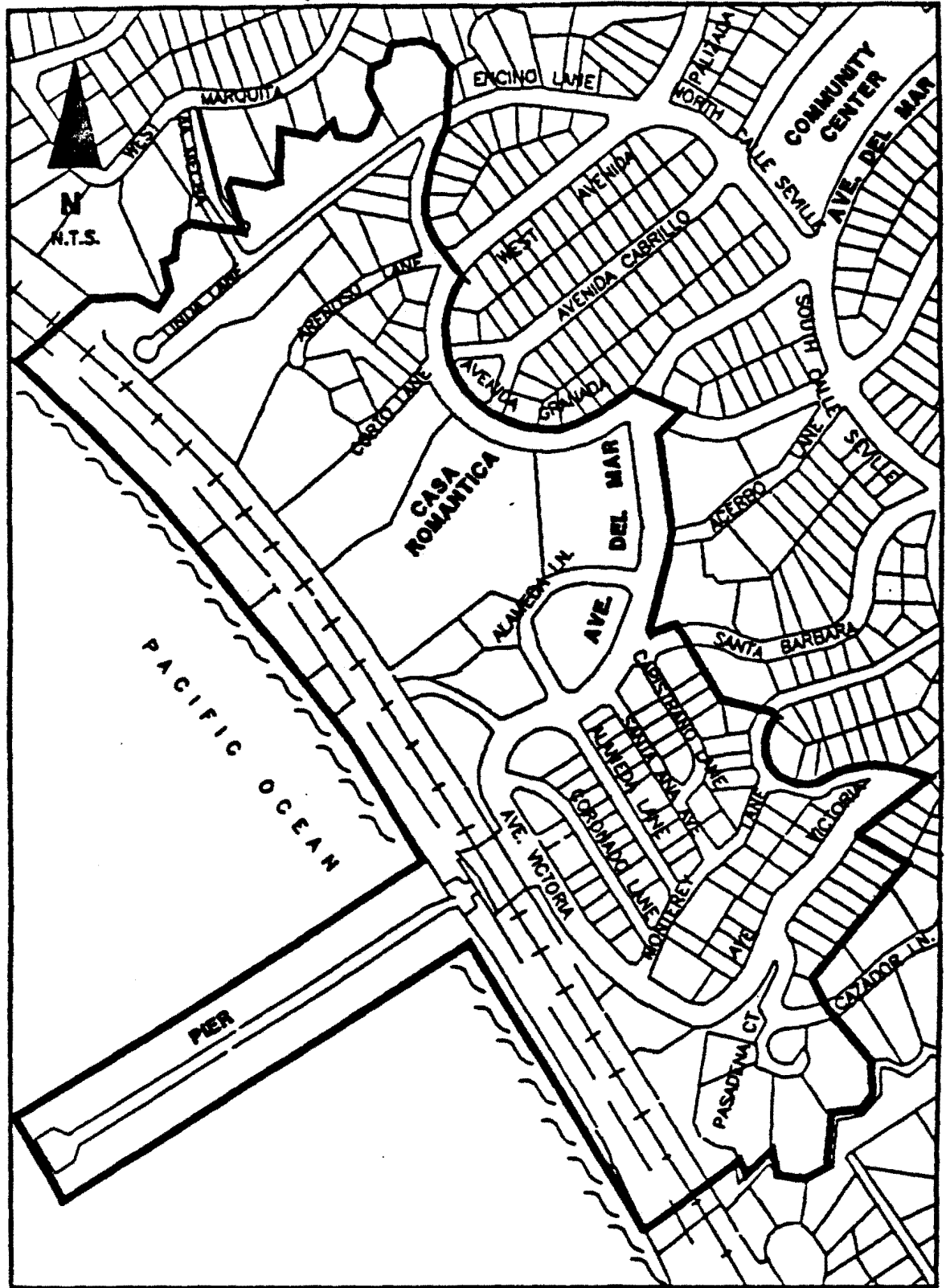
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EXHIBIT No. 2
Application Number: 5-00-141
Parcel Map
California Coastal Commission

Ownership Map



**PIER BOWL
SPECIFIC PLAN**

PIER BO

EXHIBIT No. 3

Application Number: 5-00-141

Pier Bowl
Boundary Map

California Coastal
Commission

ARTER GROUP DUPLEX

117 SANTA ANA LN.
SAN CLEMENTE, CALIFORNIA

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COASTAL COMMISSION


PROJECT DIRECTORY	SITE ANALYSIS	INDEX OF DRAWINGS																		
<p>PROJECT LOCATION 117 SANTA ANA LN. SAN CLEMENTE, CA 92672</p> <p>LEGAL DESCRIPTION LOT 20, BLOCK 4, TRACT 709 OF S 4643-024-02 OWNERS: JON & IVESA P. MONTESINOS 108 VINTAGE WAY SAN CLEMENTE, CA 92672 TEL.: (449) 443-7912</p> <p>ARCHITECT ARTER GROUP FRANCISCO P. MONTESINOS, AIA 108 VINTAGE WAY SAN CLEMENTE, CA 92672 TEL.: (714) 561-9230</p>	<p style="text-align: center;">CODE STUDY</p> <p>PLANNED ZONE TYPE OF CONSTRUCTION MAXIMUM HEIGHT ALLOWED SPEED ALLOWABLE ROAD</p> <p>USE: V. - DUPLEX MIN. LOT AREA: 8000 sq. ft. MIN. LOT DEPTH: 100 ft. MIN. FRONT YARD SETBACK: 10 ft. MIN. SIDE YARD SETBACK: 5 ft. MIN. REAR YARD SETBACK: 10 ft. MIN. FRONT SETBACK: 10 ft. MIN. SIDE SETBACK: 5 ft. MIN. REAR SETBACK: 10 ft. MIN. FRONT SETBACK: 10 ft. MIN. SIDE SETBACK: 5 ft. MIN. REAR SETBACK: 10 ft.</p> <p style="text-align: center;">SITE ANALYSIS</p> <p>SITE AREA: 4384.0 sq. ft. BLDG. FOOTPRINT AREA: 4384.0 sq. ft. (100%) PERCENT COVERED: 100% ZONING: V. - DUPLEX PERMITTED OCCUPANCY (M): 2 (BY SUBDIVISION) PERMITTED OCCUPANCY (L): 2 (BY SUBDIVISION) PERMITTED OCCUPANCY (S): 2 (BY SUBDIVISION) PERMITTED OCCUPANCY (M): 2 (BY SUBDIVISION) PERMITTED OCCUPANCY (L): 2 (BY SUBDIVISION) PERMITTED OCCUPANCY (S): 2 (BY SUBDIVISION) PERMITTED OCCUPANCY (M): 2 (BY SUBDIVISION)</p>	<p style="text-align: center;">DESCRIPTION</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">SHEET #</th> <th style="width: 90%;">TITLE SHEET</th> </tr> </thead> <tbody> <tr> <td>A-1</td> <td>SITE PLAN / ROOM PLAN - V.1</td> </tr> <tr> <td>A-2</td> <td>SANTA ANA LN. SANSBERRY LEVEL FLOOR PLAN - V.1</td> </tr> <tr> <td>A-3</td> <td>SANTA ANA LN. SANSBERRY LEVEL FLOOR PLAN - V.2</td> </tr> <tr> <td>A-4</td> <td>SANTA ANA LN. SECOND LEVEL FLOOR PLAN - V.1</td> </tr> <tr> <td>A-5</td> <td>SANTA ANA LN. SECOND LEVEL FLOOR PLAN - V.2</td> </tr> <tr> <td>A-6</td> <td>SANTA ANA LN. EAST ELEVATION (SANTA ANA LN.) - V.1</td> </tr> <tr> <td>A-7</td> <td>SANTA ANA LN. EAST ELEVATION (MONTESINOS LN.) - V.1</td> </tr> <tr> <td>A-8</td> <td>SANTA ANA LN. SOUTH & EAST ELEVATIONS - V.1</td> </tr> </tbody> </table>	SHEET #	TITLE SHEET	A-1	SITE PLAN / ROOM PLAN - V.1	A-2	SANTA ANA LN. SANSBERRY LEVEL FLOOR PLAN - V.1	A-3	SANTA ANA LN. SANSBERRY LEVEL FLOOR PLAN - V.2	A-4	SANTA ANA LN. SECOND LEVEL FLOOR PLAN - V.1	A-5	SANTA ANA LN. SECOND LEVEL FLOOR PLAN - V.2	A-6	SANTA ANA LN. EAST ELEVATION (SANTA ANA LN.) - V.1	A-7	SANTA ANA LN. EAST ELEVATION (MONTESINOS LN.) - V.1	A-8	SANTA ANA LN. SOUTH & EAST ELEVATIONS - V.1
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A-8	SANTA ANA LN. SOUTH & EAST ELEVATIONS - V.1																			
<p style="text-align: center;">LOCATION MAP</p> 																				

EXHIBIT No. 4

Application Number 5-00-141

Project Plans

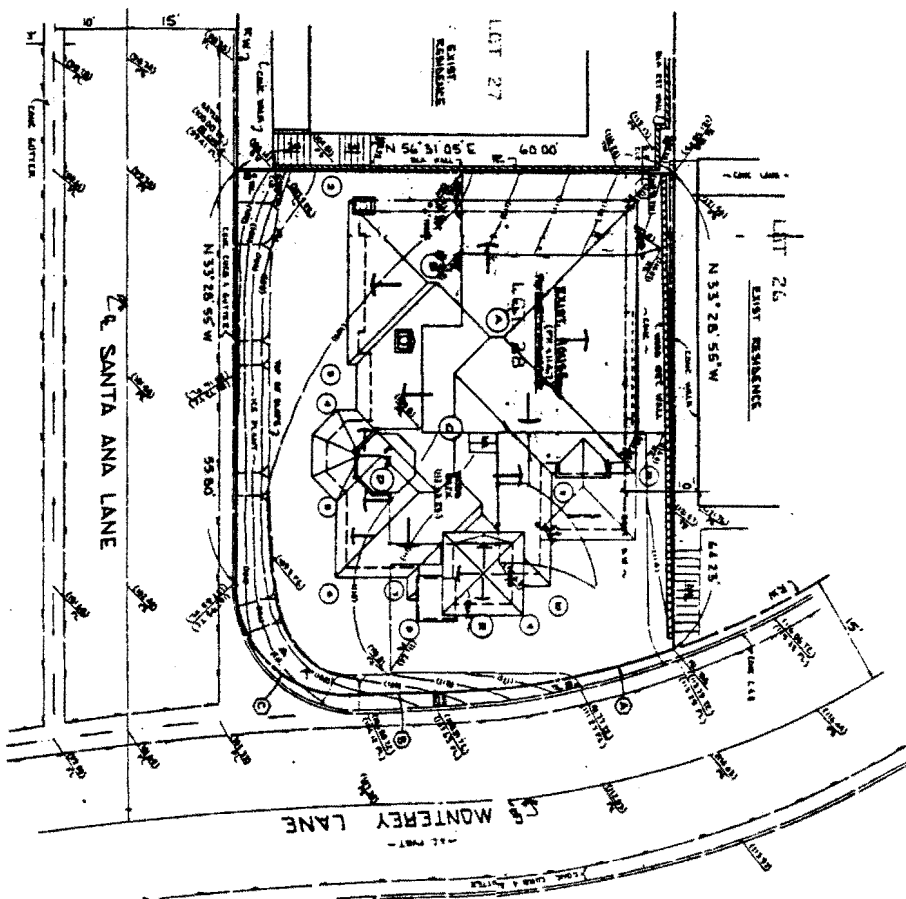
California Coastal
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ROOF HEIGHTS CALCULATIONS					
1	ROOF DEVIATION EASTING SURFACE	1	1	1	Avg 20'-0"
2	ROOF DEVIATION WESTING SURFACE	2	2	2	Avg 20'-0"
3	ROOF DEVIATION EASTING SURFACE	3	3	3	Avg 20'-0"
4	ROOF DEVIATION WESTING SURFACE	4	4	4	Avg 20'-0"
5	ROOF DEVIATION EASTING SURFACE	5	5	5	Avg 20'-0"
6	ROOF DEVIATION WESTING SURFACE	6	6	6	Avg 20'-0"



SITE / ROOF PLAN

Prepared by: FRANCISCO P. MONTESINOS, AIA
 License No. 14071
 Date: 10/15/99

CURVE DATA

1. R=103.76 A=118.75° L=33.21'
 2. R=433.2 A=113.94° L=111.67'
 3. R=18 A=92.57° L=32.34'

DRAWN BY: []
 DATE: []
 PLOTTED BY: []
 CHECKED BY: []
 REVISIONS: []
 SHEET NUMBER: **A-1**
 OF 2

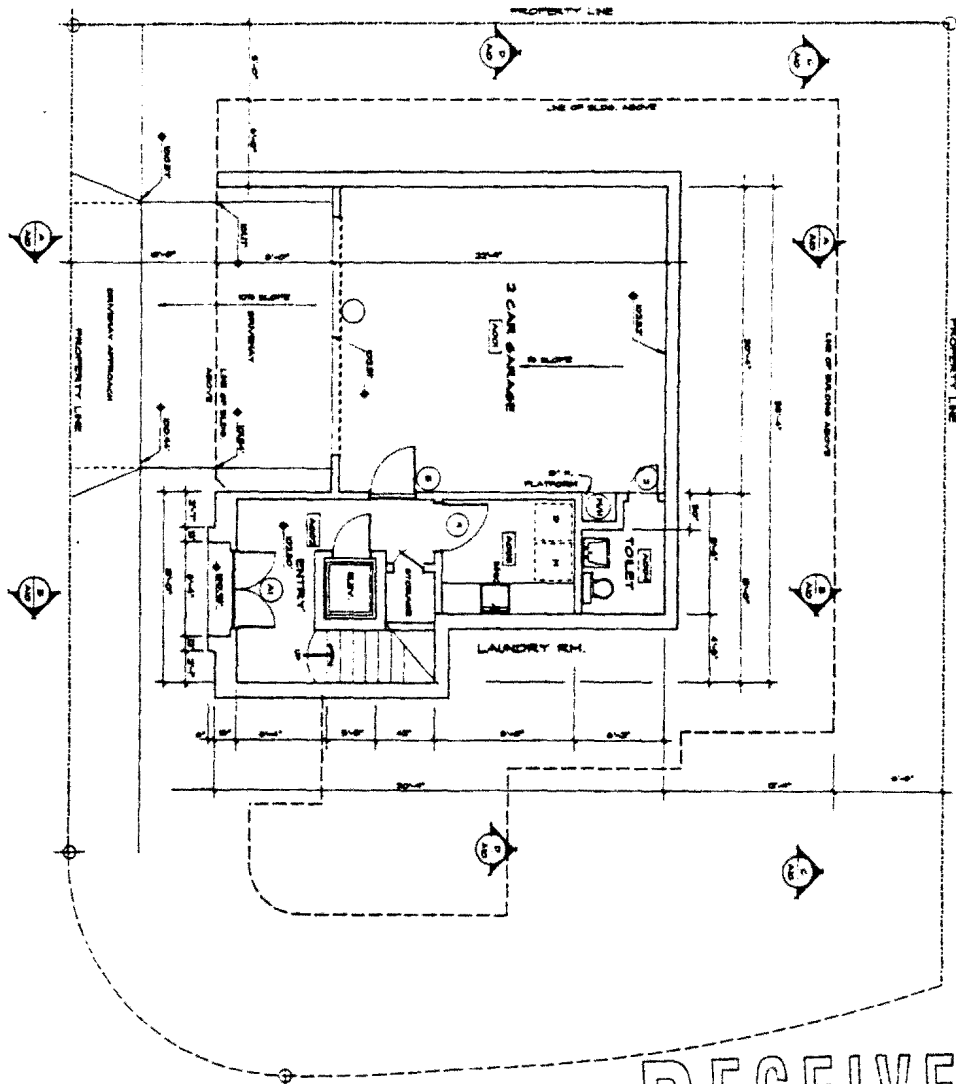
117 SANTA ANA LN.
SAN CLEMENTE, CA 92672

Artek

francisco p. montesinos a.i.a.
 108 via zapata lc. #13710
 san clemente, california 92672
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EX. 4
2 of 9

GARAGE LEVEL FLOOR PLAN



SEE PLAN SHEET 2000-0001 FOR THE LIVING PLAN
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SERGED DEVELOPMENT

A-2
 0/3

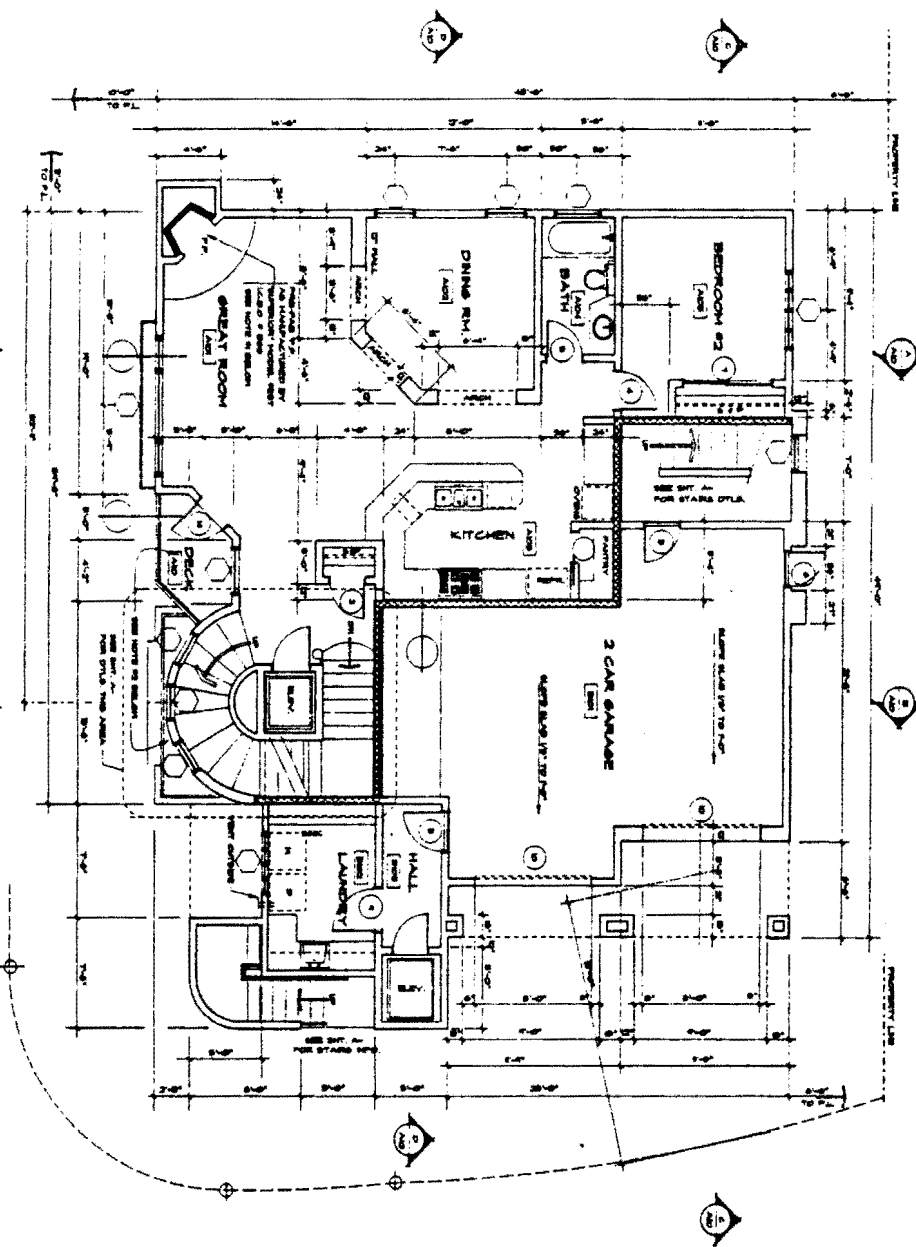
EX. 4
 3 of 9

NOTES:

1. THESE PLANS SHOW AND ILLUSTRATE THE PROPOSED DEVELOPMENT TO BE CONSTRUCTED ON THE PROPERTY DESCRIBED IN THE OFFICIAL RECORDS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, AND TO BE LOCATED AS SHOWN ON THE MAPS AND PLANS ATTACHED HERETO.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE COUNTY OF SAN DIEGO, CALIFORNIA, AND THE STATE OF CALIFORNIA.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE COUNTY OF SAN DIEGO, CALIFORNIA, AND THE STATE OF CALIFORNIA.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE COUNTY OF SAN DIEGO, CALIFORNIA, AND THE STATE OF CALIFORNIA.

FIRST LEVEL FLOOR PLAN

DATE: 11/15/99
 DRAWN BY: [Name]
 CHECKED BY: [Name]



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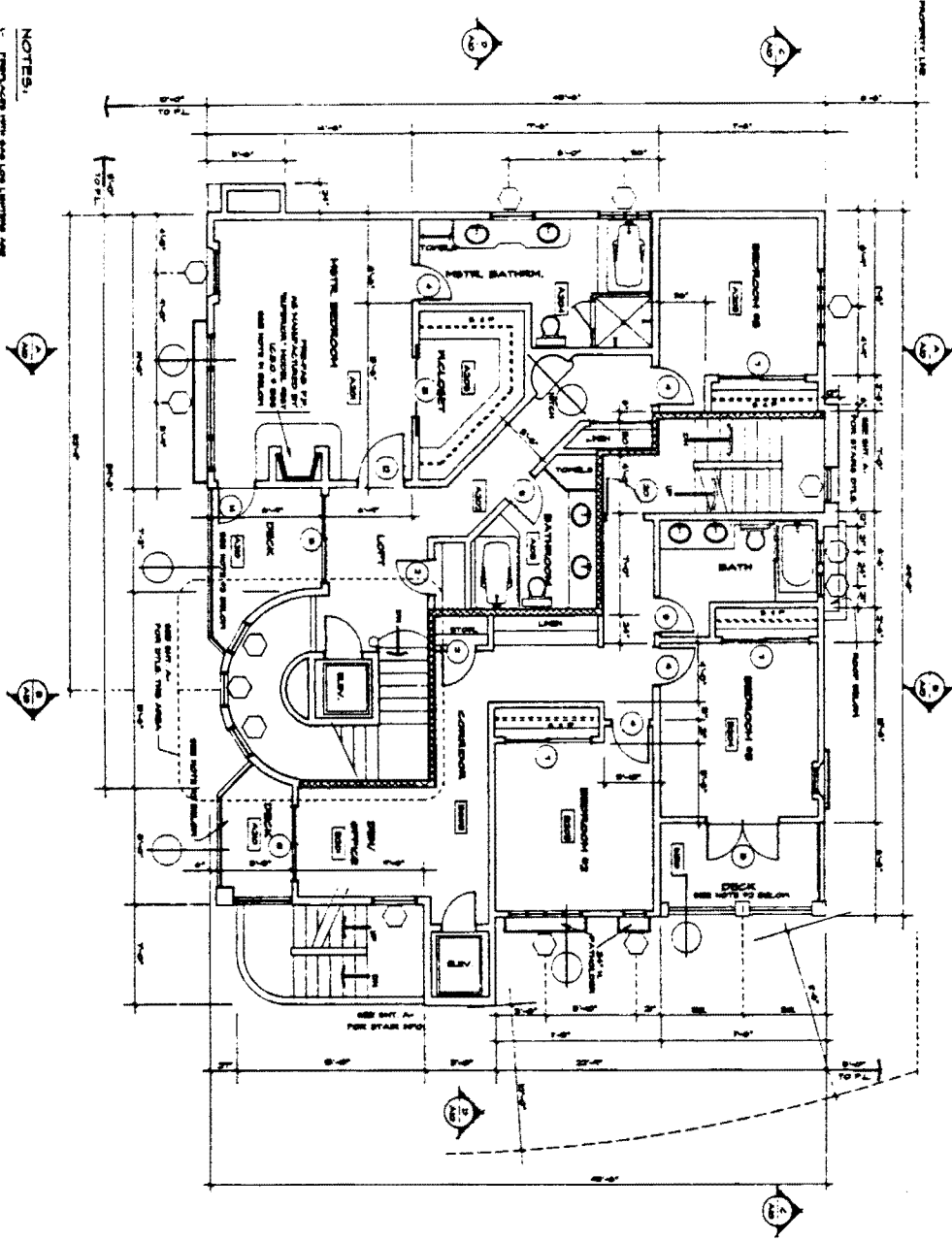
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SERGED DEVELOPMENT

EX. 4
 4 of 9

NOTES:
 1. PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL JURISDICTION.
 2. PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL JURISDICTION.
 3. PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL JURISDICTION.
 4. PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL JURISDICTION.
 5. PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL JURISDICTION.



SECOND LEVEL FLOOR PLAN

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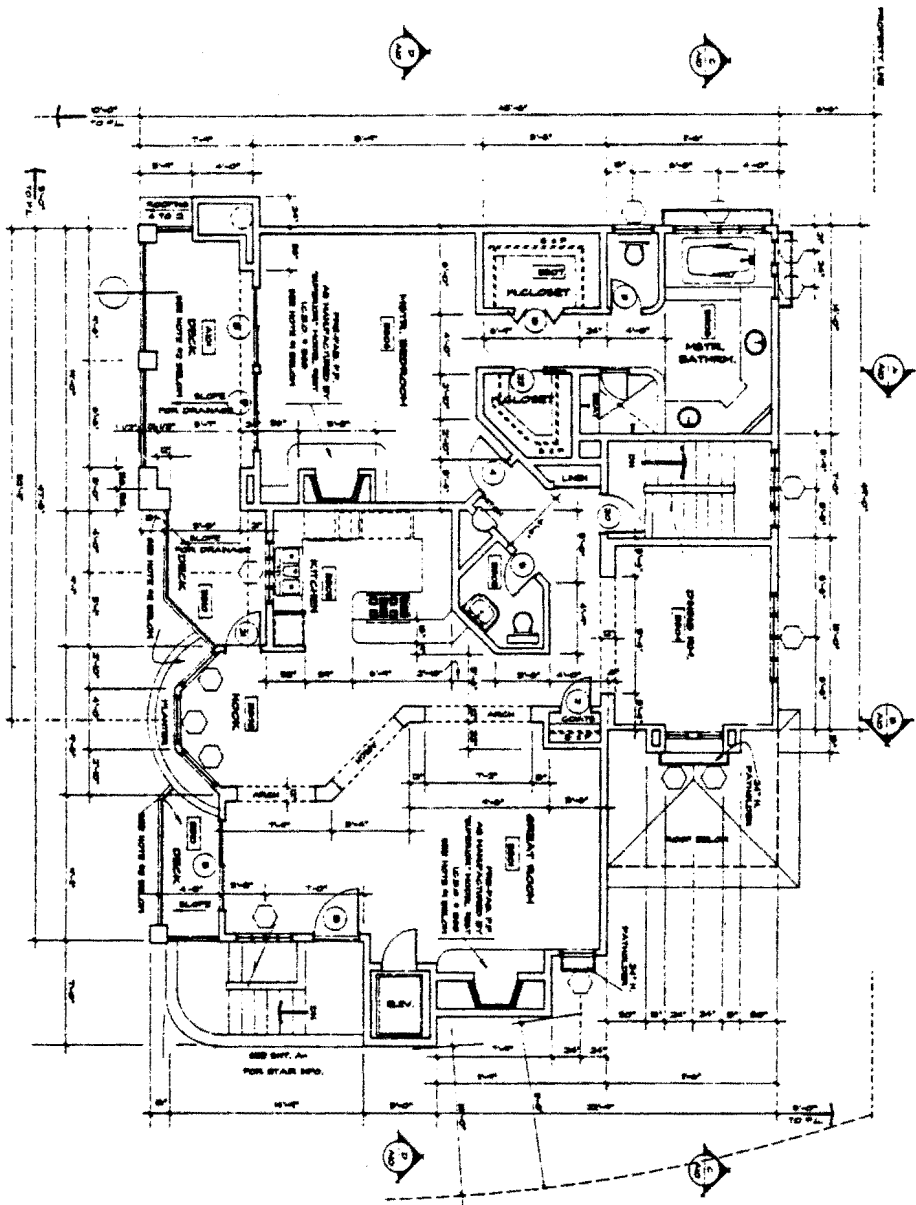
URGENT DEVELOPMENT

A-4

EX. 4
5 of 9

NOTES:

1. Dimensions shown are approximate and intended to show the general location and relationship of items in the floor plan. They are not to be used as a basis for construction or for any other purpose. The contractor shall be responsible for the accuracy of the dimensions shown on the floor plan.
2. The contractor shall be responsible for the accuracy of the dimensions shown on the floor plan.
3. The contractor shall be responsible for the accuracy of the dimensions shown on the floor plan.



THIRD LEVEL FLOOR PLAN

SEE SHEET NO. 1 FOR STAIRS AND ELEVATIONS

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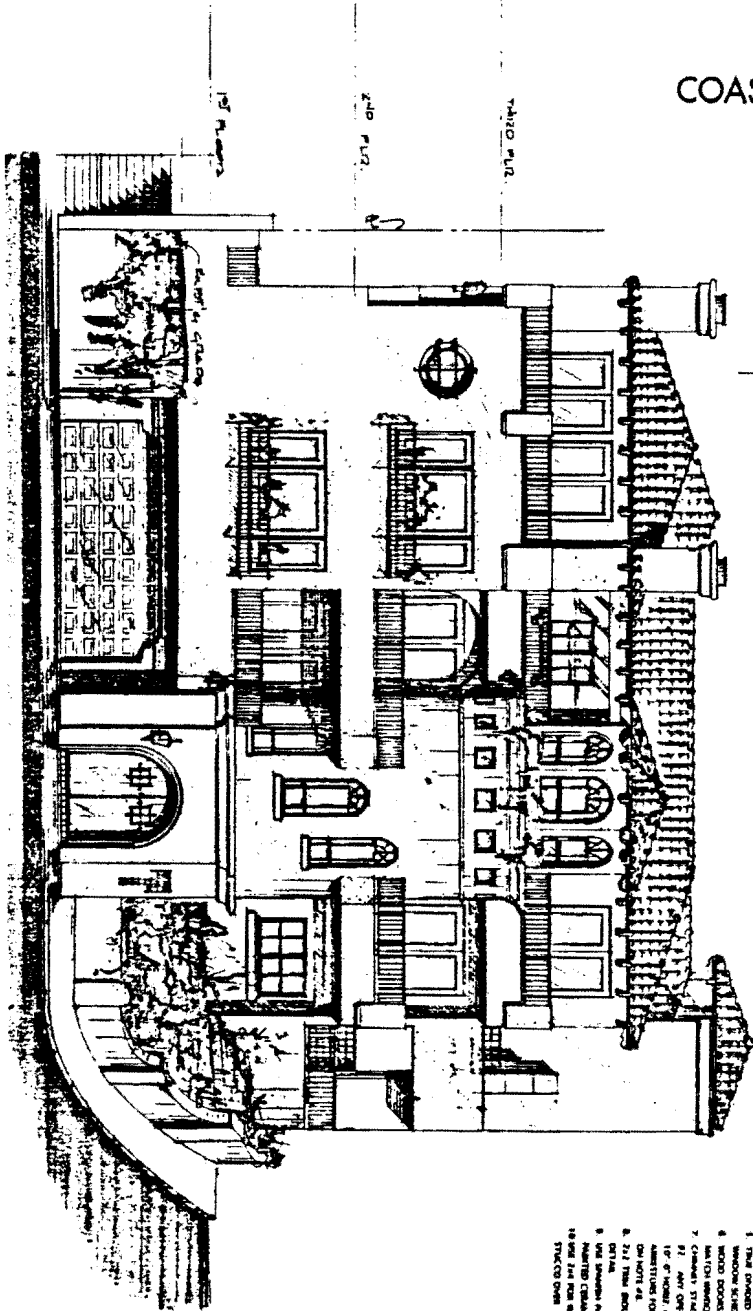
URGENT DEVELOPMENT

A-5
10

EX. 4
6 of 9

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WEST ELEVATION

(SANTA ANA LN.)

1. THE ABOVE DRAWING, INCLUDING ANY AND ALL REVISIONS, IS TO BE USED FOR THE PREPARATION OF PERMITS AND FOR THE CONSTRUCTION OF THE PROJECT AS SHOWN THEREON. THE DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.
2. THE ARCHITECT MAKES NO WARRANTY OR REPRESENTATION, EXPRESSED OR IMPLIED, AS TO THE ACCURACY, COMPLETENESS, OR SUFFICIENCY OF THE INFORMATION PROVIDED BY THE CLIENT FOR THE PREPARATION OF THIS DRAWING.
3. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THIS DRAWING.
4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
5. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND EXISTING STRUCTURES ON THE PROJECT SITE.
6. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND LANDSCAPE FEATURES ON THE PROJECT SITE.
7. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING FOUNDATIONS AND STRUCTURES ON THE PROJECT SITE.
8. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES ON THE PROJECT SITE.
9. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES ON THE PROJECT SITE.
10. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES ON THE PROJECT SITE.

117 SANTA ANA LN.
SAN CLEMENTE, CA 92672

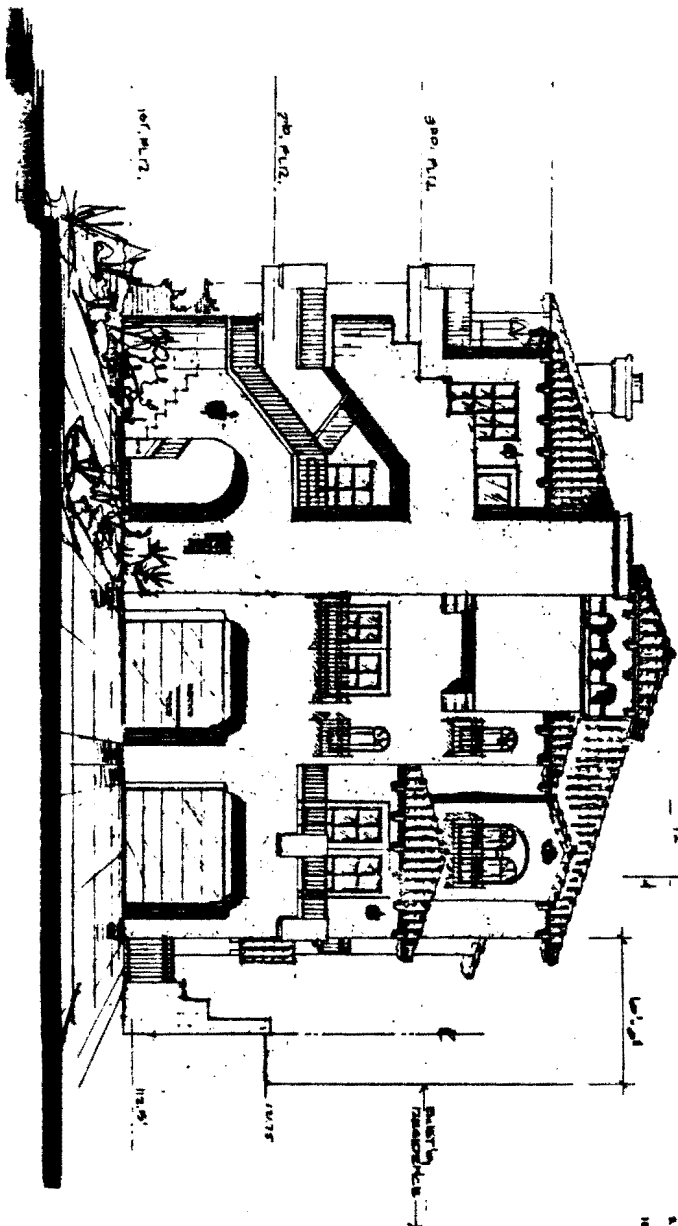


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san clemente, california 92672
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EX. 4
7 of 9

DRAWN BY: F.P.M.
 DATE: 11/11/99
 PROJECT: 117 SANTA ANA LN.
 SHEET NO.: A-6
 OF 8

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SOUTH ELEVATION

1. TWO ARCH DOORS, SWINGING OUT, 4'0" x 11' 0".
2. TWO ARCH DOORS, SWINGING IN, 4'0" x 11' 0".
3. TWO ARCH DOORS, SWINGING IN, 4'0" x 11' 0".
4. ONE, ONE TWO THREE FOUR FIVE SIX SEVEN EIGHT NINE TEN ELEVEN TWELVE THIRTEEN FOURTEEN FIFTEEN SIXTEEN SEVENTEEN EIGHTEEN NINETEEN TWENTY TWENTY ONE TWENTY TWO TWENTY THREE TWENTY FOUR TWENTY FIVE TWENTY SIX TWENTY SEVEN TWENTY EIGHT TWENTY NINE THIRTY THIRTY ONE THIRTY TWO THIRTY THREE THIRTY FOUR THIRTY FIVE THIRTY SIX THIRTY SEVEN THIRTY EIGHT THIRTY NINE FORTY FORTY ONE FORTY TWO FORTY THREE FORTY FOUR FORTY FIVE FORTY SIX FORTY SEVEN FORTY EIGHT FORTY NINE FIFTY FIFTY ONE FIFTY TWO FIFTY THREE FIFTY FOUR FIFTY FIVE FIFTY SIX FIFTY SEVEN FIFTY EIGHT FIFTY NINE SIXTY SIXTY ONE SIXTY TWO SIXTY THREE SIXTY FOUR SIXTY FIVE SIXTY SIX SIXTY SEVEN SIXTY EIGHT SIXTY NINE SEVENTY SEVENTY ONE SEVENTY TWO SEVENTY THREE SEVENTY FOUR SEVENTY FIVE SEVENTY SIX SEVENTY SEVEN SEVENTY EIGHT SEVENTY NINE EIGHTY EIGHTY ONE EIGHTY TWO EIGHTY THREE EIGHTY FOUR EIGHTY FIVE EIGHTY SIX EIGHTY SEVEN EIGHTY EIGHT EIGHTY NINE NINETY NINETY ONE NINETY TWO NINETY THREE NINETY FOUR NINETY FIVE NINETY SIX NINETY SEVEN NINETY EIGHT NINETY NINE
5. ONE DOOR, SWINGING IN, 4'0" x 11' 0".
6. ONE DOOR, SWINGING IN, 4'0" x 11' 0".
7. ONE DOOR, SWINGING IN, 4'0" x 11' 0".
8. ONE DOOR, SWINGING IN, 4'0" x 11' 0".
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10. ONE DOOR, SWINGING IN, 4'0" x 11' 0".
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98. ONE DOOR, SWINGING IN, 4'0" x 11' 0".
99. ONE DOOR, SWINGING IN, 4'0" x 11' 0".
100. ONE DOOR, SWINGING IN, 4'0" x 11' 0".

DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]
 SCALE: [Scale]
 SHEET NUMBER: [Number]
 TOTAL SHEETS: [Total]
 PROJECT NUMBER: [Number]
 CLIENT: [Name]
 ADDRESS: [Address]
 CITY: [City]
 STATE: [State]
 ZIP: [ZIP]

117 SANTA ANA LN.
SAN CLEMENTE, CA 92672



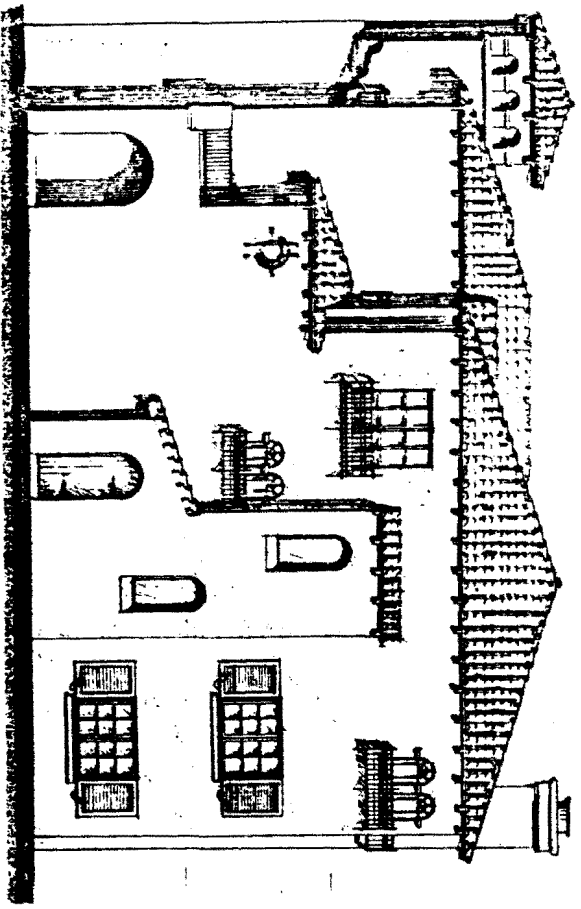
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san clemente, california 92672
(949) 361-3520, fax (949) 361-3729 montesinos@artekgroup.com

EX. 4
8 of 9

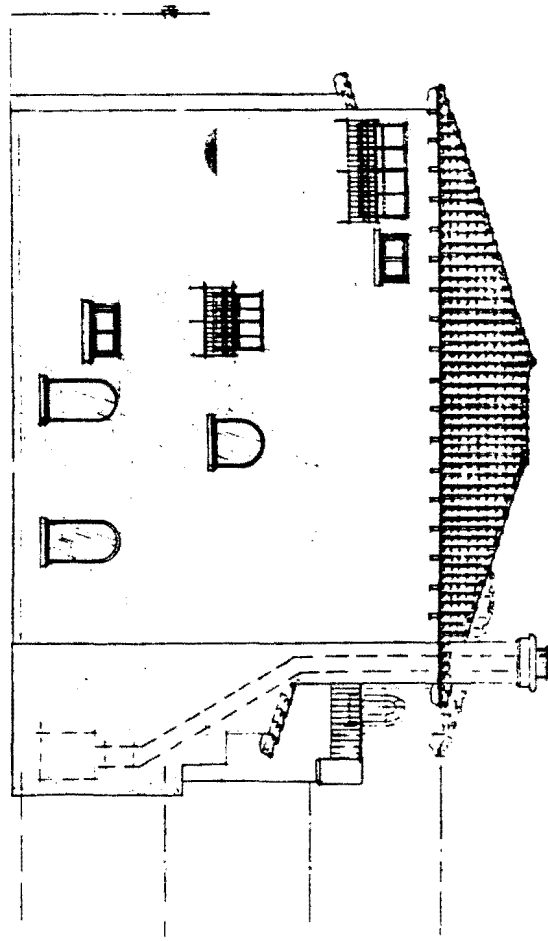
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EAST ELEVATION



NORTH ELEVATION



1. THE EAST ELEVATION SHOWN ON THE EAST ELEVATION, 4 TO 11 SCALE, INDICATES THE LOCATION OF THE WINDOW AND DOOR TO BE ORDERED BY MANUFACTURER BY M.C.A. COMPANY, INDUSTRY CO. YONKERS, NEW YORK, THE WINDOW IS 42" X 72" AND THE DOOR IS 36" X 72".
2. THE NORTH ELEVATION SHOWN ON THE NORTH ELEVATION, 4 TO 11 SCALE, INDICATES THE LOCATION OF THE WINDOW AND DOOR TO BE ORDERED BY MANUFACTURER BY M.C.A. COMPANY, INDUSTRY CO. YONKERS, NEW YORK, THE WINDOW IS 42" X 72" AND THE DOOR IS 36" X 72".
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9. THE EAST ELEVATION SHOWN ON THE EAST ELEVATION, 4 TO 11 SCALE, INDICATES THE LOCATION OF THE WINDOW AND DOOR TO BE ORDERED BY MANUFACTURER BY M.C.A. COMPANY, INDUSTRY CO. YONKERS, NEW YORK, THE WINDOW IS 42" X 72" AND THE DOOR IS 36" X 72".
10. THE NORTH ELEVATION SHOWN ON THE NORTH ELEVATION, 4 TO 11 SCALE, INDICATES THE LOCATION OF THE WINDOW AND DOOR TO BE ORDERED BY MANUFACTURER BY M.C.A. COMPANY, INDUSTRY CO. YONKERS, NEW YORK, THE WINDOW IS 42" X 72" AND THE DOOR IS 36" X 72".

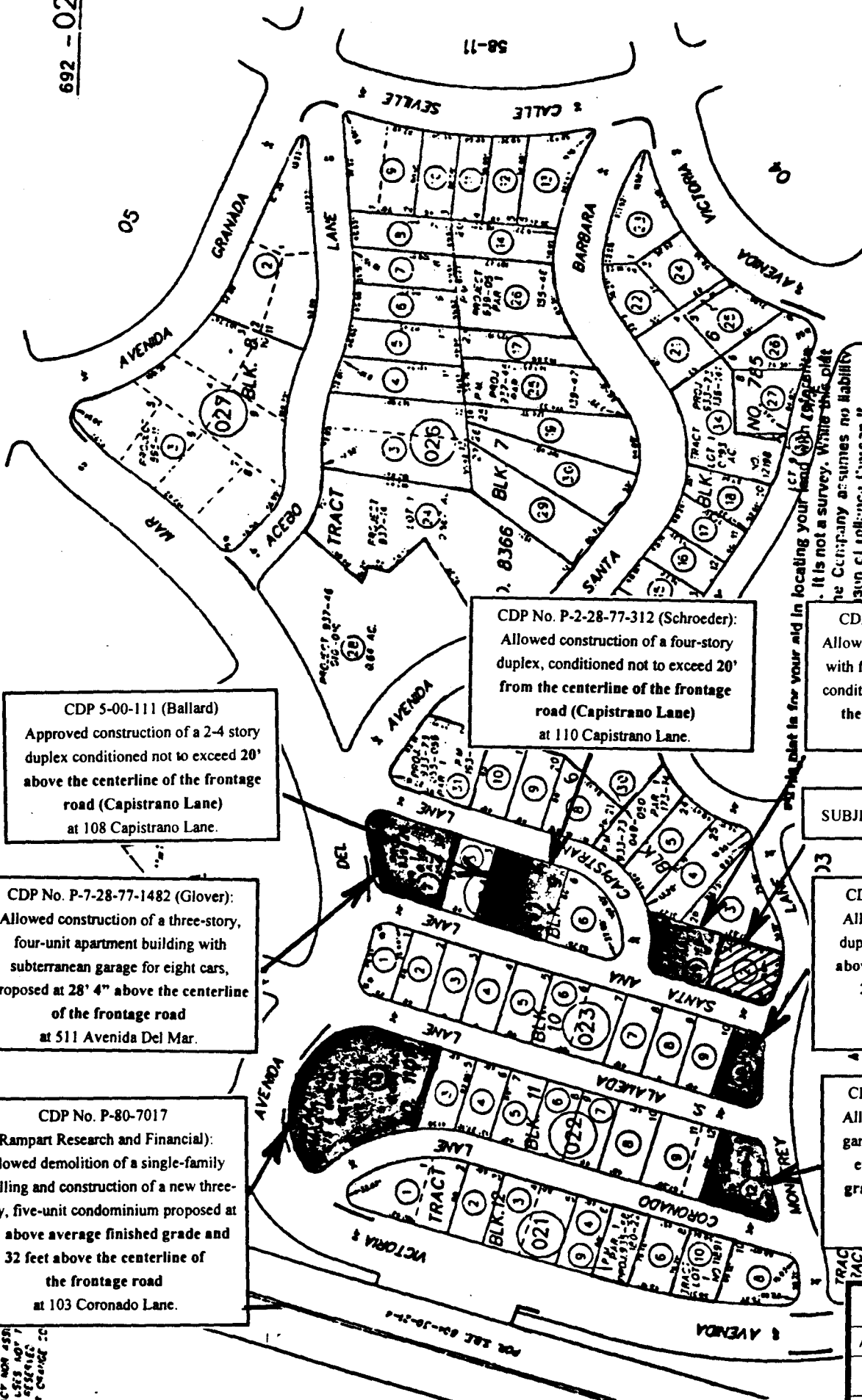
Artek
GROUP

francisco p. montesinos a.i.a.
108 via zapata lc # 13710
san clemente, california 92672
(949) 361-3520 fax (949) 361-3729 montesinos@earthlink.net

177 SANTA ANA LANE
SAN CLEMENTE, CA 92672

EX. 4
9 of 9

drawn by: P-11
date: 1/2/99
plot check:
bigg perini
rev done by:
A-8
SHEET NUMBER



CDP 5-00-111 (Ballard)
 Approved construction of a 2-4 story duplex conditioned not to exceed 20' above the centerline of the frontage road (Capistrano Lane) at 108 Capistrano Lane.

CDP No. P-2-28-77-312 (Schroeder):
 Allowed construction of a four-story duplex, conditioned not to exceed 20' from the centerline of the frontage road (Capistrano Lane) at 110 Capistrano Lane.

CDP No. P-5-13-77-920 (Ratkelis):
 Allowed construction of a 3-level duplex with four-car subterranean level garage, conditioned not the exceed 30' 6" the centerline of Santa Ana Lane at 117 Capistrano Lane.

SUBJECT SITE

CDP No. P-7-28-77-1482 (Glover):
 Allowed construction of a three-story, four-unit apartment building with subterranean garage for eight cars, proposed at 28' 4" above the centerline of the frontage road at 511 Avenida Del Mar.

CDP No. P-7-11-77-1324 (Easton):
 Allowed construction of a four-story duplex, conditioned not to exceed 36' above the centerline of Alameda and 23' 6" above the centerline of Santa Ana Lane at 122 Santa Ana Lane.

CDP No. P-80-7017
 (Rampart Research and Financial):
 Allowed demolition of a single-family dwelling and construction of a new three-story, five-unit condominium proposed at 25' above average finished grade and 32 feet above the centerline of the frontage road at 103 Coronado Lane.

CDP No. P-12-2-77-2353 (Hartfield):
 Allowed construction of a 3-story (over garage level) triplex, conditioned not to exceed 26' above average finished grade and 36' above the centerline of the frontage road at 123 Coronado Lane.

EXHIBIT No.
 Application Number: 5-00-141
 Location of Prior Commission Actions
 California Coastal Commission

It is not a survey. Written plat in force for your aid in locating your land with reference to the County assumes no liability for any error in the plat.

ASSASSOR'S MAP
 BOOK 692 PAGE 02
 COUNTY OF ORANGE

FOR SALE 800-30-24-4
 500 4000 4
 400 400 400
 400 400 400
 400 400 400
 400 400 400

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 200 Oceangate, Suite 1000
 Long Beach, CA 90802-4302
 (562) 590-5071

Page: 1 of 3

Date: August 24, 2000

Permit Application No.: 5-00-111

**NOTICE OF INTENT TO ISSUE PERMIT**

On 9 August 2000, the California Coastal Commission granted to **Joe & Carol Ballard; Bryan & Danielle Ballard** Coastal Development Permit **5-00-111**, subject to the attached conditions, for development consisting of: Construction of a new 3781 square foot, 32' high (23' 6" above the centerline of the frontage road), split level duplex ranging from two to four stories in height with two attached 2-car garages on a vacant, sloping lot. More specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at 108 Capistrano Lane, San Clemente.

The actual development permit is being held in the Commission office until fulfillment of the Special Conditions imposed by the Commission. Once these conditions have been fulfilled, the permit will be issued. For your information, all the imposed conditions are attached.

Issued on behalf of the California Coastal Commission on 8-24-00.

PETER DOUGLAS
 Executive Director

By: 
 Title: Coastal Program Analyst


ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this notice of the California Coastal Commission determination on Permit No. 5-00-111, and fully understands its contents, including all conditions imposed.

 Date

 Permittee

Please sign and return one copy of this form to the Commission office at the above address.

EXHIBIT No. 6a
Application Number: 5-00-141
CDP No. 5-00-111
 California Coastal Commission

NOTICE OF INTENT TO ISSUE PERMIT

Permit Application No. 5-00-111

Page 2 of 3

STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Final Project Plans

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and approval of the Executive Director, two (2) full sets of final project plans approved in concept by the City of San Clemente which demonstrate that the maximum height of the structure approved by Coastal Development Permit 5-00-111 does not exceed 20' 0" (including roof pitch) above the centerline of Capistrano Lane.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

EX. 6a
2

NOTICE OF INTENT TO ISSUE PERMIT

Permit Application No. 5-00-111

Page 3 of 3

2. Future Development Deed Restriction

- A. By acceptance of this permit, the applicant hereby acknowledges that the height of the structure approved by Coastal Development Permit 5-00-111 for development at 108 Capistrano Lane in the City of San Clemente shall not exceed a maximum height of 20' 0" (including roof pitch) above the centerline of Capistrano Lane.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development within the parcel. The deed restriction shall include legal descriptions of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

AFTER YOU HAVE SIGNED AND RETURNED THE DUPLICATE COPY YOU WILL BE RECEIVING THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS) FROM THE SAN FRANCISCO OFFICE. WHEN YOU RECEIVE THE DOCUMENTS IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE LEGAL DEPARTMENT AT (415) 904-5200.

ALK:

G:\NOI's\NOI 2000, bli\5-00-111 ballard notice of intent.doc

EX. 6a
3

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION
666 E. OCEAN BOULEVARD, SUITE 3107
P. O. BOX 1450
LONG BEACH, CALIFORNIA 90801
213/590-5071 714/846-0648



COASTAL DEVELOPMENT PERMIT

Application Number: P-2-28-77-312

Name of Applicant: Mr. & Mrs. Jack Schroeder

1675 Angelus Avenue, Los Angeles, CA 90026

Permit Type: Emergency
 Standard
 Administrative

Development Location: 110 Capistrano Lane, San Clemente, CA

Development Description: Construct a four-story duplex with an outdoor spa, conditioned not to exceed 20 feet from the centerline of the frontage road (Capistrano Lane).

I. The South Coast Commission finds that:

A. The proposed development, or as conditioned, is:

1. In conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and will not prejudice the ability of local government to prepare a local coastal program in conformity with said chapter.
2. If located between the nearest public road and the shoreline of any body of water in the coastal zone is in conformity with public access and public recreation policies of Chapter 3, California Coastal Act of 1976.
3. That there are/are no feasible alternatives, or tion measures, as provided in the California Env Act, available which would substantially lessen adverse impact that the development as finally p on the environment.

EXHIBIT #1, P. 5

EXHIBIT No. <i>6</i>
Application Number: 5-00
CDP No. P-2-28-77-312
California Coastal Commission

II. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

Prior to issuance of permit, applicant shall submit revised plans
reducing the height to 20 feet from centerline of frontage road
(Capistrano).

Condition/s Met On 4/12/77 By ej ef

III. Whereas, at a public hearing, held on April 4, 1977 at
(date)
Huntington Beach by a 12 to 0 vote permit application
number P-2-28-77-312 is approved.

IV. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.

V. This permit shall not become effective until a copy of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.

VI. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

VII. Issued on behalf of the South Coast Regional Commission on
April 18, 1977.

M. J. Carpenter

M. J. Carpenter
Executive Director

I, _____, permittee/agent, hereby acknowledge receipt of Permit Number P-2-28-77-312 and have accepted its contents.

(date)

(signature)

EXHIBIT #1, P. 6

EX. 66
/dh 2

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION
666 E. OCEAN BOULEVARD, SUITE 3107
P.O. BOX 1450
LONG BEACH, CALIFORNIA 90801
(213) 590-5071 (714) 846-0648



FILE COPY

COASTAL DEVELOPMENT PERMIT

Application Number: P-5-13-77-920

Name of Applicant: Algis Ratkelis

27182 Puerto del Oro, Mission Viejo, CA 92675

Permit Type: Emergency
 Standard
 Administrative

Development Location: 117 Capistrano Lane, San Clemente, CA

Development Description: Construct a 3-level duplex with four-car
subterranean level garage, 30.5 feet above centerline of Santa
Ana, with condition.

I. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

Prior to issuance of permit, applicant shall submit revised plans
limiting the height of the project to three levels (including garage),
for a total height of 30.5 feet above centerline of frontage road.

Condition/s Met On 2-14-78 By ml / LF

EXHIBIT No. <u>606</u>
Application Number: 5-
CDP No. P-5-13-77-920
California Coastal Commission

II. The South Coast Commission finds that:

A. The proposed development, or as conditioned:

1. The developments are in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976.
2. If located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.
3. There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this Commission under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally proposed may have on the environment.


III. Whereas, at a public hearing, held on August 11, 1977 at Huntington Beach by a unanimous ~~25~~ vote permit application number P-5-13-77-920 is approved.

IV. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.

V. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.

VI. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

VII. Issued on behalf of the South Coast Regional Commission on February 14, 1978.



M. J. Carpenter
Executive Director

I, _____, permittee/agent, hereby acknowledge receipt of Permit Number P-5-13-77-920 and have accepted its contents.

(date)

(signature)

EX. 60
2

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION
666 E. OCEAN BOULEVARD, SUITE 3107
P.O. BOX 1450
LONG BEACH, CALIFORNIA 90801
(213) 590-5071 (714) 846-0648

RECEIVED
510 MONTE REY LANE
MAY 10 2000

COASTAL DEVELOPMENT PERMIT

CALIFORNIA
COASTAL COMMISSION

Application Number: P-7-11-77-1324

Name of Applicant: M. J. Easton

7738 S. Vale Drive, Whittier, CA 90602

Permit Type: Emergency
 Standard
 Administrative

Development Location: 122 Santa Ana Lane, San Clemente, CA

Development Description: Construct a four-story duplex with a two-
and three-bedroom unit, attached four-car garage, 36 feet above center-
line of Alondra and 23½ feet above centerline of Santa Ana, with condition

I. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

Prior to issuance of permit, applicant shall submit revised plans
limiting the height of the project to 36 feet above centerline of
Alondra and 23½ feet above centerline of Santa Ana.

Condition/s Met On August 30, 1977 By ml

EXHIBIT No.
Application Number: 5-00-141
CDP No. P-7-11-77-1324
California Coastal Commission

1. The South Coast Commission finds that:

A. The proposed development, or as conditioned, is:

1. In conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and will not prejudice the ability of local government to prepare a local coastal program in conformity with said chapter.
2. If located between the nearest public road and the shoreline of any body of water in the coastal zone is in conformity with public access and public recreation policies of Chapter 3, California Coastal Act of 1976.
3. That there are/are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the development as finally proposed may have on the environment.

III. Whereas, at a public hearing, held on August 11, 1977 at Huntington Beach by a unanimous ~~or~~ vote permit application number P-7-11-77-1324 is approved.

IV. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.

V. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.

VI. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

VII. Issued on behalf of the South Coast Regional Commission on August 30, 1977.

M. J. Carpenter
M. J. Carpenter
Executive Director

I. Mrs. M. J. Easton, permittee/agent, hereby acknowledge receipt of Permit Number P-7-11-77-1324 and have accepted its contents.

Sept 1, 1977
(date)

Mrs. M. J. Easton
(signature) Ex. 6
2

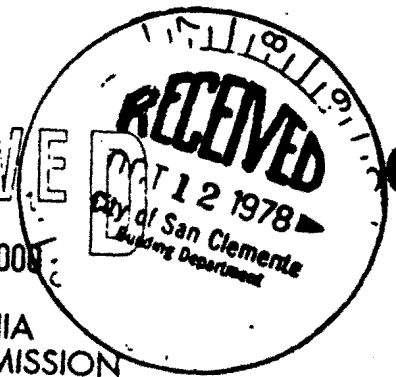
CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION
666 E. OCEAN BOULEVARD, SUITE 3107
P.O. BOX 1450
LONG BEACH, CALIFORNIA 90801
(213) 590-5071 (714) 846-0648

11 October 1978

RECEIVED

MAY 10 2008

CALIFORNIA
COASTAL COMMISSION



Mr. Harry Marcus
Chief Building Inspector
City of San Clemente
100 Avenida Presidio
San Clemente, CA 92672

Re: Permit Application P-77-1324

Dear Mr. Marcus:

This letter is to confirm the many conversations between your office and ours regarding the height of the building under construction at 122 Santa Ana Lane (our P-77-1324). The permit issued by our office conditioned the height of the building to 36 feet above the centerline of "Alondra" (a typographical error on our part; it should be Alameda) and 23½ feet above the center line of Santa Ana. The permitted height was designed to preserve the views of the ocean and pier from dwellings further up the hill. As such, we consider conformance to the conditioned Santa Ana height to be of greater importance than the Alameda ("Alondra" height).

From staff's calculations at the site (in the presence of some dozen San Clemente officials, citizens and interested observers) we determined that the building is 23' 3-3/8" in height above the centerline of Santa Ana Lane (as measured from curb to curb). This is below the conditioned height. We understand that the building height on Alameda is roughly 38' and we all agree this is above the conditioned height. The building under construction, however, is the one that we approved, and we believe that the error in height on Alameda is due to an error in the calculation of the slope. The intent of the permit condition is being met, and, therefore, we see nothing to be gained by the filing of a violation report. It is important that the intent of permit conditions are met and we believe that the intent of the height condition placed

11-10-78

Ex. 6d
3

11 October

on P-1324 is being met.

If you have any further questions, please do not hesitate to c
our office.

Sincerely yours,

SOUTH COAST REGIONAL COMMISSION

M. J. Carpenter
M. J. Carpenter
Executive Director

MJC:dn
cc: Jim Chase
Mr. Dennison
Mr. & Mrs. M. J. Easton

JNE

EX.
6d 4

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION
666 E. OCEAN BOULEVARD, SUITE 3107
P.O. BOX 1450
LONG BEACH, CALIFORNIA 90801
(213) 590-5071 (714) 846-0648

FILE COPY



COASTAL DEVELOPMENT PERMIT

Application Number: P-7-28-77-1482

Name of Applicant: Norman Glover

P. O. Box 3759, San Clemente, CA 92672

Permit Type: Emergency
 Standard
 Administrative

Development Location: 511 Del Mar, San Clemente, CA

Development Description: Construct a three-story, four-unit apartment building with subterranean garage for eight cars, 28'4" above centerline of frontage road.

I. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

None

Condition/s Met On N/A By ml

EXHIBIT No. 62

Application Number: 5-0

CDP No. P-7-28-77-1482

California Coastal Commission

II. The South Coast Commission finds that:

A. The proposed development, or as conditioned:

1. The developments are in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976.
2. If located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.
3. There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this Commission under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally proposed may have on the environment.

III. Whereas, at a public hearing, held on August 25, 1977 at Huntington Beach by a unanimous ~~xx~~ vote permit application number P-7-28-77-1482 is approved.

IV. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.

V. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.

VI. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

VII. Issued on behalf of the South Coast Regional Commission on September 12, 1977.



M. J. Carpenter
Executive Director

I, _____, permittee/agent, hereby acknowledge receipt of Permit Number P-7-28-77-1482 and have accepted its contents.


Ex. 6c

(date)

(signature)

2

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION
666 E. OCEAN BOULEVARD, SUITE 3107
P.O. BOX 1490
LONG BEACH, CALIFORNIA 90801
(213) 590-5071 (714) 846-0648

RECEIVED 
MAY 10 2000

Correction
COASTAL DEVELOPMENT PERMIT

CALIFORNIA
COASTAL COMMISSION

Application Number: P-12-2-77-2353

Name of Applicant: John Hartfield

31732 Via Perdiz, Coto de Caza, CA 92678

Permit Type: Emergency
 Standard
 Administrative

Development Location: 123 Coronado Lane, San Clemente, CA

Development Description: Construction of a 3-story over garage level,
triplex with 8 on-site parking spaces, jacuzzi and solar panels.
Twenty six feet above average finished grade and thirty six above
centerline of frontage road on a 5470 sq. ft. lot in an R-4 zone.

I. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

1. Prior to issuance of permit, applicant shall submit: a. revised plans indicating: 1) height not to exceed 26 feet above average finished grade, and 2) one guest and two to one parking on site, and b. a deed restriction for recording limiting the use of the structures to three units.

2. Developer shall notify staff upon completion of framing and shall not proceed beyond that point until the Executive Director has verified that the development conforms to the Commission approved plans.

Condition/s Met On May 5, 1978

By LF.

EXHIBIT No. 

Application Number: 5-00-141

CDP No. P-12-2-77-2353

California Coastal
Commission

II. The South Coast Commission finds that:

A. The proposed development, or as conditioned;

1. The developments are in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976.
2. If located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.
3. There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this Commission under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally proposed may have on the environment.

II. Whereas, at a public hearing, held on January 9, 1978 at Huntington Beach by a 8 to 3 vote permit application number P-12-2-77-2353 is approved.

- V. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.
- V. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.
- VI. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

VII. Issued on behalf of the South Coast Regional Commission on May 5, 1978.

M. J. Carpenter
M. J. Carpenter
Executive Director

I, _____, permittee/agent, hereby acknowledge receipt of Permit Number _____ and have accepted its contents.

(date)

(signature)

Ex. bf 2

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION
666 E OCEAN BOULEVARD, SUITE 3107
P O BOX 1450
LONG BEACH, CALIFORNIA 90801
(213) 590 5071 (714) 846 0648



COASTAL DEVELOPMENT PERMIT

Permit Type: Administrative Standard Emergency

Application Number: P-80-7017

Name of Applicant: Rampart Research and Financial
22842 Via Cordova, South Laguna, CA 92677

Development Location: 103 Coronado Lane
San Clemente, CA

Development Description: Demolition of a single-family dwelling and construction of a new five-unit condominium. Structure to be 3 levels (2 over parking). Each unit will have 3 bedrooms, 2 baths and will range from 1,817 sq. ft. to 2,217 sq. ft. Project to include a swimming pool, jacuzzi, and 11 parking spaces to conform to parking guidelines.

I. Whereas, at a public hearing, held on August 11, 1980
at Huntington Beach by a vote of unanimous ~~xx~~

the Commission hereby grants, subject to condition/s, a permit for the proposed development, on the grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Conditions: Please see attached pages

EXHIBIT No. 6
Application Number: 5-00
CDP No. P-80-7017
California Coastal Commission

Conditions for permit number P-80-7017

The permit is subject to the following conditions:

1. Prior to issuance of permit, the applicant shall dedicate one of the five (5) units as affordable housing by utilizing one of the following options:

OPTION 1

1(A) Sales Units. If the low- and moderate-income housing opportunities are to be developed as sale units, prior to the issuance of a permit, the developer shall enter into an agreement with the Commission, or its designee, to ensure that subsequent sales following the initial sale of the unit will be at a price which is affordable to households earning substantially the same percentage of the median income as the initial purchasers of the units and shall be recorded as a covenant to run with the land, with no prior liens other than tax liens. The agreement shall include substantially the following conditions:

(1) The applicant, his successors, and any subsequent purchasers shall give a governmental or non-profit agency, subject to the approval of the Executive Director, an option to purchase the units. The agency or its designee may assign this option to an individual private purchaser who qualifies as a low- or moderate-income person in substantially the same income range as the person for whom the initial sales price was intended to provide a housing opportunity.

(2) Whenever the applicant or any subsequent owner of the unit wishes to sell or transfer the units he/she shall notify the agency or its designee of his/her intent to sell. The agency, its designee, or its assignee shall then have the right to exercise the option within 180 days in the event of the initial sale of the units by the developer, or within 90 days for subsequent sales. Following the exercise of the option, escrow shall be opened and closed within 90 days after delivery of the notice of exercise of the option.

(3) Following the notice of intent to sell the unit, the agency or its designee shall have the right to inspect the premises to determine whether repair or rehabilitation beyond the requirements of normal maintenance ("deferred maintenance") is necessary. If such repair or rehabilitation is necessary, the agency or its designee shall determine the cost of repair, and such cost shall be deducted from the purchase price and paid to the agency, its designee, or such contractors as the Department shall choose to carry out the deferred maintenance and shall be expended in making such repairs.

(4) The agency or its designee may charge a fee, to be deducted from the purchase price paid by the assignee for its reasonable costs of qualifying and counseling purchasers, exercising the option, and administering his resale control program.

(5) The option price to be paid by the agency, its designee, or assignee, shall be the original sales price of the unit plus an amount to reflect the percentage of any increase in the median income since the time of the original sale.

Ex. 69 2

Conditions for permit number P-80-7017, continued

(6) The purchaser shall not sell, lease, rent, assign, or otherwise transfer the premises without express written consent of the agency or its designee. This provision shall not prohibit the encumbrancing of the title for the sole purpose of securing financing; however, in the event of foreclosure or sale by deed of trust or other involuntary transfer, title to the property shall be taken subject to this agreement.

(7) Such other conditions as the Executive Director determines are necessary to carry out the purpose of this agreement.

OPTION 2

2(A) Rental Units. If the low- and moderate-income housing opportunities are to be developed as rental units, prior to the issuance of a permit, the developer shall enter into an agreement with the Commission to assure that the units will continue to be rented at a price which is affordable to low- and moderate-income renters. The agreement shall bind the applicant and any successors in interest to the real property being developed and shall be recorded as a covenant to run with the land, with no prior liens other than tax liens, for a period extending 30 years from the date the agreement is recorded. The agreement shall provide that either:

(1) The rents on the units shall be fixed at a rent which is affordable to low-income persons; this rent may be adjusted annually to reflect changes in the median income; or,

(2) The units shall be rented at the Fair Market rent for existing housing as established by the Department of Housing and Urban Development (HUD) either to persons who meet the standards established by HUD for rent subsidy under Section 8 of the Housing Act of 1937, as amended, or as it may subsequently be amended, and applicable regulations; or persons who meet the requirements of any other rent subsidy or funding program that provides rental housing for low-income households. The applicant shall make best efforts to accomplish the intent of the provision; those efforts shall include, but are not limited to, entering into any contracts offered by HUD, a local Housing Authority, or such other agency administering a rent subsidy program for low-income households, and refraining from taking any action to terminate such rent subsidy program thereby entered.

In the event that at any time within 30 years after the agreement is recorded housing subsidies are not available, the applicant or his/her successor shall maintain the rental levels for the unit at amounts no higher than those that would otherwise be the maximum for Section 8 housing units and shall rent the units to qualified low-income tenants. In the event that Section 8 or comparable maximum rental levels are no longer published by the Federal government or by local governmental agencies, maximum rental levels shall be a base rent established by the last rental ceiling published for the Section 8 program adjusted by a percentage to reflect the percentage increase or decrease in the median income.

Conditions for permit number P-80-7017, continued

OPTION 3

If Options 1 and 2 are not economically feasible as found by the Commission then the following will be required:

As a condition of accepting this permit, the applicant shall agree to pay 3% of the sales price of each and every unit constructed pursuant to this permit (payable as each unit closes escrow) into a fund to be established by the Department of Housing and Community Development to be used for the purchase of land for the development of affordable housing within the coastal zone in the market area of this development. Up to 10% of this fund may be used to pay the Department's administrative costs, if any. The fund may be used for other costs of developing affordable housing rather than land purchase upon the written approval of the Executive Director of the State Commission.

To secure performance of the fee payment, prior to issuance of this permit, the applicant shall enter into an agreement with the Department of Housing and Community Development to pay this fee, with the Department agreeing to administer the fund, and shall deliver to the Department an irrevocable letter of credit for the amount of _____ (estimated by the applicant at the time of this hearing as 3% of the expected sales price), to be released upon payment of 3% of the actual sales price. Evidence of this agreement and delivery of the letter of credit shall be presented to the Executive Director of the State Commission prior to issuance of this permit.

Ex. 6g 4



FIELD SURVEY:
 # OF STORIES

LETTERS OF OBJECTION

EXHIBIT No. 8

Application Number: 5-00-141

Letters of Objection



California Coastal
Commission

September 18, 2000

RECEIVED

SEP 20 2000

Ann Kramer
200 Ocean Gate, Suite, 1000
Long Beach, CA 90802

CALIFORNIA
COASTAL COMMISSION

Project 5 - 00 - 141

Dear Ms Kramer,

After looking at the plans for project, visiting the site and the surrounding area, the following items are of concern to us.

The structure as designed will:

Completely block the Public View from the pier of a historic structure located at 504 Monterey Lane.

Block over 60% of a Public View of the historic structure from the Public Park located south of the pier along Avenida Victoria looking up Monterey.

Dwarf the 2 story historic structure which is only a total of 2 stories.

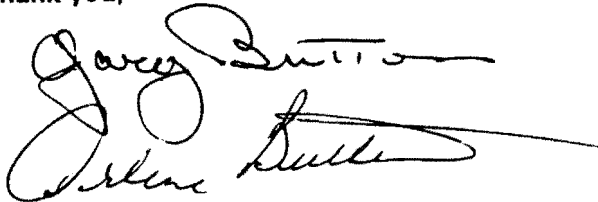
Exceed the height limit of the adjacent duplex at 115 Santa Ana set by the Coastal Commission in 1977.

Be out of character because of the bulk and mass of the structure compared to existing buildings in the area..

We would also like to bring to your attention the fact that Mr. Frank Montesinos is again involved with another project in the Pier Bowl that appears to be detrimental to maintaining the continuity and appearance of the existing area. The San Clemente Planning Commission that approved this project was still chaired by Mr. Montesinos prior to his resigning.

Please deny this project as designed and protect our community from over development.

Thank you,



Gary and Arlene Button
107 Capistrano Lane
San Clemente, CA 92672

RECEIVED

SEP 20 2000

September 19, 2000

CALIFORNIA
COASTAL COMMISSION

Ann Kramer
200 Ocean Gate, Ste. 1000
Long Beach, CA 90802

Project # 5-00-141

Dear Ms Kramer,

This letter is to express my concern that Mr. Montesinos is trying to again blight our neighborhood with yet another of his monstrous massive building projects, without concern for the continuity of the neighborhood.

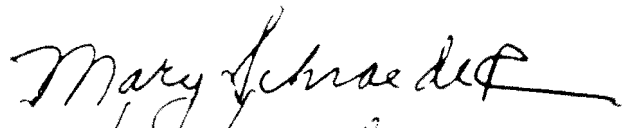

It is our hope that the California Coastal Commission will step in where others have failed and protect our community.

This proposed duplex will be over the height limit you set in 1977 for 115 Santa Ana of 30' 0". As you protected us from the Ballard project being built beyond our limited height, we hope you will protect the neighbors of this proposed project in the same manner.

The importance of the Public View of a Historic Structure should also be addressed. To block the view of an Ole Hansen Registered Historic Structure should be out of the question. These Treasures and getting less every year and need to be protected and endeared by the Agencies that have the authority to do so. Please keep this home visible from all accesses so the Public can see the architecture of the past.

Please don't let this project proceed as it is currently designed.

Sincerely



Jack & Mary Schroeder
110 Capistrano Lane
San Clemente, CA 92672

RECEIVED
SEP 20 2000

Sept 19/00

CALIFORNIA
COASTAL COMMISSION

Sir:

Ann Kramer.

Coastal Comm.

200 Ocean Gate Circle, Los Angeles

Subject: " " " "

We understand the proposed building at 117, Santa Ana Ave., San Clemente is to be a massing and high building, in front of a historic home, thus blocking the view from the sea. The proposed building should be the same height, as the building next door.

Helene Whipple
105 Ocean Ave. B.
San Clemente Calif.

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JUL 03 2000

CALIFORNIA
COASTAL COMMISSION
California Coastal Commission.

June 28 - 2000

I have written to the coastal commission about three or four months ago explaining that the city of San Clemente does not go by the coastal commission guide lines.

The project 108 Santa Anna Lane violates Pier Bowl specs plan for scale and mass and has huge buildings out of step with surrounding Bldgs.

This same architect has another Bldg at 117 Santa Anna Lane right in front of a historical Bldg., whose height will over whelm said historical Bldg. and it is being built on a small lot it should be kept at the same height as surrounding Bldgs and compliments the historical Bldg. by not going to extreme height.

Thank you

Phone # (949) 492-3884 Frank E. Demion Jr.
504 Monterey Lane
San Clemente, Ca 92672

Ann Kramer
California Coastal Commission
200 Oceangate
Long Beach, CA 90802

RECEIVED
JUN 27 2000
CALIFORNIA
COASTAL COMMISSION

June 26, 2000

Dear Ann,

Enclosed is another letter to the editor that appeared in our local paper. Thought you should have a copy.

Another piece of property that is either coming to you or possibly already there is located at:

117 Santa Ana Lane
San Clemente, CA 92672

This property is also in our Pier Bowl Area and we are concerned. The same architect that is on the Ballard project has also designed this project. Would you please list us as an interested party so that something doesn't slip by, letting some other monster building go up in our neighborhood.

Thank you for your help.

Sincerely,



Gary & Arlene Button
107 Capistrano Lane
San Clemente, CA 92672
(949) 492-0501

Ann Kramer
PROJECT # 5-00-111

4 - Sun Post News

Thursday, June 22, 2000

VIEWPOINTS

RECEIVED
JUN 27 2000
CALIFORNIA
COASTAL COMMISSION

Letters

Keep ocean views open

We are among the 18 or more residents who traveled to Santa Barbara on June 14 for a long and grueling wait from 9 to 11 a.m. to hear the very controversial case that made headlines in the Sun Post on June 16 regarding the Ballard duplex (in the Pier Bowl).

By lack of due diligence of our city agencies it has opened the city to a potential lawsuit which can be laid at the doorsteps of the planning and building departments. Also, the architect, being a member of the city planning commission and designing other Pier Bowl projects certainly can't go without fault.

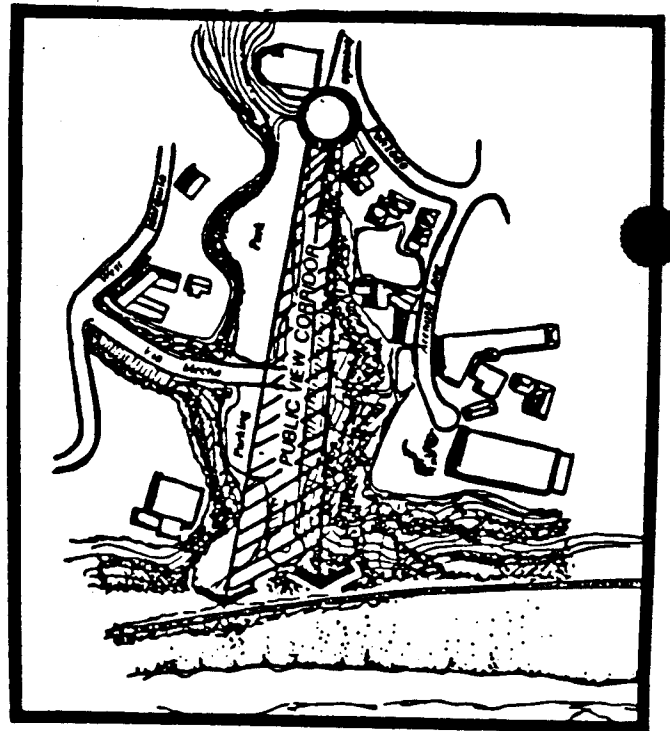
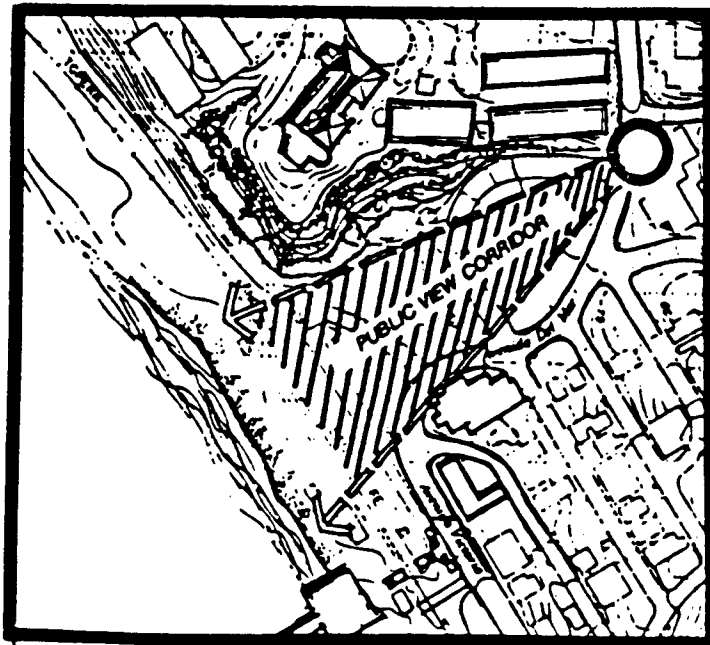
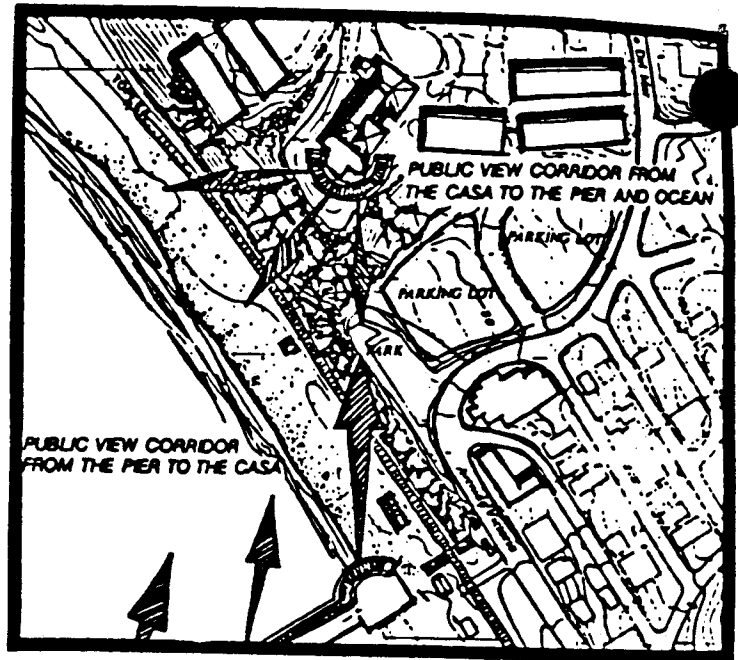
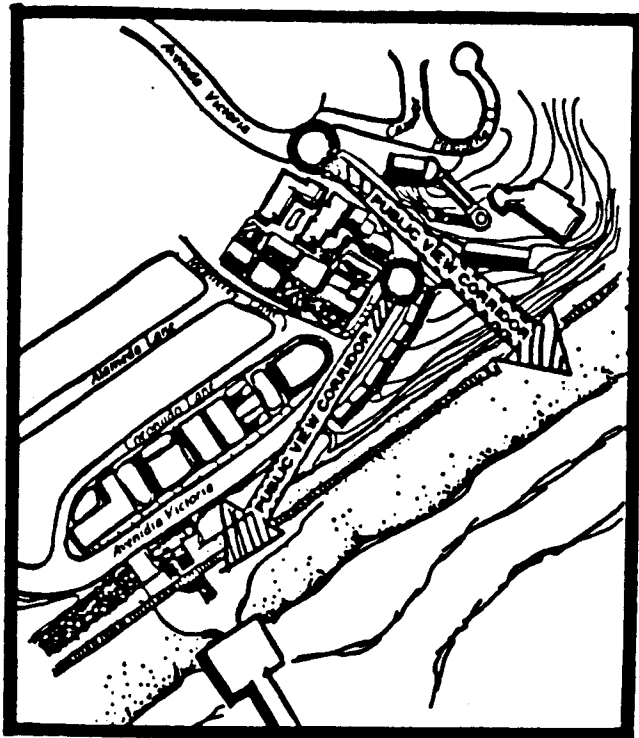
We feel the attorney for the Ballards gave poor excuses in defense of the architect and the city departments. They are old hands in designing and permitting buildings in the Pier Bowl and should have known of the restrictions. The commission staff report was about a half-inch thick and their rec-

ommendation to deny the proposed development was because the project would obstruct the public view of the shoreline within a designated view corridor. In seeking an after-the-fact permit, the project was allowed to put on hold for one month for revision of plans in keeping with the stair-step Spanish Village character and not blocking public view from both Del Mar and the pier/beach area.

It's too bad that money and efforts were spent by the owners of the lot on Capistrano Lane, but we feel we must try to protect the Pier Bowl from further projects with improper preparation and no approval.

Thanks are in order to the speakers for presenting a good case on behalf of all Pier Bowl residents. The outcome of this case will definitely set precedence for any future building out our little coastal area and we hope anyone interested in upholding the regulations of the coastal development policies will join in our efforts to preserve our tourist/revenue-making attraction.

Jim Hammond
San Clemente



**PIER BOWL
SPECIFIC PLAN**

EXHIBIT No. 9

Application Number: 5-00-141

View Corridor Figure from
Pier Bowl Specific Plan



California Coastal
Commission

VIEW CORRIDORS

FIGURE

SUBJECT SITE



EXHIBIT No. 10

Application Number: 5-00-141

Site Photos



California Coastal
Commission



Site of
CDP No. P-5-13-77-920

SUBJECT SITE