

**CALIFORNIA COASTAL COMMISSION**

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



# Th11c

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## STAFF REPORT: REGULAR CALENDAR

<b>Application No.:</b>	<b>5-14-1582</b>
<b>Applicants:</b>	<b>Capistrano Shores Property, LLC</b>
<b>Project Location:</b>	Capistrano Shores Mobile Home Park 1880 N. El Camino Real, Space #12 San Clemente, Orange County
<b>Project Description:</b>	Removal/demolition of an existing 1,440 sq. ft., 16 ft. high single-story mobile/manufactured home structure and installation of a new 1,248 sq. ft., 16-ft. high single story mobile/manufactured home structure, 85 sq. ft. storage shed, slab on grade concrete patio, 18" high wood seatwall, 6-ft. tall glass fence, and minor landscaping on an oceanfront mobile home space.
<b>Staff Recommendation:</b>	Approval with conditions.

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## SUMMARY OF STAFF RECOMMENDATION

The applicant proposes to install a new mobile home in Unit Space #12 in the Capistrano Shores Mobile Home Park located between the first public road and the sea and seaward of the Orange County Transportation Authority (OCTA) railroad tracks in San Clemente. The mobile home park is a legal non-conforming use on a stretch of beach developed with a single row of 90 mobile homes parallel to the shoreline on a lot designated OS2 Privately Owned Open Space (intended for open space – no formal easement) in the City of San Clemente Land Use Plan

(LUP). A rock revetment protects the 90 mobile home units at this site from direct wave attack. The applicant has submitted a Coastal Hazard & Wave Runup Study that deems the existing bulkhead/rock revetment adequate to protect the proposed mobile home. The Commission staff's coastal engineer concurs that no improvements to the bulkhead/rock revetment in front of Unit Space #12 is necessary at this time. Therefore, Commission staff recommends approval of the installation of a new mobile home in Unit Space #12 with applicant acknowledgement and agreement that Unit Space #12 may be subject to hazards from flooding, wave uprush, sea level rise, and erosion and a requirement that the applicant waive any rights to new shoreline protection.

Mobile home owners in the Capistrano Shores Mobile Home Park own the mobile home structures, but do not hold fee title to the land. Capistrano Shores, Inc. is a non-profit mutual benefit corporation in which each mobile home owner, such as the subject applicant, holds a 1/90 "membership" interest which allows the use of the Unit Space for mobile home purposes. As such, the recommended deed restriction is not meant to apply to the entire parcel of land within which Unit Space #12 exists, but would apply specifically to Unit Space #12, with the intention to provide future owners of the proposed new mobile home on Unit Space #12 notice of the special conditions of this CDP for the installation of the new mobile home. The deed restriction must be recorded by Capistrano Shores, Inc. which holds the fee title to the entire mobile home park, including Unit Space #12. The staff recommended deed restriction indicates that, pursuant to this permit, the California Coastal Commission has authorized development on Unit Space #12, subject to terms and conditions that restrict the use and enjoyment of Unit Space #12 only; the conditions imposed would not apply to the mobile home park as a whole or to other units within the mobile home park.

Additionally, the proposed development has been conditioned to assure the proposed project is consistent with the resource protection policies of the Coastal Act. The conditions are: 1) Final Revised Plans; 2) Fuel Modification Plan; 3) Construction Timing; 4) Coastal Sage Scrub Restoration and Monitoring Plan; 5) Construction Best Management Practices; and 6) Future Improvements.

Commission staff recommends **approval** of coastal development permit application 5-14-1582, as conditioned.

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Exhibit 3 – Aerial Photo of Site

Exhibit 4 – Plan of Existing Seawall

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Exhibit 9 – Special Condition “Termination or Reauthorization” for Coastal Development No. 5-09-180(Hitchcock)

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-14-1582 pursuant to the staff recommendation.*

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

### Resolution:

*The Commission hereby approves a Coastal Development Permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that will substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following 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.

### III. SPECIAL CONDITIONS

1. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that Unit Space #12 may be subject to hazards from flooding and wave uprush, tsunami, sea level rise, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards.
2. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-14-1582 and conditioned herein. Any non-exempt future improvements or development shall be submitted for Commission review or review by the appropriate delegated local authority and shall not commence unless Commission approval or the approval of the appropriate delegated local authority is granted. New development, unless exempt, shall require an amendment to this permit, a new coastal development permit from the Coastal Commission or its successor agency, or may be processed as a Public Works Plan Specific Project pursuant to Section 30606 of the Coastal Act.

Pursuant to Public Resources Code Section 30606, prior to the commencement of any development pursuant to Section 30605, the public agency proposing the public works project, shall notify the commission and other interested persons, of the impending development and provide data to show that it is consistent with the certified public works plan. No development shall take place within 30 working days after the notice.

3. **Future Response to Erosion/No Future Shoreline Protective Device.** No repair or maintenance, enhancement, reinforcement, or any other activity affecting the existing shoreline protective device is authorized by this coastal development permit. By acceptance of this Permit, the applicant waives, on behalf of himself and all successors and assigns of Unit Space #12, any rights to new shoreline protection that may exist under Public Resources Code Section 30235 to protect the proposed new mobile home on Unit Space #12.

By acceptance of this permit, the applicant further agrees, on behalf of himself and all successors and assigns to Unit Space #12, that the applicant and all successors and assigns shall remove the development authorized by this permit, including the residence, foundations, patio covers, if any government agency has issued a permanent order that the

structure not be occupied due to the threat of or actual damage or destruction to the premises resulting from waves, erosion, storm conditions, sea level rise, or other natural hazards in the future. In the event that portions of the development fall to the beach before they are removed, the applicant or successor shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

4. **Construction Best Management Practices.** The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion;
- (2) Staging and storage of construction machinery and storage of debris shall not take place on any sandy beach areas or areas containing any native vegetation;
- (3) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (4) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (5) Concrete trucks and tools used for construction of the approved development shall be rinsed off-site;
- (6) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (7) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project.

5. **Landscaping – Native, Drought Tolerant, Non-Invasive Plants.** All areas affected by construction activities not occupied by structural development shall be re-vegetated for erosion control purposes.

Vegetated landscaped areas shall consist of non-invasive and drought-tolerant plants. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>).

6. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner(s) have executed and recorded against the parcel(s) governed by this permit (i.e. the parcel(s) of land within which Unit Space #12 is located) a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on Unit Space #12, subject to terms and conditions that restrict the use and enjoyment of Unit Space #12; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of Unit Space #12. The deed restriction shall include a legal description of the entire parcel of land within which Unit Space #12 is located and a metes and bounds description of Unit Space #12 governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of Unit Space #12 of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## IV. FINDINGS AND DECLARATIONS:

### A. PROJECT LOCATION AND DESCRIPTION

The proposed project is located between the first public road and the sea and seaward of the Orange County Transportation Authority (OCTA) railroad tracks at Unit Space #12 in the Capistrano Shores Mobile Home Park at 1880 N. El Camino Real in the City of San Clemente, Orange County (**Exhibits 1, 2, & 3**). The mobile home park is an existing non-conforming use on a stretch of beach developed with a single row of 90 mobile homes parallel to the shoreline on a lot designated OS2 Privately Owned Open Space (intended for open space – no formal easement) in the City of San Clemente Land Use Plan (LUP).

On the seaward side of Unit Space #12, the subject site is fronted by a narrow perched beach inland of an older timber bulkhead that exists roughly along the seaward limits of Unit Space #12. A quarry stone rock revetment exists seaward of the bulkhead and between the proposed development and the Pacific Ocean (**Exhibit 4**). The pre-Coastal Act timber bulkhead and rock revetment protects the row of 90 mobile home units along the entire length of the Capistrano

Shores Mobile Home Park, including the subject site, from direct wave attack. The applicant provided a Coastal Hazard and Wave Runup Study prepared by GeoSoils Inc. of the site and the proposed development.

Vertical public access to this beach is not available at the site or anywhere else along the length of the Capistrano Shores Mobile Home Park. The nearest vertical public access is available approximately half a mile south at the North Beach access point (**Exhibit 5**) and to the north at the Poche Beach access point. In addition, lateral access along the beach in front of the mobile home park and bulkhead/rock revetment is only accessible during low tide; during high tide the waves crash up against the rock revetment. Pursuant to the grant deed property description of the parcels owned by Capistrano Shores, Inc. comprising Capistrano Shores Mobile Home Park, property ownership of the common area seaward of the Unit Space property lines extends from the bulkhead to the mean high tide line. Seaward of the bulkhead is an approximately 30-foot wide beach area owned in common by the entire mobile home park up to the ordinary high tide line (per the legal property description). According to the cross-section of the rock revetment provided in the Coastal Hazard and Wave Runup Study prepared by GeoSoils (**Exhibit 4**, page 4 of 4), the rock revetment begins immediately adjacent to the wood bulkhead and extends approximately 25-feet out seaward but still inland of the ordinary high tide line. A large portion of the rock revetment remains buried depending on varying sand level elevations throughout the year.

#### Detailed Project Description

The applicant proposes to remove an existing 1,440 sq. ft., 16-ft. high single-story mobile/manufactured home structure and install a new 1,248 sq. ft., 16-ft. high mobile home with an above-ground concrete block pier foundation, slab on grade concrete patio along the side yards and rear yard (oceanfront) with an 18-inch high wood seat wall, and a 6-ft. high fence with a solid half wall and tempered glass on the upper half, an 85 sq. ft. storage shed along the side yard, drainage improvements, and minimal landscaping. The proposed oceanfront concrete patio will extend 8'-10" from the mobile home parallel to a narrow 6-foot wide perched beach inland of a timber bulkhead/rock revetment that exists roughly along the seaward limits of Unit Space #12. Project plans are included as **Exhibit 6-8**.

The proposed siting of the new mobile home and hardscape improvements meet the LUP structural and deck stringline policy for new infill construction on a beachfront and all other City standards as it extends to farther seaward than the existing units on either side. The applicant is not proposing any work to the existing bulkhead/rock revetment. Each unit in the mobile home park provides two parking spaces per unit.

The applicant would own the proposed new mobile home but does not hold fee title to the land at Unit Space #12 or to the bulkhead/rock revetment. The Capistrano Shores Mobile Home Park is owned by Capistrano Shores, Inc., a non-profit mutual benefit corporation in which the applicant holds a 1/90 "membership" interest which allows him the use of the Unit Space #12 for mobile home purposes. The applicant, as "member" of the corporation is only responsible for repair/maintenance of his own mobile home and to the landscape on his unit space. The



corporation provides for all necessary repairs, maintenance and replacements to the rest of the mobile home park common areas including the bulkhead/rock revetment.

## **B. HAZARDS**

Section 30253 of the Coastal Act states in relevant part:

*New development shall:*

*(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

*(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

### Revetment/Bulkhead – Existing Conditions

The applicant provided a Coastal Hazard and Wave Runup Study prepared by GeoSoils, Inc., dated October 15, 2014. The Study states that the site's shore protection primarily consists of a quarry stone revetment; a timber bulkhead abuts the stone revetment on its landward side, which is then back-filled with a 6-10 foot wide perched beach that runs the length of the mobile home park (**Exhibit 4**). The perched beach at Unit Space #12 is approximately 6-feet wide. The revetment is composed of meta-volcanic quarry stones that range in size from less than ½ ton to about 11 ton with an average size of about 5 tons. According to the GeoSoils report, which used the National Geodetic Vertical Datum 1929 (NGVD 29), the top of the revetment at the subject site varies from +13.7 feet NGVD29 to +15.7 feet NGVD29 with an average elevation of about +15 feet NGVD29. The visible slope of the revetment varies from 2/1 to 1.5/1 (h/v). A visual inspection of the existing revetment/bulkhead in front of Unit Space #12 conducted by GeoSoils, Inc. found the revetment in good condition and not in need of maintenance at this time.

### Wave Run-Up/Overtopping Analysis

The Wave Run-Up and Coastal Hazard Study conducted by GeoSoils, Inc. identified a design life of 37 years for a mobile home structure as these are typically constructed of lighter material with a shorter design life than a regular standard construction single family residence. In addition, the Study states, that a mobile home is unique in that the structure is “mobile” and can be moved if jeopardized by coastal hazards. The Study continues:

*“The design water level will be the maximum historical water level of +4.9 feet NGVD29 plus 2.0 feet of Sea Level Rise (SLR) or +6.9 feet NGVD29. The maximum SLR prediction for the year 2060 (45 years from now) is 2 feet. If the total water depth is about 7 feet, based upon a maximum scour depth at the toe of the revetment fronting the site of +0.0 feet NGVD29 and a water elevation of 6.9 feet NGVD29, then the design wave height will be about 6.1 feet. The average height of the revetment is +15 feet NGVD29 and the timber bulkhead about 1 foot*

*above at elevation +16 feet NGVD29...The calculated overtopping rate of the revetment under the eroded beach conditions with 2 feet of future SLR is 0.42 ft.<sup>3</sup>/s-ft. This is less than 1 foot of water coming over the top of the revetment for each wave. The 10 foot wide beach and the presence of the low height bulkhead will significantly prevent wave runup from impacting the mobile home. In addition, the mobile home is proposed to be raised 18 inches above the street which is at about elevation +16.5 feet NGVD29. Due to the proposed elevation of the development above the adjacent grade, the proposed development is reasonably safe from coastal hazards and wave runup even under the most onerous SLR conditions in the next 40+ years. In the event the water does reach the replacement mobile home and associated improvements, the water velocity will be insufficient to cause significant damage.”*

The sea level rise amount used in the provided analysis for the proposed project is a low estimate for the coming 100 year time period. However, as the proposed project is a mobile home, it may represent a reasonable upper limit for sea level rise for a 40 to 50 year time period and this time period may be appropriate for a mobile home development as the expected life of a mobile home structure is lower than that of a permanent detached single-family residence and can reasonably be estimated at approximately a 50 year time life. In addition, a mobile unit can be easily relocated in the event of a threat. For purposes of a mobile home replacement, the Commission’s staff coastal engineer concurs that an upper limit for sea level rise for a 40 to 50 year time period is appropriate for the anticipated economic life of a mobile home development.

#### Erosion and Flooding Hazards

Regarding erosion hazards on the subject site, the Coastal Hazard and Wave Runup Study states, “While the beach experiences short term erosion, there is no clear indication of a significant long term erosion trend. Because the shoreline is stabilized by the revetment and as long as the revetment is maintained, the proposed mobile homes are reasonably safe from the short term erosion hazards.”

The Study finds that the proposed mobile home is reasonably safe from flooding. The analysis shows that the site has the potential to be flooded on occasion from waves breaking on the revetment, overtopping the bulkhead and reaching the mobile house units. Such flooding is a hazard that would be expected for a location this close to the ocean even with the existing shore protection provided by the bulkhead/revetment (deemed adequate by the Study) that is protecting the units from the main wave attack.

Furthermore, the entire mobile home park, including Unit Space #12, is located within the tsunami inundation zone according to the California Emergency Management Agency (CalEMA). **Special Condition #1** places the applicant and subsequent owners on notice (through a generic deed restriction per **Special Condition #6**) that this is a high hazard area and that by acceptance of coastal development permit #5-14-1582 the applicant acknowledges the risks, such as flooding that are associated with location in the tsunami inundation zone, and that are associated with development sited so close to the ocean. The applicant should cooperate with the local CalEMA or emergency responders in case of a large earthquake or a tsunami warning.

The applicant does not propose any changes or improvements to the existing bulkhead/revetment along the portion that protects Unit Space #12 under this coastal development permit application. Any repair or maintenance, enhancement, reinforcement or other activity to the existing bulkhead/revetment is the responsibility of Capistrano Shores Inc. which holds fee title to the land that Unit Space #12 occupies (and the other mobile home unit spaces) and all common areas in the mobile home park. The applicant is only responsible for repair/maintenance to the mobile home, landscape, ancillary structures (i.e, decks, patios, and garden walls) on Unit Space #12. Because the proposed development involves the placement of a new structure and ancillary structures on the beach, those new structures are not entitled to new shoreline protection under Section 30235 of the Coastal Act. Although the proposed mobile home is not anticipated to need additional shoreline protection during the expected life of the mobile home, it would be located on a beach and changed circumstances in the future regarding sea level rise, shoreline sand supply, erosion, seismic activity, and storm intensity could result in threat to the structure. Future expansion of the existing shoreline protection to address such threats could conflict with Coastal Act requirements regarding public access and recreation, shoreline sand supply, and protection of views to and along the shoreline. Therefore, **Special Condition #3** requires the applicant to waive on behalf of itself and all successors and assigns, any rights to new shoreline protection that may exist under Public Resources Code Section 30235 to protect the proposed placement of a new mobile home and ancillary structures in Unit Space #12.

If the existing shoreline protection becomes inadequate at a future date, the proposed development is a mobile unit that could be re-located and/or removed and replaced with a smaller and/or differently configured unit that provides an adequate setback from the shoreline to avoid hazards. If such relocation or replacement would not address the hazard, the mobile unit could be removed entirely. Therefore, **Special Condition #3** also establishes requirements related to response to future coastal hazards, including relocation and/or removal of structures that may be threatened in the future, and in the event that portions of the development fall to the beach before they are removed, requiring the applicant or successor remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

Because of the sensitive shoreline location of the proposed development, the Commission imposes **Special Condition #2** requiring a coastal development permit or permit amendment for any future improvements to the development.

To ensure that any prospective future owners/occupants of Unit Space #12 are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition #6** requiring that the property owner (known at this time to be Capistrano Shores, Inc. based on information provided to the Commission by the applicant) record a generic deed restriction referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of Unit Space #12. Thus, as conditioned, this permit ensures that any prospective future owners of the proposed new mobile home approved for installation on Unit Space #12 pursuant to this CDP, will receive notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which Unit

Space #12 is subject, and the Commission's immunity from liability. The deed restriction indicates that the California Coastal Commission has authorized development on Unit Space #12, subject to terms and conditions that restrict the use and enjoyment of Unit Space #12 only and does not restrict the remainder of the land that the mobile home park occupies.

In 2010, the Commission approved the replacement of two mobile homes in the Capistrano Shores Mobile Home Park under CDP 5-09-179(Hitchcock) and CDP 5-09-180(Hitchcock). At that time, Capistrano Shores, Inc., the fee title property owner, was unwilling to record the deed restrictions recommended by staff. The applicant, therefore, provided a potential alternative approach to provide future owners notice of the CDP requirements in lieu of a generic deed restriction through a "Termination, Extension or Reauthorization" special condition (**Exhibit 9**). The condition required, upon sale of the mobile home, termination of the approved permit and required any new owner to apply for a new CDP, or required removal of all authorized development approved under the permit. The Commission agreed with the applicant's proposed alternative instead of the typical Commission procedure of a recorded deed restriction. In this particular case, the applicant has not agreed to the alternative condition nor have they proposed an alternative to the recorded deed restriction; therefore, **Special Condition #6** requiring the recordation of a generic deed restriction is necessary to ensure that all future owners of unit space #12 are aware of the conditions of this permit.

The generic deed restriction is the mechanism typically applied by the Commission to provide future owners notice of the Special Conditions of this permit. Capistrano Shores Inc. holds fee title to the land that Unit Space #12 occupies including the other mobile home unit spaces and all common areas in the mobile home park and is the entity assigned by the mobile home park to be responsible for any future repairs/improvements to the existing bulkhead/revetment shoreline protective device. Since the scope of the development in this case is limited to Unit Space #12, the Commission has focused on assurance that its authorization for placement of a new mobile home on that space (and ancillary development) would not be used to support any future requests for repair, maintenance, or expansion of shoreline protection.

In addition, representatives for Capistrano Shores, Inc. were previously notified that repair, maintenance or enhancement of the existing shoreline protection, if deemed necessary, should occur as part of a comprehensive plan for the entire mobile home park. The Capistrano Shores Mobile Home Park Homeowner Association submitted a coastal development permit application in February 2012 which in addition to park wide improvements, included maintenance of the existing shoreline protective device. That application has since remained incomplete, pending submittal of additional information regarding the bulkhead/rock revetment and project alternatives. Any such repairs/enhancements should occur within the mobile home park's private property and not further encroach onto the public beach. No additional shoreline protective devices should be constructed for the purpose of protecting ancillary improvements (e.g., patios, decks, fences, landscaping, etc.) located between the mobile home and the ocean. For any type of future shoreline hazard response, alternatives to the shoreline protection must be considered that will eliminate impacts to scenic visual resources, recreation, and shoreline processes. Alternatives would include but are not limited to: relocation and/or removal of all or portions of the mobile home and ancillary improvements that are threatened, and/or other remedial measures capable of protecting the mobile home without shoreline stabilization devices. Alternatives must

be sufficiently detailed to enable the Coastal Commission to evaluate the feasibility of each alternative, and whether each alternative is capable of protecting a mobile home that may be in danger from erosion and other coastal hazards.

Only as conditioned does the Commission find the proposed development consistent with Section 30253 and 30235 of the Coastal Act.

### C. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30212 of the Coastal Act states, in part:

(a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

(2) *Adequate access exists nearby, or,*

Section 30213 of the Coastal Act states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Section 30223 of the Coastal Act states:

*Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

As shown in **Exhibit #1**, the proposed mobile home will be located between the first public road and the sea directly seaward of the OCTA railroad tracks. Vertical public access is not available through the Capistrano Shores Mobile Home Park, therefore, no construction impacts to public access are anticipated. Lateral public access is available along the public beach seaward of the bulkhead/revetment during low tide. Vertical public access to the beach exists nearby at Poche Beach, approximately 600 yards north of the site. Public access from the southern end of the mobile home park is available at the North Beach public access point. **Exhibit #5** provides a map of the primary public coastal access points in the City.

The proposed project is sufficiently setback to be consistent with the pattern of development of the surrounding mobile homes within the Capistrano Shores Mobile Home Park. Furthermore, the setback provides an area that may accommodate any necessary future bulkhead/revetment

repairs/enhancement efforts within the mobile home unit's private property thereby protecting intertidal habitat and avoiding any possible future public access impacts that may arise due to rock revetment encroachment into public beach areas (both individually and cumulatively).

As proposed, the Commission finds the development consistent with the public access and recreation policies of Chapter 3 of the Coastal Act.

#### **D. SCENIC AND VISUAL RESOURCES**

Section 30251 of the Coastal Act states that:

*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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The above-cited policy of the Coastal Act was designed to minimize visual impacts and landform alteration and to avoid cumulative adverse impacts of development encroachment into natural areas.

Development at this location must be sited and designed to be visually compatible with the character of the area. It is also necessary to ensure that new development be sited and designed to protect views along public vantage points such as public beaches, public trails and roads. The proposed development is on a perched beach protected by a bulkhead/revetment adjacent to the public beach. The site is visible looking inland from the beach. Views of the mobile home park and white water ocean views are available from proposed public trails along the coastal bluffs inland of El Camino Real at the Marblehead Coastal site. The proposed mobile home meets the structural and deck stringlines and replaces an existing mobile home structure at the subject site, and can therefore be found compatible with the character of the mobile home park. Additionally, as designed, the 16-ft. height of the proposed single-story mobile home is compatible with the height of the rest of the permitted mobile homes in the Capistrano Shores Mobile Home Park. As sited the new structure will not adversely impact coastal views. Therefore, the Commission finds the proposed development consistent with Section 30251 of the Coastal Act.

#### **E. WATER QUALITY**

Section 30230 of the Coastal Act states, in pertinent part:

*Marine resources shall be maintained, enhanced, and where feasible, restored...*

Section 30231 of the Coastal Act states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

To protect water quality during construction, the applicant proposes, and **Special Condition #4** requires the applicant to implement best management practices (BMPs) designed to avoid temporary impacts to the ocean by minimizing erosion and preventing soil and debris from entering coastal waters during construction. Furthermore, the applicant proposes drainage from the predominantly paved site to slope away from the ocean and toward the street where water runoff from the site will be directed to a dry well for onsite water infiltration and to a small strip of landscaped permeable area. The applicant proposes minor landscaping in contained planters. **Special Condition #5** requires the applicant utilize drought tolerant, non-invasive plant species in order to minimize water use and water runoff from the subject site.

As proposed and conditioned, the project will minimize possible adverse impacts on coastal waters to such an extent that it will not have a significant impact on marine resources, biological productivity or coastal water quality. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to protect marine resources, promote the biological productivity of coastal waters and to protect human health.

#### **F. LOCAL COASTAL PROGRAM**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms to 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 City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000.

The proposed development, as conditioned, is consistent with the policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not 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).

## **G. 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 that the activity may have on the environment.

The City of San Clemente is the lead agency for purposes of CEQA compliance. As determined by the City, the project is categorically exempt pursuant to CEQA Guidelines section 15302 as a Class 2 Item (replacement of an existing structure). In order to ensure compliance with Coastal Act requirements, the Commission adopts additional mitigation measures including: special conditions related to compliance with construction-related best management practices (BMPs), drainage, landscaping, shoreline protection, future development, assumption of risk, waiver of liability and indemnity. As conditioned, the proposed project is consistent with the public access, water quality and visual resource protection policies of the Coastal Act and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act and CEQA.

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## **APPENDIX A**

### **SUBSTANTIVE FILE DOCUMENTS**

1. City of San Clemente LUP
2. *Wave Runup and Coastal Hazard Study and shore Protection Observation, 1880 N. El , Unit 12, San Clemente, California, Coastal Development Permit Application No. 5-14-1582, by GeoSoils Inc., dated October 15, 2014*
3. CDP 5-09-179(Hitchcock) and CDP 5-09-180(Hitchcock)





EXHIBIT NO. <b>1</b>
Application Number <b>5-14-1582</b>
Vicinity Map
California Coastal Commission



EXHIBIT NO. 2
Application Number
5-14-1582
Aerial photo of
Mobile Home Park
California Coastal Commission





EXHIBIT NO. 3

Application Number

5-14-1582

Aeriz / of Site

California Coastal Commission

DATE	10/22/14
BY	10/22/14
CHKD	10/22/14
APP'D	10/22/14
REV	10/22/14

DATE: 10/22/14  
BY: 10/22/14  
CHKD: 10/22/14  
APP'D: 10/22/14  
REV: 10/22/14



DAVID SCHMALE  
MECHANICAL  
5741 Palmer Way, Carlsbad, CA 92010  
760-438-3135  
Geotechnical - Geologic - Civil - Environmental

**Capistrano Shores**  
**Unit 12**  
CLIENT: 1000 North 11 Street, Suite 12  
San Diego, CA 92161  
NOV 29 2014

DATE	10/22/14
BY	10/22/14
CHKD	10/22/14
APP'D	10/22/14
REV	10/22/14

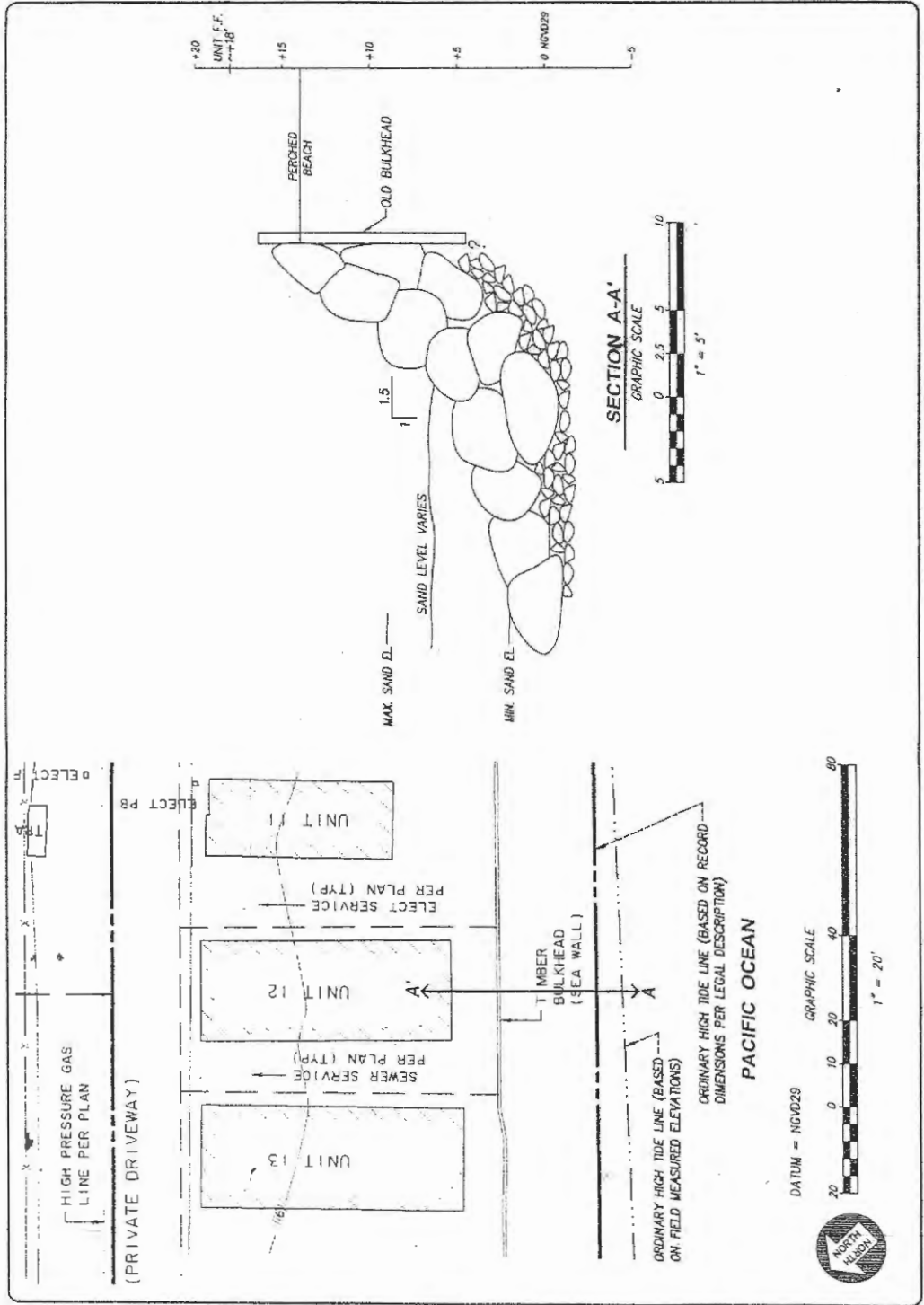


EXHIBIT NO.	4
Application Number	5-14-1582
	Existing Seawall
California Coastal Commission	

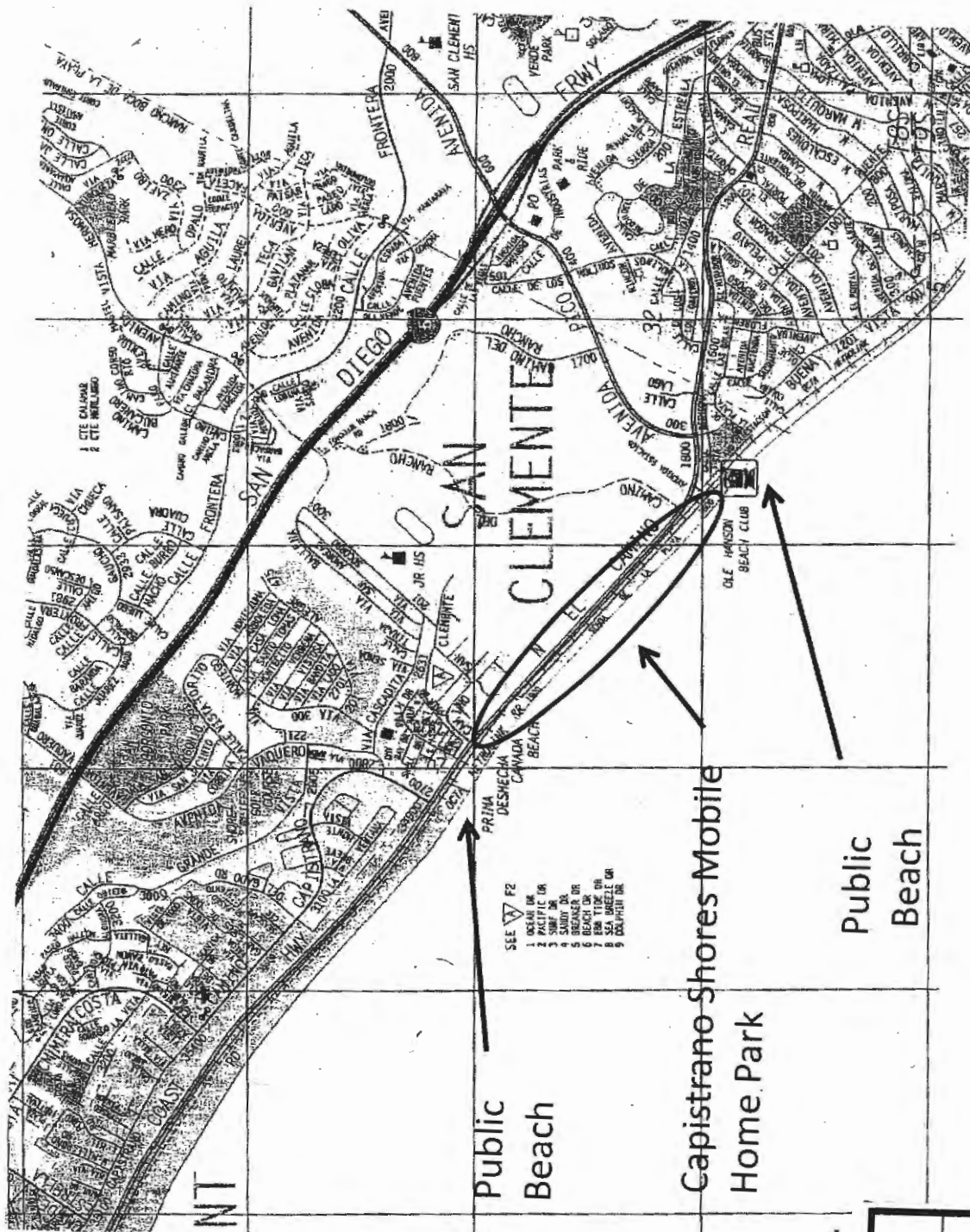


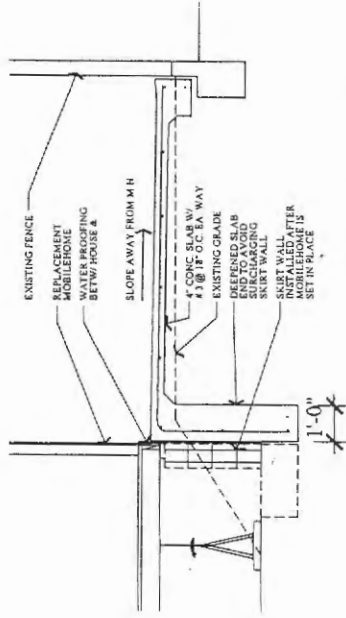
EXHIBIT NO.	5
Application Number	5-141-1582
Public Access	
California Coastal Commission	

**RECEIVED**  
South Coast Region

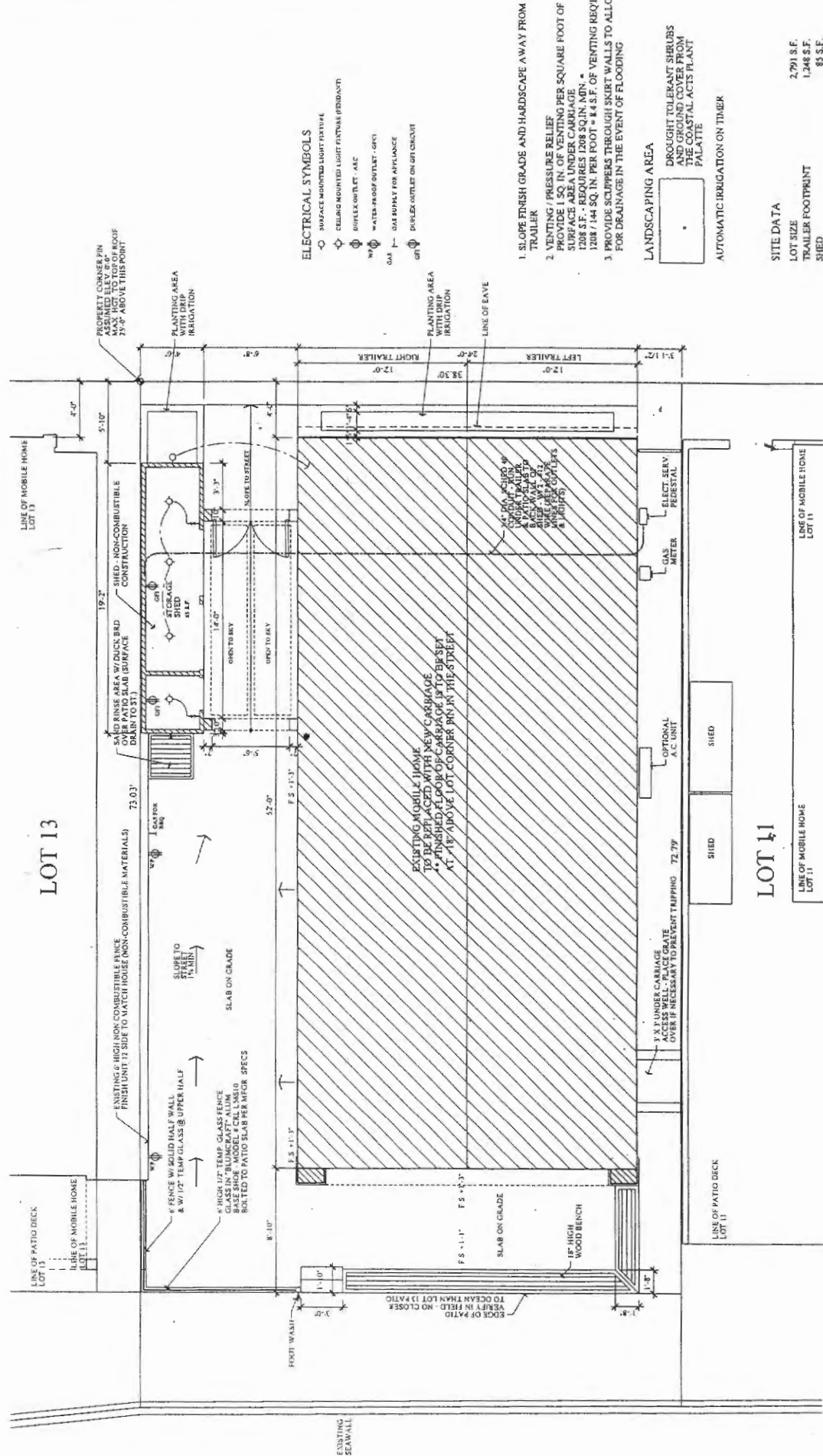
OCT 23 2014

CALIFORNIA  
COASTAL COMMISSION

EXHIBIT NO. **6**  
Application Number  
**5-14-1582**  
**Site Plan**  
California Coastal Commission



SECTION THRU PATIO



ELECTRICAL SYMBOLS

- IN-WALL MOUNTED LIGHT FIXTURE
- CEILING MOUNTED LIGHT FIXTURE (RECESSED)
- OUTLET - A/C
- WATER-PROOF OUTLET - GFCI
- GAS SUPPLY FOR APPLIANCE
- DUPLEX OUTLET ON GFI CIRCUIT

1. SLOPE FINISH GRADE AND LANDSCAPE AWAY FROM TRAILER
2. VENTING / PRESSURE RELIEF  
PROVIDE 1 SQ. IN. OF VENTING PER SQUARE FOOT OF SURFACE AREA UNDER CARTRIDGE  
1200 S.F. - REQUIRES 1200 SQ. IN. MIN.  
1200 / 144 SQ. IN. PER FOOT = 8.33 S.F. OF VENTING REQ'D  
3. PROVIDE SCUPPERS THROUGH SKIRT WALLS TO ALLOW FOR DRAINAGE IN THE EVENT OF FLOODING

LANDSCAPING AREA

- DROUGHT TOLERANT SHRUBS
- PLANTING TO BE DONE BY THE COASTAL ACTS PLANT PALLETTE

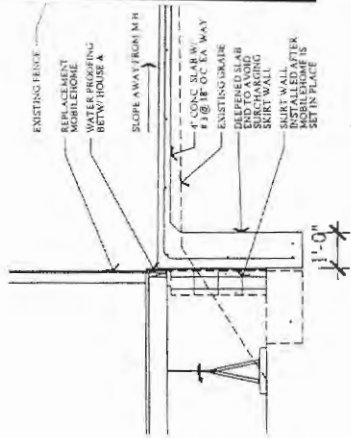
AUTOMATIC IRRIGATION ON TIMER

SITE DATA

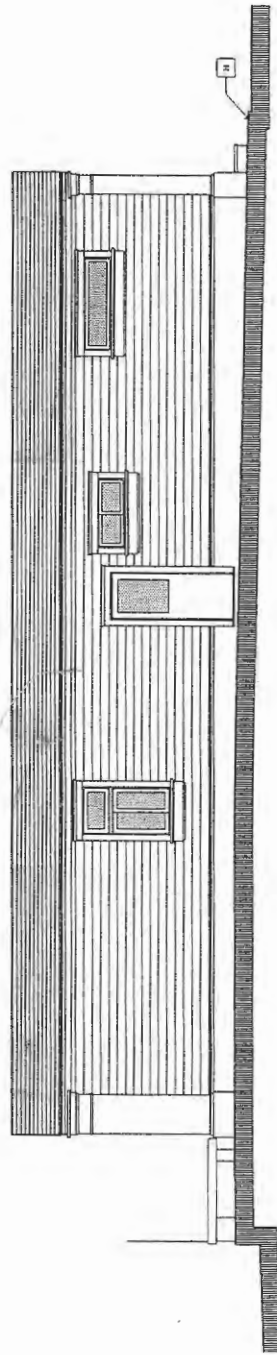
LOT SIZE  
2,791 S.F.  
TRAILER FOOTPRINT  
1,248 S.F.  
SHED  
83 S.F.



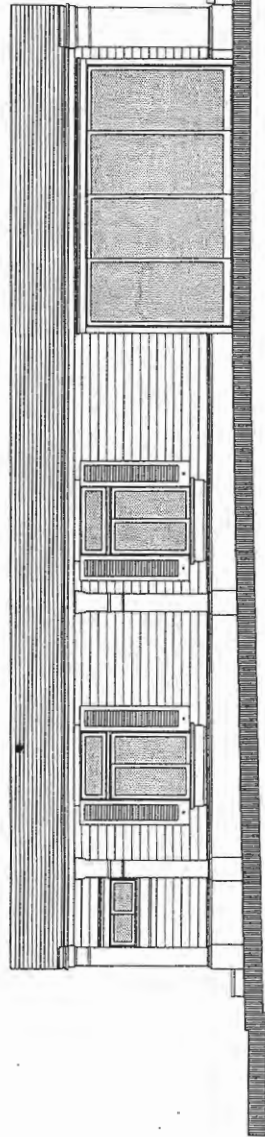
EXHIBIT NO. <b>7</b>
Application Number <b>5-14-1582</b>
<i>Elevations</i>
California Coastal Commission



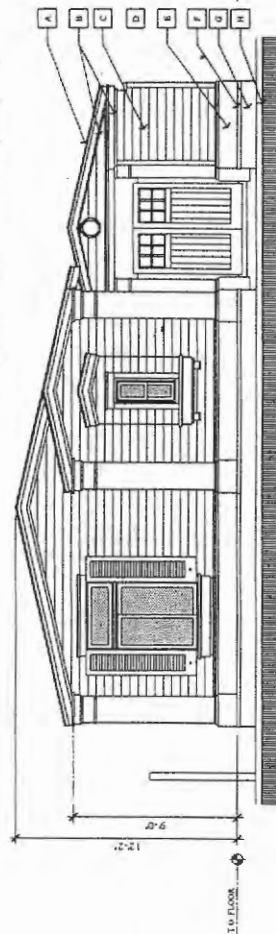
DETAIL THRU PATIO SLAB



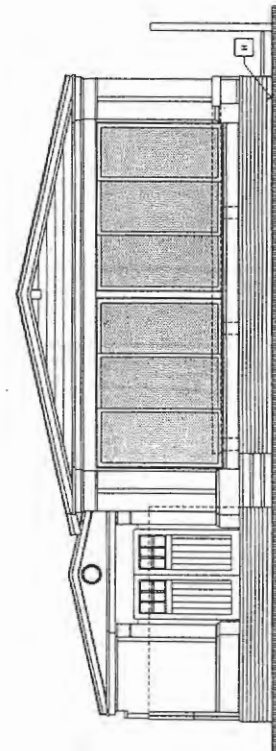
LEFT SIDE ELEVATION (SOUTH)



RIGHT SIDE ELEVATION (NORTH)



FRONT ELEVATION (STREET) 1/4" = 1'-0"



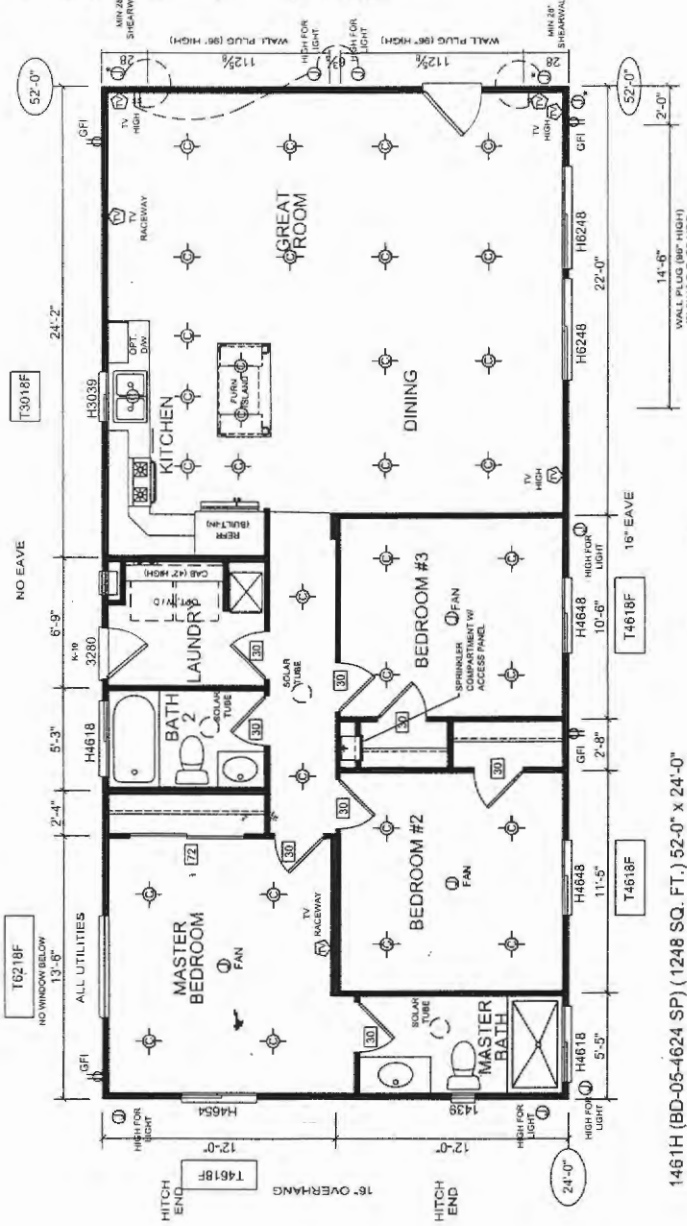
REAR ELEVATION (OCEAN)

ELEVATION KEY

A	APRIL 1, 1968
B	APRIL 1, 1968
C	CEMENT-FIBER INSIDE L.A.
D	CEMENT-FIBER INSIDE L.A.
E	CEMENT-FIBER INSIDE L.A.
F	CEMENT-FIBER INSIDE L.A.
G	CEMENT-FIBER INSIDE L.A.
H	CEMENT-FIBER INSIDE L.A.
I	CEMENT-FIBER INSIDE L.A.
J	CEMENT-FIBER INSIDE L.A.
K	CEMENT-FIBER INSIDE L.A.
L	CEMENT-FIBER INSIDE L.A.
M	CEMENT-FIBER INSIDE L.A.
N	CEMENT-FIBER INSIDE L.A.
O	CEMENT-FIBER INSIDE L.A.
P	CEMENT-FIBER INSIDE L.A.
Q	CEMENT-FIBER INSIDE L.A.
R	CEMENT-FIBER INSIDE L.A.
S	CEMENT-FIBER INSIDE L.A.
T	CEMENT-FIBER INSIDE L.A.
U	CEMENT-FIBER INSIDE L.A.
V	CEMENT-FIBER INSIDE L.A.
W	CEMENT-FIBER INSIDE L.A.
X	CEMENT-FIBER INSIDE L.A.
Y	CEMENT-FIBER INSIDE L.A.
Z	CEMENT-FIBER INSIDE L.A.

The development as proposed is approved by the C of San Clemente in principle. This is a preliminary approval and does not mean the recipient at development rights. When approved by the California Coastal Commission, the City will then process it plans for permits. Please check with other C Departments and divisions to ensure full compliance with all City codes, standards and requirements.

City Planner Date 8/14/14



- 9' FLAT CEILING THROUGHOUT
- OMIT ALL LINOLEUM
- SPRINKLER SYSTEM

CUSTOMER: WILLS  
(NAVISION REVISION # 19)

		APPROVER'S SEAL		MODIFICATIONS 1A-SEE REV LOG 2-SEE REV LOG 3-SEE REV LOG 4-SEE REV LOG 5-SEE REV LOG 6-SEE REV LOG		MODEL: 1461H (BD-05-4624 SP) 52/24-3BR		SHEET NO.: LT-101	
1461H (BD-05-4624 SP) (1248 SQ. FT.) 52'-0" x 24'-0"		TITLE: LITERATURE PLAN		DATE: 11-15-13 DRAWN BY: BMS		FILENAME: 1461H-LT101		PAGE: 1 OF 1	

EXHIBIT NO. 8
Application Number 5-14-1582
Floor Plan
California Coastal Commission



## NOTICE OF INTENT TO ISSUE PERMIT

(Upon satisfaction of special conditions)

Date: June 16, 2010

Permit Application No.:5-09-180

Page 5 of 5

and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards.

### 7. Termination or Reauthorization

The development authorized in Coastal Development Permit No.:5-09-180 shall terminate on the legal conveyance of the applicant's or co-applicant's interest in Unit Space #81 to a third party, subject to the exception listed herein. For purposes of this Special Condition, a "third party" is any person or entity that is not the applicant (Frederick E. Hitchcock Jr.) nor a beneficiary under The Frederick E. Hitchcock Jr. 1999 Family Trust dated November 1, 1999 (the co-applicant for this permit). Prior to the conveyance to a third party, all development authorized by Coastal Development Permit No.:5-09-180 shall be removed in accordance with a plan pre-approved by the Executive Director, unless the development is reauthorized by another Coastal Development Permit. Commission approval of the third party application for reauthorization of the permit must be made prior to the date of legal conveyance to the third party. Revocation of the Trust shall be considered conveyance to a third party, for purposes of this condition.

EXHIBIT NO. 9

Application Number

5-14-1582

Special Condition

From CDP#5-09-180

California Coastal Commission