

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071



Th12a

(CDP AMENDMENT APPLICATION 5-01-097-A2, Moe)

NOVEMBER 5, 2020

CORRESPONDENCE

Letters in Support

Correspondence from Cheryl Moe, Applicant dated October 30, 2020

Email from Macall Deaver, dated October 30, 2020

Letter from Tree of Life Nursery, dated October 30, 2020

Letter from the Spencer Family, dated October 29, 2020

Letter from Diane and Tom Coffin, dated October 29, 2020

Letter from Nicole Howard, dated October 30, 2020

Letter from Christine M. Lampert, dated October 30, 2020

Letter from Kristine Sprague, dated October 31, 2020

Moe Family
229 Avenida Alessandro
San Clemente, CA 92672

Liliana Roman, Coastal Program Analyst
South Coast District
California Coastal Commission
301 Ocean Avenue, Suite 300
Long Beach, CA 90802



Nov. 2, 2020

SUBJECT: 5-01-097-A2 Th12a (Moe)

Dear Ms. Roman:

Given the circumstances and constraints presented by the pandemic our nation is enduring, I can imagine the challenges staff faced while completing this report. I appreciate their time and tremendous effort in compiling this file, but I have concerns with some of the information provided. Certain details in this report are unfortunately inaccurate including: (1) the location of our property line, (2) confusion with adjacent neighbor's placement of " Private Property" sign that deterred the public from the path, Please see EXHIBIT 1.0 (The Exhibits reference in this letter are included in document "5-01-097-A2 TH12a CCC Applicant Exhibits" sent with this letter). (3) a claim that our original CDP did not have fencing in the plan, (4) in accurate time stamps on photographs that do not align with real life conditions. After 270 days of research from afar, I'm sure an exhausting effort, I am sorry to report several details need to be adjusted to provide the staff and Commission a clear picture before any action can be taken on granting our permit. Please see the evidence and outline of the objectionable details below.

We would like to make sure photos of our mature native landscaping are available for the Commissioners review and perspective so that they might better understand our endeavors to be good stewards of our canyon property. Please See EXHIBIT 1.1-1.7.

We had understood that the hearing was going to be the first week in December and understood that we would receive a draft of the Staff Report. We did receive an email with a several conditions, but we did not obtain the Conditions in this Staff Report until this week. The Report reflects some new and different conditions than what we had seen and discussed previously.

We also previously discussed that we were going to be sent information on ATF fees so that we could request a fee reduction from Ms. Dobson. The prior fee information we received is

different than what is in the current Report. We will be requesting a fee reduction as we have endeavored to be good stewards and have made significant investments in enhancing the biological value of our property. The amount of the proposed fee is also not reasonable based on the prior entitlements and the work that has been performed, including restoration and planting of native plants. Times are tough right now and the proposed fee is an undue burden when facing job losses.

We feel rushed on getting comments back to you by Oct. 30 at 5pm as the mailer stated, given that we have only a week to respond to new and different conditions. These conditions require technical analysis, legal research and expertise that we do not have. But, to the best of our ability, below are our responses to the Conditions.

We request the following revisions to the CONDITIONS:

5. _____ We request to omit this, due to the following reasons.

CCC document dated 10/21/2015 “established Riviera Canyon Trail Neighborhood Watch Committee” with no oversight or mandates. We do not know who is on this committee or who is making decisions and obtaining approvals. EXHIBIT 2.1. This document may have empowered these committee members to develop, grade the path, cause erosion on private property. See photos for steps dug into slope. EXHIBIT 3.1. See wall and step built on adjacent property. EXHIBIT 3.2.

CDP 5-12-246 exhibit 6 shows trench drains outside of drainage easement and on our property where a slide occurred. EXHIBIT 4.1

Liability must “be interpreted by facts on a case by case basis”.

5B. _____ We request to not delete paragraph B.

6B. _____ We request to not delete paragraph B.

7. _____ We are happy to continue taking care of our native plants. See photos. EXHIBIT 1
Since this process has taken so long, close to 2 years from City submittal to CCC hearing, we would like to request the following addition:

PRIOR TO ISSUANCE OF THIS PERMIT, the applicants shall submit an irrigation plan at the street level that would comply with the applicable water efficiency and conservation measures and shall be approved by the Executive Director.

8. _____ We request to revise the condition as follows:

No development, as defined in Section 30106 of the Coastal Act shall occur within the private open space habitat area within the subject property, as shown in Exhibit #5 of this staff report,

unless otherwise approved by the Executive Director. The lands identified in this restriction shall be maintained as private open space by the landowner(s) in perpetuity. (clarify in Staff Exhibit 5) or (gray area in applicant EXHIBIT 5.1.)

Adding, unless otherwise approved by the Executive Director is important in case there is a situation like CDP 5-12-246 that arises. The City and County also perform maintenance in the drainage easement.

Also, to be clear that open space does not mean public or City open space, as this is private property. Over the years, the City has not been the best steward of our property, it is not a natural landform but a pile of fill that includes large asphalt chunks and concrete curb debris that must have resulted when the City was redoing roads years ago. EXHIBIT 6.1-6.2

9. ____ As lighting is an important part of residential safety, we would like to request to add a lighting plans per EXHIBIT 5.1 and revise condition:

PRIOR TO ISSUANCE OF THIS PERMIT, the applicants shall submit a site lighting plan that would comply with the applicable codes and shall be approved by the Executive Director.

11. ____ We request reduction in AFT Fees to \$ 2,540 = 2x the amount of \$1,270 . Less any prior payments. Our hearing notice calls out “COASTAL PERMIT AMENDMENT” Based on fee in Application form and reduction request of 2x amount based on the reasons A-E

F. Amendment

Immaterial amendment, \$1,270 \$ _____

Material amendment, 50% of the fee for the original project
according to currently applicable fees. \$ _____

A. Fees in line with the Scope of Work. ATF construction costs were \$5,610 for material and labor and \$1290 for native plants. Hopefully AFT fee can be reflective of the construction cost and the environmental benefit provided.

B. Difficulty in City Processing

Difficulty in trying to work with the City to process our plans, one example is detailed in item 13 below. We were just looking to improve the environment and needed a way to be able to plant and maintain on the steep hill. We are getting older, so we really don't want to fall when doing OCFA weed control. These type of garden walls are seen throughout the canyon without CDP.

C. Confusion with neighbor's placement of a "Private Property" sign.

We should not be penalized for the confusion with adjacent neighbor's placement of a "Private Property" sign on that neighbor's property (not our property) that allegedly deterred the public from the path as shown in the bottom photo Exhibit 2 page 2. As seen in that photo the sign is a unique custom crafted sign that matches a sign on their property that remains there today.

EXHIBIT 1.0

D. Time to establish a Sign plan.

This would have been the same amount of staff time with or without AFT work.

Yes, the signs were a challenge to figure out. Jordan was helpful in working through the needs of the owner and public and we found a solution appropriate for a single-family home, versus a resort or very large development. I spend much time creating a sign package, hopefully this will be beneficial for the CCC when working with other single-family residences with a neighborhood path.

E. Development definition 30106. EXHIBIT 7.1-3

Due to our location we see and hear a variety of 'Developments' in our vicinity. Some have CDPs and others not. One small example is our neighbor's fence did not need a CDP. A few other examples are 304, 308 & 400 Avenida La Costa. I believe 1706 S. Ola Vista conducted more work and was able to apply under De minimis Waiver.

Any work above a city storm drain inlet/outlet that increases impervious surfaces contributes to the development of the canyon per the definition. All properties within the coastal zone should address, urban runoff, native landscaping and lighting to have a beneficial impact on this environment.

12. We request to maintain the Deed Restriction under permit 5-01-097. The removal of this Deed Restriction seems like a 'Taking' of property rights and civil liberties restricting the use and enjoyment of our home.

13. We would like request future permits be handled directly with the Coastal Commission, as we have had great difficulty working with the City of San Clemente Planning Department & Planning Commission in the past 8 years. It has been almost impossible to receive an Approval in Concept from the City of San Clemente. My experience has been they can't find their files. At one point I had to find the final CDP #5-97-122 on their public computer for them to finally acknowledge it and then they still wouldn't abide by it until the Community Development Director got involved. This is why sheet AS.3 was created. This was a time-consuming nightmare and not a healthy experience. Even when the City had a prior approval and we responded to their comments within weeks, it still took almost one year as noted in the dates on the drawing title block for Approval in Concept to be granted.

I know this process could be much smoother for everyone involved because we experienced this when we built our home. We obtained title to our property Oct 31, 2000, submitted to City

Planning in Jan 2001, Filed with CCC Mar. 20, 2001, gave birth to our second child in April 2001, had a favorable CCC Hearing in June 2001. We were supposed to sign papers for our construction loan on 9/11/2001. Shortly after that we received Grading & Building Department approval and started construction of our home in Oct. 2001. The total process was 10 months! And within 15 months, as an Owner/Builder, limited budget and two small children moved into our family home.

I am hopeful for a time where we can minimize paperwork and make the best use of available peoplepower and funds, so as to prevent needless duplication and unnecessary delays at all levels of government. The CCC has a better understanding and expertise in processing CDPs. Even with the disadvantage of distance, we are making this request.

I am an architect, so I am much better with graphics and reality. The paperwork generated due to this matter is mind boggling. We have cared for our property for over twenty (20) years, and I think we share the same goals as CCC. We hope to be constructive partners in the care of our family home and property. I would really rather spend time removing the non-native invasive ferns, brazilian peppers, palms, ice plant and tumbleweeds than doing paperwork. EXHIBIT 1.5

We found several errors in the Staff Report that we would like corrected, we will follow up with more details. Since this is a document that has a long shelf life it is important that it accurate.

Thank-you for your attention. If you have any questions please email me and we can arrange a time to speak or better yet, zoom so we can see the same images.

Sincerely,

Cheryl Moe, Architect
John Moe
moezarc@gmail.com

attachment Applicants Exhibit Package

EXHIBIT 1.0

Photos taken
sometime in 2015 or
2016 as evidenced
by vegetation &
fence compared to
photos in Exhibit 2
page 1 of 2



Exhibit 2
Page 2 of 2

2013 Site Photos
Unpermitted
fencing and
signage

Incorrect
Date, post
dated



Property
Line

Neighbor's
Sign

Incorrect
Date, post
dated

EXHIBIT 1.1



Adjacent Property sign, faded yellow painted plywood with Private Property sign
Matches sign in Exhibit 2 of Staff Report



Garden walls in upper paths not visible due to the native planting
New Sycamores, White Sage, Ironwood, Pozo blue salvia, Bees Bliss, Lemonade
Berry, California Sunflowers
Lower walls from across canyon not visible, due to growth in-between

This fall looking to plant Coyote Bush on hill to the right at the back of the house

EXHIBIT 1.2



Line of setback, new White Sage, Ironwood, Pozo blue salvia, Bees Bliss, Lemonade Berry, California Sunflowers. Toyon to the right and Jade existing
Existing palms and Brazilian peppers at base of canyon

EXHIBIT 1.3



Existing Jade adjacent to steps



Installed Native Bladder Pod, with some happy insects

EXHIBIT 1.4



New natives, California sunflower, sycamore, ironwood, coyote bush, Dana
buckwheat, between new lower terrace
And existing Jade behind the new plantings

EXHIBIT 1.5



New Sycamore below terrace, with invasive non-natives returning
Ready to be removed

EXHIBIT 1.6



Tumbleweed to be removed,
Pigeon Point Coyote Bush to be installed this fall

EXHIBIT 1.7



Garden walls in upper paths not visible due to the native planting
New Sycamores, Pozo blue salvia, Bees Bliss, Lemonade Berry,
California Sunflowers

EXHIBIT 2.1

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceanside, Suite 1000
Long Beach, CA 90802-4302
(424) 600-6071



October 21, 2015

Charles and Bobbe Sommer
237 W Avenida Alessandro
San Clemente, CA 92672-4334

Re: Violation File Number V-5-15-0096

Dear Mr. and Mrs. Sommer:

Commission staff would like to thank you for working amicably with us to resolve the Coastal Act violations associated with Violation File Number V-5-15-0096 consisting of (1) Unpermitted placement of solid materials (wooden and metal fencing); (2) change in access to the coast (e.g., deterring the public from entering access way to beach by placement of wooden fence, chain link fence, removal of staircase, and signage).

At this time, staff has determined that the administrative resolution agreed upon between the Sommers, Commission enforcement staff, and frequent neighborhood users of the Riviera Canyon trail sufficiently complies with the resource protection policies of the Coastal Act. Please be advised that any change to the agreement reached would nullify the compliance status of your case.

The agreement consists of:

- 1) The unconditional opening of the entrance to the Riviera Canyon trail (located on your property).
- 2) Responsibility to maintain the trail falls upon the newly established Riviera Canyon Trail Neighborhood Watch Committee founded by frequent neighborhood users of the trail.

Once again, it was very productive working you to resolve this violation. Staff believes that the agreement we reached both protects your rights private property owners, while allowing for continued public access to a historically used coastal trail.

Sincerely,

A handwritten signature in black ink, appearing to read "Jordan Sanchez".

Jordan Sanchez
Enforcement Analyst

cc: Andrew Willis, Enforcement Supervisor, CCC

EXHIBIT 3.1



EXHIBIT 3.2



EXHIBIT 4.1

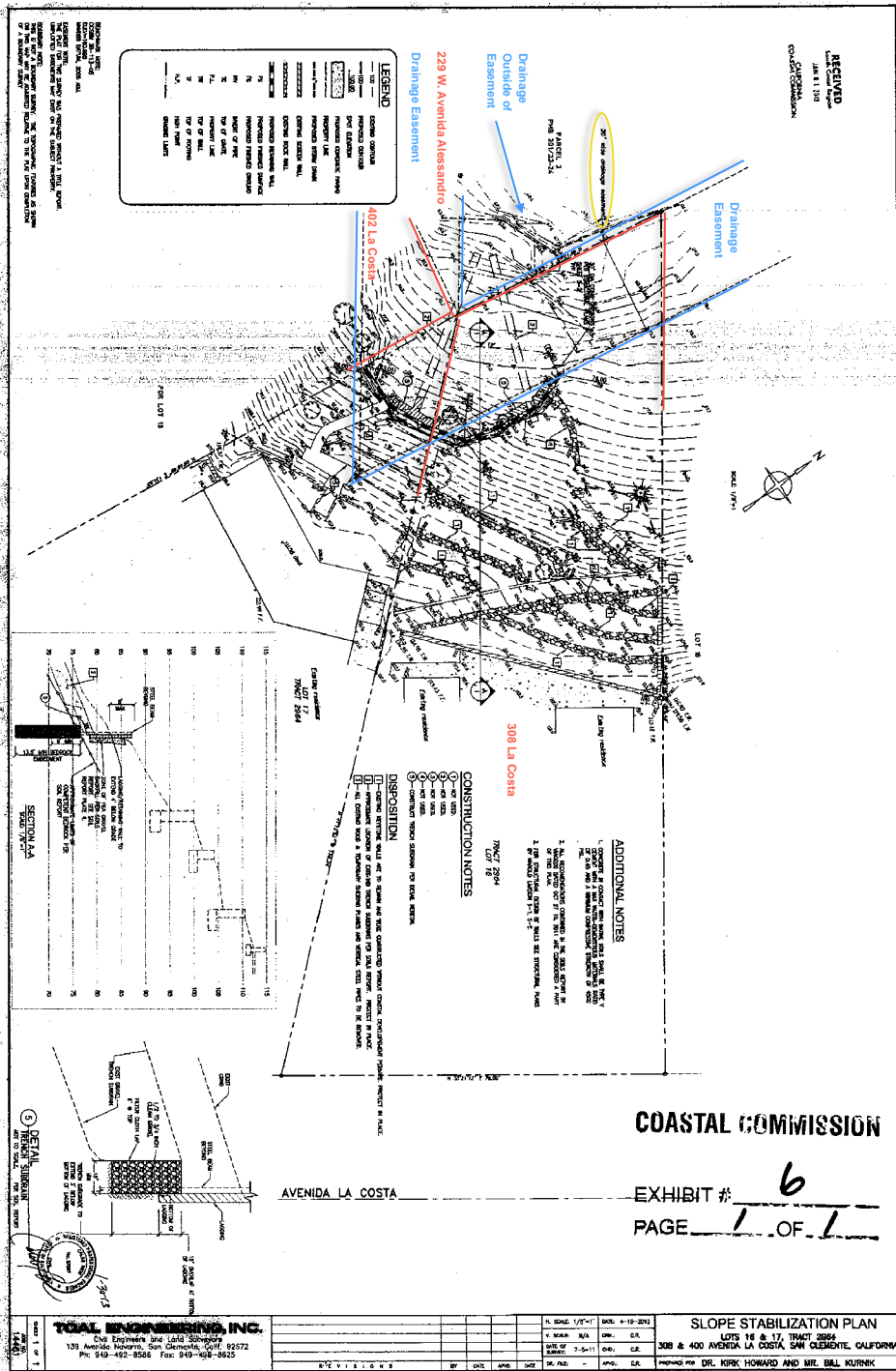


EXHIBIT 5.1

LIGHT ZONES PERFORMANCE SPECIFICATIONS

A PERIMETER OF SITE - NO LIGHTING

B INSIDE OF SETBACK - VEGETATION AREA
Within zone B no lighting spill or trespass will occur outside of the setback. All lighting within setback will take the necessary precautions to eliminate light spill.

INSIDE OF SEIBACK - RESIDENCE & STREET LEVEL
All permanent lighting within zone C will be focused on high priority areas

[illegible]

D INSIDE OF SETBACK - WALKWAYS
All permanent lighting within zone D will be limited

stairs and changes in spaces along the path. Lighting fixtures within the zone will be fully shielded using either ball or 3rd party accessories, 2700K CCT (Warm White), direct light exclusively on path, and be a maximum of 3 watts per individual fixture or 1.5 watt if linear. Layout of fixture will take special account of any potential light trespass or glare.

E INSIDE OF SETBACK - TERRACE
All handwired lighting within Zone E will follow

Additional lighting will take the rated lighting conditions as stated (permitted by NEC), seasonal lighting, temporary lighting will take no consideration of lighting zones and potential for light trespass. No fixtures are mounted more than 10m above ground. Lighting to be used during active operation; or automatically hand off by 15min. Temporary lighting will follow standards laid out for permanent fixtures when possible, such as accepted to eliminate uplight, 2700K CCT, internal wedge, and direct light towards intended areas.

[illegible]

EXHIBIT 6.1



Per the Soils Report, in approximately the 1950s the City or their contractors used this property as a dump when doing road work and there is approximately 5 feet of fill. This is a photo of some of the asphalt and debris that was removed when planting native plants

EXHIBIT 6.2



Prior dump items, concrete curbs and concrete debris.



EXHIBIT 7.1



“OUR”

THE CITY’S
COASTAL
CANYON

PRIVATELY
OWNED
RESIDENTIAL

PUBLICLY
OWNED
CANYON OPEN
SPACE

NO PIPE IN CANYON

PIPE IN CANYON

PIPED WATER COLLECTED FROM EASTERN FREEWAY, BUSINESSES, RESIDENCES AND THE PUBLIC GOLF COURSE AND DISCHARGES INTO CANYONS

PIPED WATER DISCHARGE NEAR 2310 S. OLA VISTA INTO RIVIERA CANYON

WATER RUNOFF ILLUSTRATION

CITY OF SAN CLEMENTE
ENGINEERING DIVISION
910 CALLE NEGOCIO, SUITE 100
SAN CLEMENTE, CA 92673

DRAWN: R. Lucero
SCALE: 1"=300'
DATE: 05/13/05

EXHIBIT 7.3



From: [Macall Deaver](#)
To: Roman.Liliana@Coastal
Subject: CDP 5-01-097-A2 (Moe, San Clemente) In Favor with Revisions
Date: Friday, October 30, 2020 4:48:31 PM

Good afternoon Liliana,

I hope you are doing well and I respect the work that the coastal commission staff is able to accomplish given the current COVID-19 conditions. It certainly has presented new challenges for your research, and I sympathize with those hurdles. I hope this email finds you well and is helpful to your team. I know the CCC strives to record an accurate and thorough report, and I'm sure the few details that cause me to pause are simply a result of the restrictions to access information presented by the pandemic. Please feel free to review the following details as a help to your team during these trying times. Thank you again for all of the work you and your staff have put into helping private homeowners enjoy their property in harmony with the coastal resources.

I am writing on behalf of the Moe's in favor of their ATF permit being granted by the commission. This applicant should be an example for others with canyon properties. Not only does this family dutifully maintain a variety of native California vegetation such as toyon, coastal sage scrub, and lemonade berry, but they also work to provide safety for those accessing the beach down a narrow, steep descent. Reviewing the permit and the exhibits a few things caught my attention that seemed odd. If you could provide further details on these matters that would be extremely helpful. I know with the pandemic being on-site is most likely very difficult, so it isn't surprising that some of this document may need revision in order to provide the most accurate depiction of details.

1. Picture Date Confusion - How is it possible that pictures dated the same day display two very different levels of vegetation maturity, as well as the construction of a fence that isn't constructed in the 1st photo?

- Pictures Dated 7/12/2013 & 7/15/2013 Exhibit 2 Page 1
 - show the lack of vegetation and fencing. The street is visible and there isn't a fence or bushes lining the sidewalk. In fact, you can see a parked car and trash can so it is a clear view of the property line, lacking fencing and vegetation. The slope is bare of vegetation as well.
- Pictures Dated 7/12/2013 & 7/12/2013 Exhibit 2 Page 2
 - Bushes and a fence clearly line the sidewalk, and mature vegetation can be seen behind the fence on the hillside.

How were these pictures dated? Clearly, the dates on the images are inaccurate. Who is responsible for taking the photos? Who can verify the accuracy of the dates displayed, with proper evidence to support that the revised dates are accurate?

2. Neighbor's Property Pictured - Exhibit 2 Page 2, the second photo is the entrance to the canyon/beach access path. The access to the trail is not on the Moe's property.

- This image should be removed as it presents a negative impression of impeding access that cannot be controlled by the Moe's. The neighbor owns the property of this access point, the fencing depicted in the 2nd photo, and the Private Property sign that matches the other signs this neighbor has posted along his fence.
- This issue is most likely due to being unable to be on-site to reference the map with the

actual property line. The Moe's do have very needed signs that allow for public access but keep the public safe from trespassing into a very dangerous watershed.

- In the original CDP staff states, "Access to the trail from the sidewalk is available via the next door neighbor's property." (Public Access pg 14). Based on the original report clearly noting the access to the trail is not on the Moe's property, I'm assuming this image was added in error due to COVID restrictions to information so the photo should be removed.

3. Proposed language referencing original CDP

- In the original CDP plans, fencing is indeed part of the application's drawn up plans, yet in the "Background" section of this ATF permit application, it states, "No fencing was proposed as part of the original approval" (page 12) This is important because it gives the impression that the fence was constructed to prevent beach access. That was neither the intent nor the actual result of the fence. Also, the original plans do depict fencing along the street, so the statement isn't entirely accurate.
- I want to also note, in the original CDP the staff made it abundantly clear that this unimproved trail was not necessarily an actual public access point:
 - "However the path is not identified as an accessway in the City's certified LUP" (pg 14)
 - "While the information presently available does not allow a conclusive determination as to whether it is a widely utilized accessway...the applicant is willing to keep open for continued public use through dedication or other means" (pg 14)

I don't believe the language in the new ATF application shares the same tone used in the original CDP. The Moe's have provided an immense service to our canyon by revegetating the native habitat and hand watering as instructed. They have made diligent efforts to keep the public safe as they access the unimproved trail on their neighbor's property, and then cross over onto their property for a brief moment. I believe the tone and language used should depict the true nature of the applicants' motives and actions. This family cares for their property and for the benefit they bring our community.

While I know the CCC has to maintain policies and abide by their documented mission, I would ask that this permit be seen for what it truly is, an applicant who did their very best to revegetate a coastal canyon property with beautiful Californian vegetation. Please use their property as an example of how to protect private property rights, while also improving our coastal habitat. I know I am just a simple citizen of San Clemente, but I would be in favor of reducing the fees for this ATF permit to match those of a normally filed permit given the work being done is work our Coastal Commission Board would dream of every applicant performing.

I appreciate your review of these details and ask that revisions be made to the report to accurately reflect the Moe's application.

Thank you,
Macall



Permit Number 5-01-097-A2
Item No Th12a
In Favor

Oct. 29, 2020

California Coastal Commission & Staff
Liliana Roman, Coastal Program Analyst, South Coast District
Liliana.Roman@coastal.ca.gov

Project COASTAL PERMIT APPLICATION
229 Avenida Alessandro, San Clemente, Orange County, CA

Dear Ms. Roman,

Tree of Life Nursery is the largest grower of California native plants in the state. www.CaliforniaNativePlants.com I am the President and founder of the nursery. We are located a few miles from San Clemente. For the past 10 years or so, Cheryl Moe has been purchasing plants from us for her project on the slope near her house in San Clemente. We have discussed at length, the importance of regionally native species and ecological landscape groupings, so that she could effectively build a coastal sage scrub plant community where before there was bare dirt and weeds. The planting she has created, established and maintained is now a valuable habitat for coastal wildlife, an example of water conservation using native plants, and a beautiful example of a natural garden. This has been a labor of love for her and it has paid off.

I would encourage the California Coastal Commission to support this project and the efforts of these homeowners to enhance the biological value of their property.

Sincerely,

Mike Evans, Tree of Life Nursey

C A L I F O R N I A N A T I V E P L A N T S

33201 ORTEGA HIGHWAY ÷ P.O. BOX 635 ÷ SAN JUAN CAPISTRANO ÷ CALIFORNIA ÷ 92693
TEL: (949) 728-0685 ÷ FAX: (949) 728-0509 ÷ www.treeoflifenuresery.com

Oct. 29, 2020

California Coastal Commission & Staff
Liliana Roman, Coastal Program Analyst, South Coast District
Liliana.Roman@coastal.ca.gov

COASTAL PERMIT APPLICATION 5-01-097-A2
Moe Family Project
229 Avenida Alessandro, San Clemente, CA 92672

It has come to our attention that the within-neighborhood-norms landscaping plans of our neighbor are in question with the California Coastal Commission. We are surprised by the actions of the committee.

We are in favor of the Moe Family project as it is designed, and have the following comments:

1. In reviewing the CCC documentation, it appears that the Moes are within their setbacks, (page 16 of the Staff Report). We believe that the City and CCC should have a method for which landscape improvements within setbacks can easily be approved by an "over-the-counter" process. In fact, we believe that another neighbor, also a canyon property, has utilized such an "over-the-counter" approval process without prior CCC approval, and is currently under construction for said project. The committee should be grateful that the Moe Family is indeed seeking CCC approval of their actions.
2. It was also brought to our attention that the Moe Family will incur fees of \$20,000. We were shocked to hear that the State would assess this level of hardship on a family, for simply landscaping their own front and backyard. In our opinion, their placement of plants and native choices have enriched the area surrounding their home; I believe that we are not alone in our appreciation of their landscaping efforts. The greenery in front of their home blends-in perfectly with Riviera Canyon behind them. We enjoy walking by their home and their new "Green" improvements.
3. The "Private Property" sign that marks the entrance to the (non-state or city managed) trail to the beach was *not* placed by the Moe Family, but rather by another neighbor in an effort to minimize injuries on the trail and potential litigation.

Thank you for your time and review of our letter regarding the retroactive approval of the Moe project. Please feel free to contact us at any time.

Sincerely,

The Spencer Family

San Clemente Citizen and Neighbor of the Moe Family

Permit Number
Item No.

5-01-097-A2
Th12A
In Favor with
Modifications

October 29, 2020

California Coastal Commission & Staff
Liliana Roman, Coastal Program Analyst, South Coast District
liliana.Roman@coastal.ca.gov

Project COASTAL PERMIT APPLICATION
229 Avenida Alessandro, San Clemente, Orange County, CA

Dear Ms Roman,

A little "trail"/neighborhood background. We have lived on the 200 block of West San Antonio for 41 years. Since we moved here in February 1979 there has always been a rough, narrow, dangerous, and steep trail down the slope and into the canyon leading to Riviera Beach. Our family, especially the kids, used it as their short cut as did other locals.

The bottom photo on Exhibit 2, page 2 in the CCC staff report is in error. Those signs and the fencing along the property were put in place by the adjacent owner. Photo 1 of Exhibit 8, page 3 is an accurate depiction of property ownership. The Moes have not deterred public use of the trail. This trail is not only used during daylight hours to access Riviera Beach but at night for parties, drinking, and loitering in the canyon. We have often encountered litter at the curb area adjacent to the trail's entry in the mornings; lovely items such as used condoms, booze bottles and cans, food items and general trash. In the evenings kids park their cars on the street, use drugs and unload their 12 packs or other supplies and head on down the trail. These canyons should not be night time playgrounds, signs that support that, such as "Beach Access - Day Light Hours Only" should be posted.

We feel that it is only fair that the Moes be allowed signage along the trail. As stated previously, that trail is steep, narrow and often confusing. Since the public has this access they should also be warned that it is hazardous, there are sudden drop offs and the land is often unstable. No Trespassing Behind Signs located as shown Photo 8 of Exhibit 8 page 4 would be advisable.

Having lived in this neighborhood for so long we have seen many changes. The canyon sides of both of the 200 blocks of West Alessandro and West San Antonio had many vacant lots. The Riviera District was more built up but all in all it was quiet and there was only one street light at the end of our two streets to light up the night. Since then much has changed. Now the view across the canyon from West Alessandro to the Riviera District is lit up like a shopping mall at night. Each residence has outdoor patios and decks that are brightly lit. The Moes should be allowed ambient lighting and safety lighting (that can be designed to mitigate any potential lighting impacts) in their setback areas, it would be nothing compared to the light show and noise that emanates from the Riviera side of the canyon. We personally know this because we walk our dogs around that block every night.

Finally, I would think the CCC would give the Moes accolades for what they have accomplished with the conscientious, conservation, and the improvements they have made to their property. Their use of native plants, careful terracing that prevents erosion, including their practice of hand watering, have changed a steep, challenging building site into a true example of what should be done at the edge of a coastal canyon. They should be commended, not fined.

Sincerely,

Diane Coffin, retired CUSD teacher, Ole Hanson Elementary and Concordia Elementary
Schools

Tom Coffin, retired Head of Architecture and Engineering for California State University System
Campus Architect of University Southern California, Member of San Clemente Historical
Design Committee.

CC

Amber Dobson, South Coast District Mgr.
Eric Stevens, District Supervisor
Karl Schwing, District Director, OC
Steve Padilla, Chair CCC

Amber.Dodson@coastal.ca.gov
Eric.Stevens@coastal.ca.gov
Karl.Schwing@coastal.ca.gov
Stephen.Padilla@coastal.ca.gov

Permit Number	5-01-097-A2
Item No	Th12a
	In Favor with

Oct. 30, 2020

California Coastal Commission & Staff
Liliana Roman, Coastal Program Analyst, South Coast District
Liliana.Roman@coastal.ca.gov

Project COASTAL PERMIT APPLICATION
229 Avenida Alessandro, San Clemente, CA

Dear Ms. Roman,

We have been participating in the San Clemente Ocean Festival annual events with the residents of Avenida Alessandro for the past 15 plus years. During these yearly events we have used the path at the end of Alessandro to access the beach and have not noticed signs on the Moe's property that deter the public from entering and accessing the path to Riviera Beach.

We in favor of their landscape improvements and signs to provide a balance between public access and private property rights. The Coastal Commission should not penalize the Moes for the time it took to find the balance in these protections. We encourage the Commission to support this project and appreciate their efforts and reduce the fees to normal application fees.

Sincerely,
Nicole Howard - San Clemente Resident and Avid Beach Goer
21 Albergar San Clemente Ca. 92672
949.547.3262

Lampert - Dias Architects, Inc.



Oct. 30, 2020

California Coastal Commission & Staff
Liliana Roman, Coastal Program Analyst, South Coast District
Liliana.Roman@coastal.ca.gov

REGARDING:

COASTAL PERMIT APPLICATION 5-01-097-A2
Moe Family Project
229 Avenida Alessandro, San Clemente 92672, Orange County, CA

To Liliana Roman:

I am writing this letter in support of my neighbors, the Moe Family regarding their application to the Coastal Commission.

The Moe's built this coastal canyon home 20 years ago and have been very careful to respect and to protect their part of the coastal canyon ever since.

My family and I are in favor of the project and have the following comments:

- The Moe design is within the legal setbacks. Their request should be approved. We also understand that other canyon neighbors have been able to have their project approved "over the counter". The fact that the Moe's have documented and submitted their design for approval should be taken into consideration.
- We were told that the Moe's would be charged fees of \$20,000. This is shocking and very unfair for a family that has worked hard over the years to landscape their property with native plants that compliment the canyon. How do you justify these fees?
- I have been told that the "Private Property" sign was placed by another neighbor, and not the Moe family. The goal was to minimize litigation and injuries on the trail.

Thank you for taking the time to review this letter and to take it into consideration for the approval of the Moe Family application for approval.

Sincerely,

Christine M Lampert

Christine M. Lampert



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Oct. 31, 2020

California Coastal Commission & Staff
Liliana Roman, Coastal Program Analyst, South Coast District
Liliana.Roman@coastal.ca.gov

Project COASTAL PERMIT APPLICATION
Permit Number 5-01-097-A2
Item No Th12a
229 Avenida Alessandro, San Clemente, Orange County, CA

I am writing this letter in support of my colleague architect Cheryl Moe and family regarding their permit application. I am in favor of the project as it is designed for the following reasons

1. The Moe landscape installations are within their setbacks, as stated on page 16 of the Staff Report. The City and CCC should have a method where landscape improvements within setbacks can easily be approved “over-the-counter”, thus saving both agencies and owners time and funds.
2. The Moes have not deterred public use of the trail. It is not documented who placed the Private Property sign at the top of the trail. It could have been any of the neighbors or other city resident. A homeowner should however be allowed to place such signs on their own property.
3. Some exterior lighting should be allowed, it is a common residential need to be safe.
4. Fees of \$20,000 are surely too high and should be made reasonable in relationship to the improvements made. The Moes have over their years of ownership striven to install native, drought tolerant and non-irrigated landscaping. They have also removed non-native species that were present.

Sincerely,

Kristine Sprague Architect

CC

Amber Dobson, South Coast District Mgr
Eric Stevens, District Supervisor
Karl Schwing, District Director, OC
Steve Padilla, Chair CCC

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