CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CA 90802
(562) 590-5071

Th10a

CITY OF SAN CLEMENTE LCP AMENDMENT NO. LCP-5-SCL-18-0099-1 (LUPA 1-18, MAJOR REMODEL DEFINITION)

AUGUST 13, 2020

CORRESPONDENCE

1. **City of San Clemente Commission Briefing Booklet/Presentation**

2. **City of San Clemente Letter in Opposition to Staff Report and Recommendation dated August 6, 2020**

3. **Public Letters in Opposition**

4. **Public Letters in Support**

City of San Clemente
LCPA 1-18

CCC Hearing
Item Th10a
August 13, 2020

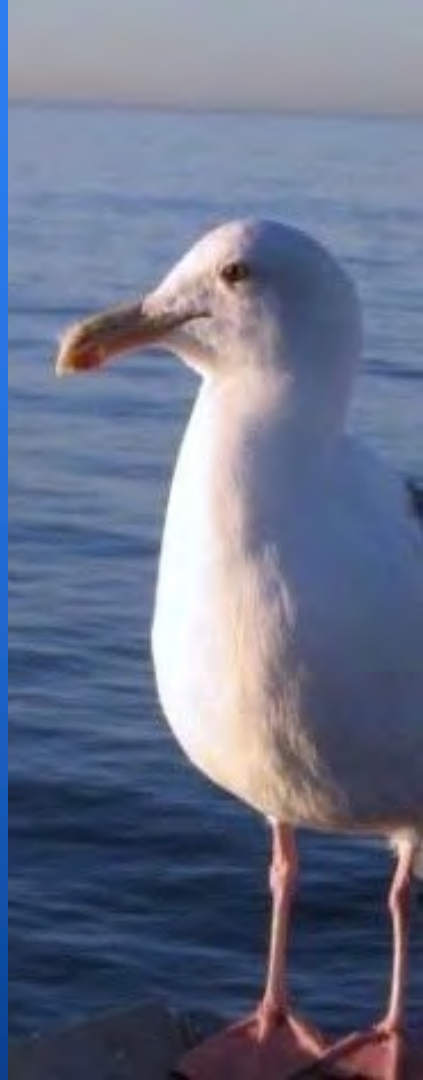
A copy of these briefing materials has been provided to CCC staff.

San Clemente Coastal Zone

- Coastal Zone extends inland to I-5 freeway
- City is immediately south of Dana Point
- 20 acres of public beaches
- 15 public beach access ways
- LOSSAN Rail corridor runs along coastline

San Clemente LCP Status

- Original Land Use Plan (LUP) certified in 1988
- Comprehensive LUP update approved in 1996
- Implementation Plan (IP) approved in 1996, but CCC suggested modifications not accepted by City
- Comprehensive LUP update approved in 2018
- Current LUP Amendment request submitted 2018
  - Amendment limited to single request to remove reference to Jan. 1, 1977 in definition of "major remodel"
- IP draft submitted for preliminary review in 2020
  - Issue re: 1977 threshold for remodel to be addressed



City's Proposed Major Remodel Definition

"Major Remodel" Alterations that involve (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition of an existing bluff top or beachfront or coastal canyon single-family residence or other principal structure, or portions thereof, which results in:

a. Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor

area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from ~~January 1, 1977~~ ***the LUP effective certification date (August 10, 2018).***

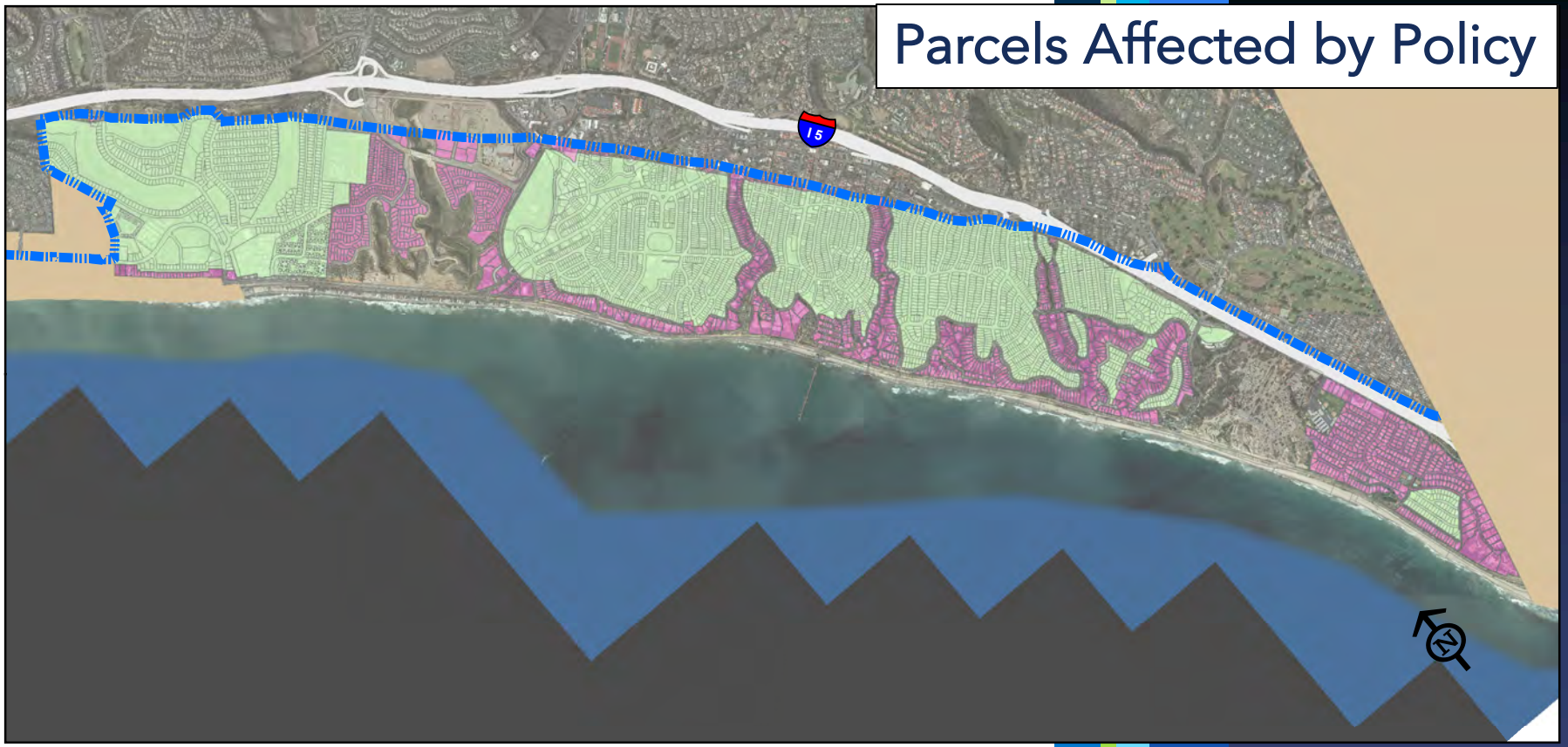
Major Remodel Definition

- City requests removal of Jan. 1, 1977 and replacement with date of LUP certification (Aug. 10, 2018).
- Definition inconsistent with Section 30235 of the Coastal Act and is extremely problematic for local implementation.
- Property owners and City Council concerned with tracking cumulative changes back to structures retroactively back to 1977.
- "Existing" in Chapter 3 of the Coastal Act refers to "currently existing structures" (Commission's brief in Surfrider v. Coastal Comm.)
- Constrains property owners' ability to protect legally constructed existing development.

Staff Reinserts Unacceptable Policy

- Commission staff's suggested modifications reinserts policy for "existing development" tied to 1977.
  - This adds a new policy to the City's LUP rather than fix the "Major Remodel" definition.
- New policy eliminates property rights to shoreline protection under Section 30235 of the Coastal Act for existing structures.
- At LUP certification hearing in 2018, the City fought hard against including a date for existing development that goes back to 1977.
- Commission supported City's position and excluded a definition for "existing development" in the LUP.
- Clean-up amendment only needed to change cumulative tracking date to LUP certification date of August 10, 2018, not 1977.

Parcels Affected by Policy



Location Map
Coastal Zone Parcels
Outside of Categorical Exclusion Order Areas
4,102 Parcels

Legend
- Coastal Zone Boundary
- Parcels Affected by New Coastal Policies
- Categorical Exclusion Order Area Parcels

Impacts to Parcels Affected

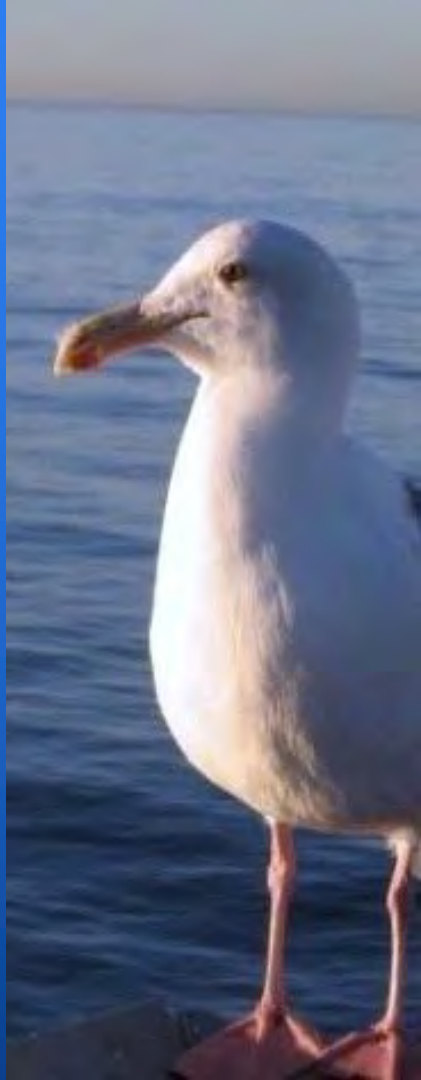
- 4,100+ properties affected by Major Remodel definition
- Examples of adverse effect/unintended consequences:
  - ADA Improvements
  - Accessory Dwelling Units & Junior ADUs
  - Historic Structures
  - Seismic Retrofits

City and CCC Staff Coordination Efforts

- Since 2018, City staff has requested to work with CCC staff to address revision of major remodel definition.
  - Acknowledging community concerns, Commission staff made a commitment to the City at a community outreach event in 2018. to fix the 1977 date for tracking cumulative changes to structures
  - City Council adopted CCC revised LUP based on assurance provided by CCC staff that they would support focused LUPA.
  - City disappointed by lack of cooperation in finding mutually acceptable solution.
- City Attorney and Community Development Director reached out to Executive Director Ainsworth for assistance on April 10, 2020.
  - Provided assurances that City's concerns would be addressed and the LUP would be "silent" on the 1977 date, but would be addressed in the IP.
  - Suggested modifications conflict with ED's commitment.

San Clemente's Position

- City desires to obtain fully certified LCP
  - Already accepted 100s of suggested modifications in LUP
  - Prepared to implement tough new standards moving forward
- City has received LCP grants to assist LCP Process
- Other recently certified LCPs, including Solana Beach, Newport Beach, Santa Barbara, Pacific Grove and, begin tracking cumulative changes to existing structures as of date of LCP certification
- San Clemente City Council cannot accept staff's suggested modifications and findings and will be forced to halt its efforts on the pending IP, Coastal Resiliency Plan and fully certified LCP



City of San Clemente respectfully requests approval of the LUP amendment as proposed and looks forward to gaining full certification of its LCP.

Thank you

City of San Clemente
Community Development

Cecilia Gallardo-Daly, Community Development Director
Phone: (949) 361-6106 Fax: (949) 366-4741
gallardo-dalyc@san-clemente.org

Item Th10a

August 6, 2020

Mr. Steve Padilla, Chairman
California Coastal Commission
1121 "L" Street, Suite 503
Sacramento, CA. 95814

SUBJECT: Item Th10a on the Coastal Commission's August 13, 2020 Meeting Agenda, City of San Clemente Land Use Plan Amendment No. 1-18 (LCPA 5-SCL-10-0099-1)

Dear Mr. Padilla:

This letter serves as the City of San Clemente's formal opposition to the Coastal Commission staff's recommendation for Land Use Plan Amendment No. 1-18 (LCPA 5-SCL-10-0099-1) regarding the definition of "Major Remodel," listed as item Th10a on the Commission's August 13, 2020 meeting agenda. In a series of phone calls and emails, the City staff and Commission staff have attempted to resolve differences on this matter. City staff have conveyed to Commission staff the City's position on this matter and are again, here, requesting support for the City's Land Use Plan (LUP) Amendment as submitted.

Specifically, City staff requests that the Commission move, second, and approve Motion no. 1 to adopt the City's LUP Amendment as submitted. (See Staff Recommendation on City of San Clemente Major Amendment (Staff Report) (July 23, 2020) p. 6.)

The LUP Amendment would change the date from which cumulative structural changes are tracked towards a major remodel from January 1, 1977 (Coastal Act effective date) to August 10, 2018 (LUP certification date). During its February 8, 2018 hearing on the City's comprehensive update to the LUP, the Commission voted to remove all other references to January 1, 1977 in the LUP. The reference in the definition of major remodel was left behind.

Overview of the City's Position

It is important to focus on the ultimate, big picture goal, shared by the Commission and the City, which is to obtain a fully-certified Local Coastal Program (LCP) for San Clemente. For the reasons detailed in this letter, the City cannot support the Commission staff's recommendation on this LUP Amendment. As submitted, the City's LUP Amendment conforms to Chapter 3 of the Coastal Act (the Coastal Act is codified at Public Resources Code sections 30000 through 30900) and has the support of the City Council and Community. The LUP Amendment, being a fix of just

one definition, served as the catalyst for the City Council and community to support the Commission's hundreds of suggested modifications to the comprehensive update to the LUP.

Commission staff's proposed modifications to the City's LUP Amendment not only keep the 1977 start date, but also introduce a new definition of existing structure to the LUP for purposes of shoreline protection rights under Coastal Act section 30235. Under section 30235, property owners of existing structures are afforded certain rights to shoreline protections. The Commission staff's proposed changes to the LUP again attempt to define "existing" to mean existed before January 1, 1977, while the City defines "existing" to mean currently existing. As detailed in this letter, statutory interpretation and legislative history in no way support the Commission staff's definition. In fact, the Commission eloquently argued for the City's definition and clearly discredited the Commission staff's definition in the Commission's appellate brief for the unpublished appellate case of *Surfrider Foundation v. California Coastal Commission* (June 5, 2006, No. A110033) 2006 WL 1530224.

As detailed in this letter, the 1977 start date in the major remodel definition creates a series of other problems, all of which, like the "existing" issue, present potential legal challenges to the City. With the January 1, 1977 start date, structures that undergo 50 percent structural changes since that date will be treated as new development. *Over 4,000 properties, including condominium units, on over 1,400 parcels* would be potentially negatively affected by the Commission staff's proposed modifications to the City's LUP Amendment. The amendment would require the City to track cumulative changes to structures dating back to 1977, which is nearly impossible since neither the City nor the Commission maintain such records. The 1977 start date retroactively changes the development rules and immediately deems properties nonconforming. No other jurisdiction is required to implement or voluntarily implements such a tracking system.

The City urges the Commission not to adopt the Commission staff's recommended modifications, which would leave the City with a truly unworkable and patently unfair policy. We note that there is still a significant amount of good work, cooperation, and collaboration underway between the City staff and Commission staff, including development of the City's LCP Implementation Plan as well as the Coastal Resiliency Plan, both of which have been partially funded by LCP Planning Grants. We also note that the Coastal Act provides that the "precise content" of the City's LUP be determined by the City. (Coastal Act, § 30500, subd. (c).) As City staff said before to Commission staff and the Executive Director, City staff are directed to abandon all further efforts to obtain a fully-certified LCP should the Commission not support the City's LUP Amendment as submitted.

Background and Reasons for the City's LUP Amendment

At its February 8, 2018 meeting in Cambria, the Commission approved, with modifications, a comprehensive update to the City's LUP. (LCP-5-SCL-16-0012-1) At its June 12, 2018 regular meeting, the San Clemente City Council approved the comprehensive update to the LUP as modified. (Reso. No. 2018-19) Concurrent with its approval, the City Council directed staff to prepare a focused LUP Amendment concerning the definition of major remodel, specifically the start date for calculating cumulative changes towards a major remodel.

As approved, the LUP added a new definition for major remodel that included the Commission staff's recommended start date of the Coastal Act's effective date, January 1, 1977. The proposed LUP Amendment returns to the City's initially submitted start date of the LUP's certification date, August 10, 2018. The City initiated the LUP Amendment for three reasons:

- The 1977 date in the major remodel definition was left behind after the Commission removed all other references when it approved the comprehensive update to the LUP.

- On May 22, 2018, after the Commission's hearing and before the City Council's hearing, the City staff held a public workshop on the Commission's suggested modifications to the LUP. Of hundreds of suggested modifications, the community homed in on one as the most problematic—the 1977 start date in the major remodel definition.

- Commission staff from the South Coast District Office attended and participated in the public workshop, after which they acknowledged the community's concerns and agreed to work with City staff on an amendment to address those concerns.

This compromise enabled the City, with the community's support, to accept the Commission's hundreds of suggested modifications to the LUP. Accordingly, the LUP Amendment was prepared by the City in close coordination with community stakeholders and the Commission staff. On December 18, 2018, the City Council approved submission of the LUP Amendment to the Coastal Commission. (Reso. No. 2018-57)

On March 19, 2019, Commission staff deemed the City's application for the LUP Amendment to be complete for processing and initiated the 90-day timeline for the Commission's action on the Amendment. Before the 90-day timeline ended, the Commission approved a one-year extension to the processing timeline, which pushed the deadline for Commission action out to June 18, 2020. With the Governor's executive order N-52-20, the deadline was pushed out another 60 days to August 18. The Commission's hearing on the LUP Amendment is now scheduled for August 13, 2020.

Major Remodel Definition

The major remodel definition concerns the point at which existing development will again be treated as new development. A major remodel means alteration of 50 percent or more of major structural components or a 50 percent or more increase in floor area. An alteration of major structural components or increase in floor area of less than 50 percent constitutes a major remodel if the cumulative changes in the past total 50 percent. (LCP LUP, definition of "Major Remodel" (the terms "Redevelopment" and "Major Remodel" are expressly interchangeable in the LUP), (certified Aug. 10, 2018) p. 7-12, PDF p. 232.) This means that even incremental changes over time can add up to a major remodel.

The consequences to a property owner who performs a major remodel versus an alteration short of a major remodel are significant. Such consequences include conformance with more restrictive design, landscaping, setback and other standards, as well as a loss of rights to shoreline protection. Such consequences are why the start date for tracking cumulative changes is so important.

City's Opposition to the Retroactive 1977 Start Date

As explained above, the City's LUP Amendment concerns the start date for calculating cumulative changes. The LUP Amendment would change the start date from January 1, 1977 to August 10, 2018. The Commission staff's proposed suggested modifications to the City's LUP

Amendment are unacceptable. The Commission staff offers two changes to the LUP Amendment. The City objects to both.

First, the Commission staff propose, instead of a start date of 1977 or 2018, no express start date saying only that "changes to individual structural components are cumulative over time." (California Coastal Commission Staff Report). However, the City's understanding is that no express start date is tantamount to the 1977 start date. Instead of offering the City reasonable freedom to determine an appropriate start date in its upcoming IP, the City is concerned that, should the City obtain a fully-certified LCP, the Commission, on appeal by two commissioners (Cal. Code Regs., title 14, § 13572, subd. (b)), would call up all of the City's Coastal Development Permit (CDP) decisions that do not track changes back to 1977. Further, no express start date means no backstop, so the City could be required to track changes farther back than 1977. As explained further below, the 1977 start date is problematic.

Second, the Commission staff propose, for purposes of Coastal Act section 30235 regarding shoreline protection, that a 50 percent or more change in an existing structure after January 1, 1977 constitutes new development and that less than 50 percent changes are cumulative over time starting in August 10, 2018. The problem here is that the 1977 start date infringes on rights to shoreline protection guaranteed by Coastal Act section 30235 by implicitly defining "existing structure" to mean a structure that existed pre-Coastal Act.

Accordingly, the City and its community support the 2018 start date and object to the 1977 start date for the following reasons:

- Starting with the shoreline protection issue, the 1977 start date is a not-at-all veiled effort to introduce the Commission staff's preferred interpretation of "existing structure" as used in Coastal Act section 30235 regarding rights to shoreline protection, which the City argued against during the LUP certification process, and fought hard to have removed from the LUP,

- The 1977 start date is patently unfair to and unenforceable against property owners who made alterations to their property or purchased property that underwent prior incremental changes before the comprehensive update to the LUP,

- The 1977 start date, in effect, represents a retroactive change, absent notice, to the development rules and deems several properties nonconforming,

- No other jurisdiction is required to track or voluntarily tracks cumulative changes dating back to 1977. The LUP Amendment addresses these concerns by amending the LUP to change the start date from 1977 to 2018.

- The 1977 start date is not required for the LUP to be found consistent with Chapter 3 of the Coastal Act Chapter and with the California Environmental Quality Act.

Coastal Act Section 30235 Rights

Perhaps the most problematic element of the January 1, 1977 retroactive start date, particularly as used in the Commission staff's suggested modifications, is that Commission staff interprets it to wipe out Coastal Act section 30235 shoreline protection rights for structures built

on or after that date. Section 30235 permits shoreline protection (e.g., revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls) when required to protect "existing structures." The Commission staff's intention to use, and for the City to use, the 1977 start date for this purpose is harmful and disappointing and not supported by the statute.

As part of its proposed suggested modifications to the 2018 comprehensive update to the City's LUP, the Commission staff's suggested modifications included a new definition of "existing development" for purposes of shoreline protection, which defined the term as development that existed before the effective date of the Coastal Act, January 1, 1977. The Coastal Commission staff explained that the interpretation is derived from the Sea Level Rise Policy Guidance adopted August, 12, 2015:

> [G]oing forward, the Commission recommends the rebuttable presumption that structures built after 1976 pursuant to a coastal development permit are not "existing" as that term was originally intended relative to applications for shoreline protective devices, and that the details of any prior coastal development approvals should be fully understood before concluding that a development is entitled to shoreline protection under Section 30235.

(Cal. Coastal Com., Sea Level Rise Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits (original guidance adopted Aug. 12, 2015, science update adopted Nov. 7, 2018) p. 166.)

The City's concern with the Commission staff's interpretation was, and is today, twofold:

- Based on statutory constriction and legislative analysis, "existing" in section 30235 actually means currently existing, not existing before a 1977,
- The Commission staff's interpretation is without sufficient legal grounding,
- An LUP or LUP amendment proceeding is not the proper forum to create and impose new interpretations with state-wide consequence, and
- The Commission staff's effort to reinsert their preferred definition of "existing" is an overreach.

"Existing" Means Existing

The City's position is that "existing" in section 30235 means currently existing. As the City noted in its comment letter for the February 2018 hearing (attached), the best source of support for interpreting "existing" to mean currently existing comes from the Commission itself. In its appellate brief for the unpublished appellate case of *Surfrider Foundation v. California Coastal Commission* (June 5, 2006, No. A110033) 2006 WL 1530224 (also attached), the Commission clearly and convincingly articulated why "existing means" currently existing and why the argument that "existing" means existing before the January 1, 1977 is "meritless." (Coastal Commission Br. at p. 14.)

As explained in the City's comment letter drawing in part from the Commission's brief, the City's key points on this front include:

- In Chapter 3 of the Coastal Act, "existing," as used 14 times including in section 30235, means currently existing. Where "existing" is tied to a date, the connection is made express. (See Coastal Act, § 30236, subd. (a)(7)(C)(iii).)

- Interpreting "existing" to mean currently existing harmonizes section 30235 with section 30253, subdivision (b), which requires that new development not rely on protective devices. Despite a best intent and implementation of section 30253, subdivision (b), section 30235 permits protective devices in limited circumstances where avoidance failed.

- The legislative history supports the interpretation of "existing" in section 30235 to mean currently existing. AB 1277 added the word "existing" to section 30235 so that shoreline protection would not be permitted for future development, thus again harmonizing section 30235 with 30253.

- With Assembly Bill 2943 in 2002 and AB 1129 in 2017, the Legislature considered amending section 30235 so that "existing" would expressly mean existing before January 1, 1977. However, both bills failed.

As you noted at the February 2018 hearing:

> It's pretty clear to me that if the Legislature meant to say "pre-Coastal [Act]," they would have said that—"prior to the adoption of this Act."

(California Coastal Com., Feb. 8, 2018 Meeting in Cambria, Cal., CAL-SPAN recording at 3:56:55)

Insufficient Legal Grounding

The 2015 Sea Level Rise Policy Guidance states, "The Commission has relatively infrequently evaluated whether structures built after 1976 should be treated as 'existing' and thus entitled to shoreline protection pursuant to Section 30235." (Sea Level Rise Policy Guidance, at p. 166.) This line is somewhat misleading. The Commission, its staff, and Attorney General's office all had a bright-line opportunity to evaluate the meaning of existing in the 2006 *Surfrider* litigation. At that time, the evaluation resulted in no equivocation—"existing" meant currently existing. Since the 2015 Sea Level Rise Policy Guidance, when presented with the opportunity in another appellate case, the Coastal Commission refused to define "existing" at all.

> The Lindstroms' appellate brief contains extensive discussion aimed at rebutting a statutory argument that they perceive the Commission to have made in its opening brief. As the Lindstroms characterize the Commission's position, it believes that Public Resources Code, section 30235 allows construction of sea walls or other protective devices only for structures that were " 'existing' " at the time the Coastal Act took effect in 1977. *However, the Commission's reply brief clarifies that it is not taking such a position.* Instead, the Commission states that regardless of the definition of "existing" in Public Resources Code, section 30235, "it is entitled to impose the condition requiring [the Lindstroms] to waive any rights to build a seawall in the future as a condition of approving their new development."

(*Lindstrom v. California Coastal Com.* (2019) 40 Cal.App.5th 73, emphasis added.)

Given the comprehensiveness and extent of the Commission's argument in the *Surfrider* case, it seems unlikely that it did not grapple with or simply recognize the policy implications for the definition of "existing" it chose to back. The same is true for the Commission's refusal to define "existing" in the *Lindstrom* case.

It is true that the Coastal Act says it "shall be liberally construed to accomplish its purposes and objectives." (Coastal Act, § 30009.) Courts apply this rule, for example, to determine if certain activities constitute development per Coastal Act section 30106. (See *Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles* (2012) 55 Cal.4th 783.) However, liberal construction should not mean unstable statutes. The Commission's appellate brief in *Surfrider* is a full-throated and clear-eyed support of the position that "existing" means currently existing, nothing less, nothing more. As you explained at the February 2018 hearing:

> It is relevant that we argued eloquently in court, not just respect to the question at bar at the time, but we gave a whole history. If you look at the correspondence from our applicants that are before us, and you look at the letter laying out page after page of where we applied the definition of "existing" differently.

(California Coastal Com., Feb. 8, 2018 Meeting in Cambria, Cal., CAL-SPAN recording at 3:54:40.)

Meanwhile, Sea Level Rise Policy Guidance offers only that the Commission "recommends the rebuttable presumption" that "existing" means existed pre-Coastal Act. (Sea Level Rise Policy Guidance, at p. 166.) As Commissioner Carole Groom commented at the February 2018 hearing:

> I'm a little bothered or troubled by the fact that when we did the sea level rise guidelines, we specifically called them guidelines, but in this particular instance we said they had to be followed.

(California Coastal Com., Feb. 8, 2018 Meeting in Cambria, Cal., CAL-SPAN recording at 3:47:40.)

Not the Proper Forum

At the February 2018 hearing, the Commission approved the City's LUP's comprehensive update deciding in the end to remove the Commission staff's proposed definition of "existing." The issue was tabled to be reconsidered during the City's IP process. However, since that hearing, the City's understanding is that neither Commission staff nor the Commission took steps to strengthen their preferred definition of "existing"—no rulemaking effort or legislative effort. This is a statewide matter of statutory interpretation and deserves a response of equal measure. With only a recommended rebuttable presumption, the City cannot shy away from the statutory and legislative evidence supporting that "existing" in Coastal Act section 30235 means currently existing. As Commissioner Erik Howell said at the February 2018 hearing with respect to the Commission's sea level rise policy:

> I certainly don't believe this is the mechanism for…sticking the guidelines and making them rules for the entire state.

(California Coastal Com., Feb. 8, 2018 Meeting in Cambria, Cal. CAL-SPAN recording at 3:53:15.)

Overreach

The Commission's efforts to reinsert their preferred definition of "existing," especially after the result of the February 2018 hearing, represents an overreach on more than one level. On the macro level, as explained above the LUP process is not the appropriate vehicle for Commission staff to try to codify its definition of statewide concern. On the micro level, the major remodel *definition* is not the place to create new policy. As explained above, the major remodel definition concerns far more than shoreline protection, yet the Commission staff's suggested modifications transmogrify the major remodel definition into a shoreline protection policy.

Unfair and Unenforceable

The 1977 start date requires implementation practices that are at best unenforceable and at worst illegal. As shown in the attached map, *more than 4,000 properties, including condominium units, on over 1400 parcels* in the City's Coastal Zone would be directly affected by the Commission staff's suggested modifications. The 1977 start date unfairly treats similarly situated property owners differently because some may have better documentation of improvements than others. Neither the City nor the Commission track the percent changes of structural components such as roofs, walls, and foundations. Many, if not most, past remodels in San Clemente did not require discretionary permits from the City or Commission. In any event, information towards incremental changes are not required for applications for City permits or for CDPs. This means that neither the City nor Commission has the records necessary to calculate a major remodel by alterations dating back to 1977.

The Commission staff offered to help the City reconstruct past records for projects in San Clemente, but, while the City appreciates the Commission's offer, the Commission's records are also incomplete. With that, Commission staff underestimates the heightened administrative burden of attempting to trace 43 years of incremental alterations—a task which may in fact be impossible.

Further, structural roof repairs and similar maintenance activities that keep dwellings habitable since 1977 would require inclusion in the Commission staff's recommendation for new alterations to determine if the work constitutes a major remodel. In the Commission staff's recommended modification, incremental development including what may be needed to maintain structures and provide safe housing is discouraged. Attempting to track past records would be haphazard, inconsistent, and potentially arbitrary in its application from the outset.

Retroactive Policies are Bad Planning

As discussed above, the major remodel definition was added to the LUP in 2018. It is therefore unreasonable to make cumulative changes towards major remodels retroactive by more than 40 years. Good planning should be focused forward, not looking backward. Once a project constitutes a major remodel, the existing structure constitutes a new development. Once an existing structure constitutes new development, the structure must conform to new development rules and additional restrictions are placed on the use of the property, including limitations on shoreline protection. The LUP certification date, August 10, 2018, is the appropriate start date for tracking cumulative changes, because it provides to property owners sufficient notice of the impacts of incremental changes to a structure.

Other Jurisdictions Not Required to use 1977 as a Redevelopment Threshold

The Commission staff asserts that the Commission historically and consistently applies the 1977 start date for cumulative changes towards a major remodel. However, no recent local coastal program certified by the Commission included the 1977 start date. In fact, these LCPs, whether in the LUP or IPs, used the same start date requested by the City—the most recent certification date of the LUP or IP when the term major remodel, redevelopment, or similar term was added. These include the Newport Beach, IP, Solana Beach LUP, City of Santa Barbara LUP, and the Pacific Grove IP. Further, the City of San Diego's LCP has no reference to 1977 and tracking cumulative changes to 1977 has not been the practice before or after that jurisdiction's LCP certification (San Diego Muni. Code, § 126.0704, subd. (a)(5) (coastal development permit procedures).)

With respect to the definition of "existing" specifically, the Staff Report notes that the San Clemente LUP's comprehensive update was the Commission's first opportunity to implement the 2015 Sea Level Rise Policy Guidance's with respect to the pre-Coastal Act definition of "existing." (Staff Report, p. 14.) This is inaccurate. Between August 12, 2015 (SLR Policy Guidance Approval) and February 8, 2018 (LUP approval), there were nearly two and a half years. During this time, the Commission considered other LCP's and could have inserted the 1977 reference.

Consistency with Chapter 3 of the Coastal Act and with CEQA

A 1977 start date is not required for the City's major remodel policy to conform to Chapter 3 of the Coastal Act. Simply put, Coastal Act section 30610, subdivision (d) allows for maintenance and repairs without a CDP, but extraordinary repairs and maintenance by regulation require a CDP. California Code of Regulations, title 14, section 13252, subdivision (b) provides that maintenance and repairs that result in 50 percent or more replacement of the structure requires a CDP. The regulations do not speak to cumulative changes nor a start date to track changes.

"The commission shall require conformance with the policies and requirements of Chapter 3 (commencing with Section 30200) *only to the extent necessary to achieve the basic state goals* specified in Section 30001.5." (Coastal Act, § 30512.2, subd. (b), emphasis added.) Given that the regulations are intended to implement the policies, a LUP that is also absent a 1977 start date may be found consistent with Chapter 3 as was done with the other Cities LCP's as noted above.

The Commission staff's report notes that the City's LUP Amendment as submitted does not comply with CEQA because there are "feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment." (Staff Report, p. 10.) However, the Commission staff's report fails to identify any specific significant adverse impacts on the environment associated with the City's LUP Amendment as submitted and/or mitigated by the Commission staff revisions. Failure to include information on the significant impacts is inconsistent with the letter of the law and the intent of CEQA which is to support full public disclosure.

Conclusion

For the reasons discussed above, the City cannot support the Commission staff's recommendation. The City respectfully requests that the Commission approve the City's LUP Amendment as submitted. This approval represents the policy approach to major remodels that conforms to Chapter 3 of the Coastal Act, is preferred locally, and is consistent with the approach utilized by many other jurisdictions in recent Commission decisions. The City urges the

Commission not to adopt the Commission staff's recommended modifications which would leave the City with a truly unworkable and unfair policy.

It is important to not lose sight of the City and Commission's ultimate goal in this effort - a certified LCP for San Clemente. The use of the term "local" in an LCP is not lost on the City, nor was it lost on the Legislature. The Coastal Act provides that "*The precise content of each local coastal program shall be determined by the local government*, consistent with Section 30501, in full consultation with the commission and with full public participation." (Coastal Act, § 30500, subd. (c), emphasis added.) The City's effort and resources towards its LUP represents local coastal planning borne out of community input and values.

The City's request to amend the LUP in a manner that will work for its community is not unreasonable. No other jurisdiction has 1977 as the baseline date for tracking cumulative changes to existing structures in their LCP. Since the Commission's most recent action on the City of Santa Barbara comprehensive LUP update in May 2019, where use of the LUP certification date was approved as the start date for tracking substantial redevelopment, San Clemente has been looking for the same local consideration.

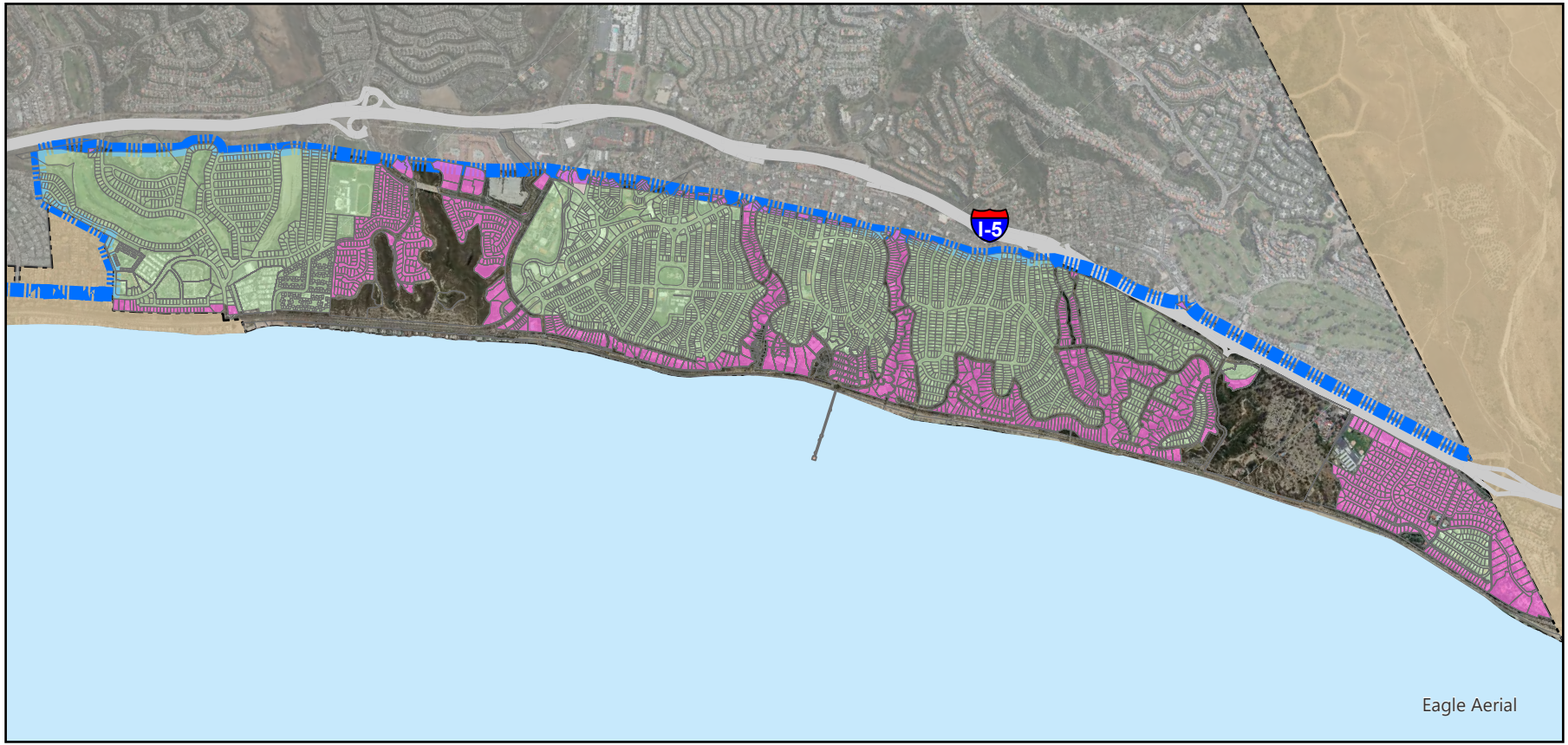
We note that there is still a significant amount of good work, cooperation, and collaboration underway between the City staff and Commission staff, including development of the City's IP as well as the coastal resiliency plan. The City wants to continue working in good faith toward successful completion of these two important documents that will advance Coastal Act policies in a manner crafted for San Clemente. We respectfully request that the Commission also work in good faith with its deliberations and decision-making on the pending LUP Amendment.

Very Sincerely,

Cecilia Gallardo-Daly
Community Development Director

cc: Jack Ainsworth, Executive Director, California Coastal Commission
Karl Schwing, South Coast District Director, California Coastal Commission
Liliana Roman, Coastal Program Analyst
Laura Ferguson, Mayor pro tem
Erik Sund, Interim City Manager
Scott Smith, San Clemente City Attorney
David Pierucci, San Clemente Deputy City Attorney
Leslea Meyerhoff, LCP Manager, City of San Clemente

Attachments: Map of City properties affected by the major remodel policy
City's comment letter to the Commission from February 2018
Commission's appellate brief in the *Surfrider* case from 2006



Coastal Zone Properties
Outside of Categorical Exclusion Order Areas
Approximately 4,000 properties, including condominium units on over 1,400 parcels

Legend
- Coastal boundary
- Categorical Exclusion Order Area Properties
- Properties Affected by New Coastal Policies

0 1000 2000
Feet

City of San Clemente
Community Development

Cecilia Gallardo-Daly, Community Development Director
Phone: (949) 361-6106 Fax: (949) 366-4741
gallardo-dalyc@san-clemente.org

February 2, 2018

Ms. Dayna Bochco, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

SUBJECT: City of San Clemente LCP Amendment No. 1-16 (LCP-5-SCL-16-0012-1 Comprehensive LUP Update) - Response to Staff Report Recommendation for Item 12a, Thursday, February 8, 2018

Dear Chair Bochco and Honorable California Coastal Commissioners:

The City of San Clemente (City) has received and reviewed the California Coastal Commission's (Commission) staff report and accompanying exhibits, dated January 26, 2018 (Staff Report), for the second and final public hearing on the Commission staff modified San Clemente Land Use Plan (LUP) update.

Collaboration between our staffs on the City's comprehensive LUP update has been ongoing since 2014. We are also currently developing an Implementation Plan for certification by the Commission to allow the transfer of Coastal Development Permit (CDP) authority, which will also support reducing Commission workload. San Clemente is one of the remaining cities in the California Coastal Zone without a fully certified Local Coastal Program (LCP).

The Coastal Act (Pub. Resources Code, § 30000 et seq.) calls on each coastal jurisdiction to prepare a LCP. (Coastal Act, § 30500.) We are aware of the Commission's important strategic goal to have all cities and counties in the Coastal Zone obtain a respective certified LCP. The City shares this goal as it relates to San Clemente and has made a good faith effort to develop a Coastal Act-compliant, City Council-approved, comprehensive LUP update.

The City submitted this LUP update to the Commission on March 17, 2016, and the Commission staff deemed the submission complete on November 15, 2016. On December 14, 2017 in Dana Point, the Commission held a preliminary hearing on the LUP update to hear public testimony as well as reports form the City staff and the Commission staff. In addition to the LUP update, the City is concurrently preparing a Sea Level Rise Vulnerability Study that is anticipated to be released for

public review and comment in Spring 2018 and an LCP Implementation Plan (IP).

The City's LUP update is now scheduled for the Commission's formal consideration and action at a public hearing on February 8, 2018 in Cambria. The City appreciates the hard work and diligence of your staff and is pleased to have reached this important milestone. The City is supportive of many of the Commission staff's suggested modifications, shown in Exhibit 2 of the Staff Report, due in part to extensive coordination and collaboration among the Commission staff and City staff, as well as valuable input from the community. In fact, the City has no substantive comments on Commission staff modifications to LUP chapters 1 (Background), 3 (Public Access and Recreation), or 6 (Visual, Historic, and Cultural Resources), which is indicative of both hard work and compromise between our agencies.

However, as we have discussed with Commission staff since beginning collaboration on this effort, stated in our previous comment letter to you dated December 8, 2017, affirmed in person during the December 14, 2017 public hearing in Dana Point, follow up meetings with Deputy Director Karl Schwing and other Commission staff, and a meeting with Executive Director Jack Ainsworth on January 18, 2018, several of the Commission staff-suggested modifications to the San Clemente LUP remain unacceptable to the City. The City remains concerned that these particular modifications raise substantive legal and implementation issues for the City and may result in significant conflicts with the City's existing policies, regulations, and long-term goals and vision for its community.

This letter discusses the City's major areas of concern, which we ask the Commission to address at the February 8 public hearing in Cambria. Attachment A to this letter provides the City's alternative modifications, which are possible solutions to these problems. The City respectfully requests the Commission to consider and adopt the City's proposals in Attachment A. Without further direction from Executive Director Ainsworth, you, or your fellow commissioners to resolve these important issues, the City will be unable to adopt the Commission-modified San Clemente LUP.

If the City does not adopt the Commission-modified San Clemente LUP, San Clemente would remain one of California's coastal jurisdictions without a certified LCP. The purpose of an LCP is to reflect local goals and objectives and to implement local plans and policies in a manner consistent with Coastal Act chapter 3. (Coastal Act, §§ 30512.2, 30516.) When an LCP, or component thereof, is submitted to the Commission for processing, the program represents the research, planning, and development of local staff; the direction of local elected officials, and the thorough input of the community and other key stakeholders.

Each coastal jurisdiction's LUP is, by its very nature, unique and the San Clemente LUP before you is no different. There are many routes for an LUP's policies to conform to Coastal Act chapter 3, otherwise the Coastal Act would have dictated one set of policies for all jurisdictions. Instead, the Coastal Act calls for local coastal jurisdictions to prepare their own respective LUPs. (Coastal Act, § 30500.) The Coastal Act calls for the Commission to review LUPs for conformance with chapter 3, but "[i]n making this review, the [C]ommission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan." (Coastal Act, § 30512.2(a).)

This letter details the objectionable modifications that Commission staff has proposed, and

Attachment A to this letter offers solutions. The City's major concerns include the following:

1. The CCC Staff Suggested Modifications impermissibly add a definition for "Existing Development" that is tied to 1977, making all development that has occurred in the past 40 years "non-existing."

The City did not propose to include a definition of "existing development" in its LUP amendment. Nevertheless, Commission staff has pressed the City to add a definition for "existing development" to Chapter 7 (Acronyms and Definitions) of the LUP. The suggested modification states (Staff Report, exhi. 2, p. 252.):

> "Existing Development" means a principal structure, e.g. residential dwelling, required garage, or second residential unit, that was legally permitted prior to the effective date of the Coastal Act (January 1, 1977) and has not undergone a Major Remodel since that time.

The term "existing development" and use of the January 1, 1977 date is referenced in numerous new and modified policies proposed by Commission staff throughout the LUP:

- LU 13: Legal Nonconforming Structures (Staff Report, exhi. 2, p. 50);
- LU 14: Legal Nonconforming Uses (Staff Report, exhi. 2, p. 50);
- HAZ 18: Limits on Bluff or Shoreline Protective Devices (Staff Report, exhi. 2, p. 204);
- HAZ 19: No Right to Future Bluff or Shoreline Protective Device for New Development (Staff Report, exhi. 2, pp. 205-206);
- HAZ 20: Bluff/Shoreline Protective Device (Staff Report, exhi. 2, p. 206);
- HAZ 21: CDP Application for Shoreline Protective Devices (Staff Report, exhi. 2, p. 207);
- HAZ 22: CDP for Bluff or Shoreline Protection Devices- Findings and Conditions of Approval (Staff Report, exhi. 2, p. 208); and
- HAZ 35: Improvements to Non-Conforming Structures (Staff Report, exhi. 2, p. 213).

The net effect of this policy would be that no development built in the last 40 years would be considered "existing." On its face, imposition of this definition is unreasonable. We understand the Commission staff's interest in promoting this definition, particularly as it relates to shoreline protection and Coastal Act section 30235. However, under the Coastal Act, "existing development" means currently existing development and is in no way tied to the date of January 1, 1977. The City's LUP should not be used as a test case or extralegal means to codify a new definition. The City cannot support the proposed modification, because the Commission staff's proposed definition is inconsistent with the Coastal Act, would create a number of legal and implementation issues for City, and is not required for certification of an LUP.

a. Under the Coastal Act, "existing development" means currently existing development.

Commission staff acknowledges that "the Coastal Act does not explicitly define what qualifies as an 'existing structure'" for the purposes of Section 30235." (Staff Report, p. 47) The staff report indicates that Commission staff has, in recent years, interpreted Coastal Act sections 30235 and 30253 to prohibit protective structures built after the Coastal Act was enacted on January 1, 1977. (Staff

Report, p. 47.) However, as the Commission argued in its respondent brief in *Surfrider Foundation v. California Coastal Commission* (Cal. Ct. App., June 5, 2006, No. A110033) 2006 WL 1530224 [unpub. opn.], "[c]onsistent with the use of 'existing' throughout Chapter 3, section 30235 should be construed to refer to currently existing structures." (Commission's Brief in *Surfrider, supra,* p. 18.) The Commission's brief is provided as Attachment B to this letter.

As detailed by the Commission's brief in *Surfrider,* the use of the word "existing" in Coastal Act chapter 3, including section 30235, means "currently" existing. The Commission's respondent's brief provided several examples:

- Providing additional berthing space in "existing harbors" (Coastal Act, § 30224);
- Maintaining "existing" depths in "existing" navigational channels (Coastal Act, § 30233(a)(2));
- Allowing maintenance of "existing" intake lines (Coastal Act, § 30233(a)(5));
- Limiting diking, filling and dredging of "existing" estuary and wetlands (Coastal Act, § 30233(c));
- Restricting reduction of "existing" boating harbor space (Coastal Act, § 30234);
- Limits on the approval of flood control projects to the situation "where no other method for protecting existing structures in the flood plain is feasible..." (Coastal Act, § 30236);
- Limiting conversion of agricultural lands where viability of "existing" agricultural use is severely limited (Coastal Act, §§ 30241, 30241.5);
- Restricting land divisions outside "existing" developed areas (Coastal Act, § 30250(a));
- Siting new hazardous industrial development away from "existing" development (Coastal Act, § 30250(b));
- Locating visitor-serving development in "existing" developed areas (Coastal Act, § 30250(c));
- Favoring certain types of uses where "existing" public facilities are limited (Coastal Act, § 30254)); and
- Encouraging multicompany use of "existing" tanker facilities (Coastal Act, § 30261).

Further, where the Chapter 3 does tie the word "existing" to a date, the section expressly states that date:

> "Expanded oil extraction" means an increase in the geographic extent of existing leases or units, including lease boundary adjustments, or an increase in the number of well heads, on or after January 1, 2003. (Coastal Act, § 30236(a)(7)(C)(iii).)

Commission Staff points to no other section in the Coastal Act to support interpretation of "existing" as "pre-Coastal Act."

b. Interpreting "existing" to mean "currently" existing harmonizes sections 30235 and 30253.

Commission staff argues that defining "existing" to mean pre-Coastal Act is the only way to harmonize sections 30235 and 30253:

> Read together, the most reasonable and straight-forward interpretation of Coastal Act Sections 30235 and 30253 is that they demonstrate/substantiate a broad legislative intent to allow shoreline protection for development that was in existence when the Coastal Act was passed, but to require any new development approved after that date to be designed and sited in a way that avoids the need for shoreline protection. (Staff Report, p. 48.)

Again, the Commission's brief in *Surfrider* makes the more convincing argument as to why defining "existing" to mean "currently" existing better comports to the intent of the Coastal Act:

> Read together, sections 30235 and 30253 nicely complement each other. Section 30253 assures that new development is constructed and sited in a way that avoids the future need for a seawall. Section 30235 recognizes that, despite the best efforts to avoid the later need for seawalls, it may sometimes be necessary to protect lives and property endangered by erosion. Therefore, the Commission may approve seawalls for post-Coastal Act structures where the effort to avoid a seawall has failed and the new structure is in danger from erosion. (Commission's Brief in *Surfrider, supra,* pp. 15-16.)

c. The legislative history supports the interpretation of "existing" to mean "currently" existing.

Both the drafting of the Coastal Act and subsequent legislative efforts support the definition of "existing" to mean "currently" existing.

i. SB 1277: Adding the word "existing" to "structure."

Commission staff contends that section 30235's legislative history supports the pre-Coastal Act definition. They point to earlier drafts of SB 1277, the Coastal Act legislation, where the Legislature added the word "existing" to "structure" in later drafts. Commission staff contends that if "existing structure" means any "currently" existing structure, then the addition of the word "existing" would be surplusage. (Staff Report, p. 49.)

The Commission's brief in *Surfrider* explains why defining the word "existing" as "currently" existing does not render the word superfluous:

> Actually, there is a very rational explanation. Had the Legislature not included the word "existing" in section 30235, applicants could apply to build seawalls to protect a future proposed structure, rather than be forced to site the proposed structure so that it would not necessitate a seawall. Far from making the word "existing" in section 30235 "surplusage," as Surfrider contends (Surfrider Br. at pp. 33-34), the Commission's interpretation harmonizes sections 30235 and 30253. Section 30253 requires that proposed new development be designed so that it does not require a seawall; without the word "existing," section 30235 could have been construed to allow a seawall for a proposed structure that would have been forbidden by section 30253. (Commission's Brief in *Surfrider, supra,* p. 23.)

ii. AB 2943 and AB 1129. Legislation codifying the Commission staff's proposed definition has twice failed.

Commission staff notes that the legislature recently considered but failed to pass AB 1129, which, proposed in 2017, would have added the Commission staff's proposed definition to the section 30235: "For purposes of this section, and consistent with existing practice, 'existing structure' means a structure that is legally authorized and in existence as of January 1, 1977." (Staff Report, p. 49.) The Commission staff correctly note that the California Supreme Court affords "little value" to unpassed bills for legislative intent. (*Granberry v. Islay Investments* (1995) Cal. 4th 738, 746.)

However, two facts add more value to AB 1129. First, AB 1129's language affirmed the pre-Coastal Act definition as the "existing practice." Codifying an "existing practice" is not necessarily the same as codifying the correct interpretation of the law. The purpose of codifying an "existing practice" is to bring the noncompliant practice into compliance with the law. Second, AB 1129 was not the only attempt to amend the Coastal Act to incorporate the Commission staff's proposed definition. AB 2943, proposed in 2002, added a similar definition to section 30235: "'Existing structure' means a structure that has obtained a vested right as of January 1, 1977, the effective date of the California Coastal Act of 1976." AB 2943 also failed to pass the legislature.

d. The Commission staff's justification for their proposed definition negates the Commission's role as a reviewing authority and discredits previously-approved CDPs.

The Commission staff's primary policy justification for tying the definition of "existing development" to the January 1, 1977 date is that another definition would lead to less sound design of "new development":

> To interpret "existing structures" otherwise (i.e., to include post-Coastal Act structures) would undermine the design and siting requirements for new development set forth in 30253 to avoid coastal hazards by entitling shoreline protection to any structure existing at the time shoreline protection is necessary, thus dis-incentivizing applicants to make the hard decisions of actually ensuring post-Coastal Act structures are designed and sited in true compliance with 30253 (as opposed to justifying compliance on paper) since they would be able to seek shoreline protection to protect the structure regardless. (Staff Report, p. 48.)

However, in its brief in *Surfrider,* the Commission roundly rejected this very argument when proffered by Surfrider:

> Surfrider argues that landowners would have an incentive to mislead the Commission into approving structures through the use of "purchased science" that would misstate erosion rates with the hope of later qualifying for a seawall, and it suggests that happened here. (Surfrider Br. at pp. 39-41.) Surfrider's insinuations are misguided. There is no evidence that the applicants' experts intentionally tried to mislead anyone; the unchallenged evidence demonstrated that the bluff rate was caused by the unforeseen El Niño storms. Moreover, anyone who intentionally supplies false evidence may be subject to a permit revocation. (Cal. Code Regs., tit., §§ 13104-13108.5.) And, because no one is "guaranteed" a seawall,

> anyone who plays the high-stakes game proposed by Surfrider risks having their seawall application turned down. (Commission's Brief in *Surfrider, supra,* p. 24.)

The Commission staff's concern over "dis-incentivizing applicants" entirely negates the role of the Commission as a reviewing authority and discredits previously approved CDPs. The Commission is responsible for reviewing CDP applications for compliance with section 30253 to ensure that new development does not "in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." (Coastal Act, § 39253(b).) Applicants are always incentivized to submit applications that comply with section 30253, because the Commission will deny applications that do not. The same would be true for the City as the reviewing authority under a fully-certified LCP. The Commission staff's distinction of "true compliance with 30253 (as opposed to justifying compliance on paper)" suggests, at least, that the Commission or City could be duped into approving a noncompliant CDP and, at most, that reviewing applications for compliance with section 30253 is impossible in the first place. (Staff Report, p. 48.) If there is a difference between "true compliance" and "compliance on paper," then any CDP approved by the Commission could be questioned or challenged for failing to comply with section 30253.

e. Section 30235 protections are not the same as legal non-conforming use protections.

Commission staff compares the protections of section 30235 to the protections afforded legal non-conforming uses:

> Such grandfathering of existing conditions is typical in the land use and permitting context when new land use and resource protection policies are enacted that would in turn, make existing development "legal non-conforming." These provisions protect significant investment-backed expectations and assure orderly application of new laws (i.e., the Coastal Act). (Staff Report, p. 48.)

A legal non-conforming structure is a structure that was legally constructed under former regulations, but does not meet the current regulations. Under most land use rules, legal non-conforming structures may continue to exist, but certain alterations to the structure may require compliance with the current regulations. Accordingly, it makes sense that protections for legal non-conformance would be tied to the adoption date of new regulations, because the adoption of the new regulations is what changed the status of the structure from conforming to non-conforming.

However, section 30235 is not protection for legal non-conformance, it is protection for "existing structures...in danger from erosion." If section 30235 were a grandfathering provision as staff represents, it would clearly state that structures built before the adoption of the Coastal Act may, with certain limitations, continue to exist. Section 30235 in no way references the legal or conformance status of structures.

f. The Commission staff's proposed definition is not internally consistent with other proposed modifications to the LUP.

The Commission staff's proposed definition of "existing development" means that any development

approved before January 1, 1977 is not entitled to section 30235 shoreline protection rights. However, in the Commission staff's proposed HAZ-19 for the LUP requires all property owners of new development in hazardous areas to waive their section 30235 shoreline protection rights. (Discussed below, the City also opposes HAZ-19.) Accordingly, HAZ-19 requires a property owner to waive rights that HAZ-18 says the property owner does not even have in the first place. These policies thus are incongruous.

g. A guidance document cannot establish a definition of "existing" as "pre-Coastal Act."

Commission staff dismisses the Commission's arguments from the *Surfrider* case in 2006, because, at that time, "the Commission was not often in the position of needing to contemplate the long-term ramifications of its interpretation of 30235." (Staff Report, p. 51.) Commission staff explain that the Coastal Act must be "liberally construed to accomplish its purposes and objectives" (Coastal Act, § 30009) and that the Coastal Act allow the Commission to prepare "[i]nterpretive guidelines designed to assist local governments, the commission, and persons subject to this chapter [6] in determining how the policies of [the Coastal Act] shall be applied" (Coastal Act, 30620(a)(3)). (Staff Report, p. 50.) Accordingly, Commission staff argues that the definition of "existing" as "pre-Coastal Act" was properly established in the 2015 Sea Level Rise Guidance Document. (Staff Report, pp. 49-40.) However, for the reasons below, these guidelines cannot establish that "existing" means "pre-Coastal Act."

i. The Coastal Act itself assumes that shoreline protection may have harmful impacts.

First, Commission has always considered the potential harm of protective devices, because the Coastal Act assumes the potential harm. Further, the City does not take issue with Commission staff's concern for the impacts of shoreline protection to public trust resources or other development. Sections 30235 and 30253 manifestly recognize the potential harmful impacts of protective devices. Section 30253 requires new development to be designed to "in no way require the construction of protective devices" and section 30253 requires any protective devices for existing development to be designed "to eliminate or mitigate adverse impacts on local shoreline sand supply." This means that the Coastal Act assumes and the Commission has always functioned with an understanding that protective devices can be harmful and should be avoided. The Commission had this very understanding in 2006 when it argued that "existing" means "currently" existing. Moreover, "the Commission has consistently interpreted section 30235 to refer to structures that exist at the time of the application" as evidenced by the Commission's chief counsel's confirmation of this position at the public hearing at issue. (Commission's Brief in *Surfrider, supra*, p. 20.) Believing that protective devices are more harmful than first thought does not change the meaning of the word "existing."

ii. The Commission staff's proposed definition of "existing" is likely a regulation requiring rulemaking procedures.

Second, setting a definition for the word "existing" (to mean "pre-Coastal Act") is more like a regulation function for the Legislature to handle rather than an interpretive guideline for the Commission to set. The Administrative Procedures Act (APA) (Gov. Code, § 11340 et seq.) requires

State agencies to follow the APA's rulemaking procedures to establish new regulations. (Gov. Code, § 11340.5(a).) The APA does not require an agency to follow the rulemaking procedures if agency's interpretation of a statute represents "the only legally tenable interpretation of a provision of law." (Gov. Code, § 11340.9(f); *Morning Star Co. v. State Bd. of Equalization* (2006) 38 Cal.4th 324, 336.)

In the last 12 years, the Commission has held two opposing interpretations of the word "existing" in Coastal Act section 30235. In 2006 at a public hearing, the Commission's chief counsel stated that "the Commission has consistently interpreted section 30235 to refer to structures that exist at the time of the application." (Commission's Brief in *Surfrider, supra,* p. 20.). As illustrated in this letter, the Commission staff points to the same sources for support for "pre-Coastal Act" as the Commission's brief in *Surfrider* pointed to for "currently" existing, such as the legislative history of SB 1277, the relationship between sections 30235 and 30253, and potential harm of shoreline protection. Following the APA's process, in connection with defining the word "existing", is even more important given the Commission's shift on the definition of "existing" would exclude an entire segment of property owners—owners of property approved after January 1, 1977—from section 30235 shoreline protection rights.

h. The Commission's proposed definition of "existing development" conflicts with the definition under CEQA.

The Commission's proposed defining of "existing development" conflicts with the definition of "existing" under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). CEQA defines "existing conditions" as those condition that are on the ground at the time that environmental review is commenced. (State CEQA Guidelines, § 15125(a).) Since the Commission's process for development review was certified by the California Secretary of Resources as a "functional equivalent" to the CEQA process (State CEQA Guidelines, § 15251), two radically different definitions of "existing" would create inherent conflicts for applicant, cities, and the Commission when conducting CEQA review for projects within the Coastal Zone, and particularly those along the shoreline.

i. Certification of the City's LUP does not require a definition of "existing development."

The Coastal Act limits the Commission's review of LUP amendments "to its administrative determination that the land use plan [amendment] submitted by the local government does, or does not, conform with the requirements of Chapter 3." (Coastal Act, § 30512.2(a).) The Commission has approved amendments to other jurisdictions' LCPs without imposing the proposed definition of "existing development." The proposed definition of "existing development" is not required for consistency with, or to meet the requirements of, the Coastal Act chapter 3 policies.

The following are the most recently adopted LCPs that do not have a definition for "existing development:"

- City of Newport Beach (2017);
- City of Solana Beach (2013);
- City of Seaside (2013);

- Santa Monica Mountains Segment (2014); and
- City of Redondo Beach (2010).

Further, recent LCP Amendments (LCPA) have modified the definitions to LCPs, but that did not add "existing development:"

- Imperial Beach LCPA (2017);
- Oceanside LCP A No. LCP-6-ocn-16-004201 (2017);
- Santa Barbara County LCPA No. LCP-4-STB-16-0038 (2017);
- Santa Cruz County LCPA Vacation Rental Ordinance Update (2015); and
- Santa Cruz County LCPAs (2012, 2014).

As demonstrated by the above-listed actions by the Coastal, inclusion of a definition of "existing development" is not required for certification of an LUP.

For the reasons above, City staff requests that the suggested modification to define "existing development" be deleted in its entirety and all references to January 1, 1977 be removed, as inclusion of this definition is not required by and is inconsistent with the Coastal Act. The Commission itself has argued against the proposed definition in court, and no other City has been required to implement this modification as part of an LCP amendment approval. The reference to "existing structures" should be to structures in existence at the time the application is submitted as was correctly argued by the Commission in the appellate brief cited above.

2. The suggested modifications require a waiver of rights to future shoreline/bluff protection that was struck down by a trial courts San Clemente (Orange County) and Encinitas (San Diego County).

Commission staff has proposed suggested modifications, below, to add HAZ-18 and HAZ-19 to impermissibly limit rights that exist under Coastal Act Sections 30235 and 30253 for shoreline or bluff protection for existing development (as defined therein) and to require a deed restriction to expressly waive any future right that exists. Commission staff's proposed suggested modifications are as follows (Staff Report, exhi. 2, pp. 204-206):

> ***HAZ-18 Limits on Bluff or Shoreline Protective Devices.*** Limit the use of protective devices to the minimum required to protect coastal-dependent uses, or existing structures or public beaches in danger of erosion, unless such devices are otherwise consistent with the public access and recreational policies of the Coastal Act and the LCP, as described in HAZ-19(b). Protective devices shall be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Any approved protective devices shall also be designed to avoid, or mitigate where unavoidable, impacts on public access and recreation, habitat, scenic views, beach width and other coastal resources, and they shall not substantially impair public trust resources. "Existing structures" for purposes of this policy, which is intended to implement Coastal Act Section 30235, shall consist only of a principal structure, e.g. residential dwelling, required garage, or second residential unit, that was legally permitted prior to the effective date of the Coastal

Act (January 1, 1977), and has not undergone Major Remodel since that time and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping, etc.

HAZ-19 No Right to Future Bluff or Shoreline Protective Device for New Development. Consideration of bluff or shoreline protectives device(s) shall be reviewed as follows:

a. New development, including Major Remodels, shall be sited and designed to avoid the need for shoreline protective devices over the life of the structure(s), except when such development is coastal-dependent and there is no feasible alternative that avoids the need for a shoreline protective device (and in such cases such devices shall be limited to the maximum feasible degree). A condition of any CDP issued for new development, including Major Remodels, but excluding coastal-dependent development, in areas subject to coastal hazards, including but not limited to tidal and storm flooding, wave runup, and erosion, as influenced by sea level rise over time, shall require the property owner(s) to record deed restriction(s) on all properties on which proposed development is sited that acknowledges that, pursuant to Section 30235 of the Coastal Act and HAZ-18, the owner has no right to construct shoreline protection to protect the new development approved pursuant to the permit and that expressly waives any right to apply to construct such protection pursuant to Section 30235 of the Coastal Act and HAZ-18. Despite the waiver of any rights pursuant to Section 30235 of the Coastal Act and HAZ-18, this policy shall not be interpreted to prohibit or preclude a property owner from applying for a bluff or shoreline protective device as further outlined in HAZ-19(b).

b. When a property owner has no right and/or has waived any future right that may exist pursuant to Coastal Act Section 30235 and/or HAZ-18, but a Hazards or Geotechnical Report concludes that a bluff or shoreline protective device is necessary to protect a principal structure in danger from erosion, the property owner may seek discretionary approval of a bluff or shoreline protective device from the approving entity. However, the approving entity cannot consider such a request (i.e., cannot file the application) unless and until the LCP has been amended to include a plan for the area to adapt to sea level rise as described in Section 5.3.2 (Sea Level Rise). The sea level rise adaptation plan shall address resources and development that are vulnerable to coastal hazards, including as exacerbated by sea level rise, evaluate adaptation alternatives, identify preferred strategies to protect coastal resources consistent with the Coastal Act, and provide programs and policies to implement those strategies. Even after the adaptation plan is certified, the approving entity is not required to approve the bluff or shoreline protective device, and can only approve such a request if all of the following criteria are met: (1) the proposed bluff or shoreline protective device is the least environmentally damaging feasible alternative, including when considering retreat alternatives; (2) the proposed bluff or shoreline protective device would not substantially impair public trust resources; (3) the proposed bluff or shoreline protective device would not substantially alter natural landforms along bluffs and cliffs; (4) the proposed bluff or shoreline protective device is consistent with the public access and recreation policies of the Coastal Act, as well as all relevant LCP policies, including but not limited to policies addressing access, recreation, sand supply, beach width, biological protection, and visual resources, and policies implementing the sea level rise adaptation plan for the area.

Two trial courts, one in Orange County and one in San Diego County, have rejected this waiver as unconstitutional. In *Capistrano Shores Property LLC vs. California Coastal Commission* (Super. Ct. Orange County, August 22, 2016, No. 30-2015-00785032-CU-WM-CJC), San Clemente property owners successfully challenged the Commission's imposition of the very same CDP permit condition to the applicant's rights under Coastal Act section 30235. (*Capistrano Shores, supra,* p. 2.) The Court struck the condition:

> It appears to be overreaching to have the [applicant] give up any rights to possible repair or maintenance of the device, under PRC sec. 30235, which [the applicant's] membership in the Capistrano Shores Inc. association may yield. The waiver seems unreasonably broad and contrary to the above guidance from *Nollan [v. California Coastal Commission* (1987) 483 U.S. 825] and *Whaler's Village [Club. v. California Coastal Commission* (1985) 173 Cal.App.3d 240]. (*Capistrano Shores, supra, p.* 2.)

The same waiver condition was also rejected by the trial court *Lindstrom v. California Coastal Commission* (Super. Ct. San Diego County, December 22, 2017, No. 37-2016-00026574-CU-WM-NC):

> The Court finds that the CCC abused its discretion in imposing Special Condition #3(a) [waiver of rights to Coastal Act section 30235 shoreline protection] as it failed to proceed in the manner required by the LCP and the Coastal Act. More specifically, the CCC is attempting to impose a condition which is contrary to the language contained in the LCP and Coastal Act by requiring petitioners, and all successors and assigns, to forever waive the ability to utilize a shoreline protection device to protect their home if the need ever arises. Neither the LCP nor the Coastal Act contain such a waiver. The Court hereby directs the petitioners to prepare a writ in accordance with the language herein." (*Lindstrom, supra,* p. 4.)

Given that the trial courts struck down this condition of approval for a CDP imposed by the Commission in this very City and a nearby jurisdiction, it is unreasonable for the Commission to now require the City to impose this very same condition through proposed HAZ-19 absent any discretion to ensure that it is imposed only when legal to do so. Although HAZ-19(b) enables the City to approve shoreline protection in certain cases despite the waiver, this authority is effective only upon the Commission's certification of a sea level rise adaptation plan and requires findings beyond those required by section 30235. Even still, the Commission staff's modifications require the blanket application of a waiver in hazardous areas that was twice held unconstitutional by local courts. Therefore, City cannot support or adopt a policy that requires a blanket waiver of these rights, and requests that HAZ-18 and HAZ-19 be modified as shown in Attachment A to this letter.

3. The suggested modifications prohibit shoreline protective structures for accessory structures in danger of erosion, section 30235 protects all structures and, therefore, the LCP's provision protecting only principal structures was inconsistent with the Coastal Act.

Commission staff's modification of HAZ-37 eliminates protections for accessory structures (Staff Report, exhi. 2, p. 377):

> ***HAZ-37 ~~HAZ-30~~ Accessory Legal Nonconforming Structures.*** For CDPs authorizing repair and maintenance of existing legal, non-conforming accessory structures on a shoreline, bluff or canyon lot that do not meet the shoreline, bluff or canyon setback, a condition shall be applied that requires the permittee (and all successors in interest) to apply for a CDP to remove the accessory structure(s), if it is determined by a licensed Geotechnical Engineer and/or the City, that the accessory structure is in danger from erosion, landslide, or other form of bluff or slope collapse.

The Coastal Act does not reserve shoreline protection or legal non-conformance rights for only principal structures to the exclusion of accessory structures. The Commission's suggested modification in HAZ-37 establishing a policy prohibiting shoreline protection for accessory structures and requiring that it be removed if it is in danger of erosion should be deleted in its entirety.

4. **The suggested modifications add too much detail in the LUP that more properly belong in the IP and do not take into account unique local conditions, preferences and local circumstances in retention/mitigation requirements for lower and moderate cost overnight accommodations.**

Suggested modifications in policies LU-43 (Lower and Moderate Cost Accommodations), and LU-44 (Mitigation for New Higher Cost Overnight Accommodations) add new language requiring any proposal to retain existing low and mid-range overnight accommodations and requires any proposal to demolish overnight accommodations to demonstrate that rehabilitation of the units is not feasible. LU-43 also requires that mitigation fees be "disbursed to entities" that provide lower-cost overnight visitor accommodations. Further, LU-44 requires new overnight accommodations or limited use overnight visitor accommodations to include at least 25% of units at low or mid-range or the payment of an in-lieu fee. Commission staff's proposed suggested modifications are as follows (Staff Report, exhi. 2, p. 59.):

> ***~~LU-45~~ LU-43 Lower and Moderate Cost Accommodations. ~~Opportunities~~***. Prohibit the loss of existing lower cost facilities, including lower cost hotel, motel or inn units, or campsites~~, unless they are replaced with comparable facilities, mitigation, or in-lieu fees are provided.~~ Any proposal to demolish existing overnight accommodations shall be required to demonstrate that rehabilitation of the units is not feasible. New development proposed to eliminate existing lower cost accommodations shall provide lower-cost overnight accommodations commensurate with the impact of the proposed new development on lower cost overnight accommodations or pay an "in-lieu" fee in an amount to be determined through the CDP process that shall be disbursed to entities that provide lower-cost overnight visitor accommodations. Mitigation shall be required for the loss of existing low cost overnight accommodations if they are not replaced on- or off-site prior to or concurrent with the demolition of the existing low cost overnight accommodations. In-lieu fees may also be used to provide other lower-cost overnight visitor accommodations in the Southern California coastal zone area.
>
> ***~~LU-52~~ LU-44 Mitigation for New Higher Cost Overnight Accommodations.*** In the Implementation Plan establish an in-lieu fee program and/or alternative a method to mitigate potential impacts of new higher cost overnight accommodations on San Clemente's lower

cost visitor-serving accommodations to ensure that a balance of overnight accommodations types at various price points continue to be provided. Mitigation ~~may~~ includes the creation of new lower cost overnight accommodations~~,~~. New overnight accommodations (or limited use overnight visitor accommodations such as timeshares, fractional ownership and condominium hotels) shall include at least 25% of the units priced at low- and/or mid-range and can be located on- or off-site of the project location. However, if lower-cost overnight accommodations cannot feasibly be replaced in kind then ~~or~~ contribution to an account used to fund the creation ~~or protection~~ of lower cost accommodations within the San Clemente coastal area may be permitted. Priority shall be given to mitigation proposals providing lower cost overnight accommodations to organized youth programs.

The City understands the Commission's objectives to provide affordable lower and moderate cost accommodations in the Coastal Zone. However, as demonstrated in the accommodation inventory included as part of the proposed LCP amendment submittal materials, the City has an abundance of lower and moderate cost accommodations. Also, with short term apartment rentals and short term lodging units, the inventory of publicly-available lower cost overnight accommodations has corrected due to market forces and has radically changed the availability of supply such that there is now significantly more supply on the low-mid cost end and mitigation is not necessary in all circumstances.

The proposed "one size fits all" policy language proposed in suggested modifications for policies LU-43, and LU-44 does not take into account the local circumstances and preferences in the City. Our policy language, as proposed, seeks to prohibit the loss of existing lower cost accommodations and provide appropriate mitigation based on circumstances of each proposal at the time of the proposal. The City wants to retain our City Council-approved policy language, as submitted, for policies LU-43 and LU-44 (with the exception of title revisions). The City's proposed LUP language in these policies, as well as in policies LU-45 (Affordability Classification), LU-46 (Range of Pricing), LU-47 (Conversion), and LU-48 (Timeshares (Fractional/Limited Use) Accommodations), gives the City flexibility to add more details in the Implementation Plan, as necessary. (Staff Report, exhi. 2, pp. 59-60.) The suggested modifications add too much detail in the LUP and does not allow enough context-specific consideration. The City would prefer to address any necessary details in the IP.

5. Additional required clarifications to the LUP.

The following additional clarifications are requested by the City as shown in Attachment A:

- For the categorical exclusion provision (Staff Report, p. 13): The LUP should clearly state that the existing Categorical Exclusion Order remains in effect until full LCP certification is achieved.
- A comprehensive updated overnight accommodation inventory (see LUP table 2-2 at Staff Report, exhi. 2, 43) has already been provided to staff as of January 2018 and should be incorporated into the LUP at this time.
- RES 57 should be modified to clarify that vegetation management to provide defensible space is required to abate nuisances associated with wildfire risk and may include vegetation trimming, pruning and removing dead/dry vegetation to abate the nuisance associated with fire hazards in the wildland urban interface. Prohibiting Orange County Fire

Authority required fuel modification areas within ESHA and/or ESHA buffers for new development is not consistent with Coastal Commission practice. This allowance needs to be determined on a case-by-case basis as some ESHA may only need to be thinned. Fuel modification requirements will be further detailed in the IP. Policy RES Letters from CCC to OCFA submitted to CCC staff on 2/1/18 in support of this policy revision and are included as Attachment C. We also looked at RES 79 which prohibits thinning or pruning beyond Zone A (20 feet from a structure). OCFA requires a minimum 50 fuel mod zone so this policy needs to be revised accordingly or otherwise clarified that wildfire risk abatement procedures mandated by OCFA take precedent.

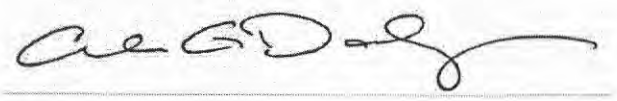
- RES 79 and RES 80 set up a conflict as there is a 50' minimum fuel modification zone per OCFA but there is an LUP policy (RES 79) stating 20' is the max. The CCC must defer to OCFA regarding fuel modification requirements and the policies in the LUP must be modified accordingly.HAZ-35 should be modified to reflect that development built under the City's Categorical Exclusion Order are also covered by this policy. (Staff Report, exhi. 2, p. 213.)
- HAZ-40 should explicitly state that a front yard setback may be reduced to a minimum of 5 feet from the street/right of way and that cantilevering of up to 10 feet into the setback may be allowed in order to avoid a regulatory taking. (Staff Report, exhi. 2, p. 214.)

Conclusion

The issues identified in this letter, if left unresolved, are significant enough for the San Clemente City Council to reject the Commission's suggested modifications to the LUP. We hope that further discussion as part of the upcoming public hearing will ensure that the LUP can be modified with the alternatives in Attachment A to this letter to reach a Commission-certified and City Council-approvable LUP.

Thank you for considering the City's requested changes to the staff modifications.

Sincerely,



Cecilia Gallardo-Daly,
Community Development Director

Attachment A – LUP Revisions Requested by the City of San Clemente
Attachment B – Commission's appellate brief (*Surfrider v. California Coastal Commission)*
Attachment C – Correspondence to the Orange County Fire Authority from the Commission

cc: San Clemente City Council
Jack Ainsworth, Executive Director, California Coastal Commission
Karl Schwing, South Coast District Director, California Coastal Commission
Charles Posner, South Coast District Supervisor, California Coastal Commission

Liliana Roman, Coastal Program Analyst, California Coastal Commission
James Makshanoff, San Clemente City Manager
Scott Smith, San Clemente City Attorney
Amber Gregg, City Planner, City of San Clemente
Leslea Meyerhoff, Project Management Consultant, City of San Clemente

ORIGINAL

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT, DIVISION FIVE

SURFRIDER FOUNDATION,

Petitioner and Appellant,

v.

CALIFORNIA COASTAL COMMISSION,

Defendant and Respondent,

WALTER CAVANAGH, et al.,

Real Parties In Interest and Respondents.

Case No. A110033

San Francisco County Superior Court No. CPF 03-503643
The Honorable James L. Warren, Judge

BRIEF OF RESPONDENT CALIFORNIA COASTAL COMMISSION

BILL LOCKYER, Attorney General
of the State of California
TOM GREENE
Chief Assistant Attorney General
J. MATTHEW RODRIQUEZ
Senior Assistant Attorney General
JOSEPH BARBIERI SBN 83210
ALICE BUSCHING REYNOLDS SBN 169398
Deputy Attorneys General
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 622-2139
Facsimile: (510) 622-2270

Attorneys for Respondent
California Coastal Commission

TABLE OF CONTENTS

TABLE OF CONTENTS (continued)

TABLE OF AUTHORITIES

Page

Cases

TABLE OF AUTHORITIES (continued)

Statutes

Public Resources Code

TABLE OF AUTHORITIES (continued)

TABLE OF AUTHORITIES (continued)

INTRODUCTION

This is a case in which the rules of statutory construction, sound public policy and common sense converge in harmony. A landowner's 1997 coastal development permit required that he set his proposed house 25 feet back from the bluff to assure the stability of the site and avoid the later need for a seawall. The 1997-98 El Niño storms unexpectedly caused substantial loss of the bluff top, causing the landowner to apply for a seawall to protect his home. After the California Coastal Commission's staff geologist agreed with the conclusion of numerous experts that the house was in substantial danger, the Commission approved a coastal development permit for the seawall. The Commission imposed 15 stringent conditions that would mitigate the seawall's impacts on sand supply and public access. The Surfrider Foundation then brought this action to argue that the Commission had no discretion as a matter of law to allow the seawall.

The trial court rejected Surfrider's argument, and the trial court's judgment should be affirmed. Section 30235 of the Coastal Act allows the construction of shoreline protective structures to protect "existing" structures in danger from erosion when they are designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Because the Commission found that the landowner's existing home was in danger from erosion and that his proposed seawall as conditioned would mitigate its adverse impacts—factual findings never contested by Surfrider—the Commission properly approved the construction of the seawall.

Surfrider, however, wishes to add some language to section 30235. It contends that "'[e]xisting structure' must be interpreted to mean 'existing structure as of 1976.'" (Surfrider Br. at p. 41.) To support its reworking of section 30235, Surfrider argues that the Commission's interpretation of section 30235 conflicts with section 30253. Section 30253 provides that new

development should not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. But there is no conflict between these two provisions—section 30253 requires that new development be constructed in a way that avoids the need for protective devices; section 30235 allows the Commission to approve a seawall if, despite this effort, the development later becomes endangered by erosion and a properly designed seawall can avoid adverse impacts.

The manner in which the word "existing" appears throughout the Coastal Act confirms the trial court's conclusion that existing structures are those structures that exist at the time of the seawall application. Chapter 3 of the Coastal Act (Pub. Resources Code, §§ 30200-30265.5) contains the resource policies that the Commission applies to pending applications. (*Id.*, § 30604(a).) Including section 30235, the word "existing" appears no fewer than 15 times in Chapter 3 and each time refers to currently existing conditions. (*Post*, at pp. 18-19.) It is logical that these Chapter 3 policies, including section 30235, refer to conditions that exist at the time of a permit application. It would make little sense to evaluate permit applications under conditions as they existed thirty or more years ago and ignore the considerable changes that have taken place along California's coast since the Coastal Act's passage.

Finally, Surfrider's antagonism toward the Commission is misdirected. Surfrider suggests that the Commission is indifferent to the impacts of seawalls and that its interpretation of section 30235 would "guarantee" every applicant a seawall. (E.g., Surfrider Br. at p. 37.) Under the Commission's interpretation, however, obtaining approval for a seawall remains a taxing proposition. Applicants must demonstrate that their existing structures are in genuine danger and they must design protective devices in a way to eliminate or mitigate their adverse impacts. (Pub. Resources Code, § 30235.) For the applicants here, that meant submitting over 15 technical reports, accepting important design

modifications, and agreeing to numerous conditions that will mitigate the seawall's possible impact on shoreline processes, visual resources and public access.

When these exacting standards are met, section 30235 authorizes the Commission to approve seawalls. The Commission's interpretation of section 30235 is "absurd" only if one is prepared to say that it would be absurd for the Legislature to pass a law that allows the construction of properly designed seawalls to protect existing houses, roads and other structures, not to mention human lives, that are endangered by the ravages of the ocean.

The trial court's judgment should be affirmed.

BACKGROUND

Surfrider challenges the Commission's approval of a single shoreline protection device, or "seawall," to protect two residential structures at 121 and 125 Indio Drive in Pismo Beach that are located on a bluff overlooking the ocean. (11 Administrative Record ("AR") 2083-2084.) The 165-foot long seawall would connect two existing shoreline protective devices on both sides of a public cul-de-sac. (11 AR 2078-2079, 2083, 2106, 2143-2146 [proposed seawall plans].) Gary Grossman owns the house at 121 Indio Drive and Walter Cavanagh owns the house at 125 Indio Drive. (The real parties in interest are referred to in this brief collectively as "the applicants.")[1/]

The house at 121 Indio Drive was constructed before January 1, 1977, the effective date of the Coastal Act. (11 AR 2102.) In 1997, acting under its local coastal program (or "LCP"), the City of Pismo Beach approved a coastal development permit for construction of the house at 125 Indio Drive. (11 AR

---

1. Grossman at one time also owned 125 Indio Drive property, and applied for the 1997 permit to build the house. He later sold the 125 Indio Drive property to Cavanagh, who joined with Grossman as a co-applicant for the seawall in dispute. (1 AR 77; 7 AR 1138.)

2084.) The City's approval was not appealed to the Commission, and therefore the Commission never reviewed the project. (11 AR 2078.) The house at 125 Indio Drive was constructed in 1998. (11 AR 2084.)

Before it approved the house at 125 Indio Drive, the City evaluated the site's potential for bluff erosion and considered the distance that the house would need to be set back so that the project site would be stable. (11 AR 2084.) After receiving expert evidence that the bluff retreat rate was two to three inches per year, the City required that the structure be set back 25 feet from the bluff face. (11 AR 2084, 2132.) The City determined that the 25-foot setback would be adequate to withstand 100 years of erosion. (11 AR 2086; 2102.)

After the City approved the house at 125 Indio Drive house, the El Niño storms of 1997-1998 brought approximately 22 inches of rainfall to the area. (3 AR 400; 11 AR 2103.) These storms caused the loss of a five-foot section of the bluff at the rear of 125 Indio Drive. (11 AR 2083.) This unexpected loss was not predicted in the geological report that the City reviewed and was not reflected in the estimated bluff retreat rate. (2 AR 344-346 [Terratech Inc. Report, Jan. 9, 1997]; 3 AR 400; 11 AR 2084, 2103.) Following the winter storms, the applicants conducted new studies. (11 AR 2087-2088.) The new geological reports concluded that their houses were in serious jeopardy from erosion. (11 AR 2087.) The applicants submitted these reports to the City with an application for a coastal permit to construct a single seawall to protect both houses from future erosion. The City approved the coastal permit, finding that the expert reports demonstrated that both residences required a seawall to insure their stability. (3 AR 400-403; 11 AR 2088; 3 AR 379.) Two Commission members appealed the City's decision to the Commission. (11 AR 2136-2142.)

The Commission determined that the appeals raised a substantial issue whether the City's approval was consistent with the City's LCP. (11 AR 2083-

2091.) Having found a substantial issue, the Commission conducted a de novo review of the project. (Pub. Resources Code, § 30621.) After a public hearing, the Commission approved the proposed seawall, subject to 15 special conditions. (11 AR 2100-2121). The Commission adopted its staff's proposed findings in support of its decision. (11 AR 2077-2160.)

Because the Coastal Act requires that the Commission on appeal apply the policies of the LCP, not the Coastal Act (see Pub. Resources Code, § 30604(d)), the Commission's findings addressed whether the project was consistent with the relevant policies of the City's LCP. The primary policy was LCP policy S-6, which provides that a seawall "be permitted only when necessary to protect existing principal structures . . . in danger of erosion." (11 AR 2100, 2102-2105.) The Commission found that "the residences qualify as . . . existing structure[s]" under LCP policy S-6. (11 AR 2102, 2105.)

The Commission then considered whether these existing structures were in "danger of erosion." To meet this standard, the Commission required proof that the houses "would be unsafe to occupy in the next two or three storm cycles (generally, the next few years) if nothing were to be done [to protect the structures]." (11 AR 2102; see also 10 AR 1835-1836, 1850-1851.) The Commission's staff geologist, Mark Johnsson, visited the site and analyzed no fewer than 14 expert reports to determine whether the two houses were endangered. (11 AR 2086-2088, 2102-2103.)[2/] Using Dr. Johnsson's analysis,

---

2. These geotechnical reports included: (1) *Geologic Assessment of Bluff Erosion and Sea Cliff Retreat,* Terratech, Jan. 9, 1997 (1 AR 111); (2) *Geologic Assessment of Bluff Erosion and Sea Cliff Retreat*, GeoSolutions LLC, Jan. 26, 1998 (1 AR 92); (3) *Bluff Protection Plan for 121 and 125 Indo Drive*, Fred Schott & Associates, Nov. 6, 2000; (4) Golden State Aerial Surveys, Inc. photogrammetric data (1 AR 133); (5) R.T. Wooley report, Mar. 11, 2001 (1 AR 130); (6) Earth Systems Pacific report, Jan. 15, 2001 (1 AR 124); (7) Earth Systems Pacific report, June 8, 2001 (1 AR 128); (8) R.T. Wooley report, July 31, 2001 (1 AR 173); (9) R.T. Wooley report, Feb. 13, 2002 (3 AR 448); (10) *Geotechnical Investigation of Potential Seacliff Hazards,* Cotton, Shires, and

the Commission found that the houses were in danger: "the fact that waves now routinely impact an area that consists of poorly consolidated marine terrace material indicates that, absent some form of shore protection, a clear danger from erosion would exist in the very near future." (11 AR 2105.)

The Commission also found that, in addition to the residential structures, the Florin Street cul-de-sac, an important public viewpoint, was in danger from erosion. (11 AR 2104, 2120.) The proposed seawall would protect both the houses and the viewpoint, by connecting with two existing shoreline protection devices, a quarry stone revetment on the Florin Street end and a shotcrete wall at 121 Indio Drive. (11 AR 2106, 2143-2146.)

The Commission also analyzed alternative methods of reducing the bluff-retreat risk, as required by the LCP. For example, the applicants' experts considered relocating the structures farther from the bluff edge, as well as installing alternative shoreline armoring systems such as a drilled caisson system or a rip-rap revetment located on the beach. (11 AR 2105-2106.) Based on feasibility studies evaluating each alternative, the geotechnical reports concluded that a vertical seawall would be the most environmentally suitable and the only feasible alternative. (*Ibid.*) The Commission concurred with these conclusions, but required substantial changes in the proposed seawall's design to insure that the seawall occupied the minimum footprint necessary and that it was less visually intrusive than the one proposed. (11 AR 2114, 2092.) In all, the Commission imposed 15 conditions to mitigate or eliminate any remaining adverse impacts of the project. Among others, these conditions required that

---

Assoc., Jan. 23, 2003 (8 AR 1258); (11) *Review of Seacliff Hazards Report*, Earth Systems Pacific, Feb. 13, 2003 (8 AR 1412); (12) *Coastal Hazard Study*, Skelly Engineering, Feb. 17, 2003 (8 AR 1420); (13) *Response to Peer Review*, Cotton, Shires, and Assoc., Mar. 12, 2003 (8 AR 1403); (14) *Beach Bedrock Survey and MHTL Projection to Proposed Protective Structure*, Cotton, Shires, and Assoc., June 5, 2003 (9 AR 1535).

the applicants:

- Limit the width of the toe of the seawall to 18 inches (11 AR 2066);
- Face the seawall with a sculpted concrete surface that mimics natural bluffs in color, texture and undulation (*ibid.*);
- Install a new storm water filtering system, remove the existing storm water outfall pipe, and make a $50,000 deposit to implement the City's nonpoint source storm water runoff control (*ibid.*);
- Install permanent devices to collect all surface runoff from the two houses (11 AR 2068);
- Implement a native plant landscaping plan (11 AR 2068-2069);
- Before finishing construction, test to the Commission's satisfaction that the seawall facing met the permit requirements (11 AR 2069-2070);
- Pay $10,000 for public access improvements at the Florin cul-de-sac (AR 2070-2071);
- Make an irrevocable offer to dedicate permanent public access to the beachfront property that is west of the seawall on Grossman's property (11 AR 2071); and
- Monitor the success of the seawall and storm water outfall on a permanent basis (11 AR 2071-2072).

Surfrider filed a timely petition for a writ of mandate challenging the Commission's decision. (CT 1.) After briefing and oral argument, the trial court denied Surfrider's petition. (CT 301.) The trial court rejected the applicants' argument that the City should have been named as a real party interest. (CT 7-9.) It also rejected the Commission's argument that the writ should be denied because Surfrider failed to challenge whether the project was consistent with the LCP. (CT 9-11.)

On the merits, however, the trial court determined that the Commission's

treatment of the 125 Indio house as an "existing" structure was reasonable and within the Commission's discretion. (CT 310-317.) Among many reasons, the trial court found that the Commission's interpretation of section 30235 comported with the plain language of the statute; that the Commission's interpretation of the statute was longstanding; that the word "existing" throughout the Coastal Act referred to currently existing conditions, not just those that existed as of January 1, 1977; and that sections 30235 and 30253 were not in conflict but easily harmonized. (*Ibid.*)

Surfrider filed a timely appeal and has served its opening brief.

STANDARD OF REVIEW

In reviewing an appeal from a trial court's determination of a petition for a writ of administrative mandamus, the Court of Appeal occupies the same position as the trial court. (E.g., *City of San Diego v. California Coastal Com.* (1981) 119 Cal.App.3d 228, 232; *McGill v. Regents of University of California* (1996) 44 Cal. App. 4th 1776, 1786.) The Commission's permit decisions must be upheld if they are supported by "substantial evidence" in light of the entire record. (E.g., *Paoli v. California Coastal Commission* (1986) 178 Cal.App.3d 544, 550-51.) The agency's decision is presumed correct, and unless the petitioners produce or cite evidence to the contrary, the decision is presumed to be supported by substantial evidence. (See *Smith v. Regents of the University of California* (1976) 58 Cal.App.3d 397, 404-05; *Alford v. Pierno* (1972) 27 Cal.App.3d 682, 690-91.) The Court exercises independent review over questions of law. (E.g., *Crocker National Bank v. City and County of San Francisco* (1989) 49 Cal.3d 881, 888.)

In this action, Surfrider raises only a single question of law—the meaning of the word "existing" in Public Resources Code section 30235. Surfrider's tactical decision means that the Court must accept as true the Commission's unchallenged factual findings, including its findings that the applicants' houses

were in danger from erosion and that the permits as conditioned comply with the policies of the Coastal Act. In addition, because Surfrider does not describe the material evidence in the administrative record, it has waived any challenge to the sufficiency of the evidence to support the Commission's decision. (See, e.g., *Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 881.)

RULES OF STATUTORY CONSTRUCTION

The usual rules apply. The "touchstone" of statutory interpretation is legislative intent. (*California Teachers Assn. v. Governing Bd. of Rialto Unified School Dist.* (1997) 14 Cal.4th 627, 632.) In evaluating the meaning of a statute "the aim . . . should be the ascertainment of legislative intent so that the purpose of the law may be effectuated." (*Select Base Materials, Inc. v. Board of Equalization* (1959) 51 Cal.2d 640, 645.) The courts look at "the purpose sought to be achieved and the evils to be eliminated . . . in ascertaining the legislative intent." (*Freedland v. Grecko* (1955) 45 Cal.2d 462, 467.) Statutory provisions must be harmonized if possible (*Consumers Union of United States, Inc. v. California Milk Producers Advisory Board* (1978) 82 Cal.App.3d 431, 445-447), and statutes are to be construed to give meaning to every provision and to avoid making any provision surplusage (*Yoffie v. Marin Hospital Dist.* (1987) 193 Cal.App.3d 743, 752). "[I]t is a well-established rule of construction that when a word or phrase has been given a particular scope or meaning in one part or portion of a law it shall be given the same scope and meaning in other parts or portions of the law." (*Stillwell v. State Bar of California* (1946) 29 Cal.2d 119, 123.)

ARGUMENT

I. SURFRIDER'S PETITION SHOULD BE DENIED BECAUSE SURFRIDER DOES NOT CHALLENGE THE COMMISSION'S FINDING THAT THE PROPOSED SEAWALL IS IN CONFORMITY WITH THE CITY'S LOCAL COASTAL PROGRAM

Surfrider's approach has caused it a real problem. Surfrider raises only the issue whether the Commission's action violated Coastal Act section 30235. But that issue was not before the Commission, which considered (and legally was only allowed to consider) whether the project was consistent with the City's LCP. (Pub. Resources Code, § 30604(d).) Because it failed to challenge the basis upon which the Commission acted, Surfrider's appeal should be denied.

The Coastal Act initially vests the Commission with the authority to issue permits for coastal development. (Pub. Resources Code, § 30600(a).) The Act transfers primary permitting authority to local governments through the creation of local coastal programs. An LCP consists of a local government's land use plans, zoning ordinances and other implementing actions that the Commission has certified as consistent with the resource protection policies contained in Chapter 3 of the Coastal Act. (See *id.*, §§ 30108.6, 30512, 30519.) A certified LCP may be more restrictive than the Chapter 3 policies, but it may not be less restrictive. (Pub. Resources Code, § 30512(c); see *Yost v. Thomas* (1984) 36 Cal.3d 561, 572.) Once the Commission has certified the local government's LCP, permitting authority is transferred to the local government. (Pub. Resources Code, § 30600(d).)

Local government LCP permit decisions in many circumstances may be appealed to the Commission. (Pub. Resources Code, §§ 30603, 30625.) Unless the Commission finds that an appeal raises no substantial issue, the Commission conducts a de novo review of the permit application. (*Id.*, § 30625(b)(2); see *id.*, § 30621; Cal. Code Regs., tit. 14, §§ 13115(b), 13321;

Coronado Yacht Club v. California Coastal Commission (1993) 13 Cal.App.4th 860, 867.) The Commission's de novo review requires that it determine whether the project is in conformity with the LCP and, where applicable, the public access and recreation policies of the Coastal Act, but not the other Chapter 3 policies such as section 30235. (Pub. Resources Code, § 30604(b), (c); Cal. Code Regs., tit. 14, § 13119.) The Commission here found that the seawall as conditioned was in conformity with the seawall policies in the City's LCP. (E.g., 11 AR 2085-2086.)

Therefore, to set aside the Commission's decision on appeal, Surfrider must demonstrate that there is no substantial evidence to support the Commission's finding that the project is in conformity with the City's LCP. But Surfrider does not challenge this finding. It contends that the Commission misinterpreted the word "existing" in section 30235 in the Coastal Act. Even if the Court were to agree with Surfrider, it could not accord Surfrider relief because the Commission's finding that the project was in conformity with the policies of the City's LCP would not be affected.

Surfrider perhaps can be extricated from this dilemma if the Court chooses to do two things. First, the Court would be required to assume that the word "existing" in section 30235 has the same meaning as "existing" in the City's LCP. It is fair to make this assumption because the Commission may not certify an LCP that is less restrictive than the Chapter 3 policies of the Coastal Act. (*Post*, at p. 10.) Second, the Court would be required to treat Surfrider's argument about the meaning of section 30235 as an implicit challenge to the Commission's interpretation of "existing" in LCP Policy S-6. Because Surfrider has never requested to amend its petition to state a proper cause of action, however, there is no compelling reason why the Court on its own should allow a de facto amendment of Surfrider's petition.

In summary of this point, the Court should deny Surfrider's petition

because it failed to challenge the legal basis on which the Commission made its decision. Alternatively, should the Court consider the appeal, it should treat the petition as if it were directed to the Commission's interpretation of the LCP.

For the remainder of this brief, the Commission will assume that the words "existing" in section 30235 and in LCP policy S-6 have the same meaning and that the Court will construe Surfrider's argument about the interpretation of section 30235 as an implicit challenge to the Commission's decision under the LCP.[3]

II. SURFRIDER'S PETITION SHOULD BE DENIED BECAUSE THE TERM "EXISTING STRUCTURES" REFERS TO EXISTING STRUCTURES AT THE TIME OF THE PERMIT APPLICATION AND IS NOT LIMITED TO STRUCTURES THAT PREDATED THE COASTAL ACT

A. Substantial Evidence Supports the Commission's Decision That the Proposed Seawall Was in Conformity With the City's LCP.

Substantial evidence supports the Commission's decision that the proposed seawall was in conformity with the City's LCP.

Under LCP policy S-6, a seawall may be approved to protect an "existing principal structure," only if no feasible alternative is available and the device is designed to eliminate or mitigate adverse impacts on local shoreline sand supply, maintain public access to the shoreline, and minimize visual impacts.[4]

---

3. Although the trial court rejected this argument, the Commission may raise this argument on appeal without a cross appeal because the trial court made no order adverse to the Commission. (See, e.g., *Selger v. Stevens Bros., Inc.* (1990) 222 Cal.App.3d 1585, 1593-1594.)

4. LCP policy S-6 provides:

> Shoreline protective devices, such as seawalls, revetments, groins, breakwaters, and riprap shall be permitted only when necessary to protect existing principal structures, coastal dependent uses, and public beaches in danger of erosion. If no feasible alternative is available,

Related LCP policies require that shoreline structures provide lateral beach access, avoid significant rocky points and intertidal or subtidal areas, and enhance public recreational opportunities. (6 AR 1029; 11 AR 2101 [LCP section 17.078.060(6)].)

The Commission found that the applicants' proposed seawall was in conformity with the City's LCP. The Commission found that their houses legally existed at the time of the application, that the houses were in danger from erosion, that there were no feasible alternatives to the proposed seawall, and that, as conditioned, the seawall was designed in a manner that would mitigate its impact on shoreline sand supply, public access and visual resources. (11 AR 2077-2160; *ante*, at pp. 5-7.) The Commission's decision was supported by abundant expert analysis, including the independent review of its own staff geologist. Surfrider does not challenge these findings, and the Commission's decision is presumptively supported by substantial evidence. (*Ante,* at pp. 8-9.)

---

shoreline protection structures shall be designed and constructed in conformance with Section 30235 of the Coastal Act and all other policies and standards of the City's Local Coastal Program. Devices must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply, and to maintain public access to and along the shoreline. Design and construction of protection devices shall minimize alteration of natural landforms, and shall be constructed to minimize visual impacts. The City shall develop detailed standards for the construction of new and repair of existing shoreline protective structure and devices. As funding is available, the City will inventory all existing shoreline protective structures within its boundaries. (11 AR 2100-2101.)

B. The Commission's Interpretation of Section 30235 Is Compelled by Both the Language of the Statute and the Legislature's Intent to Allow Seawalls Where Necessary to Protect Life and Property.

In the face of this, Surfrider maintains one argument. It contends that the word "existing" as used in section 30235[5/] (and implicitly LCP policy S-6) means "existing as of January 1, 1977," the date that the Coastal Act went into effect; in other words, the Commission may approve a seawall only to protect structures that existed on January 1, 1977. Because Cavanagh's house did not exist until 1998, Surfrider contends that, as a matter of law, the Commission had no discretion to approve his seawall.

This argument is meritless. The Commission's interpretation follows the plain language of the statute: "Existing" means "existing" and Cavanagh's house legally existed on the date that he applied for the seawall.

The Commission's interpretation makes sense and comports with the Legislature's intent. Protective shoreline devices are disfavored under the Coastal Act, but the Legislature did not ban them. Even Surfrider concedes that, at least as to structures that predated the Coastal Act, section 30235 allows the Commission to approve protective devices in appropriate circumstances. As proof of this, Surfrider does not challenge the Commission's decision to approve a seawall to protect the 121 Indio residence that predated the Coastal Act. (Surfrider Br. at p. 7, fn. 7.)

The question implicitly raised by Surfrider—but one that it scrupulously

---

5. Section 30235 provides in part:

> Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply

avoids asking—is whether the Legislature intended that, as a matter of law, the Commission may not approve seawalls to protect structures that were legally built after the enactment of the Coastal Act regardless of how much life and property might be lost if the structures were not protected. Although Surfrider nods in the direction of legislative intent, its abstract conception of legislative intent is divorced from reality and common sense. As the trial court pointed out, section 30235 protects a wide range of existing structures, not just private residences. (CT 317, fn.6.) Assume, for example, that the Commission in the 1980's approved a state park facility that included a parking lot, restrooms, landscaping, public walkways and stairs that were later severely damaged by winter storms. In Surfrider's view, the Commission would be precluded from approving a seawall to protect this public park facility regardless of how endangered it might be. But Surfrider does not demonstrate that the Legislature would have intended such a harmful result.

Although Surfrider asserts that the Commission's interpretation of section 30235 conflicts with section 30253 (Surfrider Br. at pp. 34-39), the Commission's interpretation harmonizes the two statutes because it gives effect to the Legislature's wish to avoid the harmful impacts of seawalls as well as its wish to protect legally existing structures in danger from erosion. Section 30253 provides in part that:

> New development shall: . . . [¶] (2) 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.

Section 30253 requires that new development be constructed in a way that does not require the later construction of protective devices. It does not govern already existing development. Read together, sections 30235 and 30253 nicely complement each other. Section 30253 assures that new development is constructed and sited in a way that avoids the future need for a seawall. Section

30235 recognizes that, despite the best efforts to avoid the later need for seawalls, it may sometimes be necessary to protect lives and property endangered by erosion. Therefore, the Commission may approve seawalls for post-Coastal Act structures where the effort to avoid a seawall has failed and the new structure is in danger from erosion.

C. When the Word "Existing" Is Used in Chapter 3 of the Coastal Act, It Refers to Currently Existing Conditions Because Permit Applications Are Typically Evaluated Under Conditions That Exist at the Time of the Application.

When a word or phrase has been given a particular meaning in one part of a law it typically is given the same meaning in other parts of the law. (*Stillwell v. State Bar of California, supra,* 29 Cal.2d at p. 123.) The manner in which the word "existing" appears throughout the Coastal Act confirms the Commission's interpretation.

The word "existing" appears frequently in the Coastal Act but one reference stands out. Section 30236 limits the approval of flood control projects to the situation "where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development." Once again, the Legislature balanced the need to protect the public from physical harm with the need to avoid the adverse impacts of a particular type of development (flood control projects). As in section 30235, the Legislature found that it could prevent the destruction of post-Coastal Act development by permitting the erection of protective structures but adopting strict standards calibrated to avoid environmental harms.

The use of "existing" in the last sentence of section 30235 makes a similar point. This sentence provides that "[e]xisting marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out

or upgraded where feasible." Suppose that the Commission in 1978 approved a permit for a marine structure that today is causing water stagnation and pollution despite the imposition of permit conditions in 1978 designed to avoid those impacts. The polluting marine structure should be treating as "existing" and phased out, even though it was constructed after the Coastal Act's passage.

The Legislature's use of the word "existing" in the remainder of Chapter 3 of the Coastal Act also provides powerful confirmation of the Commission's interpretation of the word "existing." Chapter 3 (Pub. Resources Code, §§ 30200-30265.5) contains the resource policies that the Commission applies when reviewing permit applications. (*Id.*, § 30604(a).) The word "existing" appears throughout Chapter 3 and each time refers to conditions as they exist at the time of the application, not at the time of the Coastal Act's passage. In addition to sections 30235 and 30236, the references to "existing" in Chapter 3 include:

- Providing additional berthing space in "existing harbors" (Pub. Resources Code, § 30224);
- Maintaining "existing" depths in "existing" navigational channels (*id.*, § 30233(a)(2));
- Allowing maintenance of "existing" intake lines (*id.*, § 30233(a)(5));
- Limiting diking, filling and dredging of "existing" estuary and wetlands (*id.*, § 30233(c));
- Restricting reduction of "existing" boating harbor space (*id.*, § 30234);
- Limiting conversion of agricultural lands where viability of "existing" agricultural use is severely limited (*id.*, §§ 30241, 30241.5);
- Restricting land divisions outside "existing" developed areas (*id.*, § 30250(a));
- Siting new hazardous industrial development away from "existing"

development (*id.*, § 30250(b));

- Locating visitor-serving development in "existing" developed areas (*id.*, § 30250(c));
- Favoring certain types of uses where "existing" public facilities are limited (*id.*, § 30254));
- Encouraging multicompany use of "existing" tanker facilities (*id.*, § 30261); and
- Defining "expanded oil extraction" as an increase in the geographical extent of "existing" leases.

These Chapter 3 provisions logically refer to conditions that exist at the time of a permit application. It would make little sense to evaluate permit applications under conditions as they existed thirty or more years ago and ignore the considerable changes that have taken place along California's coast since the Coastal Act's passage. Consistent with the use of "existing" throughout Chapter 3, section 30235 should be construed to refer to currently existing structures.

Outside of Chapter 3, there are a number of other Coastal Act provisions that treat "existing" as currently existing. (See Pub. Resources Code, § 30705(b) ["existing water depths"]; § 30711(a)(3) ["existing water quality"]; § 30610(g)(1) ["existing zoning requirements"]; *id.*, 30812(g) ["existing administrative methods for resolving a violation"].) In addition, the Legislature twice used specific dates when it intended "existing" to mean something other than currently existing. Section 30610.6 limits the section's application to any "legal lot existing . . . on the effective date of this section." Similarly, section 30614 refers to "permit conditions existing as of January 1, 2002." (*Id.*, § 30614.)

Surfrider's response is anemic. Surfrider points to four Coastal Act sections where, it contends, the word "existing" refers to conditions existing on

the date of the Coastal Act's passage. (Surfrider Br. at pp. 25-26 [citing sections 30001(d), 30004(b), 30007 and 30103.5(b)].) Sections 30001(b) and 30007 juxtapose "existing" with references to future developments and future laws, expressing the Legislature's specific intent that "existing" in those provisions refers to conditions on the date of the Coastal Act's passage. Moreover, Surfrider's citations are mostly found in the "findings" section of the Coastal Act, in which the Legislature would be expected to refer to conditions as they then existed to explain the need for the Act. None of the provisions upon which Surfrider relies (other than section 30235 itself) are found in Chapter 3 of the Coastal Act.

The Commission's harmonious construction of the Coastal Act confirms that the Legislature intended that section 30235 be applied to structures that existed on the date of the permit application.[6]

D. The Court Should Defer to the Commission's Interpretation of Section 30235 and the LCP.

Surfrider incorrectly contends that the Commission's interpretation of section 30235 is "vacillating" and not entitled to deference. (Surfrider Br. at pp. 41-45.) The Commission's interpretation of section 30235 has been consistent, and provides more weight to support the Court's interpretation.

Courts "must give great weight and respect to an administrative agency's interpretation of a statute governing its powers and responsibilities." (*Mason*

---

6. Three years ago, the Legislature considered adding the specific language that Surfrider seeks to read into section 30235. AB 2943, if adopted, would have defined "existing structure" in section 30235 to mean "a structure that has obtained a vested right as of January 1, 1977, the effective date of the California Coastal Act of 1976." (CT 119-120 [Sen. Amend. to Assem. Bill No. 2943 (2001-2002 Reg. Sess.) Aug. 26, 2002].) AB 2943 died on the Senate inactive file on November 30, 2002. (CT 122.) Although "only limited inferences can be drawn from [unpassed bills]" (*DeVita v. County of Napa* (1995) 9 Cal.4th 763, 795), the Legislature's rejection of AB 2943 undermines Surfrider's interpretation of section 30235.

v. Retirement Board of the City and County of San Francisco (2003) 111 Cal.App.4th 1221, 1228 (Jones, J).) "Consistent administrative construction of a statute, especially when it originates with an agency that is charged with putting the statutory machinery into effect, is accorded great weight." (*Ibid.*)

Here, the Commission evaluated the seawall project for conformity with the City's LCP that the Commission previously had certified. (See Pub. Resources Code, §§ 30512, 30512.1, 30512.2.) The Commission's interpretation of a certified LCP is entitled to deference because, when an appeal reaches it, the Commission is charged with putting the LCP into effect. (*Mason v. Retirement Board of the City and County of San Francisco, supra*, 111 Cal.App.4th at p. 1228; see also Pub. Resources Code, § 30625(c) [Commission decisions shall guide local government actions under the Coastal Act].) The Commission's interpretation of section 30235 is entitled to no less weight, because the Commission alone is responsible for administering the Coastal Act.

In addition, the Court should accord the Commission's interpretation of "existing structures" great weight because the Commission has consistently interpreted section 30235 to refer to structures that exist at the time of the application. (See *Yamaha Corp. of America v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 12.) As proof of this, the Commission's chief counsel confirmed at the public hearing that the Commission has "interpreted existing structure to mean whatever structure was there legally at the time that it was making its decision." (11 AR 2018-2019.)

Surfrider contends that the Commission has "vacillated" because in two previous permit decisions the Commission found that it did not need to reach the issue whether the term "existing structure" was limited to pre-Coastal Act structures. (Surfrider Br. at pp. 41-45.) The Commission's decision to refrain from reaching an issue that was not raised by a pending permit application

reflects judicious decisionmaking, not vacillation. (See *id.* at p. 44 [conceding that the issue was not before the Commission].)

Surfrider also cites the chief counsel's testimony as an additional indication that the Commission has "vacillated" in its interpretation of "existing structure." (Surfrider Br. at p. 45.) Surfrider, however, has inaccurately quoted the chief counsel's testimony, improperly inserting the parenthetical "[of existing structure]" into the quotation. (Cal. Style Manual (4th ed. 2000) § 4.16 [may not use brackets to rewrite quotation].) Surfrider then misconstrues the testimony, suggesting that the Commission has previously determined that the term "existing structure" in section 30235 applies only to pre-Coastal Act structures. Instead, the complete text of the chief counsel's statement demonstrates that the "change" to which he referred was the Commission's recent practice of incorporating a "no future seawall" condition in permits for new bluff-top development, not a change in the interpretation of "existing structure." (11 AR 2018-2019; see *post,* at p. 24.)

The Commission is not aware of a single instance in the history of the Coastal Act in which it has determined that "existing structures" in section 30235 refers only to structures that predated the Coastal Act. The Court should defer to the Commission's construction of section 30235 and the corresponding LCP provisions.

III. NONE OF SURFRIDER'S REMAINING ARGUMENTS HAVE MERIT.

Most of Surfrider's arguments have been addressed. There are a few others, but none have merit.

1. Surfrider repeatedly states that the Commission's interpretation would "entitle" or "guarantee" a seawall to any completed structure. (E.g., Surfrider Br. at pp. 4, 37, 39, 47, fn. 9.) This is a gross misstatement. The Commission's interpretation of section 30235 does not entitle or guarantee anyone a seawall.

The Commission may approve a seawall only if, at a minimum, the applicant establishes that a structure is in danger of erosion and that the seawall is designed to eliminate or mitigate the seawall's impacts on sand supply. (Pub. Resources Code, §§ 30235, 30604(a).) The applicant also would be required to satisfy numerous other conditions designed to mitigate project impacts on public access and other coastal resources. The California Environmental Quality Act also requires the Commission to evaluate feasible alternatives and mitigation measures. (Pub. Resources Code, § 21080.5(d)(2)(A).)

2. The Commission agrees that the Coastal Act should be liberally construed in favor of protecting coastal resources. (Surfrider Br. at pp. 12-13.) That rule of construction does not come into play here because the language of section 30235 and rules of statutory construction support the Commission's interpretation. The Commission's interpretation both protects coastal resources and fulfills the Legislature's intent to protect endangered structures in appropriate circumstances.

3. Surfrider argues that the legislative history of the Coastal Act supports its interpretation. (Surfrider Br. at pp. 28-32.) This argument has two components. First, Surfrider argues that the Legislature rejected the "developer friendly" coastal legislation and enacted the bill favored by environmentalists. Surfrider never explains why an "environmentally friendly" Coastal Act would necessarily require that the Commission deny seawalls to protect endangered post-Coastal Act structures.

Second, Surfrider argues that, shortly before the Coastal Act's passage, the Legislature amended SB 1277 to include the word "existing" before structures in section 30235. (Surfrider Br. at p. 32.) Surfrider provides no other evidence about this amendment. Nevertheless, Surfrider says that there was "no rational reason" why the Legislature would have added this word unless to clarify that section 30235 applied only to structures that predated the Coastal Act.

Actually, there is a very rational explanation. Had the Legislature not included the word "existing" in section 30235, applicants could apply to build seawalls to protect a future proposed structure, rather than be forced to site the proposed structure so that it would not necessitate a seawall. Far from making the word "existing" in section 30235 "surplusage," as Surfrider contends (Surfrider Br. at pp. 33-34), the Commission's interpretation harmonizes sections 30235 and 30253. Section 30253 requires that proposed new development be designed so that it does not require a seawall; without the word "existing," section 30235 could have been construed to allow a seawall for a proposed structure that would have been forbidden by section 30253.

4. Surfrider mistakenly relies on Public Resources Code section 30007.5 when arguing that the Court should resolve doubts in its favor. (Surfrider Br. at pp. 14, 15, 38.) Section 30007.5 provides that conflicts among Coastal Act policies should be resolved in a manner that on balance is most protective of coastal resources. Section 30007.5 is a mechanism for resolving policy conflicts that the Commission must employ when reviewing permit applications. (See, e.g., *Sierra Club v. California Coastal Comm'n* (1993) 19 Cal.App.4th 547, 562 [section 30007.5 authorized Commission to resolve conflict] .) It is not a directive to the courts about how to interpret provisions of the Coastal Act, but guides how the Commission should implement conflicting Coastal Act policies as they apply to a specific project. In this case, the Commission found that the project met the criteria in section 30235, and there was no conflict among applicable policies.

5. The Commission's interpretation of section 30235 does not make the "mandatory setback provisions" of section 30253 "meaningless." (Surfrider Br. at p. 4.) Enforcement of section 30253's setback provisions for new structures is meaningful because it makes seawalls unnecessary in most instances. It is only on those infrequent occasions that bluff retreat drastically exceeds its

predicted retreat that a seawall may become necessary.

6. Surfrider argues that landowners would have an incentive to mislead the Commission into approving structures through the use of "purchased science" that would misstate erosion rates with the hope of later qualifying for a seawall, and it suggests that happened here. (Surfrider Br. at pp. 39-41.) Surfrider's insinuations are misguided. There is no evidence that the applicants' experts intentionally tried to mislead anyone; the unchallenged evidence demonstrated that the bluff rate was caused by the unforeseen El Niño storms. Moreover, anyone who intentionally supplies false evidence may be subject to a permit revocation. (Cal. Code Regs., tit., §§ 13104-13108.5.) And, because no one is "guaranteed" a seawall, anyone who plays the high-stakes game proposed by Surfrider risks having their seawall application turned down.

7. Finally, Surfrider contends that the Commission's imposition of a "no new seawall" condition on recent permits for new structures exceeds the Commission's power because this condition would force the Commission to deny seawalls that might otherwise be entitled to a permit under section 30235. (Surfrider Br. at p. 47.) This case does not involve a "no new seawall" condition, and there is no reason for the Court to offer an advisory opinion about whether the Commission might impose one.

Moreover, this is a strange argument for Surfrider to make. The Commission has imposed a "no future seawall" condition on new bluff top development so that property owners will not seek a shoreline protective device in the future. (11 AR 2019.) The Commission's approach deters applicants from circumventing section's 30253 setback requirements and minimizes the need for new seawalls in the future—an approach that is consistent with the philosophy that Surfrider purports to advocate. The Commission's reasoned approach, however, undermines the need to adopt the extreme position advocated by Surfrider, which may explain Surfrider's criticism.

CONCLUSION

The trial court's judgment should be affirmed.

Dated: January 9, 2006

Respectfully submitted,

BILL LOCKYER, Attorney General
of the State of California
TOM GREENE
Chief Assistant Attorney General
J. MATTHEW RODRIQUEZ
Senior Assistant Attorney General
ALICE BUSCHING REYNOLDS
Deputy Attorney General

JOSEPH BARBIERI
Deputy Attorney General

Attorneys for Respondent
California Coastal Commission

CERTIFICATE OF COMPLIANCE

Pursuant to rule 14(c)(1) and (4) of the California Rules of Court, counsel for Respondent California Coastal Commission certifies that this brief contains 7,216 as counted by the Corel WordPerfect version 8 word-processing program used to generate the brief.

Dated: January 9, 2006

Respectfully submitted,

BILL LOCKYER, Attorney General
of the State of California
TOM GREENE
Chief Assistant Attorney General
J. MATTHEW RODRIQUEZ
Senior Assistant Attorney General
ALICE BUSCHING REYNOLDS
Deputy Attorney General

JOSEPH BARBIERI
Deputy Attorney General

Attorneys for Respondent
California Coastal Commission

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: ***Surfrider Foundation, et al. v. California Coastal Commission***

Case No. **CPF03503643**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On January 12 2006, I served the **BRIEF OF RESPONDENT CALIFORNIA COASTAL COMMISSION** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1515 Clay Street, Suite 2000, P.O. Box 70550, Oakland, California 94612-0550, addressed as follows:

Marco Gonzalez, Esq.
Todd T. Cardiff, Esq.
COAST LAW GROUP LLP
169 Saxony Road, Suite 201
Encinitas, California 92024
Attorney for Petitioner and
Appellant Surfrider Foundation

Steven H. Kaufmann
Ginetta L. Giovinco
RICHARDS, WATSON & GERSHON
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071-3101
Attorney for Real Parties in Interest
Walter Cavanagh and Gary Grossman

Proof of Service Continued.

The Honorable James L. Warren
San Francisco Superior Court
Department 301
Civic Center Courthouse
400 McAllister Street
San Francisco, CA 94102-4512

Clerk of the Supreme Court
California Supreme Court
350 McAllister Street
San Francisco, CA 94102
5 COPIES

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 10, 2006 at Oakland, California.

TANISHA MARSHALL — Tanisha Marshall

Declarant — Signature

LEAGUE OF CALIFORNIA CITIES

August 7, 2020
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Via Electronic Delivery: ExecutiveStaff@coastal.ca.gov

RE: City of San Clemente Major Amendment No. LCP-5-SCL-18-0099-1 – Major Remodel Definition (Item Th10a)

Honorable Members of the Commission,

The League of California Cities Coastal Cities Group thanks you for the opportunity to comment on your consideration of the City of San Clemente's amended definition of Major Remodel. It is our understanding that San Clemente does not currently have a certified Local Coastal Plan (LCP). While the definition of Major Remodel in this instance may make sense to establish "existing development" as prior to January 1, 1977, our concern is that the continued push to utilize such a date will end up penalizing those cities that have been responsibly developing under certified LCPs.

Over the last two years, a number of communities have heard from California Coastal Commission (Commission) staff that a timeline for "existing development" will only include structures predating the Coastal Act. However, this one size fits all approach does not take into account reasonable and responsible development that occurs under certified LCPs and could unintentionally cause communities currently updating their certified LCPs to simply abandon plans to make much needed updates to these documents out of concern that existing development in their communities will be labeled as nonconforming.

Additionally, the expansion of work this definition will place on Commission staff is concerning. The Commission admits that it is already understaffed, with current staff workloads. Thus, additional work could lead to delays to important projects and regulatory efforts. This places a heavy burden on both local communities who have already been implementing the Coastal Act through their certified LCPs and those who are in need of updates.

The League of California Cities Coastal Cities Group supports the Commission and staff in developing definitions of "existing development" at the municipal scale to reflect reasonable and responsible development implemented under certified LCPs. We request the Commission consider the ramifications of continued attempts to define "existing development" as a blanket definition predating January 1, 1977.

If you have any questions, do not hesitate to contact me at (916) 658-8218.

Sincerely,

Derek Dolfie

Derek Dolfie
Legislative Representative

SURFRIDER FOUNDATION
SOUTH ORANGE COUNTY

August 7, 2020

To: Steve Padilla, Chair, California Coastal Commission
CC: Jack Ainsworth, Executive Director, California Coastal Commission
Karl Schwing, Deputy Director, South Coast District
Shannon Vaughn, District Manager, South Coast District
Liliana Roman, Coastal Planner, South Coast District

Re: Opposition to Staff Recommendation on City of San Clemente Major Amendment No. LCP-5-SCL-18-0099-1 (1-18, Major Remodel Definition)

Dear Chair Steve Padilla and Commissioners,

Surfrider opposes the Coastal Commission staff's recommendation regarding the City of San Clemente's definition of a major remodel. Allowing the City to define a major remodel (redevelopment) for cumulative alterations of less than 50% to count toward the definition as starting from August 10, 2018 goes against a reasonable interpretation of the Coastal Act.

The Coastal Act grandfathered in development built before January 1, 1977 because those structures were developed before current standards and understanding. This is a common practice with policy development in land use planning and can be reasonably interpreted as such. Development in decades past, before the Coastal Act was enacted, was allowed in sensitive habitats and in sea level rise hazard zones – but now we know better.

We can no longer jeopardize our remaining coastal resources, especially when facing the enormous sea level rise-induced losses that are forthcoming. Great portions of beach, wetland and dune habitat are likely to drown due to sea level rise across the state. It is vital that we protect our remaining resources for their ecological, recreational, aesthetic, economic and cultural values.

One of the City's arguments against utilizing the January 1, 1977 date is that they don't have sufficient records to confirm development history. However, without a certified local coastal program, those records have been tracked by Coastal Commission staff and the staff report concludes that staff is able to transfer those records as needed. There is no reason to change the date based on an alleged possibility of insufficient recording of data. If that were the case, the Coastal Act's very intentions would be undermined. The implementation of the Coastal Act and the need to have statewide consistency supports defining the date of existing development as January 1, 1977.

In San Clemente, a portion of the City's coastline is already lined with riprap seawalls along the coastal railway. The riprap exacerbates erosion and much of the once sandy beach is long gone. As the City continues to develop a robust long-term plan for sea level rise adaptation, key components must include:

- Prioritization of nature based solutions
- Relocation of the railway and removal of existing rip rap
- Identify opportunities for managed retreat and living shorelines

SURFRIDER FOUNDATION
SOUTH ORANGE COUNTY

To restore San Clemente's beaches, we must adopt a long-term vision for the restoration of the coastline that includes relocation of the coastal railway out of the coastal hazard zone – otherwise the City will face total loss of sandy beaches and the recreational opportunities they provide. San Clemente's iconic beaches once offered ample opportunity for surfing, beach going, fishing and other recreational opportunities and now they are facing total extinction.

In light of this long-term vision for preservation and restoration of the City's coastline and iconic surfing opportunities, the City must include the correct definition for redevelopment in the land use plan. Without a date, coastal development may be able to rely on shoreline armoring into perpetuity – a death sentence for the beach and important coastal habitats as sea levels rise.

We urge the Coastal Commission to remain consistent with their policy guidance documents and previous decisions and define redevelopment as any and all cumulative development completed after January 1, 1977. To do otherwise would set a terrible precedent as local jurisdiction across the state tackle their sea level rise plans and are looking at these early examples for guidance on acceptable adaptation policies.

We talk a lot about sea level rise in terms of homes, private property and public infrastructure, because that's such an important part of the policy work. Our beaches are valuable to every member of the South Orange County chapter, and define our culture. Much of San Clemente's beaches are already gone. Please take this important first step toward preserving and restoring our beaches by properly and lawfully defining major remodel. If the staff's suggested modification – to include the City's proposed starting date for tracking cumulative development as August 10, 2018 – becomes the norm, beaches all throughout California will disappear. The beach is part of the public trust and belongs to everyone.

Sincerely,

Henry Chou
Chair
South Orange County Chapter
Surfrider Foundation

Mandy Sackett
California Policy Coordinator
Surfrider Foundation

Roman, Liliana@Coastal

From: Michael Asay <asaymi@gmail.com>
Sent: Friday, August 07, 2020 2:21 PM
To: Roman, Liliana@Coastal
Subject: Comment on San Clemente LUP amendement

Dear Staff of the California Coastal Commission

I am a bluff front homeowner in San Clemente and I **support the City of San Clemente LUP amendment as submitted**. I am vehemently opposed to the Coastal Commission Staff's attempts to insert language that homes already in **existence today** have given up rights provided in the Coastal Act (section 30235). This provision in the ACT allows homeowners to protect their property against coastal hazards. According to the Staff, this loss of protection is to be effective if the property has undergone a "Major Remodel" since 1977, and indeed even if before 1977, cumulatively more than 50% of a property was remodeled to date. This loss of protective right comes because these homes are ***defined*** as NOT being in existence today as a result of remodeling; "existence" being a keyword in section 30235. Of course the use of the word "existence" in 30235 is understood in the common sense of the word, not some contorted, made up definition by the Coastal Commission Staff.

These rewrite efforts are yet further attempts by the Staff to (1) circumvent the intent of the 4th amendment to the US constitution which provides that private property cannot be "taken" without just compensation, AND (2) the letter of the Coastal Act which provides that homeowners may protect their property. They are blatant and egregious tactics which steal from, and punish homeowners for purchasing property near the Coast. It's amazing that the Coastal Commission Staff, charged with upholding the Coastal Act, actively attempts to circumvent it in the name of their own facts and personal ideological bias.

Please accept the City of San Clemente Amendments as submitted

Michael Asay, PhD, San Clemente resident

Cyprus Shore
COMMUNITY ASSOCIATION
3922 CALLE ARIANA * SAN CLEMENTE, CA 92672 (949) 218 – 2104

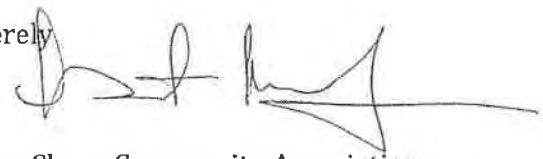
August 6, 2020

Dear Staff of the California Coastal Commission

Cyprus Shores Community Association (an HOA representing 111 homes in San Clemente) **supports the City of San Clemente LUP amendment as submitted**. We are vehemently opposed to the Coastal Commission Staff's attempts to insert language that a waiver must be signed by an owner giving up rights ***provided*** in the Coastal Act (section 30235). This provision in the ACT allows homeowners to protect their property against coastal hazards. According to the staff, their waiver requirement is to be effective if the property has undergone a "Major Remodel" since 1977, and indeed even if before 1977, cumulatively more than 50% of a property was remodeled to date. These rewrite efforts are yet further attempts by the Staff to (1) circumvent the intent of the 4th amendment to the US constitution which provides that private property cannot be "taken" without just compensation, AND (2) the letter of the Coastal Act which provides that homeowners may protect their property. They are blatant and egregious tactics which steal from, and punish homeowners for purchasing property near the Coast. It's amazing that the Coastal Commission Staff, charged with upholding the Coastal Act, actively attempts to circumvent it in the name of their own facts and personal ideological bias.

Please accept the City of San Clemente Amendments as submitted.

Sincerely



Cyprus Shore Community Association

AANNESTAD ANDELIN & CORN LLP
160 CHESTERFIELD DRIVE • SUITE 201
CARDIFF-BY-THE-SEA • CALIFORNIA 92007
www.aac.law • (760) 944-9006

Coastal Property Rights, Land Use & Litigation

Th10a-8-2020

August 7, 2020

Honorable Chair and Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

VIA ELECTRONIC MAIL ONLY (SouthCoast@coastal.ca.gov)

RE: Public Comment on City of San Clemente LCP Major Amendment No. LCP-5-SCL-18-0099-1, Public Hearing Item Th10a (August 13, 2020)

Dear Honorable Chair and Commissioners:

We represent coastal property owners throughout the State of California, including various property owners in the City of San Clemente. We have reviewed the California Coastal Commission's July 23, 2020 Staff Report regarding the City of San Clemente's Major Amendment 1-18, Major Remodel definition, and provide the following comments in opposition to Staff's recommendation to deny the amendment and certify it only with Staff's suggested modifications.

We fully support the City of San Clemente's position and wholeheartedly agree with the City's concerns as expressed in its August 6, 2020 correspondence to Chair Padilla.

We were intimately involved in negotiations associated with the City's drafting of and Commission Staff's modifications to the City's comprehensive LUP amendment. We appeared and commented at the February 8, 2018 hearing in Cambria, California, where the Commission voted to certify the amendment. We distinctly recall that the City was prepared to withdraw the LUP from the certification process before the Commission proceeded to a rollcall vote, because Commission Staff had recommended a modification to the definition of the word "existing" as utilized throughout the LUP, and particularly in regard to regulations pertaining to "Major Remodels" and shoreline protection for private property. Specifically, Commission Staff had

recommended that the LUP be modified to define the commonly used term "existing" to "existing as of January 1, 1977." We also distinctly recall, after a long discussion with City staff and elected officials, Commission Staff agreed to conceptually support the City's pursuit of the Major Amendment that is now before the Commission in exchange for the City's agreement to proceed with the LUP certification process at the Cambria hearing. If the Commission proceeds with Staff's recommendation at its August 13, 2020 hearing, the Commission will not be living up to its end of the bargain.

Staff's arguments in support of the suggested modification to *Chapter 7 – Definitions*, and specifically the definition of "Major Remodel," force a strained definition of the term "existing," in the LUP and are both unpersuasive and disingenuous. Staff suggests the addition of such a definition to support the Commission's fairly recent and improper efforts to interpret the Section 30235 reference to "existing structures" to mean a structure that was legally permitted as of the effective date of the Coastal Act (January 1, 1977) and that has not undergone a major remodel since that date.

We echo the City's concern that Staff's proffered definition is not explicitly included in or required by the Coastal Act, and therefore should not be included in the City's LUP.

Statutes should be given a reasonable interpretation in accordance with the apparent purpose and intention of the lawmakers. (*Stewart v. Board of Medical Quality Assurance* (1978) 80 Cal.App.3d 172, 183.) The Coastal Act does not explicitly define the term, "existing structure." Staff has not cited any evidence supporting its argument that the Legislature intended to define term as meaning anything other than its plain language suggests. Instead, Staff suggests this definition should be adopted to support the Commission's efforts to implement its sea level rise guidance and support managed retreat, an illegal, underground policy that is not codified.

To provide just a few of many examples, in section 30001(a) of the Coastal Act, the Legislature declares that the coastal zone "*exists* as a delicately balanced ecosystem." (Emphasis added.)[1] Section 30250(a) states in part that new development "shall be located within, contiguous with, or in close proximity to, *existing* developed areas able to accommodate it ...." (Emphasis added.) Under the original language of the Coastal Act, a local government's grant of a coastal development permit could be appealed under section 30603(b)(4) on grounds that "[t]he development may significantly alter *existing* natural landforms." (Emphasis added.)

In none of these instances is it implied that the "existing" conditions are fixed as of the date of the Coastal Act, or any other date. In contrast, where the Legislature intended to refer to a condition or status as of a specific, fixed date, the Legislature certainly knew how to do so. For example, section 30310 of the Coastal Act provides that at least half of the original members of the Coastal Commission and regional commissioners "shall be persons who *on November 30, 1976*, were serving as members of the California Coastal Zone Conservation Commission or regional coastal zone conservation commissions." (Emphasis added.) Similarly, section 30413(b) requires the

1 The language quoted in this discussion is from the original text of the Coastal Act as it was enacted by the Legislature in 1976.

creation of a map "*prior to January 1, 1978*," designating certain areas where the development of energy plants should be prohibited. (Emphasis added.) Section 30608(a) explicitly preserves any "vested right in a development *prior to the date on which this division is chaptered* by the Secretary of State." (Emphasis added.) The Legislature did not use the generic term "existing vested right" because it meant to preserve only those vested rights that existed as of a specific date, the date the Coastal Act was codified. Likewise, section 30609 includes special provisions for coastal development permits that were issued "*prior to January 1, 1977*." (Emphasis added.) And section 30610(f) exempts from permit requirements certain "residential areas zoned and developed to a density of four or more dwelling units per acre *on or before January 1, 1977*, or a commercial or industrial area zoned and developed for such use *on or before January 1, 1977*." Note that the Legislature did not use the more flexible term "existing" in any of these examples.

For approximately 30 years – through at least 2006 – the Commission consistently interpreted the term "existing structure" to mean "existing at the time of the application," *not* "existing as of January 1, 1977." Only recently has the Commission engaged in efforts to interpret the term as a reference to the Coastal Act's implementation date. Indeed, in *Surfrider Foundation v. California Coastal Commission* (Cal. Ct. App., June 5, 2006, No. A110033) 2006 WL 1530224, the Commission convincingly argued against this very definition that is now before it, explaining, "the Commission has consistently interpreted Section 30235 to refer to structures that exist at the time of the application." (Commission's appellate brief, pg. 20.). The Commission even went so far as to describe Surfrider's argument that "existing development" means "'existing as of January 1, 1977" as "meritless." (Commission's appellate brief, pg. 14.) "'Existing" means 'existing,'" as in, the "house legally existed on the date [the property owner] applied for the seawall." (Commission's appellate brief, pgs. 14-19.)

The Commission's recent effort to change this definition as applied to development in the City of San Clemente and ostensibly throughout the State of California, is inconsistent with the word's common meaning, contradicts the Commission's long-standing policy and creates uncertainty for private property owners. It also drips of government overreach, breeding further distrust between the public and government officials. Property owners have long depended on the Commission and local municipalities to consistently interpret the term as meaning "existing at the time of application." Adoption of the strained definition urged by Staff will certainly result in litigation by property owners who have relied upon their ability to protect their private property. If it is forced to adopt such a definition, the cost of such litigation will be unfairly borne by the City.

Recognizing the apparent conflict created by the plain language of the statutory reference to "existing structures," along with the Commission's long-standing practice of interpreting the term to mean existing at the time of application, and the Commission's more recent position, in 2017, the state Legislature considered whether to codify the definition by amending Section 30235 to define "existing structure" as "a structure that is legally authorized and in existence as of January 1, 1977." The bill did not pass muster with the Assembly Appropriations Committee. As Assembly member Bigelow observed during the hearing on AB 1129, if there is ambiguity, the definition is more properly left to the judiciary. Its decision not to amend Section 30235 supports the conclusion that the Legislature does not intend to define "existing structures" in the manner urged by the Commission; nor would it support the Commission's decision to unilaterally redefine this

commonly utilized word. "That an agency has been granted *some* authority to act within a given area does not mean that it enjoys *plenary* authority to act in that area. As a consequence, if the Commission takes action that is inconsistent with, or that simply is not authorized by, the Coastal Act, then its action is void." (*Sec. Nat'l Guaranty, Inc. v. Cal. Coastal Comm'n* (2008) 159 Cal.App.4th 402, 419.)

Staff's suggested definition of "existing" upon property owners who apply for permits to construct shoreline protective devices would also contradict established California law, in favor of the Commission's more recent, unauthorized and illegal managed retreat policy. The Coastal Act does not authorize the Coastal Commission's managed retreat policy. In fact, the opposite is true. Public Resources Code section 30235 guarantees homeowners the right to protect their homes with bluff stabilization devices when their homes are threatened by coastal erosion.

The Commission's suggested modification, which would also prevent property owners from protecting structures that were constructed or remodeled after January 1, 1977, is inconsistent with the Coastal Act, which clearly provides the right to protect existing (i.e., established or previously constructed and legal) structures from erosion with a seawall or similar shoreline protective device. (Pub. Res. Code § 30235) Indeed, the Coastal Act expressly provides that homes destroyed by a disaster may be reconstructed without a Coastal Development Permit. (Pub. Res. Code § 30610, subd. (g)(1), et seq.)

The California Constitution protects the inalienable right of every person to defend his or her own property, as well as to pursue and obtain safety. (See Cal. Const. art. I, § 1. See also *Kentucky Fried Chicken of Cal., Inc. v. Superior Court* (1997) 14 Cal.4th 814, 829 [noting "the right of any person to defend property with reasonable force"].) Although the right to protect coastal property is subject to reasonable regulation, Commission Staff's suggested definition of "existing" would unreasonably compel the complete and total forfeiture of the right to shoreline protection as a condition to using property that was constructed or remodeled at any point in the last 43 years. (See *Whaler's Village Club v. Cal. Coastal Comm'n* (1985) 173 Cal.App.3d 240, 253-54.) The elimination of the right to protect previously developed coastal property would effect a prospective taking of private property for public use, as dangerous conditions would prevent coastal property owners from continuing to reside in their home and any opportunity to stabilize their property, should such stabilization become necessary. In recommending this new definition, Staff fails to demonstrate any 'rough proportionality' between the development impact and the dedication, as required. (*Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854, 891.)

On behalf of coastal property owners throughout the state, we urge the Commission not to follow Staff's recommendation. The Commission does not have the power to change the definition of the statutory term, "existing," and certainly should not try to do so a piecemeal basis, utilizing the City of San Clemente as a testing ground. The Commission clearly lacks authority to enact such a monumental change in the definition of a word that is so frequently used in the Coastal Act. If the Commission chooses to follow Staff's recommendation, it should do so knowing that it is further exacerbating the public's ever-growing distrust of appointed officials and the bureaucracy that supports them. The adoption of this definition would be unreasonable and contradictory to the

Commission's previous agreement with the City. It will also expose the Commission and the City to prolonged litigation for a clear abuse of discretion.

Sincerely,

AANNESTAD ANDELIN & CORN LLP

Arie L. Spangler

Anders T. Aannestad

cc: Jack Ainsworth, Executive Director, California Coastal Commission
Karl Schwing, South Coast Director, California Coastal Commission
Liliana Roman, Coastal Program Analyst, California Coastal Commission
Cecilia Gallardo-Daly, Community Development Director, City of San Clemente
Leslea Meyerhoff, LCP Manager, City of San Clemente
Bill Brough, California State Assembly, AD-73
Pat Bates, California State Senate, SD-36

LOFTIN | BEDELL
ATTORNEYS AT LAW

Via Electronic Transmission

Item Th10a

August 6, 2020

Mr. Steve Padilla, Chairman
California Coastal Commission
1121 "L" Street, Suite 503
Sacramento, CA. 95814

SUBJECT: Item Th10a on the Coastal Commission's August 13, 2020 Meeting Agenda,
City of San Clemente Land Use Plan Amendment No. 1-18 (LCPA 5-SCL-10-0099-1)
Opposed to Coastal Commission Staff's Recommendation for the Amendment
Request Commission move, second, and approve Motion no. 1 to Adopt the City's LUP Amendment as submitted.

Dear Honorable Chairman Padilla and Commissioners:

This Firm is and has been General Counsel since 2007 for Capistrano Shores, Inc., a California nonprofit mutual benefit corporation (**"CSI"**). Capistrano Shores is a residential community for ninety (90) households in San Clemente. This correspondence serves as CSI's formal opposition to the Coastal Commission staff's recommendation for Land Use Plan Amendment No. 1-18 (LCPA 5-SCL-10-0099-1)(**"CCC LUP Amendment"**) regarding the definition of "Major Remodel" the misplaced reliance on Cal. Coastal Com., Sea Level Rise Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits listed as item Th10a on the Commission's August 13, 2020 meeting agenda. Further, this correspondence request the Commission support the City of San Clemente's LUP Amendment (**"City LUP Amendment"**) as submitted. The correspondence dated August 6, 2020 addressed to you, the Chairman, from Cecilia Gallardo-Daly, Community Development Director, City of San Clemente is hereby incorporated into this correspondence as though fully set forth.

The opposition to the Coastal Commission staff's recommendation for the CCC LUP Amendment is supported by all ninety (90) households in Capistrano Shores and is evidenced not only by the Capistrano Shores community but through the included letters submitted in 2018 in opposition to the Coastal Commission's staff revised interpretation of what constitutes "existing development." Said letters are attached hereto as Exhibit "A.1. CSI Resident Letters; A.2. Other City Resident Letters" and hereby incorporated as though fully set forth .

Capistrano Shores is not addressed in the City LUP Amendment before you. However, CSI and its residents were a highly active participant in the City LUP process in the early stages (2013) all the way through and including the Coastal Commission hearing in Cambria in February of 2018. At no point in time was it unclear to any involved that the City was adamantly against and unwilling to support any draft of the LUP

2540 Gateway Road • Carlsbad • California • 92009
T: 760.431.2111 • Direct: 760.444-4040 • www.loftinbedell.com • Sue@loftinbedell.com

which included the amortized foreclosure of property rights beginning in 1977. At the February 2018 hearing in Cambria, Capistrano Shores was present and acutely aware of the agreements between staff and commissioners as related to elimination of the overreaching language. The language contained in the CCC LUP Amendment and staff report presenting the same disregards and rejects the agreements and intent of those discussions. By comparison, the City's good faith amendment submission is in compliance with those agreements and discussions but was used instead as a mechanism for Coastal staff to include additional and even further reaching definitions of what defines "existing structures." There is no legal or regulatory basis to further strip rights away from the citizens of San Clemente or other coastal areas in the future.

As stated in the City's opposition, "*Commission staff's proposed modifications to the City's LUP Amendment not only keep the 1977 start date, but also introduce a new definition of existing structure to the LUP for purposes of shoreline protection rights under Coastal Act section 30235. Under section 30235, property owners of existing structures are afforded certain rights to shoreline protections. The Commission staff's proposed changes to the LUP again attempt to define "existing" to mean existed before January 1, 1977, while the City defines "existing" to mean currently existing. As detailed in this letter, statutory interpretation and legislative history in no way support the Commission staff's definition. In fact, the Commission eloquently argued for the City's definition and clearly discredited the Commission staff's definition in the Commission's appellate brief for the unpublished appellate case of Surfrider Foundation v. California Coastal Commission (June 5, 2006, No. A110033) 2006 WL 1530224.*"

Capistrano Shores concurs that "existing" in section 30235 means currently existing. As the City noted in its comment letter for the February 2018 hearing (attached), the best source of support for interpreting "existing" to mean currently existing comes from the Commission itself. In its appellate brief for the unpublished appellate case of Surfrider Foundation v. California Coastal Commission (June 5, 2006, No. A110033) 2006 WL 1530224 (also attached), the Commission clearly and convincingly articulated why "existing means" currently existing and why the argument that "existing" means existing before the January 1, 1977 is "meritless." (Coastal Commission Br. at p. 14.)

As owners of ocean front property and as citizens of San Clemente, Capistrano Shores and its residents reject the blatant attempt to circumvent the rule making process by the adaption of a definition for "existing structure" not supported by law and by reliance on an organizational "guidance" document, Sea Rise Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Developments Permits (cites omitted) ("**Guideline**"). The Guideline is not a statute nor legally adopted regulation, is based on questionable data and science which has been demonstrated to be questionable and its purpose appears to support the Commission's internal policy goals and objectives which are contrary to, inconsistent with and designed to undermine the statutory and regulatory system adopted legally, and the case law interpretation thereof.

In conclusion, Capistrano Shores is hopeful the Commission will recognize the years of work and expense incurred by the City, the residents of San Clemente and the experts to comply with the 2018 agreement with staff and the commission and submitting an Amended City LUP that also addressed the needs of the community. An LUP for the City of San Clemente benefits all parties.

For the reasons presented in the city's opposition correspondence incorporated herein and the reasons stated above, Capistrano Shores respectfully requests the Commission:

1. Deny the staff's recommendation and

2. Approve the City's LUP Amendment as submitted.

Thank you for your time and consideration of the issues addressed in this correspondence.

Sincerely,

Loftin | Bedell, P.C.

L. Sue Loftin, Esq.
Shareholder

cc: All Electronically Transmitted:
Jack Ainsworth, Executive Director, California Coastal Commission
Karl Schwing, South Coast District Director, California Coastal Commission
Lilliana roman, Coastal Program Analyst
Laura Ferguson, Mayor pro tem
Erik Sund, Interim City Manager
Scott Smith, San Clemente City Attorney
David Pierucci, San Clemente Deputy City Attorney
Leslea Meyerhoff, LCP Manager, City of San Clemente
Board of Directors, Capistrano Shores, Inc.
Eric Anderson, Manager, Capistrano Shores, Inc.
Sherman Stacy, Attorney for Capistrano Shores, Inc.

Exhibit "A": A.1. Letters from CSI Residents to the City in opposition to the definition of "existing structures" as proposed by CCC Staff, dated in 2018.

A.2. Letters from San Clemente Residents to the City in opposition to the definition of "existing structures" as proposed by CCC Staff, dated in 2018.

Exhibit "A.1."

Letters from CSI Residents to the City in opposition to the definition of "existing structures as proposed by CCC Staff, dated in 2018.

Exhibit "A.2."

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Jane Comstock #70

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Maria Marie Carver

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("**CSM Community**"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("**City**") Coastal Land Use Plan ("**LUP**").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("**CDP**") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

CSM #69

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide a **waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Vincent Foster Barbara Foster

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

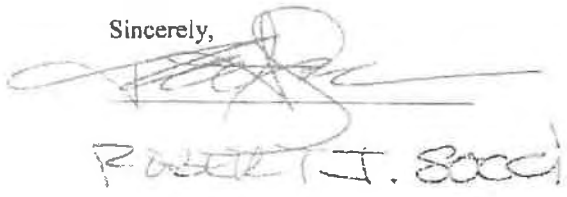
1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,



April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Gerry Loughman

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Dee Schroder

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of *"Major Remodel."*** The proposed definition of *"Major Remodel"* is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Christopher J MacDonald

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of *"Major Remodel."*** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Thomas B. McCracken

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Robert E. Fulton (space 66)

Debra J. Fulton 4.17.18

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("**CSM Community**"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("**City**") Coastal Land Use Plan ("**LUP**").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("**CDP**") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. **The Coastal Commission's demand** through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes are** dangerous. By waiving the fundamental right to protect one's property, effectively forces **the homeowner** to abandon their property and mandatory removal of one's property totally **deprives the homeowner of their home.**

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

John Caskin

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Laurie McCracken

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("**CSM Community**"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("**City**") Coastal Land Use Plan ("**LUP**").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("**CDP**") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Christopher Russell #54

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("**CSM Community**"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("**City**") Coastal Land Use Plan ("**LUP**").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("**CDP**") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Helene Russell

HELENE RUSSELL #54

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("CSM Community"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("City") Coastal Land Use Plan ("LUP").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("CDP") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in Land Use Policy 13 (*Legal Non-Conforming Structures*) and in the Definition of "*Major Remodel.*" The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. Public Access Policy 39 *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a dedicated offer for a public easement on private property.

3. The Coastal Commission's demand, through Hazard Policy 19 (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide a waiver for repair and installation of shoreline protection devices (i.e. seawalls) when necessary in the future, and Hazard Policy 35 (*Removal of Development)* that mandates removal of homes are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

William E. Hughes

Print Name: William E. Hughes

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of *"Major Remodel."*** The proposed definition of *"Major Remodel"* is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

P. Steve CRISWOLD

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("**CSM Community**"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("**City**") Coastal Land Use Plan ("**LUP**").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("**CDP**") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("**CSM Community**"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("**City**") Coastal Land Use Plan ("**LUP**").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("**CDP**") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City**.

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a dedicated offer for a public easement on private property.

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Bernice Gogo
#27 Capistrano Shores

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal** of homes are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Patricia Solik 4/10/18

Ales Solik 4/10/18

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of *"Major Remodel."*** The proposed definition of *"Major Remodel"* is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

#77

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Michelle Barth

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger **a dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development*) that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development*) that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

MD, JD

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers.

I am a homeowner in Capistrano Shores Mobilehome Park ("**CSM Community**"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("**City**") Coastal Land Use Plan ("**LUP**").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("**CDP**") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("**CSM Community**"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("City") Coastal Land Use Plan ("**LUP**").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("**CDP**") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Fred B Allen III

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Robert G. Haskell

Robert G. Haskell
1880 N. El Camino Real SPC 8
San Clemente, CA 92672

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Michael A. Rabb

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that mandates removal of homes are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Richard C. Gallagher

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Wilma Jerry

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Carole Gudde

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Rita Morton

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Robert Dlouhy

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("**CSM Community**"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("**City**") Coastal Land Use Plan ("**LUP**").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("**CDP**") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

#25 1580 N. EL CAMINO REAL

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of *"Major Remodel."*** The proposed definition of *"Major Remodel"* is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Sue Thompson

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("**CSM Community**"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("**City**") Coastal Land Use Plan ("**LUP**").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("**CDP**") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("**CSM Community**"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("**City**") Coastal Land Use Plan ("**LUP**").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("**CDP**") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Denise Sisler

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Judy Trent #43

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City**.

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

VOTES 44+45

Robert Hoff

949 279 3172

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("**CSM Community**"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("City") Coastal Land Use Plan ("LUP").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("**CDP**") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide a waiver for repair and installation of shoreline protection devices (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that mandates removal of homes are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Laura K Griswold

Print Name: LAURA K. GRISWOLD

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("**CSM Community**"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("**City**") Coastal Land Use Plan ("**LUP**").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("**CDP**") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Print Name: Laurie A Gaswold

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("CSM Community"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("City") Coastal Land Use Plan ("LUP").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("CDP") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide a waiver for **repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that mandates removal of homes are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Gerald Griswold

Print Name: Gerald Griswold

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Kraft Kraemer #3

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers.

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City**.

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide a **waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Annemarie Krumes

ANNEMARIE KRUMES UNIT #3

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

UNIT

KURT KRUMES #3

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of *"Major Remodel."*** The proposed definition of *"Major Remodel"* is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City**.

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: **Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)**

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("**CSM Community**"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("**City**") Coastal Land Use Plan ("**LUP**").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("**CDP**") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirement)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** *(No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** *(Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Jodi M Wells 4-19-18
Capistrano Shores #52

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park ("**CSM Community**"). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's ("**City**") Coastal Land Use Plan ("**LUP**").

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit ("**CDP**") by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cypros Shore and Cypros Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger **a dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Carolyn J. Harms

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of *"Major Remodel."*** The proposed definition of *"Major Remodel"* is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City**.

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

CRAIG GRIMM #463

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City**.

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of *"Major Remodel."*** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger **a dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Wallace

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand, through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

Daniel F. Sullivan #79

Niels & Gloria Pearson
1880 N. El Camino Real #37
San Clemente, CA 92672

May 8, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92672

Dear Honorable Mayor Brown and Councilmembers:

My wife and I have owned a mobilehome in the Capistrano Shores Mobilehome Park (CSM) since 1989. When we were able to join 89 other lot owners in purchasing the land from Amherst College in 2007 for $100 million dollars, my wife and I expended over $500,000 for a new mobilehome and interior and landscape improvements all approved by the California Coastal Commission (CCC) under a DeMinimus Waiver Agreement and the City of San Clemente, under its then existing ordinance limiting our expansion of living space to a 10% increase.

Notably, in 2008, the CCC in granting our Coastal Development Permit, *never demanded my wife and I waive or limit our rights to our lawful seawall protections.*

I am an attorney and have been deeply involved in most of the legal issues that have arisen since CSM purchased our land in 2007. It is extremely disturbing to us that the CCC is now trying to do indirectly through the proposed San Clemente Coastal Land Use Plan (LUP) what the CCC is expressly prohibited from doing by

Niels & Gloria Pearson
1880 N. El Camino Real #37
San Clemente, CA 92672

the Coastal Act and binding case law precedent directly applicable to the City and CSM.

Consider the following:

- The CCC has taken the extraordinary step of excluding (white holing) CSM from the LUP because it lost a final, binding court decision barring CCC's attempted draconian restrictions on seawall protections that have now "re-appeared" in proposed **Haz 19.**

  It is clear why the CCC has excluded CSM from the LUP in light of the Court's findings in favor of CSM:

  The Court found CSM's seawall is an "existing structure" under even a pre-1977 test and any seawall deed restriction is overbroad and without reasonable nexus to other requirements under the Coastal Act, meeting the test of an unconstitutional "exaction".(Citing *Nollan* and *Whaler's Village*):

  > **"The Park's revetment/bulkhead structure is a pre-Coastal Act structure, according to the record. (See A/R, p. 460). If so, this would suggest it is an existing structure, and not a new development (at this moment).. See also Cal. Code Regs., tit. 14, § 13252, Repair and Maintenance Activities Requiring a Permit. If so, then it appears to be overreaching to have the Petitioner give up any rights to possible repair or maintenance of the device, under PRC sec. 30235, which Petitioner's membership in the Capistrano Shores Inc. association may yield. The waiver seems unreasonably broad and contrary to the above guidance from Nollan and Whaler's Village."**

  Capistrano Shores Property LLC v. California Coastal Commission (Super. Ct. Orange County, 2016, No. 30-2015-00785032), 8/22/16 Order, p. 8 (A full copy of the Order is attached to this letter)

- For the rest of the citizens of San Clemente, **HAZ 19** (p.5-13, Proposed Revisions) and the broad, all-inclusive definition of **"Major Remodel"** (Id. At p. 7-16) are attempts to not only defy the reasoning of this Court Order but also existing Coastal Act statutes and CCC's own longstanding

precedent. The CCC is attempting use the LUP and the City to do what the CCC couldn't when last year when California Assembly Bill AB 1129 died in Committee that would have "codified" a pre-1977 structure definition of "existing" in Section 30235. *Now the CCC wants to burden the City with a codification of and the financial jeopardy for unconstitutional prohibitions on private property rights.*

- The California Coastal Act section 30235 mandates the Coastal Commission grant a permit for seawalls or other shoreline protective devices when necessary to protect "existing structures" against erosion or other natural hazards. AB1129 was proposed to redefine "existing structure" to include only structures in existence prior to January 1, 1977. **"Major Remodel"** now defines almost every demolition, alteration or replacement as post-1977 requiring a waiver of Section 30235. This definition in combination with propose **HAZ 19** strips lawfully granted property rights to shoreline protection from all property owners in the San Clemente coastal zone, other than CSM. The City is rightfully concerned with significant litigation and takings costs this may impose.
- Through **HAZ 19 requiring waiver of seawall protection under Coastal Act 30235 for any "Major Remodel" cumulatively since 1977 the CCC is asking the City to enact a waiver of future shoreline protection for every Coastal Zone property owner in the City!**[1]

In conclusion, the CCC's option to "white hole" CSM from the City LUP should be viewed by the City as a clear sign the CCC is admitting it has lost the opening battle to require a deed restriction waiver of coastal protections of private property.

The City should reject the current LUP as a blatant attempt by the CCC to transfer to the City the cost and damages of future takings litigation.

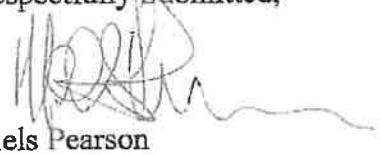
It is respectfully submitted that the *Capistrano Shores Property LLC v. California Coastal Commission* decision be viewed by the City decision makers as a bellwether message for the protection of coastal residents in San Clemente and for

[1] My wife and I are justifiably concerned that the CCC will use this codification, if approved, as a wedge issue for any future CDP sought directed by CSM.

Niels & Gloria Pearson
1880 N. El Camino Real #37
San Clemente, CA 92672

the protection of all taxpayers in San Clemente from financially ruinous takings litigation.

Respectfully Submitted,



Niels Pearson

Gloria Pearson

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE Central Justice Center 700 W. Civic Center Drive Santa Ana, CA 92702	
SHORT TITLE: Capistrano Shores Property LLC vs. California Coastal Commission	
CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE	CASE NUMBER: 30-2015-00785032-CU-WM-CJC

I certify that I am not a party to this cause. I certify that a true copy of the above Minutes finalized for Under Submission Ruling 08/22/2016 dated 08/23/16 has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practice and addressed as indicated below. This certification occurred at Santa Ana, California on 8/24/16. Following standard court practice the mailing will occur at Santa Ana, California on 8/24/16.

LAWRENCE G. SALZMAN
930 G STREET
SACRAMENTO, CA 95814

Clerk of the Court, by: Kathy Peraza, Deputy

I certify that I am not a party to this cause. I certify that the following document(s), Minutes finalized for Under Submission Ruling 08/22/2016 dated 08/23/16, have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from email address on August 24, 2016, at 8:20:07 AM PDT. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

ATTORNEY GENERAL OF CALIFORNIA
HAYLEY.PETERSON@DOJ.CA.GOV

PACIFIC LEGAL FOUNDATION
ISALZMAN@PACIFICLEGAL.ORG

PACIFIC LEGAL FOUNDATION
TAB@PACIFICLEGAL.ORG

Clerk of the Court, by: Kathy Peraza, Deputy

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 08/22/2016 TIME: 09:33:00 AM DEPT: C18

JUDICIAL OFFICER PRESIDING: Theodore Howard
CLERK: Kathy Peraza
REPORTER/ERM: None
BAILIFF/COURT ATTENDANT:

CASE NO: 30-2015-00785032-CU-WM-CJC CASE INIT.DATE: 04/29/2015
CASE TITLE: Capistrano Shores Property LLC vs. California Coastal Commission
CASE CATEGORY: Civil - Unlimited CASE TYPE: Writ of Mandate

EVENT ID/DOCUMENT ID: 72431722
EVENT TYPE: Under Submission Ruling

APPEARANCES

There are no appearances by any party.

The Court, having taken Petitioner's Petition for Writ of Mandate and Petitioner's Motion for Judgment on Verified Petition for Writ of Mandate under submission on 8/18/2016 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

Capistrano Shores Property, LLC vs. California Coastal Commission
Memorandum of Intended Decision

A. BACKGROUND

Capistrano Shores Property, LLC (hereinafter "CSP") on 4/29/15 filed its Petition for Writ of Mandate and other relief. CSP is a member of Capistrano Shores, Inc. (hereinafter "CSI" and not to be confused with CSP) which owns the mobile home park at 1880 N. El Camino Real, San Clemente. CSP is a member of the CSI and this entitles it to lease one space, Space #12, at the property under an Occupancy Agreement. Petitioner does not own the space, the CSI does. CSP's lease is dated 2007, with a 99-year term and renewals thereafter.

This park was built about 1960 and consists of some 90 spaces located between the former Southern Pacific rail line and the beach. Separating the coach spaces and the beach is a rocky seawall (also referred to in the record as "revetment"), apparently built the same time as the park and belonging to CSI which is responsible for its maintenance (rather than the spaces lessee, here CSP).

As noted, CSI owns the entire park. The seawall creates protection of the park homes, from the beach/ocean below, and protects the property somewhat from the waves and water. [See Photo in the Administrative Record (hereinafter, "A/R") p. 53 and p. 429]. The seawall has been in place since before the Coastal Act was enacted (according to the A/R p. 49)). Also, the beach that is in front of the revetment, is partly owned by the community and partly public beach (the boundary is at the mean high tide line). Public access to the beach is about a half mile south. This is a fairly narrow beach area. At high tide, the water comes all the way up to the seawall and can overflow from time to time but homes are built on foundations and water can go under. (A/R pp. 110, and 460.)

CSP sought replace its old mobile home at its leased space in the park in 2014, with a new mobile home that it bought (and a smaller one, at that). But placing a structure on the California Coast constitutes "development", so CSP applied to the Coastal Commission for a waiver of a coastal permit under *Pub Res. Code § 30624.7* (based on a *de minimis* project that will not have potential adverse impact on coastal resources). In the past, the Commission had apparently approved two similar waivers of permits for two lessees, who were replacing their mobile homes inside the park, in 2008. But when Petitioner sought the waiver (things change, sea levels have risen), the Commission denied the waiver. It appears that CSP is not at this point challenging the denial of a waiver of a permit.

This means that Petitioner needed to apply for a coastal "development" permit per *Pub Res. Code sec. 30106* (hereinafter referred to as "*PRC*") Petitioner did this in 2015. The Commission's staff issued a Report and later an Addendum, indicating that the Commission would *conditionally* approve a permit for changing out the mobile homes, subject to certain "Special Conditions." There were a number of Special Conditions, but we are here involved only in a consideration of Special Condition 3. There is one particular portion of it that Petitioner disputes (not the entirety of it) which is the following:

By acceptance of this Permit, the applicant waives, on behalf of himself and all successors and assigns of Unit Space #12, any rights to shoreline protection that may exist under Public Resources Code Section 30235 to protect the proposed new mobile home on Unit Space #12.[A/R p.457]

It appears the Coastal Commission is concerned that the seawall that protects the entire park is going to require expansion in the future, based on rising sea levels, and that such an expansion could diminish the small beach there if the expansion is seaward, and diminish the sand available for the public beach. So in anticipation of this future event, the Commission is essentially trying to have the individual mobile home owners and space lessees give up any rights to shoreline protection when they are updating their mobile homes entirely inside the park. This may be a recurring issue as the mobile homes are replaced inside the park as has been occurring in the recent past.

B. PROCEDURAL HISTORY

After the Petition was filed in or about April 2015, the parties reached a Stipulation about certain matters. These were placed into a formal Order by Judge Claster:

(1) Petitioner can go ahead with removing the old mobile home and installing the new one during the pendency of the case, but subject to the special conditions;

(2) Petitioner's Occupancy Agreement with the nonprofit corp. will be amended to say that the Commission has approved the project, subject to the special conditions;

(3) The Commission will issue Petitioner a coastal permit to Petitioner, and Petitioner will then dismiss the 2nd cause of action in the lawsuit, and

(4) The parties will abide by the Court's decision on Special Condition 3. (Order dated 8/3/15 and Stip. filed 7/28/15).

Petitioner has dismissed its 2nd cause of action, as stipulated (for declaratory and injunctive relief). (8/11/16 Dismissal). This leaves the 1st cause of action for a writ of mandate.

This is the hearing on the Petition, via a Motion for Judgment, filed by petitioner.

C. THE MOTION FOR JUDGMENT

Petitioner filed as the opening brief a Motion for Judgment on the petition. Basically, that motion seeks a final decision on the petition. It does not seem to be two matters, but only one-deciding the writ. Specifically, "If no return be made *[NB --that seems to be the case here, there is no return on a writ issued]*, the case may be heard on the papers of the applicant. . . "

If a petition for a writ of mandate filed pursuant to Section 1085.5 presents no triable issue of fact or is based solely on an administrative record, the matter may be determined by the court by noticed motion of any party for a judgment on the peremptory writ." *CCP § 1094.* That seems to be what we have here.

Also, under the California Coastal Act, the decisions of the Coastal Commission are reviewed by a petition for writ of mandate in accordance with *CCP §1094.5.* (*PRC sec.30801, sec. 30106*).

CCP § 1094.5 provides: "Where the writ is issued for the purpose of inquiring into the validity of any final administrative order or decision made as the result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken, and discretion in the determination of facts is vested in the inferior tribunal, ... board, or officer, the case shall be heard by the court sitting without a jury."

"The inquiry in such a case shall extend to the questions whether the respondent has proceeded without, or in excess of, jurisdiction; whether there was a fair trial; and whether there was any prejudicial abuse of discretion. Abuse of discretion is established if the respondent has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence." *CCP § 1094.5(b).*

"Where it is claimed that the findings are not supported by the evidence, in cases in which the court is authorized by law to exercise its independent judgment on the evidence, abuse of discretion is established if the court determines that the findings are not supported by the weight of the evidence. In all other cases, abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in the light of the whole record. (emphasis added) *CCP § 1094.5(c).*

Published cases on reviewing a decision on a coastal development permit, utilize the test of *substantial evidence* for the agency's findings. E.g., *McAllister v. California Coastal Commission* (2008) 169 Cal.App.4th 912, 921; *Ross v. California Coastal Com.* (2011) 199 Cal.App.4th 900, 921. Under that test, "[t]he trial court presumes that the agency's decision is supported by substantial evidence, and the

petitioner bears the burden of demonstrating the contrary. [citations omitted]. In reviewing the agency's decision, the trial court examines the whole record and considers all relevant evidence, including evidence that detracts from the decision. [citations omitted]. 'Although this task involves some weighing to fairly estimate the worth of the evidence, that limited weighing does not constitute independent review where the court substitutes its own findings and inferences for that of the Commission. Rather, it is for the [agency] to weigh the preponderance of conflicting evidence, as [the court] may reverse its decision only if, based on the evidence before it, a reasonable person could not have reached the conclusion reached by it.' [citations omitted] "

On the other hand, the trial court exercises independent judgment on pure questions of law, including the interpretation of statutes and judicial precedent. *McAllister v. California Coastal Comm* (2009) 169 Cal.App.4th 912, 921-22; *Schneider v. California Coastal Com'n.* (2006) 140 Cal.App.4th 1339, 1344.

Courts have final responsibility for interpreting a statute but nevertheless, an agency's interpretation of its governing statutes is entitled to great weight. *McAllister*, 169 Cal.App4th 921-22; *Schneider v. California Coastal Com.* (2006) 140 Cal.App.4th 1339, 1344. But "[b]ecause an interpretation is an agency's legal opinion, however 'expert,' rather than the exercise of a delegated legislative power to make law, it commands a commensurably lesser degree of judicial deference." (*Schneider*, 140 Cal.App.4th at 1349)

D. THE CALIFORNIA COASTAL ACT

The California Coastal Act was created in 1976 and is found in *PRC secs. 30000 – 30900*. It has myriad purposes and goals and is a comprehensive scheme to govern coastal land use planning for the entire state. *Ross v. California Coastal Com.* (2011) 199 Cal.App.4th 900, 923. Its broad goals are protection of the coastline and its resources, and maximization of public access. *Ocean Harbor House Homeowners Ass'n v. California Coastal Com'n* (2006) 163 Cal.App.4th 215, 242.

In general, the Coastal Act "shall be liberally construed to accomplish its purposes and objectives." *PRC sec. 30009*. The California Coastal Commission considers many factors in granting coastal development permits, e.g., *PRC §§ 30604*, subd. (c) [the Commission "shall" make findings that the permit complies with public access and recreational policies]; *PRC sec. 30251* [scenic and visual qualities of coastal areas "shall" be considered and protected as a resource of public importance]; *PRC sec. 30240* [environmentally sensitive habitats "shall" be protected].) The Commission has a duty to consider impacts and has discretion to impose conditions to mitigate them. *Ocean Harbor House Homeowners Ass'n*, 163 Cal.App.4th 215, 241. See also *Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles* (2012) 55 Cal.4th 783, 793.

To this end, *PRC sec. 30600(a)* generally provides that except for certain emergency work, any person wishing to "perform or undertake any development in the coastal zone" shall obtain a coastal development permit. *Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles* (2012) 55 Cal.4th 783, 794, 796.

Under *PRC sec. 30106*, "'Development' means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, ...; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for

agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 .... As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line." (*PRC sec. 30106*).

The Commission has the right to impose conditions on permits. "Any permit that is issued or any development or action approved on appeal, pursuant to this chapter, shall be subject to reasonable terms and conditions in order to ensure that such development or action will be in accordance with the provisions of this division." (*PRC sec. 30607*; see also *Liberty v. California Coastal Com.* (1980) 113 Cal.App.3d 491, 498).

PRC sec. 30235 provides in part: "Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible." Note that "existing structures" used in this section, is NOT defined.

A court has said the language of the above *sec. 30235* is permissive, not exclusive. It allows seawalls under certain conditions: (1) when necessary to protect existing structures and (2) when they can be designed to minimize sand loss. The Commission can consider the above statute in deciding on a matter but the above statute does not purport to preempt other sections of the Coastal Act that require the Commission to consider other factors in granting coastal development permits. *Ocean Harbor House Homeowners Ass'n v. California Coastal Com'n* (2006) 163 Cal.App.4th 215, 241.

Another section of the Act that addresses shorelines protection is *PRC sec.30253*. This section provides:

"New development shall do all of the following:

(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.

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled."

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. (Pub. Resources Code § 30253).

E. DISCUSSION

This case is basically a conflict between the interests of the private person vs. the public interest sought to be discharged by the Coastal Commission. However, it appears to the Court that the Petitioner has the better arguments under the facts here.

The Commission actually required Petitioner to submit a geological study of the hazards of the site, i.e. erosion, wave attacks, flooding etc. based on expected rising sea level, in order to consider this application. (See Commission's Letter in the A/R p. 406). In response, Petitioner had "Geo Soils" do a study (See A/R p. 81, Study). The engineer found that the expected life of this new mobile home is 37 years; that the revetment is in good condition, and does not need maintenance at this time, and it will protect the mobile home from structural wave damage ahead. But the long-term stability of the revetment depends on continued maintenance including replacing some stones. (See A/R p. 60).

The Commission is concerned that the seawall/revetment is going to need to be expanded out in the future. The Commission wants the park owner (CSI), the nonprofit corporation, to undertake a comprehensive plan to address this. The Commission absolutely does not want the revetment to expand seawards towards the beach, because this will diminish the public beach, public land and sand. It wants any expansion to go inwards in the private property.

The Staff Report mentions that the nonprofit had a pending application for work regarding the revetment. It was from 2012 and it is said to be stalled /incomplete at this time, as the applicant is submitting more information about "project alternatives". (See A/R p. 486) The Commission wants that matter resolved.

Meanwhile, the Commission is taking action by requiring individual lessees of the Park (including CSP and members of the nonprofit corporation), who are trying to change out mobile homes, to WAIVE any right to shoreline protection that they may have to protect their new homes. (*It is unclear what specific rights Petitioner has, since Petitioner doesn't own the seawall/revetment at issue; the nonprofit corporation does*). But the Commission is seeking this waiver "just in case" and "for good measure" as the Court sees it. The Commission justifies this on the ground that replacing a mobile home, extends its life by 37 years, therefore, the life of the revetment has to be considered in conjunction with that.

The Commission argues that the engineering study found that the revetment is good-enough to protect CPS's unit, so Petitioner loses nothing by waiving any rights to shoreline protection under *PRC sec. 30235* for the new unit. In other words, Petitioner is being asked only to accept the findings of its own study. However, as the Court sees it, the study is not a guarantee of what will happen in the future. Nature is unpredictable. What if there is a major disaster? The applicant will have in hindsight lost any rights to advocate for repair or maintenance of the seawall/revetment by accepting the present condition. And if the Commission will always have the right to reject any future requests to expand the revetment itself, why proactively require people to waive any rights ahead of time?

The Commission argues: "Without the [special] condition, mobile home owners may replace and upgrade their mobile homes relying on the false assumption that they will be entitled to build whatever is necessary to protect the new structures." (Opp. p. 1). As to this point, if the Commission is concerned about an estoppel, it is not a simple task to successfully argue an estoppel against a public agency which is charged with looking after public interest and policy. See *Schafer v. City of Los Angeles* (2015) 237 Cal.App.4th 1250, 1262 ("[t]he doctrine of equitable estoppel may be applied against the government where justice and right require it" ... [but] an estoppel will not be applied against the government if to do so would effectively nullify 'a strong rule of policy, adopted for the benefit of the public...'"); *Barrie v. California Coastal Com.* (1987) 196 Cal.App.3d 8, 17.

In *Barrie*, homeowners got a temporary emergency permit to build a seawall. They were not entitled to keep that wall permanently where the Coastal Commission had always advised them it was a temporary wall, and advised them not spend a lot of money on it, as they had to apply for a permanent permit. The Commission acted reasonably in ordering them to tear down the temporary wall which had been built on the public beach area, and to move the wall to their private property where it would not impact coastal resources as much. Seawalls are known to take up space on public beaches and erode the sand.

In the present case, the Commission relies on *Barrie* primarily in its brief. The fundamental difference is that in *Barrie*, the very object of the permit that was sought was to maintain a seawall. As noted, there is no seawall that is being built by Petitioner, or being expanded. It is simply a mobile home owner seeking to replace his old model home with a newer model.

Rather than compelling what appears to be a preemptive waiver of any rights, the Commission could consider a different type of condition, perhaps one that engages an applicant and successors to acknowledge that the revetment and bulkhead that currently protect the entire park, may require serious attention in the future, as to which the Coastal Act's policies and the State of California's goals may preclude expansions or alterations thereof, thus acknowledging the risk of the proposed development. *Barrie* may present just the kind of guidance to assist the balancing of the private vs. public interests in this matter. In the finding there was no estoppel where the evidence showed that "The Commission staff warned the Homeowners that the location of the temporary seawall was very controversial and that there was a strong likelihood the staff would recommend relocation of the seawall if the Homeowners applied for approval for a permanent seawall. The Commission staff "urged [the Homeowners] to keep this in mind and not to invest excessive amounts of money in the proposed development." (*Barrie, supra*. at p. 15-16)

Further, the concern which the Commission seeks to address - any expansion of the revetment - is not in a direct subject of this particular application. The Commission seems to acknowledge, "the applicant does not propose any changes or improvements to the existing bulkhead/revetment along the portion that protects Unit Space #12 under this ... application" (A/R p 483 and see also A/R p. 410). It acknowledges that the "applicant is only responsible for the repair/maintenance to the mobile home ... on Unit #12" (A/R p. 483). The Commission further acknowledges that any development of the revetment would have to be applied for seperately by the park owner, not by this applicant. (*Id.*) In relation to any such (future) application and decision, the Commission seems to fully retain the power to prevent any seaward expansion of the revetment, considering the Coastal Act's policies and goals. The record does not defeat a scenario where the revetment could be expanded inward, in a way that may not endanger the public coastal resources, for example. [See Opp. Brief at 9:3 "Because the Commission does not have such an application in front of it for the seawall, the Commission does not know what specific impacts it could have or what alternatives may exist"). Therefore, it appears unreasonable to require a waiver from this applicant, of this magnitude ("any rights"). The special condition does not seem reasonably, closely, substantially tied to the specific project at hand (replacing one mobile home inside the park). *Surfside Colony, Ltd. v. California Coastal Com.* (1991) 226 Cal.App.3d 1260, 1267-1268 noted there should be a "substantial connection" or "nexus" or "substantial relationship" between the public burden created by the proposed new construction and the condition required by the Commission under federal constitutional and standards enunciated in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825, 107 S. Ct 3141.

In *Whalen's Village Club v. California Coastal Com.* (1985) 173 Cal.App.3d 240, another revetment case, at p. 252, where the Court is discussing approval of the Trial Court's finding of an abuse of discretion in

the imposition of a condition that the property owners that they acknowledge they may not be eligible for public disaster funds if the revetment is built. The Court said: "This condition was overbroad. The Commission could extract a more narrowly drawn assumption of liability from erosion hazard and waiver of claims against the Commission or any agency involved in the issuance of the permit for damage caused by erosion or storms."

The Commission points out, *PRC sec. 30236* only protects "existing structures" and that putting a new mobile home on coastal property is "new development" under *PRC sec.30253* so that the new home is not entitled to "existing structure" status or protection under the former section. However, the former section does not actually define "existing structures" nor was a definition found in the definitions within the Coastal Act or in regulations. If the Legislature had meant for section *sec.30235's* protection not to apply to any "new development" then it seems it could have created an exception or exclusion for any "new development" within that section. It is not clear that the Commission's reading of "existing structures" in *PRC sec.30235* is proper as excluding anything that is "new development". Are the two terms synonymous necessarily?

The Commission argues that Special Condition 3 is justified by the language in *PRC sec. 30253* that states, "new development shall .... [m]inimize risks to life and property in areas of high geologic, flood and fire hazard." (*PRC sec. 30253(a)*. It appears that by putting in place the condition of requiring applicants to waive any shoreline protection rights for new mobile homes, that the stated risk is not lessened. The Commission also cites subdivision *(b)* which says, new development shall not "in any way require the construction of protection devices that would substantially alter natural landforms along bluffs and cliffs." (*PRC sec. 30253(b)*). However, evidence was not found in the record, that this mobile home Park is along a bluff or cliff or that replacing the unit in Space #12 will substantially alter any such bluffs and cliffs. Nor is evidence cited, that the indirect concern of the Commission-the need to expand the revetment-is going to substantially alter natural landforms along bluffs and cliffs. So the reliance on – *PRC sec. 30253* is not persuasive.

The Park's revetment/bulkhead structure is a pre-Coastal Act structure, according to the record. (See A/R, p. 300). If so, this would suggest it **is** an existing structure, and not a new development (at this moment). See also *Cal. Code Regs. tit. 14, § 13252*, Repair and Maintenance Activities Requiring a Permit. If so, then it appears to be overreaching to have the Petitioner give up any rights to possible repair or maintenance of the device, under *PRC sec. 30235*, which Petitioner's homeowners in the Capistrano Shores Inc. association may yield. The waiver seems unreasonably broad and contrary to the above guidance from *Nollan* and *Whalen's Village*.

The Commission argues that the "waiver condition ... keeps all options open for appropriate adaptation measures in the future to address sea level rise and protect the public beaches." (Opp. Brief p. 10). It appears, to the contrary, to extract a preemptive waiver from Petitioner on a matter that is not presently directly before the Commission as to this applicant. It appears to be less closely related to the project at hand and instead related to a broader project which the Commission anticipates will become necessary in the future. As one Commission staff person apparently wrote, "A lot of this is beyond the issues related to the individual site. . . since this is work on a new house [sic] that will not initiate any work on the existing shore protection, I do not think there is any connection between what's being done and any seawall mitigation." (A/R p. 410).

F. RULING

The Court **GRANTS** the Petition for Writ of Mandate to overturn the waiver condition in Special Condition

in the future. As one Commission staff person apparently wrote, "A lot of this is beyond the issues related to the individual site. . . since this is work on a new house [sic] that will not initiate any work on the existing shore protection, I do not think there is any connection between what's being done and any seawall mitigation." (A/R p. 410).

F. RULING

The Court **GRANTS** the Petition for Writ of Mandate to overturn the waiver condition in Special Condition 3 and remand to the Commission to consider in the light of this ruling.

DATED: AUG 2 2 2016

Theodore R. Howard
JUDGE OF THE SUPERIOR COURT

April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's *"suggested modifications"* to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

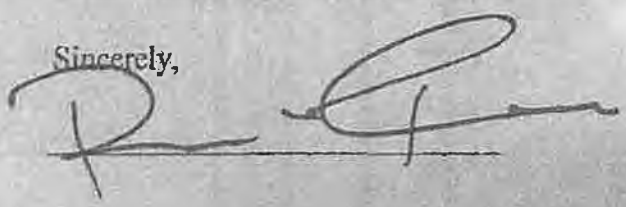
1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel*."** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,



April 9, 2018

Honorable Mayor Brown and Councilmembers
City of San Clemente City Council
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: Certified City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I am a homeowner in Capistrano Shores Mobilehome Park (**"CSM Community"**). I understand that Capistrano Shores Mobilehome Park was deleted (white-holed) from the City of San Clemente's (**"City"**) Coastal Land Use Plan (**"LUP"**).

I am concerned that the provisions of the LUP will be applied to the CMS Community either through the Implementation Plan for the LUP or at the time of application for a Coastal Development Permit (**"CDP"**) by the CSM Community and homeowners. In addition, I am concerned for our neighboring coastal communities of Cyprus Shore and Cyprus Cove, and strongly support their opposition to the City's adoption of the California Commission's "*suggested modifications*" to the City's LUP.

The LUP proposed by the California Coastal Commission is fraught with illegal provisions that take away fundamental property rights and represent a direct assault to the way of life in our City and coastal communities. Specifically, I am concerned with the following:

1. The Coastal Commission's intent to effectively reduce property rights is evident in **Land Use Policy 13** (*Legal Non-Conforming Structures*) and in the **Definition of "*Major Remodel.*"** The proposed definition of "*Major Remodel*" is far too broad and would translate into a development moratorium. The definition would consider individual remodels cumulative over time beginning January 1, 1977. **This would result in a tremendous amount of non-conforming properties throughout the City.**

2. **Public Access Policy 39** *(New Development Public Access Requirements)* would cause a simple remodel to automatically trigger a **dedicated offer for a public easement on private property.**

3. The Coastal Commission's demand. through **Hazard Policy 19** (*No Right to Future Bluff or Shoreline Protective Device for New Development)* that bluff top and shoreline properties provide **a waiver for repair and installation of shoreline protection devices** (i.e. seawalls) when necessary in the future, and **Hazard Policy 35** (*Removal of Development)* that **mandates removal of homes** are dangerous. By waiving the fundamental right to protect one's property, effectively forces the homeowner to abandon their property and mandatory removal of one's property totally deprives the homeowner of their home.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Please stand up for our City and our property rights.

Sincerely,

APRIL 18, 2018

JOHN KISSINGER UNIT 1

SUSAN KISSINGER

Letters from Other City Residents to the City in opposition to the definition of "existing structures as proposed by CCC Staff, dated in 2018.

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Donald R. Margarella

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Susan Anderson

Print Name: Susan Anderson

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: CORNELIUS P. BAHAN

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Janos Molnar

Print Name: JANOS MOLNAR

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to those proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Stephen Reed Patti Reed

Print Name: Stephen + Patti Reed

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings," *Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Patricia Bright-Baughman

Print Name: Patricia Bright-Baughman

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name JOHN R. SABAT III

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Doug Healy

Print Name: Doug Healy

322 W. Avenida Baudita
San Clemente CA 92672

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings," *Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Edward Lee

Print Name: EDWARD M. LEE JR.

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Paulette B. Lee

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Steve Egbert

Print Name: Steve Egbert

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Michele Forster

Print Name: Michele Forster

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Brad deMarquette

Print Name: Brad deMarquette

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely, Virginia Wimer Ellen Russell daughter

Print Name: Virginia Wimer age 93 Power of Attorney

2314 Calle Monte Cristo

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings," *Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Doris J Spring

Print Name: DORIS J. SPRING

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Brad deMarquette

Print Name: Brad deMarquette

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the Californi
Commission and now coming before San Clemente City Council for a final vote at the May 1
The ratification of this document will forever bound my Coastal property to the overreachin
contained therein. I am taking the time today to notify you that I am opposed to these propos
interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and d
policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's positio
definition regarding "*Existing Development*" be removed so that a Coast Development Pe
not be applied to every home in the Coastal Zone. While the "*Existing Development*" defi
removed, the Coastal Commission's deep-seated intent to reduce property rights still rema
Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition o
Remodel." As a result, the Coastal Commission has not complied with the City's specific re
rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring th
defining "existing structures" back at the time the Commission considers the City of San C
Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the
the road" by keeping the door open to Coastal to allow for the unlawful definition to come
future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for
easement on private property whenever a remodel is proposed. This same logic is implied in
attempt to regulate what is considered a View Corridor. In doing so, they are effectively requ
future residential remodel to be lower than the currently permitted height limit wit
compensation. This will effectively prevent homeowners from adding a second story th
otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and in
of shoreline and bluff protection devices when needed in the future is wholly dangerous
against the primary tenants of the Coastal Act. By waiving the fundamental right to pro
property effectively forces the homeowner to abandon their property through what the
Commission calls "managed retreat" policy.

**As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Dr
Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our
rights.**

Sincerely,

Paul S Greenberg MD

Print Name: Paul S. Greenberg, M.D.

April 2014

Honorable Mayor Brown and Councilmembers
[illegible]
San Clemente, CA 92672

RE: City of San Clemente Comprehensive LUP [illegible]

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently rectified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 6th hearing. The ratification of this document will forever bound the Council, property & the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1972 Coastal Act. I implore you to vote NO to these restrictive and destructive policies and avoid enormous future litigation.

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coastal Development Permit could not be applied at every home in the Coastal Zone. While the "Existing Development" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy I.D *Legal Non-Conforming Structures* and continues in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently stated in their findings," Commission staff… is being the victim of defining "*existing structures*" *back to the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated, offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Orlando E. Bauman

Print Name: Orlando E. Bauman

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Leonard Ingrid Spelts

Print Name: Leonard Ingrid Spelts

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Elaine Emmerer

Print Name: Elaine Emmerer

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Arlon Emmer

Print Name: Arlon Emmer

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings," *Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: FRANK LIVACICH

410 CORTE LANE

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

(Trustee)

Print Name: Robert Husband Robert & Marcia Husband Trust

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Thomas Stringer

Print Name: Thomas Stringer

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Patricia Stringer

Print Name: PATRICIA STRINGER

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: TRUSTEE

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings," *Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Arthur B. Rosen

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Stephen M. Paquette

Print Name: STEPHEN M. PAQUETTE

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: John Janse n

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Taylor Andersen

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act. I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

CQ

Print Name: Carrie Quintanar

15 April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Vasily SEMENIUTA

15 April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

J. B. Summitt

Print Name: Jim B. Summitt

3822 Vista Blanca
San Clemente, CA 92672

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: STEPHEN C HILL

SCULPTOR20 @ YAHOO.COM.

[illegible]

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Stanford Hall

14 APR 2018

Neil C. Nelson

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Gerard C. Pardoen

Print Name: Gerard C. Pardoen
223 Calle Roca Vista
San Clemente, CA 92672

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding *"Existing Development"* be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, *" Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan."* By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Gayle Pereira

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

John T. Machuzick

Print Name: John T. Machuzick

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings," *Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Cynthia D. Machuzak

Print Name: Cynthia P. Machuzak
14 Calle Tamara
S.C.

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, " *Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: MARK WHALEY

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As residents that you represent, we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Signature

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

William J Owen

Print Name: William J. Owen

15 April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Ellen Semenuta

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident _ that you represent, I _ strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Connie Smidebush – Boca De La Playa

Print Name: Connie Smidebush

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Clovis Paul Fields

Print Name: Clovis Paul Fields

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

_____ _____

Print Name: _____

CoastalRightsCoalition@gmail.com

From: Ben Adelman <benedictadelman@gmail.com>
Sent: Thursday, April 19, 2018 10:56 PM
To: coastalrightscoalition@gmail.com
Subject: REJECT DRAFT LAND USE PLAN
Attachments: Reject Draft Land Use Plan.pdf

Please read attached letter and although am I not able to sign it, I fully support its message.

I am a local firefighter working for the County and I am currently at work and unable to sign it to fax it over. Please take the signature on this email as my signature on the letter attached.

Respectfully,

Ben Adelman

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Pallavi Shah

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

M Suzanne Sturdevant

Print Name: M Suzanne Sturdevant

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Linda Breiter

Print Name: Linda Breiter

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Dave Collins

Print Name: Dave Collins

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Craig Neslage

Print Name: Craig Neslage

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: KATIA KENNY-HEINZEN

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

D. Stang

Print Name: Tracey Stangarone

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

RV

Print Name: Richard Virginia

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Richard L. Hagenbuch

Print Name: RICHARD L. HAGENBUCH

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act. I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: N.K. Forge

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Kelly Christiansen

Print Name: Kelly Christiansen

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Carol Lewis

Print Name: CAROL LEWIS

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Judy J Rowe

Print Name: JUDY J. ROWE
268 AVENIDA MONTALVO #7
SAN CLEMENTE, CA
92672

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act: I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely

Richard L Rowe

Print Name: RICHARD L. ROWE
268 AVENIDA MONTALVO #7
SAN CLEMENTE, CA
92672

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed **LUP** currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act. I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. **At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.**
2. **Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.**
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

John S. Koen

Print Name: JOHN S. KOEN

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose...to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Kurt Luebke

Print Name: Kurt Luebke

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act. I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*". By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is applied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Matthew Lee

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Arnold & Heather Goulet

Print Name: ARNOLD & HEATHER GOULET

1405 BUENA VISTA #3

SAN CLEMENTE CA. 92672.

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Regina Oden

Print Name: Regina Oden

423 Ave. Granada, #62
SC, CA 92672

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Carol Lewis

Print Name: CAROL LEWIS

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Robert L Sandelman

Print Name: ROBERT L. SANDELMAN

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Nancy Gibney Moore (254 La Paloma #B 92672)

Print Name: Nancy Gibney Moore
(Gibney Trust)

p.1

Apr 18 18 03:34p

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Commission and now coming before San Clemente City Council for a final vote at the May 1st The ratification of this document will forever bound my Coastal property to the overreaching contained therein. I am taking the time today to notify you that I am opposed to these proposed interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and de policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position definition regarding *"Existing Development"* be removed so that a Coast Development Permit not be applied to every home in the Coastal Zone. While the *"Existing Development"* definit removed, the Coastal Commission's deep-seated intent to reduce property rights still remai Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of *Remodel."* As a result, the Coastal Commission has not complied with the City's specific requ rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, *" Commission chose... to bring th defining "existing structures" back at the time the Commission considers the City of San Cle Implementation Plan."* By agreeing to this approach, the City is essentially "kicking the can the road" by keeping the door open to Coastal to allow for the unlawful definition to come b future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a easement on private property whenever a remodel is proposed. This same logic is implied in C attempt to regulate what is considered a View Corridor. In doing so, they are effectively requi future residential remodel to be lower than the currently permitted height limit with compensation. This will effectively prevent homeowners from adding a second story that otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and in of shoreline and bluff protection devices when needed in the future is wholly dangerous a against the primary tenants of the Coastal Act. By waiving the fundamental right to prote property effectively forces the homeowner to abandon their property through what the Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Dra Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our pr rights.

Sincerely,

Diana F. Greenberg

Print Name: Diana F. Greenberg

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Kei Ross

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act. I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Robert McEntee

Print Name: Robert McEntee

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: PETER JACOY

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Rosemarie Bisonte

Print Name: Rosemarie Bisonte

April 2018

949-492-0884

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding *"Existing Development"* be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the *"Existing Development"* definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of *"Major Remodel."* As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, *" Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan."* By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawfiil definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Corrine LaFollette

Print Name: Corrine LaFollette

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Patrick and Dorothy

April 16, 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

We have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As residents that you represent, We strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Alan & Gina Bagley
255 La Paloma
San Clemente, CA 83110

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound Coastal properties to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, " *Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Richard Hartford / Alonda Hartford

Print Name: Richard Hartford / Alonda Hartford

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act.. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Barbara Ann Ritner 4/17/2018

Print Name: Barbara Ritner

255 La Paloma St C San Clemente CA

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Eric Wilk

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Donald R. Marabella

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Susan Anderson

Print Name: Susan Anderson

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, " *Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: CORNELIUS P. BAHAN

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Janos Molnar

Print Name: JANOS MOLNAR

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to those proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Stephen Reed Patti Reed

Print Name: Stephen + Patti Reed

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Patricia Bright-Baughman

Print Name: Patricia Bright-Baughman

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: JOHN R. SABAT III

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Doug Healy

322 W Avenida Gaviota
San Clemente CA 92672

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers.

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: EDWARD M. LEE JR.

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Paulette E Lee

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Steve Egbert

Print Name: Steve Egbert

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings," *Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Michele Forster

Print Name: Michele Forster

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel*." As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Britain Collins

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: Dana Collins

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Emory Farr

Print Name: EMORY FARR

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: CLIO FARR

April 2018

Honorable Mayor Brown and Councilmembers
910 Calle Negocio, Suite 100
San Clemente, CA 92673

RE: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Honorable Mayor and Councilmembers,

I have recently been made aware of the proposed LUP currently certified by the California Coastal Commission and now coming before San Clemente City Council for a final vote at the May 1st hearing. The ratification of this document will forever bound my Coastal property to the overreaching policies contained therein. I am taking the time today to notify you that I am opposed to these proposed policy interpretations of the 1977 Coastal Act; I implore you to vote NO to these restrictive and destructive policies and avoid extensive future litigation:

1. At a recent Coastal Commission hearing, Mayor Brown clearly articulated the City's position that the definition regarding "*Existing Development*" be removed so that a Coast Development Permit could not be applied to every home in the Coastal Zone. While the "*Existing Development*" definition was removed, the Coastal Commission's deep-seated intent to reduce property rights still remains in the Land Use Policy 13 (*Legal Non-Conforming Structures*) and contained in the definition of "*Major Remodel.*" As a result, the Coastal Commission has not complied with the City's specific request, but rather circumvented the local process.
2. Coastal Commission staff recently noted in their findings, "*Commission chose... to bring the issue of defining "existing structures" back at the time the Commission considers the City of San Clemente's Implementation Plan.*" By agreeing to this approach, the City is essentially "kicking the can down the road" by keeping the door open to Coastal to allow for the unlawful definition to come back at a future time.
3. A number of Public Access Policies would automatically trigger a dedicated offer for a public easement on private property whenever a remodel is proposed. This same logic is implied in Coastal's attempt to regulate what is considered a View Corridor. In doing so, they are effectively requiring any future residential remodel to be lower than the currently permitted height limit without just compensation. This will effectively prevent homeowners from adding a second story that would otherwise be permitted by the City.
4. The Coastal Commission's demand that coastal properties provide a waiver for repair and installation of shoreline and bluff protection devices when needed in the future is wholly dangerous and goes against the primary tenants of the Coastal Act. By waiving the fundamental right to protect one's property effectively forces the homeowner to abandon their property through what the Coastal Commission calls "managed retreat" policy.

As a resident(s) that you represent, I/we strongly urge the City Council to firmly reject the Draft Land Use Plan. Do not bow down to the Coastal Commission. Please stand up for our City and our property rights.

Sincerely,

Print Name: JERAN YOUNG

August 7, 2020 California Coastal Commission via email

Re: Th10a City of San Clemente LUP Amendment No. LCP-5-SLC-18-0099-1

Dear Commissioners:

On **LCP-5-SLC-18-0099-1** the City of San Clemente is taking a ridiculous position. Using a 2018 date acts as an incentive for every city to delay its LUP and penalizes property owners in those that did not. From a fairness perspective it is untenable that the cumulative 50% for remodels should begin in 2018 in San Clemente and an earlier date in cities that submitted their LUPs in a more timely fashion.

At the homeowner level, it also unfairly adds value to homeowners that increased the size of their homes before 2018 and thereby penalizes those that did not. Setting the date to 2018 allows those who built or remodeled between 1977 and 2018 to add another 50% to their property. This is clearly against the Coastal Act and will lead to a massive expansion of building in our too limited resources. Someone who increased their footprint by 50% in 2017 would now be able to create a home that was 125% larger than the original (50% more on 150% = 100% + 125% = 225%).

For the most basic level of fairness, simple consistency, 1977 should apply to every structure in the coastal zone.

Next, the City of San Clemente's assertion that records are inadequate for the 1977 date is bizarre. My home was built in 1948 and the city has a record of every faucet and plug. If they do not, the onus is on me to show that changes needed permits were permitted or get a post construction permit before I do something new. City ineptitude has almost undermined application of the Coastal Act here in San Clemente before. Please do not let what seems to be a false claim of ineptitude do so on this issue.

If 2018 is used, someone trying to build in future across and within cities will have grounds to say that using this date constitutes a taking—limiting the value of their property in an unfair way. This taking happened in 1977 when the Coastal Act went into effect. Any property owner who bought after 1977 lives under caveat emptor (buyer beware) and cannot rightly claim a taking* (your legal folks don't seem to understand this). The simple point of using 1977 as the start point for changes and the end point for government takings is the only thing that is defensible.

Thank you for your consideration,

Steffen McKernan

San Clemente, CA

*The purchaser after 1977 could sue the person who sold the property to them for lack of disclosure but the Coastal Commission and state of California are only liable for a takings claim by the owner in 1977 when the Coastal Act went into effect and "caused" the taking. Getting this properly understood will eliminate many development fights.

August 7, 2020

California Coastal Commission 455 Market St. Suite 228
San Francisco, CA 94105

Re: Th10a City of San Clemente LUP Amendment No. LCP-5-SLC-18-0099-1

Dear Commissioners:

In reference to **LCP-5-SLC-18-0099-1** I am deeply disappointed in the City's position that the cumulative alteration of 50% for remodels should begin in 2018 versus the Coastal Commissions position of 1977 (Coastal Act).

The City of San Clemente's main reasoning is that no record keeping exists, and there is no way to track permits since 1977. Are we to believe that no one since 1977 has been issued a permit and worked with the City to expand their home? This position is completely insane.

By setting the clock to 2018, you are effectively allowing anyone who remodeled between 1977 and 2018 to add another 50% in size to a non-conforming house, which is against the Coastal Act. Simply stated the City's lack of permit tracking will penalize the environment and null and void the Coastal Act.

Any logical person would surmise given ~90% of the houses in the Coastal Zone are non-conforming that this will lead to a massive expansion of building especially for those that already used the 50% and can now take 50% of the 150% they have of the original footprint!

Thank you for your consideration,

Brian Swanstrom

San Clemente, CA

Roman, Liliana@Coastal

Subject: FW: Public Comment on August 2020 Agenda Item Thursday 10a - City of San Clemente LUP Amendment No. LCP-5-SLC-18-0099-1 (Major Remodel Definition).

From: Gerry Strickland <outlook_0475A980182F3C48@outlook.com>
Date: Friday, August 7, 2020 at 6:24 PM
To: "SouthCoast@Coastal" <SouthCoast@coastal.ca.gov>
Subject: Public Comment on August 2020 Agenda Item Thursday 10a - City of San Clemente LUP Amendment No. LCP-5-SLC-18-0099-1 (Major Remodel Definition).

Sent from Mail for Windows 10
August 7, 2020
Dear Commissioners,
RE: "Major Remodel" Amendment for the City of San Clemente. As a coastal canyon homeowner, I am in full support of regulations using the current 1977 date as the Major Remodel baseline. There have been many advances in engineering and maintenance of coastal resources since that date. Preserving canyons protects waterflow and sand replenishment of beaches and surf. These elements are essential to both the environmental and economic health of our coastal community.

Thank you for your continued stewardship or these precious resources.
Sincerely,
Gerry Strickland
San Clemente, CA.

August 7, 2020

California Coastal Commission
455 Market St. Suite 228
San Francisco, CA 94105

Re: Th10a City of San Clemente LUP Amendment No. LCP-5-SLC-18-0099-1

Dear Commissioners:

The environmental community continues to be disappointed in the City of San Clemente's lack of environmental stewardship and their constant grab for more power and authority to jeopardize or destroy our remaining coast resources. Even where they do not have the authority, they over reach and take it. We have all seen what the City of Laguna Beach has done with respect to major remodels, and your staff and the AG continue to wage battle in court over 11 Lagunita – just one example. We do not want to see another coastal city step up its ability to develop beyond the limits that protect and preserve our coastal resources.

The City of San Clemente has gone to great efforts to reach out to the community and ask that residents submit letters to CCC staff opposing staff's suggested modifications. These are the last two closing paragraphs of a very long letter to the residents of the City asking them to oppose staff's recommendations:

In summary, **the San Clemente City Council cannot accept Commission staff's suggested modifications to the City's LUPA** and will be forced to halt its efforts on the pending Implementation Plan, Coastal Resiliency Plan and all other remaining steps associated with obtaining a fully certified LCP.

The Commission Staff Report can be found here. The City encourages interested community members to submit a letter to Commission staff that requests approval of the LUP amendment as submitted by the City. Comments on the Commission Staff Report should be sent to Commission staff Liliana Roman via email Liliana.Roman@coastal.ca.gov by August 7, 2020.

With this in mind, we're asking for inclusion of the 1977 date for all development, and offer the following for your consideration:

• Allowing the City to define a major remodel (redevelopment) for cumulative alterations of less than 50% to count toward the definition as starting from August 10, 2018 goes against a reasonable interpretation of the Coastal Act.

• The Coastal Act grandfathered in development built before January 1, 1977 because those structures were developed before current standards and understanding. This is a common practice with policy development in land use planning and can be reasonably interpreted as such. Development in decades past, before the Coastal Act was enacted, was allowed in sensitive habitats and in sea level rise hazard zones – but now we know better. We can no longer jeopardize our remaining coastal resources, especially when facing the enormous sea level rise-induced losses that are forthcoming.

• In San Clemente, a portion of the City's coastline is already lined with riprap seawalls along the coastal railway. The riprap exacerbates erosion and much of the once sandy beach is long gone. As the City continues to develop a robust long-term plan for sea level rise adaptation, key components must include:
• Prioritization of nature based solution
• Relocation of the railway and removal of existing rip rap
• Opportunities for managed retreat and living shorelines

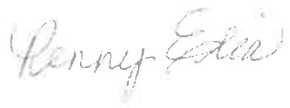
• To restore San Clemente's beaches, we must adopt a long-term vision for the restoration of the coastline. San Clemente's iconic beaches once offered ample opportunity for surfing, beach going, fishing and other recreational opportunities and now they are facing total extinction.

• In light of this long-term vision for preservation and restoration of the City's coastline and iconic surfing opportunities, the City must include the correct definition for redevelopment in the land use plan. Without the 1977 date for any and all cumulative development, coastal development may be able to rely on shoreline armoring into perpetuity – a death sentence for the beach and important coastal habitats as sea levels rise.

We urge the Coastal Commission to remain consistent with their policy guidance documents, previous decisions and define redevelopment as any and all cumulative development completed after January 1, 1977. To do otherwise would set a terrible precedent as local jurisdictions across the state tackle their sea level rise plans and are looking at these early examples for guidance on acceptable adaptation policies.

Thank you for considering this information.

Sincerely,



Penny Elia
Laguna Beach Coastal Advocate