

CALIFORNIA COASTAL COMMISSION

South Coast District Office
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F10d

**5-20-0362 (Fakhoury-Sawabini Private Trust
021817)**

November 19, 2021

CORRESPONDENCE

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A PROFESSIONAL CORPORATION

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November 11, 2021

SENT VIA EMAIL ONLY at SouthCoast@coastal.ca.gov

Chairman Steve Padilla and
Honorable Commissioners
California Coastal Commission
South Coast District Office
300 East Ocean Blvd., Suite 300
Long Beach, CA 90802

Re: Application No. A-20-0362 (Fakhoury-Sawabini Private Trust 021817)
Applicants: Fakhoury-Sawabini Private Trust 021817))
Property Address: 1880 N. El Camino Real, Unit 3, San Clemente,
Orange County

Project Description: Remodel and expand an existing 1,320 sq. ft. 13-ft. high, 1-story mobile home, resulting in a 2,312 sq. ft., 16-ft. high, 2-story mobile home on a beachfront mobile home space

Scheduled: Friday, November 19, 2021
Agenda Item: F10d

Dear Chair Padilla and Honorable Commissioners:

Please be advised that this office represents Fakhoury-Sawabini Private Trust ("Applicant") the owner of the above referenced mobile home located in Space 3 within the Capistrano Shores Mobile Home Park at 1880 N. El Camino Real, San Clemente ("Subject Space"). The Applicant seeks a Coastal Development Permit ("CDP") to allow the rehabilitation of the mobile home on the Subject Space.

As you are undoubtedly aware, the issues surrounding the replacement and/or rehabilitation of mobile homes within the Capistrano Shores Mobile Home Park ("Park") are not new and/or precedent setting as the Coastal Commission ("Commission") has recently approved CDP's for twelve (12) similarly situated new and/or rehabilitated mobile homes within the Park to heights of 16 feet or more. In this application, however, Staff is attempting to restrict this Applicant to a maximum height of 13 feet. There is no legal, reasonable or rational basis to treat this applicant differently than any of the previous applicants. As the following facts and attached

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documents will evidence, Staff's recommendation and position in this matter is wrong. The proposed project is conformity with the mandates of Section 30600(b) of the California Public Resource Code and consistent with past Commission action. The project should be approved with the deletion of Staff recommended Special Condition No. 1.

I. Applicable Facts

The project site is a mobile home space, Space 3, located within the Capistrano Shores Mobile Home Park. The Park is located along the beach developed with a single row of 90 mobile home spaces parallel to the shoreline. The Applicant owns the existing and proposed mobile/manufactured home but does not own the land under the existing unit. The Park is owned by Capistrano Shores, Inc., a non-profit mutual benefit corporation in which the applicant holds a 1/90 "membership" interest which allows the applicant the use of a unit space for mobile home purposes.

On or around July 1, 2020, the subject application was submitted to the Commission for a CDP to remodel an existing 13'-0" high mobile home with an addition which will result in a 19'-10" high, approximately 2,312 square foot mobile home. Included within the submission was a view study of the proposed 19'-10" mobile home. The height of the subject application's mobile home was based upon the Commission's approval of other mobile homes located within the Park. At the requests of Staff, the Applicant submitted an Alternatives Analysis with Reduced Impact at different heights, including at 19'-0", 18'-0" and 16'-0", added additional viewpoints and provided an analysis with a pitched roof as opposed to a flat roof design.

In early July 2021, Staff informed this office that it would be recommending denial of the project based upon its belief that the height of the proposed structure would *significantly* block public views. In relaying its position, Staff did not inform the Applicant which public viewshed was being *significantly* obstructed, what protected coastal view was being *significantly* obstructed, which portion of the proposed structure was *significantly* obstructing this protected view and at what height this *significant* view obstruction occurs. Upon responding, with those questions in an effort of seeking clarification, Staff responded that the denial recommendation was based upon the submitted project being visually incompatible with the surrounding development and that it would obstruct the skyline. Staff attached a computer-generated diagram estimating the project's potential impact.¹

¹ A true and correct copy of Staff's diagram depicting the project's potential view impact which was attached to their July 2, 2021 is attached hereto as **Exhibit 1** and hereby incorporated by reference.

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In response, this office informed Staff that its analysis did not account for Space 6 located within the same area of the Park and, while not constructed yet, the structure proposed for Space 6 was recently approved by the Commission as a Consent Calendar Item at 16'-0". Staff responded and asked whether the Applicant would be willing to revise their plans to a 16'-0" high, pitched roof design.

Our office followed up and provided Staff with documents that supported the fact that there had been twelve (12) earlier Commission approvals of new or renovated mobile homes within the Park to heights of 16 feet or higher. A true and correct copy of the July 9, 2021, email is attached hereto as **Exhibit 2** and hereby incorporated by reference.

On August 3rd, 2021, we received an email from the project planner. The email stated that a site visit was conducted and that based upon specific photos taken on the site visit, Staff concluded the proposed project would have a significant adverse impact on public views. Attached to the email was a Staff View Study which included a legend depicting 19 viewpoints Staff considered and analyzed. While the legend depicted 19 viewpoints, Staff only included 11 of those viewpoints within their study as being viewpoints of concern ("Staff's Viewshed Images"). The email identified which of Staff's images they believed significantly obstructed views. A true and correct copy of the August 3, 2021 email and attachment from project planner Vince Lee is attached hereto as **Exhibit 3** and hereby incorporated by reference.

Upon receiving Staff's August 3rd email, the Applicant agreed to reduce the height of the proposed mobile home unit to 18'-0". The height reduction was based upon another view study performed by the Applicant utilizing Staff's Viewshed Images which the Applicant was advised were the viewsheds that Staff based their determination that a significant view impact would occur. Based upon this study, the Applicant determined a mobile home 18'-0" in height would not significantly impact public views. To substantiate the 18'-0" high structures consistency with the visual resources policies of the Coastal Act, the consulting architect choose five (5) of the images contained within Staff's Viewshed Images and overlaid an 18'-0" mobile home onto Staff's Viewshed Images. The results of the view impacts to water (and headland on last image) blockage of an 18'-0" mobile home unit on space 3 overlaid on five of Staff's Viewshed Images was as follows 0.8 of 1%, 0.4 of 1%, 0.7 of 1%, 1% and 2.5% (with no headland blockage). A true and correct true and correct copy of the October 6, 2021 email from our office to the project planner with the View Analysis overlaid on Staff's Viewshed Images and a breakdown of the visual impact is attached hereto as **Exhibit 4** and hereby incorporated by reference.

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In response to this office's October 6th email, we were advised by Staff that they were not only concerned with views over the subject space but more importantly on the cumulative impact the proposed project would have in this area of the Park. Staff thereafter requested that the Applicant prepare a cumulative view impact analysis over nine (9) mobile home spaces within the Park.

After receiving Staff's email, and despite evidence depicting that an 18'-0" high structure did not significantly obstruct public views, the Applicant acquiesced and agreed to Staff's original request and advised staff that it would be submitting revised plans to a maximum height of 16'-0".

Staff thereafter unreasonably responded that it was still concerned with the cumulative impact and that the recommendation even for a unit at 16 feet would be for denial.

At or about that time, our office and the project architect compared Staff's Viewshed Images with the images the project architect took from roughly identical locations. What we discovered was extremely disconcerting. The project architect's images depicted a much larger viewshed with more ocean, more sky and the mobile homes appeared to be located at a much greater distance from the location at which the image was captured.

On October 25, 2021, our office forwarded an email to Staff that reiterated that the last twelve (12) applications for CDPs for projects units within the Park were *all* granted approvals by the Commission with heights of 16'-0" or higher and we requested that the twelve (12) CDPs and their case files be included within the substantive file record for the subject application. Additionally, considering, Staff's Viewshed Images were the basis for Staff's determination of a *significant* public view impact, we questioned the differences and requested information to determine what caused the discrepancies. Lastly, we expressed our position that a cumulative view analysis is unwarranted because the request placed an undue burden on the Applicant and treats him differently than any other applicant who were granted approvals by the Commission for projects within the Park. A true and correct copy of the October 25, 2021 email from our firm to the project planner is attached hereto as **Exhibit 5** and hereby incorporated by reference.

Staff's response to our questions regarding the discrepancies in the public viewsheds photos in substantially identical locations was that "slightly different angles and locations render different views of the ocean and headlands".

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Due to Staff's flippant response to our questions regarding the public viewshed discrepancies in Staff's Viewshed Images compared to our photos from nearly identical locations, we provided a mark-up of the Image Comparison included within our October 25, 2021, email. The Image Comparison evidences (i) approximately how tightly the camera would have had to be zoomed in to achieve the viewshed in one of Staff's Viewshed Images and (ii) depicts which portion of the actual viewshed contained in a photo was actually depicted in Staff's Viewshed Image. The project architect compared the ocean depicted in one of his images taken at an identical location to one image in Staff's Viewshed Image, and the results were staggering. Staff's photo removed approximately 90% of the ocean when compared to the architect's image captured at nearly identical locations. The percentage of view blockage the Applicant substantiated with the 18'-0" high structure overlaid on Staff's Viewshed Images, which was negligible, would have been substantially less if Staff did not *misrepresent* viewshed and remove 90% of the ocean from the image. Also, within our response, we again requested that the twelve (12) CDPs and their case files be included within the substantive file record for the subject application. In addition, we determined by performing further investigation that Staff had recommended that an additional twelve (12) (now a total of 24 Staff Recommendations at 16 feet) two-story mobile home units built within the Park (which were subject to litigation) should have been limited to 16'-0" as opposed to the higher height in which they were constructed. We requested those additional CDP Applications be included within the substantive file documents for this subject application as well. A true and correct copy of the October 28, 2021, email from our firm to the project planner is attached hereto as **Exhibit 6** and hereby incorporated by reference.

On the following day, October 29, 2021, despite our belief that the request for cumulative view studies were unwarranted, we provided Staff with requested cumulative view studies based upon locations depicting the public viewsheds from Staff's Viewshed Images. A true and correct copy of the October 29, 2021, email from our firm to the project planner with the cumulative view studies are attached hereto as **Exhibit 7** and hereby incorporated by reference.

On November 4th, 2021, the Staff Report was published. The Staff Report did not reference Staff's misleading photos, all of the twelve (12) other Commission approvals within the Park or the twelve (12) additional applications for mobile homes in the Park in which Staff made recommendations for approval at a height of at least 16'-0".

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We once again asked for the similarly situated applications case files for development within the Park to be included in the substantive file record. Staff, again, would not agree to include the same.

II. Applicant's Contentions

Pursuant to the Commission Staff Report, Staff is recommending approval of this application pursuant to numerous special conditions. The Applicant agrees to all the special conditions except for Special Condition No. 1.

The Applicant vigorously contends that Staff has taken the unreasonable position that the height of the subject mobile home must be limited to 13'-0" with a sloped roof. Staff's position in this matter patently contradicts Staff's past recommendations for the height of other units in the Park as well as the Commission action on the same. Its recommendation is totally inconsistent with every other staff recommendation and action taken by this Commission for new or renovated units in this Park. Staff is simply treating this applicant differently than every other applicant who has ever submitted an application for a new or renovated unit in the Park. The Applicant has lowered the project height consistent with past Commission action and Staff is still recommending denial of the project. Such conduct cannot be tolerated, much less accepted.

III. Substantial evidence exists to support the approval of the CDP with the deletion of Special Condition No. 1.

A. Past Commission Action/Past Staff Recommendation

Staff's position on this application is patently inconsistent with past Staff recommendations and Commission approvals. Attached as **Exhibit 8** are charts listing the projects either approved by the Commission and/or recommended for approval by Staff. These projects are all located along the same stretch of beach and within the same Park. All of these projects were approved at heights or obtained a Staff Recommendation for Approval at heights of at least 16'-0". Additionally, none of the Applicants were required to submit a cumulative view analysis for mobile homes on spaces they did not own.

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B. Special Condition No. 1

The imposition of Special Condition No. 1 is based upon a claim that the proposed project's height of 16'-0" is not consistent with Public Resources Code §30251 and that for a new unit located on Space 3 to be found consistent with Public Resources Code §30251 the height has to be reduced to 13'-0". This is not true.

Public Resource Code §30251 provides as follows:

“The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.”

The Staff Report references various policies pertaining to scenic and visual qualities within the City of San Clemente's certified Land Use Plan and while these policies are not the standard of review, they provide guidance. Relevant policies are:

Policy XII.4 states: Preserve the aesthetic resources of the City, including coastal bluffs, visually significant ridgelines, and coastal canyons and significant public views.

Policy XII.9 states: Promote the preservation of significant public view corridors to the ocean.

Staff's position that the proposed project is inconsistent with Public Resources Code §30251 is rooted in the language that the proposed project is not sited and designed to protect public views to and along the ocean and scenic coastal areas, and that, it is not visually compatible with the character of the surrounding area.

The Park is located seaward of the Orange County Transportation Authority railroad tracks and is adjacent to the Metrolink rail station, a small commercial center and a parking lot. Across the railroad tracks and El Camino Real is the massive Marblehead development which sits approximately 150 feet above the Park and is developed with, but

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not limited to, two-story single-family residences, an outlet mall, and an extensive trail system which is being considered as some of the public viewpoints.

The Park established via a Conditional Use Permit in 1959, contains 90 mobile home spaces and a manager's residence. Each of the mobile home spaces located within the park were sited before the creation of the Coastal Act. While it is understood that certain public viewsheds impact areas within the Park differently the issues surrounding each space in the Park are the same. Thus, past Commission action and Staff recommendations have set precedent as to how these issues have been analyzed and ruled on within the Park. Of the 90 spaces contained within the Park, at least 27 contain units either constructed and/or approved are at least 16'-0" in height. The units with heights of at least 16'-0" in height and in closest proximity to the subject space are space 6 approved at 16'-0" with a majority flat roof in May 2020 and the two-story manager's residence which is approximately 24'-0" in height located in between spaces 9 and 10.

In the subject application, Staff arbitrarily alleges that the proposed project is not sited and designed to protect public views to and along the ocean and along scenic coastal areas. Staff's findings for the Commission approved mobile homes within the Park and findings for the other units within the Park that Staff made recommendations for approval at 16'-0" states that those specific projects did not "significantly" impact the view. Thus, the view impact must be "significant" in order to cross the unprotected threshold.

In an attempt to substantiate their position, Staff states on page 16 of the Staff Report that there is "no 16-foot height standard established by the Commission for the development within the Park." Staff alleges that its determination is based upon "site specific determinations that considered the impacts on many factors including but not limited to the distance between the vantage point and structure, the height and angle from which the viewer sees the structure and the vista beyond it, the presence of other development and vegetation in the foreground and surrounding area, and the bulk and scale of the structure. In these other cases the conclusion was that a 16-foot-tall structure wouldn't have significant impacts to public views from the vantage points considered."

In San Clemente views to and along the ocean and along scenic coastal areas are aplenty. This includes areas around the Park. Again, it is acknowledged that certain public viewsheds impact areas within the Park differently, however, while the view corridors over areas of the Park may differ, the policies of the Coastal Act and how the Commission and Commission Staff determines what constitutes a significant view impact have to remain the same.

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The Applicant provided Staff with a view analysis consistent with past applications as part of the initial application. Staff conducted their own site visit and provided their own view analysis from other viewpoints on August 3, 2021, as contained in Staff's Viewshed Images. As described above, even though Staff's photos were zoomed in and do not reflect the public view from the human eye, Staff's Viewshed Images contained a legend depicting 19 viewpoint locations Staff considered and analyzed. In the email communication with Staff's Viewshed Images, Staff advised that they "concluded that the project would have significant view impact based on the submitted proposal and the attached pictures I have taken during my recent visit to the project site."² Staff only included 11 images to Staff's Viewshed Images. Thus, Staff did not find significant impacts at the other viewpoint locations.

After receiving the August 3, 2021, email, the height of the proposed mobile home was reduced to 18'-0". A view analysis was performed and overlaid onto Staff's Viewshed Images based upon these new locations. As referenced above, the results of an 18'-0" high mobile home unit would impair a negligible amount of the ocean as depicted in Staff's Viewshed Images.³

Until the Staff Report was released to the public, the Applicant was not aware that Staff was considering any other vantage points than the ones Staff specifically pointed out as significantly obstructing a public view and provided in Staff's Viewshed Images. In Staff's August 3rd email, they stated their determination was based upon "the attached pictures I have taken during my recent visit to the project site" and the email continued by pointing to specific viewpoints depicted in those corresponding images. Not until we reviewed the Staff Report did, we learn that Staff was concerned with the view from East Avenida Pico over the subject space as that viewpoint was included within the Staff Viewshed Images legend but was not specifically called out as a viewpoint of concern or significant impact.

While the image in the Staff Report depicting the proposed mobile home unit from the viewpoint at East Avenida Pico was provided by the Applicant, it is not indicative of the actual view. Staff knew this and still tried to utilize it against us. Staff's Viewshed Images included a legend depicting the locations in which the images were captured. Image numbers 11 and 12 were taken from the East Avenida Pico view corridor and

² On August 3, 2021, the proposed height of the project was 19'-10".

³ It is important to note, this percentage of view blockage was based upon photos which misrepresented the public viewshed (one photo was zoomed in and resulted in the removal of 90% of the ocean) and the proposed height of the mobile home utilized in the view analysis was 18'-0" which is two feet higher than the current 16'-0" high proposal.

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those specific images were not presented in the viewsheds which were included in the final Staff Viewshed Images which were provided to the Applicant as viewpoints with significant view blockage. Please see legend in Staff Viewshed Images attached as Exhibit 3.

East Avenida Pico is a four-lane road which contains a non-accessible pedestrian center median separating opposing directions of the road. The image provided by the Applicant depicts the viewpoint from the center median, however, this is not an area suitable for pedestrian travel. The image was taken with a drone which enabled the photographer to access that area. The actual viewpoint from East Avenida Pico would be from the two lanes that traverses towards the ocean.⁴ An image from Google Earth's Street View at approximately the same location as the public view corridor at E. Avenida Pico as shown in Figure 6-2-B evidences that the proposed space is not even visible from that specific location and a 16'-0" structure would not significantly obstruct the public view. A true and correct copy of an image from Google Earth's Street View and an aerial depicting where the Street View was captured from is attached hereto as **Exhibit 9** and hereby incorporated by reference. To confirm, please see the View Analysis submitted in conjunction with CDP Application No. 5-19-1093. The Staff Report and exhibits for CDP Application No. 5-19-1093 are attached as Exhibit 11 below. While all of the images contained within that Staff Report are relevant to evidence no significant view obstruction in the subject application, the views depicted from East Avenida Pico on pages 8 – 10 of the Exhibits will confirm that the subject space is not visible from the public view corridor at E. Avenida Pico as shown in Figure 6-2-B.

Staff attempts to differentiate the subject project from the other approvals and projects recommended for approval by stating those structures wouldn't have significant impacts to public views from the vantage points considered. Staff has gone out of their way on this application to manufacture and/or locate vantage points to substantiate their significant view blockage claims. If Staff considered every potential viewshed with a manufactured angle, there would have been at least this much view impairment present at each of the Commission's twelve (12) approvals for mobile homes within the Park and with the other units within the Park that Staff made recommendations for approval at 16'-0". The percentage of view impairment for the subject application does not differ from what has been routinely approved not only within this Park but along the coast. Any perceived view obstruction is negligible, and the portion of impairment is inconsequential

⁴ It is important to note that the images from East Avenida Pico are simply a snapshot in time. Vehicles are traveling down East Avenida Pico which curves to meet El Camino Real at speeds more than 30 MPH. As one is travelling down the road your perspective is continually changing based upon the vehicles speed of travel and the roads alignment.

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when considering a robust 180-degree view experienced by the human eye. The views to and along the ocean and scenic coastal areas are substantially unaffected and significant public view corridors to the ocean are preserved as stated in Policy XII.4 and XII.9 of the certified San Clemente LUP.

C. Slope Roof vs. Flat Roof

Staff's position is that a pitched roof design allows for less of a visual impact. The assumption is that if there is a pitched roof, you would have additional views compared to a structure with a flat roof. This claim is misguided. In considering an ocean view over a pitched roof structure, the leading ocean ward edge of the roof is the critical line of any view blockage. Pulling that area closest to the ocean back towards the street, improves the views. In the subject application, the proposed project was designed with a flat roof. However, the 16'-0" portion of the proposed unit is setback from the water side of the structure. The geometry of this setback design affords a better view of the ocean. This is especially evident in the angled view which is a much more common view over Space 3. Diagrams showing the geometry of sloped roof vs. flat roof and their impacts on views are attached hereto as **Exhibit 10** and hereby incorporated by reference. As evidenced in the comparative visuals, the flat roof setback design meets the goals of preserving public views as it opens up views of the water from different angles compared to a pitched roof that is not setback from the water. This setback flat roof design was also considered and approved in CDP Application No. No. 5-19-1093 (Space 6) and CDP Application No. 5-20-0432 (Space 54).

D. Cumulative Impacts

Staff demanded that the Applicant submit a cumulative view analysis for Units 1 through 9 so they could analyze the cumulative visual impact if neighboring homes were elevated to a similar height. The Applicant believes the request was unwarranted, placed an undue burden and is treating him differently than any other applicant who has ever come before this Commission for projects within Park. From our understanding, not one of the other applicants for development applications in the Park had to submit a cumulative visual impact for spaces in which they do not have an ownership interest in. By way of the request, Staff was asking the Applicant to speculate that seven (7) different mobile homeowners, would submit seven (7) separate CDP applications, for seven (7) separate 16'-0" structures. Given the foregoing, Staff should have either performed the Cumulative View Study themselves as they conducted multiple site visits and prepared the computer-generated diagram estimating the original project's potential view impact in July 2021. If they couldn't have performed the Cumulative View Study, they should

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have requested that the owner of those areas in question, Capistrano Shores, Inc., undertake this endeavor and not the Applicant.

Despite our belief that the Cumulative View Study was unwarranted and that the Commission should assess the subject application without speculating as to what development may occur in the future, the Applicant submitted a series of Cumulative View Study's because of Staff's threat of a project denial. The Cumulative View Study's were prepared based upon selected viewpoints established in Staff's Viewshed Images as those were the viewpoints at which Staff stated significant view impacts occurred. Please see Exhibit 7 for the Cumulative View Study. Now, the Staff Report asserts the Applicant only provided Cumulative View Study's from three locations and that it is not sufficient for them to determine the degree of cumulative visual impacts. Regardless, of the viewpoint, and as stated above, if in the future those other seven (7) mobile home owners ever decide to rehabilitate their units to 16'-0" the views to and along the ocean and scenic coastal areas would remain substantially unaffected.

E. Space 6 | Application No. 5-19-1093

As stated in the Staff Report, the subject space is located in the southernmost portion of the Park. Within the Staff Report, Staff asserts the earlier Commission approvals were based upon site-specific determinations that considered impacts based upon many factors. The owner of the mobile home in Space 6, also located in the southernmost portion of the Park applied to the Commission for a nearly identical project, as Application No. 5-19-1093. The project was for a mobile home remodel, addition and height increase from 13'-0" to 16'-0" with a majority flat roof. In that application, Commission Staff did not request a cumulative view study or take exception with the minimal height increase. On page 14, of the Staff Report for Application No. 5-19-1093, Staff states:

"The proposal will result in an increase of three feet in height and an increase in floor area. The proposed 3 ft. increase in development height from 13 feet to 16 feet, however, is consistent with the permitted height for residential structures within the Park located in closer proximity to public areas that provide public coastal views. Through past permit action (e.g. CDP Nos. 5-11-033, 5-16-0265, 5-16-0624, 5-18-0325), the Commission has concluded that a development height of 16 feet for unit spaces located even closer in proximity to public vantage areas than the current proposal would allow for an increased height to the Park's prevailing approximately 13-to 14-foot unit height and upgraded one-story unit, but would not have a significant adverse impact on the ocean viewshed from

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public areas. Based on staff's visual analysis, a mobile/manufactured home 16 feet in height would not have a significant adverse visual impact on coastal views from the intersection and trails along Marblehead.

Additionally, at the proposed height and design, the proposed mobile/manufactured home will still preserve the relatively low-scale of mobile homes in the Park, which allows views of the shoreline and scenic coastal areas from many public vantage areas, such as from the public City trails and recreational areas at the Marblehead coastal site, as well as from the public view corridor on the public right-of-way at the Avenida Pico and El Camino Real (ECR) intersection." A true and correct copy of the Staff Report for CDP Application No. 5-19-1093 is attached hereto as **Exhibit 11** and hereby incorporated by reference.

The development proposed in CDP Application No. 5-19-1093 was located within the same area of the Park and the height of the proposed structure was identical to the height as proposed project in the subject application was approved on the Consent Calendar. In the findings stated above, Staff concluded that a development height of 16'-0" was allowed for spaces located in even closer proximity to public vantage areas than the current proposal [our project is located in the same area of the Park] and even those were found not to have a significant adverse impact on the ocean viewshed from public areas. The Applicant seeks to be treated the same, however, Staff is holding this Applicant to a different standard and is analyzing this project differently than the project in CDP Application No. 5-19-1093.

IV. Conclusion

The Applicant simply requests that the Commission treat him as it has treated his neighbors, and grant him the ability to rehabilitate his property. This Commission has approved twelve (12) separate applications for mobile homes with the Park and Staff has recommended approval for twelve (12) other mobile homes within the Park all of which have been approved and / or recommended for approval to a mobile home height substantially less restrictive than what Staff is recommending in the current application. The Applicant agrees with the Special Conditions other than Special Condition No. 1. These conditions were crafted in furtherance and after a 2016 Judgement against the Commission in *Capistrano Shores Property LLC v. California Coastal Commission*, Orange County Superior Court Case No. 30-2015-00785032-CU-WM-CJC. In that case, the court struck down a condition imposed by the Commission requiring the mobile

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homeowner to waive their future right for improved protection against their home. The court ruled that the Commission had no authority under the Coastal Act to impose such a condition.

The Applicant is simply seeking the ability to rehabilitate their mobile home in the same manner as every other mobile homeowner within the Park who has come before this Commission. The Applicant owns the mobile home but not the land under the coach or the Pre-Coastal Act rock revetment and bulkhead. The Applicant is not proposing any seaward encroachment nor can it propose any changes, repairs and/or maintenance to the existing, Pre-Coastal Act protective structure which spans the length of the Park, as that is owned by Capistrano Shores, Inc., the owner of the Park.

As stated above, the Applicant is simply requesting that the Commission treat him in the same manner that it has treated its neighbors and grant them the ability to rehabilitate their mobile home. The federal equal protection clause and its California counterpart provide that persons who are similarly situated with respect to the legitimate purpose of a law must be treated alike under the law. Since the relevant sections of the Coastal Act have not changed, if the Commission was able to make the appropriate findings that the development in the above referenced projects conform to the requirements of the Coastal Act, then the Commission must make the same findings in this project.

We respectfully urge you to approve the development as proposed in Application No. A-20-0362 with the deletion of Special Condition No. 1.

The project team will be present virtually at the hearing on November 19, 2021 to respond to any of your questions and/or concerns.

Thank you for your anticipated courtesy and cooperation in reviewing this matter.

Respectfully submitted,

LAW OFFICES
BLOCK & BLOCK
A Professional Corporation

JMB:kw

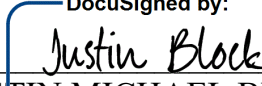
DocuSigned by:

JUSTIN MICHAEL BLOCK
2E2512991A13435...

EXHIBIT 1



Project's estimated view impact



View 3 - Proposed Project

EXHIBIT 2

Subject: Re: CDP 5-20-0362

Date: Friday, July 9, 2021 at 1:33:15 PM Pacific Daylight Time

From: Justin Block

To: Lee, Vince@Coastal

CC: Bill Peters, Alan Block

BCC: ramzy67@icloud.com

Hi Vince: Of course we can set up a call to discuss. I apologize for the delay in issuing a response but the Bill Peters, the project architect, recently had surgery and has been slow to respond. I wanted to respond given your most recent email and should Bill have anything to add, we can supplement at a later time. With regard to your question as to whether the client would be willing to revise the plans for a 16' high, pitched roof design, is something that I don't know, as that question was never presented until your most recent email.

With regard to your email below and from July 2nd, here is a chart of the last 12 CCC approvals, over I believe the last 7 or 8 years, of mobile homes within the Capo Shores MH Park. While I understand each application is viewed independently based upon many factors, including view impacts from public view points, not one was approved at the 13' / 14' roof height referenced in your emails. This is a fact that you are undoubtedly aware of. Additionally, and I will confirm, but I do not believe any of those approvals ever referenced the protection of sky views as something considered in the analysis.

<u>Space Number</u>	<u>CDP Number</u>	<u>Height</u>
Space # 6	CDP No. 5-19-1093	16'
Space #12	CDP No. 5-14-1582	16'
Space #22	CDP No. 5-16-0624	16'
Space #32	CDP No. 5-19-1178	16'
Space #36	CDP No. 5-16-0265	16'
Space #54	CDP No. 5-20-0432	16'
Space #67	CDP No. 5-18-0325	16'
Space #68	CDP No. 5-18-0326	16'
Space #70	CDP No. 5-20-0493	16'
Space #80	CDP No. 5-09-179-A2	18'-6"
Space #81	CDP No. 5-09-180-A1	19'-6"
Space #90	CDP No. 5-10-180-A1	19'-8"

As you are aware and can see above, not one of the last 12 CCC approvals was at a height of less than 16'. Of all of the approvals referenced above, the space closest to the subject space in CDP 5-20-0362, space 3, was space 6. Space 6 was approved with a flat roof at 16' in height in May 2020 as a consent calendar item. Within the Commission SR for space 6's CDP, CDP No. 5-19-1093, it states

“the proposed increased height [note: 13' to 16'] will not result in significant obstruction of major coastal views from nearby public areas (e.g. public trails and recreational areas) and is consistent with part Commission permit action for development in the Park. The Commission has previously required mobile homes in the Park that are in closer proximity to public vantage areas to not exceed a maximum roof height of 16' as measured from the frontage road, Senda de la Playa, to ensure that public coastal views over the units are protected.”

From this finding one can assume that this area of the park, where spaces 3 and 6 are located, is not considered an area within the park in close proximity to public vantage areas which is why CDP No. 5-19-1093 with a 16' flat roof was deemed non-controversial and didn't even garner a full hearing. Based upon our location at the southern end of the park, we believe heights in excess of 16' can be supported as it would not significantly impact coastal views similar to the approval of Space #80, #81 and #90 at the northern end of the park at heights of 18'-6' and higher.

With regard to the attachment in your July 2nd email, you have highlighted the area, I presume, is in excess of 13' in height and indicate that is the area of “estimated view impact”. However, you neglect to reference a precise coastal view that would be impacted by development to that height. On February 26, 2021, our office provided you with a view analysis, at your request, comparing the proposed project at the proposed height, 18' and 16'. Your email doesn't reference that comparison so not sure if that was analyzed in formulating your position but from my review of the same photo attached to your email within the visual analysis comparison, I cannot see more impact to coastal views or the horizon line at any of the aforementioned heights. With that being said, if you have photographic evidence depicting the area in between the proposed project height and 16' as significantly impacting public views, I would appreciate the opportunity to review and share with our client.

I will follow up with Bill about the pitched roof visual analysis and check with Bill and the client about times they would be available for a call. In the meantime, kindly provide any visual evidence other than the marked up image attached to your July 2nd email, which Commission Staff believes evidences the area in between the project's proposed height and 16' that significantly impacts public views.

Thanks,
Justin

--

Justin Michael Block, Esq.
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W: www.blocklaw.net
BRE Broker Lic. # 01932916

****DUE TO PANDEMIC I AM WORKING FROM HOME. PLEASE CONTACT VIA EMAIL OR CELL PHONE.****

From: Lee, Vince@Coastal <vince.lee@coastal.ca.gov>
Date: Friday, July 9, 2021 at 12:06 PM
To: Justin Block <justin@blocklaw.net>
Cc: Bill Peters <williamapeters@yahoo.com>
Subject: Re: CDP 5-20-0362

Justin,

Section 30251 of the Coastal Act broadly protects the scenic and visual qualities of coastal areas, which includes the scenic view of the horizon and skyline.

According to the submitted view study, staff has concluded that the proposed 19'-10" structure is visually incompatible with the surrounding development, which mostly feature lower elevations (13-16 ft.) and pitched roof design.

Can we please set up a call to further discuss? We would like to know whether the applicant is willing to revise their plans for a 16' high, pitched roof design.

Thanks,
-Vin

From: Justin Block <justin@blocklaw.net>
Sent: Friday, July 2, 2021 2:39 PM
To: Lee, Vince@Coastal <vince.lee@coastal.ca.gov>
Cc: Bill Peters <williamapeters@yahoo.com>
Subject: Re: CDP 5-20-0362

Vince: I am currently out of the office and cannot properly respond nor have I reviewed any attachment to

EXHIBIT 3

Subject: Re: 5-20-0362 time extension
Date: Tuesday, August 3, 2021 at 9:27:00 AM Pacific Daylight Time
From: Lee, Vince@Coastal
To: Justin Block
CC: ramzy67@icloud.com, Alan Block
Attachments: 5-20-0362 site visit(1).pptx

Hi Justin,

Our staff have once again discussed the project, and concluded that the project would have significant view impact based on the submitted proposal and the attached pictures I have taken during my recent visit to the project site.

We have identified significant potential impact on the bluewater and whitewater views of the ocean (viewpoints 1-9 and 18), as well as potential to block the view of the headland (viewpoint 19). Based on this case specific analysis, we concluded your proposal is not consistent with the resource protection policies of the Coastal Act. We are also concerned about the cumulative impact across the whole park if the remaining mobile homes were to be elevated in a similar fashion and wall off the public view that exists today. Hence, our staff are still set on a recommendation of denial for October 2021 hearing.

If the applicant wishes Coastal Commission staff to further consider a revised design with max height of 16 ft and pitched roof, he may present his case for the cumulative impact south of the office unit (units 1 through 9) if those mobile homes were to be elevated to 16 ft.

Thanks for your attention to this matter. Please don't hesitate to reach out if you have concerns.

Best regards,
-Vin

From: Justin Block <justin@blocklaw.net>
Sent: Tuesday, July 20, 2021 10:18 AM
To: Lee, Vince@Coastal <vince.lee@coastal.ca.gov>
Cc: ramzy67@icloud.com <ramzy67@icloud.com>; Alan Block <alan@blocklaw.net>
Subject: Re: 5-20-0362 time extension

That is correct Vince. While we have never been officially told we on an agenda for August, we do not wish to be. As such, please do not schedule us for the August agenda. Please see the Time Extension Agreement sent in a previous email.

Sent from my iPhone

On Jul 20, 2021, at 10:13 AM, Lee, Vince@Coastal <vince.lee@coastal.ca.gov> wrote:

Thank you Justin.

If you wish to postpone the item from August hearing, please provide in writing

requesting postponement of 5-20-0362 for our records.

Thanks,
-Vin

From: Justin Block <justin@blocklaw.net>
Sent: Tuesday, July 20, 2021 9:49 AM
To: Lee, Vince@Coastal <vince.lee@coastal.ca.gov>; ramzy67@icloud.com
<ramzy67@icloud.com>; Alan Block <alan@blocklaw.net>
Subject: Re: 5-20-0362 time extension

Vince: Please find the executed document attached. – Justin

From: Lee, Vince@Coastal <vince.lee@coastal.ca.gov>
Date: Monday, July 19, 2021 at 1:50 PM
To: Justin Block <justin@blocklaw.net>
Subject: Re: 5-20-0362 time extension

Hi Justin,

I am following up on the status of the 90 day extension form.
Please let me know if the applicant wishes to extend the deadline by 90 days by signing the form and returning it to me.

thanks,
-Vin

From: Justin Block <justin@blocklaw.net>
Sent: Friday, July 16, 2021 2:39 PM
To: Lee, Vince@Coastal <vince.lee@coastal.ca.gov>
Subject: Re: 5-20-0362 time extension

Please find them attached.

From: Lee, Vince@Coastal <vince.lee@coastal.ca.gov>
Date: Friday, July 16, 2021 at 2:08 PM
To: Justin Block <justin@blocklaw.net>
Subject: Re: 5-20-0362 time extension

Hi Justin.

I appreciate your time to talk today as well.
Could you please forward the view simulation with pitched roof design?

Thanks,
-Vin

From: Justin Block <justin@blocklaw.net>
Sent: Friday, July 16, 2021 11:20 AM
To: Lee, Vince@Coastal <vince.lee@coastal.ca.gov>; Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>
Subject: Re: 5-20-0362 time extension

Thanks Vince.

I appreciate your time today as well. Sorry if my tone and / or position seemed argumentative at times towards you and Eric.

Have a nice weekend.

Justin

From: Lee, Vince@Coastal <vince.lee@coastal.ca.gov>
Date: Friday, July 16, 2021 at 10:41 AM
To: Justin Block <justin@blocklaw.net>
Subject: 5-20-0362 time extension

Hi Justin.

Thanks for our call today.

Per our discussion online, attached please find the 90 day extension form for you to sign and return to us, and put in writing requesting postponement of 5-20-0362 for our records.

Thanks,



Vince Lee | Coastal Planner
CALIFORNIA COASTAL COMMISSION
South Coast District Office
301 E. Ocean Blvd, Suite 300
Long Beach, CA 90802
(562) 590-5071



Please note that public counter hours for all Commission offices are currently suspended in light of the coronavirus. However, in order to provide the public with continuity of service while protecting both you and our employees, the Commission remains open for business, and you can continue to contact Commission staff by phone, email, and regular mail, though please excuse any delays in response. In addition, more information on the Commission's response to the COVID-19 virus can be found on our website at www.coastal.ca.gov

























EXHIBIT 4

Subject: FW: Unit 3 | Capo Shores | Revised Project
Date: Wednesday, October 6, 2021 at 9:46:47 AM Pacific Daylight Time
From: Justin Block
To: Lee, Vince@Coastal
CC: ramzy67@icloud.com, Bill Peters, Alan Block
Attachments: Complete_View_4_PDF.pdf, Complete_View_5_PDF.pdf,
Unit_3_Capo_Shores_Revised_Plans_Full_Size.pdf,
Unit_3_Capo_Shores_Revised_Reduced_Set.pdf,
Unit_3_Capo_Shores_Updated_CCC_View_Study.pdf

Good Morning Vince: First and foremost, thank you for your patience.

As you are aware based upon our communications, the client has decided to revise the height of the proposed structure. Revised plans are attached. While I have provided a complete set (full size & reduced size), the only sheet that has actually changed is the elevations.

In determining the height of the revised structure, the Applicant and architect carefully analyzed the photos that you took on your visit to the project site and which you provided in your August 3, 2021 email. In your email, you state that Staff has discussed the project and concluded the [proposed] project would have significant view impact based on the submitted proposal. Within your email you state that we have identified significant potential impact on bluewater and whitewater views (viewpoints 1 – 9 and 18), as well as potential to block the view of the headland (viewpoint 19).

Based upon our communications and their analysis they tried to determine a sweetspot for the height of the structure given the Chapter 3 policies that scenic and visual qualities shall be considered and protected. In consideration of these policies, the Applicant is proposing to reduce the height of the structure from 19'-10" to 18'-0". Based upon the analysis of the photos you provided, we believe the view blockage is negligible with a 18'-0" structure. Please find attached our analysis on some of your photos showing the view impact of the revised 18'-0" structure (Note: we choose 5 of the viewpoint photos you provided which we felt would be the most impactful and likeliest to evidence view blockage). In sum:

- View 1 (Your Viewpoint Photo 1) - Percentage of Water View Blockage - 0.8 of 1%
- View 2 (Your Viewpoint Photo 6) - Percentage of Water View Blockage - 0.4 of 1%
- View 3 (Your Viewpoint Photo 9) – Percentage of Water View Blockage – 0.7 of 1%
- View 4 (Your Viewpoint Photo 18) – Percentage of Water View Blockage – 1%
- View 5 (Your Viewpoint Photo 19) – Percentage of Water View Blockage – 2.5% / No blockage of headlands

Comments Relating to the Analysis Above:

- In Views 3 and 5 it is hard to see the existing houses behind the profile of our proposed house on the subject site. These pictures exaggerate the impact of our proposed house because the existing houses behind the proposed house already obstruct the water views from these locations.
- Sloping roofs (shown in the studies) offer no enhancement of the views.
- It appears the views shown in 3, 4 and 5 (Note: Your images 9, 18 & 19) are zoomed in when compared with photos taken by the project architect's iphone (attached as Complete Views 4 & Complete Views 5).

- The views within the Viewpoint photos do not reflect the natural view (and blockage) experienced by the human eye. As one is travelling along these viewpoint areas or taking in the views, your perspective is continually changing based upon the body's movement in that moment. These viewpoints are based upon a simple snapshot at a fixed location and actually drastically reduce the size of the views.
- Elaborating on the point above, Views 3 and 5 provide a vast unobstructed 180 degree ocean views enjoyed by just turning one's head. Taking in the complete view from the location in View 5 would reduce the Percentage of View Blockage from 2.5% to 0.6 of 1%.

Again, I want to thank you for your patience as we worked through this. We believe the revised project which reduces the building height addresses your concerns and we look forward to hearing from you as to how it was received at your meeting today. Can you kindly confirm receipt.

Thanks,

Justin

--

Justin Michael Block, Esq.
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BRE Broker Lic. # 01932916

****DUE TO PANDEMIC I AM WORKING FROM HOME. PLEASE CONTACT VIA EMAIL OR CELL PHONE.****



Unit 3

View 1 - Existing Condition



View 1 - Proposed Project % of water view blockage – 0.8 of 1 %

Unit 3

View 2 - Existing Condition





View 2 - Proposed Project % of water view blockage – 0.4 of 1 %



Unit 3

View 3 - Existing Condition



View 3 - Proposed Project % of water view blockage – 0.7 of 1 %



Unit 3

View 4 - Existing Condition



View 4 - Proposed Project % of water view blockage – 1 %



Unit 3

View 5 - Existing Condition



View 5 - Proposed Project % of water view blockage – 2.5 %
no blockage of headlands









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IN
PROGRESS



EXHIBIT 5

Subject: Re: Unit 3 | Capo Shores | Revised Project
Date: Monday, October 25, 2021 at 9:42:14 AM Pacific Daylight Time
From: Justin Block
To: Lee, Vince@Coastal
CC: Bill Peters, ramzy67@icloud.com, Alan Block, Stevens, Eric@Coastal
BCC: eanderson@caposhores.com
Attachments: CCC Image 19 - PROPOSED VIEW + NEIGHBORS 1 TO 9.docx, Image Comparison.pdf

Vince: Following-up on the request below. Kindly confirm receipt and acknowledge the case files, including the required view analysis, for the Commission's twelve approvals referenced in the email below are included in the administrative record for the subject CDP, CDP No. 5-20-0362.

Additionally, in review of the photos and preparation for hearing, the team looked closer at the images which you stated that you took on your site visit and which Staff was utilizing as a basis for their determination of a potential view obstruction and the recommendation of denial. At least two of the images appear to be skewed compared to images which were taken from nearly identical locations. I am unsure what caused the views depicted in those images to appear differently but because of these differences I must ask the following questions.

1. What did you utilize to capture the images (i.e. phone, camera)? If so, what is the make and model of the phone / camera?
2. Did you zoom in when capturing any of the images? If so, how much did you zoom in?
3. After capturing the image, did you edit the image in any manner (i.e. color correct, cropping, etc.)? If so, how?

As you can see from the attachment comparing your Image Numbers 9 & 19 (PP Slide Nos. 10 & 12) and images captured by the architect, Bill Peters on his iPhone 10 at roughly identical locations. Mr. Peters images were captured without magnifying the subject of the image or any enhancements in an effort to replicate the view from the human eye. Mr. Peter's images depict a larger viewshed with:

- more ocean;
- more sky; and
- the mobile homes appear to be located at a much greater distance from the photo location than your images

Upon learning of these discrepancies with the images, I need to ask these questions as the answers should be beneficial to help understand the reasoning behind the differences between the views depicted in the photos. It goes without saying that any visual evidence submitted to the record and presented to the Commission must represent the views from public viewsheds with the naked eye. I think you would agree that If images were manipulated to depict less ocean, less sky and the mobile homes closer, the photos would be misleading and drastically impact the perceived view blockage.

We do not believe your request for a cumulative view analysis is warranted. This request places an undue burden on this Applicant and treats this Applicant differently than the other applicants who were granted approvals by this Commission for projects within the Capistrano Mobile Home Park as they were not required to submit such a study. Furthermore, the Applicant has zero control over the mobile homes within the requested cumulative view study area and any cumulative view study submission could impact those mobile home owners the ability to improve their units. With that being said, and without prejudice to our position

that the requested cumulative view study is unwarranted and could impact other mobile home owners ability to improve their unit, please find a cumulative view study on an image captured by Mr. Peters which was taken from nearly the identical location of your Image Number 19 (PP Slide No. 12). As we have said all along, the view obstruction is negligible.

Thank you,
Justin

From: Justin Block <justin@blocklaw.net>

Date: Thursday, October 21, 2021 at 11:26 AM

To: Lee, Vince@Coastal <vince.lee@coastal.ca.gov>

Cc: Bill Peters <williamapeters@yahoo.com>, ramzy67@icloud.com <ramzy67@icloud.com>, Alan Block <alan@blocklaw.net>, Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>

Subject: RE: Unit 3 | Capo Shores | Revised Project

Vince: While I appreciate the heads up as to Staff's recommendation, I am completely blown away as to your position. I will circle back with the team and offer a more thorough response but you have left us with no other choice but to commence building the record to prepare for litigation. Here again are the last 12 applications for CDPs within the Capo Shores Mobile Park all of which were granted approvals by the Commission. None of which were requested to prepare a cumulative impact analysis. We are simply requesting to be treated similarly to the other approvals this Commission granted to these other mobile home owners.

<u>Space Number</u>	<u>CDP Number</u>	<u>Height</u>
Space # 6	CDP No. 5-19-1093	16'
Space #12	CDP No. 5-14-1582	16'
Space #22	CDP No. 5-16-0624	16'
Space #32	CDP No. 5-19-1178	16'
Space #36	CDP No. 5-16-0265	16'
Space #54	CDP No. 5-20-0432	16'
Space #67	CDP No. 5-18-0325	16'
Space #68	CDP No. 5-18-0326	16'
Space #70	CDP No. 5-20-0493	16'
Space #80	CDP No. 5-09-179-A2	18'-6"
Space #81	CDP No. 5-09-180-A1	19'-6"
Space #90	CDP No. 5-10-180-A1	19'-8"

Considering the CDP for the pending project, CDP No. 5-20-0362, is substantially identical to the others referenced above which were approved by the Commission, I want to insure that the evidence submitted in connection with those above referenced CDP approvals is part of the record for the Commission's proceedings on CDP No. 5-20-0362. As such, the record on the proceedings for CDP No. 5-20-0362 should include each of the Commission's findings made in connection with the 12 CDP's referenced above. Please confirm receipt and acquiescence to our request.

Thank you,
Justin

--

Justin Michael Block, Esq.
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BRE Broker Lic. # 01932916

****DUE TO THE PANDEMIC I AM WORKING FROM HOME. PLEASE CONTACT VIA EMAIL OR CELL PHONE.****

From: Lee, Vince@Coastal <vince.lee@coastal.ca.gov>
Sent: Thursday, October 21, 2021 10:58 AM
To: Justin Block <justin@blocklaw.net>
Cc: Bill Peters <williamapeters@yahoo.com>; ramzy67@icloud.com; Alan Block <alan@blocklaw.net>; Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>
Subject: Re: Unit 3 | Capo Shores | Revised Project

Hi Justin,

As I have stated in my previous email, staff is concerned with the visual impact of the revised design from public views, not only on the individual merit of the project, but more importantly on the cumulative impact this project would have on this stretch of the mobile home park.

In our email dated 8/3/2021, we have asked the applicant to submit a cumulative view impact analysis south of the office unit (units 1 through 9) to analyze the visual impact when those mobile homes were to be elevated to 16 ft. Since we do not have the cumulative visual impact analysis, staff does not

IMAGE COMPARISON
CDP No. 5-20-0362



Image Number 9 (Slide Number 10 in 5-20-0362 Site Visit)



Image taken from same location as Image Number 9 above. Photo taken by project architect on 10/21/21.

IMAGE COMPARISON



Image Number 19 (Slide Number 12 in 5-20-0362 Site Visit)



Image taken from same location as Image Number 19 above. Photo taken by project architect on 10/21/21.



BLACK - EXISTING
RED - NEW - UNITS 1 to 9, ~~10 to 12~~
16 FT. +

PROPOSED VIEW FROM CCC #12 (NORMAL VIEW / NOT ZOOMED IN)

EXHIBIT 6

Subject: Re: Unit 3 | Capo Shores | Revised Project
Date: Thursday, October 28, 2021 at 11:04:17 AM Pacific Daylight Time
From: Justin Block
To: Lee, Vince@Coastal
CC: Stevens, Eric@Coastal, Karl.Schwing@coastal.ca.gov, John.Ainsworth@coastal.ca.gov, ramzy67@icloud.com, Bill Peters, Alan Block
BCC: eanderson@caposhores.com
Attachments: Image 9_Ocean_Comparison.pdf, Image Comparison_Mark_Up.pdf

Vince:

Thank you for your response regarding the executive orders.

With regard to the image discrepancies, you failed to answer and / or acknowledge our questions, other than stating that different locations / angles may render different views. Personally, I do not know enough about photography to understand the ramifications of capturing images from different locations and angles and how that may render different views. However, I am married to a professional photographer who was formally trained and graduated from Brooks Institute of Photography in Santa Barbara. Due to the pandemic, we both are working from home and share an office. I showed her the images in the View Comparison and asked for her professional opinion if the discrepancies could have been caused by the images being captured at "slightly different angels and locations". Unequivocally, she stated that the discrepancies to this magnitude could have only been caused by magnifying the subject within the camera (i.e. zooming in / using a telescopic lens) or after the image was captured in post-production by editing the image (i.e. cropping). Attached please find a mark-up of the Image Comparison. The marked-up Image Comparison calls out various landmarks in each photo to use as a baseline in the comparison. Based upon these landmarks, the marked-up Image Comparison approximates how tightly the camera would have had to be zoomed in / image cropped in to achieve the viewshed in Staff's photos. Another way to look at the marked-up images is to evidence which portion of the actual viewshed contained in the photograph was depicted in Coastal Staff's image. Staff's images depict a small percentage of the total viewshed captured and eliminates a vast majority of the ocean from the image which would be seen by the naked eye from those public viewsheds. The results are actually astonishing. In an effort to quantify the amount of ocean removed from the viewshed in your photo, the project architect, Bill Peters, compared the ocean depicted in your Image Number 9 to Mr. Peters image taken at the same location. To do so, he took various measurements of the ocean and compared them. His analysis shows that your image removed approximately 90% of the ocean when compared to his image captured at nearly identical locations. Please find his analysis with the math to substantiate his findings attached.

The Applicant's original design proposed a 19'-10" high mobile home. Based upon the mobile home's location within the Park we did not feel the proposed structure would impact ocean views from public viewsheds. Vince, you responded by stating that your office believed the proposed project would have "significant view impact based on the submitted proposal and the attached pictures I have taken during my recent visit to the project site." Your email goes on to say, "we have identified significant potential impact on the bluewater and whitewater views of the ocean (viewpoints 1-9 and 18), as well as potential to block the view of the headland (viewpoint 19)." Based on this case specific analysis, we concluded your proposal is not consistent with the resource protection policies of the Coastal Act" [Emphasis Added]. The Applicant and team were obviously unaware that the images provided by Staff which was basis for Commission Staff's position grossly misrepresented the viewshed from the human eye at public viewpoints. Based upon your email and photos, the Applicant and architect studied project revisions in an effort to alleviate the alleged "significant potential impact on the bluewater and whitewater views of the ocean". In doing so, they utilized your photos as that was conveyed to be the evidence which Staff was utilizing as the basis for their position.

Based upon your photos, the Applicant expended additional money to perform an updated view study which was overlaid onto your photos to determine the appropriate height at which no significant view blockage would occur. Based upon the revised view study on your viewshed photos, the Applicant paid the architect to revise the project plans to reduce the height of the mobile home to 18'-0". A new view study was submitted showing the revised 18'-0" mobile home overlaid on top of your images. This view study called out the percentage of ocean view (and headland) obstructed by the revised project at 18'-0". The percentages were negligible (only one image depicted more than a 1% ocean obstruction and that was with your patently misleading images which eliminated as much as approximately 90% of the ocean from one of the images depicting the viewshed). Again, you responded that based upon your images, the project still significantly obstructed public views. And again, based upon your misleading photos, the Applicant expended more fees to have the project architect revise the drawings to reduce the height of the mobile home to 16'-0". This height was consistent with the last 12 applications for CDPs within the Capo Shores Mobile Park all of which were granted approvals by the Commission. Similar to the other two versions of the proposed project, we were informed it still obstructs public views.

Considering your images, do not depict the viewshed from the naked eye, they should not be utilized as evidence in determining the proposed project's view obstruction analysis. Since your photos clearly do not represent the actual viewshed, please provide us with the photographic evidence you are utilizing as the basis for your determination. The misleading photos have caused this Applicant to waste valuable time and incur unneeded expenses. While your images should not be utilized as evidence in analyzing the proposed project's view obstruction, said images should be included within the Administrative Record as evidence in case this matter proceeds to litigation.

Regarding the Administrative Record, and as previously requested, please acknowledge the case files, including the required view analysis, for the Commission's twelve approvals referenced in the email below are included in the administrative record for the subject CDP, CDP No. 5-20-0362. Additionally, it has come to my attention that several two-story units within the Park were subject to litigation and that the Commission's position was that those units should have been limited to 16'-0" as opposed to the higher height in which they were constructed at. While I am not privy to the particulars of those matters, I would request that the case files for all those units also be included within the Administrative Record for the subject CDP. From my understanding those unit numbers and CDP Applications are as follows:

Units | CCC Application Nos.

-
13 | 5-12-297
17 | 5-12-294
18 | 5-12-128
23 | 5-13-038
31 | 5-11-033
35 | 5-12-126
40 | 5-15-0982 (was 5-11-194)
46 | 5-13-037
48 | 5-12-296
57 | 5-15-0978 (was 5-11-193)
69 | 5-12-127
75 | 5-12-295

Given the above referenced 12 CDP Applications for mobile home units which the Commission recommended approval of at a height of 16'-0" and the Commission's approval of the twelve other CDPs provided in earlier emails at no lower than 16'-0", the Commission has recommended approval / approved at least 24 mobile home units within the same park at heights not lower than our proposed height of 16'-0". However, Staff is

recommending a denial of our mobile home unit at that same height and the only evidence presented to substantiate potential view blockage was based upon patently misleading photos taken by you to support your position.

Justin

From: Lee, Vince@Coastal <vince.lee@coastal.ca.gov>

Date: Wednesday, October 27, 2021 at 1:55 PM

To: Justin Block <justin@blocklaw.net>

Cc: Bill Peters <williamapeters@yahoo.com>, ramzy67@icloud.com <ramzy67@icloud.com>, Alan Block <alan@blocklaw.net>, Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>, Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>

Subject: Re: Unit 3 | Capo Shores | Revised Project

Hi Justin,

That Executive Order N-52-20 has tolled the deadline by 60 days for projects the Commission had accepted between April 16 and June 15, 2020. Since we received your project on July 1, 2020, this project is not subject to the tolled deadline and the 270th PSA deadline of November 23, 2021 still applies.

Regarding your questions on the discrepancies in the view shed images taken by me and your project architect, we recognize that slightly different angles and locations may render different views of the ocean and the headlands, but it is still staff's position that a significant view impact is associated with the project based on the project's own merits and its cumulative impact on the southern portion of the mobile home park which is located in a key view corridor.

We are still drafting our findings for this project and we will share the report as soon as we publish it. As you may know, you are welcome to provide written correspondence in response to the published staff report and testify at the Commission hearing.

Thanks,
-Vin

From: Justin Block <justin@blocklaw.net>

Sent: Wednesday, October 27, 2021 1:11 PM

To: Lee, Vince@Coastal <vince.lee@coastal.ca.gov>

Cc: Bill Peters <williamapeters@yahoo.com>; ramzy67@icloud.com <ramzy67@icloud.com>; Alan Block <alan@blocklaw.net>; Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>; Schwing, Karl@Coastal

IMAGE COMPARISON
CDP No. 5-20-0362



Image Number 9 (Slide Number 10 in 5-20-0362 Site Visit)

For Reference:

- | | | |
|------------|-------------------|----------|
| (1) cactus | (3) Chimney | (5) Pier |
| (2) Shrub | (4) Utility Tower | |



Image taken from same location as Image Number 9 above. Photo taken by project architect on 10/21/21.

IMAGE COMPARISON



Image Number 19 (Slide Number 12 in 5-20-0362 Site Visit)

For Reference: ① Skinny area of Palm
② Rocks
③ Handicap Space



Image taken from same location as Image Number 19 above. Photo taken by project architect on 10/21/21.

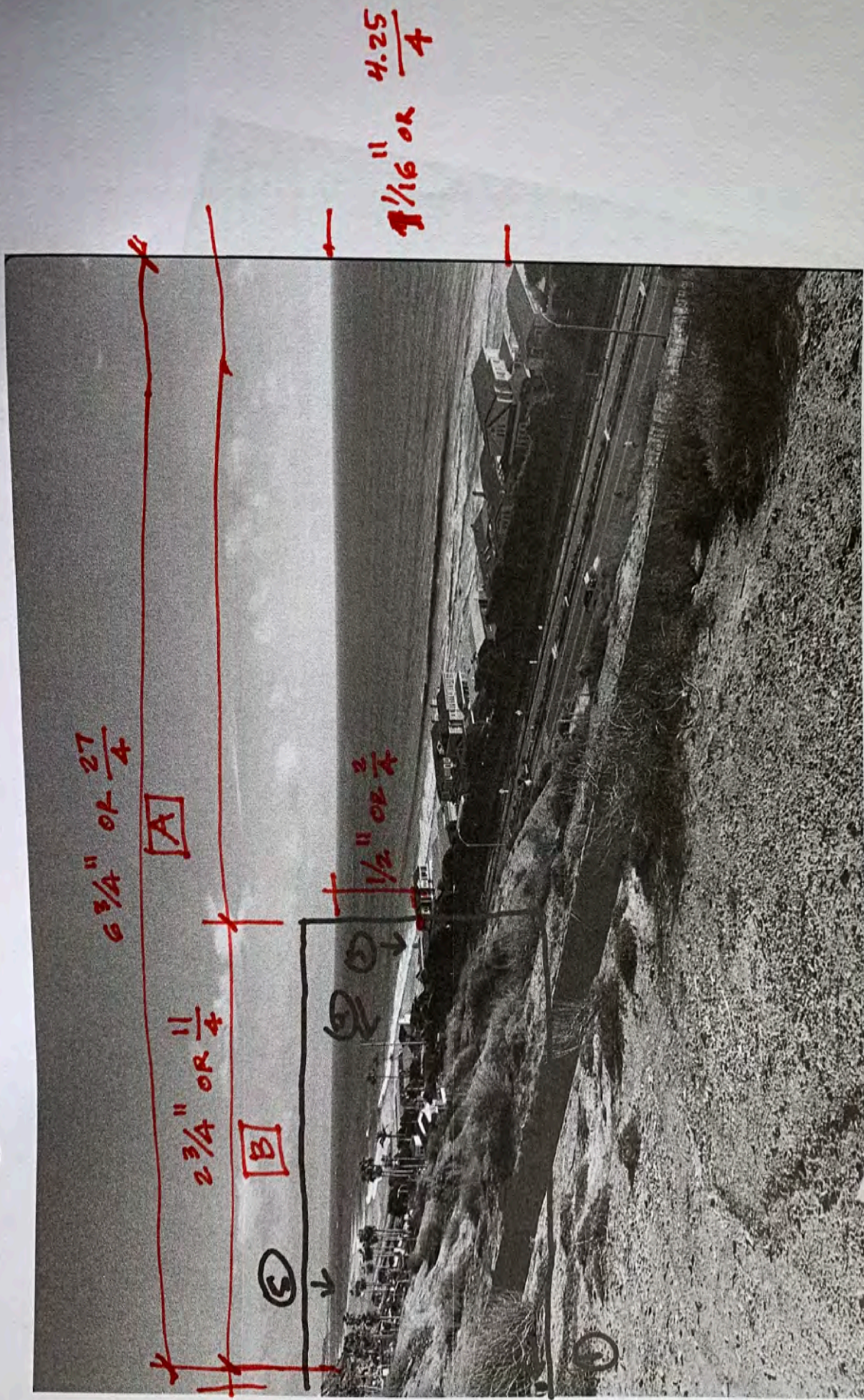


Image taken from same location as Image Number 9 above. Photo taken by project architect on 10/21/21.

NOW THE MATH

COAST FIG. [B] AREA $11 \times 2 \times \frac{1}{2}(\text{TRIANGLE}) = 11$

ACTUAL VIEW AREA $27 \times 4.25 \times \frac{1}{2} = 114.75$

$11 = \text{LESS THAN } 10\% \text{ OF } 114.75$

EXHIBIT 7

Subject: Re: Unit 3 | Capo Shores | Revised Project
Date: Friday, October 29, 2021 at 4:02:43 PM Pacific Daylight Time
From: Justin Block
To: Lee, Vince@Coastal
CC: Stevens, Eric@Coastal, Karl.Schwing@coastal.ca.gov, John.Ainsworth@coastal.ca.gov, ramzy67@icloud.com, Bill Peters, Alan Block
BCC: eanderson@caposhores.com
Attachments: IMG_3381.heic, IMG_3382.heic, IMG_3405.heic

Vince: Despite our belief that the Cumulative View Studies are unwarranted, please find some additional Cumulative View Studies per your request at 16'-0". These studies are being submitted without prejudice to our position that a Cumulative View Study (a) places an undue burden on this Applicant; (b) treats this Applicant differently than the other applicants who have come before this Commission for projects within the Capistrano Mobile Home Park; (c) requires the Applicant to speculate on improvements over land which he has zero control over; and (d) could impact other owner's ability to improve their units / property. In essence, you are asking this Applicant to submit a study which effectively could create an overlay zone for the park despite the Commission's position to the contrary in the past that each project has to be analyzed on its own merits. This study should have been performed by Commission Staff themselves and / or been requested by the owner of the Park as opposed to placing this undue burden on this Applicant.

In preparing the Cumulative View Studies, we had to speculate that seven (7) different mobile home owners, would submit seven (7) separate applications for CDPs, for seven (7) separate 16'-0" high structures. The reason there are only seven (7) other mobile homes within this area (1 through 9) is because this Commission approved a 16'-0" high structure over Space 6 on the Consent Calendar without requiring a Cumulative View Study. In performing this Cumulative View Study on photographs which do not misrepresent the view from the naked eye at public viewpoints, you will clearly see that 16'-0" structures would not obstruct views. Since we are speculating, I would also speculate that based upon these Cumulative View Studies, structures that are taller than 16'-0" would probably not obstruct the views either.

Justin

From: Justin Block <justin@blocklaw.net>
Date: Thursday, October 28, 2021 at 11:14 AM
To: Lee, Vince@Coastal <vince.lee@coastal.ca.gov>
Cc: Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>, Karl.Schwing@coastal.ca.gov <Karl.Schwing@coastal.ca.gov>, John.Ainsworth@coastal.ca.gov <John.Ainsworth@coastal.ca.gov>, ramzy67@icloud.com <ramzy67@icloud.com>, Bill Peters <williamapeters@yahoo.com>, Alan Block <alan@blocklaw.net>
Subject: Re: Unit 3 | Capo Shores | Revised Project

I apologize for an additional email but I am receiving undeliverable receipts due to the size of the attachments. For that reason, please find a link to a third party website, WeTransfer, to download the two items which were attached to the email below.

Download link
<https://we.tl/t-Tqyag3QjwM>



RED - ACCUMULATIVE IMPACT TO VIEW
BLACK - EXISTING

RED - ACCIDENT INVESTIGATION
BLACK - EXISTING

#3



RED - PROJECTED UNB @ 16 FT - ACCUMULATIVE
BLACK - EXISTING
③



EXHIBIT 8

Past Commission Action Chart

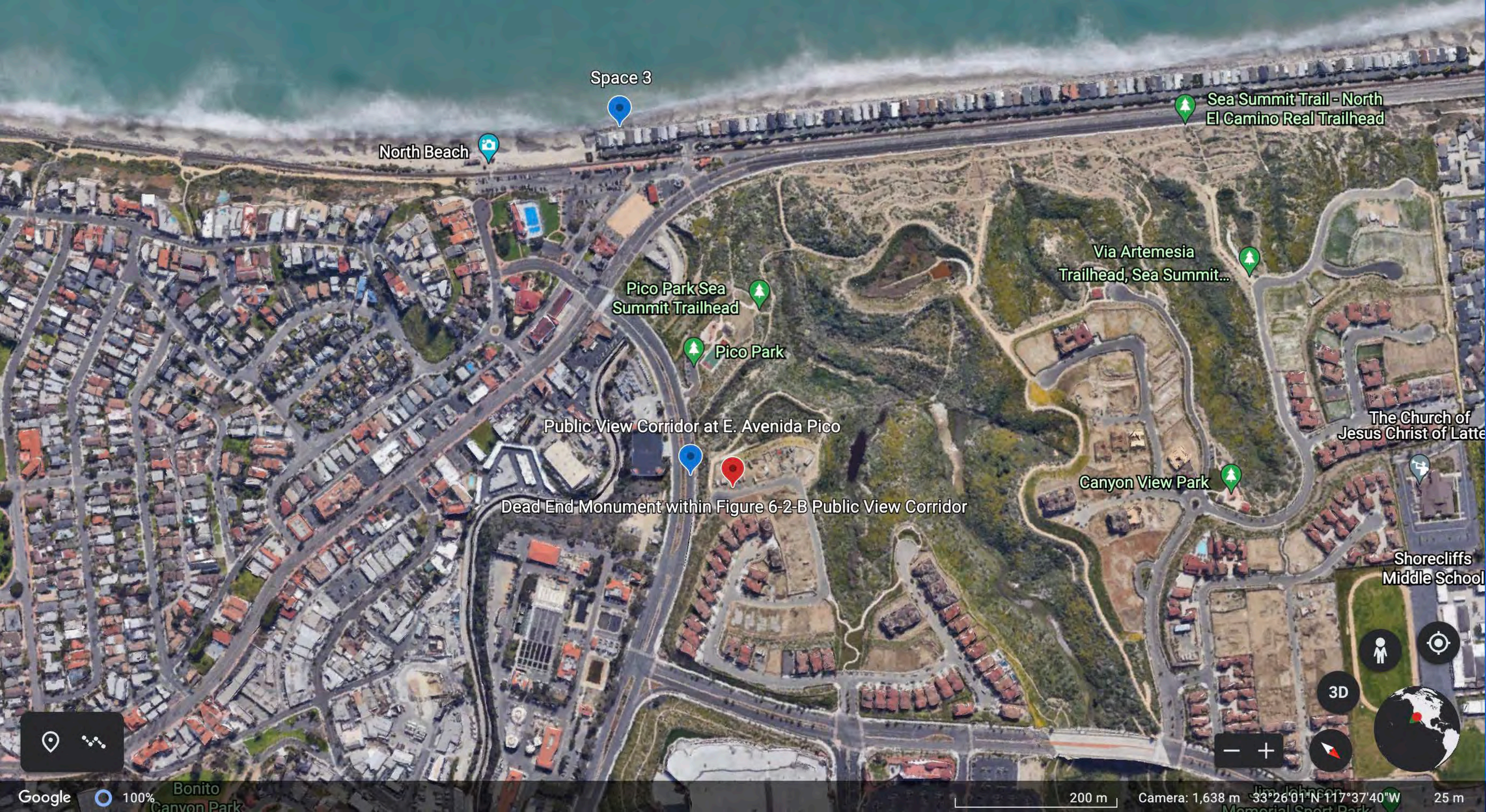
<u>Space Number</u>	<u>CDP Number</u>	<u>Height Approved</u>	<u>Cumulative View Analysis Required by Applicant</u>
Space # 6	CDP No. 5-19-1093	16'	No
Space #12	CDP No. 5-14-1582	16'	No
Space #22	CDP No. 5-16-0624	16'	No
Space #32	CDP No. 5-19-1178	16'	No
Space #36	CDP No. 5-16-0265	16'	No
Space #54	CDP No. 5-20-0432	16'	No
Space #67	CDP No. 5-18-0325	16'	No
Space #68	CDP No. 5-18-0326	16'	No
Space #70	CDP No. 5-20-0493	16'	No
Space #80	CDP No. 5-09-179-A2	18'-6"	No
Space #81	CDP No. 5-09-180-A1	19'-6"	No
Space #90	CDP No. 5-10-180-A1	19'-8"	No

Past Staff Recommendation Chart

<u>Space Number</u>	<u>CDP Application Number</u>	<u>Height Recommended for Approval</u>	<u>Cumulative View Analysis Required by Applicant</u>
Space # 13	CDP No. 5-12-297	16'	No
Space #17	CDP No. 5-12-294	16'	No
Space #18	CDP No. 5-12-128	16'	No
Space #23	CDP No. 5-13-038	16'	No
Space #31	CDP No. 5-11-033	16'	No

Space #35	CDP No. 5-12-126	16'	No
Space #40	CDP No. 5-15-0982 was (5-11-194)	16'	No
Space #46	CDP No. 5-13-037	16'	No
Space #48	CDP No. 5-12-296	16'	No
Space #57	CDP No. 5-15-0978 Was (5-11-193)	16'	No
Space #69	CDP No. 5-12-127	16'	No
Space #75	CDP No. 5-12-295	16'	No

EXHIBIT 9



Space 3

North Beach

Sea Summit Trail - North
El Camino Real Trailhead

Via Artemesia
Trailhead, Sea Summit...

Pico Park Sea
Summit Trailhead

Pico Park

Public View Corridor at E. Avenida Pico

Dead End Monument within Figure 6-2-B Public View Corridor

The Church of Jesus Christ of Latter-day Saints

Canyon View Park

Shorecliffs
Middle School

Google

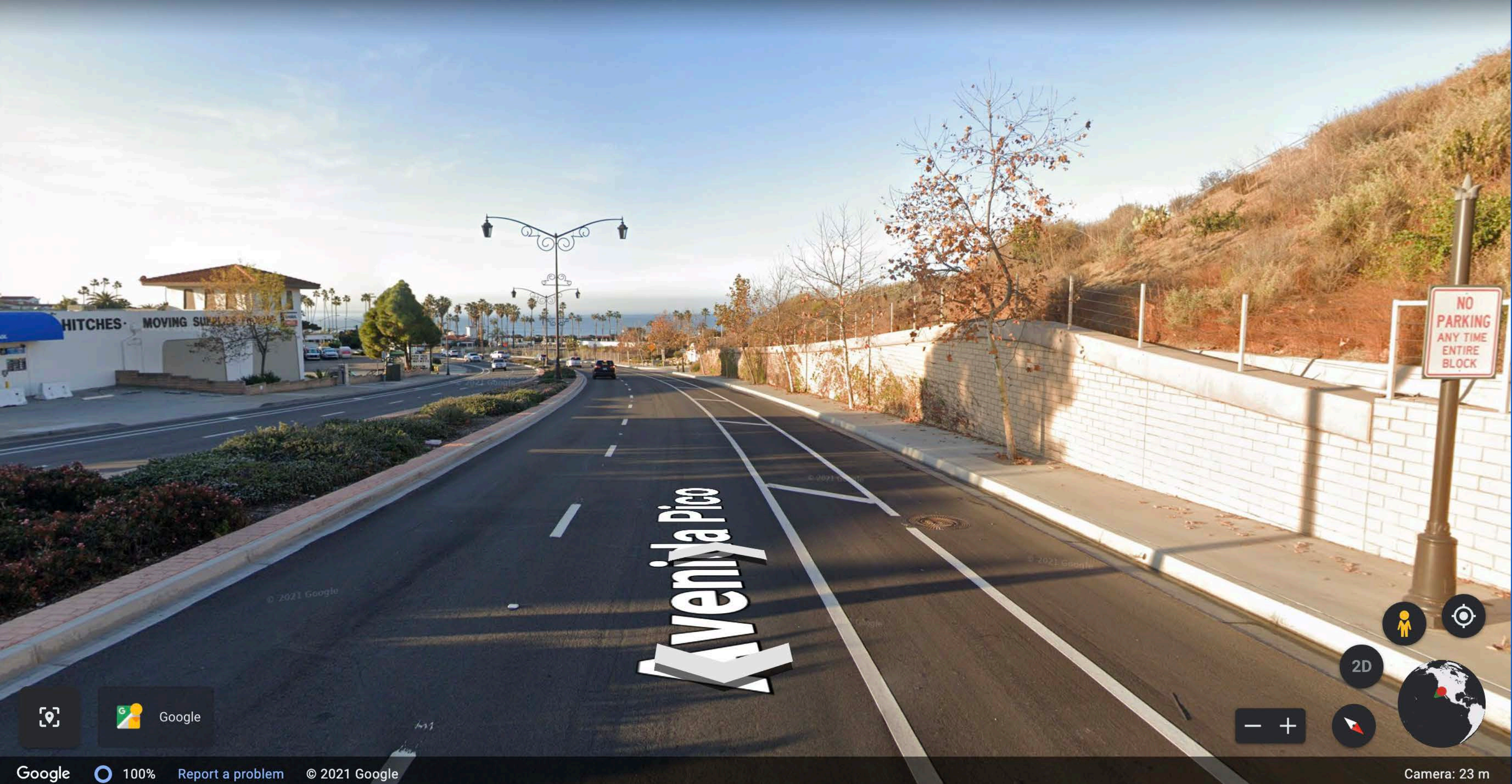
100%

Bonito
Canyon Park

200 m

Camera: 1,638 m 33°26'01"N 117°37'40"W

25 m



HITCHES MOVING SUPPLIES

NO
PARKING
ANY TIME
ENTIRE
BLOCK

Avenida Pico



Google



2D



Google

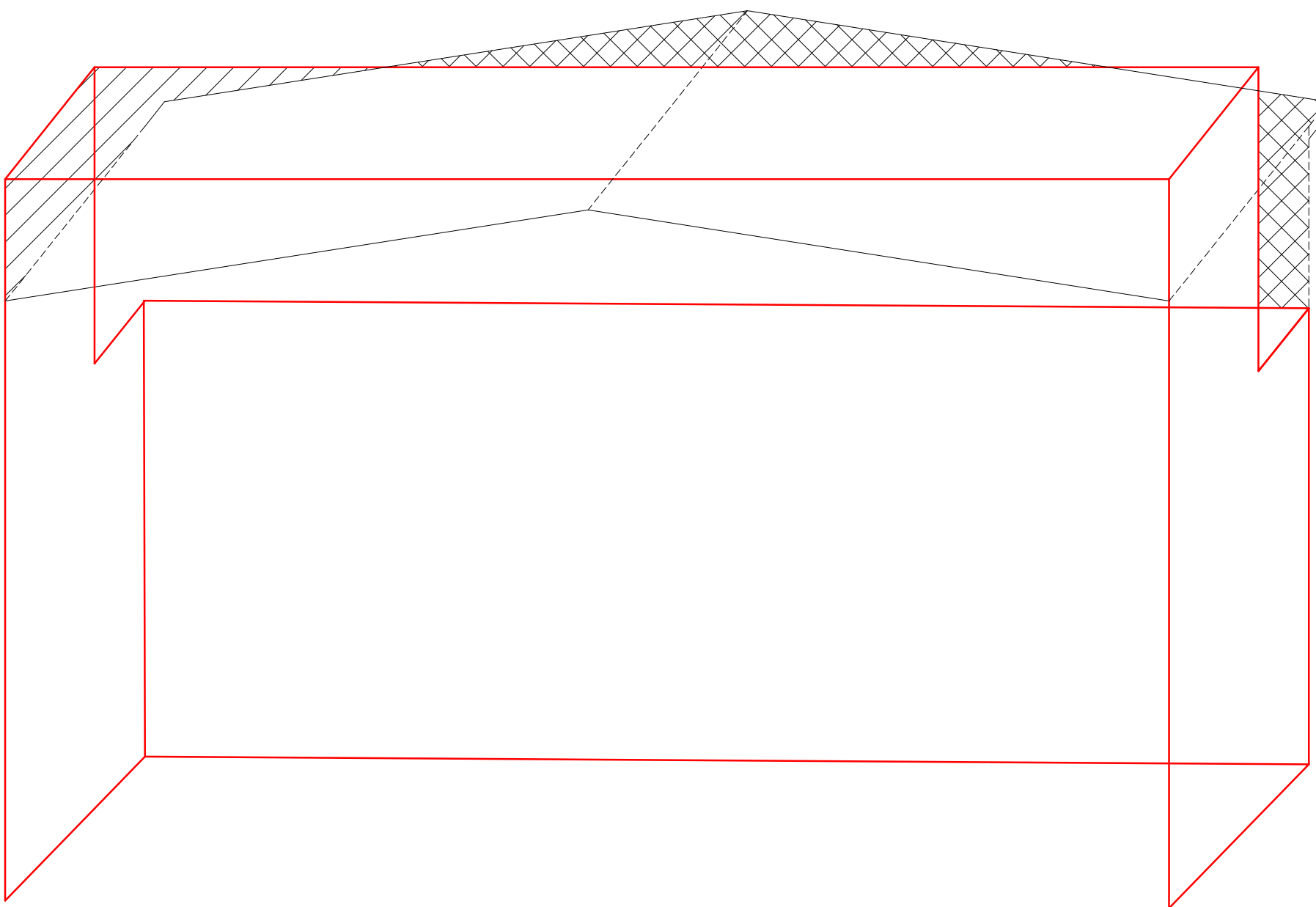
100%

[Report a problem](#)

© 2021 Google

Camera: 23 m

EXHIBIT 10



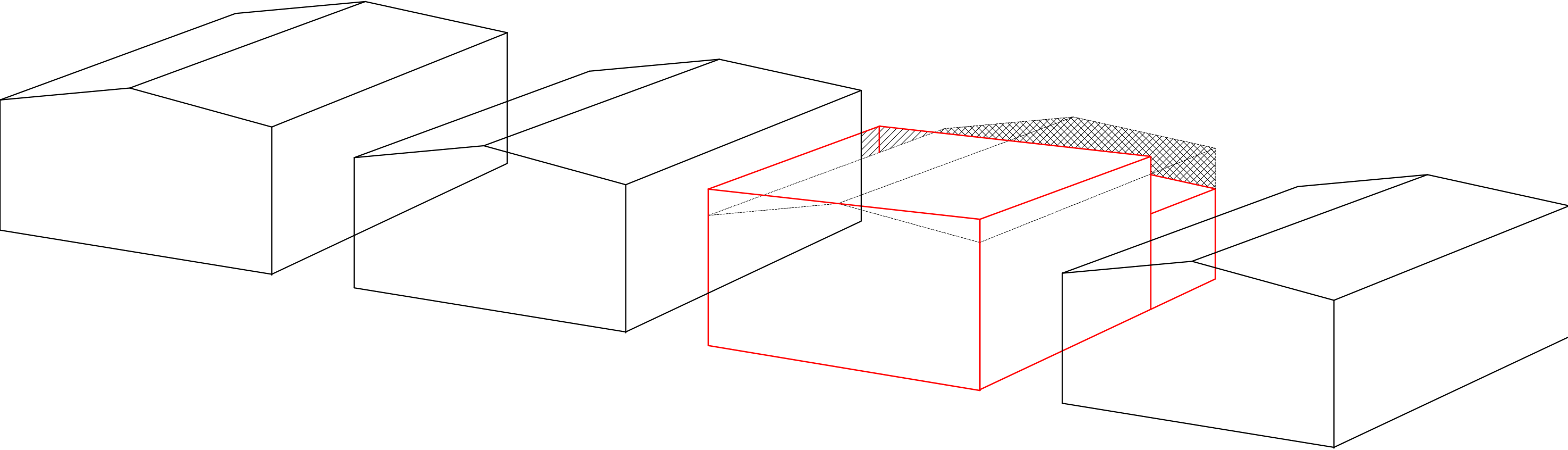


EXHIBIT 11

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



W22a

Filed: 12/10/19
180th Day: 06/07/20
Staff: M. Alvarado-LB
Staff Report: 04/23/20
Hearing Date: 05/13/20

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-19-1093

Applicant: RKDC, LLC

Agent: Block and Block, APC

Location: 1880 N. El Camino Real, Unit 6
San Clemente, Orange County

Project Description: Request for after-the-fact approval for the replacement of a mobile home; and request for approval of newly proposed plans to remodel the 1,344-sq.-ft., 13-ft. high replacement mobile home and construct an addition resulting in a 2,015-sq.-ft., 16-ft. high, one-story mobile/manufactured home with a loft, fencing, and drainage and landscape improvements on a beachfront mobile home space. Two parking spaces are provided.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The project site is a mobile home space (Unit 6) located within a 90-space mobile home park known as Capistrano Shores Mobile Home Park ("Park") located between the first public road and the sea, seaward of the Orange County Transportation Authority ("OCTA") railroad tracks in San Clemente. The Park is a legal non-conforming use on a stretch of beach developed with a single row of 90 mobile/manufactured homes parallel

to the shoreline on a lot zoned OS2 Privately Owned Open Space (intended for open space – no formal easement) and designated Open Space in the City of San Clemente Land Use Plan (LUP). A pre-Coastal Act rock revetment and bulkhead protects the mobile home park property from direct wave attack. No improvements are proposed to the existing bulkhead or revetment as part of this application.

The applicant is seeking after-the-fact approval for the replacement of a previously-existing one-story mobile home with a 1,344-square-foot, 13-foot high, one-story mobile home (installed circa 1997 without a coastal development permit (CDP)). In addition, the applicant is newly proposing to remodel the replacement mobile home, and construct a small addition, which will result in a 2,015-square-foot, 16-foot high, one-story mobile/manufactured home with loft, an above-ground concrete block pier foundation, fencing, drainage improvements, and minimal landscaping. No oceanfront patio is proposed, only patios along the side yards.

The primary issues raised by the proposal, which involves significant improvements to and the replacement of a mobile home within the Park, concern consistency with the visual resource and hazards policies of the Coastal Act. The issue before the Commission with regards to visual resources is the appropriateness of approving the proposed project given the importance of preserving scenic resources and public views. In this particular case, consistency with the pattern of development in this area (a low-scale mobile home park) would maintain the scenic coastal vistas available from El Camino Real (“ECR”) and adjacent surrounding public recreational areas including the Poche Beach upcoast, North Beach area of San Clemente downcoast and the inland areas including the public recreational trails and open space system on the uplands associated with the Marblehead development immediately inland of the oceanfront Park and ECR.

The general pattern of existing development within the Park consists of development with a prevailing height of approximately 13 to 14 feet located on a perched beach directly seaward of ECR and the Commission-approved public trails along the coastal bluffs at the Marblehead Coastal Site (CDP No. 5-03-013). The proposed increased height will not result in significant obstruction of major coastal views from the nearby public areas (e.g. public trails and recreational areas) and is consistent with past Commission permit action for development in the Park. The Commission has previously required mobile homes in the Park that are in closer proximity to public vantage areas to not exceed a maximum roof height of 16 feet as measured from the frontage road, Senda de la Playa, to ensure that public coastal views over the units are protected. The proposed project can, therefore, be found consistent with Section 30251 of the California Coastal Act, which requires that the visual qualities of coastal areas shall be considered and protected as a resource of public importance and that new development shall be sited and designed to protect views to and along the ocean and coastal scenic areas.

The issue concerning hazards is the potential expectation that the existing revetment will be augmented in the future as necessary to protect such new development. Any seaward encroachment of the revetment would directly impact existing lateral public

access along the shoreline and encroach onto State tidelands or lands subject to the public trust. Revetments are also known generally to have additional impacts to public access and recreation, shoreline sand supply, and shoreline/scenic views. Therefore, staff recommends a special condition that requires the applicant to acknowledge both: (1) that it has no future automatic right to a shoreline protective device; and (2) that the existing revetment may require future work, but that the Commission retains the power to prohibit any alteration that is inconsistent with the lawful application of the Coastal Act, considering the Coastal Act's policies and goals¹.

The applicant, a mobile home owner in the Park, owns the mobile/manufactured homes but does not own the land upon which the applicant has placed its new manufactured home. Capistrano Shores, Inc. is a non-profit mutual benefit corporation in which each mobile home owner, such as the applicant, holds a 1/90 "membership" interest which allows the use of the unit space for mobile home purposes. Typically the recordation of a deed restriction is required to notify future owners or occupants of the new mobile/manufactured home of the permit requirements. However, the mobile home owner does not own the land on which its unit lies and, therefore, cannot record a deed restriction against that real property; in addition, the property owner (Capistrano Shores, Inc.) has indicated that it will not agree to record a deed restriction for the applicant. Therefore, an amendment to the occupancy agreement between the land owner and the applicant is necessary to ensure that future owners or occupants are aware of the permit requirements. The occupancy agreement amendment would not apply to the entire parcel of land within which Unit 6 exists, but would apply specifically to Unit 6, with the intention to provide future owners of the proposed new manufactured home at Unit 6 notice of the special conditions imposed on this permit for the installation/construction of the new manufactured home. An amendment to the mobile home owner's occupancy agreement must be executed by the applicant for Unit 6. The occupancy agreement amendment would indicate that, pursuant to the permit for Unit 6 subject to this staff report, the California Coastal Commission has authorized development on Unit 6, subject to terms and conditions that restrict the use and enjoyment of this space only; the conditions imposed would not apply to the mobile home park as a whole or to other units within the mobile home park.

Additionally, the proposed development has been conditioned to assure the proposed project is consistent with the resource protection policies of the Coastal Act. The conditions are: **1) Assumption of Risk; 2) Future Response to Erosion/No Automatic Right to Protective Shoreline Construction; 3) Future Improvements; 4) Permit Compliance; 5) Construction Best Management Practices; 6) Landscaping; 7) Bird-Strike Prevention; 8) Proof of Legal Ability to Comply with Conditions; and 9) Occupancy Agreement.**

¹ As articulated in an Orange County superior court case involving a similar development proposal for a similarly-situated mobile home owner in the Capistrano Shores Mobile Home Park. (See Capistrano Shores Property LLC v. Cal. Coastal Com., Case No. 30-2015-00785032-CU-WM-CJC.)

Commission staff recommends **approval** of coastal development permit as conditioned.

Note: Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of San Clemente only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

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EXHIBITS

[Exhibit 1 – Project Site](#)

[Exhibit 2 – Plans and Elevations](#)

[Exhibit 3 – Visual Analysis](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve the Coastal Development Permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves the Coastal Development Permit No. 5-19-1093 for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

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

III. SPECIAL CONDITIONS

1. Assumption of Risk, Waiver of Liability and Indemnity.

By acceptance of this permit, the applicant acknowledges and agrees (i) that the applicant's mobile home space (Unit 6) may be subject to hazards from flooding and wave uprush, tsunami, sea level rise, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards.

2. Future Response to Erosion/No Automatic Right to Protective Shoreline Construction.

No repair or maintenance, enhancement, reinforcement, or any other activity affecting the existing shoreline protective device protecting the mobile home park (Capistrano Shores Mobile Home Park) owned by Capistrano Shores Inc., is authorized by this coastal development permit (the "Permit").

By acceptance of this permit, the applicant, on behalf of itself and all successors and assigns to the applicant's mobile home space (Unit 6), acknowledges that (a) Unit 6 and any structures within that space may become threatened in the future (by floods, wave uprush, tsunami, sea level rise, etc.) and (b) the revetment and bulkhead owned by Capistrano Shores, Inc., that currently protect the entire park, may not continue to provide the protection that they currently provide unless they can be repaired, maintained, enhanced, or reinforced in the future. However, the applicant, on behalf of itself and all successors and assigns, further acknowledges that expansions or alterations thereof require a Coastal Development permit, which the Commission may deny if future requests for such expansions or alterations are inconsistent with the lawful application of the Coastal Act as articulated in the ruling of the Orange County Superior Court in Capistrano Shores Property LLC v. California Coastal Commission, Case No. 30-2015-00785032-CU-WM-CJC.

By acceptance of this permit, the applicant further acknowledges and agrees on behalf of itself and all successors and assigns that it shall remove the development authorized by this Permit (including the residence, foundations, patio, etc.) if any government agency has issued a permanent and final order that the structure is not to be occupied due to the threat of or actual damage or destruction to the premises resulting from waves, erosion, storm conditions, sea level rise, or other natural hazards in the future. In the event that portions of the development become dislodged or dislocated onto the beach before they are removed, the applicant or successor shall remove all recoverable debris associated with the development from

the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

3. **Approved Development - Permit Compliance.** The permittee shall undertake development in accordance with the approved final plans/proposal, subject to all the requirements of all conditions herein, for replacement and the remodel of an mobile/manufactured home with a height of no greater than 16 feet (as measured from the frontage private road, Senda de La Playa), and a variable pitched roof. Any proposed change or deviation from the approved plans shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
4. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-19-1093. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-19-1093. Accordingly, any future improvements to the mobile home or the space pursued under this Coastal Development Permit No. 5-19-1093, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-19-1093 from the Commission or shall require a new, additional coastal development permit from the Commission or from the applicable certified local government.
5. **Construction Best Management Practices.**
The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:
 - (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion;
 - (2) Staging and storage of construction machinery and storage of debris shall not take place on any sandy beach areas or areas containing any native vegetation;
 - (3) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
 - (4) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
 - (5) Concrete trucks and tools used for construction of the approved development shall be rinsed off-site;
 - (6) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during

construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and

- (7) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.
- (8) Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project.

6. Landscaping – Drought Tolerant, Non-Invasive Plants.

- A. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf> and <http://ucanr.edu/sites/WUCOLS/files/183488.pdf>).
- B. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

7. Bird Strike Prevention.

- A. Ocean front deck railing systems, fences, screen walls and gates subject to this permit shall use materials designed to minimize bird-strikes with the deck railing, fence, or gate. Such materials may consist, all or in part, of wood; wrought iron; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless they contain UV-reflective glazing that is visible to birds or appliqués (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Any appliqués used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one appliqué for every 3 foot by 3 foot area) and the recommendations of the Executive Director. Use of opaque or partially opaque materials is preferred to clean glass or Plexiglas and appliqués. All materials and appliqués shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by the

Executive Director.

- B. The permittee shall undertake development in accordance with the approval final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. Occupancy Agreement.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval documentation demonstrating that the landowner and the applicant have executed an Amendment to the Occupancy Agreement for the applicant's mobile home space (Unit 6), (1) stating that pursuant to this permit, the California Coastal Commission has authorized the placement of a manufactured home and related accessory structures, including without limitation, manufactured home foundation system and patio covers, on Unit 6, subject to terms and conditions that restrict the use and enjoyment of the manufactured home and related accessory structures located on Unit 6; and (2) stating that the Special Conditions of this permit are restrictions on the use and enjoyment of the manufactured home and related accessory structures located on Unit 6. The Amendment to the Occupancy Agreement shall also state that, in the event of an extinguishment or termination of the Occupancy Agreement for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the manufactured home and accessory structures located on Unit 6 of the mobile home park so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on Unit 6. Notwithstanding the foregoing, the landowner and lessee may, at their discretion, extend, assign, or execute a new Occupancy Agreement, providing that the Occupancy Agreement Amendment provision required under this Permit Condition may not be deleted, altered or amended without prior written approval of the Executive Director of the Coastal Commission or by approval of an amendment to this coastal development permit by the Commission, if legally required.

9. Proof of Legal Ability to Comply with Conditions.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall demonstrate its legal ability or authority to comply with all the terms and conditions of this coastal development permit by submitting information indicating approval from the record title property owner that authorizes the applicant to proceed with the approved development and permits the applicant to comply with the terms and conditions of this coastal development permit.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND BACKGROUND

The applicant is seeking after-the-fact approval for the replacement of a previously-existing one-story mobile home with a 1,344-square-foot, 13-foot high, one-story mobile home (installed circa 1997 without a coastal development permit (CDP)). In addition, the

applicant is newly proposing to remodel the replacement mobile home, and construct a small addition, which will result in a 2,015-square-foot, 16-foot high, one-story mobile/manufactured home with loft, an above-ground concrete block pier foundation, fencing, drainage improvements, and minimal landscaping. No oceanfront patio is proposed, only patios are proposed along the side yards. The manufactured home is adjacent to an approximately 10-foot wide perched beach inland of a timber bulkhead / rock revetment that exists roughly along the seaward limits of the applicant's mobile home space (Unit 6). Drainage will be diverted into a percolation pit and to the street's main storm drain system. Project plans are included as [Exhibit 2](#). The applicant is not proposing any work to the existing bulkhead/revetment. The Park provides two parking spaces per unit space.

The project site (Unit 6) is located between the first public road and the sea and seaward of the Orange County Transportation Authority (OCTA) railroad tracks at Unit 6 in the Capistrano Shores Mobile Home Park ("Park") at 1880 North El Camino Real in the City of San Clemente, Orange County ([Exhibits 1](#)). The Park is an existing legal non-conforming use on a stretch of beach developed with a single row of 90 mobile homes parallel to the shoreline on a lot zoned OS2 Privately Owned Open Space (intended for open space – no formal easement) and designated Open Space in the City of San Clemente Land Use Plan (LUP).

The subject site is fronted by a narrow perched beach inland of an older timber bulkhead that exists roughly along the seaward limits of the unit space. A quarry stone rock revetment exists seaward of the bulkhead and between the proposed development and the Pacific Ocean. The pre-Coastal Act timber bulkhead and rock revetment exists along the entire length of the Capistrano Shores Mobile Home Park and protects the Park from direct wave attack. The applicant has provided a Coastal Hazard and Wave Runup Study prepared by GeoSoils Inc. for the site and the proposed development.

The applicant owns the subject mobile/manufactured home but does not own the land upon which the unit is placed (and where the proposed unit would be placed) or to the land upon which the land owner has built the bulkhead/rock revetment. The Capistrano Shores Mobile Home Park property (1880 N. El Camino Real, San Clemente) is owned by Capistrano Shores, Inc., a non-profit mutual benefit corporation in which the applicant holds a 1/90 "membership" interest, which allows the applicant the use of a unit space for mobile home purposes. The applicant, as a "member" of the corporation is only responsible for repair/maintenance of its own mobile/manufactured home, ancillary development, and to the landscape on its unit space. The corporation provides for all necessary repairs, maintenance and replacements to the rest of the mobile home park common areas including the bulkhead/rock revetment.

Vertical public access to this beach is not available along the length of the Capistrano Shores Mobile Home Park. The nearest vertical public access is available at the North Beach access point to the south of the Park and to the north at the Poche Beach access point. In addition, lateral access along the beach in front of the mobile home park and bulkhead/rock revetment is only accessible during low tide; during high tide the waves crash up against the rock revetment. Pursuant to the grant deed property description of

the parcels owned by Capistrano Shores, Inc. comprising Capistrano Shores Mobile Home Park, property ownership of the common beach area seaward of the Unit Space property lines extends 30 feet from the bulkhead to the ordinary high tide line. According to the cross-sections of the rock revetment provided in the Coastal Hazard and Wave Runup Study prepared by GeoSoils, the rock revetment begins immediately adjacent to the wood bulkhead and extends approximately 20 feet out seaward but still inland of the ordinary high tide line. A large portion of the rock revetment remains buried depending on varying sand level elevations throughout the year.

Section 30106 of the Coastal Act defines "Development," in part, as the "placement or erection of any solid material or structure...[.]" The applicant is proposing to remove an existing structure (a manufactured/ mobile home) and place, and remodel, a new mobile/manufactured home on the site. Pursuant to Section 30106, the proposed project is considered "Development" and requires a CDP. The Commission, through past permit action, has consistently found that replacement of existing mobile/manufactured homes with new mobile/manufactured homes, constitutes "Development" and requires a CDP. In addition, the replacement of the structure constitutes new development for the purposes of determining consistency with Chapter 3 policies.

Since the City of San Clemente does not have a fully certified LCP, the standard of review is the Chapter 3 policies of the Coastal Act. While the certified San Clemente Land Use Plan (LUP) is not the standard of review, the LUP policies provide guidance.

B. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The certified San Clemente Land Use Plan echoes the priority expressed in the Coastal Act for preservation of scenic and visual qualities of coastal areas:

Policy VII.3 states, in relevant part:

The Scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be site and designed:

- a. To protect public views to and along the ocean and scenic coastal area.
- b. To minimize the alteration of coastal bluffs and canyons.

- c. Where feasible, to restore and enhance visual quality in visually degraded areas.

Policy XII states:

Maintain the visual quality, aesthetic qualities and scenic public views in the Coastal Zone.

Policy XII.4 states:

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

Policy XIV.8 states:

Maintain a healthy coastline, preventing degradation of the community's visual and environmental resources.

Policy XII.9 states:

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

In past Commission actions pertaining to development in the Park, the Commission has found that development in the Park must be sited and designed to protect views of the coast from public vantage points (e.g. public trails and public recreational areas) and to be visually compatible with the heights of the rest of the exclusively single-story homes in the low scaled mobile home park. The prevailing height of development in the Park is approximately 13 to 14 feet. In addition, it is through the CDP process that the Commission ensures that proposed development is consistent with the Coastal Act, including that the development does not adversely impact views to and along the coast.

The beach in front of the Park is narrow and varies from a few feet to 70 feet wide depending on the season. During low tide, this beach is used by sunbathers and beach strollers, and it is a popular surfing location. However, high tide extends up to the existing rock revetment, which makes public access difficult to impossible during high tide. When public access is available, looking inland from this beach, views of the coastal bluffs at the Marblehead Coastal site are already obstructed by the existing one-story mobile homes at the Park. Therefore, the applicant's proposed structures will not result in further visual obstruction of the coastal bluffs from the beach.

The proposed development is located immediately seaward from the public trails along the coastal bluffs inland of the first public road, at the Marblehead coastal site ([Exhibit 3](#)). The Marblehead 247-acre, large-scale, mixed use development (CDP No. 5-03-013) was approved by the Coastal Commission in 2003, which included extensive public trails to and along the bluffs with view areas, public parks, preservation of coastal canyons and bluffs and riparian areas. Because of the close proximity to the trails, any redevelopment of the Park has the potential to significantly impact public views from the trails.

As previously stated, the standard of review is the Chapter 3 policies of the Coastal Act. Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal

areas shall be considered and protected as a resource of public importance. The applicant is requesting after-the-fact approval for the replacement of a 13-foot high mobile home with a new manufactured home. In addition, the applicant is newly proposing to remodel the replacement manufactured home and add three feet of height, which will result in a 16-foot high one-story mobile/manufactured home with a partial loft at the applicant's mobile home space (Unit 6), resulting in an increase in bulk and height. Unit 6 is located at the southern portion of the Park. Unit 6 is visible from the beach, from El Camino Real and from along the public trails that extend along the coastal bluffs at the Marblehead Coastal site. The viewshed from the public trails provides views of major scenic resources including ocean white water and blue water, ocean horizon, shoreline and coastline, beach, headlands, the San Clemente Pier, and coastal bluffs.

The proposal will result in an increase of three feet in height and an increase in floor area. The proposed 3 ft. increase in development height from 13 feet to 16 feet, however, is consistent with the permitted height for residential structures within the Park located in closer proximity to public areas that provide public coastal views. Through past permit action (e.g. CDP Nos. 5-11-033, 5-16-0265, 5-16-0624, 5-18-0325), the Commission has concluded that a development height of 16 feet for unit spaces located even closer in proximity to public vantage areas than the current proposal would allow for an increased height to the Park's prevailing approximately 13- to 14- foot unit height and upgraded one-story unit, but would not have a significant adverse impact on the ocean viewshed from public areas. Based on staff's visual analysis, a mobile/manufactured home 16 feet in height would not have a significant adverse visual impact on coastal views from the intersection and trails along Marblehead.

Additionally, at the proposed height and design, the proposed mobile/manufactured home will still preserve the relatively low-scale line of mobile homes in the Park, which allows views of the shoreline and scenic coastal areas from many public vantage areas, such as from the public City trails and recreational areas at the Marblehead coastal site, as well as from the public view corridor on the public right-of-way at the Avenida Pico and El Camino Real (ECR) intersection. The mobile homes in the Park are designed with pitched roofs varying from a low and flat angle of approximately 10 to 22 degrees. The existing pitched roofs add to the character of the Park and provide open space above and between the homes, which allows for enhanced coastal views from the public trails, parks, and ECR. Allowing homes to a maximum height of 16 feet with a flat roof would adversely impact the community character and adversely impact coastal views. The proposed project includes a flat-roof portion to accommodate a loft that is setback from the oceanfront and street side, located in the center of the home, and is disguised by the two ends of the home with a pitched roof. The two elevations of the home that face the beachfront and face the street have a pitched roof. The portion of the roof for the loft that is not visible from the beach or from the street (the center of the home) is designed to have a flat roof. Furthermore, the loft is limited to a small area of approximately 511 square feet. The proposed mobile home designed with a maximum height of 16 feet and a pitched roof on either end of the home is consistent with the

community character of the Park and therefore does not significantly adversely impact coastal views.

The proposed mobile/manufactured home also meets the structural and deck stringline setbacks, and minimizes the bulk of the structures that can be seen from the public areas such as the public trails along the Marblehead bluffs.

Staff is recommending that the Commission approve the proposed development as conditioned. The Commission finds the proposed unit at Unit 6 is sited in a manner that would minimize its visibility from public areas and will not have a significant adverse impact on visual resources. Therefore, the Commission finds the proposed mobile home at Unit 6 is consistent with Section 30251 of the Coastal Act, as well as the relevant policies of the City's Local Coastal Land Use Plan.

The applicant is also requesting approval of ancillary development, such as fencing, drainage improvements and minimal landscaping. These components of the proposed projects will not be more visible than the mobile home and ancillary development in the side yards, will not increase the height of the original building, and the siting of these proposed hardscape improvements meet the LUP structural and first-floor deck stringline policy for new infill construction on a beachfront property and all other City standards as they extend no farther seaward than the original structures. These components of the proposal will avoid cumulative adverse impacts on visual resources.

Special Condition 3 is imposed to ensure that all development occurs in compliance with the proposal, subject to all the requirements of all conditions herein, for the replacement and the remodel of a mobile/manufactured home with a height of no greater than 16 feet and a variable pitched roof. In addition, pursuant to sections 13250(b) and 13252(a)-(b) of the Commission's regulations, the Commission imposes **Special Condition 4** requiring a CDP amendment or new CDP for any future improvements or repair and maintenance to the development approved under the subject permit and/or any new development to adequately protect public visual resources. As conditioned, the Commission finds the proposed project will not have a significant adverse impact on visual resources and is consistent with Section 30251 of the Coastal Act, as well as the relevant policies of the City's certified Land Use Plan.

C. HAZARDS

Section 30253 of the Coastal Act states in relevant part:

New development shall:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30235 of the Coastal Act states in relevant 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...

The certified San Clemente Land Use Plan (LUP) also contains policies to address hazard areas. Policy VII.5 of the LUP reflects Section 30253 of the Coastal Act verbatim.

LUP Policy XV.4 states in relevant part:

Designate lands for protection of significant environmental resources and protection of life and property from environmental hazards...

Revetment/Bulkhead – Existing Conditions

The applicant has provided a Coastal Hazard and Wave Runup Study prepared by GeoSoils, Inc. for the project site. The study states that the shore protection for the site primarily consists of a quarry stone revetment; a timber bulkhead abuts the stone revetment on its landward side, which is then back-filled with a 10-foot wide perched beach that runs the length of the mobile home park. The revetment is composed of meta-volcanic quarry stones that range in size from less than half a ton to approximately 11 ton with an average size of approximately five tons. According to the GeoSoils report, which used the National Geodetic Vertical Datum 1929 (NGVD 29), the top of the revetment varies from +13.4 feet NGVD29 to +14.9 feet NGVD29 with an average elevation of approximately +14.5 feet NGVD29. The visible slope of the revetment varies from 2/1 to 1.5/1 (h/v). A visual inspection of the existing revetment/bulkhead conducted by GeoSoils, Inc. found the revetment in good condition and not in need of maintenance at this time.

Wave Run-Up/Overtopping Analysis

The Wave Run-Up and Coastal Hazard Study (Study) conducted by GeoSoils, Inc., written in 2019, ascertains that mobile homes are typically constructed of lighter material with a shorter design life of less than 50 years on the ocean (as compared to non-mobile homes). In addition, the study states that the mobile homes are unique in that the structures are “mobile” and can be moved if jeopardized by coastal hazards. The Study continues:

“The design water level will be the maximum historical water level of +4.9 feet NGVD29 plus 2.0 feet of SLR [Sea Level Rise], and plus 4 feet of SLR...the maximum CCC SLR prediction for the year 2050 (31 years from now) is 2 feet and the maximum CCC SLR for the year 2082 (63 years from now) is about 4 feet.”

Using the two above-mentioned SLR estimates, the study took into account ocean water depths and elevations, wave heights, the height of the revetment, the height of the timber bulkhead, the calculated overtopping rate of the revetment under both scenarios, and concluded that “the development is reasonably safe from coastal hazards associated with wave runup even under the most onerous SLR conditions in the next 80 years. In the event the water does reach the mobile home and associated improvements, the water velocity will [be] insufficient to cause significant damage.” The Study continues:

“Under the extreme, worst case (80 year) oceanographic conditions, the revetment can be overtopped at a rate of about 2.3 ft³/s-ft. This is less than one foot of water coming over the top of the revetment for each wave (18 second period).... The area between the top of the revetment and the structure will partially dissipate the overtopping waters.”

Moreover, the Study continues:

“Wave runup and overtopping may impact the site over the design life. The elevation of the mobile home above the site grade and top of the shore protection, along with flood resistant foundation type, will protect the development from flooding, inundation, or damage. The presence of the shore protection will prevent shoreline erosion from impacting the development...The project will not impact coastal resources considering sea level rise. The mobile home can be moved or raised if coastal hazard impacts become too great.”

Given that the extant mobile home was replaced in approximately 1997, which constituted new development, and the proposed remodel will extend the life of the development, Commission staff concurs with the Study that a 40- to 50- year time period is a reasonable upper limit for measuring sea level rise impacts, and this time period is appropriate for a mobile home development as the expected life of a mobile home structure is lower than that of a permanent detached single-family residence and can reasonably be estimated at approximately a 50-year time life. In addition, a mobile home unit can be relocated in the event of a threat. For purposes of mobile home replacements, the Commission’s staff coastal engineer concurs that an upper limit of a 40- to 50- year time period to measure sea level rise impacts is appropriate for the anticipated economic life of a mobile home development.

Erosion and Flooding Hazards

Regarding erosion hazards on the subject site, the Coastal Hazard and Wave Runup Study states,

“While the beach experiences short term erosion, there is no clear indication of a significant long term erosion trend. Because the shoreline is stabilized by the revetment and as long as the revetment is maintained, the mobile homes [at Capistrano Shores Mobile Home Park] are reasonably safe from the short term

erosion hazards. It is unlikely that additional shore protection will be necessary to protect the [subject] mobile home over the economic life of the structure.”

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

Furthermore, the entire mobile home park, including Unit 6, is located within the tsunami inundation zone according to the California Emergency Management Agency (CalEMA). **Special Condition 1** places the applicant and subsequent owners on notice (through an amendment to the occupancy agreements per **Special Condition 8**) that this is a high hazard area and that by acceptance of CDP No. 5-19-1093, the applicant acknowledges the risks, such as flooding, that are associated with location in the tsunami inundation zone, and that are associated with development sited so close to the ocean. The applicant should cooperate with the local CalEMA or emergency responders in case of a large earthquake or a tsunami warning.

Under CDP Application No. 5-19-1093, the applicant does not propose any changes or improvements to the existing bulkhead and revetment along the portion that protects the mobile home park. Any repair or maintenance, enhancement, reinforcement or other activity to the existing bulkhead/revetment is the responsibility of Capistrano Shores Inc., which owns the land that the Unit 6 mobile home occupies (and the other mobile home unit spaces) and all common areas in the mobile home park. The applicant is only responsible for repair/maintenance to the mobile home, landscape, and ancillary structures (i.e., decks, patios, and garden walls) on Unit 6. Capistrano Shores Inc. would be the applicant for the CDP required for any modifications to the existing bulkhead/revetment that may be necessary to protect existing structures. Although the bulkhead/revetment that currently protects the mobile home park may require repair, maintenance, enhancement, or reinforcement in the future, **Special Condition 2** requires that the applicant acknowledge that it does not own the existing shoreline protective device and the shoreline protective device is not on Unit 6, and that the Commission retains full power and discretion to prohibit any expansions or alterations thereof that would be inconsistent with the lawful application of the Coastal Act, considering the Coastal Act’s policies and goals.

Regarding the latter point, a recent Orange County Superior Court opinion issued in late 2016, Capistrano Shores Property LLC v, Cal. Coastal Com., Case No. 30-2015-00785032-CU-WM-CJC (the “Court Opinion”) provided guidance on the Commission’s ability to condition a similarly-situated project proposal in the Capistrano Shores Mobile Home Park with respect to shoreline protection, taking into consideration future coastal hazards. Special Condition 2 has been drafted in conformance with, and in reference to, that Court Opinion. Although the Court Opinion involved the owner of Unit 12 in the Capistrano Shores mobile home park (not the current applicant for unit 6) and therefore

is not binding on the current applicant as a matter of law, the erosion and flooding hazards at issue are identical for similarly-situated mobile home owners proposing similar development projects in the same mobile home park. Therefore, in drafting Special Condition 2 for the current project proposal, staff determined it to be reasonable to rely on and reference the Court Opinion.

Given that the applicant does not have an automatic right to expand or alter the revetment in ways that are inconsistent with lawful application of the Coastal Act (and the park owner may not choose to or be able to do so), the mobile home may need to be altered or removed in the future either in response to changes to the revetment or to threats posed by shoreline hazards. Therefore, **Special Condition 2** also establishes requirements related to response to future coastal hazards, including relocation and/or removal of structures that may be threatened in the future if any government agency has issued a permanent order that the structure is not to be occupied due to the threat of or actual damage or destruction to the premises resulting from waves, erosion, storm conditions, sea level rise, or other natural hazards in the future, and in the event that portions of the development fall to the beach before they are removed, requiring the applicant or successor(s) to remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a CDP.

Because of the shoreline location of the proposed development, pursuant to sections 13250(b) and 13252(a)-(b) of the Commission's regulations, the Commission imposes **Special Condition 4** requiring a CDP amendment for any future improvements or repair and maintenance to the development approved under the subject permits and/or any new development.

Because the applicant does not own the land upon which Unit 6 is situated, the applicant cannot record a deed restriction and the property owner (Capistrano Shores, Inc.) will not agree to record a deed restriction for the applicant. The Commission finds, if the deed restriction is not recorded against the parcel, it would not change or weaken the requirement for the applicant to acknowledge the risks and agree to remove the structure if it becomes unsafe for occupancy. The purpose of the deed restriction is simply to notify future owners of the permit conditions of approval. An Occupancy Agreement Amendment between the land owner and the applicant will serve to notify future owners or occupants of the new mobile home of the permit requirements, with the amendment stating that: (1) pursuant to this permit, the California Coastal Commission has authorized the placement of a mobile/manufactured home and related accessory structures, including without limitation, manufactured home foundation system and patio covers, on Unit 6, subject to terms and conditions that restrict the use and enjoyment of the manufactured home and related accessory structures located on Unit 6; and (2) the Special Conditions of this permit are restrictions on the use and enjoyment of the manufactured home and related accessory structures located on Unit 6. Thus, the Commission imposes **Special Condition 8**.

Furthermore, Coastal Act Section 30601.5 states:

Where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the commission shall not require the holder or owner of any superior interest in the property to join the applicant as co-applicant. All holders or owners of any other interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant. In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval.

Therefore, the Commission imposes **Special Condition 9** requiring the applicant to demonstrate its legal ability or authority to comply with all the terms and conditions of CDP No. 5-19-1093, prior to issuance of said permit. The applicant shall submit information indicating approval from the record title property owner that authorizes the applicant to proceed with the approved development and permits the applicant to comply with the terms and conditions of its CDP.

Thus, as conditioned, the permit ensures that any prospective future owners of any of the development approved on Unit 6 pursuant to the CDP, will receive notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which Unit 6 is subject, and the Commission's immunity from liability. The amendment to the occupancy agreement will indicate that the California Coastal Commission has authorized development on Unit 6, subject to terms and conditions that restrict the use and enjoyment of Unit 6 only and does not restrict the remainder of the land that the mobile home park occupies.

Since the scope of the development in this case is limited to Unit 6, the Commission has focused discussion on the fact that its authorization for placement of a new mobile home on that space (and ancillary development) does not necessarily mandate or support any future requests for repair, maintenance, or expansion of shoreline protection if doing so would be inconsistent with the lawful application of the Coastal Act, considering the Coastal Act's policies and goals. In addition, representatives for Capistrano Shores, Inc. were previously notified that repair, maintenance or enhancement of the existing shoreline protection, if deemed necessary, should occur as part of a comprehensive plan for the entire mobile home park. The Capistrano Shores Mobile Home Park Homeowner Association submitted a CDP application in February 2012 which in addition to park wide improvements, included maintenance of the existing shoreline protective device. That application has since remained incomplete, pending submittal of additional information regarding the bulkhead/rock revetment and project alternatives. Any such repairs/enhancements should occur within the mobile home park's private property and not further encroach onto the public beach. No additional shoreline protective devices should be constructed for the purpose of protecting ancillary improvements (e.g., patios, decks, fences, landscaping, etc.) located between the mobile home and the ocean. For any type of future shoreline hazard response, alternatives to the shoreline protection must be considered that will eliminate impacts to coastal and recreational resources including, but not limited to, scenic visual resources,

recreation, and shoreline processes. Alternatives would include but are not limited to: relocation and/or removal of all or portions of the mobile home and ancillary improvements that are threatened, and/or other remedial measures capable of protecting the mobile home without shoreline stabilization devices. Alternatives must be sufficiently detailed to enable the Coastal Commission to evaluate the feasibility of each alternative, and whether each alternative is capable of protecting a mobile home that may be in danger from erosion and other coastal hazards.

Only as conditioned does the Commission find the proposed development consistent with Sections 30253 and 30235 of the Coastal Act, as well as the relevant policies of the City's certified Land Use Plan.

D. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in part:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
 - (2) Adequate access exists nearby, ...

Furthermore, the San Clemente Land Use Plan contains policies regarding public coastal access, including the following:

LUP Policy IX.14 mirrors Section 30212 of the Coastal Act.

LUP Policy IX.15 states in relevant part:

New developments lying between the first public roadway and the shoreline shall provide both physical and visual access to the coastline.

The new mobile home will be located between the first public road and the sea directly seaward of the OCTA railroad tracks. Vertical public access is not currently available through the Capistrano Shores Mobile Home Park ("Park"); therefore, no construction impacts to public access are anticipated. Lateral public access is available along the public beach seaward of the bulkhead/revetment during low tide. Vertical public access to the beach exists nearby at Poche Beach, approximately 600 yards north of the Park. Vertical public access is also available at the North Beach public access point to the south of the mobile home park.

Regarding shoreline setbacks, the proposed project is sufficiently setback to be consistent with that of the surrounding mobile homes within the Capistrano Shores Mobile Home Park. Furthermore, the setback provides an area that may accommodate

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

The adjacent North Beach area is a heavily used public beach. North Beach is a popular regional coastal access point as it is located along a popular regional bike route along El Camino Real, it is also the trailhead to the popular San Clemente Coastal Trail, and is the site of a Metrolink/Amtrak train stop. North Beach is identified as a primary beach access point in the City with the greatest number of public parking spaces (approximately 250 off-street and 100 on-street) in the City's certified LUP. Because of the supply of public parking, popularity of the adjacent North Beach area, and the location of vertical access north of the mobile home park at Poche Beach, the public beach in front of the mobile home park is used by sunbathers, and beach strollers, and the beach is a popular surfing location.

The beach in front of the project site, and the mobile home park generally, is narrow varying from a few feet to 70 feet wide, depending on the season. During high tide, the seawater extends up to the existing rock revetment, which makes public access difficult to impossible. Because of the narrow beach in this location, allowing a future shoreline protective device to protect a new residential structure could adversely impact public access by occupying existing sandy beach and depriving the beach of sand re-nourishment.

When a shoreline protective device is placed on a beach area, the underlying beach area cannot be used as beach. This generally results in the privatization of the public beach and a loss of space in the public domain such that the public can no longer access that public space. The encroachment also results in a loss of sand and/or areas from which sand generating materials can be derived. The area where the structure is placed will be altered from the time the protective device is constructed, and the extent or area occupied by the device will remain the same over time, until the structure is removed or moved from its initial location. Coastal shoreline experts generally agree that where the shoreline is eroding and armoring is installed, the armoring will eventually define the boundary between the sea and the upland.

In addition, sea level has been rising for many years. There is also a growing body of evidence that there has been an increase in global temperature and that acceleration in the rate of sea level rise can be expected to accompany this increase in temperature (some shoreline experts have indicated that sea level could rise 4.5 to 6 feet by the year 2100). Mean sea level affects shoreline erosion in several ways, and an increase in the average sea level will exacerbate all these conditions. On the California coast the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore, leading to a faster loss of the beach as the beach is squeezed between the landward migrating ocean and the fixed backshore.

Given the foregoing potential impacts to access and shoreline sand supply that a shoreline protective device would cause (among other coastal resource impacts), the

applicant would be taking a risk by relying on an expectation to future alterations to the existing revetment which may not be approved. To adequately protect public access, recreation, and shoreline sand supply, especially in light of probable future sea level rise, **Special Condition 2** requires the applicant to acknowledge that it has no future automatic right to a shoreline protective device and further requires the applicant to acknowledge the risk that, although the existing revetment may warrant alterations in the future to respond to coastal hazards, the Commission retains the authority to deny any future requests for such expansions or alterations that are inconsistent with the lawful application of the Coastal Act, considering the Coastal Act's policies and goals, as articulated in the Court Opinion.

As conditioned, the Commission finds the development consistent with the public access and recreation policies of Chapter 3 of the Coastal Act as well as the relevant policies of the City's certified Land Use Plan.

E. MARINE RESOURCES AND WATER QUALITY

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

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

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Policies XIV.1, XIV.2, XV.2 and XV.3 of the certified San Clemente Land Use Plan reflect Sections 30230, 30231, 30240(a), and 30240(b) of the Coastal Act verbatim, respectively.

LUP Policy XIV.5 states:

Maintain and enhance the City's beaches and marine resources

LUP Policy XIV.8 states:

Maintain a healthy coastline, preventing degradation of the community's visual and environmental resources

LUP Policy XV.4 states:

Balance the preservation of the City's habitat areas with new development

Water Quality & Landscaping

To protect water quality from construction related activities, the Commission imposes construction-related requirements and best management practices under **Special Condition 5** in order to minimize adverse construction-related impacts upon marine resources and for erosion control.

Drainage from the predominantly paved site slopes away from the ocean and toward the street where water runoff from the site is directed to a dry well/percolation box for onsite water infiltration. In addition, the applicant will incorporate minor landscaping in contained planters, in order to minimize water use and water runoff from the subject site. **Special Condition 6** requires the applicant utilize drought tolerant, non-invasive plant species in order to minimize water use and water runoff from the subject site.

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

Plexiglas or Glass Wind Screens

The proposed development includes new glass railings around the decks/patios on the seaward side of the project site. Glass railing systems, walls or wind screens are known to have adverse impacts upon a variety of bird species. Birds are known to strike these glass walls causing their death or stunning them, which exposes them to predation. The applicant is proposing a six-foot high, half-inch thick tempered glass fence with an etched or painted grid to ward off bird impacts. To ensure bird strike prevention, **Special Condition 7** requires that the applicant use a material for the glass railing that is designed to prevent creation of a bird strike hazard.

Conclusion

The Commission, therefore, finds that, as conditioned to require construction-related requirements and best management practices and non-invasive drought tolerant

landscaping, the development will be consistent with Sections 30230, 30231 and 30240 of the Coastal Act, as well as the relevant policies of the Land Use Plan.

F. COASTAL ACT VIOLATIONS

Violations of the Coastal Act have occurred on the subject site including the unpermitted replacement of a mobile home. Any development activity conducted in the Coastal Zone without a valid coastal development permit (CDP), or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

Circa 1997, the former owner of the subject mobile home space (Unit Space 6) replaced a one-story mobile home with a 1,344-square-foot, 13-foot high, one-story mobile home without a CDP.

The applicant is requesting after-the-fact approval of the replacement mobile home. Commission staff is recommending that the Commission approve, with conditions, the replacement mobile home as built. **Special Condition 3** is imposed to ensure that all development occur in compliance to the proposal, subject to conditions herein.

Issuance of the permit pursuant to the staff recommendation and compliance with all of the terms and conditions of this permit, will result in resolution going forward of the violations of the Coastal Act consisting of the replacement of a mobile home described above.

Although development has taken place prior to submission of this permit application, consideration of this CDP application by the Commission is based solely upon the Chapter 3 policies of the Coastal Act, with guidance from the policies of the certified LUP. Commission review and action on this permit application does not constitute a waiver of any legal action with regard to any alleged violations (or any other violations), nor does it constitute an implication of implied statement of the Commission's position regarding the legality of any development undertaken on the subject site without a CDP, other than the development approved herein.

G. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms to Chapter 3 policies of the Coastal Act. The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000.

The certified Land Use Plan has specific policies addressing the protection of scenic and visual qualities of coastal areas, public recreation, and coastal access. As stated in the previous sections of this report, public coastal views from public facilities such as the trails and park along Marblehead bluffs are significant public resources and under

the LUP, are required to be protected. The proposed development will not have a significant adverse impact on the ocean viewshed from public areas; thereby minimizing negative impacts to visual resources. The project will also not have any negative effects on public recreation or coastal access.

The proposed development, as conditioned, is consistent with the policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the approval, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). In order for the Commission's program to qualify for that certification, Section 21080.5(d)(2)(A) of CEQA required that the program be designed such that it would not approve any development as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effects that the activity may have on the environment. The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary as the functional equivalent of CEQA review. (14 CCR § 15251(c).)

As stated in the previous sections of this report, the proposed development will be sited and designed with a height that will avoid significant adverse visual impacts and will protect the public views from nearby public trails, parks and a major roadway (Avenida Pico) that leads to the public beach and El Camino Real, which is the first public road parallel to the sea.

In addition, in order to ensure compliance with resource protection policies of the Coastal Act, the proposed development is conditioned to mitigate any potential adverse impacts to coastal resources and public access. The conditions are: **1)** Assumption of Risk; **2)** Future Response to Erosion/No Automatic Right to Protective Shoreline Construction; **3)** Future Improvements; **4)** Permit Compliance; **5)** Construction Best Management Practices; **6)** Landscaping; **7)** Bird-strike Prevention; **8)** Proof of Legal Ability to Comply with Conditions; and **9)** Occupancy Agreement.

As conditioned, the proposed development is consistent with the visual resource protection, hazards, public access, and water quality policies of the Coastal Act and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment. Therefore, the Commission finds that the proposed development, as conditioned, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act and CEQA.

APPENDIX A- SUBSTANTIVE FILE DOCUMENTS

1. City of San Clemente LUP
2. CDP Application No. 5-16-0265
3. CDP Nos.: 5-14-1582 (Capistrano Shores Property, LLC); 5-10-180 (Barth); 5-11-033 (Christian); 5-16-0265 (Capo Surf No. 36, LLC); 5-16-0624 (Wills Revocable Living Trust); and 5-18-036 (McIntosh)

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



W22a

5-19-1093 (RKDC, LLC)
MAY 13, 2020

EXHIBITS

Table of Contents

Exhibit 1 – Project Location

Exhibit 2 – Plans and Elevations

Exhibit 3 – Visual Analysis

Project Site: 1880 N. El Camino Real, Unit 6, San Clemente (Orange County)



Shoreline Setback Pattern of Development Plan

PETERS ASSOCIATES

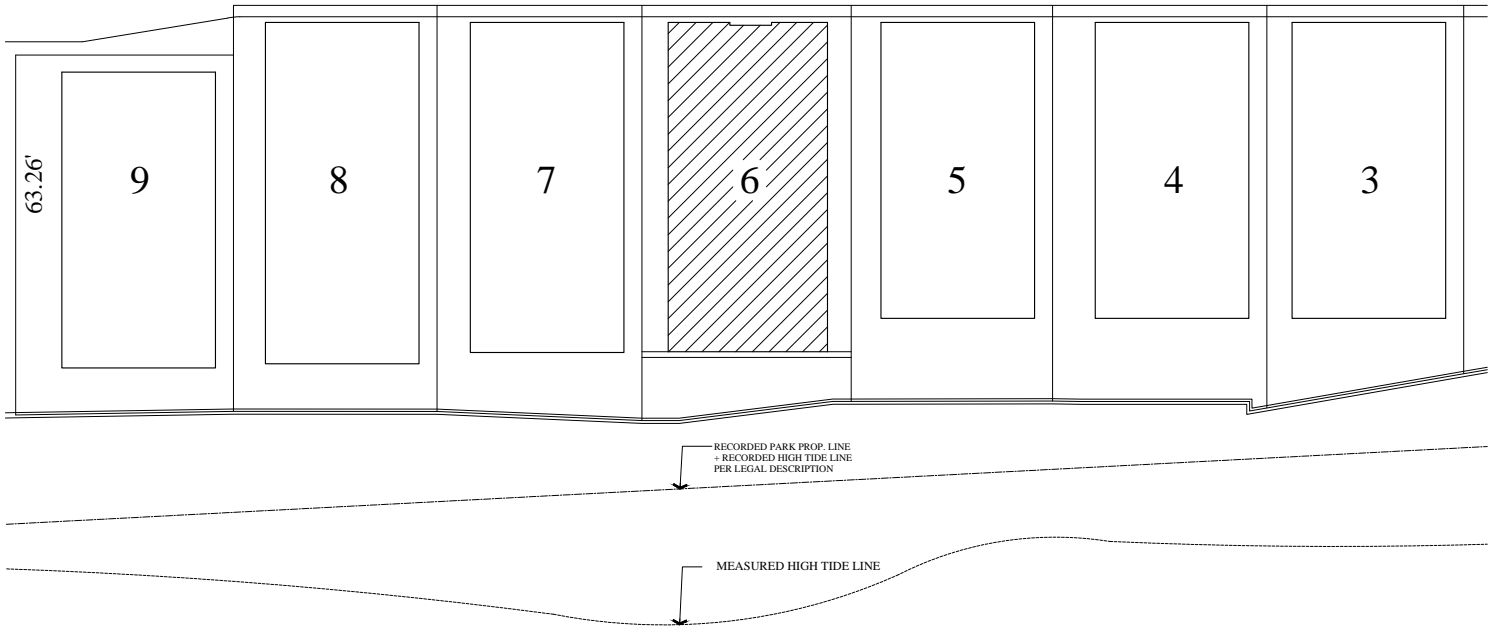
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Unit 6 Capistrano Shores
San Clemente, California

H.C.D. Approval



SHORELINE SETBACK +
PATTERN OF ADJACENT DEVELOPMENT SITE PLAN

1" = 10'-0"

PARK C.C. & R. RULES FOR SEAWARD PERPENDICULAR STRINGLINE LIMITATION
OF THE PLACEMENT OF MOBILE HOMES, PATIOS AND SECOND STORY DECKS

- THE PLACEMENT OF ANY MOBILEHOME, PATIO OR 2ND STORY DECK IN CAPISTRANO SHORES SHALL BE LIMITED BY THE LEAST RESTRICTIVE OF THE FOLLOWING:
1. THE LINE OF THE EXISTING LOCATION OF THE M.H. OR PATIO ON THE SUBJECT SITE.
 2. THE SEAWARDMOST "PERPENDICULAR" STRINGLINE FROM THEIR EXISTING COUNTERPART (M.H. OR PATIO) ON EITHER ADJACENT LOT, WHICHEVER IS MOST SEAWARD FOR EACH ELEMENT.
 3. SECOND STORIES & 2ND STORY DECKS MUST MEET THE SAME SETBACKS AS THE M.H.

Revisions:		
No.	Date	Revision
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Date: 6 / 9 / 2019

Job No.:

Association Submittal:

Bldg. Dept. Submittal:

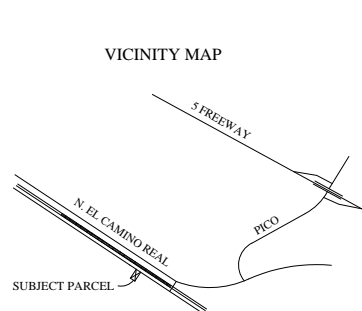
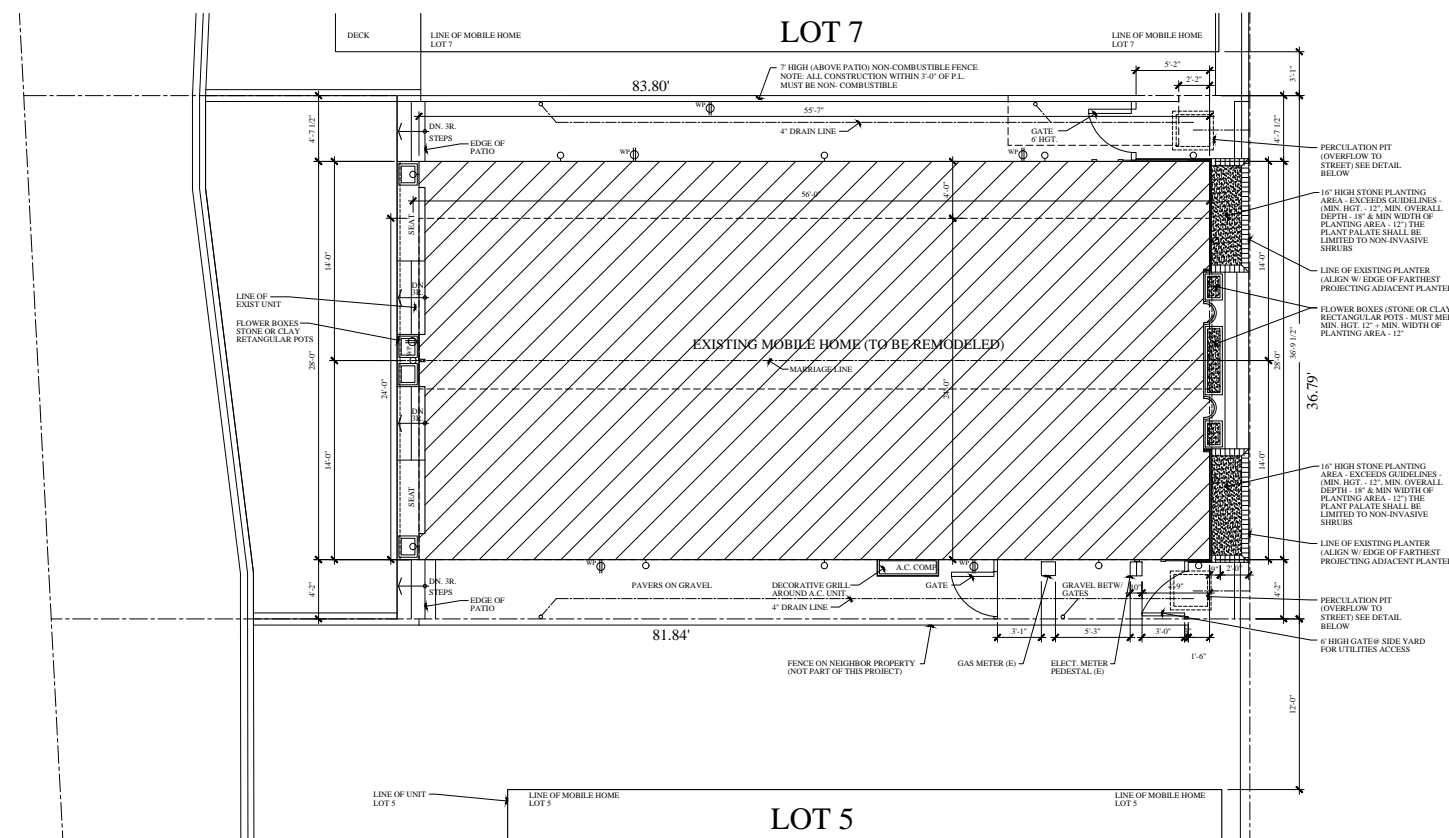
Bid Issue:

Construction Issue:

Sheet Title:
SHORELINE SETBACK
PATTERN OF
DEVELOPMENT PLAN

Sheet No.:
A - 1A

Site Plan



SITE PLAN
1/4" = 1'-0"

SITE DATA

LOT SIZE	3,136 S.F.
TRAILER FOOTPRINT	1,540 S.F.
TOTAL COVERAGE	1,540 S.F.
PERCENT OF COVERAGE	49 %

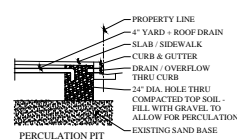
BUILDING DATA

MAIN FLOOR	1,540 S.F.
LOFT	475 S.F.
TOTAL	2,015 S.F.

LANDSCAPING AREA

DROUGHT TOLERANT SHRUBS
AND GROUND COVER FROM
A NON-INVASIVE PLANT
PALATTE

AUTOMATIC IRRIGATION ON TIMER



ELECTRICAL / PLUMBING SYMBOLS

- SURFACE MOUNTED LIGHT FIXTURES
- RECESSED LIGHT FIXTURE - I.C. RATED
- SWITCH
- WP WATER-PROOF OUTLET - GFCI
- HB HOSE BIB
- GAS GAS SUPPLY FOR APPLIANCE
- SLEEVE IN SLAB FOR UMBRELLA

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Revisions:

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Date: 7 / 1 / 2019

Job No.:

Association Submittal:

Bldg. Dept. Submittal:

Bid Issue:

Construction Issue:

Sheet Title:

SITE PLAN

Sheet No.:

A - 1

Demolition & Adjustment Plan

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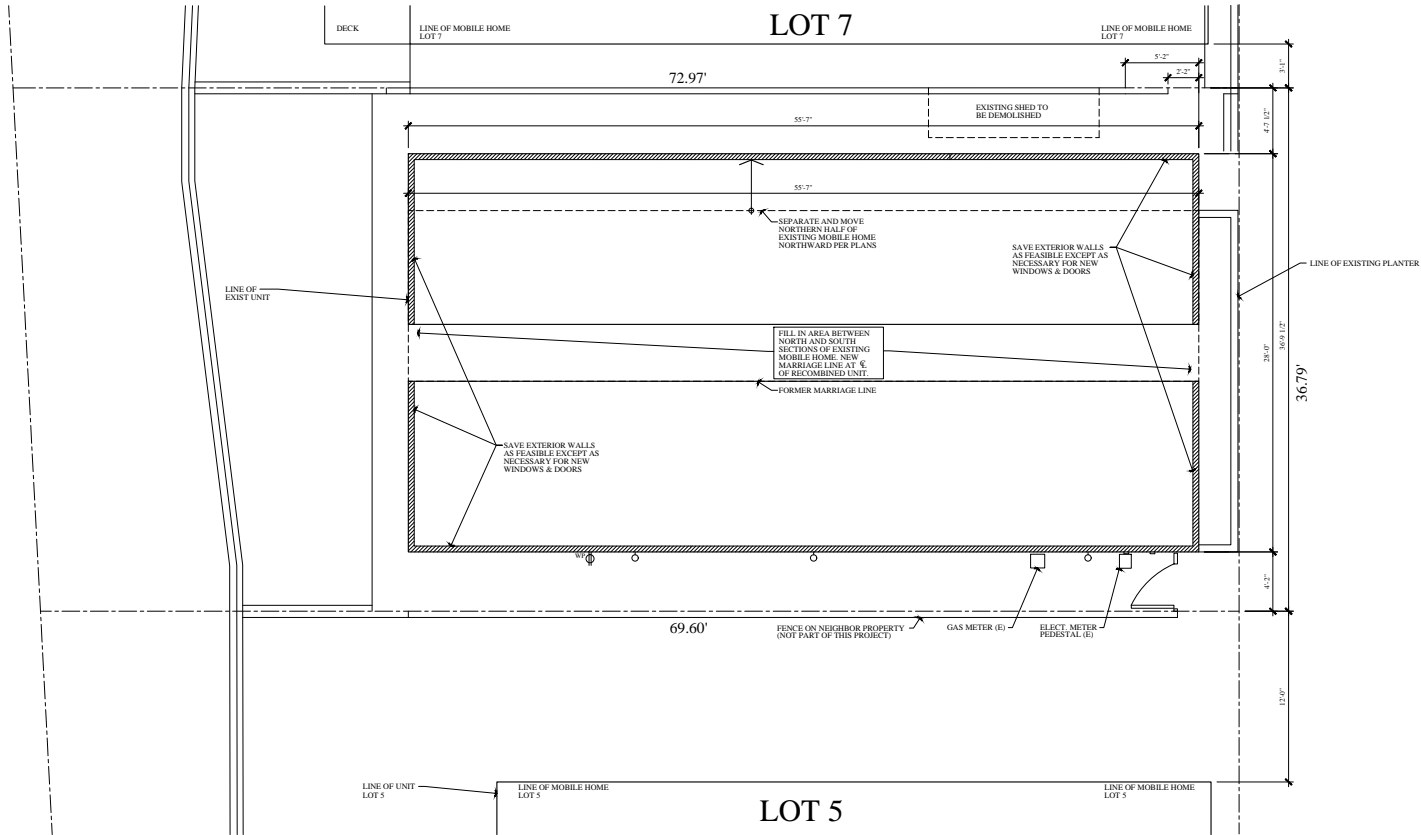
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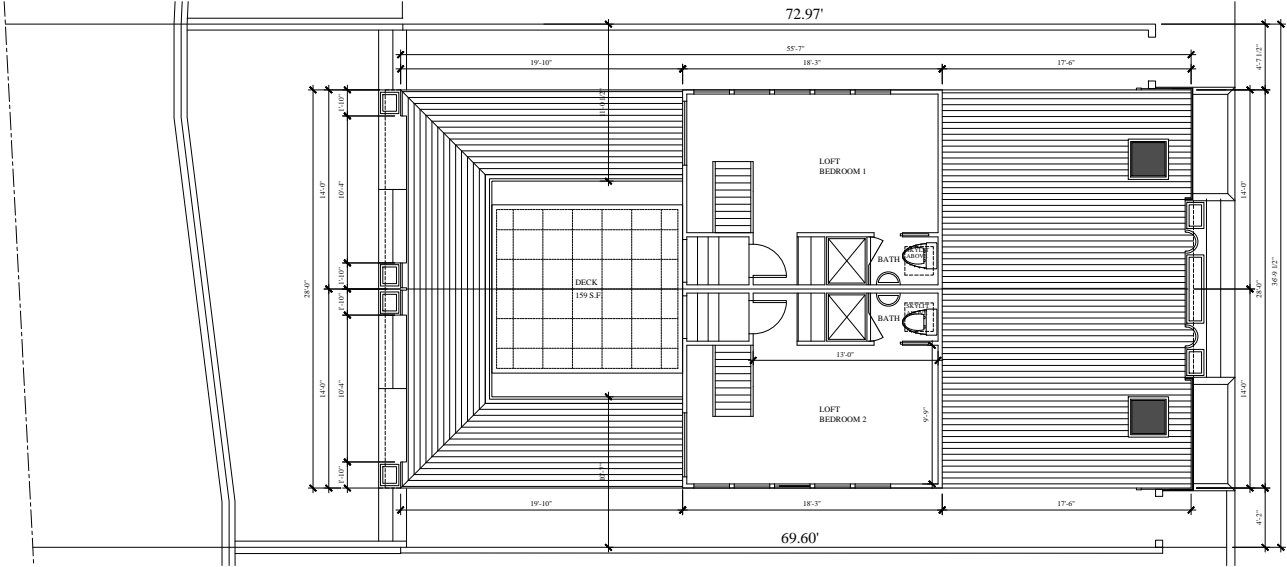
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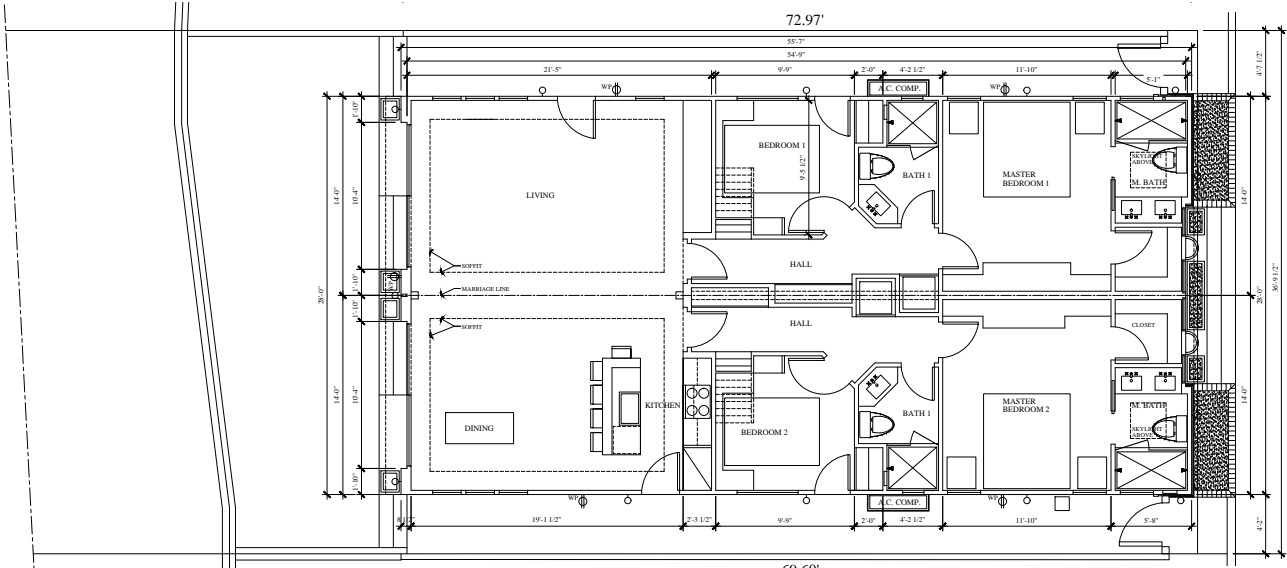
A - 1B



First Floor and Loft Plan



SECOND FLOOR PLAN



MAIN FLOOR PLAN

1/4" = 1'-0"



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Date: 7 / 1 / 2019

Job No.:

Association Submittal:

Bldg. Dept. Submittal:

Bid Issue:

Construction Issue:

Sheet Title:
FLOOR PLANS

Sheet No.:

A - 2

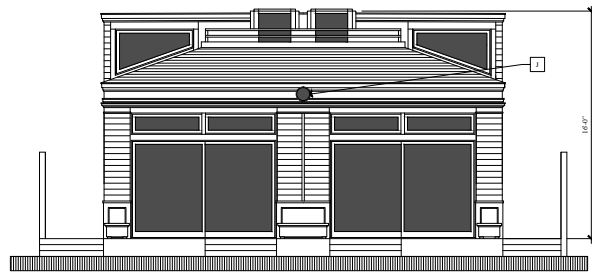
Project Elevations



SOUTH SIDE ELEVATION
1/4" = 1'-0"



NORTH SIDE ELEVATION
1/4" = 1'-0"



WEST ELEVATION - OCEAN
1/4" = 1'-0"



EAST ELEVATION - STREET
1/4" = 1'-0"

ELEVATION KEYNOTES

- A CHARCOAL COLORED ASPHALT SHINGLE ROOFING
- B DORMER
- C AZEUX FASCIA
- D FIBER-GLASS LAP-BOARD HORIZ. SIDING
- E FLOWER BOX
- F 6" TALL GATE
- G NON-COMBUSTIBLE FENCE
- H AZEUX WAINSCOT
- I STONE OR BRICK PLANTER
- J BEACH LIGHT

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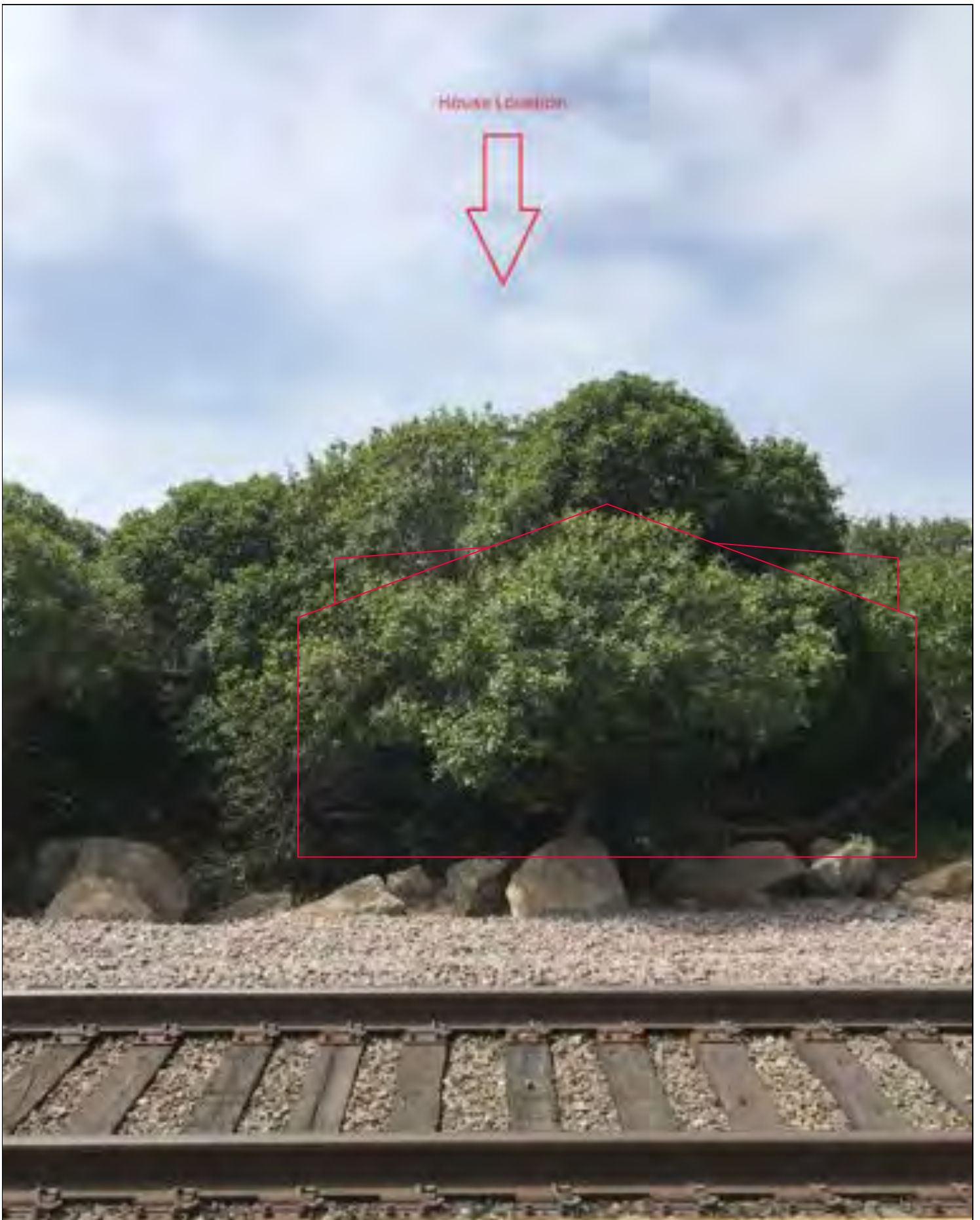
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Sheet Title:
ELEVATIONS

Sheet No.:
A - 4

Visual Analysis - Views of Project Site from Public Vantage Points





House location



See point 1 on CC picture. This is the house with the white roof. Trail pic taken here....



House is just N of this palm and out of sight



From point 2 on CE measure. This house is 8 houses
N of the white-roofed house. The CE mail pile
request below is below here.



House is just N of this
palm and out of sight.



















House Location

No Houses Visible

House not visible



