

CALIFORNIA COASTAL COMMISSION

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W19b

ADDENDUM

June 7, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W19b APPLICATION NO. 5-20-0493 (MC INVESTMENTS) FOR THE COMMISSION MEETING OF WEDNESDAY, JUNE 9, 2021**

I. CORRESPONDENCE RECEIVED; STAFF'S RESPONSE TO THE CORRESPONDENCE

Since the publication of the staff report on May 20, 2021, the Commission received one letter (via email) on June 4, 2021, from the Surfrider Foundation South Orange County Chapter ("Surfrider") in opposition to the project. The letter from Surfrider objects to new development at Capistrano Shores Mobile Home Park.

Specifically, the Surfrider letter raises the following contentions: 1). Any new structures in the Park will rely on and prolong the need for the existing seawall, thereby extending its life; 2). The intention of Section 30253 of the Coastal Act is to phase out reliance on shoreline armoring and locate new development out of harms' way, and this new development will be in direct conflict with intention of the Coastal Act; and 3). There is significant precedent that new development is not authorized to rely on existing shoreline armoring but also that existing armoring must be removed in order to build new development.

Commission staff notes that the approval of this replacement mobile home will not prolong the need nor extend the life of the existing seawall. In the long term, the mobile homes in this Park will likely be impacted by sea level rise. When and if a government agency with legal jurisdiction orders the development to be removed due to conditions which would make the structures no longer safe to occupy, the development will need to be removed pursuant to Special Condition 2. Special

Condition 2, which is listed on pages 7-8 and further explained on pages 18-19 of the staff report, states that: “the applicant or successor(s) ...shall remove the development authorized by this permit (including the residence, foundations, patio covers, etc.) if the City or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to natural hazards including but not limited to waves, erosion, storm conditions, or sea level rise, and that there are no measures that could make the structures suitable for use without the use of shoreline protective devices.”

Additionally, any repair or maintenance, enhancement, reinforcement or other activity to the existing bulkhead/revetment is the responsibility of the landowner, Capistrano Shores Inc., and would require a coastal development permit. The future approval of any repairs or maintenance to the existing shoreline armoring would require consistency with the Coastal Act.

Surfrider’s third argument regarding Commission actions requiring removal of armoring and/or compliance with setback requirements is not quite relevant to the situation at Capistrano Shores. First, none of the Commission actions Surfrider cites are in San Clemente or Capistrano Shores. The standard of review differs across jurisdictions, and one decision does not necessarily translate to the next project, even if it has relatively similar facts. Second, the revetment protecting Unit 70 is not owned or maintained by the owner of Unit 70, but it is owned by Capistrano Shores, Inc. This distinguishes the present CDP application from the actions Surfrider cites. Finally, it is worth restating that the Capistrano Shores revetment is subject to Commission action and the Commission retains the power to prohibit any alteration that is inconsistent with the lawful application of the Coastal Act. There is no guarantee this armoring will remain onsite for the duration of Unit 70’s existence, and the applicant acknowledges this by acceptance of the permit as conditioned.