

## **CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
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# **F14a**

**3-83-172-A9 (Viewpointe Armoring)  
November 18, 2022**

## **EXHIBITS**

### **Table of Contents**

### **EXHIBITS**

**Exhibit 1 – Vicinity Map**

**Exhibit 2 – Project Area Photos**

**Exhibit 3 – Proposed Project Plans**

**Exhibit 4 – Applicant's Redevelopment Analysis**

**Exhibit 5 – City Staff Letter dated December 29, 2015**

**Exhibit 6 – Coastal Commission Staff Letter dated November 4, 2015**

**Exhibit 7 – CDP 3-83-172 Conditions as Amended (through and including CDP Amendment 3-83-172-A9)**

**VICINITY MAP – VIEWPOINTE AT SEASIDE MOBILE HOME PARK**  
**1300 PALMETTO AVENUE, CITY OF PACIFICA, SAN MATEO COUNTY**

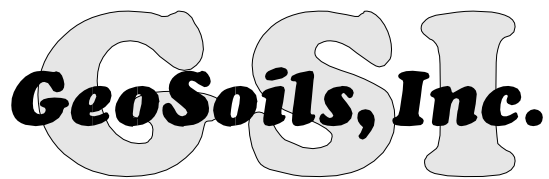


**PROJECT AREA PHOTOS – VIEWPOINTE AT SEASIDE MOBILE HOME PARK**  
**1300 PALMETTO AVENUE, CITY OF PACIFICA, SAN MATEO COUNTY**









Geotechnical • Coastal • Geologic • Environmental

5741 Palmer Way • Carlsbad, California 92010 • (760)438-3155 • FAX(760)931-0915

## MEMORANDUM

**DATE:** September 1, 2022

WO S7009

**TO:** Amber Geraghty  
Winecki Consulting, Inc  
777 Calabria Dr.  
Santa Barbara, CA 93105

A handwritten signature in blue ink, appearing to read 'David W. Skelly', is written over the 'TO:' field.

**FROM:** David W. Skelly, PE

**SUBJECT:** Response to California Coastal Commission (CCC) Staff Questions in an August 18, 2022 Email Regarding Shore Protection Maintenance at 1300 Palmetto Avenue, Cottages at Seaside, Pacifica, California.

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For ease or review by CCC staff the question topic is provided in **bold** followed by our response.

**Could you provide a project description and work plan for any proposed maintenance events of all types (including, but not limited to events described in past monitoring reports like addressing dislodged rocks, maintenance to vertical piles),**

The typical proposed maintenance would be to pick up rocks that have become dislodged from the structure and reposition them back onto the structure within the footprint of the existing structure as approved under CDP 3-83-172-A7, as soon as possible after detection of displacement.

**machinery needed,**

The machinery need for the rock replacement would be a large excavator with an articulated thumb. The excavator would necessarily operate on the beach only when the tide is low above the swash zone and will be removed from the beach immediately after each work event, and would be removed from the site at project completion.

**construction and staging areas**

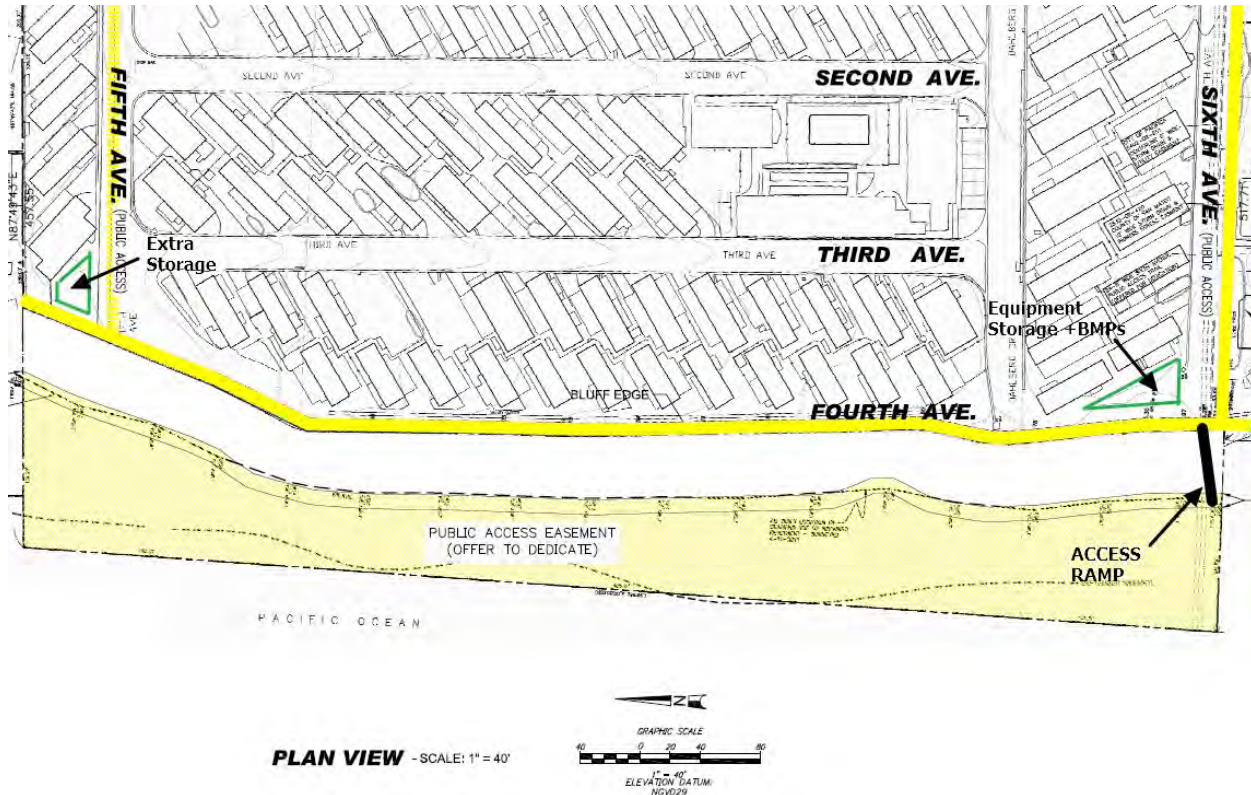
Construction and staging will comply with prior permit conditions, including Special Condition 7 of CDP 3-83-173-A3. There will be no staging and storage of construction

3-83-172-A6

Exhibit 3

Page 1 of 3

machinery, materials, or debris on the beach. No construction materials or debris will be placed where they could be subject to wave erosion or dispersion or where they may interfere with public access to or along the shoreline. The construction area would be the area in front of the shore protection that is above the swash zone at low tide. The staging/temporary storage area for the construction equipment would be located within a paved area of the property away from the top of the bluff and outside of the dedicated public access pathways. These areas are shown on Figure 1.



### **Access methods to reach the construction areas (how will machinery get down to beach),**

The excavator would access the beach from the ocean terminus of Sixth Avenue, where the work site has been accessed in the past. A temporary ramp would be built from imported sand material, which would be removed to the extent feasible upon project completion.

### **where will the construction materials be stored**

No construction materials are necessary for maintenance; the excavator will be temporarily stored in the staging area identified on the figure for each maintenance event.

### **how long each maintenance event will take,**

The total time for each maintenance event will vary. Typically, the work can only be performed for a few hours per day. This insures that the equipment isn't impacted by wave runup. The work also has to be performed during the lower tide elevations and not when there is a large swell. The actual equipment time on the beach may vary due to wave and tide conditions, as well as the amount of rocks to be repositioned, and could take approximately 16 to 40 hours, but that time may be spread over a total work period of approximately 4 weeks.

**any impacts to the publicly accessible areas onsite (easement areas), and any other details relevant to logistics of the maintenance needed.**

Any potential impacts to publicly accessible areas onsite will be temporary and short in duration. The excavator will need to cross over the public access easement onsite near Sixth Avenue and Fourth Avenue to access the beach. The crossing will be delineated with temporary construction flagging that will be removed immediately upon project completion and a worker will be on the ground to safely guide the excavator when crossing the access path.

During the time the equipment is on the beach lateral access on the beach can be temporarily interrupted. There is always an observer with the equipment and operator that protect the public and insure that the public can walk past the work area with only a few minute delay. Additionally, public noticing at the site will be posted for each maintenance event with the approximate maintenance work schedule.

# RL Houk Construction, Inc.

*Construction Management ~ Owner Representation*

March 17, 2021

Michael Osborne  
U.S. Real Estate  
The Carlyle Group  
555 Mission Street, Suite 3300  
San Francisco, CA 94105

**Re: The Cottages at Seaside, 1300 Palmetto Ave., Pacifica, CA 94044**

Dear Mr. Osborne:

At your request, I have inspected the mobile home units at The Cottages at Seaside (the “Park”) in order to respond to questions from California Coastal Commission staff regarding whether there were any structural alterations to these units. I inspected the exterior of all the units Coastal Commission staff identified and the interiors of some of those units.

I found no evidence of alterations to any of the structural elements of the roofs or exterior walls in any of the units, with the exception of one minor alteration at 622 Sixth Avenue. These elements all appear to be original as furnished by the manufacturer, and the apparent age of the roofing and exterior wall structural elements is consistent with other structural components of the units. As part of normal maintenance and upkeep, some units have had roof coatings applied or shingles replaced, and some units have had sections of non-structural exterior siding or windows replaced. None of this work involved any changes to the roof or wall structural elements.

A full summary of my findings is set forth below.

## **1. Scope of Work**

I have been provided with a document entitled “Pacific Skies draft” (attached as **Exhibit 1**), which I understand was prepared by Coastal Commission staff. The document consists of three overhead aerial photographs, three oblique aerial images, and four street level photographs. Overlaid on the three overhead aerial photographs (dated 1986, 1993, and 2018), Coastal Commission staff has circled 13 units previously identified as having been replaced (circled in green), 15 units<sup>1</sup> where the roof appears to be a different color in the 1993 aerial photograph than appears in the 1986 aerial photograph (circled in red), and 31 units<sup>2</sup> where the color of the roof

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<sup>1</sup> This includes a red circle to the west of 580 Fifth Avenue, which is currently part of the parking area.

<sup>2</sup> The 31-unit count does not include 568 Fifth Avenue. Although that unit is circled in yellow in Exhibit 1, I have been informed that it previously was identified as having been replaced. A green circle intended for 568 Fifth Avenue appears to have instead been placed over an awning that is part of 572 Fifth Avenue.



appears to be a different color in the 2018 aerial photograph than appears in the 1993 aerial photograph (circled in yellow). I understand that Coastal Commission staff has asked whether the roofs on the units circled in red and yellow have been replaced.

The three oblique images (dated 2002, 2013, and 2018) depict certain units located in the northern portion of the Park that have been overlaid with the same circles as appear in the aerial photographs. Generally, these images show the western-facing side of units. I understand that staff has asked whether these images reflect changes to the structural wall elements of the units.

The street level photographs show certain units located along First Avenue and Fifth Avenue. I understand that Coastal Commission staff has inquired whether some of the units depicted in the street level photographs exhibit new construction.

To assess the questions raised by these photographs, I visited the site on December 20, 2019, February 25, 2020, June 17, 2020, and August 11, 2020. During those visits, I inspected the exterior of the units in question and the interior<sup>3</sup> of some of those units. Please note that my inspection did not include the following 11 units, which I understand are units that replaced original units: 115, 125, 129, 133 First Avenue; 232, 236 Second Avenue; 305, 309, 344 Third Avenue; 572, 576 Fifth Avenue. This report refers to these units as “Replacement Units.” A complete list of the units I inspected is attached as **Exhibit 2**. My inspections focused on whether structural alterations were made to the roofs and exterior walls of the units.

## **2. Summary of Inspection and Findings**

Based on my inspection of the Park, I offer the following findings:

### **(a) Structural Roof Elements**

I inspected the identified units to assess the extent of any alterations that have been made to structural roof elements (e.g., trusses, joists, rafters). In particular, I looked for evidence of structural roof elements having been removed or replaced, or whether any roofs have required additional reinforcement to provide structural support (e.g., the addition of new posts, joists, or rafters, whether alone or alongside the existing roof system elements).

### **(i) Units Inspected**

Except for the 11 Replacement Units, I inspected the units circled in red or yellow on the aerial photographs. Attached as **Exhibit 3** is a Park map that has been color-coded to correspond with the units identified by staff, with each unit identified by address.

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<sup>3</sup> Given health concerns associated with COVID-19, I only entered units that were vacant at the time of my inspections. These units are as follows: 157 First Avenue, 321 Third Avenue, 325 Third Avenue, 329 Third Avenue, 400 Fourth Avenue, 416 Fourth Avenue, 420 Fourth Avenue, 432 Fourth Avenue, 436 Fourth Avenue, 440 Fourth Avenue, and 444 Fourth Avenue.

I inspected the following 12 units circled in red on the aerial photographs:

- 149, 157 First Avenue
- 220, 229, 240, 245, 249 Second Avenue
- 329, 332, 348 Third Avenue
- 564, 580 Fifth Avenue

I inspected the following 22 units circled in yellow on the aerial photographs:

- 200, 204 Second Avenue
- 317, 321, 325, 333, 345, 353 Third Avenue
- 400, 404, 408, 412, 416, 420, 424, 428, 432, 436, 440, 444 Fourth Avenue
- 614, 622 Sixth Avenue

## **(ii) Findings**

In my experience it is rare for the structural roof elements of mobile home units to be removed or replaced, either in part or in whole. Typically, mobile homes are pre-fabricated, integrated units with roofs that consist of lateral rafters or trusses that rest on top of the sidewalls. In most instances, these structural elements are either comprised of 2x2 or 1x2 wood members held together by staples or are prefabricated trusses. Because the units are built as integrated units, it is rare for structural roof elements to be replaced. It is also rarely needed. The structural roof elements of mobile homes typically last for many decades.

If structural alterations were performed, this typically would involve the replacement of the existing roofing structure with equivalent components or, in some instances, the installation of new posts alongside an existing unit to bear the weight of a new roof. If alterations were performed, I would expect to see, among other things, evidence of staples or nails having been removed and re-inserted, the presence of wood elements that are newer in comparison to other components of the units, or evidence of a complete renovation of the roof/ceiling area. These alterations would be visible in an exterior inspection of the units.

During my site visits, I inspected every unit in question and viewed the areas of each unit where evidence of structural work would be apparent. Most of the homes I inspected have gable roofs with no overhang on the side of the unit. Two units I inspected have a gable roof with a small side overhang, and one unit has a mansard roof.

I found no evidence of structural alterations to any of the roofs. The structural roof elements all appear to be original as furnished by the manufacturer, and the apparent age of individual roof elements is consistent with other structural components of the units. There is no evidence that any of the roof rafters or trusses have been modified, either in whole or in part. Roof fascia (which would be replaced in connection with any roof replacement) shows similar wear as the roofs, further indicating that no changes to structural framing have occurred. In

addition, had a roof been replaced, I would expect to see the roof extending substantially beyond the side walls and eaves of the unit to protect the seam between the new roof and rest of the unit that would result from replacing the roof.<sup>4</sup> For a unit-by-unit description each of the 34 units I inspected, please refer to **Exhibit 4**.

I did find evidence of non-structural repair and maintenance of roofs, primarily consisting of periodic re-coating of the roof surfacing (for flat-roofed models) or replacement of asphalt shingles (for pitched roofs). This type of repair and maintenance does not require any changes to structural roof elements. There are a wide variety of surfacing materials commercially available, which come in a wide variety of colors. It is not unusual to see these types of units maintained with different color coating and surface materials, which could change the color appearance of the roof when viewed from an aerial photograph. A change in the color of a roof over time would not be evidence of structural roof alterations having been made to the unit. I found no evidence that the maintenance of the roof surface was associated with an alteration of structural elements such as rafters or trusses.

#### **(b) Exterior Walls**

I inspected the identified units to determine whether any structural wall alterations have been made to the units. In particular, I looked for whether exterior cladding or framing systems have been removed or replaced, or whether any exterior walls have required additional reinforcement to provide structural support (e.g., the addition of beams, shear walls, or placement of new studs, whether alone or alongside existing exterior wall system elements).

#### **(i) Units Inspected**

The three oblique images (from 2002, 2013, and 2018) show the western-facing sides of certain units located within the northern portion of the Park. These images also contain circles that correlate with the colored circles included in the overhead aerial photographs, which are also depicted on **Exhibit 3**. Some of the units shown are Replacement Units, which were not inspected. I understand that Coastal Commission staff has asked whether these oblique images reflect changes to the structural wall elements of the units.

My inspection focused on the following units shown in the oblique photographs, however I also inspected each of the 34 units for evidence of any changes to structural wall elements:

- 149, 157 First Avenue
- 240, 245, 249 Second Avenue
- 345, 348, 353 Third Avenue
- 444 Fourth Avenue
- 564, 580 Fifth Avenue

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<sup>4</sup> When I note the absence of an “overhang” in Exhibit 4, I am referring to the roof not extending past the edges of the unit as just described.

Street level photographs taken by Coastal Commission staff during a site visit in late 2019 also include several of the same units identified above along First Avenue and Fifth Avenue.

## **(ii) Findings**

Because mobile homes typically are prefabricated, integrated units, and the structural components are specifically designed for a particular model of home, it is difficult to remove or replace structural wall elements in a unit. As in the case of roofs, it is rare to see structural wall elements of mobile home units removed or replaced. Like roofs, replacement of structural wall elements is rarely needed as these elements of mobile homes typically last for many decades.

If structural alterations had been performed, this typically would require a replacement of numerous interior components, including cabinets, finishes, plumbing wall finishes, and related items. If that work had been performed, during a visual inspection of the exterior of the units, I would expect to see, among other things, evidence of nails having been removed and re-inserted and the presence of wood elements that are newer in comparison to other unit components.

During my site visits, I inspected the units and viewed the areas of each unit where evidence of modifications to the exterior walls would be reflected. I found no evidence of any structural alterations, with the exception of one minor alteration at 622 Sixth Avenue.<sup>5</sup> The structural elements of the units appear to be original and consistent with the age and condition of other structural elements of the units. For a unit-by-unit description, please refer to **Exhibit 4**.

I did observe evidence of non-structural routine maintenance of exterior finishes, which varies among the units. The maintenance items include re-painting the walls and caulking as necessary to ensure the units remain sealed. In certain instances, portions of the siding (which in most instances consists of T1-11 siding) have been repaired or replaced without any evidence of change to structural elements. Several windows also have been replaced, likewise without any modification to structural framing. As with any residential structure, it is not unusual to see a mobile home unit painted a different color, which would account for the color appearance of the units in the photographs. A change in the unit color, alone, would not be evidence of structural alterations to the unit. I found no evidence that the maintenance of the exterior wall surfaces was associated with alteration of any structural wall elements.

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<sup>5</sup> As reflected in Exhibit 4, a small window appears to have been inserted into the original wall covering at 622 Sixth Avenue. This would have resulted in an alteration to those portions of the structural wall elements that this window replaced. It also appears that a door was placed into the side of this unit in an area previously occupied by a window. In connection with the placement of a new door, the non-load bearing portion of the wall previously located below the window would have been removed. This should not have required alteration of any load-bearing elements of the wall, as the portion of wall located under the window would not have been load bearing, and it should not be considered a structural change.



I have attached a copy of my CV to this letter as **Exhibit 5**, which describes my qualifications. Overall, the units at the Park are original structures that have been maintained. The units in question have periodically been repaired and maintained as necessary, but there is no evidence of structural alterations to the roofs or exterior walls.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Houk", with a long horizontal flourish extending to the right.

Richard L. Houk

Exhibits:

- (1) Coastal Commission Analysis
- (2) List of Units Inspected
- (3) Park Map with Circles
- (4) Unit-By-Unit Description
- (5) Richard L. Houk CV

# EXHIBIT 1

# EXHIBIT 1

**Pacific Skies (DRAFT)**

**1986**

\*Green circles represent site map markup of new units submitted to Commission staff (include what is labeled as “New RV Unit” and “2009-2013 Sites” – 13 total)



1993

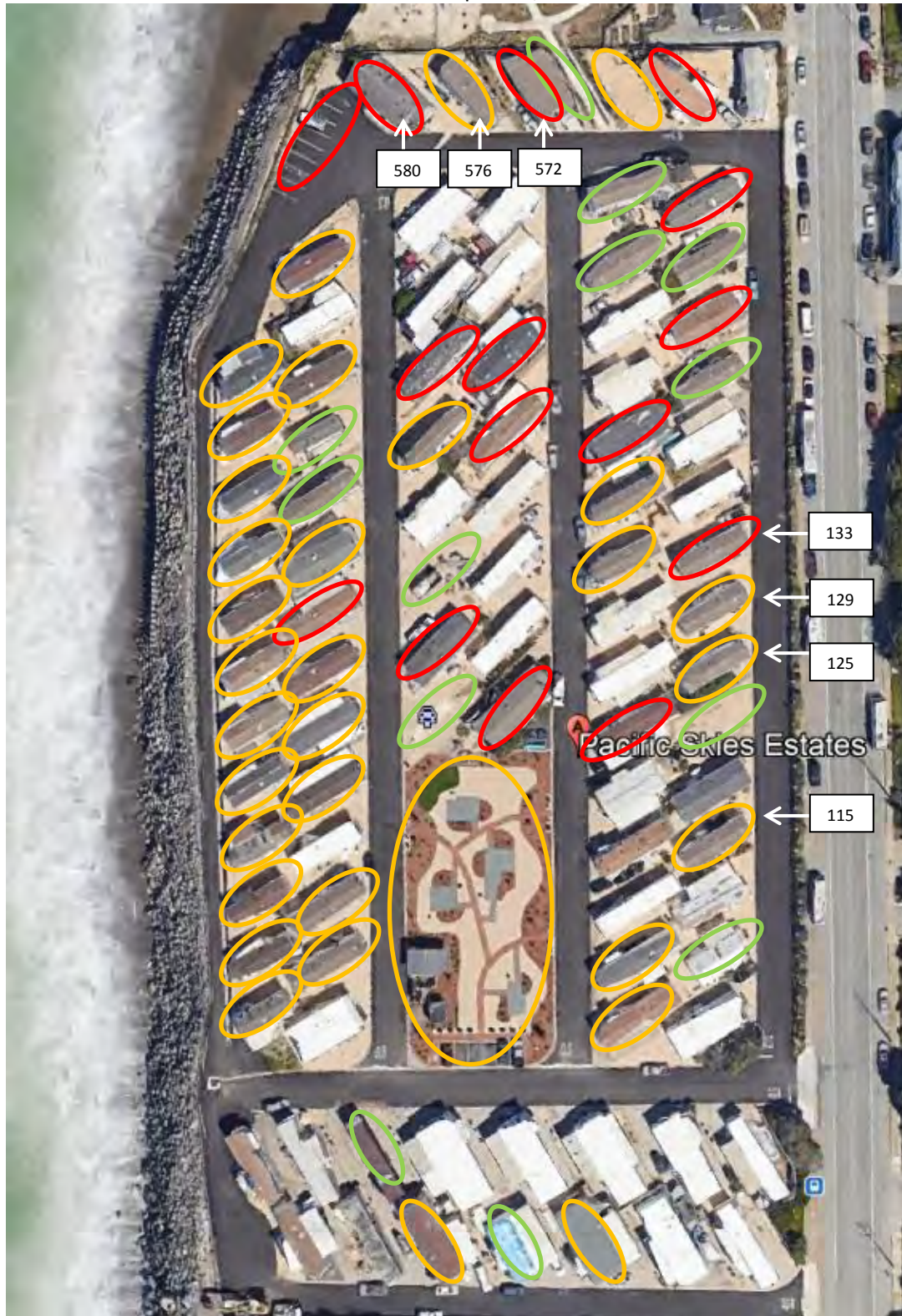
\*Red circles represent changes from previous image (15 red + 13 green = 28 changed)





**2018**

\*Orange represents change from previous image (32 orange + 28 + pool area = 60 changed + pool area);  
arrows & addresses show location of site visit photos, below.





## Other Images

2002



Eastward-facing, at northern end of site; from top-left corner to bottom of row, location of units 1140, 560-580. Used to compare to 2013 and 2018 images. Eastward-facing images in Coastal Records not clear prior to 2002.

2013



Eastward-facing, at northern end of site; from top-left corner to bottom of row, location of units 1140, 560-580.

2018



Eastward-facing, left side of image is at northern end of site; from top left to end of row, location of units 1140, 560-580.



## Site Visit



From front to back, units 572, 576, and 580.





Unit 115.



Unit 125, with Unit 129 in background to right.





From front to back (until tree), units 125, 129, 133.

# EXHIBIT 2

# EXHIBIT 2

### **List of Units Inspected**

The below table identifies the units that were inspected and references the photograph(s) in which each unit is reflected in staff's analysis. Note that the inspection did not include the 11 units identified in staff's analysis but which I understand are units that replaced original units.

<b>Unit</b>	<b>Aerial<sup>1</sup></b>	<b>Oblique<sup>2</sup></b>	<b>Site Visit<sup>3</sup></b>
149 First Avenue	X	X	
157 First Avenue	X	X	
200 Second Avenue	X		
204 Second Avenue	X		
220 Second Avenue	X		
229 Second Avenue	X		
240 Second Avenue	X	X	
245 Second Avenue	X	X	
249 Second Avenue	X	X	
317 Third Avenue	X		
321 Third Avenue	X		
325 Third Avenue	X		
329 Third Avenue	X		
332 Third Avenue	X		
333 Third Avenue	X		
345 Third Avenue	X	X	
348 Third Avenue	X	X	
353 Third Avenue	X	X	
400 Fourth Avenue	X		
404 Fourth Avenue	X		
408 Fourth Avenue	X		
412 Fourth Avenue	X		
416 Fourth Avenue	X		
420 Fourth Avenue	X		
424 Fourth Avenue	X		
428 Fourth Avenue	X		
432 Fourth Avenue	X		
436 Fourth Avenue	X		
440 Fourth Avenue	X		
444 Fourth Avenue	X	X	
564 Fifth Avenue	X	X	
580 Fifth Avenue	X	X	X
614 Sixth Avenue	X		
622 Sixth Avenue	X		

<sup>1</sup> "Aerial" refers to those units depicted in the three aerial photographs contained in staff's analysis.

<sup>2</sup> "Oblique" refers to those units depicted in the three oblique photographs contained in staff's analysis.

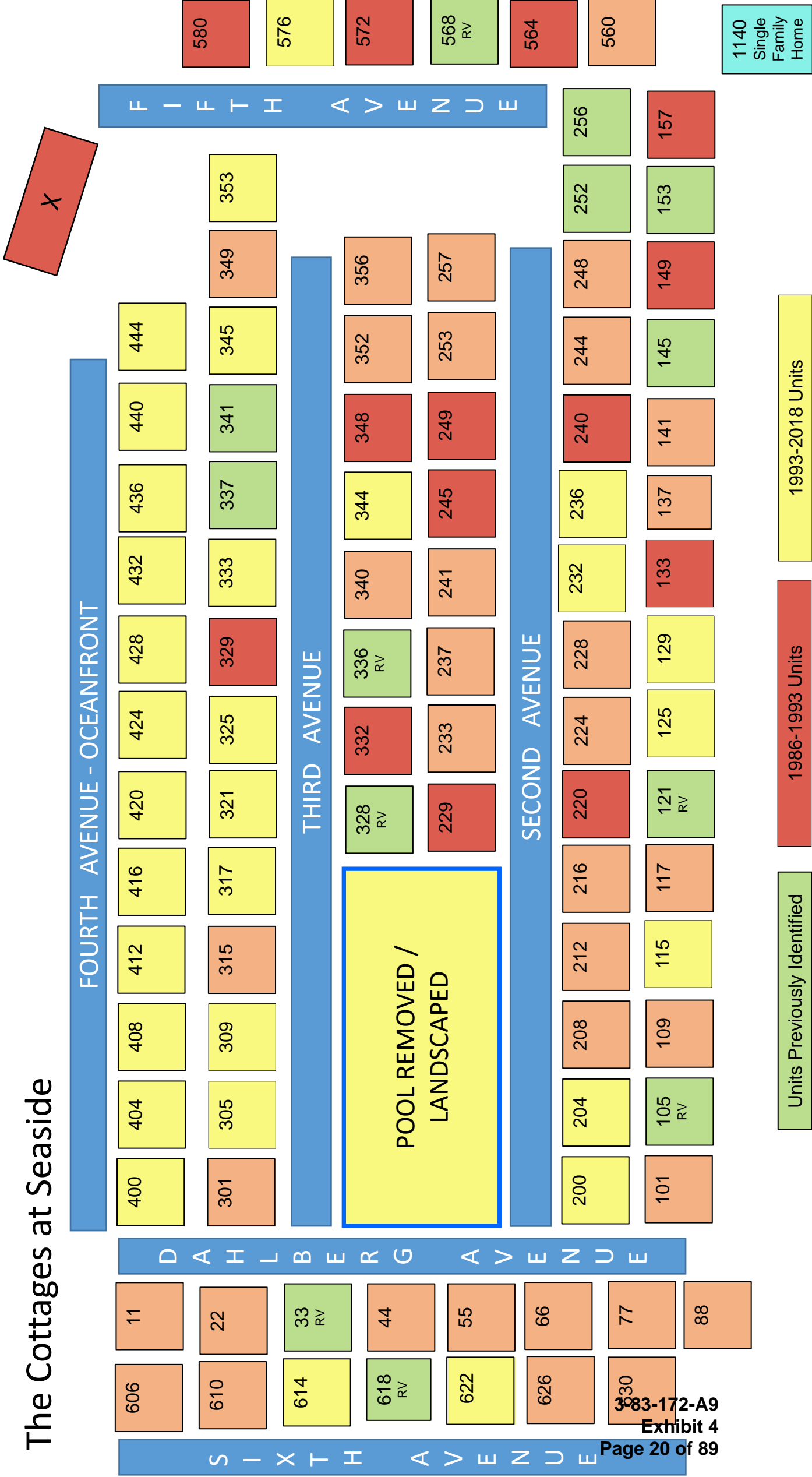
<sup>3</sup> "Site Visit" refers to those units depicted in the four site visit photographs contained in staff's analysis.

# EXHIBIT 3

# EXHIBIT 3



The Cottages at Seaside



# EXHIBIT 4

# EXHIBIT 4



**149 First Ave - Front elevation. Gable roof, no overhang, typical of original construction. T1-11 siding typical of original construction. No indication of modification to structural roof or wall elements.**



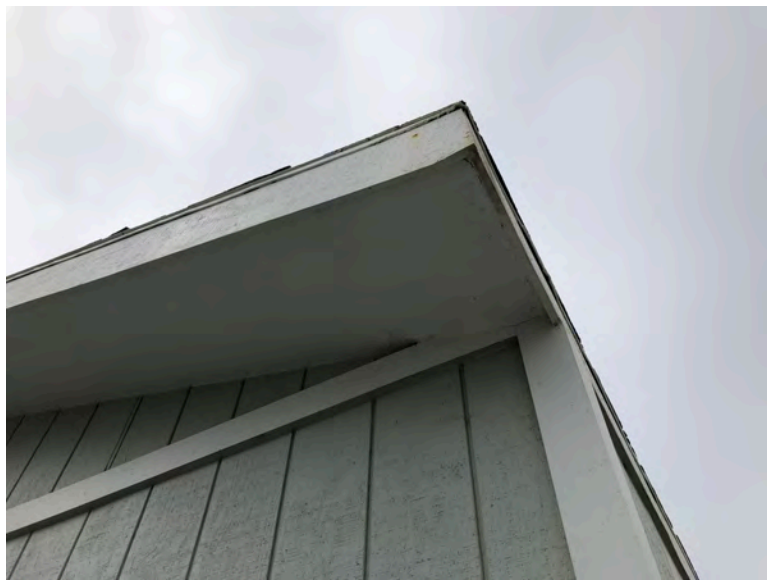
**149 First Ave - Left side elevation. Gable roof, no overhang. Roof replacement likely would have included overhang. T1-11 siding typical of original construction. No indication that removal or replacement of structural wall framing has occurred.**



**149 First Ave - Left side. No overhang. Evidence of prior window replacement without modification of structural wall elements. T1-11 siding typical of original wall covering.**



**149 First Ave - Right side elevation. T1-11 wall covering with gable roof and no overhang. No indication of modifications to structural roof or wall elements.**



**149 First Ave - Overhang at front elevation. Boxed soffit typical of original construction. No evidence of structural modifications to wall or roof systems.**



**149 First Ave - Exterior. T1-11 siding wall covering. Evidence of maintenance of T1-11 covering. No indication that removal or replacement of structural wall framing has occurred. Modification of wall elements also would have had significant impact on roof framing.**



**149 First Ave - Evidence of prior window replacement without modification of structural wall elements. Evidence of repair and maintenance to T1-11 wall surfacing without modification to existing structural wall framing elements. T1-11 wall covering typical of original construction.**



**149 First Ave - Gable end of structure. Evidence of repair and maintenance of existing T1-11 wall covering without structural replacement. No evidence of any removal or replacement of structural roof framing system or wall elements.**





**149 First Ave - Front elevation. Evidence of prior window replacement without modification of structural wall elements.**



**149 First Ave - Moulding over entry. Gable end roof with no overhang typical of original construction. Some wood rot over moulding. No evidence of modification to roof framing. If structural roof elements had been replaced, an overhang likely would have been included to further protect siding elements.**



**149 First Ave - Original heater vent installed in existing wall, indicative of original construction.**



**157 First Ave - Front Elevation with side entrance ("shotgun installation"). Gable roof with no overhang typical of original unit. No evidence of any modifications to structural roof elements. Roof replacement would have had significant impact on wall framing and interiors and likely would have included a roof overhang.**



**157 First Ave - Entry stairs. Evidence of prior window replacement without modification of structural wall elements. Gable roof with no overhang. T1-11 wall covering typical of original construction.**



**157 First Ave - Fascia typical of original construction. Evidence of fascia wear and indications of maintenance, including caulking and re-painting. No evidence of any modifications to structural roof or wall elements. Roof replacement likely would have included overhang.**



**157 First Ave - No roof overhang. Typical of original construction method for older units. Evidence of fascia wear and indications of maintenance. No evidence of any modification of structural roof or wall elements.**





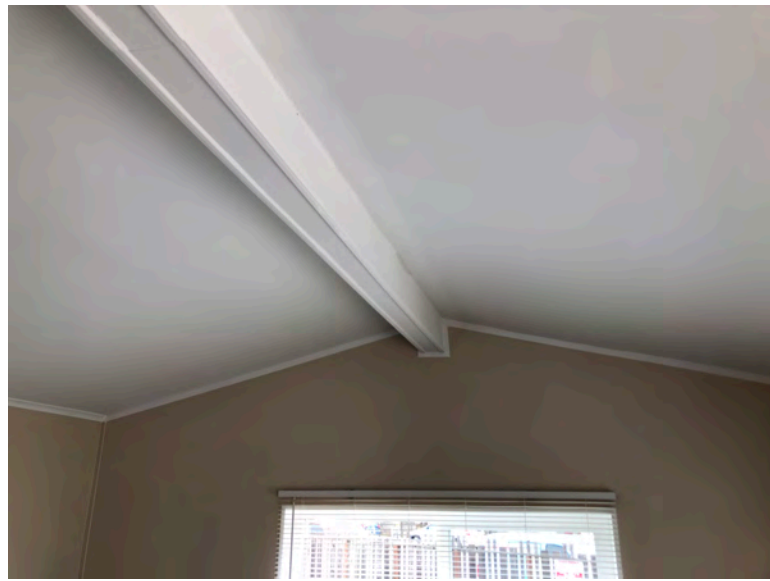
**157 First Ave - Fascia typical of original construction. Evidence of fascia wear and indications of maintenance, including caulking and re-painting. No evidence of any modifications to structural roof or wall elements. Roof replacement likely would have included overhang.**



**157 First Ave - Right side elevation. T1-11 siding typical of original wall covering. Gable roof construction, no overhang. Typical of original unit.**



**157 First Ave - Front elevation with boxed overhang at front gable. Typical of original construction. No evidence of removal or replacement of structural roof framing system or wall elements.**



**157 First Ave - Interior elevation of open ceiling with boxed beam. Indicative of original gable construction. Interior finish of ceiling typical of original construction.**



**157 First Ave - Interior elevation of vaulted ceiling (from gable construction) over kitchen. No evidence of any structural modifications. Cabinets and trim are integral to the original construction.**



**157 First Ave - Side elevation. Evidence of prior window replacement without modification of structural wall elements. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. T1-11 siding typical of original construction. No indication that any removal or replacement of structural wall framing has occurred.**



**200 Second Ave - Front elevation with side entrance ("shotgun installation"). Materials and gable roof with little or no overhang typical of original construction. No indication that any removal or replacement of structural roof framing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been constructed with an overhang.**



**200 Second Ave - Side view with T1-11 siding. T1-11 siding typical of original construction. Evidence of repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. No indication that any removal or replacement of structural wall framing has occurred.**



**200 Second Ave - Fascia detail at roof. Fascia typical of original construction. Evidence of fascia wear and indications of maintenance, including re-painting. No evidence of any modifications to structural roof or wall elements. Roof replacement likely would have included overhang**



**200 Second Ave - Side view with T1-11 siding. Evidence of repair and maintenance (e.g., caulking, sealing) of T1-11 wall-covering. No indication that removal or replacement of structural wall framing has occurred.**





**200 Second Ave - Fascia detail at roof. Fascia typical of original construction. If roof structural framing had been replaced, boxed eave and fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**200 Second Ave - Evidence of repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. No indication that removal or replacement of structural wall framing has occurred.**



**200 Second Ave - Existing T1-11 siding reflecting non-structural repair and maintenance.**



**200 Second Ave - Existing T1-11 siding reflecting non-structural repair and maintenance.**





**204 Second Ave - Front elevation with side entrance ("shotgun installation"). Materials and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roof framing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been constructed with an overhang.**



**204 Second Ave - Front elevation with side entrance ("shotgun installation") Materials and gable roof with little or no overhang typical of original construction. No indication that any removal or replacement of structural roof framing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been constructed with an overhang.**



**204 Second Ave - 200 Second Ave - Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. T1-11 siding typical of original construction. No indication that any removal or replacement of structural wall framing has occurred.**



**204 Second Ave - Side view with T1-11 siding. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. No indication that removal or replacement of structural wall framing has occurred.**



**204 Second Ave - Side view with T1-11 siding. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. T1-11 siding typical of original construction. No indication that any removal or replacement of structural wall framing has occurred.**



**204 Second Ave - Fascia detail at roof. If roof structural framing had been replaced, boxed eave and fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



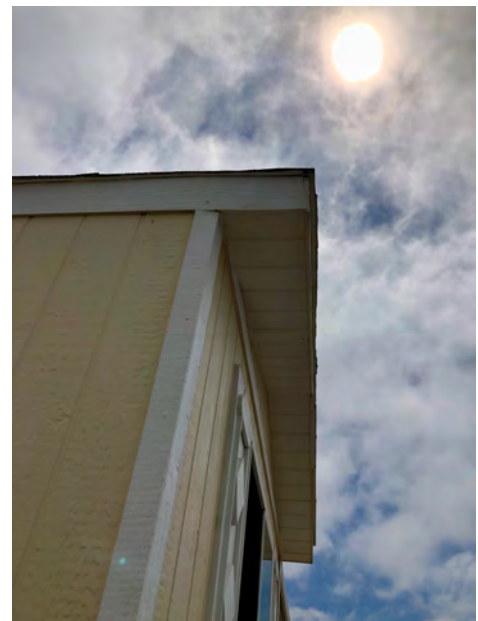
**220 Second Ave - Front Elevation with side entrance ("shotgun installation"). Materials and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roof framing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been constructed with an overhang.**



**220 Second Ave - Side view with T1-11 siding. Evidence of non-structural repair and maintenance (e.g. caulking, sealing) of T1-11 wall covering. T1-11 siding typical of original construction. No indication that any removal or replacement of structural wall framing has occurred.**



**220 Second Ave - Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. No indication that any removal or replacement of structural wall framing has occurred.**

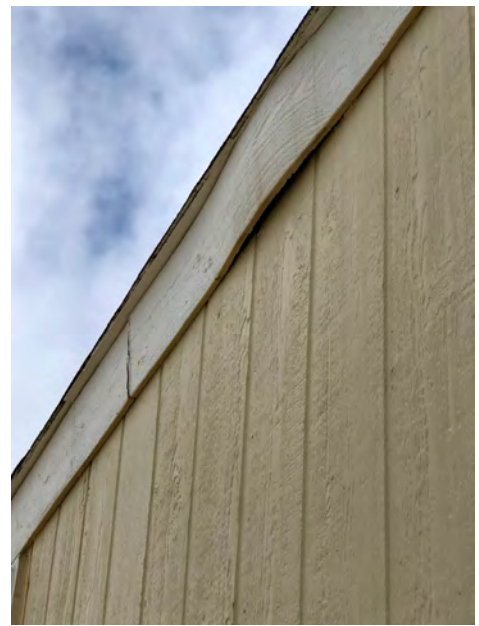


**220 Second Ave - Fascia detail at roof. If roof structural framing had been replaced, boxed eave and fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**





**220 Second Ave - Fascia detail at roof. Fascia typical of original construction. Evidence of fascia wear and indications of maintenance, including re-painting. No evidence of any modifications to structural roof or wall elements. If roof structural framing had been replaced, boxed eave and fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**220 Second Ave - Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. No indication that any removal or replacement of structural wall framing has occurred.**





**229 Second Ave - Front view, gable construction with small overhang at eaves. No indication that removal or replacement of structural wall framing or siding elements has occurred.**



**229 Second Ave - Side view with lapped siding. No indication that removal or replacement of structural wall framing or siding elements has occurred.**



**229 Second Ave - Side view with posts and beams at porch.**



**229 Second Ave - Side view with posts and beams at porch with roof.**



**240 Second Ave - Front view. Materials and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roof framing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been constructed with an overhang.**



**240 Second Ave - Side view with T1-11 siding. T1-11 siding typical of original construction. No indication that any removal or replacement of structural wall framing has occurred.**



**240 Second Ave - Side view of roof over front porch area, typical of original construction. No roof overhang.**





**245 Second Ave - Front view. Gable roof with no overhang, typical of original construction. Roof replacement likely would have included overhang. Pop out window.**



**245 Second Ave - Side view with T1-11 siding. Evidence of non-structural repair and maintenance (e.g. caulking, sealing) of T1-11 wall covering. T1-11 siding typical of original construction. No indication that any removal or replacement of structural wall framing has occurred.**



**245 Second Ave - Fascia detail at roof reflecting non-structural repair and maintenance, including re-painting. Fascia typical of original construction. No evidence of any modifications to structural roof or wall elements. If roof structural framing had been replaced, boxed eave and fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**245 Second Ave - Side View with T1-11 siding. Evidence of non-structural repair and maintenance (e.g. caulking, sealing) of T1-11 covering. No indication that any removal or replacement of structural wall framing has occurred.**



**245 Second Ave - Boxed eaves at front elevation. Typical of older construction.**



**245 Second Ave - Fascia detail at roof. Fascia typical of original construction. Fascia shows wear s and reflects repair and maintenance, including re-painting. If roof structural framing had been replaced, boxed eave and fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**245 Second Ave - Missing shingles at roof. Evidence of some shingle replacement. Typical non-structural repair and maintenance item due to location on roof of unit and weathering.**





**249 Second Ave - Front elevation. Gable roof construction with no overhang, typical of original construction. No indication that removal or replacement of structural roof framing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been constructed with an overhang.**



**249 Second Ave - Fascia detail at roof. Fascia typical of original construction. Evidence of fascia wear and indications of maintenance, including re-painting. No evidence of any modifications to structural roof or wall elements. If roof structural framing had been replaced, boxed eave and fascia would not show similar wear.**



**249 Second Ave - Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. T1-11 siding typical of original construction. No indication that any removal or replacement of structural wall framing has occurred. If wall framing had been replaced, siding would not show similar wear.**



**249 Second Ave - Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. No indication that any removal or replacement of structural wall framing has occurred. If wall framing had been replaced, siding would not show similar wear.**



**317 Third Ave - Front elevation. Gable roof with no overhang, typical of original construction. Roof replacement likely would have included overhang.**



**317 Third Ave - Side view with T1-11 siding. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. T1-11 siding typical of original construction. No indication that removal or replacement of structural wall framing has occurred.**



**317 Third Ave - Front Elevation with pop out window, typical of original construction.**



**317 Third Ave - Side view with T1-11 siding. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. No indication that any removal or replacement of structural wall framing has occurred.**





**317 Third Ave - Fascia detail at roof with boxed eave, no overhang. Fascia typical of original construction. Note old style vent at boxed eave, typical of original construction.**



**317 Third Ave - Fascia detail at roof with boxed eave, no overhang. Note old style vent at boxed eave, typical of original construction.**



**317 Third Ave - Side view with T1-11 siding. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. No indication that any removal or replacement of structural wall framing has occurred. Note old style wall vent, typical of original construction.**



**317 Third Ave - Side view with T1-11 siding. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. No indication that any removal or replacement of structural wall framing has occurred. Note old style wall vent, typical of original construction.**



**317 Third Ave - Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. No indication that any removal or replacement of structural wall framing has occurred. If wall framing had been replaced, siding would not show similar wear.**



**317 Third Ave - Fascia detail at roof with boxed eave, no overhang. Note old style vent at boxed eave, typical of original construction.**



**317 Third Ave - Fascia detail at roof with boxed eave, no overhang. Note old style vent at boxed eave, typical of original construction.**





**321 Third Ave - Front elevation. Gable roof with no overhang, typical of original construction. Replacement would have had significant impact on framing and interiors and likely would have been constructed with an overhang.**



**321 Third Ave - Fascia detail at roof with boxed eave. No roof overhang, typical of original construction. No indication of changes to structural roof framing.**



**321 Third Ave - Side view with T1-11 siding. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. T1-11 siding typical of original construction. No indication that any removal or replacement of structural wall framing has occurred.**



**321 Third Ave - Entry stairs at side entrance. Gable roof with no roof overhang, typical of original construction.**



**325 Third Ave - Gable roof with no overhang, typical of original construction. Replacement likely would have been constructed with an overhang.**



**325 Third Ave - Entrance at side elevation. No roof overhang, typical of original construction. No indication that any removal or replacement of structural roof framing has occurred. Replacement would have had significant impact on wall framing and interiors.**



**325 Third Ave - Boxed soffit at front gable, no roof overhang at side, typical of original construction.**



**325 Third Ave - Side view with T1-11 siding. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. T1-11 siding typical of original construction. No indication that any removal or replacement of structural wall framing has occurred.**

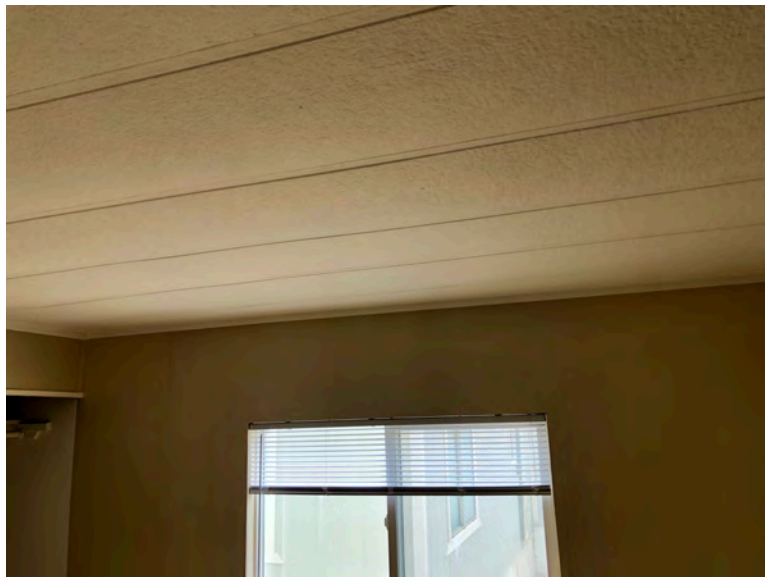




**325 Third Ave - Boxed soffit at front gable, no roof overhang at side, typical of original construction**



**325 Third Ave - Interior elevation of open ceiling with boxed beam, indicative of original gable construction. Interior finish materials at ceiling consistent with type used in older models of this genre.**



**325 Third Ave - Interior finish materials at ceiling consistent with type used in older models of this genre.**



**325 Third Ave - Kitchen cabinets, indicative of older style. Interior finish materials at ceiling consistent with type used in older models of this genre.**



**325 Third Ave - Interior finish materials at ceiling  
consistent with type used in older models of this genre**





**329 Third Ave - Front elevation. Gable roof construction with no overhang, typical of original construction. No indication that removal or replacement of structural roof framing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been constructed with an overhang.**



**329 Third Ave - Side view. Entry steps. Gable roof, no overhang. T1-11 siding typical of original construction. Evidence of patch and repair of existing T1-11 wall covering. No indication that removal or replacement of structural wall framing has occurred.**



**329 Third Ave - Overhang at front elevation. Boxed soffit, typical of original construction. No indication of structural modifications to wall or roof systems.**



**329 Third Ave - Interior elevation of open ceiling with boxed beam. Indicative of original gable construction. Interior finish of ceiling materials consistent with original construction.**



**329 Third Ave - Interior elevation of ceiling. Indicative of original construction. Interior finish materials at ceiling consistent with type used in older models of this genre.**



**332 Third Ave - Front Elevation. Gable roof with no overhang, typical of original construction. If roof framing had been replaced, likely would have been constructed with an overhang.**



**332 Third Ave - Side view with T1-11 siding. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. T1-11 siding typical of original construction. No indication that removal or replacement of structural wall framing has occurred.**



**332 Third Ave - Fascia detail at roof reflecting non-structural repair and maintenance, including re-painting. Fascia typical of original construction. If roof structural framing had been replaced, boxed eave and fascia would not show similar wear. Replacement of roof elements likely would have included overhang. No evidence of modifications to structural roof elements.**

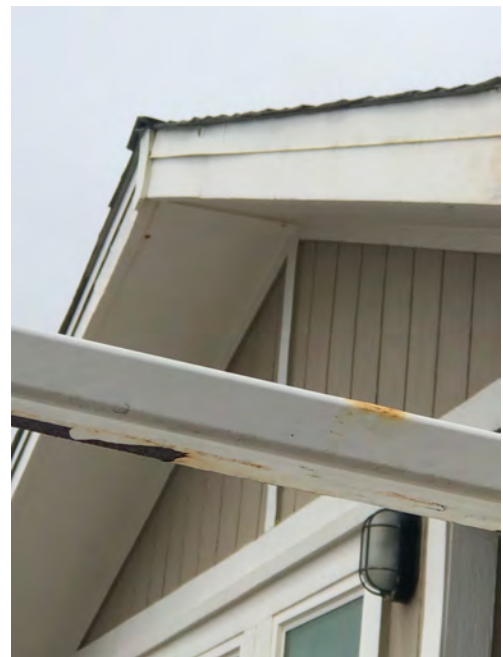


**332 Third Ave - Side elevation. T1-11 siding material typical of original construction.**





**332 Third Ave - Side elevation. T1-11 siding material typical of original construction.**



**332 Third Ave - Overhang at front elevation. Boxed soffit typical of original construction. No indication of structural modifications to wall or roof systems.**



**332 Third Ave - Fascia detail at roof. Fascia typical of original construction. Evidence of fascia wear and indications of maintenance, including caulking and re-painting. No evidence of any modifications to structural roof or wall elements. Roof replacement likely would have included overhang.**



**332 Third Ave - Exterior T1-11 siding wall covering. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. T1-11 siding typical of original construction. No indication that removal or replacement of structural wall framing has occurred.**

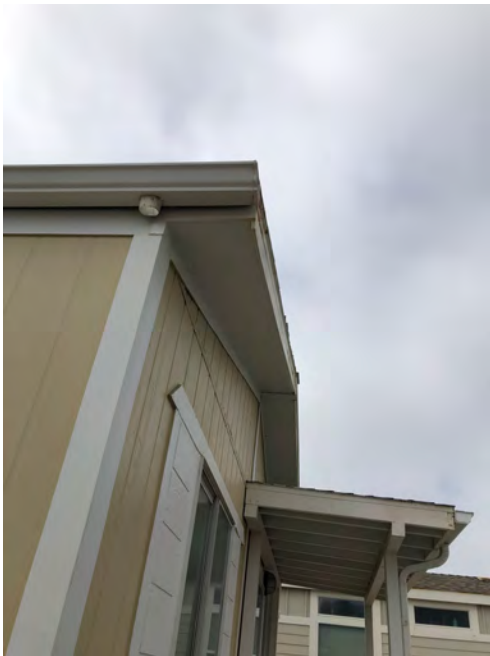




**333 Third Ave - Front elevation. Gable roof with no overhang, typical of original construction. If roof framing had been replaced, likely would have been constructed with an overhang.**



**333 Third Ave - Side view, no overhang. Side view with T1-11 siding. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. T1-11 siding typical of original construction. No indication that removal or replacement of structural wall framing has occurred.**



**333 Third Ave - Overhang at front elevation. Boxed soffit typical of original construction. No indication of structural modifications to wall or roof systems.**



**345 Third Ave - Front elevation. Gable roof construction with boxed eave and pop out window, typical of original construction. No indication that removal or replacement of structural roof framing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been constructed with an overhang.**



**345 Third Ave - Side view, entry steps. Gable roof, no overhang. T1-11 siding typical of original construction. No indication that removal or replacement of structural wall framing has occurred.**



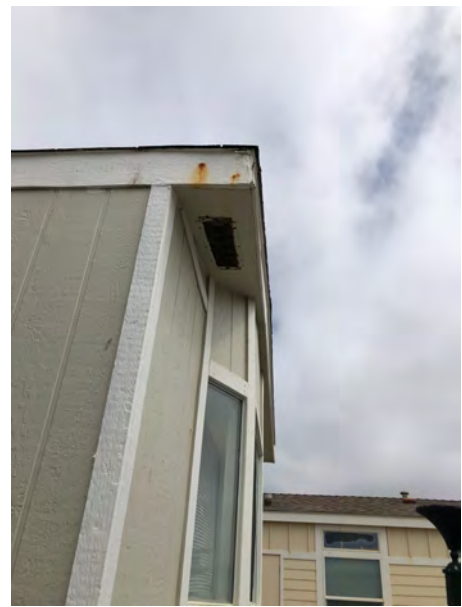
**345 Third Ave - Gable roof, no overhang. T1-11 siding typical of original construction. Fascia detail at roof reflecting non-structural repair and maintenance, including re-painting. If roof structural framing had been replaced, boxed eave and fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**345 Third Ave - Exterior T1-11 siding wall covering. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. T1-11 siding typical of original construction. No indication that removal or replacement of structural wall framing has occurred.**



**348 Third Ave - Side view, entry steps. Materials, pop out window, and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roof framing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been constructed with an overhang.**



**348 Third Ave - Front elevation with boxed eave and pop out window indicative of original construction. No indication that removal or replacement of structural roofing has occurred. Note old style vent at boxed eave.**



**348 Third Ave - Side view. Gable roof, no overhang. T1-11 siding typical of original construction. No indication that removal or replacement of structural wall framing has occurred.**



**348 Third Ave - Exterior T1-11 siding wall covering. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. T1-11 siding typical of original construction. No indication that removal or replacement of structural wall framing has occurred.**





**353 Third Ave - Front elevation, side entry. Gable roof construction with pop out window, no overhang, typical of original construction. No indication that removal or replacement of structural roof framing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been constructed with an overhang.**



**353 Third Ave - Front elevation with side entrance. Materials and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roofing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been constructed with an overhang.**



**353 Third Ave - Front elevation with pop out window, typical of original construction. No indication that removal or replacement of structural roof framing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been built with an overhang.**





**400 Fourth Ave - Front elevation. Gable roof with no overhang, pop out window, typical of original construction. If roof framing had been replaced, likely would have been built with an overhang.**



**400 Fourth Ave - Side view, entry steps. Materials and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roofing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been built with an overhang.**



**400 Fourth Ave - Gable roof, no overhang. T1-11 siding typical of original construction. Fascia typical of original construction. Fascia wear at roof. If roof structural framing had been replaced, boxed eave and fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**400 Fourth Ave - Side view, entry steps. Gable roof, no overhang. T1-11 siding typical of original construction. No indication that removal or replacement of structural wall framing has occurred.**



**404 Fourth Ave - Front elevation. Gable roof with no overhang, pop out window, typical of original construction. If roof framing had been replaced, likely would have been built with an overhang.**



**404 Fourth Ave - Side view, entry steps. Materials and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roofing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been built with an overhang.**



**404 Fourth Ave - Gable roof, no overhang. T1-11 siding typical of original construction. Fascia typical of original construction. Fascia wear at roof and indications of repair and maintenance. If roof structural framing had been replaced, boxed eave and fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**404 Fourth Ave - Side view, entry steps. Gable roof, no overhang. T1-11 siding typical of original construction. Evidence of patch and repair work of existing T1-11 wall covering. No indication that removal or replacement of structural wall framing has occurred.**

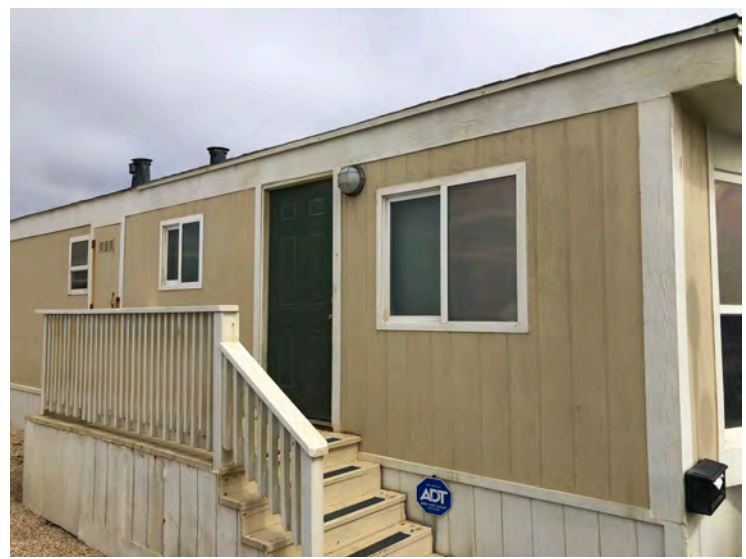


**404 Fourth Ave - Gable roof, no overhang. T1-11 siding typical of original construction. Fascia detail at roof reflecting non-structural repair and maintenance. Fascia typical of original construction.**





**408 Fourth Ave - Front elevation. Gable roof with no overhang, pop out window, typical of original construction. If roof framing had been replaced, likely would have been built with an overhang.**



**408 Fourth Ave - Side view, entry steps. Materials and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roofing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been built with an overhang.**



**408 Fourth Ave - Gable roof, no overhang. T1-11 siding typical of original construction. Fascia wear at roof. If roof structural framing had been replaced, boxed eave and fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**408 Fourth Ave - Side view, entry steps. Gable roof, no overhang. T1-11 siding typical of original construction. Evidence of patch and repair of existing T1-11 wall covering. No indication that removal or replacement of structural wall framing has occurred.**



**412 Fourth Ave - Front elevation. Gable roof with no overhang, pop out window, typical of original construction. If roof framing had been replaced, likely would have been built with an overhang.**



**412 Fourth Ave - Materials and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roofing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been built with an overhang.**



**412 Fourth Ave - Gable roof, no overhang. T1-11 siding and fascia typical of original construction. Fascia wear at roof and indications of maintenance. No evidence of any modifications to structural roof or wall elements. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**412 Fourth Ave - Side view, entry steps. Gable roof, no overhang. T1-11 siding typical of original construction. No indication that removal or replacement of structural wall framing has occurred.**





**412 Fourth Ave - Gable roof, no overhang. T1-11 siding typical of original construction. Fascia detail at roof reflecting non-structural repair and maintenance. If roof structural framing had been replaced, boxed eave and fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**412 Fourth Ave - Gable roof, no overhang. T1-11 siding typical of original construction. No indication that removal or replacement of structural wall framing has occurred.**





**416 Fourth Ave - Front elevation. Materials and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roofing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been built with an overhang.**



**416 Fourth Ave - Side view. T1-11 siding typical of original construction. Fascia wear at roof. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**416 Fourth Ave - Gable roof, no overhang. T1-11 siding typical of original construction. Fascia wear at roof and indications of repair and maintenance. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**416 Fourth Ave - Side elevation, entry steps. Gable roof, no overhang. T1-11 siding typical of original construction. No indication that any removal or replacement of structural wall framing has occurred.**



**416 Fourth Ave - Gable roof, no overhang. T1-11 siding and fascia typical of original construction. Fascia wear at roof and indications of repair and maintenance. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**420 Fourth Ave - Materials, pop out window, and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roofing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been built with an overhang.**



**420 Fourth Ave - Side elevation. T1-11 siding typical of original construction. Evidence of repair and maintenance of T1-11 wall covering. Fascia wear at roof. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang. Evidence of prior window replacement without modification to structural elements.**



**420 Fourth Ave - Gable roof, no overhang. T1-11 siding and fascia typical of original construction. Fascia wear at roof and indications of repair and maintenance. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**420 Fourth Ave - Gable roof, no overhang. T1-11 siding typical of original construction. Fascia wear at roof. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**





**424 Fourth Ave - Front elevation with side entrance ("shotgun installation"). Gable roof with no overhang typical of original unit. No evidence of any modifications to structural roof elements. Roof replacement would have had significant impact on wall framing and interiors and likely would have included a roof overhang.**



**424 Fourth Ave - Materials and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roofing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been built with an overhang.**



**424 Fourth Ave - Gable roof, no overhang. T1-11 siding and fascia typical of original construction. Fascia wear at roof and indications of repair and maintenance. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**424 Fourth Ave - Side elevation, entry steps. Gable roof, no overhang. T1-11 siding typical of original construction. No indication that any removal or replacement of structural wall framing has occurred.**



**424 Fourth Ave - Gable roof, no overhang. T1-11 siding and fascia typical of original construction. Fascia wear at roof. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**428 Fourth Ave - Front elevation with side entrance ("shotgun installation"). Gable roof with no overhang typical of original unit. No evidence of any modifications to structural roof elements. Roof replacement would have had significant impact on wall framing and interiors and likely would have included a roof overhang.**



**428 Fourth Ave - Side entrance. Materials and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roofing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been built with an overhang.**



**428 Fourth Ave - Gable roof, no overhang. T1-11 siding and fascia typical of original construction. Fascia wear at roof. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**428 Fourth Ave - Side elevation. Gable roof, no overhang. T1-11 siding typical of original construction. No indication that removal or replacement of structural wall framing has occurred.**





**432 Fourth Ave - Materials and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roofing has occurred. Replacement would have had significant impact on framing and likely would have been built with an overhang.**



**432 Fourth Ave - Side view. Materials and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roofing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been built with an overhang.**



**432 Fourth Ave - Gable roof, no overhang. T1-11 siding and fascia typical of original construction. Fascia wear at roof and indications of repair and maintenance. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**432 Fourth Ave - Side elevation. Gable roof, no overhang. T1-11 siding typical of original construction. No indication that removal or replacement of structural wall framing has occurred.**



**436 Fourth Ave - Front elevation. Gable roof with no overhang, pop out window, typical of original construction. If roof framing had been replaced, likely would have been built with an overhang.**



**436 Fourth Ave - T1-11 siding and fascia typical of original construction. Fascia wear at roof. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**436 Fourth Ave - Side elevation. T1-11 siding typical of original construction. Fascia wear at roof reflecting original construction. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**436 Fourth Ave - Side elevation. Gable roof, no overhang. T1-11 siding typical of original construction. Evidence of patch and repair of wall surface. No indication that removal or replacement of structural wall framing has occurred.**



**436 Fourth Ave - T1-11 siding typical of original construction. Evidence of patch and repair of existing wall surface without modifications to structural wall framing. Evidence of prior window replacement without modification to structural wall elements.**





**440 Fourth Ave - Front elevation with side entrance ("shotgun installation"). Gable roof with no overhang typical of original unit. No evidence of any modifications to structural roof elements. Roof replacement would have had significant impact on wall framing and interiors and likely would have included a roof overhang.**



**440 Fourth Ave - Side view, entry steps. T1-11 siding and fascia typical of original construction. Fascia wear at roof. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**440 Fourth Ave - Gable roof, no overhang. T1-11 siding typical of original construction. Fascia wear at roof. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**440 Fourth Ave - Side elevation. T1-11 siding typical of original construction. Evidence of patch and repair of wall surface without modification of structural elements. Fascia wear at roof. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**440 Fourth Ave - Gable roof, no overhang. T1-11 siding typical of original construction. Fascia detail at roof reflecting repair and maintenance. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**444 Fourth Ave - Front elevation with side entrance ("shotgun installation"). Gable roof with no overhang typical of original unit. No evidence of any modifications to structural roof elements. Roof replacement would have had significant impact on wall framing and interiors and likely would have included a roof overhang.**



**444 Fourth Ave - Side view, entry steps. T1-11 siding and fascia typical of original construction. Fascia wear at roof. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**444 Fourth Ave - Front elevation with boxed eave, pop out window, typical of original construction.**



**444 Fourth Ave - T1-11 siding typical of original construction. Fascia wear at roof. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang. Evidence of patch and repair of wall surface without modification of structural elements.**





**564 Fifth Ave - Front elevation. Gable roof with no overhang, typical of original construction. If roof framing had been replaced, likely would have been built with an overhang.**



**564 Fifth Ave - Materials and gable roof with little or no overhang typical of original construction. No indication that removal or replacement of structural roofing has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been built with an overhang.**



**564 Fifth Ave - Gable roof, no overhang. T1-11 siding and fascia typical of original construction. Fascia wear at roof. If roof structural framing had been replaced, fascia would not show similar wear. Replacement of roof elements likely would have included overhang.**



**564 Fifth Ave - Side elevation. Gable roof, no overhang. T1-11 siding typical of original construction. No indication that removal or replacement of structural wall framing has occurred.**



**564 Fifth Ave - Side view of front elevation, gable roof construction with no eaves at side and boxed eave at front. Typical of older model original construction**



**564 Fifth Ave - Fascia detail at roof reflecting non-structural repair and maintenance, including re-painting.**



**564 Fifth Ave - T1-11 siding typical of original construction. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. No indication that removal or replacement of structural wall framing has occurred.**



**564 Fifth Ave - Existing T1-11 siding reflecting wear and non-structural repair and maintenance. If structural wall framing had been replaced, siding would not show similar wear.**



**564 Fifth Ave - Existing T1-11 siding reflecting wear, evidence of patch and repair without modification of structural elements. If structural wall framing had been replaced, siding would not show similar wear.**





**580 Fifth Ave - Front elevation. Gable roof construction with slight overhang at eaves.**



**580 Fifth Ave - Side view. T1-11 siding typical of original construction. Evidence of non-structural repair and maintenance (e.g., caulking, sealing) of T1-11 wall covering. No indication that removal or replacement of structural wall framing has occurred.**



**580 Fifth Ave - Front elevation with boxed eave and pop out window bay typical of original construction. No indication of modifications to structural roof elements.**



**580 Fifth Ave - Side view with posts and beams, integral porch with overhead roof construction. No indication that removal or replacement of structural roof or wall framing has occurred.**



**614 Sixth Ave - Front elevation. Gable roof with no overhang, typical of original construction. If roof framing had been replaced, likely would have been built with an overhang.**



**614 Sixth Ave - Gable roof with no overhang. Gable roof construction with no eaves at side and boxed eave at front. Typical of older model original construction. No indication that removal or replacement of structural roofing has occurred.**



**614 Sixth Ave - Side elevation. Materials and gable roof with little or no overhang typical of original construction. T1-11 siding typical of original construction. No indication that removal or replacement of structural roofing or wall elements has occurred. Replacement would have had significant impact on wall framing and interiors and likely would have been built with an overhang.**





**622 Sixth Ave - Mansard roof with flat roof at center. Original framing materials at walls and parapet indicating original construction. No indication that removal or replacement of structural roof or wall framing elements has occurred.**



**622 Sixth Ave - Side view with mansard roof (flat section in center), entry stairs. Original metal siding.**



**622 Sixth Ave - Original metal wall covering at roof parapet.**



**622 Sixth Ave - Original metal wall covering at roof parapet.**





**622 Sixth Ave - Side wall elevation. Small window appears to have been inserted into original metal wall covering. Window is smaller in size than other windows and appears to have been added later in time. Evidence of patch and repair of surrounding wall covering area.**



**622 Sixth Ave - Side wall elevation showing door that appears to have been inserted into area previously occupied by a window. Non-load bearing portion of wall previously located below window appears to have been removed to allow for the door. Addition of door should not have resulted in alteration of structural wall elements.**

# EXHIBIT 5

# EXHIBIT 5

# RL Houk Construction, Inc.

*Construction, Construction Management, And Non Profit Resource Development*

## Richard L Houk - Curriculum Vitae

### Profile

Richard Houk formed RL HOUK CONSTRUCTION, INC. in July of 1977. Richard Houk's construction background encompasses a wide variety of experience in development, construction and renovation of both commercial and residential structures. His experience includes development, repair and maintenance of Manufactured Housing parks. The firm is currently active in Construction Management and Due Diligence reports, as well as providing expertise in construction, repair and maintenance methods.

From 2002 to present, RL Houk has specialized in the field of construction management and developed project oversight. Since 2014, he has served as a National Development Oversight (NDO) Construction Consultant for various portfolios, including Manufactured Housing Parks.

Mr. Houk has also served and has been qualified as an expert witness since 1985, and has been retained by law firms, individuals, public agencies, HOAs and insurance companies. His case experience encompasses matters involving construction methods and standards, as well as methods for maintenance and repair of all types of residential and commercial structures, including water intrusion and repair, structural defects, and standards of care in construction, maintenance and rehabilitation of manufactured residential and commercial structures.

### Education

- Palomar College - 1966-68 - Business Administration
- University of Arizona - 1968 -70 -Business Administration
- San Diego State University - 1971-74 - Classes in Construction Estimating & engineering

### Resume

- 1977 - Present - President, R.L. Houk Construction, Inc. licensed building contractor in the State of California involved in residential and commercial projects, including Manufactured Housing parks. Currently active in construction management and due diligence, as well as providing expertise in construction, repair, and maintenance methods as well as non-profit consulting.
- 1993 - 1999 - President/CEO of the Boys & Girls Clubs of San Dieguito. Responsible for 8 sites, \$2.5 million budget, 50-member board of directors and 85 staff.
- 1969 - 1984 - Hess Development Corp. (President 1975-1984). Corporation involved in acquisition and development of commercial and residential real estate.
- 1976 - 1977 - Commercial estimator for Schmid Insulation.



# RL Houk Construction, Inc.

*Construction, Construction Management, And Non Profit Resource Development*

- 1972 – 1976 - Director of Construction for Tone Development, Inc. Responsible for development and construction of office complexes, shopping centers, apartment units, multi-unit and single family homes.
- 1971 – 1972 - Field Superintendent for Handyman Remodeling Co.
- 1970 – 1971 - General construction worker on Class A construction projects for Trepte Construction, Co., La Russa & Sons Plastering. Assistant Superintendent for Standmark Homes

## Construction Management

From 2002 to present, RL Houk has specialized in the field of construction management, with a primary focus on owner representation and oversight for major projects. Partial Project List:

- **Commercial and Industrial Portfolio**
  - \$45 million renovation of 5 connected existing buildings in San Francisco. Buildings range in age from 1890's to 1920's. Total square footage 104,500 sf
  - \$65 million new 650,000 sf spec tilt up building in Mesa, AZ
  - \$55 million new 770,000 sf Industrial spec project w/ 7 buildings in Mesa, AZ
- **Manufactured Housing Portfolio**
  - Renovate 18 Manufacturing Home parks, with a total of 9,500 manufactured homes in AZ & CA.
- **Industrial Portfolio**
  - \$750 million of new 12 million sf Spec Industrial Buildings in Phoenix AZ
- **Build to Rent (BTR)**
  - Develop over 800 units of single family units for the rental market in FLA and AZ.
- **Single Family Home Portfolio**
  - Develop 5 high end custom home projects in the Beverly Hills/Hollywood Hills areas of Southern California ranging in size from 5,500 sf to 10,000 sf with projected sales price of \$6.5 million to \$16 million.
  - Develop 8 high-end custom home projects in the Del Mar/Rancho Santa Fe/La Jolla/Coronado areas of Southern California ranging in size from 4,500 sf to 25,000 sf with projected sales price of \$4 million to \$31 million.
  - Develop 54 luxury single-family home projects throughout the Los Angeles area of Southern California ranging in size from 3,500 sf to 8,500 sf with projected sales price of \$2 million to \$7.5million.
  - Develop a 36 unit custom home development in Ladera Ranch in Southern California. Homes to be 2,800 sf with projected sales price of \$1.3 million to \$1.5 million.

# RL Houk Construction, Inc.

*Construction, Construction Management, And Non Profit Resource Development*

- **Self-Storage Portfolio**
  - Develop 16 self-storage projects in Arizona, Colorado and California. Projects are from 3 to 5 story, fully air-conditioned. Number of units range from 750 to 1200 with construction costs from \$5.5 million to \$13.5 million.
- **Senior Living Portfolio**
  - \$5.1 million renovation of 148-unit residential care facility in Costa Mesa, CA
  - \$2.7 million renovation of 156-unit residential care facility in Oakland, CA
  - \$4.7 million renovation of 89-unit residential care facility in San Diego, CA
  - \$4.5 million renovation of 132-unit residential care facility in La Jolla, CA
  - \$4.8 million renovation of 122-unit residential card facility in Newport Beach, Ca
- **Multi Family Portfolio**
  - \$5.5 million renovation of 255-unit Active Living project in San Marcos, CA
  - \$7.4 million renovation of 440-unit apartment project in Las Vegas, Nevada
  - \$3.4 million renovation of 220-unit apartment project in Las Vegas, Nevada
- **Retail/Office Portfolio**
  - \$17.5 million renovation of an existing shopping center with site work, new shops and tenant improvements in Chula Vista, CA
  - \$3.4 million renovation of existing medical office building in Poway, CA
  - \$1.35 million renovation of existing shopping center in Moreno Valley, CA
  - \$3.4 million renovation of existing shopping center in Las Vegas, Nevada
  - \$13.3 million new shopping center in Greer, South Carolina.
  - \$845,000 renovation of new shopping center in Las Vegas, Nevada
  - \$907,000 renovation of existing shopping center in Las Vegas, Nevada
- **Office/Warehouse**
  - \$3.2 million tenant improvements to 54,000 sf office/warehouse building including site work, new Central Plant, roofing.
- **Hospital**
  - Provide oversight to complete requirements for a 60,000 sf, \$17 million dollar Medical Office Bldg.
  - Work with City of Oceanside, Cal Trans for acceptance of improvements
  - Review and provide compliance with State of California OSPHD 3 requirements with City of Oceanside, State and Architect.
- **Boys & Girls Clubs of Greater San Diego**
  - \$1.5 million dollar construction of new learning center in San Diego, CA

# RL Houk Construction, Inc.

*Construction, Construction Management, And Non Profit Resource Development*

- \$50,000 addition of a STEM Lab at the Ramona Branch, in Ramona, CA
- \$275,000 interior improvements to create Empower Charter School at the Roberts Branch in San Diego
- \$650,000 construction of a new building with on and off site improvements for construction of Resource & Training Center at the Clairemont Branch in San Diego, CA. Conduct site assessment, develop a budget and prepare a grant request for submission to City of San Diego for a CDBG grant. Hire Consultants, process and obtain a Neighborhood Use Permit (NUP) and building permit from the City of San Diego
- Conduct site assessments, develop preliminary budgets for improvement costs, facilitate obtaining of grants, and obtain bids and manage construction for \$6.5 million of improvements and renovations. Includes grant management to certify compliance with prevailing wage work (Community Development Block Grants through HUD) as well as other funding sources.
- \$2.9 million dollars of improvements (\$537,455 of CDBG) to four branches of Boys & Girls Clubs of Greater San Diego in 2006
- \$312,225 of improvements to parking lots of Clairemont & Encanto branch of Boys & Girls Clubs of Greater San Diego in 2008.
- \$327,749 of improvements to pool, roof, restrooms, and showers at Clairemont Branch of Boys & Girls Clubs of Greater San Diego in 2007.
- \$236,875 of improvements to pool, restrooms, games room at Roberts Branch of Boys & Girls Clubs of Greater San Diego in 2003.
- \$697,468 - Renovate shower, locker rooms, gymnasium, pool area, remove and replace windows throughout facility at Oakes Branch of Boys & Girls Clubs of Greater San Diego
- \$523,375- Renovate kitchen, locker rooms, add ADA upgrades, repair parking lot at Roberts Branch of Boys & Girls Clubs of Greater San Diego in 2010-11
- **City Heights Community Development Corporation** –Village View Apartment Renovation.
  - Conduct site assessment, develop a budget for renovation, and prepare a grant request for submission to City of San Diego for a Community Development Block Grant (CDBG) for renovation of 30 unit apartment project in San Diego.
  - Provide Construction Management to comply with HUD requirements for solicitation of bids, selecting a General Contractor, and construction of \$906,082 renovation project.
- **Condominium HOAs**
  - Conduct Site Assessment & costing for drainage and site improvements. Implement new roofing, curbs & gutters and paving for 158-unit condominium project.
  - Perform reserve study, develop specifications, budget, obtain bids and serve as owner representative to renovate 10-unit condominium in La Jolla.



# RL Houk Construction, Inc.

*Construction, Construction Management, And Non Profit Resource Development*

- Develop specifications, budget, obtain bids and serve as owners' representative to replace siding and roofing of 78-unit condo complex in Encinitas.
- **Pacific Management Services**, \$45 million of improvements for biotech labs, site & exterior development for Pacific Sorrento Technology Park. Also includes Due Diligence Reports. Partial Project List:
  - Alexion Antibodies - 12,000 sq ft lab and office (Phase I)
  - Alta Labs - 8800 sq ft lab and office
  - Optimer Pharmaceuticals - 18,000 sq ft lab and office (Phase II)
  - Optimer Pharmaceuticals - 6500 sq ft lab and office (Phase I)
  - Attenuon - 6400 sq ft lab and office
  - Genway - 5500 sq ft lab and office
  - MicroConstants - 8800 sq ft lab and office (Phase I)
  - MicroConstants - 5500 sq ft lab expansion (Phase II)
  - Q3DM - 10,000 sq ft lab and office
  - Kemia - 34,000 sq ft lab and office
  - TierraNet - 12,000 sq ft office and computer lab
  - EMC - 13,000 sq ft office
  - Derma Trends - 5500 sq ft lab and office
  - Tragen - 6400 sq ft lab and office
  - Alta Analytical - 6500 sf lab and office
  - Office Spaces - 5700 sf
  - Site Renovations to Pacific Sorrento Technology Park - Renovations to park including driveways, exterior improvements, landscaping, stream maintenance and improvements including interfacing with the Department of Fish & Game
- **Shopping Center** - Due Diligence Reports and Construction Management of Vons Shopping Centers with Site Development and Retail Shops. Partial Project List:
  - Vons Center & Shop Buildings - Moorpark
    - New shopping center w/ site improvements and construction of shop buildings with tenant improvements.
  - Vons Center - Santee
    - Demolish existing buildings & improvements, build new Vons Store, shop buildings with tenant improvements, and redevelop parking lot and improvements.
  - Home Base - Norco
    - Feasibility study / Budget cost to construct
  - Plaza de Cuyamaca Center - Santee

# RL Houk Construction, Inc.

*Construction, Construction Management, And Non Profit Resource Development*

- Renovation of center including reconstruction of shop buildings, tenant improvements and site improvements.
- **Tech Center** – \$30 million dollars of Construction Management and Construction of Various Tenant Improvements as the onsite Construction Manager at the San Diego Tech Center. Partial Project List:
  - Nokia Phones
  - AT & T
  - Inflow
  - Teligent
  - WFI (Wireless Facilities Inc.)
  - Sprint Communications
  - Foster Wheeler Engineering
  - Silicon Valley Bank
  - Nextel
  - Sony
- **Single Family Residential**
  - La Jolla
    - Serve as Owner Representative for demolition and renovation of existing 6,500 square foot, \$3.2 million dollar home.
    - Serve as Owner Representative for demolition of existing home and construction of new 8,000 square foot, \$3.8 million dollar home in La Jolla.
    - Demolish existing home and serve as owner representative to build new 3,400 sf, \$3.5 million home in La Jolla.
  - Fairbanks Ranch
    - Serve as Construction Manager for renovation of 5,500 square foot custom home in Fairbanks Ranch.
  - Carmel Valley
    - Develop specifications, plans, and budgets and serve as construction manager to completely renovate 3400 sf residence in Carmel Valley.
  - Olivenhain
    - Develop specifications, plans, and budgets and serves as construction manager to completely renovate 3100 sf residence in Olivenhain.

## Due Diligence

Perform due diligence, including site evaluation, assessment of property condition, estimate for repair, review of Phase I assessments, feasibility studies on development and renovation capabilities. Partial Project List:

# RL Houk Construction, Inc.

*Construction, Construction Management, And Non Profit Resource Development*

- **National Portfolios**

- Perform due diligence in regard to acquisition and redevelopment of 18 Manufacturing Home parks, with a total of 9,500 homes in AZ & CA.
- Perform due diligence in regard to acquisition and development of over 800 units of detached and attached single family units for the rental market in FLA. and AZ.
- Perform due diligence in regard to feasibility of permitting and renovation of a 132-unit Residential Care Facility in San Diego, CA.
- Perform due diligence in regard to feasibility of permitting and renovation of an 89-unit Residential Care Facility in San Diego, CA.

- **Medical Office**

- Perform due diligence in regard to feasibility of permitting and renovation of a 50,000 sf medical office building in Poway, CA.
- Review records, plans, permits, entitlements, inspect building to insure compliance with Conditional Use Permit and OSPHD 3 certifications for \$17,000,000, 60,000 square foot building in Oceanside, CA.

- **Warehouse**

- 109,000 sf offices and warehouse in Temecula, CA.
- 43,000 sf offices and warehouse in Temecula, CA.

- **Residential Care**

- Research residential care facility feasibility and costing for a 2.53-Acre property in Vista, CA. Process zoning change for development of approximately 160 unit residential care facility. Coordinate design and engineering of development for review by Planning and City Council, provide costing and feasibility analysis for lender and owner

- **Residential Subdivision**

- Reviewed minor subdivision of approximately 3-acre property in Carlsbad, CA.
- Reviewed current and potential zoning with the City of Carlsbad to determine highest and best use of property.
- Established concept plan for potential future development of the remainder of the property.

- **Due Diligence reports for Commercial Office Buildings, Inspection & Administration of Lender**

**Disbursements.**

- Viewridge Office Complex
- Shoreham Place Office Complex
- Illumina Corporate Headquarters & Labs
- Chesapeake Office building
- XCU Capital Corporate Offices



# RL Houk Construction, Inc.

*Construction, Construction Management, And Non Profit Resource Development*

- Yuma Shopping Center
- HOA- Reserve Studies, Site Assessments, budgets & improvements.
  - Sandpiper Point HOA
  - Collwood Park HOA
  - Shores West HOA
- Oberlin Science Center
- Various Custom Homes
  - Provide inspection for purposes of evaluation of existing conditions, compliance with current codes, research and review of building records, cost estimates for repair.

## **Construction (1977- 2002) (Partial Project List):**

RL Houk Construction, Inc. was formed in 1977, initially focusing on land development, construction, and sale of custom homes. The business evolved into bidding and building custom homes and commercial construction. From 1992 to 2004 RL Houk Construction, Inc. was the onsite contractor for the San Diego Tech Center, an 900,000 square foot technology project.

- **Scripps Hospital (Encinitas)**
  - Complete renovation of Surgery Center at Scripps Hospital. Work with State Architect and Inspector for certification of work
  - Add Medical Offices to Hospital Annex
  - Construct various improvements throughout Hospital
- **Custom homes**
  - Process parcel map with County of San Diego, annex into sewer district, extend main line sewer and develop and construct 8 custom homes.
  - Process parcel map with County of San Diego, develop, and construct 8 custom homes in Escondido
  - Construct single family home on hillside in La Jolla.
  - Construct single family home on hillside in Leucadia.
  - Construct single family home on hillside in Olivenhain.
  - Provide extensive renovations to existing custom home and guest house in Rancho Santa Fe.
  - Construct custom "Santa Fe Style" custom home and guest house in Fairbanks Ranch.
  - Construct 2 custom "Twin" homes in Cardiff.
  - Construct custom home, pool and guest house in Rancho Santa Fe.
  - Completely renovate a custom home in La Jolla.

# RL Houk Construction, Inc.

*Construction, Construction Management, And Non Profit Resource Development*

## Construction (1972-1976)

Director of construction for a San Diego based developer, responsible for developing, processing and building various projects. Partial Project List:

- Construct 120 unit apartment complex in Bonita, CA
- Develop 14 unit sub-division – Pedley, CA
- Construct 24 unit apartment complex in Escondido, CA
- Develop 10 unit sub-division – Escondido, CA
- Develop 24 unit sub-division – Norco, CA
- Develop two story 24,000 square foot office building in San Diego
  - Construct Shopping Center – Sacramento, CA
- Construct Shopping Center – Riverside, CA
- Develop two-story 28,000 square foot office building in San Diego
  - Develop two story 28,000 square foot office building
- Develop 120 unit sub-division – Phoenix, AZ

## Publications

Affiliated with Lorman Educational Services and has been involved in the following presentations:

- Panel Presenter- Construction Defect Claims in High Rise Condominiums, Las Vegas, Nevada, May 2006.
- Panel Presenter - Construction Defect Claims in High Rise Condominiums. Reno, Nevada, June 2006.
- Presenter- Teleconference on Noise Standards for construction, September 2006.
- Presenter-Teleconference on Commercial Site Development for new and existing properties, May and November 2007, December 2010.

## Personal Biography

Richard Houk was born in Toledo, Ohio but has lived in the Encinitas, California area for over fifty-three years. He attended local schools including Palomar College where he was All-State and a Junior College All-American (Honorable Mention) in football. He transferred to the University of Arizona on a football scholarship, majoring in Business Administration and played in the 1968 Sun Bowl game.

After college, he worked in the construction field and in 1977 started his own general contracting company, RL Houk Construction, Inc. The company focus was initially involved in residential real estate development then expanded into residential custom home construction and remodeling as well as commercial tenant improvements.

# RL Houk Construction, Inc.

*Construction, Construction Management, And Non Profit Resource Development*

In 1993, he took a leave of absence from RL Houk Construction, and was hired by the Boys and Girls Clubs of San Dieguito as the President/CEO. During his tenure the club opened two new branches and grew from a budget of \$900,000 to \$2,500,000 with number of children served from 4,000 to 10,000. He also was asked to serve on the Government Relations committee for Boys and Girls Clubs of America in Washington DC, assisting in obtaining over \$200 million of funding through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) for Boys and Girls Clubs.

In 1999, he formed R.L. Houk Consulting Services, which emphasizes construction management, expert witness testimony and consulting to non-profit organizations, and is now a part of RL Houk Construction, Inc.

## Community involvement

### Current

- Chairman, Board of Directors, Encinitas Ranch Golf Authority (ERGA)
- Member of the committee of the Encinitas Rotary Wine & Food Festival (8<sup>th</sup> year as chair). The event in its 15<sup>th</sup> year has surpassed over \$1,250,000 raised to support children's and community charities. In the 8 years as chair the event has netted over \$925,000 for distribution.
- Trustee - Martin and Sharon Cooper Family Foundation.
- Board Member, Coastal Community Foundation
- Advisory Board, San Dieguito Heritage Museum
- Helped raise over \$30 million dollars as an Auctioneer/Master of Ceremonies for various charity events
- Basketball Announcer for 27 years at San Dieguito & La Costa Canyon High Schools, as well as announcing playoffs in basketball, volleyball, soccer, lacrosse & football for the San Diego Section of the CIF.
- Member of the Encinitas Rotary Club for 43 years.

### Past

- Board of Trustees, Cal Ripken Sr. Foundation, Baltimore, MD
- President of the Governing Board of the Community Resource Center
- President of the Board of the Boys and Girls Clubs of San Dieguito
- Chairman, City of Encinitas Park and Recreation Commission
- Member, City of Encinitas Library Task Force
- Weekend Camps Chair of Camp Wildcat - Served as weekend camping director for Camp Wildcat, a student-run, non-profit organization at the University of Arizona that provides quality, cost-free camping trips and day activities for underserved and at-risk youth throughout the Tucson community.



DEC 31 2015

CALIFORNIA  
COASTAL COMMISSIONDirect No.: 510.273.8780  
mkenyon@bwslaw.com

December 29, 2015

Nancy Cave  
North Central Coast District Manager  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Re: Coastal Commission Proposal to Reconsider City of Pacifica's 2013  
Exemption Determination for Pacific Skies Estates Renovation

Dear Ms. Cave:

The City of Pacifica ("City") is in receipt of your letter dated December 18, 2015 and City Manager Lorie Tinfow has requested that our office provide the City's response. In your letter, you assert that the City should reconsider its 2013 determination that the renovations currently underway at Pacific Skies Estates Mobilehome Park ("PSE") are statutorily exempt repair and maintenance activities that do not require a Coastal Development Permit ("CDP"). You also state that, if the City does not require PSE to obtain a CDP, the Coastal Commission ("Commission") will schedule a hearing under California Code of Regulations, Title 14, Section 13569 ("Section 13569") to allow the Commission to provide a final decision on the appropriate processing and permitting requirements associated with PSE's project. As discussed below, the Commission does not have the authority to reconsider the City's 2013 exemption determination under Section 13569, because that process is inapplicable to statutory exemption determinations and also only applicable if a local jurisdiction requests a determination from the Executive Director at the time the application for development is submitted (which did not occur here). Further, the City lacks the authority to reconsider its 2013 exemption determination both because the City was not the permitting authority for the work at PSE and because the time in which an interested party could appeal the City's 2013 exemption determination has long since passed.

#### BACKGROUND

In 2013, PSE sought approval from the Department of Housing and Community Development ("HCD"), the agency with permitting authority over mobilehome parks, to construct repairs and renovation of its mobilehome park. As part of its processing, HCD sought confirmation from the City that PSE's project was consistent with City

3-83-172-A9

Exhibit 5

Page 4 of 5

Nancy Cave  
California Coastal Commission  
December 29, 2015  
Page 2

requirements. City departments, the North County Fire Authority, and the North Coast County Water District signed off on forms which indicated that the final plan was consistent with all local requirements. In August 2013, HCD issued the permit that allowed PSE to proceed with its renovation plans. PSE renovation activities have commenced and are ongoing today.

In August 2015, two years after HCD issued PSE the permit, Commission staff informally requested clarification from the City as to why it had not required PSE to obtain a CDP before signing off on the HCD forms.

On September 8, 2015, at the request of Commission staff, the City sent a written response to their inquiry. The September 8 letter explained that the City had determined the work to be statutorily exempt under Pacifica Municipal Code section 9-4.4303(h)(6)(viii). This section mirrors the statutory exemption for repair and maintenance activities in the Coastal Act. (See Pub. Res. Code § 30610(d).)

On November 4, 2015, Commission staff sent a response to the City's September 8 letter, which acknowledged that HCD (not the City) has permitting authority over the work at PSE and further acknowledged that no one appealed or otherwise challenged the City's 2013 exemption determination at the time it was made. However, Commission staff concluded that, in their view, the renovation work at PSE was not exempt repair and maintenance activity, and a CDP should be been required. The November 4 letter offered that, "[i]n the event the City still disagrees with this interpretation of the Coastal Act, the City could seek a formal ruling from the Commission by exercising its rights under Section 13569 of the Commission's regulations."

The December 18, 2015 letter takes a markedly different approach to the Commission's role than the November 4 letter. The November 4 letter did not propose that the City was obligated to take any action to reconsider its 2013 exemption determination. Instead, it offered the City the option to seek a determination from the Commission under Section 13569. The December 18 letter seems to abandon this cooperative approach and asserts that if the City disagrees with Commission staff's interpretation that a CDP is required, the matter would have to be brought in front of the Commission in a dispute resolution hearing under Section 13569. The letter further states that "[o]ur enforcement staff has been notified, and they will be in contact with you shortly."

Nancy Cave  
California Coastal Commission  
December 29, 2015  
Page 3

## DISCUSSION

### I. The Commission Does Not Have Authority Under Section 13569 to Reconsider the City's 2013 Exemption Determination.

Section 13569 fails to provide the Commission with authority to reconsider the City's 2013 exemption determination for two reasons.

First, Section 13569 does not allow the Commission to provide input on whether a proposed development is *statutorily exempt* from the requirement to obtain a CDP. As was clearly set forth in our September 8 letter to the Commission, back in 2013, the City determined PSE's renovation work to be statutorily exempt. Section 13569 is specifically limited to resolving disputes regarding whether development is *categorically exempt*, appealable, or non-appealable. (Section 13569 ["Where an applicant, interested person, or a local government has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is categorically excluded, non-appealable, or appealable . . ."].)

The Coastal Act provides eight categories of development that are statutorily exempt from the requirement to obtain a CDP, one of which the City determined to be applicable here: "[r]epair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities . . ." (Pub. Res. Code § 30610(d).)<sup>1</sup> The Coastal Act also allows the Commission to provide categorical exemptions for "[a]ny category of development, or any category of development within a specifically defined geographic area, that the commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast . . ." (Pub. Res. Code § 30610(e); see e.g., Order E-83-1 [Commission order providing categorical exemption for certain development in Ventura County].) Since the City did not determine that PSE's renovation work was exempt pursuant to a categorical exemption, Section 13569 is inapplicable here.

Second, the Commission has no authority to take action under Section 13569 unless the local government requests an opinion from the Executive Director at the time

<sup>1</sup> The exemption relied upon by the City, under Pacifica Municipal Code section 9-4.4303(h)(6)(viii), mirrors the statutory exemption in Public Resources Code section 30610(d).



Nancy Cave  
California Coastal Commission  
December 29, 2015  
Page 4

the application is submitted, which the City did not do here. Section 13569 provides that, "*at the time the application for development within the coastal zone is submitted,*" the local government will make a determination as to whether a development is categorically exempt, appealable, or non-appealable and inform the applicant of the notice and hearing procedures applicable to the development. (Section 13569.) If the applicant or an "interested person" disagrees with that determination, Section 13569 provides for the City to "notify the Commission by telephone of the dispute/question and . . . request an Executive Director's opinion." (Section 13569(b).) If the City makes such a request, the Executive Director must then provide the opinion within two working days and, if that opinion is not in accordance with the local government's determination, the Commission "shall hold a hearing for purposes of determining the appropriate designation for the area." (Section 13569(c) & (d).) In this case, no one objected to the City's 2013 determination regarding PSE's renovation work and the City never requested an Executive Director's opinion under Section 13569. As the City made no request for an opinion back in 2013, the Commission has no jurisdiction to hold a hearing to resolve a dispute between the interpretations made by the City and the Executive Director.

## **II. The City Does Not Have the Procedural Means to Reconsider its 2013 Exemption Determination.**

The City lacks the procedural means to reconsider its 2013 exemption determination both because 1) it is not the permitting authority for the renovation work, and 2) the time period in which an interested party could appeal the City's 2013 exemption determination has long since passed.

As noted above, HCD is the permitting authority for all work contemplated by PSE's renovation project. As the City lacks jurisdiction over the construction work being performed at the site, the City has not issued any permit for the work. As a consequence, there is no permit for the City to revoke, nor is there any legal basis for the City to issue a stop work order to halt the work.

Moreover, given that more than two years have passed since the City signed off on the HCD form, the City also lacks any procedural mechanism to reconsider its exemption determination. City staff determined in 2013 that a CDP was not required because the renovation of the park was exempt repair and maintenance. After City staff made the exemption determination, any aggrieved person could have filed an

Nancy Cave  
California Coastal Commission  
December 29, 2015  
Page 5

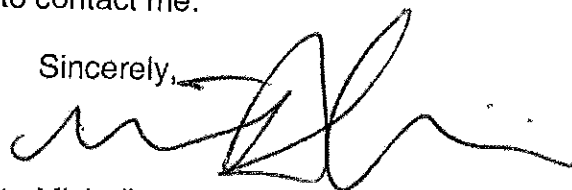
administrative appeal within 10 days of the decision.<sup>2</sup> As Commission staff acknowledge in their November 4, 2015 letter, no one filed an appeal of the City's exemption determination. Because no one filed an appeal or other challenge of the exemption determination within ten days of the decision, the City's administrative decision became final, and there is no regulation authorizing the City to reconsider the decision.

### CONCLUSION

The Commission's authority under Section 13569 is inapplicable to the City's 2013 exemption determination because a statutory (rather than categorical) exemption is at issue. Moreover, even if Section 13569 did apply, as no one challenged the City's exemption determination at the time the application was submitted, the Commission has no current jurisdiction through Section 13569. Further, the City has no authority to reconsider its 2013 exemption determination because HCD was the permitting authority for the work at PSE and because the time in which an interested party could appeal the City's 2013 exemption determination has long since passed.

As a consequence, the dispute resolution process contemplated by Section 13569 is inapplicable to the project currently being undertaken at PSE. If you would like to discuss further, please do not hesitate to contact me.

Sincerely,



FM Michelle Marchetta Kenyon

MMK:jc

OAK #4843-3039-3388 v7

<sup>2</sup> See Pacifica Municipal Code §§ 9-4.4303(c), 9-4.4305, 9-4.3601 and 9-4.3804.

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



November 4,, 2015

Ms. Tina Wehrmeister  
Planning Director  
City of Pacifica  
1800 Francisco Blvd  
Pacifica, CA 94044

Subject: *Coastal Development Permit Requirements for Pacific Skies Estates*

Dear Ms. Wehrmeister:

In August 2013 the California Department of Housing and Community Development Agency issued a permit which authorized certain development at the Pacific Skies Estates mobile home park. As part of HCD's approval process, on February 13, 2013, Associate City Planner Lee Diaz signed a Mobile Home or Recreational Vehicle Park Government Agency Approval Form, determining that the proposed work at Pacific Skies Estates would be consistent with local planning requirements. At that time, it appears that the City had determined that the project was exempt from the City's Coastal Development Permit requirements for repair and maintenance activities. As far as Coastal Commission staff is aware, no one appealed or otherwise challenged this determination.

The work at Pacific Skies Estates presents an unusual context for a local agency to evaluate the application of its planning requirements, as the permitting of construction within a mobile home park is processed through the California Department of Housing and Community Development as the permitting agency rather than the City. However, it is our opinion that Pacific Skies Estates' renovation project constitutes a complete redevelopment and cannot be considered a repair and maintenance as contemplated by 9-4.4303(h)(6)(viii) (which itself derives its statutory authority from the Coastal Act and the Commission Regulations). The project does not propose to repair or maintain development in its current legally established form; rather it proposes to change it completely, including installing all new units and infrastructure. Of note, among other caveats, the Commission's regulations state that replacement of 50% or more of a structure is not repair and maintenance, but instead constitutes replacement requiring a CDP (see California Code of Regulations (CCR) Title 14, Section 13252). Similarly, the proposed project does not constitute mere improvements as might be allowed to be exempted from a CDP by CCR Sections 13250 or 13253. Again, this is complete redevelopment of PSE, and the exemptions afforded certain minor improvements under the Coastal Act and the Commission's regulations (and by extension the LCP) simply do not apply. In addition, even if it could be categorized as a form of potentially exemptible development under the Coastal Act, the regulations, and the LCP, the Coastal Act and the regulations do not allow such exemptions for blufftop development.



Finally, the above interpretation is consistent with prior Commission actions in similar situations. The Commission, through past permit actions, has consistently found that replacement of existing manufactured/mobile homes with new manufactured/mobile homes, constitutes "development" and requires a CDP. A particularly apt and recent case comes from out of the South Coast District, namely CDP application number 5-14-1582. That project proposed removal/demolition of an existing 1,440 square-foot and 16-foot high single-story mobile/manufactured home structure and installation of a new 1,248 square-foot and 16-foot high single-story mobile/manufactured home structure, 85 square-foot storage shed, slab on grade concrete patio, 18" high wood seawall, 6-foot tall glass fence, and associated landscaping on an oceanfront mobile home space. This action required a CDP because it was considered "development" for the purposes of Coastal Act Section 30106. The Commission's concerns with that proposed development were that such significant improvements to, including replacement of, existing mobile homes within the park created the potential expectation that the existing revetment seaward of the development may be required to protect any such permitted development, and may require augmentation in the future, raising a series of Coastal Act issues. That case was for a single replacement unit. This project proposes replacement of 93 units, and a complete redevelopment of the park. And, as with that South Coast case, there is an existing armoring structure seaward of the PSE mobile home park that raises a series of similar issues.

For all of the above reasons, we believe that the exemption applied by the City back in 2013 to the proposed renovation at Pacific Skies Estates Mobile Home Park was not applicable and the proposed development required a CDP and any such CDP decision would have been appealable to the Coastal Commission.

I hope that this letter has proven informative, and allows the City to reconsider whether the exemption was in fact accurately applied. In the event the City still disagrees with this interpretation of the Coastal Act, the City could seek a formal ruling from the Commission by exercising its rights under Section 13569 of the Commission's regulations. That section provides a process through which the Coastal Commission may provide definitive guidance as to applicable exemptions. (Cal. Code Regs. tit. 14, § 13569.) If you have any questions regarding these comments or wish to discuss the process under Section 13569 further, please contact me or the Coastal Commission's Planner for the City of Pacifica, Stephanie Rexing, at the above address and phone number.

Sincerely,



Nancy Cave  
North Central Coast District Manager

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
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**AMENDMENT TO COASTAL DEVELOPMENT PERMIT  
3-83-172-A9**

Deleted text is in ~~strikethrough~~ and amended text is shown in double underline.

**STANDARD CONDITIONS:**

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

**SPECIAL CONDITIONS:**

**Note:** Special Conditions 1, 2, 3, 4, 5 of the original permit (3-83-172-A2) are deleted. Special Condition No. 6 of the original permit 3-83-172-A2 is deleted and replaced by a new Special Condition 2. Special Condition Nos. 1 through 13 were added as new conditions of Permit Amendment No. 3-83-172-A7. Special Condition 4, 5, and 7 are replaced as seen below. Special Condition 9 is modified, and Special Condition 14, 15, and 16 are added. Note that these modifications only apply to the Viewpointe at Seaside Mobile Home Park, and the previous amendments related to this property (3-83-172-A2, -A7, and -8), and not any of the other amendments under the same base permit, as further explained in the project history section.

1. **Lateral Public Access OTD**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the landowner shall submit a current preliminary report for the subject property, and execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public entity or a private association acceptable to the Executive Director, an easement for public access and passive recreational use to and along the shoreline. The area of dedication shall consist of the entire width of the property from the mean high tide line to the landward boundary of the approximately 10-foot-wide subsurface rock keyway area as shown on Exhibit No. 3, which is understood to be ambulatory from day to day. The recorded document shall include a formal legal description of the entire property, and a metes and bounds legal description and corresponding graphic depiction drawn to scale, prepared by a licensed surveyor, of the public access easement area. The document shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

The recorded document(s) described above shall reflect the following restrictions:

No new development, as defined in Section 30106 of the Coastal Act, shall occur within the public access easement area except for: (1) maintenance and repair of the approved development within the easement area consistent with Special Condition No. 4 or as otherwise approved by a coastal development permit (CDP) or CDP amendment where a CDP or CDP amendment is required; (2) the approximately 10-foot-wide subsurface keyway development authorized by this permit amendment.

2. **Blufftop Public Access OTD**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the landowner shall submit a current preliminary report for the subject property, and execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public entity or a private association acceptable to the Executive Director, an easement for blufftop public access and passive recreational use of the blufftop public access area generally depicted on Exhibit No. 3 consisting of: (1) an 8 ft. wide strip of land along the bluff edge from the northern boundary of the property and continuing along the bluff to the southern boundary of the property; and (2) an 8 ft. wide strip of land from Palmetto Avenue to the bluff edge along Sixth Avenue.

- B. No development, as defined in section 30106 of the Coastal Act, shall occur within the blufftop public access easement area except for: (1) any development, including landscaping, authorized by the Public Access Improvement Plan required by Special Condition 12, and (2) repair and maintenance of existing road and/or drainage facilities within the blufftop public access easement areas consistent with Section 30610 of the Coastal Act and Section 13252 of Title 14 of the California Code of Regulations.
- C. The blufftop easement shall be open to the public daily between 8:00 AM and one hour after sunset.
- D. The recorded document shall include a formal legal description of the entire property, and a metes and bounds legal description and corresponding graphic depiction drawn to scale, prepared by a licensed surveyor, of the public access easement area. The document shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

**3. Fifth Avenue Public Access OTD**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the landowner shall submit a current preliminary report for the subject property, and execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public entity or a private association acceptable to the Executive Director, an easement for public access and passive recreational use of the public access area generally depicted on Exhibit No. 3 consisting of an 8 ft. wide strip of land from Palmetto Avenue to the bluff edge along Fifth Avenue.
- B. No development, as defined in section 30106 of the Coastal Act, shall occur within the public access easement area except for: (1) a pedestrian gate near the intersection of First and Fifth Avenues consistent with the Public Access Improvement Plan required by Special Condition No. 12; (2) any other development authorized by the Public Access Improvement Plan required by Special Condition No. 12, and (2) repair and maintenance of existing road facilities within the blufftop public access easement area consistent with Section 30610 of the Coastal Act and Section 13252 of Title 14 of the California Code of Regulations.
- C. The blufftop easement shall be open to the public daily between 8:00 AM and one hour after sunset.
- D. The recorded document shall include a formal legal description of the entire property, and a metes and bounds legal description and corresponding graphic depiction drawn to scale, prepared by a licensed surveyor, of the public access



easement area. The **document shall** be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

#### **4. Repair and Maintenance**

- ~~A. The permittee shall maintain the existing revetment as modified by CDP No. 3-183-172-A7 for the life of the structure.~~
- ~~B. This coastal development permit authorizes repair and maintenance activities for a period of 5 years from the date of this approval only if carried out in accordance with all the following conditions:
 
  - ~~1. Maintenance and repairs shall be undertaken using only necessary equipment and shall be limited to removal, repositioning, or replacement of rock within the footprint of the existing approved structure. The permittee shall remove or redeposit any debris, rock, or material that becomes dislodged from the revetment as soon as possible after such detection of displacement occurs.~~
  - ~~2. No expansion or enlargement of the existing revetment as modified by CDP No. 3-183-172-A7 is permitted.~~
  - ~~3. Repair and maintenance shall occur consistent with requirements of Special Condition No. 5 below.~~~~
- ~~C. The Executive Director may extend the 5-year authorization specified in Subsection B for the approved repair and maintenance activities for a period not to exceed 5 years, or 10 total years from the date of this approval. The applicant shall make a request for such extension no later than 30 days before the end of the initial 5-year period.~~
- ~~D. Repair and maintenance activities identified in Subsection B(1) shall be completed as soon as possible, but no later than 30 days after the discovery of the need for the repair and maintenance activity.~~
- ~~E. Repair and maintenance activities other than those identified in Subsection B(1) shall require an amendment to this permit or a new coastal development permit.~~

**4. Future Repair and Maintenance (for the Viewpointe at Seaside Mobile Home Park Site Only).** This CDP authorizes maintenance and repair of the permitted revetment and the public access areas authorized by 3-83-172-A7, as described in this special condition. The Permittee acknowledges and agrees on behalf of itself and all successors and assigns that it is the Permittee's responsibility to: (1) maintain the permitted revetment, and all related development, and the public access areas in a structurally sound manner, as visually compatible as possible with the beach and bluff

shoreline surroundings, and in their approved and required states as amended; (2) retrieve and reuse or dispose of any failing portions of the permitted revetment or related improvements that might otherwise substantially impair the use, aesthetic qualities, or natural resource integrity of the beach and bluff areas; and (3) bi-annually or more often inspect and photograph the revetment for signs of compromise, consistent with the requirements of **Special Condition 5(b)**. Any such repair and maintenance development associated with the permitted revetment and related development, and all public access areas, shall be subject to the following:

- (a) Maintenance/Repair.** “Maintenance” and “repair” as understood in this special condition means development that would otherwise require a CDP whose purpose is to maintain and/or repair the permitted revetment and all public access areas and amenities in their approved and/or required state pursuant to the terms and conditions of this CDP and as amended. Expansion or enlargement of the permitted revetment is prohibited. Maintenance and repairs shall be undertaken using only necessary equipment and shall be limited to removal, repositioning, or replacement of rock within the footprint of the existing approved structure. The permittee shall remove or redeposit any debris, rock, or material that becomes dislodged from the revetment as soon as possible after such detection of displacement occurs.
- (b) Monitoring.** The permitted revetment shall be monitored by a licensed civil engineer with experience in coastal structures and processes to ensure structural integrity, including at a minimum evaluation of movement, outflanking, and undercutting.
- (c) Other Agency Approvals.** The Permittee acknowledges and agrees that the maintenance and repair provisions in this special condition do not obviate the need to obtain permits and/or authorizations from other agencies for any future maintenance or repair.
- (d) Maintenance/Repair Notification.** At most two weeks after the discovery of the need for any maintenance and/or repair activity, the Permittee shall notify, in writing, the Commission’s Executive Director and its North Central Coast District Office. The Permittee’s notice shall clearly indicate that maintenance/repair is proposed pursuant to this CDP and shall include: (1) a detailed description of the maintenance/repair proposed; (2) any plans, engineering, geology, or other reports describing the event; (3) a construction plan that clearly describes construction areas and methods, and that is consistent with the parameters of **Special Condition 7**; (4) other agency authorizations; (5) evidence indicating that the owners of any properties on which construction activities are to take place, including properties to be crossed in accessing the site, consent to such use of their properties for each potential maintenance/repair episode; and (6) any other supporting documentation describing the maintenance/repair event. Maintenance or repair activities identified in Subsection “a” of **Special Condition 4**: (i) may not commence until the Permittee has been informed by the Commission’s Executive Director in writing that the maintenance proposed complies with this CDP and does

not require an amendment to this CDP, and (ii) shall be completed as soon as possible, but no later than 30 days after the date on which the Permittee is informed by the Commission's Executive Director in writing that the work may commence unless the Executive Director approves a later completion date. Repair and maintenance activities other than those identified in Subsection "a" shall require an amendment to this permit or a new coastal development permit. In the event of an emergency requiring immediate maintenance/repair, the notification of such emergency shall be made as soon as possible, and shall (in addition to the foregoing information) clearly describe the nature of the emergency.

- (e) **Maintenance/Repair Quantification.** Each above-described notification shall include a clear description of the quantity and volume of rock removed and/or replaced during each repair or maintenance event, consistent with the parameters of **Special Condition 5(c).**
- (f) **Maintenance/Repair Coordination.** Maintenance/repair activity shall, to the degree feasible, be coordinated with other maintenance/repair activities proposed in the immediate vicinity of the revetment, including on adjacent properties, with the goal being to minimize cumulative coastal resource impacts, including the length of time that construction occurs in and around the beach and beach access points.
- (g) **Restoration.** The Permittee shall restore all beach and other public access areas impacted by construction activities to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris. The Permittee shall notify the Commission's Executive Director and planning staff of the Coastal Commission's North Central Coast District Office in writing upon completion of restoration activities to allow for a site visit to verify that all project and beach-area restoration activities are complete.
- (h) **Noncompliance Provision.** If the Permittee is not in compliance with the permitting requirements of the Coastal Act, including the terms and conditions of any Coastal Commission CDPs or other coastal authorizations that apply to the subject property, at the time that a maintenance/repair event is proposed, then maintenance/repair that might otherwise be allowed by the terms of this future maintenance/repair condition may be disallowed by the Executive Director until the Permittee is in full compliance with the permitting requirements of the Coastal Act, including all terms and conditions of any outstanding CDPs and other coastal authorizations that apply to the subject properties.
- (i) **Emergency.** Notwithstanding the emergency notifications set forth in subsection (d) of this special condition, nothing in this condition shall affect the emergency authority provided by Coastal Act Section 30611, Coastal Act Section 30624, and Subchapter 4 of Chapter 5 of Title 14, Division 5. 5, of the California Code of Regulations (Permits for Approval of Emergency Work).

- (j) **Duration of Covered Maintenance/Repair.** Future repair and maintenance under this CDP is allowed subject to the terms and conditions of the CDP, including this special condition, for five years, which authorization shall expire on November 18, 2027. Such expiration may be extended by the Executive Director in up to five year increments: (1) if the Permittee makes a written request to the Executive Director that is received on or before the expiration date; (2) if prior maintenance/repair events were conducted consistent with the terms and conditions of the CDP; (3) if the Permittee is in compliance with the permitting requirements of the Coastal Act, including the terms and conditions of any Coastal Commission CDPs or other coastal authorizations that apply to the subject property; and (4) if the Executive Director determines in writing that there are no changed circumstances that may affect the consistency of this maintenance/repair authorization with the Coastal Act, and extends the authorization in writing.

## **5. Shoreline Protection Monitoring Plan**

~~A. Monitoring reports prepared by a licensed civil engineer with experience in coastal structures and processes shall be submitted annually to the Executive Director for review and approval by May 1st of each year for as long as the revetment exists. Each monitoring report shall contain the following:~~

- ~~1. An evaluation of the condition and performance of the approved revetment, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the device;~~
- ~~2. Plans and/or photographs showing any weak or potential failure areas;~~
- ~~3. An analysis of erosion trends, annual retreat, and rate of retreat of the beach fronting the revetment which is the subject of this permit, including identification of exactly where repeatable measurements had been taken, (e.g. by reference to benchmarks, survey positions, or points shown on engineering plans);~~
- ~~4. A description and documentation of any migration or movement of rock that has occurred on the site; and~~
- ~~5. Recommendations for repair, maintenance, modifications or other work to the revetment needed to correct any rock migration or structural damage, failures or weaknesses, including methods and materials to be used.~~



- ~~B. If a monitoring report contains recommendations for repair, maintenance or other work beyond that which is authorized by Special Condition No. 4 above, the permittee shall apply for a coastal development permit or coastal development permit amendment.~~

**5. Monitoring and Reporting (for the Viewpoint at Seaside Mobile Home Park Site Only).** The Permittee shall ensure that the condition and performance of the permitted revetment, permitted piers, and permitted public access areas are regularly monitored, with reports to the Executive Director as described in this condition. Such monitoring evaluation shall, at a minimum, assess the effectiveness of authorized repair and maintenance events, assess whether any significant weathering or damage has occurred that would adversely impact future performance, and identify any structural or other damage or wear and tear requiring repair, maintenance, or other work to maintain the revetment, piers, and public access areas in a structurally sound manner and their approved state, including at a minimum with regards to the following:

- (a) Armoring.** The permitted revetment and piers shall be monitored by a licensed civil engineer with experience in coastal structures and processes to evaluate and ensure structural integrity, including at a minimum evaluation of movement, outflanking, and undercutting.
- (b) Photo Documentation.** All monitored elements shall be photographed at least bi-annually from an adequate number of inland and seaward locations as to provide complete photographic coverage of the approved project and the monitored elements of it at a scale that allows ready comparison of applicable components, including from all vantage points included in the approved As-Built Plans (see **Special Condition 10**). All photographs shall be documented on a site plan that notes the location of each photographic viewpoint and the date and time of each photograph, including to allow naked eye comparison of the same views over time. Such photo documentation shall commence no later than the date of construction completion.
- (c) Maintenance/Repair Quantification.** Each monitoring report shall include a clear description of the quantity and volume of rock removed and/or replaced during each repair or maintenance event. In addition, the Permittee shall provide the Commission Executive Director a final description of the quality and volume of rock removed and/or replaced during a repair or maintenance event within one-month of the end of construction activities for each event.
- (d) Reporting.** Monitoring reports covering the above-described evaluations shall be submitted to the Executive Director for review and approval by May 1st every year, with the first report due on May 1, 2023, and for as long as any part of the approved project exists. The reports shall at a minimum (1) identify the existing configuration and condition of the armoring system and all public access areas, including providing vertical and horizontal reference distances between the approved As-Built Plans' surveyed reference markers and the inland benchmarks; (2) enumerate methods, results, and assessments including but not limited to,

beach transect surveys to determine beach width and bluff slope as compared from both year to year and based on regional long-term averages; (3) provide measurements of length, width, and height of the revetment at time of evaluation; (4) include recommendations of any actions necessary in the foreseeable future to maintain these project elements in their approved and required state, including when such actions should be taken; (5) include all photo documentation (in color hard copy 8½ x 11 and digital jpg formats) for each viewpoint noted in the previous subsection arranged in a way to easily review changes over time; and (6) include all past Executive Director-approved monitoring reports as exhibits. If any proposed actions are imminently necessary to maintain the approved as-built project in a structurally sound manner and its approved state, such actions shall be implemented following Executive Director approval within a timeframe for implementation as identified by the Executive Director, consistent with Special Conditions 4d and 7c. In addition, separate and additional monitoring reports shall be submitted within 30 days following either (1) an El Niño storm event comparable to a 20-year or larger storm, or (2) an earthquake of magnitude 5.5 or greater with an epicenter in San Mateo County.

**6. Removal of Existing Rocks and Debris**

**WITHIN 180 DAYS OF COMMISSION APPROVAL AND FOLLOWING ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, or within such additional time as the Executive Director may grant for good cause, the permittee shall remove all rocks, broken pilings, and other debris from the area of the beach seaward of the landward boundary of the approximately 10-foot-wide subsurface rock keyway area as approved by CDP Amendment No. 3-83-172-A7 and shown as the yellow hatched area on Exhibit No. 3.

**7. Construction Responsibilities**

The permittee shall comply with the following construction-related requirements:

- ~~A. Staging and storage of construction machinery, materials and debris on the beach is prohibited. No construction materials or debris shall be placed where they may be subject to wave erosion or dispersion or may interfere with public access to or along the shoreline; and~~
- ~~B. All construction equipment, materials, and debris shall be removed from the project site immediately upon project completion. Any and all debris from construction and maintenance activities shall be disposed of appropriately in an authorized landfill or recycling facility.~~

**7. Construction Plan (for the Viewpointe at Seaside Mobile Home Park Site Only). PRIOR TO COMMENCEMENT OF THE FIRST MAINTENANCE/REPAIR**

EPISODE COMMENCING IN 2022 OR LATER (pursuant to **Special Condition 4**), the Permittee shall submit two copies of a Construction Plan (in full-size and 11" x 17" formats with a graphic scale) to the Executive Director for review and approval. The Construction Plan is intended to be the base construction plan for multiple individual maintenance/repair episodes; as such, it is intended to be reviewed and approved once every five years, where minor modifications to it can be submitted separately with the future maintenance/repair notifications identified in **Special Condition 4**. Any substantial modifications to the Construction Plan may require an amendment to the permit, so such changes should be reviewed by the Executive Director prior to implementation. The expiration of the Construction Plan approval may be extended by the Executive Director in up to five-year increments. The Plan shall identify the parameters that will apply to maintenance/repair construction (for the first and any subsequent such maintenance/repair episodes), and shall include, at a minimum, the following:

- a. **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging and storage areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging that are to take place shall minimize impacts on public access and other coastal resources, including by using developed blufftop portions of the Permittee's property for staging and storing construction and materials, and avoiding public properties and public use areas. The Permittee shall avoid impacting public access areas as much as possible. If public access impacts are anticipated, the Permittee shall provide a specific subplan for this purpose. Special attention shall also be given to siting and designing construction areas and activities in order to minimize impacts on the ambiance and aesthetic values of the public access areas and the beach area, as well as to minimize impacts on coastal resources more broadly, including but not limited to public views across the site. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, storage, and access corridor areas.
- b. **Construction Methods.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep construction areas separated from public properties and public use areas (including through use of unobtrusive fencing and/or other similar measures to delineate construction areas), including verification that equipment operation and equipment and material storage will not significantly degrade public views during construction.
- c. **Construction Timing.** No work shall occur during weekends unless, due to extenuating circumstances, the Executive Director authorizes such work. In addition, no work shall occur during the summer months (i. e., from the Saturday of Memorial Day weekend through Labor Day, inclusive) unless, due to extenuating circumstances, the Executive Director authorizes such work. In addition, all work shall take place during daylight hours (i. e., from one hour before sunrise to one hour after sunset). Nighttime work and lighting of the work area are prohibited.

- d. **Construction BMPs.** The Construction Plan shall identify the type and location of all best management practices that will be implemented during construction to protect coastal resources on the site, including at a minimum all of the following:
1. **In-Ocean Work Prohibited.** Construction work or equipment operations shall not be conducted below the mean high water line unless tidal waters have receded from the authorized work areas.
  2. **Intertidal Grading Prohibited.** Grading of intertidal areas is prohibited with one exception as follows: existing rock that has migrated seaward of the revetment, that is naturally exposed, and that can be retrieved without substantial excavation of the surrounding sediments, shall be retrieved and reused or removed to an appropriate disposal site offsite. Any existing rock retrieved in this manner shall be recovered by excavation equipment positioned landward of the waterline (i. e., excavator equipment with mechanical extension arms).
  3. **Rubber-Tired Construction Equipment Required.** Only rubber-tired construction vehicles are allowed on the beach, except track vehicles may be used if required to safely carry out construction and if such use is approved by the Executive Director. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
  4. **Beach Area Storage.** All construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs. The only exceptions shall be for erosion and sediment controls (e. g., a silt fence at the base of the revetment) as necessary to contain rock and/or sediments at the revetment site, where such controls are placed as close to the toe of the revetment as possible, and are minimized in their extent.
  5. **Runoff Protection.** Silt fences, straw wattles, and equivalent apparatus shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging from the construction area, and/or entering into storm drains or otherwise offsite. Special attention shall be given to appropriate filtering and treating of all runoff, and all drainage points, including storm drains, shall be equipped with appropriate construction-related containment equipment and treatment materials.
  6. **Equipment BMPs.** Equipment washing, refueling, and/or servicing shall take place at an appropriate off-site location to prevent leaks and spills of hazardous materials at the project site. Equipment washing, refueling, and/or servicing shall not take place on the beach.



7. **Good Housekeeping.** The construction site shall maintain good construction housekeeping controls and procedures (e. g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the project site; etc.).
8. **Erosion and Sediment Controls.** All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.
- e. **Beach Sand Ramp.** All sand to be used to create the temporary access ramp from the blufftop to the beach shall be SE 30 or other beach quality sand similar to the beach sand at the site, and shall be imported from off-site (i. e., the use of extant beach sand from the site is prohibited). All such imported sand shall be allowed to remain and naturally disperse to the beach at the end of any particular maintenance/repair event.
- f. **Restoration.** All public recreational use areas, all beach access points, and all beach areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any native materials impacted shall be filtered as necessary to remove all construction debris.
- g. **Construction Site Documents.** The Construction Plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- h. **Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that his/her contact information (i. e. , address, phone numbers, email address, etc. ) including, at a minimum, a telephone number and an email that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still minimizing impacts to public views, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. All

complaints and all actions taken in response shall be summarized and provided to the Executive Director on at least a weekly basis during construction.

- i. **Construction Specifications.** All construction specifications and materials shall include appropriate penalty provisions that require remediation for any work done inconsistent with the terms and conditions of the CDP.
- j. **Notification.** The Permittee shall notify the Commission Executive Director and planning staff of the Coastal Commission's North Central Coast District Office at least three working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittees shall undertake development in conformance with this condition and the approved Construction Plan. Minor adjustments to these construction plan requirements may be allowed by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources.

## **8. Assumption of Risk, Waiver of Liability and Indemnity Agreement**

By acceptance of this permit amendment, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, bluff retreat, erosion, and earth movement; (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 hazards.

## **9. Generic Deed Restriction**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, or within such additional time as the Executive Director may grant for good cause, the permittee shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit amendment, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit amendment as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed

by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit amendment shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

~~B. This Deed Restriction shall remain in full force and effect and shall bind owner(s) and all his/her/their assigns or successors-in-interest during the period that either the development authorized by the permit, or any part or modification thereof, or the permit, or any modification or amendment thereof, remains in existence on or within respect to, and thereby confers benefit upon, the property.~~

#### **10. As-Built Plans**

**WITHIN 90 DAYS OF COMPLETION OF CONSTRUCTION**, the Permittee shall submit two copies of As-Built Plans showing all development completed pursuant to this coastal development permit amendment; all property lines; and all residential development inland of the seawall structure. The As-Built Plans shall be substantially conform with the approved final project plans (see Special Condition No. 13). The As-Built Plans shall include a graphic scale and all elevation(s) shall be described in relation to National Geodetic Vertical Datum (NGVD). The As-Built Plans shall include color photographs (in hard copy and jpg format) that clearly show the as-built project, accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph. At a minimum, the photographs shall be from upcoast, seaward, and downcoast viewpoints, and from a sufficient number of beach viewpoints, to provide complete photographic coverage of the seawall and mobile home park at a scale that allows comparisons to be made with the naked eye between photographs taken in different years, and from the same vantage points. The As-Built Plans shall be certified by a licensed civil engineer acceptable to the Executive Director with experience in coastal structures and processes verifying that the seawall has been constructed in conformance with the approved final project plans described by Special Condition No. 13 below.

#### **11. State Lands Commission Approval**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit, for the review and approval of the Executive Director, either (1) approval of the proposed development by the California State Lands Commission, or (2) a written determination by the California State Lands Commission that no such approval is required for the project.

#### **12. Public Access Improvement Plan**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit, for the review and approval of the Executive Director, a Public

Access Improvement Plan for the offers to dedicate required by Special Condition Nos. 2 and 3. The public access improvement plan shall provide for the implementation of the following access requirements upon acceptance of either of the offers to dedicate required by Special Condition Nos. 2 and 3: (1) the installation of Public Access signage (both free standing and signs installed on permitted fencing and gates); (2) other methods of identifying the location of the bluff top easement such as stenciling the Coastal Access logo on the existing asphalt; (3) the availability of public access, at a minimum, between 8:00 a.m. and one hour after sunset, 7 days a week; (4) removal of any existing "Private Property/No Beach Access" signs; (5) removal of a minimum 5-foot-wide portion of the existing wall near the intersection of Fifth Avenue and Palmetto Avenue and installation of an unlocked pedestrian gate at this location; (6) limitations applicable to the use of the pedestrian gate to be installed near the intersection of Fifth Avenue and Palmetto Avenue; (7) the removal of all visitor parking signs within the public access easement areas required by Special Condition Nos. 2 and 3; and (8) provisions for landscaping the blufftop public access offer to dedicate area.

### **13. Conformance to Project Plans**

The permittee shall undertake development in accordance with the approved final plan prepared by Geosoils, Inc., entitled "*Reduced Footprint Alternative*," dated 12/03/07 and revised 04/08/08 and included as Exhibit No. 2. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

### **14. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**

**AMENDMENT (3-83-172-A9)**, the Applicant shall submit to the Executive Director for review and approval documentation demonstrating that the Applicant has executed and recorded against the parcel(s) governed by this permit amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, as amended, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit, as amended, as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit amendment. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit, as amended, shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property. **This deed restriction shall supersede and replace the deed restriction(s) recorded pursuant to [Special Condition #9 of] Coastal Development Permit(s) #3-83-172-A7, approved on May 7<sup>th</sup>, 2009, which deed restriction is recorded as Instrument No. 2011-002738 in the official records of San Mateo County.**



**15. Public Rights.** The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. By acceptance of this permit, the permittee acknowledges, on behalf of itself and its successors in interest, that issuance of the permit and construction of the permitted development shall not constitute a waiver of any public rights that exist or may exist on the property now or in the future.

**16. Liability for Costs and Attorneys' Fees.** By acceptance of this coastal development permit, the landowner/permittee agrees to reimburse the California Coastal Commission in full for all Coastal Commission costs and attorneys' fees including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys' fees that the Coastal Commission may be required by a court to pay, which the Coastal Commission may incur in connection with the defense of any action brought by a party other than the landowner/permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this CDP. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.