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October 6, 2023

**VIA WEBSITE SUBMISSION, EMAIL (Liliana.Roman@coastal.ca.gov)
and U.S. MAIL**

California Coastal Commission
c/o Liliana Roman
Coastal Program Analyst
301 E. Ocean Blvd. Suite #300
Long Beach, CA 90802

**Re: *Opposition to Re-Application for CDP at 217 Vista Marina
App 5-18-0930***

Dear Coastal Commission:

I've owned the property directly above the Trafalgar coastal canyon for about 25 years (207 Calle Conchita). Within the last several decades at least six new owners have attempted to build a big house in the canyon below. In more recent transactions the price has dropped like a rock. Why? Because the buyer realized after buying the lot what he should've known going in: the land is in a geologically sensitive coastal habitat that forbids development. The market, and the rules, have spoken loud and clear. You can buy and sell it, but you can't build on it.

Over the years I have had multiple conversations with new owners. (See the e-mail dated 1/22/18 to the owner applicant attached hereto). It's the same story again and again. They want me to sell a few feet of my toe print at the base of the canyon near the road where it doglegs up canyon on Vista Marina. Why? So they can skirt a city ordinance that forbids development if the width of the access road is too narrow to accommodate a fire truck. In each case, without equivocation, I have responded to such offers with a hard 'no.'

While the title owners have changed, as well as the tactics, the owners of the forbidden lot collectively over the past 50 years are batting a perfect .000%. This last effort is both foolish and embarrassing. Foolish because the owner knows it's a loser. Embarrassing because two government entities, sworn to protect and serve the general public, and apply the rule of law even-handedly, have bought into a weak argument that upholding the law constitutes a taking, the result of which is they would have to compensate.

For reasons already stated by the Friends of Trafalgar Canyon, upholding the law consistently hardly constitutes a taking. But, for sake of argument, even if it did, which it doesn't, why does the city or state agency think that by caving into the threat of a lawsuit,

and thereby allowing the illegal development, that simply shifting the costs of said action to the adjacent landowners and public at large is a fair and repeatable remedy? If the government takes private property, compensate. Don't saddle adjacent landowners with depreciation in home value. Don't undermine respect for the rules protecting precious coastal habitat. Don't destroy the public's view and appreciation of a relatively pristine canyon. And don't create a precedent that will motivate unscrupulous developers to apply for permits to build on non-compliant lots and then threaten to file a trumped-up takings lawsuit if the city does its job and enforces the law.

Yes, the names of the owners have changed, but not the facts. The habitat below my house has always been a coastal canyon. The edge has not moved. The slope has not changed. The setbacks haven't been altered. There is not suddenly evidence of historical compaction where in the past there was none. The attempt to redefine the canyon as a work-around, while clever, holds no water.

To be sure, there has been one big change. Since 1960, we have seen atmospheric carbon pollution spike from 316 ppm to 424 ppm. Commensurately, we have seen a dramatic rise of over 2.2F (1.2C) in global mean surface temperature. With global warming comes an increase in the frequency and severity of floods, extreme rain events, heat waves, drought, wildfires and sea rise. The last thing the government should be doing, during a code red climate emergency, is allowing the development at the bottom of a coastal canyon that is flanked by geologically unstable walls that are susceptible to landslides.

The Commission voted 9-0 last go around against allowing a sprawling mansion to desecrate Trafalgar Canyon, one of the last remaining natural vestiges on the California Coast of the days before the smokestacks, freeways, and parking lots. Other than an increase in global warming, the facts have not changed. The interests of the community and the neighbors have not changed. Hold the line. Uphold the rule of law. Reject this unwholesome permit, again.

Respectfully,

Roger Worthington

Roger Worthington, Owner
207 Calle Conchita
San Clemente, CA

RGW/ca
Enclosure

cc: The Friends of Trafalgar Canyon