

P: (626) 314-3821
F: (626) 389-5414
E: info@mitschsailaw.com



Mitchell M. Tsai
Law Firm

139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

March 5, 2024

Jonathan Lightfoot, City Planner
City of San Clemente
910 Calle Negocio, Suite 100
San Clemente, CA 92673

P: (949) 361-8254

E: lightfootj@san-clemente.org

E: cabralv@san-clemente.org

E: duncanc@san-clemente.org

E: enmeierm@san-clemente.org

E: knoblocks@san-clemente.org

E: loefflerr@san-clemente.org

RE: Harbor View Estates Homeowners Association's Comments in Support of Extension of City Council's Abeyance to Revoke Conditional Use Permit No. 1021 (Agenda Item No. 8C)

Mayor Victor Cabral, Mr. Lightfoot, and Honorable Councilmembers:

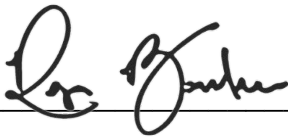
On behalf of the Harbor View Estates Homeowners Association (“**Harbor View HOA**”), this office is submitting these comments in regard to the City of San Clemente’s (“**City**”) 616 Del Dios Wireless Communication Facility Project (“**Project**”). Harbor View HOA supports the City Council’s decision to continue to hold in abeyance its decision to revoke the 1962 Conditional Use Permit (CUP No. 1021), Voluntary Compliance Agreement, and Wireless Screening Form (WSF No. 23-231) related to the property located at 616 Del Dios (APN 690-552-05) (“**Site**”) for an additional 60 days. Harbor View HOA requests that the abeyance stand until mid-May 2024—an additional 60 days beyond the original abeyance. Harbor View HOA reiterates its demands that the existing tower be removed from the Site and any monopole constructed in its place comply with the current Municipal Code and existing guidelines.

On January 16, 2024, the City Council met, reviewed evidence, and listened to public

testimony regarding the Project and to determine whether revocation or modification of the CUP, Voluntary Compliance Agreement, and/or Wireless Screening Form were in order. The City Council found, by a vote of five to zero, that American Tower Corporation (“**ATC**”) had not been in continual compliance with the CUP and that that fact warranted revocation of the CUP. The City Council’s action included an abeyance of the revocation for 60 days to allow ATC, the City, and Harbor View HOA to work to resolve issues and report back to the City Council no later than 60 days. That deadline falls on Saturday, March 16, 2024.

Again, Harbor View HOA would like to express its support for the City Council’s extension of the abeyance of its decision to revoke CUP No. 1021 in order to allow the parties additional time to reach a resolution, though Harbor View requests that the abeyance go until mid-May, not July 31, 2024—which would extend the abeyance unnecessarily by roughly 137 days. Harbor View HOA also reiterates its demands that the existing tower at 616 Del Dios be deconstructed and removed and that any monopole to be constructed in its place unequivocally comport with the Municipal Code.

Sincerely,



Reza Bonachea Mohamadzadeh
Attorney for Harbor View Estates
Homeowners Association