

CALIFORNIA COASTAL COMMISSION

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Filed: March 20, 2000
49th Day: May 8, 2000
180th Day: September 16, 2000
Staff: ALK-LB
Staff Report: April 20, 2000
Hearing Date: May 9-12, 2000
Commission Action:

Item Tu 19h

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-00-056

APPLICANT: Kevin Weeda AGENT: N/A

PROJECT LOCATION: 427 and 429 30th Street and 3009 Villa Way,
City of Newport Beach (Orange County)

PROJECT DESCRIPTION: Construction of a new 5107 square foot, 33' high, 3-story mixed use structure with 10 parking spaces on a vacant lot. Proposed uses include an artist studio/warehouse, a professional office, and a residential unit. A merger of two lots into one lot is also proposed. No grading is proposed for the project.

LOCAL APPROVALS RECEIVED: Approval in Concept No. 5937-99 from the City of Newport Beach; Lot Line Adjustment No. 99-13 from the City of Newport Beach, and Modification Permit No. 4977 from the City of Newport Beach.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan; Coastal Development Permits 5-99-379 (Blurock); 5-98-177 (Finnemore), 5-98-048 (La Quinta Homes), and 5-97-249 (Weeda).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission **approve** the proposed development with special conditions regarding designation of residential and employee parking spaces and a future improvement deed restriction. The major issue raised by the proposed mixed-use development is the adequacy of parking. Ten (10) parking spaces are proposed on-site -- seven (7) for the commercial office use, two (2) for the residential unit and one (1) for the artist studio/warehouse. The parking provided is consistent with the Commission's regularly imposed parking standards and will not impede public access in the subject area.

STAFF RECOMMENDATION:

The staff recommends that the Commission **APPROVE** the permit application with one special condition.

MOTION:

I move that the Commission approve Coastal Development Permit No. 5-00-056 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

I. Approval With Conditions

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction 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. Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. 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.
7. 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.

III. Special Conditions

1. Future Development Deed Restriction

- A. This permit is only for the development described in Coastal Development Permit No. 5-00-056. Pursuant to Title 14, California Code of Regulations, section 13250(b)(6), the exemptions otherwise provided in Public Resources Code, section 30610(b) shall not apply. Accordingly, any future improvements to the structure authorized in this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code, section 30610(d) and Title 14, California Code of Regulations, sections 13252(a)-(b), shall require an amendment to Permit No. 5-00-056 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Parking

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a revised parking plan for the development approved by CDP No. 5-00-056.
 1. The parking plan shall demonstrate that parking is designated on-site in the following manner: two (2) parking spaces for exclusive use by tenants of the residential unit and eight (8) spaces for use by employees and customers. In addition, the plan shall demonstrate that the spaces closest to the structure approved by CDP No. 5-00-056 shall be limited to employee parking.

2. The parking plan shall include, at a minimum, the following components:
 - (a) A signage plan, depicting the design (e.g., dimensions, wording, etc.) of the posted parking signs. Signs shall be placed at both the front and rear of the building.
 - (b) A site plan depicting the locations where residential, employee and customer parking signs will be installed.
- B. The permittee shall undertake development in accordance with the approved final plan. 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 required.

IV. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project Description and Location

The project site is located in the Cannery Village/McFadden Square Specific Plan area of the City of Newport Beach, County of Orange (Exhibits 1-2). The Cannery Village area is located between 32nd Street and 26th Street on the Balboa Peninsula. It is a mixed-use area with commercial, industrial, and residential uses. The City of Newport Beach has designated the Cannery Village area for a mixture of retail and commercial uses. The land use classification is "Retail and Service Commercial" and "Specialty Retail." In this district, residential development is allowed on the second floor in conjunction with ground floor commercial usage.

The site is currently vacant. Previously, there was a mixed-use structure on the property that was being utilized as a residence and commercial office. There was also an additional gazebo and greenhouse structure located on the property. The City issued an emergency demolition permit to the owner and these structures were demolished in January 2000. Section 30005 (b) of the Coastal Act allows a local government to issue a nuisance abatement order.

The applicant proposes to construct a 5107 square foot, 33-foot high, three-story, mixed-use structure on a vacant lot (Exhibit 3). The ground floor will consist of 2187 square feet of commercial space, including 1243 square feet of office space and 944 square feet for an artist studio. The second floor will consist of 581 square feet of office space and 1715 square feet of the two-level residential unit. The third floor will consist of 624 square feet of the residential unit. Additionally, the proposed project will combine two existing lots to create one lot at 427 and 429 30th Street and 3009 Villa Way

The applicant proposes to provide ten (10) parking spaces, one (1) for the artist studio, seven (7) for the commercial office use, and two (2) for the residential unit. No grading is proposed for the project.

B. New Development and Public Access

The project site is on the Balboa Peninsula, which is major tourist area in the City of Newport Beach. Further, the project is located in the Cannery Village/McFadden Square Specific Plan (Specific Plan) area, which has been designated for a mixture of retail and commercial uses to promote marine and visitor serving commercial types of development. Within the Specific Plan, second story residential development is permitted in conjunction with ground floor commercial uses which provide direct services to the public.

One of the strongest legislative mandates of the Coastal Act is the preservation of coastal access. Section 30211 of the Coastal Act mandates that development shall not interfere with the public's right of access to the sea. Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast by providing adequate parking. When new development does not provide adequate on-site parking, users of that development are forced to occupy public parking that could be used by visitors to the coast. The project site lies just east of Newport Boulevard, which is a major arterial route for public access to the coastal opportunities located on the Balboa Peninsula, and is approximately 2000 feet from the ocean and 500 feet from the West Lido Channel. A lack of public parking discourages visitors from coming to the beach and other visitor-serving activities in the coastal zone. The lack of parking would therefore have an adverse impact on public access. All private development must, as a consequence, provide adequate on-site parking to minimize adverse impacts on public access.

Proposed Uses and Parking Evaluation

The applicant proposes two types of land uses on-site, commercial and residential. The commercial component would consist of an artist studio and general office space. The applicant's firm, a real estate development company known as CWI Development, would occupy the two-level office space on the first and second floors. The artist studio would be utilized as a workspace and storage area for a single artist. The artist would also use the space to display and sell art to the public. The residential component, a two-bedroom apartment, would be located on the second and third floors. Two (2) parking spaces are allocated for the residential unit, seven (7) spaces for the general office use, and one (1) space for the artist studio, for a total of ten (10) parking spaces (Exhibit 3).

The project is located in the Cannery Village area of Newport Beach, which has supplementary stipulations concerning the types of commercial and business uses allowed. Specifically, the lot is located in the "Specialty Retail" commercial district of the Cannery Village area. Section 20.43.101 of the Newport Beach Zoning Code states that the Specialty Retail area is *"intended to provide for retail sales, personal and professional uses that offer direct services to the public, and marine-related light industrial uses."*

Based on the proposed project description, the Commission's parking criteria, the City of Newport Beach certified Land Use Plan, and the Specific Plan, allowable commercial uses of site include, but may not be limited to: professional or technical offices which provide direct services to the public (i.e. accountants, architects, realtors, travel agencies, etc.), general retail, or a furniture store. As proposed, the second and third story residential development is permitted in conjunction with ground floor commercial uses. Based on the Commission's parking criteria, uses that provide direct service to the public, but which would not be permitted because they would establish a more intensive use of the site, therefore requiring additional parking, include restaurants and doctor's offices. The following is an evaluation of the City's current parking standards and the Commission's regularly used parking requirements for each proposed land use.

General Office

The Commission typically imposes a parking standard of 1 space per each 250 square feet of gross office space. The proposed general office portion of the project is 1824 square feet in size. Based on the standard of one space per 250 square feet of gross office space, the parking demand totals seven (7) spaces. The Commission has applied this standard in their approval of other projects in the subject area, including CDPs 5-99-379 (Blurock), 5-98-177 (Finnemore) and 5-98-048 (La Quinta Homes).

The City of Newport Beach parking standard is 1 space per each 250 square feet of net floor area. Based on this standard, the proposed office space requires seven (7) parking spaces. Using either the City's *net* square footage calculation (6.5) or the Commission's *gross* square footage calculation (7.3), the required parking is 7 spaces for the proposed office use.

The applicant proposes to provide seven (7) parking spaces for the general office space--three (3) spaces for the office tenants (spaces #4, #9 and #10 on the First Floor Plan / Site Plan) and four (4) spaces for visitors (spaces #5, #6, #7 and #8), as shown on Exhibit 3. Therefore, as proposed, the parking provided to serve the office use is consistent with both the City's and Commission's regularly used parking standards.

Artist Studio/Warehouse

The Commission has not previously imposed a parking standard for an artist studio in the subject area. However, the Commission has applied a general standard of one space for each 250 gross square feet of floor area for "art galleries" when referring to an educational or cultural facility. Using this standard, the proposed 944 square foot artist studio would necessitate four (4) parking spaces. For general retail uses, which includes the sale of art, the Commission's regularly-used parking standard is one space for every 225 square feet of gross floor area, which would also require four (4) parking spaces. For warehouse uses, the Commission has typically imposed a standard of 1 space per 1000 square feet of gross floor area, or one space per employee. Using this standard, the artist's space would require only one (1) parking space.

While the Commission has not applied a parking standard for this type of use, the City of Newport Beach zoning code does include such a standard. The City's parking requirement for "Art Studios" is 1 parking space per 1000 square feet of floor area. Based on local experience with the parking demand generated by such a use, City staff has found this standard to be sufficient.

The applicant is proposing to provide one (1) parking space to serve the proposed artist studio/warehouse and has indicated that only one artist will be occupying the space. Using the aforementioned standards, the proposed development would be inconsistent with the Commission's regularly used parking standards for art galleries and art sales, yet consistent with the Commission's regularly used standard for warehouses. In addition, the parking would be consistent with the City's parking requirement.

The proposed artist studio is not likely to generate the demand for more than one parking space at any given time. There will be one artist working in that space and no employees. If additional parking is required, the on-site parking provided (10 spaces) presents the opportunity for shared parking, as the commercial office space will provide three (3) visitor spaces, which may also be used by the artist. The "Specialty Retail" district is intended to be a pedestrian-oriented area, where customers will frequent more than one destination during a single trip. This suggests that customers visiting the artist studio may park elsewhere. In addition, as discussed in the "Parking Adequacy" section below, the district provides a substantial amount of on-street and metered lot parking, and is a considerable distance from any beach or coastal access point.

Therefore, using the City's parking standard and past experience as guidance and the Coastal Act as the standard of review, the Commission finds one parking space to be adequate to serve the proposed artist studio/warehouse without negatively affecting public access to the coastline.

Residential Dwelling

The Commission has routinely imposed the standard of two (2) parking spaces per residential unit. Based on this standard, the parking demand for residential use at the subject site would be two (2) spaces. The applicant proposes two (2) parking spaces, including one (1) garaged space (space # 1) and one (1) outdoor space directly behind the garaged space (space #2). The parking provided is consistent with the Commission's regularly-used parking standard for residential development.

Tandem Parking and Signage Plan

Though the parking proposed by the applicant is adequate, there is another concern regarding the feasibility of the parking arrangement. The proposed parking arrangement provides tandem parking spaces, which makes ingress and egress difficult. For example, the proposed visitor parking spaces will block the ability of the vehicles to exit or enter the commercial tenant parking spaces located in the covered areas. Consequently, the availability of the parking is not readily obvious to potential customers.

To assure that the parking plan is rationale and that customers would utilize the proposed parking, the applicant must provide a signage plan for the proposed project. The front and rear of the building should be posted with signs that inform the public of parking available in the rear. To minimize adverse impacts, the parking spaces within the covered areas will be used by employees during normal business hours so they do not block customers. Condition 8 of the City's approval of the current project requires that all employees park their vehicles on-site. A sign should be placed on the exterior walls of the building to inform customers where to park. The applicant may also propose to designate parking spaces for employees, residents and customers by stenciling labels on the pavement.

Parking Adequacy

When determining local parking requirements, the Commission uses its regularly-imposed standards and local parking standards as guidance. The Commission also relies on site-specific parking analyses or studies. In this case, no formal parking study was submitted. The applicant has, however, submitted a letter describing current parking conditions in the subject area. The applicant states the following:

"The parking areas in and around this proposed project are never full. As the property owner of this project, as well as our current building located at 411 30th Street, we can state that parking is rarely maximized on this street. The City maintains an overflow metered parking lot at the southwest corner of 30th and Villa Way (directly across the street from this project) and that parking lot is never full. We have had occasion to see this parking lot during peak summer season (July 4th) and even then it's not maximized."

The Commission recognizes that the parking provided for the commercial office space and artist studio can be shared by their employees and customers. Additionally, due to the fact that the site is located over three quarters of a mile from a sandy beach, east of two major arterials (Newport Boulevard and Balboa Boulevard), parking in the subject area is not typically used for beach parking. Therefore, because the project is consistent with locally-applied standards, is a substantial distance from the coast, and on-site parking can be shared, the Commission finds that the number of on-site parking spaces (10) provided is sufficient to serve the proposed mixed-use development.

Special Conditions

To guarantee that adequate and useable parking as proposed by the applicant is consistent with Section 30252 of the Coastal Act the Commission finds it necessary to impose two special conditions. Special Condition 1 requires that any future development which changes the intensity of use of the site or which changes the use of the site requires an amendment to this permit or a new coastal development permit. This type of special condition is consistent with those imposed in previous permits issued in the area. The Commission imposed Special Condition 1 for similar developments, such as 5-99-379 (Blurock), 5-98-177 (Finnemore), 5-98-048 (La Quinta Homes), and 5-97-249 (Weeda). Special Condition 2 requires the applicant to submit a revised parking plan for the review and approval of the Executive Director illustrating that appropriate "resident only," "employee only," and customer parking has been designated on-site. This special condition also requires employees to park in the spaces closest to the structure.

Thus, only as conditioned to obtain Commission approval for any future improvements to the property and to provide a revised parking plan, does the Commission find that the proposed development would be consistent with the development and public access policies of the Coastal Act.

C. Local Coastal Program

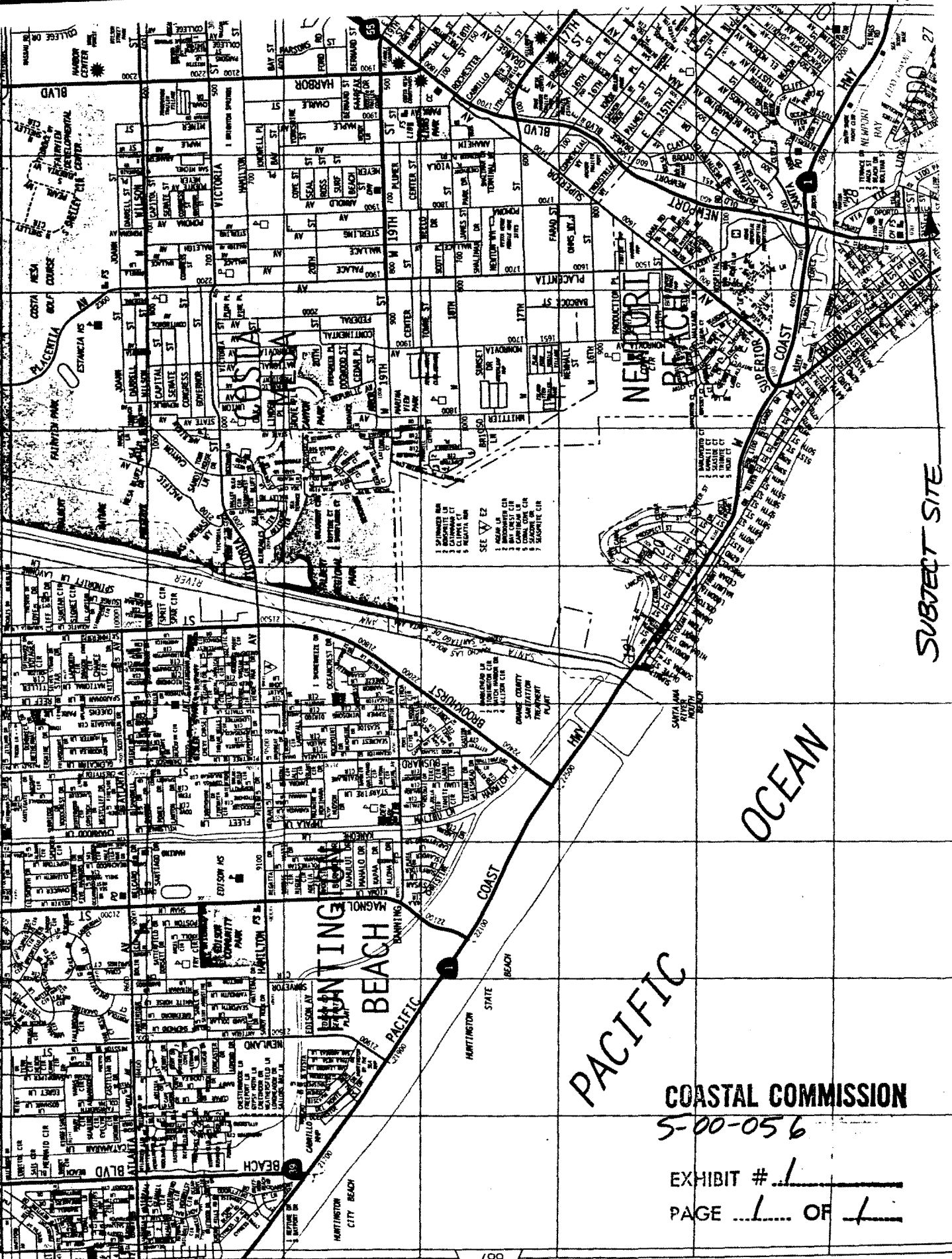
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was certified on May 19, 1982. The project as conditioned is consistent with the Chapter 3 policies of the Coastal Act. The proposed development will not prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

D. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect, which the activity may have on the environment.

The project is located in an existing urbanized area. The proposed development has been conditioned to assure that the project will not have a significant adverse impact on coastal access and has been conditioned to provide that any future development which changes the intensity of use of the site or which changes the use of the site requires an amendment to this permit or a new coastal development permit. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. As conditioned, no feasible alternatives or feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with CEQA and the policies of the Coastal Act.



SUBJECT SITE

OCEAN

PACIFIC

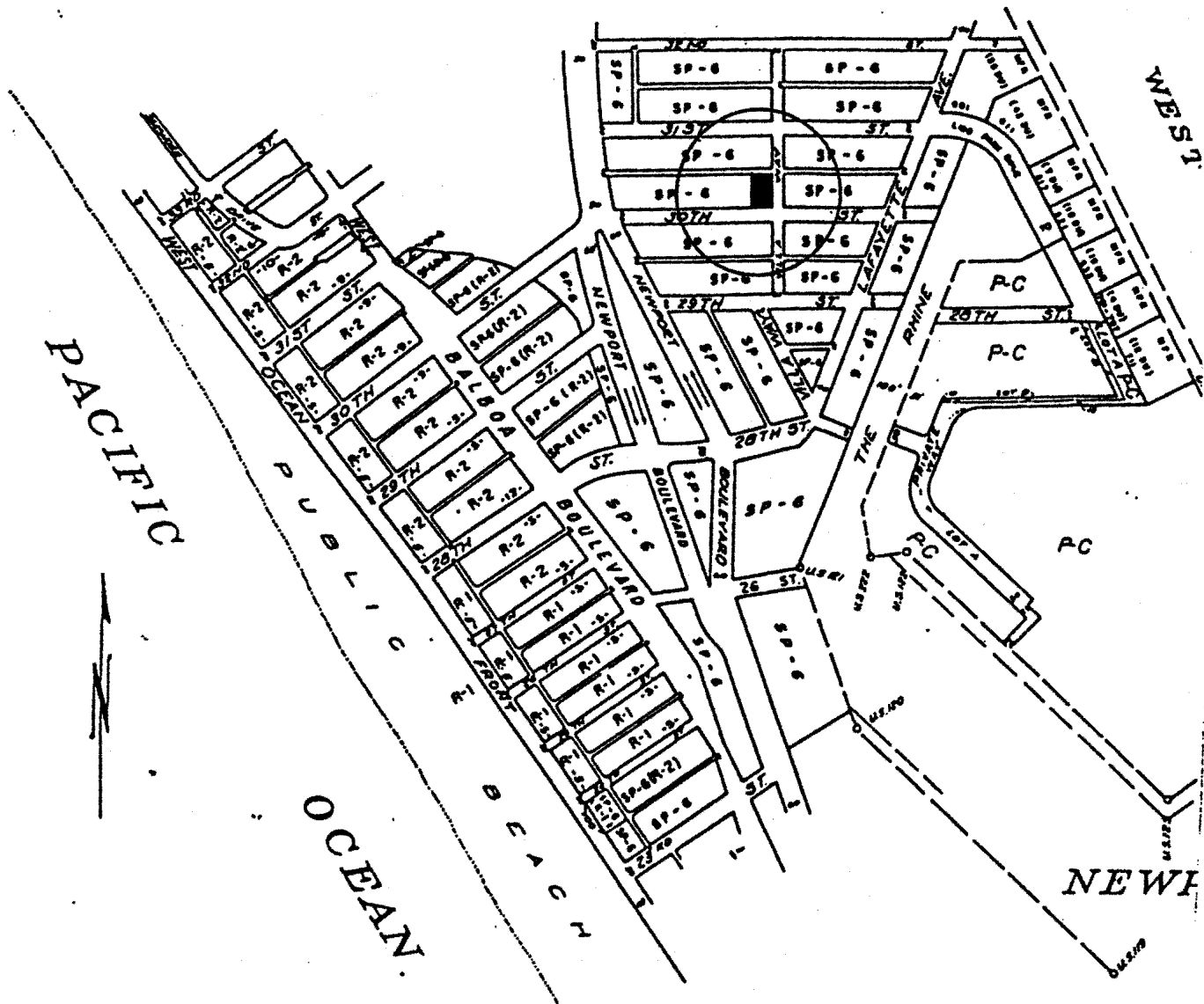
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EXHIBIT # 1

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VICINITY MAP



Subject Property and Surrounding Land Uses

Current Development:	The subject property is developed with a commercial building and greenhouse structure
To the north:	Across the alley are commercial and mixed-use commercial buildings
To the west:	A two-story commercial building
To the east:	A commercial building with a mixture of office uses and a former café
To the south:	A municipal parking lot

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EXHIBIT # 2

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A MIXED USE DEVELOPMENT

FOR

C.W.I. DEVELOPMENT

AT

427, 429 30th STREET AND 3009 VILLA WAY
NEWPORT BEACH, CA 92663

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5-00-056

EXHIBIT # 3

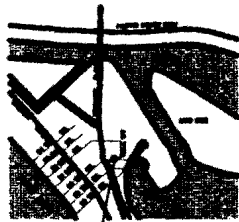
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OWNER: C.W.I. DEVELOPMENT
430th Street

TITLE SHEET

VICINITY MAP



427, 429 30TH STREET
3009 VILLA WAY
NEWPORT BEACH, CA 92663

PROJECT CHARACTERISTICS TABLE ZONE: S.R.

	REQUIRED/ PERMITTED	PROPOSED
SITE AREA	7,200 SF. MINIMUM	5,500 SF.
FLOOR AREA COMMERCIAL	1,350 SF. (.25 FAR) MIN. 2,700 SF. (.5) MAX.	OFFICE: 1,824 SF. ARTIST'S STUDIO: 944 SF. TOTAL: 2,768 SF. (.496 FAR)
RESIDENTIAL	4,100 SF. (.75 FAR) MAX.	2,335 SF. (.42 FAR)
COVERED PARKING	1,953 SF. (.35 FAR)	1,766 SF. (.32 FAR)
BUILDING BULK	8,528 SF. (1.60 FAR)	8,369 SF. (1.50 FAR)
DWELLING UNITS	2 (1 UNIT FOR EACH 2,375 SF. OF LAND AREA)	1
PARKING SPACES COMMERCIAL	OFFICE USE- 1/ 250 SF. OF NET FLOOR AREA (1,824 SF./ 250 = 6.49 SPACES OR 7) ARTIST 1/ 1,000 SF. (944 SF./ 1,000 SF = 1 SPACE)	OFFICE USE- 7 SPACES ARTIST - 1 SPACE
RESIDENTIAL	RESIDENTIAL - 2 PER UNIT. 1 MUST BE COVERED	RESIDENTIAL - 2 SPACES TOTAL PARKING- 10 SPACES
BUILDING HEIGHT	26 FT. AVERAGE ROOF HEIGHT 31 FT. MAXIMUM RIDGE HEIGHT WITH USE PERMIT: 35 FT. AVERAGE ROOF HEIGHT 40 FT. MAXIMUM RIDGE HEIGHT	25'-6" AVERAGE 25'-8" RIDGE HEIGHT FOR COMMERCIAL PORTION OF THE ROOF ON SECOND FLOOR 25'-7" AVERAGE 35 FT. RIDGE HEIGHT FOR RESIDENTIAL PORTION OF THE ROOF ON THIRD FLOOR
SETBACKS- FRONT (30th STREET) SIDES (VILLA WAY) WEST SIDE REAR (ALLEY)	5'-0" 0'-0" 0'-0" 10'-0"	5'-0" 5'-0" 0'-0" 25'-0" FOR THE BUILDING, 5'-0" FOR THE PAVED PARKING AREA
LANDSCAPING	5% OF EXTERIOR PAVED PARKING AREA 50% OF THE AREA OF THE REQUIRED FRONT YARD SETBACK	70 SF. (5%) 280 SF. (33%) ADDITIONAL 235 SF. ON VILLA WAY

LIST OF DRAWINGS

- 1 TITLE SHEET
- 2 FIRST FLOOR PLAN
- 3 SECOND FLOOR PLAN
- 4 THIRD FLOOR PLAN
- 5 ROOF PLAN
- 6 EXTERIOR ELEVATIONS
- 7 EXTERIOR ELEVATIONS



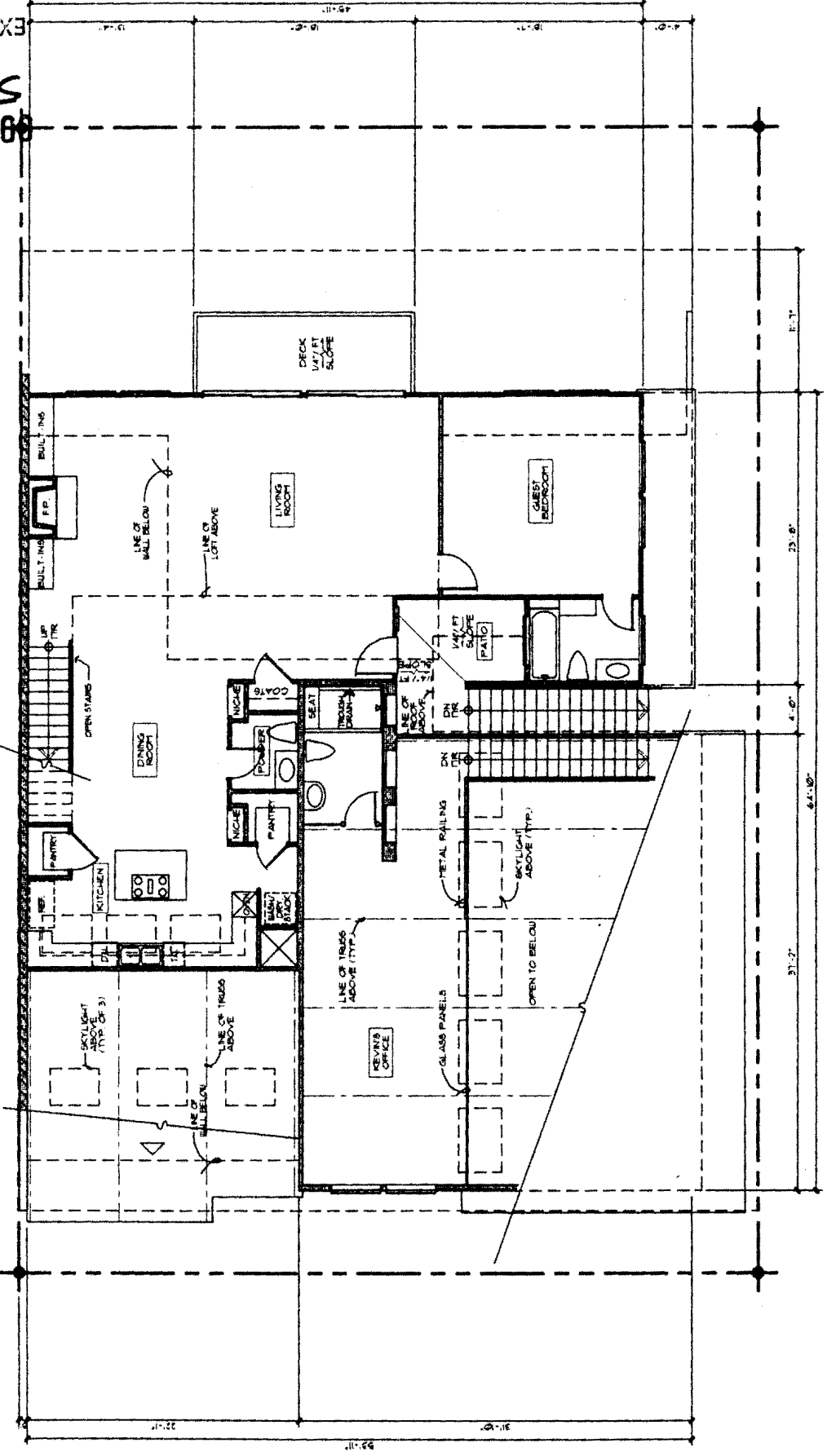


CIVIL ENGINEERING

SECOND FLOOR PLAN



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SCALE: 1/4" = 1'-0"

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SECOND FLOOR PLAN
LEGAL DESCRIPTION: LOT 14 & 15 OF BLOCK 33 OF TRACT 1, LANGASTER ADDITION (NE)

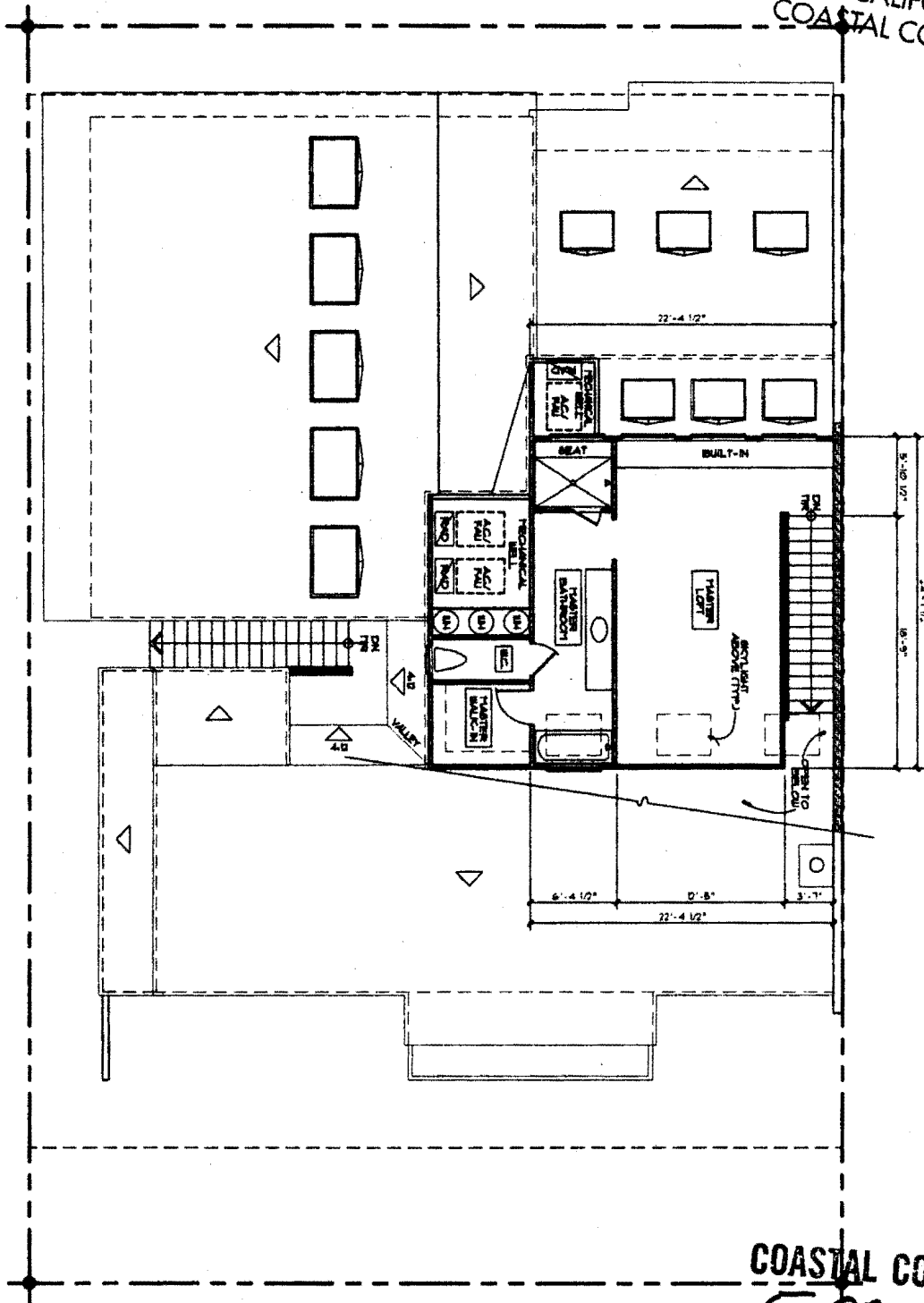
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THIRD FLOOR PLAN

LEGAL DESCRIPTION: LOT 14.1.8 OF BLOCK 331 OF TRACT 1, LANCASTER ADDITION, N.S.



SCALE: 1/4"=1'-0"

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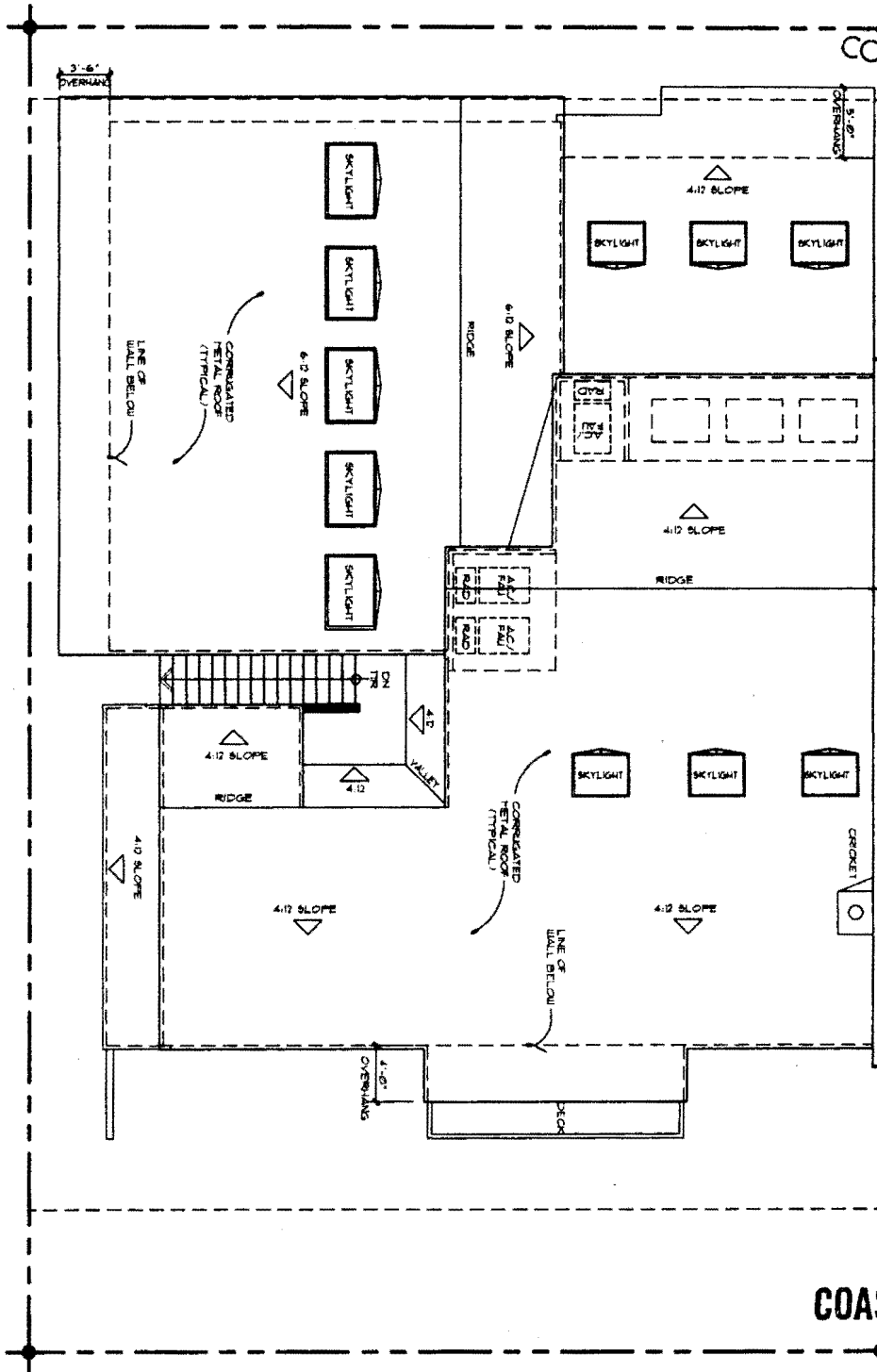
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ROOF PLAN

LEGAL DESCRIPTION: LOT 14 & 15 OF BLOCK 331 OF "MADONNA" LANCASTER ADDITION (N.B.)



SCALE: 1/4"=1'-0"



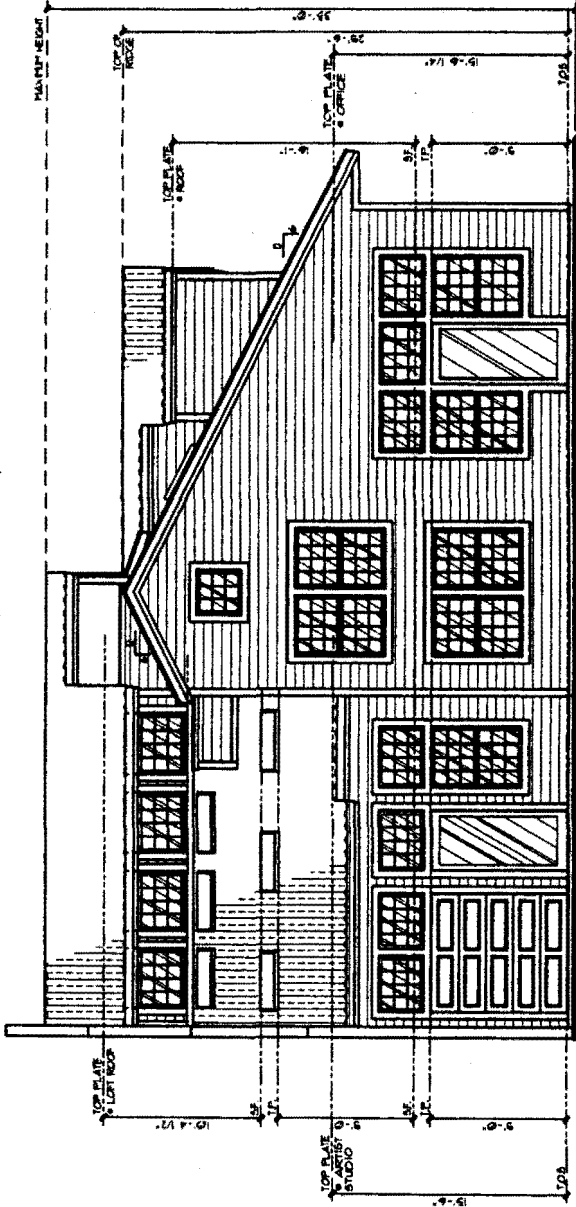
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ROOF PLAN

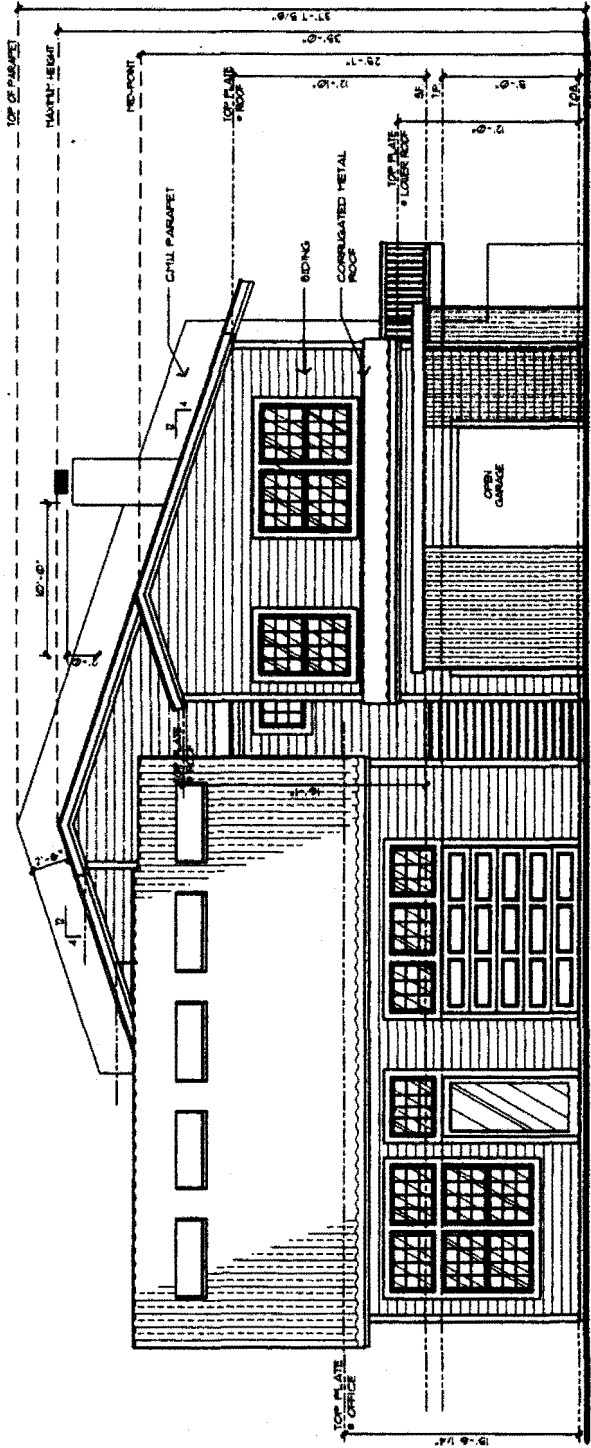
OWNER: CUI DEVELOPMENT
411 30th STREET





SOUTH ELEVATION

SCALE: 1/4\"/>



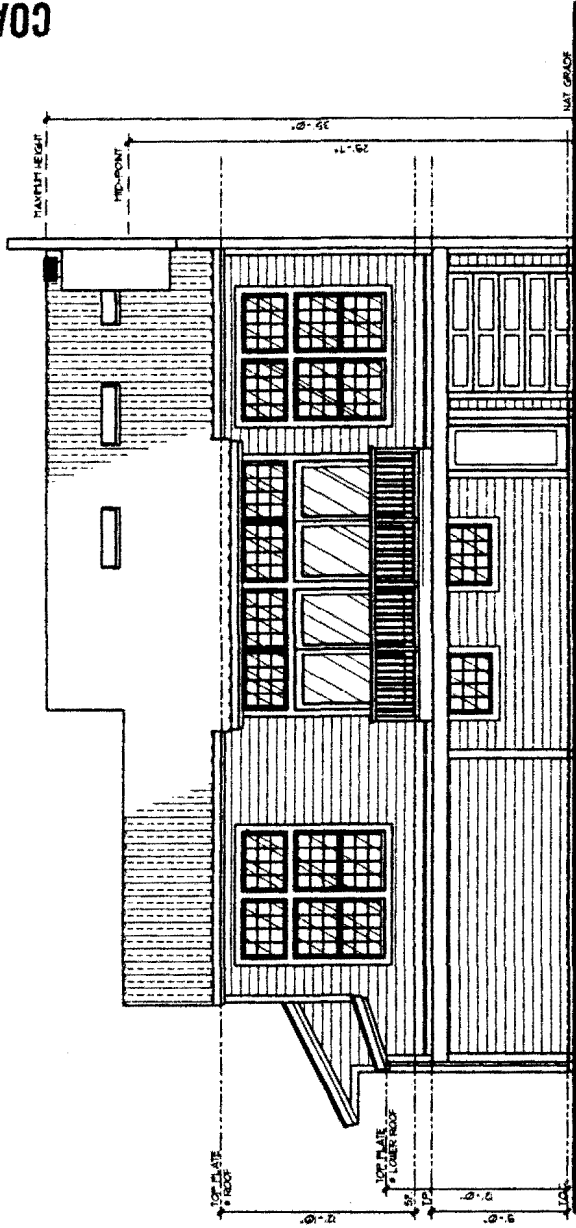
EAST ELEVATION

SCALE: 1/4\"/>

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EXHIBIT # 3
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NORTH ELEVATION

SCALE: 1/4"=1'-0"

