

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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Filed: August 17, 2000
49th Day: October 5, 2000
180th Day: February 13, 2001
Staff: DL-SD
Staff Report: August 31, 2000
Hearing Date: September 12-15, 2000

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of Imperial Beach

DECISION: Approved with Conditions

APPEAL NO.: A-6-IMB-00-121

APPLICANT: Don Hall

PROJECT DESCRIPTION: Demolition of an existing single-family residence and construction of a 26-foot high, 7,089 sq.ft., 6-unit condominium with an underground parking garage for 10 cars, and vertical shoreline protection, on a 9,000 sq.ft. site consisting of two parcels.

PROJECT LOCATION: 1014-1024 Ocean Lane, Imperial Beach, San Diego County.
APN 625-380-03, 04

APPELLANTS: Susan and Don Cash

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed.

SUBSTANTIVE FILE DOCUMENTS: City of Imperial Beach certified Local Coastal Program (LCP); City of Imperial Beach Staff Resolution 2000-5211.

I. Appellants Contend That:

The proposed development is inconsistent with the policies of the certified LCP which pertain to community character, bulk and scale, and public views. The appellants also contend that the proposed underground garage is inconsistent with the traffic and hazard policies of the certified LCP.

II. Local Government Action.

The Imperial Beach Design Review Board approved the project on July 13, 1999. The Design Review Board's decision was appealed based on concerns with the project's appearance. The project was redesigned and reviewed by the City Council on April 5, 2000. At that time, the City Council directed the applicant to reduce the lot coverage from 67% to 50%, to limit the height of the building to 26 feet above existing grade, to increase the second story setback from 5 to 10 feet, to center the footprint of the building on the site, and reduce the height of the fence on the seaward side of the structure to 4 feet. The project was continued to June 15, 2000 and approved by the City Council on July 19, 2000.

The Coastal Development Permit was approved by the City Council with a number of conditions, including conditions requiring water quality Best Management Practices, prohibiting work on weekends between Memorial Day and Labor Day and during predicted grunion runs, and requiring maintenance of the proposed seawall.

III. Appeal Procedures.

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Projects within cities and counties may be appealed if they are located within mapped appealable areas. The grounds for appeal are limited to the assertion that "development does not conform to the certified local coastal program." Where the project is located between the first public road and the sea or within 300 ft. of the mean high tide line, the grounds of appeal are limited to those contained in Section 30603(b) of the Coastal Act. Those grounds are that the development does not conform to the standards set forth in the certified local coastal program or the access policies set forth in the Coastal Act.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless it determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to a de novo hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Sec. 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo hearing, any person may testify.

Staff Recommendation On Substantial Issue.

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission determine that Appeal No. A-6-IMB-00-121 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-6-IMB-00-121 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

Findings and Declarations.

1. Project Description/History. The proposed project is demolition of an existing single-family residence and construction of a 26-foot high, 7,089 sq.ft., 6-unit condominium building. The building will consist of two residential levels located above a 4,800 sq.ft. 10-space subterranean garage, and will have a rooftop recreational area. The building would be developed across two adjacent 4,500 sq.ft. lots for a total project site of 9,000

sq.ft. A tentative map has also been approved for the project merging the two existing lots into condominium ownership for the proposed 6-unit building.

The project also includes construction of a vertical sheet pile seawall on private property along the western border of the site. The seawall will extend from 16.9 feet mean sea level (MSL) at the top of the wall, to -24.85 feet MSL. The uppermost portion of the sheet piles will be encased in concrete with a 24-inch curvature for wave deflection. The existing unauthorized, un-engineered riprap currently located on the public beach seaward of the project site will be removed.

The subject site is adjacent to the beach seaward of Seacoast Drive between Elkwood Avenue and Ebony Avenue in the City of Imperial Beach. The southern lot is currently developed with a single-family residence, and the northern lot is vacant. The entire site is fenced. Access to the site is from Ocean Lane, an alleyway west of and parallel to Seacoast Drive.

2. Community Character. Goal 4 of the of the certified Land Use Plan states in part:

The visual quality of the City's environment shall be preserved and enhanced for the aesthetic enjoyment of both residents and visitors and the economic well-being of the community. Development of neighborhoods, streets and individual properties should be pleasing to the eye, rich in variety, and harmonious with existing development....

Policy D-8(b) states in part:

- The pattern of existing neighborhoods should be respected. A development should be integrated with the adjacent neighborhood if the project size or natural boundaries dictate, or the design should create one or more separate and strong neighborhood identities....

Policy D-8(c) states in part:

- Structures and open space areas should be arranged so that open space qualities of a development are apparent from outside the development

The City's Implementing Ordinances contain specific standards for yards, minimum lot size, building height, separation of buildings, usable open space and landscaping, floor area ratio, lot coverage, and density.

The proposed project involves construction of a 6-unit condominium. The subject site is zoned and designated in the certified Land Use Plan as the Seacoast Commercial Overlay (MU-2) Mixed Use Overlay Zone. This designation is applied to the area located between Ocean Boulevard on the west, Ocean Lane on the east, and between Imperial Beach Boulevard and Palm Avenue. The Implementing Ordinances (Section 19.27.140)

state that the purpose of this designation is as a transition zone "to allow for the gradual commercial expansion in an area which is currently used for residential purposes."

The LUP states that the MU-2 Mixed Use Overlay provides for:

Future expansion of uses allowed in the C-1 Land Use Designation in an orderly way without requiring the amendment of the General Plan. In this overlay designation, commercial activities would be allowed to expand into areas otherwise designated as Residential. Discretionary permit review by the City shall be required for such commercial use.

In addition, Policy L-4(f) of the Land Use Plan states:

The Seacoast commercial area [C-2 & MU-2] shall serve as a visitor serving, pedestrian-oriented commercial area. Existing residential uses shall be slowly transitioned to new visitor serving commercial uses....

The proposed 2-story condominium project is consistent with these designations. The MU-2 Overlay encourages commercial uses, but does not prohibit the construction of new residential uses. The 6 units proposed for the 9,000 sq.ft. lot is consistent with the 1-1,500 density allowed for the site.

The appellants assert that the proposed development would eliminate a public beach view corridor. Commission staff inspected the subject property and surrounding area to assess the site conditions and potential impacts to public views resulting from the proposed development. Neither the beach nor the ocean are visible from Seacoast Drive in this location due the difference in grade elevation between the road (approximately 11.65 feet MSL) and the subject site (from approximately 17.4 to 19 feet MSL). Therefore, the proposed project would not block any public beach or ocean views.

The proposed construction would eliminate a potential "open air" view in the direction of the water that would be visible from Seacoast Drive if two separate structures on each lot were constructed. With regard to view corridors and visual accessways, the certified LCP identifies vertical and lateral coastal accessways along the east/west street ends crossing Seacoast Drive (Parks Recreation & Access Element Table P2), and contains policies to retain existing street ends and protect these view corridors (Policy P-14). The project site is located between Elkwood Avenue (approximately 60 feet to the north) and Ebony Avenue (approximately 60 feet to the south). Both streets are identified coastal accessways where access and public views are available and protected under the certified LCP. The proposed project would not impact these views. The site is directly across the street from an alleyway that is not a view corridor identified in the LCP, or even identified as a public street on street maps. Loss of this airspace view from the alley is not inconsistent with the visual protection policies of the certified LCP.

The proposed project would be developed over two adjacent beachfront lots. The northern lot is vacant and the other is developed with a small single-family residence. The subject project will be partially visible from Seacoast Drive, a major coastal access

route, and the merging of two separate lots into one, could potentially increase the bulk and scale of the project in a manner inconsistent with the certified LCP.

Large, 2-story multi-family residences are common along Seacoast Drive south of Imperial Beach Boulevard (1 ½ block south of the subject site). The structure adjacent to the project site to the north is a 2-story multi-family apartment building, and there are several other two-story multi-family residential structures near by. However, in general, existing development within the block in which the subject site is located is currently characterized by older single-family and smaller multi-family residential buildings, some of which are single-story buildings, and which retain beach "cottage" elements in size, if not necessarily in design. The two lots which make up the project site are slightly smaller than the adjacent lots to the north and south, such that the 9,000 sq.ft. project site is not twice as large as the 6,000 sq.ft. lots adjoining it. Nevertheless, the proposed project would be the largest individual structure in the two-block area west of Seacoast Drive between Imperial Avenue and Elkwood Avenue, and would most likely set the pattern for future development in the subject area.

In this particular case, the construction of the proposed 6-unit condominium and the consolidation of two lots are not expected to conflict with the visual quality or community character goals of the certified LCP. There are no public views across the site that would be impacted by the lot merger. The appellants content that the building setback from the beach on the existing structures to either side of the subject site are substantially greater than the proposed structure's 10 foot setback, (which is the minimum required by the LCP). However, the building setback on the subject site has no impact on public views in the area, because the public views from the street ends located north and south of the site are west towards the ocean, not directly north or south along the line of development. Both developed lots adjacent to the subject site have side yards walls that prevent clear views north and south from the street end. However, even in the absence of these walls, the only view available from the street ends directly north and south would be of other development located parallel to the beach. In other words, even if the entire block were to be redeveloped with a 10-foot beach setback, there would be no adverse impact to public views. In addition, because both of the existing structures on either side of the subject lot currently have existing solid seawalls on the western property line, the visual impact of the building setback as viewed from the beach is negligible.

With regard to the merging of the two lots, the proposed development is not expected to have any greater impact on community character than if two separate 3-unit structures were built on the two existing lots. The proposed 26-foot high building is consistent with the height limit, the 1 unit per 1,500 sq.ft. density requirement, and meets or exceeds the landscaping, open space, floor area ratio, parking and setback requirements of the LCP. Design changes made to the project at the local review process to ensure compliance with the certified LCP involved a reduction of the proposed lot coverage from 67% to a maximum of 50%, the second story setback was increased by 5 feet to a total setback of 10 feet, and the maximum fence height adjacent to the beach was reduced to four feet. Building elevations were modified to incorporate architectural elements observed in the vicinity of the project, specifically, pitched roof elements and a Portland cement composite siding that has a wood grain imprint to relate to neighboring buildings. The

open space/landscaped area of the building will be located on the Ocean Lane side of the development, such that the "open space qualities of [the] development are apparent from outside the development" as required by the above-cited section of the LUP. The only substantial difference in design between the proposed project and two separate buildings created on the two lots would likely be an open corridor between the buildings, which, as discussed, would not affect public views. Neither of the two existing structures on either side of the project site has any setback from Ocean Lane, compared to the proposed project's approximately 35-foot setback. It is possible that were two separate buildings constructed on these lots, they would be located closer to Ocean Lane than the proposed project.

Both of the structures on either side of the proposed condominium have existing vertical shoreline protection located slightly further seaward than the proposed shoreline protection. The proposed building itself will be setback a similar distance from the property line as the 2-story multi-family structure to the north, and the second story of the building will be setback an additional 5 feet. Thus, the line of development proposed will be within the stringline of surrounding development, and will not appear as a monolithic or massive structure as viewed from either Ocean Lane or the shoreline.

The appellants assert that the project will not be located the required 10 feet from the garage on the lot to the south; however, this requirement (Section 19.17.070) applies to buildings located on the same lot, not two adjacent lots.

As noted above, the project site is located in the Seacoast Commercial Overlay (MU-2) Zone. The purpose of this transition zone designation is to allow for the gradual commercial expansion in an area that is currently used for residential purposes. Other uses permitted in the MU-2 Overlay include hotels, motels, bed and breakfast inns, and timeshare units. Although the subject project does represent a larger structure than the existing residential development, the project is fully consistent with the goals of the certified LCP that the subject area be developed at a higher intensity of use than currently exists. During the transition phase of redevelopment, it is likely that some conflicts over the appearance of new and existing uses will arise. Therefore, the City has required that the project incorporate the design elements mentioned above that will help ease this transition.

Beachfront development in Imperial Beach encompasses a wide variety of styles, sizes, and design. Many of the structures in the immediate vicinity of the project site were constructed in the 1940's or earlier, and are just now beginning to redevelop under the existing plan designation. High-density residential uses characterize much of the shoreline in Imperial Beach. This subject development is of a size and density that was envisioned for the area when the LCP was certified. The proposed residence will not adversely affect public views either towards the beach or from the beach. Therefore, the Commission finds the development consistent with the community character and design policies of the certified Imperial Beach LCP, and as such, does not raise a substantial issue with regard to the community character and visual resources of the certified LCP.

2. Hazards/Safety/Traffic. Policy L-3(d) of the Land Use Element of the certified LUP states:

Higher density neighborhoods shall be located near public transportation facilities. Development shall emphasize human scale, aesthetically pleasing buildings with active and passive private and common open space. Areas shall be protected from the intrusion of traffic and conflicting land uses.

The Safety Element of the certified Land Use Plan "implements provision of the California Coastal Act pertaining to minimizing hazard potential in the Coastal Zone". The Safety Element also contains policies regarding Fire, Flood, Geological and Seismic Hazards, and Shoreline Protection.

The appellants content that the proposed underground garage is unsafe and will not "minimize hazard potential in the coastal zone" or protect the neighborhood from the intrusion of traffic.

The Safety Element of the LUP does not address traffic hazards or unsafe traffic conditions. Neighborhood traffic in a residential area is generally based upon the density of the area. As noted above, the density of the proposed project is consistent with the certified Land Use Plan, and thus, is not expected to generate undue traffic impacts. With regard to the safety of the underground garage, the City of Imperial Beach determined that access to the proposed underground garage will not create any undue traffic problems, finding that there is adequate back-out and turn around area in the garage such that vehicles will not reverse into Ocean Lane. The garage entrance is at least 40 feet away from the eastern property line, therefore, the City found that a driver exiting the building would have an unobstructed line of sight northward on Ocean Lane for a distance of 40 feet, as well as an unobstructed view to the south along the alley that runs east-west from Seacoast Drive to Ocean Lane. The City has required that the driveway ramp meet minimum San Diego County standards. There are other developments on Ocean Lane that have been approved for underground garages, although none in the immediate vicinity of the project site (#6-82-330; #A-6-IMB-91-6). Subterranean garages are common on Seacoast Drive, a much more heavily trafficked street than Ocean Lane. Therefore, the proposed underground garage does not raise a substantial issue regarding conformity with the traffic or hazards provisions of the certified Local Coastal Program.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-4402
767-2370

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AUG 17 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO EAST DISTRICT

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing
This Form.

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

Susan and Don Cash10 Ebony AvenueImperial Beach, California 91932(619) 424-8855

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port
government: Imperial Beach, California 91932 - San Diego County

2. Brief description of development being
appealed: Piervue Condos (CP 99-08)

Two story, six unit condo project, over subterranean garage, in
residential block on beachfront.

3. Development's location (street address, assessor's parcel
no., cross street, etc.): 1014-1024 Ocean Lane. First lateral
access road adjacent to sandy beach. Parcel # 625-380-03 & 04.

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: xx

c. Denial: _____

Note: For jurisdictions with a total LCP, denial
decisions by a local government cannot be appealed unless
the development is a major energy or public works project.
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-IMB-00-121

DATE FILED: 8/17/00

DISTRICT: San Diego

EXHIBIT NO. 1
APPLICATION NO.
A-6-IMB-00-121
Appeal Form

 California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Imperial Beach General Plan/Certified Local Coastal Plan, one in the same.

Adopted October 19, 1994 by Resolution 94-4427

1. Intentional exclusion of due process

2. Not harmonious with Design Element of General Plan/Local Coastal Plan.

3. Underground parking garage conflicts with all Safety Elements of General Plan/Local Coastal Plan and Coastal Act.

4. Public view corridor lost due to lot consolidation

(Please see letter and attachments)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my knowledge.

Signed Steven J. Cash Don Cash
Appellant or Agent

Date Aug. 17, 2000

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed _____
Appellant

Date _____

August 17, 2000

First page revised August 18, 2000

Diana Lilly

San Diego Area
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, California 92108-4402

RECEIVED

AUG 18 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RE: Coastal Permit (99-08)
Resolution 2000-5211
Pierview Condos
1014-1024 Ocean Lane
Imperial Beach, Calif. 91932

Dear Ms. Lilly,

We have lived in our home on the beachfront, (South) next door to the proposed project, for 29 years. Until now, we have never appealed a coastal permit.

We apologize for the length of this letter, however, there was no other way to explain what has really gone on regarding this project. The explanation is important because Imperial Beach has no Planning Commission, consequently, the non-qualified City Council, also act as the Planning Commission. By doing this, they also must rely 100% on Planning Director Benton, and his staff, for accurate information and code conforming recommendations.

Because the Pierview Condo project was a monolith "blockbuster", in a beachfront residential block, by design, and in collusion, the Planning Department and/or the architect, never informed the neighbors of the proposed project. Consequently, we were all denied the privilege of physically showing the mandatory Design Review Board committee, exactly how the architect, Donn Hall, had, purposely and deceptively, disguised the fact, the project was 6 1/2 feet above existing grade. Under our code, you must build at existing grade. (Attach. ①)

With the acquiescence of our Planning Department, Mr. Hall has built many oversized projects on South Seacoast, adjacent to our MU2 zone, above existing grade. Building condos, above existing grade, results in the oversized monolith structures shown in (Attach. ②, ③, ④) which totally block the adjacent neighbors entire North/South views, in the 10 foot beachfront setback. In Attach. 3, you can see, the public's beach street-end, North/South views, are totally also blocked forever by these 10 foot tall walls of solid concrete. Mr. Benton, along with previous Planning Directors, has illegally allowed this to happen.

Although, again not informed, a second Design Review Board meeting was held, and on July 13, 1999, Mr. Benton and Mr. Hall, intentionally and purposely, allowed the Design Review Committee to unknowingly approve, one of these oversized monoliths, 6 1/2 feet above existing grade, next door to us, in the MU2 zone. (Attach. ③A)

In (Attach. (5)) you can see Mr. Benton was present and assured the Design Review Board, the project was designed to code. This was a totally false statement. At that point, we knew Mr. Benton and Mr. Hall were not going to play by the rules.

On July 23, 1999, we appealed the Design Review Board's decision to the Council.

On September 21, 1999, because of overwhelming proof, the City Council upheld our appeal and determined the project must be built to existing grade.

On March 1, 2000, along with consultants, Norbert and Stephanie Dahl, Mr. Hall brought in a second set of plans to the Council. These were also 4½ feet above existing grade and were turned down by the Council for "substantial" revision, with conditions.

Planning Director Benton is an architect, an engineer, and knows full well what he's doing. He knew we had appealed Design Review, but he still went ahead and prepared a Draft Negative Declaration, based on those original plans, 6½ feet above existing grade. The public review period was August 13-September 1, 1999. The public review period was over 20 days prior to the Council even hearing our appeal. Mr. Benton just keeps re-mitigating this old original Neg. Dec., non-applicable, in any way, to the "substantial" changes required by the Council on March 1, 2000. There has never been a legitimate Negative Declaration prepared, nor a public review period, for the revised plans that accompany Resolution 2000-5211.

The time frame would make a reasonable Negative Declaration public review period completely impossible, because the Council received copies of the revised plans on June 16, only six days prior to voting to approve them, on June 21, 2000. The public was only allowed four days to review the revised plans (Attach. (6)) before the vote. In our opinion, Page 4 of the Resolution, Paragraphs 1-6, falsely imply the references to Design Review, CEQA and the Negative Declaration refer to the revised plans.

The Planning Department also did not fully follow the criteria for Site Plan Review (SPR 99-07) nor for the Regular Coastal Permit (CP 99-08). We are alleging there has been an intentional lack of due process granted us, and other interested parties, in connection with the Pierview Condo project and Resolution 2000-5211. We feel this not only violates the law, our civil rights, but also the spirit of the General Plan and the Local Coastal Plan.

Section 19.87.220 of our Zoning Code states, under Grounds for Revocation:

1. "A Coastal Development Permit shall be revoked or subjected to additional conditions for the following reasons."

(a) "... inaccurate, erroneous or incomplete information..."

2. "Any person who did not have an opportunity to fully participate in the original permit proceedings by reason of the permit applicants intentional inclusion of inaccurate information of failure to provide adequate public notice as required herein may request revocation of a permit by application to the Community Development Department... the Community Development Department shall initiate revocation proceedings."

We are in the process of requesting revocation of the Coastal Permit to the Community Development Department based on both allegations, due process and intention inclusion of factual information. However, it appears, from the beginning, prior to June 29, 1999, the architect, Donn Hall and the Community Development/Planning Director Paul Benton, have been in collusion in their attempt to get the Pierview Condo project approved by the City Council. We do not expect that Mr. Benton will voluntarily revoke Mr. Hall's application for a Coastal Development Permit.

Our second area of concern is the project's obvious conflict with the Design Element of our General Plan. Because of Council direction, these revised plans have never been through the mandatory Design Review process.

Our entire block is only 210 feet long and consists of only two residential homes and this 90 foot wide condo project wedged in between. In conflict with the General Plan, the project does not have a "harmonious relationship with the adjoining uses" and does not "respect the pattern of existing neighborhoods." As stated, "The structure should relate to neighborhood structures...adjacent to the development and not create a harsh contrast of scale..." The Plan also mentions there should be a "sensitive transition to abutting residential uses" and residential high density "shall emphasize human scale." It also says we should "encourage development design which provides for maximum possible residential ...compatibility."

This project would be considered a "blockbuster" in our residential neighborhood, because no other condo project has ever been built in the MU2 zone, since it was created in 1994. It's totally out of place in our area of the beachfront, because of its bulk and mass, especially in relationship to the overall, already visually small sized, appearance of our short block. To make matters worse, the condo project only sits back 10 feet from the Western property line (the beach). This makes it appear even visually larger to the beach going public, because the two adjacent homes are set back on their lots, considerably further, so they appear even smaller.

We would like to request the condo structure be moved back, from the Western property line 18 feet, which would be a visually fair and equitable "block average" as shown in (Attach. ⑦). This would, at least, make the project appear smaller to the passersby and be more "harmonious" with the two adjacent residences.

Our third allegation of conflict concerns the subterranean, totally underground, parking garage, exiting directly into the path of oncoming vehicular and pedestrian traffic. Unlike all other 53 foot wide street at the beachfront, Ocean Lane is literally a 20 foot wide converted alley with no sidewalks or curbs (Attach. ⑧). It accommodates bicyclists, pedestrians and one-way vehicular traffic, as it is also the first lateral access, adjacent to the sandy beach.

There are no underground, or even semi-underground, parking garages on Ocean Lane. The potential risk to life and limb is obvious. The Safety Element of our General Plan states: "Clearly, public agencies have a role in protecting the public from death or injury, and the reduction of the risk should have the highest priority."

Please see our handwritten letter of July 9, 1999 (Attach. ⑧^a) Pages 6-11, regarding mandatory guidelines and policies set forth, guaranteeing the community protection from "unreasonable risks." Within the Safety Element, the Coastal Act also requires "minimizing hazard potential in the coastal zone."

The majority of the Pierview Condo projects required ground level, active and passive, private and common, open space is on Ocean Lane, North of the underground 40 foot long garage ramp. In the Land Use Element, under the heading "Specific policies for High Density Residential, our General Plan states: "(These private and common) areas shall be protected from the intrusion of traffic...." This indicates, the entire area, North of the garage ramp, and adjacent to Ocean Lane, will require fencing. Page 6 of the Resolution, Par. 4 states, "...the entire site is fenced."

There is a pool and jacuzzi in the center of this private and common open space. 19.70.020, of the code, says the pool and jacuzzi will also require a separate 5 foot tall fence. On his plans, Mr. Hall shows this requirement as a semi-circled solid wall.

With these two required fences, 2½ foot tall planters with landscaping and trees, it would be virtually impossible for anyone, exiting the parking garage, to have an "unobstructed line of site Northward on Ocean Lane for a distance of 40 feet" like the Resolution says on Page 6, Paragraph 4. On Page 8, Paragraph 3, says, "a clear line of site from the garage to the North along Ocean Lane ...this will reduce the potential for accidents." Also on Page 8, Paragraph 5, the Resolution says, "unobstructed line of site Northward...for a distance of 40 feet." The truth is, with the fencing requirements, it would be impossible to have an unobstructed line of site, 40 feet Northward down Ocean Lane.

Our fourth area of concern is, because of consolidating the two R 1500 lots, the public has lost a 10 foot wide, ground level, beachview corridor, guaranteed under the code. Our zoning, in the MU2, is R 1500, and each separate lot requires a 5 foot sideyard set back on each side of the lot; a total of 10 feet. This guarantees there is a 10 foot wide (beachview) visual corridor between buildings.

The "overlay" in the MU2 zone is not for residential high density (condos), but for gradual commercial transition into a residential area (Attach. 9). Commercial has 15 foot sideyard (beachview) setbacks. This 90 foot wide condo project is conditioned to join two R 1500 lots together, thereby eliminating one of the required 5 foot sideyard setback on one of the lots. As wide as the condo project is, it only has the 5 foot sideyard setback required of a residential home, consequently, the public has lost the 10 foot wide, R 1500, beachview corridor, that would have been down the middle, had the two lots not been joined.

To further complicate matters, our garage, built in 1929, sits directly on their property line; no 5 foot setback on our side. That means, instead of the required 10 feet between buildings, there is only 5 feet between our two buildings on the South side of the project.

We are aware there are other areas of General Plan, Local Coastal Plan conflict, both in the architectural renderings and contained in the written, and implied, wording of Resolution 200-5211.

We are asking that the Commission please consider denying this project and uphold our appeal based on:

1. Intentional exclusion of due process.
2. Not harmonious with Design Element of General/Local Coastal Plan.
3. Underground parking garage greatly conflicts with all Safety Elements of General/Coastal Plans and Coastal Act.
4. Denial of public's visual view corridor due to lot consolidation.

We thank you for your consideration.

Sincerely, *Susan and Don Cash*

Susan and Don Cash

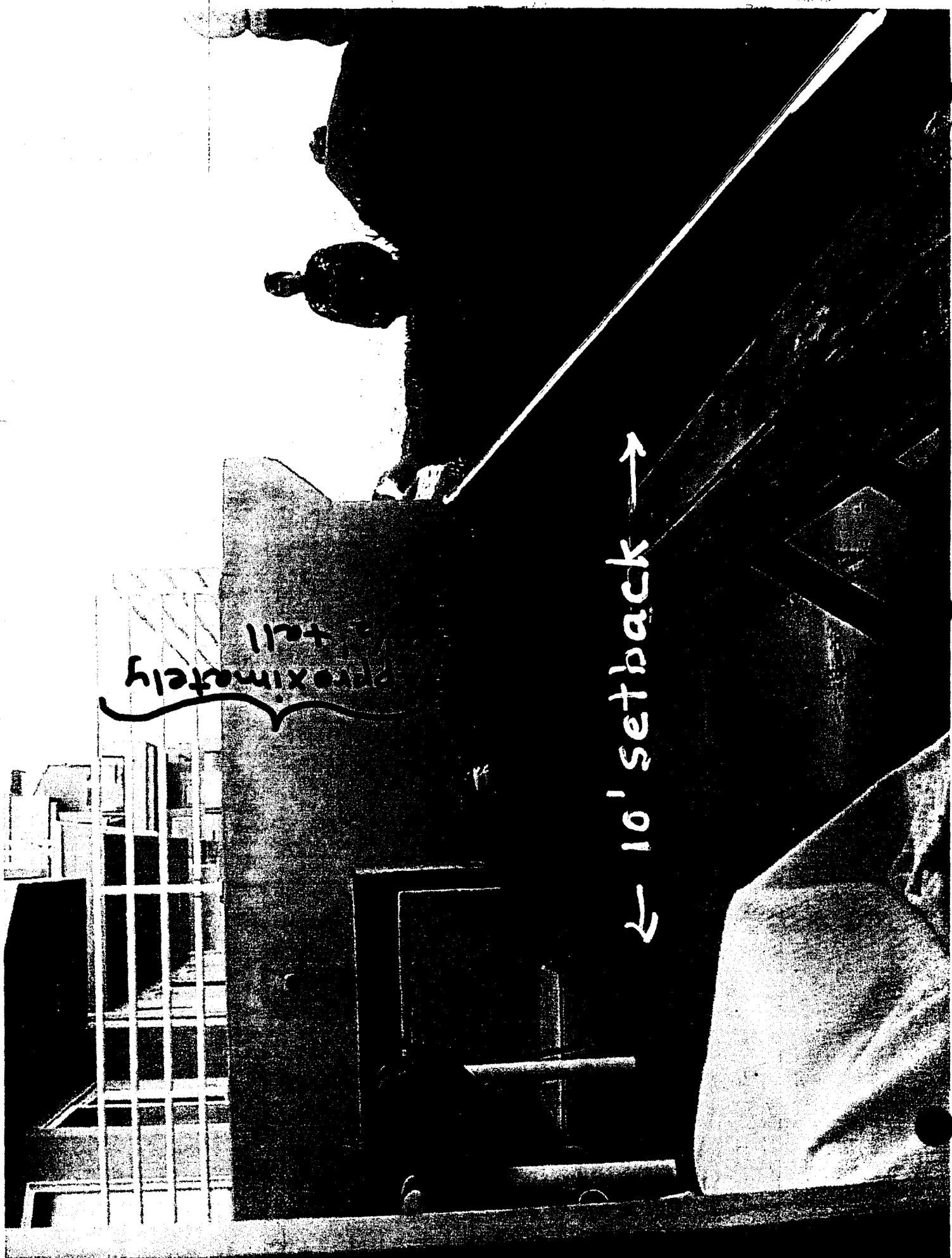
Title 19 ZONING

Chapter 19.04. DEFINITIONS

19.04.380. Grade, existing.

The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this ordinance. (Ord. 94-884, 1994)

attach. ①



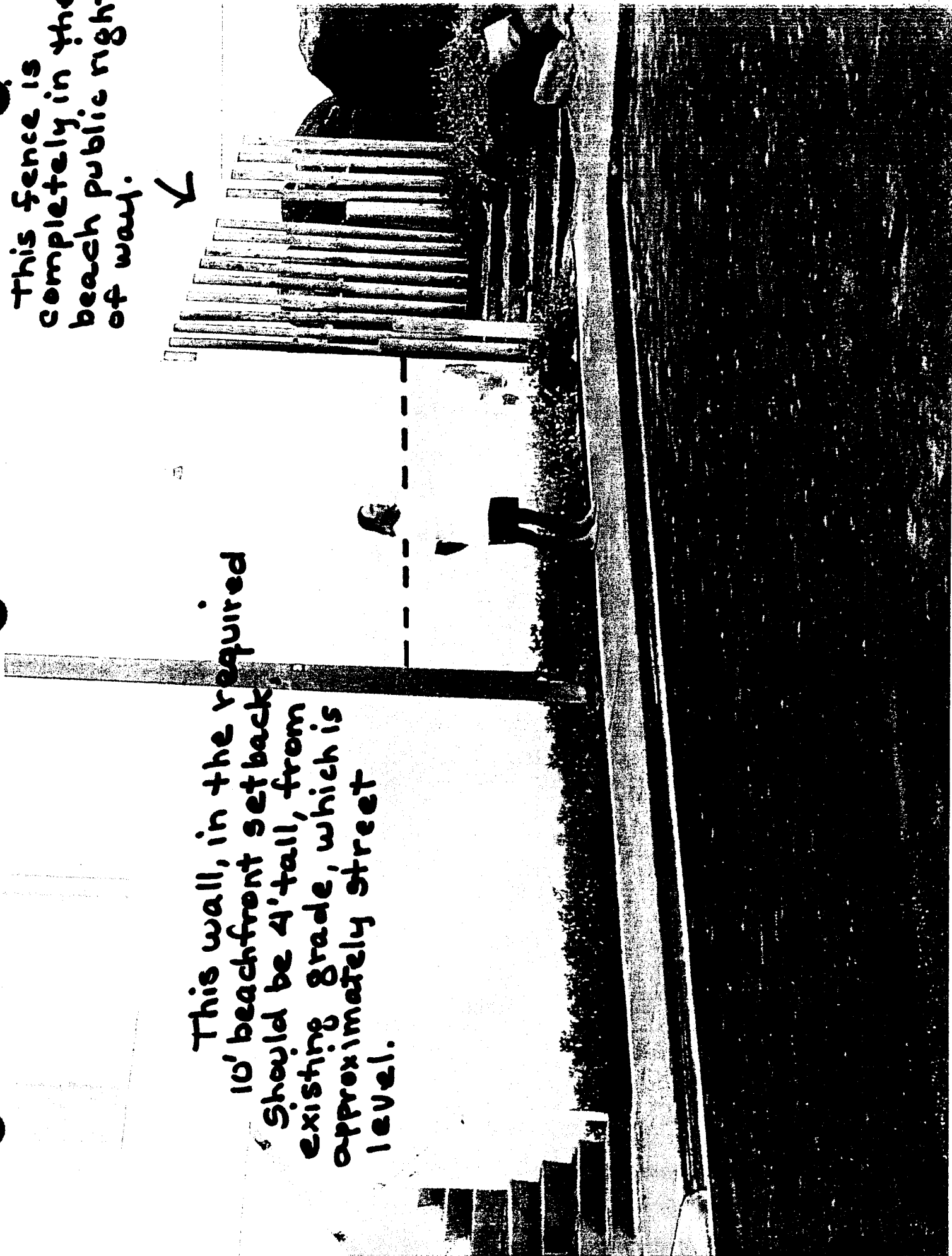
approximately
11' tall

← 10' setback →

ATTACH (3)

This fence is completely in the beach public right of way.

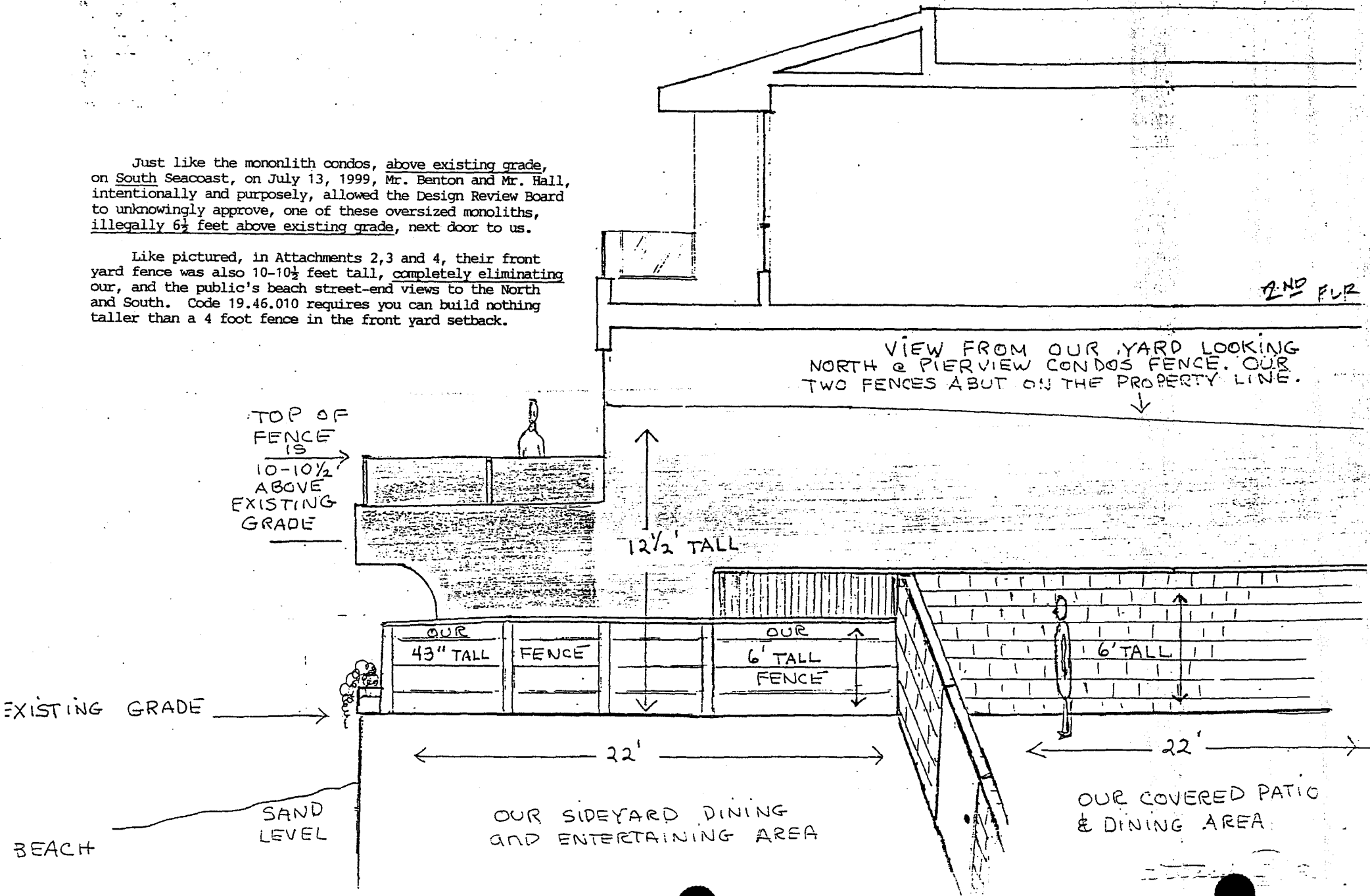
This wall, in the required 10' beachfront setback, should be 4' tall, from existing grade, which is approximately street level.



N ↑

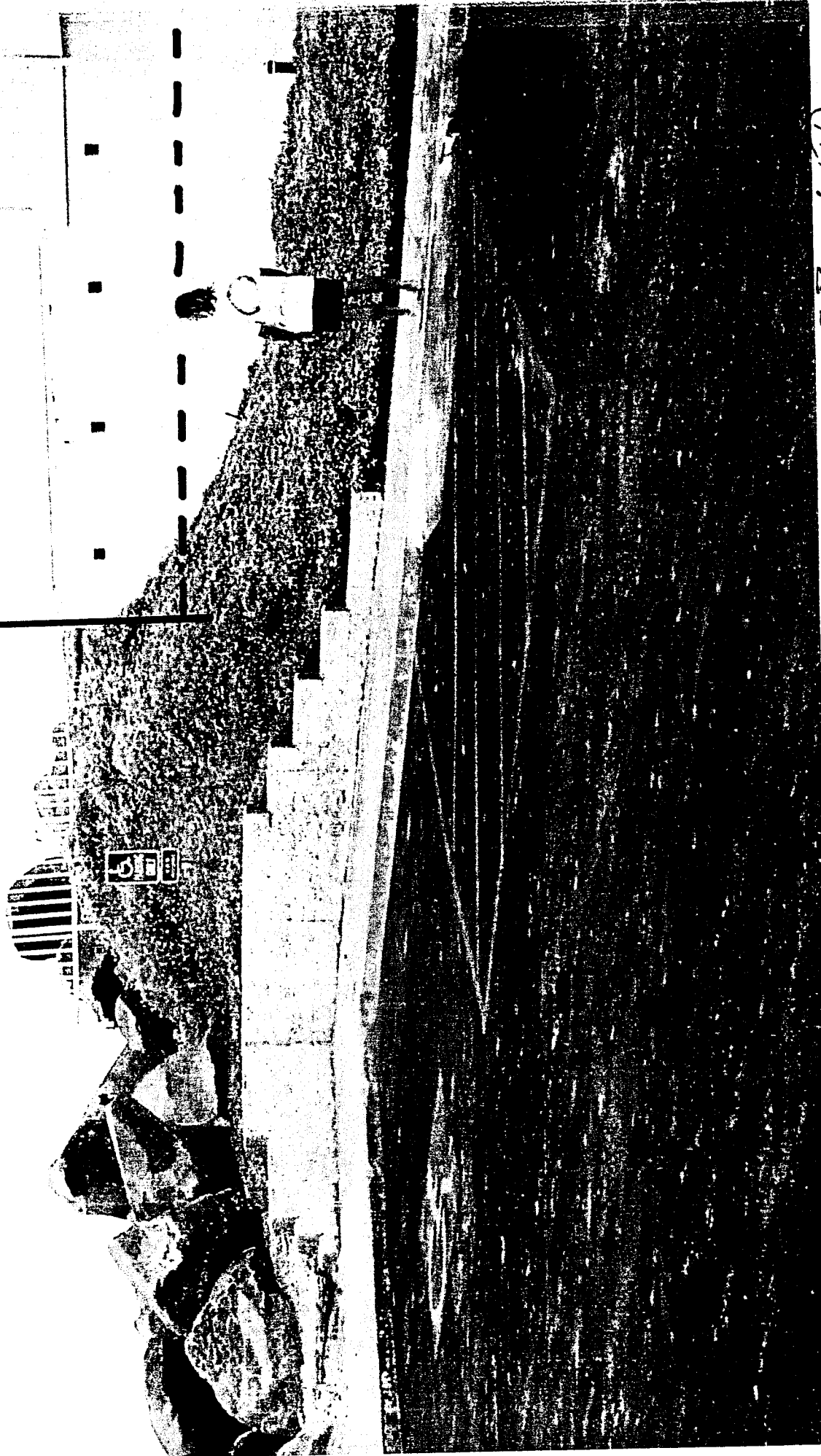
Just like the monolith condos, above existing grade, on South Seacoast, on July 13, 1999, Mr. Benton and Mr. Hall, intentionally and purposely, allowed the Design Review Board to unknowingly approve, one of these oversized monoliths, illegally 6½ feet above existing grade, next door to us.

Like pictured, in Attachments 2,3 and 4, their front yard fence was also 10-10½ feet tall, completely eliminating our, and the public's beach street-end views to the North and South. Code 19.46.010 requires you can build nothing taller than a 4 foot fence in the front yard setback.



This fence is in
the beach public
right of way ↗

Property
line ↗ 10' setback



July 13, 1999

3. The setback should be on the order of 20 feet rather than 10 feet currently allowed by zoning
4. Greater attention should be paid to the pattern of existing neighborhood development
5. The structures should relate without any great contrast in scale
6. Objection to raising the ground level by four feet over the adjacent properties
7. The project could interfere with long range planning of Ocean Lane
8. The implementation of underground parking presents a potential safety hazard and that additional coordination is necessary to accommodate pedestrian/bicycle traffic on Ocean Lane
9. The visibility of parking areas is a planning issue that has been adopted by the City and similar parking and bicycle uses should be separated from pedestrians.

Mr. McKay asked if any of the items were in violation of any current codes. He also wanted to confirm that the Board is not verifying or validating any of the concerns.

Ms. Kush acknowledged that the project will differ in bulk, scale, and mass. She noted the finding in the Resolution which emphasizes a direction for future residential development on the beachfront consistent with the Residential High Density Mixed-Use Overlay Zone.

Mr. Benton clarified that the project does in fact conform to all established zoning, setback and code requirements. He also noted staff cannot verify or deny design issues. He suggested the Board use its own discretion.

Mr. Wilson was concerned that the front steps and the garage were a safety issue.

Mr. Hall made suggestions on the steps, providing a larger entry area at the top. However, he did not believe safety was a concern since there is little traffic on the one-way street. Mr. Hall did not have a problem with the stair modification condition in the Resolution.

Mr. Benton again said that the Board needed to use its best judgement regarding safety.

Chairman Pro Tem Osbun supported the project.

Mr. Wilson questioned the parking for tenants, guests, and what impact parking would have on the beach, noting a shortage of public parking in the near future as the beachfront is developed.

Mr. Hall agreed, however suggested the broader parking issue be addressed by the City Council. He does not feel there is a parking problem at this time.

Mr. Wilson suggested that items A1 and A2 back on the resolution as non-compliant.

In response, Mr. Hall pointed out that the area has a 26-foot height limit.

Chairman Pro Tem closed meeting to the public and opened the discussion among Boardmembers.

MOTION MADE BY MCKAY, SECONDED BY WILSON TO CLOSE THE MEETING TO THE PUBLIC.

AYES: OSBUN, WILSON, VERBANAC, MCKAY
NOES: NONE
ABSENT: NAKAWATASE
ABSTAIN: NONE

Chair Nakawatase telephoned Community Development Secretary, Josy Payan and for the record, mentioned the south and north elevations still needed additional architectural design treatment. However, she thought the west was a definite improvement.

17-88

attach. (5)

TO COUNCIL
-2- MEMBERS:

{ EXCERPT FROM JULY 19, 2000 LETTER
AFTER COUNCIL APPROVED PROJECT,
ON JUNE 21, 2000.

for the whole world and all your constituents to see.....and there's not one beachgoer who's ever going to notice the 35' of "parklike" open space in the rear, once they see the tremendous width of the Pierview Condo project towering over their beachfront. From the beach perspective, to have physically gone from 69% lot coverage to 49.2% meant absolutely nothing. The project is still as visually big as it originally was, except that it now looks like a compressed accordion, and with the second floor walkway deck looking down at us, we and the Paul's have considerably less sideyard privacy than we did on the original plans.

We have never denied that we didn't have a selfish interest in down sizing this project, so it would better blend into our neighborhood, and we thought you felt the same. Several of us have spent many hours writing about, and studying, each new set of plans, forwarding the pertinent information on to you so you, as Planning Commissioners, would look good; so you would ask the "right" questions. Because you don't have as much time to spare as we do, we felt you needed us as much as we needed you, to logically fight this common battle of bulk and mass. It's obvious, Mr. Benton and Mr. Hall intended on the council approving the original "oversized" Pierview Condo set of plans, with its 22' seawall/fence and 12' sideyard fences. Had it not been for us, you, as Planning Commissioners, would have never caught onto Mr. Hall's intent to cheat, through deceptive renderings.

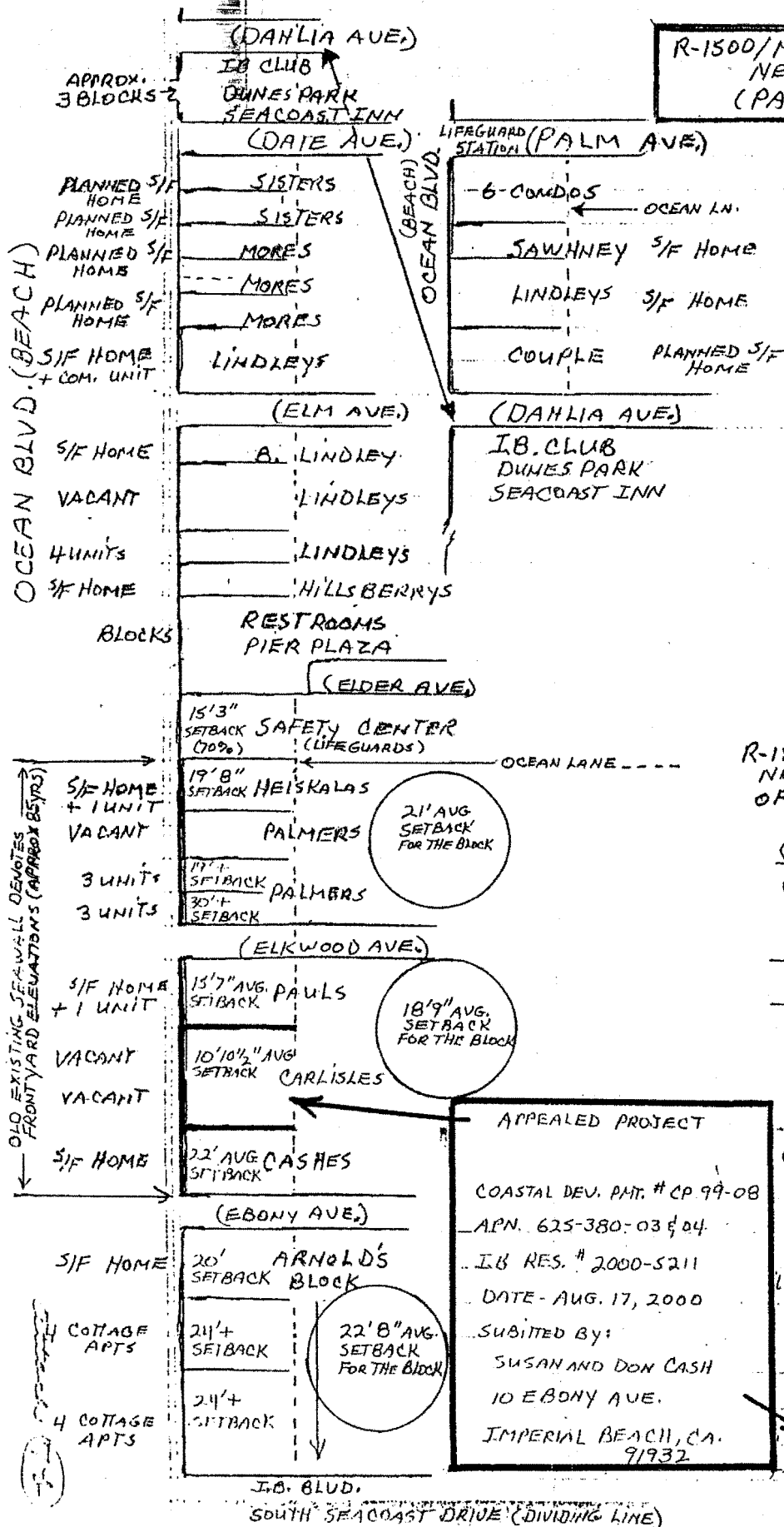
Even though we presented the "truth" about the renderings at that Sept. 1, 1999, appeal hearing, Mr. Hall still stood at the podium and blatantly lied to the council and blatantly lied to the audience. Because of previous conversations, we knew Mr. Benton knew Donn Hall was lying to the council and we were telling the "truth." Yet, your Planning Director never once offered to help out the council by clarifying any issue, or even acknowledging there might be potential building code violations and misstated "factual" information on the original plans. From the very beginning, until the present, by outright omission, Mr. Benton has been just as guilty of obscuring pertinent facts from the council as Mr. Hall has. All along, we have tried to tell you, when you've asked questions at council meeting, in many instances, Mr. Benton stopped short of finishing the answer in order to not clarify the issue because the full answer was not in Mr. Hall's best interest. Do you have any idea how hard it's been, sitting in the audience, once you've had your three minutes at the podium, and listen to lies, con jobs and half truths and you can't do anything about it? Because we have always proven to the council we were right in our evaluation of Mr. Hall's plans, we thought you not only believed us, but we thought in our, and our friends, ability to expose Mr. Hall's constant inability "to play by the rules." You really kicked all of us in the face, at the June 21 meeting, when you gave Mr. Hall a carte blanche go-ahead on his revised plans, all because he merely conformed to your 50% lot coverage request.

None of us can understand, when Mr. Hall himself has personally held up this project for one full year, why you couldn't, at least, have given us interested parties the courtesy of allowing us to even look at the plans before you voted. You had to have known, even though Mr. McDougal "kind of bobbled" his head yes when Diane asked if four days was enough time for the public to review the new plans, that that was not a totally truthful answer because, even an agenda is posted for seven days and Mr. McDougal stated, "the Neg. Dec. would have to be posted for ten days." We think if we pressured Mr. McDougal to prove that four working days, plus one weekend, is a sufficient public review period for a controversial project, he probably wouldn't be able to justify his "kind of bobble headed" answer. Regardless, we thought it was certainly not fair to us! Randy was the only person who got to look at the plans and that was for less than five minutes. To add insult to injury, when Don went in on Monday before the meeting, good ole Mr. Benton told Don he, "couldn't find the plans."- (DON CASH, THE APPELLANT)

* MR. MCDUGAL IS THE CITY ATTORNEY.

attach. ⑥

"VIEW OF NEIGHBORHOOD" ON BEACH FRONT
(FROM I.B. BLVD (SOUTH) TO PALM AVE (NORTH))



R-1500/MU-2 OVERLAY
NEIGHBORHOOD
(PALM AVE TO I.B. BLVD)

NOTE:

S/F = SINGLE FAMILY
BLOCK = 210'
FOR LOTS = 30'
STREETS = 53.3'
PALM & I.B. BLVD = 60'



SYNOPSIS:

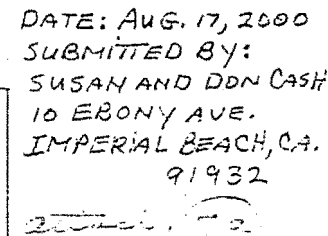
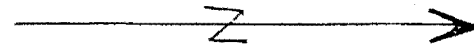
R-1500/MU-2 OVERLAY
NEIGHBORHOOD CONSISTS
OF: (IN PRIVATE OWNERSHIP)
LOTS

- ⑥ 30 LOTS
- ⑥ 45' LOTS
2 OF WHICH ARE THE
PLANNED SPLIT OF A
90' LOT. (OR 3 @ 30')
- ⑩ 60' LOTS
- ① 90' LOT
DEVELOPED WITH 4 SINGLE
STORY COTTAGES/APTS

DEVELOPMENTS

- ① SINGLE FAMILY HOMES
DEVELOPED AND PLANNED
- ③ SINGLE FAMILY HOMES
WITH 1 UNIT
- ③ 4 UNIT DEVELOPMENTS
(ALL 30 TO 50 YRS OLD)
- ① 6 UNIT CONDOS
- ② 3 UNIT DEVELOPMENTS
VERY OLD ON 30' LOTS
(60 TO 80 YRS OLD)
- ① VACANT LOT 60' WITH
NO DEVELOPMENT PLANS
- ② VACANT LOTS 45' WITH
DEVELOPMENT PLANS
(CARLISLE/HALL PROJECT)
6 CONDO UNITS

BEACH



SUBMITTED By: SUSAN & DON CASH

AUG. 17, 2000

CALCULATION OF AVERAGE SETBACK, IN
THE BLOCK WEST OF OCEAN LANE AND
BETWEEN EBONY AVE. AND ELKWOOD AVE.,
FROM THE WESTERLY PROPERTY LINE.

PAUL - 1008 OCEAN LANE: AVERAGE SETBACK = 15'7"

SECTION OF HOME BEING MEASURED	% OF TOTAL HOME BEING MEASURED	SETBACK FROM BEACHFRONT P/L	PORTION OF AVERAGE
(SOUTH) 7'8" (92")	32.6%	X 17'8" =	5'9 1/4"
(MIDDLE) 9'10" (118")	41.8%	X 12'8" =	5'3 1/2"
(NORTH) 6'0" (72")	25.5%	X 17'8" =	4'6 1/4"
(WIDTH) 23'6" (282")	99.9%	AVG. =	<u>15'7"</u>

CASH - 10 EBONY AVE: AVERAGE SETBACK = 22'

SECTION OF HOME BEING MEASURED	% OF TOTAL HOME BEING MEASURED	SETBACK FROM BEACHFRONT P/L	PORTION OF AVERAGE
(SOUTH) 14'00" (168")	39.4%	X 24'9" =	9'9"
(MIDDLE) 12'10" (154")	36.2%	X 22'3" =	8' 1/2"
(NORTH) 8'8" (104")	24.4%	X 17'3" =	4'2 1/2"
(WIDTH) 35'6" (426")	100.0%	AVG. =	<u>22'</u>

PAUL'S AVG. SETBACK = 15'7"

CASH'S AVG. SETBACK = 22'0"

$$37'7" \div 2 = \underline{18'9 1/2"} \quad \text{BLOCK AVERAGE}$$

CARLISLE'S AVERAGE SETBACK IS 10'10 1/2"

(FOR DIMENSIONS USED IN THIS CALCULATION,
PLEASE REFER TO DRAWING "VIEW OF BEACHFRONT
SETBACKS AND SIDEYARD SETBACKS" ALSO ATTACHED.)

THE BLOCK SOUTH OF THIS BLOCK HAS A 22'8"± SETBACK
AVERAGE.

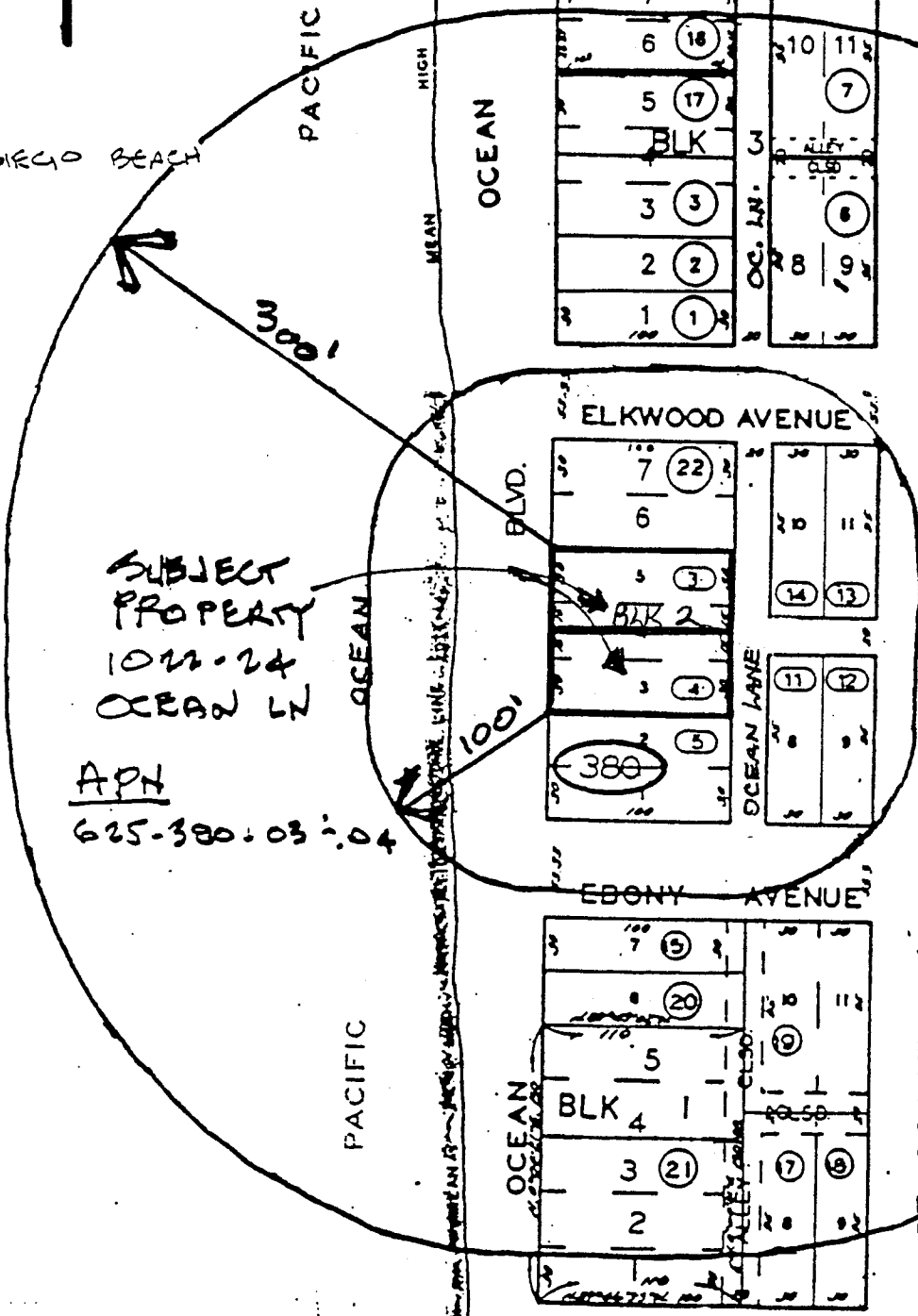
THE BLOCK NORTH OF THIS BLOCK HAS A 21'± SETBACK
AVERAGE. (PLEASE REFER TO "VIEW OF NEIGHBORHOOD
MAP", ALSO ATTACHED.)

attach. (7c)

ASSESSOR'S PARCEL MAP



SOUTH SAN DIEGO BEACH



SUBJECT
PROPERTY
1011-24
OCEAN LN

APN
625-380-03-04

PIER
PLAZA
(PARK)

ELDER AVE.

SEACOAST DRIVE

LIFEGUARDS

OCEAN

ELKWOOD AVENUE

EBONY AVENUE

SEACOAST DRIVE

BLK 4

IMPERIAL BEACH BLVD.

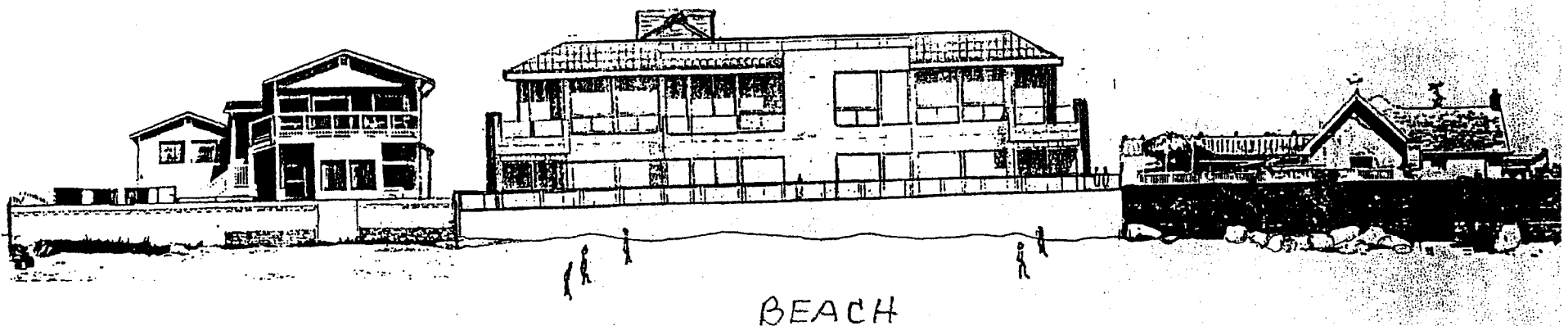
SUBMITTED FOR REFERENCE
AUG. 17, 2000
SUSAN AND DON CASH
APPEALING CP-99-08

SOUTH
SEACOAST
DRIVE

attach. (7d)

VIEW, FROM THE BEACH LOOKING
EAST, OF THE 6 UNIT CONDO
PROJECT BEING APPEALED.

AUG. 17, 2000
APPEAL: CP 99-08
SUSAN & DON CASH
10 EBONY AVE.
IMPERIAL BEACH, CA.
91932



1008 Ocean Lane is set back (East)
18' with a 5' popout at ground
level, from the seawall.

The Pierview Condo project will appear even larger
from the beach because the building is only set back
10' from the seawall. 1014-24 OCEAN LANE

10 Ebony Avenue is set back (East)
22', with a 5' popout at ground
level, from the seawall.

attach. (7c)
ELKWOOD AVE.

EBONY AVE.

Table P-2
Vertical and Lateral Coastal Access

Access-way	Use	Type	Width	Condition
1) Imperial Beach Pier	Active ³	V	30'	Improved
2) Palm Avenue	Active	V	80'	Paved
3) Dahlia Avenue	Active	V	53.3'	Paved
4) Dunes Park	Active	V	Varies	Improved
5) Daisy	Active	V	53.3'	Paved
6) Date	Active	V	53.3'	Paved
7) Elm	Active	V	53.3'	Paved
8) Evergreen	Active	V	53.3'	Paved
9) Elder	Active	V	53.3'	Paved
10) Elkwood	Active	V	53.3'	Paved
11) Ebony	Active	V	53.3'	Paved
12) Imperial Beach Blvd.	Active	V	80'	Paved
13) Admiralty Way	Active	V	53.3'	Unimproved
14) Beach	Active	V	53.3'	Parking & walkway
15) Cortez	Active	V	53.3'	Unimproved
16) Decanso	Active	V	53.3'	Unimproved
17) Encanto	Pass & ⁴ Repass	V	53.3'	Unimproved
18) Alley @ north City Boundary	Pass & Repass	V	18'	Easement
19) Ocean Lane	Pass & Repass	L	20'	Improved to alley standards
20) Ocean Boulevard	Active	L	Varies	Sand
21) Border Field Horse Trails	Active	L & V	Varies	Sand

V = Vertical Access L = Lateral Access

³ Active use includes the full range of beach oriented activities. Alternatively, "passive" use include those activities normally associated with beach use, such as walking, swimming, jogging, etc., but does not include use of the access-way for organized sport activities, campfires, or vehicular access for other than emergency vehicles.

⁴ Pass and Repass indicates an area where topographic constraints of the site makes use of the beach dangerous, where habitat values of the shoreline would be adversely impacted by public use of the shoreline, or where the access-way may encroach closer than 20 feet to a residential structure. When any of these conditions exists the access-way may be limited to the right of the public to pass and repass along an access area.

(6)

July 9, 1999

EXCERPT FROM LETTER
TO PLANNING DEPT.

Objection
#3

Ocean Lane is the most unique street in all of Imperial Beach. On Pg L 3 of the General Plan, under Item C, it states: "The ocean, beach and immediate abutting land are recognized as an irreplaceable natural resource to be enjoyed by the entire City and region. This unique, narrow strip of land should receive careful recognition and planning." Ocean Lane falls into this category, that "should receive careful recognition and planning," because it is the only street access for this project and two other homes on this block. Consequently, you cannot separate the street from the physical property in question. Ocean Lane must be dealt with, and in conjunction with, the proposed condo project.

Even though it is designated as a One Way, cars travel, and speed, both directions on Ocean Lane. Not only is it only 20' wide, but was an alley until five years ago. Its only paved to alley standards and has no sidewalks. It will never have any sidewalks. The asphalt is the sidewalk! However, the asphalt is also the bike path, the skateboard path, the pedestrian and handicap path, used by roller and blade skaters, and also used by motorcycles and cars. Ocean Lane is also under the protection of the Coastal Act, as the closest lateral access to the beach, mandated by the State to be kept safe access for the public.

attach. (8) a

7

Underground parking on Ocean Lane is not safe! Our Objection #3 concerns the underground parking and addresses the safety issue of allowing a 28' ramp, without at least, a 12' flat landing at the top, BEFORE an underground car blindly enters a vehicle/bicycle/pedestrian accessway. Mandated to be kept safe.

All other underground ramp parking, at the beach, either has flat landings, driveways, wide sidewalks, or a combination of the three to land on BEFORE entering a public street. The public is visibly aware of the approaching vehicle.

On this project, to make matters worse, the garage door opening is sunk down low enough on the ramp that it's not even visible to the perpendicular vehicle traffic on Ocean Lane. If a car sped up the ramp and projected itself out into Ocean Lane, in order to see over the top of the ramp, any oncoming car could be hit and not even realize where the hit came from. Who should ever dream you could be hit from the side on Ocean Lane. After living 27 years on Ocean Lane, we know, as drawn, it's an accident, and a lot of near misses, waiting to happen.

It's really unconscionable to think about any underground ramp parking on this block, or any other block of Ocean Lane because access

on to it would always be an unwarranted risk to the public, both pedestrian and vehicular. If a precedent is set allowing underground parking on this block, then all of us property owners, and all future developments, from the 600 to the 1,000 block of Ocean Lane can, at any time, legally, also demand underground parking. At that point, how could the City of Imperial Beach even come close to guaranteeing any pedestrian or vehicle safety as mandated by the Coastal Act?

In case of an emergency like fire, or an earthquake, who wins? The vehicles, the underground vehicles or the pedestrians? According to the General Plan, the Coastal Act and the Coastal Commission Shoreline Guidelines, we all have equal rights to shoreline access protection and the enforcer of these rights is the City of Imperial Beach.

Nowhere does it say we should give vehicles, parked in underground garages, any preferential treatment, or encroachment rights, that could potentially impair or injure the public at large.

As underground parking would be a major public safety change in the coastal zone, perhaps this issue will eventually need to be decided by the Coastal Commission.

The following excerpts from the General Plan appear to all be applicable in dismissing underground parking on Ocean Lane as potentially unsafe, risky and certainly not in the City, nor the public, nor the State's best interest.

Pg. 2-1 California General Plan law requires the Safety Element address means of "protecting the community from unreasonable risks...". Within this safety element, the Coastal Act also requires "minimizing hazard potential in the coastal zone".

Pg 2-4 "Clearly public agencies have a role in protecting the public from death or injury, and the reduction of this risk should have the highest priority".

Pg H 5 "... encourage development design which provides for maximum possible ... safety within the City..."

Pg L 4 specific policies for residential uses are: all housing and neighborhoods shall be designed with a (safe) pedestrian orientation.

Pg C 12 Mandatory element of balanced circulation: "The quality of life ... is dependent upon a safe ... circulation system that provides for pedestrians, bicycles, trucks, automobiles."

Pg C-12 ^{Cont} "In this system, pedestrian walkways, bicycle paths... will receive the same attention as facilities designed for the automobile".

P 16, Table P-2 shows Ocean Lane's use as a Pass and Repass situation.

Item #4, at the bottom of the Table states: "Pass and repass indicates an area where topographic constraints of the site make use of the beach dangerous... where the accessway may encroach closer than 20' to a residential structure. When (either) of these conditions exist, the accessway may be limited to the right of the public to pass and repass along an access area."

Pg P12 the public's right of access to the State's navigable waters is protected by the California Constitution which states: "No individual... possessing the frontage for... navigable water in this State, shall be permitted to exclude the right-of-way to such water whenever it is required for any public purpose, not to... obstruct... such water... so that access to the navigable waters of the State, shall always be attainable for the people."

Pg P12 Section 30211 "requires that new development not interfere with the public's right of access to coastal areas."

Pg 47 Re: single family / multi family
 "these areas shall be protected from
 intrusion of traffic..."

Pg 19 "... property access standards that
 emphasize ... pedestrian ... circulation ..."

Pg 28 "Developments should be designed
 to respect ... (the) safety of the
 passerby."

"Public rights of way should be design-
 ated not only for the safety and enjoy-
 ment of the motorist, but also for the
 pedestrian, jogger and bicyclist."

Pg 10 "Parking areas should be designed
 to separate vehicles and pedestrians
 whenever possible and ensure ade-
 quate visibility when the two must
 cross."

These excerpts come from the Gen-
 eral Plan, and in the Introduction,
 the General Plan states: "The General
 Plan is atop the hierarchy of local gov-
 ernment law regulating land use. Sub-
 ordinate to General Plans are specific
 plans, ordinances and zoning laws.
All of the subordinate documents must
conform to the General Plan -"

Thank you,

Susan ^{LP} Don Cash
 10 Ebony Avenue
 Imperial Beach, Ca. 91932

C. On property fronting on Seacoast Drive, the third floor front yard set back shall be 10 feet, except that 40 percent of the frontage may be set back 5 feet. (Ord. 98-920 § 3 (part), 1998; Ord. 94-884, 1994)

19.27.050. Minimum lot size.

The minimum lot size for any new lot created in the C-2 zone shall be three thousand square feet (for related provisions concerning small lots, see Chapter 19.42.). (Ord. 98-920 § 3 (part), 1998; Ord. 94-884, 1994)

19.27.060. Frontage.

Every new lot created in the C-2 zone shall have a minimum width along a street of thirty feet (for related provisions concerning small lots, See Chapter 19.42.). (Ord. 94-884, 1994; Ord. 601 § 1 (part), 1983)

19.27.070. Building height.

No building in the C-2 zone shall exceed three stories or thirty feet in height, whichever is less. (Ord. 94-884, 1994)

19.27.080. Separation of buildings.

No buildings shall be located less than five feet from any other building on the same lot. (Ord. 94-884, 1994)

19.27.110. Parking.

For provisions on parking applicable in the C-2 zone, see Chapter 19.48. (Ord. 94-884, 1994)

19.27.120. Signs.

For provisions on signs applicable in the C-2 zone, see Chapter 19.52. (Ord. 94-884, 1994)

19.27.130. Uses conducted outside buildings.

For provisions on uses conducted outside buildings applicable in the C-2 zone, see Chapter 19.72. (Ord. 94-884, 1994)

19.27.140. Seacoast Commercial Overlay (MU-2) Zone.

The area is located between Ocean Boulevard on the west, Ocean Lane on the east and between Imperial Beach Boulevard on the south and Palm Avenue on the north is designated as a commercial-residential overlay zone (MU-2). The purpose of this transition zone designation is to allow for the gradual commercial expansion in an area which is currently used for residential purposes.

A. The following uses shall be permitted in the MU-2 Overlay zone:

1. Residential.

B. The following uses are permitted in the MU-2 overlay zone subject to approval of a conditional use permit and subject to the development property regulations in subsection C of this section:

1. Hotels/motels (daily rentals);
2. Bed and breakfast inns;
3. Time share units.

C. Property development regulations

1. Residential density

a. One dwelling unit for each 1,500 square feet of lot area.

2. Yard requirements in the MU-2 overlay zone are as follows:

a. Residential uses:

Ocean Lane: 5 feet

Side yard: 5 feet

Ocean Boulevard (Beach): 10 feet

b. Commercial uses with approval of a conditional use permit:

Ocean Lane: 0 feet

Side yard: 15 feet

Ocean Boulevard (Beach): 10 feet

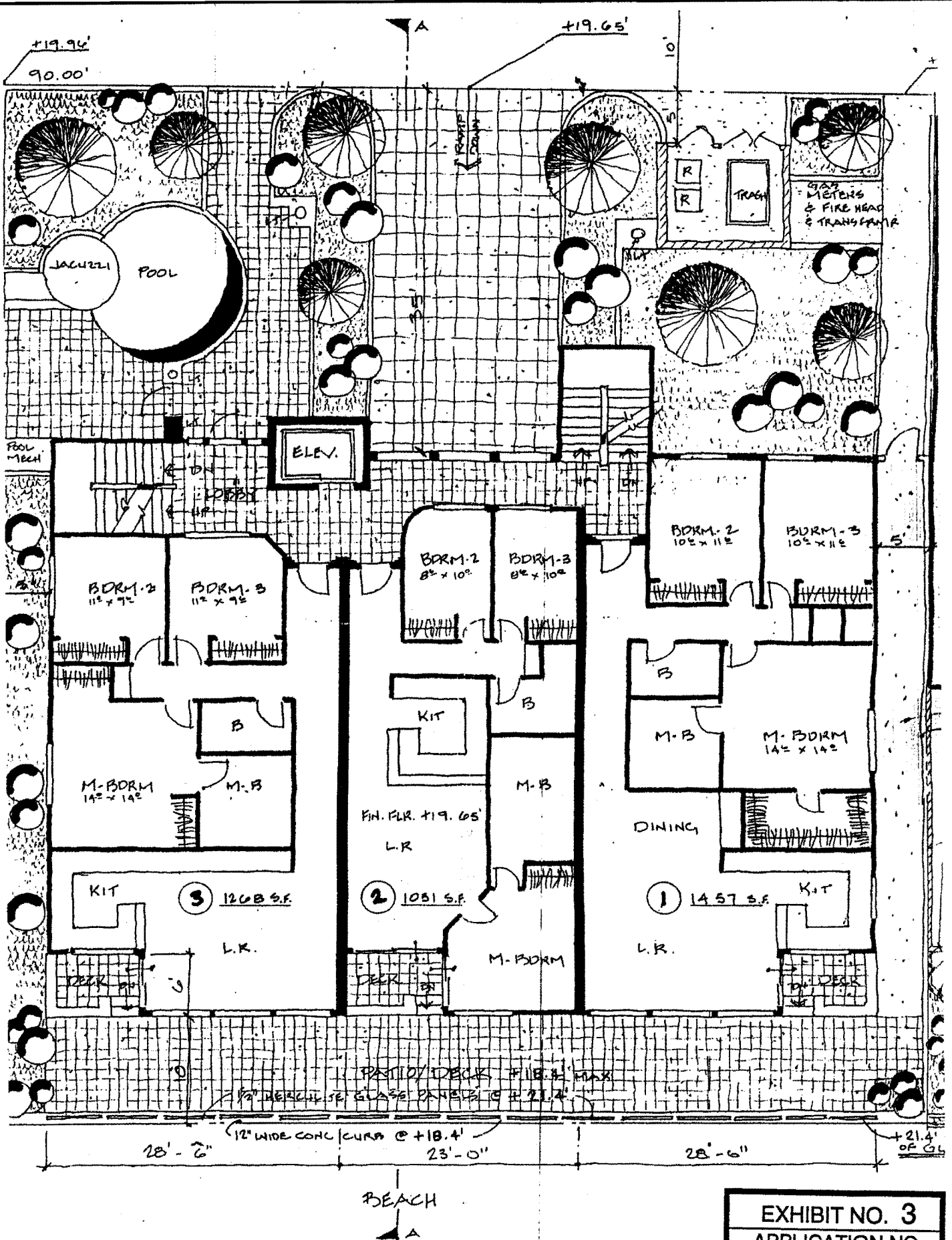
c. Height

Residential Uses: Two stories or 26 feet, whichever is less.

Commercial uses: Three stories or 30 feet, whichever is less and subject to approval of a conditional use permit.

3. Conditional use permit:

Conditions for the conditional use permit may include, but shall not be limited to requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and



1ST FLOOR PLAN & SITE

TOTAL SQ. FT. = 7,098 SQ. FT. 1ST FLR = 3,776 SQ. FT.
LANDSCAPE PLAN

LOT
50%

EXHIBIT NO. 3
APPLICATION NO.
A-6-IMB-00-121
Site Plan
California Coastal Commission

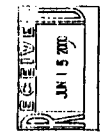
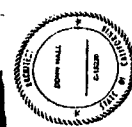
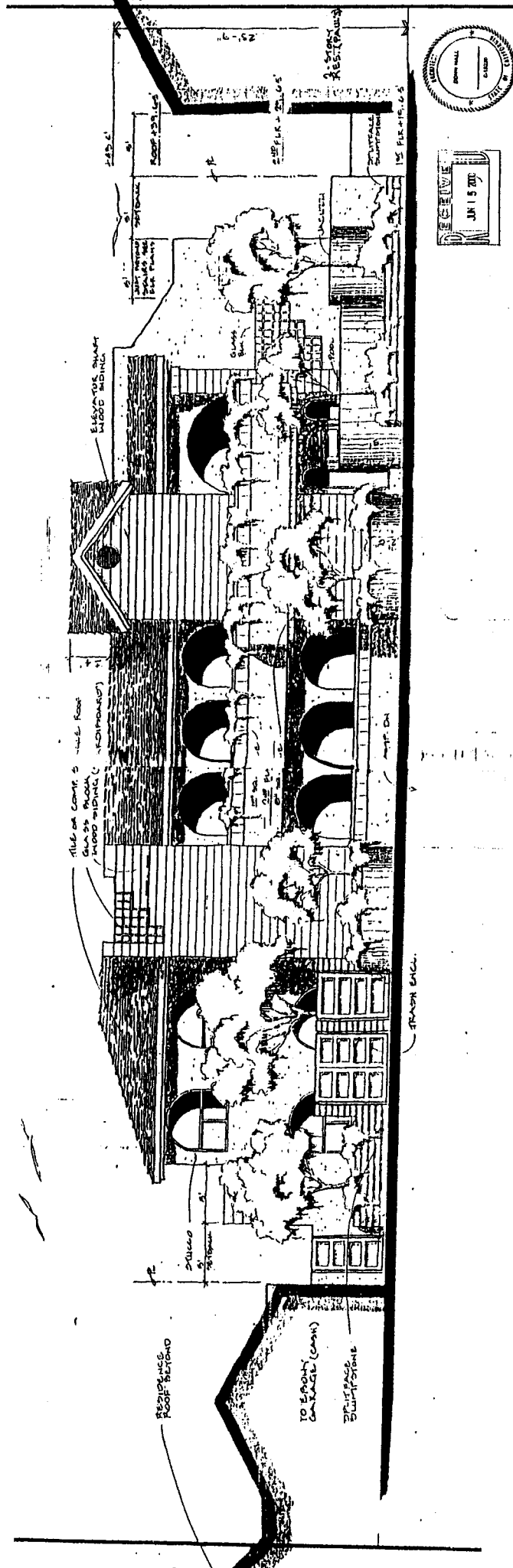


EXHIBIT NO. 4
APPLICATION NO.
A-6-IMB-00-121
Eastern Elevation
 California Coastal Commission

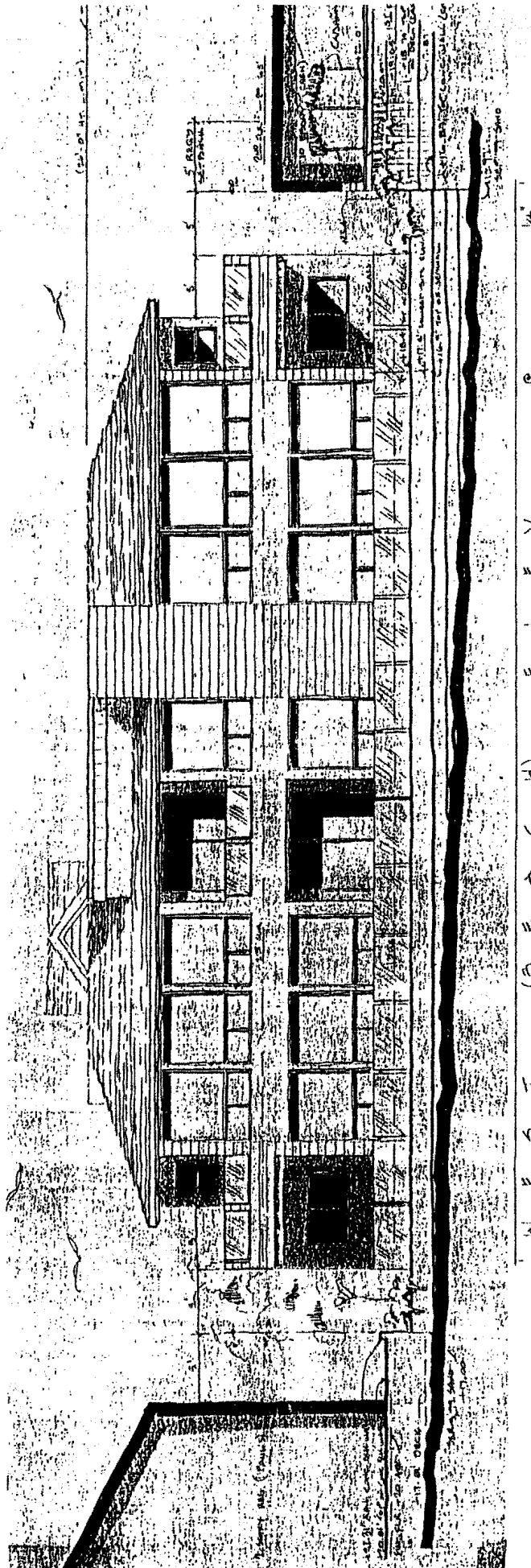



EXHIBIT NO. 5
APPLICATION NO.
A-6-IMB-00-121
Western Elevation
 California Coastal Commission