

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Filed: 1/8/01
49th Day: 2/26/01
180th Day: 7/7/01
Staff: CP-LB
Staff Report: 1/23/01
Hearing Date: February 13, 2001
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR****Tu 4e****APPLICATION NUMBER:** 5-00-477**APPLICANT:** Jun Yoon**AGENT:** Suresh Gupta**PROJECT LOCATION:** 5007 Ocean Front Walk, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Demolition of a two-story duplex, and construction of a three-story, 35-foot high (with 44-foot high roof access structure), 5,733 square foot duplex with an attached six-car garage on a beachfront lot.

Lot Area	3,681 square feet
Building Coverage	2,267 square feet
Pavement Coverage	1,077 square feet
Landscape Coverage	145 square feet
Parking Spaces	6
Zoning	R3-1
Plan Designation	Low Medium II Multi-Family Residential
Ht above final grade	35 feet

LOCAL APPROVAL: City of Los Angeles Planning Department Approval, Case No. DIR2000-3495 (SPP), 10/31/00.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles Land Use Plan for Venice, 11/14/00.
2. Coastal Development Permit 5-95-192 (Greenwald).
3. Coastal Development Permits 5-99-273 & 274 (Bieber).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to residential density, building height, parking and the improvement of Ocean Front Walk. The applicant agrees with the staff recommendation.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION

"I move that the Commission approve with special conditions Coastal Development Permit 5-00-477 per the staff recommendation as set forth below."

Staff recommends a **YES** vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: Approval with Conditions

The Commission hereby approves, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Residential Density

The permitted use of the approved structure is limited to two single residential units. Any proposed change in the number of units or change in use shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. Parking

A minimum of six parking spaces shall be provided and maintained in the garage of the approved structure as shown on the proposed project plans. Vehicular access to the six on-site parking spaces shall be taken only from Speedway Alley.

3. Building Height

The roof of the approved structure shall not exceed thirty-five (35') feet in elevation above the Ocean Front Walk right-of-way. Roof deck railings of an open design may extend up to 39 feet in elevation above the Ocean Front Walk right-of-way. One roof access stairway enclosure, with a footprint not to exceed one hundred square feet in area, may extend up to 44 feet in elevation above the Ocean Front Walk right-of-way as shown on the approved plans. No portion of any structure shall exceed 44 feet in elevation above the Ocean Front Walk right-of-way.

4. Ocean Front Walk

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a Class A or B City of Los Angeles Permit for the proposed improvement of the Ocean Front Walk right-of-way where it abuts the project site. The Ocean Front Walk right-of-way shall be improved for public pedestrian access to a width of not less than ten (10') feet consistent with the City of Los Angeles specifications and requirements for permanent right-of-way improvements. The proposed right-of-way improvement shall be completed concurrently with the construction of the approved duplex.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to demolish a two-story duplex on a beachfront lot, and construct a three-story, 35-foot high 5,733 square foot duplex with a six-car garage on the ground floor (See Exhibits). A 44-foot high stairway enclosure with a 100 square foot footprint is proposed to be constructed on the roof in order to provide access to the shared roof deck (Exhibit #3). The applicant also proposes to construct a public sidewalk on the portion of the Ocean Front Walk right-of-way which abuts his private property (Exhibit #3). The proposed duplex is set back five feet from the Ocean Front Walk right-of-way.

The 3,681 square foot lot is located on the inland side of the Ocean Front Walk right-of-way in the Marina Peninsula subarea of Venice (Exhibit #2). In this part of the Marina Peninsula area, Ocean Front Walk is an unimproved public pedestrian right-of-way that separates the residential neighborhood from the public beach. The surrounding neighborhood is comprised primarily of two-story and three-story single and multiple family residential structures. The three-story single family residence situated on the lot immediately south of the proposed project was reviewed and approved by the Commission in 1995 [Coastal Development Permit 5-95-192 (Greenwald)].

The Commission has recognized in both prior permit and appeal decisions that the Marina Peninsula area of Venice is a special coastal neighborhood. In 1980, the Commission adopted the Regional Interpretive Guidelines for Los Angeles County which included a set of building standards for the Marina Peninsula. These building standards, which apply primarily to density, height and parking, reflect conditions imposed in a series of permits heard prior to 1980. The Commission has consistently applied these density, height and parking standards to development in the Marina Peninsula Venice area in order to protect public access to the beach and to preserve the special character of the community.

On October 29, 1999, the Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice and submitted it for Commission certification as part of the current effort to develop a certified Local Coastal Program (LCP) for the Venice area. On November 14, 2000, the Commission approved with suggested modifications the City's proposed LUP for Venice. The Commission-approved LUP for Venice maintains the City's and Coastal Commission's previous density limit, 35-foot height limit, and parking standards for the Marina Peninsula area. The City is currently considering the LUP modifications suggested by the Commission.

Special conditions are imposed on coastal development permits ensure that the projects are consistent with the Coastal Act and Commission-approved land use plans. In order to mitigate the identified impacts, the appropriate special conditions have also been applied to this coastal development permit.

B. Community Character

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas....

In order to protect public access, community character and visual quality in the Marina Peninsula area, the Commission has consistently limited residential density and structural height.

Residential Density

In order to preserve the character of the Marina Peninsula community, the Commission has consistently limited residential density to two units on lots less than 4,000 square feet in area. The Commission-approved LUP for Venice also limits residential density in the Marina Peninsula neighborhood to two units on lots less with than 4,000 square feet.

The proposed project is situated on a 3,681 square foot lot. The applicant proposes to construct a duplex (two residential units). Therefore, the proposed project conforms to the Commission's density limit for the site and to the Venice LUP. In order to ensure that the proposed project is constructed and used as proposed, the permit is conditioned to limit use of the approved structure to a duplex. Any proposed change in the number of units or change in use shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. The condition is necessary to ensure that a parking deficiency does not occur as a result of creating additional residential units. A parking deficiency would reduce the availability of on-street parking for beach goers, and as a result, reduce the ability of the public to access the coast. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

Building Height

Building height and bulk can also affect the scenic and visual qualities of the Marina Peninsula coastal area. In previous approvals, the Commission and the City have both consistently limited new developments in the Marina Peninsula area to a height of 35 feet measured above the fronting right-of-way. The 35-foot height limit for the Marina Peninsula area is the standard of the Commission's Interpretive Guidelines, the City of Los Angeles Specific Plan, and the Venice LUP.

The Commission and the City have, however, allowed portions of some structures to exceed the 35-foot height limit by up to ten feet if the scenic and visual qualities of the

area are not negatively impacted. The portions of structures which have been previously allowed to exceed the 35-foot height limit include parapet walls and railings around roof decks, small roof access structures and elevator housings (100 square feet or less), chimneys, air conditioning equipment, and skylights. These rooftop structures must be sited upon the roof in a manner which minimizes their visibility from Ocean Front Walk and the public beach. Roof access structures have been permitted to exceed the 35-foot height limit only if they contain no living or storage space and if they do not negatively impact the area's visual resources.

Policy I.A.1.a of the Commission-approved LUP for Venice states:

a. **Roof Access Structures.** Building heights and bulks shall be controlled to preserve the nature and character of existing residential neighborhoods. Residential structures may have an enclosed stairway (roof access structure) to provide access to a roof provided that:

- i. The roof access structure shall not exceed the specified flat roof height limit by more than 10 feet;
- ii. The roof access structure shall be designed and oriented so as to reduce its visibility from adjacent public walkways and recreation areas;
- iii. The area within the outside walls of the roof access structure shall be minimized and shall not exceed 100 square feet in area as measured from the outside walls; and,
- iv. All roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of Ballona Lagoon, Venice Canals, Grand Canal and the inland side of the Esplanade (City right-of-way).

Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.

In this case, the proposed duplex includes a 44-foot high (above Ocean Front Walk elevation) stairway enclosure on the roof with a 100 square foot footprint (measured from the outside walls). The proposed roof access structure would provide access to the shared roof deck (Exhibit #3). Roof deck railings are permitted to exceed the 35-foot height limit by up to four feet. (Exhibit #5). No portion of the proposed structure would exceed a height of 44 feet above the Ocean Front Walk elevation (Exhibit #4).

As stated above, the Commission allows certain rooftop structures to exceed the 35-foot height limit by up to ten feet if the scenic and visual qualities of the area are not negatively impacted. As proposed, the design of the proposed project would not adversely effect the visual resources of the Marina Peninsula area and complies with the visual resource policies

of the Coastal Act. The proposed 44-foot high roof access structure is located near the mid-point of the structure in order to reduce their visibility from Ocean Front Walk and the public beach (Exhibit #4). The footprint of the proposed roof access structure does not exceed one hundred square feet in area, and there is no living area or storage space proposed above the 35-foot height limit. Therefore, the Commission finds that the proposed project conforms to the Commission's height limit, the Venice LUP and previous approvals in the Marina Peninsula area. The scenic and visual qualities of the area will not be negatively impacted.

In order to ensure that the proposed project is constructed as approved, the permit approval is conditioned to limit the roof height of the proposed duplex to 35 feet above the elevation of the Ocean Front Walk right-of-way. Roof deck railings may extend up to 39 feet in elevation, and one roof access stairway enclosure (with a footprint not to exceed one hundred square feet in area) may extend up to 44 feet in elevation above the elevation of Ocean Front Walk as shown on the approved plans. No portion of any structure shall exceed 44 feet in elevation above Ocean Front Walk. Only as conditioned is the proposed project consistent with the provisions of Section 30251 of the Coastal Act.

C. Public Access & Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project is conditioned to conform with the following Coastal Act policies which protect and encourage public access and recreational use of coastal areas.

Section 3010 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a) of the Coastal Act states in part that:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects....

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The Marina Peninsula beach is one of the most under-utilized beaches in Los Angeles County, due primarily to the lack of public parking on the peninsula, the inadequacy of local streets to bear high levels of traffic, and the lack of public support facilities. Although there are public parking lots at either end of the peninsula (a distance of approximately 1.4 miles), there is currently no easy way for beach goers to get from these lots to the uncrowded beach areas in the middle of the peninsula. Infrequent public transportation serves the peninsula, and public pedestrian access paths, including Ocean Front Walk and the sidewalks on Pacific Avenue, are inadequate or non-existent.

The Local Coastal Plan (LCP) for the Venice Canals/Marina Peninsula area was certified with suggested modifications in June, 1983. The findings adopted by the Commission at that time stressed the importance of improving Ocean Front Walk, a public right-of-way running the length of the Marina Peninsula along the inland edge of the beach, in meeting the access and recreation policies of the Coastal Act:

Completion of this recreational amenity is especially vital in this LCP segment because the majority of land is proposed for or currently in residential use. It is important to ensure that recreational use of the beach is encouraged when so much of the coastal area is committed to non-priority uses. The absence of a walk impedes pedestrian access and makes the beach appear a private beach. The public cannot make maximum recreational use of the beach when it is denied access to major portions of that beach....

One of the LCP modifications suggested by the Commission in 1983 was that either a public agency, or new development adjacent to Ocean Front Walk, be required to improve

the right-of-way to a minimum ten (10) foot width, in order to provide for improved lateral pedestrian access along the beach. In support of this suggested modification, the Commission found that:

Completion of the walk is one reasonable mitigation measure for the decision to allow the Marina Peninsula to build out as an exclusive residential use. With the provision of the lateral access system, including Ocean Front Walk, the Commission can then assure access consistent with Section 30212, and that the designation of an area exclusively for residential use is not inconsistent with Section 30222.

The City of Los Angeles had agreed in principle to complete Ocean Front Walk over the length of the Marina Peninsula, consistent with the Commission's 1983 suggested modification to the LCP. However, the conditional certification of the LCP has lapsed, and little progress has been made by the City in formulating or carrying out a plan to pave the right-of-way.

On November 14, 2000, the Commission approved with suggested modifications the City's currently proposed LUP for Venice. The Commission-approved LUP for Venice includes a similar provision to improve the Ocean Front Walk right-of-way on the Marina Peninsula as one method to improve public access to the peninsula beach.

Policy II.C.5 of the Commission-approved LUP for Venice states:

- **Policy II. C. 5. Ocean Front Walk.** It is the policy of the City to complete a continuous public pedestrian walkway that extends from the boundary with City of Santa Monica to the Marina del Rey entrance jetty as indicated on LUP Exhibit 19. Ocean Front Walk shall be preserved and enhanced for public access including but not limited to improvements, such as repaving and landscaping along Ocean Front Walk, development of a pedestrian plaza along Washington Boulevard and provision of landscaping and decorative treatments at Windward Avenue as outlined in the 1995 Venice Beach Ocean Front Walk Refurbishment Plan.

In many previously approved projects along Ocean Front Walk, where there is an unimproved right-of-way, the City has required the developer to pave that portion of Ocean Front Walk adjacent to its property. The Commission has also required developers to improve their sections of Ocean Front Walk, including the property next door to the proposed project: Greenwald (5-95-192) at 5011 Ocean Front Walk, Sarlo (6705) at 3115 Ocean Front Walk, Shackelford (5-84-431) at 4815 Ocean Front Walk, Galen (5-85-002) at 5101 Ocean Front Walk, Stayden (5-85-207) at 3403 Ocean Front Walk, and Yellin (5-85-442) at 4815 Ocean Front Walk.

In this case, however, the applicant has proposed to improve the Ocean Front Walk right-of-way in front of the project site. Because the right-of-way is public property held by the

City of Los Angeles, the Commission finds that prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a Class A or B City of Los Angeles Permit for the improvement of Ocean Front Walk adjacent to the applicant's property. The applicant must obtain and submit to the Executive Director the City permit in order to demonstrate the legal ability to undertake the proposed work on the right-of-way. The Ocean Front Walk sidewalk shall be improved for public pedestrian access to a width of not less than ten (10) feet, consistent with the City of Los Angeles specifications and requirements for permanent right-of-way improvements. The proposed right-of-way improvement shall be completed concurrently with the construction of the approved duplex.

As conditioned, the Commission finds that the proposed project, including the applicant's proposal to improve Ocean Front Walk for public access, is consistent with past Commission actions in the area, the Venice LUP, and the public access and recreation policies of the Coastal Act.

D. Parking

The Commission has consistently found that a direct relationship exists between residential density, the provision of adequate parking, and the availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities....

Many of the older developments in the high density Marina Peninsula residential area do not provide adequate on-site parking. There is also a lack of on-street public parking due to the use of most of the area's streets as pedestrian-only walk streets. As a result, there is a parking shortage in the area and public access has been negatively impacted. The limited amount of public parking in the area that may be available for the general public is often occupied by guests and residents of the area. This situation has limited the public's ability to access the marina Peninsula beaches.

To mitigate this problem, the Commission has consistently conditioned new development within the Marina Peninsula area to provide two parking spaces per residential unit and provide additional on-site parking for guests. All residential parking must be provided on the site. Private parking areas are not permitted on public rights-of-way.

The applicant proposes to provide a total of six on-site parking spaces within a six-car garage (Exhibit #3). Vehicular access to the on-site parking is proposed from Speedway alley. The six proposed on-site parking spaces provide an adequate parking supply for the

proposed duplex. Therefore, the proposed project conforms to the Commission's parking standards for the area. The Commission finds that, only as conditioned to ensure the continued provision of adequate on-site parking, is the proposed project consistent with the public access policies of the Coastal Act.

E. 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 Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice on October 29, 1999. On November 29, 1999, the City submitted the draft Venice LUP for Commission certification. On November 14, 2000, the Commission approved the City of Los Angeles Land Use Plan (LUP) for Venice with suggested modifications. The City is currently preparing to accept the Commission's suggested modifications and submit the modified LUP for certification by the Commission.

The proposed project, as conditioned, conforms with the Commission-approved Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application 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 proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.



End/cp



Site
5007 OFW, VENICE

COASTAL COMMISSION

5-00-477

EXHIBIT # 1

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4294

6

SHEET 1

SCALE 60'

Street ease within Lot A, P.M. 214-63-64 lies below a horizontal plane 16 ft. above the adjacent roadway surface.

Areas are for corresponding elements only.

Diagrammatic depicts approximate dimensions.

The assessment of units in the following Condominium Plans, includes all rights and interests in the common areas as set forth in deeds of record.

Condominium Plan Reference	Common Area				Subdivision of Airspace
	Tract No.	Blk.	Lots	Units	
#3900 8-12-75	Del Rey Beach Tr.	1	15	--	Sheet 2
#919026 8-20-79	31647	--	1	--	Sheet 3
#1791019* 12-23-86	Del Rey Beach Tr.	1	19	--	Sheet 4
#311303* 3-2-87	Del Rey Beach & Ocean Strand	R	26	Lease Hold	Sheet 4
#315452* 2-28-89	P.M. 214-63-64	--	A		Sheet 5

Public Beach

CONDOMINIUM
PARCEL MAP

CODE
67

OCEAN STRAND TRACT

DEL REY BEACH

SILVER STRAND

P.M. 214-63-64

M.B. 5-147

M.B. 6-186

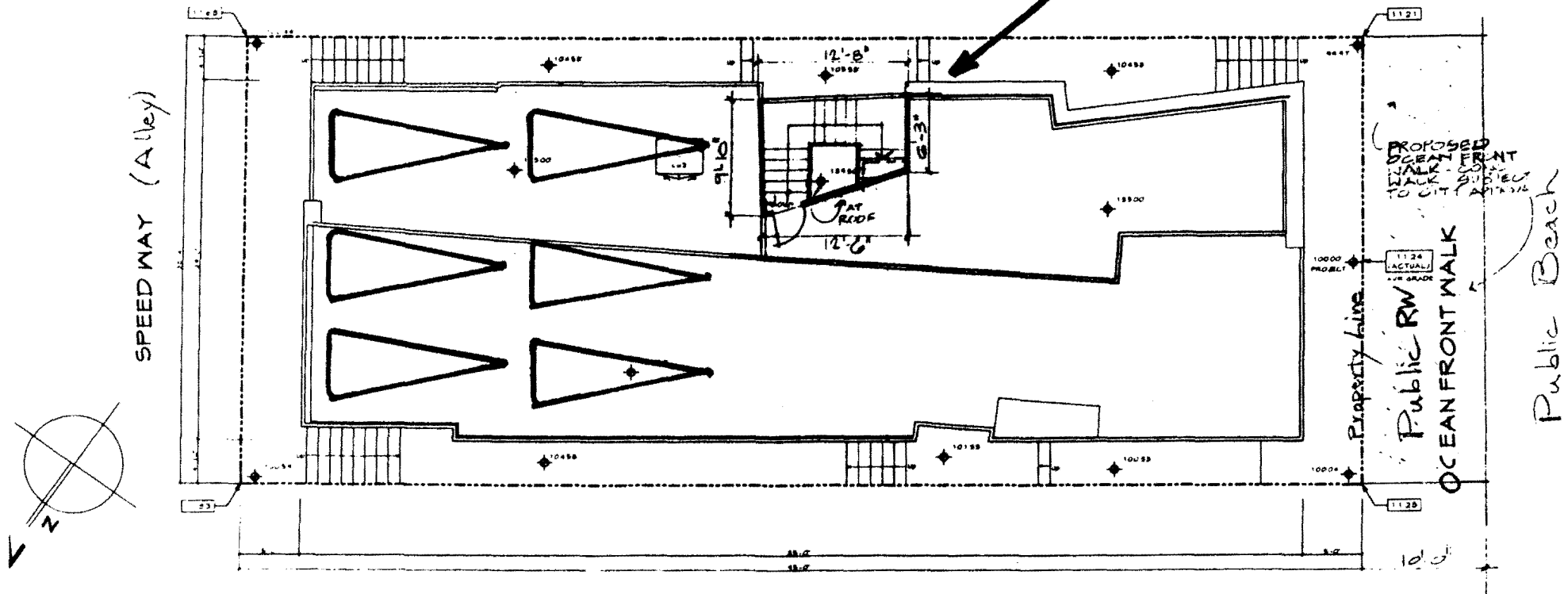
M.B. 7-86

FOR PREV. ASSM'T SEE:
4225-16

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5-00-477

EXHIBIT # 2
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Proposed
Roof Access
Structure



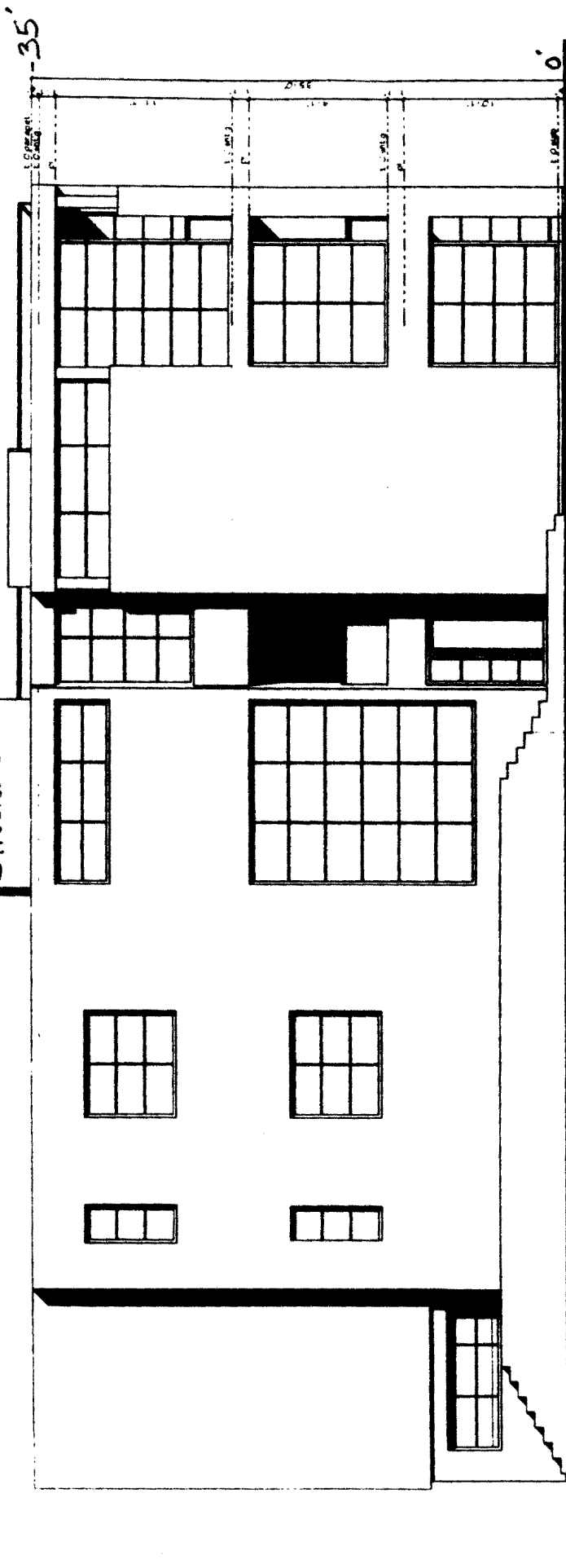
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EXHIBIT # 3

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- 44' max

Roof Access
Structure



Alby

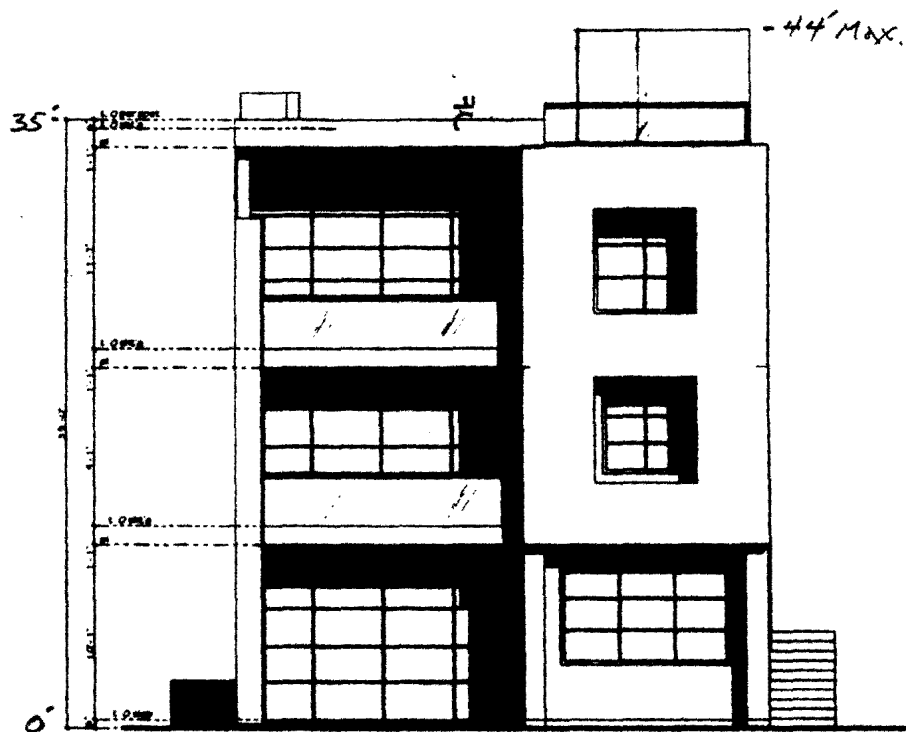
NORTH ELEVATION

OFW

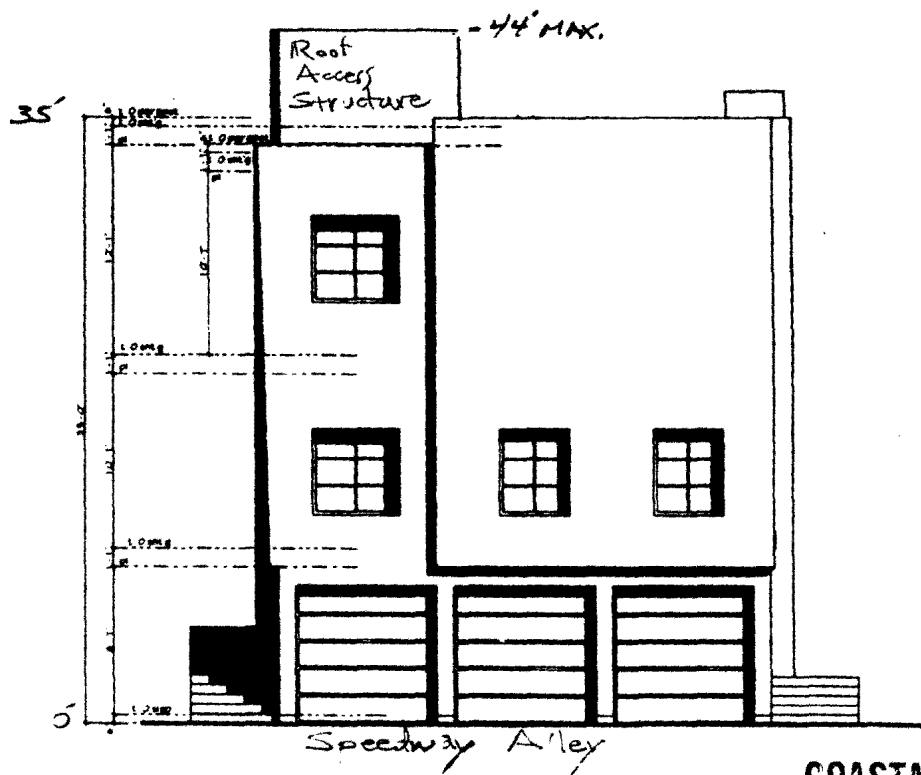
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EXHIBIT # 4

PAGE 1



WEST ELEVATION - Ocean Front Walk



EAST ELEVATION

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EXHIBIT # 5

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