

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Laguna Beach, CA 90802-4302  
(714) 590-5071



Filed: 5/21/01  
49th Day: 7/3/01  
180th Day: 12/9/01  
Staff: MV-LB  
Staff Report: 6/18/01  
Hearing Date: 7/10-13/01  
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER: 5-01-126****APPLICANT: Blake Berteau****AGENT: John Ilkagla, Ebtai Architects****PROJECT LOCATION: 2470 Monaco Drive, Laguna Beach, Orange County**

**PROJECT DESCRIPTION:** Demolition of an existing single family residence and construction of a single story, 16 foot high above existing and finished grade, 4,533 square foot, single family residence with an attached, 999 square foot, four car, subterranean garage and 215 square foot subterranean wine room and stair access. To accommodate the subterranean development, 1,360 cubic yards of cut is proposed. Also proposed is construction of a 298 square foot single story, 16 foot high, detached guest house.

Lot Area:	18,320 square feet
Building Coverage:	4,937 square feet
Pavement Coverage:	340 square feet
Landscape Coverage:	9,782 square feet
Parking Spaces:	4
Zoning	R-1
Ht above final grade	16 feet

**LOCAL APPROVALS RECEIVED:** City of Laguna Beach Approval in Concept; City of Laguna Beach Design Review Approval 00-029.

**SUBSTANTIVE FILE DOCUMENTS:** Preliminary Geotechnical Investigation prepared by GeoSoils, Inc. dated July 10, 2000; Response to City of Laguna Beach Geotechnical Report Review Checklist dated August 29, 2000, prepared by GeoSoils, Inc.; City of Laguna Beach certified Local Coastal Program

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project subject to three special conditions necessary to bring the project into conformance with the hazard, new development and public access policies of the Coastal Act. The three special conditions recommended by staff are: 1) conformance with the geotechnical consultant's recommendations; 2) a requirement that any future improvements will require approval of a coastal development permit or a statement from the Executive Director that no permit is necessary; and 3) identification of the location of the disposal site for the excess cut material.

**STAFF RECOMMENDATION:**

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

**MOTION:**

***I move that the Commission approve CDP #5-01-126 pursuant to the staff recommendation.***

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

**RESOLUTION TO APPROVE THE PERMIT WITH CONDITIONS:**

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

**II. STANDARD CONDITIONS:**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and 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. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
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. Conformance of Design and Construction Plans to Geotechnical Engineering Investigation

- A. All final design and construction plans, including grading, foundations, site plans, elevation plans, and drainage plans, shall be consistent with all recommendations contained in the Preliminary Geotechnical Investigation prepared by GeoSoils, dated July 10, 2000. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### 2. Future Improvements

This coastal development permit 5-01-126 approves only the development, as expressly described and conditioned herein, demolition of the existing single family residence and construction of a new single family residence and a detached 298 square foot guest house located at 2470 Monaco Drive, Laguna Beach. Any future development to the single family residence or guest house, such as a change in the intensity of use (including a change in the physical number of residential units or a change in the number of parking spaces) shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

#### 3. Location of Disposal Site

Prior to issuance of the coastal development permit the applicant shall submit, for the review and approval of the Executive Director, a letter identifying the location of the disposal site of the excess cut material. If the disposal site is in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

### IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

#### A. Project Description and Location

The applicant is proposing the demolition of an existing single family residence and construction of a single story, 16 foot high above existing and finished grade, 4,533 square foot, single family residence with an attached, 999 square foot, four car, subterranean garage and 215 square foot subterranean wine room and stair access. Also proposed is construction of a 298 square foot single story, 16 foot high, detached guest house.

The subject site is located on an interior lot within the locked gate community of Irvine Cove in the City of Laguna Beach. Laguna Beach has a certified Local Coastal Program (LCP) except for the four areas of deferred certification: Irvine Cove, Blue Lagoon, Hobo Canyon, and Three Arch Bay. The proposed development needs a coastal development permit from the Coastal Commission because it is located in the Irvine Cove area of deferred certification.

Because the site is located within a locked gate community, no public access exists in the immediate vicinity. The nearest public access exists at Crystal Cove State Beach approximately one half mile upcoast of the site.

The proposed development includes 1,360 cubic yards of export. The applicant has indicated that the location of the disposal site for the excess cut material is unknown at this time. In order to ensure that the excess cut material will not be improperly disposed of or be placed elsewhere in the coastal zone without a permit, the permit has been conditioned to require the applicant to provide, in writing, a statement indicating where the excess cut material will be deposited. If the disposal site is in the coastal zone, a coastal development permit shall be required before disposal can take place.

## **B. Geology**

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The subject site is not an oceanfront or blufftop lot. It is located on an interior lot within the locked gate community of Irvine Cove. The subject lot fronts on Monaco Drive and backs up to Coast Highway. The subject property is an existing residential lot with a relatively flat pad and a rear ascending slope approximately fourteen feet in height. The rear slope ascends to the level of Coast Highway. The proposed project includes 1,360 cubic yards of cut to accommodate the proposed 999 square foot, four car, subterranean garage and 215 square foot subterranean wine room and stair access. Foundation retaining walls are proposed up to a height of 10 feet. Excavation of this magnitude creates the potential for instability at the site. Section 30253 requires that new development assure stability and structural integrity. A site specific Preliminary Geotechnical Investigation was prepared for the proposed development by GeoSoils, Inc. and is dated July 10, 2000. The Geotechnical Investigation was augmented by a Response to City of Laguna Beach Geotechnical Report Review Checklist. The Geotechnical Investigation included site reconnaissance, subsurface exploration, laboratory testing of samples collected during field exploration, and engineering analyses of data collected.

Regarding the feasibility of the proposed project the geotechnical consultant states:

"Based on the field exploration, laboratory testing and engineering analyses, it is GSI's opinion that the site is suited for the construction of the proposed single-family residence from a soils

engineering viewpoint. The recommendations presented below should be incorporated into the design, grading and construction considerations."

The geotechnical consultant has found that the proposed development is feasible provided the recommendations contained in the Geotechnical Investigation prepared by the consultant are implemented in design and construction of the project. The geotechnical recommendations address grading, preparation of existing ground within construction areas, fill placement, subdrainage, stability of temporary cut slopes, testing and reporting, foundation design, foundation construction, retaining wall construction, post-grading criteria, and landscape maintenance and planting. In order to assure that risks are minimized, the geotechnical consultant's recommendations should be incorporated into the design of the project. As a condition of approval the applicant shall submit grading and foundation plans indicating that the recommendations contained in the Preliminary Geotechnical Investigation prepared by GeoSoils, Inc., dated July 10, 2000, have been incorporated into the design of the proposed project.

The Commission finds that only as conditioned as described above, can the proposed development be found to be consistent with Section 30253 of the Coastal Act. As conditioned, the Commission finds the proposed development is consistent with Section 30253 of the Coastal Act which requires that risks be minimized and geologic stability be assured.

### **C. Future Development**

Section 30250 of the Coastal Act requires, in part, that new residential development be located where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, Section 30252 of the Coastal Act requires, among other things, that the amount and location of new development maintain and enhance public access to the coast by providing adequate parking facilities.

When private development does not provide adequate on-site parking, users of that development may be forced to occupy public parking that could be used by visitors to the coast. A lack of public parking discourages visitors from coming to the beach and other visitor serving activities in the coastal zone. A proposed development's lack of parking could therefore have an adverse impact on public access.

The proposed project includes a single family residence as well as a detached guest house. If the guest house were to become a separate and distinct dwelling unit from the single family residence, the issue of adequate parking is raised. Although impacts that arise from one dwelling unit might appear to be minimal, Section 30250 requires that the cumulative effects of such impacts be considered. Therefore the Commission must consider whether approval of the proposed guest house at the subject site could create adverse impacts on coastal resources, specifically to public access due to lack of parking.

The Commission has consistently found that two parking spaces are necessary to satisfy the parking demand generated by individual dwelling units. The proposed project includes four parking spaces. So even if the guest house was considered a second unit, adequate parking is proposed to meet the Commission's usual parking standard. Additionally, the subject site is located in a locked gate community where no public parking is available. Therefore if a lack of adequate on-site parking created the need for residents to park on-street, no public parking spaces would be displaced.

The City of Laguna Beach has a certified Local Coastal Program (LCP), however the subject site is located within one of the areas of deferred certification. Although the City's LCP is not effective in the subject area, it can provide guidance. The City's zoning at the subject site is R-1 (low density, 3-7 dwelling units per acre zone). The LCP does allow guest houses in the R-1 zone provided certain criteria are met. The criteria that must be met are: 1) the lot contains not less than seven thousand square feet; 2) there is not more than one guest house on any one lot; 3) there is no kitchen within the guest house; 4) the floor area of the guest house is not in excess of three hundred square feet; 5) the guest house is not available for rent. The proposed guest house meets all these criteria.

The proposed guest house is 298 square feet and has no kitchen. In addition, there is no separate vehicular access. The proposed project includes a four car garage attached to the main house. As the development is proposed, the guest house is to be located at the rear of the lot and there is no room for a separate driveway to serve it. For these reasons, it seems likely that the guest house will not be used as a separate and distinct dwelling unit.

Nevertheless, future improvements at the subject site could result in the proposed guest house becoming a separate, second unit, resulting in an intensification of use. This could create an increase in parking demand, potentially leading to adverse impacts on public access. Therefore, the Commission finds that it is necessary to place a condition on the permit informing the permittee that a new coastal development permit, or an amendment to this permit, would be required for any future improvements to the project as proposed. This would allow for the review of future improvements for any potential adverse impacts to public access.

Therefore, as conditioned for a future improvements condition, the Commission finds that the proposed development is consistent with Sections 30250 and 30252 of the Coastal Act.

#### **D. Public Access & Recreation**

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3. The proposed development is located between the sea and the nearest public road

The proposed project is located within an existing locked gate community located between the sea and the first public road paralleling the sea. Public access through this community does not currently exist. The proposed development, replacement of a single family residence with another single family residence, will not effect the existing public access conditions. It is the locked gate community, not this home, that impedes public access. The proposed development, as conditioned, will not result in any adverse impacts to existing public access or recreation in the area. Therefore the Commission finds that the project is consistent with the public access and recreations policies of the Coastal Act.

#### **E. Local Coastal Program**

Section 30604 of the Coastal Act provides that a coastal development permit shall be issued only if the proposed development would not prejudice the ability of the local government having jurisdiction to prepare a local coastal program (LCP) which conforms with, and is adequate to carry out, the Chapter 3 policies of the Coastal Act.

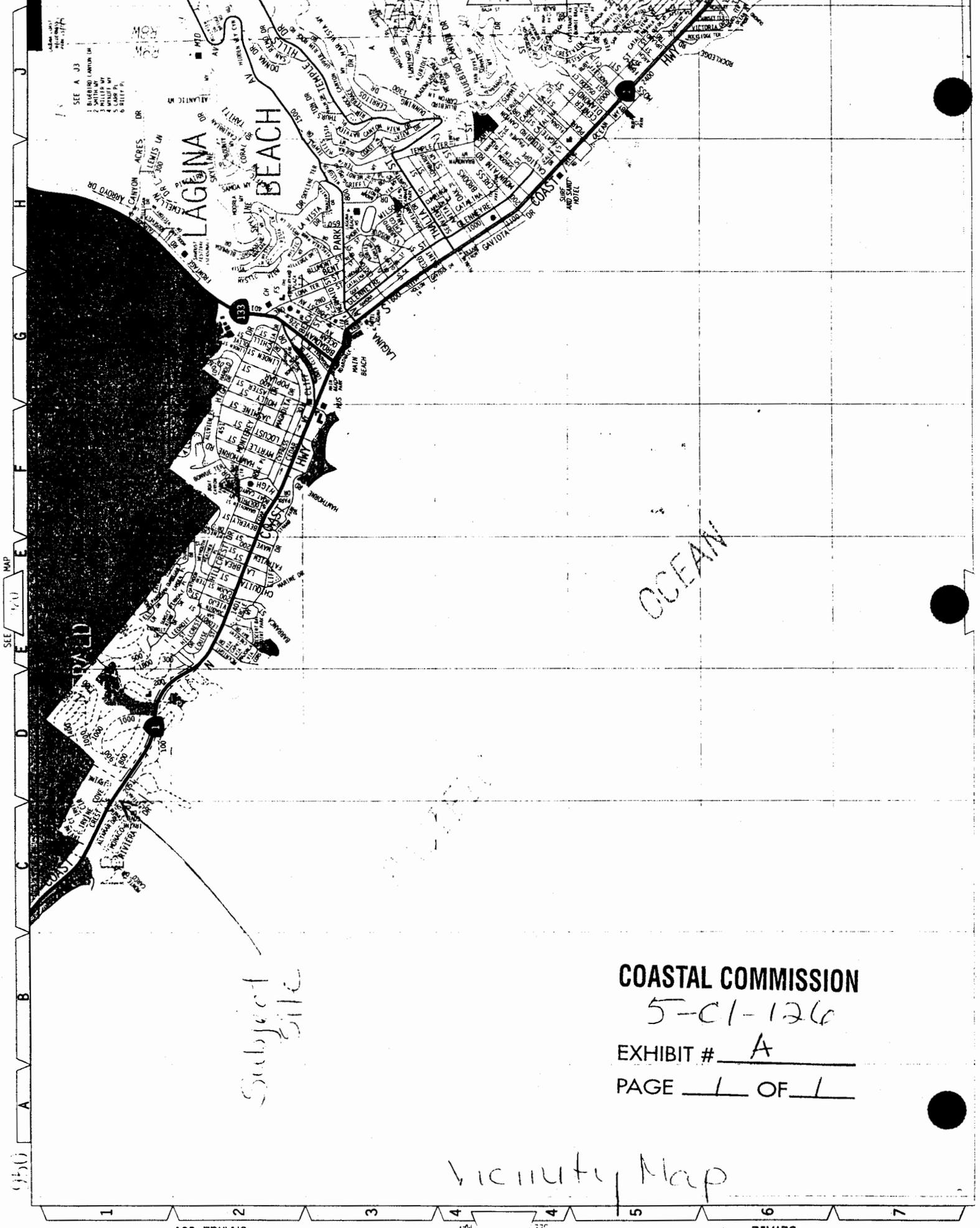
The City of Laguna Beach Local Coastal Program was certified with suggested modifications, except for the areas of deferred certification, in July 1992. In February 1993 the Commission concurred with the Executive Director's determination that the suggested modification had been properly accepted and the City assumed permit issuing authority at that time. The subject site is located within the Irvine Cove area of deferred certification. Certification in this area was deferred due to issues of public access arising from the locked gate nature of the community. However, as discussed above, the proposed development will not further decrease or impact public access within the existing locked gate community. Further, the project has been conditioned to conform to the hazard and new development polices of the Coastal Act. Therefore the Commission finds that approval of this project, as conditioned, will not prevent the City of Laguna Beach from preparing a total Local Coastal Program for the areas of deferred certification that conforms with and is adequate to carry out the Chapter 3 policies of the Coastal Act.

**F. California Environmental Quality Act**

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

The proposed project is located in an urban area. All infrastructures necessary to serve the site exist in the area. As conditioned, the proposed project has been found consistent with the hazard, new development and public access policies of Chapter 3 of the Coastal Act. These conditions also serve to mitigate any significant adverse impacts under CEQA. Mitigation measures requiring conformance with geotechnical recommendations and that future improvements require approval of a coastal development permit will minimize any significant adverse effects that the activity may have on the environment.

There are no other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



Subject Site

OCEAN

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EXHIBIT # A

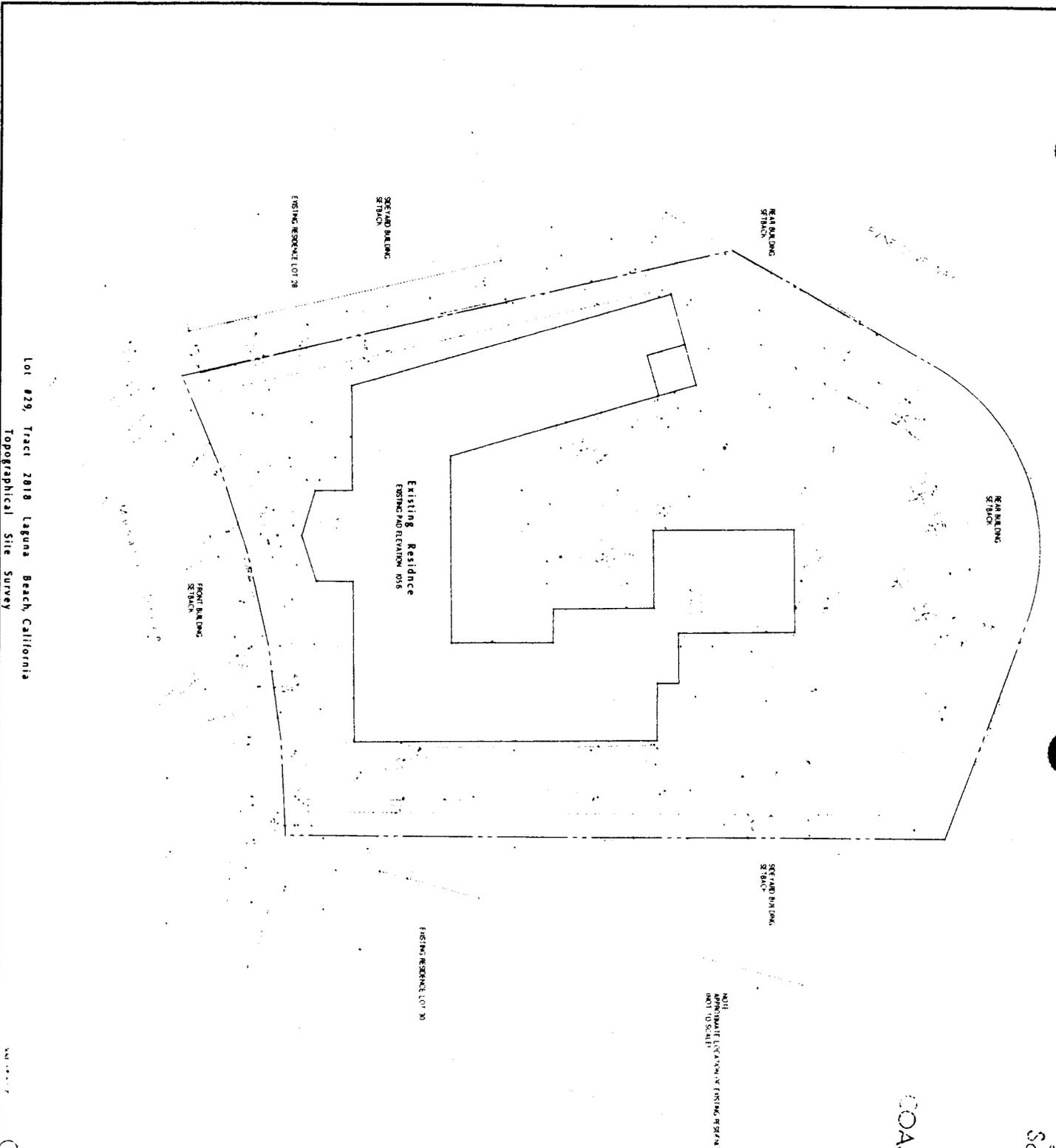
PAGE 1 OF 1

Vicinity Map

SEE MAP

950





Lot #29, Tract 2018 Laguna Beach, California  
 Topographical Site Survey

**COASTAL COMMISSION**  
 5-01-126  
 EXHIBIT # C  
 PAGE 1 OF 1

*Existing Residence  
 to be  
 Demolished*

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MAY 21 2001

**RECEIVED**  
 South Coast Region

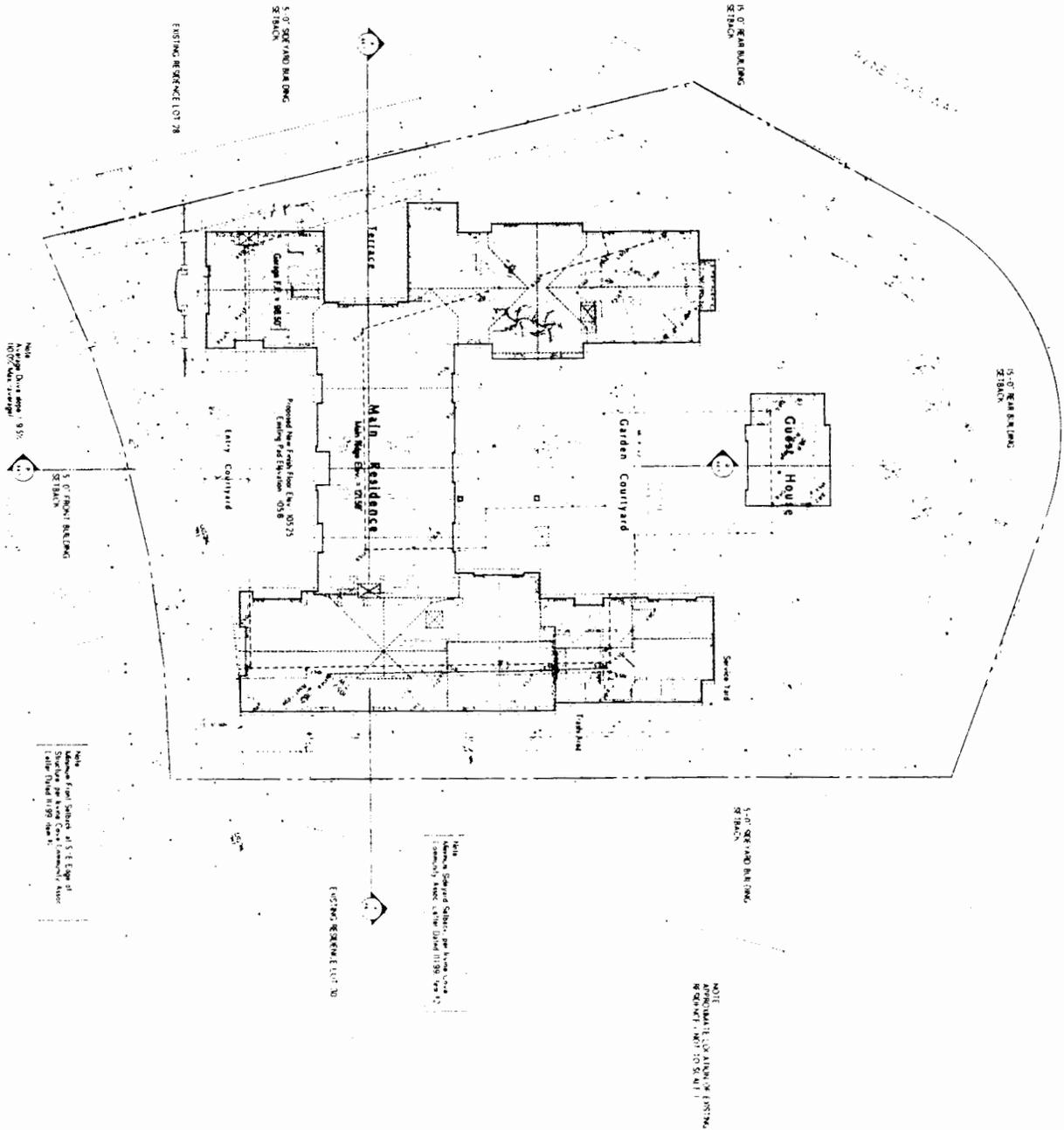
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**Berteau Residence**  
 A Custom Residence for Mr. Blake Berteau



Site Plan



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5-01-124

EXHIBIT # D

PAGE 1 OF 1

Site Plan

Area / Description	Area / Description	Area / Description
Garage	2,000 sq ft	100% (2,000 sq ft)
Main Residence	10,000 sq ft	100% (10,000 sq ft)
Guest House	2,000 sq ft	100% (2,000 sq ft)
Pool	1,000 sq ft	100% (1,000 sq ft)
Deck	500 sq ft	100% (500 sq ft)
Driveway	1,000 sq ft	100% (1,000 sq ft)
Other	500 sq ft	100% (500 sq ft)
<b>Total</b>	<b>17,000 sq ft</b>	<b>100% (17,000 sq ft)</b>

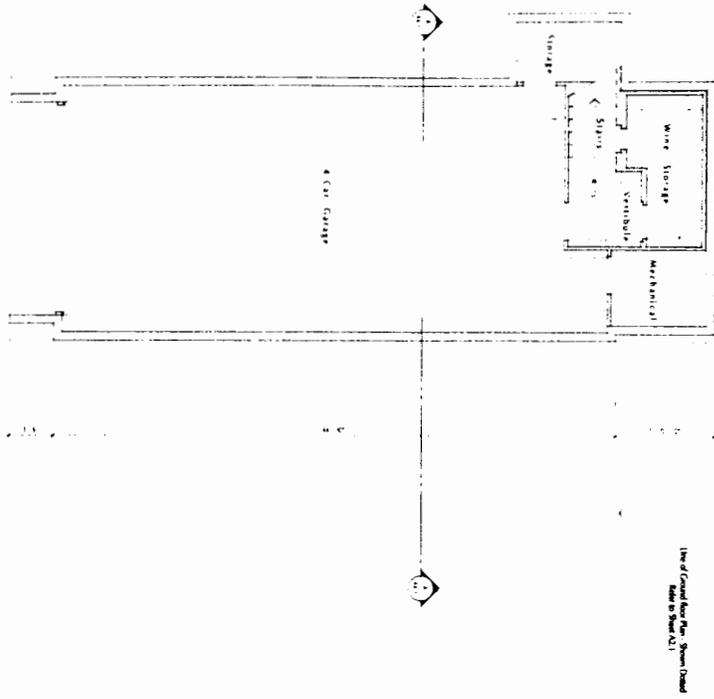
Berteau Residence  
A Custom Residence by Mr. Blake Berteau



A1.1



Basement/Subterranean Floor Plan



Area Schedule:  
 Total Subterranean  
 1,218 Sq. Ft.  
 Total Basement Level  
 1,218 Sq. Ft.

COASTAL COMMISSION

5-01-124

EXHIBIT # F

PAGE 1 OF 1

*Lower Level Floor Plans*

A2.0

Bertea Residence

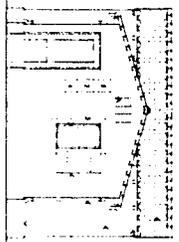
Atkinson Residence by Mr. Blake Bertea

E B T A  
ARCHITECT

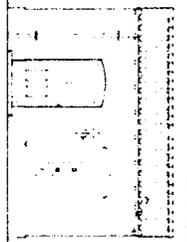


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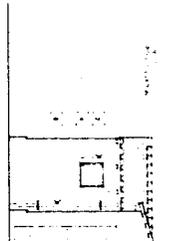
**CALIFORNIA  
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Guest House Left Elevation



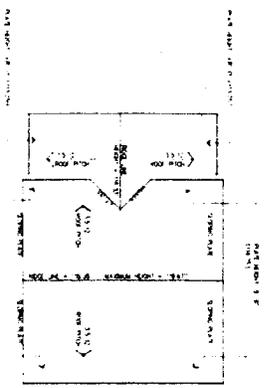
Guest House Right Elevation



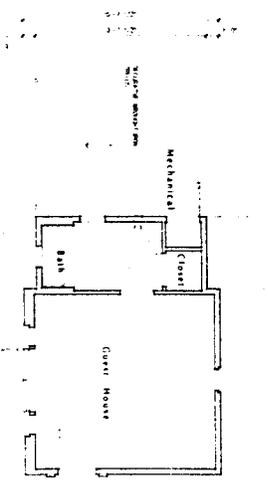
Guest House Front Elevation

Guest House Rear Elevation

**Guest House Exterior Elevations**



Guest House Roof Plan



Ground Level Guest House Floor Plan

**Area Indication:**  
 Under Existing Structure  
 Under Proposed Structure  
 Field/Owner's Area

**Elevation Keynotes**

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**Elevation Notes**

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**COASTAL COMMISSION**

5-01-126

EXHIBIT # G

PAGE 1 OF 1

*Guest House  
 Floor Plans & Elevations*

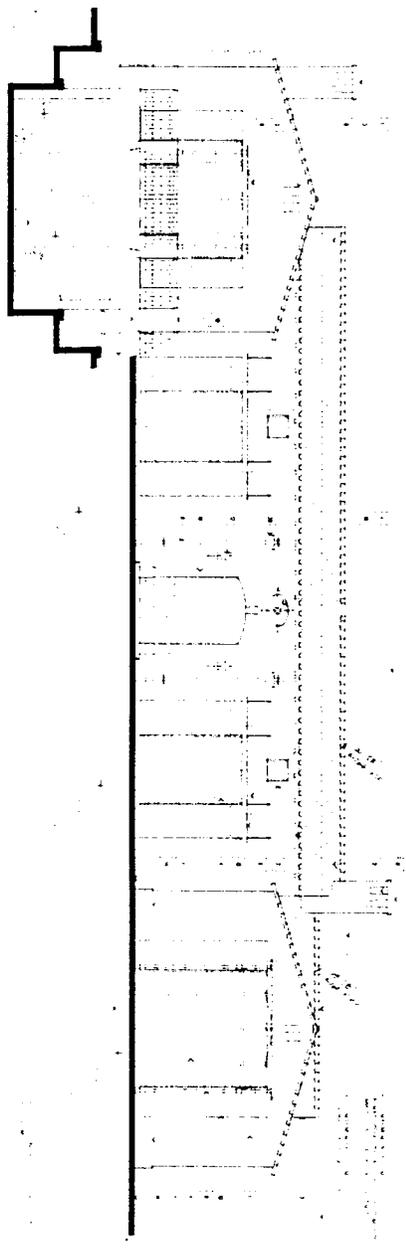


**Bertea Residence**  
 A Custom Residence by Mr. Blake Bertea

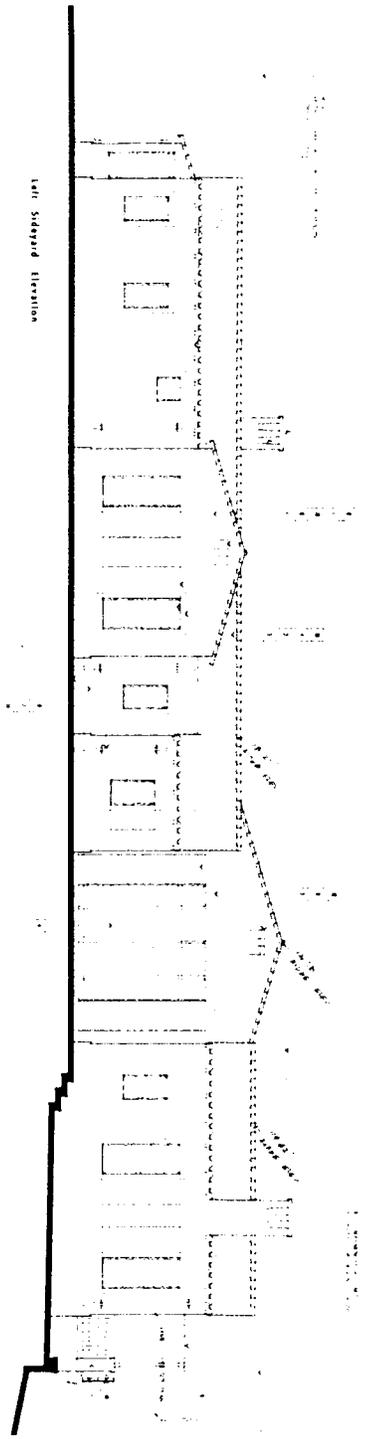
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Exterior Elevations

Front Elevation



Left Sideyard Elevation



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5-01-126

EXHIBIT # H

PAGE 1 OF 2

*Elevations*

### Elevation Notes

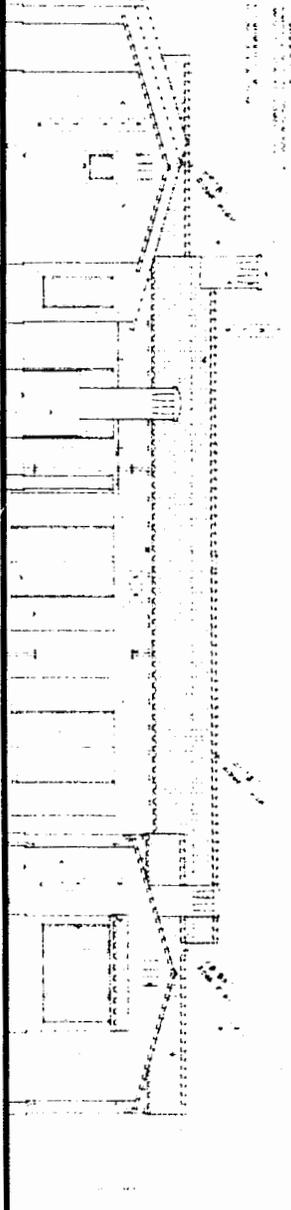
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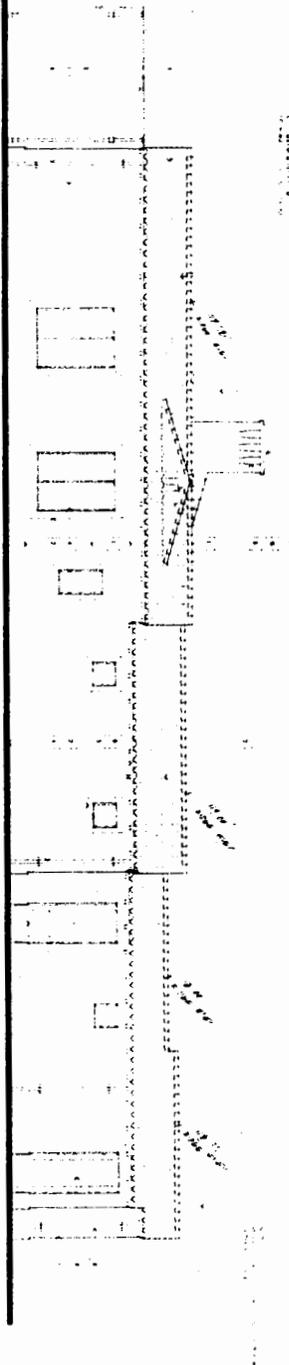
Bertea Residence  
A Custom Residence for Mr. Blake Bertea



East Elevation



Right Steeped Elevation



COASTAL COMMISSION

5-01-126

EXHIBIT # H

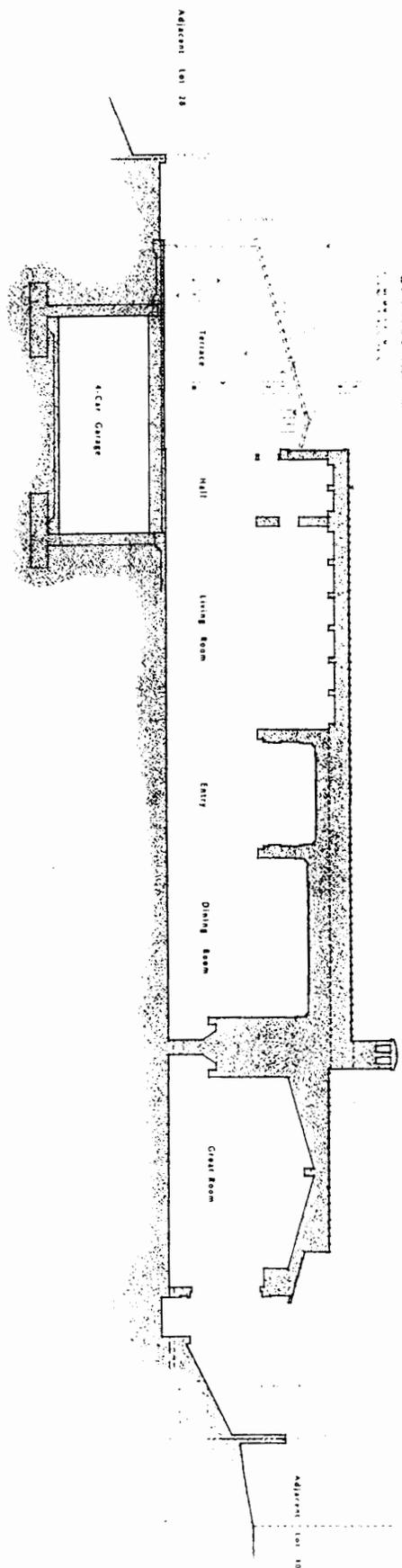
PAGE 2 OF 2

Elevations

Elevation Notes

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Building Section A-A



Building Section B-B



Building Sections

COASTAL COMMISSION

5-01-126

EXHIBIT # I

PAGE 1 OF 1

NOTE: APPROXIMATE LOCATION OF ADJACENT BUILDINGS

Adjacent lot 30

Adjacent lot 28

DATE: 12/15/11  
BY: [Signature]

