

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370



# Th 14a

## Addendum

October 3, 2011

To: Commissioners and Interested Persons

[Click here to go  
to the original staff report.](#)

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Th 14a**, Coastal Commission Permit Application  
**#6-08-100-A1 (1984 Abbott LLC.)**, for the Commission Meeting of  
October 6<sup>th</sup>, 2011.

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Staff recommends the following changes be made to the above-referenced staff report:

1. On page 1 of the Staff Report, the Proposed Amendment description shall be modified as follows:

Reduce the number of condominium units from 12 to 10 and replace underground parking with a combination of at-grade parking and below-grade parking.

2. On page 2 of the Staff Report, the following shall be added at the end of the Staff Notes:

Commission staff has been made aware that the project as proposed did not meet the FAR standards for this area of Ocean Beach. The applicant has subsequently modified the proposed project to include below-grade parking areas for 20 of the 25 required parking spaces on the project site. The City of San Diego has confirmed that the modified project is now consistent with FAR standards. Additionally, the applicant's coastal engineer and the Commission engineer have confirmed that the below-grade parking as proposed will be reasonably safe from wave run.

Project opponents have suggested that the local planning group, the Ocean Beach Planning Board (OBPB), was bypassed and not given the opportunity to review this proposed amendment. However, Commission Staff first contacted Giovanni Ingolia, Chair of the OBPB, on July 11, 2011 to see if they were planning on reviewing the revised project. Following this initial contact, Commission staff then discussed the project with Mr. Ingolia, and on July 25, 2011 staff sent a copy of the Local Agency Review Form for the proposed amendment (sign off from the City of San Diego) to Mr. Ingolia. On September 7, 2011, staff again contacted Mr. Ingolia see if the OBPB was planning on reviewing the

project. At no time before the staff report was finalized, did Mr. Ingolia indicate that the project needed to be reviewed by the OBPB or ask staff to hold off on our review.

3. On page 2 of the Staff Report, the following shall be added to the Substantial File Documents:

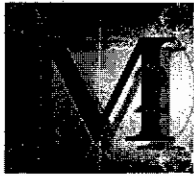
Site Plan by Marengo Morton Architects dated 9/29/2011

4. All references to project plans by Marengo Morton Architects in the staff report shall be revised to reflect plans dated 9/29/11.

5. The final paragraph on page 6 of the Staff Report, shall be revised as follows:

The proposed amendment involves a revision to reduce the number of residential condominium units from 12 to 10. The revised development will be a 14,105 sq. ft., 30 ft. high, three-story, 10 residential unit condominium structure on the 20,154 sq. ft. oceanfront lot. The 10 unit condominium building consists of eight, three bedroom units and two, two bedroom units, with an average of 1,410 sq. ft. of livable area per unit. The amendment also proposes to eliminate the basement parking garage and instead provide on-site parking at-grade. The 10 units require 25 parking spaces, of which 20 of the spaces are provided ~~at below-grade~~ underneath the second floor of the building on the east side ~~and the remaining five~~ four spaces are provided at-grade near the entrance to the parking area, and one space is provided along the southern edge of the property. To accommodate the at-grade parking, the building will be sited farther to the west than the project originally approved in CDP #6-08-100. Adequate bicycle and motorcycle parking will also be provided on-site. Access to the parking will be provided off of Abbott Street on the southeast side of the property. A six foot tall site wall, which is proposed to surround the entire property, will have a solid two ft. base and transparent glass on the upper four feet. The applicant also proposes to install a new sidewalk along Saratoga Avenue to the north where presently none exists.

6. The street names on Exhibit #2 are incorrect. Abbott Street and Saratoga Avenue should be exchanged.



# MARENGO MORTON ARCHITECTS, INC.

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La Jolla, California 92037

Tel. (858) 459-3769  
Fax (858) 449-3768  
**RECEIVED**

Date: Thursday, September 29, 2011

SEP 29 2011

To: Eric Stevens, Coastal Analyst  
California Coastal Commission  
San Diego Coast District  
7575 Metropolitan Dr. #103  
San Diego, CA 92108-4421

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Re: Addressing concerns regarding the project located at 1984 Abbott Street

The purpose of this memo is to address various concerns recently raised by Steven Lombardi, architect for the previously approved design, and other Ocean Beach constituents, regarding the project located at 1984 Abbott Street.

## Responses to concerns from Steven Lombardi letter dated August 11, 2011:

1. From a planning point of view, the new unit design pushes the bulk of the units west or closer to the park/Ocean, thus, blocking public view to the north and up the coast. Public views are decreased while the current design increases public view.  
*The new unit design is stepped in both plan and elevation to allow similar views to the previous design and increase the views 23.8% from Abbott Street compared to previous design. Please see View Comparison exhibits.*
2. Vacated alley to the south that borders public beach parking is reduced to public access. Current design uses the full 10 feet for public access.  
*The new design uses the full 10 feet for public access on both the west and south sides. Please see sheet A-1.1.*
3. The new design reduces Landscape areas on all elevational side yards.  
*The new design, in fact, increases the landscape area on the site in addition to exceeding the code required landscape area. The new design currently provides 6,979.9 sf of landscaping which is 35% of the lot area and is visibly more than provided in the previous design. Please see sheet A-1.2.*
4. a) Providing an "open parking garage/carport" for "public viewing" on Abbott Street increases the automobile appearance and increases the visual width of Abbott street into the design/site as if it is an extension of the street creating a "sea of cars".  
*The new design lowers the elevation of the parking 3'-0" to 3'-6" and incorporates enclosed garages. This will leave approximately 3'-6" of garage door visible over existing grade. The previous design has a 2'-6" podium with a footprint much larger than the new designs and therefore a greater impact. Please see section on sheet A-6.1.*  
  
b) Also, the entry for cars is off Abbott street which creates "entering and existing" of cars is a "traffic nightmare".  
*The new design reduces the number of access points to the site improving the impact to the adjacent streets and increasing the number of on street parking spaces. It also reduces the number of cars parking on site by proposing 10 units instead of the previous design's 12. Please see sheet A-1.1a and A-1.1.*

Letter from Applicant 17



# MARENGO MORTON ARCHITECTS, INC.

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- c) The current design defines "public and private" spaces, and creates underground parking garage not visible to the public, and only entering and existing from Saratoga Street.  
*The new design lowers the elevation of the parking 3'-0" to 3'-6" and incorporates enclosed garages. This will leave approximately 3'-6" of garage door visible over existing grade. The previous design has a 2'-6" podium with a footprint much larger than the new designs and therefore a greater impact. Please see section on sheet A-6.1. The new design reduces the number of access points to the site improving the impact to the adjacent streets and increasing the number of on street parking spaces. It also reduces the number of cars parking on site by proposing 10 units instead of the previous design's 12. Please see sheet A-1.1a and A-1.1.*
5. The current design defines and articulates "each unit" with color, material, green wall, solar collection, stairs, and voids/air separation to define the Abbott street elevation with a residential scale, while the proposed has no articulation what so ever, and could be mistaken for a drive up "Motel Six" or in this case a "Motel 10".  
*The new design is more stepped than previous design in both plan and elevation which provides substantial articulation and improved view corridors. The impact on Abbott Street is also reduced by moving the building to the west. The new design also incorporates more open space and exterior space at all levels.*
6. The proposed design does not address any "green features" that are evident visually or technically from a Architectural or Landscape point of view. The current [original] design promotes native plantings, photovoltaic panels are used on the wall over the roof to generate electricity and creates shading and cools the units at the same time. "Green screens" are used on the east elevation to break the scale and reduce heat gain.  
*The new design does incorporate native plantings, and furthermore, they are required per the conditions. Please see sheet A-1.2 for native planting notes. The new design has the same orientation as the previous design. It uses the deck overhangs and airfoils to screen sun, add shade and help avoid bird strikes. These elements will also have passive effects that shade and cool the units. The new design incorporates a number of LEED/energy efficient/environmentally friendly elements, and the owner is considering pursuing LEED accreditation for this project.*
7. The current design uses larger window areas for natural light and prevailing winds which create natural ventilation to each unit. The proposed design uses the same size windows on each elevation, as if the building [which looks like one building] and has no regard to site orientation or environmental concerns passively or actively.  
*The new design has the same orientation as the previous design. It uses the deck overhangs and airfoils to screen sun, add shade and help avoid bird strikes. These elements will also have passive effects that shade and cool the units.*
8. The proposed design uses glass railings on the east side along the exterior corridor along Abbott street, typically found or used for viewing spaces like on the west side toward the ocean. I guess this devise was used to "view" the blank wall behind?  
*The new design uses the glass rails along Abbott to enhance views of the landscape provided at the upper corridors. This will soften the impact of the building along Abbott Street for both pedestrians and residents of the building. The site is open on all sides and does not contain any "blank walls".*
9. So, from a planning point of view this project falls short, opportunities are lost on a highly visible site like this has to offer. The "Architecture" or "lack off", suffers from heat stroke, existing trees are missing along both Saratoga and Abbott street. And, the Landscape does not existing, while the environment issues are not even addressed.  
*The new design maintains all existing trees along Saratoga and adds trees to the existing ones along Abbott Street. The new design increases the landscape area over the previous design. Please see sheets A-1.1 and A-1.2. Additionally, the new design maximizes ocean views for the resident while improving the layout of each unit relative to the previous design.*

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10. This new design needs to go in front of the Ocean Beach Planning Board and the downtown Planning Commission like the original design did, because this project is total different than the original. This proposed design by the new owner and architect is not what the OB Planning Board and the Planning Commission approved.  
*The new design addresses a concern raised during the previous approval process by reducing the number of units from 12 to 10. According to a review by the California Coastal Commission, the project was determined to be within substantial conformance. As part of the permitting process the new design still must be submitted to the City of San Diego following review by the California Coastal Commission. The project intends to follow all guidelines and regulations from both the California Coastal Commission and the City of San Diego.*
11. Additional concerns regarding the parking being required to be counted in the FAR:  
*We have revised the parking areas to be recessed into the site 3'-0" to 3'-6" in order to maintain a 6'-0" maximum dimension from the existing grade to the finish floor elevation of the second floor immediately above the parking. This will allow the parking area to be considered basement per SDMC 113.0261d. Please see the section on sheet A-6.2 and attached excerpt from the SDMC.*

## Responses to concerns from OB Rag article dated September 22, 2011:

1. The new owners have "drastically changed and altered the original plans, plans that the Commission had originally approved, but without an adequate review of those significant changes."  
*The new design addresses a concern raised during the previous approval process by reducing the number of units from 12 to 10. According to a review by the California Coastal Commission, the project was determined to be within substantial conformance. As part of the permitting process the new design still must be submitted to the City of San Diego following review by the California Coastal Commission. The project intends to follow all guidelines and regulations from both the California Coastal Commission and the City of San Diego.*
2. The original architect "is upset and concerned that OB will get something that its own planning body, the OB Planning Board, never approved."  
*The previous project was approved by the OB Planning Board and we believe the new redesign is within substantial conformance with the approved project according to the California Coastal Commission guidelines. Additionally, the new design addresses two of the primary concerns that were raised during the initial approval by reducing the unit count from 12 to 10, and increasing views by 23.8%. Please see View Exhibits.*
3. The expiration language in the permit was brought up, eluding that should be expired.  
*The project received a permit extension.*
4. Public right-of-way concerns were raised revolving around the fact that the property line actually runs down the middle of the alleys and was to be split half to the owner, half to the city.  
*The new design uses the full 10 feet for public access on both the west and south sides. Please see sheet A-1.1.*



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5. The use of open parking garage/carport vs. original underground parking was questioned.  
*The new design lowers the elevation of the parking 3'-0" to 3'-6" and incorporates enclosed garages. This will leave approximately 3'-6" of garage door visible over existing grade. The only vehicles visible on the site will be the 5 visitor parking spots. Please see section on sheet A-6.1.*
6. The new design is 3 stories versus the original 2.  
*The new design still respects the 30'-0" coastal height limit and is the same height or shorter than the original. It also reduces the number of units to 10 from the original 12.*
7. The new design rearranges the building by moving the entire structure to the west – closer to the beach and ocean, thus blocking public view to the north and up the coast.  
*The new unit design is stepped in both plan and elevation to allow similar views to the previous design and increase the views 23.8% from Abbott Street compared to the previous design. Please see View Comparison exhibits.*
8. The new design eliminates most of the landscaping.  
*The new design, in fact, increases the landscape area on the site in addition to exceeding the code required landscape area. The new design currently provides 6,979.9 sf of landscaping which is 35% of the lot area and is visibly more than provided in the previous design. Please see sheet A-1.2.*
9. The new design puts up a wall around the property.  
*The new site wall meets all requirements of being 75% open and is 2'-0" solid with 4'-0" glass above. It provides security for the residents while maintaining visibility and buffers some of the hardscape while being a backdrop to the landscaping.*
10. The new design places the parking on Abbott Street or right off of it.  
*The new design lowers the elevation of the parking 3'-0" to 3'-6" and incorporates enclosed garages. This will leave approximately 3'-6" of garage door visible over existing grade. The only vehicles visible on the site will be the 5 visitor parking spots. Please see section on sheet A-6.1. The new design reduces the number of access points to the site improving the impact to the adjacent streets and increasing the number of on-street parking spaces. It also reduces the number of cars parking on site by proposing 10 units instead of the previous design's 12. Please see sheet A-1.1a and A-1.1.*
11. The San Diego Planning Commission has not approved the new design, but City of San Diego has signed off on it.  
*As part of the permitting process the new design still must be submitted to the City of San Diego following review by the California Coastal Commission. The project intends to follow all guidelines and regulations from both the California Coastal Commission and the City of San Diego.*

Sincerely,

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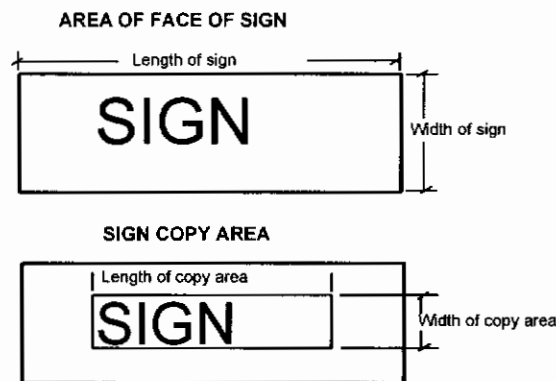
Claude-Anthony Marengo

CC: Project File

- (d) The *sign face* does not include incidental striping and lighting elements used to highlight architectural features of the building such as parapets, facade breaks, window lines, entries, or demarcation of surface texture break. Striping and lighting elements may not connect to or through the actual copy area of the *sign* or constitute an enclosing frame or a highlighting of the *sign copy*. A minimum separation of 12 inches, or 6 inches for each 12 inches of *sign copy* height, shall be maintained between any element of the *sign copy* and the striping and lighting element.

Diagram 113-02DD

Sign Face and Sign Copy Area



(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### §113.0261 Determining a Story

A *story* is that portion of a building between finish-floor elevations, between finish-floor and roof elevations, and between *grade* and finish-floor elevations.

- (a) *First Story*

The first *story* is the lowest *story* or ground *story* of any building, the *floor* of which is not more than 2 feet, 6 inches above *existing grade* or *proposed grade*, whichever is lower, measured to the finish-floor elevation.

- (b) *Attic*

An *attic* is a *story* if it meets one of the following criteria:

- (1) It has a mansard or similar roof;

- (2) It has a height that exceeds 7 feet, 6 inches from the *finish-floor* elevation to the peak of the roof immediately above;
- (3) It has *dormers* projecting from a sloping roof where the *attic* can be used as a habitable area, unless the *dormer* is designed exclusively for ventilation and is not accessible from a habitable area; or
- (4) The proposed *floor* area of the *attic* exceeds one-half of the *floor* area of the *story* immediately below.

(c) *Penthouse*

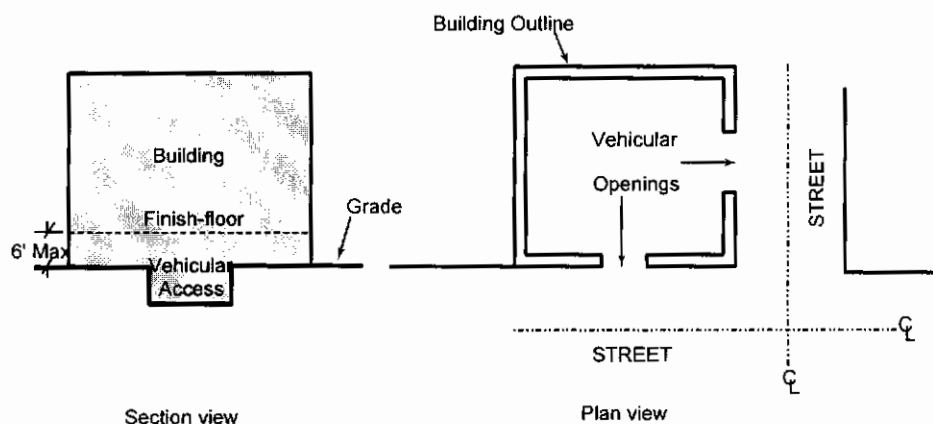
A *penthouse* is a *story* if it meets one of the following criteria:

- (1) Its height above the *roof line* is more than 13 feet for an elevator shaft or more than 9 feet for a stairwell; or
- (2) Its total plan area is more than 10 percent of the roof plan area of the building.

(d) *Underground Parking Structures and Basements*

*Underground parking structures and basements* are *stories* if there is a vertical distance, at any point, of 6 feet or more between *existing grade* or *proposed grade*, whichever is lower, and the *finish-floor* elevation immediately above. See Diagram 113-02EE.

Diagram 113-02EE  
Underground Parking Structures and Basements



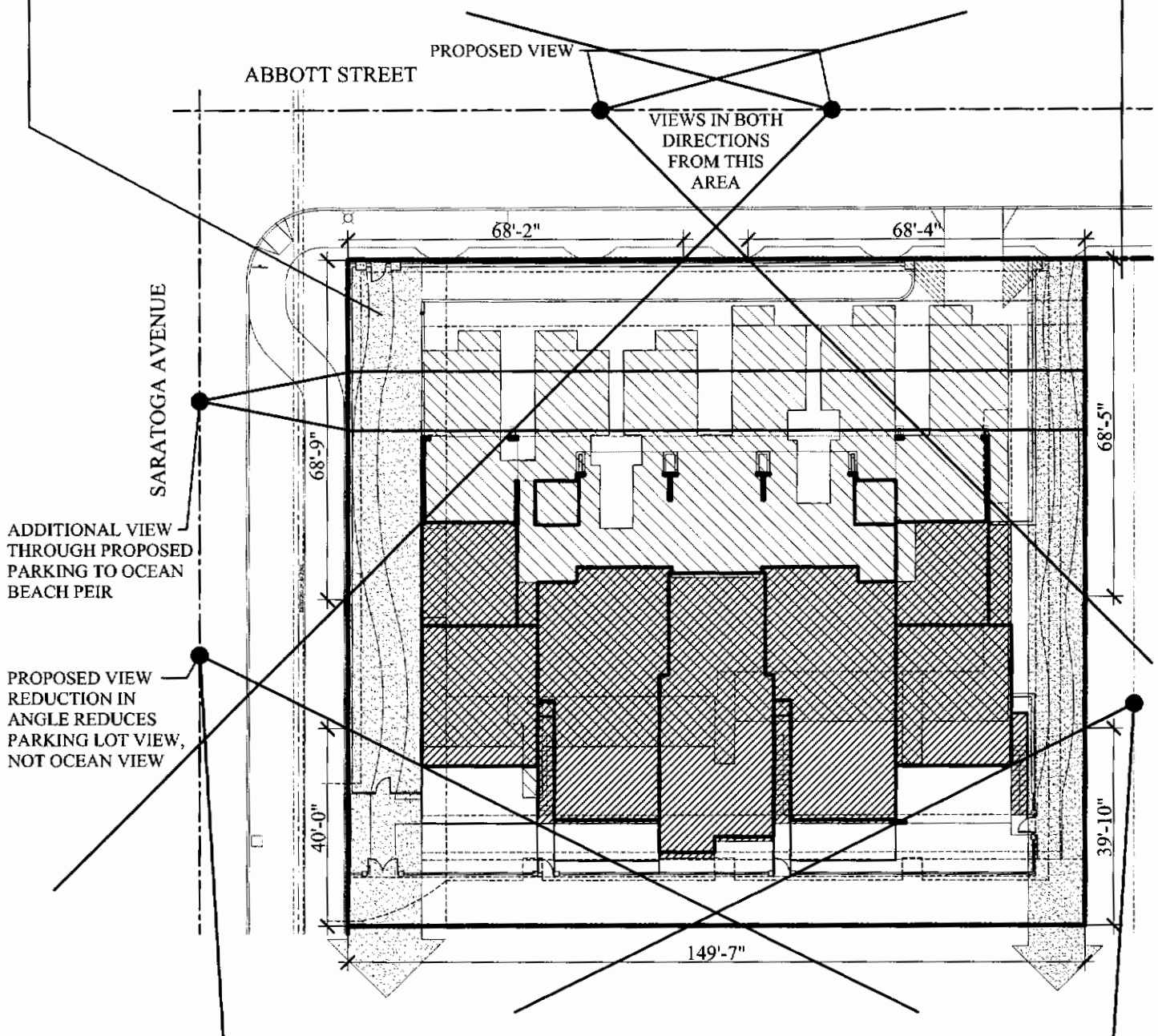




Site Views from Saratoga Avenue

	<b>Marengo Morton Architects, Inc.</b> 7724 Girard Avenue, Second Floor La Jolla, California 92037 Tel 858-459-3769 • Fax 858-459-3768 Cmarengo@san.rr.com	Project: Ocean Park Villas	PTS#
	Address: 5113 Saratoga Avenue San Diego, CA 92107	Date: 8/4/2011	

SHADED AREA IS THE BEACH VIEW CORRIDOR FROM STREET- TO BE PRESERVED THRU DEED RESTRICTED REQUIRED SIDE YARD SETBACK AREAS DESIGNATED FOR PUBLIC VIEW OF OCEAN



TOTAL LENGTH OF PROPERTY LINE = 569.2'

TOTAL LENGTH OF PROPERTY LINE WITH VIEW = 503.1' (88.4%)

Proposed Site Views

SCALE: 1" = 30'-0"

KEY

 PREVIOUSLY APPROVED BLDG. DESIGN

 PROPOSED BLDG. DESIGN



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Project: Ocean park Villas

PTS #

**24**

Address: 5113 Saratoga Avenue  
SAN DIEGO, CA 92107

Date: 8/17/2011

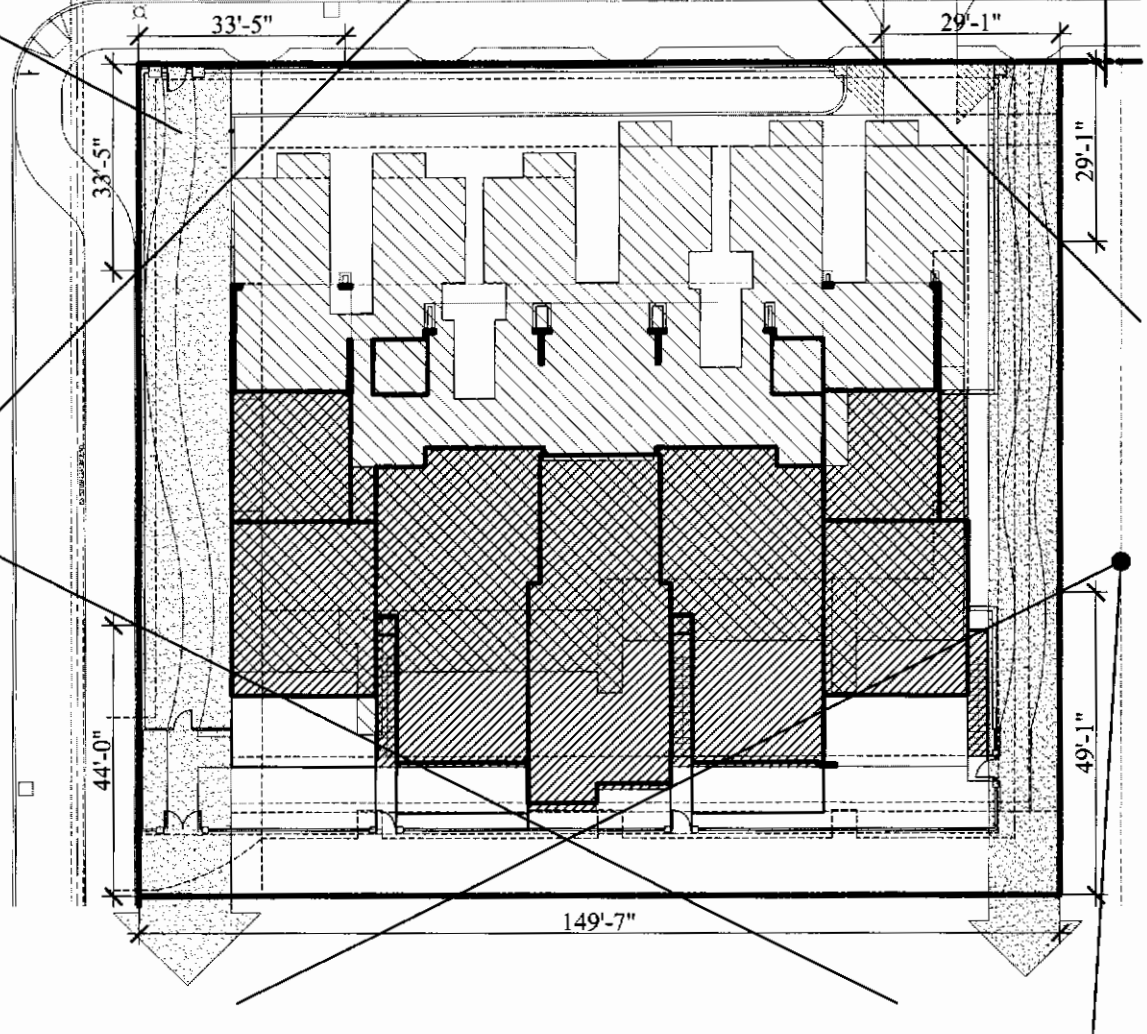
SHADED AREA IS THE BEACH VIEW CORRIDOR FROM STREET- TO BE PRESERVED THRU DEED RESTRICTED REQUIRED SIDE YARD SETBACK AREAS DESIGNATED FOR PUBLIC VIEW OF OCEAN

PREVIOUSLY APPROVED VIEW

ABBOTT STREET

SARATOGA AVENUE

PREVIOUSLY APPROVED VIEW



TOTAL LENGTH OF PROPERTY LINE = 569.2'

TOTAL LENGTH OF PROPERTY LINE WITH VIEW = 367.7' (64.6%)

#### KEY

PREVIOUSLY APPROVED BLDG. DESIGN

PROPOSED BLDG. DESIGN

Previously Approved Site Views

SCALE: 1" = 30'-0"



**Marengo Morton Architects, Inc.**

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camarengo@marengomortonarchitects.com

Project: Ocean park Villas

PTS #

25

Address: 5113 Saratoga Avenue  
SAN DIEGO, CA 92107

Date: 8/17/2011

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Th 14a

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AUG 10 2011

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Steven Lombardi Architect

1926 Bacon street. San Diego, CA. 92107

619-523-4722

August 10, 2011

To: California Coastal Commission - San Diego Office

Att: Eric Stevens - Coastal # 6-08-100 Ocean Park Villas @ 5113 Saratoga ave., S.D. 92107

On July 26th, I reviewed the new design or amended design to my current coastal design and here are my comments.

1. From a planning point of view, the proposed design pushes the bulk of the units west or closer to the park/Ocean, thus, blocking public view to the north and up the coast. Public views are decreased while the current design increases public view.

2. Vacated alley to the south that borders public beach parking is reduced to public access. Current design uses the full 10 feet for public access.

3. The new design reduces Landscape areas on all elevations / side yards.

4a. Providing an "open parking garage/carport" for "public viewing" on Abbott Street increases the automobile appearance and increases the visual width of Abbott street into the proposed design/site as if it is an extension of the street creating a "sea of cars".

b. Also, the entry for cars is off Abbott street which creates "entering and existing" of cars a "traffic nightmare".

c. The current design defines "public and private" spaces, and creates underground parking garage not visible to the public, and cars enter and exit from Saratoga street.

5. The current design defines and articulates "each unit" with color, material, green wall, solar collection, stairs, and voids/air separation to define the Abbott street elevation with a residential scale, while the proposed design has no articulation what so ever, and could be mistaken for a drive up "Motel Six" or in this case a "Motel 10".

6. The proposed design does not address any "green features" that are evident visually or technically from a Architectural or Landscape point of view. The current [original] design promotes native plantings, photovoltaic panels to generate electricity and creates shading and cools the units at the same time. "Green screens" are used on the east elevation to break the scale and reduce heat gain on Abbott street.

Letters of opposition 27

7. The current design uses larger window areas for natural light and prevailing winds which create natural ventilation to each unit. The proposed design uses the same size windows on each elevation, as if the building [which looks like one building] and has no regard to site orientation or environmental concerns, passively or actively.

8. The proposed design uses glass railings on east side [Abbott street] along the exterior corridor along Abbott street, typically found or used for viewing spaces like on the west side toward the ocean. I guess this devise was use to "view" the blank wall behind?

9. So, from a planning point of view this project falls short, opportunities are lost on a highly visible site like this. The "Architecture" or lack off, suffers from heat stroke, existing trees are missing along both Saratoga and Abbott street. And, the Landscape does not exist, while the environmental issues are not even addressed.

10. This new design should go in front of the **Ocean Beach Planning Board** and the downtown **Planning Commission** like the original design did, because this project is "**totally different**" than the original. This proposed design by the new owner and architect is not what the OB Planning Board and the Planning Commission approved.

11. The new design "does not" fit into the "existing envelope" because the building moves west toward the park/ocean and blocks public view to the northwest. Most important, it's a new design and the public / community needs to see and approve it.

Sincerely,

Steven Lombardi, Architect

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\*A copy of this letter has been sent to CCC staff member Eric Stevens

**RECEIVED**

SEP 30 2011

9/30/11

To whom it may concern,

**I would like this letter included in the CCC Staff report and read aloud during the public comment portion at the CCC hearing in Huntington Beach on October 6<sup>th</sup> since I cannot attend in person.**

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

This letter is in regards to the project located at 1984 Abbot Street in Ocean Beach, scheduled to go before the California Coastal Commission October 6<sup>th</sup> as:

*"a. Permit No. 6-08-100-A (1984 Abbott LLC, San Diego) Request by 1984 Abbott LLC to modify project for 12 residential condominiums to reduce the number of units to 10 and replace underground parking with at-grade parking, at 5113 Saratoga Avenue & 1984 Abbott Avenue, Ocean Beach, San Diego, San Diego County. (ES-SD)"*

It is my understanding that the CCC staff report has recommended approval of this project on the grounds of "substantial conformance." Before approval I ask that the commission consider a number of concerns I have about this project, and the staff report accompanying it, they are as follows:

1. I believe the view analysis for the project is incorrect or at the least incomplete
2. I believe a major pedestrian walkway and beach access corridor has been interrupted
3. I believe this project does not substantially conform with the original project and has bypassed the necessary legal channels which demand a period of public notification and community review.

**First, the view analysis for the project is incomplete.** As presented in the staff report a simple analysis from a southwest facing position seems to have been done and shown no negative view implications. However, at the least further analysis is needed. The new plans call for the property to be moved west, towards the beach, 30 feet. With this amendment although the view towards the southwest may not change there will be significant change along the north-south beach view corridor, there will also be views impacted in a northwesterly direction as well as major changes in views from along Saratoga and Abbott Streets. Moving the project closer to the beach (while accounting for the "staggered positioning of the units) will certainly have coastal view implications that have not been thoroughly studied and documented. I feel the changes within this project are, at the least, significant enough to warrant further investigation and community input.

Next, the amended project proposes **changing the entire parking scheme of the original project.** While the new project may or may not be in compliance with local zoning codes in regards to parking the altered location of the curb cut and entry into the parking lot has a number of problems. The original project had underground parking with cars entering from Saratoga Avenue, the new project calls for the parking entry along Abbott Street. Within Ocean Beach Saratoga Avenue is a much less frequently travelled secondary street while Abbott running parallel to the ocean is a primary beach

access thoroughfare. As is Abbott Street suffers from daily congestion and overcrowding as visitors flock to the beach. The new design calls for the sole parking entry to be located within yards of the sole public parking lot serving the main lifeguard tower portion of the beach. The increase traffic in and out of these units will exacerbate an already dangerous public walkway as cars must "creep out" to see around the vehicles parked along the street and then race into the street in between the heavy traffic that is Abbott Street. Placing the curb cut at this location increases congestion along Abbott, hinders pedestrian mobility, and greatly increases the risk along the most important public walkway parallel to the beach (as there is no boardwalk south of Santa Monica Street, Abbott Street essentially serves as the "boardwalk").

Last and most importantly, I believe this project **does not "substantially conform" with the previously reviewed design and the approval of the project by the CCC circumvents important citywide and local channels for public participation in the planning process** in the most important of zones adjacent to the beach. Although I understand that the amended project is within the "envelope" of the original and the staff reports indicate substantial conformance I believe the changes are significant enough to warrant the standard process 4 review that allows for crucial public input (especially for a project of this scale in this location in this community). The most important changes I note are as follows:

1. The entire parking scheme has been changed: parking and public beach access is one of the most important issues facing beach communities and necessarily demands public input (see above regarding the proposed parking entryway).
2. The site wall around the entire project creates an "anti-community" feel that is contrary to the OB Precise Plan; while the old project called for open landscaping inviting community activity and increasing the open space feel of the area the new wall creates a compound which cuts down on the perceived public access and community orientation of the area.
3. The new plan has changed the number of units from 12 to 10
4. The new plan calls for a 3<sup>rd</sup> story to be added
5. The new plan shifts the project 30 feet west towards the beach and Saratoga Park. Combined with the site wall this limits views (as explained above) and the open feel of one of the few remaining public park spaces within OB.

Unfortunately within this limited coastal zone the CCC has the authority to approve these plans on the grounds of substantial conformance, however, **the commission has the obligation (as it's charge is to protect the coast and provide increased public oversight) to see that the community members of Ocean Beach have the opportunity to view the new plans and provide public input.** Even more so within this coastal zone, in order to protect the coast the commission must rely upon local residents who best know their own communities to help them determine what is appropriate.

I also have major concerns about the legality of floor area ratio and parking issues surrounding the project and would be disappointed if the project was approved only to then have the entire process begin all over again wasting important government worker resources and tax payer money.



In summation, for the reasons mentioned above I strongly ask the coastal commission to refrain from approving this project and instead ask that the commission demand that **this project be subjected to a process 4 evaluation** as any ordinary project of this scale requires.

Thank You,

Scott Therkalsen

Ocean Beach Resident



Eric Stevens <ericsb7@gmail.com>

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## Message via your Google Profile: Coastal Commission Review: Ocean Park Villas

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Melinda Therkalsen <melindaredding@gmail.com>  
To: ericsb7@gmail.com

Mon, Sep 26, 2011 at 9:39 AM

Good morning, I am a homeowner in San Diego's Ocean Beach neighborhood and I am concerned about the proposed structure for 1984-92 Abbott Street and 5113-19 Saratoga Avenue. This project is set to be reviewed by the Coastal Commission October 6th and it has been changed substantially since it was approved by the Ocean Beach Planning Board. I urge you, as a member of the Commission, to vote against this amendment. The revised plans need to undergo public review at a meeting of the Ocean Beach Planning Board and should be reviewed by the City of San Diego. Thank you for your consideration. Sincerely, Melinda Redding 5070 Saratoga Avenue San Diego, CA 92107

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**RECEIVED**

SEP 26 2011

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

32

9/30/11

Dear Coastal Commission:

I would like this letter included in the CCC Staff report and read aloud during the public comment portion at the CCC hearing in Huntington Beach on October 6<sup>th</sup> since I cannot attend in person.

This letter is in regards to the project located at 1984 Abbot Street in Ocean Beach, scheduled to go before the California Coastal Commission October 6<sup>th</sup> as:

"a. Permit No. 6-08-100-A (1984 Abbott LLC, San Diego) Request by 1984 Abbott LLC to modify project for 12 residential condominiums to reduce the number of units to 10 and replace underground parking with at-grade parking, at 5113 Saratoga Avenue & 1984 Abbott Avenue, Ocean Beach, San Diego, San Diego County. (ES-SD)"

I personally visited the site and reviewed the plans.

This project does not conform to the original project and has bypassed the period of public notification and community review.

The view analysis is wrong and incomplete. The project will have a completely different impact on the view from the south and from the east of the project.

The changes to parking arrangement will be going to create a hazard along Abbott Avenue.

This project is a completely different design; it does not substantially conform to the previously reviewed design.

These changes should be explained and examined at a public hearing to get input on this disastrous anti-community scheme.

I would like the Coastal Commission to reject this plan and subject it to a process 4 evaluation as any ordinary project of this scale requires.

Thank You,

Ray Hitchcock  
Ocean Beach Resident  
4646 Del Mar Avenue  
San Diego, CA 92107

copies: Esther Sanchez  
Richard Bloom  
Kevin Faulconer  
Eric Stevens, CCC staff

**RECEIVED**  
OCT 03 2011  
CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT



Eric Stevens <ericsb7@gmail.com>

## Permit No. 6-08-100-A

melindaredding@gmail.com <melindaredding@gmail.com>

Mon, Oct 3, 2011 at 1:44 PM

To: esanchezccc@aol.com, richard@bloomlaw.net

Cc: estevenscoastal@gmail.com

Permit No. 6-08-100-A

Melinda Redding

\*A copy of this letter has been sent to CCC staff member Eric Stevens

10/3/2011

To whom it may concern,

I would like this letter included in the CCC Staff report and read aloud during the public comment portion at the CCC hearing in Huntington Beach on October 6th since I am unable to attend in person.

This letter is in regards to the project located at 1984 Abbot Street in Ocean Beach, scheduled to go before the California Coastal Commission (CCC) October 6th as:

"a. Permit No. 6-08-100-A (1984 Abbott LLC, San Diego) Request by 1984 Abbott LLC to modify project for 12 residential condominiums to reduce the number of units to 10 and replace underground parking with at-grade parking, at 5113 Saratoga Avenue & 1984 Abbott Avenue, Ocean Beach, San Diego, San Diego County. (ES-SD)"

It is my understanding that the CCC staff report has recommended approval of this project on the grounds of "substantial conformance." Before approval I ask that the CCC consider a number of concerns I have about this project and its accompanying staff report. My concerns are:

1. I believe the view analysis for the project is incorrect or, at best, incomplete;
2. I believe a major pedestrian walkway and beach access corridor has been interrupted; and
3. I believe this project does not substantially conform with the original project and has bypassed the necessary legal channels which demand a period of public notification and community review.

First, the view analysis for the project is incomplete. As presented in the staff report, a simple analysis from a southwest facing position seems to have been done and shown no negative view implications. However, further analysis is needed. The new plans call for the property to be moved west, towards the beach, 30 feet. With this amendment, although the view towards the southwest may not change, there will be significant changes along the north-south beach view corridor. There will also be views impacted in a northeasterly direction as well as major changes in views from along Saratoga and Abbott Streets. Moving the project closer to the beach (while accounting for the "staggered positioning of the units") will certainly have coastal view implications that have not been thoroughly studied and documented. I feel the changes within this project are, at the least, significant enough to warrant further investigation and community input. As a homeowner on Saratoga Avenue, this is a major concern.

Next, the amended project proposes changing the entire parking scheme of the original project. While the new project may or may not be in compliance with local zoning codes in regards to parking, the altered location of the curb cut and entry into the parking lot has a number of problems. The original project had underground parking with cars entering from Saratoga Avenue; the new project calls for parking entry along Abbott Street. Within Ocean Beach, Saratoga Avenue is a much less frequently traveled secondary street, while Abbott - running parallel to the ocean - is a primary beach access thoroughfare. Currently, Abbott Street suffers from daily congestion and overcrowding as visitors flock to the beach. The new design calls for the sole parking entry for this development to be located within yards of the only public parking lot serving the main lifeguard tower portion of the beach. The increased traffic in and out of these units will exacerbate an already dangerous public walkway as cars must "creep out" to see around vehicles parked along the street and then race into the street in between the heavy traffic on Abbott Street. Placing the curb cut at this location increases congestion along Abbott, hinders pedestrian mobility, and greatly increases the risk along the most important public walkway parallel to the beach (as there is no boardwalk north of Santa Monica Street, Abbott Street essentially serves as the "boardwalk").

Finally, and most importantly, I believe this project does not "substantially conform" with the previously reviewed design and the approval of the project by the CCC circumvents important city and local channels for public participation in the planning process in the most important of zones adjacent to the beach. Although I understand that the amended project is within the "envelope" of the original and the staff reports indicate substantial conformance, I believe the changes are significant enough to warrant the standard process 4 review.

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that allows for crucial public input (especially for a project of this scale in this location in this community). The most important changes I note are as follows:

1. The entire parking scheme has been changed: parking and public beach access is one of the most important issues facing beach communities and necessarily demands public input (see above regarding the proposed parking entryway).
2. The site wall around the entire project creates an "anti-community" feel that is contrary to the Ocean Beach Precise Plan; while the old project called for open landscaping inviting community activity and increasing the open space feel of the area, the new wall creates a compound which cuts down on the perceived public access and community orientation of the area.
3. The new plan has changed the number of units from 12 to 10.
4. The new plan calls for a 3rd story to be added.
5. The new plan shifts the project 30 feet west towards the beach and Saratoga Park. Combined with the site wall, this limits views (as explained above) and the open feel of one of the few remaining public park spaces within Ocean Beach.

Unfortunately within this limited coastal zone, the CCC has the authority to approve these plans on the grounds of substantial conformance; however, the commission has the obligation (as its charge is to protect the coast and provide increased public oversight) to see that the community members of Ocean Beach have the opportunity to view the new plans and provide public input. It is important that within this coastal zone, in order to protect the coast, the CCC must rely upon local residents who best know their own communities to help them determine what is appropriate.

I also have major concerns about the legality of floor area ratio and parking issues surrounding the project and would be disappointed if the project was approved only to then have the entire process begin all over again, wasting important government worker resources and tax payer money.

In summation, for the reasons mentioned above, I strongly ask the CCC to refrain from approving this project and instead ask that the CCC demand that this project be subjected to a process 4 evaluation as any ordinary project of this scale requires.

Thank you for your consideration,

Melinda Redding  
Ocean Beach Resident

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## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



# Th14a

Filed: 6/27/2011  
49th Day: 8/15/2011  
180th Day: 12/24/2011  
Staff: Estevens-SD  
Staff Report: 9/21/2011  
Hearing Date: 10/6/2011

AMENDMENT REQUEST  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-08-100-A1

Applicant: 1984 Abbott LLC.

Agent: Marengo Morton Architects, Inc., Attn: Claude Anthony Marengo

Original

Description: Demolition of 15 residential apartment units in four detached structures and construction of a two-story, 30 ft. high, 14,157 sq. ft., 12-unit condominium building (over 27-space subterranean parking garage) including installation of new sidewalk along Saratoga Avenue, vacation of portions of two adjacent alleys and re-landscaping with turf for public use, on 20,154 sq. ft. beachfront site.

Proposed

Amendment: Reduce the number of condominium units from 12 to 10 and replace underground parking with at-grade parking.

Site: 5113 Saratoga Avenue & 1984 Abbott Avenue, Ocean Beach, San Diego  
(San Diego County)

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed amendment with conditions. The modified condominium plan is consistent with all of the special conditions of the underlying coastal development permit and the primary coastal issues involved with the proposal are the same as with the previously approved project for this site. The main issue raised by the proposed amendment relates to assuring that the proposed condominium development on a beachfront lot (proposed to be constructed without a seawall) will be safe from wave run up and flooding, and protection of public views and public access. Based on information provided in the applicant's updated wave run-up report, the Commission's coastal engineer has determined that the proposed project will be reasonably safe from risk of flooding and

tsunami concerns. The proposed amendment, as conditioned, is consistent with all applicable Coastal Act policies.

Standard of Review: Chapter 3 policies of the Coastal Act

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Substantive File Documents: CDP #6-08-100; Project Plans by Marengo Morton Architects dated 9/13/2011, Project Plans by Marengo Morton Architects dated 8/22/2011; Site Plan by Marengo Morton Architects dated 9/20/2011; Project Plans by Steven Lombardi Architect dated 6/12/09; Tsunami Inundation Map for Emergency Planning La Jolla Quadrangle dated 6/1/2009; Coastal Hazard & Wave Runup Study by GeoSoils, Inc. dated 11/2008; Coastal Hazard & Wave Runup Study Update and Tsunami Discussion by GeoSoils, Inc. dated 8/19/2011; Email from David Skelly dated 9/13/2011, Email from Claude Anthony Marengo dated 9/12/2011; View analysis from Marengo Morton Architects, Inc. dated 8/16/2011; Bird Strike Image example from Marengo Morton Architects, Inc. dated 8/1/2011.

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**I. PRELIMINARY STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-08-100 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

## II. Special Conditions.

The permit is subject to the following conditions:

1. Prior Conditions of Approval. All terms and conditions of the original approval of Coastal Development Permit 6-08-100 shall remain in full force and effect, except those that are explicitly replaced or modified in this amendment.

2. The following shall replace, in its entirety, Special Condition #1 of the original permit:

1. No Future Bluff or Shoreline Protective Device

A(1) By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 6-08-100-A1 including, but not limited to, the residence, foundation, decks, and the driveway in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

A(2) By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

3. The following shall replace, in its entirety, Special Condition #2 of the original permit:

2. Landscape/Yard Area Fence Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit to the Executive Director for review and written approval, final landscaping and fence plans approved by the City of San Diego. The plans shall be in substantial conformance with the landscape plans as submitted by Marengo Morton Architects, dated 9/13/11 and shall include the following:



- a. A view corridor a minimum of 5 ft. wide shall be preserved in the south yard area adjacent to an unnamed alley; a 15 ft. wide view corridor in the west yard area adjacent to an un-named alley, and a 15 ft. wide view corridor in the north yard area adjacent to Saratoga Avenue. All proposed landscaping (including raised planters) and hardscaping (patios and decks) in the south, west and north yard areas shall be maintained at a height of three feet or lower to preserve views from the street toward the ocean. A maximum of four (4) tall trees with thin trunks are permitted, provided they are located close to the building and are not located in the view corridor where they would block views toward the ocean.
- b. The vacated alleys shall be landscaped with turf/grass for public use.
- c. All landscaping shall be drought-tolerant and native or non-invasive plant species. All landscape materials within the identified view corridors shall be species with a growth potential not expected to exceed three feet at maturity. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
- d. Any fencing in the south, west or north side yard setback area shall permit public views and have at least 75 percent of its surface area open to light. Glass fences and gates subject to this permit shall use materials designed to minimize bird-strikes with the fence or gate. Such materials may consist, all or in part, of wood; metal; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless an ultraviolet-light reflective coating and/or appliqués (e.g. stickers/decals) specially designed to reduce birds-strikes by reducing reflectivity and transparency is also used. Any coating or appliqués used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one appliqué for every three ft. by three ft. area) and the recommendations of the Executive Director. Use of opaque or partially opaque materials is preferred to clear glass or Plexiglas and appliqués. All materials, coatings and appliqués shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by the Executive Director.
- e. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this

Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

4. The following shall replace, in its entirety, Special Condition #3 of the original permit:

3. **Final Plans.** **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit for review and written approval of the Executive Director final plans for the proposed condominium development that have been approved by the City of San Diego. Said plans shall be in substantial conformance with the plans submitted with this application by Marengo Morton Architects dated 9/13/2011 and 9/20/2011.

The permittee shall undertake of the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No change to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

5. The following shall replace, in its entirety, Special Condition #6 of the original permit:

6. **PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT (6-08-100-A1)**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, as amended, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit, as amended, as covenants,

conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit amendment. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit, as amended, shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property. ***This deed restriction shall supersede and replace the deed restriction recorded pursuant to Special Condition #6 of Coastal Development Permit #6-08-100, approved on January 8, 2009, which deed restriction is recorded as Instrument No. 2009-0420989 in the official records of San Diego County.***

### III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The subject development involves the demolition of 15 one-bedroom apartment units housed in two, one-story buildings and two, two-story buildings on a 21,154 sq. ft. beachfront property consisting of one square block bounded by Abbott Street to the east, Saratoga Avenue to the north and two contiguous un-named alleys (resembling an “L” shape) to the west and south. The westernmost structure, which contains three units, used to contain a restaurant at the far south portion of the structure. That portion of the building has been vacant for several years now.

The project approved under CDP #6-08-100 consisted of a two-story, 30 ft. high, 14,157 sq. ft., 12-unit condominium building. The 12 unit condominium design consisted of 12, two bedroom units, with an average of 1,180 sq. ft. of livable area per unit. The 12 units required 27 parking spaces which were provided in a basement parking garage. The approved basement level was to be 16,220 sq. ft. in size and would have also include an area to accommodate six bicycles and one motorcycle, storage units for each unit and five recreational (game) rooms ranging in size from 510 sq. ft. to 683 sq. ft. Access to the parking garage would have been received from Saratoga Avenue at the northwest corner of the property. No site walls were proposed or approved around the perimeter of the property.

The proposed amendment involves a revision to reduce the number of residential condominium units from 12 to 10. The revised development will be a 14,105 sq. ft., 30 ft. high, three-story, 10 residential unit condominium structure on the 20,154 sq. ft. oceanfront lot. The 10 unit condominium building consists of eight, three bedroom units and two, two bedroom units, with an average of 1,410 sq. ft. of livable area per unit. The amendment also proposes to eliminate the basement parking garage and instead provide on-site parking at-grade. The 10 units require 25 parking spaces, of which 20 of the spaces are provided at-grade underneath the second floor of the building on the east side and the remaining five spaces are provided near the entrance to the parking area. To

accommodate the at-grade parking, the building will be sited farther to the west than the project originally approved in CDP #6-08-100. Adequate bicycle and motorcycle parking will also be provided on-site. Access to the parking will be provided off of Abbott Street on the southeast side of the property. A six foot tall site wall, which is proposed to surround the entire property, will have a solid two ft. base and transparent glass on the upper four feet. The applicant also proposes to install a new sidewalk along Saratoga Avenue to the north where presently none exists.

Two adjacent 20-foot wide un-named alleys border the project site. In the original approval of CDP #6-08-100, one half of each of these alleys was permitted to be vacated with the remaining other half to remain in City ownership. After vacation, these former alleys (including the portion to be vacated to Abbott & Saratoga, LLC) would be re-landscaped to create a turf area that will function as a public park. These vacations will not change with the proposed amendment, nor will the requirement that these areas be available to the public for use as a park.

The subject site is located at the southwest corner of Saratoga Avenue and Abbott Street in the community of Ocean Beach in the City of San Diego (See Exhibit #1). The project site is located immediately adjacent to Ocean Beach Park and the public beach. A large grassy park with picnic tables and fire rings exists immediately west of the project site, with a public beach parking lot located immediately to the south. To the west of this area is a large sandy beach.

Although the City of San Diego has a certified LCP for the Ocean Beach community, the subject site is located in an area where the Commission retains permit jurisdiction. Therefore, Chapter 3 of the Coastal Act is the standard of review, with the City's LCP used as guidance.

2. Geologic Hazards/Shoreline Protective Devices. Section 30235 of the Coastal Act states, in part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

In addition, Section 30253 states, in part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) 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. [...]

To find a proposed beachfront residential development consistent with Section 30253, the Commission must find that the development will not be subject to threat throughout its useful life such that it requires a seawall or other shoreline protective device to protect it. The Commission has traditionally been concerned with the siting of new development directly along the shoreline in terms of both its encroachment onto public sandy beach as well as visual impacts. The Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or “hard” solutions alter natural shoreline processes. Thus, such devices are required to be approved only when necessary to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local sand supply.

In the case of the proposed revised development, the applicant is requesting to demolish 15 apartment units and now construct a 10-unit condominium development (where 12 units were previously permitted) on a beachfront site. Presently, there is no shoreline protection on the subject site and the applicant is not proposing any in connection with the new development. Immediately west of the site is a grassy park and picnic area. Beyond this area to the west, is a large and expansive sandy beach and the ocean.

The proposed condominium building will be constructed at-grade (+11.31 ft. MSL), while the previously approved design was proposed on a 2 ½ ft. high raised podium on all elevations. The previous design incorporated the raised podium in order to excavate less deeply for the underground parking and basement, not for protection against wave run up. In addition, the amended project will shift the building west approximately 30 ft, to accommodate the at-grade parking. Because the project site is adjacent to a beach, it must be assured that the revised project will be safe from wave run up and other coastal hazards. As such, the applicant has submitted a wave run up analysis which discusses the potential threats to the proposed condominium development from erosion, wave inundation and tsunamis. The report also included an analysis of a range of sea level rise up to 4.5 feet over the next 75 to 100 years. The findings of that study evaluated the potential threat to the site from waves, flooding, shoreline erosion hazards, and tsunamis over the next 75 years, including estimating the potential frequency of occurrence. The report concludes that while there may be a rise in sea level over the next 75 years, this would not result in an increase in erosion or a threat to the proposed development because the shoreline in this area is stabilized by a rocky headland to the south of the pier, the groin separating north and south Ocean Beach, the flood control jetty and the

southern Mission Bay jetty on the north end of Ocean Beach and because the site is located over 300 feet from the shoreline. The report concludes that there is no significant potential erosion hazard at the site over the next 75 to 100 years.

With regard to potential flooding hazard, according to the applicant's report, the highest observed water elevation in this location was on 11/13/97 at +4.92 MSL. If a sea level rise of 4.5 feet is added to this elevation, it is about +9.4 MSL. For the proposed amendment, the lowest proposed habitable finished floor is at elevation +11.31 ft. MSL. This is above any potential ocean flood elevation and almost two feet higher than the highest water added to 4.5 ft. of sea level rise. According to the coastal hazard study, the site should be safe from flooding over the next 75-100 years.

With regard to wave runup, the report concludes that the site is sufficiently setback from the shoreline to be safe from breaking waves. The potential for wave runup to the site is very small due to the wide beach and grass fronting the site. While large "design waves" can runup and overtop the beach berm, the height of the overtopping wave bore will likely be about 2 feet. The US Army Corp of Engineers Coastal Engineering Manual (2004) states that for every 25 feet a bore travels across a flat beach, the bore height is reduced by about 1 foot. According to the report, the site is about 300 feet inland from the shoreline and likely beyond the reach of wave overtopping bores. Although floodwaters from wave runup have reached Abbott Street and Saratoga Avenue in the past, even if they were to reach the site again, they would have little, if any velocity or force and would likely be less than one foot in elevation. It is also noted that the City of San Diego constructs an artificial sand berm seaward of the subject site along the public beach every winter to further reduce the potential for flooding of adjacent streets. There is no significant flooding hazard from surface gravity waves to the proposed development.

The report further concludes that over the last several decades there has been no shoreline retreat in front of the site; it has not been subject to significant flooding, erosion damage or wave runup attack in the past, including the 1982-83 El Nino winter; and the proposed habitable improvements are above any potential coastal hazard. In addition, the report states that flooding, erosion and wave runup will not significantly impact the proposed development over its estimated lifetime (75 years). The report also concludes that it is unlikely that a seawall will be necessary in the future to protect the proposed development.

In 2009, tsunami inundation planning maps were released for coastal areas in San Diego County. These maps are intended solely for tsunami evacuation planning and not for regulatory purposes. However, the maps do show that the subject site is within the 'Tsunami Inundation Zone.' The applicant's coastal engineer has provided an analysis that asserts that in the instance of a tsunami, the bore of water will be less than one foot in height when it reaches the shoreline and may never reach the subject site or only be inches in height if it does reach the subject site. Thus, the tsunami bore will be lower than the lowest finished floor height of the structure. Also, the bore will be moving at slow speed and will not be powerful enough to damage the condominium building.

Additionally, tsunami bores are not a continuous elevation of water and thus would not cause sustained flooding of the project site. Finally, the applicant's coastal engineer states that a tsunami event will likely not occur over the life of the development.

With the revised project, the applicant is proposing to construct a six foot high site wall around the property. However, this wall will not function as a seawall and will primary act as a privacy wall and to prevent flooding from an inadequate drainage system in this part of Ocean Beach (during heavy rain events, the western end of Saratoga Avenue has a tendency to flood due to inadequate storm drains). The proposed wall will have only a 12 in. footing depth, while a wall intended to stop wave uprush would need to be more deeply embedded to withstand scour effects and wave forces.

The Commission's staff coastal engineer has reviewed the submitted updated technical documents and concurs that the site has a low risk for flooding or coastal inundating, and although these risks could rise with an increase in sea level, the elevation of the first floor at +11.31 ft. MSL and the setback from the ocean should minimize these risks to an acceptable level. The Commission's staff coastal engineer therefore concurs that the proposed development can be constructed without the need for a seawall and that the site is reasonably safe from the risks of geologic and flooding conditions. However, there is a risk that the anticipated future changes to storm waves, erosion and sea level could be larger than what has been anticipated when siting and designing of the proposed condominium development. The proposed development is located in a hazardous environment, and therefore, Special Condition #2 requires that the applicant waive any rights to construct shoreline protective devices in the future and that the proposed development be removed if it cannot be occupied due to coastal hazards. Therefore, as conditioned, since the proposed development is expected to be structurally stable over its estimated lifetime and not require shoreline protection, the proposed development is consistent with Section 30253 and 30235 of the Coastal Act.

3. Public Access. Coastal Act sections 30210, 30211 and 30212(a) are applicable to the project and state the following:

#### Section 30210

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 30212(a)

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or, [...]

Section 30211

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.

In addition, Section 142.0560(a)(1) of the certified Land Development Code states the following:

(a) General Regulations for Parking Areas

- (1) In computing the required number of *off-street parking spaces* and bicycle spaces, a remaining fraction of one-half or more parking space is deemed a whole parking space; a remaining fraction of less than one-half is disregarded.

Section 30604(c) of the Act requires that specific access findings be made for any project located between the first public roadway and the sea. The project site is located between the ocean and the first public roadway (Abbott Street). The project site is located immediately adjacent to Ocean Beach Park and the public beach. The beach is a popular area, consisting of a wide sandy beach used by residents and beach-goers alike for many recreational activities. Immediately west of the site is a large grassy picnic area with picnic tables.

The Ocean Beach Pier is located southwest of the site and a groin exists almost directly west of the project site. Access to the beach can be gained nearest the project site at the street end of Saratoga Avenue immediately adjacent to the subject site and at the unnamed alley to the south.

The certified Ocean Beach Precise Plan recommends protecting public access to the beach. The subject site is located within the City's Beach Impact Area which generally includes that area within 3-4 blocks of the beach or bay, as these are the areas that are most impacted by parking for both beach visitors and surrounding residents. The City's zoning ordinance (Land Development Code) for the parking beach impact area specifically requires 2.25 spaces for each two-bedroom unit and 2.5 spaces for units containing three to four bedrooms. As such, the required parking for the proposed



amended project, which consists of eight three-bedroom condominium units and two two-bedroom condominium units, is 24.5 parking spaces  $(8 \times 2.5) + (2 \times 2.25) = 24.5$  spaces). The City of San Diego Land Development Code requires that if the required number of parking spaces is one-half or greater, then it should be rounded up. Thus, 25 parking spaces are proposed by the applicant.

The proposed amendment will not result in any adverse impacts to public access, and in fact, will enhance public access by providing adequate parking on-site, thus eliminating the current conditions where residents usurp parking from beach users in this nearshore area. Thus, adequate on-site parking will be provided with 25 parking spaces, consistent with Section 30252 of the Act. The proposed amendment will enhance public parking by decreasing the curb cut for the entrance to the development. The underlying CDP for this property approved a 26 ft. curb cut off of Saratoga Avenue for parking entry, while the curb cut for the proposed amendment is only 18 ft., netting a gain of 8 ft. of curb area for public on-street parking. Even though the site is next to a public beach parking lot, during the summer months, parking is in high demand and competitively sought by beach users, residents and patrons of local businesses in this community. The project's proposed provision of adequate parking on-site is therefore particularly important, and ensures that the project will not adversely affect public access. The proposed development does not interfere with public access opportunities and can be found consistent with the public access and recreation policies of the Coastal Act.

4. Public Views/Community Character. Section 30251 of the Coastal Act is applicable to the subject project and states, in part:

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,...

The certified Ocean Beach Precise Plan, which the Commission uses for guidance also states:

- That views available from elevated areas and those adjacent to the beaches and ocean be preserved and enhanced wherever possible. [p.85]
- That public access to beaches and the shoreline be protected, first by clearly establishing public access and use rights, and second by requiring new developments to provide visual and physical access. [p. 42]

In addition, Section 132.0403 (c) of the certified Land Development Code states the following:

(c) If there is an existing or potential public view between the ocean and the first public roadway, but the site is not designated in a *land use plan* as a view to be protected, it is intended that views to the ocean shall be preserved, enhanced or restored by deed restricting required side *yard setback* areas to cumulatively form functional view corridors and preventing a walled effect from authorized development.

The project site is located in Ocean Beach near Ocean Beach Park and the public beach. Immediately west of the site is a large grassy beach park. Beyond this area to the west are a wide sandy beach and the ocean. The Certified Ocean Beach Precise Plan recommends protecting public views to the ocean. In the Ocean Beach community, public views to the ocean exist along the east-west running streets in the community. In this particular case, public views to the ocean exist along Saratoga Avenue north of the subject site as well as along the unnamed alley to the south. Thus, it is important to assure that new development not interfere with public views from these public vantage points, by among other things, assuring adequate building setbacks.

The approved 12-unit condominium has setbacks of 15 ft., 13.5 ft., 15 ft., and 45 ft. from the northern, eastern, southern, and western property lines, respectively. The proposed amendment would result in setbacks of 15 ft., 45 ft. 15 ft., and 15 ft. from the northern, eastern, southern, and western property lines, respectively.

### SETBACKS

Setback	Existing Structures	Approved Project	Proposed Ammendment
<b>North</b>	10 ft.	15 ft.	15 ft.
<b>East</b>	0 ft.	13.5 ft.	45 ft.
<b>South</b>	5 ft.	15 ft.	15 ft.
<b>West</b>	0 ft.	45 ft.	15 ft.

The primary difference in building setback between the proposed amendment and the underlying approved project is that the western setback has been decreased and the eastern setback is greater. The applicant has submitted a view analysis comparing the view corridors of the approved project and the proposed amendment (See Exhibit #2), which shows that no significant public coastal view corridor is lost due to shifting the building westward on the property. The proposed building design steps back away from the western property line at the north and south edges of the property to increase coastal views. Moreover, the prior project was approved with a rear staircase on the western side of the property that partially blocked north-south views. Views towards the ocean from Abbott Street are comparable with the proposed amendment and the approved project.

Consistent with the special conditions of the previously approved design, a special condition is also included with the amendment to require view corridors on the northern, southern, and western side yards of the property and that any fencing shall be 75 percent open to light.. In order to fulfill this special condition, the applicant proposes to install a wall with a solid base for the lower two feet and transparent glass for the upper four feet. This wall will provide a buffer between the residences and the public areas and will provide flood protection. However, due to the oceanfront location, there is a substantial risk of bird strikes to the wall and gates. Glass walls are known to have adverse impacts upon a variety of bird species. Birds are known to strike glass walls causing their death or stunning them which expose them to predation. Some authors report that such bird strikes cause between 100 million to 1 billion bird deaths per year in North America alone. Birds strike the glass because they either don't see the glass, or there is some type of reflection in the glass which attracts them (such as the reflection of bushes or trees that the bird might use for habitat). Some type of boundary treatment is typically required when glass walls are allowed in oceanfront locations. To provide protection for coastal avian species, Special Condition #3 requires the applicant submit final revised plans showing a treatment to the proposed wall and gates to address bird strike issues, necessary to protect against significant destruction of habitat values. The applicant currently proposes to incorporate bird strike prevention stickers (See Exhibit #3). The bird strike prevention stickers contain a component that reflects ultraviolet sunlight, which is invisible to humans, but visible to birds. In summary, the proposed development, as conditioned, will not result in any public view blockage and will be visually compatible with the character of the surrounding neighborhood, consistent with Section 30251 of the Coastal Act and the certified LCP

5. Local Coastal Planning. While the City of San Diego has a certified LCP that governs the Ocean Beach community, the subject site is in an area of original jurisdiction, where the Commission retains permanent permit authority. As detailed above, the revised project, as conditioned, is consistent with the certified Ocean Beach Precise Plan and all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed amendment, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Ocean Beach community.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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 has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing hazards and protection of public views to the ocean and public access will

minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or 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 amended project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

# Site Location



EXHIBIT NO. 1

APPLICATION NO.

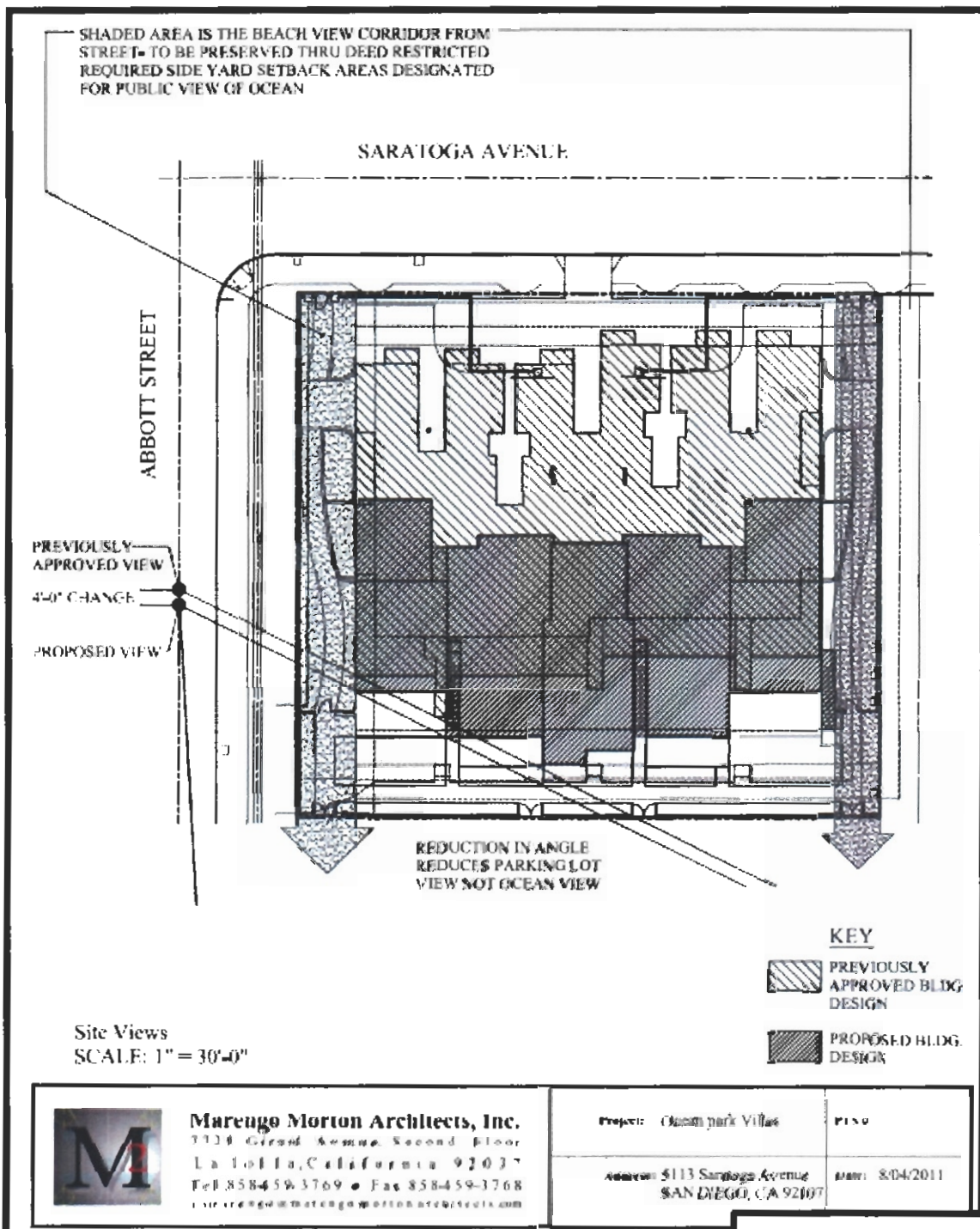
**6-08-100-A1**

Site Location

California Coastal Commission



# View Analysis



**Marengo Morton Architects, Inc.**  
 7119 Girard Avenue, Second Floor  
 La Jolla, California 92037  
 Tel. 858-459-3769 • Fax 858-459-3768  
 info@mmarchitects.com

Project: Ocean Park Villas

Phase

Address: 5113 Saratoga Avenue  
 SAN DIEGO, CA 92107

Date: 8/04/2011

EXHIBIT NO. 2

APPLICATION NO.

6-08-100-A1

View Analysis

California Coastal Commission

# Bird Strike Stickers for Glass Wall



**What We See**



**What Birds See**

EXHIBIT NO. 3
APPLICATION NO. 6-08-100-A1
Bird Strike
 California Coastal Commission

# Special Condition of CDP #6-08-100

## COASTAL DEVELOPMENT PERMIT

Date: January 30, 2009

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### 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 on which the Commission voted on the application. 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.

### SPECIAL CONDITIONS:

The permit is subject to the following conditions:

#### **1. No Future Bluff or Shoreline Protective Device**

- A(1) By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 6-08-100 including, but not limited to, the residence, foundation, decks, driveway and basement parking garage in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- A(2) By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fail to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

EXHIBIT NO. 4

APPLICATION NO.

**6-08-100-A1**

6-08-100 Conditions



California Coastal Commission



## **COASTAL DEVELOPMENT PERMIT**

Date: January 30, 2009

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**2. Landscape/Yard Area Fence Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final landscaping and fence plans approved by the City of San Diego. The plans shall be in substantial conformance with the landscape plans as submitted by Steven Lombardi, dated 10/24/08 and shall include the following:

- a. A view corridor a minimum of 5 ft. wide shall be preserved in the south yard area adjacent to an unnamed alley; a 15 ft. wide view corridor in the west yard area adjacent to an unnamed alley, and a 15 ft. wide view corridor in the north yard area adjacent to Saratoga Avenue. All proposed landscaping (including raised planters) and hardscaping (patios and decks) in the south, west and north yard areas shall be maintained at a height of three feet or lower to preserve views from the street toward the ocean. A maximum of four (4) tall trees with thin trunks are permitted, provided they are located close to the building and are not located in the view corridor where they would block views toward the ocean.
- b. The vacated alleys shall be landscaped with turf/grass for public use; and shall first be reviewed and approved by the City of San Diego/Fire Department.
- c. All landscaping shall be drought-tolerant and native or non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
- d. Any fencing in the south, west or north side yard setback area shall permit public views and 75 percent of its surface area shall be open or transparent
- e. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

### **COASTAL DEVELOPMENT PERMIT**

Date: January 30, 2009

Permit Application No.: 8-08-100

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3. **Final Plans.** **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit for review and written approval of the Executive Director final plans for the proposed condominium development that have been approved by the City of San Diego. Said plans shall be in substantial conformance with the plans submitted with this application by Steven Lombardi dated 10/24/08 as well as with the recommendations contained in the report by Geosols, Inc. dated 11/16/08. Specifically, said plans shall include the following:

- a. The proposed sub-grade garage shall be water-proof and designed with a de-watering system;
- b. Any flood waters pumped out of the garage shall be disposed of or discharged in a non-erosive manner;
- c. Best Management Practices shall be incorporated to keep flood waters clean

The permittee shall undertake of the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No change to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

4. **Timing of Construction.** No construction shall take place for the project between Memorial Day weekend and Labor Day of any year. Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes (No street closures or use of public parking as staging areas).

5. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion and wave uprush; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards

6. **Deed Restriction.** **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

**COASTAL DEVELOPMENT PERMIT**

Date: January 30, 2009

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7. Drainage Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a drainage and runoff control plan documenting that the runoff from the roof and all impervious surfaces will be collected and directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation prior to being conveyed off-site in a non erosive manner.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. Public Use of Vacated Alleys. The 10 ft. wide portion of the two alleys proposed to be vacated to the property owner shall remain available for public use.