# CITY OF DANA POINT PLANNING COMMISSION AGENDA REPORT

DATE:

**JUNE 13, 2016** 

TO:

DANA POINT PLANNING COMMISSION

FROM:

COMMUNITY DEVELOPMENT DEPARTMENT

**URSULA LUNA-REYNOSA, DIRECTOR** 

**EVAN LANGAN, AICP, ASSOCIATE PLANNER** 

SUBJECT:

COASTAL DEVELOPMENT PERMIT CDP15-0020 TO ALLOW DEMOLITION OF AN EXISTING SINGLE-FAMILY DWELLING AND CONSTRUCTION OF A NEW, TWO-STORY, SINGLE-FAMILY DWELLING WITH ATTACHED THREE-VEHICLE GARAGE ON A

**COASTAL BLUFF AT 35211 CAMINO CAPISTRANO** 

**RECOMMENDATION:** 

That the Planning Commission adopt the attached resolution

approving Coastal Development Permit CDP15-0020.

APPLICANT/OWNER:

Klay Thompson

**OWNER'S AGENT:** 

James Glover Residential and Interior Design (James Glover)

REQUEST:

Approval of a Coastal Development Permit to allow demolition of an existing single-family dwelling and construction of a new, two-story, 5,191 square foot, single-family dwelling with attached, 874 square foot, three-vehicle garage on a coastal

bluff.

LOCATION:

35211 Camino Capistrano (APN 691-172-10)

NOTICE:

Notices of the Public Hearing were mailed to property owners within a 500-foot radius and occupants within a 100-foot radius, published within a newspaper of general circulation and posted at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices, as well as the Dana

Point Library on June 8, 2016.

**ENVIRONMENTAL:** 

Pursuant to the California Environmental Quality Act (CEQA), the project is found to be Categorically Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures) in that it proposes construction of one new

single-family dwelling.

#### ISSUES:

- Project consistency with the standards of the City's adopted General Plan, Zoning Code and Certified Local Coastal Program (LCP).
- Project satisfaction of all findings required pursuant to the Zoning Code and LCP for approval of a Coastal Development Permit (CDP).
- Project compatibility with and enhancement of the site and surrounding neighborhood.

BACKGROUND: The subject property measures an approximate 12,446 square feet in area (.29 acres) and is presently developed with a single-story, single-family dwelling comprising 2,600 square feet constructed in 1973. Existing exterior surface improvements include scattered landscaping and an at-grade deck supported by a low-level wall at the rear of the property. The project site contains a coastal bluff as defined by the Dana Point Zoning Code (DPZC), flat within the boundaries of the property itself, then descending steeply downward toward Pacific Coast Highway, railroad tracks, the community of Beach Road and the Pacific Ocean beyond. Development to the north, east and south is comprised of existing single-family dwellings of similar age and scale.

Pursuant to the DPZC, the property is zoned as Residential Single-Family 3 (RSF-3) and located within the City's Coastal Overlay (the California Coastal Zone) as well as the appeals jurisdiction of the California Coastal Commission.

<u>DISCUSSION</u>: The proposed scope of work would demolish all onsite development and construct a new, two-story single family dwelling comprising 5,191 square feet in the form of four bedrooms and several accessory rooms, including an office, media, exercise and game rooms. Three large balconies project from the second floor (with internal access provided from each of the bedrooms proposed at that level of the dwelling) and providing views both up and down coast. Finally, an attached garage is proposed, measuring 874 square feet and providing compliant parking area for three vehicles.

The dwelling's modernist design would utilize a variety of materials throughout its façade, including concrete with plaster finish, glass and lap wood siding. The structure's roof form is flat (defined in the DPZC as a pitch ratio of less than 3:12) and so the dwelling would stand 24 feet tall (the maximum height permissible) as measured from the pad's low point at existing grade and in compliance with standards for the property's RSF-3 Zoning District.

Proposed exterior surface improvements include new landscaping to cover 30 percent of the property, new freestanding property-line walls in both side-yards to stand a maximum of six feet tall as well as new (rear-yard and at-grade) decks, concrete pavers

and decomposed granite pathways. Within the property's rear-yard, the landscaping mixture will be comprised of plantings that are exclusively native to California and drought tolerant.

#### Coastal Bluff

As aforementioned, the subject property contains a coastal bluff as defined in the DPZC. Submitted geotechnical documentation analyzed, among other items, the location of the edge of the coastal bluff (the point at which the site alters from generally flat to begin its topographic descent to the Pacific Ocean below), historic and projected future erosion of the site, as well as general site stability. The geotechnical analysis supports a deviation from the property's "default" 40 foot setback to the minimum 25 foot setback permitted by Section 9.27.030 (c) of the DPZC. That stated, the proposed dwelling would be set back (at its closest point) a minimum of 33 feet, six inches from the delineated edge of bluff, in compliance with standards. Support and stability for the proposed dwelling and broader property are proposed through the placement of 11 caissons to be located seaward of the proposed dwelling and roughly paralleling the property's approved 25 foot setback deviation from edge of bluff. The conclusions contained within the project's geotechnical documentation as well as the Project's overall foundation design have been reviewed and corroborated by the City's geotechnical and structural engineers.

Development within the area of the property's setback from edge of coastal bluff is strictly limited to California native and drought tolerant landscaping, low level walls and hardscape without deepened structural footings. Moreover, no irrigation is proposed or permitted within the area of the setback. The subject project complies with these and all requirements as pertain to the property's coastal bluff and; a condition of approval has been included in the project's resolution that any existing irrigation within the setback be removed (Attachment 4).

#### Coastal Development Permit CDP15-0020

The subject application proposes demolition of existing development and construction of a new single-family dwelling on a coastal bluff. Pursuant to Section 9.69.040 of the DPZC, the proposed scope of work shall require approval of a Coastal Development Permit (CDP). Section 9.69.070 stipulates a minimum of seven findings to approve a CDP, requiring that the project:

1. Be in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 CA Code of Regulations/13096).

- 2. (If located between the nearest public roadway and the sea or shoreline of any body of water), be in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. (Coastal Act/30333, 30604(c); 14 CA Code of Regulations/13096).
- 3. Conform with Public Resources Code Section 21000 and following and that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may environment. (Coastal Act/30333: 14 CAon the Regulations/13096).
- 4. Be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.
- 5. Minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.
- 6. Be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas.
- 7. Conform to the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or any other applicable adopted plans and programs.

Staff's recommended findings to approve the CDP request are enumerated in the project's draft resolution (Attachment 1).

CORRESPONDENCE: To date, no correspondence has been received concerning the subject project. The property is not located within a homeowners association (HOA).

CONCLUSION: Staff finds that the subject project is consistent with the policies, provisions and standards of the Dana Point General Plan and Zoning Code - the latter adopted and certified as the Local Coastal Program for this portion of the City. As the project has been found to comply with all standards of development, staff recommends the Planning Commission adopt the attached resolution, approving CDP15-0020 subject to findings and conditions of approval.

Evan Langan, A

Associate Planner

Ursula Luna-Reynosa, Director Community Development Department

# **ATTACHMENTS**:

# **Action Documents**

1. Draft Planning Commission Resolution No. 16-06-13-xx

# **Supporting Documents**

- 2. Vicinity Map
- 3. Site Photos
- 4. Project Plans (architectural only)

#### **RESOLUTION NO. 16-06-13-xx**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA APPROVING COASTAL DEVELOPMENT PERMIT CDP15-0020 TO ALLOW DEMOLITION OF AN EXISTING SINGLE-FAMILY DWELLING AND CONSTRUCTION OF A NEW, TWO-STORY, SINGLE-FAMILY DWELLING WITH ATTACHED THREE-VEHICLE GARAGE ON A COASTAL BLUFF AT 35211 CAMINO CAPISTRANO

The Planning Commission of the City of Dana Point does hereby resolve as follows:

WHEREAS, Klay Thompson (the "Applicant") is the owner of real property commonly referred to as 35211 Camino Capistrano (APN 691-172-10) (the "Property"); and

WHEREAS, the Applicant filed a verified application for a Coastal Development Permit to allow demolition of an existing single-family dwelling and construction of a new single-family dwelling on land containing a coastal bluff at the Property; and

WHEREAS, said verified application constitutes a request as provided by Title 9 of the Dana Point Zoning Code; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt per Section 15303 (a) (Class 3 – New Construction or Conversion of Small Structures) in that it proposes construction of one new single-family dwelling; and

WHEREAS, the Planning Commission did, on the 13<sup>th</sup> day of June, 2016 hold a duly noticed public hearing as prescribed by law to consider said requests; and

WHEREAS, at said public hearing, upon considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Coastal Development Permit CDP15-0020.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Dana Point as follows;

- A. The above recitations are true and correct and incorporated herein by this reference.
- B. Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves CDP15-0020 subject to conditions:

# **Action Document #1**

#### Findings:

## Coastal Development Permit CDP15-0020

- 1. That the project is in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code (Coastal Act/30333, 30604(b); 14 Cal. Code of Regulations/13096) in that the site and architectural design of proposed improvements are found to comply with all development standards of the Dana Point General Plan and Zoning Code (the latter acting as the Local Coastal Program for the property) and; that the project will further General Plan Urban Design Element Goal No. 2, which states that development should "preserve the individual positive character and identity of the City's communities" by effecting new, aesthetically pleasing development of the subject property that is compatible and complimentary to surrounding structures.
- 2. If located between the nearest public roadway and the sea or shoreline of any body of water, that the project is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act (Coastal Act/30333, 30604(c); 14 Cal. Code of Regulations/13096) in that the project is not located between the first public roadway and the sea or shoreline, that the property is an already developed lot zoned for residential use and located on land that does not contain public accessways or areas of recreation. Moreover, adequate public access to the coast or areas of recreation exist nearby at City, County and State beaches and parks, and so the project will accordingly conform to the public access and recreation policies of Chapter Three of the California Coastal Act.
- 3. That the project conforms to Public Resources Code Section 21000 (the California Environmental Quality Act CEQA) and following, that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any potentially significant adverse impact that the activity may have on the environment. (Coastal Act/30333; 14 Cal. Code of Regulations/13096) in that the project qualifies as Categorically Exempt from review under CEQA pursuant to Section 15303 (a) (Class 3 New Construction or Conversion of Small Structures) in that such proposes construction of one new single-family dwelling.

- 4. That the project has been sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources in that the subject property is an already developed parcel containing no environmentally sensitive habitat area (ESHA) and so the proposed improvements would not result in adverse impacts.
- 5. That the project minimizes the alteration of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards in that the subject site is an already developed property containing a single-family dwelling. The proposed dwelling would be similar in footprint and overall floor area and so its development would require minimal grading or other landform alteration/disturbance. Prior to commencement of construction, the project will be conditioned to obtain a building permit, adherence to which will minimize undue risk to the property from future erosion, property slippage, geologic instability, as well as flood and fire hazards.
- 6. That the project is visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas in that the subject project would demolish an existing single-family dwelling and construct a new single-family dwelling of similar height, story-count and overall massing as others in the vicinity, utilizing new and aesthetically pleasing colors and materials. Implementation of the subject project would accordingly result in new development that is visually compatible with surrounding structures and constitute an overall enhancement of the property.
- 7. That the project conforms with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or any other applicable adopted plans and programs in that the subject project has been reviewed by the Planning and Building/Safety Divisions as well as the Public Works/Engineering Department and been found to conform with applicable requirements of the Dana Point Zoning Code (which serves as the implementing document for the General Plan and Local Coastal Program for the subject property). There are no adopted specific plans that apply to the subject

#### property.

#### Conditions:

#### A. General:

- 1. Approval of this application permits the allow demolition of an existing single-family dwelling and construction of a new, two-story, single-family dwelling with attached, three-vehicle garage at 35211 Camino Capistrano. Subsequent submittals for this project shall be in substantial compliance with the plans presented to the Planning Commission and in compliance with the applicable provisions of the Dana Point General Plan and Zoning Code.
- 2. Approval of this application is valid for a period of 24 months (two years) from the noted date of determination. If the development approved by this action is not established, or a building permit for the project is not issued within such period of time, the approval shall expire and shall thereafter be null and void.
- 3. The application is approved as a plan for the location and design of the uses, structures, features, and materials shown on the approved plans. Any demolition beyond that described in the approved plans or any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plot plan, he may approve the amendment without requiring a new public hearing.
- 4. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.
- 5. The Applicant or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents,

officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the project. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding.

- 6. The Applicant or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its offers, employees, or agents arising out of or resulting from the negligence of the Applicant or the Applicant's agents, employees, or contractors. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney's fees, costs and expenses incurred concerning the claim, action, or proceeding. The Applicant shall also reimburse the City for City Attorney fees and costs associated with the review of the proposed project and any other related documentation.
- 7. The Applicant and their successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
- 8. The Applicant and Applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.
- 9. The project shall meet all water quality requirements, including those for implementation of Low Impact Development (LID).
- A grading permit shall be obtained prior to any work, including demolition of existing structures.
- 11. The Applicant shall be responsible for coordination with water district, sewer district, SDG&E, AT&T California and Cox Communication Services for the provision of water, sewer, electric, telephone and cable/internet television services.
- 12. The Applicant shall exercise special care during the construction phase of this project to prevent any off-site siltation. The Applicant

- shall provide erosion control measures of a type, size and location as approved by the Director of Public Works. Erosion control measures shall be shown and specified on the grading plan and constructed to the satisfaction of the Director of Public Works prior to the start of any other grading operations. The Applicant shall maintain all erosion control devices until final approval of all permits.
- 13. The Applicant, property owner or successor in interest shall prepare a Waste Management Plan to the City's Construction and Demolition (C & D) Official. A deposit will be required upon approval of the Waste Management Plan (WMP) to ensure compliance. The WMP shall indicate the estimated quantities of material and the proposed location for recycling.
- 14. Pursuant to Dana Point Zoning Code Section 9.27.030, no new structure foundations or improvements requiring a building permit will be allowed within 25 feet of the delineated edge of the property's coastal bluff.

## B. Prior to Issuance of a Grading Permit

- 15. The Applicant shall submit an application for a grading permit to be reviewed and approved by the Director of Public Works. The Applicant shall include all plans and documents in their submittal as required by the current Public Works Department's plan check policies, City of Dana Point Municipal Code and the City of Dana Point Grading Manual and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements.
- 16. The Applicant shall submit a geotechnical report in compliance with all the City of Dana Point standards for review and approval.
- 17. All submitted plans shall reflect the determined Edge of Bluff and all associated setbacks on the submitted "Response to City of Dana Point Community Development Department Review dated October 20, 2015, Proposed Single-Family Residence, 35211 Camino Capistrano..." by Geofirm (dated January 6, 2016).
- 18. The grading plan shall remove the two Dry Weather Flow Diversion Basins that currently shown on the plan at the landward side of the property, as these are not required or recommended for properties along the seaward side of Camino Capistrano.

## C. Prior to Issuance of a Building Permit:

- 19. The Applicant shall submit for review and approval by the Planning and (if applicable) Building/Safety Divisions, a Final Landscaping Plan that complies with the standards of the Dana Point Zoning Code, preliminary plans approved by the Planning Commission, as well as the following:
  - All proposed plantings within 25 feet of the edge of the property's coastal bluff shall be of a variety that is both CA native and drought tolerant.
  - Any existing irrigation within 25 feet of the edge of the property's coastal bluff shall be removed and; no new irrigation is permitted within the area of the setback from edge of bluff.
- 20. The Applicant shall execute the City's standard deed restriction and submit to the City and through City staff, the City Attorney, for review and approval. The deed restriction shall stipulate the following:
  - That the Applicant understands that the subject site is subject to bluff retreat and that the owner(s) assumes the liability from these hazards;
  - That the Applicant unconditionally waives any claim of liability on the part of the City or any other public agency from any damage from such hazards;
  - That the Applicant assumes all liability for damages incurred as a result of any required off-site grading.
- 21. The Applicant shall complete rough grading (establishment of building pads) in accordance with the project's approved grading permit, preliminary grading plans and all related reports.

- 22. The Applicant shall submit a rough grade certification from the Civil Engineer of Record for review and approval by the City Engineer. The rough grade certification by the civil engineer (standard Civil Engineer's Certification Form for Rough Grading) shall approve the grading as having been completed in substantial conformance with the approved grading plan and shall document all pad grades to the satisfaction of the City Engineer. The civil engineer and/or surveyor shall specifically certify that the elevation of the graded pad is in compliance with the project's approved vertical (grade) position.
- 23. The Applicant shall submit a rough grade certification from the Geotechnical Engineer/Engineering Geologist of Record for review and approval by the City Engineer. The rough grade certification by the geotechnical engineer (standard Geotechnical Engineer's Certification Form for Rough Grading) shall approve the grading as having been completed in substantial conformance with the recommendations of the project geotechnical report and approved grading plan. An as-drilled report addressing the proposed caisson array shall also be submitted (with the rough grade certification) and shall document the geotechnical aspects and impacts resulting from construction of the caisson array.
- 24. An as-graded geotechnical report shall be prepared by the project geotechnical consultant following grading of the subject site. The report should include the results of all field density testing, depth of reprocessing and recompaction, geologic mapping, caisson drilling, as well as a geotechnical map depicting the limits of grading, geologic mapping/caisson drilling, locations of all density testing, and geologic conditions exposed during grading. The report should include conclusions and recommendations regarding applicable setbacks, foundation recommendations, erosion control and any other relevant geotechnical aspects of the site. The report shall state that grading of the site, including associated appurtenances, as having been completed in substantial conformance with the recommendations of the preliminary geotechnical report and

addenda.

## D. Following Issuance of a Building Permit:

- 25. Prior to commencement of framing, the Applicant shall submit a foundation certification, by survey that the structure will be constructed in compliance with the dimensions shown on plans approved by the Planning Commission, including finish floor elevations and setbacks to property lines included as part of CDP15-0020. The City's standard "Line & Grade Certification" form shall be obtained at time of permit issuance, prepared by a licensed civil engineer/surveyor and delivered to the City of Dana Point Building and Planning Divisions for review and approval.
- 26. Prior to release of the roof sheathing inspection, the Applicant shall certify by a survey or other appropriate method that the height of the structure is in compliance with plans approved by the Planning Commission and the structure heights included as part of CDP15-0020. The City's standard "Height Certification" form shall be obtained from the Project Planner at time of permit issuance, prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval before release of final roof sheathing is granted.

# E. Prior to issuance of a Certificate of Occupancy

- 27. A Final Geotechnical Report shall be prepared by the project geotechnical consultant (in accordance with the City of Dana Point Grading Manual) and submitted to the Public Works/Engineering Department for review and approval.
- 28. The Geotechnical Engineer of Record shall provide written certification of all grading as being in conformance with the approved grading plan.
- 29. The project Civil Engineer of Record shall provide documentation

- that stipulates grading, construction of line and grade for all engineered drainage devices as well as retaining walls as having been completed in conformance with the approved grading plan.
- 30. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.
- 31. All landscaping and/or structural best management practices (BMPs) shall be constructed and installed in conformance with approved plans and specifications.
- 32. All project landscaping within all yards shall be installed prior to scheduling of a final inspection of the project by the Planning Division.
- 33. Prior to scheduling a final inspection, the Applicant shall submit to the Project Planner, a written, wet-stamped and signed certification from a California-licensed landscape architect that all plantings within the property's approved setback from edge of bluff were installed in conformance with the project's approved Final Landscaping Plan.
- 34. The Applicant shall schedule a final inspection with the Community Development Department at the site that shall include a review of, among other things, landscaping, finish architecture/materials, approved through discretionary action, and compliance with any outstanding project conditions of approval.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 13 <sup>th</sup> day of June, 2016, by he following vote, to wit:
AYES:
NOES:
ABSENT:
ABSTAIN:
April O'Connor, Chairperson Planning Commission
ATTEST:
Ursula Luna-Reynosa, Director Community Development Department



City of Dana Point

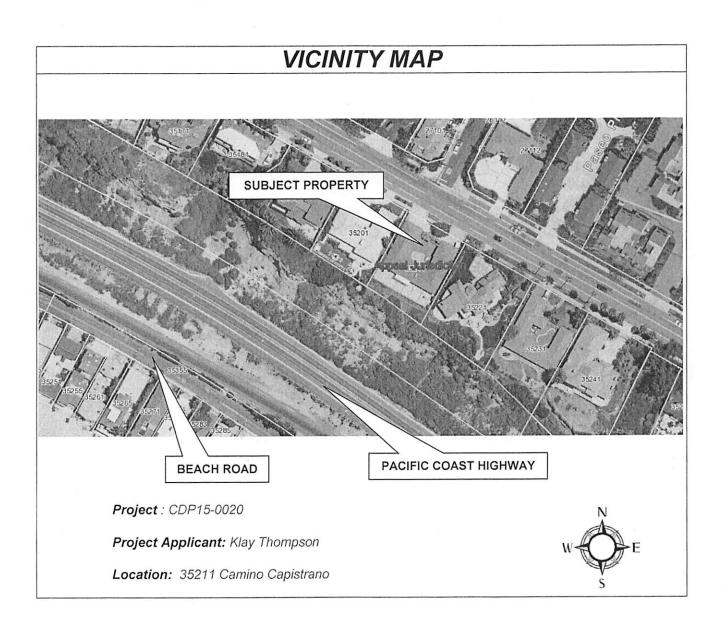
Coastal Development Permit CDP15-0020

Evan Langan, AICP, Associate Planner

Community Development Department

33282 Golden Lantern

Dana Point, CA 92629-1805





FRONT ELEVATION OF PROJECT SITE



ADJACENT PROPERTY



ADJACENT PROPERTY



PROPERTY ACKOSS STREET



REAR ELEVIPTION



REAR ELEVATION



STREET VIEW

# THOMPSON RESIDENCE

35211 CAMINO CAPISTRANO DANA POINT, CA 92624

# **RECEIVED**

JUN 01 2016

CITY OF DANA POINT **COMMUNITY DEVELOPMENT** DEPARTMENT

PROJECT DIRECTORY	SCOPE OF WORK	SITE ANALYSIS	SHEET INDEX
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	CODE DATA	SEPARATE PERMIT	
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	VICINITY MAP	LEGAL DESCRIPTION	]
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