

**CITY OF DANA POINT
PLANNING COMMISSION
AGENDA REPORT**

DATE: NOVEMBER 14, 2016

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
URSULA LUNA-REYNOSA, DIRECTOR
SEAN NICHOLAS, SENIOR PLANNER

SUBJECT: COASTAL DEVELOPMENT PERMIT CDP16-0018 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW TWO-STORY, SINGLE-FAMILY RESIDENCE AND MINOR SITE DEVELOPMENT PERMIT SDP16-0038(M) TO ALLOW INCREASED HEIGHT FOR RETAINING WALLS ON A LOT WITHIN THE COASTAL ZONE LOCATED AT 32687 SEA ISLAND DRIVE

RECOMMENDATION: That the Planning Commission adopt the attached draft resolution approving Coastal Development Permit CDP16-0018 and Minor Site Development Permit SDP16-0038(M) (Action Document 1).

OWNER/APPLICANT: Chris and Stacy Neria

OWNER'S REPRESENTATIVE: Stan Schrofer and Associates

REQUEST: A request to demolish an existing 2,878 square foot single-family residence and develop a new 6,429 square foot two-story, single family residence and associated exterior improvements including retaining walls on a lot within the coastal zone.

LOCATION: 32687 Sea Island Drive (APN: 670-033-05)

NOTICE: Public Hearing notices were mailed to property owners within 500 feet, and to occupants within 100 feet of the site on November 3, 2016. The same notice was published in the Dana Point News on November 3, 2016, and notices were posted on November 3, 2016, at Dana Point City Hall, the Dana Point post office, the Capistrano Beach post office, and the Dana Point Library.

ENVIRONMENTAL: This project is categorically exempt (Class 3 - Section 15303 – New Construction) from the provisions of the California Environmental Quality Act (CEQA) since the project involves the construction of a single-family residence in a residential zone.

ISSUES:

1. Is the proposal consistent with the City's adopted General Plan/Local Coastal Program?
2. Is the proposal compatible with and an enhancement to the surrounding neighborhood and City?
3. Does the project satisfy all the findings required pursuant to the City's Zoning Code for approving a Coastal Development Permit and Minor Site Development Permit?

BACKGROUND: The subject site is a 20,817 square foot lot in the coastal zone that was developed in 1976 with a one-story, 2,878 square foot single family residence. The site is bordered by similar single-family development to the north, east, and west. The site is zoned as Residential Single Family 4 (RSF 4), lies outside of the appeals area of the Coastal Overlay Boundary of the City's Zoning Map and is designated Residential 7-14 D.U./AC in the City's current General Plan Land Use Map.

The proposed project will result in the demolition of the existing residence and construction of a new two-story, 6,429 square foot single family residence. The project is designed with one story predominantly below grade, thus the proposed residence will appear one-story from the public right-of-way and is consistent with the surrounding residences.

DISCUSSION: The proposed project requires a Coastal Development Permit due to its location in the coastal zone and a Minor Site Development Permit due to the height of some proposed retaining walls. A majority of the proposed retaining walls height is below the adjacent properties finished grade and will not be visible from surrounding residences.

COASTAL DEVELOPMENT PERMIT:

The applicant's proposal calls for the redevelopment of the site including demolition of the existing single-family dwelling and the existing on-site improvements. Proposed improvements include a two-story 6,429 square foot single family residence with a 1,044 square foot attached garage space and 226 square foot mechanical room and storage space (Supporting Document 8). Exterior improvements include fire pit, sitting area, barbeque structure and a partially covered patio and deck at the rear of the property.

The new two-story dwelling contains a subterranean lower level with three (3) bedrooms and bathrooms, lounge, exercise/therapy room, laundry room, mechanical room, and elevator. The lower level opens up to a partially covered patio at the rear of the house.

The upper level/street level contains a common dining/kitchen/great room area, master bedroom and bathroom, two additional bedrooms and bathrooms, powder room, laundry room and four (4) car garage.

The architecture will be in keeping with the surrounding neighborhood. The exterior incorporates various accent materials and finishes including: stucco, coral stone tiles, wood fascia and trim, wood veneer garage door, Mahogany wood clad doors, composite slate roof, and glass guardrails (Supporting Document 8).

Table 1 summarizes applicable Residential Single Family 4 (RSF4) zoning designation development standards and the project's conformance with those requirements:

Table 1: Compliance with RSF4 Development Standards

Development Standard	Requirement	Proposed	Compliant with Standard
Front Setback	20 feet minimum	20 feet	Yes
Side Setbacks	5 feet minimum	5 feet	Yes
Rear Setback	25 feet minimum	84 feet	Yes
Height	26 feet maximum 3/12 to 6/12 roof pitch	25.91 feet 3.5/12 roof pitch	Yes
Lot Coverage	45% maximum	23.53%	Yes
Landscape Coverage	25% minimum	50.40%	Yes
Parking Required	3 parking spaces minimum	4 parking spaces	Yes

The applicant has received approval from the Monarch Bay Terrace Association's architectural review committee for the proposed new development and that authorization is included as Supporting Document 4.

Section 9.69.070 of the DPZC stipulates a minimum of seven (7) findings to approve a Coastal Development Permit, 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 there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment. (Coastal Act/30333; 14 CA Code of 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 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.*

The required findings are articulated in the attached draft Resolution identified as Action Document 1.

MINOR SITE DEVELOPMENT PERMIT:

The property is relatively flat, with a large slope at the rear. The project proposes the use of several retaining walls to maximize the use of the property. In accordance with Section 9.05.120(d)(2) of the Dana Point Zoning Code, retaining walls exceeding 30 inches are permitted with the approval of a Minor Site Development Permit. The first retaining wall requiring a Minor Site Development is in the south east corner at the rear of the property. The wall is proposed to be 6 ½ feet tall and includes a 3 ½ foot glass railing on top as a safety feature due to the grade difference.

The second retaining wall is located in the southwest corner of the property and is associated with the proposed exterior stairs. The retaining wall as designed will not be visible. The top of the wall is the same height as the finished floor of the upper balcony.

CORRESPONDENCE:

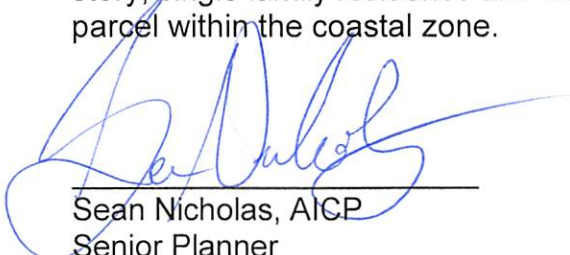
Staff has received a letter of project approval from the Monarch Bay Terrace Homeowners Association (Supporting Document 4).

Staff has also received inquiries and the attached correspondence from the adjacent neighbors raising concerns regarding the proposed project (Supporting Document 5). The issues raised by the neighbors have been primarily about private view impacts and geotechnical stability of the site. City staff has reviewed the project and applicable submittal materials, and has found the project to meet applicable Planning and Engineering standards. Standard conditions of approval have been incorporated into the project to ensure geotechnical stability, and the project will be subject to further Engineering review should the Coastal Development and Minor Site Development Permits be approved. The


City of Dana Point Zoning Ordinance does not protect private views.

CONCLUSION:

Based on the above analysis, Staff determines that the required findings can be made and recommends that the Planning Commission adopt a resolution approving Coastal Development Permit CDP16-0018 and Minor Site Development Permit SDP16-0038(M) allowing demolition of an existing single family residence and construction of a new two-story, single family residence and associated improvements including retaining walls on a parcel within the coastal zone.



Sean Nicholas, AICP
Senior Planner



Ursula Luna-Reynosa
Director of Community Development

ACTION DOCUMENT:

1. Draft Planning Commission Resolution 16-11-14-XX

SUPPORTING DOCUMENTS:

2. Vicinity Map
3. Site Photos
4. Approval Letter from the Monarch Bay Terrace Association
5. Letter of concern from adjacent residents
6. Letter from the property owner
7. CEQA Exemption
8. Proposed plans

RESOLUTION NO. 16-11-14-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP16-0018 TO DEMOLISH AN EXISTING SINGLE-FAMILY DWELLING AND CONSTRUCT A NEW TWO-STORY, SINGLE-FAMILY DWELLING WITH AN ATTACHED GARAGE AND ASSOCIATED EXTERIOR IMPROVEMENTS WITHIN THE COASTAL ZONE AND MINOR SITE DEVELOPMENT PERMIT SDP16-0038(M) TO ALLOW INCREASED HEIGHT FOR RETAINING WALLS LOCATED AT 32687 SEA ISLAND DRIVE

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

WHEREAS, Chris and Stacy Neria (collectively, the "Applicant"), own the real property commonly referred to as 32687 Sea Island Drive (APN's: 670-033-05) (the "Property"); and

WHEREAS, the Applicant caused to be filed a verified application for a Coastal Development Permit and Minor Site Development Permit to demolish an existing single-family dwelling and develop a new two-story, single-family dwelling with attached garage and associated exterior improvements including retaining walls which are accompanied with a request for increased wall height allowance; and

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

WHEREAS, the Planning Commission did, on the 14th day of November, 2016, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, the proposed project qualifies as a Class 3 (Section 15303) exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) in that the project involves the construction of a single-family residence in a residential zone; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Coastal Development Permit CDP16-0018 and Minor Site Development Permit SDP16-0038(M).

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

- A) That the above recitations are true and correct and incorporated herein by reference;

Supporting Document #1

Findings:

- B) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves a Coastal Development Permit CDP16-0018, subject to conditions:
- 1) That the proposed project is consistent with the Dana Point General Plan and Local Coastal Program **in that, the project is consistent with all goals and policies of the Residential (RS4) zoning designation, and the project is consistent with all applicable development standards. The home, as proposed appears to be one-story from the public right-of-way which is the character and design of the neighborhood as a whole, and the architecture and character will fit within the existing neighborhood.**
 - 2) That the proposed development is not located between the nearest public roadway and the sea or shoreline of any body of water, and is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act **in that, the proposed development does not alter existing public access and public recreation areas in the vicinity.**
 - 3) That the proposed development conforms to Public Resources Code Section 21000 (the California Environmental Quality Act) **in that, the project qualifies for a Categorical Exemption Type 3 since the project involves the construction of one single-family residence in a residentially zoned property.**
 - 4) That the proposed development will not encroach upon any existing physical access way legally utilized by the public or any proposed public access way identified in an adopted Local Coastal Program Land Use Plan, nor will it obstruct any existing public views to and along the coast from any public road or from a recreational area **in that, the proposed improvements are located on private property that has been developed with a single family residence since 1976 and will continue to be a single family residence after the project is completed and will not impact any public views to and along the coast, and there are no existing physical access ways legally utilized by the public or proposed in an adopted Coastal Program.**

- 5) That the proposed development will 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 **in that, the proposed development is not immediately adjacent to any such resources and the proposed development is proposed in compliance with required setbacks and will be required to meet all engineering level of safety requirements for development of the home.**
- 6) That the proposed development will minimize the alterations 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 located within an established residential subdivision with little to no natural landforms present and; in that the proposed development will be constructed in conformance with applicable regulations for flood and fire hazards, minimizing undue risks from flood, fire or other hazards.**
- 7) That the proposed development will be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas **in that, the proposed development replaces the same use on the developed site in a fully established and developed community surrounded by similarly developed single-family residential lots with no degraded areas and the development will introduce a new dwelling with updated materials and architecture that will be compatible with the surrounding neighborhood.**
- 8) That the proposed development will conform with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or other applicable adopted plans and programs **in that, the proposed project conforms with the City's regulations regarding development of single-family dwellings within the coastal zone and the development standards of the Residential Single Family 4 (RSF 4) Zoning District, and the Residential 7-14 DU/AC designation in the City's General Plan.**

- C) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Minor Site Development Permit SDP16-0038(M), subject to conditions:
- 1) That the site design is in compliance with the development standards of the Dana Point Zoning Code (DPZC) **in that Pursuant to Section 9.05.120(d) of the Dana Point Zoning Code (DPZC), applications for retaining walls that are greater than thirty (30) inches from the top of the wall to finished grade may be permitted subject to the approval of a Minor Site Development Permit (SDP[M]). The overall design of the retaining wall will complement proposed site improvements and be architecturally compatible with the home, while allowing greater enjoyment of the property.**
 - 2) That the site is suitable for the proposed use and development **in that the retaining walls proposed will assist in creating the necessary ingress/egress to the back of the residence, and allow the property owner to maximize the use of the site. Additionally the walls are located and built onsite in such a way that they will have limited visibility, from adjacent residents.**
 - 3) That the project is in compliance with all elements of the General Plan and all applicable provision of the Urban Design Guidelines **in that the applicant's proposal is consistent with the City's General Plan and all applicable provisions of the Urban Design Guidelines in that the proposed improvements are not in conflict with any goals or policies of the General Plan.**
 - 4) That the site and structural design is appropriate for the site and function of the proposed use, without requiring a particular style or type of architecture, **in that the proposed improvements are appropriate for the site in that the new retaining wall has been designed utilizing materials and colors that are compatible with the architecture and site design of the property's primary dwelling and, as stated, would allow better and more enjoyable use of the property. Landscaping proposed would serve to beautify the overall lot, while simultaneously providing screening for the proposed wall.**

A. General:

1. Approval of this application is to allow the for the demolition of an existing 2,878 square foot single-family residence and develop a new two-story 6,429 square foot single family residence with a 1,044 square foot attached garage and 226 square foot mechanical room and storage space at 32687 Sea Island Drive. Exterior improvements include retaining walls, fire pit, sitting area, barbeque structure and a partially covered patio and deck at the rear of the property. 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/Local Coastal Program, and the Dana Point Zoning Code.
2. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved, such work is not commenced with such two (2) year time period or; the Director of Community Development or the Planning Commission, as applicable grants an extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the initial two-year approval period, or any subsequently approved time extensions.
3. The application is approved for the location and design of the uses, structures, features, and materials, shown on the approved plans. 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 plans, they 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.

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 officers, 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.

6. The applicant and applicant's 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.
7. This resolution shall be copied in its entirety, placed directly onto a separate plan sheet behind the cover sheet of any plans submitted to the City of Dana Point Building/Safety and Engineering Division for plan check for Building and Grading Permits.
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 construction site shall be posted with signage indicating that construction shall not commence before 7 a.m. and must cease by 8 p.m., Monday through Saturday, and no construction activity is permitted on Sundays or Federal holidays.

10. A grading permit shall be obtained prior to any work, including demolition.
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 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. The erosion control measures shall be shown and specified on a plan and shall be constructed prior to the start of any other grading operations. The applicant shall maintain the erosion control devices until the final approval of all permits.
13. The applicant, property owner or successor in interest shall prepare a Waste Management Plan to the City's C&D official per the Dana Point Municipal Code. A deposit will be required upon approval of the Waste Management Plan to ensure compliance.
14. The Waste Management Plan shall indicate the estimated quantities of material to be recycled and the locations where the material is to be taken for recycling. Said plan shall be reviewed and approved by the City's C&D Compliance Official prior to issuance of any permits.
15. Separate review, approval, and permits are required for:
 - Separate Structures
 - Retaining walls
 - Shoring walls
 - Fire sprinklers
 - Demolition of Structures
 - Swimming Pool/Spa
 - Site Walls over 3'

B. Prior to the issuance of a grading permit the applicant shall meet the following conditions:

16. The applicant shall submit an application for a grading permit. The grading permit application, in compliance with City standards,

submitted for review and approval 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.

17. The applicant shall submit a geotechnical report in compliance with all the City of Dana Point standards for review and approval.
18. The geotechnical report shall be reviewed and approved by the City of Dana Point 3rd party geotechnical consultant prior to any permit being issued, including demolition.
19. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
20. Building(s) submitted prior to January 1, 2017, shall comply with the 2013 California Codes of Regulations Parts 1-12 and any local amendments thereto. Building(s) submitted after January 1, 2017, shall comply with the 2016 editions of the Building Code and any local amendments thereto.
21. Building plan check submittal shall include the following construction documents:
 - Building Plans (4 sets)
 - Electrical/Plumbing/Mechanical plans by a Registered Design Professional
 - Energy Calculations (2 sets)
 - Structural Calculations (2 sets)
 - Soils/Geology Report (3 sets)
 - Drainage Plan

All documents prepared by a registered-design-professional shall be wet-stamped & signed.
22. Fire Department review is required. Submittals shall go directly to the Orange County Fire Authority for their review and approval.
23. Undergrounding of all onsite utilities is required. An **Approved SDG&E Work Order** and **Undergrounding Plan** is required prior to permit issuance.

24. Minimum roofing classification is Class "A".

Fire-Sprinkler Requirements

25. Fire sprinkler system is required.

Foundation

26. **Soils Report** (1803): Submittal of a foundation and soils investigation report by a Registered Design Professional and conducted in conformance with CBC Section 1803.3 through 1803.5 is required. The report shall comply with CBC Section 1803.6.
27. Foundation system will provide provide for expansive soils and soils containing sulfates unless a soils report can justify otherwise. Use Type V cement, w/c ratio of 0.45, f'c of 4500 psi.

Construction Documents

28. **Green Building**: Plans shall show compliance & indicate method of verification of compliance with all CALGreen requirements. Third party or other methods shall demonstrate satisfactory conformance with mandatory measures.

C. Prior to Issuance of a Building Permit or release on certain related inspections, the applicant shall meet the following conditions:

29. Verification of all conditions of approval is required by all City Departments.
30. All approvals from outside Departments and Agencies (i.e. Fire Department) is/are required.
31. "***Rough Grade/Pad Certification***" or "***Grading Release Form***" is required from City Engineer.
32. All applicable supplemental/development impact fees shall be paid prior to building permit issuance.
33. 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 deepened foundation observations, field density testing, depth of reprocessing and re-compaction, as well as any shoring or temporary slopes required during the grading operation. A map depicting the limits of grading, locations of all density testing, deepened foundations, settlement

monuments, 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 being completed in conformance with the recommendations of the preliminary geotechnical report.

34. Separate review, approval, and permits are required for:
 - Separate Structures
 - Retaining Walls
 - Site Walls over 3 ft.
 - Fire Sprinklers
 - Demolition of Structures
 - Swimming Pool/Spa
35. The applicant shall obtain a grading permit and complete rough grading (establishment of building pads) in accordance with the approved grading plans and reports.
36. The applicant shall submit a rough grade certification from the Civil Engineer of Record for review and approval by the City Engineer by separate submittal. The rough grade certification by the civil engineer (the City's standard Civil Engineer's Certification Form for Rough Grading) shall approve the grading as being substantially completed in 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 vertical (grade) position approved for the project.
37. 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 CDP16-0018 and SDP16-0038 (M). The City's standard "Line & Grade Certification" form shall be prepared by a licensed civil engineer/surveyor and be delivered to the City of Dana Point Building and Planning Divisions for review and approval.
38. 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 CDP16-0018 and SDP16-0038(M). The City's standard "Height Certification" form shall be 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.

D. Prior to the issuance of a certificate of occupancy, the applicant shall meet the following:

39. The automatic fire sprinkler system shall be operational in a manner meeting the approval of the Fire Chief.
40. 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.
41. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual.
42. A written approval by the Geotechnical Engineer of Record approving the grading as being in conformance with the approved grading plan from a geotechnical standpoint.
43. A written approval by the Civil Engineer of Record approving the grading as being in conformance with the approved grading plan and which specifically approves construction of line and grade for all engineered drainage devices and retaining walls.
44. An As-Built Grading Plan shall be prepared by the Civil Engineer of Record.
45. All structural best management practices (BMPs) shall be constructed and installed in conformance with approved plans and specifications.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 14th day of November, 2016,

by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eric Nelson, Chairman
Planning Commission

ATTEST:

Ursula Luna-Reynosa, Director
Director of Community Development



VICINITY MAP

Project: Coastal Development Permit CDP16-0018 and Minor Site Development Permit SDP16-0038(M)

Applicant: Stan Schrofer and Associates

Location: 32687 Sea Island Drive



Supporting Document #2





Monarch Bay Terrace

October 7, 2016

Dear MBT Neighbors:

Re: 32687 Sea Island Drive, property of Mr. and Mrs. Neria

Many of you have seen emails that criticize an August 2016 Board decision to approve architectural plans for the above property. There has also been a recent letter that claims the Board has violated California laws for Homeowner Associations.

There is now dissension in the community and the Board would like to explain the exhaustive process that we went through to arrive at our decision. The decision was not made by one person, but by the entire Board in good conscience according to the CC&Rs and the Architectural guidelines.

Board and committee members spend many hours working on behalf of the Association. We care deeply about Monarch Bay Terrace, and do our best to act in the best interests of our community. None of us have special friendships or biases toward any of the parties in this disagreement.

First of all, the Board has not violated any laws. Our HOA is voluntary and owns no common property. We are not subject to the laws that regulate mandatory associations that own common property. We have not held illegal, secret meetings of any kind. We do have closed, "executive sessions" to discuss threats of litigation, as has occurred in this situation.

Recently a resident hired an attorney who conducted a "second opinion," evaluation and claims that our decision to approve Mr. Neria's plans was wrong, and illegally done. Our attorney will be writing a separate letter to respond to the charges made by the attorney.

That said, the Board would like to explain the process we have followed.

Beginning in January 2016, and after months of discussion with property owners, review of plans, and attempts to help residents resolve disagreements, the MBTPOA Board approved plans for new construction on Sea Island Drive.

Neighbors Mr. and Mrs. Handler and Mr. and Mrs. Boehm have objected to the planned construction. Mr. Boehm has been active in informing residents of those objections, from his perspective. Mr. Boehm has sent emails to residents stating that the new home will cause part of south views of a golf course and

MONARCH BAY TERRACE PROPERTY OWNERS ASSOCIATION

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hotel property to be obstructed from a south facing sliding glass door; and for the other neighbor, sunlight on a patio and nearby room will be reduced during some times of the year. Both the Boehm and Handler homes are situated closer to the ocean-facing slope of their properties, while the existing Neria home is set back farther, thereby giving those neighbors a south and north view advantage across the Neria property.

The Board's Architectural Committee evaluates plans in terms of the CC&R requirements, and asks residents to work with the property owner and the architect to resolve any issues. Usually, this system works well. In this case, the parties did not reach resolution, even with the assistance of the Architectural Committee. The Board then scheduled presentations from all parties. Mr. Neria and his architect offered four changes in the plan, to attempt to compromise, but the other parties found these inadequate, and declined.

All attempts at resolution, including formal mediation failed to resolve the objections. After visits to the properties, review of the plans and all photographs, listening to presentations by all the parties, and extended discussions, the Board was asked to vote on whether or not to approve the plans.

At that time, the Board did not have its full contingent of eight members, and the Boehms and the Handlers requested that we wait for the elections at the Annual Meeting before voting. Because all three of the newly-elected members had seen the properties, and were familiar with the arguments of the Boehms and the Handlers, the Board asked Mr. Neria to arrange another presentation to include the new members. Because of litigation threats at the presentation, discussion and voting were scheduled for an Executive session. Mr. and Mrs. Neria and their architect attended to make a presentation, and then left. The new Board then reviewed all of the information, and voted to approve the plans.

Over the months since architectural plans were first submitted in January 2016 there have been a number of accusations made against the Board, such as claiming bias and improper acts by the Architectural Committee chairman and other Board members, and attributing statements of expected vote favoritism to the new owner.

Mr. Boehm requested to speak at the Annual meeting in June to explain his perspective to the members. He also requested that residents attend the September 13, 2016 regular Board meeting, to express their opinions of the Board decision and architectural plans for the property. Mr. Boehm and interested residents attended, and shared their complaints and views, from 2:30 p.m. until 4:30 p.m. The Board cancelled the regular part of its meeting, and extended its regular meeting time, to allow all residents to be heard.

The Board has tried to work with the parties for months, and spent many hours studying the plans, the properties, and hearing all the arguments. We were sorry to find that no compromise was agreed upon, and about the level of upset among some of the residents. We came to a reasoned decision as to what we felt was appropriate, according to our CC&Rs and our architectural guidelines.

Sincerely yours,

Monarch Bay Terrace Property Owners Association
Board of Directors

PORTALES LAW, PC

Alejandro Portales, Esq.
T: 714.426.9010 x 311

July 13, 2016

Jim and Linda Boehm
32685 Sea Island Dr.
Dana Point, CA 92629
VIA MESSENGER

Steve and Sue Handler
32701 Sea Island Dr.
Dana Point, CA 92629
VIA MESSENGER

Chris and Stacy Neria
26002 Via Arboleda
San Juan Capistrano, CA. 92675
VIA COUNSEL

RE: NERIA ARCHITECTURAL APPLICATION

Dear Gentry:

My office represents Monarch Bay Terrace Property Owners Association (Monarch Bay Terrace). Monarch Bay Terrace's board of directors (Board) has asked my office to give you formal notice of its decision regarding the Neria's architectural application.

The Board, having considered all relevant factors, including the neighbors' objections, the Neria's overall and aesthetic impact their improvements would cause, and the Neria's privacy rights, has unanimously approved the Neria's application. The Neria's are free to proceed with construction as requested in their application so long as they have the necessary construction permits.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ale R', with a long horizontal stroke extending to the right.

Alejandro Portales, Esq.

CC: Board

Sean Nicholas

From: Jim Boehm <jboehm8@cox.net>
Sent: Friday, November 04, 2016 1:34 PM
To: Sean Nicholas
Subject: Fw: Response to MBTPOA Letter from Board to Residents of 10-7-16
Attachments: MBTPOA+++BLUE letter 10-7-16.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Sean,

The Board sent out a letter on 10-7-16. The attachment shows the letter with our responses (in blue).

Jim

----- Original Message -----

From: Jim Boehm
To: JIM BOEHM
Cc:
Sent: Sunday, October 09, 2016 4:30 PM
Subject: Response to MBTPOA Letter from Board to Residents of 10-7-16

The two page letter from our Board of Directors rambles and dissembles the process, but never do they explain how a decision was made contrary to their fiduciary responsibility to uphold the CC&Rs and Architectural guidelines for our community when they approved the plans for the Neria property blocking view lines for homeowners on both sides. This decision is also against the wishes of the 116 homeowners that signed the petition and the record attendance at both the Annual Meeting and the September Board Meeting, demanding that the Board support the view restrictions in our CC&Rs.

Attached are responses indicated in blue with +++++ symbols before and after the clarification and/or corrections.

The Board represents our community, and its responsibility is to uphold, protect and defend our CCRs, even if threatened by legal action.

Jim and Linda Boehm



Monarch Bay Terrace

October 7, 2016

Dear MBT Neighbors:

Re: 32687 Sea Island Drive, property of Mr. and Mrs. Neria

Many of you have seen emails that criticize an August 2016 Board decision to approve architectural plans for the above property. There has also been a recent letter that claims the Board has violated California laws for Homeowner Associations.

There is now dissension in the community and the Board would like to explain the exhaustive process that we went through to arrive at our decision. The decision was not made by one person, but by the entire Board in good conscience according to the CC&Rs and the Architectural guidelines.

+++++ How could this decision have been made in accordance with our CC&Rs and Architectural guidelines? As I have pointed out numerous times before, the CC&Rs say that nothing can be built on a lot in MBT that unreasonably blocks views from other properties in MBT. The "Guidelines for Design Review and CC&R Compliance" say **"No improvements or landscaping shall be constructed, planted or maintained upon any lot in such location or of such height as to obstruct the view from any other lot in the vicinity thereof."** This document says that its purpose "is to keep the community of MBT attractive and to protect views and property values. I do not understand how you can say that your decision was made in accordance with these documents. Further, in escrow, Mr. Neria signed a document stating that **"THE CC&RS SPECIFICALLY PROTECT VIEWS WITHIN MBT AND WILL BE STRICTLY ENFORCED. ANY CONSTRUCTION, MODIFICATIONS OR LANDSCAPING THAT HAVE THE POTENTIAL OF OBSTRUCTING PRE-EXISTING VIEWS WILL NOT BE APPROVED."** Could it be any clearer? Views and property values are to be protected.+++++

Board and committee members spend many hours working on behalf of the Association. We care deeply about Monarch Bay Terrace, and do our best to act in the best interests of our community. None of us have special friendships or biases toward any of the parties in this disagreement.

+++++While we appreciate that board members are volunteers and are not paid, we believe that you will agree that it is extremely difficult, if not impossible, to know another's biases. It was obvious at the Annual Meeting that some board members definitely had very strongly held opinions, as the chairperson of the ARC stomped out of the meeting and the President quit, twice, when asked by audience members how he felt about this issue.+++++

First of all, the Board has not violated any laws. Our HOA is voluntary and owns no common property. We are not subject to the laws that regulate mandatory associations that own common property. We have not held illegal, secret meetings of any kind. We do have closed, "executive sessions" to discuss threats of litigation, as has occurred in this situation.

+++++ I am not an attorney and, at this point, cannot say whether Davis-Sterling absolutely does not apply to our POA. However, I do believe that most property owners would agree, even if not strictly required by law, that the primary tenets of these laws should apply to our Board. Transparency, open meetings with published agendas and advance notification to the membership of time, date and location of meetings would seem to be absolute requirements for a board functioning on behalf of the membership. You say that you have held no illegal, secret meetings of any kind. How did you happen to have a meeting on July 12, 2016, that was never announced to the membership, the Handlers or the Boehms, but Mr. Neria and Mr. Schrofer, his architect, were informed and they made a presentation with Mrs. Neria in the back of the room in her wheelchair with one daughter? To us, this was like the prosecution was invited to present their case and the defense and the community weren't even told that there was a trial going on. How were the Nerias informed/invited and no one else? Why weren't we (and other property owners) allowed to be there to be able to hear or respond to subjects presented by the Nerias? These are supposed to be "open meetings" for all members. Isn't the definition of a secret meeting one that is unannounced and held in private? If there were "threats of litigation", they were not made by us. The only attorney ever present was Mr. Neria's. We have always supported the POA. Had the Board followed our rules in the first place and just handed the plans back to Mr. Neria and Mr. Schrofer and asked that the plans be modified so neighbors' views weren't blocked, none of this would have happened. It was so simple. Now, with your approval, you have created a mess. Mr. Neria is attempting to race forward and quickly demolish his house so that he has more "damages" to claim if you rescind your approval. (Mr. Tristan Krogus, Esq. pointed out that approvals had been rescinded at least three times in the past). We believe that Mr. Neria could easily sell his property today for a profit and move on to a location where he not stealing others' views, upsetting an entire neighborhood and threatening the enforcement and existence of our CC&Rs. +++++

Recently a resident hired an attorney who conducted a "second opinion," evaluation and claims that our decision to approve Mr. Neria's plans was wrong, and illegally done. Our attorney will be writing a separate letter to respond to the charges made by the attorney.

+++++ While we look forward to your new attorney's response, the neighbor who provided the "second opinion" did so at his own expense. The Boehms and the Handlers have also wasted considerable funds on this. All unnecessary had you simply enforced our written rules in the first place.+++++

That said, the Board would like to explain the process we have followed.

Beginning in January 2016, and after months of discussion with property owners, review of plans, and attempts to help residents resolve disagreements, the MBTPOA Board approved plans for new construction on Sea Island Drive.

+++++This states that you approved plans in January 2016. Is that a "typo"? We understood that you did not approve plans until July 12, 2016. The ARC chairperson and one member visited our house to see the

story poles and the impact on our views. (The "one member" later sold his house and moved, leaving the chairperson as the only member of the ARC.) We sent a letter to the Board at the end of January inviting all members to visit the Boehm's and the Handler's to see the impact for themselves. Four members visited on February 29, 2016, and Mr. Tingley visited on the way to a board meeting on March 8, 2016.

Regarding "attempts to help residents resolve disagreements": The "help" consisted of asking us to work this out with Mr. Neria. We invited him and his wife to visit the Boehms and the Handlers see the impact on our views and discuss. Mr. Neria refused. The Board's next "assistance" was to tell us that we needed to go to expensive mediation and that they could recommend some mediators.++++

Neighbors Mr. and Mrs. Handler and Mr. and Mrs. Boehm have objected to the planned construction. Mr. Boehm has been active in informing residents of those objections, from his perspective. Mr. Boehm has sent emails to residents stating that the new borne will cause part of south views of a golf course and hotel property to be obstructed from a south facing sliding glass door; and for the other neighbor, sunlight on a patio and nearby room will be reduced during some times of the year. Both the Boehm and Handler homes are situated closer to the ocean-facing slope of their properties, while the existing Neria home is set back farther, thereby giving those neighbors a south and north view advantage across the Neria property.

++++"will cause part of the south views of a golf course and hotel property to be obstructed..." From that window, the Neria house would take ALL of the hotel and most of the golf course in front of the Monarch Beach Resort. "and, for the other neighbor, sunlight on a patio and nearby room will be reduced some times of the year." Actually, the new structure would BLOCK Handler's views out of the picture window in their living room up the coast beyond the north end of Catalina and eliminate the sky and all sunsets in this area for at least five months of the year, in addition to eliminating sunshine on the patio. These blockages would obviously reduce the property values of these homes and destroy the ambiance of the nearby areas. This paragraph attempts to **minimize** the damage that would be done by grossly understating the impact of the blockages on both neighbors.

"Boehm and Handler homes situated closer to the ocean-facing slope while Neria's is set back.." In fact, the rear wall of the Boehm home is 32" further back from the ocean than the existing Neria house. The Neria house is actually **twelve feet from the top of the slope**. The Boehm house is actually **17 feet back from the top of the slope**. In the aerial view supplied in the recent attorney's "second opinion letter", the Boehm house appears to be further out because only the roof extends out twelve and one half feet over a rear patio. From the Neria property, one's view up the north coast is not interrupted because one can see through under the overhang. The Neria property is three feet lower in elevation than the Boehm property.

"Advantage across Neria property..." Didn't Mr. Neria notice this when he bought the property? The corner of the Boehm home is nearly all glass facing south and was only changed slightly when they remodeled in 1999. The Handler's picture window faces north. Mr. Neria could SEE what he was buying. He also signed documents in escrow (on pink or yellow paper) saying that **VIEW OBSTRUCTIONS WOULD NOT BE APPROVED**. He then had his architect draw up plans pushing the back of the house out TEN FEET taking both neighbors' views. Mr. Neria has an excellent view now. He just can't TAKE OURS. (Any neighbor interested in actually seeing this in person may contact us and visit the properties.)++++

The Board's Architectural Committee evaluates plans in terms of the CC&R requirements, and asks residents to work with the property owner and the architect to resolve any issues. Usually, this system works well. In this case, the parties did not reach resolution, even with the assistance of the Architectural Committee. The Board then scheduled presentations from all parties. Mr. Neria and his architect offered four changes in the plan, to attempt to compromise, but the other parties found these inadequate, and declined.

+++++"Evaluates in terms of the CC&R requirements....." If the Board evaluates the projects in accordance with the CC&Rs, the "Mandatory Guidelines" and the escrow documents, WHY DID THIS EVER GET CONSIDERED? Why weren't these plans just SIMPLY AND IMMEDIATELY handed back to Neria/Schrofer for modification so views would not be blocked? There are decades of history of the ARC and the Board fighting property owners over TREES that are located BLOCKS AWAY. Isn't building a fifteen foot high, ten foot wide house into PRE-EXISTING residents' views a TOTAL VIOLATION of all of our documents? Trees are, but this giant permanent structure is not? Really?

"four changes in the plan..." We are not aware of four changes in the plans offered by Neria/Schrofer and neither are the Handlers. At Mr. Neria's presentation to the Board, a board member asked him if he would consider getting a variance from the city allowing him to move the front wall and structure ten feet toward the street so that it would not impact neighbors' views. Mr. Neria responded by saying that he would consider a two or three foot variance **if the Boehms would put an "easement on their house, in perpetuity, saying that no owner could ever build out and block HIS view.** So he feels it is fine to take our views but he doesn't want anybody to ever return the favor? Was this an offer of "change to the plan"? Neria's attorney presented one compromise to the Handlers and then to the Boehms. It had nothing to do with views. He offered to place the sides of the house six feet from the property line instead of five feet. One foot on each side! This offered nothing and, in fact, was rather disingenuous. If the Nerias excavated to the maximum of five feet, there is a good chance that the Boehm's fence (on Boehm's property) would fall down and the Nerias would be liable for the damage and would have to replace the whole thing. The extra foot they were offering might already be necessary to avoid downing the fence so really nothing was being offered. There were NO ATTEMPTS by Neria/Schrofer to compromise. And besides, according to all of our view protection documents, we shouldn't have to compromise. +++++

All attempts at resolution, including formal mediation failed to resolve the objections. After visits to the properties, review of the plans and all photographs, listening to presentations by all the parties, and extended discussions, the Board was asked to vote on whether or not to approve the plans.

At that time, the Board did not have its full contingent of eight members, and the Boehms and the Handlers requested that we wait for the elections at the Annual Meeting before voting. Because all three of the newly-elected members had seen the properties, and were familiar with the arguments of the Boehms and the Handlers, the Board asked Mr. Neria to arrange another presentation to include the new members. Because of litigation threats at the presentation, discussion and voting were scheduled for an Executive session. Mr. and Mrs. Neria and their architect attended to make a presentation, and then left. The new Board then reviewed all of the information, and voted to approve the plans.

+++++"Because all three of the newly-elected Members had seen the properties..... Actually, two of the three new members had visited the properties and stated at the time that the planned structure obviously

should not be allowed. One had previously signed our petition saying that no house should be built beyond the footprint of the existing house. One new board member said that he did not need to visit the houses as the photographs of the view blockages were sufficient. He also signed our petition.

“familiar with the arguments of the Boehms and the Handlers.....” These new members had never heard the detailed Boehm presentation, they only heard the capsule summary at the Annual Meeting. They never heard the rebuttals to the Neria presentation. Then these three new members, at this un-noticed meeting a few weeks later, totally reversed their view preservation positions as strongly stated at the Annual Meeting, where they were elected, and voted to approve the Neria project. WHY?? WHAT FACTORS WERE CONSIDERED AND CAUSED THEM TO REVERSE? We, and very many of our neighbors, have been repeatedly asking why, as our representatives, they are not enforcing our rules. About forty property owners attended the last meeting in the middle of the day and asked them why. No response. We still have received no response . . . including this letter from them. If they have a legitimate reason for not enforcing all of our legal/contractual documents, why can't they tell us? They can't just say “We decided not to enforce our rules and we won't tell you why.”

Re: “litigation threats.....” Who threatened litigation? Since we never did, please tell us who threatened litigation. Since only the Nerias were at the presentation referenced, are we to assume that they threatened litigation? Did the Board think that they would lose a legal challenge if they enforced the CC&Rs, the “Mandatory Guidelines for Design Review and CC&R Compliance” and escrow documents that Mr. Neria signed and agreed to? He signed a CONTRACT WITH THE PROPERTY OWNERS ASSOCIATION. How could the POA lose? As one of our neighbors said to you in an email, “As a homeowner, I resent the legal position your poor decisions have put us in.” The mistaken approval means that you could now be sued by Neria or Boehm/Handler. If you had just followed the rules and handed the plans back for modification, none of this would have happened. Mr. Neria would have had his plans modified and the Boehms and the Handlers would not have suffered and wasted time and money for almost one year. And there would not be “**dissention in the community**”. Your approval has created this dissention. We just shared what was happening with our neighbors as it impacts enforcement of our CC&Rs.++++

Over the months since architectural plans were first submitted in January 2016 there have been a number of accusations made against the Board, such as claiming bias and improper acts by the Architectural Committee chairman and other Board members, and attributing statements of expected vote favoritism to the new owner.

++++“Number of accusations..... Bias.....” After a long time, and with no rejection of Neria's plans by the ARC, we asked that the head of the ARC recuse himself as we discovered that Mr. Schrofer was the architect of his home and a golfing partner. There is no shame in recusing oneself. People in positions with voting power voluntarily do it all the time to avoid any possible perception of bias. Mr. Neria DID make statements to us that he “knew and had played golf with a member of the Board and that he felt his project would be approved.” He also made a similar comment to another party. +++++

Mr. Boehm requested to speak at the Annual meeting in June to explain his perspective to the members. He also requested that residents attend the September 13, 2016 regular Board meeting, to express their opinions of the Board decision and architectural plans for the property. Mr. Boehm and interested residents attended, and shared their complaints and views, from 2:30 p.m. until 4:30 p.m. The Board cancelled the regular part of its meeting, and extended its regular meeting time, to allow all residents to be heard.

+++++The purpose of the record-setting large turnout at the September 13, 2016 meeting (in the middle of the day on a work day) was not just to “share their complaints and views”. It was to determine HOW the Board decided to approve Neria’s view-blocking plan. The Board was completely unresponsive to member’s repeated requests for this information, even though members told them that this is WHY they came to the meeting. The Board said that their attorney had advised them “just to listen” and that they were waiting for a legal opinion from him. To this date, including this letter from the Board, we still have no answer as to why they overruled all of our documents and ignored the stated objections of all of the neighbors surrounding Neria’s property plus ignoring one hundred and sixteen property owners who signed a petition saying that Neria should not be allowed to build into neighbors’ pre-existing views. The Annual Meeting had more attendees than had been seen in decades and the vast majority were there to tell the Board that view preservation was CRITICAL. WHY were all of these homeowners ignored? You are our representatives. Didn’t you get about the strongest message possible from the people you represent?+++++

The Board has tried to work with the parties for months, and spent many hours studying the plans, the properties, and hearing all the arguments. We were sorry to find that no compromise was agreed upon, and about the level of upset among some of the residents. We came to a reasoned decision as to what we felt was appropriate, according to our CC&Rs and our architectural guidelines.

+++++If the Board spent months studying the Neria plans, shouldn’t they have seen that he could still have his 6,429 square foot house, four car garage, thirty foot swimming pool and fire pit without blocking neighbors’ views? He could move the front wall toward the street, as many of his neighbors have done, and then easily build his house with no view blockage. He could excavate more or extend the lower floor further out toward the ocean. Many options are available without blocking views. If plans were “studied for months”, how could you miss these obvious options?

“We were sorry to find that no compromise was agreed upon.....” If all of our documents support view preservation and you have experienced this enormous outcry from the community insisting that you enforce our rules, why would compromise be necessary? “The level of upset.....” You apparently recognize this very high “level of upset” but are unwilling to correct your mistake. AGAIN, **WHY?** Why won’t you tell us your reasoning? I thought it might be the Americans with Disabilities Act, but that does not apply to private residences. Is there some undisclosed obscure law that you are following but will not disclose to us? Are you afraid that Mr. Neria with his big bucks and big lawyers will sue and bankrupt the association? We all want to know your rationale for not enforcing our rules which documents say **WILL BE STRICTLY ENFORCED**. I don’t believe that “We came to a reasoned decision as to what we felt was appropriate” is enough disclosure to satisfy the very upset membership that you represent. Your sole responsibility is to enforce, protect and defend our CC&Rs, even if threatened by legal action.+++++

Sincerely yours,

Monarch Bay Terrace Property Owners Association
Board of Directors

+++++This letter does not even address the critical fact that this approval **sets a precedent** which may be used in the future by new property owners to block other neighbor's views and that could possibly allow a judge to **toss out** our CC&Rs completely for your failure to enforce them.

We are sharing this response to your letter with as many property owners as we can. If they have read this far, I thank them for their time and attention to this very serious matter. I apologize for the length of this, but I feel that providing all of the facts is important.

Finally, we find it amazingly ironic that you chose to send out a letter, explaining that you are not protecting views as required, on stationery with a colored picture header of a beautiful view from Monarch Bay Terrace.+++++

Most sincerely,

Jim and Linda Boehm

HATTON, PETRIE & STACKLER APC

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September 19, 2016

Board of Directors
MONARCH BAY TERRACE
PROPERTY OWNERS ASSOCIATION
P.O. Box 3526
Dana Point, CA 92629

Re: Proposed construction at 32687 Sea Island Drive, Dana Point, CA 92629

To the Board:

We represent David Tofolo, who owns 32677 Sea Island Drive. He and his neighbors are deeply concerned about planned construction at 32687 Sea Island Drive. Last September that property was purchased by the Neria family.

Monarch Bay Terrace was built over 50 years ago. Seaward homes enjoy sweeping views of the ocean and surrounding topography, which includes the Monarch Beach Golf Links.

Homes were originally located with obvious respect for neighboring views. Overhead photographs show a line drawn along the seaward edge of the homes building envelopes forms a gentle curve, which mimics the as-built topography and adjoining Sea Island Drive. (See Google Earth photo attached as Exhibit A.)

Contrary to the default rule of California real estate law, Monarch Bay Terrace homeowners' views enjoy strong protection. The CC&Rs and "Mandatory" architectural guidelines expressly state that no construction or landscaping may unreasonably interfere with neighboring views.

The Nerias' proposed construction will unreasonably interfere with views of their neighbors at 32685 (Boehm) and 32701 (Handler). Moreover, if construction goes forward it will set a precedent that promises to have others seek to relocate their homes ever closer to the ocean, in order to gain expanded views at the expense of their neighbors.

Finally, it appears the Nerias' plans were approved at an un-noticed, secret July 12, 2016, board meeting in violation of California law. And the CC&Rs and other governing documents require a 3-member Architectural Committee to review and approve any submitted plans.

Instead, it appears the "Committee" reviewing the Nerias' plans is comprised of only one member, who may have been biased in favor of the plans, which were prepared by his own architect and golf partner.

This letter respectfully demands the board "rescind" the Nerias' architectural approval, and so-notify the Dana Point Planning Department. The Nerias may resubmit it for consideration by a fully-staffed Architectural Committee and, if necessary, the Board in compliance with the law.

As explained below, the alternative likely involves costly litigation.

I. GOVERNING DOCUMENTS

The homes at 32677 (Tofolo), 32685 (Boehm), 32687 (Neria), and 32701 (Handler) are all governed by the same documents, which provide, in pertinent part, as follows.

A. Requirement of 3-person Architectural Committee

Architectural Committee approval is required for any improvements in Monarch Bay Terrace. That committee is to consist of three members, one of whom is to be an architect. The problem here is that there is no duly constituted Architectural Committee. Obviously, therefore, Nerias' plans cannot have received Architectural Committee approval.

The Monarch Bay Terrace Property Owners Association ("MB") Architectural Committee ("AC") is a "committee of three members of [MB] who are appointed by the Board of Directors on an annual basis." (CC&R § 1.2)

"The Architectural Committee *shall* be composed of three members of the Association, [and] appointed annually by the Board of Directors." (CC&R § 3.9, emphasis added; Guidelines § 2) "No...building...shall be...constructed...until plans and specifications showing plot layout and all exterior elevations...shall have been submitted to and approved in writing *by the Architectural Committee.*" (CC&R § 3.9, emphasis added) "One member of the three...member Architectural Committee *shall be*...an architect in good standing." (Bylaws, Art. VIII, § 2, emphasis added)

"Before an owner commences the construction of *any* improvements" they must submit 2 complete sets of detailed plans to the "Architectural Committee." (CC&R §3.2, emphasis added)

No one may build anything without first receiving "written approval of Association" with respect to the plans, specifications, and proposed location of the improvement. (CC&R § 3.4)

No addition to, or alteration of, and structure in MB may be commenced unless the “plans and specifications covering the proposed additional or alteration...have first been submitted to and approved by the Architectural Committee in writing.” (CC&R § 3.5)

“All disputes between owners concerning views must be mediated by the owners first, with a request in writing by the owner who contends that a view is unreasonably blocked, to the neighbor who is allegedly interfering with the view. If mediation is unsuccessful, a written complaint must be sent to the Architectural Committee, or Board of Directors. If any owner disagrees with the findings of the Architectural Committee concerning any view dispute...the owner may appeal the decision or findings to the Board of Directors.” (§ 3.11)

Of course, the Boehms have strongly protested the destruction of their views. But there is no duly composed Architectural Committee to evaluate their complaint.

B. Absolute protection of existing views

“View” means “that which is visible to the naked eye while standing, sitting or lying down anywhere in one’s home, or anywhere on one’s lot.” (*Ekstrom v. Marquesa at Monarch Beach Homeowners Association* (2008) 168 Cal.App.4th 1111, 1119.)

Attached is a demonstration of how the Nerias’ planned construction will devastate views from the Boehm and Handler homes. (See Exh. B, and C.) This flies in the face of the considerable protections sprinkled throughout the governing documents.

“Obstruct” means “to block from sight or be in the way of (and thus even one palm frond would block some portion of a view).” (*Ekstrom, supra*, 168 Cal.App.4th at p. 1119.)

“No building...shall be constructed,...placed or permitted to remain on any...lot[]...in such location or manner as **will unreasonably obstruct or interfere with the view from another lot in Monarch Bay Terrace.**” (CC&R § 2.3, emphasis added) “No improvements...shall be constructed...upon any lot in such location...as to obstruct the view from **any** other lot in the vicinity....” (Mandatory Guidelines for Design Review (“Guidelines”) § 7.A, emphasis added)

Likewise all landscaping and other improvements must be maintained so as not to unreasonably interfere with others’ views. (CC&R § 2.9)

The Association has the right to remove “improvements...erected...in violation of any provision contained in this Article III....” (CC&R § 3.8)

Architectural Committee approval “shall be based, among other things, on...conformity and harmony of exterior design with neighboring structures; effect of location and use of improvements and landscaping *on neighboring property, improvements, views, operations, and uses*; relation of topography, grade, and finished ground elevation of the property being improved *to that of neighboring property*;...preservation of natural view and aesthetic beauty; and conformity of the plans and specifications to the purpose and general plan and intent of this Declaration.” (§ 3.10, emphasis added)

It bears repeating: no duly constituted Architectural Committee has ever review the Nerias’ plans.

C. Board meetings are scheduled for the *first* Tuesday of every month

Under the Bylaws board meetings are to be held the first Tuesday of every month. In July, that would be July 5.

Yet on July 12, the Board held a “meeting” for the ostensible purpose of training new directors elected in June at the Annual Meeting. It was later disclosed that the Nerias and their architect attended the meeting, made a presentation to the board, and that the board approved the plans at the meeting. This is unlawful.

II. MEETINGS MUST BE PUBLICLY SCHEDULED, WITH A PUBLISHED AGENDA, AND OPEN TO THE MEMBERSHIP

As noted above, this violated the scheduling provision of the Bylaws. More importantly, the un-noticed meeting, not preceded by a posted agenda, violated the law.

Unless the governing documents provide otherwise, all members must receive at least 4 days’ notice of the time and place of a board meeting. (Civ. Code, § 4920.) The board is prohibited from discussing or taking action on any item unless the item was first placed on the meeting agenda, which was included in the notice distributed to the members as required by Civil Code section 4920. (Civ. Code, § 4930, subd. (a).)

Minutes of any meeting are required to be available to members within 30 days of the meeting. (Civ. Code, § 4950.)

Violation of these provisions gives rise to a member’s right to bring a civil action:

A member of an association may bring a civil action for declaratory or equitable relief for a violation of this article [i.e., the Act] by the association, including, but

not limited to, injunctive relief, restitution, or a combination thereof, within one year of the date the cause of action accrues.

(Civ. Code, § 4955.) A member who prevails in the civil action shall be entitled to reasonable attorney's fees and court costs, and the court may impose a civil penalty of up to \$500 for each violation. (Civ. Code, § 4955.)

III. CONCLUSION

As demonstrated above, the Nerias have not received lawful approval of their plans. There is no Architectural Committee as required by the governing documents. Therefore, no Architectural Committee has approved the plans.

The Board cannot hold clandestine, unscheduled meetings. It can only meet on no less than 4-days advance notice to the membership. And that notice must include an agenda of action items. Here the board met secretly, unscheduled, without notifying the membership (yet Mr. Neria and his architect Stan Schrofer were somehow informed). Any decisions made at that meeting are unlawful and cannot be enforced. (*Ekstrom, supra*, 168 Cal.App.4th at p. 1120.)

Mr. Tofolo and his wife would like to maintain good relations with their new neighbors. But that requires reciprocal effort.

All owners are deemed to know and approve of restrictions in the recorded CC&Rs. (*Citizens for Covenant Compliance v. Anderson* (1995) 12 Cal.4th 345, 349.) In fact, the Nerias had to sign acknowledgment of the strong view protections as a part of the escrow process. The Nerias moved into MBTA knowing of its strong view protections. It is not unfair to hold them to the standards they agreed to, and that have long governed the rest of the members.

Very Truly Yours,

HATTON, PETRIE & STACKLER APC

A handwritten signature in dark ink, appearing to read 'AR. PETRIE II', is written over a horizontal line.

ARTHUR R. PETRIE, II

ARP:ms
Encl.

EXHIBIT A

Placement of homes along Sea Island

Homes are plotted to track the curves of the land and adjoining Sea Island Drive

- Legend**
- 32687 Sea Island Dr
 - Crown
 - South Shores Church

32687 Sea Island Dr

Google Earth

400 ft



© 2016 Google

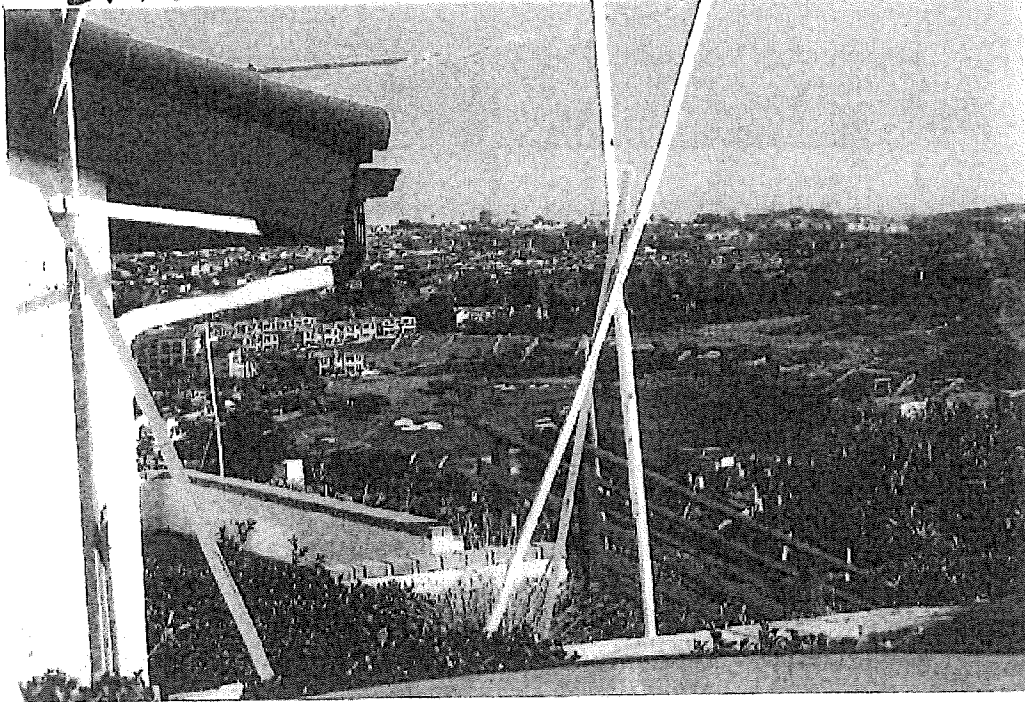
EXHIBIT B

Right side of property

BOEHM VIEW FROM DINING ROOM AND PATIO DINING TABLE

Before and After Proposed Building

BEFORE:

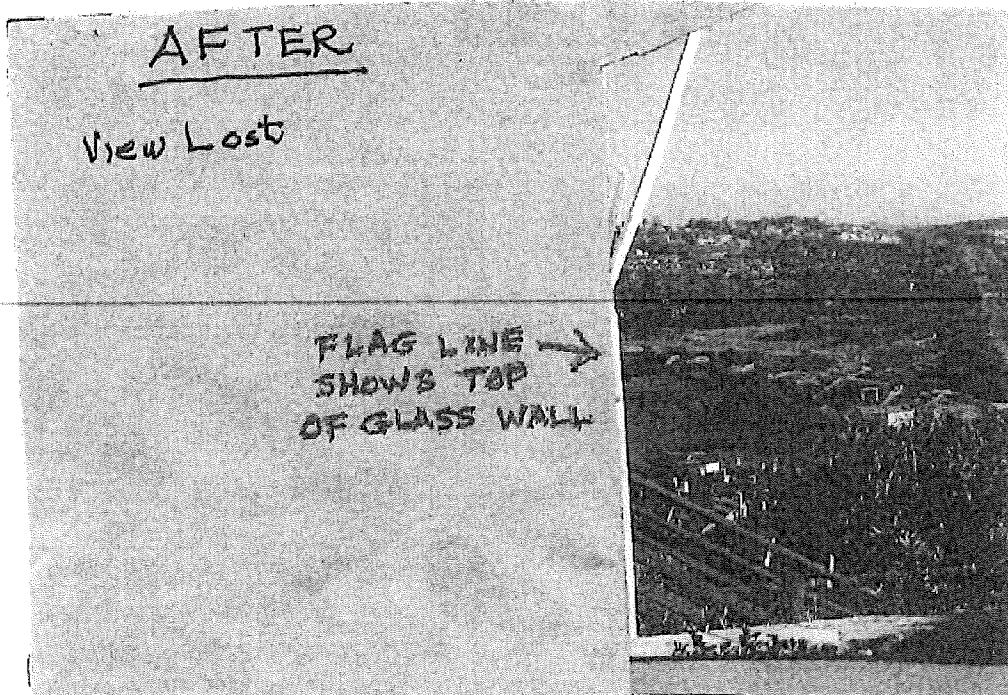


This would be the back of the new house.

← TOP OF GLASS WALL

AFTER

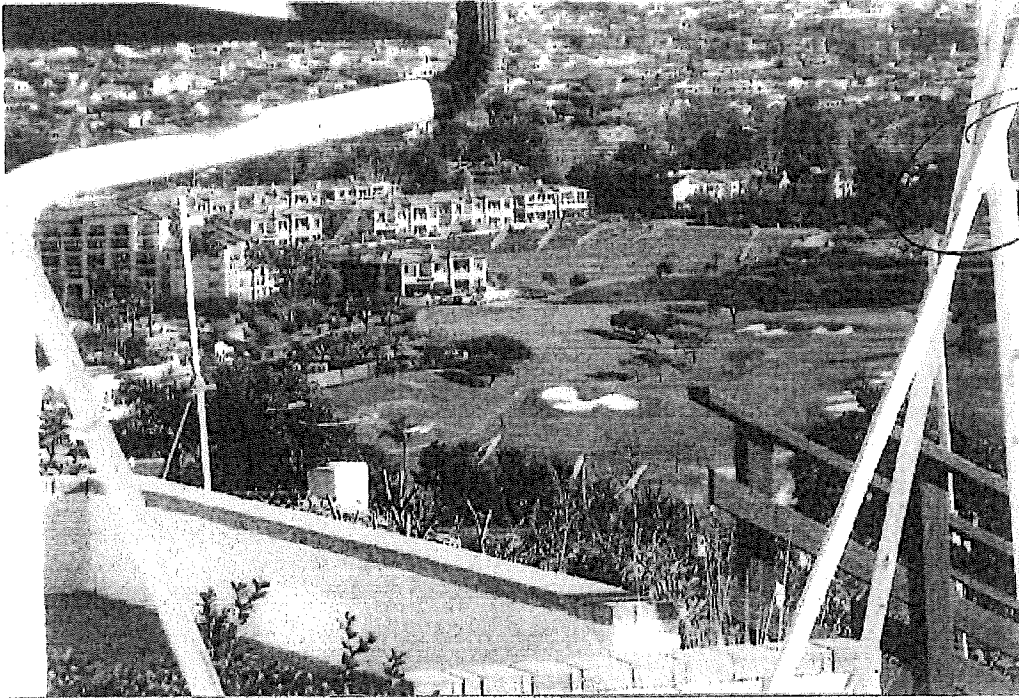
View Lost



FLAG LINE →
SHOWS TOP
OF GLASS WALL

BOEHM VIEW FROM DINING ROOM AND PATIO DINING TABLE
Before and After Proposed Building

BEFORE:



AFTER:

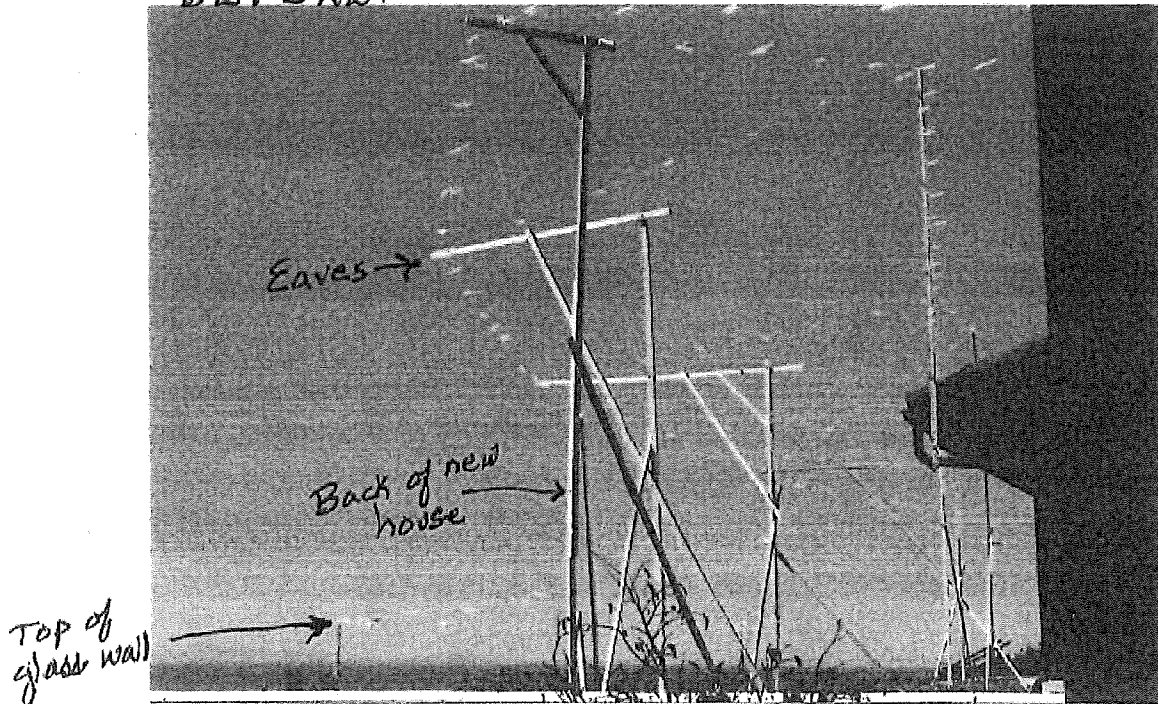
Complete blockage of view of St. Regis,
golf course and park. Reduction of
sunshine on prime patio area and destroys
ambiance of area. Reduces property value.

EXHIBIT C

Left side of property

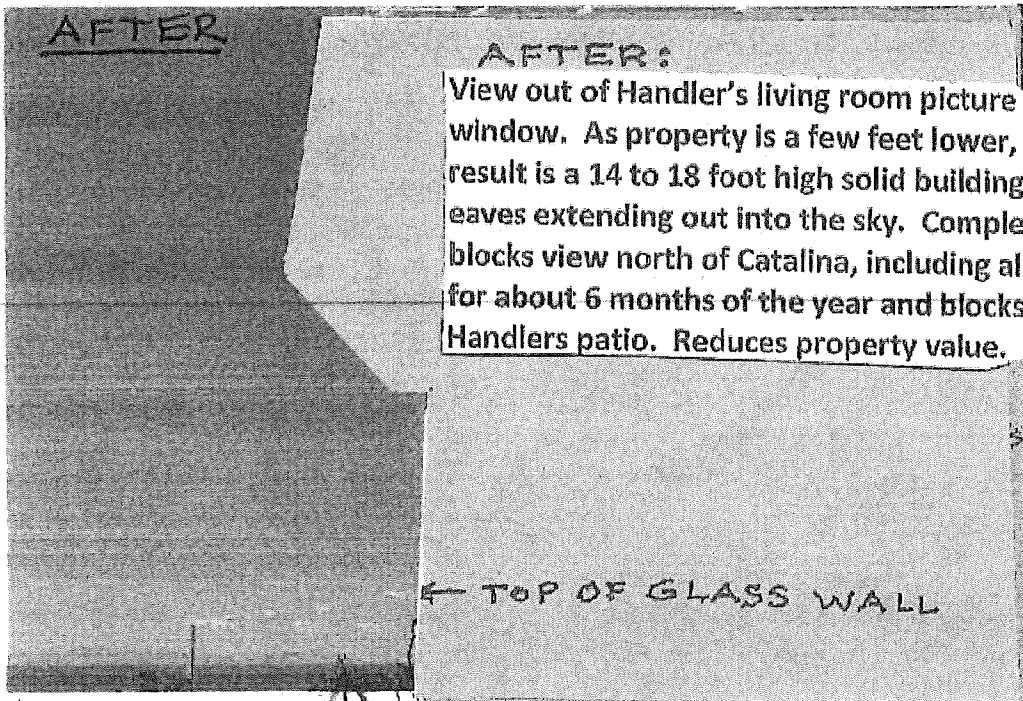
HANDLER VIEW FROM LIVING ROOM AND PATIO
Before and After Proposed Building

BEFORE:



AFTER:

AFTER:
View out of Handler's living room picture window. As property is a few feet lower, the result is a 14 to 18 foot high solid building, with eaves extending out into the sky. Completely blocks view north of Catalina, including all sunsets for about 6 months of the year and blocks sun on Handlers patio. Reduces property value.



Sean Nicholas

From: Pat MacDonald <pmacd@cox.net>
Sent: Wednesday, November 02, 2016 5:01 PM
To: Sean Nicholas; Matt Schneider; MARK SUTTON
Subject: 32687 Sea Island Dr. Proposed Excavation & Construction

November 2, 2016

To: City of Dana Point Planning Department
33282 Street of the Golden Lantern
Dana Point, CA 92629

From: Mrs. Robert D. MacDonald
32687 Caspian Sea Drive
Dana Point, CA 92629

Re: 32687 Sea Island Drive
Proposed Excavation and Construction

Dear Planning Department.

I have just heard there will be a discussion November 14th, regarding the construction at 32687 Sea Island Drive. I am very concerned about the project in it's present form and hope it will be studied very carefully and include a thorough soil inspection.

We live on the street directly below this project. We moved here 16 years ago and were puzzled by the constant stream of water that flowed down Caspian Sea. This stream of water came down from the hill above us. We were also concerned about the amount of mud and rocks that came down whenever we had a rainstorm.

In talking to a neighbor, John Baker at 32661 Caspian Sea, he told us about a previous landslide onto the street across from him and of other slides occurring in the neighborhood. We also learned that this area has a history of underground streams.

I understand Nature is Nature but this proposed structure will be digging deeply into the hillside and changing Nature. If this project continues what assurance can the City give me that the hill will remain the way Nature formed it.?

We do not want mud flows blocking traffic on Caspian Sea Drive and we do not want mud coming into our home. And if/when a problem occurs we do not want to blame the City for negligence in authorizing excavation and construction on a previously stable hillside.

As mentioned earlier, Please study this proposed project very carefully

Thank you,

Patricia MacDonald
32687 Caspian Sea Drive
Dana Point, CA 92629

October 18, 2016

To: City of Dana Point
Planning Department

From: James and Linda Boehm, 32685 Sea Island Drive, Dana Point
Steve and Sue Handler, 32701 Sea Island Drive, Dana Point

**Re: Proposed Demolition of Existing House and Construction of a New House at
32687 Sea Island Drive**

We are the neighbors on either side of this proposed demolition and construction. The Boehms are on the right and the Handlers on the left. We have a number of serious concerns regarding this project:

First, we are very concerned about the stability of this lot as the plans call for excavating for a basement floor equaling 2,819 square feet of the total 6,429 square foot house. We (Boehms) have lived in our house since 1998. This lot at 32687 has had water pouring out of the bottom of the lot and across Caspian Sea for 365 days a year for as long as we have lived here. While this is the first year that this water is not constantly flowing (two years of drought), you can tell by looking at the completely eroded curb on Caspian Sea that this problem has been going on for decades. In fact, the prior owner watered as little as possible and actually disconnected the sprinkler system on the northwest side of the house. In addition to the curb erosion, there are large cracks in the curbs, sidewalks and driveways both on Caspian Sea as well as on Sea Island. The Caspian Sea street has been repaired numerous times below this slope as the asphalt heaves up and cracks. You may also check with the long-time residents directly across from this slope, Robert and Pat MacDonald, at 32687 Caspian Sea, who would verify this on-going problem. They are very concerned about possible slides and mud flows from this property if it is disturbed. Please note that the plans for this house also include a swimming pool and spa as well as the extensive excavation.

As you are probably aware, there are numerous underground streams in the Monarch Bay Terrace community. Some homeowners have had to completely replace the lower areas of their houses due to water damage. There have been many landslides (on Caspian Sea, Caribbean, Mediterranean and along Crown

Valley Parkway). The property at approximately 32300 Caribbean has been a total mess for decades with slides, plastic-covered slopes and K-rails permanently on the street to catch falling dirt and rocks. Water constantly seeps out of the lots on Seven Seas near Crown Valley and I believe that the City actually reconstructed the base of that hill including numerous French drains and concrete drains. I also believe that the City required the homeowner at 32655 Caspian Sea to put in caissons at the back of their lot. There is also extensive water flow at the slope at the Sea Island/Caspian Sea intersection, to the extent that I believe the City has replanted trees about five times in one area over the last ten years because the constant water flow gradually kills the trees. The corner of Sea Island and Crete has always had water problems and work has been done there to drain off the excess water which used to run over the sidewalk.

My wife and I have had considerable experience with slope failure. In 1993, my (Jim Boehm's) father-in-law lost his house on Calle Sonora in San Clemente when his house and his next-door neighbor's house slid down a hill during a period of heavy rains. Not only did the whole house cave in and get destroyed, but the entire slope continued sliding. This massive amount of dirt got to within a few feet of the house at the bottom of the slope before it finally stopped moving. As the house was caving in and sliding, with the ceiling falling down, we ran in and out of that house retrieving my in-laws' belongings. I spent three years getting this lot rebuilt with numerous sixty-five foot caissons and tie-backs between the caissons. My father-in-law and his wife were never the same after this tragedy. As we do not want to re-live that experience, my wife and I are **extremely** sensitive to any excavation next to and down-hill from our home as we have seen what can happen. As you know, much of this area is "Capistrano Formation". There is granite on this hill but it is often sitting on adobe-type soils. Add enough water, and even the granite starts moving. We also know that soil subsidence is not covered by homeowner's insurance. Who will replace our house if the property moves and the house breaks to pieces?

On April 13, 2016, 2R Drilling came out and drilled a twenty foot hole in the front yard of 32687 Sea Island. I told the supervisor about the continuous water flow under the property and asked him if numerous other holes would be drilled if the house were demolished. He said that he didn't know, but considering the water flow, said, "That would be prudent." We certainly hope that the city will require some serious drilling and geotechnical analysis of this property before allowing

any excavation to go forward. At the lot in San Clemente, they actually drilled caisson-sized holes and lowered a geologist down the shaft in a cage to test soils and look for water. **We do not want our houses moving at all** and the neighbors on Caspian Sea **do not want to be visited by mud**. While the final engineering structure to keep our house from moving could be sufficient, there are considerable concerns during the construction process should serious rains arrive while our property is supported only by temporary shoring, or less. As I believe that these slopes have an elevation grade steeper than 2:1, which would not be allowed today, the slide/soil subsidence possibilities are a bigger concern.

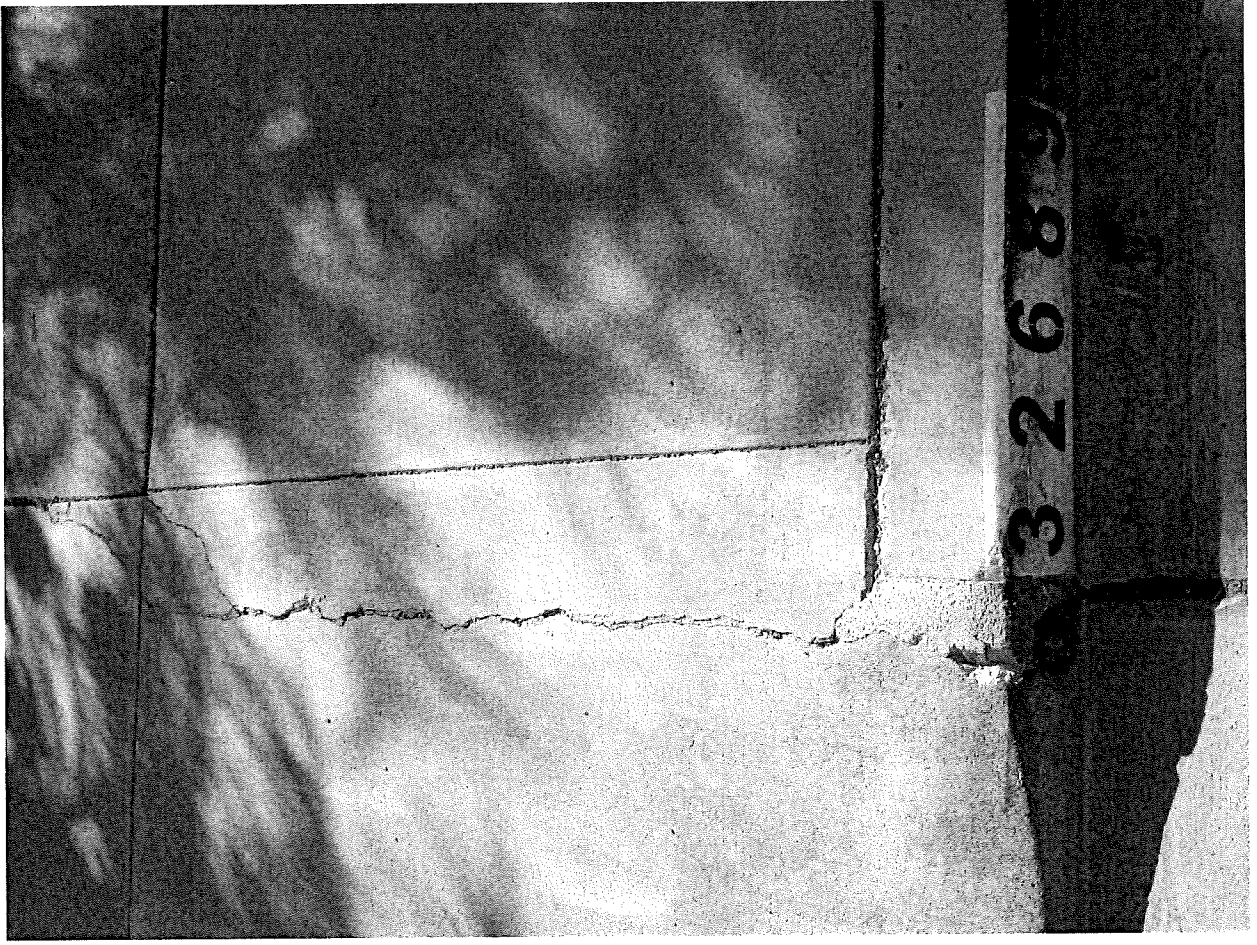
The architect on this project may point to the lack of problems when a similar house was built at 32431 Sea Island. That property is much further up the hill, thus subject to less downhill water flow. It also had no history of an underground stream flowing out of the bottom of the lot.

We feel very strongly that the City of Dana Point Planning Department and Building Department need to very carefully evaluate this project. We are extremely concerned about the history of water flow under this property and past landslides nearby. The fact that soil subsidence is not covered by homeowners insurance makes this even more critical.

Thank you for your attention to this matter.

James and Linda Boehm, 32685 Sea Island Drive
Steve and Sue Handler, 32701 Sea Island Drive

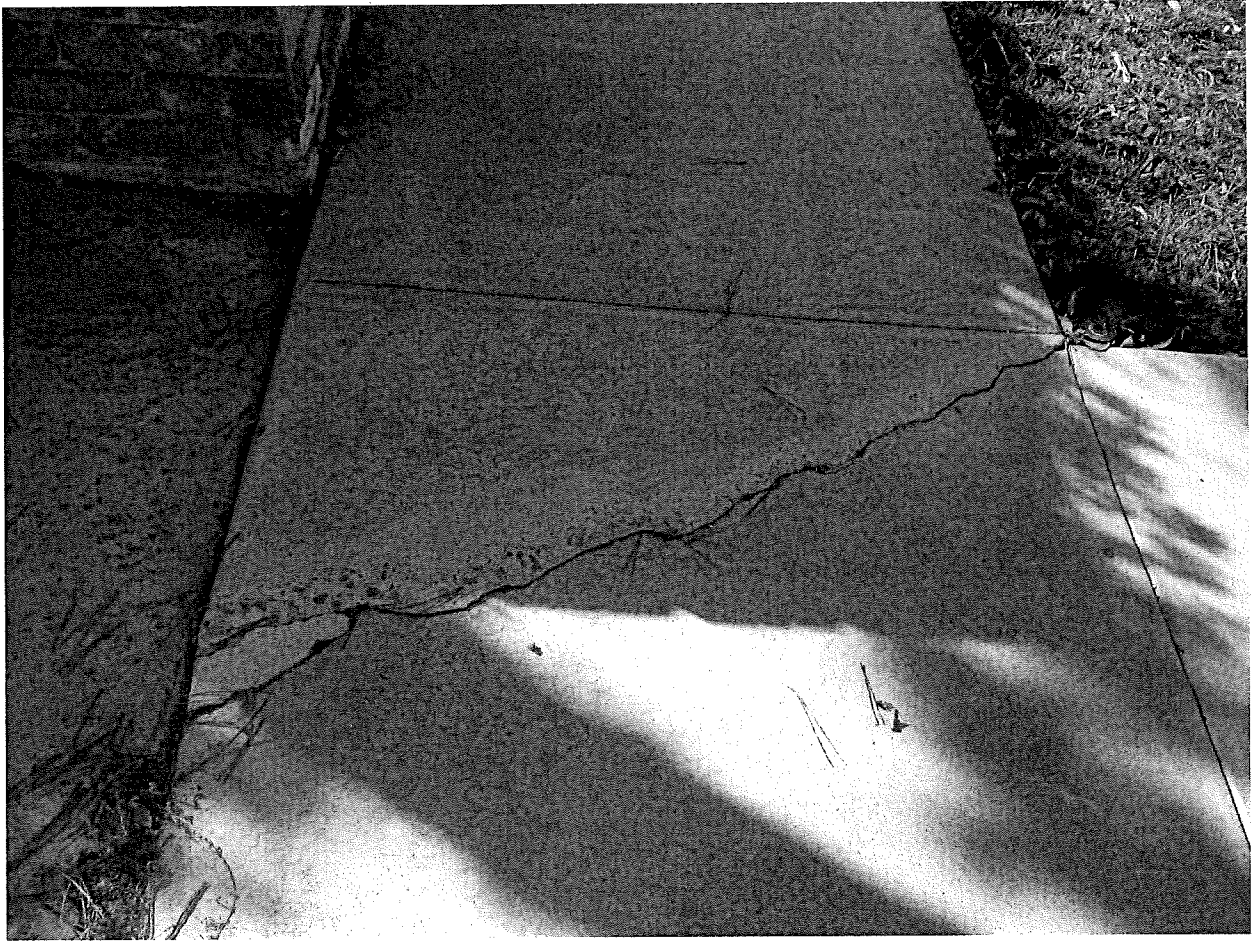
Encl. – Pictures of curb erosion on Caspian Sea, street and curb/sidewalk cracks
--Newspaper clipping, Calle Sonora landslide
--Petition not to approve project signed by all neighbors within 200 feet



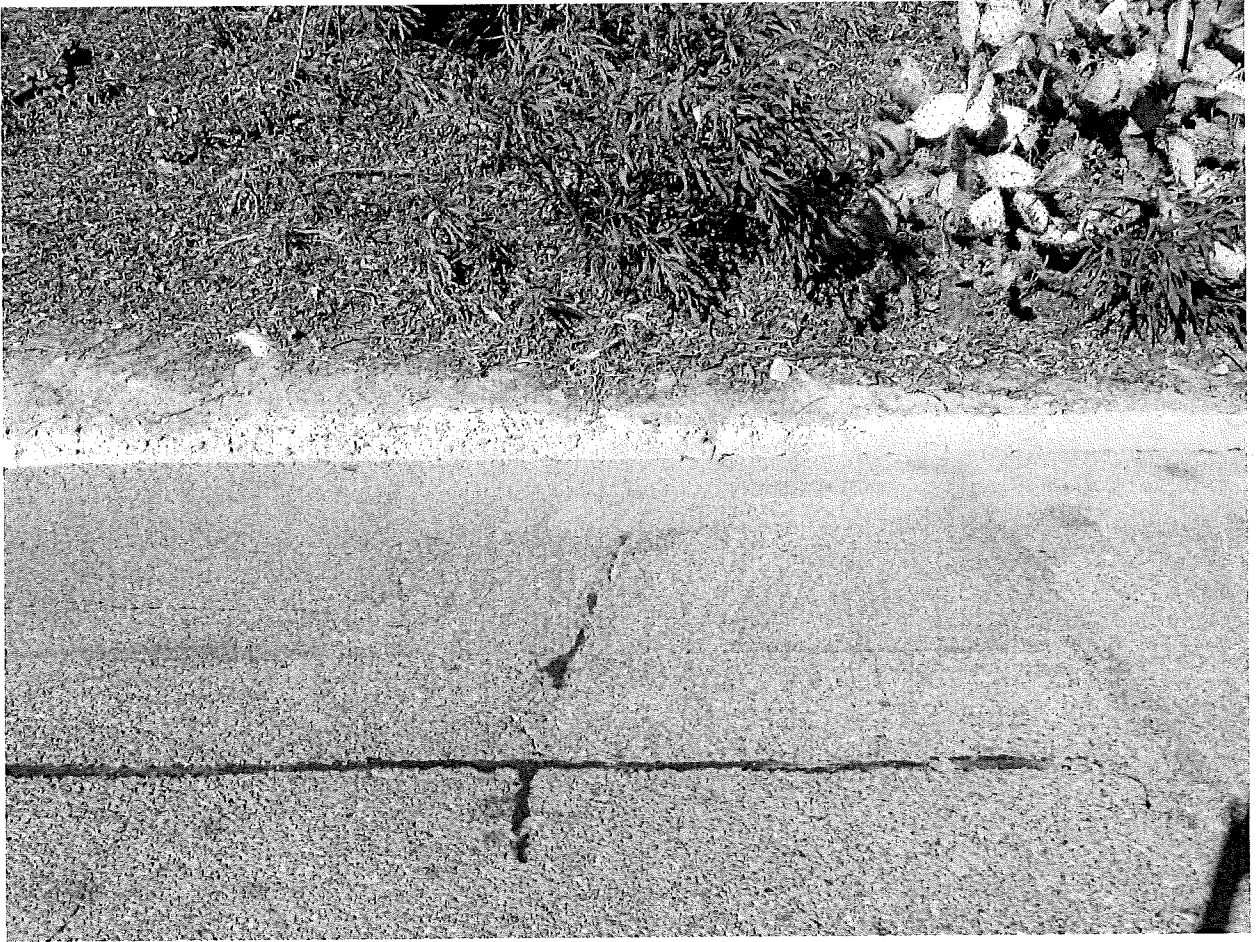












ORANGE COUNTY ~~SECTION~~
LOS ANGELES TIMES JAN. 29, 1993



GARY AMERSON / Los Angeles Times

Jim Boehm, son-in-law of homeowner Louis Ecker, walks near part of cement foundation sticking up about a foot.

Wrecking Crew's New Address

Wrecking Crew's New Address

■ **Storms:** A \$400,000 hillside home damaged in mudslide is the first to be torn down in San Clemente. So far, 14 structures there have been declared uninhabitable.

By ANNA CLEONIA
Special to THE TIMES

SAN CLEMENTE — As the crew began demolishing his \$400,000 ocean-view home of 10 years Thursday morning, Louis Ecker still had his sense of humor, if nothing else.

"I think the Lord got us mixed up with someone else," Ecker, 77, said, laughing. "I think I was supposed to win the lottery. The odds are about even."

In this case, the odds involved his home, which was so badly damaged by the torrential rainstorms earlier this month that there was no choice but to call in a wrecking crew.

Ecker's 31-year-old home is the first in San Clemente to be demolished, city fire officials said. So far, 14 structures throughout the community have been declared uninhabitable, but only six of them are considered too far gone to be saved.

Since Jan. 18, Ecker's house has slipped more than 50 inches toward another home on the hillside below. His house has split in two from the movement, with a portion of its concrete slab sticking up about a foot in the middle of the dining room. He and his wife are now living in a rented apartment in San Clemente.

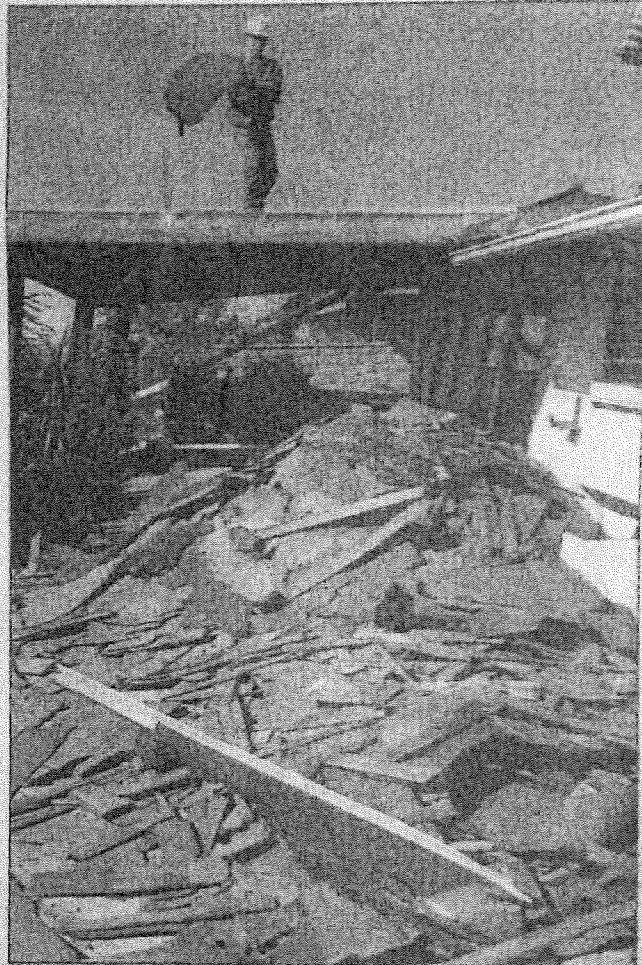
This isn't the first time disaster has visited Ecker.

This summer, a rental home he owned in Big Bear sustained about \$10,000 worth of damage from the earthquakes centered near there.

"Mother Nature is after him," joked Jim Boehm, Ecker's son-in-law. "He's not running fast enough."

Altogether, about 342 places suffered landslide damage in San Clemente during the storms, including parking lots, sidewalks and back yards. Also, 12 public facilities, ranging from storm drains to beach access routes, need significant repairs from the storms.

"Everywhere we go, we just keep finding more and more problems," City



Wrecker John Gabriel tosses a section of roof into a trash pile in the back yard.

Engineer William Cameron said Thursday.

The City Council, acting late Wednesday, approved \$125,000 to make

emergency storm drain repairs, a move that depleted the financially troubled city's small budget reserve. Last week,

Please see SLIPES, B4

TO: Members of the Board
Monarch Bay Terrace Property Owner's Association

ALL neighbors required to sign Neria's
Neighbor Awareness/Application Approval
Form have signed this.

We, the undersigned have seen the plans and/or visited properties on either side of the proposed construction at 32687 Sea Island Drive. We believe that any extension of a structure beyond the rear of the current house and into the existing view lines of these neighbors is unreasonable and should not be approved.

	Signature	Address	Date
x 1	Dale Stinchfield	32705 SEA ISLAND	3-11-16
x 2	Roy Benavidez	32689 Caspian Sea Dr.	3-11-16
x 3	James Boehm	32685 Sea Island	3-13-16
x 4	Steve Handler	32701 Sea Island	3-13-16
o 5	Barbara Horn	32707 CASPIAN SEA	3-13-16
o 6	Robert MacDonald	32671 Caspian Sea Dr	3/13/16
x 7	Robert MacDonald	32687 Caspian Sea Dr	3/13/16
o 8	Brandon Muller	32681 CASPIAN SEA DR	3/16/16
x 9	Marilyn Silverman	32677 Sea Island Dr.	3/18/16
x 10	Patricia Cook	32682 Sea Island Dr	3/18/16
x 11	Joan Kim	32703 Sea Island Dr.	3/18/16
x 12	Joan Kim	32685 Caspian Sea	Signed 4/13/16 on another page

1. Dale Stinchfield 7. Robert MacDonald
2. Roy Benavidez 8. Brandon Muller
3. James Boehm 9. Marilyn Silverman
4. Steve Handler 10. Patricia Cook
5. Barbara Horn 11. Mike VanNess
6. G.S. Ferenstein 12. Joan Kim

* Across Sea Island, within 200', project in view line. Should have been on Neria Awareness Form

x = Neighbors on Neria Awareness/Approval Form
o = Can view proposed structure. Issues include negative impact on our views, their privacy and very opposed to this as a precedent.

September 23, 2016

Owners at Monarch Bay Terrace

YOUR HELP IS REQUIRED

As promised, I am sharing my Legal Opinion Letter from Attorney Arthur Petrie with the entire 340+ Owners at MBT. Please use this Legal Opinion as though it was yours and recognize that the MBT CC&Rs (drafted by long time resident Tristan Krogius) and Architectural Guidelines are the governing documents (or contracts) that we all read and signed during our home purchase process. These documents apply to all of us whether we pay annual dues or not.

Also please know that I have shared this letter with the MBT eight Member Board (individuals listed below), the City of Dana Point (City Manager and Planning Staff) along with a Dana Point City Council Member.

If you are compelled, please direct any questions or concerns regarding View Preservation to the Board either via email and/or appear in person at our next scheduled Board Meeting in October (Tuesday, October 3, 2016, 2:00 p.m. unless otherwise notified).

You may email Board Members by sending to Ann Marie,
annmarie.socal@yahoo.com and ask that she forward to all Board
Members (and please copy me in).

Thanks everyone for making Monarch Bay Terrace great again.

Neighbors,
Dave & Kelly

Current Board Members:

Ken Braun, 32391 Caribbean Dr.
Susan Caparelli, 32612 Adriatic Dr.
Frank Jaksch, 32661 Balearic Road
John Jonas, 23182 Mindanao Cir.
Linda Rappaport, 23141 Somerset Cir.
Clay Thompson, 23252 Morobe Cir.
Mike Tingley, 23231 Tasmania Cir.
Nick Zibyock, 32682 Seven Seas Dr.

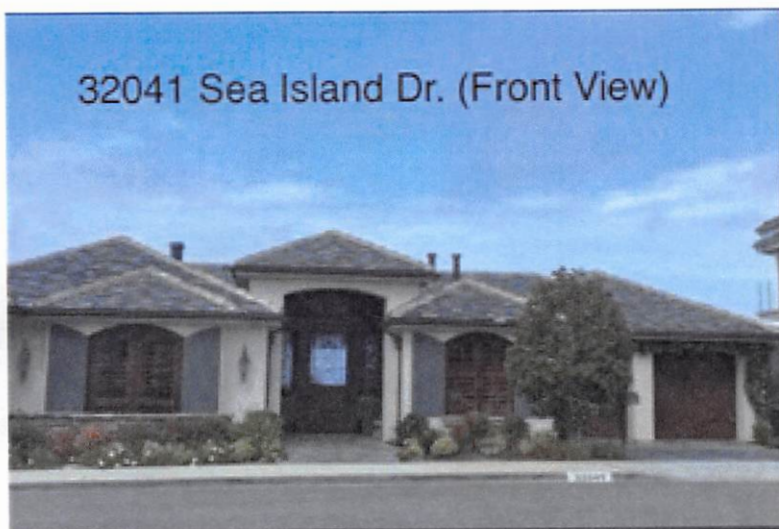
Planning Commission and All Concerned:

Our family would like to state that we began this long journey when we purchased this home on October 7, 2015. **We have always had the best intentions in mind, and a lot of thought went into our project plans, and many concessions made to the Boehms and Handlers.** We hired a very reputable architect, Stan Schrofer, who not only has 40+ years of experience in designing homes in coastal communities, but he's also designed multiple homes within the MBT Community. Stan is also well aware of the ADA special needs of my wife and family, as he designed the home we currently reside in.

It's been stated by Mr. Boehm that our proposed home will "SET A PRECEDENT", but that's not factually truthful. The fact is, our family was well aware of several housing projects within the MBT Community whereby the HOA and City of Dana Point approved plans to build a subterranean level beneath the single "upper level" of these homes. Furthermore, the HOA and City of Dana Point has also approved the build out of these new homes "beyond the top of the slope" including terraced backyards.

Our family visited many of these projects, and homes, prior to purchasing our home on Sea Island. It was a very important consideration of ours to be able to see similar projects to the one we'd be proposing. We knew that we would need a basement in order to accommodate our three daughters, caregivers, and my wife's ADA needs. Visiting new projects, like the **Choi's at 32431 Sea Island Dr.**, the **Oneill's at 32591 Caribbean Dr.**, and other newer homes along Sea Island Dr. and Azores, provided us with excellent examples of similar projects to what we would propose. **32041 Sea Island Dr. is another example of a home with a basement lower level, as well as a terraced backyard, and it just sold for \$4.675 million.**

(See photos below.)



32041 Sea Island Dr. (Front View)

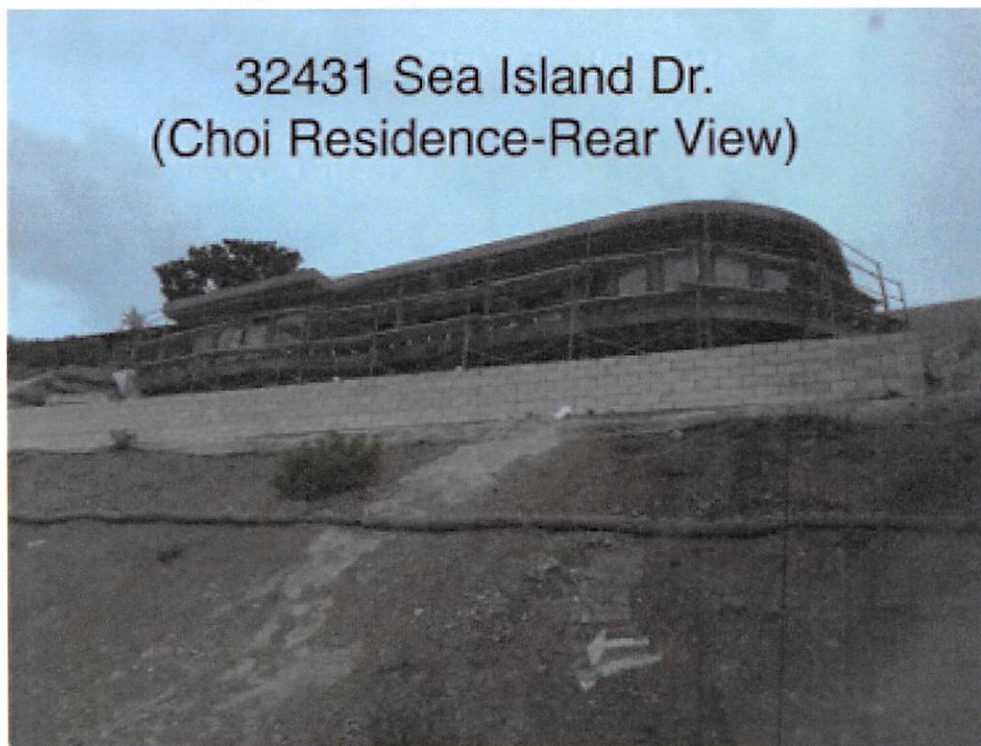


32041 Sea Island Dr.
(Rear View w Terraced Lot)

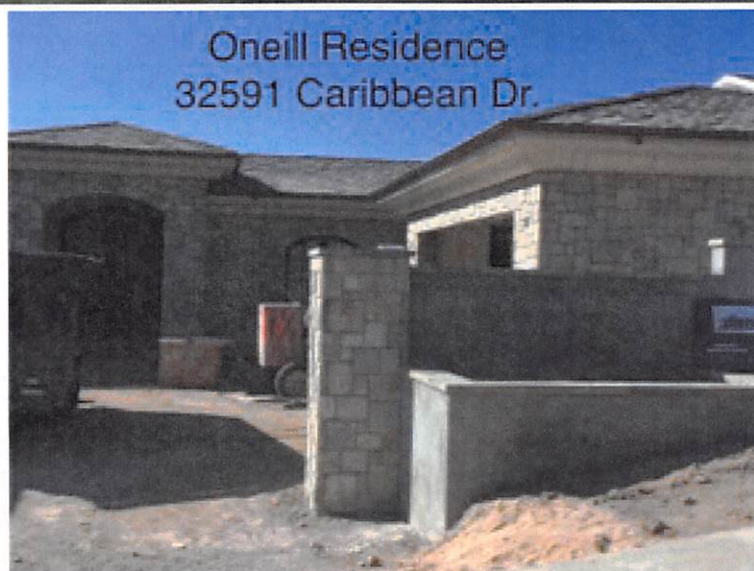
32431 Sea Island Dr.
(Choi Residence-Front View)



32431 Sea Island Dr.
(Choi Residence-Rear View)

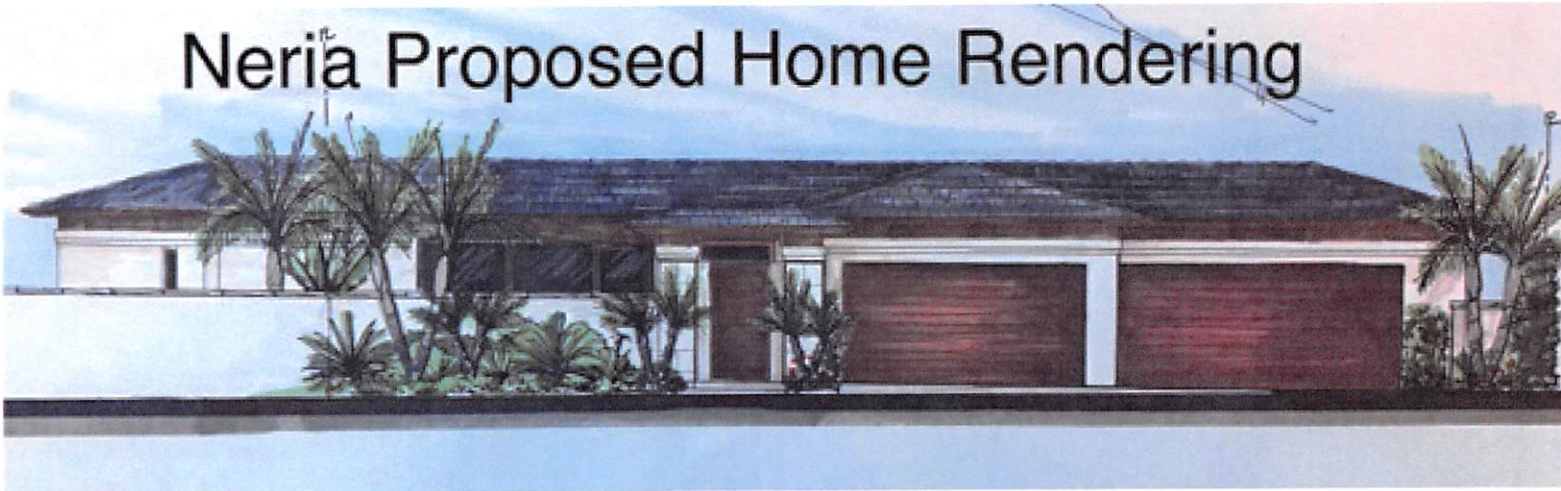


Oneill Residence
32591 Caribbean Dr.



In fact, our new proposed home DOES NOT SET A PRECEDENT AT ALL. As you can see, there are several homes in MBT which have built subterranean levels below their single level home. These homes all conform to the "FABRIC OF THE COMMUNITY", as they look like a single level homes from the street level. Our proposed home will also conform to the "FABRIC OF THE COMMUNITY", essentially looking like a 3,600 sq. ft. single level home from the street level. Additionally, our new home will enhance the community, particularly in comparison to the existing, older home that currently sits on the lot. (See Rendering & Example Below)

Neria Proposed Home Rendering



Garage Door & Stucco Samples



From the onset, our family chose to do the honorable thing, and follow the guidelines and process as set forth in the MBT CC&R's. Although this process has proven to be very lengthy, taking over a year, we felt it was the right thing to do. We say this with full acknowledgement that the City of Dana Point does not have a contract with the MBT HOA, and therefore they do not require HOA approval prior to submitting for city permits. Nonetheless, our family wanted to follow every step and standard set forth in the MBT CC&R's. **Additionally, our family was offered \$9,500 in monthly rent by a RECOVERY HOME, who wanted to rent the existing property while we went through HOA and City approval.** Our family chose to decline that offer, as we wanted to "do the right thing" for the community. Again, we have always had the best intentions in mind.

Knowing that our family, and the MBT HOA, potentially faced litigation on behalf of the Boehms and Handlers, our family set forth to follow the CC&R guidelines, and city guidelines, to the letter of the law. The HOA Board did so as well. On July 13, 2016, we received a **UNANIMOUS APPROVAL** of our plans by the ARC and HOA BOARD. The Planning Commission is in receipt of the following:

1. A June letter from the MBT HOA Board to the MBT Community stipulating their interpretation of view disputes.
2. Official letter from the HOA Board's attorney stating the HOA BOARD HAS UNANIMOUSLY APPROVED OUR PLANS.
3. A letter from the HOA Board to the MBT Community explaining how they came to their unanimous approval of our plans.

Since the HOA board's approval of our plans, we have been forwarded most of Mr. Boehm's email campaign to the MBT Community, the City Planner, and a member of the City Council. Our family has tried to remain above the fray, and has not addressed many of his false accusations about us. So I will simply state this in closing:

As politically incorrect as it may sound to some of you, we will simply state that our family rests easy in our faith in Christ. Our family has been through so much worse than the scenario which has been created by incorrectly painting our family to be some *"ruthless, young, wealthy people, who use my wife's disability as a crutch"*. Maybe Mr. Boehm is right, and some of you won't welcome our family into the MBT community. We honestly can't do anything about that, except to be ourselves, and trust that God will handle the rest. Our family is still excited to someday move into our dream home in MBT, and our prayer is that you will take the time to get to know who we truly are.

Sincerely,

Chris and Stacy Neria

**CITY OF DANA POINT
NOTICE OF EXEMPTION**

Date: November 14, 2016

To: County Clerk-Recorder
County of Orange
12 Civic Center Plaza, Room 106
P.O. Box 238
Santa Ana, CA 92702
Attn: EIR Clerk

From: City of Dana Point
Community Development Department
33282 Golden Lantern, Suite No. 209
Dana Point, California 92629

Project Title: Demolish an existing single family residence, and construct a new two-story single family residence and allow increased height for new retaining walls, Neria Residence, at 32687 Sea Island Drive (Coastal Development Permit CDP16-0018/Site Development Permit SDP16-0038(M))

Project Location:

The project is located at 32687 Sea Island Drive within the Residential Single Family 4 (RSF4) zoning designation. The legal description being Lot 35, of Tract 4269, Assessor's Parcel Number 670-033-05.

Description of Nature, Purpose, and Beneficiaries of Project:

A request to demolish an existing single family residence and construct a new two-story single family residence and allow for increased height of proposed retaining walls. The proposed development meets applicable development standards.

Name of Public Agency Approving Project: City of Dana Point

Project Applicant: City of Dana Point

Exempt Status: (Check One)

Statutory Exemption

☐ Section:

☐ Ministerial (Sec. 21080(b)(1); 15268):

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a))

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))

☒ X Categorical Exemption: Class: 3 Section: 15303

☐ Exempt: Sections:

Reason Why Project is Exempt:

The project includes the demolition of an existing single family residence and construction of a new two-story single family residence. The parcel, and surrounding area, are zoned single family residential and the proposed project is in character with the surrounding development.

Lead Agency Contact Person:

Sean Nicholas, AICP, Senior Planner
City of Dana Point
32282 Golden Lantern
Dana Point, CA, 92629

Signature: _____ Date: _____ Title: _____
☐ Signed by Lead Agency ☐ Signed by Applicant

NERIA RESIDENCE

OWNER:

CHRIS & STACY NERIA
26002 VIA ARBOLEDA,
SAN JUAN CAPISTRANO, CA 92675
(949) 498-0050

ARCHITECT:

STAN SCHROFER AND ASSOCIATES
34932 CALLE DEL SOL
CAPISTRANO BEACH, CA 92624
(949) 488-9595

LANDSCAPE ARCHITECT:

JIM PEKARSKY
1219 GANADO
SAN CLEMENTE, CA 92673
(949) 433-6558

SURVEYOR:

RDM SURVEYING, INC.
23016 LAKE FOREST DR., #409
LAGUNA HILLS, CA 92653
(949) 858-2924

PROJECT ADDRESS:

32687 SEA ISLAND DRIVE
DANA POINT, CA 92629

LEGAL DESCRIPTION:

LOT:35 TRACT:4269
A.P.N.: 670-03-305

OCCUPANCY:

R-3 / U

TYPE OF CONSTRUCTION:

V-B

FIRE SPRINKLERS SYSTEM:

REQ. RESIDENTIAL FIRE SPRINKLERS

EMBER ZONE: 2 / HIGH

BUILDING STATISTICS:

UPPER LEVEL LIVING AREA:	3,610.0 SQ.FT.
LOWER LEVEL LIVING AREA:	2,819.0 SQ.FT.
LIVING AREA TOTAL:	6,429.0 SQ.FT.

COVERED ENTRY/ LOGGIA:	890.0 SQ.FT.
GARAGE	1044.0 SQ.FT.
MECHANICAL/ STORAGE	226.0 SQ.FT.

ZONING:

ZONE:	ALLOWED	ACTUAL
RSF-4 (PRD-1)	RSF-4 (PRD-1)	RSF-4 (PRD-1)
LOT AREA:	20,817.25 SQ.FT.	20,817.25 SQ.FT.
MAX. BUILDING HT.:	* 26 FT	25 FT
FRONT SETBACK :	20 FT.	33'-10"
REAR SETBACK :	25 FT.	50'-6"
SIDE SETBACK:	5 FT.	15'-11"

H.O.A. REQUIREMENTS:

MAX. BUILDING HT.:	** 15 FT
FRONT SETBACK :	20 FT.
REAR SETBACK :	25 FT.
SIDE SETBACK:	5 FT.

* MAX. BUILDING HT.
26'-0" FOR ROOF PITCH 3/12 OR GREATER BUT LESS THAN 6/12
(2 STORIES)

** ABOVE EXISTING PAD ELEV. 308.19 / (PROPOSED TWO STORY) -
MAX. ELEVATION 323.19

LOT AREA:	20,817.00 SQ.FT.
BUILDING AREA:	4,899 SQ.FT.
LOT COVERAGE: LOT AREA/ BLDG AREA	23.53 %
LANDSCAPING AREA:	10,492 SQ.FT.
LANDSCAPING: 10,838 /20,817 X 100=	50.40 %
(MIN. REQUIRED 25%)	
LANDSCAPING AFFECTED BY SCOPE OF WORK (ADDED/MODIFIED):	1,017 SQ.FT.

JOB ADDRESS

32687 SEA ISLAND DRIVE
DANA POINT, CA

EARTHWORK		
CUT	FILL	
CUT 1910 CY	0 CY	
D.E. 640 CY	640 CY	
SHRINK & SUB.	140 CY	
2550 CY	780 CY	
EXPORT = 1770 CY		
DRIVEWAY PAVING AND OR PAVERS = 800 S.F.		

SCOPE OF WORK:

NEW SINGLE-STORY SINGLE FAMILY DWELLING WITH BASEMENT, FOUR CAR ATTACHED GARAGE, REAR PARTIALLY COVERED SUN DECK, A PARTIALLY COVERED DECK AT THE BASEMENT LEVEL, AND A FLAT ROOF AREA FOR SOLAR PANELS.



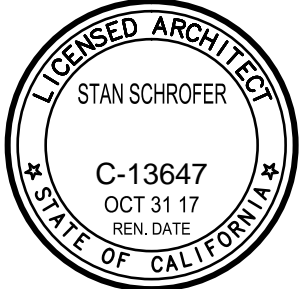
STAN SCHROFER
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32687 SEA ISLAND DRIVE
DANA POINT, CA 92629
LOT 35 / TRACT 4269 / APN 670-03-305

COVER SHEET



PROJECT # 15-06

REVISIONS NO.

SCALE:
DATE: 10/25/2016
SHEET #:

C

COASTAL REVIEW

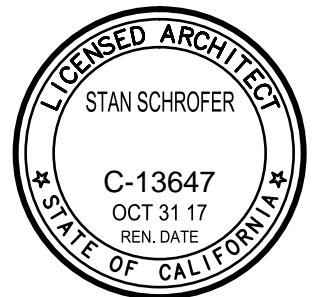


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SITE PLAN



PROJECT # 15-06
REVISIONS NO.

SCALE: 1/8" = 1'-0"
DATE: 10/20/2016
SHEET #:

A1

COASTAL REVIEW

ABBREVIATION

AC	AIR CONDENSER
B.F.	BOTTOM OF FOOTING
B.W.	BACK OF SIDEWALK
D.S.	DOWNSPOUT
E.S.	EXISTING GRADE
F.G.	FINISH GRADE (EARTH)
F.F.	FINISH FLOOR
FL	FLOW LINE
F.S.	FINISH SURFACE (CONCRETE)
H.P.	HIGH POINT
INV.	INVERT
L.P.	LOW POINT
N.G.	NATURAL GRADE
N.I.C.	NOT IN CONTRACT
N.T.S.	NOT TO SCALE
T	TRASH
TC	TOP OF CURB
TF	TOP OF FENCE
T.G.	TOP OF GRATE
T.O.F.	TOP OF FOOTING
T.O.G.	TOP OF GLASS (WIND SCREEN)
T.P.	TOP OF PILASTER
TR	TOP OF THE ROOF
T.W.	TOP OF WALL
PAD	BUILDING PAD
P.A.	PLANTER AREA
R.	PROPERTY LINE
Y.D.	YARD DRAIN

SITE PLAN LEGEND

SYM	DESCRIPTION
---	SETBACK LINE
---	PROPERTY LINE
---	EASEMENT LINE
●	PROPERTY CORNER
→	DRAIN FLOW DIRECTION
(500)	EXISTING CONTOUR
500	FINISH CONTOUR
○	DAYLIGHT LINE
—	RETAINING WALL
—	MASONRY WALL / SITE WALL
— S —	SEWER LATERAL
— W —	WATER LATERAL
—	CONCRETE
⊙	DETAIL SYMBOL
A/C	SHEET NO.
A/S	SECTION LETTER
5	SHEET LOCATION
OR	LANDSCAPE CONSTRUCTION AND SITE KEY NOTE
⊙	DECK DRAIN
⊙	ATRIUM DRAIN
⊙	DOWNSPOUT
⊙	SAND BAGS OR GRAVEL BAGS
⊙	TRUE NORTH
⊙	FIRE HYDRANT
⊙	LANDSCAPE PLANTER POTS
⊙	GAS METER (VERIFY LOCATION WITH GAS COMPANY)
⊙	FINISH ELEVATION MARKER
⊙	EXISTING ELEVATION MARKER
⊙	OVEREXCAVATION/FILL AREA
AC	AIR CONDITIONING
T	TRASH LOCATION
⊙	TREE BOX
⊙	AREA OF EASEMENT

SITE KEY NOTES

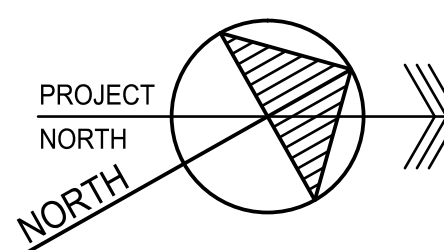
- 400 AMP. MAIN ELECTRICAL PANEL. VERIFY LOCATION W/ ELECTRIC CO.
- GAS METER - VERIFY LOCATION WITH GAS COMPANY
- A/C LOCATION - INSTALL PER MFG. RECOMMENDATIONS. IF INSTALLED IN SIDE YARD SETBACK PROJECTION INTO SIDE YARD MUST COMPLY WITH 9.05.080 AND EQUIPMENT O&A MUST COMPLY WITH 11.10.010
- LINE OF WALL / BALCONY ABOVE
- ROOF OVERHANG
- GLASS GUARDRAIL / WINDSCREEN, MIN. 42" H. SEE PLAN FOR HEIGHT
- OUTDOOR BAR & BBQ AREA
- 42" PEDESTRIAN ENTRY GATE STRUCTURE W/ 42" WROUGHT IRON GATE
- MASONRY WALL WITH STUCCO FINISH TO MATCH HOUSE
- MASONRY SEATING AREA WITH FIRE PIT
- LOW MASONRY PLANTER WALL
- MASONRY RETAINING WALL W/ STUCCO FINISH. SLOPE WALL 6" ABOVE GRADE, 6'-0" MAX. HEIGHT
- SYNTHETIC LAWN AREA
- TRASH CAN STORAGE AREA
- DOG RUN AREA W/ DECORATIVE IRON GATE
- DECORATIVE WOOD GATE, HEIGHT TO MATCH ADJACENT WALL
- EXISTING SLUMP BLOCK PROPERTY WALL W/ NEW COURSING TO +42" FROM GRADE / 6'-10" FROM ADJACENT GRADE
- MASONRY WALL 6" ABOVE GRADE WITH 5'-0" H. GLASS FENCE ABOVE. TOTAL OVERALL HT: 5'-0" MIN / 6'-0" MAX
- STONE / TILE PAVING
- TEMPORARY SHORING - UNDER SEPARATE PERMIT
- SAND FINISHED COLORED CONCRETE PAVING
- EXISTING CONCRETE CURB AND GUTTER TO REMAIN
- EXISTING CONCRETE SIDEWALK TO REMAIN
- EXISTING CONCRETE DRIVE APPROACH - ADJUST TO NEW DRIVEWAY
- EXISTING MASONRY AND WOOD PROPERTY LINE WALL TO REMAIN. PROTECT IN PLACE DURING CONSTRUCTION
- STONE / TILE STAIRWAY W/ GLASS RAIL
- +6" H. CONCRETE CURB AT TOP OF THE SLOPE
- 5'-0" H. MIN / 6'-0" H. MAX TUBULAR FENCE
- MASONRY RETAINING WALL WITH 42" H. GLASS GUARDRAIL ABOVE

- * NOTES:
- ITEM NOT PART OF PERMIT AND IS SHOWN FOR OVERALL COORDINATION AND REFERENCE ONLY. SEE DRAWINGS BY OTHERS.
 - VARIANCE REQUIRED FOR ALL WALLS OR STRUCTURES WITH HEIGHTS EXCEEDING 42" IN SETBACK AREAS. TOP OF WALL (T.W.) ELEVATIONS SHOWN ARE FOR REFERENCE ONLY. SEE PLANS AND DETAILS UNDER SEPARATE PERMIT.



SITE PLAN

1/8" = 1'-0"





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LOT 35 / TRACT 4669 / APN 670-03-305

FLOOR PLAN KEYNOTES

- 1 LINE OF FLOOR AND / OR BALCONY ABOVE
- 2 LINE OF SOFFIT STEP
- 3 LINE OF WALL BELOW
- 4 LINE OF ROOF ABOVE
- 5 LINE OF GUTTER
- 6 42" GUARDRAIL
- 7 36" HANDRAIL
- 8 400 AMP ELECTRICAL MAIN PANEL - VERIFY W/ ELECTRIC CO.
- 9 ELECTRICAL SUB PANEL - VERIFY LOCATION
- 10 DRYWALL ART NICHE
- 11 SKYLIGHT
- 12 LINE OF SETBACK
- 13 RETAINING WALL, SEE STRUCTURAL DRAWINGS
- 14 EXTERIOR STAIR ON GRADE
- 15 STONE TILE VENEER
- 16 TRASH AREA
- 17 ROOF ACCESS WITH PULL DOWN LADDER - FOR MAINTENANCE USE ONLY
- 18 EMERGENCY EGRESS DOOR / WINDOW
- 19 1/2" MAX. STEP AT OUT-SWING DOOR
- 20 PROVIDE 5/8 INCH TYPE "X" GYP. BD. AT WALLS AND CEILING OF GARAGE AND ANY USABLE SPACE UNDER STAIRS, AND BOTH SIDES OF THE WALL & CLG. OF ELEVATOR SHAFT.
- 21 1 3/8 INCH THICK MIN. SELF-CLOSING 20 MIN. RATED DOOR, 1-HR RATED FOR ELEVATOR DOOR
- 22 MIN. 36" SQ. STOOP AT EXT. DOOR LANDING SHALL HAVE A WIDTH NOT LESS THAN THE WIDTH OF STAIRWAY OR DOOR, LENGTH SHALL BE MIN. 36" MEASURED IN THE DIRECTION OF TRAVEL. CBC 1008.1.5
- 23 BBQ HOOD VENT
- 24 LINEAR METAL FIREPLACE BY ORTAL DIRECT VENT, GAS ONLY, SEALED COMBUSTION ANSI Z21.88/CSA 2.23-2014, INSTALLATION AND USE PER MANUF. VERIFY SIZE WITH OWNER
- 25 12" MIN. CLEAR FROM COMBUSTIBLE - VERIFY.
- 26 3/8" THICK TEMP. GLASS SHOWER ENCLOSURE (FRAME LESS)
- 27 TILE WALLS AND/OR CEILING SEE GENERAL NOTE G14, G15, G16 SHEET AN
- 28 SHAMPOO SHELF MUDSET TILE. SEE INTERIORS FOR HEIGHT AND SIZE.
- 29 BUILT-IN MEDICINE CABINET
- 30 PROVIDE REQUIRED DRYER MOISTURE EXHAUST
- 31 N/A
- 32 PROVIDE FOR WHOLE HOUSE WATER PURIFICATION SYSTEM - VERIFY SIZE AND LOCATION / WATER TECHNIQUES OR EQUAL (714) 384-4500.
- 33 PROVIDE REQUIRED KITCHEN EXHAUST HOOD VENT. DUCT SHOULD BE MIN. 7" Ø & 100 CFM. A MAXIMUM SOUND RATING OF 3 SONE FOR INTERMITTENT OPERATION IS REQUIRED. THE KITCHEN HOOD, DUCTED TO THE OUTSIDE AIR IS REQUIRED REGARDLESS OF THE FUEL TYPE OR HOOD TYPE (MICROWAVE HOOD). VERIFY W/ FINAL COOKTOP / RANGE SELECTION AND/ OR MFR'S SPECS.
- 34 N/A
- 35 PROVIDE SIDE MOUNT GARAGE DOOR OPENER ("LIFTMASTER" OR EQUAL)
- 36 NORTIZ NRC1111 SERIES TANKLESS WATER HEATER OR APPROVED EQUAL. APPROVALS: CSA, UPC, NSF LOW NOX APPROVED BY SCAQMD
- 37 STONE / TILE OVER MER-KO SHUR DECK WATER - PROOFING SYSTEM ESR-2897
- 38 APPLIANCE SHALL BE PROTECTED AGAINST DAMAGE PER CMC 307.1
- 39 FAU ON 18" PLATFORM - VERIFY SIZE & LOCATION W/ MECHANICAL CONTRACTOR
- 40 DRAPE POCKET - VERIFY W/ OWNER AND/OR INT. DESIGNER
- 41 DRYER VENT

ABBREVIATIONS

ABV.	DESCRIPTION
A/A	ATTIC ACCESS
A/C	AIR CONDITIONER
AWN	AWNING WINDOW
B1	B1-FOLD DOOR/WINDOW
C	CASEMENT WINDOW
CV	CENTRAL VACUUM
D	DRYER
DBL	DOUBLE
DH	DOOR/HEADER HEIGHT
DN	DOWN
DW	DISHWASHER
DD	DECK DRAINAGE
DS	DOWNSPOUT
(E)	EXISTING
EX	EXTERIOR
F	FIXED WINDOW
FAU	FORCED AIR UNIT
F.D	FLOOR DRAIN
F.F.	FINISH FLOOR
F.P.	FIRE PLACE
F.R.	FREEZER
FR	FRENCH DOOR
HH	HEADER HEIGHT
I.B.	IRONING BOARD
L	LAVATORY
LV	LOUVERED
L/C	LINEN CHUTE
M.W.	MICROWAVE
O.S.A.	OUTSIDE AIR
P & S	POLE (CLOTHES) & SHELF
R	RADIUS
REF.	REFRIGERATOR
S.	SINK
SC	SOLID CORE DOOR
SK	SKYLIGHT
SP	SPECIAL
SR	STYLE RAIL
T	TRASH
T.C	TRASH COMPACTOR
TEMP.	TEMPERED GLASS
T.R.	TOP OF ROOF
T/S	TUB / SHOWER
W.	WASHER
W.C.	WATER CLOSET
WH	WINDOW/HEADER HEIGHT
W.H.	WATER HEATER
W.I.	WROUGHT IRON
V	VANITY

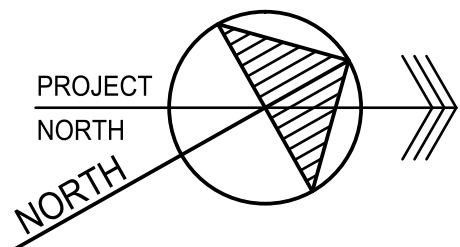
ARCHITECTURAL LEGEND

SYM	DESCRIPTION
	STUD WALL: SEE STRUCTURAL
	5/8 TYPE "X" DRYWALL
	IN-WALL DOWNSPOUT 3" U.N.O.
	EXT. VENEER (STONE, BRICK, CASTING)
	MASONRY WALL
	WINDOW NUMBER
	DOOR NUMBER
	INTERIOR ELEVATION SYMBOL - SEE SEPARATE SHEETS
	KEY NOTE TAG
	SHEET LOCATION
	CEILING AND SOFFIT HEIGHTS (NOMINAL ABOVE FINISH FLOOR) VERIFY WITH INTERIOR ELEVATIONS
	REVISION FLAG (CHANGE IN DRAWINGS-SEE REVISION BLOCK IN TITLE BLOCK AREA)
	WINDOW HEIGHT 8'-0"
	SECTION LETTER
	SHEET LOCATION
	TRUE NORTH
	FLOOR DRAIN
	DECK DRAIN
	2'-4" x 4'-0" CASEMENT WINDOW
	3'-8" x 8'-0" STYLE RAIL DOOR
	PROPERTY LINE (P.L.)
	SETBACK LINE
	OUT-WALL DOWNSPOUT 4" U.N.O.
	RADIANT FLOOR
	SKYLIGHT - SEE ROOF PLAN FOR SIZE

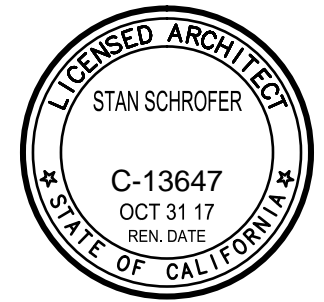
1ST FLOOR PLAN

LIVING AREA
MECHANICAL/STORAGE
LOGGIA

1/4"=1'-0"
2,819 SQ.FT.
53 SQ.FT.
890 SQ.FT.



1ST FLOOR PLAN



PROJECT # 15-06
REVISIONS NO.

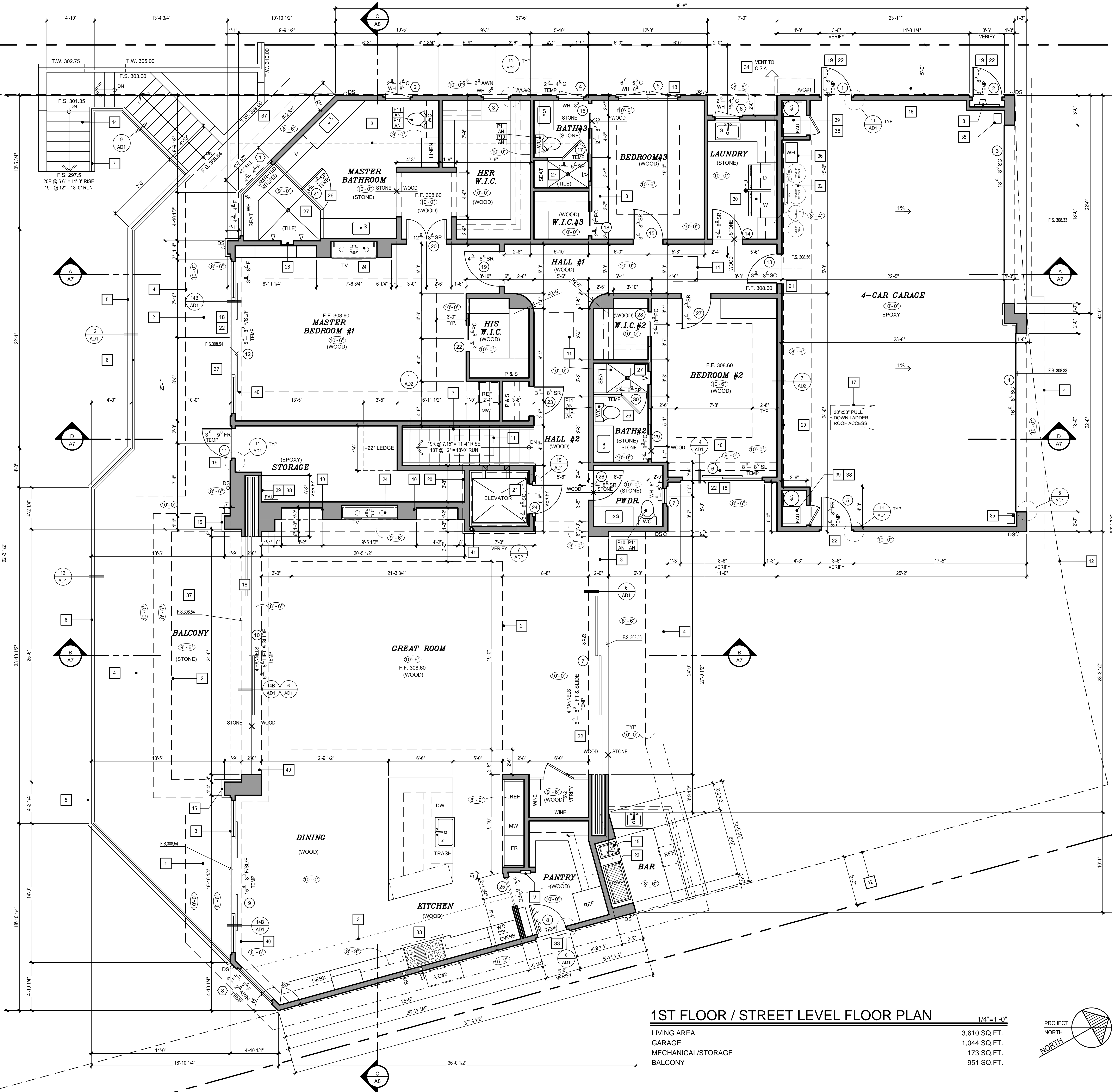
SCALE: 1/4"=1'-0"
DATE: 10/26/2016
SHEET #:

A2

COASTAL REVIEW

ABBREVIATIONS

ABV.	DESCRIPTION
AA	ATTIC ACCESS
AC	AIR CONDITIONER
AWN	AWNING WINDOW
BY	B1 FOLD DOOR/WINDOW
C	CASEMENT WINDOW
CV	CENTRAL VACUUM
D	DOOR
DBL	DOUBLE
DN	DOWN
DW	DISHWASHER
DD	DECK DRAINAGE
DS	DOWNSPOUT
(E)	EXISTING
EX	EXTERIOR
F	FIXED WINDOW
FAU	FORCED AIR UNIT
FD	FLOOR DRAIN
F.F.	FINISH FLOOR
F.P.	FIRE PLACE
FR	FREZZER
FR	FRENCH DOOR
HH	HEADER HEIGHT
I.B.	IRONING BOARD
LV	LOUVERED
L.C.	LINEN CLOSET
M.W.	MICROWAVE
O.S.A.	OUTSIDE AIR
P & S	POLE (CLOTHES) & SHELF
R	RADIUS
REF.	REFRIGERATOR
SK	SOLID CORE DOOR
SK	SKYLIGHT
SP	SPECIAL
SR	STYLE RAIL
T	TRASH
T.C.	TRASH COMPACTOR
TEMP.	TEMPERED GLASS
T.R.	TOP OF ROOF
T/S	TUB / SHOWER
W.	WASHER
W.C.	WATER CLOSET
WH	WINDOW HEADER HEIGHT
W.H.	WATER HEATER
W.I.	WROUGHT IRON
V	VANITY



FLOOR PLAN KEYNOTES

- LINE OF FLOOR AND / OR BALCONY ABOVE
- LINE OF SOFFIT STEP
- LINE OF WALL BELOW
- LINE OF ROOF ABOVE
- LINE OF GUTTER
- 42" GUARDRAIL
- 36" HANDRAIL
- 400 AMP ELECTRICAL MAIN PANEL - VERIFY W/ ELECTRIC CO.
- ELECTRICAL SUB PANEL - VERIFY LOCATION
- DRYWALL ART NICHE
- SKYLIGHT
- LINE OF SETBACK
- RETAINING WALL - SEE STRUCTURAL DRAWINGS
- EXTERIOR STAIR ON GRADE
- STONE TILE VENEER
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- ROOF ACCESS WITH PULL DOWN LADDER - FOR MAINTENANCE USE ONLY
- EMERGENCY EGRESS DOOR/ WINDOW
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- PROVIDE 5/8 INCH TYPE "X" GYP. BD. AT WALLS AND CEILING OF GARAGE AND ANY USABLE SPACE UNDER STAIRS, AND BOTH SIDES OF THE WALL & CLG. OF ELEVATOR SHAFT.
- 1 3/8 INCH THICK MIN. SELF-CLOSING 20 MIN. RATED DOOR. 1-HR. RATED FOR ELEVATOR DOOR.
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- BBQ HOOD VENT
- LINEAR METAL FIREPLACE BY ORTAL DIRECT VENT, GAS ONLY. SEALED COMBUSTION ANSI Z21.88/CSA 2.33-2014 INSTALLATION AND USE PER MANUF. VERIFY SIZE WITH OWNER
- 12" MIN. CLEAR FROM COMBUSTIBLE - VERIFY.
- 3/8" THICK TEMP. GLASS SHOWER ENCLOSURE (FRAME LESS)
- TILE WALLS AND/OR CEILING SEE GENERAL NOTE G14, G15.
- G16 SHEET AN
- SHAMPOO SHELF MUSETT TILE. SEE INTERIORS FOR HEIGHT AND SIZE.
- BUILT-IN MEDICINE CABINET
- PROVIDE REQUIRED DRYER MOISTURE EXHAUST
- N/A
- PROVIDE FOR WHOLE HOUSE WATER PURIFICATION SYSTEM - VERIFY SIZE AND LOCATION (WATER TECHNIQUES OR EQUAL (714) 384-4500).
- PROVIDE REQUIRED KITCHEN EXHAUST HOOD VENT. DUCT SHOULD BE MIN. 7" Ø & 100 CFM. A MAXIMUM SOUND RATING OF 3 SONE FOR INTERMITTENT OPERATION IS REQUIRED. THE KITCHEN HOOD, DUCTED TO THE OUTSIDE AIR IS REQUIRED REGARDLESS OF THE FUEL TYPE OR HOOD TYPE (MICROWAVE HOOD). VERIFY W/ FINAL COOKTOP / RANGE SELECTION AND/ OR MFR'S SPEC'S.
- N/A
- PROVIDE SIDE MOUNT GARAGE DOOR OPENER ("LIFTMASTER" OR EQUAL)
- NORTIZ NRC1111 SERIES TANKLESS WATER HEATER OR APPROVED EQUAL. APPROVALS: CSA, UPC, NSF LOW NOX APPROVED BY SCAOMB
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- FAU ON 18" PLATFORM - VERIFY SIZE & LOCATION W/ MECHANICAL CONTRACTOR
- DRAPE POCKET- VERIFY W/ OWNER AND/OR INT. DESIGNER
- DRYER VENT

ARCHITECTURAL LEGEND

SYM	DESCRIPTION
	STUD WALL: SEE STRUCTURAL
	5/8 TYPE "X" DRYWALL
	IN-WALL DOWNSPOUT 3" U.N.O.
	EXT. VENEER (STONE, BRICK, CASTING)
	MASONRY WALL
	WINDOW NUMBER
	DOOR NUMBER
	INTERIOR ELEVATION SYMBOL - SEE SEPARATE SHEETS
	PLAN KEY NOTE
	KEY NOTE TAG
	SHEET LOCATION
	CEILING AND SOFFIT HEIGHTS (NOMINAL ABOVE FINISH FLOOR) VERIFY WITH INTERIOR ELEVATIONS
	REVISION FLAG (CHANGE IN DRAWINGS-SEE REVISION BLOCK IN TITLE BLOCK AREA)
	WINDOW HEIGHT 8'-0"
	SECTION LETTER
	SHEET LOCATION
	TRUE NORTH
	FLOOR DRAIN
	DECK DRAIN
	= 2'-0" x 4'-0" CASEMENT WINDOW
	= 3'-0" x 8'-0" STYLE RAIL DOOR
	PROPERTY LINE (P.L.)
	SETBACK LINE
	OUT-WALL DOWNSPOUT 4" U.N.O.
	RADIANT FLOOR
	SKYLIGHT - SEE ROOF PLAN FOR SIZE

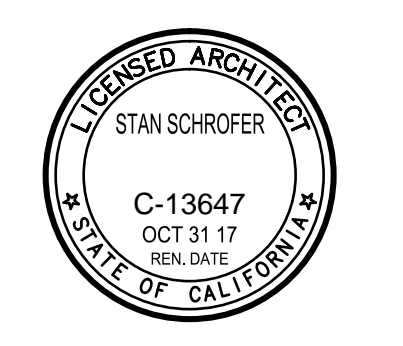


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LOT 35 / TRACT 4.69 / APN 67-0-03-305

**1ST FLOOR/
STREET
LEVEL
FLOOR PLAN**



PROJECT # 15-06
REVISIONS NO.

SCALE: 1/4"=1'-0"
DATE: 10/20/2016
SHEET #:

A3
COASTAL REVIEW



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DANA POINT, CA 92629
LOT 35 / TRACT 4269 / APN 670-03-305

ROOF LEGEND

SYM	DESCRIPTION
5 12	ROOF PITCH (SEE PLAN)
A A7 12	DETAIL SYMBOL DETAIL SHEET NO.
2	PLAN KEY NOTE
1 H.P.	WINDOW SYMBOL (SEE SCHEDULE) HIGH POINT
2'-0"	OVERHANG DIMENSION (SEE PLAN)
IN-WALL DOWNSPOUT LOCATION	
OUT-WALL DOWNSPOUT LOCATION	
LINE OF GUTTER	
LINE OF FASCIA	
LINE OF BUILDING	
A A7	SECTION LETTER SHEET LOCATION
NORTH	TRUE NORTH

ROOF NOTES

- ROOF VENTING: NOT REQUIRED PER XXX SECTION XX.X.X.
WRITE OUT EXCEPTION TO THE RULE (PACK WITH INSULATION)
- NOT USED
- FLASHING: FLASHING SHALL BE 26 GA. GALVANIZED
CORROSION RESISTANT METAL. FLASHING SHALL
BE PROVIDED AT ALL EXTERIOR OPENINGS, ROOF
VALLEYS, CHIMNEYS, & ROOF PARAPETS. VALLEY
FLASHING SHALL BE 22" WIDE W/1" DIVERTER
MIN. HEAD LAP=6". SEAL ALL EDGES W/
MASTIC. FIREPLACE & LAPS
CHIMNEYS SHALL BE PROVIDED W/ A METAL
CANT.
SECTIONS 1503 & 1507CBC.
- EXPOSED FASCIA: SEASONED LUMBER, INSTALLED BARK SIDE OUT.
SEAL (PRIME) ALL SIDES AND EDGES PRIOR TO EXPOSING
LUMBER TO WEATHER. NAIL WITH GALVANIZED FINISH
NAILS (16D) AND PUTTY HEAD HOLES.
- EXTERIOR TRIM: SEE ITEM # 4 ABOVE.
- ROOFING: DAVINCI COMPOSITE SLATE, CLASS 'A' ROOFING, ENERGY STAR
SLATE BLACK
ICC-ESR #2119
INSTALLATION OF ROOFING SHALL BE IN ACCORDANCE
WITH MANUFACTURER'S SPECIFICATION
- ROOFING SHALL BE FIRE STOPPED AT EAVE ENDS.
- TILE NAILING: MINIMUM NAILING SHALL COMPLY WITH THE
FOLLOWING:
 - 11 GAUGE CORROSION RESISTIVE EMBEDDED 3/4" INTO
SHEATHING PER SECTION 1507 C.B.C.
 - THE HEADS OF ALL TILES SHALL BE NAILED
 - THE NOSES OF ALL EAVE COURSE TILES SHALL BE FASTENED
WITH APPROVED CLIPS.
 - ALL RAKE TILES SHALL BE NAILED WITH TWO NAILS.
 - THE NOSES OF ALL RIDGE, HIP & RAKE TILES SHALL BE SET
IN A BEAD OF APPROVED ROOFER'S MASTIC.
- ALL RIDGE ELEVATIONS ARE TO
THE TOP OF FINISH ROOFING MATERIAL.
- BUILT-UP ROOFING SHALL BE CLASS 'A' MINIMUM
CONTRACTOR TO USE GAF-ELK PRODUCT OR EQUAL FOR LOW SLOPE ROOF
AREAS. INSTALLATION OF ROOFING SHALL BE IN ACCORDANCE WITH
MANUFACTURER'S SPECIFICATION PROVIDE ROOF DRAINS AND OVERFLOW
DRAINS PER ROOF PLAN AND DETAILS. BRING ANY DISCREPANCIES OR
PROBLEMS TO THE ARCHITECTS ATTENTION.
CONTRACTOR TO USE GAF-ELK PRODUCT OR EQUAL. FLAT ROOFING SHALL BE
PROVIDED WITH 1 LAYER GAFGLAS #75 BASE SHEET (ICC ESR#1274, UL
EP 1366-02-2-8-10, 3 LAYERS 6 PLY FIBERGLASS, AND 6 PLY MODIFIED CAP
SHEET TOP COAT. WHERE REQUIRED FOR 1 HR RATED ASSEMBLY USE GAF
FIRE OUT FIRE BARRIER COATING.
ROOF SHALL BE 20 YEAR BONDED. INSTALLATION SHALL BE PER
MANUFACTURERS SPECIFICATIONS.
- FLAT ROOF AREAS SHALL BE SLOPED MIN. 1/4" PER FOOT.
PROVIDE ROOF DRAINS AND OVERFLOW DRAINS PER ROOF
PLAN AND DETAILS. BRING ANY DISCREPANCIES OR
PROBLEMS TO THE ARCHITECTS ATTENTION.

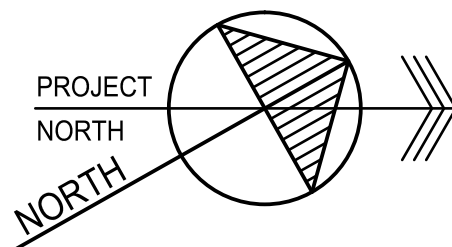
ROOF KEY NOTES

- LINE OF WALL BELOW
- LINE OF BALCONY BELOW
- LINE OF SOFFIT BELOW
- LINE OF ROOF BELOW
- ROOF ACCESS - MAINTENANCE ONLY
- SKYLIGHT - SEE ROOF NOTE #2
- OUTSIDE WALL DOWNSPOUT 4" TYP
- FLAT ROOF - SEE NOTE
- LINE OF ROOF PARAPET
- LINE OF SETBACK
- SOLAR PANELS: SEE MANUFACTURERS DRAWINGS UNDER
SEPARATE PERMIT
- 3" PVC IN-WALL FLAT ROOF DRAIN
- FIREPLACE CHIMNEY TERMINATION

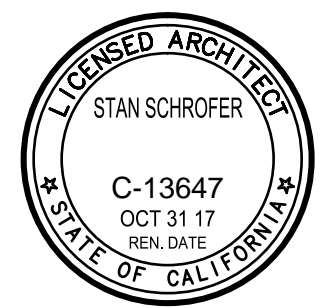
ROOF PLAN

FLAT ROOF AREA 2,602 SQ.FT.
SOLAR 1,169 SQ.FT.

1/4" = 1'-0"



ROOF PLAN



PROJECT # 15-06
REVISIONS NO.

SCALE: 1/4"=1'-0"
DATE: 10/20/2016
SHEET #:

A4

COASTAL REVIEW



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MATERIAL SCHEDULE

ITEM	MATERIAL	COLOR
1	walls	stucco
2	walls-accent	coral stone
3	walls-accent	wood
4	roofing	composite slate
5	roofing-flat roof	silicone coating
6	fascia	wood
7	window/door trim	wood/ alumin. clad
8	garage door	wood veneer
9	railings	glass
10	exterior door	wood
11	gutters & downspouts	aluminum
12	bbq counter	granite

Chablis X-12
LaHabra
natural
dark brown stain
Oxford Brown -
Olympic Stain
black slate by DaVinci
Roof Scapes
ICC-ES# 2119
Gray, Gaco Roof or equal
ESR#1284
dark brown stain
Oxford Brown -
Olympic Stain
Brown
mahogany
natural /
stainless steel
White Fever
DEW 345
Dunn Edwards
brown (match
door/ window)
Bronzite or equal
(to be selected by owner)

NOTE:
EXTERIOR LATH: PROVIDE TWO LAYERS OF GRADE "D" PAPER OVER
ALL WOOD BASE SHEATHING. (CBC 2510.6) EXTERIOR LATH;
EXTERIOR CEMENT PLASTER APPLICATION TO BE 7/8" THICK (3)
THREE LAYERS WITH FINISH LAYER TO BE SELECTED BY OWNER.

ELEVATION NOTES

- 3"Ø PVC DOWNSPOUT IN WALL
- 4"Ø DOWNSPOUT OUTSIDE WALL
- 42" GLASS GUARDRAIL
- EXISTING SLUMP BLOCK WALL
- EXISTING PAD 308.19
- BBQ / BAR
- ON GRADE STAIRS
- EXISTING GRADE / SLOPE
- LINE OF BUILDING BELOW GRADE
- LINE OF EXISTING RIDGE
- NEW MASONRY RETAINING WALL WITH STUCCO FINISH
TO MATCH HOUSE
- NEW LOW WALL 6" ABOVE GRADE W/ GLASS
WINDSCREEN ABOVE SLOPE WALL W/ GRADE
- EXISTING GRADE AT ADJACENT PROPERTY
- NEW SLUMP BLOCK WALL ABOVE (E) SLUMP BLOCK
WALL
- NEW TUBULAR FENCE 5'-0"H MIN / 6'-0"H MAX
- BBQ HOOD
- 42" GUARDRAIL WITH INTERMEDIATE RAILS OR AN
ORNAMENTAL PATTERN SPACED SUCH THAT 4" SPHERE
CAN NOT PASS THROUGH
- PEDESTRIAN ENTRY GATE STRUCTURE
- MASONRY WALL WITH STUCCO FINISH TO MATCH
HOUSE

FRONT (EAST) ELEVATION

1/4" = 1'-0"

FRONT (EAST) ELEVATION WITH ENTRY STRUCTURE AND COUTYARD WALL

1/4" = 1'-0"

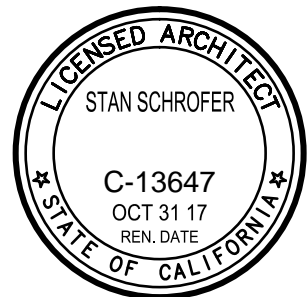
RIGHT (NORTH) ELEVATION

1/4" = 1'-0"

NERIA RESIDENCE

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LOT 35 / TRACT 4269 / APN 670-03-305

ELEVATIONS



PROJECT # 15-06

REVISIONS NO.

SCALE: 1/4"=1'-0"
DATE: 10/20/2016
SHEET #:

A5

COASTAL REVIEW

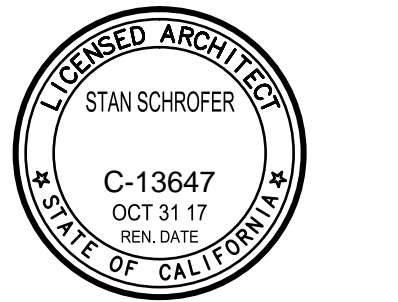


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ELEVATIONS



PROJECT # 15-06

REVISIONS NO.

SCALE: 1/4"=1'-0"
DATE: 10/20/2016
SHEET #:

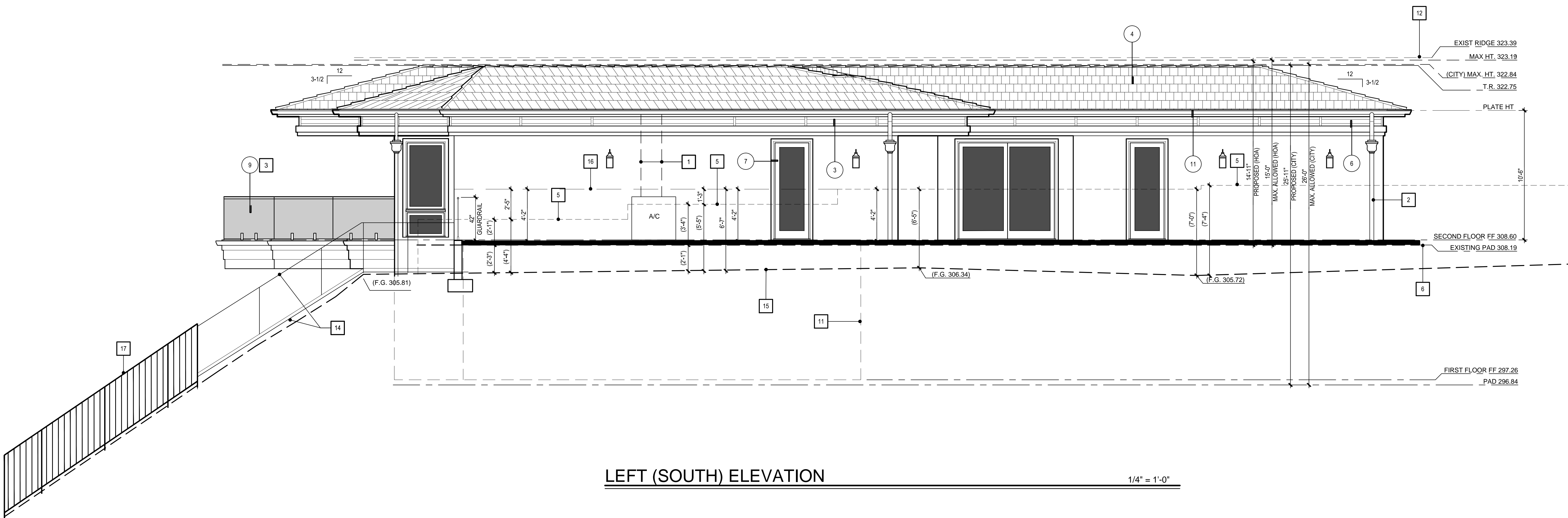
A6

COASTAL REVIEW



REAR (WEST) ELEVATION

1/4" = 1'-0"



LEFT (SOUTH) ELEVATION

1/4" = 1'-0"

MATERIAL SCHEDULE

ITEM	MATERIAL	COLOR
1	walls	stucco
2	walls-accent	coral stone tiles
3	walls-accent	wood
4	roofing	composite slate
5	roofing-flat roof	silicone coating
6	fascia	wood
7	window/door trim	wood/alumin. clad
8	garage door	wood veneer
9	railings	glass
10	exterior door	wood
11	gutters & downspouts	aluminum
12	bbq counter	granite

NOTE:
EXTERIOR LATH: PROVIDE TWO LAYERS OF GRADE "D" PAPER OVER ALL WOOD BASE SHEATHING. (CBC 2510.6) EXTERIOR LATH: EXTERIOR CEMENT PLASTER APPLICATION TO BE 7/8" THICK (3) THREE LAYERS WITH FINISH LAYER TO BE SELECTED BY OWNER.

ELEVATION NOTES

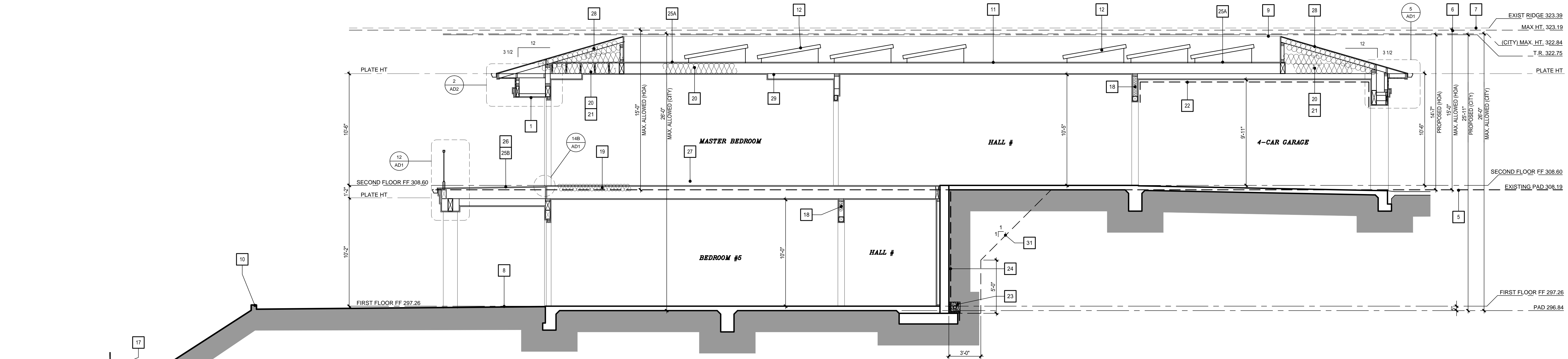
- 3" ØVC DOWNSPOUT IN WALL
- DOWNSPOUT OUTSIDE WALL
- 42" GLASS GUARDRAIL
- SKYLIGHT
- EXISTING SLUMP BLOCK WALL
- EXISTING PAD 308.19
- ATTIC VENT - SEE ROOF PLAN
- BBQ / BAR
- ON GRADE STAIRS
- EXISTING GRADE / SLOPE
- LINE OF BUILDING BELOW GRADE
- LINE OF EXISTING RIDGE
- NEW MASONRY RETAINING WALL WITH STUCCO FINISH TO MATCH HOUSE
- NEW LOW WALL 6" ABOVE GRADE W/ GLASS WINDSCREEN ABOVE SLOPE WALL W/ GRADE
- EXISTING GRADE AT ADJACENT PROPERTY
- NEW SLUMP BLOCK WALL ABOVE (E) SLUMP BLOCK WALL
- NEW TUBULAR FENCE 5'-0" H MIN / 6'-0" H MAX
- BBQ HOOD
- 42" GUARDRAIL WITH INTERMEDIATE RAILS OR AN ORNAMENTAL PATTERN SPACED SUCH THAT 4" SPHERE CAN NOT PASS THROUGH
- PEDESTRIAN ENTRY GATE STRUCTURE
- MASONRY WALL WITH STUCCO FINISH TO MATCH HOUSE



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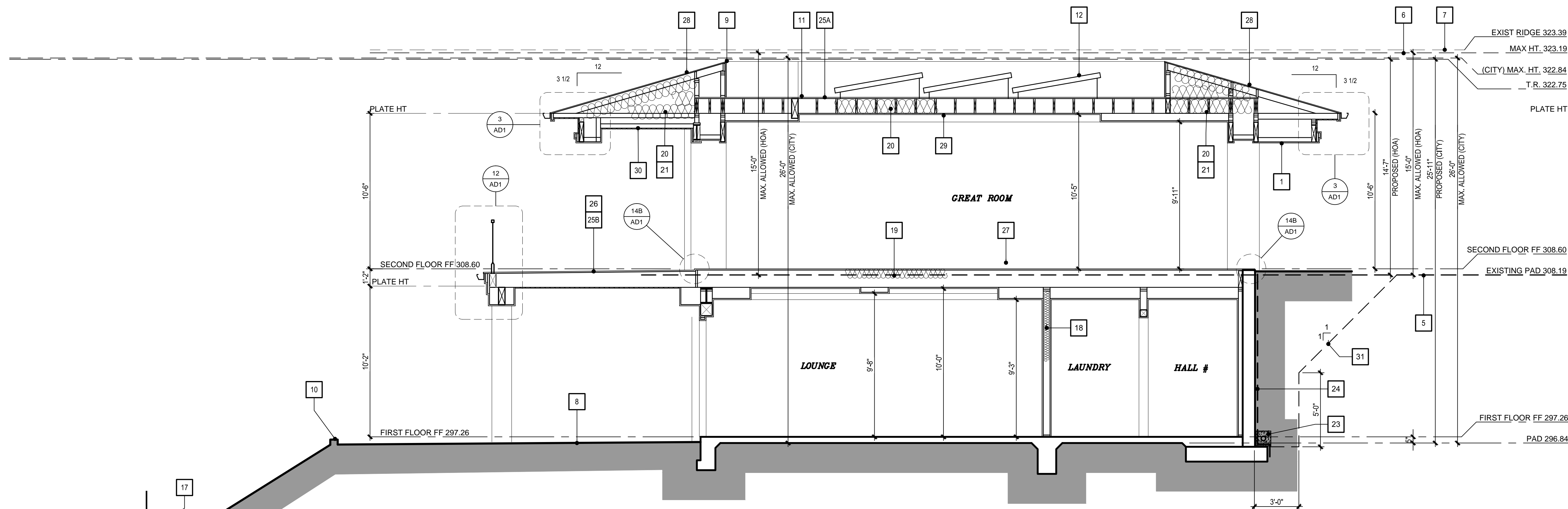
SECTION A

1/4" = 1'-0"

SECTION NOTES

- 1 EXTERIOR STUCCO.
- 2 42" GLASS GUARDRAIL
- 3 36" HANDRAIL INTERMEDIATE RAILS OR AN ORNAMENTAL PATTERN SHALL BE SPACED SUCH THAT 4" SPHERE CAN NOT PASS THROUGH
- 4 N/A
- 5 LINE OF EXISTING PAD ELEVATION 308.19
- 6 LINE OF MAXIMUM BUILDING HEIGHT 323.19
- 7 LINE OF EXISTING BUILDING HEIGHT- 323.39
- 8 FINISH SURFACE
- 9 RIDGE ELEVATION IS TO THE TOP OF FINISH MATERIAL (I.E.: ROOF TILE)
- 10 TOP OF SLOPE
- 11 BUILT-UP ROOF. SEE ROOF PLAN FOR SPECS.
- 12 SOLAR PANELS. SEE ROOF PLAN - SIZE AND LOCATION TO BE DETERMINED BY SOLAR PROFESSIONAL, PER SEPARATE PERMIT
- 13 PULL-DOWN LADDER FOR ROOF ACCESS MAINTENANCE ONLY
- 14 EXISTING PROPERTY LINE WALL
- 15 EXISTING ADJACENT GRADE
- 16 FACE OF ADJACENT EXISTING BUILDING STRUCTURE (SHOWN FOR REF. ONLY)
- 17 NEW TUBULAR FENCE 5'-0"H MIN / 6'-0"H MAX
- 18 R-13 INSULATION
- 19 R-19 INSULATION
- 20 R-30 INSULATION
- 21 FILL ATTIC CAVITY SPACE WITH INSULATION, TYP.
- 22 PROVIDE 5/8 INCH TYPE "X" GYP.BD. AT WALLS AND CEILING OF GARAGE. ANY USABLE SPACE UNDER STAIRS AND ELEVATOR SHAFT BOTH SIDES
- 23 FRENCH DRAIN: 4-INCH PERFORATED (HOLES FACING DOWNWARD) SCHED-40 PVC PIPE COVERED IN A MIN. OF TWO CUBIC FOOT PER LINEAR FOOT OF FILTER ROCK AND WRAPPED IN MIRAFIL 140N. FILTER FABRIC SHOULD BE PROVIDED BEHIND RETAINING WALLS (SEE SECTION 5.5 OF SOILS REPORT)
- 24 WATER PROOFING: THOROSEAL WATERPROOFING OR APPROVED EQUAL APPLIED BY A LICENSED WATERPROOFING APPLICATOR W/ GUARANTEE
- 25A 3/4" CDX
- 25B 3/4" CDX T&G
- 26 STONE / TILE OVER MER-KO SHUR DECK WATER PROOFING SYSTEM ESR-2897
- 27 1-1/8" T&G
- 28 5/8" CDX
- 29 5/8" GYPSUM BOARD
- 30 1 x 6 T&G SOFFIT SMOOTH SIDE OUT
- 31 LINE OF TEMPORARY EXCAVATION AND LAYBACK
- * 32 TEMPORARY SHORING SOLIDER PILE
- * 33 TEMPORARY SHORING WIDE FLANGE BEAM & WOOD LAGGING
- * 34 NEW MASONRY RETAINING WALL W/ STUCCO FINISH TO MATCH HOUSE
- 35 EXISTING SLUMP BLOCK PLASTER. PROTECT IN PLACE DURING CONSTRUCTION
- 36 EXISTING WOOD FENCE. PROTECT IN PLACE DURING CONSTRUCTION

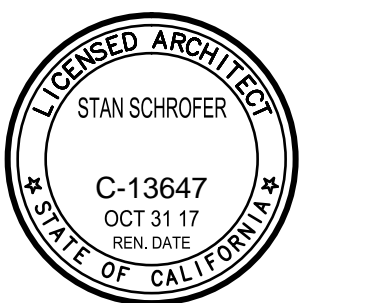
* NOTES:
1. ITEM NOT APART OF PERMIT AND IS SHOWN FOR OVERALL COORDINATION AND REFERENCE ONLY. SEE DRAWINGS BY OTHERS.



SECTION B

1/4" = 1'-0"

SECTIONS



PROJECT # 15-06
REVISIONS NO.

SCALE: 1/4"=1'-0"
DATE: 10/20/2016
SHEET #:

A7

COASTAL REVIEW



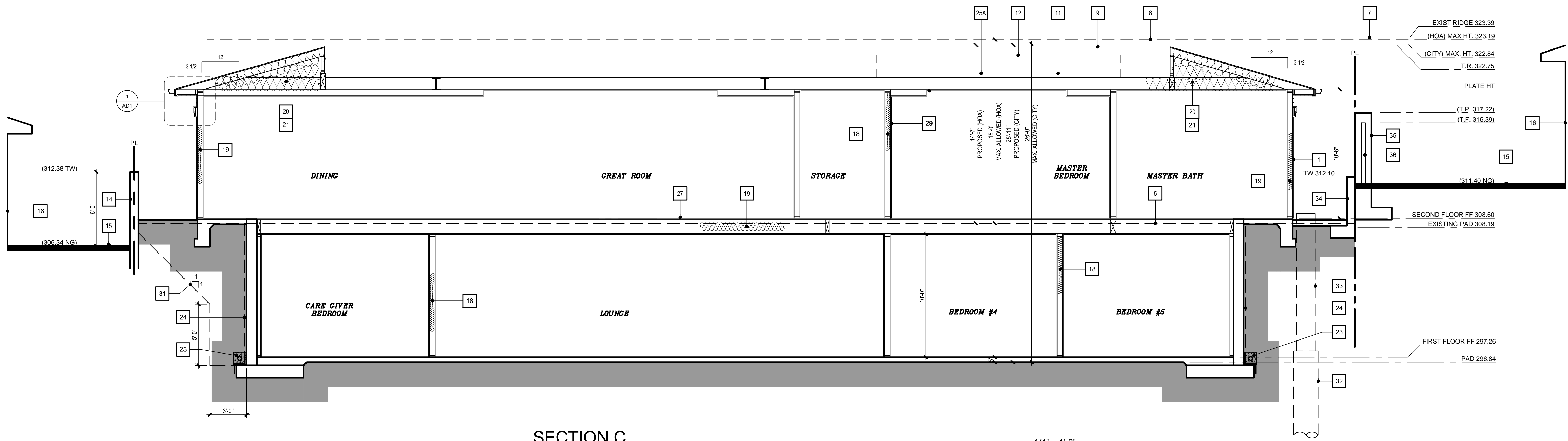
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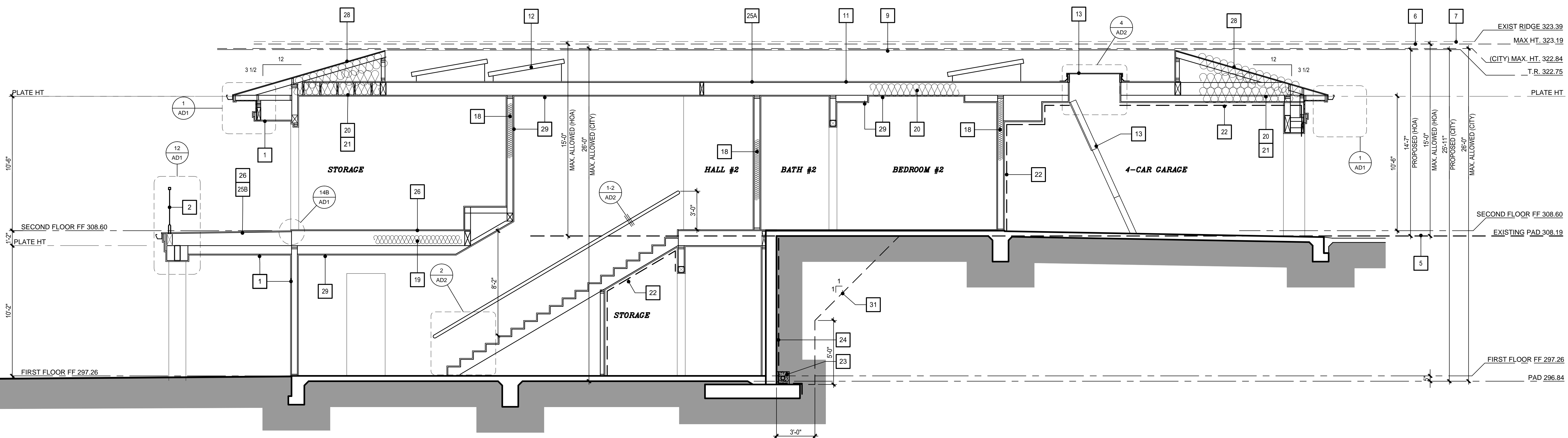
SECTION NOTES

- 1 EXTERIOR STUCCO.
 - 2 42" GLASS GUARDRAIL.
 - 3 36" HANDRAIL INTERMEDIATE RAILS OR AN ORNAMENTAL PATTERN SHALL BE SPACED SUCH THAT 4" SPHERE CAN NOT PASS THROUGH.
 - 4 N/A
 - 5 LINE OF EXISTING PAD ELEVATION 308.19
 - 6 LINE OF MAXIMUM BUILDING HEIGHT 323.19
 - 7 LINE OF EXISTING BUILDING HEIGHT - 323.39
 - 8 FINISH SURFACE
 - 9 RIDGE ELEVATION IS TO THE TOP OF FINISH MATERIAL (I.E. ROOF TILE)
 - 10 TOP OF SLOPE
 - 11 BUILT-UP ROOF. SEE ROOF PLAN - SIZE AND LOCATION TO BE DETERMINED BY SOLAR PROFESSIONAL, PER SEPARATE PERMIT
 - 12 SOLAR PANELS. SEE ROOF PLAN - SIZE AND LOCATION TO BE DETERMINED BY SOLAR PROFESSIONAL, PER SEPARATE PERMIT
 - 13 PULL-DOWN LADDER FOR ROOF ACCESS MAINTENANCE ONLY
 - 14 EXISTING PROPERTY LINE WALL
 - 15 EXISTING ADJACENT GRADE
 - 16 FACE OF ADJACENT EXISTING BUILDING STRUCTURE (SHOWN FOR REF. ONLY)
 - 17 NEW TUBULAR FENCE 5'-0" H MIN / 6'-0" H MAX
 - 18 R-13 INSULATION
 - 19 R-19 INSULATION
 - 20 R-30 INSULATION
 - 21 FILL ATTIC CAVITY SPACE WITH INSULATION, TYP.
 - 22 PROVIDE 5/8 INCH TYPE "X" GYP.BD. AT WALLS AND CEILING OF GARAGE. ANY USABLE SPACE UNDER STAIRS AND ELEVATOR SHAFT BOTH SIDES
 - 23 FRENCH DRAIN: 4-INCH PERFORATED (HOLES FACING DOWNWARD) SCHED. 40 PVC PIPE COVERED IN A MIN. OF TWO CUBIC FOOT PER LINEAR FOOT OF FILTER ROCK AND WRAPPED IN MIRAFI 140N. FILTER FABRIC SHOULD BE PROVIDED BEHIND RETAINING WALLS (SEE SECTION 5.5 OF SOILS REPORT)
 - 24 WATER PROOFING: THOROSEAL WATERPROOFING OR APPROVED EQUAL APPLIED BY A LICENSED WATERPROOFING APPLICATOR W/ GUARANTEE
 - 25A 3/4" CDX
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 - 31 LINE OF TEMPORARY EXCAVATION AND LAYBACK
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 - 34 NEW MASONRY RETAINING WALL W/ STUCCO FINISH TO MATCH HOUSE
 - 35 EXISTING SLUMP BLOCK PILASTER. PROTECT IN PLACE DURING CONSTRUCTION
 - 36 EXISTING WOOD FENCE. PROTECT IN PLACE DURING CONSTRUCTION
- * NOTES:
1. ITEM NOT APART OF PERMIT AND IS SHOWN FOR OVERALL COORDINATION AND REFERENCE ONLY. SEE DRAWINGS BY OTHERS.



SECTION C

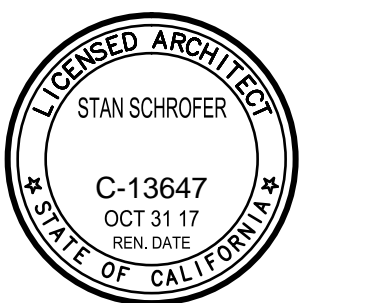
1/4" = 1'-0"



SECTION D

1/4" = 1'-0"

SECTIONS



PROJECT # 15-06

REVISIONS NO.

SCALE: 1/4"=1'-0"
DATE: 10/20/2016
SHEET #:

A8

COASTAL REVIEW

<p>NOTE: A MINIMUM OF ONE LAYER OF NO.15 ASPHALT FELT, FREE FROM HOLES AND BREAKS, COMPLYING WITH ASTM D 226 FOR TYPE I FELT SHALL BE APPLIED OVER STUDS OF ALL EXTERIOR WALLS. SPECIFY THAT TWO LAYERS OF GRADE D OR 60 MINUTE GRADE D PAPER SHALL BE APPLIED OVER ALL WOOD SHEATHING. (CRC R703.2)</p> <p>DTL-ID: SSA4876 SCALE: 1 1/2"=1'-0"</p>	13
<p>DTL-ID: SSA4666 SCALE: 3"=1'-0"</p>	10
<p>DTL-ID: SSA5031 SCALE: 3"=1'-0"</p>	7
<p>DTL-ID: SSA5121 SCALE: 1 1/2"=1'-0"</p>	4
<p>DTL-ID: SSA5118 SCALE: 1 1/2"=1'-0"</p>	1
<p>DTL-ID: SSA4199 SCALE: 3"=1'-0"</p>	14
<p>DTL-ID: SSA4740 SCALE: 3"=1'-0"</p>	11
<p>DTL-ID: SSA5019 SCALE: 3"=1'-0"</p>	8
<p>DTL-ID: SSA5032 SCALE: 3"=1'-0"</p>	5
<p>DTL-ID: SSA5025 SCALE: 1 1/2"=1'-0"</p>	2
<p>NOTE: CONTRACTOR TO VERIFY W/ ELEVATOR MANUFACTURER ANY SPECIFIC DETAILS PERTAINING TO MODEL TO BE INSTALLED PRIOR DRYWALL INSTALLATION.</p> <p>DTL-ID: SSA4480 SCALE: 1/2"=1'-0"</p>	15
<p>CONTRACTOR TO FOLLOW MANUFACTURERS INSTALLATION INSTRUCTIONS</p> <p>DTL-ID: 15-06 030_AD1 ARCH DETAILS SCALE: 1 1/2"=1'-0"</p>	12
<p>CONTRACTOR TO FOLLOW MANUFACTURERS INSTALLATION INSTRUCTIONS</p> <p>DTL-ID: 15-06 030_AD1 ARCH DETAILS SCALE: 1 1/2"=1'-0"</p>	9
<p>DTL-ID: SSA5017 SCALE: 1/2"=1'-0"</p>	6
<p>DTL-ID: SSA5026 SCALE: 1 1/2"=1'-0"</p>	3

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 LOT 35 / TRACT 4669 / APN 670-03-305

ARCHITECTURAL DETAILS

PROJECT # 15-06
REVISIONS NO.

SCALE: SEE DWG
 DATE: 10/20/2016
 SHEET #:

AD1
 COASTAL REVIEW

<p>NOTE</p> <p>A) A MINIMUM OF ONE LAYER OF NO.15 ASPHALT FELT, FREE FROM HOLES AND BREAKS, COMPLYING WITH ASTM D 226 FOR TYPE I FELT SHALL BE APPLIED OVER STUDS OF ALL EXTERIOR WALLS. SPECIFY THAT TWO LAYERS OF GRADE D OR 60 MINUTE GRADE D PAPER SHALL BE APPLIED OVER ALL WOOD SHEATHING. (CRC R703.2)</p> <p>B) WHERE DISTANCE FROM SILL PLATE TO EXTERIOR FINISH HARDSCAPE SURFACE IS LESS THEN 8" FLASHING IS REQUIRED. SEE DETAIL FOR INFORMATION</p> <p>DTL-ID: SSA4252 SCALE: 3/4"=1'-0"</p>	13	<p>AVAILABLE WITH 4" BRONZE ROUND GRATE, OR 5" X 5" NICKEL BRONZE SQUARE GRATE, ADJUSTABLE FROM 1"-3".</p> <p>SQUARE GRATE</p> <p>ROUND GRATE</p> <p>DTL-ID: SSA3845 SCALE: 3/4"=1'-0"</p>	10	<p>FOR INTERIOR WALL: 5/8"(16) GYPSUM WALLBOARD OR 3/4"(19) METAL LATH AND GYPSUM PLASTER IF BOTH SIDES TO BE FIRE RATED</p> <p>FOR EXTERIOR WALL: STUCCO</p> <p>PLYWOOD WHERE OCCURS</p> <p>2x WALL FIRESTOPPED</p> <p>5/8"(16) GYPSUM WALLBOARD OR 3/4"(19) METAL LATH AND GYPSUM PLASTER</p> <p>WALLS</p> <p>FLOORING MATERIAL</p> <p>3/4" GYP. CRETE OVER 3/4" STRUC. II PLYWOOD VERIFY W/ PLANS</p> <p>5/8"(16) GYPSUM WALLBOARD OR LATH OR FIRE-RATED ACUSTICAL TILE OVER METAL FURRING</p> <p>FLOORS</p> <p>FLOOR FRAMING (SEE PLANS) FIRESTOPPED</p> <p>DTL-ID: SSA3482 SCALE: 1 1/2"=1'-0"</p>	7	<p>ROOF HATCH ASSEMBLY</p> <p>B.I. COUNTERFLASHING</p> <p>1/2" PLYWOOD BACKER</p> <p>4" FIBER CANT STRIP</p> <p>BUILT-UP ROOF G/ SHEATHING</p> <p>ACCESS LADDER</p> <p>DTL-ID: SSA0235 SCALE: 1"=1'-0"</p>	4	<p>NOTE:</p> <p>HANDRAILS WITH PARAMETER GREATER THAN 6 1/4" SHALL HAVE A GRASPABLE FINGER RECESS AREA ON BOTH SIDES OF THE PROFILE. RECESSES SHALL BEGIN WITHIN 3/4" FROM THE TALLEST PORTION OF THE PROFILE AND BE AT LEAST 5/16" DEEP WITHIN 7/4" BELOW THE WIDEST PORTION OF THE PROFILE. THIS REQUIRED DEPTH SHALL CONTINUE FOR AT LEAST 3/8" TO A LEVEL THAT IS NOT LESS THAN 1 3/4" BELOW THE TALLEST PORTION OF THE PROFILE. THE MINIMUM WIDTH ABOVE THE RECESS SHALL BE 1 1/4" TO 2 3/4". (R311.7.7.3 CRC)</p> <p>DTL-ID: SSA4700 SCALE: 3/4"=1'-0"</p>	1
<p>NOTE</p> <p>A) A MINIMUM OF ONE LAYER OF NO.15 ASPHALT FELT, FREE FROM HOLES AND BREAKS, COMPLYING WITH ASTM D 226 FOR TYPE I FELT SHALL BE APPLIED OVER STUDS OF ALL EXTERIOR WALLS. SPECIFY THAT TWO LAYERS OF GRADE D OR 60 MINUTE GRADE D PAPER SHALL BE APPLIED OVER ALL WOOD SHEATHING. (CRC R703.2)</p> <p>B) WHERE DISTANCE FROM SILL PLATE TO EXTERIOR FINISH HARDSCAPE SURFACE IS LESS THEN 8" FLASHING IS REQUIRED. SEE DETAIL FOR INFORMATION</p> <p>DTL-ID: SSA4253 SCALE: 3/4"=1'-0"</p>	14	<p>STONE VENEER SHALL BE ELDORADO COSTAL LEDGE - SANTA BARBARA ESR# 1215 OR APPROVED EQUAL</p> <p>INSTALL VENEER PER MANUFACTURE SPECIFICATIONS AND INSTRUCTIONS WITH NONCOMBUSTIBLE RATED ASSEMBLY</p> <p>INTERIOR</p> <p>EXTERIOR</p> <p>STONE VENEER</p> <p>DTL-ID: SSA3237 SCALE: N.T.S.</p>	11	<p>EXT. DOOR SEE PLAN</p> <p>INTERIOR FLOORING - SEE PLAN</p> <p>FLASHING</p> <p>STONE THRESHOLD W/ BRASS WEATHER STRIPPING</p> <p>FINISH SURFACE SEE PLAN</p> <p>CAULKING</p> <p>SLOPE 2% TYP</p> <p>* 1-1/2" MAX @ OUTSWING MAIN INGRESS/EGRESS DOOR.</p> <p>* 7-3/4" MAX @ NON-MAIN INGRESS/EGRESS DOOR.</p> <p>DTL-ID: SSA4192 SCALE: 1 1/2"=1'-0"</p>	8	<p>NOTE: THE INSTALLATION AND SIZING OF OVERFLOW DRAINS, LEADERS AND CONDUCTORS SHALL COMPLY W/ THE CPC R903.4.1</p> <p>BUILT-UP HOT MOPPED ROOFING</p> <p>DOMIE GRATE TO FIT DRAIN SIZE</p> <p>PLYWOOD ROOF SHEATHING</p> <p>BUILT-IN OVERFLOW SHALL BE 2" ABOVE LOW POINT ON THE ROOF</p> <p>2% MIN. SLOPE</p> <p>2% MIN. SLOPE</p> <p>DRAIN LINE CONNECTION (SEE PLAN FOR SIZE)</p> <p>SIDE OUTLET ROOF DRAIN BY "TECH SPECIALTIES" OR EQUAL HIGH IMPACT ABS PLASTIC</p> <p>ROOF DECK FRAMING</p> <p>OVERFLOW CONNECTION (SEE PLAN FOR SIZE)</p> <p>DTL-ID: SSA4475 SCALE: 3/4"=1'-0"</p>	5	<p>NOTE:</p> <p>CALCULATION OF RISE AND RUN OF STAIRS IS BASED ON ROUGH FRAMING. CONTRACTOR TO VERIFY AND ADJUST ACCORDINGLY BASED ON SELECTED FINISH MATERIALS TO ASSURE COMPLIANCE WITH CRC CODE SECTION R 311.7.5 VERTICAL RISE BETWEEN FLOOR LEVELS OR LANDINGS SHALL NOT BE MORE THAN 12 FT.</p> <p>HANDRAIL ASSEMBLIES AND GUARDS SHALL BE DESIGNED TO RESIST A SINGLE CONCENTRATED LOAD OF 200 POUNDS APPLIED IN ANY DIRECTION AT THE TOP AND TO HAVE ATTACHMENT DEVICES TO TRANSFER THIS LOAD THROUGH THE SUPPORTS TO THE STRUCTURE. (CBC 1607.7, TBL1607.1)</p> <p>DTL-ID: SSA4770 SCALE: 1 1/2"=1'-0"</p>	2
<p>DTL-ID: SSA4770 SCALE: 1 1/2"=1'-0"</p> <p>WEEP SCREED DETAIL</p> <p>15</p>	15	<p>DTL-ID: SSA4780 SCALE: 1"=1'-0"</p> <p>FOOTING STEP @ THRESHOLD</p> <p>12</p>	12	<p>DTL-ID: SSA0071 SCALE: 1 1/2"=1'-0"</p> <p>DOOR FLASHING @ DECK</p> <p>9</p>	9	<p>DTL-ID: SSA0069 SCALE: 1 1/2"=1'-0"</p> <p>VALLEY FLASHING</p> <p>6</p>	6	<p>DTL-ID: SSA0069 SCALE: 1 1/2"=1'-0"</p> <p>VALLEY FLASHING</p> <p>6</p>	3

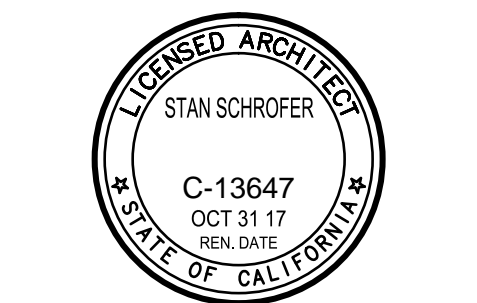


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NERIA RESIDENCE
32687 SEA ISLAND DRIVE
DANA POINT, CA 92629
LOT 35 / TRACT 4269 / APN 670-03-305

ARCHITECTURAL
DETAILS



PROJECT # 15-06
REVISIONS NO.

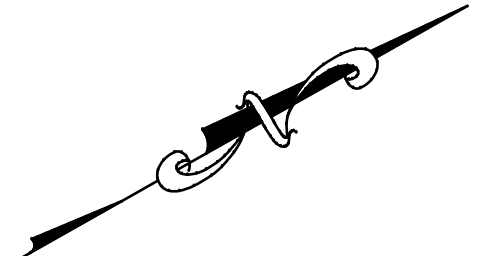
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DATE: 10/20/2016
SHEET #:

AD2
COASTAL REVIEW



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0' 10' 20'
SCALE: 1"=10'

NOTE: RECORD EASEMENTS ARE NOT PLOTTED IF ANY

LEGEND	
(123.45)	MEAS. ELEVATIONS
()	REC. BRG. & DIST.
#	DECK
==	WALL
	BUILDING
	PROPERTY LINE
X	FENCE
N.G.	NATURAL GRADE
P.P.	POWER POLE
WM	WATER METER
F.F.	FINISH FLOOR
G.F.	GARAGE FLOOR
CONC.	CONCRETE
F.S.	FINISH SURFACE
M.H.	MAN-HOLE
P	PLANTER
A.C.	ASPHALT
T.G.	TOP-GRATE

ADDRESS OF PROJECT:
32687 SEA ISLAND DRIVE
DANA POINT, CA

BENCH MARK:
BENCH MARK#: 3P-21-68
ELEVATION: 183.19
DATUM: NAVD 88

LEGAL DESCRIPTION:
LOT 35 OF TRACT MAP NO. 4269

OWNER:
NERIA RESIDENCE

TOPOGRAPHIC SURVEY

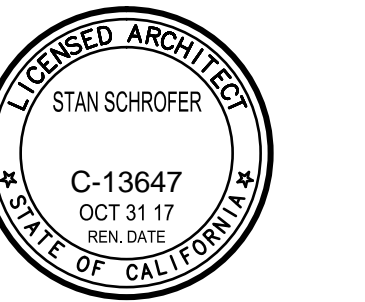
JOB: 57-74

DATE: 10/26/15

RdM SURVEYING INC.

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TOPOGRAPHIC
SURVEY



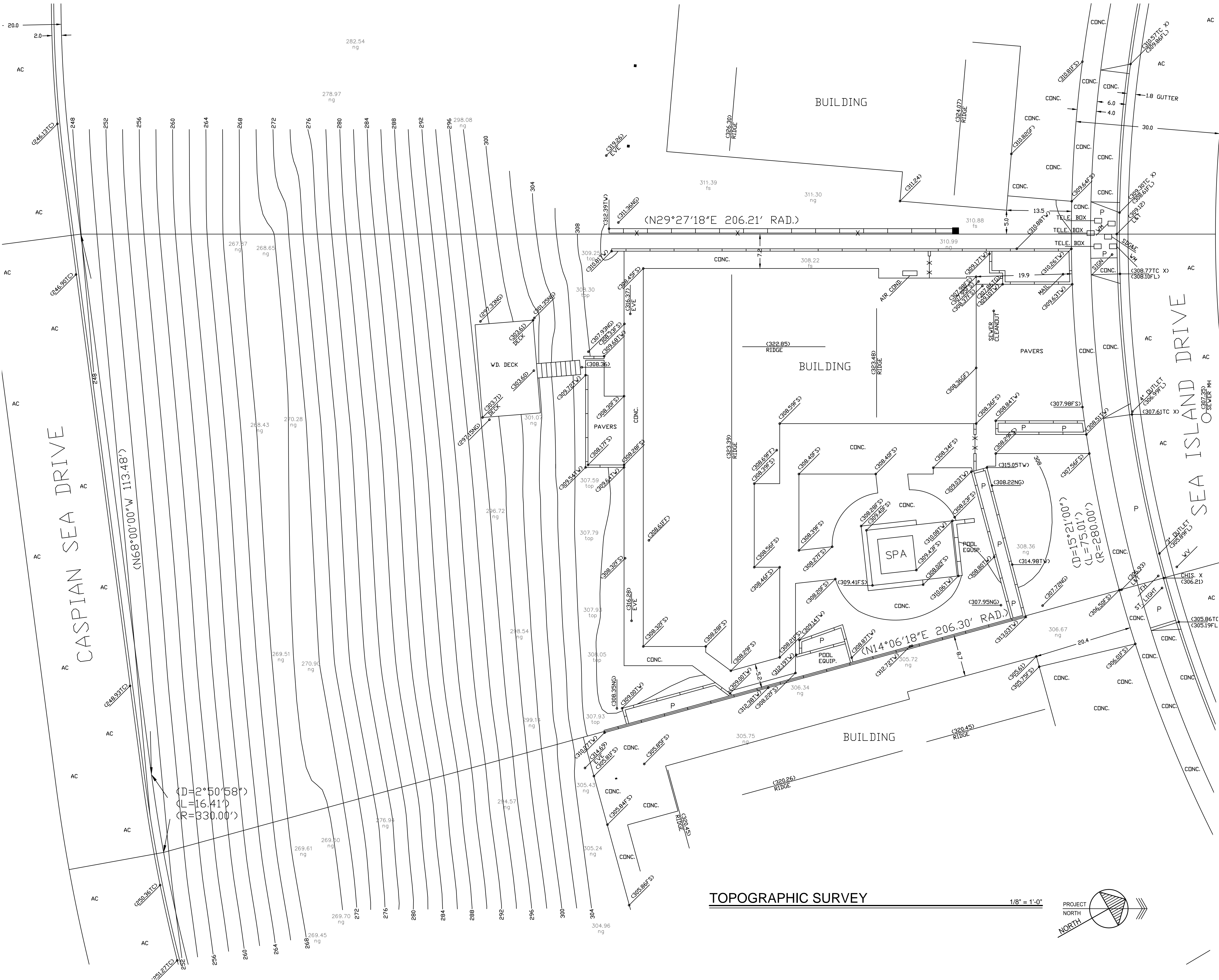
PROJECT # 15-06

REVISIONS NO.

SCALE: 1"=10'-0"
DATE: 10/20/2016
SHEET #:

T

COASTAL REVIEW



TOPOGRAPHIC SURVEY

1/8" = 1'-0"

