

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4830
VOICE (562) 590-5071
FAX (562) 590-5084



W16d

ADDENDUM

November 16, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W16d, APPEAL NO. A-5-VEN-21-0036 (GOLDSTEIN) FOR THE COMMISSION MEETING OF WEDNESDAY, NOVEMBER 17, 2021.**

Response to Correspondence

The Commission received eight letters of opposition between November 8, 2021 and November 12, 2021. The opposition letters raise substantially similar issues to those raised in the appeal and assert that the mass and scale of the proposed project is not visually compatible with the character of the surrounding area, that the proposed project will have significant adverse effects and that the Commission staff did not properly conduct a cumulative effects analysis. In response, staff would note that the substantial issue staff report for the appeal and de novo staff report address the concerns discussed above.

Opponents make the following additional assertions:

1. Opponents assert that Staff shall not advise applicants on substantive issues such as the manner in which a proposed development might be made consistent with the Coastal Act (Section 30335.1).

The purpose of this section is to ensure that Commission staff members are available at hearings to provide applicants and other interested persons with assistance in understanding the Commission's procedures at and during Commission hearings. It does not prohibit staff from meeting with project applicants prior to the public hearing to discuss a proposed project's consistency with the Coastal Act. In this case, staff had several meetings with the applicant. During these meetings, the applicant requested feedback on the mass and scale of the proposed home, and staff provided general guidance based on previous Commission actions in Venice.

2. Opponents assert that any new home built in the neighborhood that is significantly larger than the size of the original home will block light, airflow and privacy.

The standard of review is the Coastal Act, and the Venice LUP is used as guidance. The issues stated here are not Coastal Act issues.

3. Opponents assert that the survey area was arbitrarily expanded and used comparably sized homes to justify the finding of no substantial issue.

Commission staff conducted a survey of all single-family and multi-family residences along both sides of Beach Avenue between Mildred and Olive Avenue as well as along both sides of McKinley Avenue between Mildred Avenue and Holly Court (Exhibit 6), for a total of 54 single-family and multi-family residences. The area survey undertaken by the City was limited to Beach Avenue and included a total of 23 residences. Commission staff increased this survey scope to provide a somewhat broader analysis and also included three additional corner lots on Mildred Avenue (620, 2313 and 2314). The purpose of this broader analysis was to better assess the overall community character of the Silver Triangle neighborhood in which this development is proposed. The Silver Triangle neighborhood is not identified in the LUP, but it is a smaller subsection of the Southeast Venice subarea that is identified in the LUP. The appellants referenced the Silver Triangle neighborhood numerous times in their appeal, and the expanded survey area was in part, an attempt by staff to further analyze and address the appellants' concerns.

4. One opponent asserts that gentrification is a concern that continues in Venice where the average cost of housing is rising, and therefore raises a substantial issue with respect to the environmental justice policy of the Coastal Act.

This opponent fails to cite a Chapter 3 or LUP policy that protects lower cost housing. Commission staff has analyzed the proposed project's consistency with the Venice LUP and the Chapter 3 policies of the Coastal Act and has found that, as conditioned, the project is in conformity with the standard of review. Staff does not believe that the facts show that the proposed development is inconsistent with the Commission's environmental justice policy.

5. Opponents compare staff's analysis of the Mildred Avenue project (this project) to the Angelus Place¹ project, which is also an appeal on the Commission's November 17, 2021 agenda.

The subject staff report and the staff report for the Angelus Place project (A-5-VEN-21-0067) contain substantial analysis related to the proposed homes' consistency with the character and visual resource protection policies of the Coastal Act and Venice LUP. The two projects are not within the same survey area. As of the date of publication of this addendum, the Commission has not acted on the staff recommendation of

¹ Appeal No. A-5-VEN-21-0067

substantial issue for A-5-VEN-21-0067, and no staff report or recommendation on de novo has been prepared. Thus, comparison of the two development projects and their individual site conditions is premature.

6. Opponents assert that staff's cumulative effects analysis is inadequate because staff omitted an analysis of the effects of probable future projects and that not being aware of projects is not adequate and that staff should not justify a finding of no adverse cumulative effect of home size due to the presence of other nearby comparably sized homes. Furthermore, opponents assert that "each project is compared to the ones that have come before, each of which has been on average larger and bulkier..."

The opposition letters mischaracterize the cumulative effects analysis in the staff report. Page 15 and 26 of the staff report assess the potential cumulative effects of the development in connection with past, current, and probable future projects. To ensure that analysis of cumulative effects was not skewed by comparison of past projects, the survey of residences in the subject area was categorized into three tables representing past redevelopment projects (Tables 1 and 2) and current housing stock (Table 3); these tables were then analyzed as separate data sets, as found in Appendix B of the staff report. Furthermore, staff reviewed the City's permit tracking website (ZIMAS) for any pending development proposals (i.e., probably future projects). In summary, the analysis of cumulative impacts of redevelopment in Venice reflects the most current and comprehensive information available to Commission staff to date.

Additionally, case law does not support the argument that "probable future projects" means the hypothetical probability of a future project. A substantive analysis cannot be based upon conjecture or hypotheticals. Language from Gray v Madera Ranch Quarry, Inc. (2008) provides guidance: "As noted in San Franciscans for Reasonable Growth v. City & County of San Francisco (1984) 151 Cal.App.3d 61, 74, 'probable future projects' can be interpreted as reasonably probable future projects. The court found that projects that are undergoing environmental review are reasonably probable future projects. (Ibid.) We conclude that any future project where the applicant has devoted significant time and financial resources to prepare for any regulatory review should be considered as probable future projects for the purposes of cumulative impact." 167 Cal.App.4th 1099 at p. 1127.

Pursuant to section 30250 of the Coastal Act, the issue is whether these changes will have significant adverse effects, individually or cumulatively, on coastal resources. Here, section 30253(e) requires minimization of adverse impacts to "special communities and neighborhoods that, because of their unique character, are popular visitor destination points for recreational uses." There are diverse opinions on the definition of community character, and some are subjective and beyond analysis, and character is more than just the size of homes. Some appear to suggest that community character is static and that change beyond 2001 is anathema to the well-being of that community as a coastal resource. However, the adopted certified LUP does not reflect this, and the Coastal Plan cited by opponents is not the standard of review.

Staff also notes that even smaller redevelopment projects that add square footage will effectively change the average. The term cumulative effects implies that change will occur and requires the analysis of past projects and probable future projects, which is reflected in staff's analysis.

Based upon analysis of the facts available, staff recommends that the Commission find that the proposed revised project would not have a significant adverse impact on the character of Venice as a popular visitor destination point for recreation uses.

7. Also, opponents assert that the reduction in square footage is insufficient grounds to go from a finding of substantial issue to a finding of conformance in the De Novo review.

The mass and scale of the City-approved residence in relation to the surrounding homes is discussed in detail in the staff report. As stated on page 15 of the staff report, staff recommends a finding of substantial issue with the massing of the proposed home. As outlined in the De Novo staff report, the mass of the project was changed and reflected in the proposed project, and as modified and conditioned, staff recommends that the Commission find the project to be in conformity with the applicable standard of review.

8. Opponents have also suggested the proposed home limit its size to either 1,705 square feet or 2,000 square feet to avoid an adverse cumulative effect on the character of Beach Avenue.

Staff's recommendation for finding substantial issue is based upon the visual impact of the City-approved home. The home would have had a large massing along both Beach and Mildred Avenue. The proposed size of the modified home, though only 4 percent smaller, would be consistent with the surrounding area and would not have an adverse cumulative impact on the character of the area.

Changes to Staff Report

Commission staff recommends the following corrections to the staff report and exhibits dated November 5, 2021. Language to be added is shown in underlined text, and language to be deleted is identified by ~~strike out~~.

1. On page 15 of the staff report, the following text shall be deleted:

The information analyzed by Commission staff shows that the City-approved residence has a height and size consistent with past Commission and City actions on similar residences since 2001.⁷ Table 3 also demonstrates the subject residence is larger than the majority of homes that have not been redeveloped subsequent to 2001 within the survey area. ~~Commission staff is not aware of future development projects in the survey~~

⁷ Such actions include the following homes: 2345 Beach Avenue, 2321 McKinley Avenue, 2325 McKinley Avenue, 2338 McKinley Avenue, and 2416 McKinley Avenue.

area. Currently, there is one project within staff's survey area that is "on hold"² with the City of L.A. This new project proposes the demolition of two existing 1-story, single-family residences, and the construction of a new 2-story, 1,756 square foot single-family home with a new 802 square foot, detached ADU located at 2424 McKinley Avenue. While that application is still under review with the City, and there may be concerns regarding density or other issues, the size of the proposed structures generally appear to be within the existing range of development. In considering the revised and conditioned subject project, past projects and the 2424 McKinley Avenue project, staff believes there will not be significant adverse cumulative effects on the character of Venice that makes it a visitor destination point for recreational uses.

- 2. On page 37 of the staff report, a footnote shall be added to 2424 McKinley Ave in Table 3 and the footnote be updated as follows:**

2424 McKinley Ave ²⁰	1953	3,600	1,448	1,448
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20. An application for a new 2-story, 1,756 square foot single-family residence and detached, 2-story, 802 square foot ADU is under initial review by the City (DIR-2019-3052-CDP-MEL).

- 3. On Page 38 of the staff report, footnote 21 shall be numbered as footnote 22:**

2329 McKinley Ave	1923	3,686 ²²	870	870
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- 4. The revised project plans are being included as a supplement to Exhibit 8:**

² The project has not been approved or denied.

²⁰ An application for a new 2-story, 1,756 square foot single-family residence and detached, 2-story, 802 square foot ADU is under initial review by the City (DIR-2019-3052-CDP-MEL).

²² Lot size on LandVision is 7,390 square feet.



STORMWATER OBSERVATION REPORT (SOR) FORM
Only to be used for Single Family Residences
 (4 units or less, <10,000 SF, <2,500 SF within a ESA)
LOW IMPACT DEVELOPMENT



IN THE EVENT THAT THE APPROVED STORMWATER BMP CANNOT BE BUILT PER PLANS (OR ANY MODIFICATIONS), CONSULT WITH BUREAU OF SANITATION STAFF PRIOR TO ANY PLAN MODIFICATIONS. FAILURE TO DO SO MAY DELAY OBTAINING A FINAL APPROVAL AND CERTIFICATE OF OCCUPANCY (C of O).

STORMWATER OBSERVATION means the visual observation of the stormwater related Best Management Practices (BMPs) for conformance with the approved LID Plan at significant construction stages and at completion of the project. Stormwater observation does not include or waive the responsibility for the inspections required by Section 108 or other sections of the City of Los Angeles Building Code.

STORMWATER OBSERVATION must be performed by the contractor responsible for the approved LID Plan or designated staff in their employment. Homeowner can also perform the Stormwater Observation if no licensed contractor was involved. AS PART OF THE OBSERVATION, PROVIDE PRINTED PHOTOS OF THE BMPs TAKEN DURING VARIOUS CONSTRUCTION PHASES.

STORMWATER OBSERVATION REPORT (SOR) must be signed by the contractor responsible for the approved LID Plan and submitted to the City prior to the issuance of the certificate of occupancy. Homeowner can sign the Stormwater Observation Report if no licensed contractor was involved. PRIOR TO CERTIFICATE OF OCCUPANCY (C of O), SOR FORM, PRINTED PHOTOS OF THE BMPs TAKEN DURING VARIOUS CONSTRUCTION PHASES AND APPROVED STAMPED PLANS BY THE BUREAU OF SANITATION MUST BE SUBMITTED TO THE PUBLIC COUNTER FOR STAFF APPROVAL.

Project Address:	Building Permit No.:
Contractor / Architect / Engineer responsible for construction of best management practices per approved LID Plan:	Phone Number:

I declare that the following statements are true to the best of my knowledge:

- I am responsible for the approved LID Plan, and
- I, or designated staff under my responsible charge, have performed the required site visits at each significant construction stage and at completion to verify that the best management practices as shown on the approved plan have been constructed and installed in accordance with the approved LID Plan.

Signature _____ Date _____ Contractor/Architect/Engineer License _____

Law Impact Development (LID)
Post Construction Stormwater Mitigation
Best Management Practices (BMPs)



STORMWATER BMP(s) VERIFICATION

Upon LADBS Inspector Verification that approved stormwater BMPs are in place, a Stormwater Observation Report (SOR) Form shall be submitted to Department of Public Works, Bureau of Sanitation, 201 N. Figueroa, 3rd floor, station 18.

Project Address: _____

RESIDENTIAL (4 UNITS OR LESS, <10,000 SF, <2,500 SF within a ESA)

Item #	Stormwater BMP	Description (Units, total)	Reference Sheet(s)* (Sheet #)
1	Rain Tank(s) - 50 to 120 gal each		
2	Rain Tank(s) - > 120 gal min		
3	Shade Tree, > min 15 gal		
4	Flow thru Planter(s)		
5	Permeable pavers / Porous concrete (min 10% open space)	<input type="checkbox"/> Incidental, total SF <input type="checkbox"/> Infiltration, total SF	
6	Rain Garden	<input type="checkbox"/> # - Unloaded, total SF	
7	Dry Well	1 Unit 364 #1"	A3.0
8	SLUMP Pump (modification was not required)		

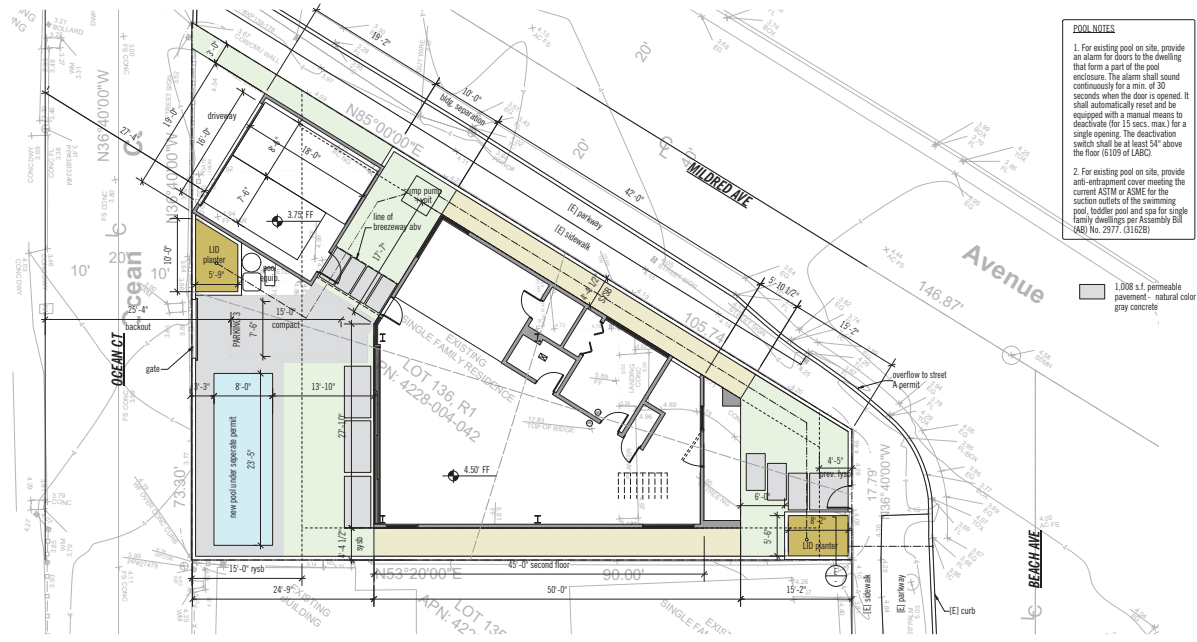
ALL OTHER DEVELOPMENT (Residential: 5+ units, 10,000+ SF, within a ESA and 22,500SF)

Item #	Stormwater BMP	Description (Units, total)	Reference Sheet(s)* (Sheet #)
1	Infiltration Basin / Trench		
2	Dry Well		
3	Permeable pavers / Porous concrete (min 10% open space)	<input type="checkbox"/> Incidental, total SF <input type="checkbox"/> Infiltration, total SF	
4	Rain Tank(s) - 50 gal min	<input type="checkbox"/> Above Grade <input type="checkbox"/> Below Grade	
5	Cistern		
6	Flow thru Planter(s)		
7	Biofiltration	<input type="checkbox"/> # - Loaded, total SF <input type="checkbox"/> # - Unloaded, total SF	
8	Vegetative Swale / Filter Strip		
9	Catch Basin Filter(s)		
10	Trench Drain Filter(s)		
11	Down Spout Filter(s)		
12	SLUMP Pump (modification was not required)		

* At a minimum: Site Plan, Architectural Elevations, Roof Plan, Civil Sheets and Detail

STORMWATER OBSERVATION AND BMP FORMS

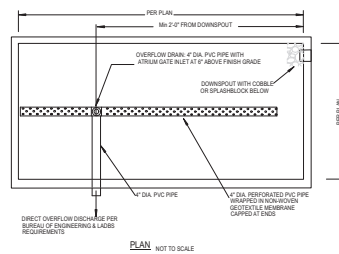
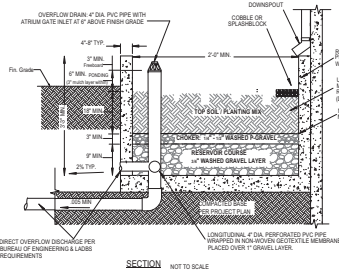
scale: N/A (F)



- POOL NOTES**
- For existing pool on site, provide an alarm for doors to the dwelling that form a part of the pool enclosure. The alarm shall sound continuously for a min. of 30 seconds when the door is opened. It shall automatically reset and be equipped with a manual means to deactivate (for 15 secs. max.) for a single opening. The deactivation switch shall be at least 5'-0" above the floor (6109 of LABC).
 - For existing pool on site, provide anti-entrapment cover meeting the current ASTM or ASME for the suction outlets of the swimming pool, hot tub and spa for single family dwellings per Assembly Bill (AB) No. 2917. (6162B)

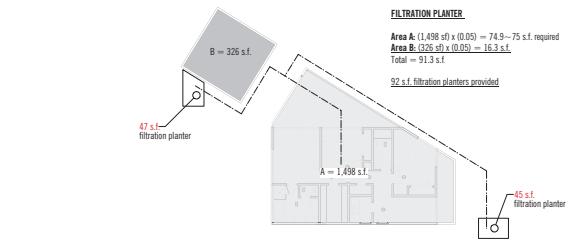
1,008 s.f. permeable pavement - natural color grey concrete

SITE PLAN scale: 1/8" = 1'-0" (A)

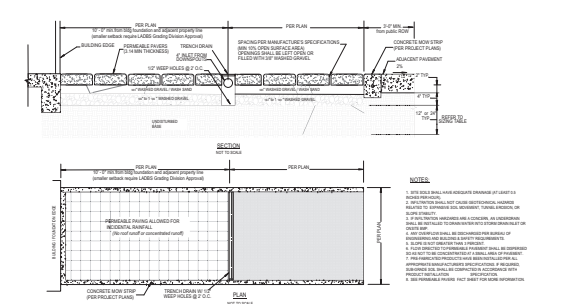


- NOTES:**
- AT LEAST 3 INCHES SHALL BE PROVIDED BETWEEN THE PLANTING SURFACE AND THE CREST OF EACH PLANTER.
 - PLANTERS SHALL NOT BE LOCATED ON UNLEVEL OR SLOPED SURFACES.
 - TOP SOIL PLANTING MIX AT LEAST 1\"/>

FILTRATION PLANTER scale: N/A (D)



DISTRIBUTION OF ROOF RUNOFF scale: 1/16" = 1'-0" (B)



PERMEABLE PAVING scale: N/A (C)

MILDRED610
 610 MILDRED AVE
 VENICE, CA 90291

ye
 3411 Caroline Ave
 Culver City, CA 90232
 tel - 424.603.4791
 eml - biz@ye2e.com

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Coastal Update 09/08/21
 PC comments 08/22/21
 PC submit 06/08/21
 CD 01/01/21
 CD letter 01/21/21
 CDP case filing 06/02/20
 SD 04/06/20

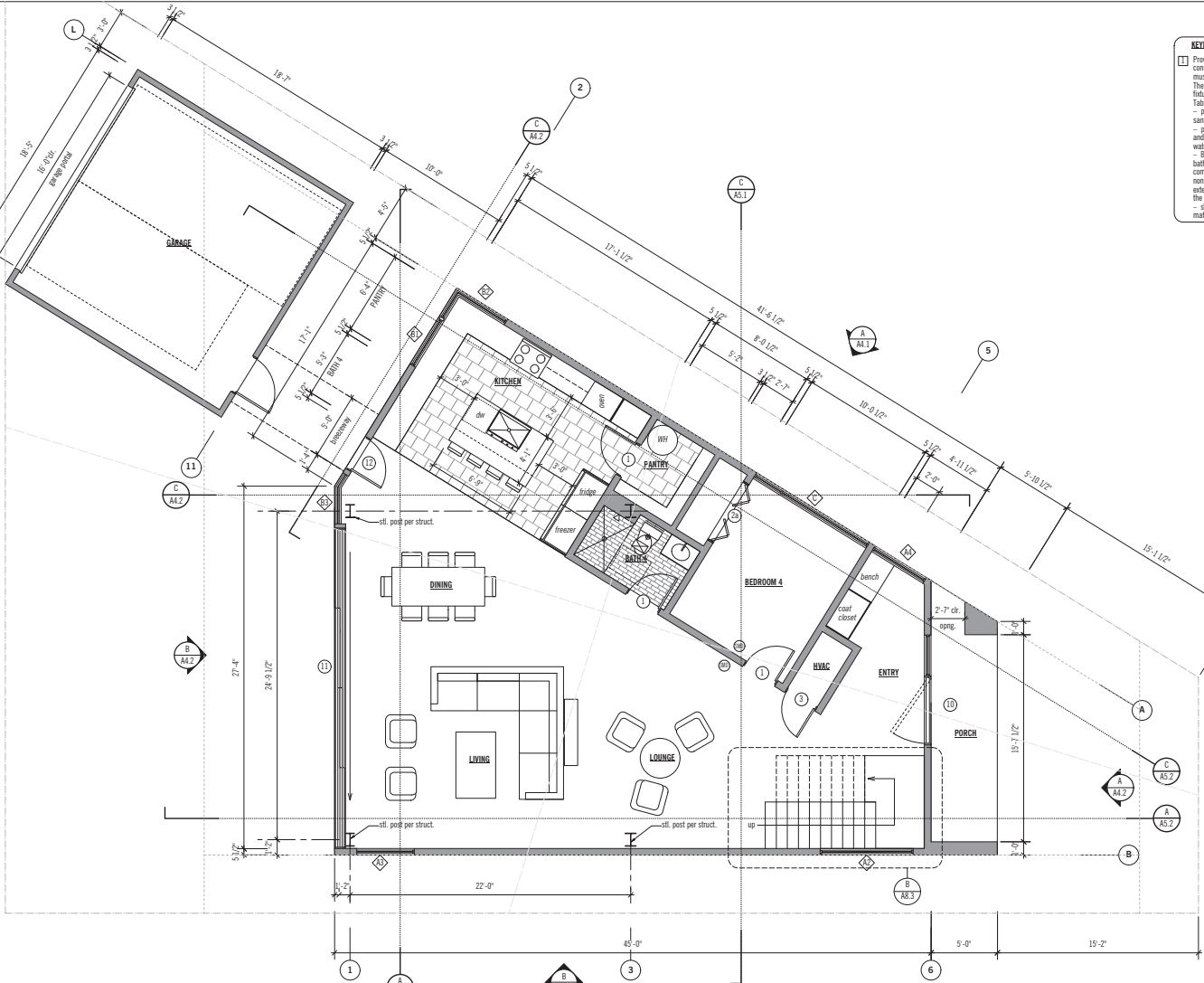
PLAN
 NORTH

SITE PLAN
A3.0
 October 13, 2021

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- KEYNOTES:**
- 1] Provide ultra flush water closets for all new construction. [E] shower heads and toilets must be adapted for low water consumption. The flow rates for all newly installed plumbing fixtures shall comply with the max. flow rates in Table R302.2 (See sheet A1.3)
 - plumbing fixtures are to be connected to a sanitary sewer
 - plumbing fixtures shall be provided with hot and cold water and connected to an approved water supply.
 - Bathubs and shower floors, walls above bathubs with a showerhead, and shower compartments shall be finished with a nonabsorbent surface. Such wall surfaces shall extend to a height of not less than 6 feet above the floor.
 - shower enclosures shall be of shatter-resistant material.
 - 2] Provide weather based automatic irrigation system control - Rainbird ET Manager series or equal. Provide power as req.
 - 3] Direct Vent, sealed combustion type fireplace - LENOX MONTEBELLO L33MS-PV series 40" (LARR# 25483) See A8.2 for detail and specs.
 - 4] 24" x 30" clear in front of WC



- GARAGE NOTES:**
1. The garage shall be separated from the dwelling and its attic area in accordance with Table R302.6.
 2. Ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gage sheet steel or other approved material and shall not have openings into the garage (R302.5.2)
 3. Garage floor surfaces shall be of an approved noncombustible material, and the area used to park vehicles shall be sloped to a drain or toward the main vehicle entry doorway. (R303.1)
 4. Automatic Garage door openers, if provided, shall be listed in accordance with UL 325.
 5. Vehicular access doors shall comply with Section R609.4

- MISC NOTES:**
1. Buildings shall have approved address numbers placed in a position that is plainly legible and visible from the street fronting the property.
 2. Not used.
 3. Provide anti-graffiti finish within the first 9 feet, measured from grade, at exterior walls and doors.
 4. Heater shall be capable of maintaining a minimum room temperature of 68°F at a point 3 feet above the floor and 2 feet from exterior walls in all habitable rooms at the design temperature.
 5. Not used.
 6. Water heater must be strapped to wall.
 7. Smoke detectors shall be provided for all dwelling units intended for human occupancy.
 8. A copy of the evaluation report and/or conditions of listing shall be made available at the job site.

9. A copy of the construction documents or a comparable document indicating the information from Energy Code Sections 110.10(b) through 110.10(c) shall be provided with the construction documents.
10. Construction waste shall be reduced by 50% and removed by City of Los Angeles certified hauler.
11. Where a permit is required for alterations, repairs or additions exceeding \$1000, existing dwellings for sleeping units that have attached garages or fuel-burning appliances shall be provided with a carbon monoxide alarm in accordance with Section R315.1.
12. The construction shall not restrict a free foot clear and unobstructed access to any water or power distribution facilities (Power poles, pull-boxes, transformers, vaults, pumps, valves, meters, appurtenances, etc.) or to the location of the hook-up. The construction shall not be within ten feet of any power lines - whether or not the lines are located on the property. Failure to comply may cause construction delays and/or additional expenses.
13. An approved Seismic Gas Shutoff Valve will be installed on the fuel gas line on the down stream side of the ability meter and be rigidly connected to the exterior of the building or structure containing the fuel gas piping.

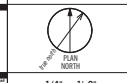
14. Every space intended for human occupancy shall be provided with natural light by means of exterior glazed openings in accordance with Section 1205.2 or shall be provided with artificial light that is adequate to provide an average illumination of 10 foot-candles over the area of the room at a height of 30 inches above the floor level. All interior and exterior stairways shall be illuminated. (R303.7)
15. Unit Skylights shall be labeled by a LA City Approved Labeling Agency. Such label shall state the approved labeling agency name, product designation and performance grade rating. (Research Report not Required). (R308.6.5)
16. For projects that include landscape work, the Landscape Certification, Form GRN 12, shall be completed prior to final inspection approval.
17. Not used.
18. Protection of wood and wood based products from decay shall be provided in the locations specified per section R317.1 by the use of naturally durable wood or wood that is preservative-treated in accordance with ANPA U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of ANPA U1.
19. Not used.

20. Materials delivered to the construction site shall be protected from rain or other sources of moisture.
21. All interior and exterior stairways shall be illuminated. (R303.7 & R303.8)
22. Heater shall be capable of maintaining a minimum room temperature of 68°F at a point 3 feet above the floor and 2 feet from exterior walls in all habitable rooms at the design temperature. (R303.9)
23. Leds shall be graded to drain surface water away from foundation walls with a minimum fall of 6 inches within the first 10 feet. (R401.3)
24. Dampproofing, where required, shall be installed with materials and as required in section R406.
25. The Sprinkler System shall be approved by Plumbing Division prior to installation.
26. An approved smoke alarm shall be installed in each sleeping room & hallway or area giving access to a sleeping room, and on each story and basement for dwellings with more than one story. Smoke alarms shall be interconnected so that actuation of one alarm will activate all the alarms within the individual dwelling unit. In new construction smoke alarms shall receive their primary power source from the building wiring and shall be equipped with battery back-up and low battery signal. (R314)

27. An approved carbon monoxide alarm shall be installed in dwelling units and in sleeping units within which fuel-burning appliances are installed and in dwelling units that have attached garages. Carbon monoxide alarm shall be provided outside of each separate dwelling unit sleeping area in the immediate vicinity of bedrooms) and on every level of a dwelling unit including basements. (R315)
28. Through penetrations of fire-resistance-rated wall or floor assemblies shall comply with Section R302.4.1.1 or R302.4.1.2
29. Membrane penetrations shall comply with Section R302.4.1. Where walls are required to have a fire-resistance rating, recessed fixtures shall be installed so that the required fire-resistance rating will not be reduced.
30. In combustible construction, fire blocking shall be provided to cut off all concealed draft openings (both vertical and horizontal) and to form an effective fire barrier between stories, and between a top story and the roof space.

- [E] walls to be removed
- New walls - 2x6 framing @ 16" O.C. UO/N
- 1 hour rated wall - see detail UAS.1
- combo smoke & carbon monoxide detector
- Energy Star®/HeatBroom ventilation fan, 50 CFM min.
- door tag
- window tag

Coastal Update	09/08/21
PC comments	08/22/21
PC submit	06/08/21
CD	04/01/21
DIR letter	01/21/21
CIP case filing	06/02/20
SD	04/06/20



1/4" = 1'-0"

FIRST FLOOR PLAN

A3.1

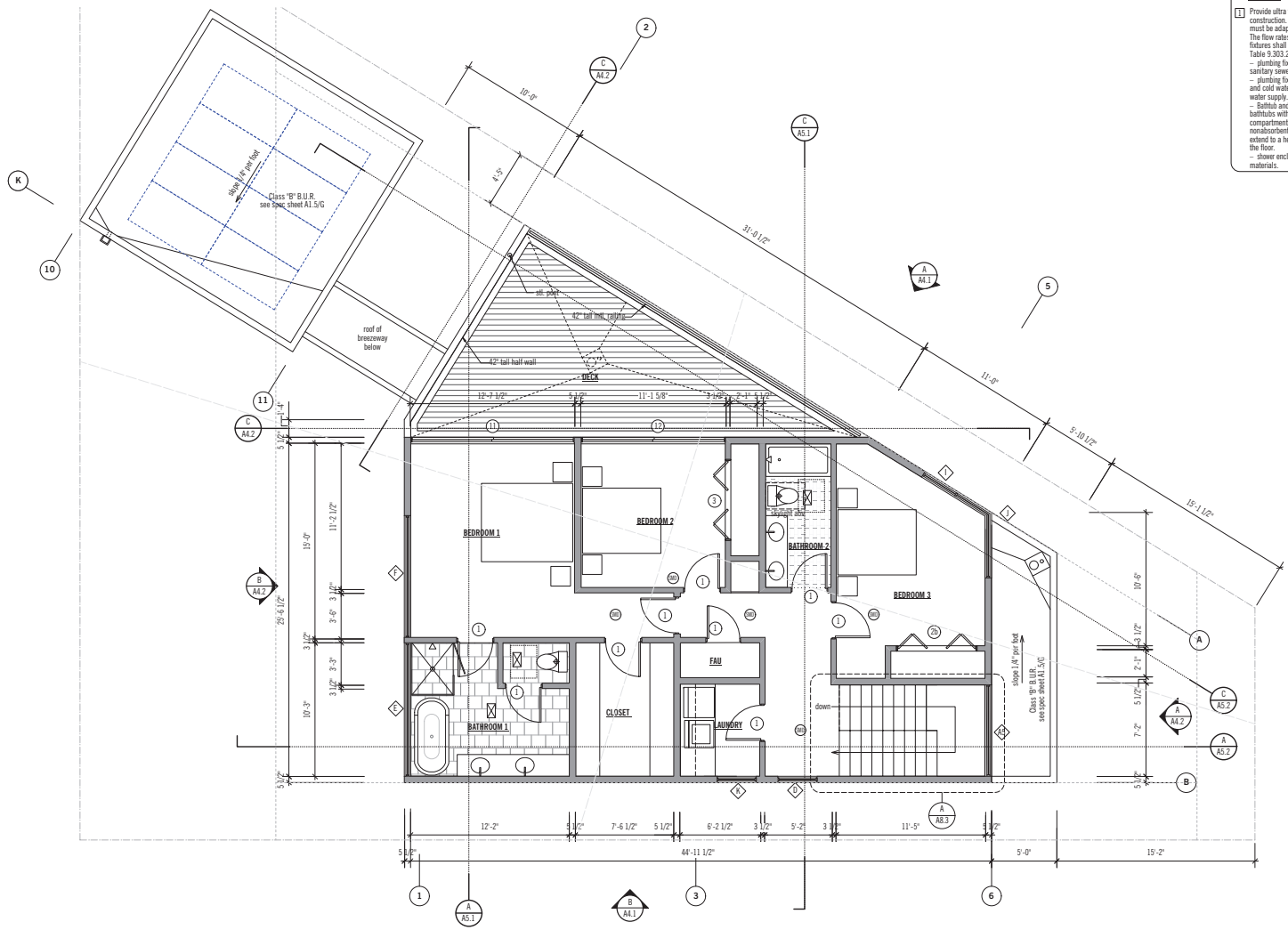
October 13, 2021



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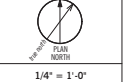
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- NOTES:**
- 1 Provide ultra flush water closets for all new construction. (E) shower heads and toilets must be adapted for low water consumption. The flow rates for all newly installed plumbing fixtures shall comply with the max. flow rates in Table 9.303.2 (see sheet A1.5)
- plumbing fixtures are to be connected to a sanitary sewer
- plumbing fixtures shall be provided with hot and cold water and connected to an approved water supply.
- bathtubs and shower floors, walls above bathtubs with a showerhead, and shower compartments shall be finished with a nonslip/sloped surface. Such wall surfaces shall extend to a height of not less than 6 feet above the floor.
- shower enclosures shall be shatter resistant materials.
 - 2 Provide weather based automatic irrigation system control - Rainbird ET Manager series or equal.
Provide power as nec.
 - 3 Direct Vent, sealed combustion type fireplace - LENOX/MONTEBELLO LS345-TP series 60" LARS#P 25483 See A3.2 for detail and specs.
 - 4 24" x 30" clear in front of WC



- (E) walls to be removed
- New walls - 2x6 framing @ 16" O.C. UO/W
- ==== 1 hour rated wall - see detail J/A3.1
- ⊗ combo smoke & carbon monoxide detector
- ⊗ Energy Star® bathroom ventilation fan, 50 CFM min.
- door tag
- ◇ window tag

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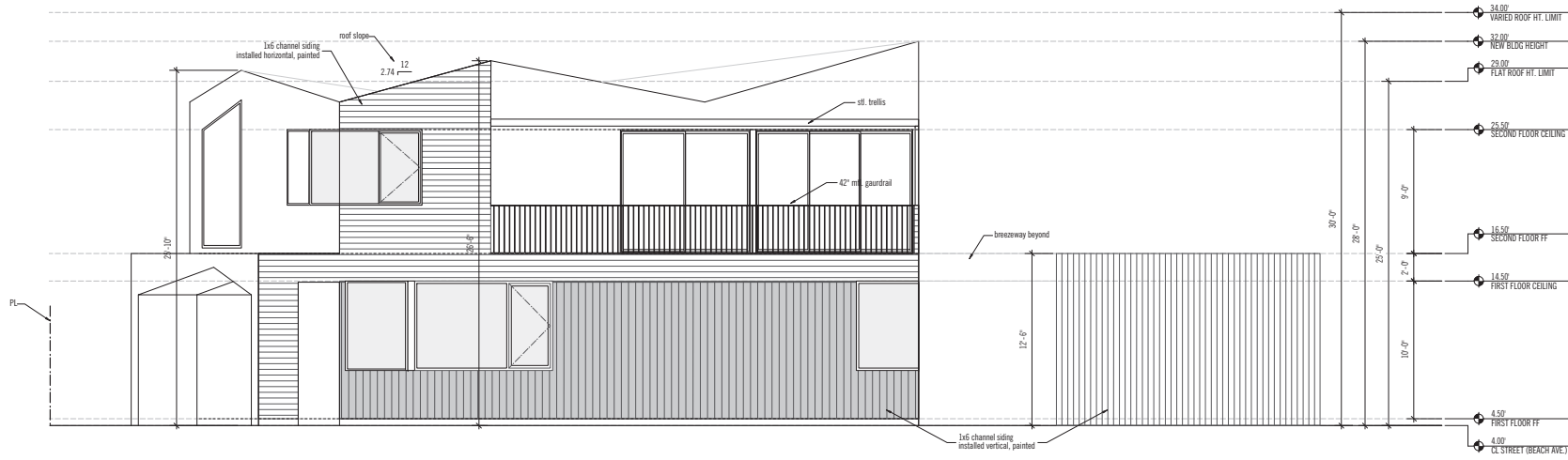


1/4" = 1'-0"
SECOND FLOOR PLAN
A3.2
October 13, 2021

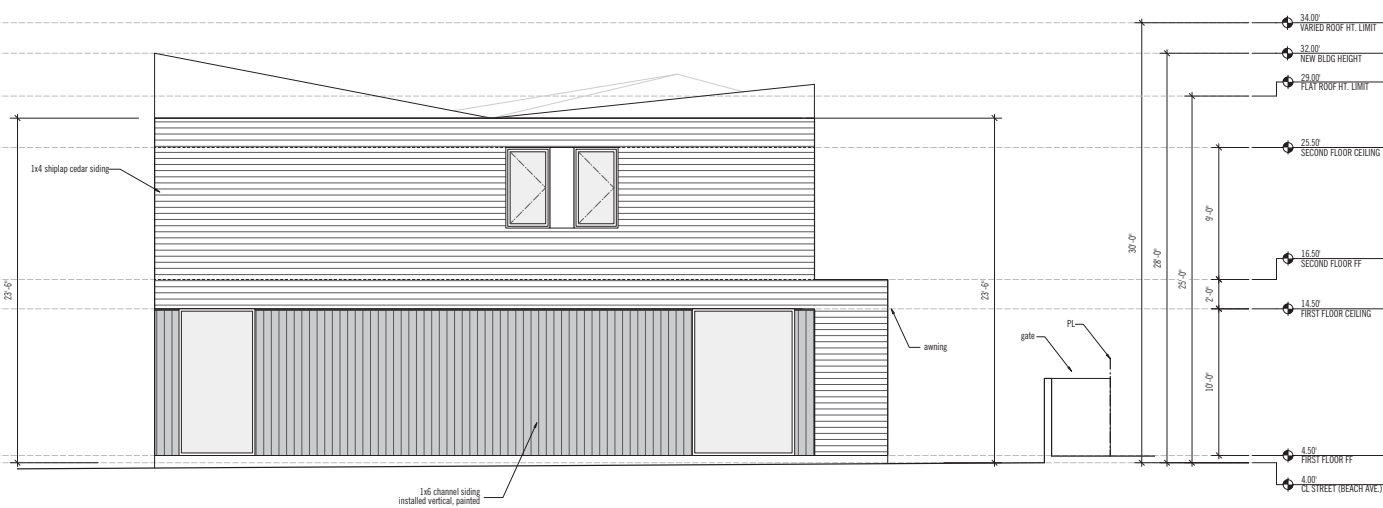


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NORTH ELEVATION - ALONG MILDRED scale: 1/4" = 1'-0" A



SOUTH ELEVATION scale: 1/4" = 1'-0" B

REVISIONS

DATE: 09/08/21

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SD	04/06/20

1/4" = 1'-0"

ELEVATIONS

A4.1

October 13, 2021



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REVISIONS
DATE
DESCRIPTION

SCALE

SECTION

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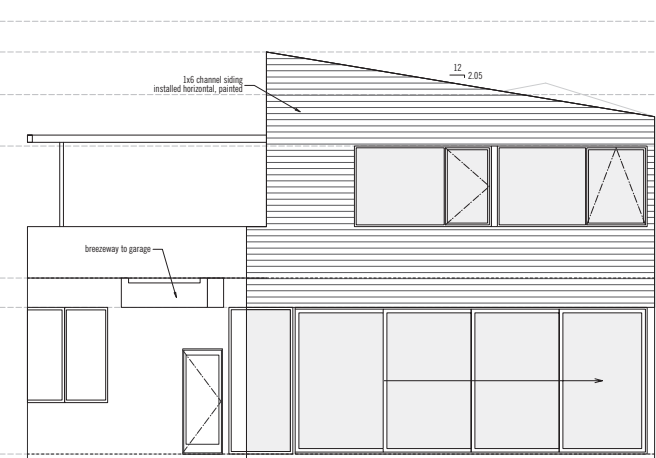
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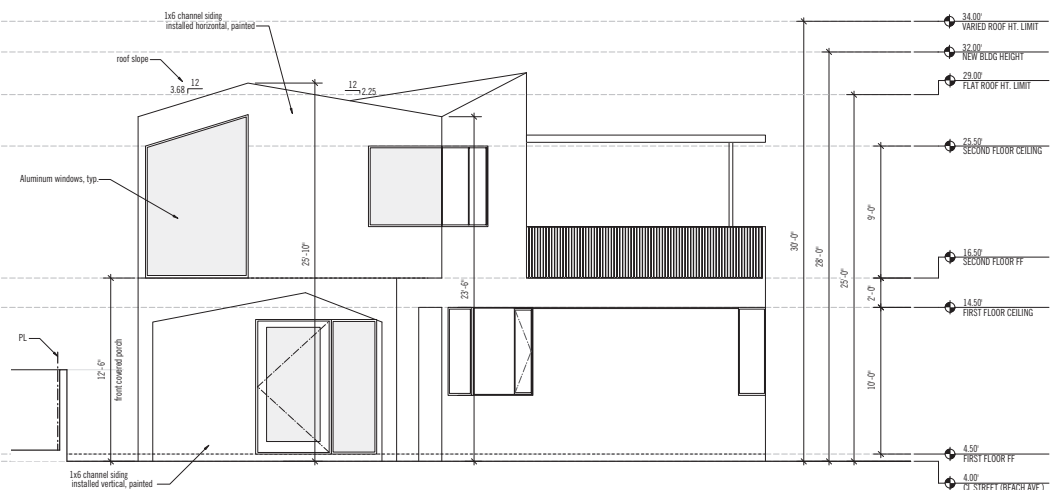
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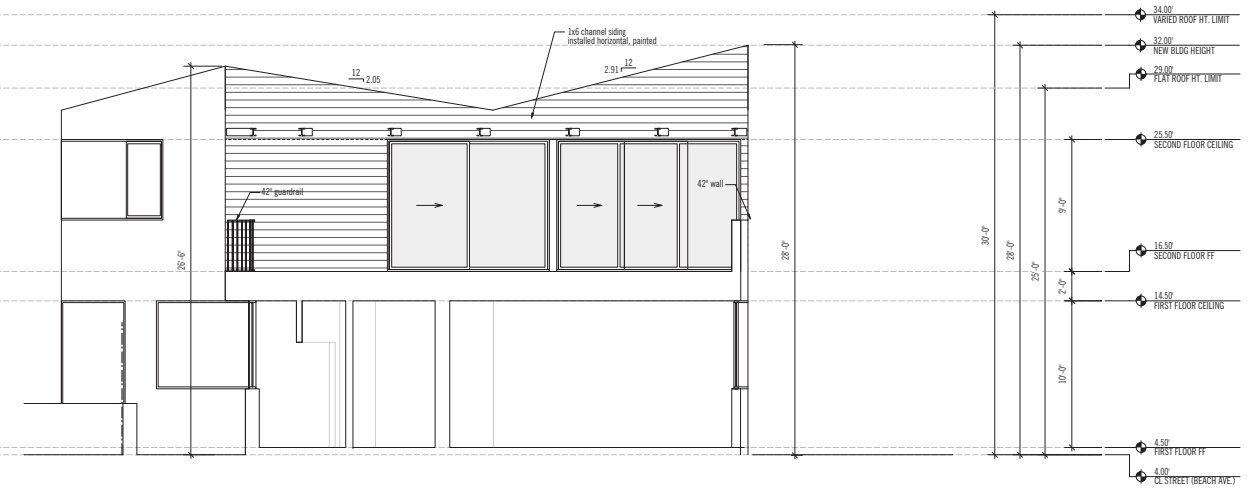
BY



WEST ELEVATION scale: 1/4" = 1'-0" B



EAST ELEVATION - ALONG BEACH AVENUE scale: 1/4" = 1'-0" A



SECTION scale: 1/4" = 1'-0" C