

May 16, 2019 Agenda Item No. 6

**SUBJECT:** Ackerman Residence (PA2019-008)

Coastal Development Permit No. CD2019-006

SITE LOCATION: 2016 East Ocean Front

**APPLICANT:** Mark Becker Inc.

**OWNER:** Betsy and Andy Ackerman

**PLANNER:** Liane Schuller, Consultant Planner

949-644-3200, Ischuller@newportbeachca.gov

### LAND USE AND ZONING

• **General Plan:** RS-D (Single-Unit Residential Detached)

• **Zoning District**: R-1 (Single-Unit Residential)

Coastal Land Use Category: RSD-C (Single-Unit Residential Detached) (10.0-19.9 DU/AC)

• Coastal Zoning District: R-1 (Single-Unit Residential)

# **PROJECT SUMMARY**

A request for a coastal development permit (CDP) to allow the addition of a 334-square-foot, attached storage area (bicycle garage) with 414-square-foot living area above, to an existing 2,237-square-foot, single-family residence and attached 440-square-foot, two-car garage. A CDP is required because the proposed square footage exceeds 10 percent of the existing square footage. The proposed project complies with all applicable development standards including height, setbacks, and floor area limits. No deviations are requested.

## **RECOMMENDATION**

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
- 3) Adopt draft Zoning Administrator Resolution No.\_\_ approving Coastal Development Permit No. CD2019-006 (Attachment No. ZA 1).

# **DISCUSSION**

# Land Use and Development Standards

- The subject property is located in the R-1 (Single-Unit Residential) Coastal Zoning District, which provides for detached single-unit residential development and is consistent with the City's Coastal Land Use Plan, General Plan, and Zoning Code. A coastal development permit is required, and the property is not eligible for a waiver for de minimis development because the property is located in the Coastal Commission Appeal Area.
- The property currently consists of one legal lot developed with a single-family residence. The neighborhood is predominantly developed with one- and two-story, single-family residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development consistent with applicable development standards.
- The proposed project will conform to all applicable development standards, including floor area limit, setbacks, and height, as evidenced by the project plans and illustrated in Table 1 below.

Table 1 – Development Standards			
Development Standard	Standard	Proposed	
Setbacks (min.)			
Front	10 feet	10 feet	
Sides	4 feet	4 feet (new construction)	
Rear	0 feet	0 feet	
Allowable Floor Area	6,679.4 square feet	3,432 square feet	
Allowable 3 <sup>rd</sup> Floor Area	501 square feet	N/A	
Open Volume Area	501 square feet	669 square feet	
Parking	2 enclosed	2 enclosed	
Height	24-foot flat roof	28'-11" sloped roof	
	29-foot sloped roof		

#### Hazards

• The property is an oceanfront lot that is separated from the ocean by a sandy beach with an average width of more than 500 feet. A Coastal Hazards and Wave Runup Study was prepared for the project by GeoSoils, Inc., dated March 11, 2019. The report concludes that the long-term shoreline erosion rate is small, if any long-term erosion occurs at all. Assuming a conservative future erosion rate of two feet per year, the shoreline would move approximately 150 feet over the life of the development. A beach width of approximately 350 feet would remain, and 200 feet of beach width is recognized by coastal engineers as sufficiently wide to protect landward development. The GeoSoils study also concludes that coastal hazards will

not impact the property over the next 75 years and there is no anticipated need for a shore protection device over the life of the proposed development.

- The finished floor elevation of the first floor of the proposed addition is 12.84 North American Vertical Datum of 1988 (NAVD 88), which exceeds the minimum 9.0 (NAVD 88) elevation standard for new structures and exceeds the minimum requirements for sea level rise (10.1 feet NAVD 88).
- Pursuant to Newport Beach Municipal Code (NBMC) Section 21.30.030(C)(3)(i)(iv), the property owner will be required to enter into an agreement with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c). Both requirements are included as conditions of approval that will need to be satisfied prior to the issuance of building permits for construction.
- The property is located in an area known for the potential for seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of a building permit. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.

### Water Quality

- The proposed site work is limited to the ground floor storage area (bicycle garage) and minor modifications to the existing garage. No change in grade or drainage is proposed, nor increase in impermeable surface area on-site. In addition, the development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, one or more of the following: the appropriate management of equipment and construction materials, reducing runoff with permeable surfaces, and the use of post-construction best management practices to minimize the project's adverse impact on coastal water.
- The project design addresses water quality during construction with a construction erosion control plan. All new construction resulting from the project will tie into an existing post-construction drainage system that includes features designed to retain

dry weather and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system.

#### Public Access

- The project site is located between the nearest public road and the sea or shoreline; however, the project will not affect the public's ability to gain access to use and/or view the coast and nearby recreational facilities. The existing residential development neither provides nor inhibits public coastal access. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project includes modest additions to an existing single-family residence. The project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities.
- The existing development does not block or impede existing public access opportunities and occurs within the confines of private property. Existing coastal access conditions will not be affected by the project. Coastal access is currently provided and will continue to be provided by street ends throughout the neighborhood with access to the beach and water.
- The project site is not located adjacent to a coastal view road or coastal viewpoint identified by Local Coastal Program maps. The project site may be located within the viewshed of distant public viewing areas; however, the project includes additions to an existing single-family residence that comply with all applicable Local Coastal Program (LCP) development standards. It will also maintain a building envelope consistent with the existing and anticipated neighborhood pattern of development. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public views.

# **ENVIRONMENTAL REVIEW**

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment. The Class 1 exemption includes additions of up to 50 percent of the floor area of structures before the addition, or 2,500 square feet, whichever is less.

The proposed project is the addition of a 334-square-foot, attached storage area (bicycle garage) with a 414-square-foot living area above, to an existing 2,237-square-foot, single-family residence and attached 440-square-foot, two-car garage.

# **PUBLIC NOTICE**

Notice of this public hearing was published in the Daily Pilot, mailed to all owners and residential occupants of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways), including the applicant, and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

# <u>APPEAL PERIOD</u>

This action shall become final and effective 14 days following the date the Resolution is adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 (Local Coastal Implementation Plan) of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:

Planning Consultant

RU/Is

Attachments: ZA 1 Draft Resolution

ZA 2 Vicinity Map ZA 3 Project Plans

# **Attachment No. ZA 2**

Vicinity Map

# **VICINITY MAP**



Coastal Development Permit No. CD2019-006 PA2019-008

2016 East Ocean Front

# Attachment No. ZA 1

**Draft Resolution** 

#### **RESOLUTION NO. ZA2019-###**

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2019-006 TO CONSTRUCT A 334-SQUARE-FOOT, ATTACHED STORAGE AREA (BICYCLE GARAGE) WITH A 414-SQUARE-FOOT LIVING AREA ABOVE AT 2016 EAST OCEAN FRONT (PA2019-008)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Mark Becker, Inc., with respect to property located at 2016 Ocean Front, and legally described as Lot 5 and a portion of Lot 4 of Tract 518, requesting approval of a coastal development permit.
- 2. The applicant requests a coastal development permit to construct a 334-square-foot, attached storage area (bicycle garage) with a 414-square-foot living area above.
- The subject property is located within the R-1 (Single-Unit Residential) Zoning District and the General Plan Land Use Element category is RS-D (Single-Unit Residential Detached).
- 4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-C (Single Unit Residential Detached) (10.0 19.9 DU/AC) and the Coastal Zone District is R-1 (Single-Unit Residential).
- 5. A public hearing was held on May 16, 2019 in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

- 1. This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines.
- 2. Class 1 includes additions to existing structures where the additions will not result in an increase of more than 50 percent of the floor area of the structure before the additions, or 2,500-square-feet, whichever is less. The proposed project includes the addition of a 334-square-foot, attached storage area (bicycle garage) with a 414-square-foot living area above, to an existing 2,237-square-foot, single-family residence and attached 440-square-foot, two-car garage. The proposed additions total less than 2,500-square-feet and less than 50 percent of the existing structure.

#### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015 (Coastal Development Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

#### Finding:

A. Conforms to all applicable sections of the certified Local Coastal Program.

# Facts in Support of Finding:

- 1. The subject property is currently developed with an existing 2,237-square-foot, single-family residence and attached 440-square-foot, two-car garage on an existing lot designated for residential development by the Local Coastal Program.
- 2. The proposed additions conform to all applicable development standards, including setbacks and height. The ground level storage area and second level living area above comply with the minimum required setbacks of 10 feet along the front property line abutting East Ocean Front, 4 feet along the side property line and 0 feet along the rear property line abutting the alley. The height of the new roofline is approximately 28 feet 11 inches, which is below the 29-foot maximum height limit.
- 3. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development consistent with applicable development standards as the neighborhood is predominantly developed with one- and two-story, single-family residences.
- 4. A Coastal Hazards and Wave Runup Study was prepared by GeoSoils, Inc., dated March 11, 2019 for the project. The report concludes that the long-term shoreline erosion rate is small, if any long-term erosion occurs at all. Assuming a conservative future erosion rate of two feet per year, the shoreline would move approximately 150 feet over the life of the development. A beach width of approximately 350 feet would remain, and 200 feet of beach width is recognized by coastal engineers as sufficiently wide to protect landward development. The GeoSoils study therefore also concludes that coastal hazards will not impact the property over the next 75 years and there is no anticipated need for a shore protection device over the life of the proposed development.
- 5. Pursuant to Newport Beach Municipal Code (NBMC) Section 21.30.030(C)(3)(i)(iv), the property owner will be required to enter into an agreement with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c). Both requirements are included as conditions of approval that will need to be satisfied prior to the issuance of building permits for construction.

- 6. The property is located in an area known for the potential for seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of a building permit. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance
- 7. The project design addresses water quality with a construction erosion control plan that includes drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site is directed to the City's storm drain system.

# Finding:

B. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

# Facts in Support of Finding:

- 1. The project site is located between the nearest public road and the sea or shoreline; however, the project will not affect the public's ability to gain access to use and/or view the coast and nearby recreational facilities. The existing residential development neither provides nor inhibits public coastal access. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project includes modest additions to an existing single-family residence. The project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities.
- 2. The existing development does not to block or impede existing public access opportunities and occurs within the confines of private property. Existing coastal access conditions will not be affected with the alteration and expansion. Coastal access is currently provided and will continue to be provided by street ends throughout the neighborhood with access to the beach and water.

#### SECTION 4. DECISION.

# NOW, THEREFORE, BE IT RESOLVED:

 The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2019-006, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference. 2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 16th DAY OF MAY, 2019.

Patrick J. Alford, Zoning Administrator	

#### **EXHIBIT "A"**

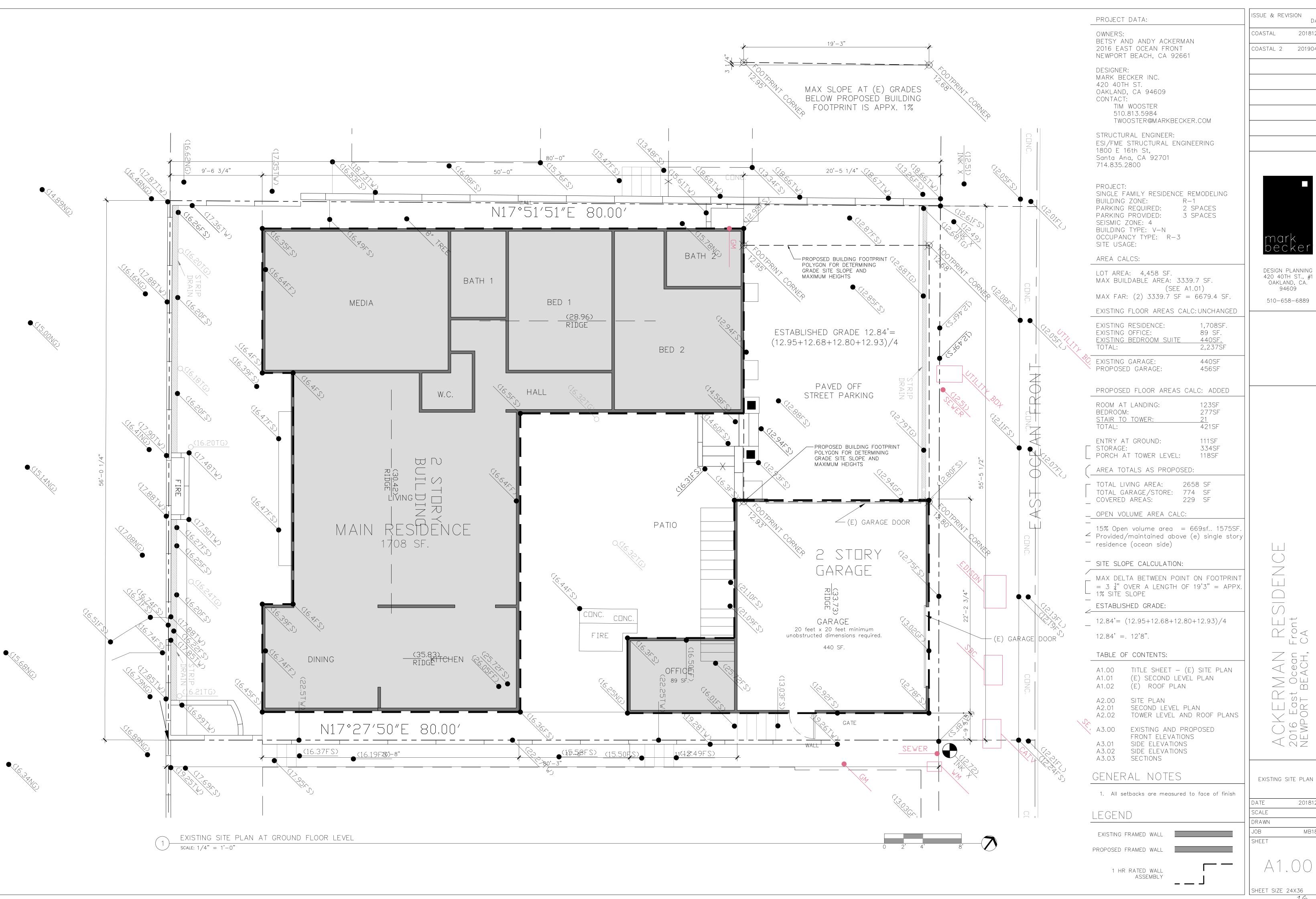
#### CONDITIONS OF APPROVAL

- 1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
- 2. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
- Coastal Development Permit No. CD2019-006 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
- 4. Prior to final building permit inspection, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors and assigns.
- 5. Prior to the issuance of a building permit, the property owner shall sign a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless City, its City Council, its boards and commissions, officials, officers, employees and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgements, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of development. The letter shall be scanned into the plan set prior to building permit issuance.
- 6. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
- 7. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Coastal Development Permit.
- 8. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare

- or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
- 9. <u>Prior to the issuance of a building permit,</u> a copy of the Resolution, including conditions of approval Exhibit "A," shall be incorporated into the Building Division and field sets of plans.
- 10. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
- 11. No demolition or construction materials, equipment debris or waste shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain, or result in impacts to environmentally sensitive habitat areas, streams, wetland or their buffers.
- 12. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
- 13. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Ackerman Residence including, but not limited to, Coastal Development Permit No. CD2019-006 (PA2019-008). This indemnification shall include, but not be limited to. damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

# **Attachment No. ZA 3**

Project Plans



20181208

COASTAL 2 20190404

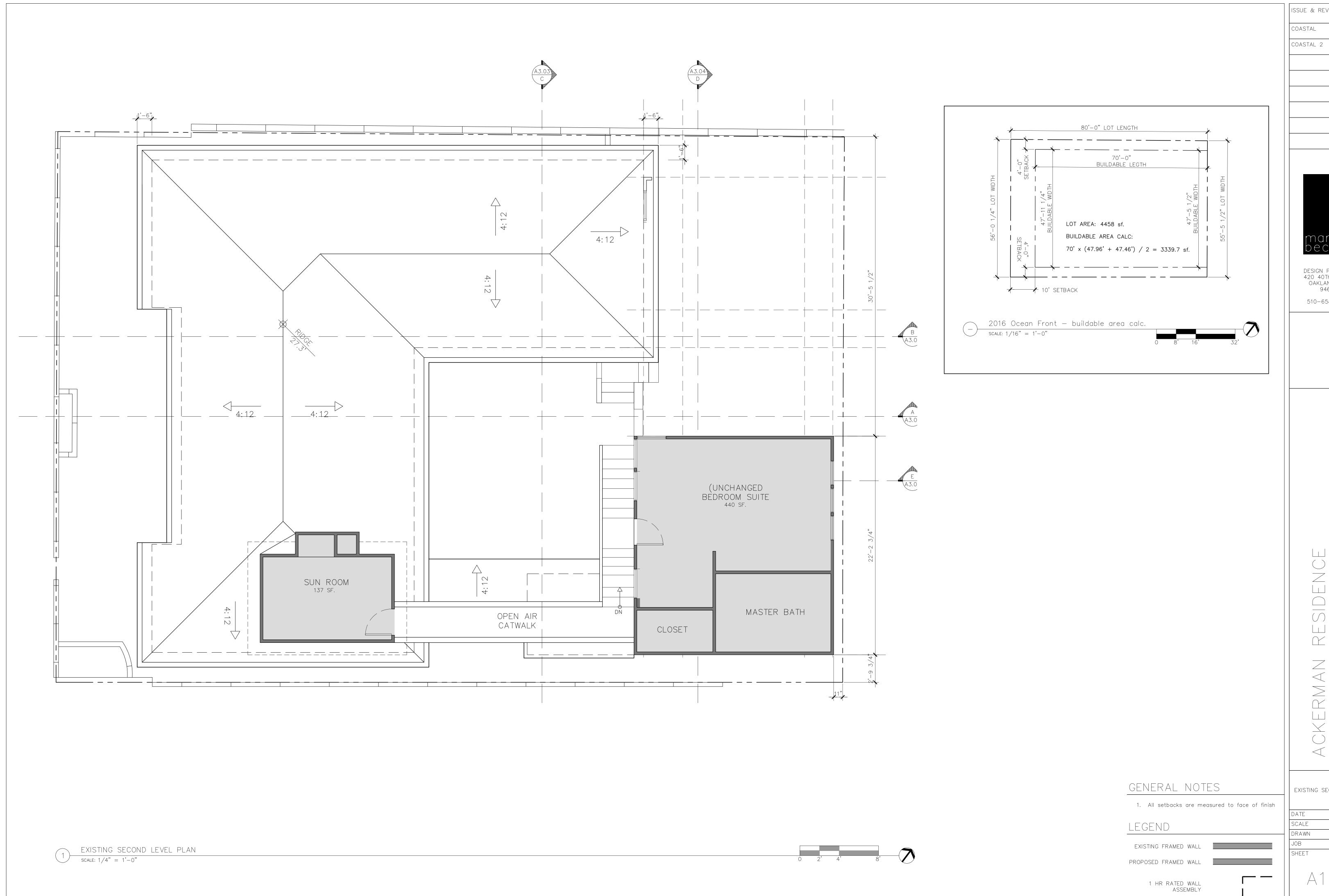
DESIGN PLANNING 420 40TH ST., #1 OAKLAND, CA. 94609

510-658-6889

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20181208

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ISSUE & REVISION 20181208 COASTAL 2 20190404

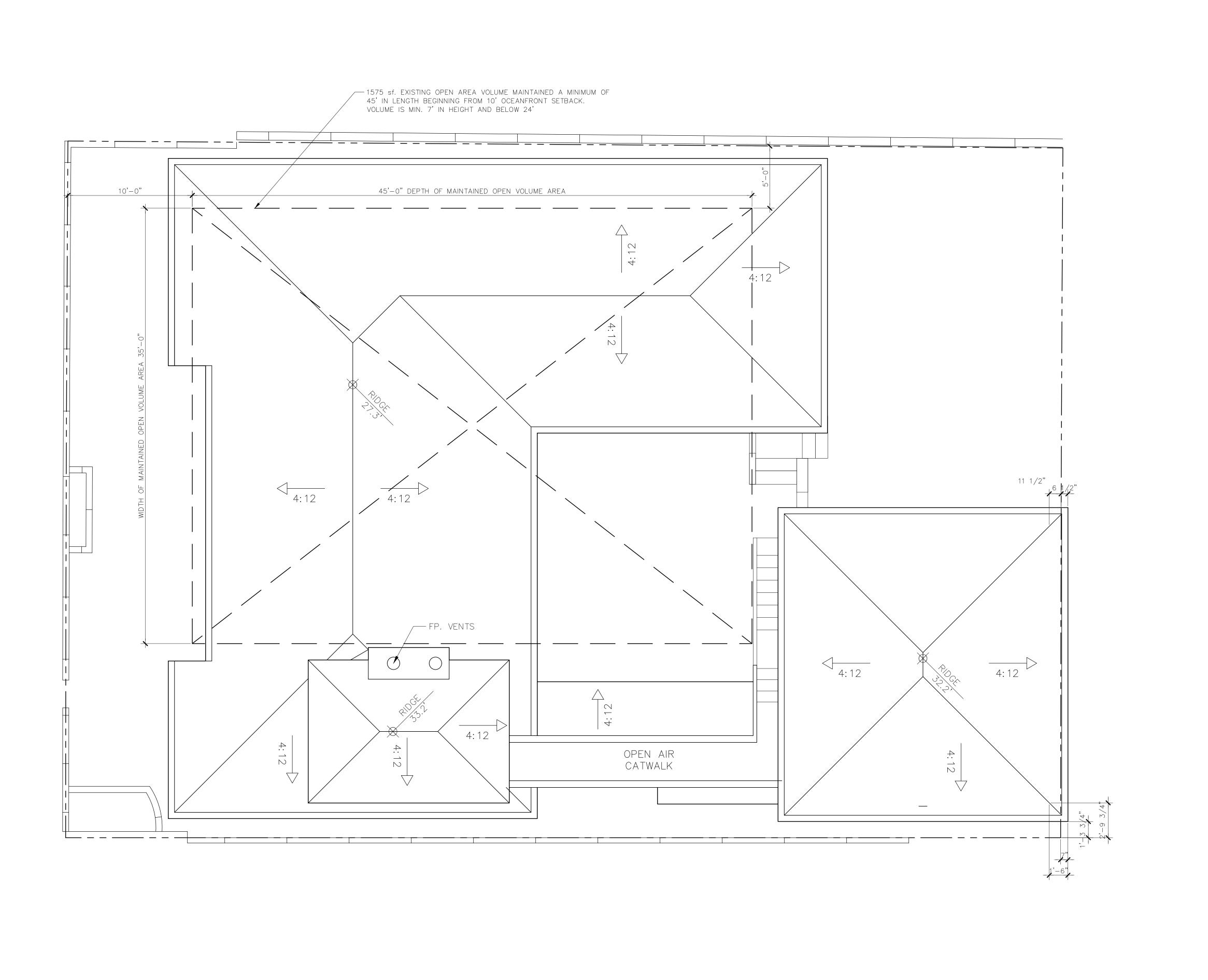
DESIGN PLANNING 420 40TH ST., #1 OAKLAND, CA. 94609

510-658-6889

EXISTING SECOND LEVEL

20181208

MB1802



GENERAL NOTES

1. All setbacks are measured to face of finish

LEGEND

EXISTING FRAMED WALL PROPOSED FRAMED WALL

1 HR RATED WALL ASSEMBLY

EXISTING ROOF PLAN

20181208

MB1802

SHEET SIZE 24X36

SHEET

ISSUE & REVISION

COASTAL 2 20190404

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510-658-6889

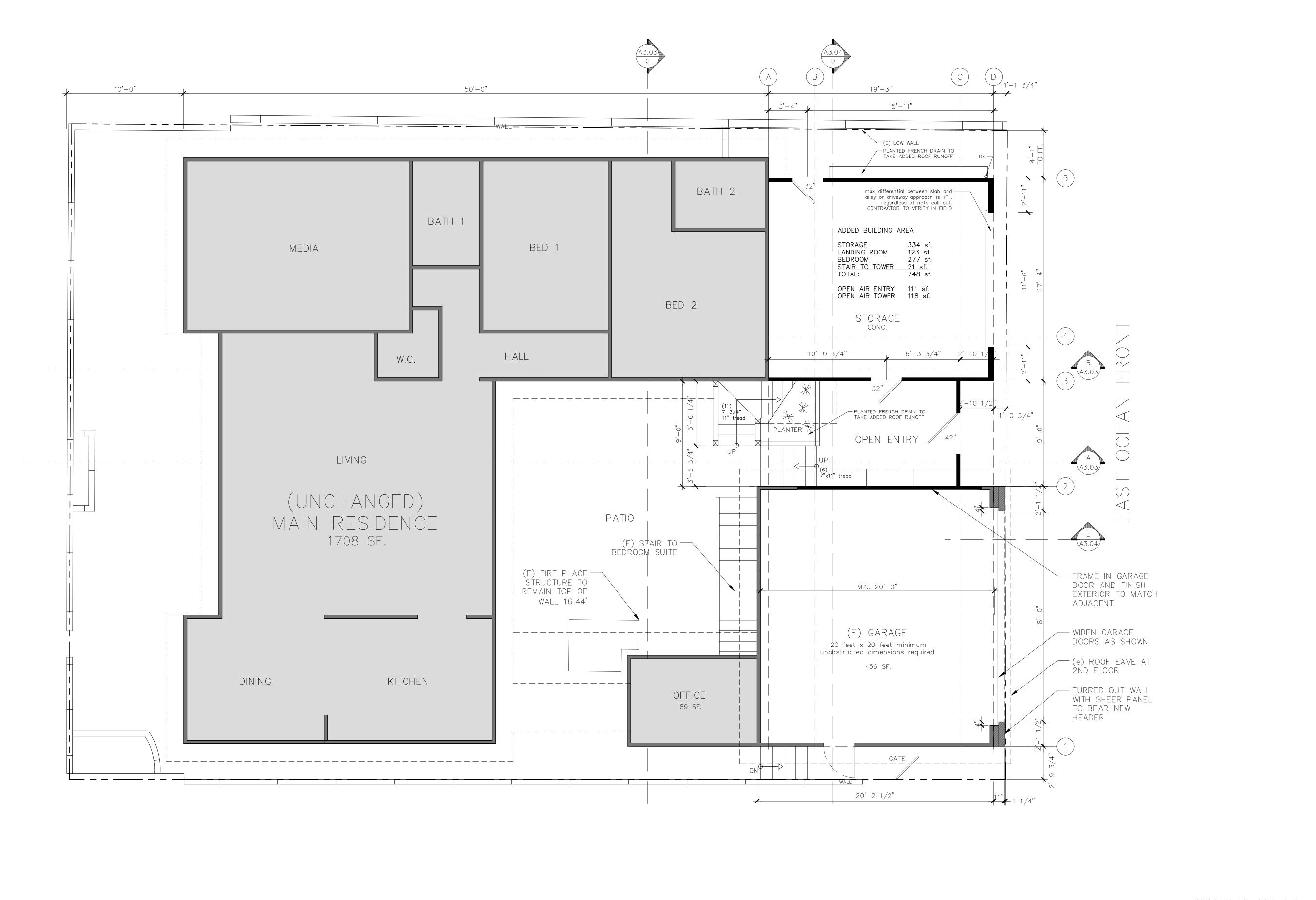
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COASTAL

20181208

EXISTING ROOF PLAN

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



GENERAL NOTES

1. All setbacks are measured to face of finish

LEGEND

EXISTING FRAMED WALL PROPOSED FRAMED WALL

1 HR RATED WALL ASSEMBLY

PROPOSED SITE PLAN AT GROUND FLOOR LEVEL SCALE: 1/4" = 1'-0"

SHEET

SHEET SIZE 24X36

ISSUE & REVISION

COASTAL 2 20190404

DESIGN PLANNING 420 40TH ST., #1 OAKLAND, CA. 94609

510-658-6889

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ACKERMAN 2016 East Ocean NEWPORT BEACH,

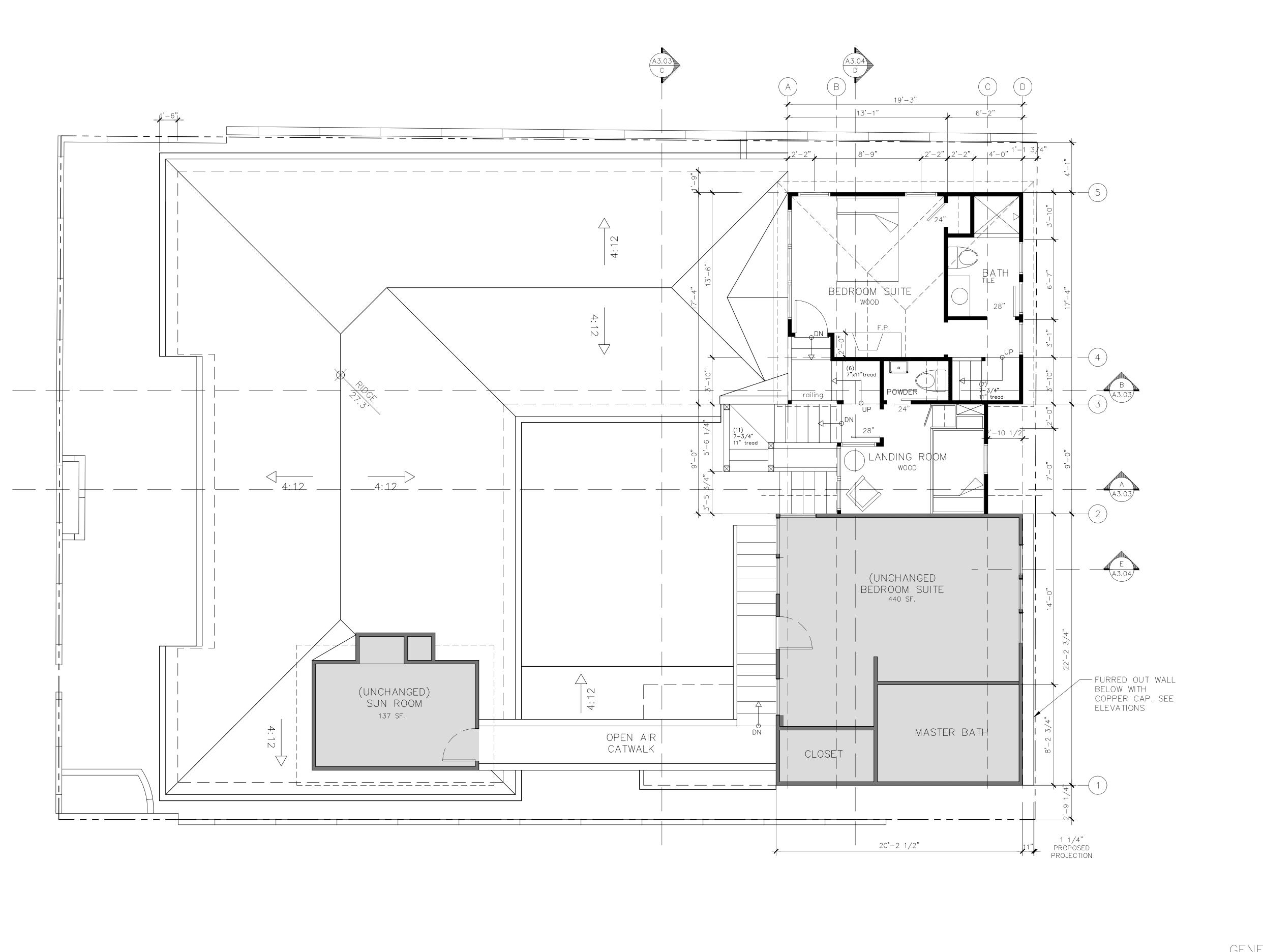
PROPOSED SITE PLAN

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COASTAL

20181208



PROPOSED SECOND LEVEL PLAN

SCALE: 1/4" = 1'-0"

GENERAL NOTES

1. All setbacks are measured to face of finish

LEGEND

PROPOSED FRAMED WALL

1 HR RATED WALL ASSEMBLY

EXISTING FRAMED WALL

SHEET

ISSUE & REVISION

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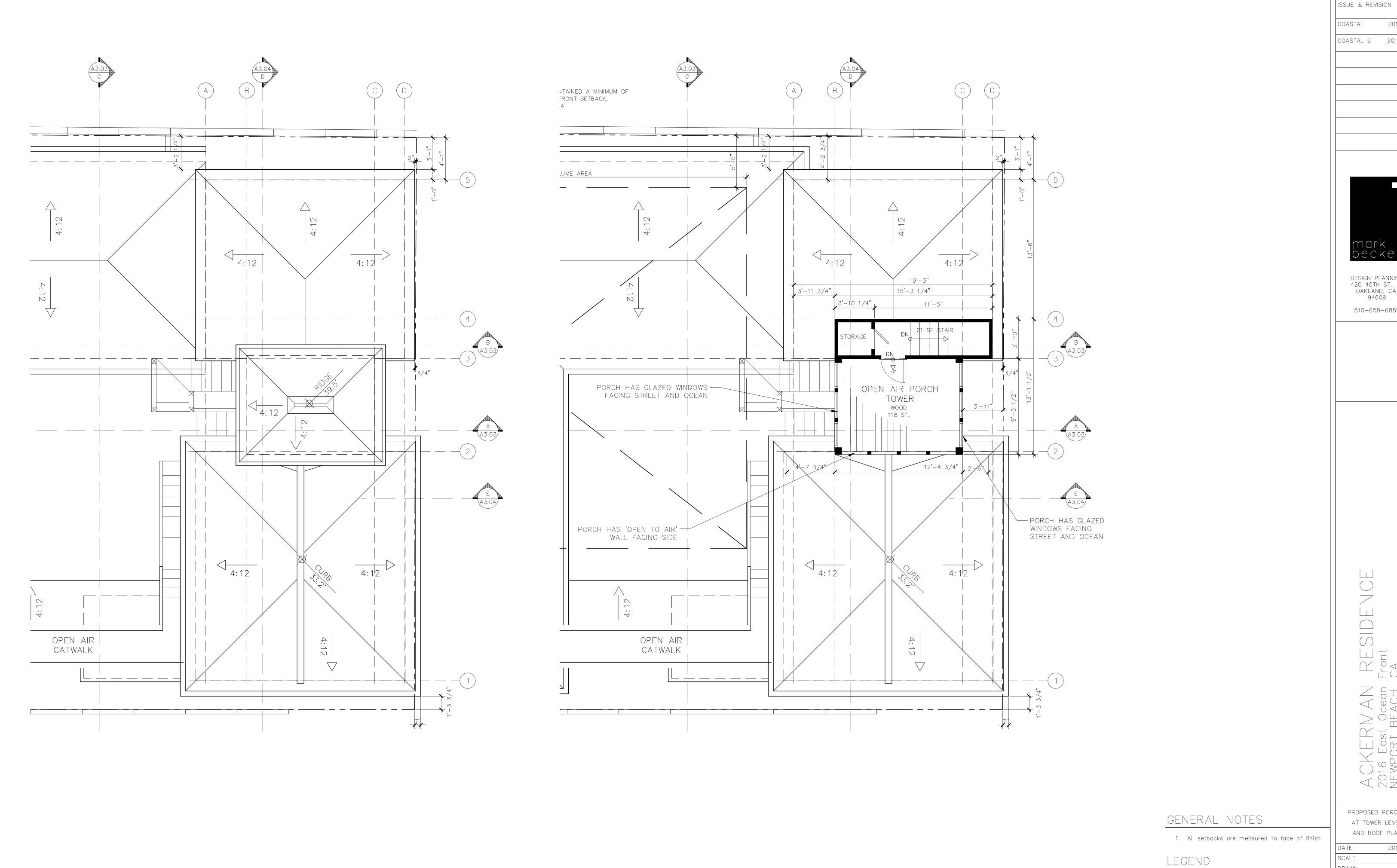
PROPOSED SECOND LEVEL

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COASTAL

20181208



PROPOSED PORCH AT TOWER LEVEL - PLAN

PROPOSED ROOF PLAN

SCALE: 1/4" = 1'-0"

COASTAL 20181208 COASTAL 2 20190404

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510-658-6889

 $\overline{Z}$ ACKERMAN 2016 East Ocean NEWPORT BEACH,

PROPOSED PORCH AT TOWER LEVEL AND ROOF PLAN

20181208

SHEET

EXISTING FRAMED WALL

PROPOSED FRAMED WALL

1 HR RATED WALL ASSEMBLY

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510-658-6889

ACKERMAN RESIDENCE 2016 East Ocean Front NEWPORT BEACH, CA

FRONT ELEVATION

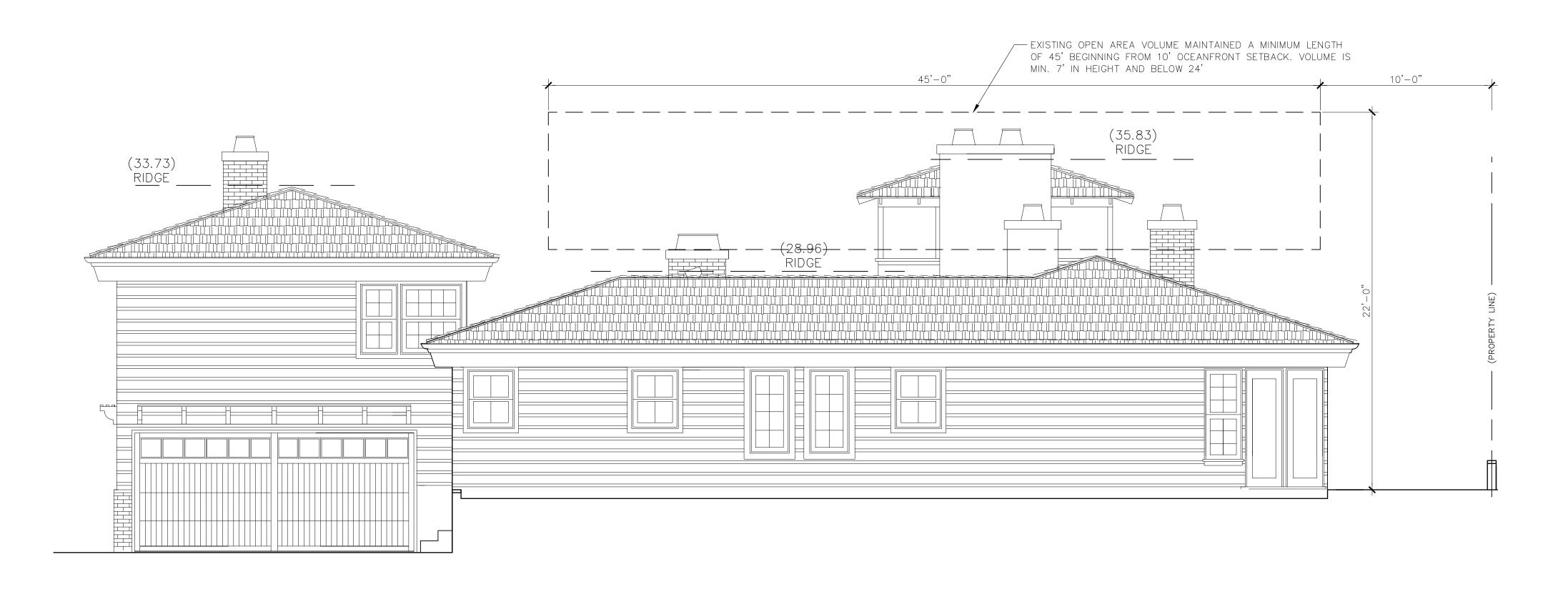
EXISTING AND PROPOSED

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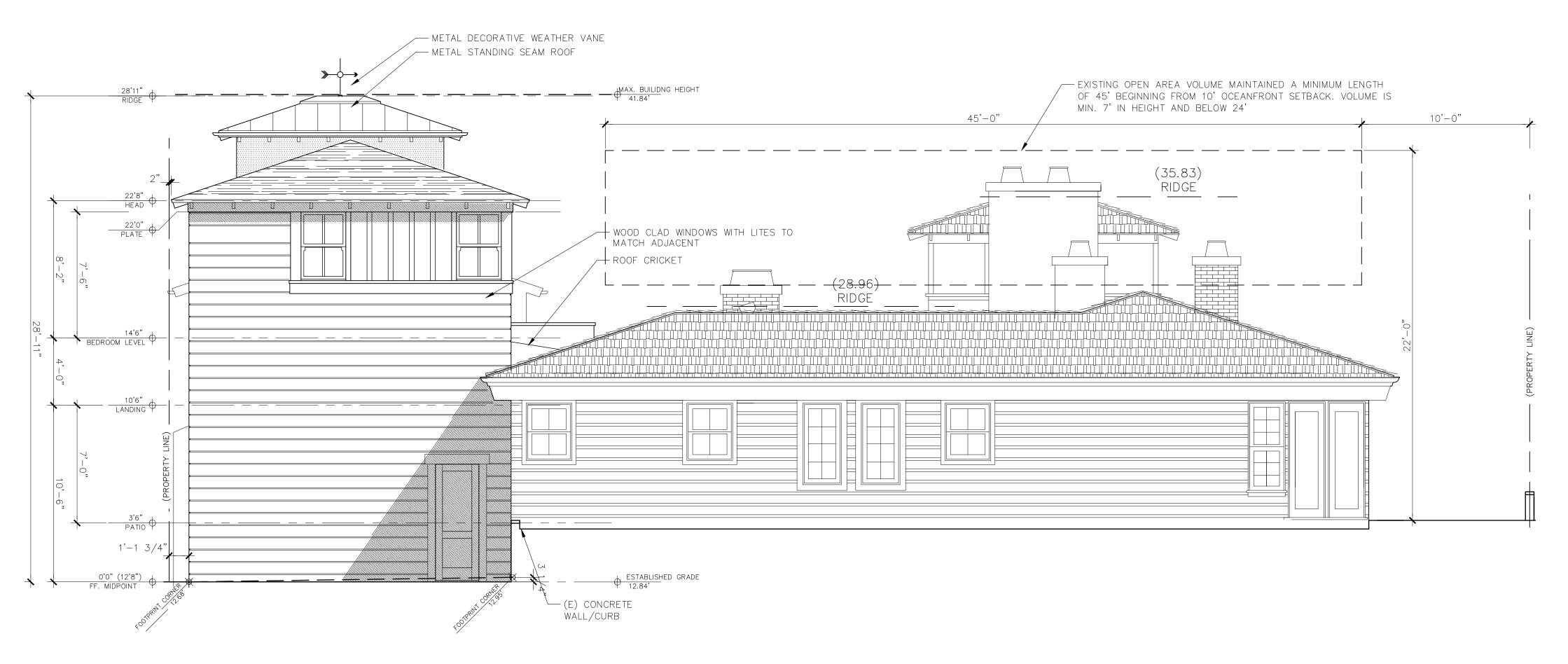
DATE 20181208
SCALE
DRAWN TW

JOB SHEET

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EXISTING NORTH — SIDE ELEVATION  $\begin{array}{c} 1 \\ \hline SCALE: 1/4" = 1'-0" \end{array}$ 



PROPOSED NORTH - SIDE ELEVATION

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

20181208 COASTAL COASTAL 2 20190404

ISSUE & REVISION



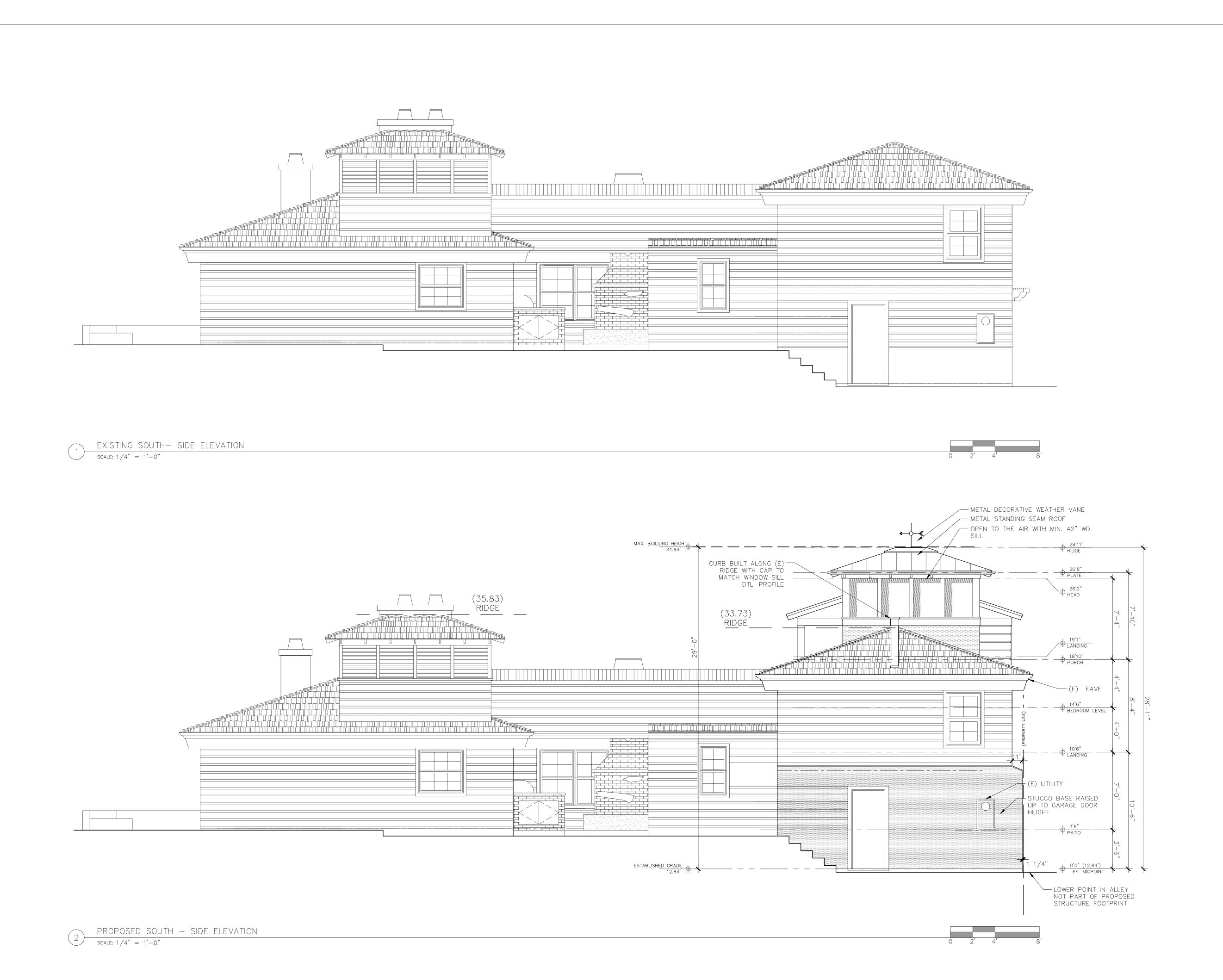
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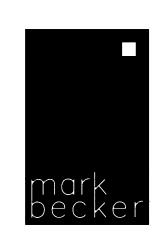
EXISTING AND PROPOSED SIDE ELEVATIONS

20181208 MB1802

SHEET



ISSUE & REVISION COASTAL 20181208 COASTAL 2 20190404



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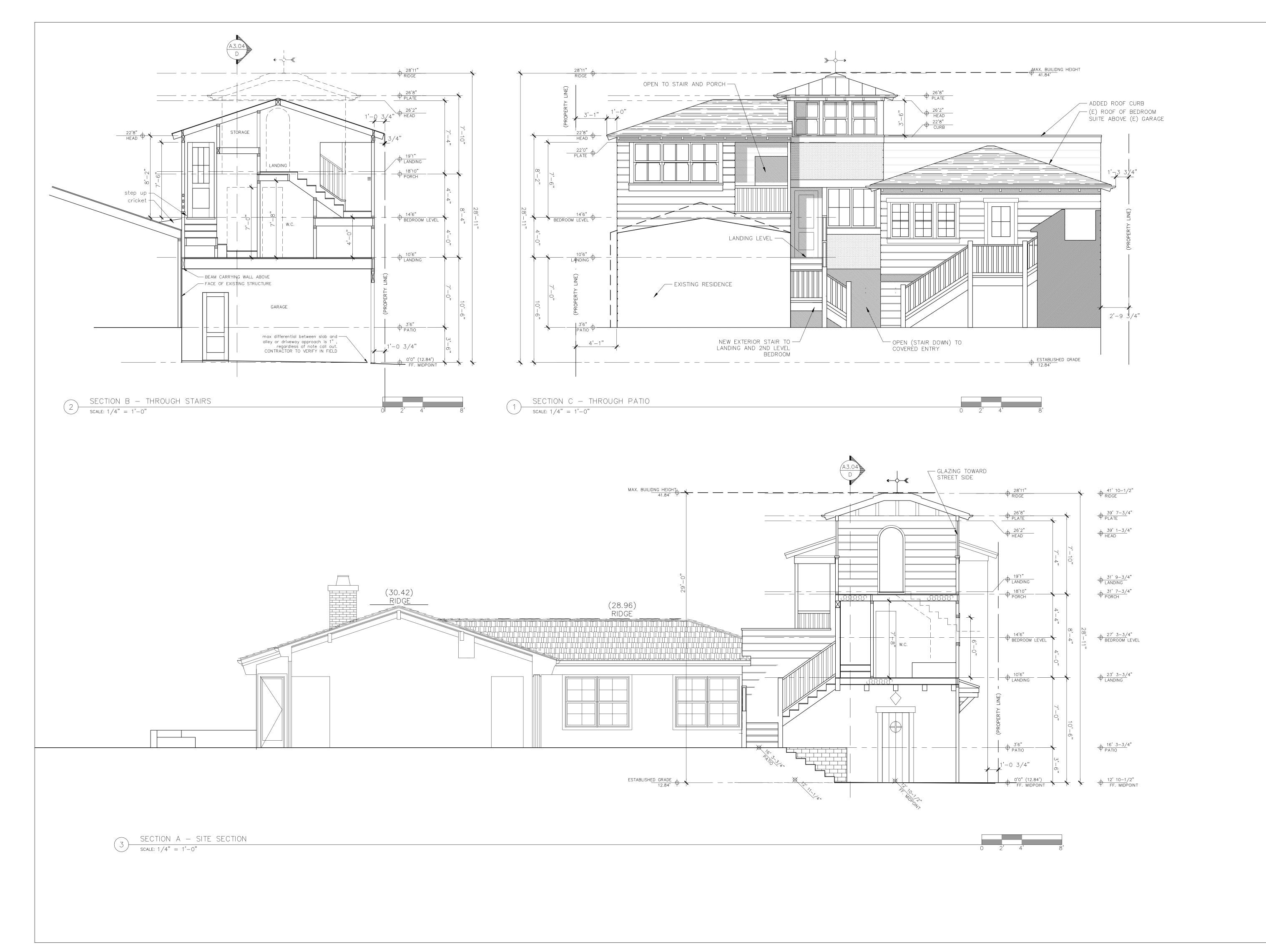
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EXISTING AND PROPOSED SIDE ELEVATIONS

20181208 MB1802

SHEET

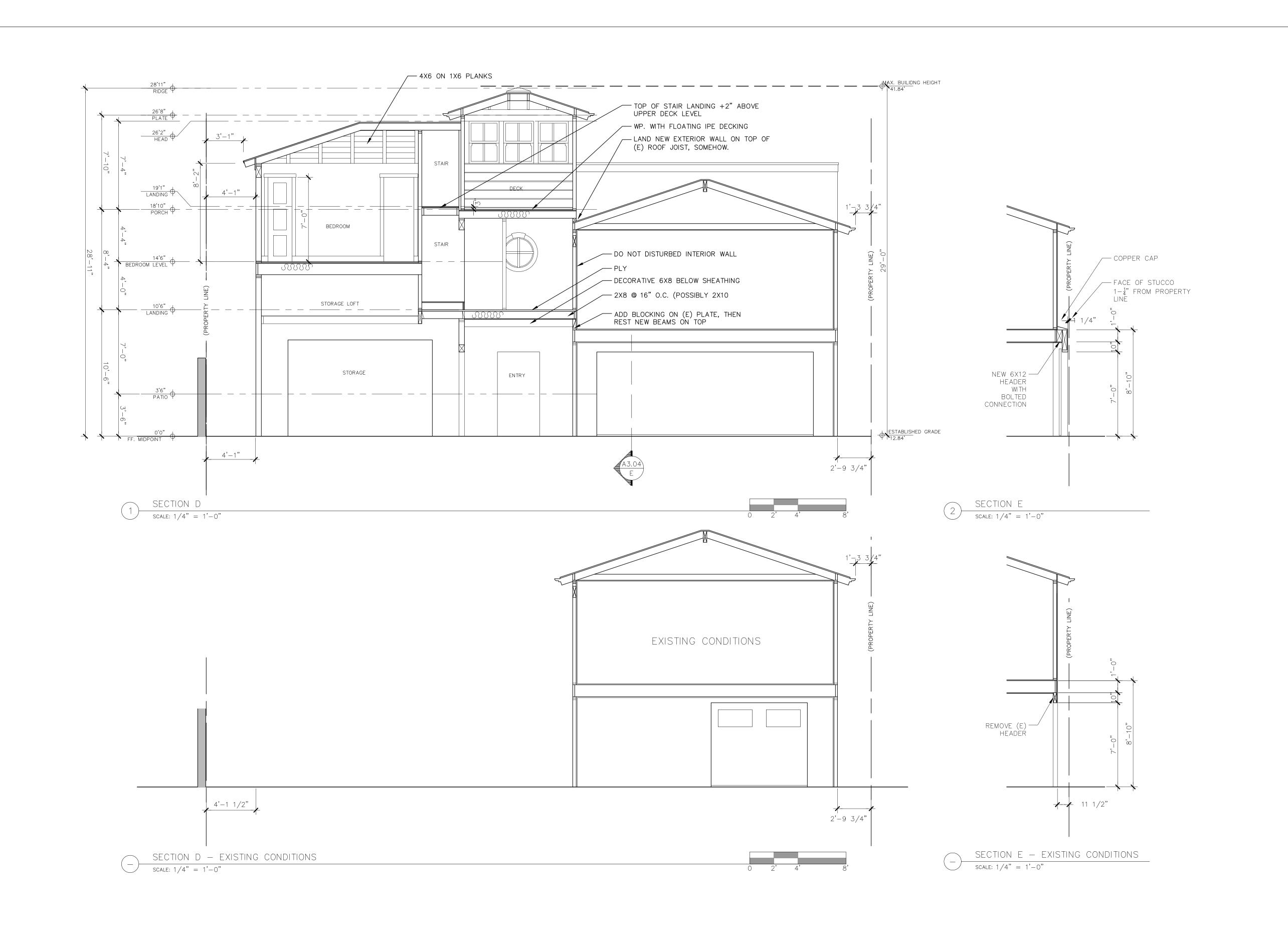


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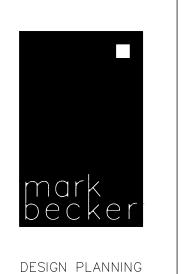
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PROPOSED SECTIONS

20181208 MB1802



ISSUE & REVISION COASTAL 20181208 COASTAL 2 20190404



DESIGN PLANNING 420 40TH ST., #1 OAKLAND, CA. 94609

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PROPOSED SECTIONS

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