

**TO:** PLANNING COMMISSION

**FROM:** BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR  
JANET REESE, PLANNER II

**APPLICATION:** DEVELOPMENT PERMIT 14-16

**LOCATION:** 258 RAMONA AVENUE (APN 060-205-003)

**SUBJECT:** Consideration of a request for a Coastal Development Permit and Use Permit to construct an addition to a non-conforming residence (expansion of a non-conforming use).

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**RECOMMENDATION**

Staff recommends that the Planning Commission adopt the resolution approving the Use Permit and Coastal Development Permit.

**BACKGROUND**

The project site is 50-feet by 100-feet in dimension. The 1,099 square foot residence was constructed prior to the City's incorporation in 1959. In 1984, a building permit was issued to construct a 413 square foot garage in the rear portion of the lot. However, the access to the rear is approximately seven feet wide. Therefore, the garage has never been accessible by vehicles and has historically been used as a workshop or a detached family room. The site has two parking spaces located in the driveway.

In 2010, the Council adopted the update to the Land Use Element, which changed the land use designation of the site from Medium Density Residential to Visitor Serving – Mixed Use. Subsequently, in 2012 the Council rezoned the property from Coastal Residential (CR2) to Coastal Visitor Serving (CVS) to be consistent with the land use designation. In August 2014, the California Coastal Commission approved the Local Coastal Program Amendment allowing the rezone to CVS. Therefore, the residential use is a legal non-conforming use.

The Development Code allows non-conforming uses to continue indefinitely, provided that the use is not enlarged, except that Development Code Section 7.40.020 allows a one-time expansion of the use, subject to a Use Permit and the requirement that all off-site improvements are constructed.

**Data Summary:**

Owner/Applicant Name: Patrick and Katie McNeill  
General Plan Designation: Visitor Serving – Mixed Use  
Zoning: Coastal Visitor Serving (CVS)

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Please Review for the Possibility of a Potential Conflict of Interest:

- |  |                                 |
|--|---------------------------------|
| <input checked="" type="checkbox"/> None Identified by Staff | <input type="checkbox"/> Alex   |
| <input type="checkbox"/> Laferriere                          | <input type="checkbox"/> Long   |
| <input type="checkbox"/> Blum                                | <input type="checkbox"/> Rodman |

**Surrounding Zoning & Existing Uses:**

- North: Coastal Medium Density (CR2) – residential
- South: Coastal Visitor Serving (CVS) – residential
- East: Coastal Visitor Serving (CVS) – residential
- West: Coastal Visitor Serving (CVS) – mini-storage facility

**DISCUSSION**

The applicant is requesting a Use Permit be approved to allow a one-time expansion (addition) to the existing non-conforming residence. In addition, because the site is located within the coastal zone, the proposed addition also requires the approval of a Coastal Development Permit.

The proposed project involves a small addition in the front of the residence to the living room, with the majority of the addition in the rear to expand the kitchen and dining room for a total addition of 378 square feet, two pergolas (one in front and one in the rear) totaling 479 square feet, and a 950 square foot roof deck.

The site currently has two parking spaces located in the driveway. For a single family residence, the Development Code requires two parking spaces within a garage. Therefore, the parking is non-conforming for a single family residential use. However, the Development Code allows non-conforming parking situations to continue until an addition of 40 percent or greater of the existing square footage is constructed. Since the proposed addition is 25 percent, no additional parking is required.

In regards to the requirement to install fire sprinklers, the addition of 378 square feet does not exceed 50 percent of the existing residence. The pergolas and roof deck are not included in the fire sprinkler calculations. Therefore, fire sprinklers are not required to be installed.

**Use Permit**

Development Code Section 7.40.020 addresses the continuation and expansion of non-conforming uses. With the approval of a Use Permit, a non-conforming use may be expanded one time by up to 25 percent of the existing square footage.

The subject site is improved with a 1,099 square foot residence and 413 square foot accessory structure for a total of 1,512 square feet. Therefore, a 378 square foot addition may be approved, subject to the approval of a Use Permit because it does not exceed the maximum 25 percent.

A Use Permit can be granted if all off-site improvements are completed as identified by staff as part of the proposed addition and all of the findings in Development Code Section 6.20.090 can be made (reference Attachment 1). Therefore, the proposed project would be required to install curb, gutter, and sidewalk. In regards to undergrounding utilities, staff is recommending that the undergrounding requirements for single family residential projects apply which would only require the overhead utility service lines be placed underground if the pole is located on-site. However, it appears the current service line is from an off-site pole. Therefore, staff is recommending the service line be placed underground if it is feasible from the off-site pole or one of the frontage poles. The overhead distribution lines would remain and be placed underground as a requirement of a future commercial project.

The purpose of limiting the expansion of a non-conforming use is to limit investment in the non-conforming use so that in the future, uses can transition to conforming uses for the Coastal Visitor Serving zone. The area was recently rezoned, but based on other existing non-conforming residential uses that have been in existence for many years in the vicinity, the subject site is not likely to transition in the near future. The addition would not represent a significant investment that would deter future investment in the property.

#### Coastal Development Permit

A Coastal Development Permit can be granted if all of the findings in Development Code Section 6.20.04 can be made (reference Attachment 1). The project site is developed with a single family residence and the proposed addition does not affect coastal resources or coastal access.

#### Conclusion

The proposed 378 square foot expansion of the existing 1,512 square foot non-conforming residential use and the construction of off-site public improvements meet the requirements of Development Code Section 7.40.030.C. Further, staff believes that all of the required findings for the Use Permit and Coastal Development Permit can be made.

#### ENVIRONMENTAL REVIEW

The project qualifies for a Class 1 Categorical Exempt in accordance with the California Environmental Quality Act (CEQA). A Class 1 exemption (Section 15301) consists of projects involving additions to existing structures.

#### ALTERNATIVES

The Planning Commission has the following alternatives to consider:

1. Adopt the resolution approving the Use Permit and Coastal Development Permit; or
2. Direct staff to prepare a resolution denying the project with findings; or
3. Provide alternative direction to staff.

#### RECOMMENDATION

Staff recommends that the Planning Commission adopt the resolution approving the Use Permit and Coastal Development Permit.

#### PUBLIC NOTIFICATION

On January 2, 2015, the public hearing notice was mailed to the California Coastal Commission, to all property owners within 300 feet of the property and to all residents within 100 feet of the property, posted as required by City code, and published in The Tribune. In addition, the agenda was posted in accordance with the Brown Act.

#### ATTACHMENTS

1. Draft Use Permit and Coastal Development Permit Resolution  
Exhibit A: Project Plans
2. Vicinity Map

**PLANNING COMMISSION RESOLUTION NO. 15-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GROVER BEACH,  
APPROVING A USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR  
DEVELOPMENT PERMIT 14-16 (258 RAMONA AVENUE)**

**WHEREAS**, the Planning Commission for the City of Grover Beach has received for its review and consideration a Staff Report and presentation in connection with Development Permit 14-16, requesting approval for a Use Permit and Coastal Development Permit to convert a workshop to living space and construct a 378 square foot addition at 258 Ramona Avenue (APN: 060-205-003) in the Coastal Visitor Serving (CVS) Zone; and

**WHEREAS**, the notice of Public Hearing was sent to adjoining property owners and advertised in the manner required by law; and

**WHEREAS**, the project is located in the Coastal Zone and is a non-appealable development; and

**WHEREAS**, the project is categorically exempt from the California Environmental Quality Act (CEQA), Class 1: Existing Facilities; and

**WHEREAS**, the Planning Commission of the City of Grover Beach has reviewed and considered the Development Permit 14-16 at a Public Hearing on January 13, 2015; and

**WHEREAS**, the Planning Commission for the City of Grover Beach makes the following findings in accordance with Grover Beach Municipal Code (GBMC) Article IX, Section 6.20.090, Use Permit, subject to the Conditions of Approval contained herein:

1. The proposed development is consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable. The single family residential use is a non-conforming use. However, Development Code Section 7.40.030.C allows a non-conforming use to expand up to 25 percent of the existing gross square footage, when off-site improvements are constructed as identified by the City. The proposed project does not exceed the maximum 25 percent and has been conditioned to install street improvements. The addition and related improvements will meet all applicable City requirements and standards.
2. The subject site is physically suitable in terms of design, location, operating characteristics, shape, size, and topography. The subject site is developed with a single family residence and lot is level and suitable to accommodate the addition
3. The type, density, and intensity of use being proposed will not constitute a hazard to the public interest, health, safety, or welfare. The single family residential use is a non-conforming use, however, the proposed improvements meet Development Code requirements, Building Code and City standards.

**WHEREAS**, the Planning Commission for the City of Grover Beach makes the following findings in accordance with Grover Beach Municipal Code (GBMC) Article IX, Section 6.20.040, Coastal Development Permit, subject to the Conditions of Approval contained herein:

1. The proposed development as modified by any conditions of approval, is in conformity with the City's certified Local Coastal Program and will not adversely affect coastal resources. The proposed addition complies with Development Code requirements and will not affect coastal resources.
2. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976. The proposed project is not located between the first public road and the sea.
3. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment. The project is qualified for a Class 1 Categorical Exemption in accordance with the California Environmental Quality Act. The project site is developed with a single family residence and accessory structure. The project has been conditioned to comply with the City's Stormwater Construction and Post Construction Management requirements. Therefore, the proposed project would not adversely affect the environment.
4. The proposed use is consistent with the purposes of the zone in which the site is located. The single family residential use is a non-conforming use. However, Development Code Section 7.40.030.C allows a non-conforming use to expand up to 25 percent of the existing gross square footage. The project complies with the applicable development standards.
5. The proposed development is in conformance with the City's General Plan. The single family residential use is a non-conforming use. However, Development Code Section 7.40.030.C allows a non-conforming use to expand up to 25 percent of the existing gross square footage. The project complies with the applicable development standards.
6. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
7. Public services are adequate to serve the proposed development. The subject site is accessed from Ramona Avenue, an existing public road. The City's water and sewer capacity are adequate to serve the room addition.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission for the City of Grover Beach **DOES HEREBY APPROVE** the Use Permit and Coastal Development Permit associated with Development Permit 14-16, subject to the following conditions:

**CONDITIONS OF APPROVAL:**

GENERAL

- G-1. This Development Permit will not take effect until the Applicant and Property Owner sign the Planning Commission Resolution agreeing to the terms and Conditions of Approval. Failure to sign within thirty (30) calendar days of Planning Commission approval shall constitute non-compliance with said conditions resulting in an automatic withdrawal of the approval.
- G-2. Failure to appeal the Planning Commission action or a specific condition imposed as

provided in GBMC Article IX, Section 6.30.020 within 10 working days of Planning Commission action shall be deemed as agreement to all conditions of approval.

- G-3. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligations of this condition. Applicant's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions contained in this resolution.
- G-4. All notes and specifications as shown on the plans shall be considered Conditions of Approval. If there is a conflict between the approve plans and the Conditions of Approval, the Conditions of Approval shall prevail.
- G-5. The approval granted by this Resolution shall be valid for twenty-four (24) months of the Planning Commission final approval date, and shall expire unless a valid building permit is issued and construction commenced. A request for a time extension shall be submitted to the Community Development Department as provided in GBMC Article IX, Section 6.30.060.
- G-6. The project shall comply with all Federal, State, Local and City codes, regulations, and standards.
- G-7. Prior to commencement of construction activity, plans shall be approved and applicable permits obtained. The hours of construction shall be from 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday, Sunday, and holidays, in accordance with Municipal Code Section 3120.1. All construction traffic shall access the site utilizing the truck route(s) closest to the site as defined in the City Circulation Element and as approved by the City's Police Department. Violations are subject to citation and fines.
- G-8. All Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: "The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which it is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

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Property Owner

Date

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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No."
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COMMUNITY DEVELOPMENT DEPARTMENT

- CDD-1. This Use Permit and Coastal Development Permit authorizes construction of a residential remodel and addition in substantial conformance with the project plans attached as Exhibit A.
- CDD-2. Prior to issuance of a building permit, the applicant shall submit a final landscape plan in compliance with Municipal Code Article IX Section 3.30 Landscaping Standards.
- CDD-3. Prior to occupancy, all proposed construction, landscaping, and public improvements shall be completed.

PUBLIC WORKS DEPARTMENT

- PW-1. Prior to issuance of a building permit, an engineered grading plan shall be submitted for approval if:
  - A. Vegetation removal exceeds 1,000 square feet; or
  - B. Excavation (other than for footings) exceeds four feet in depth, or 200 square feet in area; or
  - C. Fill exceeds 3 feet or covers more than 200 square feet.
- PW-2. Prior to issuance of a building permit, the applicant shall comply with Municipal Code Article IX Development Code, Chapter 5.60 Stormwater Construction and Post Construction Management. This will require submittal of a water pollution control plan and may require submittal of:
  - A. Erosion Control Plan
  - B. Post Construction Stormwater Management System Operations & Maintenance plan, checklist and maintenance agreement.
- PW-3. Prior to issuance of a building permit, applicant shall show construction of stormwater retention facility sized in accordance with Municipal Code Article IX Development Code, Chapter 5.50.080 Drainage Standards.
- PW-4. Prior to issuance of a building permit, the applicant shall submit a public improvement plan depicting the proposed curb, gutter, sidewalk and street conform as required by Municipal Code Article IX Section 5.20 to be approved by City Engineer. The public improvements shall be completed and accepted prior to occupancy. All public improvements shall be installed consistent with City Standards as required by the City Engineer.

PW-6. Prior to occupancy, all utility service lines, existing and new, shall be located underground, as required by Municipal Code Article IX Section 5.40. If the utility service line is from an off-site utility pole, the utility line shall be placed underground, if feasible as determined by the Community Development Director.

On motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and on the following roll-call vote, to wit:

AYES: Commissioners –  
NOES: Commissioners –  
ABSENT: Commissioners –  
ABSTAIN: Commissioners –

the foregoing RESOLUTION NO. 15-\_\_ was **PASSED, APPROVED, and ADOPTED** at a Regular Meeting of the City of Grover Beach Planning Commission on this 13<sup>th</sup> day of January, 2015.

\_\_\_\_\_  
JOHN LAFERRIERE, CHAIR

Attest:

\_\_\_\_\_  
BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR  
SECRETARY TO THE PLANNING COMMISSION

**ACCEPTANCE OF CONDITIONS**

This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the Applicant and Property Owner or Authorized Agent. The undersigned hereby acknowledges the approved terms and conditions and agrees to fully conform to and comply with said terms and conditions within the recommended time frames approved by the City Planning Commission.

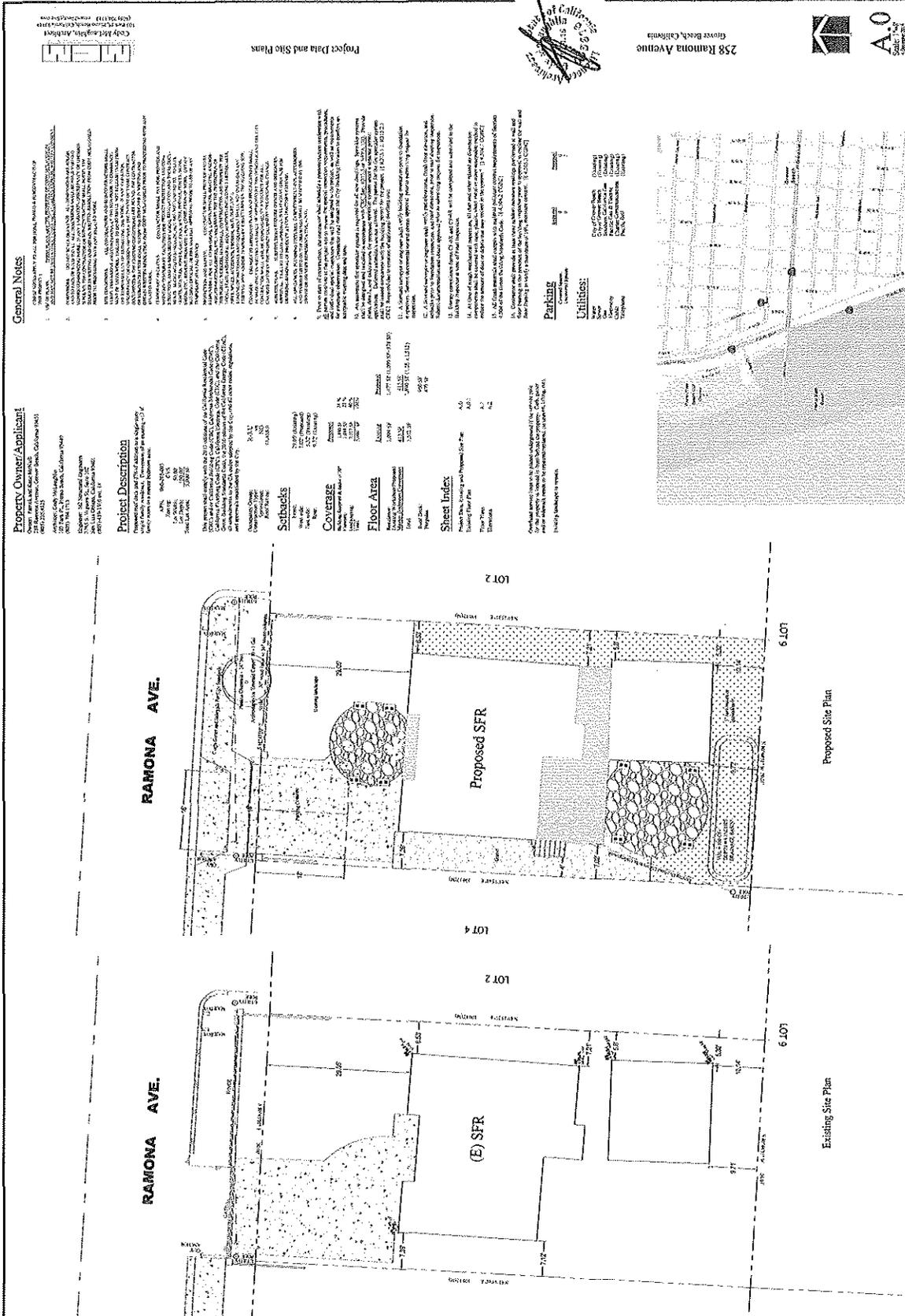
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Applicant

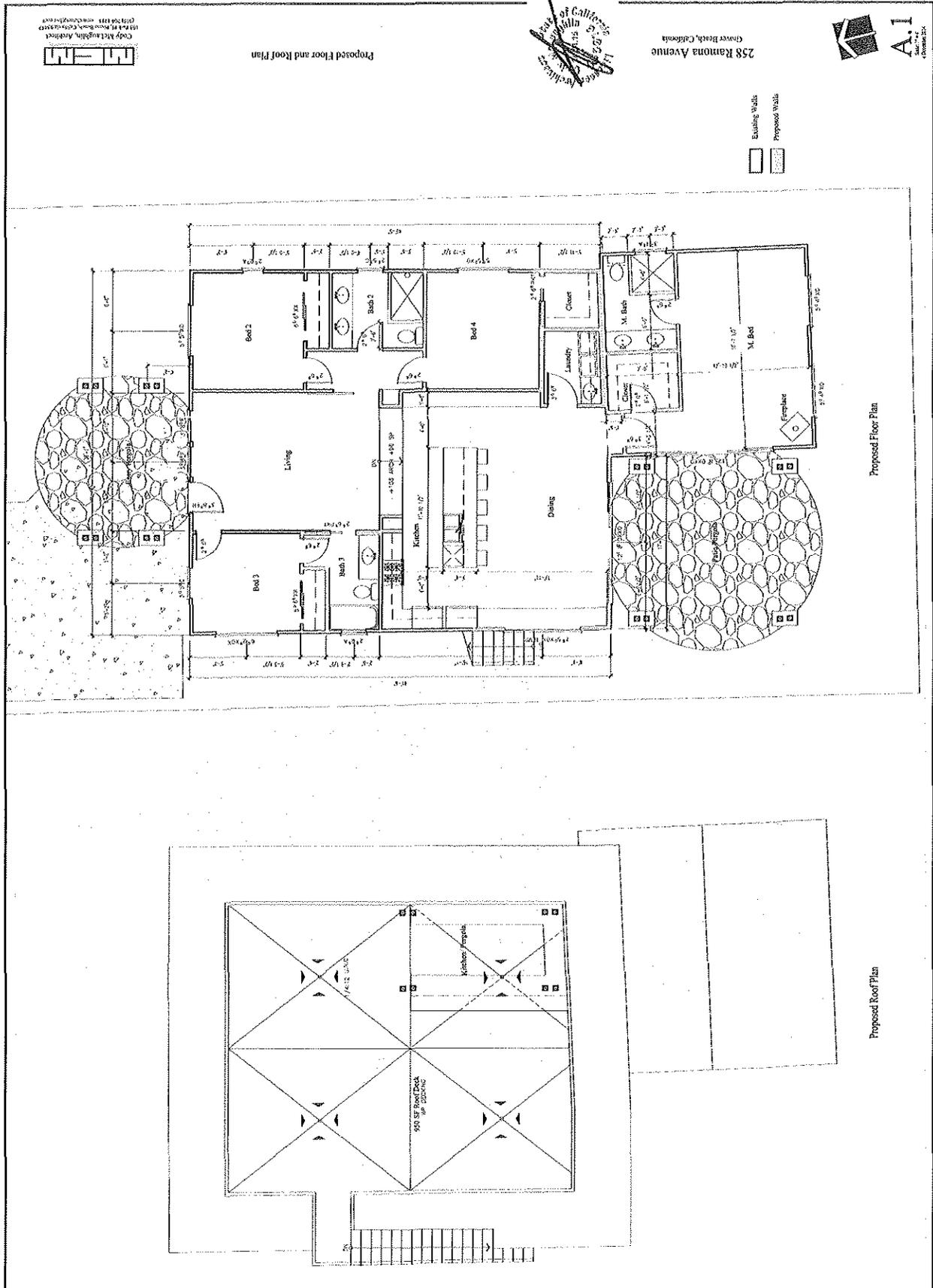
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Date

\_\_\_\_\_  
Property Owner or Authorized Agent

\_\_\_\_\_  
Date

**EXHIBIT A**





City of Long Beach, California  
12700 Pacific Boulevard, Suite 200  
Long Beach, CA 90804  
Tel: (562) 592-2000  
Fax: (562) 592-2001  
www.longbeach.gov



119 Vista Del Mar  
Pismo Beach, California

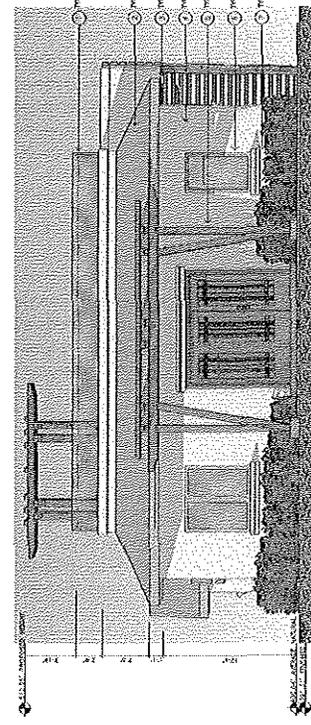
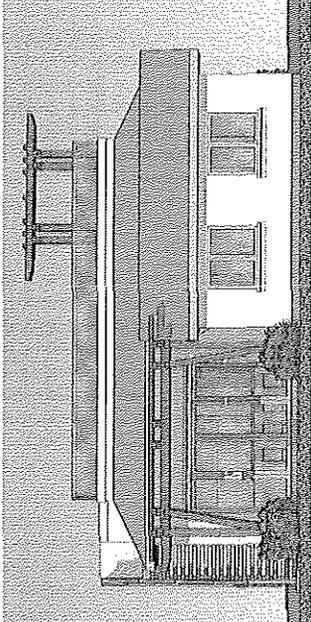
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Elevations

**ELEVATION KEYNOTES**  
EXEMPTED ONLY APPLICABLE TO EXEMPTED PROJECTS

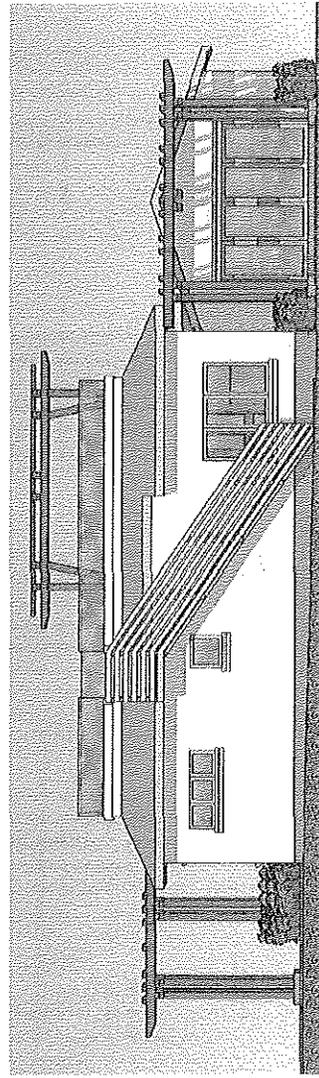
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**MAX. HEIGHT CALC.**  
ELEVATION @ CENTER OF  
ROOF = 45.00'  
ELEVATION @ CORNER PER  
SLOPE = 45.00'  
MAXIMUM ALLOWABLE HEIGHT =  
FIRST FLOOR ELEVATION = 49.31'  
SECOND FLOOR FINISH = 11.58'  
ELEVATION @ CORNER PER  
SLOPE = 45.00'  
PROPOSED HEIGHT @ ROOF = 50.89'  
MAXIMUM ALLOWABLE H.T. = 52.22'

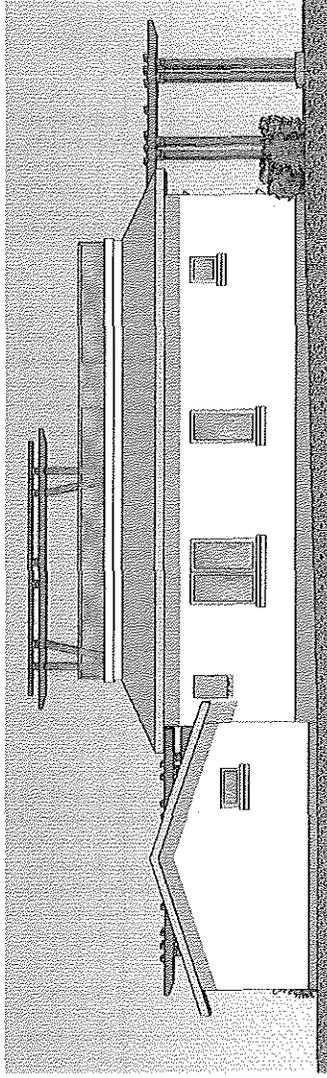


North

South



West



East

Vicinity Map  
258 Ramona Avenue

