

OC DEVELOPMENT SERVICES REPORT

ITEM # 2

DATE:	October 15, 2020
то:	Orange County Zoning Administrator
FROM:	OC Development Services / Planning
SUBJECT:	Public Hearing on Planning Application PA19-0209 for a Use Permit to allow for an alternative to the County of Orange Parking requirement.
PROPOSAL:	Use permit to propose an alternative to the required parking for a new apartment building. The use permit is to allow for the construction of three fully covered parking spaces and two partially covered parking spaces, where four fully covered parking spaces would otherwise be required.
ZONING:	R4 "Suburban Multi-family"
GENERAL PLAN:	1B "Suburban Residential"
LOCATION:	The project is located at 18802 E Vine St. in the Orange community, within the Third (3rd) Supervisorial District. (APN 383-082-47)
APPLICANT:	Aria-Alaeifar Living Trust, Property Owners Sam Parsi, Applicant
STAFF CONTACT:	Ilene Lundfelt, Associate Planner Phone: (714) 667-9697 Email: Ilene.Lundfelt@ocpw.ocgov.com

RECOMMENDED ACTIONS

OC Development Services/Planning recommends that the Zoning Administrator:

- 1. Receive staff report and public testimony as appropriate;
- 2. Find that the project is Categorically Exempt from the provisions of CEQA according to Class 1 (existing facilities) and Class 3 (new construction or conversion of small structures), pursuant to Sections 15301 and 15303, of the State CEQA Guidelines and Classes 1, and 3 of the 2014 Orange County Local CEQA Procedures Manual. In addition, find that none of the exceptions listed in Section 15300.2 of the State CEQA Guidelines to the Categorical Exceptions would apply; and

3. Approve Planning Application PA19-0209, for a Use permit to propose an alternative to the required parking for a new apartment building. The use permit is to allow for the construction of three fully covered parking spaces and two partially covered parking spaces, where four fully covered parking spaces would otherwise be required, subject to the attached Findings and Conditions of Approval.

BACKGROUND AND EXISTING CONDITIONS

The subject property, Lot 6 of Tract Map 160 (18802 E Vine St) is located within the unincorporated community of Orange in the County of Orange. The property is zoned R4 "Suburban Multi-family" District is established to provide the development and maintenance of high-density multi-family residential neighborhood with a moderate amount of open spaces. The subject site is flat in topography and is a rectangular corner lot. The lot is 50 feet in width and 135 feet in depth and 6,750 square feet. The site has existing detached rental unit; Unit A at 887 square feet and Unit B at 1,101 square feet, an existing 2 car carport.

The existing car port is setback 20 feet from the front property line and is setback 5 feet from the side property line.



Aerial of the Project Site

PROPOSED PROJECT

This application is proposing an alternative to the required parking for a multifamily building. The use permit is to allow for the construction of three fully covered parking spaces and two partially covered parking spaces, where four fully covered parking spaces would otherwise be required. The partially covered parking spaces are proposed with a roof cover that cantilevers within 4 feet from the side property line. The applicant is proposing to the expand the existing multifamily structure from a onestory to two-story units. The expansion of the existing rental units triggered the increase in the required off-street parking requirements.

The site has existing detached 1-story rental units; Unit A is a 2-bedroom unit at 887 square feet and Unit B is a 3-bedroom unit at 1,101 square feet, an existing 2 car carport. The applicant is proposing to attach the two units and add a second story to each unit. The proposed improvements to the existing structure triggered the for the off-street parking requirements to comply to the current zoning code.

Under the current code the applicant is required to provide 5 parking spaces of which 4 spaces will need to be covered and 1 space to be uncovered. Due the constraints of the site and the placement of the existing structures the applicant was not able to design a structure that would meet both the Planning and Building codes.

SURROUNDING LAND USES

The subject site and the surrounding properties are zoned R4 "Suburban Multifamily" District and are developed with single-family and Multifamily units. The zoning and existing land use for the project site and surrounding properties are as follows:

Direction	Land Use Designation/Zoning	Existing Land Use
Project Site	oject Site R4 "Suburban Multifamily" District Single-Family Dwellin	
North	R4 "Suburban Multifamily" District	Multifamily Unit
South	R4 "Suburban Multifamily" District Single-Family Dwelling	
East	R4 "Suburban Multifamily" District	Multifamily Unit
West	R4 "Suburban Multifamily" District	Multifamily Unit

DISCUSSION/ANALYSIS

Below is a table comparing the development standards for R4 zoning District with the proposed project:

STANDARD	PERMITTED in R4 DISTRICT	PROPOSED
Structural Front Setback	20' minimum	20'
Structural Side Setback	5' minimum	5'
Structural Rear Setback	25' minimum	15' (existing first story) 25' new second story addition
Maximum Building Height	35' max.	22'7"
Parking	Three or more bedroom dwelling units: Two and one-half (2.5) off-street parking spaces for each dwelling unit, plus one-half (0.5) off-street parking space for each bedroom in excess of three (3). Except as otherwise provided in d. below, two (2) spaces shall be covered for each dwelling unit. 5 spaces (4 covered space, 1 uncovered space)	5 spaces (3 covered spaces 2 partially covered spaces) *

*Use permit for alternative parking standards



County Zoning Code Section 7-9-70.3 states the design guidelines for the off-street parking for residential uses. The size of parking spaces in garages or carports containing two (2) or more side-by-side parking spaces, the required minimum width may include the exterior walls or supports of the structure, provided minimum unobstructed dimensions of nine (9) feet in width and eighteen (18) feet in length per parking space are met. When a side of any space abuts a building, fence, support column

or other obstruction which interferes in any way with access to a motor vehicle, the space shall be a minimum of two (2) feet wider than otherwise required.



Parking Layout

Compliance with the off-street design requirements would require 3 spaces with a cover that is 9 feet by 19 feet and 2 spaces at 11 feet by 19 feet. The partially covered parking spots will have a 7-foot wide awning to cover the parking space where an 11-foot wide cover would otherwise be required. Although the property does have the space to provide the required 5 parking spaces the applicant was not able to meet both the Building code requirements for the covered structure. Under the building code if a structure less than 5 feet from the property line; it is required to have a 1-hour rated fire wall. This would require a minimum 12 feet tall by 19 feet wide fire wall along the side property lines. The applicant felt that having a 12 feet wall along the side of the property line would be more intrusive to the neighboring properties; and as a result has redesigned the carport to able to partially cover only 2 parking spaces where one additional covered parking space would be required.

Staff finds that this alternative to the code meets the intent of the off-street parking requirement. The applicant is still able to provide the minimum number of off-street parking spaces required by the zoning code and additional the applicant will be able to provide more shaded parking with the 2 partial covered parking spots.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all property owners of record within 300 feet of the subject site on October 2, 2020. Additionally, a notice was posted at the project site, the County Hall of Administration and at the County Administration South building at 601 N. Ross Street, as required by established public hearing posting procedures. A copy of the planning application and the proposed site plan were distributed for review and comment to various County Divisions. Staff has reviewed the

comments received from County Divisions, and where appropriate, has addressed the comments through recommended Conditions of Approval, which are provided as Attachment #2 to this report.

CEQA COMPLIANCE:

The proposed project is recommended to be found to be categorically exempt under Class 1 (existing facilities), and Class 3 (new construction or conversion of small structures), from the provisions of CEQA for further environmental impact documentation pursuant to Section 15301 and 15303 of the CEQA Guidelines. That determination is attached for consideration and must be approved prior to project approval.

CONCLUSION:

Staff has analyzed the proposed project and concluded that the size and scale of the proposed project is not detrimental to surrounding land uses, and that it has been planned in a manner that is the least intrusive, both on the project site and to the surrounding community. Staff therefore supports the applicant's proposal and recommends approval of Planning Application PA19-0209 subject to Findings and Conditions of Approval provided as Attachments #1 and #2 to this report.

Submitted by:

Brian Kurnow, Land Use Manager OC Development Services/Planning

Concurred by:

Richard Vuong, Interim Deputy Director OC Public Works/Development Services

ATTACHMENTS:

- 1. Recommended Findings
- 2. Recommended Conditions of Approval
- 3. Applicant's Letter of Explanation
- 4. Notice of Exemption PA19-0209
- 5. Site Plans
- 6. Site Photos

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the OC Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing deposit of \$500 filed at the Development Processing Center, 601 N. Ross Street, Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to OC Development Services/Planning Division.

GENERAL PLAN

That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.

PA19-0209 That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.

3 That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.

That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

CATEGORICALLY EXEMPT 5 That the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA), under the Class 3 (New Construction or Conversion of Small Structures) exemptions pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines and County of Orange procedures.

That pursuant to Section 711.4 of the California Fish and Game Code, this project is exempt from the required fees as it has been determined that no adverse impacts to wildlife resources will result from the project.

ZONING

COMPATIBILITY

GENERAL WELFARE

FISH & GAME - EXEMPT

PA19-0209

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Attachment 2 Conditions of Approval PA19-0209

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BASIC/ZONING REGULATIONS

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.

2

BASIC/TIME LIMIT

This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

3

BASIC/LAND USE PLAN

Except as otherwise provided herein, this permit is approved as a land use plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, OC Development Services, for approval. If the Director, OC Development Services, determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

4

BASIC/COMPLIANCE

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Zoning Administrator.

5

INDEMNIFICATION

Applicant shall defend with counsel approved by the County of Orange in writing, indemnify and hold harmless the County of Orange, its officers, agents and employees from any claim, action or proceeding against the County, its officers, agents or employees to attack, set aside, void, or annul any approval of the application or related decision, or the adoption of any environmental documents, findings or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Subdivision Committee, Zoning Administrator, Director of OC Public Works, or Deputy Director of OC Development Services concerning this application. The County may, at its sole discretion, participate in the defense of any action, at the applicant's expense, but such participation shall not relieve applicant of his/her obligations under this condition. The County may, at its sole discretion, require the Applicant to post a bond, enter into an escrow agreement, obtain an irrevocable letter of credit from a qualified financial institution, or provide other security, to the satisfaction of the County, in anticipation of litigation and possible attorney's fee

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awards. Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required to pay as a result of such action. The County shall promptly notify the applicant of any such claim, action or proceeding.

BASIC/APPEAL EXACTIONS

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PA19-0209

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

7 CONSTRUCTION NOISE PA19-0209

A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building and Safety Division, that:

(1) All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.

(2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).

(3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

B. Notations in the above format appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.

8 EROSION AND SEDIMENT CONTROL PLAN

PA19-0209

Prior to the issuance of any grading or building permit, the applicant shall submit an Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building and Safety Division, to demonstrate compliance with the County's NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMPs will be maintained during construction of any future public right-of-ways. The ESCP shall be updated as needed to address the changing circumstances of the project site. A copy of the current ESCP shall be kept at the project site and be available for County review on request.

USE PERMIT REQUEST FOR

PROJECT NAME:	ARIA DUPLEX	SUBMITTING DATE :	08/05/2019
PROJECT MAINIE.		APN:	383-082-47
PROJECT LOCATION: 18806 VINE STREET, ORANGE, CA. 92869			
REQUESTED BY:	DOMUS PLANS	OWNER P: NUMBER:	9496786645

Scope of work:

For Aria duplex project for remodeling 2 units by; Adding new stair case at first floor to connect to new upper floors. Adding 890 sq.ft living area above unit a Adding 1,009 sq.ft living area above unit b Adding 86.5 sq.ft total balcony to unit a&b Adding new bathroom to first floor unit b

To do these additions we need to provide 5 covered parking spaces two of which on the sides has to be 11 feet wide and 9' covered min. This pushes our carports 12 inches on each side into 5 feet setbacks.

We are asking special permit for our carport roof to extend one foot each side over setbacks.



CEQA NOTICE OF EXEMPTION

To: County Clerk, County of Orange

From: County of Orange OC Public Works, Development Services/Planning

Planning Application Number (PA): PA 19-0209

Project Title: Aria Duplex

Project Location(s): 18802 E Vine St Orange, CA

Project Description: Use permit to propose an alternative to the required parking for a new apartment building. The use permit is to allow for the construction of three fully covered parking spaces and two partially covered parking spaces, where four fully covered parking spaces would otherwise be required.

Name of Applicant Carrying-Out Project: Sam Parsi, Architect for Owner

Address of Applicant: 245257 Santa Clara Ave #9 Dana Point CA 92629

Exempt Status:

- Ministerial (Guidelines Section No. 15268)
- Emergency Project (Guidelines Section No. 15269)
- Common Sense (Guidelines Section No. 15061(b)(3))

Statutory Exemption: State Code number: Government Code Section 65457(a)

Categorical Exemption: Class 1, Class 3; (Sections 15301, 15303)

Other Exemption: California Code of Regulations (CCR) Section 15182(c)

Reason(s) why project is exempt: The Orange County Local CEQA Procedures Manual and the State CEQA Guidelines provides a Class 1 exemption for the interior and exterior remodels of existing structures that includes single-family residences and a Class 3 exemption for new construction and conversion of small structures that includes single-family residences.

Date of Decision: October 15, 2020

CEQA Contact Person: Kevin Shannon, Consultant – Environmental Planner

Project Manager Signature: _

Name: Ilene Lundfelt

Title: Associate Planner

Fish & Game Fees: Pursuant to Section 711.4 (c) (2)(A) of the California Fish and Game Code, this project is exempt from the required fees, as it is exempt from CEQA.

Form Rev. 3.12.20



County Administration South 601 North Ross Street Santa Ana, California 92701 P.O. Box 4048 Santa Ana, CA 92702-4048



🗸 info@ocpw.ocgov.com

OCPublicWorks.com





SITE PLAN

SCALE 1/8"=1'=0"



ARIA ----RESIDENCE







NOTE: PLEASE SEE A.1 FOR NATIONAL POLUTION AND SPECIAL INSPECTIONS NOTES

SQUARE FOOTAGE ANALYSIS

AREA	EXISTING	ADDITION	PROPOSED	TOTAL		
UNIT A LIVING AREA FIRST FLOOR:	877	168	1,045		SQ.FT.	
UNIT A LIVING AREA SECOND FLOOR:	0.0	890	890		SQ.FT.	
TOTAL UNIT A TOTAL LIVING AREA				1,935	SQ.FT.	
UNIT B LIVING AREA FIRST FLOOR:	1,101	150	1,251		SQ.FT.	
UNIT B LIVING AREA SECOND FLOOR:	0.0	1,009	1,009		SQ.FT.	
TOTAL UNIT B TOTAL LIVING AREA				2,260	SQ.FT.	
TOTAL LIVING AREA BOTH UNITS				4,177	SQ.FT.	
BALCONY	0.0	86.5	86.5		SQ.FT.	
GARAGE	4 OUTD	OOR PAF	RKING SPO	TS		
FOOT PRINT	1978	300	2,278		SQ.FT.	
LOT AREA			6,750		SQ.FT.	
LOT COVRAGE 33 %						

<u>NOTE;</u>

N.T.S.

"THERE SHALL BE NO TRENCHES OR EXCAVATIONS 5 FEET OR MORE IN DEPTH INTO WHICH A PERSON IS REQUIRED TO DESCEND, OR OBTAIN PERMIT FROM STATE OF CALIFORNIA, DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (CAL/OSHA). THIS PERMIT AND ANY OTHER SAFETY PERMIT SHALL BE OBTAINED PRIOR TO COMMENCE OF ANY WORK." CONTACT CAL/OSHA AT 714-558-4451 FOR ADDITIONAL INFORMATION.

SCOPE OF WORK

REMODELING 2 UNITS CONDOMINIUM BY; ADDING STAIR CASE AT FIRST FLOOR TO CONNECT TO NEW UPPER FLOORS. ADDING 890 SQ.FT LIVING AREA ABOVE UNIT A ADDING 1,009 SQ.FT LIVING AREA ABOVE UNIT B ADDING 86.5 SQ.FT TOTAL BALCONY TO UNIT A&B ADDING NEW BATHROOM TO FIRST FLOOR UNIT B

CURRENT APPLICABLE CODES ALL CONSTRUCTION SHALL COMPLY TO:

- 2016 CALIFORNIA BUILDING CO 2016 CALIFORNIA MECHANICA 2016 CALIFORNIA RESIDENTIA 2016 CALIFORNIA PLUMBING C 2016 CALIFORNIA ELECTRIC C 2016 CALIFORNIA FIRE CODE 2015 NATIONAL DESIGN SPECIFICATION (NDS)
- 2016 CALIFORNIA ENERGY

NO.	REVISION	15
	BLDG DEP.	08/27/18
B	BLDG DEP.	10/8/18

ADJACENT RESIDENCE



PROJECT DIRECTORY

<u>OWNER</u> FATANEH ALAEIFAR 3611 MARIN DRIVE IRVINE, CA. 92606 PHONE: 949 678 6645 EMAIL: HOMAYOONARIAII@GMAIL.COM <u>DESIGNER</u> SAM PARSI DOMUS PLANS 24257 SANTA CLARA AVE #9 DANA POINT, CA. 92629 PH: (949) 489-9392 EMAIL: DOMUSPLANS@GMAIL.COM STRUCTURAL ENGINEER K.SALMASSIAN ENGINEERING 1818 DEERMONT RD. GLENDALE, CALIFORNIA. 91207 PHONE: (949)246-5549 EMAIL: KHORINSALMASSIAN@CHARTER.NET ENERGY CALCS IGOR PICHKO, CEA ENERGY CONSULT LLC ADDRESS WWW.TITLE24EZ.COM PH: (424) 247-7658 EMAIL: PLANS@TITLE24EZ.COM> LEGAL DESCRIPTION 383-082-47 APN: LOT: BLOCK OCCUPANCY R-4 CONSTRUCTION TYPE V-N

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L CODE	(CMC)
L CODE	(CRC)
CODE	(CPC)
CODE	(CEC)
	(CFC)
	(NDS)

2016 CALIFORNIA GREEN BUILDING STANDARDS & LOCAL AMENDMENT

VICINITY MAP









Apr 10, 2020 DATE:

SCALE: DRAWN BY: SAM PARSI

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EXISTING AND DEMOLITION FLOOR PLAN

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7	2'-4"	6'-8"	SOLID CORE			WOOD		
5	2'-6"	6'-8"	SOLID CORE			WOOD		
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2	2-3'-0"	5'-0"	SOLID CORE			VINYL		
2	4-1'-9"	6'-8"	FOLDING			WOOD		
2	4- '-4"	6'-8"	FOLDING			WOOD		
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DATE: Apr 23, 2019

SCALE:

DRAWN BY: SAM PARSI

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E = EXISTING TO REMAIN N = NEW TO BE INSTALLED

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FRONT ELEVATION

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ELEVATION NOTES

NEW STUCCO TO MATCH EXISTING MATERIAL AND COLOR 2 ASPHALT SHINGLES BY GAF ESR-1475 OR APPROVED SIMILAR CONTRACTOR TO KEEP ICC-ES EVALUATION REPORT ON SITE FOR INSPECTOR VIEW 3 GUARD RAIL MIN. 42" HEIGHT FORM FINISH SURFACE 4 FLASHING 5 FIREPLACE EXHAUST / VENTILATION 6 PILASTER

1 NEW CARPORT WITH 2% MIN. SLOPE AT ROOF SEE STRUCTURAL FOR DETAIL AND FIRE RATED MATERIAL









REAR ELEVATION

SCALE 1/4"=1'=0"

RIGHT ELEVATION

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ELEVATION NOTES

- NEW STUCCO TO MATCH EXISTING MATERIAL AND COLOR
- 2 ASPHALT SHINGLES
- 3 GUARD RAIL MIN. 42" HEIGHT FORM FINISH SURFACE
- 4 FLASHING
- 5 FIREPLACE EXHAUST / VENTILATION
- 6 PILASTER
- 1
 NEW CARPORT WITH 2% MIN. SLOPE AT ROOF

 SEE STRUCTURAL FOR DETAIL AND FIRE RATED MATERIAL

PROJECT:	ARIA DUPLEX	I8802 ≰I8806 VINE STREET ORANGE, CA. 92869	
DATE:	Aprel 2	23, 2014	
SCALE:			
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SECTION A-A





SCALE 1/4"=1'=0"



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SECTION D-D