



**CITY OF NEWPORT BEACH**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**BUILDING DIVISION**

Agenda Item No. 2  
November 17, 2020

**TO:** BUILDING & FIRE BOARD OF APPEALS

**FROM:** Samir Ghosn  
Deputy Community Director/Chief Building Official,  
Community Development Department  
[sghosn@newportbeachca.gov](mailto:sghosn@newportbeachca.gov). 949-644-3277

**SUBJECT:** **7210 W. Ocean Front - Appeal of the Building Official's Determination to Require Drainage and Remove Sliding Glass Door Track from an Unenclosed Loggia on the Third Level**

**APPLICANT:** Kyle Reeves, Owner/Developer

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**RECOMMENDATION:**

Staff recommends that the Board uphold the Chief Building Official's determination requiring the owner to provide adequate drainage method or devices to the unenclosed Loggia area that is exposed to weather as required by the California Residential Building Code ("CRC"), and to remove the sliding door track that was installed contrary to the approved plans.

**DISCUSSION:**

**Background:**

In May of 2020, Mr. Kyle Reeves completed construction of a three-story home including a rooftop loggia ("Loggia") at the property located at 7210 W. Ocean Front. The approved plans specifically show that the opening serving the Loggia to remain open as noted in the attached Exhibit A. In the window schedule for openings, the plans clearly show "cased opening" (Exhibit B). Building Inspector Bill Tuman was in the process of approving final inspections and preparing to issue a Certificate of Occupancy when it was determined that windows and a sliding glass door had been installed to enclose the Loggia as a living space. Enclosing the Loggia conflicts with the approved plans for the project, that clearly and expressly state the Loggia is to remain open. The Loggia must remain open to comply with local Zoning and Building codes.

On August 4, 2020, Deputy Community Development Director/Chief Building Official Samir Ghosn and Principal Inspector Steve Lane met with Mr. Reeves at the site to inspect the site condition relating to the Loggia that was enclosed by installing windows and a sliding glass door. At the time of inspection, the windows were removed from both sides, the sliding glass door that opened to the exterior deck was removed, except for the sliding door track, which was left in place. The tile floor was installed level with no provisions for drainage. Mr. Reeves was informed that he would also have to remove the sliding glass door track, and submit a revision to implement water drainage before a Certificate of Occupancy could be issued. Additionally, Mr. Reeves was told that if he intended not to remove the track and install a drain and overflow, he could seek a variance for enclosing the Loggia pursuant to the Zoning and Planning requirements.

Code Issue:

CRC § R903.4, R903.4.1, R905.9 require a rooftop area exposed to weather to have a drain or slope to divert water from entering the interior of the building. Additionally, Building Inspector Bill Tuman observed that the sliding glass door track compounded the issue by creating a "Dam" by trapping the water within the space without the benefit of drainage device to divert the water to the outside. If water were to creep into the interior of the property it could not only cause water damage, but could also pose a health and safety risk due to the presence of electrical wiring within the first and second floors, and the potential for health hazard like mold growth. Accordingly, Mr. Reeves was advised that the water drainage issue would have to be corrected and the sliding door track must be removed prior to issuance of a Certificate of Occupancy.

Code Analysis:

The Loggia is subject to wind driven rain and it is exposed to the elements just like any exterior roof top deck or roof element by the cased opening noted on the approved plans. It is worth noting that enclosing the space by adding windows and a sliding glass door would have been contrary to the Planning and Zoning code for floor area limit and required third floor stepbacks. The intent of the building code is to require adequate slopes, flashing and counter flashing to ensure that water intrusion is mitigated by exterior wall protection, roof element protection as well as proper drainage patterns to cause water to drip off the edge or be directed into an approved drainage device having an overflow device or scupper. In the development of the Loggia space, it was clear that Mr. Reeves' intention was to enclose the Loggia demonstrated by the installation of window and sliding glass door and installing a mini-split system for heating and cooling to condition the space. None of these features were part of the approved plans. Building Inspector Bill Tuman issued the correction to remove the mini-split system and minimum of five-foot line connecting the system on July 10, 2020, and he returned to verify compliance with his corrections on July 15, 2020.

The Building Code excerpts below herewith are standards that permits the Chief Building Official to render code interpretations due to the infinite number of possibilities that designers and architects could conceive. The code-referenced sections are what drives the interpretation for weather protection of the structure for safe occupancy. Additionally, CRC § R102.1 states: "Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable, Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern."

Code Excerpt and Definitions:

CRC § R903, Weather Protection:

**R903.1 General.** Roof decks shall be covered with approved roof coverings secured to the building or structure in accordance with the provisions of this chapter. Roof assemblies shall be designed and installed in accordance this code and the approved manufacturer's instructions such that the roof assembly shall serve to protect the building or structure.

**R903.2 Flashing.** Flashing shall be installed in a manner that prevents moisture from entering the wall and roof through joints in copings, through moisture permeable materials and at intersections with parapet walls and other penetrations through the roof plane.

**R903.4 Roof drainage.** Unless roofs are sloped to drain over the roof edges, roof drains shall be installed at each low points of the roof.

**R903.4.1 Secondary (emergency overflow) drains or scuppers.** Where roof drains are required, secondary emergency overflow roof drains or scuppers shall be provided where the perimeter constructions extend above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason. Overflow drains having the same size as the roof drains shall be installed with the inlet flow line located 2 inches above the low point of the roof, or overflow scuppers having three times the size of the roof drains and having a minimum opening height of 4 inches shall be in stalled in the adjacent parapet walls with the inlet flow located 2 inches above the low point of the roof served. The installation and sizing of overflow drains, leaders and conductors shall comply with the California Plumbing Code.

CRC § R905. Requirements for Roof Coverings:

**Section 905.1 Roof covering application.** Roof coverings shall be applied in accordance with the applicable provisions of this section and the manufacturer's installation instructions. Unless otherwise specified in this section, roof coverings

shall be installed to resist the component and cladding loads specified in Table R301.2(2), adjusted for height and exposure in accordance with Table R301.2(3)

**Section 905.9 Built-up roofs.** The installation of built-up roofs shall comply with the provisions of this section.

**Section 905.9.1 Slope.** Built-up roofs shall have a design slope of not less than one-fourth unit vertical in 12 units horizontal (2-percent slope) for drainage, except for coal-tar built-up roofs, which shall have a design slope of a minimum one-eighth unit vertical in 12 units horizontal (1-percent slope).

Definitions:

- 1) **Loggia:** *a roofed but open gallery or arcade acting along the front or side of a building, often an upper level, an open balcony in a theatre. (Webster's II Dictionary)*
- 2) **Weather exposed surfaces:** *surfaced of walls, ceilings, floors, roofs, soffits and similar surfaced exposed to the weather except the following:*
  - I. *Ceilings and roof soffits enclosed by walls, fascias, bulkheads or beams that extend not less than 12 inches below such ceiling or roof soffits.*
  - II. *Walls or portions of walls beneath an unenclosed roof area, where located a horizontal distance from the open exterior opening equal not less than twice the height of the opening.*
  - III. *Ceiling or roof soffits located a minimum horizontal distance of 10 feet from the outer edges of the ceiling or roof soffits (CBC definitions).*

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Building and Fire Board of Appeals considers the item).

**ATTACHMENTS:**

Exhibit A – Approved Plans

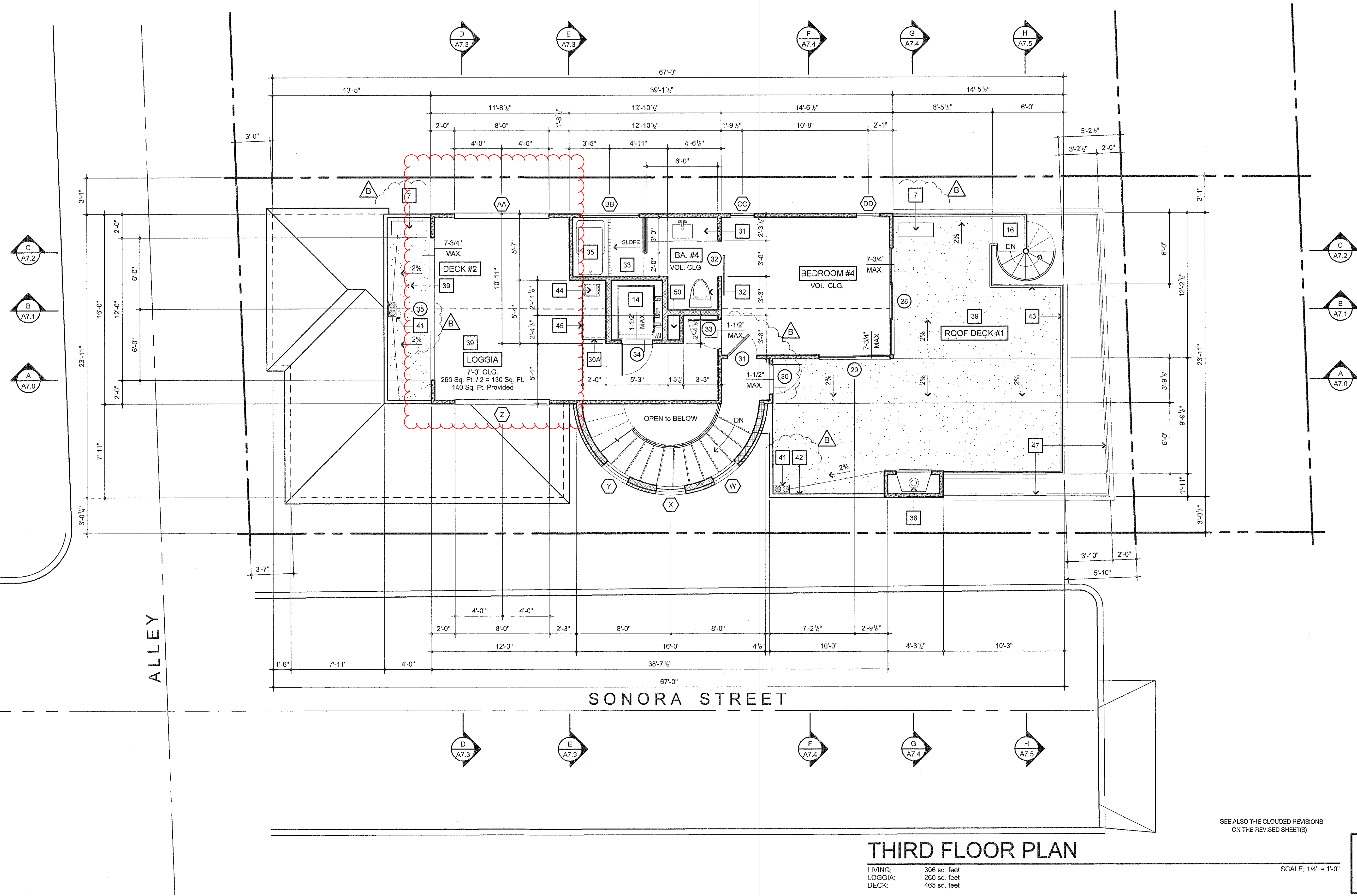
Exhibit B – Enclosed Loggia Photographs

**Attachment**

**EXHIBIT A**

**Approved Plans**





### THIRD FLOOR PLAN

LIVING: 308 sq. feet  
LOGGIA: 260 sq. feet  
DECK: 465 sq. feet

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

SEE ALSO THE CLOUDED REVISIONS  
ON THE REVISED SHEET(S)

**R. A. JEHEBER**  
RESIDENTIAL DESIGN, INC.  
410 32nd Street, Suite 202  
Newport Beach, California 92663  
949.723.4393 (rajeheber@gmail.com)

REGISTERED PROFESSIONAL ENGINEER  
ALI REZAEE  
No. 41068  
EXP: 3/31/19  
CIVIL  
STATE OF CALIFORNIA

SHEET TITLE  
**THIRD FLOOR PLAN**

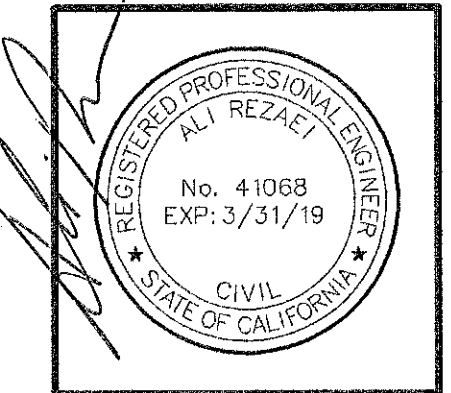
CUSTOM HOME PLANS FOR:  
**KYLE & JODI REEVES**  
PROJECT ADDRESS:  
7210 W. OCEANFRONT  
NEWPORT BEACH, CALIFORNIA

Plot Date & Time  
10/6/2017 2:51 PM  
RAJ Project #  
2016-11  
REVISIONS  
A PLAN CHECK CORR. 08-15-2017  
B PLAN CHECK CORR. 10-03-2017  
I.A.S. PACIFIC  
BUILDING PLAN CHECK DIVISION

APPROVED  
FOR ALTERNATE USE  
OR FOR REVISIONS  
THIS PLAN IS TO BE  
USED ONLY FOR THE  
PROJECT AND SITE  
SPECIFICALLY  
IDENTIFIED  
HEREIN  
AND IS NOT TO BE  
REPRODUCED OR  
TRANSMITTED IN  
ANY FORM OR BY  
ANY MEANS  
ELECTRONIC OR  
MECHANICAL  
INCLUDING  
PHOTOCOPYING  
RECORDING  
OR BY ANY  
INFORMATION  
SYSTEM  
WITHOUT  
PERMISSION  
IN WRITING  
FROM THE  
ENGINEER  
OR ARCHITECT  
OF RECORD  
FOR THIS  
PROJECT



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I.A.S. PACIFIC  
BUILDING PLAN CHECK DIVISION  
APPROVED FOR CONSTRUCTION  
DATE: 10/6/2017 BY: [Signature]  
SCALE: 1/4" = 1'-0"

**LOT AREA CALCULATIONS:**

LOT SIZE: 30 x 75 = 2,250 SQUARE FEET  
MINUS SETBACKS: 24 x 65 = 1,560 SQUARE FEET  
FLOOR AREA RATIO: 1,560 Sq. Ft. x 2.0 = 3,120 SQUARE FEET  
OPEN VOLUME AREA REQUIRED: 1,560 x 15% = 234 SQUARE FEET  
THIRD FLOOR LIMITS: 1,560 x 20% = 312 SQUARE FEET  
LANDSCAPING AREA: "ZERO" SQUARE FEET

**PROJECT STATISTICS**

**LIVING SPACE SQUARE FOOTAGE CALCULATIONS**

BASEMENT	1,359 sq. ft.
GARAGE	408 sq. ft.
1st. FLOOR	887 sq. ft.
2nd. FLOOR	1,385 sq. ft.
3rd. FLOOR	306 sq. ft.
GRAND TOTAL:	2,986 sq. ft.

**OUTDOOR SPACE SQUARE FOOTAGE CALCULATIONS**

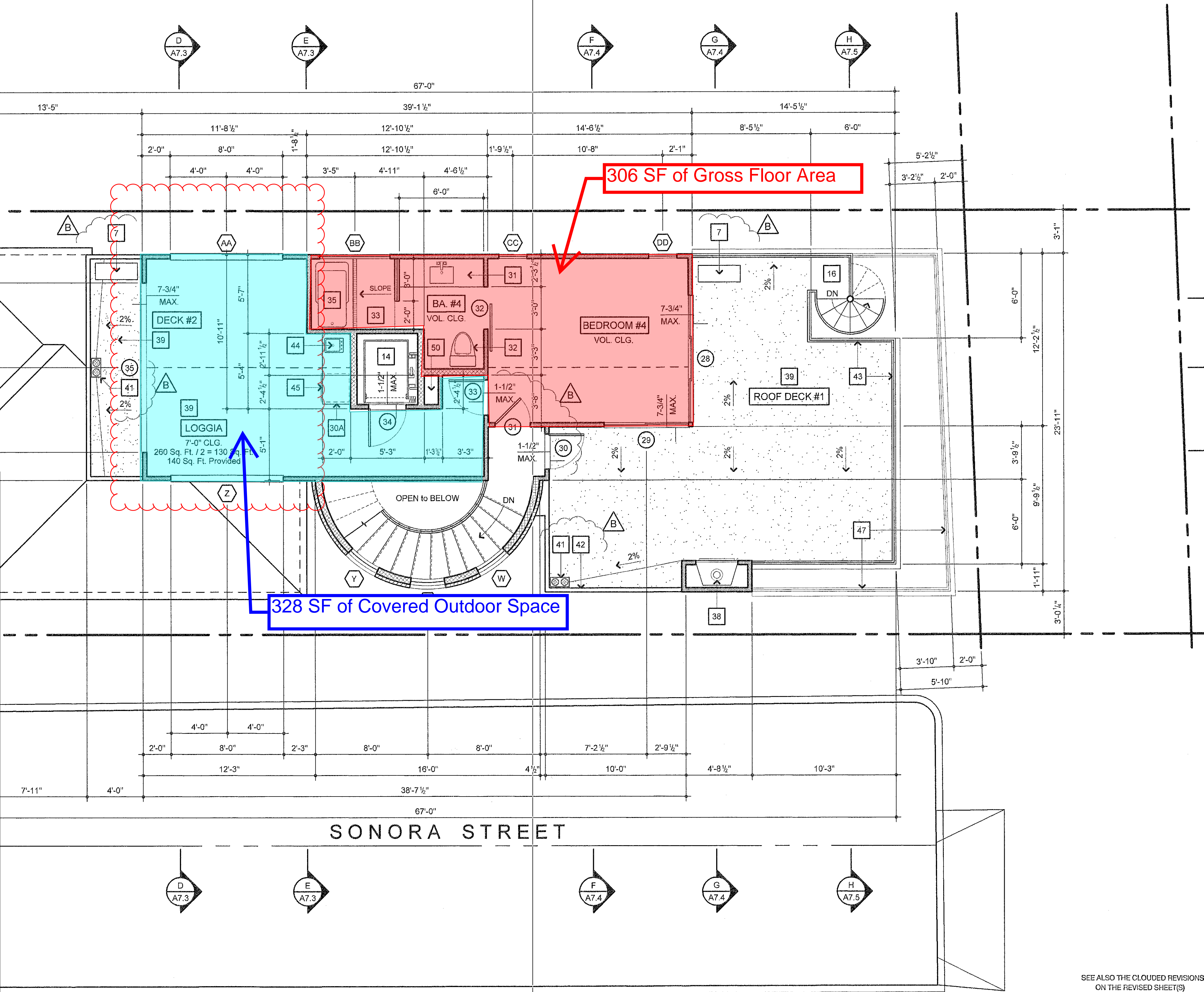
2nd. FLOOR DECKS	138 sq. ft.
3rd. FLOOR DECK	465 sq. ft.
3rd. FLOOR LOGGIA	328 sq. ft.
OPEN VOLUME AREA PROVIDED:	239 sq. ft.

**PROJECT CONSULTANTS**

BUILDING DESIGNER: R.A. JEHEBER RESIDENTIAL DESIGN, INC. 410 32nd STREET, SUITE 202 NEWPORT BEACH, CA. 92663 949-723-4393 ATTN: ROD JEHEBER	ENERGY CONSULTANT: PLAR TITLE 24 1252 W. 22nd STREET SAN PEDRO, CA. 90731 424-247-7658 ATTN: IGOR PICHKO reports@title24ez.com
LAND SURVEYOR: OHANA LAND SURVEYING 8-SPRINGTIDE 9-SPRINGTIDE, CA 92677	MECHANICAL CONSULTANT: ABSOLUTE CONSULTING ENGINEERS 3839 BIRCH STREET NEWPORT BEACH, CA. 92660 949-852-8700 ATTN: [Name]

SHEET TITLE  
**PROJECT DATA  
CONSTRUCTION NOTES**

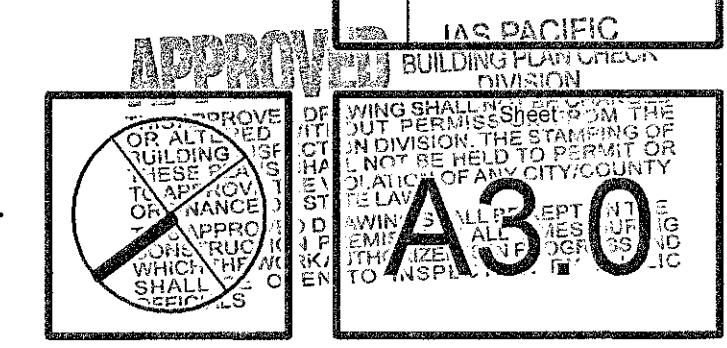
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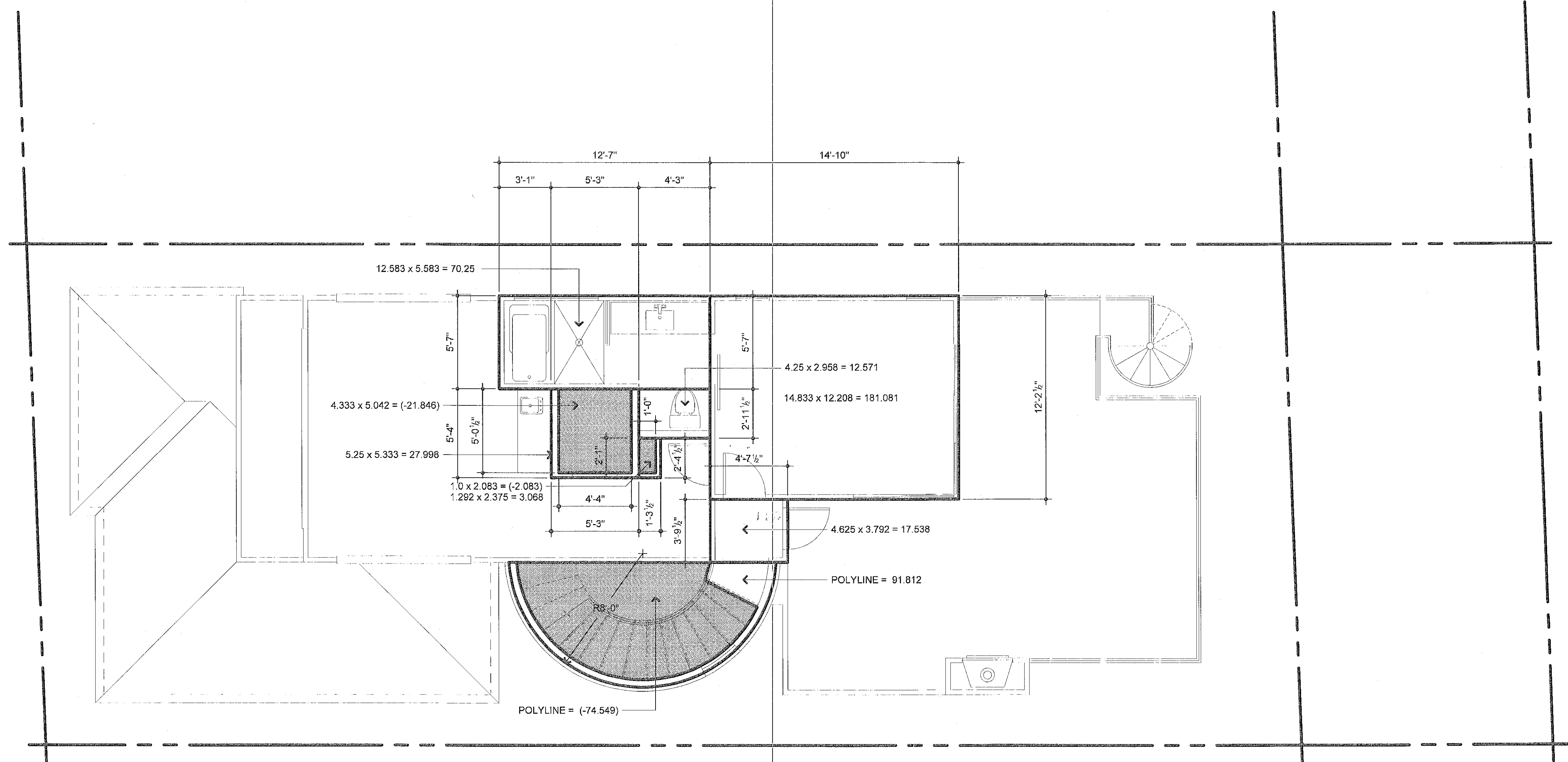
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ON THE REVISED SHEET(S)



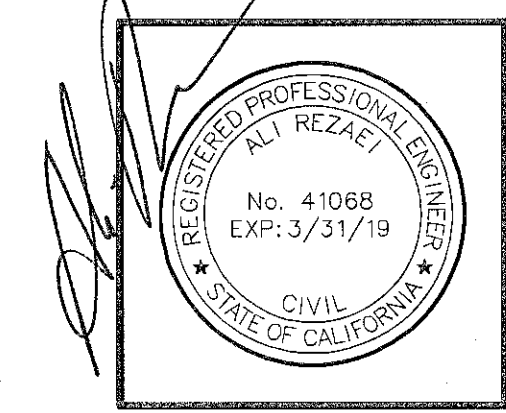
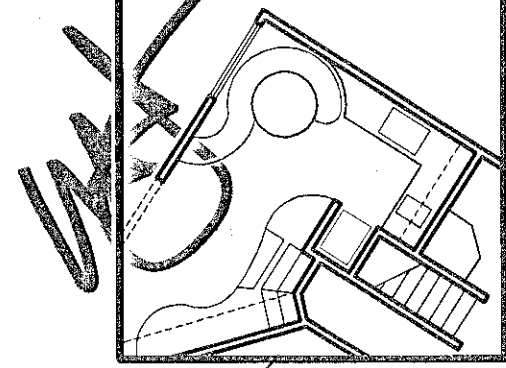




12.583 x 5.583 = 70.250  
4.25 x 2.958 = 12.571  
14.833 x 12.208 = 181.081  
4.625 x 3.792 = 17.538  
POLYLINE = 91.812  
5.25 x 5.333 = 27.998  
1.292 x 2.375 = 3.068  
(Sub-Total = 404.318)  
4.333 x 5.042 = (-21.846)  
1.0 x 2.083 = (-2.083)  
POLYLINE = (-74.549)  
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305.84

## THIRD FLOOR PLAN SQ. FT. CALCULATIONS

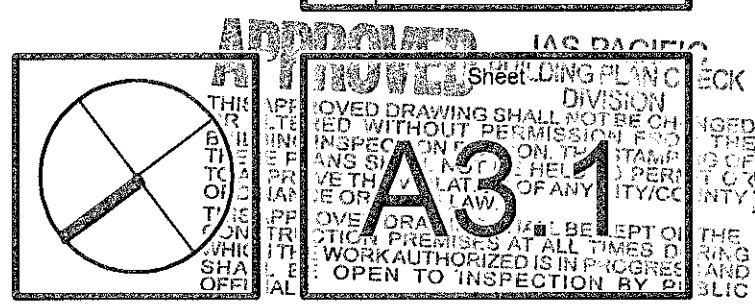
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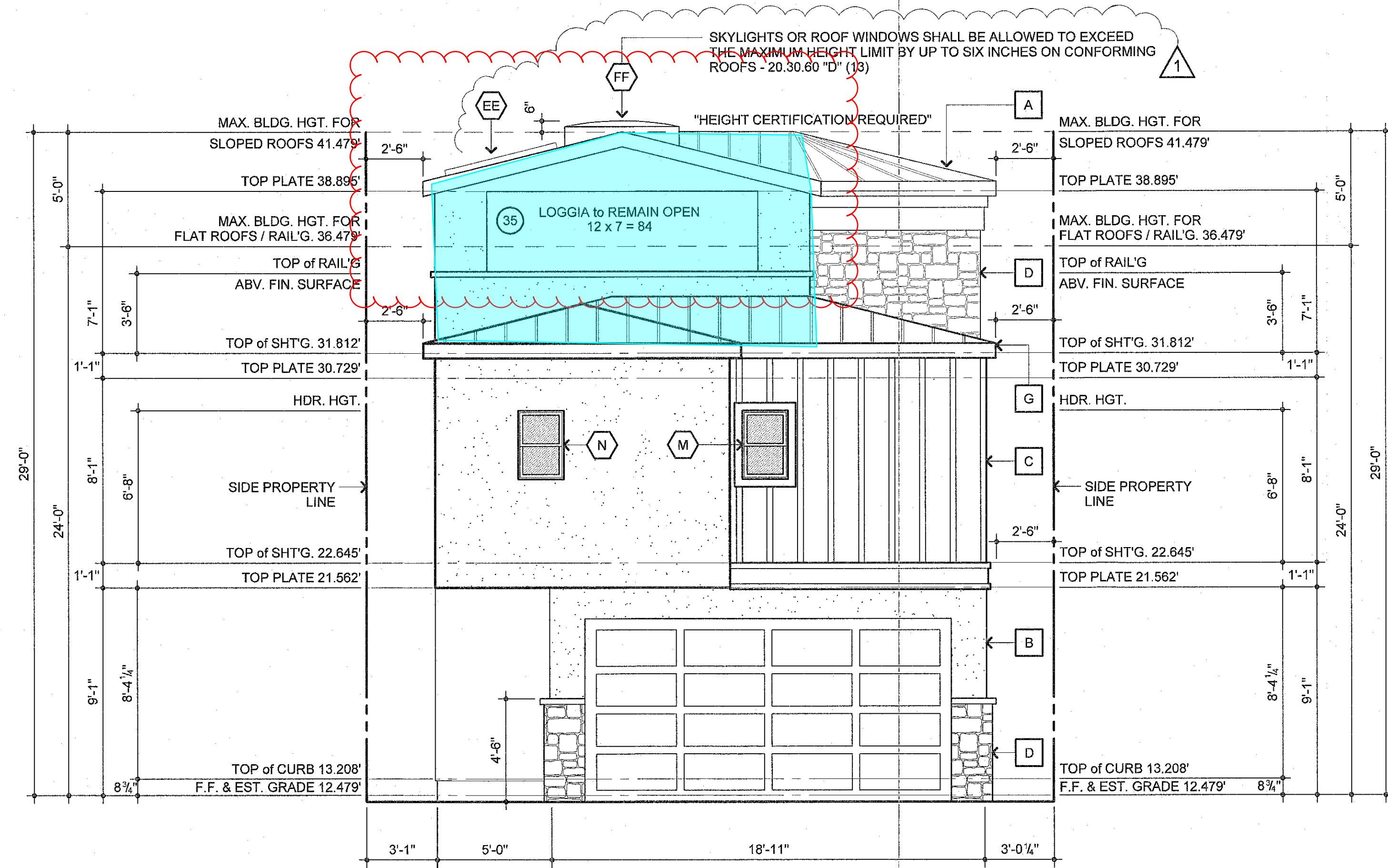
SHEET TITLE  
**THIRD FLOOR PLAN  
SQ. FT. CALCULATIONS**

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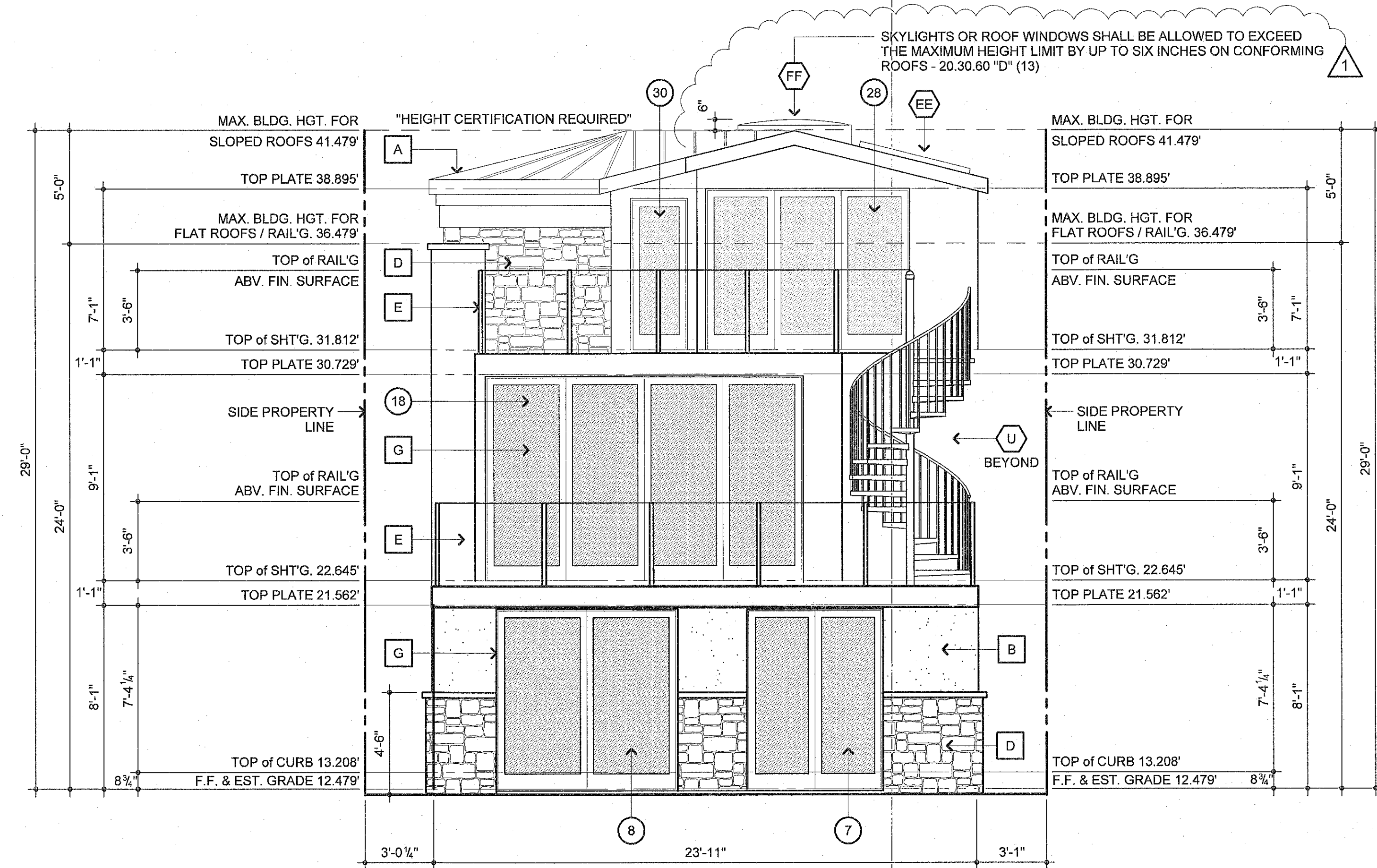
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RAJ Project # 2016-11
REVISIONS
PLAN CHECK CORR. 08-15-2017







REAR ELEVATION



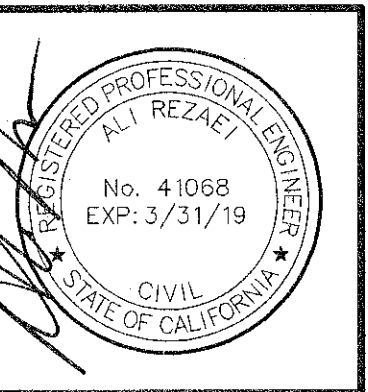
FRONT ELEVATION

ELEVATION PLAN NOTES:

INDICATES PLAN NOTE LEGEND SYMBOL - SEE LETTER BELOW.

- A. ROOFING MATERIAL: STANDING SEAM METAL ROOFING BY: "CUSTOM-BILT METALS" USE THE "CB-2000 MECHANICAL SEAM" PRODUCT LINE OR EQUAL. COLOR: "BLACK" OVER (2) LAYERS OF #15 FELT.
- B. SMOOTH STUCCO FINISH. OWNER / INTERIOR DESIGNER TO SELECT COLOR. STUCCO SUB-CONTRACTOR SHALL PROVIDE SAMPLES FOR OWNER / INTERIOR DESIGNERS APPROVAL BEFORE APPLYING THE COLOR COAT.
- C. 1 x 3 BATTEN AND BOARD w/ BATTENS AT 16" O.C. OWNER / INTERIOR DESIGNER TO SELECT COLOR.
- D. 3" THICK ( MAX. ) SIMULATED STONE VENEER BY: "ELDORADO STONE CORPORATION". INSTALLED AS PER MANUFACTURERS SPECIFICATIONS. USE: CUT COARSE STONE COLOR: OYSTER ICC ESR-1215 SEE DETAIL #1 BELOW FOR TRUE STONE / BRICK VENEER INSTALLATION.
- E. 42" TALL STAINLESS STEEL GUARD RAIL FRAME WITH TEMPERED GLASS BY: "GLAS PRO" GLAS PRO "BIRD SAFE GLASS" TO PREVENT BIRD STRIKES AT ALL EXTERIOR LOCATIONS.
- F. DUAL GLAZED VINYL CLAD WINDOWS BY: "PELLA WINDOWS & DOORS" PLEASE REFER TO THE WINDOW SCHEDULE ON SHEET A4.2
- G. DUAL GLAZED VINYL CLAD SLIDING DOORS BY: "PELLA WINDOWS & DOORS" PLEASE REFER TO THE WINDOW SCHEDULE ON SHEET A4.1
- H. 5" ROUND COPPER RAIN GUTTER OVER FASCIA BOARD. OWNER TO SELECT, CONTRACTOR TO INSTALL.

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SHEET TITLE

EXTERIOR ELEVATIONS

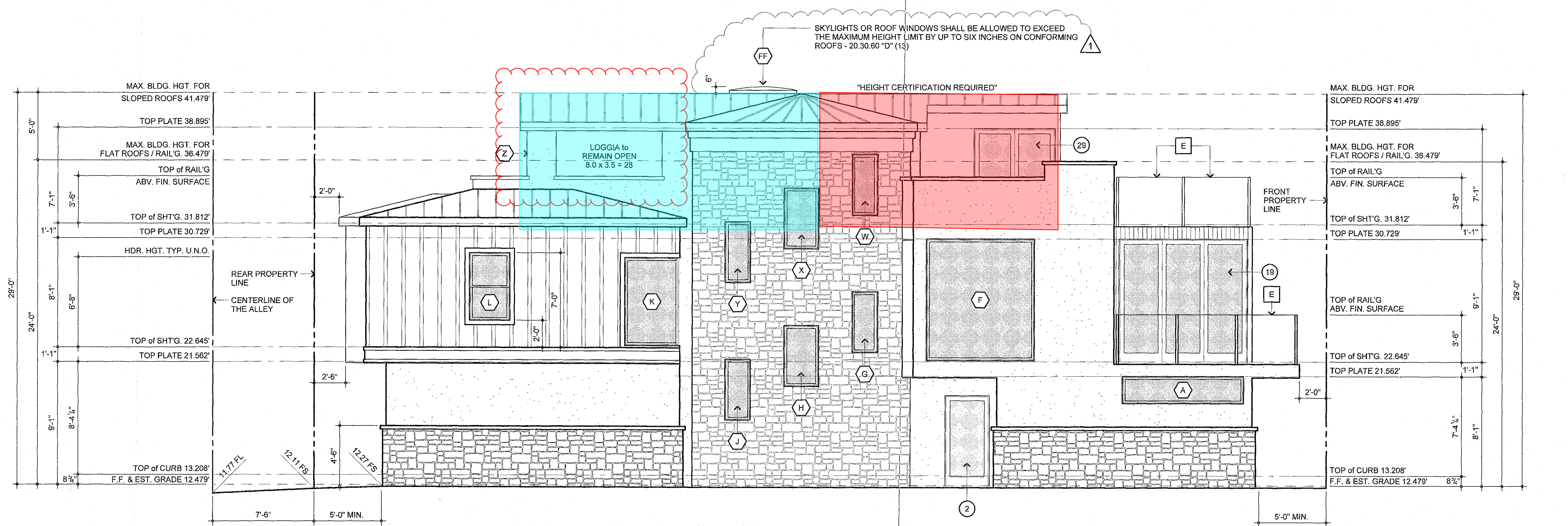
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RAJ Project # 2016-11	
REVISIONS	
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B	PLAN CHECK CORR. 10-03-2017
A	FIELD REVISIONS 12-03-2018
BUILDING DIVISION	

Sheet/ECU 4 2013  
**A6.0**



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



FACING SONORA STREET

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

SHEET TITLE

## EXTERIOR ELEVATIONS

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RAJ Project #	
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REVISIONS	
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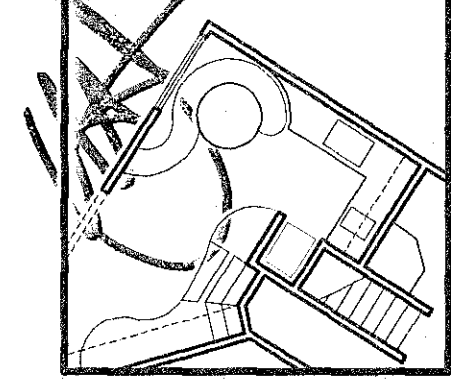
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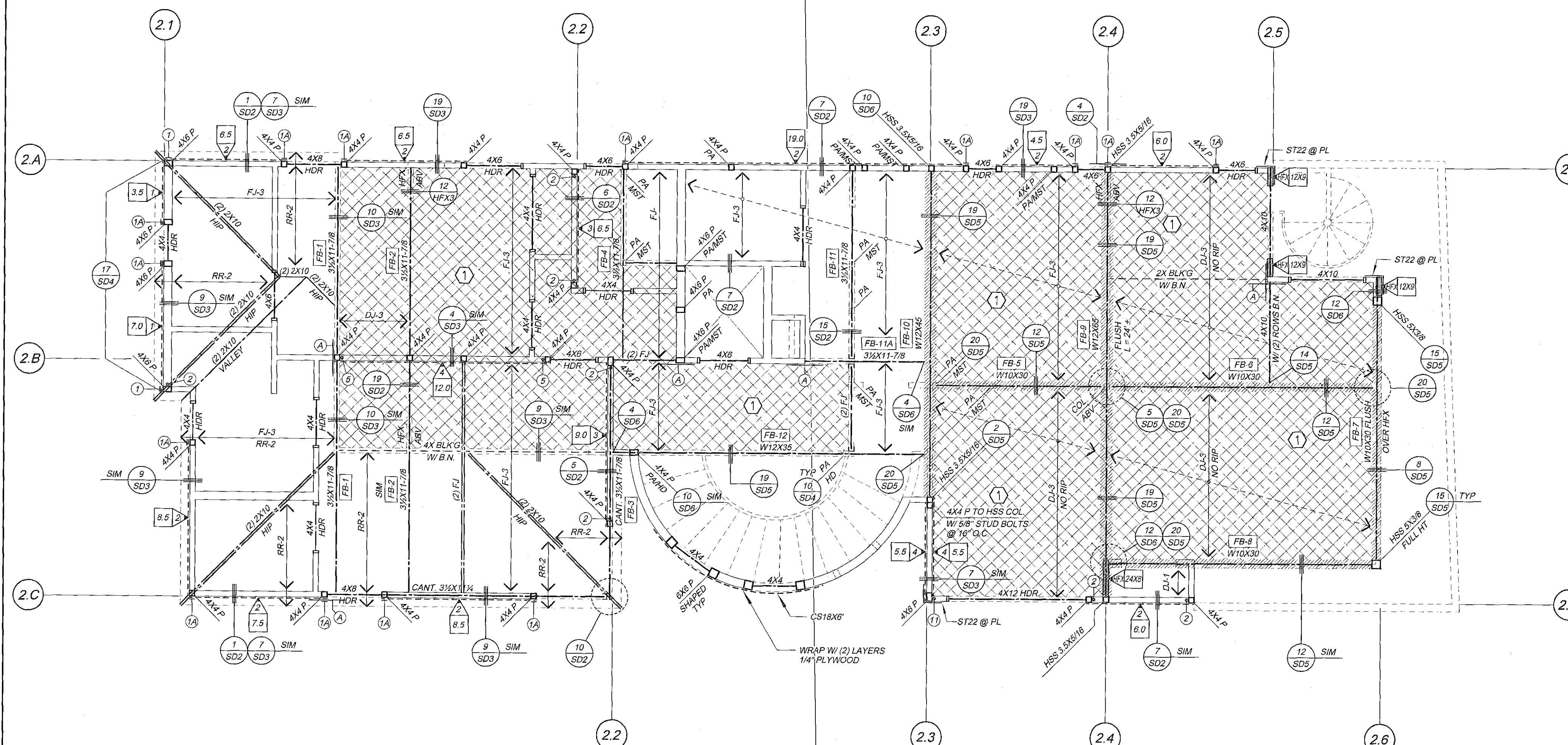
BY Y.T.

△

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949.723.4393 ( [rajeheber@gmail.com](mailto:rajeheber@gmail.com) )

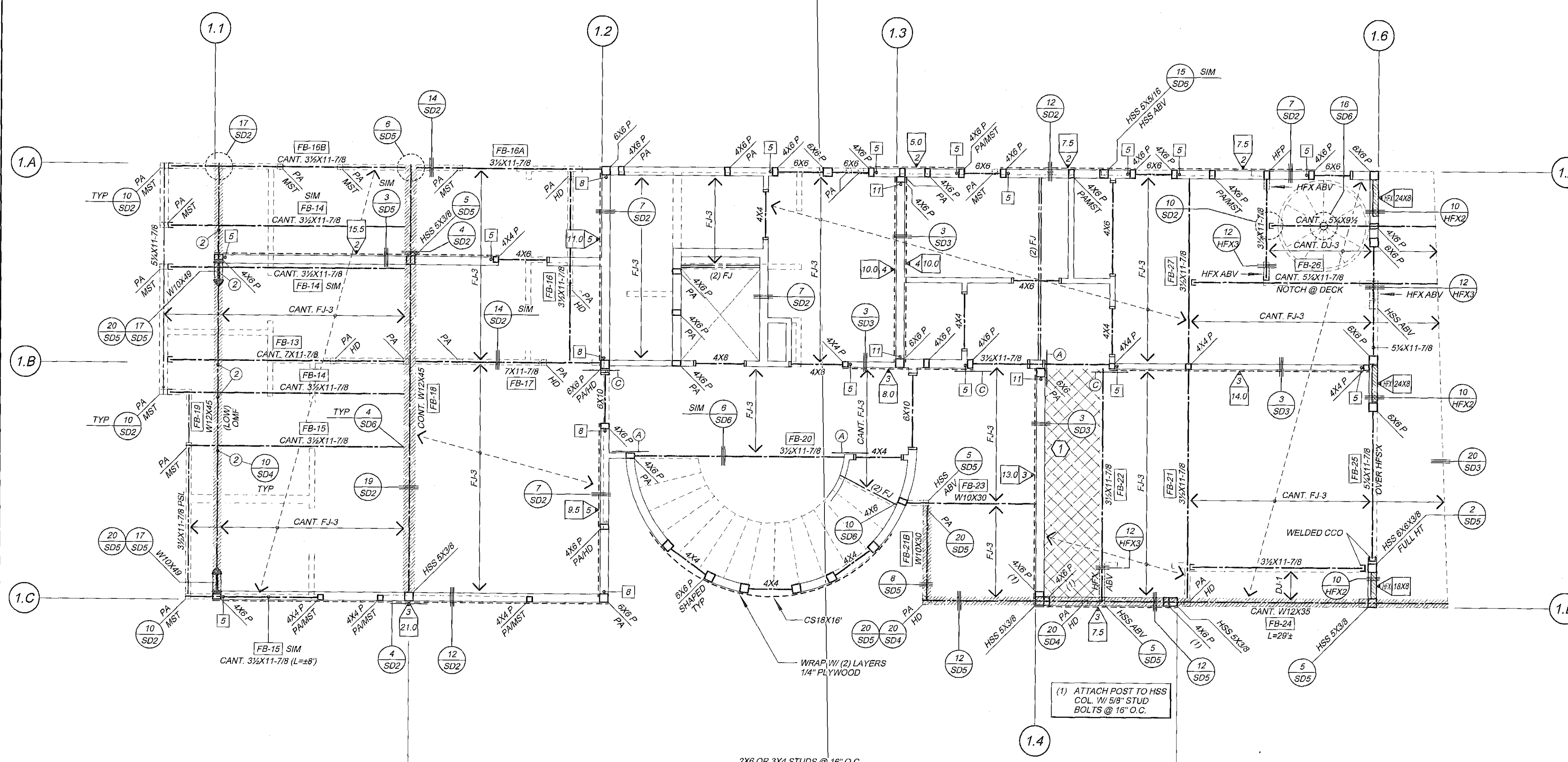






3RD FLOOR & LOWER ROOF FRAMING PLAN

1/4" = 1'-0"



2ND FLOOR FRAMING PLAN

1/4" = 1'-0"

- ### FRAMING NOTES
- PROVIDE STRIPPING WHERE REQUIRED TO PROVIDE A UNIFORM SURFACE WHERE FLUSH JOISTS AND BEAMS ARE AT DIFFERENT DEPTH.
  - PROVIDE MULTIPLE STUDS AT ALL BEAMS FOR FULL WIDTH UNLESS NOTED OTHERWISE ON PLANS.
  - USE SIMPSON "L" LUGS OR "H" HANGERS AT FLUSH JOISTS AND BEAMS UNLESS NOTED OTHERWISE. MANUFACTURER TO DESIGN HANGERS FOR ROOF TRUSSES AS THEY OCCUR.
  - PROVIDE 2X (OR 4X) MEMBERS AT ALL ADJOINING PLYWOOD EDGES FOR SHEAR WALLS AND DOUBLE SIDED SHEAR WALL CONDITIONS WHERE LOAD EXCEEDS 350 PSF PER SCHEDULE ON SHEET SGN.
  - ALL POSTS WITH HOLDING OR STRAPS SHALL BE CONTINUOUSLY EDGE-NAILED.
  - REFER TO SHEET SGN FOR NAILING SCHEDULE.
  - SPECIAL INSPECTION IS REQUIRED FOR RIGID FRAME WELDING AND HIGH STRENGTH BOLTING.
  - SHEATH ALL EXTERIOR WALLS WITH TYPE 1 SHEAR WALL UNLESS NOTED OTHERWISE.
  - PROVIDE SOLID BEARING UNDER ALL BEAMS WITH POST AND/OR STUDS (U.N.O.).
  - STRAP ALL DOUBLE TOP PLATES, WHERE BROKEN BY BEAMS, WITH SIMPSON MST48, U.N.O.
  - SEE SHEET SGN FOR SHEARWALL SCHEDULE.
  - PSL INDICATES 2 DE VS PARALLEL PSL BEAM AS MANUFACTURED BY TRUSS JOIST MCWILLIAMS, CO. (E88-1387).
  - PROVIDE MIN. (2) FLOOR JOISTS UNDER ALL PARALLEL WALLS (U.N.O.) AND (2) 2X BLOCKING UNDER ALL PERPENDICULAR WALLS.
  - ALL WALLS MORE THAN 10'-0" HIGH TO BE BALLOON FRAMED WITH 2X6 STUDS @ 16" O.C.
  - ALL DOUBLE JOISTS SHALL BE CONNECTED WITH 16d @ 12" O.C. STAGGERED.
  - SHEAR WALL PLYWOOD SHALL BE CONTINUOUS AT WALL INTERSECTION AS SHOWN ON PLAN.
  - ALL FASTENERS AND CONNECTORS TO BE GALVANIZED FOR PRESERVATIVE TREATED WOOD. CBC 2304.5.1.
  - FOR STRUCTURAL OBSERVATION AND/OR SPECIAL INSPECTION REQUIREMENTS, SEE SHEET SGN.
- FLOOR FRAMING:**  
 FJ-1 = 2X12 @ 16" O.C.  
 FJ-1A = 2X12 @ 12" O.C.  
 FJ-2 = 1X11 @ 16" O.C.  
 FJ-2A = 1X11 @ 12" O.C.  
 FJ-3 = 1X11 @ 16" O.C.  
 FJ-3A = 1X11 @ 12" O.C.  
 FJ-4 = 1X14 @ 16" O.C.  
 FJ-4A = 1X14 @ 12" O.C.  
 DJ-1 = 2X10 @ 16" O.C.  
 DJ-1A = 2X10 @ 12" O.C.  
 DJ-2 = 2X12 @ 16" O.C.  
 DJ-2A = 2X12 @ 12" O.C.  
 DJ-3 = 1X9 @ 16" O.C.  
 DJ-3A = 1X9 @ 12" O.C.  
 DJ-4 = 1X11 @ 16" O.C.  
 DJ-4A = 1X11 @ 12" O.C.
- ALL DJS: TAPER 1/4" MIN. - 7/8" MIN. @ END OF JOIST**
- ROOF FRAMING:**  
 RR-1 = 2X6 @ 16" O.C.  
 RR-2 = 2X8 @ 16" O.C.  
 RR-3 = 2X10 @ 16" O.C.  
 RR-4 = 2X12 @ 16" O.C.  
 RR-5 = 1-3/4 X 14 LVL @ 24" O.C.  
 RT-X = ROOF TRUSS, BY OTHERS  
 CJ-1 = 2X8 @ 16" O.C. MAX. SPAN 17'-6"  
 CJ-2 = 2X8 @ 16" O.C.
- FLOOR SHEATHING:**  
 3/4" T&G PLYWOOD STR 1 (PI 4824)  
 10d @ 4" O.C. EDGE AND BOUNDARY NAILING  
 10d @ 12" O.C. FIELD NAILING  
 NO BLOCKING REQUIRED. U.N.O.  
 GLUE ALL SHEETS AND EDGES WITH GLUE CONFORMING TO AFG. 0.1. TYPICAL U.N.O. (PROVIDE BLOCKING AT ALL EDGES AT ROOF DECKS)
- ROOF SHEATHING:**  
 1/2" PLYWOOD STR 1 (PI 3218)  
 10d @ 4" O.C. EDGE AND BOUNDARY NAILING  
 10d @ 12" O.C. FIELD NAILING  
 NO BLOCKING REQUIRED. U.N.O.
- DRAG STRAPS:**  
 (A) ST6238 W/ (40) 16d  
 (B) MST48 W/ (34) 16d  
 (C) MST60 W/ (48) 16d  
 (D) CMSTC16 W/ (48) 16d
- HOLD-DOWNS TO FRAMING**  
 (1) MSTC48 B3 @ 4X4 POST  
 (2) MST48 @ 4X4 POST  
 (3) MST60 @ 4X4 POST  
 (4) (2) MST37 @ 4X6 POST  
 (5) HDU2 @ 4X4 POST  
 (6) HDU4 @ 4X6 POST  
 (7) HDU5 @ 4X8 POST  
 (8) HDU8 @ 4X8 POST  
 (9) HDU11 @ 4X8 POST  
 (10) HDU14 @ 4X8 POST
- HOLD-DOWNS TO FOUNDATION**  
 (1) HDU2 @ 4X4 POST  
 (2) HDU4 @ 4X4 POST  
 (3) HDU5 @ 4X6 POST  
 (4) HDU8 @ 4X8 POST  
 (5) HDU11 @ 4X8 POST  
 (6) HDU14 @ 4X8 POST
- LEGEND:**  
 TS COL = TS 3"X3"X5/16" TUBE STEEL COLUMN  
 P = POST (SIZE PER PLAN)  
 PA = POST ABOVE  
 UPA = UNDER POST ABOVE  
 KP = KING POST (SIZE PER PLAN)  
 PD = POST DOWN  
 MSB = MULTI-STUD BEARING, MIN. (2) 2X  
 MST = SIMPSON MST STRAP  
 BW = BEARING WALL  
 BF = BALLOON FRAMED  
 CB = CEILING BEAM  
 (X) INDICATES BLOCKED DIAPHRAGM  
 10d SCREW NAILS @ 4" O.C.
- SHEAR WALL TYPE**  
 LENGTH OF SHEAR WALL  
 SEE DETAIL (S20) FOR SCHEDULE  
 ALL SHEAR WALLS SHALL BE BALLOON FRAMED TO ROOF/FLOOR SHEATHING ABOVE
- CONTINUATION OF SHEAR WALL BELOW**
- HARDY FRAME SHEAR WALL SYSTEM**  
 INSTALLED PER MANUFACTURER'S INSTRUCTIONS  
 SHEETS AND SPECIFICATIONS
- WALL ABOVE**  
**WALL BELOW**  
 2X6 OR 3X4 STUDS  
 "H" HANGER

R.C.E. Consultants, Inc.

REGISTERED PROFESSIONAL ENGINEER  
 No. 41068  
 EXP. 3/31/19  
 CIVIL  
 STATE OF CALIFORNIA

Phone (848) 486-5094  
17401 Irvine Boulevard, Suite A  
Irvine, CA 92714

SHEET TITLE

**3RD FLOOR FRAMING PLAN**

**2ND FLOOR FRAMING PLAN**

CUSTOM HOME PLANS FOR:

**KYLE & JODI REEVES**

PROJECT ADDRESS:  
 7210 W. OCEANFRONT  
 NEWPORT BEACH, CALIFORNIA

RCE PROJECT #

8/16/2017

REVISIONS

DRAWING SHEET

**83**







**Attachment**

**EXHIBIT B**

**Enclosed Loggia Photographs**





