

**Chapter 15.80 of the Newport Beach Municipal Code
“Application for an Appeal of decisions, determination or interpretation”**

Address: 7210 W Oceanfront, Newport Beach, CA, 92663

**Plan Check # 2932-2016
Building Permit # X2016-4273**



**House has been designed, engineered, built and inspected as
Approved plans and permits. Complies with all State Building Codes.**

**Owners Mr. & Mrs. Reeves
Sept 30, 2020**

INTRODUCTION

Why are we here?

To Receive final Certificate of Occupancy.

What is the space in question?

3rd floor Loggia (Enclosed Porch / Patio)

What is the problem with the Building Departments requirements for correction?

- The residence is currently built pursuant to the approved plans and it meets the building codes and ordinances as they exist at the present time.
- It does not consider the simplest, most effective, least expensive solution to the water intrusion problem which is to glaze the openings in the exterior walls of the enclosed Loggia/Porch.
- Simply adding sloping "or" drain to the floor of a room does not protect the walls, and interior integrity of the Porch space from driving rain. In the long term, the city's proposed solution will compromise the structure of the home without complete deconstruction, waterproofing and rebuilding of the 3rd floor.
- The code being referenced by the building department does not fit the definition of the space. You cannot apply roofing code to a floor of an enclosed covered space.

Solution?

- Follow the building codes as written and adopted to allow the windows to be re-installed to prevent water intrusion.
- This will not contribute to water proofing issues with the interior walls or floor of the 3rd floor Loggia.
- This will be the quickest most effective solution to the water intrusion issue and allow for immediate occupancy.

APPEALS

Email confirmation from Newport Beach Community Development Director Mr. Seimone Jurjis. (Exhibit 1)

Monday, October 5, 2020 3:05 PM

- *Residential/Building code requirements and Zoning code requirements. They are two distinct issues that are handled by different boards and commissions.*
- *Samir Ghosn is the Chief Building Official and he has authority to interpret the requirements of the Building and Residential codes.*
- *The Board cannot render an opinion or decision on items related to the Zoning Code.*

Tue 10/6/2020 5:50 PM

- *The Building and Fire Board of Appeals cannot hear items related to planning/zoning issues.*

Please disregard any zoning/planning references as this is strictly a California Building Code ("CBC") appeals. Any references to Zoning or Planning cannot be heard, considered or an opinion rendered, per the Community Director (**Exhibit 1**).

Letter from Samir Ghosn, dated September 17, 2020. (Exhibit 2)

See attached letter.

- To open with, Mr. Ghosn references the space in question as a "*third floor rooftop Loggia*". This would imply a 4th floor. As a Loggia (*Italian word for Porch*) is an area covered by a roof. So he is suggesting the location of this covered Loggia is on the rooftop of the 3rd floor. However, the space in question is an enclosed Porch on the 3rd floor. (or Loggia in Italian) A Porch/Loggia or "Patio Cover" has a floor and is protected and enclosed by a Roofing Assembly.
- 2nd, Mr. Ghosn states "*City inspectors were in the process of approving final inspections to issue a certificate of Occupancy (COO) when it was determined that the windows and sliding glass door had been installed to enclose the Loggia*".

Facts:

1. The windows and Sliding glass door (Glazing) had been installed 19 months prior with verbal approval from the city to protect the space from wind blown rain.
2. The same space had seen 7 further inspections from 3 different inspectors with the glazing installed.

3. The house had received Final COO on July 1, 2020 from Mr. Bill Tuman (City Inspector) (**Exhibit 11**). Then revoked the next day.
- Further stating the *"Loggia must remain open to comply with building codes."* This is also an incorrect statement. The California Building Code (State Law) identifies any space with either a *Roof Assembly* or *Exterior Walls* as *"Enclosed"* space. CBC has no restrictions for glazing openings in exterior walls, rather exterior walls that have openings that remain unprotected, must have a water resistive barrier, flashings, caps, and drips to prevent water damage. Furthermore, documents (Plans) are required to show all *weather protection for surfaces exposed to water from direct or blowing rain* prior to issuance of a building permit. Once a permit is issued for construction, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved. 7210 W Oceanfront has been Designed, Engineered, Reviewed, Approved, Permitted, built, inspected, and completed as *"Approved Plans"*.
 - However, While insisting the openings in the exterior walls must remain open to comply with CBC and believing openings in exterior walls define a space as *"open"*, he proceeds to say *"Alternatively, you were informed that you could seek a variance for enclosing the Loggia"*. The CBC already identifies the space as *"enclosed"*. This statement completely contradicts his whole letter. He is now either suggesting a Variance can grant approval to violate state law (CBC)? Or he agrees that glazing the openings is compliant with the CBC, as protection to the enclosed space.
 - Next, he quotes Chapter 9 *"Roofing Assemblies"* and *"in particular"* Roofing Materials. This has absolutely no relevance to a floor covered by a *roofing assembly* in an *enclosed* space (Porch/Loggia, Patio).
 - Further, *"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 in the first and second floors, and potential for mold growth"*. This statement is in accordance with the CBC. The purpose of the CBC is to set standards by state law, by establishing the minimum requirements to safeguard the public health, safety.
 - The letter states, *"you were advised that the water drainage issue would have to be corrected prior to issuance of a Certificate of Occupancy."* Furthermore, *"If you disagree with the City Building Official's determination that the water drainage must be addressed, Newport Beach Municipal Code ("NBMC") Chapter 15.80 provides the procedures for an appeal"*. Water *"Drainage"* is not required anywhere in the CBC for a floor inside an *"enclosed"* space. Water *"Prevention"* however, is California state Law (CBC). Therefore an appeal is required.

APPROVED PLANS (Exhibit 3):

- The approved, building plans do not require or indicate a sloped floor, flashing, waterproofing or “drainage” to be installed in the enclosed third floor Loggia. Furthermore the Threshold (*door track*) is also shown on the approved plans, which now he is requiring the removal of, causing substantial deconstruction and major repairs. (by doing so, would not change anything) (**Exhibit 3**)
- The third floor Loggia was designed, engineered, built, and inspected exactly as per the approved plans, but a Certificate of Occupancy has been denied for over 3 months creating great costs and hardship. (**Exhibit 10**)
- According to the California Residential Building Code (“CBC”) the use of exterior “Walls” clearly defines a space as Enclosed. No code exists that reference openings in walls as defining a space as “Open”. The Loggia is surrounded by structural load bearing and seismic engineered exterior walls.
- According to the California Residential Building Code (“CBC”) a Roof Assembly is for the purpose of “*enclosing the story below*”. The plans show a structural engineered seismic roof assembly across the complete 3rd floor enclosing the Loggia as well.
- Stating the “*Loggia must remain open*” is not only incorrectly quoted but an impossible task as it is already “*Enclosed*” as approved, inspected and built. Furthermore, the city provided no other requirements to protect against water intrusion, giving an option of glazing the openings for protection (per all codes).
- The City of Newport Beach Building, approved and issued a permit for construction (*Plan Check Number: AIC2016046 and Permit Number X2016-4273*) for the house as designed, engineered, built, inspected and complete.

Note: “*Loggia*” an Italian word for American Porch (**Exhibit 9**)

106. Construction Documents:

[A] 106.2.4 Exterior Wall Envelope:

Construction documents for work affecting the exterior wall envelope shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including windows, doors, flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane, and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the wind and weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

[A] 106.2.5 Exterior Balconies and Elevated Walking Surfaces:

Where the scope of work involves balconies or other elevated walking surfaces exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

[A] 106.3 Examination of Documents:

The code official shall examine or cause to be examined the submittal documents and shall ascertain by such examinations whether the construction or occupancy indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

[A] 106.3.1 Approval of Construction Documents:

Where the code official issues a permit, the construction documents shall be approved in writing or by stamp as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the code official. The other set shall be returned to the applicant, shall be kept at the site of work, and shall be open to inspection by the code official or a duly authorized representative.

109 Inspections:

[A] 109.3 Required Inspections:

The code official, on notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.10.

[A] 109.3.6 Weather-Exposed Balcony and Walking Surface Waterproofing:

Where the scope of work involves balconies or other elevated walking surfaces exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

Chapter 14 Exterior Walls:

Chapter 14 Exterior Walls:

EXTERIOR WALL. A wall, bearing or nonbearing, that is used as an enclosing wall for a building, other than a fire wall, and that has a slope of 60 degrees (1.05 rad) or greater with the horizontal plane.

1403.2 Weather Protection:

Exterior walls shall provide the building with a weather-resistant exterior wall envelope. The exterior wall envelope shall include flashing, as described in Section 1405.4. The exterior wall envelope shall be designed and constructed in such a manner as to prevent the accumulation of water within the wall assembly by providing a water-resistive barrier behind the exterior veneer, as described in Section 1404.2, and a means for draining water that enters the assembly to the exterior. Protection against condensation in the exterior wall assembly shall be provided in accordance with Section 1405.3.

1404.2 Water-Resistive Barrier:

A minimum of one layer of No.15 asphalt felt, complying with ASTM D226 for Type 1 felt or other approved materials, shall be attached to the studs or sheathing, with flashing as described in Section 1405.4, in such a manner as to provide a continuous water-resistive barrier behind the exterior wall veneer.

1405.2 Weather Protection:

Exterior walls shall provide weather protection for the building. The materials of the minimum nominal thickness specified in Table 1405.2 shall be acceptable as approved weather coverings.

1405.4 Flashing:

Flashing shall be installed in such a manner so as to prevent moisture from entering the wall or to redirect that moisture to the exterior. Flashing shall be installed at the perimeters of exterior door and window assemblies, penetrations and terminations of exterior wall assemblies, exterior wall intersections with roofs, chimneys, porches, decks, balconies and similar projections and at built-in gutters and similar locations where moisture could enter the wall. Flashing with projecting flanges shall be installed on both sides and the ends of copings, under sills and continuously above projecting trim.

1405.4.1 Exterior Wall Pockets:

In exterior walls of buildings or structures, wall pockets or crevices in which moisture can accumulate shall be avoided or protected with caps or drips, or other approved means shall be provided to prevent water damage.

CBC Exterior Wall Definition: “A Wall, bearing or nonbearing, that is used as an enclosing wall for a building,”

[BS] WALL (for Chapter 21). A vertical element with a horizontal length-to-thickness ratio greater than three, used to enclose space.

Appendix H, Patio Covers

AH 103.1 Enclosure Walls:

Enclosure walls shall be permitted to be of any configuration, provided the open or glazed area of the longer wall and one additional wall is equal to at least 65 percent of the area below a minimum of 6 feet, 8 inches (2032 mm) of each wall, measured from the floor. (Note: having an option to have 65% “Open” or Glazed does NOT change the “Enclosure walls” or definition of the space. If that was the case, the CBC would have just titled them as “Walls”.)

Roofing Definitions:

[BS] ROOF ASSEMBLY (For application to Chapter 15 only). A system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and the roof deck. A roof assembly includes the roof deck, vapor retarder, substrate or thermal barrier, insulation, vapor retarder and roof covering.

[BS] ROOF COVERING. The covering applied to the roof deck for weather resistance, fire classification or appearance.

[BS] ROOF DECK. The flat or sloped surface constructed on top of the exterior walls of a building or other supports for the purpose of enclosing the story below, or sheltering an area, to protect it from the elements, not including its supporting members or vertical supports.

The above Code and definitions clearly show the use of Walls and/or a Roof assembly identify a space as “Enclosed” and does not prevent glazing any openings in the exterior walls.

Corrective action:

To prevent Water intrusion into the 3rd Floor “Loggia” by glazing the openings as permissible by The California Building Code (CBC).

Attached please find (**Exhibit 3**), space in question. “3rd Floor Loggia”.

NBMC 15.80.030 Basis of Appeal.

*An application for appeal of orders, decisions or determinations made by the Building Official or the Fire Marshal shall be based on a claim that the **1) true intent** of either the building code or fire code or their related rules, as adopted by the City, have been **2) incorrectly interpreted**, **3) do not apply**, or an alternate equally good or **4) better** form of construction or **method of protection or safety exists**. The Building and Fire Board of Appeals shall **5) have no authority to waive the requirements of the City’s adopted building and fire codes or their related rules.***

1. True intent:

The California Residential Building Code allow for an enclosed, covered, outdoor recreational space that does not count towards the buildings “*Square Footage*”, “*Habitable*” or “*Buildable*” (both defined). The California Residential Building Code (“CBC”) clearly identify the use of "Walls" and or a “Roofing Assembly "as defining a space as "Enclosed". CBC clearly permits glazing of any openings in exterior Walls.

2. Incorrectly interpreted:

“**Open**” vs “**Enclosed**”. The 3rd Floor Loggia as designed, engineered, Approved, Built, Finished, and inspected is already “Enclosed” by state Law. Nowhere in any code do openings in an exterior wall classify a space as “Open”. If openings in exterior walls (Contrary to all Code) could classify a space as “Open” it would be logical to conclude a ratio or percentage would be applied to such openings. Otherwise, simply opening a window or having a 1”x1” opening in a Wall in a room would classify the space as “Open”. The city has failed to provide the supporting code or a ratio requirement by Code or otherwise that supports this definition or interpretation. Without definition or clarity of “Open”, **Exhibit 5** shows the Loggia remaining “Open”.

- **(Exhibit 4) – Openings vs Glazing:** Top picture shows the 3rd floor “Loggia” with windows installed; Bottom picture shows the Windows removed. By installing windows (Glazing) the location of the exterior walls do not change. Visually the building does not change in any way. Exterior Walls of a clearly define “Enclosed Porch”. Furthermore, by removing the windows (bottom Picture) as shown the space remains “*Enclosed*” per CBC, yet a water intrusion and health and safety issue now exists.

3. Do not apply:

The California Residential Code Sections R903, R905, R903.4, R903.4.1, R905.9 as quoted in Samir Ghosn’s letter, are all Chapter 9 “*Roofing Assemblies*” Code. This section of Code does not apply, as the “Loggia” is already covered by a “Roof” and identified and approved as “*Enclosed*”. The floor under the “*Patio Cover*” (appendix H) or “*Enclosed Porch*”, is not a roof (**Exhibit 6**). Note: The Floor is not a Roof with another Roof over it. The 3rd floor Loggia not only has a Roof but has exterior enclosure walls per CBC, and as approved, engineered, built, and inspected.

- **Exhibit 6** – Referenced Roof Code: “*The California Residential Code Sections R903 and R905, and in particular, Sections R903.4, R903.4.1, R905.9*” as referenced by Mr. Ghosn clearly do not apply. There is nowhere in the code that requires a floor under a roof to be subject to *Chapter 9 Roofing assemblies* Code. If Roofing code would apply to the floor in the “Loggia” then the city would have required sloping and (not “or”) drainage along with many other requirements such as flashing and the correct waterproofing and underlayment. Furthermore, the structure would have needed to be engineered with a floor system that was reduced in depth to accommodate the 2% roof sloping minimum requirement. This was never required from building when the permit was issued, or when the plan “Checker” checked the plans. The Floor in the enclosed covered “Loggia” was designed, engineered, built, and inspected with NO sloping, Draining, flashing correct underlayment, or waterproofing. To do so now would create huge economic waste and would cost more than \$100k, to complete that substantial renovation. This would still not change the space to “Open” rather it would just be an “*enclosed porch*” with openings in the exterior “*enclosure walls*” and a sloped floor.

4. Better method of protection or safety exists:

Clearly the re-installation of the glazing in the openings of the exterior walls is a code compliant better method of protection for the space. By doing so, this would not change the location, appearance, or definition of the space by state Code (CBC).

5. Board of Appeals shall have no authority to waive the requirements of the City's adopted building and fire codes or their related rules:

It is the City which is asking this Board to ignore the "adopted" building codes, which this Board cannot do according to the statute quoted above. By coincidence, the City has placed on the agenda for November a discussion of proposed changes which not yet adopted changes it wishes to impose on the applicant, contrary to the ordinance which requires this board to follow the "adopted" building codes.

The City of Newport Beach has *adopted* the states "*minimum*" requirements CBC "*Appendix H, Patio Covers*". (**Exhibit 8**) Also identified by Mr. Ghosn in his e-mail dated July 27 the "*Top Covered Patio*" (**Exhibit 7**). Currently the city has waived the CBC minimum requirements (Law) by not requiring **AH 103.1** (**Exhibit 8**) "**Enclosure walls** *shall be permitted to be of any configuration, provided the open or glazed area of the longer wall and one additional wall is equal to at least 65 percent of the area below a minimum of 6 feet, 8 inches (2032 mm) of each wall, measured from the floor*".

Exhibit 1

From: Jurjis, Seimone <sjurjis@newportbeachca.gov>
Sent: Monday, October 5, 2020 3:05 PM
To: 'kyle@bluskyinvest.com' <kyle@bluskyinvest.com>; joe@jmoclaw.com
Cc: Meeks, Joseph <JMeeks@newportbeachca.gov>; Ghosn, Samir <SGhosn@newportbeachca.gov>
Subject: RE: Application for Appeal - Building and Fire Board of Appeals

Hello Kyle,

I reviewed your appeal documents and it appears you are citing a mixture of both the Residential/Building code requirements and Zoning code requirements. They are two distinct issues that are handled by different boards and commissions. Hence, my earlier question clarifying that you were indeed appealing Samir Ghosn's interpretation of the Residential Code.

Samir Ghosn is the Chief Building Official and he has authority to interpret the requirements of the Building and Residential codes. If you want to appeal his interpretations then you would file an appeal with the Building and Fire Board of Appeals. He is the liaison for the Board and Samir and his assistant will handle your appeal including all documents you are submitting. He will be able to answer questions regarding timing.

The appeal procedure with the Board is laid out in the City municipal code. Here is the link: <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach15/NewportBeach1580.html#15.80>

The Board cannot render an opinion or decision on items related to the Zoning Code. If you are appealing my interpretation to the Zoning Code then you would file a separate appeal to the Planning Commission. Their procedures are also laid out in the City Municipal Code.



949-644-3282


SEIMONE JURJIS, P.E., C.B.O.
Community Development Department
Community Development Director
sjurjis@newportbeachca.gov



RE: Application for Appeal - Building and Fire Board of Appeals



Jurjis, Seimone <sjurjis@newportbeachca.gov>
To 'kyle@bluskyinvest.com'; joe@jmoelaw.com
Cc Meeks, Joseph; Ghosn, Samir

 Reply

 Reply All

 Forward



Tue 10/6/2020 5:50 PM

Hello Kyle

The Building and Fire Board of Appeals cannot hear items related to planning/zoning issues. Those items are reserved for the Planning Commission.

Samir Ghosn will reach out to you for a hearing date.

Thanks



SEIMONE JURJIS, P.E., C.B.O.

Community Development Department

Community Development Director

sjurjis@newportbeachca.gov

949-644-3282





**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

100 Civic Center Drive
Newport Beach, California 92660
949 644-3200
newportbeachca.gov/communitydevelopment

September 17, 2020

Mr. Kyle Reeves
7210 West Ocean Front
Newport Beach, CA 92663

Subject: Temporary Certificate of Occupancy for 7210 West Ocean Front
Newport Beach

Dear Mr. Reeves:

As you are aware, you recently completed construction of a third-floor rooftop loggia at the above property ("Loggia"). City inspectors were in the process of approving final inspections 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 you know, enclosing the Loggia is contrary to the approved plans for the project which clearly and expressly state that the Loggia is to remain open. The Loggia must remain open to comply with local zoning and building codes.

On August 4, 2020, City staff met with you on-site and informed you that while removal of the windows and sliding glass door was correct, you would also have to remove the sliding glass door track, and submit a revision to implement water drainage before a Certificate of Occupancy would be issued. Alternatively, you were informed that you could seek a variance for enclosing the Loggia in order to comply with planning requirements.

The California Residential Code Sections R903 and R905, and in particular, Sections 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 property. Additionally, City inspectors observed that the sliding glass door track compounded the issue by creating a "dam." 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 in the first and second floors, and the potential for mold growth. Accordingly, you were advised that the water drainage issue would have to be corrected prior to issuance of a Certificate of Occupancy.

We understand that you disagree with the City's determination that the water drainage issue must be addressed prior to the issuance of a Certificate of Occupancy. Further, we understand that you request that a Certificate of Occupancy be issued immediately.

Mr. Kyle Reeves
September 17, 2020
Page 2

In order to allow immediate use and occupancy of the property, the City will issue a Temporary Certificate of Occupancy. However, please note that the Temporary Certificate of Occupancy will expire and will not be renewed unless you promptly take steps to address the water drainage issue. If you disagree with the City Building Official's determination that the water drainage must be addressed, Newport Beach Municipal Code ("NBMC") Chapter 15.80 provides the procedures for initiating an appeal of the determination of the City Building Official. In particular, please note that NBMC Section 15.80.030 requires that appeals be initiated within fourteen (14) days.

Please note, if the Temporary Certificate of Occupancy expires and is not renewed, your use and occupancy of the property will be in direct violation of law. In particular, Section 111.1 of the California Building Code, and Section R110.1 of the California Residential Code, prohibit the use or occupancy of any building or structure without a Certificate of Occupancy. Such a violation is not only expressly prohibited by law, but would constitute a public nuisance, be subject to fines and penalties, and be grounds for legal or equitable action by the City to enjoin the violation which may include the imposition of attorney's fees and costs against you.

Should you have questions concerning this matter, please contact me at (949) 644-3277.

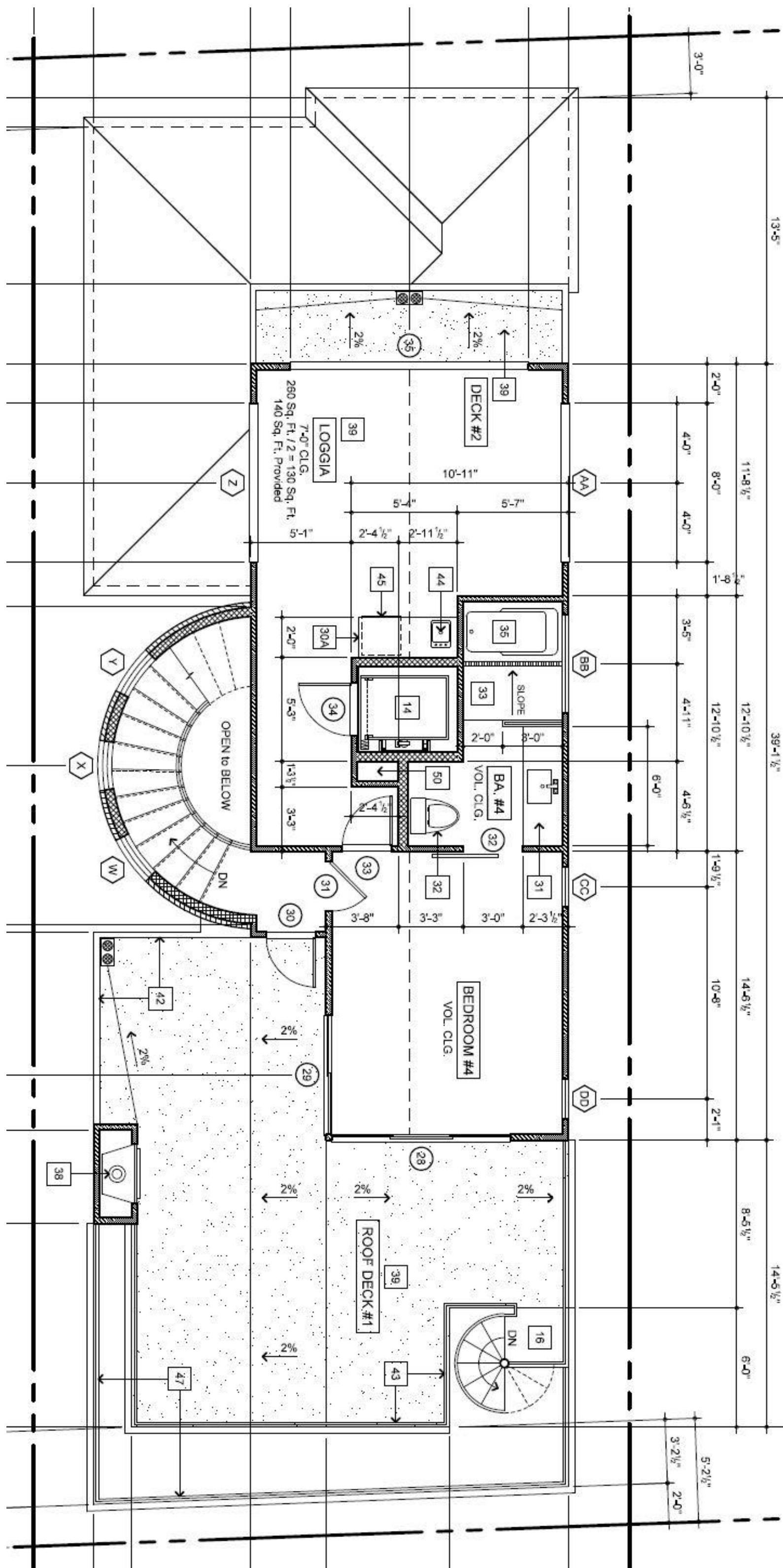
Very truly yours,

Community Development Department
BUILDING DIVISION

By:



Samir Y. Ghosn, MS, PE, CBO
Deputy Community Development Director | Chief Building Official



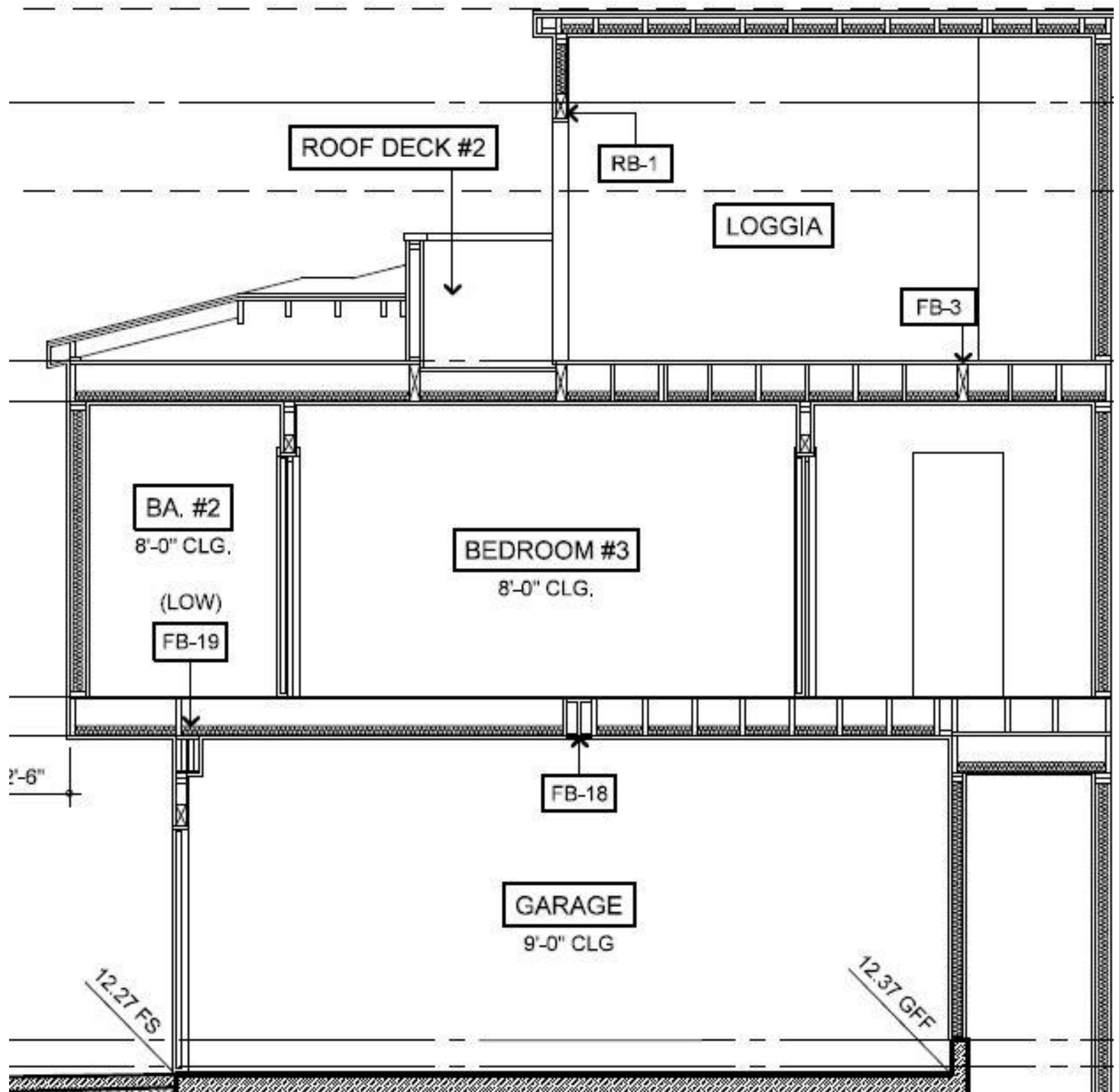
Architectural floor plan of the second floor, showing a central corridor (39) and various rooms. The plan includes dimensions, room numbers, and section markers.

Rooms and Dimensions:

- LOGGIA:** 260 Sq. Ft. / 2 = 130 Sq. Ft. (140 Sq. Ft. Provided). Dimensions: 10'-11" (width), 5'-1" (depth).
- DECK #2:** 140 Sq. Ft. Provided. Dimensions: 5'-4" (width), 5'-7" (depth).
- Bathroom Suite:** Includes a bathtub (35), toilet (31), and vanity (32). Dimensions: 5'-3" (width), 3'-3" (depth).
- Other Rooms:** 34 (5'-3" x 3'-3"), 33 (2'-0" x 3'-0"), 32 (2'-4 1/2" x 3'-3"), 31 (2'-4 1/2" x 3'-3"), 30A (2'-0" x 3'-3"), 45 (2'-4 1/2" x 3'-3"), 44 (2'-4 1/2" x 3'-3"), 43 (2'-4 1/2" x 3'-3").

Staircase: A curved staircase labeled "OPEN to BELOW" is located at the bottom left, with a "DN" (down) arrow.

Section Markers: AA, BB, CC, X, Y, Z, W.



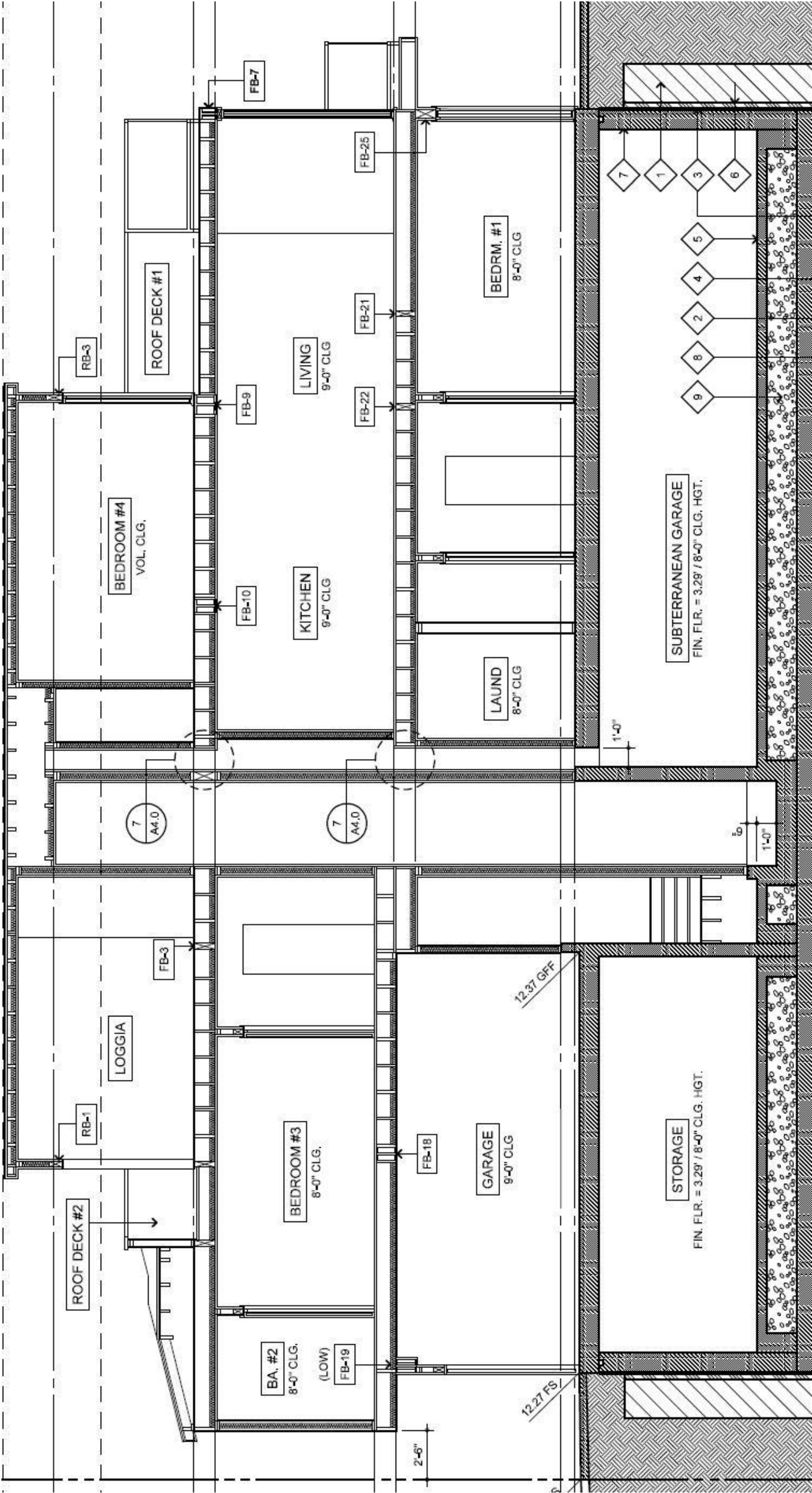


Exhibit 3



Exhibit 3



Windows Installed: City interpretation of “Enclosed”



Windows Removed: City interpretation of “Open”

Visually nothing changes. The location, roofing assembly and Exterior walls remain the same.

Windows Installed: City interpretation of “Enclosed”



Windows Removed: City interpretation of “Open”

Visually nothing changes. The location, roofing assembly and Exterior walls remain the same.

“Loggia Shall Remain Open”



California Building Code (CBC) only define “Enclosed” space. To be “Open” per CBC the space can NOT have exterior Walls or a Roof Assembly. The above pictures would qualify as the building departments interpretation as “Open”, since no percentage, ratio, description or definition has been provided.

Chapter 9 Roof Assemblies

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 with this code and the approved manufacturer's instructions such that the [roof assembly](#) shall serve to protect the building or structure.

R903.4 Roof Drainage

Unless roofs are sloped to drain over roof edges, roof drains shall be installed at each low point 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 roof perimeter construction extends 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 (51 mm) 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 (102 mm) shall be installed in the adjacent parapet [walls](#) with the inlet flow located 2 inches (51 mm) 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](#).

Section R905 Requirements for Roof Coverings

R905.9 Built-Up Roofs

The installation of built-up roofs shall comply with the provisions of this section.

R905.9.1 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).

Exhibit 7

----- Original message -----

From: "Ghosn, Samir" <SGhosn@newportbeachca.gov>

Date: 7/27/20 1:06 PM (GMT-08:00)

To: "'kyle@bluskyinvest.com'" <kyle@bluskyinvest.com>, "Tuman, Bill" <BTuman@newportbeachca.gov>

Cc: "Jurjis, Seimone" <sjurjis@newportbeachca.gov>

Subject: RE: Final Corrections

Hello Kyle,

The intent of the TCO is to allow you to move in while you are addressing the issue of drainage from the **top covered patio**. Keeping the sill will only allow the water from wind driven rain to accumulate and cause water intrusion problems.

The code requires all surfaces subject to weather events to be sloped and have drain and an overflow device to ensure against ponding.

The current arrangement does not meet code.

I know you stated in your last email that you are equally concerned and wanted to fix it. This is your chance to do it.

Thanks,



Samir Ghosn, MS, PE, CBO.

Community Development

Deputy Community Development Director/ Chief Building official

sghosn@newportbeachca.gov

949-644-3277

CITY OF NEWPORT BEACH

100 Civic Center Drive, Newport Beach, California 92660 | newportbeachca.gov

Appendix H Patio Covers

AH 103.1 Enclosure Walls

Enclosure walls shall be permitted to be of any configuration, provided the open or glazed area of the longer wall and one additional wall is equal to at least 65 percent of the area below a minimum of 6 feet, 8 inches (2032 mm) of each wall, measured from the floor.

Openings shall be permitted to be enclosed with any of the following:

1. Insect screening.
2. Approved translucent or transparent plastic not more than 0.125 inch (3.2 mm) in thickness.
3. Glass conforming to the provisions of Section R308.
4. Any combination of the foregoing.

Section AH101 General

AH101.1 Scope

Patio covers shall conform to the requirements of Sections AH101 through AH106.

AH101.2 Permitted Uses

Patio covers shall be permitted to be detached from or attached to dwelling units. Patio covers shall be used only for recreational, outdoor living purposes, and not as carports, garages, storage rooms or habitable rooms.

Loggia porch



A **loggia** is the Italian word for the American **porch**: a sheltered outdoor space attached to the main residence that's either partially open or enclosed on some or all sides to make a room. ... Most **loggias** are part of a house and are distinguished by arches and columns.

 The Spruce › what-is-a-loggia-2736...

What Is a Loggia? - The Spruce

Feedback

Unreasonable hardship and numerous requests for modifications and alternative methods have also been proposed. To no avail.

Final Certificate of Occupancy already issued, then revoked. July 1-2, 2020

- On July 1st, 2020, Bill Tuman (Building Inspector) e-mailed Mr. Reeves confirming the city had issued Final Occupancy saying, *"Hello Kyle, I have finalized your permit and released gas to the gas co."* COO had been issued. (Exhibit 14)
- On July 2nd, Mr. Reeves Called the gas company to confirm. The Gas company confirmed. Calling back at 4:54 pm that same day, Mr. Reeves was informed and read the e-mail the gas company received from Bill Tuman, Revoking the Occupancy
- On July 2nd, Mr. Reeves called and spoke to Samir Ghosn to find out what was going on. On that Call Mr. Ghosn informed Mr. Reeves that they had Revoked the COO because He had put windows in and did not build *"As approved Plans"*. He tried to explain the situation, but Mr. Ghosn didn't want to hear it or continue the conversation.
- During the month of December 2018, after heavy blowing Rain, and since it was permissible to glaze the openings by code, Mr. Reeves installed windows as a protection for the enclosed Loggia. The openings had been glazed for over 20 Months. During that time, the Loggia had seen 7 more inspections with 3 different inspectors (David Reed, Bill Tuman and John Burckle, *(Head building inspector at the time. Since retired)*).
- **Hardship:** Since Mr. Reeves and Family had scheduled to move in, be out of their other home, and had furniture already delivered, his fastest solution was to temporarily bring it back to "Approved Plans" per Mr. Ghosn, and deal with the situation after moving in. However, Occupancy has still been denied for 3 months now, despite the house being 100% code compliant and 100% to the finest details, as per "Approved Plans". Surmounting costs have and are being incurred, not to mention the stress, anxiety and pressure this has put on the Reeves Family. Currently with the carrying costs of a second home and the property taxes, the current cost is in excess of \$12,000 per/month.

Many E-mails over the past 3 months can all be provided upon request.

----- Original message -----

From: "Tuman, Bill" <BTuman@newportbeachca.gov>

Date: 7/1/20 5:02 PM (GMT-08:00)

To: 'Kyle Reeves' <kyle@bluskyinvest.com>

Subject: RE: 7210 W Oceanfront

Hello Kyle,

I have finalized your permit and release gas to the gas co.

Thank you,

Bill

From: Kyle Reeves <kyle@bluskyinvest.com>

Sent: Wednesday, July 1, 2020 11:51 AM

To: Tuman, Bill <BTuman@newportbeachca.gov>

Subject: 7210 W Oceanfront

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hey Bill,

Can you confirm Final as soon as you can So I can get the gas connected. You should have everything now.

Thx

Kyle

THE CODE CONSULTANCY

P. O. BOX 5374
HACIENDA HEIGHTS, CA 91745-0374
(626) 369-1228
Fax : (626) 330-5171
Cell: 626-483-6332
DBSCode@aol.com

Chuck Daleo, CBO
Building and Fire Codes, Legal Issues, Accessibility

Natalie Daleo, REHS
Hazardous Materials

E - MEMO

Date: October 14, 2020
To: Board of Appeals
City of Newport Beach, California

From: Chuck Daleo

RE: Kyle Reeves
7210 W. Ocean Front
Newport Beach, California

Purpose

I have been tasked by the appellant, Kyle Reeves, with the review of applicable documents and the 2016 California Residential Code as it pertains to the issue brought forth by the Building Official, Mr. Samir Ghosn.

Description

The subject room is an existing enclosed space that serves as an accessory use to the master bedroom.

Basis of this Appeal

Based on a letter dated September 17, 2020 by Mr. Samir Ghosn, he has required that this existing **enclosed** space be treated as an open space and subject to weather conditions. As a result of his interpretation, it would create an unfair hardship due to the reconfiguring the floor to drain and additional flashing throughout the space.

Due to this hardship, Mr. Kyle Reeves has no choice but to file an appeal. It is the intent of the appeal to reconsider the Building Official's interpretation and approve the room as an enclosed space.

The Appeal

In accordance with Section 113, the Board of Appeals may rule that the interpretation may have been incorrectly applied and the Board can overrule the Building Official. It is my onus to justify the Board's decision and overrule the building official.

Building Code Issues

The subject room is adjacent to the master bedroom. It does not affect means of egress and light and ventilation.

Based on my review there are no violations of the CRC and as such, the order to change the space to an open use lacks any merit and should be overturned.

Administrative Actions

Based on the documented history, the subject dwelling actually received via email a Certificate of Occupancy. This clearly indicates that an inspection has been performed and no violations of the CRC were found. Furthermore, in an email dated July 1, 2020, by Inspector Bill Tuman, the permit was finalized and the gas was released to serve the residence. By convention, it is understood that the release of the gas utility is the final action taken by a City and the building permit was apparently signed off.

Reference is made to a letter dated September 17, 2020 by Samir Ghosn. In this letter he has rescinded the C of O and replaced it with a TCO. His justification for this action was that the subject room had to be an open space and could not be enclosed. He apparently abstracted CRC requirement that does not apply to an enclosed room. It appears that he has undertaken a severe approach in this matter. In his final paragraph he has threatened a legal course of action that would include declaring the residence to be a public nuisance. It is doubtful that any legal review would support this allegation merely because a room is enclosed.

The board can determine that the Building Official acted in a manner that is not consistent with the intent of the CRC and the mandated responsibility for a Building Official to act in his capacity representing the City of Newport Beach

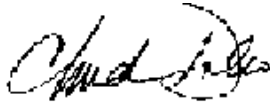
Qualification to Give an Opinion

I have attached my CV under a separate document.

Conclusion

It is my expert opinion that the subject room can be enclosed with glazed openings. It is my recommendation that the Board agree with my findings and approve the enclosed room and order the Building Official to issue a Certificate of Occupancy.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chuck Daleo". The signature is stylized with a large, looped initial "C" and a trailing flourish.

Chuck Daleo, CBO

CHARLES J. DALEO, C.B.O.
2308 Sarandi Grande Drive
Hacienda Heights, CA. 91745
(626) 369-1228 (home office)
(626) 483-6332 (cell)
(626) 330-5171 (fax)
DBSCode@aol.com

EXPERIENCE

1985 – 1/29/99 **CITY OF FULLERTON**
Building Official

Responsible for the management of a building and safety staff of two plan checkers, five building inspectors, an assistant planner (zoning) and two permit technicians. Responsible for the preparation and control of the division's budget of \$650,000. Duties include advising engineers, architects, contractors and homeowners on Code-related issues. Conduct weekly staff training sessions, advise the City Council and commissions on current issues involving the Codes and the community. Prepare and present Code adoptions to the City Council for consideration.

1974 - 1985 **LOS ANGELES COUNTY BUILDING & SAFETY**
Senior Engineering Building Inspector

Responsible for the management of a contract city building and safety office for the cities of La Verne and Azusa. Responsible for field inspection and supervision of subordinate building inspectors. Duties included the issuance of permits, plan checking for building and ancillary codes, supervision of assigned City staff. Advise City Council and commissions on Code-related issues.

1964 - 1974 **LOS ANGELES COUNTY FLOOD CONTROL DISTRICT**
Civil Engineering Technician

Responsible for the preparation and control of \$10-25 million budget for the Hydraulic Division. Section Head of the Special Assignments Section that produced hydrologic and hydraulic studies and reports. Conducted District-wide training programs. Prepared management studies including time management preparatory to down sizing prior to Proposition 13 implementation.

OTHER PROFESSIONAL EXPERIENCE

2000 to 2001 - **International Conference Building Officials**
Instructor and lecturer for national seminars in the Uniform Building Code.

1999 to present **Southern California Builder's Association**
Contributing author of Building Code articles for the newsletter, *Punch List*, which has a circulation of approximately 3,000.

1999 to 2010 **California Glass Association (disbanded)**
Building Code consultant to association members, task force member and advisor in California Building Codes. Lecturer at Glass Expo, the association's annual business meetings.

1988 - to 2001 **Fullerton College**
College Instructor

Provide Building Code instruction to evening students. There were two specialized courses of instruction; residential and commercial/industrial applications.

1992 **Rio Hondo College:**
Institute for Business and Industry Development

Curriculum development consultant for the training of construction personnel of the *People's Republic of China*.

1990 **Coastline Community College**
Corporate Education Instructor

Specialized training in the Building Codes for *The Walt Disney Company* worldwide construction staff.

1996 to present date **Corporate Training**

- Specialized training in the Building Codes for the *Los Angeles Community College District* construction managers and inspectors.
- Earthquake Preparedness for *Pacific Health Care*
- Earthquake Damage Assessment training for the *City of Pico Rivera* and five other jurisdictions.
- Building Code training for the *Synder-Langston University*
- ADA and Accessibility training for City of Los Angeles Parks Survey
- Building Code training for Bassenian & Lagoni, Architects
- Building Code training for KB Home corporate designers.
- International Building Code classes for numerous architectural firms.

1987 to present date **Building and Fire Code Consultant**

Provide consulting services to legal, design and construction clients. Scope of services include construction defects, code analysis, due diligence, forensic analysis, hazardous materials, ADA compliance and expert witness testimony. Author of numerous provisions of the Uniform Building Code.

2000 to 2002 **State of California**
Contract Plans Examiner - Accessibility

Review school plans for compliance with Title 24, Accessibility, for the Division of the State Architect, Access Compliance Section.

2002 to 2004 **City of Downey**
Building Project Manager

Oversee and coordinate construction activities at the former NASA site to ensure code compliance coupled with quality customer service. The requisite duties include the review of buildings that will be used for motion picture studios; a major Kaiser facility, including the clinics; and, a major retail center of approximately 300,000 square feet of space..

2005 **City of El Monte**
Consulting Building Official

Act as the Chief Building Official for the city. Manage all aspects of the Building Division, review current operations and recommend changes, prepare code adoption ordinances for City council approval, prepare revised fee schedules, prepare revised job class specifications.

2006 **National Glass Association**
Contributing author of Building Code related articles for national distribution.

EDUCATION

Attended various community colleges and universities majoring in construction engineering, as shown:

Cal-Poly Pomona	21.00	quarter semester units
Citrus College	10.50	"
Mt Sac College	3.00	"
East Los Angeles College	60.00	"
Los Angeles State College	34.50	"

CERTIFICATIONS

- **CABO** *Certified Building Official*
- **ICBO** *Certified Building Inspector*

Resume of Charles J. Daleo

- ICBO *Certified Plans Examiner*
- FEMA *Certified Emergency Services Manager*
- State of California, Community College - *Certified Instructor*
- State of California, Office of Emergency Services - *Certified Damage Assessor*

NOTEWORTHY ACCOMPLISHMENTS

- ◆ 2000 - President's Award, California Glass Association
- ◆ 1995 - Southern California 1994 Uniform Building Code Champion
- ◆ 1991 - Orange Empire Chapter Building Official of the Year

LECTURES AND PAPERS

- 2019 ACCESSIBILITY FOR ARCHITECTS**
NEWPORT BEACH
- 2017 ACCESSIBILITY FOR ARCHITECTS**
Newport Beach
- 2016 LA BASIN CHAPTER EDUCATIONAL SEMINAR**
LECTURER: Special Uses and Difficult Inspections?
- 2016 ORANGE EMPIRE CHAPTER EDUCATIONAL MATRIX**
Lecturer: Is it an H Occupancy?
- 2015 ORANGE EMPIRE CHAPTER EDUCATIONAL MATRIX**
Lecturer: Is it an H Occupancy?
- 2015 CALBO EdWEEK**
LECTURER: BUILDING DEPT. RELATIONSHIPS WITH OTHER AGENCIES
ONTARIO, CALIFORNIA
- 2015- ACCESSIBILITY LECTURE FOR ARCHITECTS**
NEWPORT BEACH
- 2015- LA BASIN CHAPTER EDUCATIONAL SEMINAR**
Lecturer: Is it an H Occupancy?
- 2014 ORANGE EMPIRE CHAPTER EDUCATION MATRIX**
Lecturer: Difficult Inspections
- 2014 LA BASIN CHAPTER EDUCATIONAL SEMINAR**
Lecturer: Mixed Uses and Parking Structure
- 2013 ORANGE EMPIRE CHAPTER EDUCATION MATRIX**
Lecturer: Special Uses, Industrial Uses
- 2013 LA BASIN CHAPTER EDUCATIONAL SEMINAR**
Existing Buildings and Chapter 34 of the CBC
- 2012 ORANGE EMPIRE EDUCATIONAL MATRIX**
Lecturer, Industrial uses under the 2010 CBC
- 2012 LA BASIN EDUCATIONAL MATRIX**
Lecturer, Mixed Uses Under the 2010 CBC
- 2011 CHINESE DELEGATION OF PRIVATE DEVELOPERS**
Lecturer, Building Codes and Practices in the United States
- 2010 CHINESE DELEGATION OF MINISTRY OF CONSTRUCTION**
Lecturer, Building Codes and Practices in the United States
- 2010- ORANGE EMPIRE/LA BASIN EDUCATION MATRIX**
Lecturer, Accessibility for Residential Uses
Lecturer, Uses and Special Uses Under the 2010 CBC
- 2009 AIA – LOS ANGELES**
Lecturer, "Hot Topics in the 2007 CBC"
- 2009 ORANGE EMPIRE EDUCATION MATRIX**
Lecturer, Uses and Special Uses Under the 2007 CBC
- 2009 ACCESSIBILITY FOR ARCHITECTS**
Lecturer, Required Class for Architect License Renewal
- 2008 ORANGE EMPIRE EDUCATION MATRIX**
Lecturer, Mixed Uses Under the 2007 CBC

Resume of Charles J. Daleo

- 2008 THE TRANISTION TO THE NEW IBC**
Lecturer, Various Locations
- 2007 THE TRANISTION TO THE NEW IBC**
Lecturer, Various Locations
- 2007 SOUTHERN CALIFORNIA BUILDERS ASSOCIATION**
Lecturer, Accessibility Requirements for Tenant Improvements
- 2006 LORMAN EDUCATIONAL, SAN DIEGO, CALIFORNIA**
Lecturer, Mixed-Use Buildings Under the CBC.
- 2006 LORMAN EDUCATIONAL, LAS VEGAS, NEVADA**
Lecturer, Mixed-Use Buildings Under the IBC.
- 2006 CALIFORNIA GLASS ASSOCIATION, ANAHEIM, CALIFORNIA**
Lecturer, Building Codes Affecting the Glazing Industry..
- 2006 LORMAN EDUCATIONAL, SAN BERNARDINO, CALIFORNIA**
Lecturer, Mixed-Use Buildings
- 2005 LORMAN EDUCATIONAL, SAN DIEGO, CALIFORNIA**
Lecturer, Mixed-Use Buildings
- 2005 CALIFORNIA GLASS ASSOCIATION, LAS VEGAS, NEVADA**
Lecturer, When Glass Must be Fire-rated..
- 2004 CALIFORNIA GLASS ASSOCIATION, LAS VEGAS, NEVADA**
Lecturer, When Glass Must be Fire-rated..
- 2004 CALIFORNIA REAL ESTATE INSPECTORS ASSN., SAN DIEGO, CALIFORNIA**
Lecturer, The Final Inspection and How it Affects Home Inspectors.
- 2004 CALIFORNIA BUILDING OFFICIALS ABM, LONG BEACH, CALIFORNIA**
Lecturer, Mixed-Use Buildings
- 2003 ORANGE EMPIRE TRAINING ACADEMY**
Lecturer, Inspection of Fire Rated Assemblies & Openings
- 2003 CALIFORNIA GLASS EXPO, LAS VEGAS, NEVADA**
Lecturer, Fire Rated Assemblies & Openings
- 2002. CALIFORNIA GLASS EXPO, LONG BEACH, CALIFORNIA**
Lecturer, Egress And Exit Doors, Occupancies and Separations
- 2002. SOUTHERN CALIFORNIA BUILDER'S ASSN., LONG BEACH, CALIFORNIA**
Lecturer, Access Requirements in Existing Buildings
- 2001. CALIFORNIA TRAINING INSTITUTE, ONTARIO, CALIFORNIA**
Lecturer, Occupancies and Allowable Areas
- 2001 CALIFORNIA GLASS EXPO, LAS VEGAS, NEVADA**
Lecturer, Fire Rated Assemblies, IBC vs. UBC
- 2001 CALIFORNIA TRAINING INSTITUTE, CONCORD CALIFORNIA**
Lecturer, Occupancies and Allowable Areas
- 2000 CALIFORNIA GLASS EXPO, ONTARIO, CALIFORNIA**
Panelist, Fire Rated Assemblies
- 2000 ORANGE EMPIRE TRAINING ACADEMY**
Lecturer, Inspections of Hi-Tech Businesses
- 2000 ORANGE EMPIRE CHAPTER, ICBO**
Lecturer, Group H Occupancies-Misconceptions
- 2000 AIA – SAN FERNANDO VALLEY CHAPTER, LOS ANGELES, CALIFORNIA**
Lecturer, Egress Provisions of the 1997 Uniform Building Code
- 1999 CALIFORNIA TRAINING INSTITUTE, RIVERSIDE, CALIFORNIA**
Lecturer, Occupancies and Allowable Area
- 1999 CALIFORNIA GLASS ASSOCIATION, RENO, NEVADA**
Panelist, Building Code Applications for Glazing
- 1999 CALIFORNIA REAL ESTATE INSPECTORS ASSN., NEWPORT BEACH, CALIFORNIA**
Lecturer, *The Final Inspection and How it Affects Home Inspectors.*
- 1999 UNIVERSITY OF TEXAS-ARLINGTON, ARLINGTON, TEXAS**
Lecturer, Occupancies and Type of Construction
- 1998 CALIFORNIA TRAINING INSTITUTE, RIVERSIDE**
Lecturer, *State Laws Affecting Building Departments*
- 1998 CALIFORNIA TRAINING INSTITUTE, SACRAMENTO**
Lecturer, Damage Assessment Certification Training
- 1997 CALIFORNIA GLASS ASSOCIATION ANNUAL EXPO AND CONFERENCE, ANAHEIM**

Resume of Charles J. Daleo

- Panelist, Code Updates Affecting the Glass Industry.
- 1997 ORANGE EMPIRE TRAINING ACADEMY, ICBO, TUSTIN**
Lecturer, *Oddities of the 1994 UBC.*
- 1997 ORANGE EMPIRE TRAINING ACADEMY, ICBO, ANAHEIM**
Lecturer, Occupancies under the 1994 UBC.
- 1996 CALIFORNIA BUILDING CODES INSTITUTE, LOS ANGELES**
Lecturer, *"State Laws Affecting Building Departments"*
- 1996 ORANGE EMPIRE TRAINING ACADEMY, ICBO, FULLERTON**
Lecturer, Occupancies under the 1994 UBC.
- 1996 INDUSTRIAL COUNCIL OF ORANGE COUNTY, CYPRESS**
Lecturer, *"Earthquake Damage Assessments for Industry"*
- 1996 CALIFORNIA BUILDING OFFICIALS, ANNUAL EDUCATION PROGRAM, CITY OF INDUSTRY**
Lecturer, *"Technical reports for H Occupancies"*
- 1995 CALIFORNIA BUILDING CODES INSTITUTE, COSTA MESA**
Lecturer, *"State Laws Affecting Building Departments"*
- 1995 ORANGE EMPIRE TRAINING ACADEMY, ICBO, ANAHEIM**
Lecturer, Occupancies under the 1994 UBC.
- 1995 INLAND EMPIRE CHAPTER, ICBO, MORENO VALLEY**
Lecturer, H Occupancies - *"Solutions To Regulatory Problems"*
- 1994 CALIFORNIA BUILDING CODES INSTITUTE, RIVERSIDE**
Lecturer, Occupancies
- 1994 ORANGE EMPIRE TRAINING ACADEMY, ICBO, SANTA ANA**
Lecturer, *"Lessons Learned From the Northridge Earthquake"*
Panelist, Damage Assessments and Mutual Aid
- 1994 AMERICAN INDUSTRIAL PLANT ENGINEERS, NATIONAL CONVENTION, ANAHEIM**
Lecturer, *"Seismic Safety in the Industrial Facility"*
- 1994 ORANGE EMPIRE TRAINING ACADEMY, ICBO, COSTA MESA**
Lecturer, *"Building Official Solutions for Design Problems"*
- 1993 ASHRAE SPRING SEMINAR, LOS ANGELES**
Lecturer, Building Code Applications for Refrigerants
Presenter, *"Refrigerants Under the Building Code"*
- 1993 CALIFORNIA BUILDING CODE INSTITUTE, ONTARIO**
Lecturer, State Laws Affecting Laboratories, Day Care and Housing.
- 1993 ORANGE EMPIRE TRAINING ACADEMY, ICBO, FULLERTON**
Lecturer, Hazardous Occupancies
Presenter, *"Technical Reports Under The Building Code"*
- 1992 CALIFORNIA BUILDING CODE INSTITUTE, COSTA MESA**
Lecturer, Hazardous Occupancies
Presenter, *"Secondary Containment Under the Building Code"*
- 1992 ORANGE EMPIRE TRAINING ACADEMY, GARDEN GROVE**
Lecturer, Hazardous Occupancies
Presenter, *"Combustible Dust Under the Building Code"*
- 1992 LIONS CLUB BUSINESS DEVELOPMENT SESSION, FULLERTON**
Lecturer, Effects of the ADA on Small Businesses
- 1991 ORANGE EMPIRE TRAINING ACADEMY, GARDEN GROVE**
Lecturer, Hazardous Occupancies
- 1990 HAZARDOUS OCCUPANCIES SYMPOSIUM, FULLERTON**
Program Director
Lecturer, Procedures for Classifying Hazardous Occupancies
Presenter, *"Control Areas Under the Building Code"*

PROFESSIONAL AFFILIATIONS

- International Code Council
- International Conference of Building Officials (ICBO)

Resume of Charles J. Daleo

- President - Orange Empire Chapter 1990*
 - California Building Officials (CALBO)
State Historical Building Code Committee - 1988-1991
Contractor's License Board, Advisory Committee - 1986-1988
 - California Building Code Institute (CBCI)
Instructor
 - Orange Empire Training Academy, ICBO
Director and instructor
 - North Orange County Community College District
Curriculum Advisory Committee
 - National Fire Protection Association (NFPA)
Member
 - International Fire Code Institute (IFCI)
Charter Member
 - National Conference of States on Building Code Standards (NCSBCS)
Member (Retired)
-
-
-
-

REFERENCES

MIKE DILLON, M.E.

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Long Beach, CA 90807
(562) 434-4640

George Hanna

Hanna Construction
1203 W. Shelley Court
Orange, CA 92668
(714) 633-8200

CASEY MANSFIELD

Instructor, Construction Technology
Ventura College
461 Day Road
Ventura, CA 93003
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Law Offices of Wolf and O'Connor
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Woodland Hills, CA 91367

Michael Butler, Esq.

Director of Environmental & Regulatory Affairs
Behr Paint
3400 W. Segerstrom Avenue
Santa Ana, CA 92704-6405
(714) 545-7101, ext 2304

William Martin

VP of Construction
The Irvine Company
550 Newport Center Drive
Newport Beach, CA 92660
949-551-2300

John Rochford

President
Snyder Langston Construction
17962 Cowan
Irvine, CA 92614
949-863-9200

CONSULTING CLIENTS

(Partial List)

Behr Paints – National Consultant - Flammable Liquid and Aerosol Storage Warehouses

Shea Properties – Building and Fire Code Analyses for commercial development

Snyder Langston – Building and Fire Code Analyses for commercial construction issues including hotels and mixed-uses.

Seagate Substrates - Plating line and storage of hazardous materials

Pioneer Video – Use of flammable liquids in DVD production

Ford Motor Company – Prototype dealer facility

The Irvine Company – Accessibility Issues

Liberty Mutual Insurance – National Consultant - Legal issues including ADA complaints

Big Lots – Major logistics facility.

Lucas Development – Fair Housing Action – Accessibility Issues

Metal Surfaces – Plating line facility

UPS – Accessibility injury claim.

Leslie Pool Supply – Retail sales of pool chemicals and supplies

Renaissance Doors & Windows – Manufacture of custom doors & windows

Alliance of Motion Picture and Television Producers – Code Development

LA Fitness – National Consultant – Fitness Centers

BASF – Flammable Liquid Storage Warehouse Facilities

DR Horton – California & Nevada consultant - Multi-family development

Yokohama Tires – Storage of rubber tires

BUNZL – Storage of food-related products

Metallica – Storage of musical recording media

KB Home – Residential Construction Nationwide

TO: BUILDING & FIRE BOARD OF APPEALS and THE RESIDENTS OF NEWPORT BEACH

FROM: Kyle Reeves
Owner/Builder
Kyle@bluskyinvest.com
949.610.3681

SUBJECT: 7210 W. Oceanfront, Appeal of the Building Official's 2nd Letter.
A reply to Samir Ghosn's letter submitted after the appellants' appeal submittal.
In any legal proceeding the appellant gets the final reply.

APPLICANT: Kyle Reeves, Owner/Builder

Mr. Ghosn has elected to introduce for the first time the word "***Unenclosed***" as an attempt to mislead not only the Board but the public as well. He has titled this appeal, for public viewing, "*Appeal of the Building Official's Determination to Require Drainage and Remove Sliding Glass Door Track from an Unenclosed Loggia on the Third Level.*" Not only is this contrary to the facts (as discussed below), but it is an issue which is only relevant to zoning/planning, which matters are outside of the scope of both Mr. Ghosn and outside the scope of this Board.

Mr. Ghosn's letter, in opposition to the appeal is a clear attempt at concealing the real issue (and contrary to his original letter) of the space being defined as already enclosed by way of exterior walls. The space in question is clearly defined as "*enclosed*" in both the CRC and the NBMC and further supported by the expert Code consultants clearly qualified letter of opinion.

A simple search of an "*Open Porch*" or an "*Enclosed Porch*" (***NBMC Chapter 20.70 Definitions***) on the city's own website, clearly define the space as enclosed. "*Open*" can **NOT** have ANY walls and can ONLY have columns for the purpose of supporting the roof. "*Enclosed*" can have walls with fixed or removable windows and CAN be heated or Cooled. Furthermore, a simple search of "Enclosed" throughout the CBC clearly defines the space as "Enclosed" (shown in my previous appeals documents). However, Mr. Ghosn in his clever attempt to hide the codes clearly defined words from the board and public, has elected to deceive with "***Unenclosed***". Unfortunately for him, he should have performed a simple Google search of "***Unenclosed***". Google Search results, first and foremost: (**Exhibit 1**)

un·en·closed

adjective

1. not enclosed by walls or fences.

Further, many dictionary searches of the word used in a sentence reference an "Unenclosed Porch".

The reason why his letter is so confusing is because he is trying to redefine and cover up the fact that the City has denied many Newport Beach home developers of their legal rights. For example, replacing such defined words as “*Habitable*” with “**Buildable**” even underlining the replaced word to deceive and further deny rights to property owners of Newport Beach. This has substantially reduced the square footage owners were legally allowed to build on the 3rd floor. This means the city has been denying the most valuable square footage to residents of Newport Beach even though the codes and ordinances would have allowed much more space. The City is in the process now of trying to remove and replace words thereby changing the code to support what they have been illegally enforcing for over 10 years. **(Residential Design Standards Code Amendments (PA2019-070))** see the proposed changes and words the city wants to remove. “~~Habitable~~”

In Mr. Ghosn’s continued attempt at keeping this issue from the public eye, he has not followed the very Code of appeals he quoted in his first letter. There he stated “*If you disagree with the City building Officials determination that the **water drainage must be addressed**, (that being the appeal) Newport Beach Municipal Code (“NBMC”) Chapter 15.80 provides the **procedures** for initiating an appeal...*” (This was also noted in my previous letter/Docs).

However, Mr. Ghosn wants to quote that chapter but does not want to comply with its requirements. In that very section (**15.80**) where he noted it gives the “*Procedures*”.

Section **15.80.060 “Procedures”**.

B. Notice and Public Hearing. *An appeal hearing shall be a public hearing. Notice of appeal hearings shall be given in the manner required for **other public hearings** within the City.*

Chapter 20.62 “PUBLIC HEARINGS”

This section titled “Public Hearings” clearly outlines the “Procedures” for a “Public Hearing” including but not limited to Publishing in local Newspaper, mailing notices to the appellant and nearby property owners, posting signs along with many other requirements. Mr. Ghosn again in his attempt to conceal, has tried to lean on the “Brown Act” to avoid the city’s own requirements.

First submitted Appeals Documents:

In our first Appeals documents submitted according to section **15.80** to the Director, within the required 14 days, we addressed the blended California Residential Building Code (CBC) and the Newport Beach Municipal Code (NBMC) found throughout Mr. Ghosn’s Letter dated September 17, 2020 (The 1st Letter we appealed) However, Mr. Seimone Jurjis (Director) informed us that Mr. Ghosn can ONLY interpret the Building code and that he or “*The Board cannot render an opinion or decision on items related to the Zoning Code*”. However, Mr. Ghosn continues to blend Planning/Zoning with building where he has no authority to do so per the Director and **Section 15.80**, he himself quoted. He has decided to mislead the board and public with the real issue when the enclosed Loggia has been already approved by Planning/zoning. We resubmitted our appeals to Mr. Jurjis removing all related planning/zoning information, all to have Mr. Ghosn submit a reply which is riddled with false statements and incorrect Planning/zoning comments and exhibits. By doing so, and as the appellant, we are permitted to address each false, misleading, and deceitful statement that has been submitted in his reply to our appeal, contrary to ALL appeals procedures.

Appeal of Mr. Ghosn 2nd Letter

Mr. Ghosn's "Recommendation":

It is Mr. Ghosn's recommendation that I, as owner/builder bear the financial hardship to reconstruct a home completed as approved plans rather than accept a "*better form of construction or method of protection or safety exists*" **per 15.80.030**. of glazing the openings in the "Enclosed" Loggia (or Porch in English). This is not only approved by (CBC) and (NBMC) but is clearly defined as the means to protect the already enclosed space (regardless of its use or space classification). He further asks the board to require the removal of a "*sliding door track*" (previous communications he called it a threshold) "*contrary to approved plans*". Again, he is asking to remove something that he says is "*Contrary to the approved plans*". He wants the board and the public to believe the "track" is not on the plans, yet the "*approved plans*" clearly show the Threshold (or door track he is now calling it) as per EVERY exterior door threshold/sliding door on the "*Approved plans*" (**Exhibit 2**) He elected to not highlight that on the approved plans in his new "appeals" exhibits.

"Discussion:"

Mr. Ghosn's 2nd Letter "Background":

Here Samir states "*the approved plans specifically show the opening serving the Loggia to remain open as noted in his Exhibit A*". The only opening that serves the Loggia is the door shown on the approved plans from the bedroom. The only access to this room is from the adjoining bedroom. What I believe he is referring to, is the openings in the exterior walls. In the "*Window Schedule*" Mr. Ghosn refers to, but does not include in his Exhibits, show waterproofing and flashing ONLY on the exterior walls for glazed openings, leaving no protection for the interior walls or floor. This is a generic window schedule included on all plans submitted by this architect. These plans were not designed or completed by myself, rather provided by the project architect with my assumption the city would follow the CBCs requirement to plan check all areas for accurate approved design. The same "approved plans" show a level floor at the same elevation as the adjoining bedroom and interior elevator with the "exterior" Decks dropped, sloped, and drained per code. Again, Mr. Ghosn shows Planning/Zoning notes but fails to include the actual "Plan check" where the Planner simply noted the "Loggia SHALL remain Open" (**Exhibit 3**). "Shall" legally defined as "May". ("*Even the Supreme Court ruled that when the word "shall" appear in statutes, it means "may"*"). Leaving the option for glazing as a protection to the enclosed space should it be needed (per CBC "Patio Cover" or NBMC "Enclosed Porch"). Furthermore, if "Open" was not defined, it would be logical to conclude a ratio, or percentage, or some means of defining how much open would classify a space as "Open" would be provided rather than have it left to each plan checker creating inconsistencies throughout the city (as is now, GREATLY contributing to massing). Fortunately, the CBC and NBMC clearly defines it already. Regardless, having an "Enclosed" Loggia or "Porch" (per the cities definitions and further defined by Mr. Ghosn's new "**Unenclosed**" definition) to remain "Open" is an Oxymoron and impossible!

His last sentence *“the Loggia must (word never used) remain open to comply with local Zoning and Building codes”* was addressed in my previous appeal and is simply untrue.

Next Mr. Ghosn states, *“Samir Ghosn and Principal Inspector Steve Lane met with Mr. Reeves at the site to inspect the site condition relating to the Loggia” This is outright **FALSE!** Mr. Ghosn has NEVER stepped foot on our property. While attempting to show Mr. Ghosn the extent of repairs needed for what he is demanding, it was the city manager’s office recommendation, that he meet on site to discuss and see in person the issue. He refused to do so. Rather, he used the excuse of Covid to only offer a zoom call (**Exhibit 4**). However, during the same time, He had no problem sending building inspector Bill Tuman to meet on site. On a Zoom call Aug 4, 2020 3:30 pm, with my son Blu Reeves and friend Jeremy Wilkens, we talked with Samir Ghosn and Steve Lane (Building inspector). That Zoom call was noticeably short as Samir immediately said *“Kyle, I don’t mind if you want to talk with planning and seek a variance to put the windows back in as a solution.”* This would suggest that if windows can be installed in compliance with Building code then there is no building code violation, yet Mr. Ghosn wants to waste mine, the boards, and the public’s time, along with taxpayer’s money. Both my Son and Jeremy were witnesses to this along with the call has been recorded. With that the call ended. He did not even talk about drainage or sloping nor did he look at or discuss the extend of work it would require to waterproof, slope, flash and drain the space. Further support to the above, during that call Samir e-mailed myself ccing Steve Lane and Nova Makana (Planner) saying *“Hi Kyle, If you wish to seek a variance for enclosing the space, that would remove the building issues as it stands now since it would be an enclosed space. Thanks,”*. (**Exhibit 4**). Again the building official doesn’t know the meaning of “Enclosed”.*

He further goes on to say, (despite never being there as he claims), *“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”*.

- 1) *“The windows were removed”* (NBMC) **“Enclosed Porch”** says it can have *“Permanent or Removable windows”*. By removing the windows, it still remains an “Enclosed Porch”.
- 2) *“opened to the exterior deck”* would imply the space in question is an “Interior” space. Exterior walls enclose the interior of the home (Per CBC)

He then states, *“The tile floor was installed level with no provisions for drainage”*. This statement clearly was given no thought. Not only does the space have a “Level” floor with no provision for drainage, but it also has no waterproofing, flashing or any provision for water intrusion as per the exact plan checked and *“approved plans”*. The space and floor were designed and engineered as a structural diaphragm with structural seismic exterior walls and approved with *“no provision for drainage”* Yet that comes as a big surprise to Mr. Ghosn! Mr. Ghosn has expressly passed negligence on his staff and his own department to which he is head of.

“Code Issue:”

Mr. Ghosn, now goes on to point out all the items he feels the city building department to which he is head of, were negligent in pointing out or addressing during plan check from staff whose only job is to ensure designs submitted meet minimum standards for building and safety by law. He is insisting this be my problem as an owner builder never building a house in the USA and that I should bear the cost. Again, mentioning the removal of a sliding door track that is clearly shown on the approved plans.

“Code Analysis:”

Mr. Ghosn is again focusing on Planning and Zoning. So, we will address the same points and clarify the facts we have come to learn and know. He states, *“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”*.

- 1) Windows do **NOT** enclose a space, by CBC, NBMC and the definition of Mr. Ghosn’s newest word **“Unenclosed”**, nor does it change the classification of the space. WALLS enclose the space. Glazing the openings in the exterior walls only protect the enclosed space from water intrusion.
- 2) The “Floor area limit” Mr. Ghosn is referring to is **NBMC 20.48.180 (3)** *“Allowed Floor Area. The maximum gross floor area of habitable space that may be located on a third floor or above twenty-four (24) feet in height shall not be greater than either of the following: ii. Twenty (20) percent of the total buildable area for lots thirty (30) feet wide or less.* This is the very section of code the city is trying to change and remove the defined word **“Habitable”** to reflect the deceit and denial of “allowable” floor area on the 3rd floor they have been enforcing for over 10 years. In the Cities **“Residential Zoning Corrections”** PDF along with many e-mails and conversations with Residents, Builders and Architects, the city has replaced the word “Habitable” with **“Buildable”** and “Allowable”, even underlining the word as further deception where the same word is not underlined elsewhere in the same document (**Exhibit 3**). They have also stated only 20% is **“Allowable”** on the 3rd floor. This is FALSE and has denied not just my family the most valuable square footage of our home, but also many other property owners in Newport Beach. This is another reason Mr. Ghosn is trying not to expose this publicly. Both **“Habitable”** and **“Buildable”** are defined in the NBMC and CRC as vastly different. (**Exhibit 3**) Mr. Ghosn also fails to point out that since we were denied the allowable square footage on the 3rd floor and were forced to greatly reduce the “Habitable” space, we are short overall on our total home Buildable, enough to make that space approved per the cities own Code. This is undisputable. Regardless, the **CBC Appendix H “Patio Covers”** define an “Enclosed” outdoor recreational space that is NOT buildable or Habitable and still would not count against the floor limit. Also, the **NBMC** names the space as an “Enclosed Porch” (American Loggia) which are also outdoor recreational spaces not counted.

- 3) Next, he mentions the setbacks. On our “Approved plans” the plan “Checker” noted in the corrections (**Exhibit 3**) that the **Setbacks** **Setbacks are measured from the property line to finished surface, unless otherwise specified*) Third Floor **Front 15 Rear 15**. No “*Otherwise noted” comments were made in the “(30) Comments:” section. The third floor was designed by the architect, approved and built as that 15’ requirement and under the guidance of the planning department. Furthermore, Mr. Ghosn is noting the “Setbacks” because there it states **(20.48.180 (b) “Enclosed square footage located on the third floor shall be set back a minimum of 15 feet from the front and rear setback lines”** Which only the city would know that, and this is why Mr. Ghosn has been trying to deny the true definition of “Enclosed”. I, as owner/builder can only assume the city plan checkers know what they are doing and would know their own written code and definitions. By unqualified staff not knowing their own NBMC or the CBC along with the difference between “Open” or “Enclosed” they are making up their own rules as they go. This has drastically created a “Massing” issue that they are now trying to rewrite the code, when the code already prevents 3rd floor massing. By just following the code this would have allowed property owners what they are legally entitled to and would reduce the massing issues. **Exhibit 5** shows the cities own inhouse definition of “encroaching” and the actual 3rd floor setbacks. Any logical thinking person can clearly see they have no idea the intent and clear language of “Open” or “Enclosed”. While my house is ½ the size on the 3rd floor, as the majority of approved houses in the city, Mr. Ghosn has denied my COO and says I need a “Variance” or that I am violating Building code. Yet even “If” their unsupported logic of “open” were accurate the cities own code still clearly identifies “Encroachments” for 3rd floor. **NBMC 20.70** defines all setbacks as *“unobstructed and unoccupied from the ground upward, except for encroachments allowed in compliance with section **20.30.110**”*

“Each required setback area shall be open and unobstructed from the ground upward, except as provided in this section”

D. Allowed Encroachments into Setback Areas. Encroachments into required setback areas are allowed in compliance with the standards in this subsection, except as provided in subsection (D)(1) of this section.

*a. Roof overhangs, brackets, cornices, and eaves may encroach up to thirty (30) inches into a required front, side, or rear setback area, **including required third floor front or rear setbacks**; provided, that no architectural feature shall project closer than twenty-four (24) inches from a side property line and a minimum vertical clearance of at least eight feet above grade is maintained.*

Even with the city’s misinterpretation of “Open” and “Enclosed”, Clearly walls and roofs still can NOT encroach. So, with or without glazing in my exterior walls our house as “Approved Plans” and build would be encroaching on both front AND rear. Furthermore, if a Variance is needed there will be countless numbers of homes throughout the city that are also encroaching and will all need a variance. 7302 W Oceanfront not only has walls and roof double the distance from our house, but their Closet is also encroaching clearly shown with the setback line drawn right through it. (**Exhibit 5**). This is just one of MANY including 3200 W Oceanfront, installing Storm shutters to hide the windows on the **illegal** 450 sqft 3rd floor living room (even advertised on its sales listing). E.g. 1021 & 1025 W Balboa Boulevard currently under construction, Massing large “Enclosed” space soon to have windows installed. This is just a few examples of MANY. The location or visual appearance does NOT change with windows installed. Clearly an applied variance has been given to both our home and numerous other houses throughout the city. See images in Exhibit 5.

Further in Mr. Ghosn's Code Analysis he states, *"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"* This for a change, is a correct observation. Walls and roofs protect the "Enclosed" space. Other elements he is quoting now just has him acknowledge that his department was negligent as the same code requires the city to identify these spots at plan check and further during inspection. Not after a COO was issued.

Next *"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"*.

- 1) This is quite the unfounded accusation. Mr. Ghosn is now trying to suggest to the board and the public ,that this was a plan to deceive the city, yet he fails to remind the Board and public that the windows and sliding glass door (Glazing) were installed in the exterior walls of the already "Enclosed" space, in plain sight as a solution to water intrusion 19 months prior to the revoking of the COO. "If" my intention were to deceive the city I would not have called and received a verbal approval from planning to do so 19 months prior to completion, during the heavy rain of Dec 2018. "If" my intention were to deceive I would have installed the glazing after COO and not during framing stage with another 7 inspections from 3 different inspectors "if" that was my intention. "If" my intention were to deceive that would suggest I would have known to waterproof, flash, redesign, slope and drain that space if glazing was not allowed as a water intrusion protection. All openings were glazed during 7 inspections with 3 different inspectors in that very space. NEVER hidden!
- 2) Further Mr. Ghosn thinks installing a mini split was also some kind of violation. Yet if he knew the code, he would know **(Exhibit 6)**

"Enclosed Porches"

- a. *Has direct access to a building.*
- b. *Is covered by a roof or roof-like structure;*
- c. ***May or may not be heated or cooled;** and*
- d. *Is enclosed by:*
 - i. ***Walls;***
 - ii. *Permanent or removable windows or screens;*

NO code exists that prevent non "Habitable" space (e.g., closets, bath or toilet rooms, hallways, laundries, pantries, storage spaces, utility rooms, etc.) from being heated or cooled. In addition, not one of our homes mini-splits were shown on our "approved plans" and our other non habitable spaces are also heated.

“Code Excerpt and Definitions:”

Mr. Ghosn now wants the board and public to look at “Definitions” pertaining to **Chapter 9 “Roofing Assemblies”** yet he doesn’t want to start by defining the space before looking to the code (as instructed in the outset of the California Residential building Code). Further he does not want to look at the “Definition” of “**Open**” vs “**Enclosed**” or his newfound word “**Unenclosed**”.

This section of roofing code and roofing materials has absolutely no merit. Furthermore, “If” he was correct, he is then acknowledging the complete negligence of his building department within the city and/or has failed to provide the definition of “Open”.

“Definitions:”

- 1) **Loggia:** Again, in attempt to deceive, Mr. Ghosn wants to look to define an Italian word not found anywhere in the CBC or NBMC. Likely not found anywhere within any building department in the USA as it is an Italian word for “Porch” and this word is clearly defined in his own (Employer) cities Code and website. Furthermore Mr. Ghosn has also called it a “3rd floor Patio” (previous exhibit) which as head building official, he can look to the CBC “Appendix H Patio Covers” if that is what he identifies the space as. Regardless of what an architect titles a space, does not define the space. Calling a kitchen, a garage, would not make the kitchen subject to “Group U” of the CBC!
- 2) **Weather exposed surfaces:** Not sure what this has to do with anything or why he feels it needs to be defined?

What he failed to add to his “Definitions” for the board and public to see was his new word he is pointing to, “**Unenclosed**”. Meaning: “**not enclosed by walls**” (**Exhibit 1**)

“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)”. This clearly violates the very section he quoted for the appeals **15.80** and the appeals process to which I was required to pay \$1,760 for.

“ATTACHMENTS:”

“Exhibit A – Approved Plans”

- In Mr. Ghosn’s **Exhibit A** he fails to include the cross section showing the level structural floor throughout all the Enclosed Space (My previous appeals letter **Exhibit 3**). Nor does he highlight the sloping and draining shown on the plans for the “*Exterior Decks*” as he calls them. He does however show the structural floor diaphragm which shows what a substantial renovation it would be to slope and drain, if at all possible. Also shown on his included exhibit structural plans, show the “Loggia” exterior walls are structural and seismic surrounding on all sides. Further he highlights the “Outdoor Space” as if installing glazing changes its classification. Both CBC and NBMC both allow for glazed openings and or permanent or removable windows in “Outdoor Space”. If Mr. Ghosn knew the Building or City Code, he would know highlighting this as “Outdoor Space” has no relevance to glazed openings in the exterior walls.

- Next, he shows the 3rd floor area which includes a hallway, bathroom, and bedroom (with NO closet) which the city restricts as total “Allowable” or “**Buildable**” when “Habitable” is the ONLY restriction. *“Habitable floor area” means an area that meets the requirements of the California Building Code (CBC) for sleeping, living, cooking, or dining purposes, **excluding enclosed places** (e.g., closets, bath or toilet rooms, hallways, laundries, pantries, storage spaces, utility rooms, etc.).* The city denied us a closet in this space, as that would make the space “Encroaching” yet the encroaching closet on 7308 was okay and approved.
- He then highlights an incorrect note on the plans from Planning/Zoning. For the correct note see (**Exhibit 3**)

“Exhibit B – Enclosed Loggia Photographs”

- Finally, in conclusion, he has labeled it correctly as an “Enclosed” Loggia.

The MUCH Bigger Issue:

The REAL, Bigger issue, that has come to light because of the mistreatment of myself and family over the past number of months, is the snowball effect the city has caused by concealing the Facts from the public. This snowball effect started with key staff in positions of authority that are clearly unqualified. Mr. Ghosn was forced to deny me and my family our legal rights, as he knows it will create a HUGE issue throughout the city. Rather than permitting us what we as property owners are entitled too, he along with head planning and Zoning staff have deceived, lied, and tried to cover over the FACTS. By having unqualified staff that have abused their position of authority, the city has created a huge issue throughout the city that the public needs to be aware of. They have continued to cover over as much as they can instead of just applying the already in place counsel approved code.

On a typical lot (in our zoning district) as our property, 30’ X 75’ the Total “**Allowable**” square footage on the 3rd floor is **840 sqft** with 30” roof overhangs in the front and rear. **312 sqft** being limited to ONLY “**Habitable**” for fire and safety reasons. NOT what is limited as total “**Allowable**”, despite what the city has enforced, and is now trying to revise the code to reflect what they have denied numerous residents. This is all undisputable FACTs. The prevention of “Massing” is achieved by the setbacks and therefore the 3rd floor setbacks are the greatest of all 3 floors. Yet, on homes like 7308 W Oceanfront having the EXACT same lot size, they have approved an encroachment of 10 FEET. A city planner has personally approved and given a variance! Not just a roof overhang, but 10’ of exterior structural enclosure walls and roofs, even a closet. And not just the 30” roof overhang per Code. Just enforcing the Code as approved and written, would provide Architects, builders and most importantly the property owners, an effective Master Suite with large master Bath, hallway, storage and walk in closet while ALL remaining visually much SMALLER than what the city is permitting now. By working with the CORRECT ALLOWABLE square footage, house designs would also have more open space on the first and second floor. ALL the issues the city is trying to achieve. By staff and management, not taking the time to learn the code (The very thing they are hired to do) and permitting these massive structures (MUCH GREATER than our home) they have set up local builders and architects to build MUCH larger permissible homes, with just hiding the space with Storm Shutters etc. if they followed the code, both CBC and NBMC, there would be NO walls in order to simply modify and add space after COO. By approving walls well into the 3rd floor setbacks, with minimal window openings and calling that “Open” or “**Unenclosed**” (per Samir) they have approved Variances throughout the city. This needs to stop!

Recommendation:

It is my recommendation that the board approve the re-glazing of the openings in the exterior walls of the Enclosed Loggia (Porch) and to direct the reissuance of a final Occupancy Permit. Clearly this is a better means of protection and does NOT violate ANY California Residential Building Codes. It is further recommended that key staff receive the proper training to correctly enforce the code as approved and written. This will benefit both the city and residents and will achieve the same common goal. It will be also recommended that the city abandon the proposed code changes as this as written will only create even bigger issues, Rather, just enforce the existing code. ***(Residential Design Standards Code Amendments (PA2019-070)).***

Exhibit 1



unenclosed



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About 710,000 results (0.33 seconds)

Dictionary

Search for a word



un·en·closed

/ˌənənˈklōzd/

adjective

not enclosed by walls or fences.

"the main staircase is unenclosed at the lobby level"

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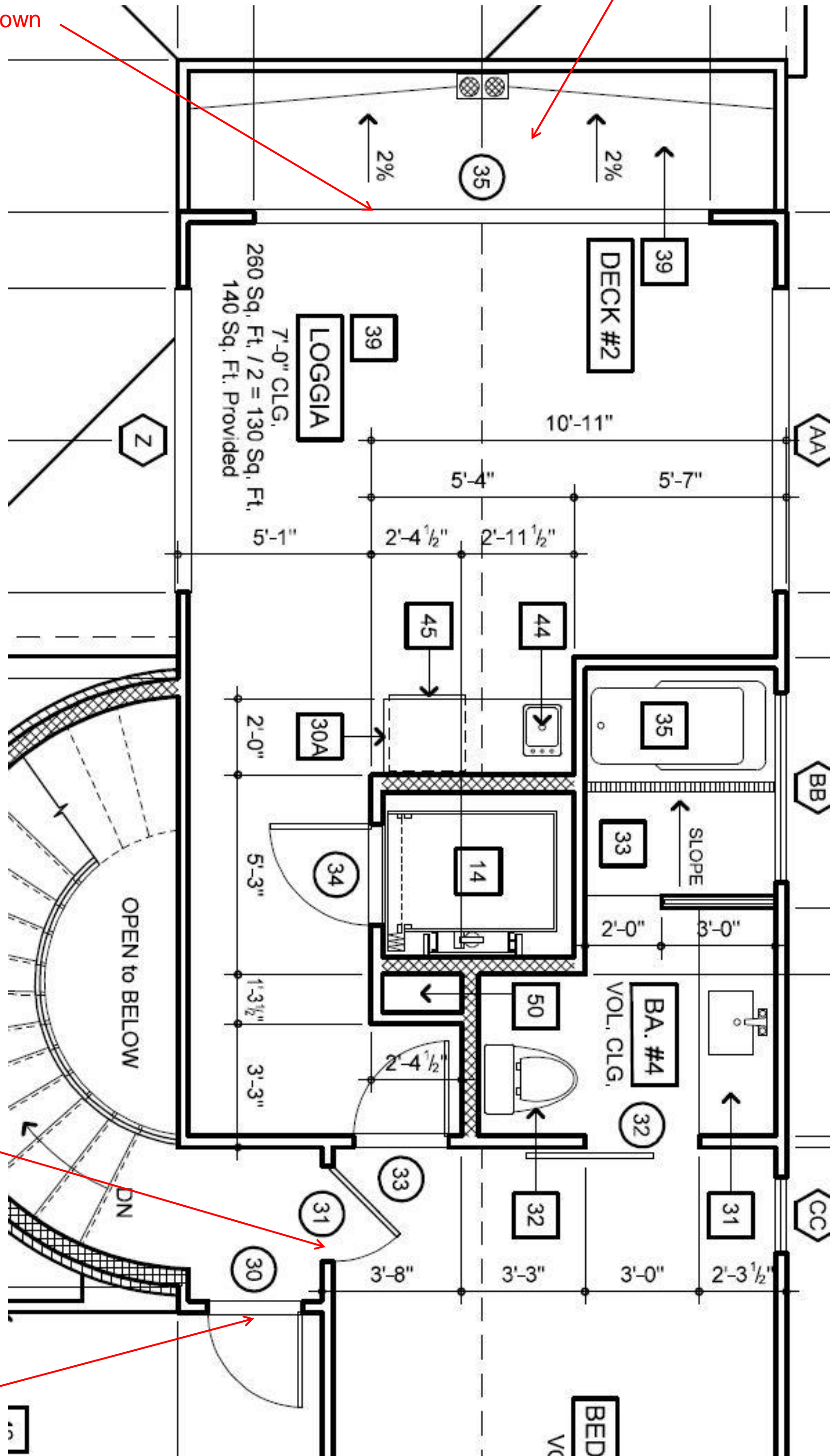
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unenclosed - Dictionary Definition : Vocabulary.com

adj not closed in our surrounded or included. "an **unenclosed** porch". "**unenclosed** common land". Synonyms: hypaethral, hypethral. partly or entirely open to the ...

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Threshold Clearly shown



NO Threshold shown

Threshold Clearly shown

Exhibit 3



Residential Zoning Corrections

Community Development Department
Planning Division
100 Civic Center Drive ; P.O. Box 1768
Newport Beach, CA 92658
949-644-3200
www.newportbeachca.gov

Plan Check No.: AIC2016046

Address: 7210 W. Ocean Front

Date: 7/7/2016

Corrections Required	Contact Information
<p>"1" (First Review): 1</p> <p>"2" (Second Review):</p> <p>"3" (Third Review):</p>	<p>If you have questions regarding your plan check, please contact:</p> <p>Plan Checker: David Lee</p> <p>Email/Phone: dlee@newportbeachca.gov - 949-644-3225</p>

General Information			
1.		Zone: R-2 Setback Map No: S-1A PC Text:	
2.		Proposal: <input checked="" type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Other	
3.		No. of Units Allowed: 2 No. of Units Proposed: 1	
4.		Demo Proposed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, number of units to be demolished 2	
Coastal Commission Review			
5.		Coastal Zone: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Exclusion Zone <input type="checkbox"/> No	
6.		Exempt because:	
7.		Categorical Exclusion No.:	Effective Date:
8.		Waiver No:	Effective Date:
9.		AIC No: 2016046	Coastal Development Permit No: Effective Date:
10.		Coastal Approval Letter (all pages) to be scanned into plans.	
11.		Comments:	
Discretionary Action			
12.		Application required: Reason:	
13.		Previous Discretionary Approvals: 1. Application Type No. For: 2. Application Type No. For: 3. Application Type No. For: 4. Application Type No. For: 5. Application Type No. For:	
14.		<input type="checkbox"/> Please make an appt with: Phone: Email:	
15.		Scan resolution and conditions into the drawings. <input type="checkbox"/> Copy attached	
16.		Scan approval letter into the drawings. <input type="checkbox"/> Copy attached	
17.		HOLD ON FINAL. The following items must be completed before the building permits are finalized:	
18.		Comments:	

Exhibit 3

Residential Zoning Corrections (Cont'd)

<u>Required Fees</u>			
19.		Fairshare Fee Contribution:	20. San Joaquin Hills Transportation Corridor Fee:
21.		Other:	
<u>Lot or Parcel Status</u>			
22.		Legal Description: Lot: 6 Block: L Section: Tract:	
23.		Easement(s) on-site: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Verify with Public Works	
24.		No person shall develop any structure including, but not limited to, a principal or accessory structure across a lot line per Section 19.04.035 (Development Across Property Lines) of the Subdivision Code. Please apply for a Parcel Map, Lot Merger, Lot Line Adjustment, or Certificate of Compliance to address underlying legal lot lines.	
25.		Comments:	
<u>Setbacks</u>			
26.		<u>Setback Regulations (20.30.110)</u> *Setbacks are measured from property line to finished surface, unless otherwise specified. Front: 5 Left Side: 3 Right Side: 3 Rear: 5 Other:	
27.		Third Floor Step-backs (20.48.180A.3.b.) (Applicable to all R-1 and R-2 zoning districts, except: R-BI; R-1-6000; R-1-7,200; R-1-10,000, lots 25 feet wide or less in R-2; and Planned Community district) Front: 15 Left Side: Right Side: Rear: 15 N/A:	
28.		On residential lots wider than thirty (30) feet, if the primary entrance to a dwelling faces a side setback area the entry door shall be set back a minimum of five feet from the side property line and a three-foot-wide unobstructed walkway shall be provided up to a minimum height of eight feet between the primary entrance and the public street or alley.	
29.		A minimum thirty-six (36) inch wide passageway shall be maintained within at least one side setback area adjacent to the principal structure. The passageway shall be free of any encroachments or obstructions from ground level to a height of eight feet, including mechanical equipment, and other items attached to, or detached from, the principal structure.	
30.		Comments: Nothing "specified" here	
<u>Floor Area/Site Area Limitations</u>			
31.		Lot Size: 2250 square feet Lot Dimensions: 75 x 30	
32.		<u>Buildable Area</u> : lot area minus required setback areas = 1560	
33.		<u>Floor Area Limitation</u> : 2 x buildable area + (200 Square Feet for R-BI only) = 3120 maximum square footage <ul style="list-style-type: none"> Calculation includes exterior walls, stairway(s) on one level, enclosed parking (including subterranean) Calculation does not include subterranean basements Comments: 	
34.		Proposed Floor Area: 2986 square feet	
35.	N/A	<u>Site (Lot) Coverage Limitation</u> : percent of total lot area <ul style="list-style-type: none"> Calculation includes the percentage of a site covered by structures, including eaves and overhangs, and accessory structures and by decks more than 30 inches in height. 	
36.	N/A	Proposed Lot Coverage: square feet or percent of total lot area	
37.	1	Provide a floor area calculations exhibit verifying proposed square footage (show dimensions & calculations).	

Exhibit 3

Residential Zoning Corrections (Cont'd)

38.	1	Comments: 1. An area calculation is required for the basement.
For 39 - 42, applicable to all R-1 and R-2 zoning districts, except: R-B1; R-1-6000; R-1-7,200; R-1-10,000, lots 25 feet wide or less in R-2; and Planned Community district		
39.		<p><u>Third Floor Limitation (20.48.180 3.)</u></p> <p><input type="checkbox"/> 15% of the total buildable area for lots wider than 30 feet: Maximum: <u>.15</u> x buildable area = Proposed:</p> <p><input checked="" type="checkbox"/> 20% of the total buildable area for lots 30 feet wide or less: Maximum: .20 x <u>buildable area</u> = 312 Proposed: 306</p> <p>Note: "<u>Buildable</u>" is underlined and no mention of "Habitable" which is the ONLY limitation for 3rd floor.</p> <ul style="list-style-type: none"> Enclosed square footage located on the third floor shall be set back a minimum of 15 feet from the front and rear setback lines For lots greater than 30 feet in width a minimum of 2 feet from each side setback line, including bay windows.
40.		Comments:
41.	1	<p><u>Open Volume Area Required (20.48.180 4.)</u></p> <p><input checked="" type="checkbox"/> 15% of the buildable area of the lot in addition to the required setback areas Required: .15 x buildable area: 234 square feet Note: "Buildable" is NOT underlined here? Proposed: 234 square feet</p> <ul style="list-style-type: none"> Open volume must be located within the buildable envelope (within the setback; under 24 FEET) Open Volume must have a minimum dimension of 5 feet in depth from the setback line on which it is located Open volume must be open on a minimum of one side and have minimum clear vertical dimension of 7.5 feet
42.	1	Comments: 1. On Site Plan, indicate that all open space areas have a minimum clear vertical dimension of 7.5 feet, under 24 feet.
<u>Plot Plan/Site Plan/Floor Plans</u>		
43.	1	Provide fully dimensioned Site Plan and Floor Plans.
44.		Show the location of all buildings on-site and dimension distance to property lines.
45.		Dimension the distance from face of curb to front property line (verify with Public Works).
46.		Indicate the second and third floor footprints (if applicable).
47.	1	Dimension all projections (e.g., fireplaces, bay windows, eaves), label distance(s) to property lines.
48.		Provide separate existing and proposed floor plans fully dimensioned showing all room uses for all buildings on-site. Existing floor plans shall illustrate walls to be demolished
49.	1	Plot property lines on site plan and all floor plans with setbacks dimensioned.
50.		Indicate the location of easement(s) plotted on site plan.
51.	1	<p>Comments: 1. Label all property lines on all plans. 2. On Site Plan and all floor plans, dimension front and rear setbacks. 3. On Basement Plan, label all rooms. 4. Add note on Elevation Plans: "Loggia shall remain open". 5. Dimension all setbacks on elevation plans. See red marks for all dimensions required.</p>

Exhibit 4

From: Lane, Steve <slane@newportbeachca.gov>
Sent: Tuesday, August 4, 2020 10:13 AM
To: 'kyle@bluskyinvest.com' <kyle@bluskyinvest.com>
Cc: Ghosn, Samir <SGhosn@newportbeachca.gov>
Subject: Zoom Meeting

Please use the link below , thank you

CDD Zoom is inviting you to a scheduled Zoom meeting.

Topic: Meeting with Mr. Reeves
Time: Aug 4, 2020 03:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/91509240405?pwd=OUJUVVZVRGQwYXdkaURVdEg4WGF2Zz09>

Meeting ID: 915 0924 0405

Passcode: 238145

One tap mobile

+16699009128,,91509240405#,,,,,0#,,238145# US (San Jose)

+13462487799,,91509240405#,,,,,0#,,238145# US (Houston)

Dial by your location

+1 669 900 9128 US (San Jose)

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 915 0924 0405

Passcode: 238145

Find your local number: <https://zoom.us/j/ab3mjOAoNg>



Steven Lane

Community Development Department

Principal Building Inspector

Slane@newportbeachca.gov

949-644-3264

Exhibit 4

From: Ghosn, Samir <SGhosn@newportbeachca.gov>
Sent: Tuesday, August 4, 2020 3:45 PM
To: 'Kyle Reeves' <kyle@bluskyinvest.com>
Cc: Lane, Steve <slane@newportbeachca.gov>; Nova, Makana <MNova@newportbeachca.gov>
Subject: Possible variance

Hi Kyle,

If you wish to seek a variance for enclosing the space, that would remove the building issues as it stands now since it will be an enclosed space.

Thanks,



Samir Ghosn, MS, PE, CBO.
Community Development
Deputy Community Development Director/ Chief Building official
sghosn@newportbeachca.gov
949-644-3277

CITY OF NEWPORT BEACH

100 Civic Center Drive, Newport Beach, California 92660 | newportbeachca.gov

Exhibit 5

7210 W Oceanfront, City interpretation of 3rd Floor “Massing” and “Encroaching” if windows installed



7302 W Oceanfront, Cities interpretation of 3rd floor setbacks and NOT “Massing” or “Encroaching”

Pictures taken at the exact same altitude showing the exact same Lot size.
One house separation.

Exhibit 5

7302 W Oceanfront, NOT “Massing” or “Encroaching”

7210 W Oceanfront “Massing” and “Encroaching”



7302 W Oceanfront, NOT “Massing” or “Encroaching” . By the City interpretation of “Open”



Exhibit 5

7302 W Oceanfront, City definition of NOT “Massing” or “Encroaching”. 10 FEET encroaching.

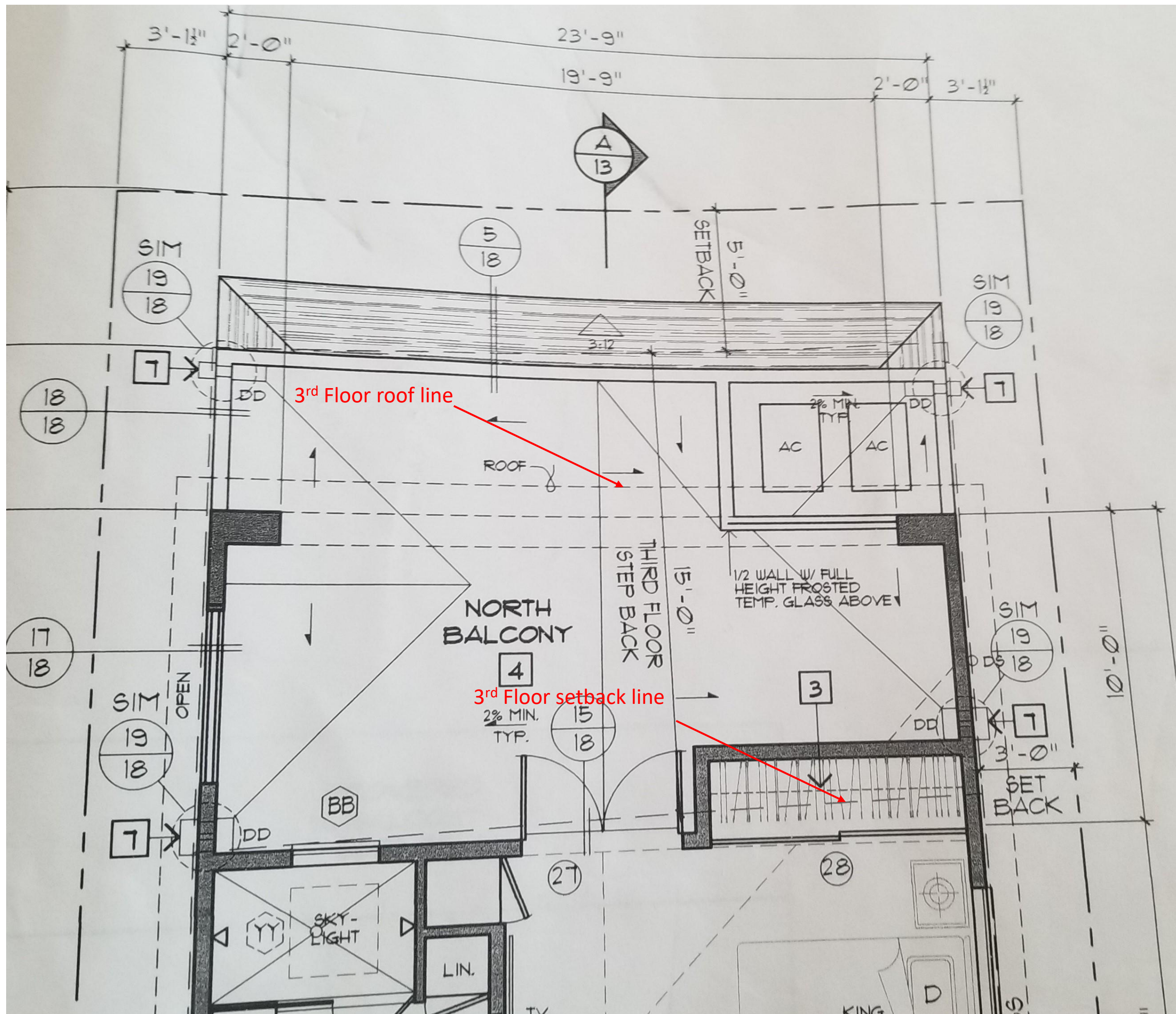
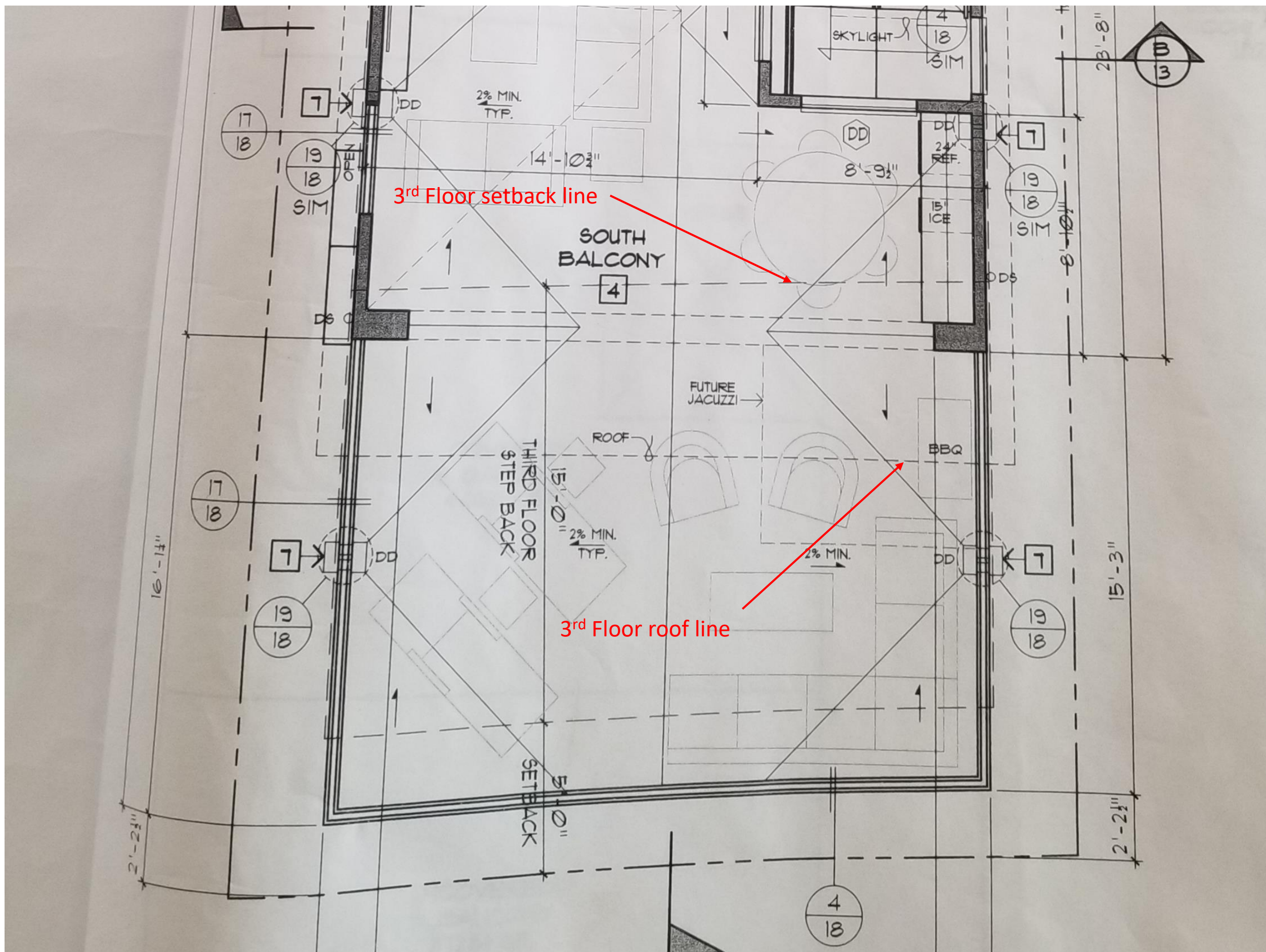


Exhibit 5

7302 W Oceanfront, City definition of NOT "Massing" or "Encroaching".



7302 W Oceanfront, City "Allowable" which is 840 square feet. NOT 312

PROJECT DESCRIPTION:

DEMOLISH EXISTING TWO STORY SINGLE FAMILY RESIDENCE AND CONSTRUCT A NEW THREE STORY SINGLE FAMILY RESIDENCE WITH MISCELLANEOUS SITE IMPROVEMENTS PER PLANS.

PROJECT DATA:

CDP#:	ZA2017-088
APN:	045-022-27
OCCUPANCY TYPE:	R-3
BUILDING TYPE:	V-B
FIRE SPRINKLERED (PER NFPA 13D)	YES
ZONE	RT TWO UNIT RESIDENTIAL
FRONT SETBACK	5'-0"
SIDE YARD SETBACK	3'-0"
REAR SETBACK	5'-0"
HEIGHT LIMIT	29'-0"
LOT AREA	2250 SF.
BUILDABLE AREA (1x BUILDABLE)*	1560 SF.
MAX. ALLOWABLE SF. (2x BUILDABLE)	3,120 SF.
MAX. <u>ALLOWABLE</u> 3rd FLR SF. (20% OF BUILDABLE)	<u>312 SF.</u>
MIN. REQD. OPEN SPACE SF. (15% OF BUILDABLE)	234 SF.

* BASED ON EXACTLY 30'-0" WIDE LOT
PER N.B. PLANNING DEPT.

PROPOSED FLOOR AREA:

Exhibit 5

6710 W Oceanfront, City "Allowable" restriction is ONLY "habitable"

LOT INFORMATION:

ZONED: R-2

SITE AREA: 2250 S.F. BUILDABLE AREA: 1,553 SF

TOTAL ALLOWABLE AREA: $1,553 \times 2 \text{ S.F.} = 3,106 \text{ S.F.}$

REQ'D OPEN VOLUME = $1,553 \text{ S.F.} \times .15 = 233 \text{ S.F.}$

MAX. THIRD FLR ALLOWABLE = $1,553 \text{ S.F.} \times .2 = 310.6 \text{ S.F.}$

OPEN VOLUME PROVIDED = 244 S.F.

BUILDING AREA SCHEDULE

Name	AREA	COMMENTS
FIRST FLOOR	965 SF	
SECOND FLOOR	1330 SF	
THIRD FLOOR	310 SF	
	2606 SF	
2-CAR GARAGE	450 SF	
	450 SF	
GRAND TOTAL	3056 SF	

OUTDOOR AREA SCHEDULE

NAME	AREA	COMMENTS
MASTER BALCONY	218 SF	OPEN VOLUME
ENTRY	26 SF	OPEN VOLUME
GRAND TOTAL	244 SF	

Exhibit 5

7210 W Oceanfront, City limited our 3rd floor to 312 sqft. restriction is ONLY "habitable" 840 sqft is the 3rd floor "Limit"

LOT AREA CALCULATIONS:

LOT SIZE: $30 \times 75 = 2,250$ SQUARE FEET

MINUS SETBACKS: $24 \times 65 = 1,560$ SQUARE FEET

FLOOR AREA RATIO: $1,560 \text{ Sq. Ft.} \times 2.0 = 3,120$ SQUARE FEET

OPEN VOLUME AREA REQUIRED: $1,560 \times 15\% = 234$ SQUARE FEET

THIRD FLOOR LIMITS: $1,560 \times 20\% = 312$ 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.

Exhibit 5

3200 W Oceanfront, City approval to greatly increase the "Habitable" square footage.



3200 W Oceanfront

Newport Beach, CA 92663

Status: Active

\$8,450,000

Price

4

Beds

4.5

Baths

2,774 Sq. Ft.

\$3046 / Sq. Ft.

Redfin Estimate: \$8,073,175 On Redfin: 28 days

Overview

Property Details

Sale & Tax History

Schools

Public Facts

Redfin Estimate



34 Photos



Video Tour



Street View

BEAUTIFUL OCEANFRONT HOME DESIGNED BY BRION JEANNETTE & COMPLETED FROM GROUND UP IN 2016. Home is Turn-Key, Fully Furnished & move in ready. Features a Copper Roof, Fire Sprinklers & Elevator. Home is in a prime location on a corner lot facing the boardwalk with a full ocean view of the Coastline, Catalina Island & Mtn. view. 1st level of the house features a Gourmet Kitchen with top of the line appliances including a Wolf 6 Burner Stove/Grill, Copper Hood, built in Steam Oven, Sub Zero Refrigerator & a wall mounted French La Cornue Rotisserie. The living room has accordion glass doors & automatic shades that open to the patio, to become 1 large indoor/outdoor space, with a Fire Pit & white-water views. The Savant Smart Home System can be accessed from Smart Devices & controls audio, video, blinds & lights throughout the home. Tile Floors are heated with individual controls for each room or area including the outside top deck. Upstairs 2nd & 3rd levels have a Master Bedroom, fireplace, ocean views, private office & 3 additional Bedrooms & Bathrooms. A Unique 450 S/F Bonus Room on the 3rd floor is not considered legal S/F but may just be the best space in the house for privacy and entertainment. It has a Copper Ceiling, 70" T. V. plus a separate Ceiling Projector & a large drop down movie screen. The 600 S/F. Roof Top Deck has Spectacular Views. Deck has a built in BBQ, Fireplace, Refrigerator & Stove top. 2 car garage. More details available. SEE VIRTUAL TOUR & ATTACHMENTS!!

Exhibit 5

3200 W Oceanfront, City approval to greatly increase the “Habitable” square footage.



Storm shutters installed to Conceal the windows from the city, to comply with city Interpretation of “OPEN”




450 Square Feet of illegal “Habitable” square footage.

Exhibit 5

1021 W Balboa Blvd, City interpretation of "Open outdoor space" eliminating setbacks or Total "Buildable" square Footage.



20.70.010 Purpose of Part.

 SHARE

This part provides definitions of terms and phrases used in this Zoning Code that are technical or specialized, or that may not reflect common usage. If the definitions in this part conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Zoning Code. If a word is not defined in this part, or elsewhere in this Zoning Code, the most common dictionary definition is presumed to be correct.

As used in this Zoning Code, the following terms and phrases shall have the meaning ascribed to them in this part, unless the context in which they are used clearly requires otherwise. (Ord. 2010-21 § 1 (Exh. A)(part), 2010)

Exhibit 6

Porch.

1. Enclosed Porch. (Also known as screened-in porches or three-season rooms). A platform projecting from or attached to a wall of a building that:
 - a. Has direct access to a building;
 - b. Is covered by a roof or roof-like structure;
 - c. May or may not be heated or cooled; and
 - d. Is enclosed by:
 - i. Walls;
 - ii. Permanent or removable windows or screens; or
 - iii. A combination of walls and windows/screens.
2. Open Porch. A platform projecting from or attached to a wall of a building that:
 - a. Has direct access to a building;
 - b. Is covered by a roof or roof-like structure;
 - c. Is not heated or cooled;
 - d. Is open to the outside air; and
 - e. Is not enclosed by:
 - i. Walls;
 - ii. Permanent or removable windows or screens; or
 - iii. A combination of walls and windows/screens.

Open porches may be partially enclosed by a railing(s) not to exceed forty-two (42) inches in height as measured from the porch floor and may include columns for the purpose of supporting the roof or roof-like structure.

Exhibit 6

NBMC 20.70.020 “Open Porch” *“NOT enclosed by walls”. Only “Columns supporting roof”*



NBMC 20.70.020 “Enclosed Porch” “enclosed by walls”, *“Permanent or removable windows”*



BUILDING AND FIRE BOARD OF APPEALS

APPLICATION FOR

☒ APPEAL

☐ RATIFICATION

City of Newport Beach
Building Division

100 Civic Center Drive, Newport Beach, CA 92660
(949) 644-3200

☒ Application is hereby made for an **Appeal** of decisions, determination or interpretation of the Chief Building Official as provided in Chapter 15.80 of the Newport Beach Municipal Code.

☐ Application is hereby made for **Ratification** of decisions, determination or interpretation of the Chief Building Official as required by California Building Code, Chapter 1, Division 1, Section 1.9.1.5.

☐ Application is hereby made for an **Appeal** of decisions, determination or interpretation of the Chief Fire Marshall as provided in Chapter 15.80 of the Newport Beach Municipal Code.

(For staff use only)

Accepted by: _____

Case No.: _____

Fee: **\$1,715**

Date: _____

PLEASE NOTE: A completed application (2 copies) must be received no later than four weeks prior to a Board's scheduled hearing to be considered for that hearing.

PLEASE PRINT IN INK OR TYPE ALL INFORMATION

(If more space is required for reply, please attach additional sheets.)

Building Owner: KYLE REEVES Phone: 949.610.3681

Owner's Address: 318 E 18TH STREET COSTA MESA CA 92627
Street City State Zip

Contact Person or Applicant:

(if other than owner): _____ Phone: _____

Applicant's Address: _____
Street City State Zip

Address or location of property, which is subject of the request: 7210 W OCEANFRONT, 92663

Description of any proposed buildings or structures or alterations of existing buildings located or to be located on said premises. Provide permit or plan check number where applicable: _____

TO INSTALL GLAZING IN THE OPENINGS OF THE EXTERIOR WALLS IN THE 3RD FLOOR ENCLOSED LOGGIA,

TO PREVENT BLOWING RAIN/WATER INTRUSION

- SINGLE FAMILY RESIDENCE - PERMIT X2016-4273 - PLAN CHECK # 2932-2016

Has a documentation of unreasonable hardship or a request for modification or alternate methods & materials been filed? YES X NO _____

If Yes, please attach a copy of that request and result if applicable. SEE ADDITIONAL ATTACHED (EXHIBIT 14)

Cite specific section and subsection of the California Building Code from which an appeal or ratification is being requested. Attach two sets of all sketches, drawings or diagrams [one full size set and 12 sets no larger than 8½ x 14]: _____

CALIFORNIA RESIDENTIAL BUILDING CODE (APPENDIX H, PATIO COVERS) -- AH 103.1 "ENCLOSURE WALLS"

CALIFORNIA RESIDENTIAL BUILDING CODE (CHAPTER 14 EXTERIOR WALLS) 1402.2 "WEATHER PROTECTION"

NEWPORT BEACH MUNICIPAL CODE 20.70.020 1. "ENCLOSED PORCH" VS 2. "OPEN PORCH" SEE ADDITIONAL ATTACHED

Please state the action you are appealing or that is to be ratified and the date of the action: _____

LETTER FROM SAMIR GHOSH, DATED SEPTEMBER 17, 2020

"LOGGIA MUST REMAIN OPEN TO COMPLY WITH TO COMPLY WITH LOCAL ZONING AND BUILDING CODES" AND "WATER DRAINAGE MUST BE ADDRESSED"

Justification (state reasons for your appeal or ratification request. Attach additional sheets if necessary) _____

THE HOUSE HAS BEEN BUILT AS DESIGNED, ENGINEERED, APPROVED AND INSPECTED. ALSO THE TRUE INTENT OF THE CODE IS MISUNDERSTOOD,

THE INCORRECT INTERPRETATION, CODE SITED DO NOT APPLY AND A BETTER METHOD OF PROTECTION EXISTS. SEE ADDITIONAL ATTACHED

Applicant signature: [Signature] Date: 9/30/2020

Receipt No. and stamp: _____

COMMUNITY
OCT 01 REC'D
CITY OF NEWPORT BEACH
DEVELOPMENT