

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Beach, CA 90802-4302
590-5071

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Filed: 4/17/02
49th Day: 6/4/02
180th Day: 10/13/02
Staff: MV-LB
Staff Report: 4/18/02
Hearing Date: 5/7-10/02
Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER: 5-02-064****APPLICANT: Judy & William Wilkerson****AGENT: David Hohmann****PROJECT LOCATION: 39 Beacon Bay, Newport Beach, Orange County****PROJECT DESCRIPTION: Demolition of an existing single family residence and construction of a new 3,380 square foot, two story, 29 foot high single famiiy residence with an attached four car garage.**

Lot Area:	4,388 square feet
Building Coverage:	2,069 square feet
Pavement Coverage:	1,269 square feet
Landscape Coverage:	1,050 square feet
Parking Spaces:	4
Zoning:	R-2
Ht above final grade	29 feet

LOCAL APPROVALS RECEIVED: City of Newport Beach, Approval in Concept No. 0251-2002.**SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan****SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending approval of the proposed project subject to two special conditions which are necessary to assure that the project conforms with Sections 30230 and 30231 of the Coastal Act regarding water quality. Special condition No. 1 requires that the applicant submit a landscaping plan that maximizes pervious surfaces and prohibits invasive plants. Special condition No. 2 requires that the applicant submit a drainage plan that maximizes filtration and infiltration.

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application as conditioned.

MOTION:

I move that the Commission approve CDP #5-02-064 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Landscaping Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a landscaping plan that maximizes pervious surfaces (e.g. by increasing the amount of planted areas and/or uses porous pavement or other best management practices that promote infiltration/ground water recharge). The use of invasive plants is prohibited.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development unless the Executive Director determines that no amendment is required.

2. Drainage Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a Drainage Plan documenting that the runoff from the roof, driveway and other impervious surfaces shall be collected and directed into pervious areas on the site (landscaped areas) for infiltration to the maximum extent practicable in a non-erosive manner, and/or to a drainage filtration device prior to being conveyed off-site.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to demolish an existing single family residence and construct a new 3,380 square foot, two story, 29 foot high single family residence with an attached 772 square foot, four car garage.

The subject site is not a water front lot. However, because the roads in the Beacon Bay community are private (though there are no guards or gates), the site is between the first public road and the sea. The nearest public access in the project vicinity is located across the Balboa Island channel along the public walkway that rings Balboa Island. Public access is also available at Bayside Drive beach approximately 2 miles to the southeast of the subject site and at the wide sandy public beach that runs the length of the Balboa Peninsula approximately 1½ miles south of the site.

B. Water Qualitygno.1
(502)

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The project site is not a water front lot. The site is located approximately one block inland of the harbor. However, drainage from this site will enter the City's storm drain system which empties into Newport Harbor (Lower Newport Bay). Newport Bay is on the federal Clean Water Act 303(d) list of "impaired" water bodies. The designation as "impaired" means that water quality within the harbor does not meet State and Federal water quality standards designed to meet the 1972 Federal Clean Water Act goal established for this waterbody. The listing is made by the California Regional Water Quality Control Board, Santa Ana Region (RWQCB), and the State Water Resources Control Board (SWRCB), and confirmed by the U.S. Environmental Protection Agency. Further, the RWQCB has targeted the Newport Bay watershed, which would include Newport Harbor, for increased scrutiny as a higher priority watershed under its Watershed Initiative. The standard of review for development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following water quality policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation, and marine resources.

Development adjacent to coastal waters has the potential to impact water quality and marine resources. The bay provides an opportunity for water oriented recreation and also serves as a home for marine habitat. The coastal recreational activities and the sensitivity of the bay habitat necessitate that water quality issues are addressed during the review of this project.

The proposed residential development has impervious surfaces, such as roofs where pollutants such as particulate matter may settle, as well as driveways where pollutants such as oil and grease from vehicles may drip. During storm events, the pollutants which have collected upon the roof and upon other impervious surfaces created by the proposed project may be discharged from the site into the storm water system and eventually into coastal waters which can become polluted from those discharges. Water pollution results in decreases in the biological productivity of coastal waters.

Typically, water quality impacts to coastal waters can be avoided or minimized by directing storm water discharges from roof areas and other impervious surfaces to landscaped areas where pollutants may settle out of the storm water. In addition, reducing the quantity of impervious surfaces and increasing pervious water infiltration areas can improve water quality by decreasing the amount of run-off leaving the site. Also, filtering run-off that cannot be reasonably directed through landscaped areas before leaving the site by means such as trench drains further increase water quality.

The applicant has submitted a grading plan depicting the site drainage. The grading/drainage plan indicates that the western yard area (front yard, adjacent to Shelter cove) will include 4' wide planters adjacent to the residence, an approximately 3' wide concrete walkway, and an existing lawn area. A 4' by 28' planter is shown in the front of the southern side yard, and a 4' wide concrete drainage swale and a 33' by 14' brick courtyard are shown in the rear of the southern side yard, as well as a 16' by 20' parking area. In addition to the parking area, the eastern yard (rear yard, adjacent to Schooner Road) includes a 5' wide concrete driveway. The northern side yard is shown as 4' wide concrete walkway. With the exception of the rear portion of the northern side yard walkway, the parking area and driveway, all other site drainage from the impervious areas is directed to the rear planter or to the lawn area. Directing this run-off through permeable landscaped area is commendable.

A landscape plan for the proposed project was also submitted. The landscape plan does not appear to match up exactly with the above described grading/drainage plan. For example, the southern side yard, with the exception of the parking area, is shown as entirely landscaped rather than a 4' wide concrete swale. As the residence is setback only 4' from the side property line, the area cannot accommodate both landscaping and the concrete swale. In addition, the landscape plan indicates that the area at the northern side of the courtyard adjacent to the residence will be an approximately 1½' wide landscaped area. This is not shown on the grading/drainage plan. Further, the 3' wide concrete walkway shown in the western (front) yard does not appear on the landscape plan. Which plan accurately depicts what is proposed must be clarified.

Although, the proposed plans will direct about half of the on-site drainage through the permeable areas, it appears that additional steps to improve water quality could be taken. For example, the proposed drainage system does not appear to include any type of filtration device that would filter runoff from the driveway and parking area before it is ultimately released onto the street and into the City's storm drain system. This could be accomplished by means such as a trench drain at the base of the driveway and parking area. In addition, it appears that the proposed permeable area could be increased by revising the northern side yard. Developing the northern sideyard with pervious material such as gravel or decomposed granite and stepping stones, rather than all concrete, would increase the permeable area and so the on-site infiltration.

The proposed drainage and landscape plans would not result in the maximum amount of on site infiltration and filtration practicable, which in turn does not maximize water quality as required by Section 30230 and 30231 of the Coastal Act. Special condition Nos. 1 and 2 require that a revised landscape plan and a revised drainage plan be submitted. The revised landscape plan should indicate that the total amount of pervious area at the site is maximized. The revised drainage plan should indicate that on site drainage will continue to be directed through the landscaped areas as well as filtered by means such as a trench drain. The revised drainage plan should demonstrate that infiltration as well as filtration of on-site run off will be increased to the maximum extent practicable. In addition, the revised landscape plan must not include any invasive plants. Finally, the revised landscape and drainage plans must be consistent with each other.

As proposed, the Commission cannot find that the project will protect coastal water quality and the related recreational activities, marine resources and biological productivity. Therefore, as a condition of approval, that applicant shall submit for the review and approval of the Executive Director, revised landscape and drainage plans. These plans should document that the amount of pervious surface is maximized and that the runoff from the roof, driveway and other impervious surfaces are collected and directed onto pervious areas on the site for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site. In addition, these revised plans should indicate that any drainage that is directed off site is filtered to the maximum extent practicable prior to be conveyed off-site. As conditioned, the Commission finds that the proposed development is consistent with Sections 30230 and 30231 which require that coastal water quality be maintained and enhanced.

C. Public Access & Recreation

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3.

The subject site is located within the private Beacon Bay community in the City of Newport Beach. The Beacon Bay community is located between the first public road (Harbor Island Drive) and Newport Harbor.

Public access through this community does not currently exist. The proposed development, demolition and construction of a single family residence on an existing residential lot, will not affect the existing public access conditions. It is the private nature of the community, not this home, that impedes public access. The proposed development, as conditioned, will not result in any significant adverse impacts to existing public access or recreation in the area. Therefore the Commission finds that the project is consistent with the public access and recreation policies of the Coastal Act.

D. Local Coastal Program

Section 30604(a) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be used if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was effectively certified on May 19, 1982. The City currently has no certified implementation plan. Therefore, the Commission issues CDP's within the City based on the development's conformance with the Chapter 3 policies of the Coastal Act. The LUP policies may be used for guidance in evaluating a development's consistency with Chapter 3. The City's LUP states that the City seeks to insure the highest quality of water in the bay and along their beaches. As conditioned, the proposed project is not expected to create additional adverse impacts to marine resources, water quality and the marine environment and therefore attempts to insure the highest quality of water in the Bay and along the beaches.

As conditioned the proposed development is consistent with Chapter 3 policies of the Coastal Act and with the LUP. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program (Implementation Plan) for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project as conditioned has been found consistent with the marine resources policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.



Subject

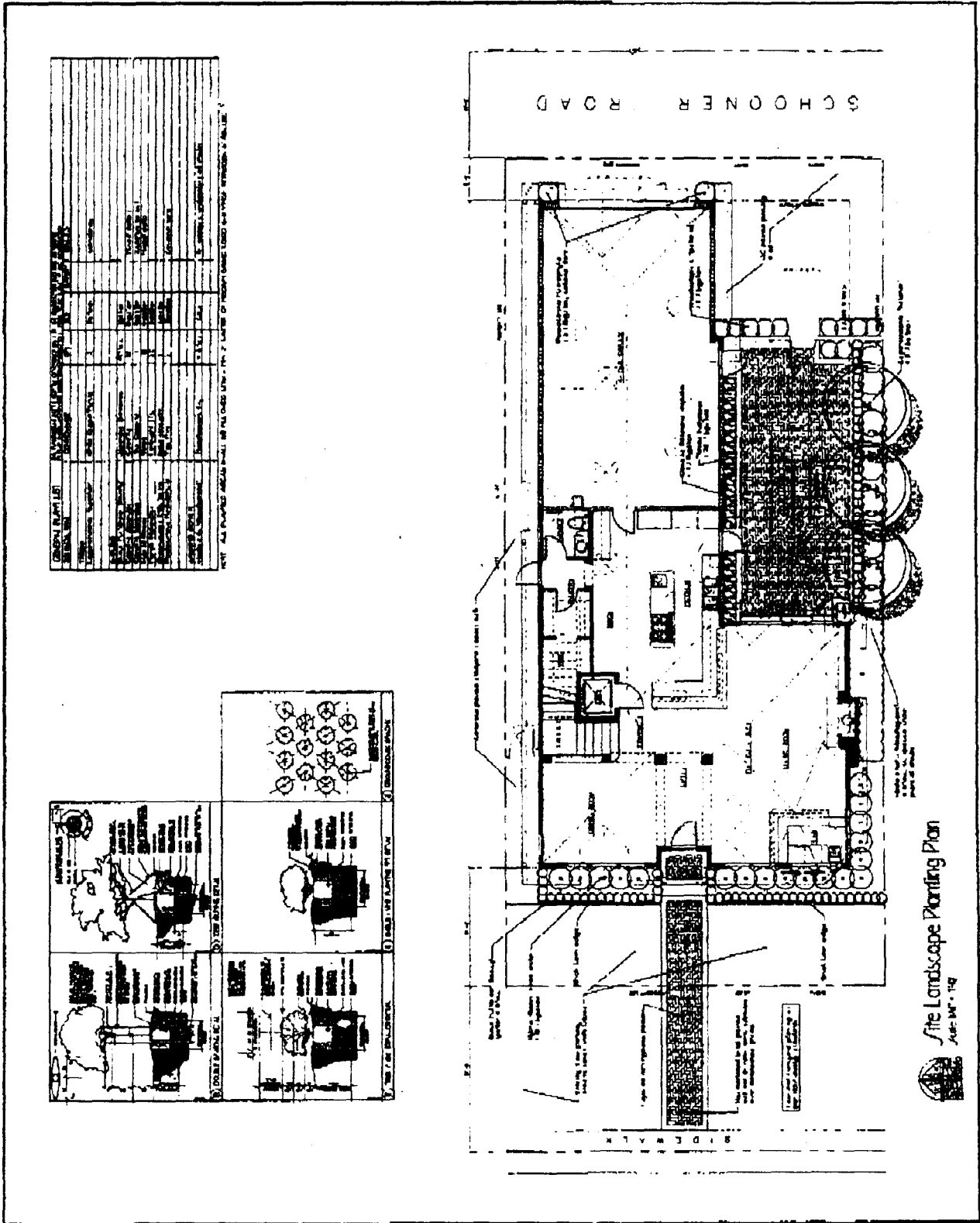
EXHIBIT NO. A
APPLICATION NO.
15-12-1114
California Coastal Commission

VICINITY MAP

DAVID PIERCE HOHMANN ARCHITECT
138 Macdonald Ave. Culver City, CA 90230
Tel: 310-201-1000 Fax: 310-201-1001

Mr. and Mrs. Wilkerson
138 Macdonald Ave. Culver City, CA 90230

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Landscape Plan

5-12-064
EXHIBIT # C
PAGE 1 OF 1

EXHIBIT #

PAGE 1 OF 7

Wilkerson Residence
39 Beacon Bay

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INTERIOR ELEVATION

EXTERIOR ELEVATION

PROJECT LOCATION

LEGEND

Materials and Finishes:

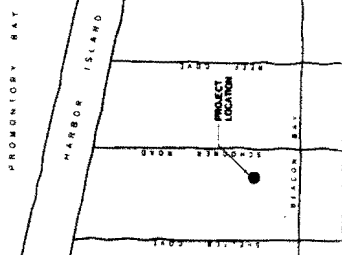
- CONCRETE
- CONCRETE MASONRY UNIT (CMU)
- FUTURE OR DISASSEMBLED WALL (AS NOTED)
- GLASS
- PLYWOOD
- CONT. WOOD BLG.
- BAG BETWEEN MEMBERS
- WOOD
- ASPHALTIC CONCRETE
- ACETONITRIL FLE
- GRAVEL OR AGGREGATE BASE COURSE (ABC)
- INSULATION (BATT OR BLANKET)
- INSULATION (RIGID)
- METAL
- PLASTER (OR GYPSUM) (AS NOTED)

Dimensions and Annotations:

- 1'-0" (305 mm)
- 2'-0" (610 mm)
- 3'-0" (915 mm)
- 4'-0" (1220 mm)
- 5'-0" (1525 mm)
- 6'-0" (1830 mm)
- 7'-0" (2135 mm)
- 8'-0" (2440 mm)
- 9'-0" (2745 mm)
- 10'-0" (3050 mm)
- 11'-0" (3355 mm)
- 12'-0" (3660 mm)
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- 93'-0" (28365 mm)
- 94'-0" (28670 mm)
- 95'-0" (28975 mm)
- 96'-0" (29280 mm)
- 97'-0" (29585 mm)
- 98'-0" (29890 mm)
- 99'-0" (30195 mm)
- 100'-0" (30500 mm)

Mr. and Mrs. Wilkerson Residence

PROJECT LOCATION: 39 Beacon Bay Newport Beach California 92660



Project Plans

[illegible]

C2

FLOOR PLAN KEYNOTES

1. SEE LIST 1 FOR LIST OF STUDENTS TO BE INVOLVED IN THE PROJECT
2. SEE LIST 2 FOR LIST OF STUDENTS TO BE INVOLVED IN THE PROJECT
3. SEE LIST 3 FOR LIST OF STUDENTS TO BE INVOLVED IN THE PROJECT
4. SEE LIST 4 FOR LIST OF STUDENTS TO BE INVOLVED IN THE PROJECT
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13. SEE LIST 13 FOR LIST OF STUDENTS TO BE INVOLVED IN THE PROJECT
14. SEE LIST 14 FOR LIST OF STUDENTS TO BE INVOLVED IN THE PROJECT

FLOOR PLAN GENERAL NOTES

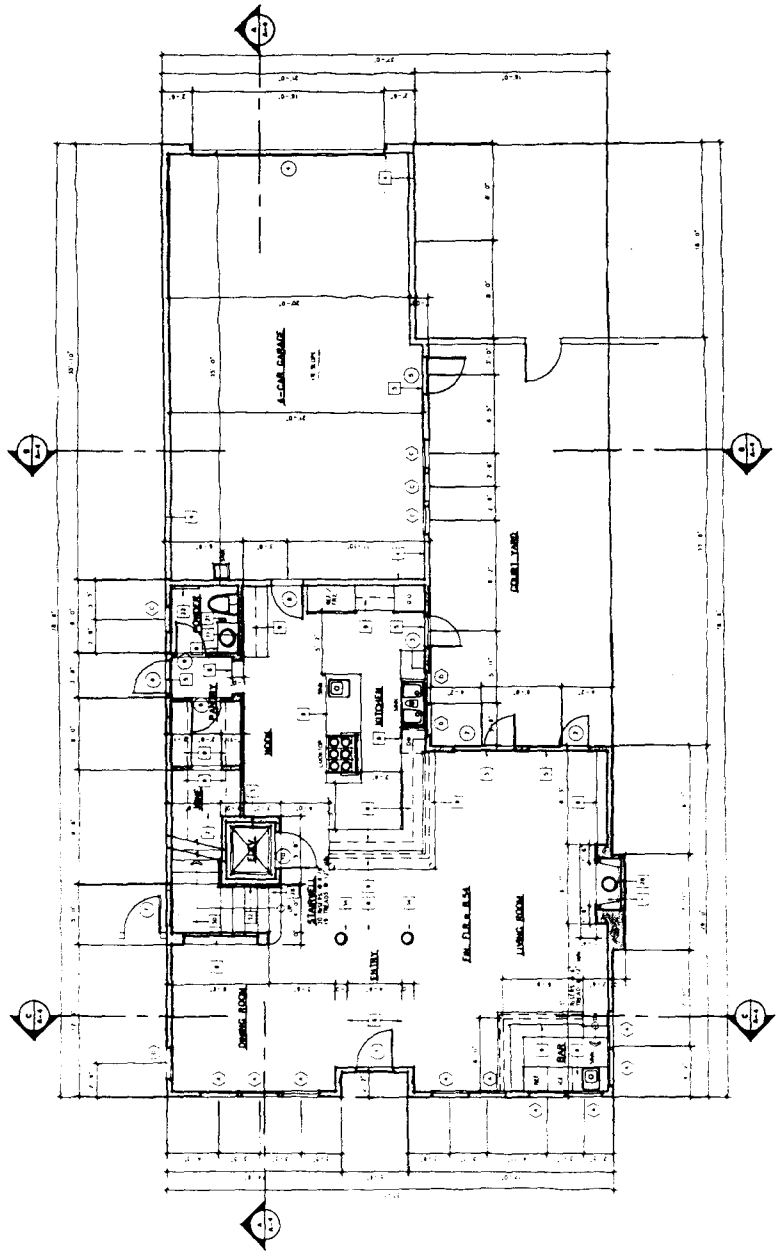
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FLOOR PLAN KEYNOTES

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FLOOR PLAN GENERAL NOTES

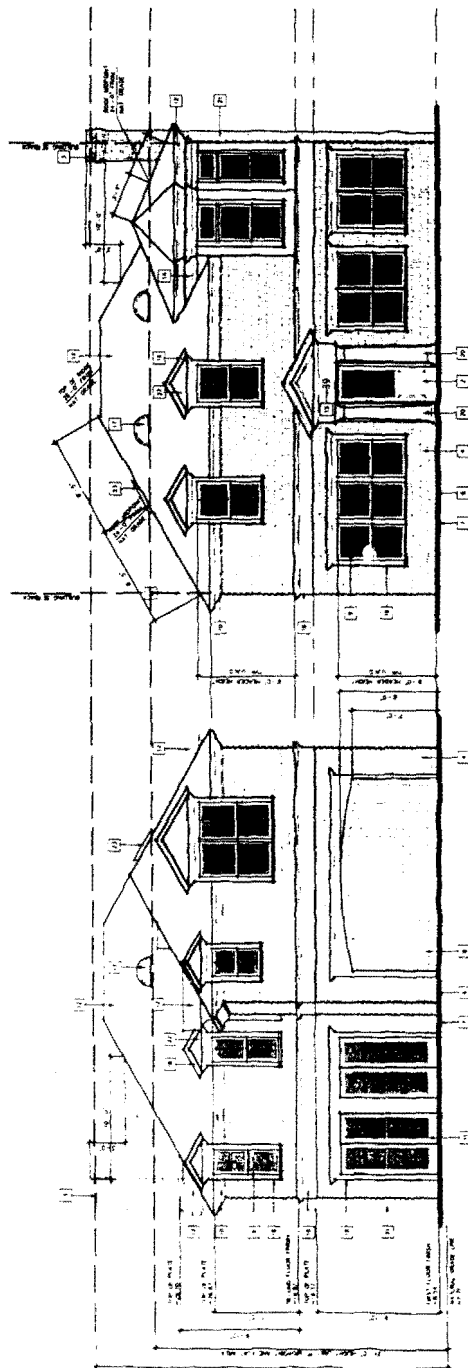
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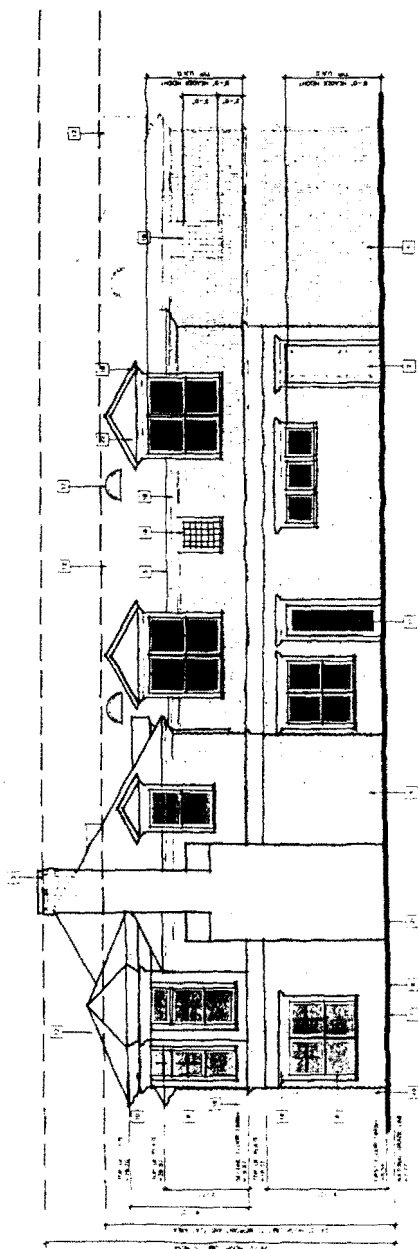
EXTERIOR ELEVATIONS

FRONT

REAR



RIGHT SIDE



EXTERIOR ELEVATION KEYNOTES

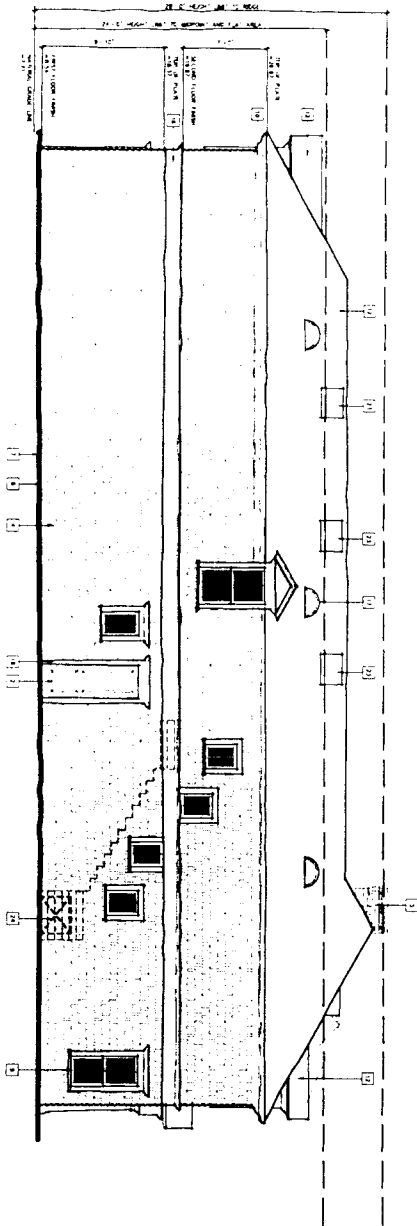
1. ALL ELEVATIONS ARE ASSUMED TO BE OF BRICK MATERIAL, 1" MIN. THICK.
2. UNLESS NOTED OTHERWISE, ALL WINDOWS ARE 12" X 16" DOUBLE HUNG.
3. CHIMNEY - 12" DIA. X 12' HIGH.
4. EXTERIOR WALLS - 12" THICK.
5. EXTERIOR DOORS - 36" X 80" DOUBLE LEAF.
6. EXTERIOR WALLS - 12" THICK.
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22. EXTERIOR WALLS - 12" THICK.
23. EXTERIOR WALLS - 12" THICK.
24. EXTERIOR WALLS - 12" THICK.

PROPOSED RESIDENCE FOR
Mr. and Mrs. Wilkerson Residence
39 Beacon Bay, Newport Beach, California 92660

DAVID PIERCE HOMANN
ARCHITECT
1910 VON KARMAN AVENUE SUITE 220 IRVINE, CA 92612
(949) 261-4862

PROJECT LOCATION
39 Beacon Bay Newport Beach California 92660

RIGHT SIDE



EXTERIOR ELEVATION KEYNOTES

1. ALL EXTERIOR ELEVATIONS ARE ASSUMED TO BE OF RED BRICK, UNLESS NOTED OTHERWISE.
2. ROOF: 12/12 PITCH, SHINGLES, 1/2" MIN. INSULATION.
3. GROUND: 1/2" MIN. INSULATION, 1/2" MIN. FINISH.
4. EXTERIOR: 1/2" MIN. INSULATION, 1/2" MIN. FINISH.
5. INTERIOR: 1/2" MIN. INSULATION, 1/2" MIN. FINISH.
6. WALK: 1/2" MIN. INSULATION, 1/2" MIN. FINISH.
7. FLOOR: 1/2" MIN. INSULATION, 1/2" MIN. FINISH.
8. CEILING: 1/2" MIN. INSULATION, 1/2" MIN. FINISH.
9. WALLS: 1/2" MIN. INSULATION, 1/2" MIN. FINISH.
10. FLOOR: 1/2" MIN. INSULATION, 1/2" MIN. FINISH.
11. CEILING: 1/2" MIN. INSULATION, 1/2" MIN. FINISH.
12. ROOF: 12/12 PITCH, SHINGLES, 1/2" MIN. INSULATION.
13. ROOF: 12/12 PITCH, SHINGLES, 1/2" MIN. INSULATION.
14. ROOF: 12/12 PITCH, SHINGLES, 1/2" MIN. INSULATION.
15. STEEL: 1/2" MIN. INSULATION, 1/2" MIN. FINISH.
16. ROOF: 12/12 PITCH, SHINGLES, 1/2" MIN. INSULATION.
17. ROOF: 12/12 PITCH, SHINGLES, 1/2" MIN. INSULATION.
18. ROOF: 12/12 PITCH, SHINGLES, 1/2" MIN. INSULATION.
19. ROOF: 12/12 PITCH, SHINGLES, 1/2" MIN. INSULATION.
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21. ROOF: 12/12 PITCH, SHINGLES, 1/2" MIN. INSULATION.
22. ROOF: 12/12 PITCH, SHINGLES, 1/2" MIN. INSULATION.
23. ROOF: 12/12 PITCH, SHINGLES, 1/2" MIN. INSULATION.
24. ROOF: 12/12 PITCH, SHINGLES, 1/2" MIN. INSULATION.



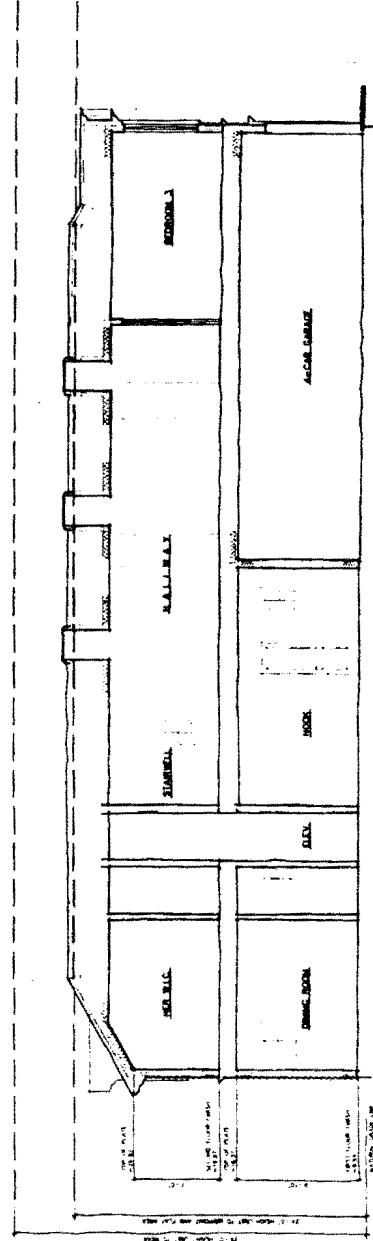
DAVID PIERCE HOHMANN
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PROPOSED RESIDENCE FOR
Mr. and Mrs. Wilkerson Residence
39 Beacon Bay
Newport Beach, California 92660

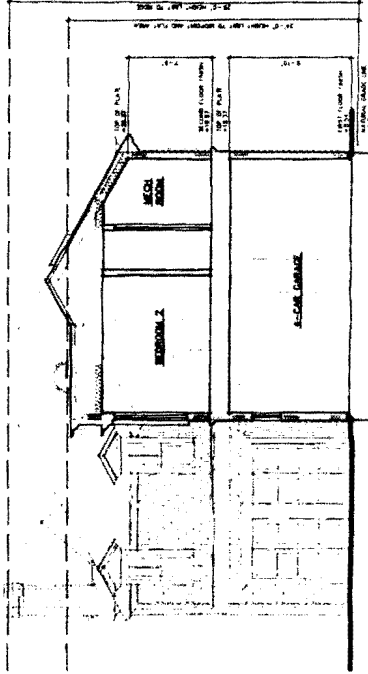
PROJECT LOCATION: 39 Beacon Bay Newport Beach California 92660

BUILDING SECTIONS

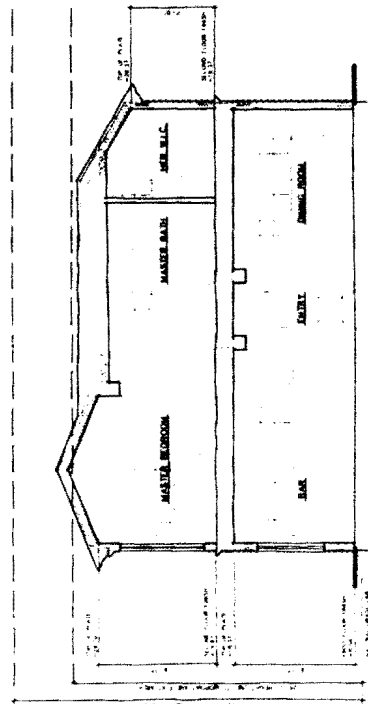
SECTION "A"



SECTION "B"



SECTION "C"



C7

PROJECT LOCATION: 39 Beacon Bay Newport Beach California 92660

PROPOSED RESIDENCE FOR
Mr. and Mrs. Wilkerson Residence
 Newport Beach, California 92660

DAVID PIERCE HOHMANN
 ARCHITECT
 18100 VON KARMAN AVENUE SUITE 220 IRVINE, CA 92612
 (949) 261-4882

1" = 1'-0"