

Attachment No. PC 8

Variance No. VA1137 (Amended)

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11. That restaurant development standards pertaining to walls, landscaping, parking lot illumination, and utilities shall be waived.
12. That the final design of the outdoor eating area be subject to Public Works Department review and approval prior to the issuance of any building permits.
13. That the final parking layout shall be subject to further review and approval by the City Traffic Engineer.
14. That Coastal Commission approval shall be obtained prior to the issuance of building permits.
15. That the Planning Commission may add to or modify conditions of approval to this use permit, or recommend to the City Council the revocation of this use permit upon a determination that the operation which is the subject of this amendment causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
16. That this use permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090 A of the Newport Beach Municipal Code.
17. That the hours of operation shall be limited between 10:00 a.m. and 11:30 p.m. daily.

Variance No. 1137 (Amended) (Public Hearing)

Request to amend a previously approved variance which permitted alterations and additions to an existing single family dwelling which exceeded the maximum permitted height in the 24/28 Foot Height Limitation District on property located in the R-1 District. Said variance also permitted the gross structural area of the dwelling to exceed 1.5 times the buildable area of the site; a modification to the Zoning Code so as to allow a portion of the structure to encroach 9 feet 6 inches into the required 10 foot front yard setback, adjacent to Ocean Boulevard; and the acceptance of an environmental document. The proposed amendment involves a request to permit an as-built, open exterior stairway

Item No. B

V1137A

Approved

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which exceeds the basic 24 foot height limit and to allow an as-built mechanical storage room which further increases the gross structural area of the dwelling beyond 1.5 times the buildable area of the site, and a modification to the Zoning Code so as to allow the subject stairway to encroach 9 feet 6 inches into the required 10 foot front yard setback.

LOCATION: A portion of Block 033, Corona del Mar, located at 2741 Ocean Boulevard, on the southwesterly side of Ocean Boulevard, at the southerly terminus of Goldenrod Avenue, in Corona del Mar.

ZONE: R-1

APPLICANT: Pod Emery, Corona del Mar

OWNER: Same as applicant

Mr. James Hewicker, Planning Director, stated that in accordance with the plans that had been approved by the Planning and Building Departments, the decks over China Cove were to be open and the railings were to be constructed of posts and glass. In reference to a visit to the site by staff and photographs that were taken and distributed to the Planning Commission, Mr. Hewicker referred to a portion of the lower level deck that had been enclosed, and he said that on the middle and upper levels of the decks the railings appeared that they were going to be solid construction as opposed to a post and glass construction.

In response to a question posed by Commissioner Winburn, Mr. Hewicker replied that the floor area ratio has been increased on the lower level inasmuch as the area has been enclosed. He explained that on the middle and upper levels, the solid walls of the decks do not increase the floor area but they give the visual appearance of making the building larger.

In response to a question posed by Chairman Pomeroy regarding the change in the construction material, Mr. Hewicker explained that the plan that was approved by the Planning Commission showed the posts and glass material. He said that he did not know if the Planning Commission's intent was that open railings were to be constructed; however, he said that the railings are not being built in accordance with the plans approved by the Planning Commission or staff. Mr. Hewicker explained

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that the Building Inspectors do not consider aesthetics as the Planning Commission did when the project was approved, or the neighbors did when they looked at the project when it came before the Planning Commission. Commissioner Winburn stated that she had received telephone calls from residents in the China Cove area who stated that the plans that were attached to the petition that was originally circulated by the applicant, do not appear to be the same as the present building.

In reference to the November 6, 1986, Planning Commission staff report, Commissioner Winburn pointed out that the gross structural area was 5,264 square feet, including an equipment room. She commented that there currently are two equipment rooms. Mr. Hewicker stated that the 5,264 square feet included one utility room, but the square footage did not include the second utility room because the second area was open; however, he said that since the building has been under construction, the second utility room has been enclosed which has increased the floor area ratio.

The public hearing was opened in connection with this item, and Mr. Rod Emery, applicant, appeared before the Planning Commission. Mr. Emery described the passageway between the deck areas on the lower level, and the room that was relocated, as they were shown in the revised plan that was filed with the Building Department. He said that the square footage remains the same inasmuch as the passageway is open, and the wall closes off the room from the rest of the area on the lower level.

Mr. Emery, Commissioner Merrill, and Mr. Hewicker discussed the design and use of the open-end passageway, and the room that was moved up to the front of the dwelling. Mr. Emery and Mr. Hewicker discussed the plans that were submitted and approved in plan check.

In response to Mr. Hewicker's statement that the building does not appear to be built in conformance with the plans that were originally approved, Mr. Emery replied that the rails and stairs constructed at the end of the house were not what was originally submitted and approved. Mr. Emery explained that when the plans were submitted to plan check, he was informed by the Building Department that corrections were going to have to be made which included a second stairway. He stated that after he had argued against the Building Department's request for a second stairway for an entire year, he

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ultimately agreed to submit revised plans; however, when the revised plans were being processed in plan check, he was advised that the second stairway was not necessary. Mr. Emery advised that it cost him \$23,000.00 to comply with the Building Department's requirements. He explained that from a mass standpoint, the project is the same as was originally approved, and that the alterations or changes that affect the visual are from the addition of the second stairway and the solid railings. Mr. Emery explained that inasmuch as there is a 65 foot drop from the house to the ground, the railings should be enclosed, and he described the design and materials used to construct the railings. Mr. Emery stated that he was never advised that the handrails needed to be constructed of translucent materials.

Mr. Hewicker stated that persons who looked at the plans before the building was constructed and saw the open handrails, did not appear during the November 6, 1986, Planning Commission public hearing to object to the solid railings. Discussion ensued between Mr. Emery, Commissioner Debay, and Commissioner Winburn regarding the telephone calls that were based on the plans that were submitted with the petition two years ago as opposed to the structure's current appearance.

Mr. Hewicker stated that whether the building was to be constructed of translucent materials as opposed to solid materials was not an issue when the project was approved, and that it was difficult to ascertain if there was a concern in terms of establishing a substantial conformance.

Discussion ensued between Commissioner Person and Mr. Hewicker regarding the site plan that included the spiral stairway that was required by the Building Department as a plan check comment. Mr. Emery described the numerous meetings that he had regarding the second stairway and his objection to the Building Department's requirement to construct same before he yielded to constructing the stairway. Mr. Emery explained that after the construction was completed, and he was informed that the second stairway was not necessary, and he was informed to remove it, he suggested that the issue be brought back to the Planning Commission.

Mr. Emery and Commissioner Winburn discussed the construction materials that were used to build the foundation for the stairway, and the required height of the stairway as determined by the number of stories of

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the dwelling. Mr. Emery commented that the structure had been under construction for six months when he was informed by the Building Department that he was required to build the second stairway.

In response to a question posed by Commissioner Winburn, Mr. Emery replied that inasmuch as he was not originally in favor of constructing the second stairway, he would be willing to remove it, if required. Mr. Emery explained that it would take a substantial amount of engineering and rework to remove the stairway from the structure.

Mr. Emery and Commissioner Merrill discussed the design of the stairway, and Mr. Emery commented that he was never informed by the Building Department what style of stairway was required. In response to questions posed by Commissioner Merrill, Mr. Emery described how the stairway was incorporated into the upper floors of the structure and the support that was constructed in the garage to support the stairway.

Discussion ensued between Mr. Emery and Commissioner Persón regarding under what conditions it would be necessary to remove the stairway.

Commissioner Winburn and Commissioner Persón discussed Condition No. 1 as approved by the Planning Commission, November 6, 1986, stating "that the development shall be in substantial conformance with the approved revised plot plan, floor plans, and elevations except as noted below." Commissioner Persón commented that strict compliance with the approved variance plan is necessary, and he pointed out that the revised plan shows that the staircase added bulk. In reference to the contents of a memorandum dated December 8, 1988, from the City Attorney's Office, Commissioner Persón commended the applicant that he would be willing to remove the stairway.

Commissioner Edwards concurred that under the circumstances that Mr. Emery had to encounter his offer to remove the stairway is more than generous.

Mr. Emery addressed the two aforementioned equipment rooms. Mr. Emery described the original mechanical room as a concrete basement with an average height of 5 feet. He explained why it should not be considered liveable space, that the door is 2 feet by 4 feet, and that access is 5 feet off of the floor. In reference to the

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additional equipment room, Mr. Emery explained that the additional enclosed space at the bottom of the house encloses the wood and steel columns that support the structure, and the numerous utility tanks that service the house. He said that the depth of the equipment room is from 14 feet to 2 feet, that 8 steps range from 1-1/2 feet to 3 feet, and he commented that there is not a flat surface in the room.

In response to a question posed by Commissioner Winburn, Mr. Emery replied that he would agree to Exhibit "C" in the staff report, to permit the mechanical storage room but deny the open exterior stairway.

There being no others desiring to appear and be heard, the public hearing was closed at this time.

Motion

Motion was made to approve Variance No. 1137 (Amended) subject to the findings and conditions in the foregoing Exhibit "C". Commissioner Person commended Mr. Emery's generosity in offering to remove the stairway despite the cost that was expended, and the emotional distress.

Commissioner Winburn stated that she would support the motion inasmuch as the removal of the stairway will alleviate some of the concerns expressed by the residents because of the bulk of the project.

Commissioner Di Sano stated that he would support the motion, and he commended Mr. Emery's generosity to remove the staircase.

Motion was voted on to approve Variance No. 1137 (Amended) subject to the findings and conditions in Exhibit "C". MOTION CARRIED.

All Ayes

FINDINGS:

1. That there are exceptional or extraordinary circumstances applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same district inasmuch as the subject property maintains a very irregular shape which results in a reduced buildable area due to front yard setback adjacent to Ocean Boulevard.
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant, inasmuch as the

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proposed building is of comparable bulk to other buildings on the bluff side of Ocean Boulevard.

3. That the granting of such application will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of the subject property and will not under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property improvements in the neighborhood inasmuch as the location of the proposed mechanical room will allow such an addition without appearing to increase the overall size and bulk of the structure.
4. That the approval of the modification so as to allow a further encroachment into the required front yard setback will be detrimental to persons, property and improvements in the neighborhood, and that the applicant's request would not be consistent with the legislative intent of Title 20 of the Municipal Code.
5. That the Planning Commission has previously approved an environmental document in conjunction with their consideration of the original Variance No. 1137 and that all significant environmental concerns have been addressed in the previous certified environmental document and there are no additional reasonable alternatives or mitigation measures that should be considered in conjunction with the proposed project.

CONDITIONS:

1. That the development shall be in substantial conformance with the approved plot plan and elevations.
2. That the previous Condition No. 3 of Variance No. 1137 shall be amended so as to allow a maximum gross structural area of 5,564± sq.ft. (2.04± x buildable area).
3. That the open exterior stairway shall be removed.
4. That all previous applicable conditions of approval of Variance No. 1137 shall be fulfilled.

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5. That this variance shall expire unless exercised within 24 months of the date of approval as specified in Section 20.82.090A of the Newport Beach Municipal Code.

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~~Variance No. 1146 (Public Hearing)~~

Item No. 9

V1146

Denied

Request to permit alterations and additions to an existing single family dwelling on property located in the R-1 District which will exceed the basic 24 foot height limit in the 24/28 Foot Height Limitation District. The proposal also includes Planning Commission review of three chimneys which will exceed the 24 foot basic height limit and which will exceed the minimum height required by the Uniform Building Code.

LOCATION: Lot 1, Block E, Tract No. 1219, located at 120 Kings Place, on the easterly side of King's Place between Kings Road and Cliff Drive, in Cliff Haven.

ZONE: R-1

APPLICANT: Sandy Scaccia, Newport Beach

OWNER: Same as applicant

Don Webb, City Engineer, referred to Condition No. 5 which states "That a 5 foot wide sidewalk be constructed adjacent to the curb across the lot frontage.", and he suggested that the condition be modified instead to state "...3.5 foot wide...". Mr. Webb explained that the intent is not to require the applicant to move the planter but to fill in the area between the curb and the sidewalk.

The public hearing was opened in connection with this item, and Mr. Howard Taylor, architect, appeared before the Planning Commission on behalf of the applicant. Mr. Taylor concurred with the findings and conditions in Exhibit "A", with the exception of Condition No. 5 inasmuch as the applicant has requested that the area be maintained as a rural atmosphere with no sidewalk and no street lighting. He explained that the existing sidewalk does not go across the width of the property. In reference to concerns regarding the chimneys, Mr. Taylor explained that the applicant would agree to lower

Planning Commission Meeting December 2, 1988

Agenda Item No. 8

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TO: Planning Commission
FROM: Planning Department
SUBJECT: Variance No. 1137 (Amended) (Public Hearing)

Request to amend a previously approved variance which permitted alterations and additions to an existing single family dwelling which exceeded the maximum permitted height in the 24/28 Foot Height Limitation District on property located in the R-1 District. Said variance also permitted the gross structural area of the dwelling to exceed 1.5 times the buildable area of the site; a modification to the Zoning Code so as to allow a portion of the structure to encroach 9 feet 6 inches into the required 10 foot front yard setback, adjacent to Ocean Boulevard; and the acceptance of an environmental document. The proposed amendment involves a request to permit an as-built, open exterior stairway which exceeds the basic 24 foot height limit and to allow an as-built mechanical storage room which further increases the gross structural area of the dwelling beyond 1.5 times the buildable area of the site, and a modification to the Zoning Code so as to allow the subject stairway to encroach 9 feet 6 inches into the required 10 foot front yard setback.

LOCATION: A portion of Block 033, Corona del Mar, located at 2741 Ocean Boulevard, on the southwesterly side of Ocean Boulevard, at the southerly terminus of Goldenrod Avenue, in Corona del Mar.

ZONE: R-1

APPLICANT: Rod Emery, Corona del Mar

OWNER: Same as applicant

Application

This application involves a request to amend a previously approved variance which permitted alterations and additions to an existing single family dwelling which exceeded the maximum permitted height in the 24/28 Foot Height Limitation District, on property located in the R-1 District. Said variance also permitted the gross structural area of the dwelling to exceed 1.5 times the buildable area of the site; a modification to the Zoning Code so as to allow a portion of the structure to encroach 9 feet 6 inches into

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the required 10 foot front yard setback adjacent to Ocean Boulevard; and the acceptance of an environmental document. The proposed amendment involves a request to permit an as-built, open exterior stairway which exceeds the basic 24 foot height limit and to allow an as-built mechanical storage room which further increases the gross structural area of the dwelling beyond 1.5 times the buildable area of the site. The proposal also includes a modification to the Zoning Code so as to allow the as built stairway to encroach 9 feet 6 inches \pm into the required 10 foot front yard setback. In accordance with Section 20.02.050 F. of the Newport Beach Municipal Code, structures on the bluff side of Ocean Boulevard are subject to the provisions of the 24/28 Foot Height Limitation District except that no structure may extend above the top of curb on Ocean Boulevard. Section 20.11.020 of the Municipal Code provides that the gross structural area of structures built in the R-1 District of Corona del Mar, shall not exceed 1.5 times the buildable area of the site. Variance procedures are set forth in Chapter 20.82 of the Municipal Code and modification procedures are set forth in Chapter 20.81.

Environmental Significance

The Planning Commission has previously approved an environmental document in conjunction with its consideration of the original Variance No. 1137. Inasmuch as all significant environmental concerns have been addressed in the previous certified environmental document and there are no additional reasonable alternatives or mitigation measures that should be considered in conjunction with the proposed project, no further environmental review is required.

Conformance with the General Plan and Local Coastal Program Land Use Plan

The Land Use Element of the General Plan designates the site for "Single Family Detached" uses and the Local Coastal Program Land Use Plan designates the site for "Low Density Residential" uses. The subject single family dwelling is a permitted use within these designations.

Subject Property and Surrounding Land Uses

The subject property is currently developed with a single family dwelling and detached garage which is in the process of being remodeled. All other development surrounding the site is single family dwellings.

Background

At its meeting of November 6, 1986, the Planning Commission approved Variance No. 1137 which permitted alterations and additions to the existing dwelling which exceeded the maximum permitted height in the 24/28 Foot Height Limitation District. Said variance also permitted the gross structural area of the dwelling to exceed 1.5 times the buildable area of the site. Said approval also included a modification to the Zoning Code so as to allow a portion of the structure to encroach 9 feet-6 inches into the

TO:

Planning Commission-3.

required 10 foot front yard setback adjacent to Ocean Boulevard. For the Planning Commission's information, staff has attached a copy of the staff report for the original Variance No. 1137 which includes a full outline of the existing project's major characteristics, and an excerpt of the Planning Commission minutes dated November 6, 1986.

When the applicant submitted plans to the Building Department, it was determined that a secondary stairway was necessary in order to provide required exiting from the upper portions of the structure. As a result, the applicant made a revision to the plot plan and floor plans which showed an exterior open stairway on the southeasterly side of the building. Said plans were then approved by the Building Department and building permits were issued for the project. During the construction of the project, staff determined that the exterior stairway which the applicant proposed, exceeded the 24 foot basic height limit and therefore required the approval of a further variance by the Planning Commission. It was also determined that an area under the lower living level which contained approximately 300± sq. ft. had been enclosed for the purpose of housing mechanical equipment for the structure such as heaters, air conditioning equipment and water heaters. Said enclosure was not shown on the previously approved plans and has resulted in a further increase in the gross structural area of the building.

Analysis

In order to retain the as-built conditions of the building which go beyond the allowances of the previously approved variance application, the applicant is requesting an amendment to said variance so as to further increase the gross structural area of the project and allow the retention of an as-built exterior stairway which exceeds the allowable 24 foot average roof height.

Proposed Height of Exterior Stairway

As shown on the attached elevations (Sheet A-8 of attached plans), the as-built stairway will maintain a maximum height of 29 feet measured from the adjacent natural grade to the top of the railing. It should also be noted that said stairway will maintain a minimum of two side walls which will be at least 50 percent open, and therefore, will not be included in the gross structural area of the building. At present, the subject stairway has been constructed to the upper living level and maintains a maximum height of 38± feet. However, the applicant intends to remove one level of the stairway as shown on the attached photographs, so as to conform to the attached elevations. Although the proposed stairway is substantially lower than the remainder of the structure and it will not block views from adjoining residential properties, staff is of the opinion that the structure adds to the bulk of the new construction on the site. In addition, the Building Department has reviewed the plans again, and it has been determined that a secondary stairway is not necessary, inasmuch as there are adequate exits from the floor levels of the residence to adjoining exterior grades.

TO:

Planning Commission-4.

Front Yard Setback Encroachment

As shown on the attached site plan, the as-built stairway encroaches 9 feet 6 inches into the required 10 foot front yard setback in a similar manner as the existing approved structure. Staff has no objections to such an encroachment inasmuch as it is substantially below Ocean Boulevard and will not block any ocean views from the public street or adjoining properties.

Proposed As-Built Mechanical Storage Room

Although it is difficult to identify on the attached plans, the applicant has constructed a mechanical storage room under the lower living level. Said mechanical room, which is accessed from the deck area on top of the garages, contains 300± sq.ft. and may be more easily identified from the attached photographs. Inasmuch as the mechanical room is an enclosed space, it is required to be included in the gross structural area of the building. Such an addition to the building will increase the gross structural area from 5,264± sq.ft. to 5,564± sq.ft. or 2.04± times the buildable area of the site. Staff has no objections to the requested mechanical room inasmuch as it is located underneath the upper portion of the structure and therefore will not appear to increase the size and bulk of the building.

Required Findings for Variance Approval

Section 20.82.020 of the Newport Beach Municipal Code provides that in order to grant any variance, the Planning Commission must find that the applicant has established the following grounds for a variance:

1. That there are exceptional or extraordinary circumstances applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same district.
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.
3. That the granting of such application will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of the property of the applicant and will not under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property improvements in the neighborhood.

Applicant's Statements of Support

The applicant has submitted the following statements of support of his application.

What exceptional circumstances apply to the property, building or use?

"That the irregular shape of the property and the steepness of the slope requires that the proposed stairway exceed the basic height limit and the structure to exceed the allowable gross structural area of 1.5 times the buildable area of the site."

Why is a variance necessary to preserve property rights?

"That the irregular shape of the property results in excessive setbacks that reduce the allowable buildable area significantly below other developed sites in the area and that the height of the proposed stairway is significantly lower than a majority of the other homes along the bluff side of Ocean Boulevard."

Why will this proposal not be detrimental to the neighborhood?

"That the proposed height of the stairway is substantially lower than other portions of the approved building and will not block views from any adjoining residential properties. That the proposed mechanical room is located in an area of the project which will allow such an addition without increasing the overall size and bulk of the structure."

Staff concurs with the applicant's position concerning the height of the stairway inasmuch as there are unusual circumstances which apply to the site's topography which do not generally apply to other building sites on the upland side of Ocean Boulevard; and further that said stairway is substantially lower than the existing structure on-site and on surrounding bluff side development. However, the subject stairway does add bulk to the site even though it will be at least 50 percent open; and the structure is no longer required by the Building Department. Staff also concurs with the applicant's opinion that the location of the proposed mechanical room will allow such an addition without appearing to increase the overall size and bulk of the structure.

Specific Findings

Should the Planning Commission wish to approve this application the findings and conditions set forth in the attached Exhibit "A" are suggested. Should the Planning Commission wish to deny this application, the findings set forth in Exhibit "B" are suggested. If it is the desire of the Planning Commission to permit the mechanical storage room but deny the open exterior stairway, the findings and conditions set forth in Exhibit "C" are suggested.

TO: Planning Commission-6.

PLANNING DEPARTMENT
JAMES D. HEWICKER, Director

By W. William Ward
W. William Ward
Senior Planner

Attachments: Exhibit "A"
Exhibit "B"
Exhibit "C"
Vicinity Map
Excerpt of the Planning Commission
Minutes dated November 6, 1986
Original Staff Report for Variance No. 1137 with
attachments
Photographs of existing structure
Site Plan and Elevations

TO:

Planning Commission-7.

EXHIBIT "A"
FINDINGS AND CONDITIONS OF APPROVAL FOR
VARIANCE NO. 1137 (AMENDED)

FINDINGS:

1. That there are exceptional or extraordinary circumstances applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same district inasmuch as the subject property maintains a very steep slope which is significantly different than the other lots on the upland side of Ocean Boulevard.
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant, inasmuch as the proposed building is of comparable height and bulk to other buildings on the bluff side of Ocean Boulevard.
3. That the granting of such application will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of the subject property and will not under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property improvements in the neighborhood inasmuch as the height of the stairway is substantially lower than the existing on-site structure and on surrounding bluff side development; and further that the location of the proposed mechanical room will allow such an addition without appearing to increase the overall size and bulk of the structure; and further that the approval of a further encroachment into the required front yard setback is consistent with the legislative intent of Title 20, of the Zoning Code.
4. That the Planning Commission has previously approved an environmental document in conjunction with their consideration of the original Variance No. 1137 and that all significant environmental concerns have been addressed in the previous certified environmental document and there are no additional reasonable alternatives or mitigation measures that should be considered in conjunction with the proposed project.

TO:

Planning Commission-8.

CONDITIONS:

1. That the development shall be in substantial conformance with the approved plot plan and elevations.
2. That the previous Condition No. 3 of Variance No. 1137 shall be amended so as to allow a maximum gross structural area of 5,564± sq.ft. (2.04± x buildable area).
3. That all previous applicable conditions of approval of Variance No. 1137 shall be fulfilled.
4. That this variance shall expire unless exercised within 24 months of the date of approval as specified in Section 20.82.090A of the Newport Beach Municipal Code.

TO:

Planning Commission-9.

EXHIBIT "B"
FINDINGS FOR DENIAL OF
VARIANCE NO. 1137 (AMENDED)

1. That there are no exceptional or extraordinary circumstances applying to the land, building, and use proposed in this application, which circumstances and conditions do not generally apply to land, building, and/or uses on the other lots in the area which justify the approval of a further increase in the height or bulk of the subject building.
2. That the subject property has previously been allowed a Floor Area Ratio of 1.93 x the buildable area of the site which provides sufficient buildable area so as to permit the construction of a sufficiently large home.
3. That the open exterior stairway adds to the bulk of the new construction on the site, and is not required by the Building Department.
4. That the establishment, maintenance, and operation of the use, property, and building will, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the modification for the stairway encroachment into the front yard setback is not consistent with the legislative intent of Title 20 of the Municipal Code.

TO:

Planning Commission-10.

EXHIBIT "C"
FINDINGS AND CONDITIONS OF APPROVAL FOR
VARIANCE NO. 1137 (AMENDED)

FINDINGS:

1. That there are exceptional or extraordinary circumstances applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same district inasmuch as the subject property maintains a very irregular shape which results in a reduced buildable area due to front yard setback adjacent to Ocean Boulevard.
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant, inasmuch as the proposed building is of comparable bulk to other buildings on the bluff side of Ocean Boulevard.
3. That the granting of such application will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of the subject property and will not under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property improvements in the neighborhood inasmuch as the location of the proposed mechanical room will allow such an addition without appearing to increase the overall size and bulk of the structure.
4. That the approval of the modification so as to allow a further encroachment into the required front yard setback will be detrimental to persons, property and improvements in the neighborhood, and that the applicant's request would not be consistent with the legislative intent of Title 20 of the Municipal Code.
5. That the Planning Commission has previously approved an environmental document in conjunction with their consideration of the original Variance No. 1137 and that all significant environmental concerns have been addressed in the previous certified environmental document and there are no additional reasonable alternatives or mitigation

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measures that should be considered in conjunction with the proposed project.

CONDITIONS:

1. That the development shall be in substantial conformance with the approved plot plan and elevations.
2. That the previous Condition No. 3 of Variance No. 1137 shall be amended so as to allow a maximum gross structural area of 5,564± sq.ft. (2.04± x buildable area).
3. That the open exterior stairway shall be removed.
4. That all previous applicable conditions of approval of Variance No. 1137 shall be fulfilled.
5. That this variance shall expire unless exercised within 24 months of the date of approval as specified in Section 20.82.090A of the Newport Beach Municipal Code.

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DESIGN DATA

SG. FT. CALCS.

CONSULTANTS

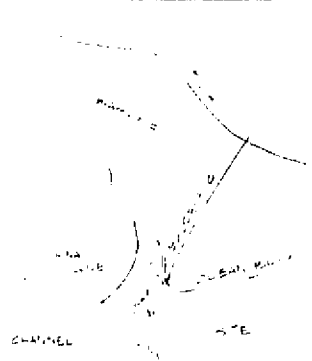
SYMBOL LEGEND

VICINITY MAP

CONTENTS

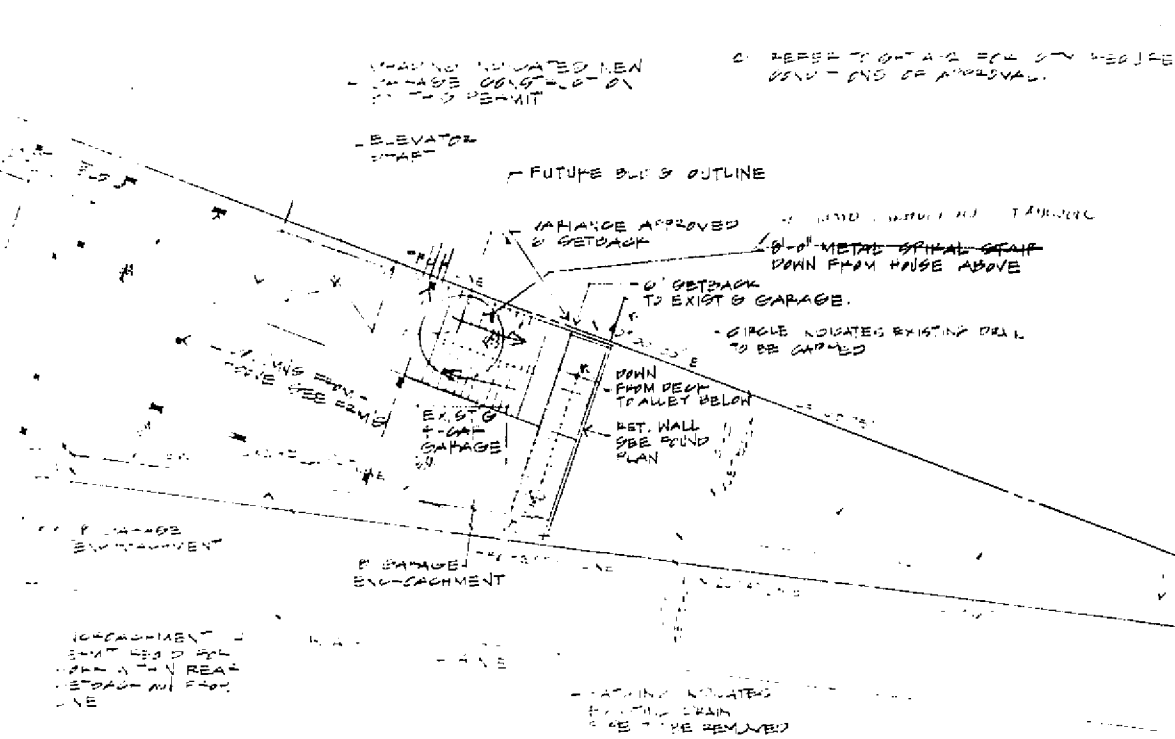
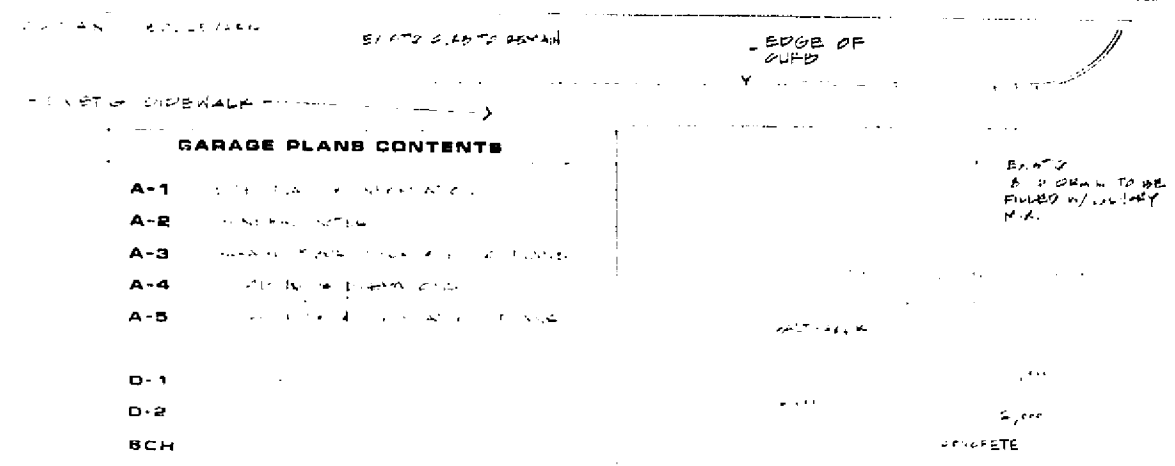
NEW 10' x 12' GARAGE
 APPROX. 10' x 12' x 10'
 10' x 12' x 10' x 10'
 10' x 12' x 10' x 10'
 10' x 12' x 10' x 10'
 10' x 12' x 10' x 10'
 10' x 12' x 10' x 10'
 10' x 12' x 10' x 10'

STRUCTURAL: RMC ENGINEERING, INC.
 1000 1/2 STREET, SUITE 100
 CORONA, CA 92626
 (714) 548-3661
 ELECTRICAL: RMC ASSOCIATES
 51 KALMUS DR., #1
 CORONA, CA 92626
 (714) 548-3661
 MECHANICAL: RMC ASSOCIATES
 51 KALMUS DR., #1
 CORONA, CA 92626
 (714) 548-3661



- A-1 SITE PLAN & INFORMATION
- A-2 FLOOR PLAN
- A-3 LOWER FLOOR PLAN
- A-4 UPPER FLOOR PLAN
- A-5 LOWER FLOOR PLAN
- A-6 LOWER FLOOR PLAN
- A-7 LOWER FLOOR PLAN
- A-8 LOWER FLOOR PLAN
- A-9 LOWER FLOOR PLAN
- A-10 LOWER FLOOR PLAN
- A-11 LOWER FLOOR PLAN
- A-12 LOWER FLOOR PLAN
- A-13 LOWER FLOOR PLAN
- A-14 LOWER FLOOR PLAN
- A-15 LOWER FLOOR PLAN
- A-16 LOWER FLOOR PLAN
- A-17 LOWER FLOOR PLAN
- A-18 LOWER FLOOR PLAN
- A-19 LOWER FLOOR PLAN
- A-20 LOWER FLOOR PLAN
- D-1 DETAIL
- D-2 DETAIL
- D-3 DETAIL
- D-4 DETAIL
- D-5 DETAIL
- D-6 DETAIL
- D-7 DETAIL
- SCH SCHEDULE

EMERY REMODEL
2741 OCEAN
CORONA DEL MAR, CA.



NOTES:
 1. REFER TO DATA 2 FOR ALL REQUIRED
 DATA - END OF APPROVAL.
 2. REFER TO DATA 2 FOR ALL REQUIRED
 DATA - END OF APPROVAL.
 3. REFER TO DATA 2 FOR ALL REQUIRED
 DATA - END OF APPROVAL.
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 5. REFER TO DATA 2 FOR ALL REQUIRED
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 6. REFER TO DATA 2 FOR ALL REQUIRED
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 7. REFER TO DATA 2 FOR ALL REQUIRED
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 8. REFER TO DATA 2 FOR ALL REQUIRED
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 9. REFER TO DATA 2 FOR ALL REQUIRED
 DATA - END OF APPROVAL.
 10. REFER TO DATA 2 FOR ALL REQUIRED
 DATA - END OF APPROVAL.

SITE PLAN

VARIANCE # 1137

SITE PLAN AND
INFORMATION

Date: _____
 Revision: _____
 Revision: _____
 Drawn By: _____
 Job No. _____

A-1
 V1137A

EMERY REMODEL
2761 OCEAN
CORONA DEL MAR, CA.

INC
ERJ
15 1/4

2424 S.E. Blvd Street
Suite #300
P.O. Box 104
Newport Beach, CA 92630

Cove
Development Co., Inc.

BR
AR
400
1 1/4

ELEVATIONS

Use
Revision
Revision
Drawn By
Job No

A-8

V 1137A

EAST ELEVATION

NORTH ELEVATION

NEW CHIMNEY SET
COMPL - 2" U.S.G.
PERMIT

EXIST'G BLD'G
NEW BLD'G

NEW FLAT ROOF
BELOW GURD NOT
STREET.

TOP OF GUARDRAIL
1'-0" 1'-0" 1'-0"

TOP OF GUARDRAIL
1'-0" 1'-0" 1'-0"

TOP OF GUARDRAIL
1'-0" 1'-0" 1'-0"

TOP OF GUARDRAIL
1'-0" 1'-0" 1'-0"

LOWER P.P.

NOTE:
REFER TO SHEET
A-9 FOR ADDITIONAL
NOTES AND INFO.

WEST ELEVATION

LOW POINT
OF OCEAN BLVD.

INTERNAL
CORNER

INTERNAL CORNER
1'-0" 1'-0" 1'-0"

TYPICAL
VENNER

EXIST'G GARAGE BELOW

SOUTH ELEVATION

INTERNAL CORNER
1'-0" 1'-0" 1'-0"

EMERY REMODEL
2741 OCEAN
CORONA DEL MAR, CA.

INC
IERS
CA 92663
RS, AIA

2424 SE Doral Street
Suite #350
PO Box 10479
Newport Beach, CA 92658

Development Co., Inc.

BR
AR
CITY

ELEVATIONS

Date:
Revision:
Revision:
Drawn By:
Job No. 56057-1

A-9

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