
Subject: FW: Comments: General Plan Update Process

From: Gerald Thompson [mailto:secretfallsranch@yahoo.com]

Sent: Thursday, November 09, 2017 10:25 AM

To: Kramer, Kory <kkramer@newportbeachca.gov>; Dunlap, Bill <bdunlap@newportbeachca.gov>; Koetting, Peter <pkoetting@newportbeachca.gov>; Kleiman, Lauren <lkleiman@newportbeachca.gov>; Lowrey, Lee <llorey@newportbeachca.gov>; Weigand, Erik <eweigand@newportbeachca.gov>; Zak, Peter <pzak@newportbeachca.gov>; Biddle, Jennifer <JBiddle@newportbeachca.gov>; Campagnolo, Daniel <DCampagnolo@newportbeachca.gov>; Jurjis, Seimone <sjurjis@newportbeachca.gov>; info@spon-newportbeach.org

Subject: Comments: General Plan Update Process

Building codes, setbacks, height limits etc. are all there for good reasons, please do not let everyone flout them to maximize their houses.....especially in Corona del Mar where the lots are small to begin with.....s/Jerry and Kathy Thompson 2701 Shell China Cove

Subject: FW: Request for Variance of 2607 Ocean Blvd.

-----Original Message-----

From: MARY ANN HEMPHILL [mailto:mahemphill@me.com]

Sent: Thursday, November 09, 2017 11:20 AM

To: Kramer, Kory <kkramer@newportbeachca.gov>; Dunlap, Bill <bdunlap@newportbeachca.gov>;

Koetting, Peter <pkoetting@newportbeachca.gov>; Kleiman, Lauren

<kleiman@newportbeachca.gov>; Lowrey, Lee <llowrey@newportbeachca.gov>; Weigand, Erik

<eweigand@newportbeachca.gov>; Zak, Peter <pzak@newportbeachca.gov>; Ramirez, Brittany

<bramirez@newportbeachca.gov>; Campagnolo, Daniel <DCampagnolo@newportbeachca.gov>;

Jurjis, Seimone <sjurjis@newportbeachca.gov>

Subject: Request for Variance of 2607 Ocean Blvd.

November 9, 2017

Dear Planning Commission:

I am very concerned about the proposed variance request at 2607 Ocean Boulevard.

In reading the proposal and the variance requirements, I see that #5 states, "Granting of the variance will not be detrimental to the harmonious and orderly growth of the city." Most of the houses in the China Cove area are older, smaller. The presence of a 5,000 square foot home, with proposed features that would extend 14 feet higher than the height limit is absolutely out of place in this area of the city.

For many other reasons, this application should be denied.

There are no extenuating circumstances that warrant a height variance. Building an elevator shaft and a rooftop deck that exceed the height requirement is just for the pleasure of the owners.

The Municipal Code sets forth absolute requirements to obtain a variance.

I am especially concerned about the following portions of the requirements to obtain a variance.

3. Granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district;

4. Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood; and

5. Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.”

I request that the members of the Planning Commission pay very, very close attention to the following portion of requirement #5: “Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City.”

Sincerely,

Mary Ann Hemphill

230 Agate Avenue

Subject: FW: Ocean Blvd Variance

From: Ernest [<mailto:ejbjensen@gmail.com>]

Sent: Thursday, November 09, 2017 9:01 AM

To: Kramer, Kory <kkramer@newportbeachca.gov>; Dunlap, Bill <bdunlap@newportbeachca.gov>; Koetting, Peter <pkoetting@newportbeachca.gov>; Kleiman, Lauren <kleiman@newportbeachca.gov>; Lowrey, Lee <llowrey@newportbeachca.gov>; Weigand, Erik <eweigand@newportbeachca.gov>; Zak, Peter <pzak@newportbeachca.gov>; Ramirez, Brittany <bramirez@newportbeachca.gov>; Campagnolo, Daniel <DCampagnolo@newportbeachca.gov>; Jurjis, Seimone <sjurjis@newportbeachca.gov>

Subject: Ocean Blvd Variance

I am opposed to making height exceptions in view areas and allowances to exceed floor to area requirements. One exception just leads to another and we should keep our community consistent with building requirements.

Just say no!

E. J. Bastien

Sent from [Mail](#) for Windows 10

Subject: FW: Comments: General Plan Update Process

-----Original Message-----

From: Marianne Farrell [mailto:whtsteed@me.com]

Sent: Thursday, November 09, 2017 9:36 AM

To: Kramer, Kory <kkramer@newportbeachca.gov>; Dunlap, Bill <bdunlap@newportbeachca.gov>; Koetting, Peter <pkoetting@newportbeachca.gov>; Kleiman, Lauren

<lkleiman@newportbeachca.gov>; Lowrey, Lee <llorey@newportbeachca.gov>; Weigand, Erik

<eweigand@newportbeachca.gov>; Zak, Peter <pzak@newportbeachca.gov>; Biddle, Jennifer

<JBiddle@newportbeachca.gov>; Campagnolo, Daniel <DCampagnolo@newportbeachca.gov>;

Jurjis, Seimone <sjurjis@newportbeachca.gov>; info@lineinthesandpac.com

Subject: Comments: General Plan Update Process

I am strongly opposed to what I see as a growing epidemic of over-sized homes in my Corona del Mar neighborhood, as well as Newport Heights and all over the city. Especially big boxes sprouting up all over the place - are an eyesore and out of keeping with Newport Beach and its ambiance as a city by the sea. Over sized homes that dwarf everything around them are equally intrusive and don't belong here.

Marianne Farrell

Irvine Terrace Homeowner

Sent from my iPad

Subject: FW: Variance - 2607 Ocean Boulevard

From: Bruce Bartram [<mailto:cpq1x8v0@verizon.net>]

Sent: Thursday, November 09, 2017 10:41 AM

To: Koetting, Peter <pkoetting@newportbeachca.gov>; Zak, Peter <pzak@newportbeachca.gov>; Weigand, Erik <eweigand@newportbeachca.gov>; Dunlap, Bill <bdunlap@newportbeachca.gov>; Kleiman, Lauren <lkleiman@newportbeachca.gov>; Kramer, Kory <kkramer@newportbeachca.gov>; Lowrey, Lee <llowrey@newportbeachca.gov>; Ung, Rosalinh <RUng@newportbeachca.gov>

Cc: jwatt4@aol.com; Dennis.Baker@DiandDen.net; abeek@flash.net; andylinge@gmail.com; bobbylovell2000@yahoo.com; Don Harvey <harveydonw@juno.com>; Dorothy Kraus <DorothyJKraus@gmail.com>; elinhoff@sbcglobal.net; pricejcb@gmail.com; jenmcd10@aol.com; Jo Carol Hunter <jocarol@ix.netcom.com>; mako@uci.edu; Melinda Seely <Melinda@hiseely.com>; nanalston@gmail.com; jskinnermd@aol.com; portiaweiss@gmail.com; Tom Baker <TomLuBaker@hotmail.com>; NFReynolds@yahoo.com; jimmosher@yahoo.com; timstoaks@sbcglobal.net; Susan Skinner <seskinner@me.com>; dkrotee@krotee.com

Subject: Variance - 2607 Ocean Boulevard

Dear Planning Commission:

I oppose the request for variance made by the owners of 2607 Ocean Blvd. scheduled for hearing at tonight's Planning Commission meeting. According to the Staff Report the variance request involves the following:

"The application includes a Variance that if approved would allow the residence to:

- 1) Encroach 10 feet into the 10-foot rear yard setback on Way Lane;
- 2) Encroach 3 feet into the 10-foot front yard setback on Ocean Boulevard for the residence;
- 3) Exceed the maximum floor area;
- 4) Exceed the 29-foot height limit for an elevator shaft by up to 14 feet and portions of the roof deck guardrail to exceed the 24-foot for a flat roof/guardrail by up to 8 feet; and
- 5) Provide open volume within the required setback areas."

Newport Beach Municipal Code 20.52.090 A. states the purpose of a variance which mirrors state law as well:

"20.52.090 Variances.

A. Purpose. A variance provides a process for City consideration of requests to waive or modify certain standards of this Zoning Code when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district."

In short, a variance can't be a grant of special privileges inconsistent with the limitations on the other properties in the vicinity and zone. In reviewing the Staff Report only No.1 (Encroach 10 feet into the 10-foot rear yard setback on Way Lane) and No.2 (Encroach 3 feet into the 10-foot front yard setback on Ocean Boulevard for the residence) involve "special circumstances" applicable to the property specifically lot size and location that arguably would justify the granting of a variance.

The remainder of the Variance request concern items not related to special circumstances of the property and simply reflect the desire of the property owners to maximize the scale and value of their proposed project. As an example on Pg. 12 of the Staff Report it is stated:

"Staff explored design alternatives to avoid exceeding the height limit. The proposed residence could be designed without a rooftop deck thereby eliminating the guardrail and elevator (and height variance) altogether. Given the location and

value of the property, staff did not pursue this option although it remains an alternative to consider. The house could be redesigned with the elevator and roof deck guardrail closer to Ocean Boulevard. This alternative design could reduce or possibly avoid the height variance. Placing the elevator closer to Ocean Boulevard increases excavation and construction costs with additional shoring. The applicant also believes such a change compromises the design.”

Courts have long held that a zoning variance must be grounded in conditions peculiar to the particular lot as distinguished from other properties in the vicinity and zone. Unnecessary hardship therefore occurs where the natural condition or topography of the land places the landowner at a disadvantage vis-à-vis other landowners in the area, such as peculiarities of the size, shape or grade of the parcel. Case law also has discerned in the hardship requirement an additional finding that the hardship be substantial and that the exception sought must be in harmony with the intent of the zoning laws. Govt. Code 65906; Committee to Save the Hollywoodland Specific Plan (2008) 161 Cal. App. 4th 1168; Craik v. County of Santa Cruz (2000) 81 Cal. App. 4th 880.

The Staff Report demonstrates the absence of substantial hardship and instead shows simply the preferences of the property owners. As such, this portion of the variance request must be rejected. Otherwise, it will constitute a grant of special privileges in violation of state law and the Newport Beach Municipal Code.

Very truly yours,

Bruce Bartram
2 Seaside Circle
Newport Beach, CA 92663

Biddle, Jennifer

Subject: FW: Ocean Blvd house

-----Original Message-----

From: Beatrix Tirkanits [mailto:btirkanits@gmail.com]

Sent: Thursday, November 09, 2017 12:42 PM

To: Kramer, Kory <kkramer@newportbeachca.gov>; Dunlap, Bill <bdunlap@newportbeachca.gov>;
Koetting, Peter <pkoetting@newportbeachca.gov>; Kleiman, Lauren

<lkleiman@newportbeachca.gov>; Lowrey, Lee <llorey@newportbeachca.gov>; Weigand, Erik
<eweigand@newportbeachca.gov>; Zak, Peter <pzak@newportbeachca.gov>; Ramirez, Brittany
<bramirez@newportbeachca.gov>; Campagnolo, Daniel <DCampagnolo@newportbeachca.gov>;

Jurjis, Seimone <sjurjis@newportbeachca.gov>

Subject: Ocean Blvd house

Please do not approve this monstrosity which is totally out of step with our neighborhood.

Beatrix Tirkanits
3607 Seabreeze Ln
Corona Del Mar, CA, 92625

Sent from my iPhone

Subject: FW: Application for variance request for 2607 Ocean Blvd. tonight

-----Original Message-----

From: Portia Weiss [mailto:portiaweiss@gmail.com]

Sent: Thursday, November 09, 2017 2:47 PM

To: Koetting, Peter <pkoetting@newportbeachca.gov>; Zak, Peter <pzak@newportbeachca.gov>; Weigand, Erik <eweigand@newportbeachca.gov>; Dunlap, Bill <bdunlap@newportbeachca.gov>; Kleiman, Lauren <lkleiman@newportbeachca.gov>; Kramer, Kory <kkramer@newportbeachca.gov>; Lowrey, Lee <llorey@newportbeachca.gov>; Ung, Rosalinh <RUng@newportbeachca.gov>

Subject: Application for variance request for 2607 Ocean Blvd. tonight

Dear Planning Commission,

Please do not approve the variance requested by the owners of 2607 Ocean Blvd. scheduled for tonight's Planning Commission meeting. I object to providing the owners of this property the opportunity to exceed both square footage and height limits stated in the Newport Beach Municipal Code

Thank you for your continued efforts to help us maintain the integrity of our unique seaside community by abiding by the Newport Beach Municipal Codes.

Appreciatively,

Portia Weiss
421 San Bernardino Avenue
Newport Beach, CA 92663

Subject: FW: Variance at 2607 Ocean Blvd

From: Susan Skinner [<mailto:seskinner@me.com>]

Sent: Thursday, November 09, 2017 3:18 PM

To: Kramer, Kory <kkramer@newportbeachca.gov>; Dunlap, Bill <bdunlap@newportbeachca.gov>; Koetting, Peter <pkoetting@newportbeachca.gov>; Kleiman, Lauren <kleiman@newportbeachca.gov>; Lowrey, Lee <llowrey@newportbeachca.gov>; Weigand, Erik <eweigand@newportbeachca.gov>; Zak, Peter <pzak@newportbeachca.gov>; Ramirez, Brittany <bramirez@newportbeachca.gov>; Campagnolo, Daniel <DCampagnolo@newportbeachca.gov>; Jurjis, Seimone <sjurjis@newportbeachca.gov>; Ung, Rosalinh <RUng@newportbeachca.gov>

Cc: Jim Mosher <jimmosher@yahoo.com>; Joy Brenner <joybrenner@me.com>; Nicole Reynolds <nfreynolds@yahoo.com>; Andy Lingle <andylinge@gmail.com>; Jean Watt <jwatt4@aol.com>

Subject: Variance at 2607 Ocean Blvd

Dear Planning Commission members,

This morning, additional information regarding the variance at 2607 Ocean Blvd was added to the Planning Commission staff report.

In this staff report is the following statement:

"4. Granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district;

Without granting the variance request the property owner could only build 2,865 square-foot residence that is substantially smaller than what could be constructed on a typical rectangular R- 1 lot in Corona del Mar. The variance does not constitute a grant of a special privilege as it allows the property owner to develop a residence that is consistent with the adjacent single-family dwellings in the neighborhood that provides the code-required parking, and is of comparable height to other properties along Way Lane

The floor area increase would not constitute a special privilege as it allows the property owner to build a house compatible with the development of other lots in the vicinity that are above the average of 5,000 square feet. "

I disagree with this statement. As I stated in my letter, the properties on Way Lane north of Fernleaf have a very different topography than the properties south of Fernleaf. Those south of Fernleaf are on a slope that is effectively unbuildable without variances to the height limitation due to the steep incline. While the subject property has a significant slope, it is not comparable to the properties south of Fernleaf and the justification for the increase of height is not that the property cannot be developed without such a variance, but rather that the developer would like to have an elevator and pool privacy wall for his property. This does not meet the requirements of Section 20.52.090(F) to allow this height to be allowed.

Although other properties cited are greater than 5000 sq ft, they are ALL built on lots that allowed a house of that size without requiring a variance for this reason. There are multiple variances granted for setbacks in the

south section of Way Lane, but all of the variances that I was able to see on the city website did NOT grant additional sq footage to the homes, but just changes in the setbacks to allow better placement of the homes on a steep slope. Some of the variances granted are very old and I could not find those on the website.

Page 41 of the newly added staff information affirms that each of the lots that have a house greater than 5000 sq ft are situated on lots substantially larger than 2607 Ocean Blvd.

Thus, although variances have been granted, they have not been granted to increase the sq footage of the houses and the granting of this variance is a special privilege that is NOT allowed under city code.

Thank you,

Susan Skinner

Sq footage per house per Zillow.com:

2701 Ocean Blvd	4260 sq ft
2711 Ocean Blvd	5213 sq ft
2723 Ocean Blvd	3300 sq ft
2727 Ocean Blvd	3684 sq ft
2735 Ocean Blvd	8600 sq ft
2741 Ocean Blvd	4500 sq ft (This may be in error as variance PA 2015-224 noted that the new home would be about 10K sq ft)
2616 Way Lane	1699 sq ft
2620 Way Lane	5535 sq ft

Re: 2607 Coast

11/9/17

When we viewed the model for the proposed home at the above address on September 9, 2017 we asked specifically if there were any variances required for construction. We were told that except for the elevator shaft, there were none.

As a consequence we were surprised to receive notice that five were required.

When we constructed our home in China Cove our architect purposely planned to fit construction within the allowed envelope for our lot size with no variances required. China Cove, because of its unique geographic situation of narrow access and close lots as well as no street parking permitted should ~~never~~ not be over-built through variances.

We want to be good neighbors and hope that others who are

fortunate to live there want to be
good neighbors too.

Thank you for your consideration

Julie Gill
2601 Way Lane
Carson de Mar
CA 92625