

Attachment No. PC 4

Public Comments

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Dear Ms. Westmoreland

Thank you for taking the time to meet with us on August 10th, to discuss the plans submitted for the construction of a new residence at 2516 Bayside Dr. in Corona del Mar. Based on our discussion it is our understanding that the property owner has requested two variances, both of which involve the encroachment into the required 5-foot rear setback. One is to allow the construction of a retaining wall, the second to allow the construction of a deck that would extend into the required 5-foot setback. The variance for the construction of the retaining wall is not a significant issue. However, the variance allowing the deck to extend beyond the required setback is a significant point of contention.

Chapter 20.52 090 F of the Newport Beach Zoning Code states:

“A Variance provides a process to waive or modify certain standards of the Zoning Code when, because of special circumstances applicable to the property, including location, shape, size, surrounding, 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.”

With the property in question there are no “special circumstances applicable to the property”. Denying the variance does not prevent the owner from enjoying any of the privileges enjoyed by other property owners in the vicinity. Denying the variance does not prevent the property owner from constructing a deck, but only limits its size, and would maintain setbacks consistent with other properties in the vicinity.

For a variance to be approved, the person requesting such variance must demonstrate 6 specific findings. They are:

1. “There are special or unique circumstances or conditions applicable to the subject property (e.g. location, shape, size, surrounding, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification.”

There is nothing unique about the location, shape, size, surrounding, topography, or other physical features of the property that would justify a variance allowing the extension of the deck. The property in question is an R2 lot much like many others in Corona del Mar. As such the property owner has the same opportunities and restrictions to utilize the property as other property owners in the vicinity.

2. “Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under and identical zoning classification.”

Adhering to the existing zoning code requirements does not deprive or in any way limit the property owners in question from enjoying the same privileges enjoyed by other property owners in the vicinity. Adhering to the existing building requirements would put the property

owner on equal footing with other owners in the vicinity. Approving the variance would essentially be granting the property owner privileges beyond those enjoyed by other owners and would be detrimental to other owners in the vicinity.

3. "Granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant."

The requested variance is not required to allow for the preservation and enjoyment of substantial property rights. Denying the variance does not prevent the owner from constructing a residence in substantially the same manner as shown in the plans on file. Denying the variance would simply prevent them from constructing a larger than permitted deck on the structure at the expense of other property owners in the vicinity.

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."

Granting of the variance would constitute a special privilege which is inconsistent and beyond that afforded other property owners in the vicinity. Denying the variance does not prevent the property owner from developing the property in substantially the same form as shown on the plans submitted. It simply limits the size of the deck which is consistent with the same limitation other property owners in the vicinity have complied with.

5. "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."

The property in question backs up to an alley that provides for public access. The variance would allow a deck on the structure to extend to the property line resulting in no distance between the structure and alley. As a layman, it appears that this could be a public safety issue if the alley needed to be utilized. To potentially put the public safety in jeopardy simply to allow one property owner to extend their deck for their private enjoyment does not appear to be consistent with the best interest of the public.

6. "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."

The zoning code exists to assure construction guidelines are applied consistently. In Corona del Mar, where space is scarce, one purpose of the code is to assure a reasonable distance between structures, and structures and public areas, is maintained. To grant a variance reducing this space, simply because one property owner wishes to construct a "larger" deck, undermines a fundamental purpose of the code and is inconsistent with its intent and purpose.

Based on the above requirements, we would argue that the property owner does not meet any of the requirements necessary to be granted a variance. There is nothing specific to this property that would indicate the requested variance is necessary to entitle the property owners to the same use and privileges as other owners in the vicinity or would benefit the public. This simply appears to be a case of a property owner wishing to construct a larger than allowed deck for their personal enjoyment to the detriment of the other property owners in the vicinity and public safety. Requiring the property owner to adhere to the same zoning requirements as the other property owners in the vicinity does not limit their rights or deny them the same privileges as those granted to other property owners. Rather, granting the variance would be tantamount to awarding them privileges beyond those enjoyed by others and set a precedent for future requests.

Respectfully submitted

Frank and Karen Bassoff 2514 Bayside Dr. and 402 Dahlia Ave.

Hedy Hirsh 407 Dahlia Ave.

Kopshever, Daniel

From: Raquel Dawson <dawson.raquel@gmail.com>
Sent: June 29, 2026 5:29 PM
To: Kopshever, Daniel
Subject: CdM Investors Residence - PA2002-0148

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Dear Members of the Newport Beach Planning Commission,

I am writing to express my concern regarding Project File No. PA2022-0148 (CDM Investors Residence), which is scheduled for consideration by the Planning Commission.

While I understand that property owners may wish to modernize or rebuild their homes, I believe it is important that new construction complies with the development standards established by the Newport Beach Municipal Code. These standards, including required setbacks, exist to protect neighborhood character, preserve light and air between properties, maintain privacy, and ensure consistent development throughout the community.

This project seeks a variance to allow portions of the new development to encroach into the required rear setback. Granting variances for newly constructed homes should be reserved only for truly exceptional circumstances and not simply to accommodate a preferred architectural design. When an existing home is voluntarily demolished and replaced with a new residence, the expectation should be that the new structure conforms to current zoning and setback requirements.

Approving setback variances for new homes creates an undesirable precedent that may encourage future applicants to seek similar exceptions, gradually eroding the development standards that residents rely upon to protect the character of Newport Beach neighborhoods.

I respectfully request that the Planning Commission require this project to be redesigned so that it fully complies with the City's required setbacks rather than approving the requested variance. If the applicant wishes to build a new home, it should do so within the same rules that apply to every other property owner.

Thank you for your consideration of these comments and for your commitment to maintaining the integrity of Newport Beach's planning and zoning standards.

Regards,

Raquel Dawson