

Attachment C

May 23, 2019, Planning Commission
Staff Report



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

May 23, 2019
Agenda Item No. 4

SUBJECT: Reed Residential Variance (PA2019-060)
▪ Variance No. VA2019-002

SITE LOCATION: 1113 Kings Road

APPLICANT: Carolyn Reed

OWNER: Carolyn Reed

PLANNER: Jaime Murillo, Senior Planner
949-644-3209, jmurillo@newportbeachca.gov

PROJECT SUMMARY

Demolition of an existing single-family residence and the construction of a new 10,803-square-foot, single-family residence and a 1,508-square-foot, four-car garage. The applicant is requesting a variance to allow portions of the upper level roof and deck, and portions of a an office and covered patio on the main level of the proposed home to exceed the allowed height limit due to the steep topography of site.

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find this project categorically exempt under Section 15303, of the California Environmental Quality Act ("CEQA") Guidelines - Class 3 (New Construction or Conversion of Small Structures), California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment; and
- 3) Adopt Resolution No. PC2019-015 approving Variance No. VA2019-002 (Attachment No. PC 1).

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INTRODUCTION

Project Setting and Background

The subject property is a hillside lot located along the south side of Kings Road in the single-family residential neighborhood of Cliff Haven above and visible from Coast Highway. Surrounding properties include single-family residences to the west, north, and east. Commercial properties are located down slope south of the parcel in the Mariners' Mile commercial corridor along West Coast Highway. Similar to other residences on the south side of Kings Road, the property is developed with the front yard facing Kings Road and the rear of the property abutting the commercial lots down slope.

The property is currently developed with a two-level, 3,000-square-foot, single-family residence with attached, 1285-square-foot, four-car garage parking. The residence and a two-car garage were originally constructed in 1954. The structure is one story above Kings Road and one level below the street. A second two-car garage for recreational-vehicle (RV) storage was constructed in 1976 and it received the approval of a variance (Variance No. 1053) from the Planning Commission authorizing portions of the garage to exceed the 24-foot flat roof height limit. At the location of the RV garage, a gully exists within the lot that slopes significantly from north to south and from east to west. The garage appears as an approximately 13-foot-high, one-story structure from Kings Road, however, due to the slope of the gully under the garage, the garage measures approximately 31.5 feet from existing grade at the southeast corner of the garage.

The adjacent single-family residence to the east at 1101 Kings Road is also topographically impacted by the gully feature and has been granted two variances in the past (VA1034 in 1973 and VA1150 in 1989). The variances authorized a maximum structure height of 45 feet 6 inches and deck height of 36 feet 6 inches as measured from the existing grade at the rear of the structures.

Project Description / Variance Request

The applicant desires to demolish the existing structure and construct a new 10,803-square-foot, single-family residence and 1,508-square-foot, four-car garage parking. The residence would consist of three levels: a 4,177-square-foot daylighting basement level, a 3,361-square-foot main level, and a 3,265-square-foot upper level. From the Kings Road street frontage, the residence would appear as two stories. The daylighting basement level would generally only be visible from the property to the east and from West Coast Highway to the south.

The residence has been designed with multiple step backs at the upper levels to maintain a structure height that follows the natural slope of the lot. However, due to the topographical constraint of the gully feature at the northeastern corner of the lot that

extends to the south generally along the eastern property line that affects the siting and design of the proposed construction, the applicant is requesting a variance to allow portions of the roof to exceed the 29-foot height limit for sloped roofs and a portion of a deck and associated railing to exceed the 24-foot height limit for decks and flat roofs. The differences in height limits for the various components of the structure are as follows:

- *Upper level roof eaves:* 1.13 feet, 1.29 feet, and 1.85 feet above 29-foot sloped roof height limit
- *Upper level deck and rails:* 4.47 feet and 2.32 feet above 24-foot flat roof height limit
- *Main level office eave:* 1.74 feet above 29-foot sloped height limit
- *Main level covered patio eave:* 3.07 feet above 29-foot sloped roof height limit

Figure 1 below highlights the portions of roof and deck that exceed allowed height limits. Figure 2 includes three-dimensional renderings of the proposed residence illustrating the portions of the structure that exceed the 29-foot height limit plane.

The applicant's project description and justification is included as Attachment No. PC 3. The project plans (Attachment No. PC 4) provide additional information on the site topography as well as the location, height, and layout of the proposed structure.

DISCUSSION

Analysis

General Plan and Zoning Code

The Land Use Element of the General Plan designates the site as Single-Unit Residential Detached (RS-D) and the Zoning Code designates the site as Single-Unit Residential (R-1), which are intended to provide for areas appropriate for single-family residential dwelling units on a single lot. The proposed development is consistent with these designations and use of the property would not change. With the exception of the requested variance for height, the proposed residence complies with all other applicable development standards of the R-1 Zoning Districts as illustrated in Table 1 below:

Figure 1 – Roof Plan and Section Exhibit - Height Exceedances

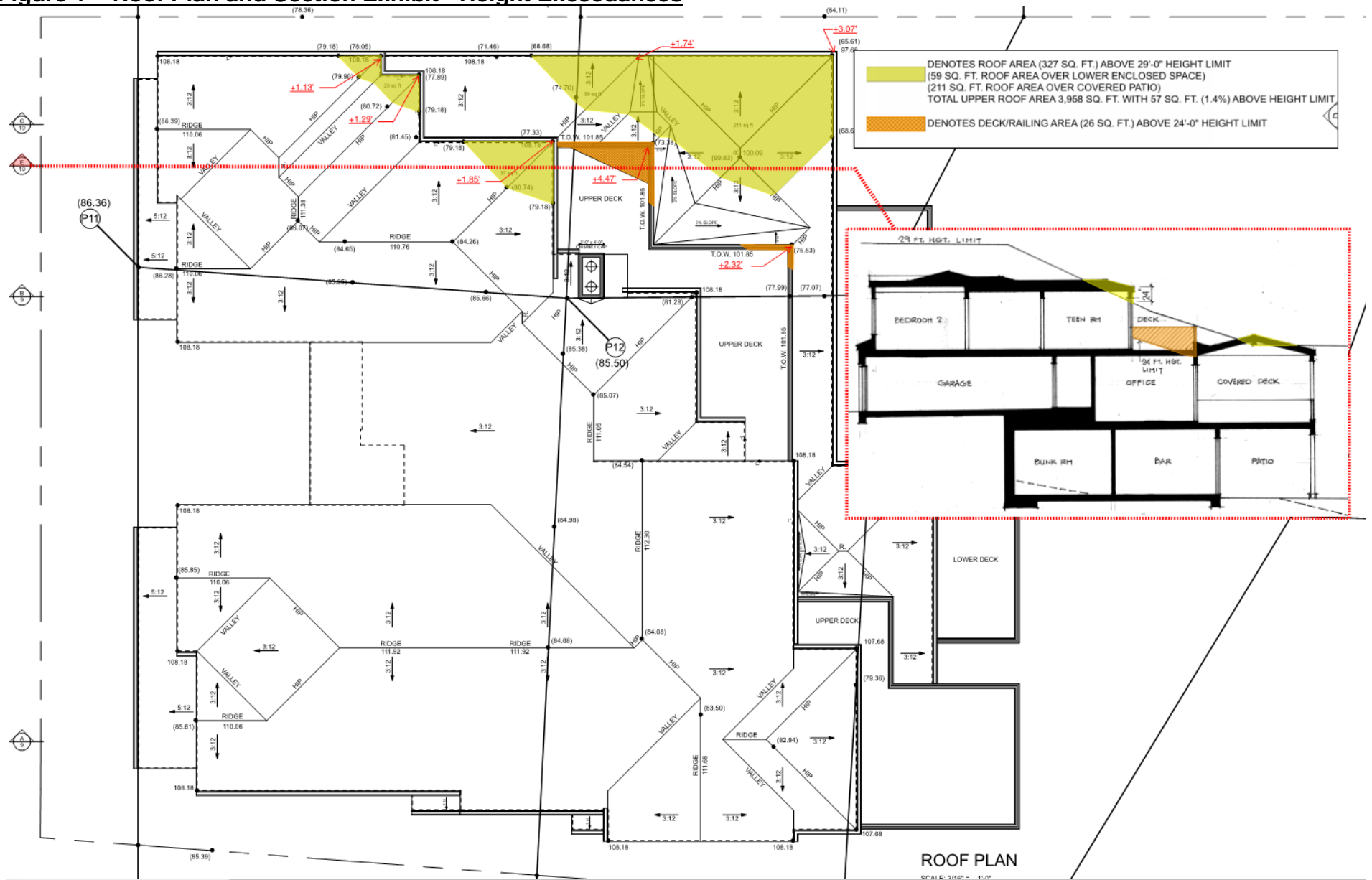


Figure 2 – 3D Rendering Illustration of Height Exceedances (Yellow Plane Represents 29-Foot Height Limit)



Rear Elevation



Front Elevation (Kings Rd)



Right Side Elevation



Left Side Elevation



Left Side Elevation
(Looking Down)



Left/Front Elevation

Table 1: Zoning Development Standards			
Development Standard	Required	Existing	Proposed
Setbacks (min.)			
Front	10'	11'	10'
Rear	10'	98'	85.5'
Left Side (West)	4'	5'	5'
Right Side (East)	4'	4'	4'
Height (max.)			
Flat	24'	31.5' (Variance 1053)	28.47' (deck rail) ⁽¹⁾
Sloped	29'	29'	32.07' ⁽²⁾
Open Space (min.)	2,177 sq. ft.	Exceeded	18,130 sq. ft.
3rd Floor Area (max.)	2,177 sq. ft.	No 3 rd Floor	411 sq. ft. ⁽³⁾
Floor Area Limit (max.)	29,024 sq. ft.	4,285 sq. ft.	12,311 sq. ft.
Parking (min.)	3 garage spaces	4 garage spaces	4 garage spaces

(1) Variance requested to allow 26 sq. ft. of deck and deck rail to exceed the 24-foot flat roof height limit.

(2) Variance requested to allow 327 sq. ft. of sloping roofs to exceed the 29-foot height limit.

(3) Per NBMC Section 20.48.180.A.3.a, on sloping lots the Director shall determine which story is the third floor for implementing third floor limits. The upper level functions primarily as a two-story element as viewed from Kings Road and the property to the west; however, where located above the gully feature, portions of the upper level bathrooms and teen room function and appear as a third level to the property to the east and are calculated as such. These areas have also been designed to comply with third floor step back of two additional feet from side setback.

Grade Establishment and Building Height

Pursuant to Newport Beach Municipal Code (NBMC) Section 20.30.050 (Grade Establishment), the building height on a lot that slopes more than five percent is measured from a plane established by determining the elevation of the lot at five evenly spaced points along each of the two side property lines and connecting each of the points along a side property line with the corresponding point on the opposite side property line, as shown in Figure 3. On lots that slope an average of twenty percent or greater, or on irregularly shaped or sloping lots, the Director may require that additional points of elevation be provided. Due to the significant slope variations of the lot due to the gully feature of the lot, five additional points were added in locations to more closely follow the existing grade profile of the hillside. Figure 4 below illustrates the established grade plane from the site topographic survey provided in Sheets 2 and 3 of Attachment PC 4. These additional points were included because the use of the Code described method does not reflect the existing topographic profile of the site and further restricted the ability to design a structure.

Figure 3 - Grade Establishment Example

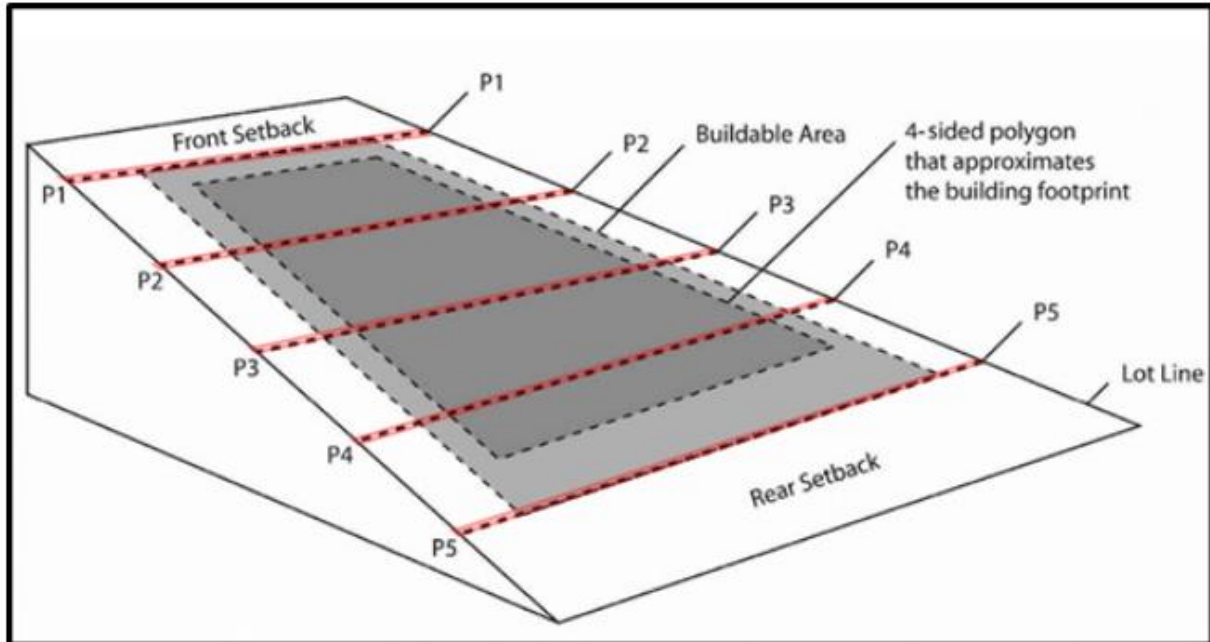
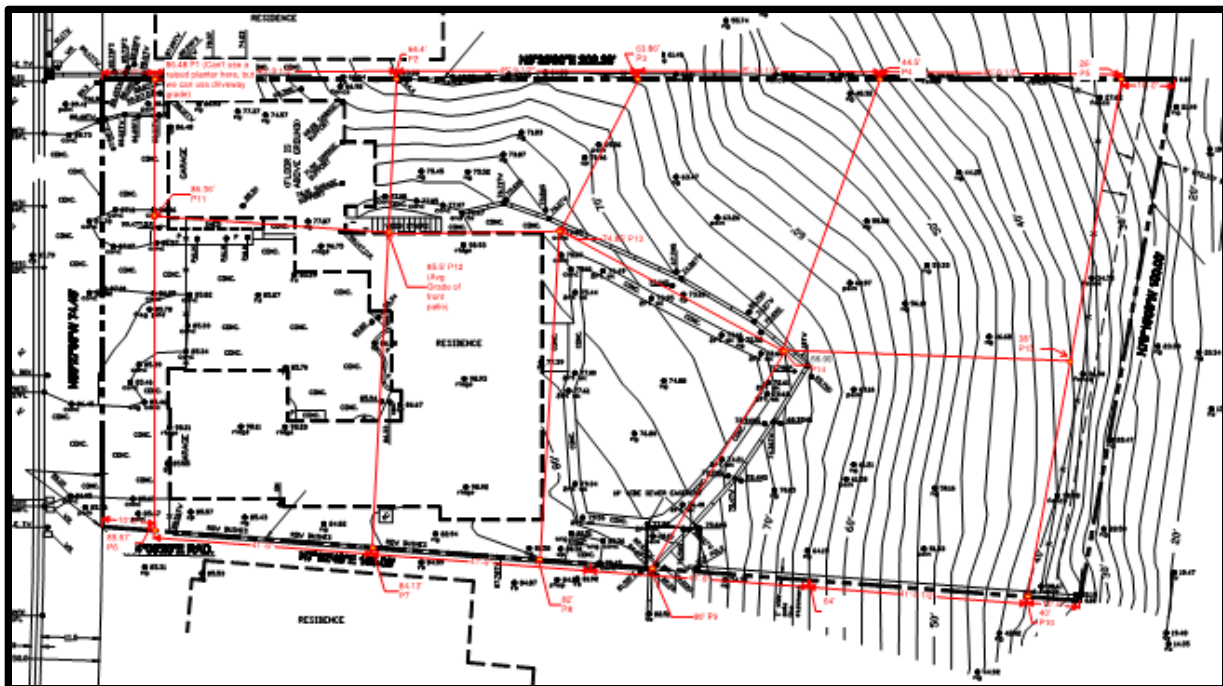


Figure 4 - Grade Establishment for Subject Property



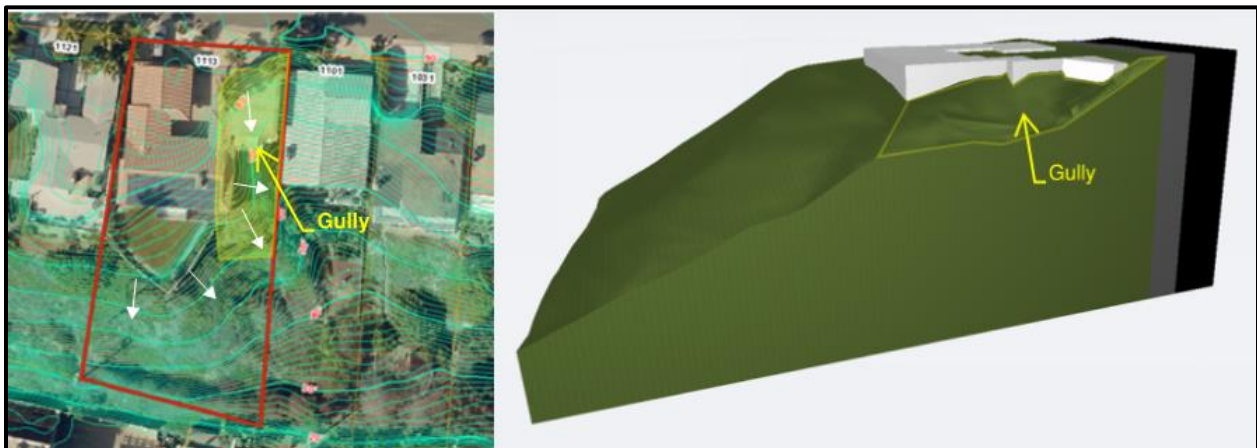
Required Variance Findings

A variance is a request to waive or modify certain standards 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. A variance can only be granted to maintain parity between the variance site and nearby properties in the same zoning district to avoid the granting of special privileges to one property.

Pursuant to NBMC Section 20.52.090(F) (Variances – Findings and Decision), the Planning Commission must make certain findings in order to approve a variance. Staff believes sufficient facts exist to support the variance requests and they are set forth in the draft resolution for project approval (Attachment No. PC 1). Below is a summary of facts in support of the required findings:

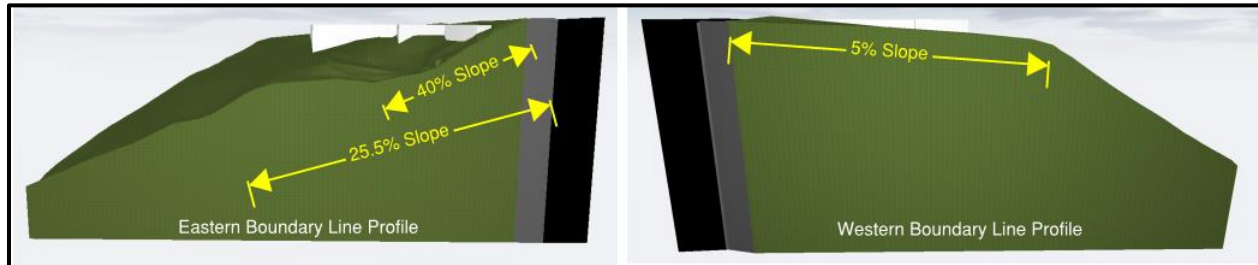
- 1. There are special or unique circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;*

The site is bluff top residential property that slopes north to south generally consistent with other properties located along the south side of Kings Road; however, this particular site is unique in that a deep gully severely constrains the northeastern corner of the lot. This gully is an unusual site feature that burdens the property with multiple sloping angles and directions that does not generally apply to the other properties along Kings Road.



The rear portion of the proposed residence measures approximately 100 feet back from the front property line along Kings Road. The slope differential and change in grade is significant along the western boundary line of the residence as compared to the eastern

property line where the gully feature is located. The change in existing grade along the western boundary line is approximately five feet (five percent slope) along the proposed length of the residence, whereas the change in existing grade along the eastern boundary line is approximately 25.5 feet (25.5 percent slope) due to the gully feature.



The most significant change in grade along the eastern boundary actually occurs within the first 67 feet of the lot as measured from the front property line, where the gully at its deepest point (62.85 feet North American Vertical Datum of 1988 [NAVD 88]) is 26.5 feet below the elevation of the front property line (89.3 feet NAVD 88), resulting in a steep slope of 40 percent.

The lot also slopes in various directions from east to west. At the front setback line, the difference in grade between the east property line and west property line is approximately 0.8 feet with a 1 percent slope up from west to east. However, at the extreme depth of the gully on the easterly property line (62.85 feet NAVD 88), the corresponding grade measurement on the westerly property line is 20 feet higher (82.94 feet NAVD 88). At this location the lots slopes down 22 percent from west to east.

This variation in topography of the lot presents a unique circumstance in comparison to other properties in its vicinity that warrant the requested variance.

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

The Zoning Code requires the height of structures to be measured from a grade plane based on an approximation of the existing grade using several grade points. On sloping lots, the height limit is intended to follow the slope of the established grade plane. It is typical for properties on sloping lots to be designed with terracing foundations and roof that typically maintain a two-level appearance within the allowed height envelope. Due to the topographical constraint that the gully creates on this lot, including multiple slopes in differing directions, strict compliance with the Zoning Code development standards precludes the property owners from enjoying this same privilege of designing a two-level terraced design across the buildable width of the lot.

The entire front of the residence facing the street could be built to 29 feet in height with sloping roofs without a variance. However, the front of the residence is designed to a maximum height of 23.78 feet from existing grade at the front elevation and is the tallest observed height as viewed from Kings Road. Due to the sloped nature of the lot and corresponding maximum height envelope, the first point of height exceedance occurs down-slope away from Kings Road and 22 feet back from the front setback line (33 feet from the curb). The height encroachments are not visually higher than any portion of the residence as viewed from Kings Road because they are behind the complying roof elements at the front of the building.

Modifying the proposed design to eliminate the height variance for enclosed living area would require eliminating an office on the main level, located behind a compliant garage, and eliminating or significantly reducing the size of an upper level closet, bathroom, and teen room. Modifying the design to eliminate the height variance for the outdoor living areas would require eliminating the roof cover over the deck behind the garage and office on the main level and reducing the size of the upper level deck. The appearance of structure as viewed from Kings Road would not change, but the functionality of the home design would be impacted.

The granting of a variance provides relief from Zoning Code height calculations to allow the residence to maintain comparable height across both the east and west sides of the residence to improve and maintain functionality of the house design. It is not intended nor does it in any way permit features or height increases beyond what can be built by right elsewhere on the subject site where physical hardships due to topography are not present.

The adjacent single-family residence to the east (1101 Kings Rd.), which is also impacted by the topographic gully feature, has been granted two variances in the past (VA1034 in 1973 and VA1150 in 1989). It provided relief from the topographic constraint allowing the home to be constructed. As viewed from Kings Road, the neighboring residence (100.72-foot ridge elevation) is 11 feet lower in overall roof elevation than the proposed residence (111.92-foot ridge elevation) due to the difference in existing grade from which these residences are measured from. However, the neighboring property is more severely impacted by the gully and the variances authorized a maximum structure height of 45 feet 6 inches and deck height of 36 feet 6 inches as measured from existing grade. These height limit exceedances are approximately 13.5 feet higher for the living area and 12 feet higher for the deck than the proposed variance request.

3. Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;

The granting of a variance for the preservation of the applicant's rights to enjoy a residence similar in style and character to the surrounding residences is necessary due to the physical conditions of the subject property including varying topography with

multiple slope grades in differing directions and the steepness of the grade. The eastern side of the proposed residence extends a smaller distance away from Kings Road than the western side of the residence due to of the constraining topographical features. However, the granting of the variance due to the property slopes is necessary to maintain functionality of the house design and by allowing the height increase for approximately 116 square feet of roof area over enclosed living areas and 211 square feet of roof area over a covered patio area to exceed the 29-foot height limit. It would also allow 26 square feet of deck and railing area to exceed the 24-foot flat roof height limit. Strict compliance with the Zoning Code would deprive the applicant of the substantial property right of building a residence of uniform height across the subject site, a design that is enjoyed by other properties in the vicinity of the subject property. The variance is intended to permit only what can be built by right elsewhere on the subject site where physical hardships due to topography of the gully feature are not present.

To avoid the topographic constraint associated with the gully, the teen room, decks, and covered patio features of the proposed residence would need to be setback approximately an additional 15 feet from the easterly side setback line (19 feet from easterly property line) to eliminate the need for the variance. This modification to the design would effectively reduce the buildable width from approximately 90 percent of the lot width to 72 percent of the lot width at those locations.

The over-height areas of the residence are located over a gully feature that slopes significantly in both a north-south direction, as well as east-west direction that creates a challenge to design a residence that is functional and architecturally pleasing. The granting of this variance allows the applicant to preserve and benefit from the development of a residence that utilizes the entire buildable width of the lot similar in style, size, and character of surrounding multi-level homes 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;

Each segment of Kings Road presents various differing degrees of slope topography, and most properties are developed with homes and yards reflecting their specific topographic constraints. It is appropriate to evaluate each residence in the immediate vicinity on a case-by-case basis. In this case, the subject lot is more severely impacted than most other sloping lots on the south side of Kings Road due to the unique gully feature that impacts this lot with more drastic changes in topography in multiple directions. Therefore, approval of the variance does not constitute a grant of special privilege in this case.

The variance allows the property owner to develop a single-family residence that effectively utilizes the buildable width of the lot comparable to and compatible with developments on other lots in the vicinity that are identically zoned. Other sloping lots in the vicinity under the same zoning classification along the south side of Kings Road are

able to be developed with two-story structures and daylighting basements across the entire width of their lots. The proposed height limit exception does not result in a special privilege as the variance allows the property owners to construct a residence that meets their needs while maintaining parity with surrounding development.

The property owners will not achieve additional height or floor area beyond what would be permissible on a typical slope that is more representative of the slope on other properties along Kings Road that are not impacted by a gully feature. Furthermore, when viewed from the street elevation, the residence will provide articulation and will be approximately 5 feet lower than the 29-foot height limit as viewed from Kings Road and maintain heights consistent with other two-story homes constructed in the vicinity.

5. Granting of the variance will not be detrimental to the harmonious and orderly growth of the City, nor 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

The granting of the variance will not create a visual impact to the community or impact public or private views. Currently there are no public views from Kings Road to the south due to the existing residence and garages. The over-height features will not be visible from Kings Road or residence across the street since they would be located behind height-compliant portions of the structure as viewed from the street. Additionally, the over-height features would not be readily noticeable as viewed from West Coast Highway below due to the distance from the highway and the limited size and height of the features proposed that would exceed the height limit. Therefore, the variance will not create a visual impact on surrounding areas or roadways.

Although the City does not have private view protection policies, the proposed residence will not negatively impact the private views of the residences on the north side of Kings Road or the public as a result of granting the variance. The Zoning Code allows the residence to be built to the 29-foot height limit across the entire front of the property along Kings Road, but the proposed structure is approximately 5 feet lower than the allowed 29-foot height limit as viewed from the street. The small portions of roofs requiring the variance will not be visible from the street elevation of Kings Road and will not impact private views from the northerly side of Kings Road any more than a conforming design.

The portions of the structure that exceed the height limit would be most visible from the property to the east that is also impacted by the gully feature. To minimize the bulk and mass of the structure as viewed from the neighboring property, the roof planes have been designed to pitch down towards the easterly neighbor. Furthermore, the portion of the upper level bathroom that appears as a third level as viewed from the neighbor to the east has been set back an additional 2 feet beyond the 4-foot side setback to further minimize the bulk and mass of the visibly tallest portion of the residence where the grades are

lowest. The over-height covered patio on the main level is open on the side, increasing building modulation and further reducing the visual mass of the structure.

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 provides the flexibility in application of land use and development regulations through the variance review process. The variance procedure is intended to resolve practical physical hardships resulting from the unique topography and lot configurations that exist in the City and on this property. Due to the topography of the lot, height and design of buildings on neighboring properties, the height limit exception can be approved by the Planning Commission through this variance request.

The subject property is designated for single-unit residential use and the granting of the variance does not increase the density or floor area beyond what is planned for the area, and will not result in additional traffic, parking, or demand for other services.

Summary

Staff believes sufficient facts exist to support the Variance request as demonstrated in the draft Resolution. The topographical constraint that the gully creates on the property, with multiple slopes and angles, restricts the potential development on the site and makes it difficult to design a structure that effectively utilizes the buildable width of the lot. The proposed structure is approximately 5 feet lower than allowed 29-foot height limit as viewed from the street. The limited portions of roofs requiring the variance will not be visible from the street elevation of Kings Road since they are located behind height-compliant portions of the structure as viewed from the street. The project has been designed such that it will be compatible with other properties in the vicinity, and will not appear out of scale or character for the existing and allowed development in the surrounding area.

Alternatives

Staff recommends approval based on the required findings for approval of a variance; however, the following alternative actions are available for the Commission:

1. Should the Planning Commission determine that there are insufficient facts to support one or more of the findings for approval, the Planning Commission must deny the application and provide facts in support of denial to be included in the attached draft resolution for denial (Attachment No. PC 2).
2. The Planning Commission may suggest specific changes to the project design that are necessary to alleviate concerns. If any requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional

analysis. Should the Planning Commission choose to do so, staff would return with a revised resolution incorporating new findings and/or conditions.

Although staff worked with the applicant to minimize the variance requests, alternative design options to further avoid or minimize the variance could include, but are not limited to:

- a. Eliminating the roof above the main level patio. Without the roof, the patio could remain uncovered and would comply with the 24-foot flat roof height limit for that aspect of the request; however, the patio would be exposed to a southerly solar direction.
- b. Reducing the depth of the garage in front of the office by 8.5 feet would maintain a code-compliant parking depth of 20 feet and allow for the office on the main level to be moved closer to the front of the lot where the existing grades are higher. Relocating the office would significantly reduce and possibly eliminate the need for a height variance for that design feature.
- c. Reducing the area of upper level deck above the gully feature to reduce or eliminate the need for a variance for that component.
- d. Reducing the size of the teen room or eliminating it altogether to accommodate a redesign of Bedroom 2's bathroom and closet away from the gully feature and within the 29-foot building height envelope.

Environmental Review

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines because it has no potential to have a significant effect on the environment. This exemption covers the construction of new small facilities or structures including up to three new single-family residences in urbanized areas. The proposed project is the construction of a new single-family residence.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:


Jaime Murillo, Senior Planner

Submitted by:


Jim Campbell
Deputy Community Development Director

ATTACHMENTS

- ~~PC 1 Draft Resolution of Approval~~
- ~~PC 2 Draft Resolution of Denial~~
- PC 3 Applicant's Project Description and Justification
- ~~PC 4 Project Plans~~
- PC 5 Correspondence Received

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~~Attachment No. PC 1~~

~~Draft Resolution of Approval~~

~~Attachment No. PC 2~~

~~Draft Resolution of Denial~~

Attachment No. PC 3

Applicant's Project Description and
Justification

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April 9, 2019 [Updated May 13, 2019]

Mr. Jaime Murillo
Senior Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Variance Application, 1113 Kings Road

Dear Mr. Murillo:

On behalf of Carolyn and Greg Reed, the owners of the residence located at 1113 Kings Road, CAA Planning, Inc. (CAA) submits the enclosed Variance application for the proposed residential project. The existing residence is located in a row of homes fronting the bluffs along Kings Road in the Newport Heights Community of Newport Beach. The lot slopes both from west to east, and also more notably, from north to south as a large canyon feature is located along the easterly property line.

Background

The residence was previously issued variance VA 1053 due to severe site topography. In 1973, the Planning Commission granted a variance finding “[t]hat 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, building and/or uses in the same district.” Planning Staff further noted, “[i]t is the feeling of the staff that there are unusual circumstances which apply to this site which do not generally apply to other building sites in this area.”

The historical variance was necessary for the construction of the existing RV garage located on the easterly side of the property due to the sloping of the property from west to east as well as the obvious and more easily discernable north to south slope constraints. The circumstances and conditions that caused the Planning Commission and City Staff to make the determination to issue what today amounts to a historical variance, have not changed by any standard of measure. The canyon along the easterly side of the property continues to preclude the development of the site in a manner that does not generally occur.

Project Description

The proposed project would replace an existing single-family residence with a new single family residence on a 17,745 square foot lot. The building coverage, including the eaves and decks, is 6,199 square foot, or 34.9% of the lot. The home would include a basement level, a main level and an upper level with a total floor area of 10,803 square feet. The design is characterized by



Mr. Jaime Murillo

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several outdoor patios and covered decks, consistent with the type of outdoor living that is possible in Newport Beach. The proposed residence is of appropriate size and scale given the lot site and as compared to the existing homes located in the surrounding neighborhood.

The City's Zoning Code specifies a height limit of 29 feet for sloped roofs. The proposed building heights are 22'-9" and 25'-8" as dimensioned above the existing front property line profile. Careful consideration was paid to ensure that the building height was not "maxed out" at the front of the property.

Variance

While Kings Road presents bluff top topography generally sloping in a north to south orientation towards Pacific Coast Highway, the lot at 1113 Kings Road includes an added feature making development significantly more challenging. There is a deep canyon which severely constrains the site. The unique topography of 1113 Kings Road residences presents challenges to development including:

Northerly Boundary: Kings Road (front) property line climbs from west to east by 3.28 feet (4% slope). Although the property climbs as viewed from the street, the proposed Grade Establishment along the existing westerly property grade profile would be applied at a level elevation across the width of the lot.

Westerly Boundary: The property line shared with 1121 Kings Road falls from north to south by 45.67 feet (27.7% slope). The proposed grade establishment requests to follow this existing property grade profile and apply the existing grades at a level elevation across the width of the lot

Easterly Boundary: The property line shared with 1101 Kings Road line falls from north to south by 66.09 feet (36.2% slope). Within the first 30 feet of the front setback, the existing grade falls by approximately 20 feet.

Deviations are allowed through the Zoning Code with the processing of a Variance (Section 20.52.090). The City's Zoning Code states:

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. (Section 20.52.090)



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Justification

- Original variance – The requested variance would serve as a replacement for the existing variance, as the areas considered as over-height for the proposed residence are the same areas that required the issuance of a variance VA 1053 for the construction of the existing RV garage. While the existing RV garage would be removed and replaced with the new residence, the new residence requires the same issuance of a variance for the over-height area as the RV garage did.
- The variance is required to permit a limited height increase representing a small percentage of the total residence. The requested height increase is approximately 327 square feet (5.3%) of roof area to exceed the 29-foot height limit and 150 square feet (2.4%) of deck with railing to exceed the 24-foot height limit.
- The over height areas are limited to the portion of the residence affected by the canyon area. While most bluff-top homes along Kings Road is presented with challenges, each segment of Kings Road presents with differing degrees of slope topography and most residences are in varying stages of home, backyard and/or slope stability improvements. It is appropriate to evaluate each residence in the immediately vicinity on a case by case basis.
- The over-height features will not be visible from the street and will not, themselves, cause interference with the coastal views of adjacent or neighboring properties. Although the over-height features are calculated as such based on the City's zoning code, the observed heights will not be noticeably taller than other area of the residence.

The proposed two-story residence will replace an existing one-story residence. The portion of the residence that may cause limitations to coastal views for the across the street neighbor would be the portion of the residence location on the Kings Road frontage. This portion of the residence is within the 29-foot height limit.

- While certain lots along Kings Road are subject to private deed restrictions related to view protection, there is no such deed restriction on 1113 Kings Road. In addition, there are no view corridors within the project vicinity that would be impacted by the proposed project.

Conclusion

As you are aware, the project applicants have made sizeable revisions to the project plans to reduce the encroachments above the height limit. The variance is only requested along the easterly property line where the canyon inordinately skews the calculation of grade and results in very minor encroachments above the established height limit. As detailed above, 327square feet of the roof area, or 5.3% of the total roof, would exceed the height limit. Furthermore, the area of



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roof which encroaches into the height limit cannot be seen from the street as it is located at a lower elevation and blocked by the roof line at the northern elevation.

Findings in support of the variance are attached. If you have questions or concerns, please do not hesitate to contact me or Pua Whitford at (949) 581-2888.

Sincerely,

CAA PLANNING, INC.

A handwritten signature in blue ink, reading "Shawna L. Schaffner", is positioned below the company name.

Shawna L. Schaffner
Chief Executive Officer

Attachments: Findings of Fact

cc: Ms. Carolyn Reed

~~Attachment No. PC 4~~

~~Project Plans~~

Attachment No. PC 5

Correspondence Received

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From: Lee, Amanda
Sent: Tuesday, May 14, 2019 3:15 PM
To: Murillo, Jaime
Subject: FW: 1113 Kings Road Height Variance

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

From: Kathe Choate <choateoncliff@gmail.com>
Sent: Tuesday, May 14, 2019 3:10 PM
To: Planning Commissioners <PlanningCommissioners@newportbeachca.gov>
Subject: 1113 Kings Road Height Variance

I strongly oppose the request for a height variance at the above mentioned address. EVERYONE should abide by the well establish Newport Beach building codes which have been successfully adhered to for years. Having built two homes, one on Lido and one in Newport Heights, we realized the importance of respecting our neighbors and their properties. THERE SHOULD BE NO EXCEPTIONS.

Thank you,
Katherine Choate

Sent from my iPhone

From: Lee, Amanda
Sent: Tuesday, May 14, 2019 4:00 PM
To: Murillo, Jaime
Subject: FW: 1113 Kings Road

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

From: James & Nancy Turner <noturner@gmail.com>
Sent: Tuesday, May 14, 2019 3:59 PM
To: Planning Commissioners <PlanningCommissioners@newportbeachca.gov>
Subject: 1113 Kings Road

I think the 1113 home should obey the existing height and set back laws ..No wavers for the 1113 home..Thank you Nancy Turner

From: Jeff Frum
To: [Planning Commissioners](#)
Subject: 1113 Kings Road Variance Request
Date: Tuesday, May 14, 2019 7:15:43 PM

Dear Planning Commissioners:

My name is Jeff Frum and reside at 1400 Kings Road, NB CA 92663.

I hope that you will not grant the variance request for the proposed project at 1113 Kings Road. I feel that the existing rules that we have lived by for years should continue to protect our views and that the applicant should adapt their plans to the topography and build down the slope.

Respectfully,

Jeff Frum

From: Carrie Slayback
To: [Planning Commissioners](#)
Subject: Height Variance, King's Road
Date: Tuesday, May 14, 2019 8:46:42 PM

Honorable Planning Commission Chairman and Commissioners,

Please do not allow the height variance 1113 Kings Road.

The new owner purchased the lot under the conditions of Newport's building code.

Please continue to enforce existing code regulations.

Do not signal owners that they can change our codes to suit their wishes.

Best,

Carrie Luger Slayback

From: Janet Stemler
To: [Planning Commissioners](#)
Subject: 1113 Kings Road
Date: Tuesday, May 14, 2019 8:48:32 PM

Commissioners

We strongly oppose granting any height variance in our neighborhood.

Thank you

Janet Stemler

212 Kings Place

Newport Beach, Ca. 92663

9496401623

Sent from my iPad

From: brucru@sbcglobal.net
To: [Planning Commissioners](#)
Subject: Height variance request 1113 Kings rd
Date: Wednesday, May 15, 2019 8:58:35 AM

This request strongly urges a denial for the height variance at 1113 Kings rd.
The owners need to stay within the same guidelines as all the neighbors. The tremendous size of the lot will certainly accommodate a lovely home!!!
Please don't let these people ruin the quality of the neighbors' homes and views.
Sincerely,
Gary and Carolyn Brubaker
1710 Kings Rd.
Newport Beach

Sent from my iPhone

May 15, 2019

The City of Newport Beach
Community Development Department
Planning Division, 100 Civic Center Drive
P.O. Box 1768
Newport Beach, California 92658-8915

RECEIVED BY
COMMUNITY
DEVELOPMENT

MAY 16 2019

CITY OF
NEWPORT BEACH

CC: Doug Smith, Esq.
Re: 1113 Kings Road Height Variation Request

To: Jaime Murillo

I am writing to you in response to the height variation request submitted for the property located at 1113 Kings Road, Newport Beach, California 92663. As a resident of Kings Road, I would like to express my opposition to this request. The height limit exists to prevent the entire cliff side of the street from obstructing the ocean view of those located on the opposite side of the street. For granting the homeowner's permission to exceed the allowed height limit would establish a new standard. This new standard is problematic for a couple reasons: current and future residents with similar wishes will expect the same treatment, and the controversial nature surrounding this matter will likely lead to hostility among neighbors.

As one of the largest lots on the street, the 18,000 square feet of land should be utilized to build in other directions other than upward. Please accept this letter as an official statement of my opposition to the height variation request submitted for the property located at 1113 Kings Road, Newport Beach.

Sincerely,

Michael Alexander
1001 Kings Road
Newport Beach, California 92663

From: John Carlos Rowe
To: [Planning Commissioners](#)
Subject: 1113 Kings Rd variance
Date: Friday, May 17, 2019 2:44:14 PM

We live at 700 Kings Rd and are out of the US at the time of the meeting to request 2 height variances for the proposed construction at 1113 Kings Rd. We are totally opposed to this requested variance. The slope of the property does not justify the request. Larger and larger homes on Kings Rd are lowering the quality of life for all of the residents and serve no reasonable purpose. Preserving views and reasonable open space should be a priority of the City. A new home at 1113 Kings Rd can be easily built without the height variances requested.

John and Kristin Rowe
700 Kings Rd
Sent from my iPhone

From: Peggy Palmer
To: [Planning Commissioners](#)
Cc: [Murillo, Jaime](#); [Campbell, Jim](#)
Subject: 1113 Kings Road - Height Variance Request / PA2019-060 / Activity VA2019-002
Date: Saturday, May 18, 2019 3:22:19 PM

Dear Honorable Planning Commissioners,

Recently the applicant for the property located at 1113 Kings Road applied for a height variance. The variance is to allow for an increase in the height, due to the steep topography; however, the applicant's architectural renderings illustrate that they are already building up to the 29 foot height level in this so called "steep topography". The height exception is for a patio-roof, which would equate to an additional 3.07 feet for a total of 32 feet - seven inches, this is not a "hardship variance", this is a luxury variance that should be **denied**.

Please note the following policy according to California State Law and the Newport Beach Municipal Code:

"The Staff Report demonstrates the absence of substantial hardship on the part of the property owners and instead shows their desire to maximize the scale and value of their proposed project. Thus, granting the above variance would constitute a grant of special privileges in violation of state law and the Newport Beach Municipal Code."

According to Jamie Murillo, Senior Planner, the proposed 12,303 foot home, including the four car garage, will also have a 100 foot projection from the structure to the bluff to include a 29 foot height and a four foot set-back on each side, a height variance should not even be considered; yet, the City Staff is recommending approval?

Mr. Murillo also stated that the City Staff recommended several options to the applicant, but apparently the Reed's will not deviate from this unnecessary height variance.

At this time, I am asking that the Planning Commissioners recommend an extension of the project, in order to allow the applicant, the community and the City to review these different options, (as suggested by City Staff). This will achieve a community consensus.

The owner of the property fully understood the nature of the topography when they purchased this lot in 2018. The parcel located at 1113 currently has expansive views of the harbor, turning basin and ocean; allowing *this particular variance* in addition to the proposed 100 foot projection and the 29 foot height would be reckless disregard to the residents of Cliff Haven.

I am requesting that the Planning Commissioners deny this variance. This variance is not a hardship for the applicant, but it will be a hardship inherited by the surrounding residents, if approved.

In closing, we need to all play by the rules and be respectful of our neighbors, now and in the future.

Thank you for your consideration,

Peggy V. Palmer
Cliff Haven Community Association
Board Member
1701 Kings Road
Newport Beach, CA 92663

From: Lynn Lorenz <lynnierlo@aol.com>
Sent: Sunday, May 19, 2019 2:31 PM
To: Planning Commissioners
Subject: 2019-060-ActivityVA2019-002

(Please forgive me if you have received multiple copies of this email. My old Mac kept wanting to add @aol to the end of the email addresses, particularly the copy to Jaime Murillo, which I finally sent to your email address, to his attention. I think all of the others came back to me)

Honorable Planning Commissioners

It has been brought to my attention from numerous sources that there is a piece of property that was recently purchased on 1113 King's Road whose owners are asking for a considerable height variance from the City. If granted, this variance will result in the construction of a house that will interfere with the views of neighbors who generally speaking, have lived on King's Road for years.

I cannot imagine making additions to my house that would interfere with my neighbors' views/rights even if I didn't need a variance to do so. I don't think that individuals should expect favoritism from the city whether a house is 2,000 square feet or 10,000 square feet.

Rules and codes were established for a reason and each time they are broken, it becomes easier to justify this unfair behavior the next time. Also, when favoritism is shown to some at the expense of others, respect is lost for the agency granting the favor. ALL of us in Newport Beach must work together and play by the rules to maintain the beauty and collegial life style that we now enjoy.

Lynn Lorenz
434 Redlands Avenue
Newport Beach, 92663
949 646 2054

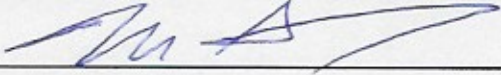
From: Bobbi Robinson <bobiroboc@gmail.com>
Sent: Sunday, May 19, 2019 6:40 PM
To: Planning Commissioners
Subject: 1113 NO to height variance!

From: TJ Williams
To: [Planning Commissioners](#)
Subject: 1113 Kings Rd: Petitions 1-5 Opposing the Height Variance and New Construction
Date: Monday, May 20, 2019 9:17:35 PM
Attachments: [Petitions 1-5.pdf](#)

TJ Williams
1110 Kings Rd

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: MIKE ALEXANDER
Street Address: 1007 KINGS ROAD
Signature: 
Comments: DO NOT APPROVE

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Betty Ollie
Street Address: 521 Kings Rd. NB 92663
Signature: Betty Ollie
Comments: NO VARIANCE

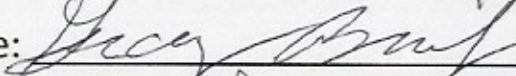
Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: George Barfield

Street Address: 2001 Kings Rd

Signature: 

Comments: No Variance whatsoever

I have lived on Kings since 1988 and
there use to be a height restriction starting
at medium grade not an arbitrary calculation

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Michael Palmer
Street Address: 1701 Kings Road - NPB
Signature: MC Palmer CA 92663
Comments: Maintain the quality
of community -
NO VARIANCE

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Gordon Adams

Street Address: 1800 Kings Rd

Signature: Gordon Adams

Comments: This is totally Unneeded & will
negatively affect at least 8-10
homeowners & the value of their
homes.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

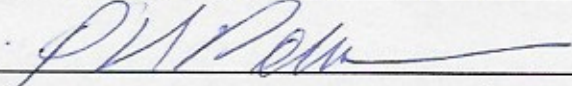
To the Newport Beach Planning Commission and City Council

First and Last Name: ROGER OTE
Street Address: 1113 KINGS RD
Signature: [Signature]
Comments: Enough is Enough

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: PEGGY PALMER
Street Address: 1701 Kings Rd. NPB, CA
Signature:  92663
Comments: This is not a hardship
variance - its a luxury and
sets a precedence
NO VARIATION

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Amy Williams
Street Address: 1110 Kings Road
Signature: [Signature]
Comments: Too Big. Too Tall.

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Anne Adams

Street Address: Anne Adams

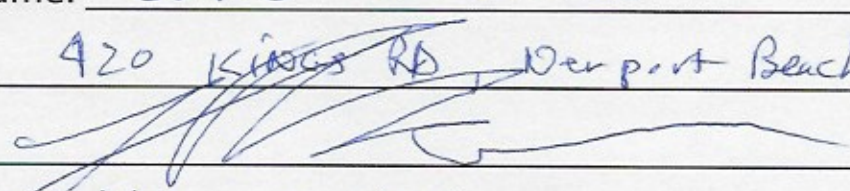
Signature: 1800 Kings Rd

Comments: Why would you do this for
one house. It will tell all future
homes to ask for similar bad
requests.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: LUKE W. DRU
Street Address: 420 KINGS RD, Newport Beach, 92663
Signature: 
Comments: NO WAY

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Catherine Scruggs

Street Address: 307 Snug Harbor Road

Signature: Catherine Scruggs

Comments: We have building restrictions

for a reason. To protect
everyones views.

The lots were designed so that
both sides of the street could

Thank you for your support protecting the future of our neighborhood

have the views.

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Kathleen Kralick
Street Address: 1031 Kings Rd. Newport Beach
Signature: Kath Kralick
Comments: too big & Tall

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Kristi DeCeneas
Street Address: 402 Kings Road
Signature: [Signature]
Comments: Absolutely NO!!

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Nancy Barfield
Street Address: 2001 Kings Rd
Signature: Nancy Barfield
Comments: Unnecessary Height Variance. the
owners knew what they were buying &
now they want more airspace

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Carolyn Brubaker
Street Address: 1710 Kings Rd.
Signature: Carolyn Brubaker
Comments: Enough is enough!

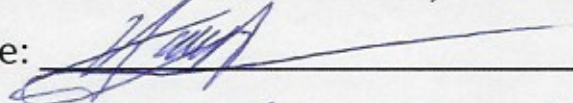
Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: HENRY HASTINGS

Street Address: 910 KINGS ROAD

Signature: 

Comments: THIS VARIANCE WILL NEGATIVELY IMPACT
MY VIEW OF THE OCEAN

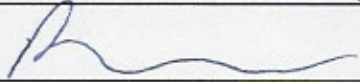
Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: ROBERT MATICH

Street Address: 1411 KINGS RD

Signature: 

Comments: RULES ARE RULES.

DESIGN WITHIN THE RULES
TO BEGIN WITH. THEN YOU DON'T
NEED TO ASK TO BREAK RULES.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: TJ Williams

Street Address: 1110 Kings Road

Signature: T. Williams

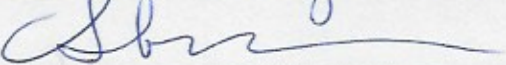
Comments: The proposed new construction will severely impact 8 to 10 homes on our street. No Variance!!!

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Stephanie Stedfield.
Street Address: 1130 Kings Rd. NB.
Signature: 
Comments: out of proportion -

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Karen Butman
Street Address: 2011 Kings Road
Signature: [Signature]
Comments: No Variance!
≡

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Martha G Earlapaugh

Street Address: 11621 Kings Road

Signature: Martha G Earlapaugh

Comments: I oppose the Height Variance
for a variety of reasons

1. Need to show courtesy to the
surrounding neighbors.

Thank you for your support protecting the future of our neighborhood

2. A height variance is not necessary for
more than a 12,000 square foot home.
3. The applicant should articulate a portion
of the structure providing a view corridor
for surrounding neighbors.
4. The proposed project is adding unnecessary
concern & tension to the entire neighborhood.

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: GARY SOKOLICH
Street Address: 801 KINGS ROAD
Signature: W. Gary Sokolich
Comments: Letter to be sent to Planning Commission

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.


Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: DOUG DELINCES

Street Address: 402 KINGS RD

Signature: 

Comments: NO HEIGHT VARIANCE!

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Cord Anne Dru
Street Address: 420 Kings Road, Newport Beach, CA
Signature: Cord Anne Dru
Comments: There are Rules for a reason)-

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Ann Matich

Street Address: 1411 Kings Rd.

Signature: Amatich

Comments: _____

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: CHRIS KRULICK
Street Address: 1031 KINGS RD NB 92667
Signature: Chris Krulick
Comments: _____

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: GARY BRUBAKER

Street Address: 1710 KINGS ROAD

Signature: Gary Brubaker

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Jay Lichman & Hennie Sondel
Street Address: 610 Kings Rd.
Signature: Hennie Sondel Jay Lichman
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

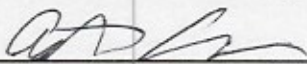
Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: ASTRID CARLSON

Street Address: 2300 CLIFF DR.

Signature: 

Comments: _____

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: JAMES CARLSON

Street Address: 2300 ELIOT DRIVE NEWPORT BEACH, CA 92663

Signature: 

Comments: _____

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: BRUCE CHOATE

Street Address: 2924 CLIFF DRIVE

Signature: [Signature]

Comments: REGULATIONS ARE REGULATIONS!

THEY ARE MEANT TO BE COMPLIED
WITH, OTHERWISE, WHY HAVE THEM?

WE WANT NEWPORT BEACH TO REMAIN
NEWPORT BEACH

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Judy Weightman
Street Address: 2001 Cliff Dr
Signature: Judy
Comments: _____

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road


To the Newport Beach Planning Commission and City Council

First and Last Name: Cathy Pinkert
Street Address: 711 Cliff Dr, NB 92663
Signature: Cathy Pinkert
Comments: No height variance

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: RICK KENOWEY
Street Address: 1705 CLIFF DRIVE
Signature: 
Comments: _____

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Tim Pinkert
Street Address: 711 Cliff Dr, NB 92663
Signature: Tim Pinkert
Comments: No mansions

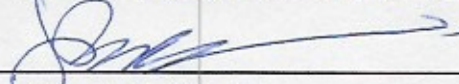
Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: KATHERINE CHATE

Street Address: ~~2112~~ 2924 CLIFF DRIVE

Signature: 

Comments: 29 FEET IS HIGH ENOUGH.

THE PLANS FOR THIS HOUSE ARE
TOTALLY OUT OF SCALE. THIS MUST
BE STOPPED!

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Monica mazu
Street Address: 513 signal road newport
Signature: Monica Mazu
Comments: Too Big!

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

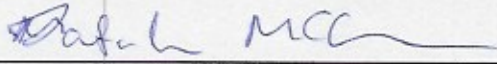
To the Newport Beach Planning Commission and City Council

First and Last Name: MIKE TALBOT
Street Address: 324 SIGNAL ROAD
Signature: M. D. Talbot
Comments: _____

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Patrick McCann
Street Address: 729 St. James Rd.
Signature: 
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: John Snelgrove
Street Address: 408 San Bernardino Ave
Signature: John E Snelgrove
Comments: _____

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Nancy O. Turner
Street Address: 435 Irvine Ave.
Signature: Nancy O. Turner
Comments: Oppose construction
no variance

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Joanne Snelgrove

Street Address: 408 San Bernardino Ave. N.B. 92663

Signature: Joanne Snelgrove

Comments: _____

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Janet Marshall
Street Address: 1000 Buckingham Dr.
Signature: [Signature]
Comments: _____

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Bruce Bartman

Street Address: 2 Seaside Circle Newport Beach 92663

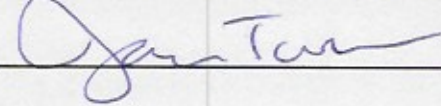
Signature: Bruce Bartman

Comments: _____

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: James^{Lee} Turner
Street Address: 433 Irvine Ave
Signature: 
Comments: _____

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: GEORGE DRAYTON
Street Address: 502 KINGS RD
Signature: George Drayton
Comments: Ocean Side of Kings Rd ~~must~~ must
stay within current building codes.

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: BRUCE TROTTER

Street Address: 800 KINGS RD. NEWPORT BEACH, CA. 92663

Signature: Bruce Trotter

Comments: This increase in height would be unfair to the neighbors because it would reduce the views of the ocean + surrounding area. Each homeowner should be considerate of their neighbors and not devalue their neighbors property value by blocking views with a height variance. Kings Road is unique in this regard ~~is it~~ I'm sure a wonderful house could be built on that sloping lot in conformance with the height limitations.
Thank you for your support protecting the future of our neighborhood

Please return to the mailbox at 1110 Kings Road
by 11am on Tuesday, May 21st

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Jack + Nancy Geerlings
Street Address: 411 Kings Rd, Newport Beach
Signature: Geerlings / N. Geerlings
Comments: Keep the same height limits!

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the **future of our** neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Setzuko Krickl
Street Address: 520 Kings Road
Signature: Setzuko Krickl
Comments: See attached

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Robert Edmonds
Street Address: 602 Kings Road
Signature: Robert F Edmonds
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

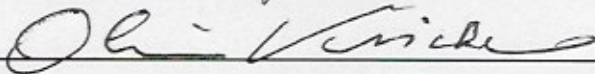
First and Last Name: BARBARA EDMONDS
Street Address: 602 Kings Road Newport Beach 92663
Signature: Barbara Edmonds
Comments: My own view is blocked by a house built with
A height variance. This should not continue to happen

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Alois KRICKL
Street Address: 520 Kings Rd
Signature: 
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Jim Miller
Street Address: 674 St James Rd
Signature: [Signature]
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Valerie Miller
Street Address: 619 St James Rd
Signature: Valerie Miller
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: _____ David

Sherbeck _____ Street Address:

_____ 1210 West Oceanfront, Newport Beach CA

92661 _____ Signature:

_____ David E.

Sherbeck _____

Comments: _____ Height variances to residential projects have been abused by developers and granted without public approval or reason by the City staff, Planning Commission and Council. Variances are not intended to be used for purpose other than necessity. The proposed height and scale of this and other developments is not consistent with the residential community or the General Plan.

_____ Thank you. _____

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: CHRISTINE CHARK
Street Address: 2717 CLIFF DR NEWPORT BEACH CA.
Signature: [Signature]
Comments: Thank you for caring!

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Betty Gail Demmer
Street Address: 2812 Clift Drive
Signature: Betty G. Demmer
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: PORTIA WEISS
Street Address: 421 San Bernardino Ave 92663
Signature: Portia Weiss
Comments: Adherence to building codes builds
stronger community bonds.

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Daniel Clark

Street Address: 415 San Bernardino Ave.

Signature: Daniel Clark

Comments: Keep to present established heights

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Jean G. Clark (Peggy)
Street Address: 415 San Bernardino Ave.
Signature: Jean Clark
Comments: Keep to present limits - please!

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Richard Weiss
Street Address: 421 San Bernadino Ave
Signature: RW
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Remington Weiss
Street Address: 421 San Bernardino Avenue
Signature: Remy Weiss
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council


First and Last Name: VICKI RONALDSON
Street Address: 506 SAN BERNARDINO AVE, NB
Signature: Vicki M Ronaldson
Comments: PLZ MAINTAIN HEIGHT LIMITS.

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: DON BRONALISSON
Street Address: 506 SAN BERNARDINO AVE N
Signature: 
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

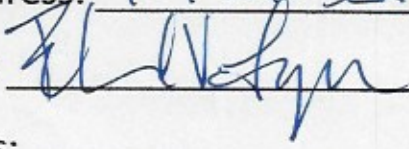
First and Last Name: Barbara Lyon
Street Address: 427 San Bernardino Avenue
Signature: Barbara Lyon
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: EDWARD LYON
Street Address: 427 SAN BERNARDINO AVENUE NB
Signature: 
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Lu Baker
Street Address: 413 Holmwood Dr NB
Signature: LBaker
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

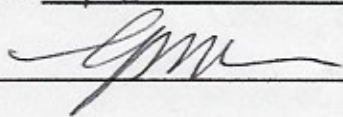
Thank you for your support protecting the future of our neighborhood

Second Signature:

Thomas Baker
413 Holmwood Dr, NB
Thomas Baker

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

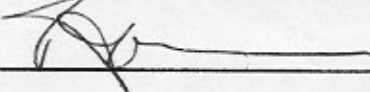
First and Last Name: Gail Mooers
Street Address: 428 Santa Ana Ave.
Signature: 
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Randy Moore
Street Address: 422 Santa Ana NB
Signature: 
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Erin Lavelle
Street Address: 321 Santa Ana Ave.
Signature: E. Lavelle
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Erin Lavelle @ 321 Santa Ana Ave.

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Marjaneh Goodarzy

Street Address: 445 Santa Ana Ave.

Signature: *Marjaneh Goodarzy*

Comments: plan also put a stop to black roofs
and developer designs that are repeated
everywhere.

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: JAMES WARD

Street Address: 424 SANTA ANA AVE.

Signature: James Ward

Comments: Charlitt C Ward. →

next page
address

(me)

Please return to the mailbox of ~~1110 Kings Rd~~ by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Elizabeth Ward

Street Address: 424 Santa Ana Avenue

Signature: on previous page

Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

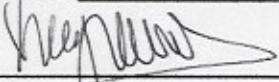
Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: KAYVON GOODARZY 92663

Street Address: 445 Santa Ana Av. Newport Beach, CA

Signature: 

Comments: I hereby oppose the height variance on
the above mentioned project.

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

*Talk to you
later about this*

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Joan McCauley

Street Address: 542 Santa Ana Ave, N.B. 92665

Signature: *Joan McCauley*

Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

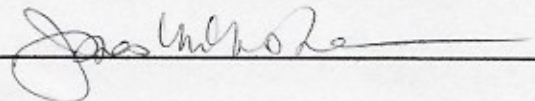
Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Jim Moser

Street Address: 2210 Privet Rd

Signature: 

Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Lynn Lorenz
Street Address: 434 Redlands Avenue
Signature: Lynn Lorenz
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Tammy Schmidt
Street Address: 2909 BROAD ST.
Signature: [Handwritten Signature]
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Gary Ranes
Street Address: 2805 Broad St.
Signature: G. Ranes
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Biluk Ranes
Street Address: 2805 Broad Street N.B. 92663
Signature: Biluk Ranes
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

From: Jerry Fink <jerryfink@earthlink.net>
Sent: Monday, May 20, 2019 10:19 PM
To: Planning Commissioners
Cc: 'Jerry Fink'
Subject: PA2019-060 Reed Residence Variance Request
Attachments: City of Newport Beach - Reed Residence - Jerome Fink letter 5-20-19.pdf

Chair Zak and Members of the Planning Commission,

Please see the attached letter in support of the above referenced to be built residence. I am a resident on Kings Road.

Sincerely,

Jerry

Jerome A. Fink
(714) 293-0888
jerryfink@earthlink.net

Please note new address:

1511 Kings Road
Newport Beach, CA 92663

May 20, 2019

City of Newport Beach
Planning Commission
100 Civic Center Drive
Newport Beach, CA 92660

Subject: PA2019-060 Reed Residence Variance Request

Chair Zak and Members of the Planning Commission,

I reside at 1511 Kings Road and am writing to voice my support for the requested height variance for the Reed residence. The staff report presented a great amount of information regarding the topographic constraints of the Reed's property including renderings showing the location of the gully which is the reason for the requested variance. The information provided in the staff report was helpful in understanding the uniqueness of the property and that the gully is an unusual site feature that burdens the property with multiple sloping angles and directions that does not generally apply to the other properties in the neighborhood. I think that each variance should be carefully considered by the City on a case by case basis, and this variance is appropriate.

The design of the home is tasteful and in character with our surrounding community. If the home were to be built on a flat lot, or if there were not a gully on the property, there wouldn't be an issue with height so it seems that the Reed's have adequately demonstrated that a variance is the appropriate discretionary action.

Sincerely,



Jerry Fink
1511 Kings Road
Newport Beach, CA 92663

From: Lee, Amanda
Sent: Tuesday, May 21, 2019 7:43 AM
To: Murillo, Jaime
Subject: FW: Support of Variance Request--Reed Residence
Attachments: Fullerton Ave.pdf

From: Evan Moore <evan@strattfordcapital.com>
Sent: Tuesday, May 21, 2019 7:41 AM
To: Planning Commissioners <PlanningCommissioners@newportbeachca.gov>
Subject: Support of Variance Request--Reed Residence

To Whom it May Concern-

Please see my attached letter in support of the variance request for the Reed Residence on King's Road in Newport Beach. I believe this to be Agenda Item #4.

Thank you for your consideration.

Evan Moore
Strattford Capital, LLC
18100 Von Karman Ave., Suite 850 • Irvine, CA 92612
T 949.381.3445 • C 650.380.3702
evan@strattfordcapital.com

May 21, 2019

VIA ELECTRONIC DELIVERY:
planningcommissioners@newportbeachca.gov

Peter Zak, Chair, Planning Commission
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Variance Request – Reed Residence – Agenda Item #4

Dear Chair Zak,

I support the homeowner's request for a variance. I have reviewed the plans and the City's Staff Report, and there is no doubt that the property has unique topographic challenges. Such challenges do not exist at the vast majority of lots on Kings Road and, more generally, within the entire City of Newport Beach. It appears from the exhibits provided in the report that a variance is warranted in this specific case, especially in light of the fact that the city has previously approved variances for this property and the property adjacent to it.

For the homeowner to avoid an over-height determination due to the gully, he would have to build the house with a 19-foot setback from the eastern property line – such action would deprive them of property rights enjoyed by the surrounding neighborhood. With an approved variance, the homeowner would not be gaining any additional privileges, but instead will likely be building less square footage than he otherwise would have if he were able to fully maximize the use of the eastern side of the property, or if he were to step the property further down the slope towards Coast Highway.

The requested height increase is beyond reasonable given the slope of the gully. The variance will NOT provide any additional square footage for the homeowner, nor will it give the homeowner any additional building height, which provides benefit to residents on both sides of Kings Road. The proposed residence is of quality design, with articulation to relieve massing along Kings Road, and will be several feet lower than the 29-foot height limit.

Newport Beach does not protect private views. To do so in this case would be contrary to the City's own General Plan and Zoning regulations and would set bad precedent moving forward. I urge the Planning Commission to approve the requested height variance.

Sincerely,

Evan Moore
Fullerton Ave

CC Members of the Planning Commission
Jaime Murillo

From: Lee, Amanda
Sent: Tuesday, May 21, 2019 8:37 AM
To: Murillo, Jaime
Subject: FW: 1113 Kings Rd - Letter Opposing Height Variance and New Construction
Attachments: 1110 Kings Rd View.jpg

From: TJ Williams <twilliams@w-realtygroup.com>
Sent: Tuesday, May 21, 2019 8:32 AM
To: Planning Commissioners <PlanningCommissioners@newportbeachca.gov>
Subject: 1113 Kings Rd - Letter Opposing Height Variance and New Construction

Jaime Murillo,

Thank you for taking the time to read this letter. I'm the owner of 1110 Kings Rd. We are located directly across the street from the subject property, 1113 Kings Rd. The reason for my letter is to express my grave concerns for the proposed new construction sitting across our street. This new monstrosity of a property will not only affect my property but surrounding properties as well. The impact on our neighborhood will be addressed at the variance hearing on Thursday, May 23rd, therefore I would like to illustrate the direct impact on our property and the issues with the overall project.

When this property was purchased it came with a lot of tricky slope points. When standing on the street and looking at 1113 Kings Road the left (south) side garage is already at a maximum as approve by a previous height variance from previous owners. The house directly to the left demonstrates the true grade level. This a ravine (for lack of a better word) that drastically drops. This area is a little grey on the city's proposal plotting. We argue the "grade level" is not properly represented and have valid information to back that statement. We are arguing the proposed plans be taken off and reviewed based on the proper grade heights of the property.

The present owners of 1113 Kings Road are proposing to build a massive home just under 11,000 square feet. As it may be their right they are completely ignoring the neighbors and their concerns. They can build this size of home without obstructing and devaluing other neighbor's property by simply building down the slope (like most on Kings Road do) and not up high to block the ocean, sky and sunlight from multiple surrounding neighbors.

As you can see from the photo provided, we will lose our entire view directly in front of our property. The view will be so severely impacted that we won't even be able to see the blue sky from our lower level when calculating their proposed house height. The new construction will not only obstruct our views but this obstruction will have a financial impact on our property as

well. If the owners, of 1113 Kings Rd are allowed to proceed with their proposed plans, our neighborhood is in jeopardy of losing its charm and neighborly spirit, our view along with multiple other neighbor's views will be impacted, the value of our properties will be impacted and our privacy will be impacted. Our master bedroom is located in the front portion of our house on the second level. If approved, 1113 Kings Rd will have a direct sight line into my master bedroom impacting our privacy.

After meeting with staff and reviewing the plans, how staff came to decide on the five or six grade points used to determine the "natural grade" is not only confusing but doesn't seem to comply with the other sloping lots on our street. There doesn't seem to be a uniform formula determining the grade point but rather than the influence of their architect which is unfair to all our neighbors. There is a 20ft difference in sloping height from the north side of the lot to the south side but the owners of 1113 Kings Rd are still proposing over 29ft roof heights, hence this variance hearing. The impact to our property, their "neighbor" and the surrounding homes does not warrant approval and their current plans should be reconfigured to be more in compliance with the surrounding homes. I, along with many other neighbors, do not want this massive property to be built as proposed and would like to see the planning commission deny this request and make the owners of 1113 Kings Rd reconfigure their proposed plans to limit the impact this property will have not only on my property but my neighbors as well.

I appreciate you taking the time to read this letter and hope you will see all the negatively impacting factors this new construction will have on our neighborhood.

TJ Williams

1110 Kings Rd



From: Cordoves, Giovanni <gcordoves@kbs.com>
Sent: Tuesday, May 21, 2019 8:52 AM
To: Planning Commissioners
Subject: Reed Residence (1113 Kings Road) Variance Application – Planning
Commission Agenda Item 4, 5/23/2019
Attachments: REED Variance Letter 5-21-2019.pdf

To whom it may concern:

Please refer to the attached letter of support for the granting of the requested variance noted in the subject line above.

Regards,

Giovanni Cordoves



Giovanni Cordoves | SVP, Acquisitions/Co-Director, Asset Management
800 Newport Center Drive, Suite 700 | Newport Beach, CA 92660
Office: (949) 797-0324 | Website: www.kbs.com



May 21, 2019

VIA ELECTRONIC MAIL

City of Newport Beach
Planning Commission
100 Civic Center Drive
Newport Beach, CA 92660

Re: Reed Residence (1113 Kings Road) Variance Application – Agenda Item 4, 5/23/2019

Dear Chair Zak and Members of the Planning Commission:

The Reed residence design is compatible with the surrounding community and has my support for a height variance due to the unique and large gully on the property. I have reviewed the plans and the detailed explanations and conclusions within staff report and which clearly notes the variance in question to be for a very modest area. I further support the variance because the over-height features will not be visible from Kings Road or from the residences across the street as those portions of the Reed residence would be located behind the height-compliant portions of the home.

In my opinion, this is a reasonable request for what is an extremely slight variance to accommodate a uniquely burdened site and I urge the Planning Commission to approve the variance on May 23, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read 'Giovanni'.

Giovanni Cordoves
Senior Vice President, Acquisitions & Co-Director, Asset Management

From: Evan Slavik <eslavik@markiv.com>
Sent: Tuesday, May 21, 2019 9:02 AM
To: Planning Commissioners
Subject: Reed Residence Residential Variance (PA2019-060)
Attachments: Reed Residence Residential Variance Support Letter - 721 St James Road.pdf

Chair Zak and Planning Commissioners,

Please find the attached letter in support of the Reed Residence Residential Variance (PA2019-060). If you have any questions related to my position on this matter, please don't hesitate to call.

Thank you,

Evan Slavik

President of Real Estate
Mark IV Capital, Inc.
4450 MacArthur Blvd. | 2nd Floor
Newport Beach, CA 92660
T 949.509.1444
F 949.509.1104
www.markiv.com

May 21, 2019

City of Newport Beach
Planning Commission
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Reed Residence Residential Variance (PA2019-060)

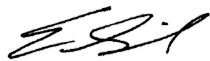
Chair Zak and Planning Commissioners,

I reside at 721 St. James Road and I support the Reed residence application for a variance. I have read the staff report and understand that the issuance of a variance to be the correct course of action to preserve the homeowner's right to enjoy their property. If the variance were not granted a large portion of the property would be unbuildable, which would deprive the Reeds of a substantial property right.

The staff report describes, in great detail, the unique topographical constraint that the homeowner had to contend with when designing the home. It looks to me that much time and consideration has been given on all accounts by City staff and the homeowner to ensure that the height encroachments are truly a result of the gully and would not be visually higher than an portion of the residence as viewed from Kings Road because they are located behind the front of the structure, which does not need a variance.

It's clear that granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the homeowner.

Sincerely,



Evan Slavik
721 St. James Rd.
Newport Beach, CA 92663

From: Gretchen Krebs <gretchen@promogiant.com>
Sent: Tuesday, May 21, 2019 9:42 AM
To: Planning Commissioners
Subject: 1113 Kings Road
Attachments: 245 Kings krebs .docx

Dear Planning Commission,

I hope this letter finds you well. I've attached a letter in support of the new build project at 1113 Kings Road.

Thank you,

Brian and Gretchen Krebs

May 20, 2019

City of Newport Beach
Planning Commission
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Reed Residence Residential Variance Request (PA2019-060)

Dear Chair Zak:

I reside at 245 Kings and am in support a height variance for the residence at 1113 Kings Road. I was really surprised to read in the City's Staff Report that the homeowner, as a matter of right, could build the entire frontage of the home up to 29 feet and a maximum of 29,000 square feet. Instead, the home is being built to a maximum frontage height of 25.8 feet and is substantially less square footage, which is completely contrary to the idea that the homeowner is attempting to "max out" the coverage as it relates to building height or to square footage.

The homeowner's lot is large and topographically challenged with multiple sloping angles, plain and simple, and this shouldn't deprive them from the rights that every other homeowner enjoys. They are not requesting a variance for the setbacks or the square footage, and the height at the front of the house is respectful considering they could build to 29 feet. The illustrations provided on page 8 of the staff report presents a great visual for how minimal the areas of height encroachment are from Kings Road.

The homeowner rights should be upheld and a variance issued for the homeowner to be able to enjoy their property in the same capacity as everyone else in the area.

Sincerely,

Brian Krebs

From: Jeanne Fobes <jeannefobes@gmail.com>
Sent: Tuesday, May 21, 2019 10:06 AM
To: Planning Commissioners
Subject: Height Variance Request: Property located at 1113 Kings Road

I write to request that you deny the request for a height variance on the subject property. This is already one of the largest lots on Kings Road and its view of the harbor and the ocean is remarkable. Surely this is enough!!! The purchasers knew what type of parcel it was when they purchased 1113 Kings Road and should therefore, build to the current codes that apply and not deviate from them in any manner.

Please ensure that the plans for this home comply with the existing set-backs and heights in Cliff-Haven.

Thank you.

A constituent,
Jeanne Fobes (Newport Heights)

From: Elizabeth N. Gruber <dizzielizzie76@yahoo.com>
Sent: Tuesday, May 21, 2019 10:14 AM
To: Planning Commissioners
Subject: Fwd: Gruber 2.docx
Attachments: Gruber 2.docx

>

May 21, 2019

City of Newport Beach
Planning Commission
100 Civic Center Drive
Newport Beach, CA 92660

Re: Reed Residence Residential Variance Item #4

Chair Zak and Planning Commissioners,

I live in Newport Heights and I fully support the requested height variance for 1113 Kings Road due to the gully located on the property that slopes significantly in both a north-south direction, as well as east-west direction. There are very few lots that possess such challenging topography in Newport Beach, and the requested variance seems very reasonable.

The Reeds have designed a home that is compatible with our community despite the challenge created by the topography. It is my belief that the new home will add value to my home and the surrounding neighbors. I strongly urge you to support this variance.

Sincerely,

Liz Gruber

cc. James Campbell

From: TJ Williams <twilliams@w-realtygroup.com>
Sent: Tuesday, May 21, 2019 10:32 AM
To: Planning Commissioners
Subject: 1113 Kings Rd - Opposition Letter from Setsuko Krickl (520 Kings Rd)
Attachments: Krickl Opposition Letter.pdf

To whom it may concern:

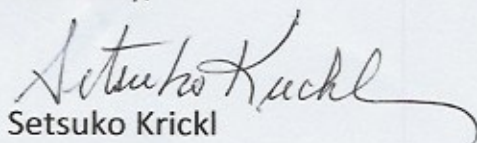
Re: 1113 Kings Road height variation request

My husband and I have lived on 520 Kings Road since 1986 and have seen the many changes. When this street was developed early 50's, the houses were meant to be beach cottages and all the houses were one story. Unfortunately nobody at that time thought of having a home owner's association which would have kept the cliff side homes with one story high from the street level with allowance of going down the cliff to the maximus height, which would let the houses on the north side have as much view as the cliff side. Most of us on the north side have lost the view due to building of large homes on the cliff side.

The new owners of 1113 Kings were obviously aware of the topography of the property before their purchase. A 18,000 square feet lot is one of the largest on Kings Road. There are plenty of room to build a home within the current height limit. There are many homes in Emerald Bay, Laguna Niguel, Irvine Terrace in Corona del Mar that are built on very steep property, which are kept within 15 or 16 feet high from the street level

My husband and I OPPOSE the height variance at 1113 Kings Road

Sincerely,



Setsuko Krickl

520 Kings Road

From: Portia <portiaweiss@gmail.com>
Sent: Tuesday, May 21, 2019 12:24 PM
To: Planning Commissioners
Cc: jaimeMurillo@aol.com; CityofNewportPlanningDepartment@aol.com
Subject: PA2019/060, Activity VA2019-002 Variance Request for 1113 Kings Road

Honorable Planning Commissioners,

Please do not grant the significant height variance to the applicants of 1113 Kings Road. One variance leads to a chain of additional variances. Unnecessary variances break down the integrity of our neighborhoods and creates detrimental division in our community. Building codes are established to provide guidelines for all members of the community to follow and to maintain social and architecturally aesthetic harmony.

Appreciatively,

Portia Weiss

421 San Bernardino Avenue

May 17, 2019

The City of Newport Beach
Community Development Department
Planning Division, 100 Civic Center Drive
P.O. Box 1768
Newport Beach, California 92658-8915

RECEIVED BY
COMMUNITY
DEVELOPMENT

MAY 20 2019

Re: 1113 Kings Road Height Variation Request

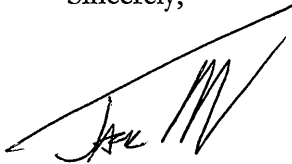
CITY OF
NEWPORT BEACH

To: J. Murillo

As a longtime resident of Kings Road and business owner in Newport, I am opposed to this height variance request. With my home in very close proximity to 1113 Kings Road, my view to the South West would be diminished if this deviation were to be approved. This would not be fair to me or the other neighbors.

Please DO NOT approve this height variation request for 1113 Kings Road, Newport Beach. 92663.

Sincerely,



Jack Mau
1100 Kings Road
Newport Beach, California 92663

From: ghassem azadian <gazadian@gmail.com>
Sent: Tuesday, May 21, 2019 4:25 PM
To: Planning Commissioners
Subject: Reed Residence, Variance Request - Agenda Item #4
Attachments: 1121 Kings Road - Azadian and Reed.docx

Hello Chair Zak,

Attached please find my support letter for the variance request related to the Reed Residence.

Thank you

Gus Azadian
1121 Kings Road
Newport Beach, CA 92663

May 21, 2019

City of Newport Beach
Attention: Newport Beach Planning Commission
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Reed Residence, Variance Request – Agenda Item #4

Dear Chair Zak,

The Reed residence has my full support. As our immediate next-door neighbor, the Reeds have been open and honest about their plans for their home. I have had the opportunity to see the architectural model and understand the complexity of the slopes that form the gully for which the variance is needed. I appreciate the outreach that the Reeds have done and I support their variance application.

I also understand that the area where the variance is requested will not be visible from the street and, in fact, the front of the home is being built to a height lower than the 29 feet maximum. I am a strong supporter of property rights and the facts supporting a variance are quite clear.

- There is an existing variance for the property.
- The height variance is only requested for small areas that directly correspond to the gully – and these areas are not visible from the street.
- The Reeds could build higher at the street level and have chosen to build several feet lower than the 29' height limit out of respect for the neighbors.
- Even without the variance the house could be built to 29' at the street.
- Without the variance the house would need to be setback 19' from the easterly property line – a 19' setback would be inconsistent with the pattern of existing development in the neighborhood.
- There is no deed restriction limiting the height of the residence and the City does not provide view protection for private views.

Please vote to approve the variance at your meeting on May 23, 2019. The Reed family should be granted the variance and the afforded the right to build their home.

Sincerely,

Gus Azadian
1121 Kings Road
Newport Beach, CA 92663

From: Portia Weiss
To: [Planning Commissioners](#)
Subject: PA2019/060, Activity VA2019-002 Variance Request for 1113 Kings Road
Date: Tuesday, May 21, 2019 6:03:33 PM

Honorable Planning Commissioners,

Please do not grant the significant height variance to the applicant of 1113 Kings Road. One variance leads to a chain of additional variances. Unnecessary variances break down the integrity of our neighborhoods and creates detrimental division in our community. Building codes are established to provide guidelines for all members of the community to follow and to maintain social and architecturally aesthetic harmony.

Appreciatively,

Portia Weiss

421 San Bernardino Avenue

From: Jon Fosheim <jfosheim33@gmail.com>
Sent: Tuesday, May 21, 2019 8:27 PM
To: Planning Commissioners
Subject: Fwd:
Attachments: Foshiem.docx

Please see the attached letter below for my full support of the variance proposed at 1113 Kings Road.

May 22, 2019

City of Newport Beach
Planning Commission
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Reed Residence Variance VA2019-002

Dear Chair Zak and Planning Commissioners:

Until recently my wife and I lived immediately next door to the Reeds at 1101 Kings Rd. We now own a house just down the street from them (1501 Kings Rd). We are in support of the requested height variance. The gully that is located between the two homes is incredibly steep. There are already variances for the two residences because of the gully.

As pointed out in the staff report, the portions of the home that exceed the height limit will not cause a visual impact for the homes located across Kings Road or in the greater community. These areas will not even be visible from Kings Road or from across the street. However, these over height areas would be visible from my prior residence and it's my opinion that the Reeds have done a good job to minimize the massing in this area. They have utilized additional setbacks at the upper level, down pitched the roof planes, minimized the development on the eastern side of the property, and created several patio areas which provide relief from a large structure.

The proposed home is designed on one of the biggest lots in the Newport Heights-Cliff Haven community and it could be substantially larger than what they are proposing. The new residence will be in character with the other homes in the community. We are sorry that we could not attend the meeting in person as we will be out of town. Please consider our strong support for the project and approve the requested variance at your meeting on May 23.

Sincerely,
Jon and Penny Foshiem
1501 Kings Road
Newport Beach, CA 92630

c. Jaime Murillo, Planner

From: Gary Sokolich <Gary_Sokolich@dslextreame.com>
Sent: Wednesday, May 22, 2019 10:35 AM
To: Planning Commissioners
Subject: 1113 Kings Road Variance VA2019-002

Honorable Planning Commissioners

As a resident of Newport Beach, who has lived at 801 Kings Road for the past thirty years, I am writing to ask you to deny the requested height variance VA2019-002 pertaining to the proposed construction of a 10800 sq ft residence at 1113 Kings Road.

There are many reasons why the requested variance should be denied. However, in this communication I want to address the handful of emphasized bullet points in the section of the Staff Report entitled "Required Variance Findings" .

- 1) The assertion by Staff that "*There are special or unique circumstances or conditions applicable to the subject property...that do not apply generally to other properties in the vicinity.....*" is grossly misleading because it fails to paint a complete picture of the actual situation. Specifically, it fails to point out the fact that the lot is considerably wider than adjacent lots in order to compensate for the existence of the gully and to provide comparable buildable area. So when viewed in terms of buildable area, the circumstances of the subject property are not unique.
- 2) The assertion by Staff that "*Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity*" is preposterous, absurd and demonstrably false. Aside from the presence and location of the gully, which is compensated for by the extra width of the lot, the subject property has as much if not more buildable area as any of the adjacent properties.
- 3) The assertion by Staff that "*Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant*" is the exact opposite of the reality of the situation. What is appropriate and necessary is the preservation and enjoyment of substantial property rights of the nearby neighbors, and the only way to do that is to deny the requested variance. .
- 4) The assertion by Staff that "*Granting of the variance will not constitute a grant of special privilege.....*" could not be further from the truth. The fact of the matter is that granting the requested variance is a perfect example of what constitutes special privilege.
- 5) The assertion by Staff that "*Granting of the variance will not be detrimental to the harmonious and orderly growth of the City*" is naive, short sighted and denies the reality of the situation. The fact of the matter is that the requested variance is both unnecessary and inappropriate , and that approving it will set a very bad precedent that will have a detrimental impact involving all future constructions on the south side of Kings Road for decades to come.

In addition to the comments above, I would like to also express my displeasure with and concern about the blatant lack of objectivity that the Staff Report represents. The so-called "Findings" are not findings at all. In reality, they are nothing other than a compilation of unsubstantiated assertions and misrepresentations that reflect a clear bias in favor of the applicant and against the impact of the proposed construction on nearby neighbors. In that regard, the Staff Report is a disgrace, and those who prepared it and who approved it should be ashamed.

Lastly, whether the requested variance is granted or not, the construction of a new residence at 1113 Kings Road is going to have a detrimental impact on nearby neighbors. So the only choice before the Planning Commission at this time is how detrimental the inevitable impact is going to be.

W. Gary Sokolich, Ph.D.
Scientific & Technical Consultant
WGS & ASSOCIATES
801 Kings Road
Newport Beach CA 92663

,

From: Murillo, Jaime
Sent: Wednesday, May 22, 2019 12:29 PM
To: Lee, Amanda
Subject: FW: 1113 Kings Road | Reed Residential Variance (PA2019-060)

From: Josh Steinmann <josh.steinmann@gmail.com>
Sent: Wednesday, May 22, 2019 12:29 PM
To: Murillo, Jaime <JMurillo@newportbeachca.gov>
Subject: 1113 Kings Road | Reed Residential Variance (PA2019-060)

Mr. Murillo,
I own the property located at 910 Kings Road. I urge the Planning Commission to deny Resolution PC2019-015 rejecting Variance No. VA2019-002 (Attachment No. PC 1).

The City of Newport Beach Planning Commission Staff Report references two variances that the Planning Commission has granted (i.e., VA1034 in 1973 and VA1150 in 1989) in order to support the required findings to support the Reed Residential Variance (PA2019-060). Specifically, the Staff Report states that the prior granted variances support "2. Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification."

But, the prior variances do not support this finding for the proposed variance for 1113 Kings Road. In fact, the Staff Report states that the front of the residence is designed to a maximum height of 23.78 feet from existing grade at the front elevation. This design complies with the existing height requirement. As such, the applicant and subject property is not deprived of the privileges enjoyed by other properties in the vicinity and under an identical zoning classification.

Staff worked with the applicant to minimize the variance request. Those alternative options are included on page 15 of the Staff Report. Arguably, requiring the applicant to reduce the depth of the attached 1,295 square foot four-car garage, eliminate a main level patio roof and reduce the size of a teen room in a 3,000 square foot, single family residence does not constitute deprivation of the privileges enjoyed by other properties in the vicinity and under an identical zoning classification.

Further, the Staff Report states that these prior granted variances benefitting 1101 Kings Road permit a maximum structure height of 45 feet 6 inches and a deck height of 36 feet 6 inches as measured from existing grade. By granting the proposed variance, the Planning Commission would expand the number of variances along Kings Road and would create precedence for other properties to seek height variances (up to 45 feet 6 inches) in order to enjoy the privileges of other properties in the vicinity under an identical zoning classification.

We urge the Planning Commission to deny the requested variance and require the subject property to comply with the existing height restriction.

Best Regards,
Josh Steinmann
910 Kings Road
(415) 518-9004

From: Murillo, Jaime
Sent: Wednesday, May 22, 2019 1:55 PM
To: Lee, Amanda
Subject: FW: 1113 Kings Road
Attachments: Planning Commission Letter Re 1113 Kings Road 5-22-19.pdf

From: Edward Selich <edselich@roadrunner.com>
Sent: Wednesday, May 22, 2019 1:34 PM
To: Zak, Peter <pzak@newportbeachca.gov>; Weigand, Erik <eweigand@newportbeachca.gov>; Lowrey, Lee <llowrey@newportbeachca.gov>; Ellmore, Curtis <CEllmore@newportbeachca.gov>; Kleiman, Lauren <lkleiman@newportbeachca.gov>; Koetting, Peter <pkoetting@newportbeachca.gov>; Kramer, Kory <kkramer@newportbeachca.gov>
Cc: Jurjis, Seimone <sjurjis@newportbeachca.gov>; Campbell, Jim <JCampbell@newportbeachca.gov>; Murillo, Jaime <JMurillo@newportbeachca.gov>
Subject: 1113 Kings Road

Dear Commissioners:

Please review the attached letter regarding 1113 Kings Road.

Edward Selich

Edward D Selich
627 Bayside Drive
Newport Beach Ca 92660

Planning Commission
City of Newport Beach
100 Civic Center Drive
Newport Beach Ca 92660

May 22, 2019

Re: 1113 Kings Road

Dear Commissioners:

As chair of the zoning code rewrite committee in 2010 I have been requested by the owners of 1113 Kings Road to elaborate on the intent of the establishment of grade procedures outlined in section 20.30.050 of the Newport Beach Municipal Code.

It was recognized during the 2010 code rewrite that establishment of grade on sloped lots would be difficult due to the numerous topographical configurations that could occur.

A basic procedure was developed for lots with slopes greater than 5%.

There was also a procedure for using additional points of elevation to establish grade on lots with slopes greater than 20%.

However, it was recognized that there would be lots with slopes in varying conditions where strict application of these procedures would not work.


Since it was impossible to predict all these future circumstances Section C, Establishment of Grade by the Director was added to the code to allow for establishment of grade for situations that neither of these techniques work:

"C. Establishment of Grade by Director. If the Director finds that the existing grade on the subject lot has been previously altered (e.g., contains retaining structures, property line walls, planters, or excavation/fill), or other conditions are present to the degree that the existing grade is not representative of the prevailing grades on adjoining lots and/or the general area and, therefore, is not appropriate for the purpose of establishing the grade of the subject lot, the Director may establish the grade that is reasonable and comparable with the grades of adjoining lots and that will not be detrimental or injurious to property and improvements on adjoining lots."

This particular lot falls into a gray area between the "Greater Than 20% Technique" and the "Establishment of Grade by Director".

Arguably either technique could be used. The staff has taken the conservative approach of using the "Greater than 20% Technique" along with a Variance which, in this situation, is entirely appropriate and what was intended in the Zoning Code rewrite.

This lot, with its unusual topography, is a textbook example of what this section of the zoning code was written for.

A handwritten signature in blue ink, appearing to read "Ed Selich", written over a horizontal line.

Edward D Selich

Cc: Jaime Murillo
Jim Campbell
Seimone Jurjis

From: Garciamay, Ruby
Sent: Wednesday, May 22, 2019 3:26 PM
To: Lee, Amanda; Juarez, Karla
Subject: FW: Project at 1113 Kings Road

From: luke@thedrufamily.com <luke@thedrufamily.com>
Sent: Wednesday, May 22, 2019 2:57 PM
To: Biddle, Jennifer <JBiddle@newportbeachca.gov>; Garciamay, Ruby <RGarciamay@newportbeachca.gov>; Mackinen, Traci <tmackinen@newportbeachca.gov>; Zak, Peter <pzak@newportbeachca.gov>; Weigand, Erik <eweigand@newportbeachca.gov>; Lowrey, Lee <llowrey@newportbeachca.gov>; Ellmore, Curtis <CEllmore@newportbeachca.gov>; Kleiman, Lauren <lkleiman@newportbeachca.gov>; Koetting, Peter <pketting@newportbeachca.gov>; Kramer, Kory <kkramer@newportbeachca.gov>
Cc: Campbell, Jim <JCampbell@newportbeachca.gov>
Subject: Project at 1113 Kings Road

I am opposed the variance for the house at 1113 Kings Road. They are asking for a variance because of the steep slope on the property. There are several reasons why this is now a valid reason for a variance;

1. All of the lots on the south side of Kings Road are on a similar slope
2. They had to know that there was a slope when they bought the Property.
3. There are many houses that are bigger that are under the height limit. They can go down to bet more space.

The real question here is, why does the city have zoning rules and a general plan, when almost every two weeks, there are projects before the planning commission for variances. Why do the residents of Newport Beach continually having to go before the city with objections to variances.

Regards

Luke Dru

Cliff Haven

From: Jason Finney <jasonsfinney@yahoo.com>
Sent: Wednesday, May 22, 2019 3:58 PM
To: Planning Commissioners
Subject: Reed Residence - Variance Application

May 22, 2019

City of Newport Beach

Planning Commission

100 Civic Center Drive

Newport Beach, CA 92660

Subject: Reed Residence Variance Application – Agenda Item 4

Dear Chair Zak and Members of the Planning Commission:

I support the granting of the requested variance for the Reed residence for the following reasons:

- There residence has been thoughtfully designed and fits the character of the newer homes that are being redeveloped in the community.
- The Reeds have been open and transparent with neighbors over the course of the design of the home.
- The gully hardship is the reason for the variance. If the home were being built on a flat lot or a consistent slope there would be no question that the design would be permitted by right.
- Depriving the Reeds of the ability to build their home to the width of their property in order to avoid building over the gully would be depriving them of their property rights.

- The portion of the roof that requires the variance is located in an area that will not be seen from Kings Road or from the houses across the street. It is also not the tallest part of the house so eliminating it won't make the home any smaller.
- Homes in that area on the bluffs of Kings Road have deed restrictions limiting development heights to one-story. The Reeds do not, and they should not be penalized for being a bluff top owner that can build up to two stories.

It's clear from reading the Staff Report and reviewing the plans that the Reeds' property possesses unique and challenging topography. The granting of a variance will ensure that they are able to continue to rightfully enjoy their property.

Sincerely,

Jason Finney

510 Kings Road

Newport Beach, CA 92663

From: Jim Mosher <jimmosher@yahoo.com>
Sent: Wednesday, May 22, 2019 5:00 PM
To: Planning Commissioners
Cc: Murillo, Jaime
Subject: Comment on PC Item 4 (Reed Residential Variance)
Attachments: 2019May23_PC_AgendaItem_4_Comments_JimMosher.pdf

Please find attached a brief comment on Item 4 on tomorrow's Planning Commission agenda (the Reed Residential Variance, PA2019-060) -- as much as I could complete by the 5:00 p.m. deadline.

Yours sincerely,

Jim Mosher

May 23, 2019, Planning Commission Item 4 Comments

These comments on a Newport Beach Planning Commission [agenda item](#) are submitted by:

Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229).

Item No. 4. REED RESIDENTIAL VARIANCE (PA2019-060)

I am concerned that this proposal is being considered without any meaningful simulations of what the completed project would look like from either Kings Road or Coast Highway.

In particular, Goal **NR 23** of our [General Plan](#) is that “*Development respects natural landforms such as coastal bluffs*,” to which end Policy **NR 23.1** (“Maintenance of Natural Topography”) was adopted to “*Preserve cliffs, canyons, bluffs, significant rock outcroppings, and **site buildings to minimize alteration of the site’s natural topography and preserve the features as a visual resource.***”

Nothing in the present proposal appears to further either that goal or its supporting policy.

As to whether the proposed development would actually be occurring on a coastal bluff, in addition to the reference to the property as “bluff top” in Section 3.A.1 of the proposed Resolution of Approval, it might be noted that the Land Use Element (see City Council [Resolution No. 1988-100](#)) previous to the present one noted on [page 8](#): “*Natural coastal bluffs represent a significant scenic and environmental resource. As used in this Section, “coastal bluff” is any natural landform having an average slope of 26.6 degrees (50 %) or greater, with a vertical rise of 25 feet or greater.*” And as to whether there is an inherent right to develop slope faces, it did not regard steeply sloping parts of lots as being developable at all: “**Buildable Lot Area.** *The buildable lot area is the net parcel area **less any slope areas greater the Two to One** and less any submerged lot area.*” ([page 18](#))

Although it is an enduring mystery why Kings Road and the slopes below it are not in the Coastal Zone, our City’s [Coastal Land Use Plan](#) ([page 4-77](#)) supports the notion they are indeed coastal bluffs, and therefore a visual resource worthy of protection under the Natural Resources Element our broader current General Plan:

“*Coastal bluffs are a prominent landform in Newport Beach. There are ocean facing coastal bluffs along the shoreline of Corona del Mar, Shorecliffs, and Cameo Shores. There are also coastal bluffs facing the wetlands of Upper Newport Bay, Semeniuk Slough, and the degraded wetlands of the Banning Ranch property. Finally, **there are coastal bluffs surrounding Lower Newport Bay. These can be seen along Coast Highway from the Semeniuk Slough to Dover Drive** and in Corona del Mar above the Harbor Entrance. These bluffs faced the open ocean before the Balboa Peninsula formed and are now generally separated from the shoreline. Coastal bluffs are considered significant scenic and environmental resources and are to be protected.*”

In short, it is difficult to understand how the Planning Commission can be expected to evaluate this proposal without a clearer exposition of how it impacts significant resources protected by City policies not cited in the staff report.

From: TOMLU BAKER
To: [Planning Commissioners](#); jaimemurillo@aol.com; CityofNewportPlanningDepartment@aol.com
Cc: [TOMLU BAKER](#)
Subject: Variance---1113 Kings Road
Date: Thursday, May 23, 2019 12:26:02 AM

Planning Commissioners,

Please do not approve the variance of the project at 1113 Kings Road. The variance is not consistent or compatible with the Cliffhaven/Newport Heights neighborhood. The height variance will negatively impact the view from surrounding properties. It is difficult to imagine that the current proposed residential design (requiring variance) is the only design that this site will accommodate. My understanding is that the Staff has offered multiple options to the applicant who is not receptive and who persists on presenting the variance required design. The applicant should be asked to refine the design such as no variance is necessary. It is suggested that this project be continued so that variance eliminating design refinements may be accomplished by the applicant or the Planning Commission should deny at this time the current proposed project at 1113 Kings Road.

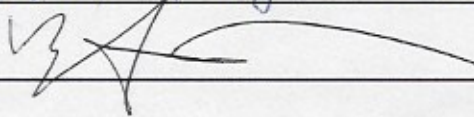
Thanks you,
Tom Baker
Newport Heights

From: TJ Williams <twilliams@w-realtygroup.com>
Sent: Thursday, May 23, 2019 10:49 AM
To: Planning Commissioners
Subject: 1113 Kings Rd: Petitions 81-85 Opposing the Height Variance and New Construction
Attachments: Petitions 81-85.pdf

TJ Williams
1110 Kings Rd

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Yuter Mau
Street Address: 1100 Kings Road
Signature: 
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

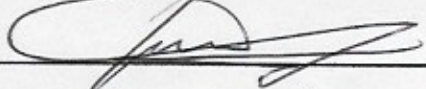
Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Tom Carson

Street Address: 1810 Kings Road (Carson Family Home)

Signature: 

Comments: The Character of Kings Rd. will be changed
and views obscured if heights are not kept as
required. We know that variances set precedents as shown
by 2 story homes on the cliff side which has ruined Kings Rd.

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

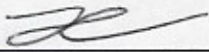
Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Lorraine Carson

Street Address: 1810 Kings Rd.

Signature: 

Comments: Height variances set precedents that cause
changes in the future which can change the
character of the neighborhood. We are against
any height changes.

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Peter Carson

Street Address: 1810 Kings Rd.

Signature: 

Comments: No height variances should be or never have
been allowed. Our family home at 1810 King Rd. lost
its beautiful view to the house across the street which
should have been 1 story but because another's variance

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Set a precedent so they were able to do the same.
We are against height variances as unfair to neighbors.
Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Devin Merrill

Street Address: 1810 Kings Rd.

Signature: Devin Merrill

Comments: Our view from 1810 Kings Rd was obliterated by a two story house built across the road on the cliff due to a height variance. This should never happen again. No height variances permitted

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Valerie Carson

Street Address: 1810 Kings Rd.

Signature: Valerie J. Carson

Comments: No more variances should be granted!

Especially on height. We lost our view due to
a height variance on cliff side where the houses were
to be kept at 1 story.

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Jessamine Carson Merrill

Street Address: 1810 Kings Rd.

Signature: Jessamine Carson

Comments: Unfair to neighbors for one greedy person to change rules. The future can begin more and more variances if one is allowed. No height variances should be allowed.

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: John M Hogan

Street Address: 455 San Bernardino Ave

Signature: [Signature]

Comments: the variance leads to another variance

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

**Petition Opposing the Height Variance and
New Construction at 1113 Kings Road
To the Newport Beach Planning Commission and City Council**

First and Last Name: Gillian Hogan
Street Address: 455 San Bernardino Ave
Signature: Gillian Hogan
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

Petition Opposing the Height Variance and New Construction at 1113 Kings Road

To the Newport Beach Planning Commission and City Council

First and Last Name: Susan Hogan
Street Address: 455 San Bernardino Ave
Signature: Susan Hogan
Comments: _____

Please return to the mailbox of 1110 Kings Rd by 11am on Tuesday, May 21st.

Thank you for your support protecting the future of our neighborhood

From: Gordon A
To: [Planning Commissioners](#)
Date: Thursday, May 23, 2019 12:14:35 PM

Dear Newport Beach City Planning Commission Members,

My name is Gordon Adams. I was born and raised in Newport Beach. My wife and I own 1800 Kings Rd. My mother and dad first moved to Kings Rd in 1977. My purpose in writing to you all of you today, quite simply, is to solicit your support to deny the variance exception being requested for 1113 Kings Rd. I'm not able to attend tonight's meeting to present these points in person so putting my thoughts in writing are the next best option.

Please consider the following points when making your decision. I'm sure some of the points will be one's you've heard before but I hope you'll strongly consider the much less obvious points that have very negative ramifications on our Kings Rd community and the city at large.

The obvious:

1. Why should one homeowner be granted a variance when it will negatively affects significantly more than one other homeowner. In this case the exception will impact the views of significantly more than just the homeowner across the street. So in this case one person gets the benefit and 6-8 homeowners will be permanently negatively affected...and possibly their home values with it.
2. The slippery slope: Once we grant one exception it just keeps opening the floodgates for more exceptions until eventually we don't have any controls. At the current pace, it won't be long before the entire cliff side wipes out the views from the street side. See the less so obvious impact of this below.
3. The homeowner requesting the variance has lived there for years so they had an obligation to know what they could and could not build without a variance. How big does a house need to be? I'm all for property owners being able to build their dream home but not where they need a variance that comes at the expense of others. The home we rebuilt did not have a single exception request.

The not so obvious:

1. These exceptions continue to pit neighbor against neighbor. In this case the family requesting the variance intentionally hid the request from his "so called" neighbor and tried to hide the notice for the meeting tonight in order to avoid the obvious concern it would cause. Just think how you would feel if your "neighbor" did the same thing to you. If we stop giving out these unnecessary variances people will stop asking for them and neighbors won't be hiding from each other. Just imagine how those neighbors are going to get along in the future. Obviously it's

going to permanently impact their relationship. Rather than building a community these exceptions turn neighbors against each other. You all have the authority and the responsibility to stop this from happening.

2. Why do Cameo Shores and Irvine Terrace have height restrictions that are maintained. Obviously they did not want one neighbor from being able to permanently negatively impact another neighbor and create the chaos that follows. That's the chaos we have on Kings Rd. As a result, there is nothing close to a neighborhood community on Kings Rd. We've been living here for two years and you can feel the tension between the two sides of the street. We moved here from Laguna Niguel and are amazed at how little community feel there is compared to other Newport Beach communities. I guarantee the home height and variance exception issue is a big reason. Every time a new homeowner tears down a home on the cliff side the homeowners on the street side are in a panic that their views and their home values are going take a hit.

Your job is to improve the lives of the people that live in Newport Beach. These sorts of variances don't accomplish that and, in fact, they hurt our city. I hope you'll take all of this in consideration when you vote on the issue before you tonight. Please don't hesitate to email me back or call me to discuss any of these points.

Respectfully,

Gordon Adams
949 233 6936

From: [Murillo, Jaime](#)
To: [Lee, Amanda](#)
Subject: FW: Reed Residence PA2019-060/VA2019-002 - Planning Commission Agenda Item #4 - Steinmann Response
Date: Thursday, May 23, 2019 3:59:36 PM

From: Pua Whitford <PWhitford@caapanning.com>
Sent: Thursday, May 23, 2019 3:57 PM
To: Murillo, Jaime <JMurillo@newportbeachca.gov>
Cc: Shawna Schaffner <:sschaffner@caapanning.com>
Subject: Reed Residence PA2019-060/VA2019-002 - Planning Commission Agenda Item #4 - Steinmann Response

Hi Jaime,

We are providing this correspondence in response to a letter of opposition provided by Mr. Josh Steinmann, dated May 22, 2019. Mr. Steinman raised issue with granting of the variance due to it not meeting the finding that without it the property owner would be deprived of property privileges enjoyed by other properties and that the issuance of the variance would expand the number of variances along Kings Road.

The previous variance for the subject site was granted under the same condition and for the same reason as the current variance is being requested. There are several multi-directional slopes on the site that create a gully on the eastern edge of the subject site. The gully is pre-existing on the subject site; and therefore, the previous variance was approved for the existing structure to allow the structure to be built to what we observe as a uniform height, even at the point where the gully dips down.

The frontage of the home along Kings Road has been designed as thoughtfully as possible so as not to "max out" either the height or massing and does not require a variance for its features. The home is terraced down the slope and the area that requires the variance will not be visible from Kings Road or from the residences on the inland side of Kings Road.

A variance would not be necessary were it not for the topographic anomaly of the gully. Again, the variance will not permit any roof features to be higher than any other part of the roof. In fact, the area for which the variance is required is for the outer portion of eaves of the roof and at an elevation much lower than the ridgeline of the roof. The requested variance accounts for the mathematical calculation between grade of a parcel and the depth of the gully.

An aerial survey of the homes on Kings Road and in the surrounding community shows that the development for nearly every property is completely up to the minimum setback which in most cases is 4 feet. In order to avoid the gully the homeowner would need to set their home back 19 feet from the property line. The existing structure was granted a variance due to the gully in order for the homeowner to be able to build to the width of the property. The issuance of a variance would allow the home to be built the width of the lot and afford the homeowner the same privilege as enjoyed

by the rest of the community.

The property at 1101 Kings Road is the immediate next-door neighbor to the subject property. As identified in the Staff Report, this property shares the same topographic anomaly features as the subject property. The explicit purpose for the variance request is to allow the main level and a small portion of the upper eaves and deck the home to be built the width of the property by accounting for depth created by the gully at the eastern boundary of the subject site.

Please do not hesitate to contact us if you have any further questions.

Sincerely,
Pua

From: Murillo, Jaime
Sent: Thursday, May 23, 2019 4:42 PM
To: Lee, Amanda
Subject: FW: Reed Residence PA2019-060/VA2019-002 - Planning Commission Agenda Item #4 - Sokolich Response

From: Pua Whitford <PWhitford@caaplanning.com>
Sent: Thursday, May 23, 2019 4:04 PM
To: Murillo, Jaime <JMurillo@newportbeachca.gov>
Cc: Shawna Schaffner <sschaffner@caaplanning.com>
Subject: Reed Residence PA2019-060/VA2019-002 - Planning Commission Agenda Item #4 - Sokolich Response

Hi Jaime,

This correspondence is provided in response to a letter of opposition provided by Mr. Gary Sokolich, dated May 22, 2019. Mr. Sokolich raised several concerns and assertions. Our responses are concentrated on the issues he raised as numbered 1 through 5 in his letter.

1. There are several lots in the area that would be considered “considerably wider than adjacent lots.” For example:
 - The subject property 1113 Kings Road is 17,745 sq.ft. and 84 feet wide.
 - 1201/1121 Kings Rd (next to subject property) was originally 21,471 sq.ft. prior to the lot split in 1973 (122 feet wide)
 - 1021 Kings Road is 19,013 sq.ft. (92 feet wide)
 - 1211 Kings Road is 14,925 sq.ft. (75 feet wide)
 - 1421 Kings Road is 14,080 sq.ft. (80 feet wide)
 - 615 Kings Road is 18,247 sq.ft. (121 feet wide)
 - 801 Kings Road is 11,667 sq.ft. (70 feet wide)

Contrary to the commenter’s assertion that the subject lot was purposefully subdivided as a larger lot to account for the gully, the adjoining neighbor to the east at 1101 Kings Road does not have a wider or larger than average lot and is also challenged topographically by the gully and requires a variance for main level development, just as the subject property. There is no statistical for historical data to support the commenters assertions that the reason for the width or size of the subject property is to compensate for the gully.

2. There is no statistical or historical data to support the commenters assertions regarding the reason for the width or size of the subject property or the widths or sizes of any of the other larger properties on the blufftop on Kings Road.

A survey of aerial mapping shows that the prevailing development in the community is for homes to be built the entire width of the property. A variance was granted for the existing structure on the subject site due to the constraints of the gully. The issuance of a variance would allow the home to be built the width of the lot and afford the homeowner the same privilege as

enjoyed by the adjoining neighbor who also shares the gully and requires a variance for development, and the rest of the community.

3. The frontage of the home along Kings Road will be built to a maximum height of 25-8 feet when a maximum of 29 feet is permitted, and has been designed as thoughtfully as possible so as not to “max out” either the height or massing, and does not require a variance for its features. The home is terraced down the slope and the area which requires the variance is on the main level and small portion of the back corner of the upper level and upper deck which will not be visible from Kings Road or from the residences inland of Kings Road.

A variance would not be necessary were it not for the topographic anomaly of the gully. Again, the variance will not permit any roof features to be higher than any other part of the roof. In fact, the area for which the variance is required is for the eaves for the roof and is located at an elevation lower than the ridgeline of the roof.

The hardship related to the limitation of buildable area is due to the presence of the gully adjacent to the east property line. The existing slope of the eastern property line is 40% whereas the existing slope adjacent to the west property line is 5%. Avoiding the existing gully would reduce the buildable width of the structure from 80 ft. wide to 55 ft. wide (32% reduction), which would be a hardship. The requested variance only accounts for the mathematical calculation between how the City determines the overall grade of a parcel and the actual grade.

4. There is no evidentiary data to support this assertion. The requested variance is for an existing condition. A variance was issued for the existing structure at the exact location and due to the same topographical constraints.
5. The over-height features will be located on the main level and small portion of the back corner of the upper level which will not be visible from the street. They will not, themselves, cause interference with the coastal views of adjacent or neighboring properties. Although the over-height features are calculated as such based on the City’s zoning code, the observed heights will not be taller than other area of the residence.

The proposed two-story residence will replace an existing one-story residence. The portion of the residence that may cause limitations to coastal views for the across the street neighbor would be the portion of the residence on the Kings Road frontage. This portion of the residence will be 25-8 feet in height and is well within the 29-foot height limit.

While certain lots along Kings Road are subject to private deed restrictions related to view protection, there is no such deed restriction on 1113 Kings Road. In addition, there are no view corridors within the project vicinity that would be impacted by the proposed project.

If you have any further questions please do not hesitate to contact us.

Sincerely,
Pua

From: [Murillo, Jaime](#)
To: [Lee, Amanda](#)
Subject: FW: 1800 Kings Road - Adams.docx
Date: Thursday, May 23, 2019 6:09:53 PM

From: Carolyn <clynn131@gmail.com>
Sent: Thursday, May 23, 2019 6:09 PM
To: Murillo, Jaime <JMurillo@newportbeachca.gov>
Subject: Fwd: 1800 Kings Road - Adams.docx

See below

Carolyn Reed

Sent from my iPhone

Begin forwarded message:

From: Anne Adams <annymac17@gmail.com>
Date: May 23, 2019 at 5:40:42 PM PDT
To: Carolyn <clynn131@gmail.com>
Subject: Re: 1800 Kings Road - Adams.docx

Hi Carolyn,

I just spoke with my husband Gordon (very quick call as he is playing in a tournament at the moment) and he said he had sent a letter earlier today largely based on the information he'd been given and the overall desire to stop neighbors from fighting with each other. He was suggesting a solution to stop the neighbor vs neighbor situation from happening again by suggesting a no variance policy for the entire area as other neighborhoods have done. I explained to him that the information we were given was wrong, that we had been misled. We didn't get to keep talking but I forwarded the email you sent me so if he has a break he can read it.

I was confused when the letter you penned mentioned "a letter " that had been sent earlier today....now I understand. I did not know one had been sent.

I have no problem writing a letter that explains I was misinformed and that my signature on the petition was only in support because of the lies I had been told.

I am sorry that you are having to deal with this.

Blessings,

Annie

Sent from my iPhone

On May 23, 2019, at 3:47 PM, Carolyn <clynn131@gmail.com>
wrote:

Hi- it was so nice chatting with you today. I hope to chat again under different circumstances in the future. Thank you again for taking the time to listen and understand what we are asking for. Below is the letter you can email to the city at planningcommissioners@newportbeachca.gov. Please free to modify as you see fit.

Carolyn Reed

<1800 Kings Road - Adams.docx>

Carolyn Reed

Sent from my iPhone

From: Anne Adams <annymac17@gmail.com>
Sent: Thursday, May 23, 2019 6:25 PM
To: Planning Commissioners
Subject: New information regarding property on Kings Rd

Hi,

I recently signed a petition stating I was against the property at 1113 Kings Rd getting a height variance. My signing of that petition was based on information that I have found out to be incorrect. My understanding was that the height variance would be from street level and would block many views from neighbors across the street. The misunderstanding is my fault as I failed to do my homework and clearly grasp what was being proposed. I had a visit from the homeowner today that explained what I had misunderstood.

I now understand that the variance is not for street level height adjustment and wish to resend my petition support.

Thank you for your time and consideration,

Annie Adams

Sent from my iPhone