



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

August 7, 2025
Agenda Item No. 3

SUBJECT: Zenk Residence (PA2024-0057)
▪ Coastal Development Permit
▪ Variance

SITE LOCATION: 2830 Bayview Drive

APPLICANT: Brandon Architects

OWNER: Jason and Michelle Zenk

PLANNER: Jerry Arregui, Assistant Planner
949-644-3249, jarregui@newportbeachca.gov,

PROJECT SUMMARY

On November 21, 2024, the Planning Commission held a public hearing on a request by the applicant for a coastal development permit (CDP) and a variance to construct a new single-unit dwelling that exceeded the gross floor area limit and included various setback and third floor stepback encroachments. During the public hearing, the Commission expressed concerns with the proposed encroachment into the Heliotrope Avenue setback and continued the item to a date uncertain to provide the applicant with time to redesign the project.

The Applicant has reduced the encroachments into the Heliotrope Avenue setback and requests the following: a CDP to demolish an existing single-unit dwelling and construct a new 5,413-square-foot, three-story, single-unit dwelling with a 2,446-square-foot subterranean basement and a 707-square-foot, attached, three-car garage. The project includes landscape, hardscape, drainage improvements, and site walls. A variance from Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) is required to allow the residence to be constructed with the following deviations:




- a) Encroachment of 5 feet into the required 20-foot front setback along Heliotrope Avenue for the basement and first floor;
- b) Encroachment of 6 feet into the required 10-foot rear setback for the basement, first, and second floor;
- c) Encroachment of 15 feet into the required 35-foot front third-floor stepback;
- d) Encroachment of 19 feet into the required 25-foot rear third-floor stepback; and
- e) Exceed the gross floor area limit by 1,675 square feet.

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RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, 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. 2025-015 approving the Coastal Development Permit and Variance filed as PA2024-0057 (Attachment No. PC 1).

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VICINITY MAP			
			
GENERAL PLAN		ZONING	
			
LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Single Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-Unit Dwelling
NORTH	RS-D	R-1	Single-Unit Dwelling
SOUTH	RS-D	R-1	Single-Unit Dwelling
EAST	RS-D	R-1	Single-Unit Dwelling
WEST	RS-D	R-1	Single-Unit Dwelling

INTRODUCTION

Planning Commission Hearing Continuance

A public hearing was held by the Planning Commission on November 21, 2024, regarding a prior design for the requested project. The design encroached 10 feet into the 20-foot front setback along Heliotrope Avenue, encroached 6 feet into the 10-foot rear setback, and encroached into the front and rear third floor setbacks.

Several members of the public spoke in opposition of the project. Generally, members of the public were concerned that proposed setback encroachments and floor area deviation would change the charm of Corona del Mar and that the variance would set precedent for other properties.

Generally, all commissioners had concerns related to the proposed 10-foot front setback encroachment along Heliotrope Avenue. Specifically, Commissioner Rosene stated that the first floor may have an opportunity for a variance and that the upper floors should be stepped back to give the appearance of a larger setback along Heliotrope Avenue. Commissioner Salene stated that a 20-foot setback along Heliotrope Avenue may not be necessary; however, the proposed 10-foot setback was not appropriate. Commissioner Langford stated that the rear setback abutting 2820 Bayview Drive was not of concern; however, the Heliotrope Avenue setback should be protected. At the close of the hearing, the Planning Commission continued the item to a date uncertain to provide the applicant with additional time to redesign the project to address those concerns related to the proposed setback encroachment along Heliotrope Avenue. The November 21, 2024, Planning Commission Minutes are available as Attachment No. PC 2.

New Design and Community Feedback

Since the public hearing, the applicant has redesigned the project to incorporate the feedback provided by the Commission. The new design reduces the basement and first floor setback encroachment along Heliotrope Avenue from 10 feet to only 5 feet and pulls back the second and third floor to the 20-foot setback line. The applicant presented the new design to neighboring residents on March 30, 2025, at the owner's home, and reported that feedback was generally positive.

Project Setting and Property Background

The subject property is located within Corona del Mar, at the northwest corner of Heliotrope Avenue and Bayview Drive. The surrounding neighborhood is predominantly developed with two- and three-story single-unit dwellings. Shown below in Figure 1, the project site is one of two properties located on the 200 block of Heliotrope Avenue that have been reoriented to front Bayview Drive, rather than Heliotrope Avenue.



Figure 1: Reoriented Properties within the 200 block of Heliotrope Avenue

The subject property is 6,497 feet in area (59 feet by 110 feet). The property is developed with an existing single-story residence and includes a detached two-car garage that is accessed from Heliotrope Avenue. The lot has a minor slope from the high side, adjacent to 235 Heliotrope Avenue, down to Bayview Drive dropping approximately 5 feet. The finished floor of the existing residence ranges between 5 and 10 feet higher than the sidewalk due to the sloping street. The front setback area along Heliotrope Avenue is currently developed with terraced retaining walls and stairs to access the property and an above grade deck.

The existing development encroaches 6 feet 3 inches into the front setback facing Heliotrope Avenue, 4 inches into the interior side setback abutting 235 Heliotrope Avenue, and 6 feet 4 inches into the rear setback abutting 2820 Bayview Drive. The existing encroachments were authorized through the modification permits listed below:

- Modification Permit No. MD2008-004 was approved by the Zoning Administrator on February 14, 2008, and allowed the existing detached garage to encroach 6 feet, 4-inches into the required 10-foot rear setback abutting 2820 Bayview Drive.
- Modification Permit No. MD3971 was approved on February 25, 1992, by the former Modification Committee and both allowed structural modifications to the existing residence and acknowledged that the existing nonconforming residence

encroaches 3 feet into the 10-foot rear setback abutting 2830 Bayview Drive and 1 foot into the 20-foot front setback along Heliotrope Avenue.

Two other modification permits (Modification Permit No. 5006 in 1999 and Modification Permit No. 3851 in 1991) were granted but never exercised. These modification permits allowed for the redevelopment of the property with a new single-unit dwelling with encroachments into the required setbacks.

Lot Reorientation Background

The subject property and the surrounding area were originally subdivided in 1906, as depicted on the Re-subdivision of Corona del Mar map. This subdivision map oriented the easterly 10 lots on the block where the subject property is located towards Heliotrope Avenue (shown as 34th Ave. on map). After the original subdivision, two single-unit dwellings were built over the lot lines of legal lots 1, 3, 5, and a portion of lot 7 of Block 134 in a reconfigured orientation fronting Bayview Drive (50th St. on map). The original configuration and current configuration are shown below in Figure 2. Both the subject property and the adjacent property at 2820 Bayview Drive were developed with a front yard patio facing Bayview Drive.

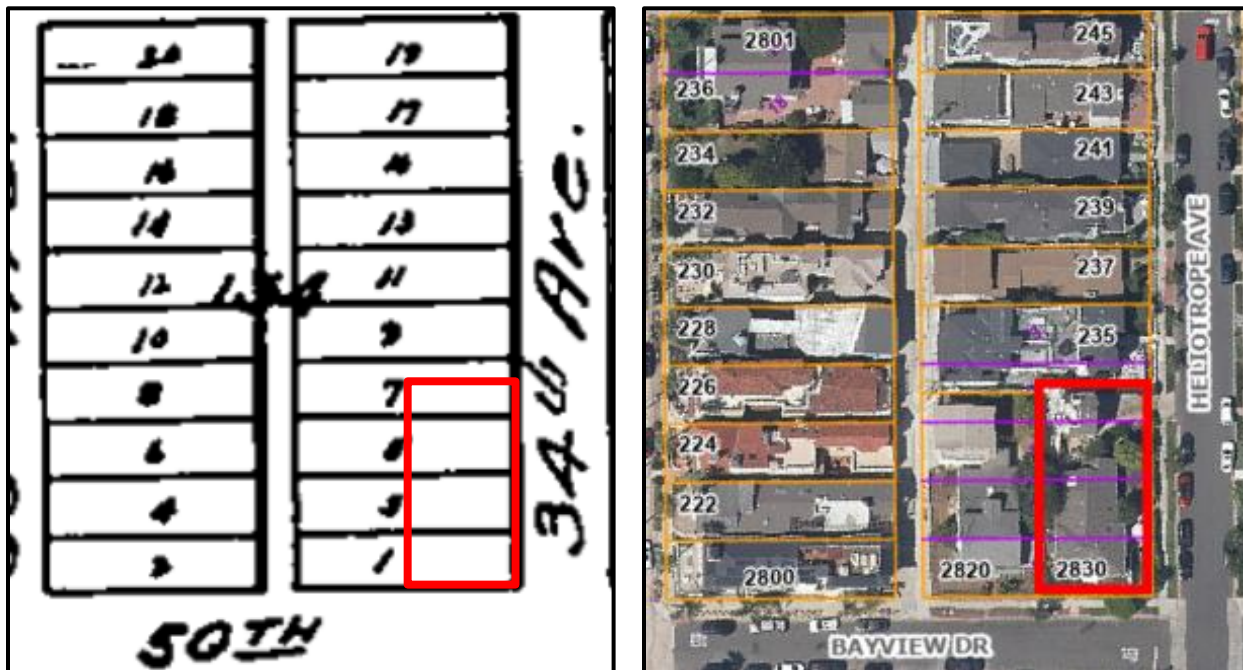


Figure 2: Portion of the Re-subdivision of Corona Del Mar map (left) and the current lot configuration (right)

According to County Assessor records, the residence on the subject property was constructed in 1948, prior to the Subdivision Map Act of 1974. Certificate of Compliance No. 2008-157 was approved by the City and recorded with the Orange County Recorder in 2008 recognizing the property as a single legal parcel.

Application of Front Setbacks

For corner lots, Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC define the shortest property line abutting a street to be considered the front of the lot regardless of which street is used for vehicle or pedestrian access; therefore, the subject property's front setback area should be along Bayview Drive. However, an exception occurs when a setback map identifies a different frontage as a front setback area. In this case, Setback Map S-10B establishes a 20-foot front setback along Heliotrope Avenue, consistent with the front setback for the rest of the block. As a result, the property is subject to a 20-foot front setback from Heliotrope Avenue, a 10-foot rear setback opposite the front, and 4-foot side setbacks, as shown in Figure 3 below. Setback Map No. S-10 B is available as Attachment No. PC 3. As discussed in the *Variance Findings* section of the report in more detail, the application of the setbacks to the reconfigured lot disproportionately impacts the property's buildable area, maximum floor area allowed and the ability to construct a third floor.



Figure 3 Excerpt of Setback Map S-10B and Resulting Setbacks

Project Description

The applicant proposes to demolish the existing single-unit dwelling and construct a new 5,413 square-foot, three-story, single-unit dwelling with a 707 square-foot, attached, three-car garage and 2,446 square-foot subterranean basement. The garage for the proposed residence will be accessible from a new curb cut along Bayview Drive and the existing curb cut along Heliotrope Avenue will be closed. The residence includes a partially covered deck on the third floor and a balcony facing Heliotrope Avenue on the second floor. The project also includes landscape, hardscape, drainage improvements, and site walls as shown in Figure 4 below.



Figure 4: Rendering of the Proposed Project, as seen from Heliotrope Avenue.

A full set of plans and renderings are available as Attachment Nos. PC 4 and PC 5, respectively.

DISCUSSION

General Plan & Local Coastal Plan and Zoning Code Consistency

The project site is categorized as Single-Unit Residential Detached (RS-D) by the Land Use Element of the General Plan and Single-Unit Residential Detached – 6.0–9.9 DU/AC (RSD-B) by the Coastal Land Use Plan (CLUP). The project site is located within the Single-Unit Residential (R-1) Zoning District and Coastal Zoning District. The proposed single-unit dwelling is a permitted use under these land use designations, which are intended to provide areas appropriate for the development of single-unit dwellings located on a single legal lot.

As designed, the project requires a variance from Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC to allow the proposed development to exceed the gross floor area limit, encroach into the front and rear setbacks, and encroach into the front and rear third floor stepbacks. The project otherwise complies with parking requirements, open volume, and the base height limits of the R-1 zoning district. Table 1 below provides a summary of the project's compliance with development standards and highlights in green how the project has been adjusted since the previous hearing.

Table 1, Zoning and Coastal Zoning Development Standards

Standard	Requirement	Original Design	New Design
Floor Area Limit (max.)	4,445 sq. ft.	5,958 sq. ft. ^{1,2}	6,120 sq. ft. ^{1,2}
Setbacks (min.)			
Front (Heliotrope Ave, 1st floor)	20 feet	10 feet ¹	15 feet ¹
Front (Heliotrope Ave, 2nd floor)	20 feet	10 feet ¹	20 feet
Side (Bayview Drive)	4 feet	20 feet	15 feet
Side (Abutting 235 Heliotrope)	4 feet	5 feet	5 feet
Rear (Abutting 2820 Bayview)	10 feet	4 feet ¹	4 feet ¹
3rd Floor Stepbacks from PL (min.)^{3,4}			
Front (Heliotrope Ave)	35 feet	11 feet, 3 inches ¹	20 feet ¹
Side (Bayview Drive)	6 feet	40 feet, 11 inches	35 feet
Side (235 Heliotrope)	6 feet	44 feet, 5 inches	45 feet, 4 inches
Rear (2820 Bayview)	25 feet	9 feet, 10 inches ¹	6-feet ¹
3rd Floor Area (max.)⁴	444.5 sq. ft.	394 sq. ft.	366 sq. ft.
Height Limit (max.) • Flat • Sloped	24 feet 29 feet	23 feet, 7 inches 29 feet	23 feet, 2 inches 29 feet
Open Volume Area (min.)	445.5 sq. ft.	872 sq. ft.	947 sq. ft.
Parking (min.)	3 spaces	3 spaces	3 spaces

¹ Variance Requested

² The floor area of a subterranean basement is not included in the calculation of the total gross floor area pursuant to NBMC Sections 20.18.30 and 21.18.30. The total floor area including the subterranean basement is 8,566 square feet.

³ NBMC Sec. 20.48.180.2 (Third Floor Limitations) requires enclosed third floor area and covered decks to be stepped back an additional 15 feet from front and rear setback lines and an additional 2 feet from side setback lines on lots wider than 30 feet. For clarity, this table includes the total required distance (setback + stepback) as measured from property lines.

⁴ Third floor stepback and 3rd floor area limits are not regulated by Title 21.

Project Design Changes

The new design has increased the front setback along Heliotrope Avenue for the basement and first floor from 10 to 15 feet and 10 to 20 feet for the second and third floor to 20 feet, eliminating the setback variance request for the second floor. As a result of the increased setbacks along Heliotrope Avenue, the buildings have shifted more mass into the rear setback area which increased the total gross floor area of the structure from 5,985 to 6,120 square feet. The Commission did not have concerns on the rear setback encroachment. To accommodate the increased setbacks along Heliotrope, the side setback along Bayview, which is required to be 4 feet, was reduced from 20 to 15 feet and the third-floor setbacks were reduced from approximately 45 feet to 35 feet. However, the third-floor setbacks were increased from approximately 11 feet to 20 feet along Heliotrope Avenue. Finally, the third-floor gross-floor area has been reduced, and the open volume has been increased.

Variance Findings (Title 20)

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 should 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.

Section 20.52.090.F (Variances - Findings and Decision) of the Zoning Code requires the Planning Commission to make the following findings before approving a variance:

- A. 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;*
- B. 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;*
- C. Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;*
- D. 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;*
- E. 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

F. 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.

Variance Request Analysis

i. *Floor Area*

For properties within Corona del Mar, the maximum allowable floor area is limited to 1.5 times the buildable area of the site. The buildable area is defined as the area of a site excluding the required setback areas. This means that the maximum allowable floor area for a property is directly affected by the required setbacks. Due to the reorientation of the lot and the resulting setbacks, the buildable area of the project site is disproportionately smaller than that of the surrounding lots. As a result, the maximum allowable floor area is also similarly impacted. The buildable area of the subject property is 2,963 square feet, which results in a maximum allowable floor area limit of 4,445 square feet (buildable area x 1.5).

While the R-1 Zoning District is not regulated by a Floor Area Ratio (FAR), staff has provided an FAR analysis for the project site and the surrounding properties. The FAR for a property is determined by taking the maximum allowable floor area and dividing by lot area. A FAR provides an indication of how proportionally large a home can be constructed on a property, accounting for variation in lot size and setbacks. The FAR analysis can indicate whether the maximum allowable floor area of property is disproportionately smaller, comparable or disproportionately larger when compared to other properties within the vicinity. The maximum FAR for the subject property is 0.68. As illustrated in Table 2 below, the maximum FAR for the property is substantially smaller than the other properties along Heliotrope Avenue where maximum FAR ranges from 0.9 to 1.0. It is also substantially smaller than the FAR for a standard rectangular, R-1 lot within Corona del Mar, where a maximum FAR of 0.95 is allowed. Table 2 provides a summary of FARs for surrounding R-1 properties.

Table 2 – FAR Comparison of Properties in the Surrounding Neighborhood

Address	Lot Size (SF)	Max. Floor Area Limit	Resulting FAR	Setbacks
Property (Per Code)	6,497	4,445	.68	F:20, S:4, R:10
Project (Original Design)	6,497	5,958	.92	F:10, S:20/5, R:4
Project (New Design)	6,497	6,120	.94	F:15/20, S:15/5, R:4
2820 Bayview	6,195	5,737	.92	F:20, S:4, R:10
235 Heliotrope	5,015	4,812	.95	F:20, S:3, R:5
244 Heliotrope (corner lot)	4,130	4,045	.97	F:20, S:3, R:5
230 Heliotrope	4,720	4,743	1.0	F:20, S:3, R:5
2800 Bayview (corner lot)	3,540	3,708	1.04	F:10, S:3, R:5
2960 Bayview (corner lot)	9,415	10,044	1.06	F:20, S:4, R:5
218 Goldenrod (corner lot)	5,310	5,716	1.07	F:10, S:4, R:5
236 Goldenrod (corner lot)	7,080	8,034	1.13	F:10, S:4, R:5
Typical, R-1 lot (30'x118')	3,540	3,348	.95	F:20, S:3, R:5

While the original project design proposed a maximum floor area of 5,958 square feet, the new project design proposes a maximum floor area of 6,120 square feet, which is a 1,675 square-foot deviation. However, this increased floor area results in a FAR of 0.94, which is still comparable and within the lower range of FARs of other lots in the surrounding area.

ii. Setbacks

Setback Parity

A typical Corona del Mar lot measuring 30 feet wide by 118 feet deep would be subject to a 20-foot front setback, 3-foot side setbacks, and 5-foot rear setback abutting the alley.

As Setback Map S-10B designates the front setback for the project site along Heliotrope Avenue, the property has a wide and shallow building envelope. After applying the 20-foot front and 10-foot rear setbacks, the building envelope is only 29 feet deep. Furthermore, the required setbacks occupy approximately 54% of the property's lot area, whereas setbacks occupy only 37% on a typical lot on Heliotrope Avenue. Shown below in Figure 5 are surrounding properties in the neighborhood where setbacks generally occupy between 30% to 38% lot areas, with some as low as 24%.

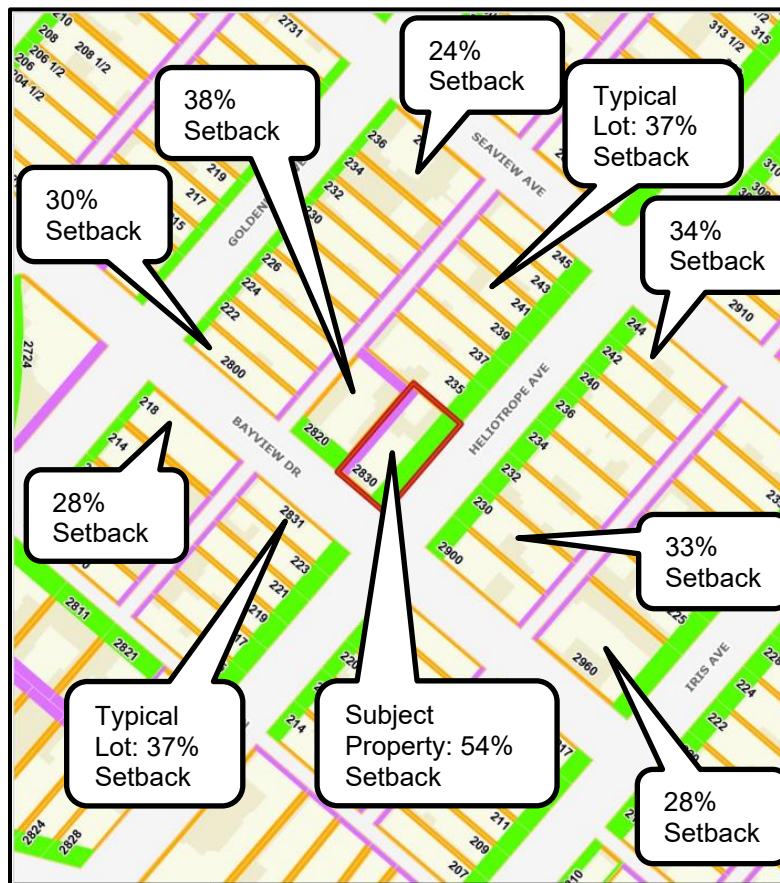


Figure 5: Setbacks Area by Percentage in the surrounding area

The previous project design proposed 43% of the lot area as setback area. The revised design proposes 44.5% of lot area as setback area, as the proposed encroachment into the Heliotrope Avenue setback has been reduced. Despite the proposed encroachments, the proposed setback area is significantly greater than the 37% setback area applicable to a typical Corona del Mar lot.

Increased Setbacks

To maintain a typical front yard appearance off Bayview Avenue, a 15-foot side setback is proposed. The Project also includes a 15-foot front setback for the first floor and a 20-foot setback for the second and third floor along Heliotrope Avenue. The applicant is also proposing a 5-foot side setback from the property line abutting 235 Heliotrope Avenue, which is greater than the typical 4-foot side setback and provides adequate separation from the adjacent residence.

Lastly, the applicant requests a 4-foot rear setback adjacent to the neighboring residence at 2820 Bayview Drive, which is consistent with required side setbacks of 4 feet applicable to lots wider than 40 feet in the area. The neighboring property at 2820 Bayview Drive also provides a 4-foot side setback. With both the subject property and the adjacent residence providing four-foot setbacks, there is 8 feet of separation between the structures and adequate light and air will be provided. Figure 6 below shows the existing

disproportionate setbacks, the previously requested setbacks, and the proposed setback configuration. As previously mentioned, the new project design increases the setbacks along Heliotrope Avenue, with the first floor and basement setbacks increased from 10 to 15 feet, and the second and third floor setbacks increased from 10 to 20 feet. This updated design eliminates the need for a variance for the second-floor portion of the proposed structure.

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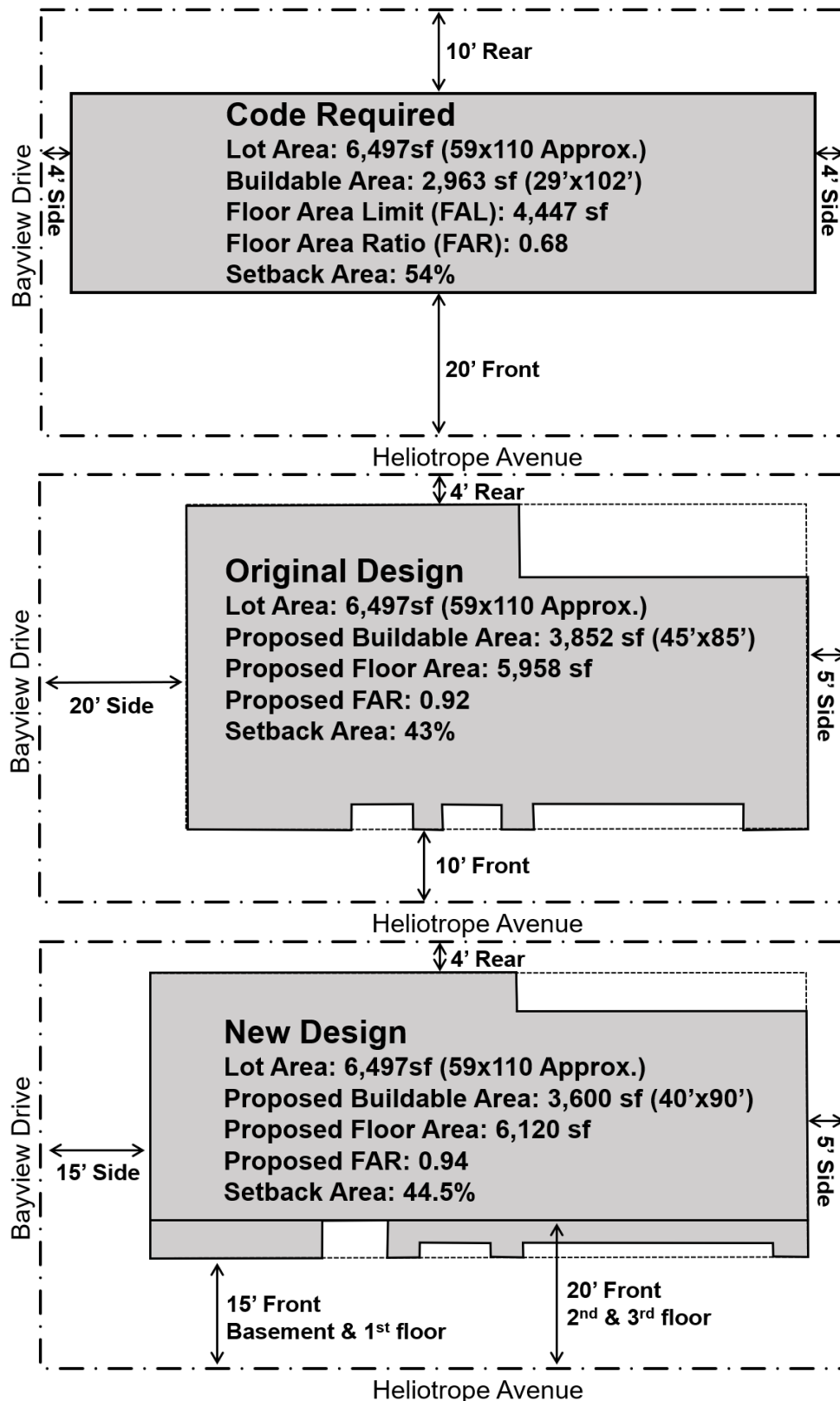


Figure 6: Setback and Floor Area Comparison

Enhanced Articulation and Modulation to Reduce Massing

The façade along Heliotrope Avenue is designed with significant articulation and modulation to soften the appearance of the residence along Heliotrope Avenue. The new design still includes recessed windows and doors and an uncovered patio on the upper floor. The new design incorporates larger upper-floor setbacks to further reduce the impact of the first-floor front setback encroachment along Heliotrope Avenue as shown in Figure 7 below.

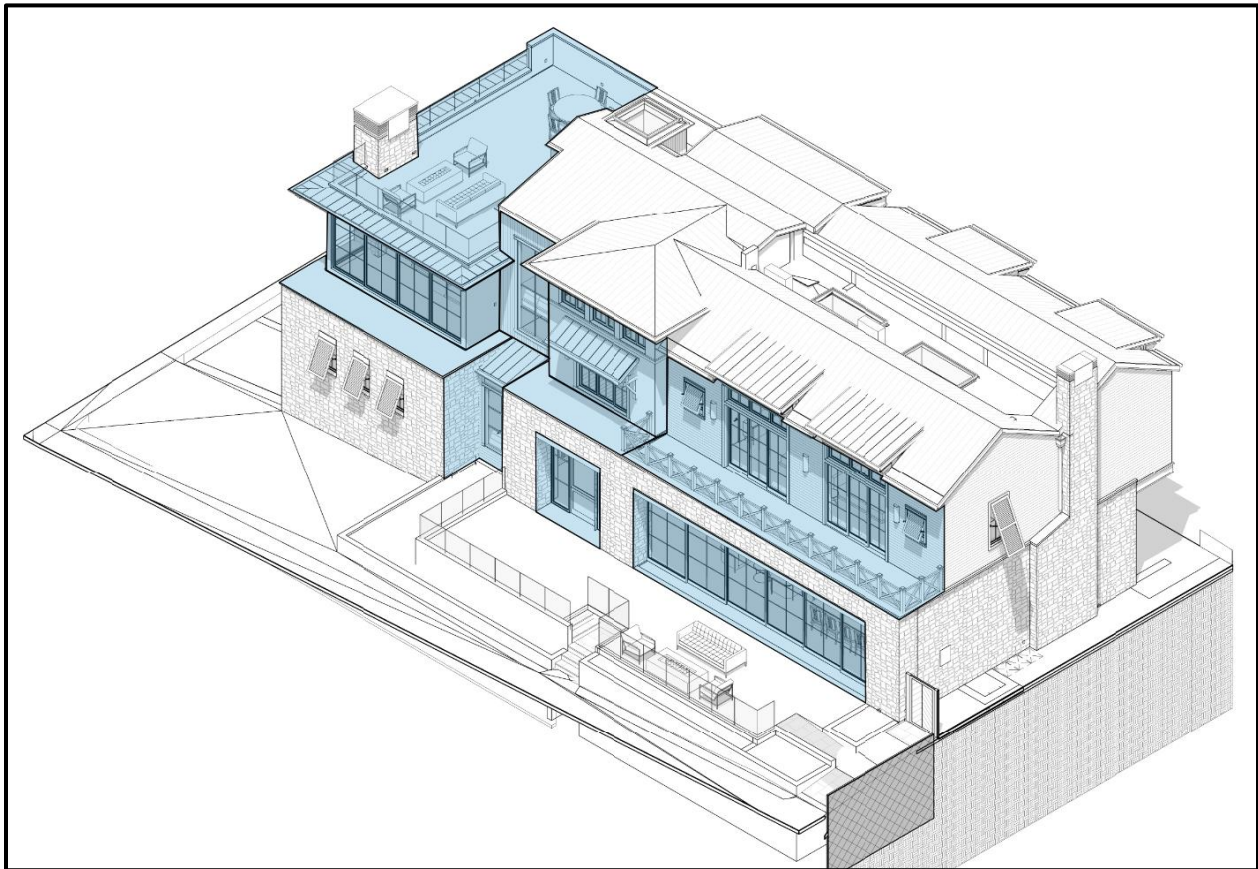


Figure 7: Façade Modulation and Articulation along Heliotrope Avenue

iii. Third Floor Stepbacks

Section 20.48.180 (Residential Development Standards and Design Criteria) of the NBMC requires residential designs to stepback enclosed areas and covered decks on the third floors an additional 15 feet from the required front and rear setback lines. These standards were developed with the intent of applying to standard lots that are typically long and narrow. However, because the property is only approximately 59 feet deep, and after applying the required 20-foot front and 10-rear setbacks, the building pad is only 29 feet deep. Applying an additional 15-foot front and rear stepback renders the property physically unable to develop any enclosed floor area or covered decks on the third floor.

A typical lot in Corona del Mar would provide a 15-foot third floor stepback from the 20-foot front setback for a total distance of 35 feet from the front property line, a 15-foot stepback from the 5-foot required rear alley setback for a total distance of 20 feet from the rear property line, and a 2-foot stepback from the 3-foot required side setbacks for a total distance of 5 feet from the side property lines.

As shown in Figure 8 below, the new project design includes third floor stepbacks which exceed the stepbacks of a typical lot in Corona del Mar. The third floor enclosed area is stepped back 35 feet from the property line along Bayview Avenue, 45 feet, 4 inches from the property line abutting 235 Heliotrope Avenue and 20 feet from the property line along Heliotrope Avenue. The design also includes a third-floor covered deck which is stepped back 6 feet from the property line abutting 2820 Bayview Drive. These third floor stepbacks comply with the intended 35-foot front, 20-foot rear, and 6-foot side third floor setback requirements if the lot line fronting Bayview Drive was considered the front, rather than Heliotrope Avenue. With this design, the project provides stepbacks which concentrate the massing to the center of the residence, consistent with the purpose and intent of the third-floor stepback requirements.

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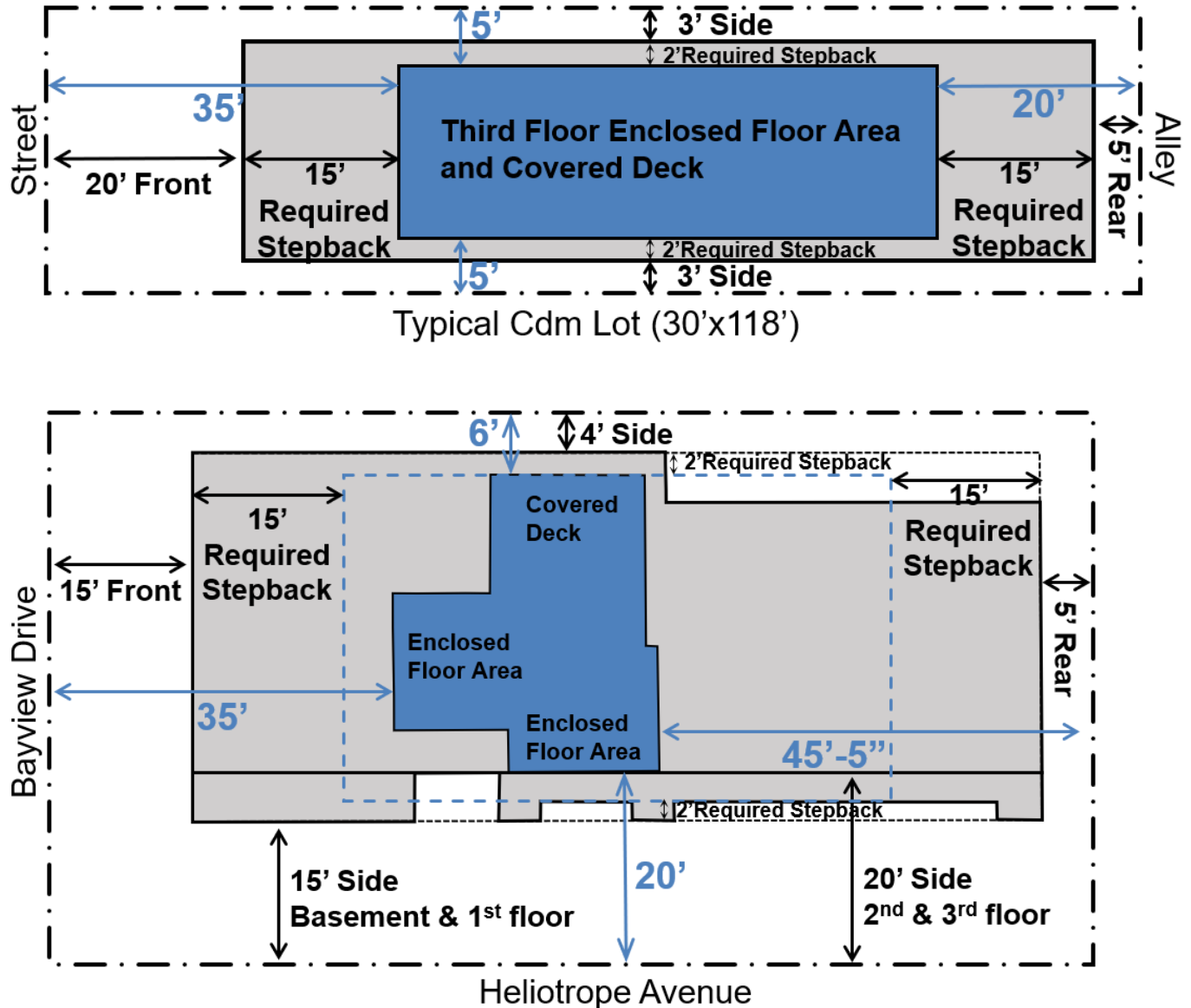


Figure 6: Third Floor Stepback Comparison Assuming Bayview Drive as the Front

Section 20.48.180 of the NBMC also limits the amount of enclosed floor area that can be located on the third floor to 15% of the buildable area, which is 444 square feet for the subject property. As a result of the project's increased setbacks, the third floor has been reduced from 393 to 363 square feet of floor area and complies with the third-floor area requirement. However, without the granting of the variance for the proposed third floor stepback encroachments, the applicant would be unable to achieve any enclosed third floor or covered deck area.

Coastal Development Permit Findings (Title 21)

The subject property is located within the Coastal Zone. The property is also located within the boundaries of the Categorical Exclusion Order, as amended in 2018 (CE-5-NPB-16-1-A1) by the California Coastal Commission, which allows single-unit development that conforms to all applicable development standards to be categorically excluded from obtaining a CDP. However, the project is requesting a Variance from development standards within Title 21 (Local Coastal Program Implementation Plan) of the NBMC; therefore, a CDP is required. Per Section 21.52.015(F) of the NBMC, the required findings to approve a CDP are as follows:

1. Conforms to all applicable sections of the certified Local Coastal Program; and
2. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

Additional findings are required in accordance with Section 21.52.090 (Relief from Implementation Plan Development Standard) to approve the requested waivers to development standards. Staff believes facts to support the findings in the draft resolution are sufficient to demonstrate compliance with the Local Coastal Program (LCP) and that the project would not impact any coastal resources, including access or views. The key facts in support of findings are summarized in the following paragraphs.

Land Use and Requested Deviations

With the exception of the Variance request, the proposed development complies with applicable residential development standards including, but not limited to, both side setbacks, the front setback for the second floor, building height, parking, and open space as illustrated in Table 1 and 2 above.

As previously discussed, the deviations to encroach into the front setback and rear setback, and exceed the maximum floor area, allows for the property to be developed with a residence that is compatible in design, bulk, and scale of the surrounding residences on Heliotrope Avenue and Bayview Drive.

Public Views and Access

The subject property is not located directly adjacent to a coastal view road as identified in the Coastal Land Use Plan (CLUP); however, Bayview Drive is designated as Coastal View Road northeast of Goldenrod Avenue, which is one block from the property. Though Heliotrope Avenue is not a designated Coastal View Road by the CLUP, the reduced setback encroachments minimize disruption of any coastal views available from Heliotrope Avenue. The project has been designed to comply with the 24-foot flat and 29-

foot sloped height limit. Therefore, the project is not anticipated to have any impact to coastal views along Bayview Drive. The property is located in the vicinity of several coastal viewpoints along Ocean Boulevard; however, the viewpoints are in closer proximity to the coast and are not impacted by the proposed project. The property is located approximately 1500 feet from Begonia Park which is designated as a coastal viewpoint by the CLUP. However, the project is not visible from that location due to the distance and intervening structures. Aside from the requested setback and floor area deviations, the project complies with all applicable LCP development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts on public views.

The subject property is located between the first public road and the sea. Section 21.30A.040 (Determination of Public Access/Recreation Impacts) of the NBMC requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project replaces an existing single-unit dwelling with a new single-unit dwelling. Therefore, the project does not involve a change in land use, density, or intensity that will result in increased demand for public access and recreation opportunities. The project is closing an existing curb cut along Heliotrope Avenue and creating a new curb cut along Bayview Drive which will not result in a net change in overall street parking that is available to the public.

The property is located along Heliotrope Avenue, which is identified by the CLUP as having public beach access at its street end. The project does not interfere with the existing access nearby to the beach, which will continue to be provided.

Compliance with the LCP and Feasible Alternatives

Section 21.52.090 (Relief from Implementation Plan Development Standards) of the NBMC requires findings to be made regarding whether or not the development is consistent with the certified LCP to the maximum extent feasible and whether or not there are feasible alternatives that would provide greater consistency with the LCP that are more protective of coastal resources.

An alternative to this project would be to construct the residence with a compliant 20-foot front setback along Heliotrope Avenue and 10-foot rear setback. However, this would reduce the property's FAR to 0.68 which is between 24% and 34% lower than surrounding lots with typical orientation along Heliotrope Avenue. These setbacks would create a 29-foot-deep building pad, which would not allow for a third floor due to the required 15-foot front and rear third floor stepbacks. Additionally, the 10-foot rear setback would create a 14-foot separation between the neighboring structure, where 6 to 8 feet of separation is more typical in the surrounding area to provide for adequate light and air. Another alternative to this project would be to utilize the standard setbacks that would apply if Setback Map No. S-10B did not illustrate a 20-foot front setback along Heliotrope Avenue, resulting in a 20-foot front setback along Bayview Drive, 4-foot side setback on Heliotrope

Avenue, 4-foot side setback abutting 2820 Bayview Drive and a 10-foot rear setback abutting 235 Heliotrope Avenue. The 4-foot setback along Heliotrope Avenue would largely disrupt the typical 20-to-15-foot front setbacks found on Heliotrope Avenue. However, these setbacks would result in a maximum floor area limit of 6,120 square feet which the project has been designed to comply with.

The requested deviations allow the development to be in parity with the surrounding neighborhood. The property has been developed with the existing residence since 1948 and is not identified as an environmentally sensitive area as shown on Map 4-1 of the CLUP or as defined by NBMC Chapter 21.30B (Habitat Protection). Therefore, the project does not have the potential to adversely affect coastal resources.

Staff believes that the proposed project is consistent with the LCP to the maximum extent feasible and that the alternatives do not provide parity between the subject property and the surrounding neighborhood.

Summary and Alternatives

The applicant has redesigned the project to incorporate the Commission's guidance related to the Heliotrope Avenue setback. The applicant has increased the setback along Heliotrope Avenue as requested.

Due to the project's unique orientation and disproportionate buildable area and floor area limit, staff believe that the Variance for floor area, setbacks, and third floor setbacks are warranted and necessary for parity with the surrounding neighborhood. The facts in support of the required findings and all recommended conditions of approval are presented in the draft resolution (Attachment No. PC 1).

The following alternatives are available to the Planning Commission should they feel the facts are not in evidence of support for the project application:

1. The Planning Commission may require further changes to the project to alleviate any concerns related to the design or the ability to make the required findings. If the changes are substantial, the item should be continued to a future meeting to allow the applicant to make the necessary adjustments and to allow staff to prepare a revised resolution incorporating new findings and/or conditions.
2. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission may deny the application and provide facts in support of denial and allow staff to prepare a revised resolution for denial of the project.

Environmental Review

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 because it has no potential to have a significant effect on the environment.

Class 3 exempts the demolition of up to three single-unit dwellings and additions of up to 10,000 square feet to existing structures. The project demolishes an existing single-unit dwelling and constructs a new single-unit dwelling within a developed neighborhood. Therefore, the Class 3 exemption is applicable.

The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property and occupants 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:

Submitted by:



Jerry Arregui
Assistant Planner

JP/ja



Jaime Murillo, AICP
Deputy Community Development Director

ATTACHMENTS

- PC 1 Draft Resolution
- PC 2 November 21, 2024, Planning Commission Minutes
- PC 3 Setback Map No. S-10B (Corona del Mar)
- PC 4 Project Plans
- PC 5 Project Renderings
- PC 6 Project Description

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