

**Subject:** FW: Comments on the variance application for 2607 Ocean Blvd  
**Attachments:** Variance11-17.docx

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

From: Susan Skinner [mailto:seskinner@me.com]  
Sent: Monday, November 06, 2017 8:12 PM  
To: Kramer, Kory <kkramer@newportbeachca.gov>; Dunlap, Bill <bdunlap@newportbeachca.gov>; Koetting, Peter <pkoetting@newportbeachca.gov>; Kleiman, Lauren <lkleiman@newportbeachca.gov>; Lowrey, Lee <llorey@newportbeachca.gov>; Weigand, Erik <eweigand@newportbeachca.gov>; Zak, Peter <pzak@newportbeachca.gov>; Ramirez, Brittany <bramirez@newportbeachca.gov>; Campagnolo, Daniel <DCampagnolo@newportbeachca.gov>; Jurjis, Seimone <sjurjis@newportbeachca.gov>; Ung, Rosalinh <RUng@newportbeachca.gov>  
Subject: Comments on the variance application for 2607 Ocean Blvd

Attached is a letter regarding the request for variance at 2607 Ocean Blvd which will be discussed on Thursday evening. I am asking that you deny the request in its current form as it clearly does not meet the mandatory requirements of the variance.

(Rosalinh, can you confirm that you received this to same me having to hand deliver a copy to you?)

Thank you,

Susan Skinner

November 6, 2017

Dear Planning Commission:

With regard to the request for variance of 2607 Ocean Blvd, I urge you to deny this request in its current form as it clearly does not meet the requirements of the requested variance.

There are two aspects to this variance request. A request to exceed the height limit and a request to increase the sq footage of the property by reducing setbacks.

The absolute requirements to obtain a variance is set out in Section 20.52.090(F) of the Municipal Code as follows:

“To approve or conditionally approve a Variance, the hearing body **must** make the following findings provide by Section 20.52.090 F:

1. There are special or unique circumstances or conditions applicable to the subject property (e.g. location, shape, size, surrounding, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;
2. Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under and identical zoning classification;
3. Granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;
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;
5. Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger,

jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood; and

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.”

Although there are special circumstances to this property in the form of a steep hillside and a narrow lot, these do not constitute a reason to grant a variance of the degree that is being requested. The property is 4,257 sq ft, but with an irregular configuration. Normally, a setback of 10 feet at the front end and back end of the property would be required with 4 foot setbacks at the sides of the property. A request is made to eliminate the front setback and reduce the back setback to 3 feet, giving an increase in buildable area to allow a 5,000 sq ft house instead of a 2865 sq ft house.

The comment is made that in other similar sized lots nearby are not as restricted in their building size due to the more regular shape of their lots. However, if a long rectangular 4400 sq ft lot of 110 feet deep and 40 feet wide typical for the area is used as an example, the 10 foot setbacks front/back with 4 foot setbacks at the side would result in a buildable lot of 2800 sq ft, allowing only a 4200 sq ft house to be built. The obvious solution appears to be an adjustment in setbacks to allow up to a 4200 sq ft house, but not a 5000 sq ft house if this standard is to be met. In fact, allowing a 5000 sq ft home to be built would then consist of a grant of special privilege, which is NOT allowed under requirement #4.

There is no possible reason to allow a variance to height. The simple desire to build an elevator shaft and rooftop deck that exceed the height requirement does not mean that there is a special circumstance requiring this variance to be granted. In fact, there is no special circumstance (admitted to be the case in the staff report) requiring this,

and as such, the request must NOT be granted under city code.

A statement is made that there are 9 properties on Way Lane south of Ocean Boulevard and that variances have been granted for these homes. It should be noted that only 3 homes are on the same block of Way Lane with similar topography whereas the other homes referenced have a totally different topography and cannot reasonably be compared to this home. The home adjacent to the subject property clearly has not received a variance, whereas the third home appears to have had some degree of variance.

Requirement #5 requires that "Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City," but as the homes in the China Cove subdivision are predominated older, smaller homes, the addition of a 5,000 sq ft home with features extending 14 feet higher than the height limit is clearly out of character with this section of Corona del Mar and should thus not be allowed.

It appears clear to me that this application does not meet the strict requirements of code section 20.52.090(F) and should be denied. I will point out the fact that you certainly already know, that the granting of such a variance is NOT discretionary and that all 6 aspects of the code must be met (and are not).

Thank you,

Susan Skinner

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Newport Beach