

December 7, 2017 Agenda Item No. 5

SUBJECT: Ginsberg Residence (PA2016-170)

SITE LOCATION: 2607 Ocean Boulevard

Variance No. VA2016-005

Coastal Development Permit No. CD2017-080

APPLICANT: Nicholson Construction

OWNER: Ginsberg Family Trust

PLANNER: Rosalinh Ung, Associate Planner

949-644-3208, rung@newportbeachca.gov

PROJECT SUMMARY

On November 9, 2017, the Planning Commission conducted a public hearing on the proposed Coastal Development Permit to allow the construction of a new 5,183-square-foot, single-family residence and a Variance request to allow the new residence to encroach into the rear, front and side setbacks, exceed the maximum floor area and height limits for an elevator shaft and guardrails, and provide open volume within the required setback areas.

During the public hearing, the Commission expressed concerns with the overall size, bulk/mass and height of the proposed residence. At the conclusion of the hearing, the Planning Commission continued the item to this meeting for the applicant to consider the following:

- 1. Reduce the size and bulk/mass of new residence so it promotes compatibility with the nearby residences.
- 2. Eliminate the request to exceed the height limit by relocating the elevator to a different location or not have it reach the roof level.
- 3. Install story poles for the neighborhood to see the extent of proposed development.
- 4. Incorporate more stringent language to the construction management plan regarding construction parking in the public parking areas.

RECOMMENDATION

- 1) Conduct a public hearing, and if the applicant's proposed changes to the project address Commission concerns and the Commission is able to make all of the required findings;
- 2) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Article 19, of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 3, (New Construction or Conversion of Small

Structures) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and

3) Adopt Resolution No. 2075 approving Variance No. VA2016-005 and Coastal Development Permit No. CD2017-080 (Attachment PC 1), allowing the development of a new 4,178-square-foot, single-family residence and a 629-square-foot three-car garage, for a total of 4,807 square feet to encroach 10 feet into the 10-foot rear yard setback along Way Lane and 7 feet into the 10-foot front yard setback along Ocean Boulevard.

BACKGROUND

The applicant proposes to demolish the existing single-family residence and construct a new 5,183-square-foot single-family residence. The original application includes a Variance that if approved would allow the residence to:

- 1) Encroach 10 feet into the 10-foot rear yard setback on Way Lane;
- 2) Encroach 7 feet into the 10-foot front yard setback on Ocean Boulevard for the residence;
- 3) Exceed the maximum floor area;
- 4) Exceed the 29-foot height limit for an elevator shaft by up to 14 feet and portions of the roof deck guardrail to exceed the 24-foot for a flat roof/guardrail by up to 8 feet; and
- 5) Provide open volume within the required setback areas.

DISCUSSION

Subsequent to the previous meeting, the applicant has submitted modified project plans based on the direction received from the Planning Commission. The changes also included the elimination of two variance requests: building height for the elevator shaft and guardrails, and location of open volume within the required setback areas. Revised project plans are provided as Attachment No. PC 2. Below is summary of the proposed changes:

1. Project Design Revision

The size of proposed residence has been reduced from 4,500 square feet to 4,178 square feet (reduction of 322 square feet); and the garage has been reduced from 683 square feet to 629 square feet (reduction of 54 square feet), for a total reduction of 376 square feet. The proposed residence with its attached garage is now at 4,807 square feet in size, and has floor area ratio (FAR) of 1.13 compared to the original proposed 1.22 FAR.

The applicant also made the following changes to the proposed residence to address the bulk/mass concerns:

 Increased the open volume area outside of the setback areas from 255 square feet to 343 square feet, above the required 287 square feet based on the code-required buildable area and setbacks. Accordingly, the request to allow required open volume area within the setback areas has been eliminated.

- Increased the setback of the elevator and stairway by one foot (from 4 feet to 5 feet) along Way Lane to provide more visual relief. The elevator has also been modified to access the interior levels only (not to the roof deck) incrementally reducing the mass of the building
- Pulled back the game room located on the bedroom level and added 207 square feet of deck area to provide more visual depth from Way Lane.
- Reduced the width of the screen wall and added a glass privacy panel at the bar on the deck level to reduce bulk and mass of the structure.
- Reduced the height of the screen wall by 18 inches. The screen wall is now 5.5 feet below Ocean Boulevard top-of-curb height limit.
- Removed horizontal privacy screen on roof deck to reduce bulk.
- Added siding to the building elevations to add more interest to the overall building design.
- Reduced the size of glass elements and building columns to reduce bulk/mass.

A summary of plan revisions including corresponding plan sheet callouts is attached as Attachment No. PC 3.

2. Elevator Shaft and Guardrail

The elevator has been redesigned to be in compliance with the building height requirements by limiting its access from the garage level to the living level (third floor) only.

3. Story Poles

The applicant proposes to install story poles at the subject property to illustrate the revised project development from Monday, November 27, 2017, to Friday, December 1, 2017. The location and height of the poles were certified by a registered civil engineer (Attachment No. 4). Notification of the story poles installation was sent by the applicant to the all property owners within 300 feet of the subject property on November 22, 2017 (Attachment No. 5).

4. Construction Management Plan

The construction management plan has been revised to include more stringent language regarding construction parking. Streets in China Cove must remain open and construction workers will be required to park off-site. During the summer peak season (between Memorial Day and Labor Day), construction workers will not be allowed to park in the public parking areas (public parking lots at Big Corona State Beach). They will be required to park at an off-site location and carpool to the project site. During the off-peak season, construction workers could park in the Big Corona parking lot as parking is generally available. The construction management plan is provided as Attachment No. PC 6 and a condition of approval (Condition #28) has been added requiring its implementation.

Correspondence

At the time of staff report printing, staff has received 5 additional correspondence letters (some individuals sent multiple letters) in opposition of the proposed application since the November 9, 2017, Planning Commission Meeting. The residents raised concerns with the size and bulk of the new residence as it would be too large for the subject property and would not be compatible with the neighborhood. Some comments suggest the variance should not be granted and the subject property should be redeveloped in full conformance with the Zoning Code. These letters are provided as Attachment No. PC 7.

Summary

The applicant has made the suggested project modifications and provided sufficient additional information. Should the Planning Commission be able to make all of the required findings, staff therefore recommends approval of the project as modified.

<u>Alternatives</u>

The following alternatives are available to the Planning Commission:

- 1. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any additional 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 will return with 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 must deny the application and provide facts in support of denial to be included in the attached draft resolution for denial (Attachment No. PC 8).

Environmental Review

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 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 construction of limited numbers of new, small structures, including a 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:

Submitted by:

Rosalinh Ung

Jim Campbell

Associate Planner

Deputy Community Development Director

ATTACHMENTS

PC 1 Draft Resolution for Approval

PC 2 Revised Project Plans

PC 3 Summary of Plan Revisions

PC 4 Story Poles Certification

PC 5 Story Poles Notification

PC 6 Construction Management Plan

PC 7 Correspondence Letters

PC 8 Draft Resolution for Denial

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Attachment No. PC 1

Draft Resolution for Approval

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RESOLUTION NO. 2075

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING VARIANCE NO. VA2016-005 AND COASTAL DEVELOPMENT PERMIT NO. CD2017-080 TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, FOR PROPERTY LOCATED AT 2607 OCEAN BOULEVARD (PA2016-170)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Nicholson Construction on behalf of the Ginsberg Family Trust ("Applicant"), with respect to property located at 2607 Ocean Boulevard, in the City of Newport Beach, and legally described as a portion of Block 0-32 of Corona Del Mar, in the City of Newport Beach, County of Orange, State of California, as per map recorded in Book 3, Pages 41 and 42 of Miscellaneous Maps, in the Office of the County Recorder of said county ("Property"), requesting approval of a coastal development permit and a variance.
- 2. The Applicant requests a coastal development permit to allow the construction of a new 4,178 square-foot, single-family residence and a 629 square-foot, three-car garage, for a total 4,807 square feet ("Development") and a variance to allow the Development to:
 - a. Exceed the maximum floor area:
 - b. Encroach 10 feet into the 10-foot rear yard setback along Way Lane; and
 - c. Encroach 7 feet into the 10-foot front yard setback along Ocean Boulevard.
- 3. The Property is designated Single-Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1) Zoning District.
- 4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached 6.0–9.9 DU/AC (RSD-B) and the Coastal Zone is Single-Unit Residential (R-1).
- 5. Public hearings were held on November 9, 2017 and December 7, 2017, in the Council Chambers at 100 Civic Center Drive, Newport Beach in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the public hearings was given in accordance with the Newport Beach Municipal Code ("NBMC"). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at these public hearings.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

- 1. This project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15315 under Class 3 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.
- 2. Class 3 exempts the construction of limited numbers of new, small structures, including one single-family residence. The proposed project is a new single-family residence located within the R-1 (Single-Unit Residential) Zoning District.

SECTION 3. REQUIRED FINDINGS.

Variance

In accordance with NBMC Section 20.52.090(F) (Variances – Findings and Decision), the following findings and facts in support of such findings are set forth:

Finding:

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.

Facts in Support of Finding:

- 1. The Property is approximately 4,257 square feet in area and slopes from Ocean Boulevard down to Way Lane with approximately a 35-foot grade difference.
- 2. The Property is shallow with a lot depth ranging from 35 to 53 feet. The lot is also 110 feet wide.
- 3. The limited lot depth after applying the 10-foot front and rear results in a sloping building pad that would be 15 to 33 feet deep. The standard front and rear setbacks comprise approximately 51 percent of the total lot area.
- 4. The lot is disproportionately shallow relative to its width resulting in a long and narrow building envelope. The long narrow portion of the lot would allow a maximum building area only 15 feet in width and represents over 65 percent of the total area of the lot.
- 5. The unusual lot shape and topography of this lot do not generally apply to other properties in the vicinity under the same R-1 zoning classification.

Finding:

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.

Facts in Support of Finding:

- 1. The strict application of development standards including setbacks and floor area limit, to this constrained lot result in a buildable area of 1,910 square feet and new residence of approximately 2,865 square feet in size. This is significantly diminished compared to other properties in the vicinity and same zone that have an average of 5,500 to 6,500 square feet in size.
- 2. The condition of the Property directly impacts the allowable floor area for the lot, and the ability to comply with setback requirements. The site constraints create challenges to design a residence of comparable size and position to other properties along Way Lane without providing relief from these code standards.

Finding:

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

Facts in Support of Finding:

- 1. Without granting the variance request, the Property owner could only build 2,865 square-foot residence that is substantially smaller than what could be constructed on a typical rectangular R-1 lots in Corona del Mar.
- 2. When comparing the subject lot with other Way Lane bluff lots that are in the same zone, the other lots can accommodate larger with homes floor areas well above 5,000 square feet on average.

Finding:

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.

Fact in Support of Finding:

1. Approval of the variance request allows the Property owner to develop a 4,807 square-foot residence that is comparable in size and setback yard encroachments with other lots along Way Lane that are identically zoned.

Finding:

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.

Facts in Support of Finding:

- 1. The proposed residence will not adversely impact public views from Ocean Boulevard because it complies with the top of curb height restriction and would not interfere with neighborhood compatibility, private views, and privacy with the neighboring and abutting properties.
- 2. The proposed setbacks will not affect the flow of light or air to adjoining residential properties as adequate separation is provided since there are no adjacent properties along the property lines for which the encroachments are requested.
- 3. The existing garage setback encroachments have not proven detrimental and the new residence would improve the existing encroachments by removing any encroachments into Way Lane. The City's Traffic Engineer has reviewed and approved the proposed design including the proposed encroachments within the Way Lane setback and garage locations and access to Way Lane. Vehicular access to the project can be accommodated as proposed and it would not pose an undue hazard to access along Way Lane.
- 4. The new residence has been designed with articulation and modulation so it will not impact privacy for the abutting properties beyond that of the existing residence because the design complies with the setback along the east Property line where there is an abutting residence and the primary common living spaces are oriented toward the west of the Property where no residence is located.
- 5. The granting of the variance will not adversely impact public views from Ocean Boulevard because the proposed structure complies with the top of curb height restriction and the base height limit for structures within the R-1 Zoning District of 24 feet for a flat roof and 29 feet for a sloped roof.
- 6. To minimize disruption caused by demolition and construction to the nearby residents, the applicant has submitted a construction management plan that has been reviewed and approved by the City's Public Works Department thereby ensuring no impact public access in the vicinity and to maintain street/emergency access during construction.

Finding:

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.

Facts in Support of Finding:

- 1. Granting the variance request would not increase the density beyond what is planned for the area, and will not result in additional traffic, parking, or demand for other services; and will not adversely impact the designated public views from Ocean Boulevard as it adheres to the top-of-curb height restrictions and complies with the base height limit for structures within the R-1 Zoning District of 24 feet for a flat roof and 29 feet for a sloped roof.
- The proposed variance request provides similar setbacks for the property consistent with the existing development pattern along Way Lane that presently encroaches within setbacks.
- 3. Due to the site topography, narrow shape of the Property and top of curb height limit, the requested setback encroachments and buildable area for development based on the proposed setbacks to yield a comparable floor area are appropriate for the Property.
- 4. The Property is not located within a specific plan area.

Coastal Development Permit

In accordance with NBMC Section 21.52.015 (F) (Coastal Development Permits - Findings and Decision), the following findings and facts in support of such findings as set forth:

Finding:

A. Conforms to all applicable sections of the certified Local Coastal Program.

Facts in Support of Finding:

- 1. The proposed design, bulk, and scale of the Development is consistent with the existing single-family neighborhood pattern of development and expected future development.
- 2. The Property is located in an area known for the potential of seismic activity and liquefaction and is required to comply with the California Building Code ("CBC") and City's Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.
- 3. Pursuant to NBMC Section 21.35.050, due to the Development containing more than 75 percent of impervious surface area and hillside development on a slope greater than 15 percent, a Water Quality and Hydrology Plan ("WQHP") is required. The WQHP has been reviewed and approved by the City's Building Division.

- 4. With the granting of the requested variance, the proposed Development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation granted by the variance is 4,807 square feet and the proposed floor area is 4,807 square feet.
 - b. The proposed Development complies with the required setbacks, as approved by this variance, which are 3 feet along front setback on Ocean Boulevard; 0 feet along rear property line on Way Lane; and 4 feet along the west and east Property lines.
 - c. The entire proposed Development is below the curb line of Ocean Boulevard, as required for development on the Bluff side of Ocean Boulevard and in compliance with the base height limit for structures within the R-1 Zoning District of 24 feet for a flat roof and 29 feet for a sloped roof.
 - d. As the proposed Development includes more than 4,000 square feet of livable floor area, a three-car garage is required. The proposed Development provides a three-car garage.
 - e. A minimum of 287 square feet of open volume area is required, based on the code required buildable area of 1,910 square feet and the proposed residence includes 343 square feet of open volume area.
- Proposed landscaping complies with NBMC Section 21.30.075 (Landscaping). A
 condition of approval is included that requires drought tolerant and prohibits invasive
 species. Prior to issuance of building permits, the final landscape plans will be reviewed
 to verify invasive species are not planted.

Finding:

B. 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.

Fact in Support of Finding:

- The existing residential lot does not currently provide nor inhibit public coastal access.
 The Property is more than 200 feet from the nearest public beach and the proposed
 Development will remain a residential lot. The Development will not impact public
 access to local coastal resources and is not located between the sea or shoreline and
 the nearest public road.
- 2. The new residence would be constructed at a height below the adjacent curb line of Ocean Boulevard, as required by Code, thereby protecting any views from this public

road and maintaining visual access to this coastal resource. Since there are no pedestrian access ways on the Bluff side of Ocean Boulevard, visual access would be preserved for vehicular access. Pedestrian visual access on the land side of Ocean Boulevard would not be affected.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Planning Commission of the City of Newport Beach hereby approves Variance No. VA2016-005 and Coastal Development Permit No. CD2017-080, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 2. The Variance action shall become final and effective 14 days following the date this Resolution was adopted, unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
- 3. The Coastal Development Permit action shall become final and effective 14 days following the date this resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with NBMC Section 21.64.035 and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 7th DAY OF DECEMBER 2017.

BY: Erik Weigand, Secretary	_
Peter Koetting, Chairman	
BY:	
ABSENT:	
ABSTAIN:	
NOES:	
AYES:	

EXHIBIT "A"

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

PLANNING

- 1. The Development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
- 2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
- The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
- 4. The project shall not exceed the top of curb height pursuant to Zoning Code Section 20.30.060(B)(4) and shall comply with the base height limit for structures within the R-1 Zoning District of 24 feet for a flat roof and 29 feet for a sloped roof.
- 5. The project shall be limited to a 4,178 square-foot, single-family residence and a 629 square-foot, three-car garage, for a total 4,807 square feet.
- 6. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the City's Building Division and field sets of plans prior to issuance of the building permits.
- 7. Prior to the issuance of a building permit, the Applicant shall submit a final landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the City's Planning Division.
- 8. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
- 9. <u>Prior to the issuance of a building permit</u>, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the City's Planning Division.
- 10. Prior to the issuance of a building permit, the Applicant shall submit to the City's

Planning Division an additional copy of the approved architectural plans for inclusion in the application file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Variance and Coastal Development Permit application.

- 11. Prior to the issuance of a building permit, the approved Construction Pollution Prevention Plan ("CPPP") and Water Quality and Hydrology Plan ("WQMP") shall be submitted with the Building Permit plans. Implementation shall be in compliance with the approved CPPP and WQMP and any changes could require separate review and approval by the City's Building Division.
- 12. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
- 13. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
- 14. Best Management Practices ("BMPs") and Good Housekeeping Practices ("GHPs") shall be implemented prior to and throughout the duration of construction activity as designated in the CPPP.
- 15. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
- 16. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain or result in impacts to environmentally sensitive habitat areas, streams, wetland or their buffers.
- 17. Should the Property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
- 18. Construction activities shall comply with NBMC Section 10.28.040, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.

- 19. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of NBMC Title 20 Planning and Zoning.
- 20. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Ginsberg Residence including, but not limited to, Variance No. VA2016-005 and Coastal Development Permit No. CD2017-080. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Public Works Conditions

- 21. The proposed project shall extend the City sidewalk along Ocean Boulevard from the existing terminus to the area adjacent to the existing guardrail per City Standard STD-180-L.
- 22. The proposed walkway, stairs, guardrails, retailing walls (to support walkway and landings only), landing, drain lines and landscaping within the Ocean Boulevard public right-of-way shall require approval by the City Council. If approved by City Council, an encroachment agreement between the City and property owner shall be required.
- 23. All proposed landscaping within the Ocean Boulevard right of way shall be reviewed and approved by City's Municipal Operations Department, General Services Division and City's Public Works Department. Proposed landscaping shall be installed and maintained by the Property owner. Landscaping within the public right-of-way shall be low-growing ground cover or shrubs limited to 36-inch high maximum.
- 24. Reconstruct all damaged concrete sidewalk panels, curb and gutter along the Ocean Boulevard and Way Lane frontages shall be determined by the City's Public Works Department.
- 25. No structural encroachments, including but not limited to, retaining walls (for residence), caissons, tiebacks shall be permitted within the public right of way.
- 26. No staging/storage of materials shall be permitted within the public right-of-way.

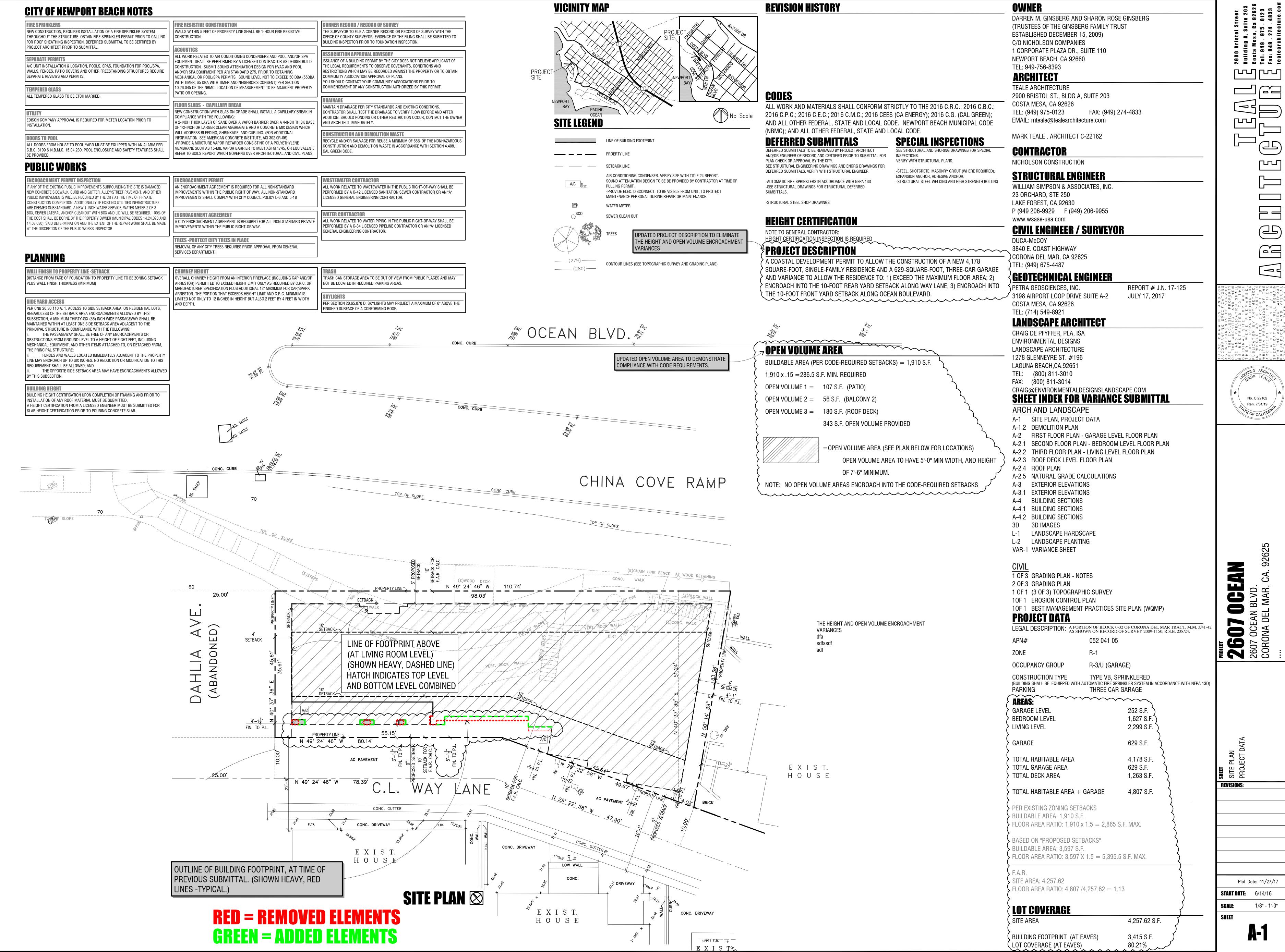
- 27. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way may be required at the discretion of the City's Public Works Inspector.
- 28. Prior to the commencement of demolition and grading of the project, the Applicant shall submit a construction management plan to be reviewed and approved by the Public Works Department and Community Development Department. The plan shall include discussion of project phasing; parking arrangements for the site during construction; anticipated haul routes; and construction nuisance mitigation. Construction parking shall be implemented so that there will be no impact to vehicular or emergency access and public parking spaces. Traffic control and truck route plans shall be reviewed and approved by the Public Works Department before their implementation. Large construction vehicles shall not be permitted to travel narrow streets as determined by the Public Works Department. Disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagman. Upon approval of the plan, the Applicant shall be responsible for implementing and complying with the provisions set forth in the approved plan.

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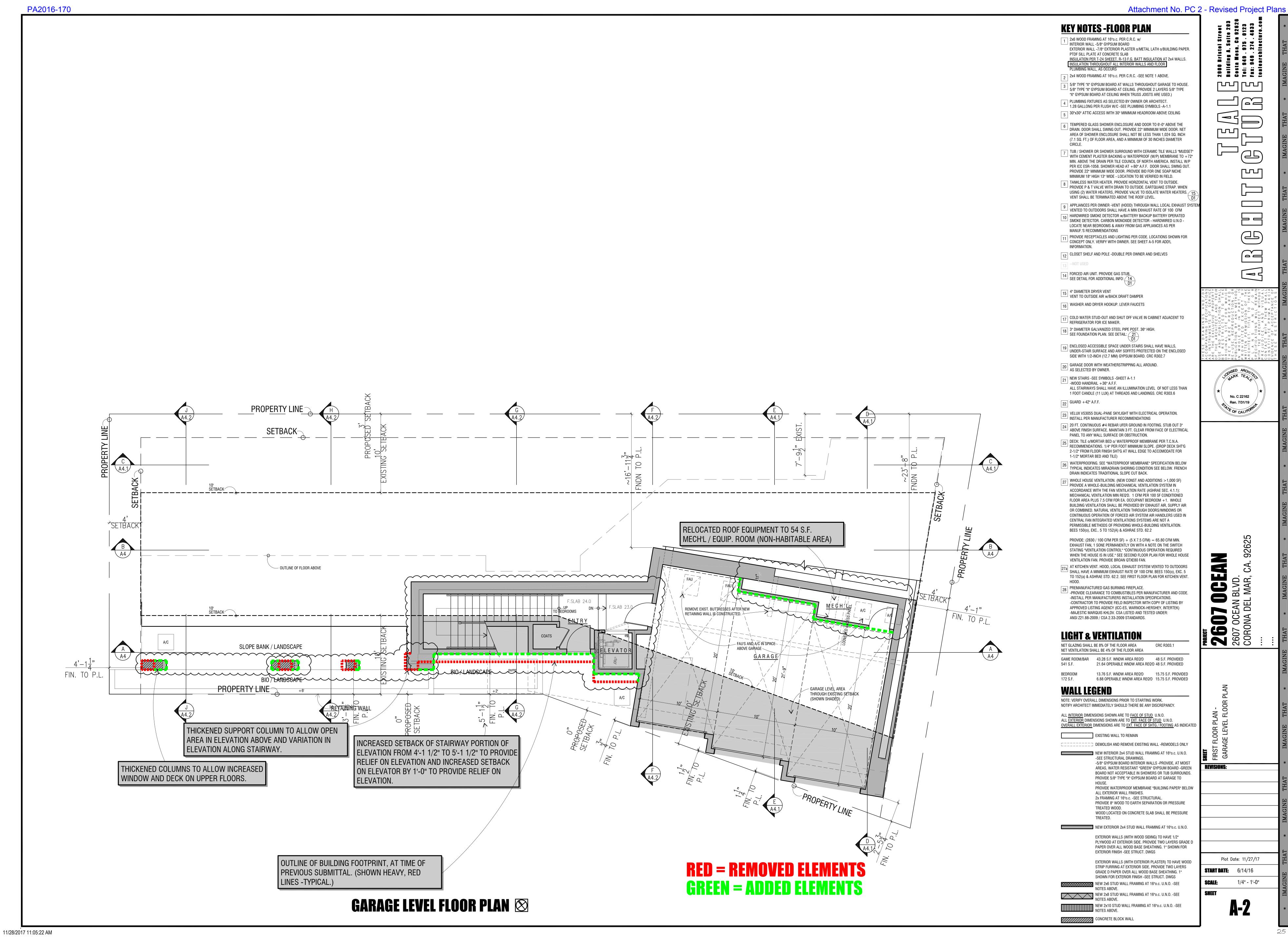
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Revised Project Plans

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BEDROOM LEVEL FLOOR PLAN 🔯

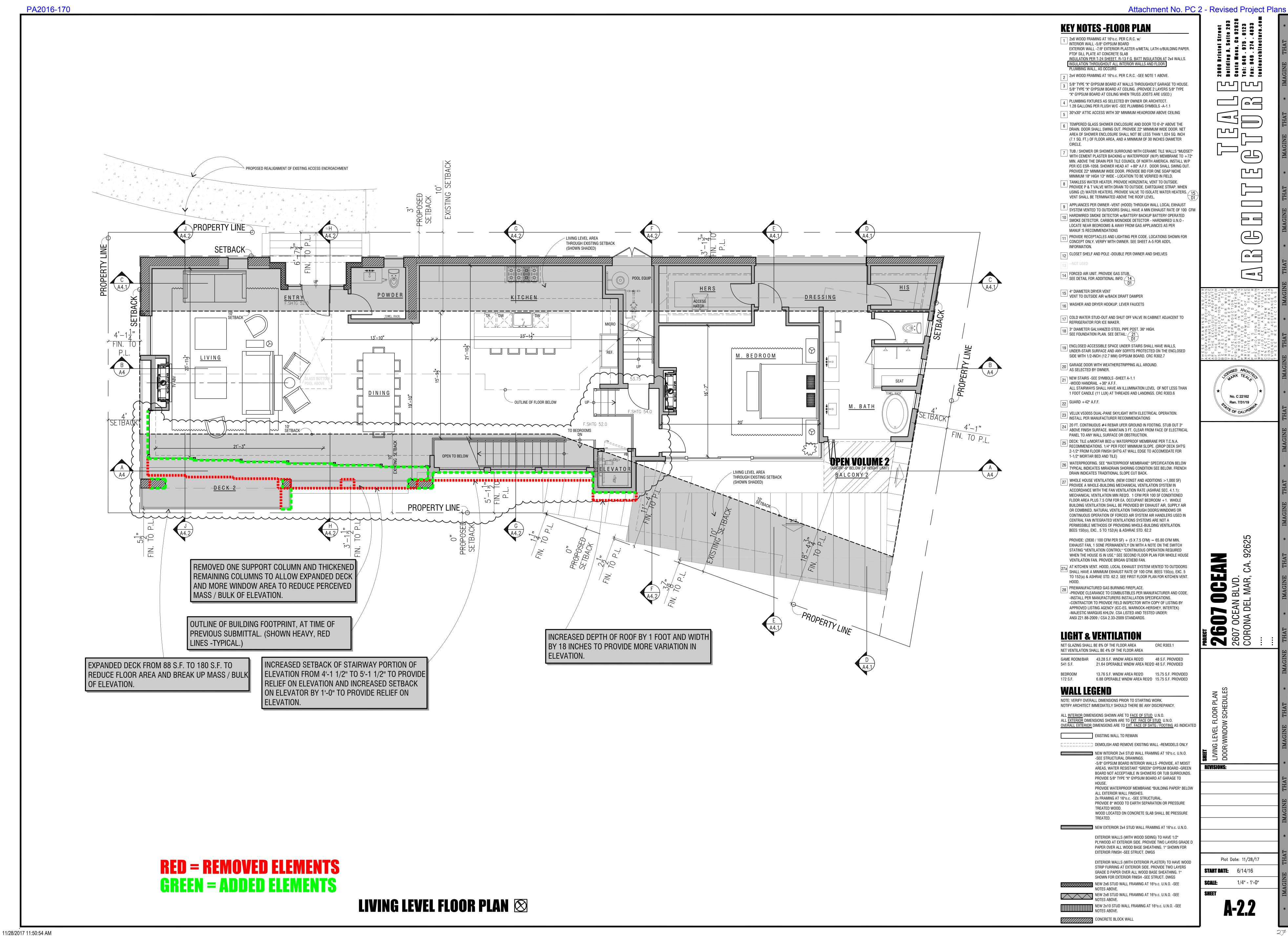
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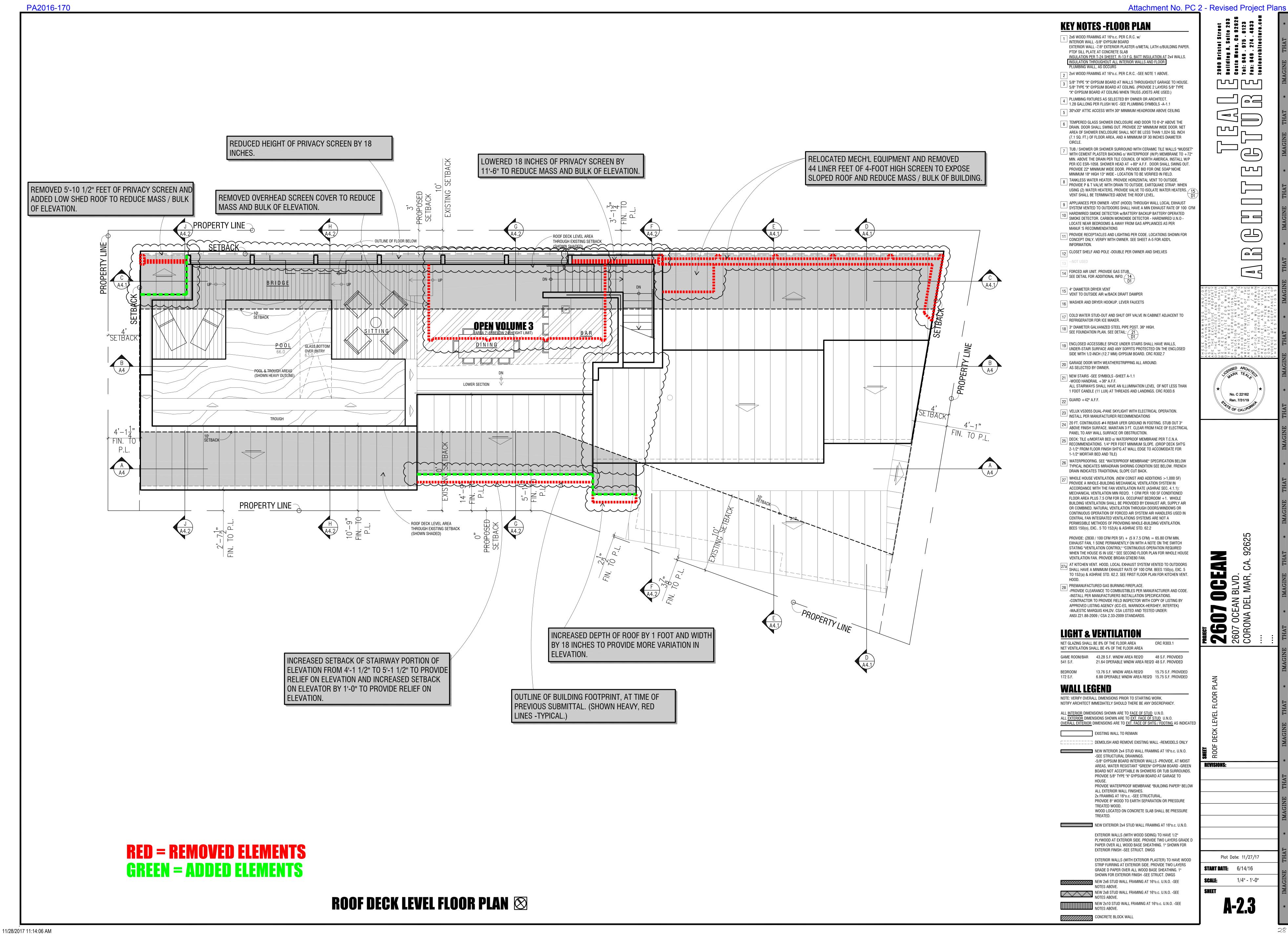
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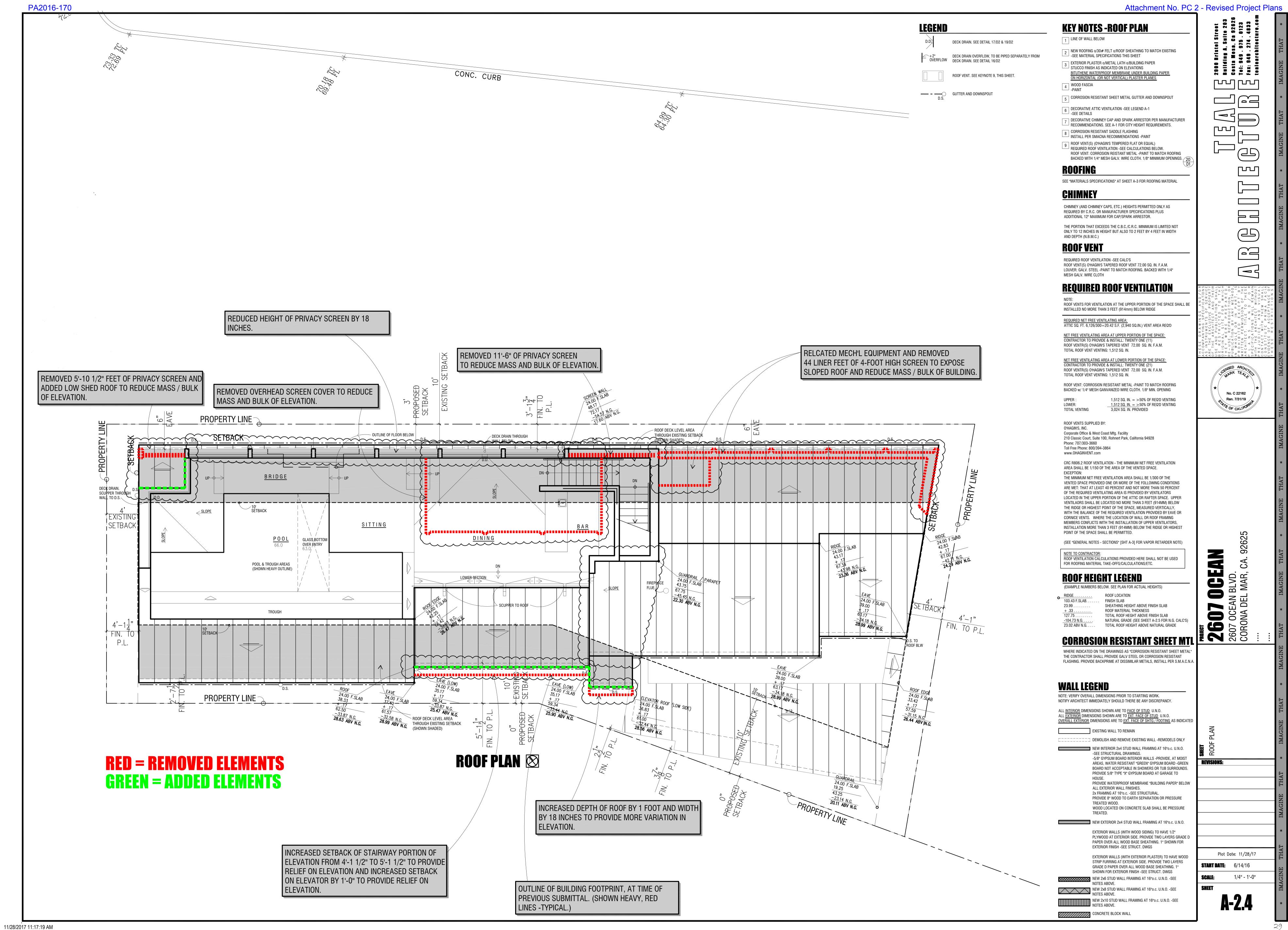
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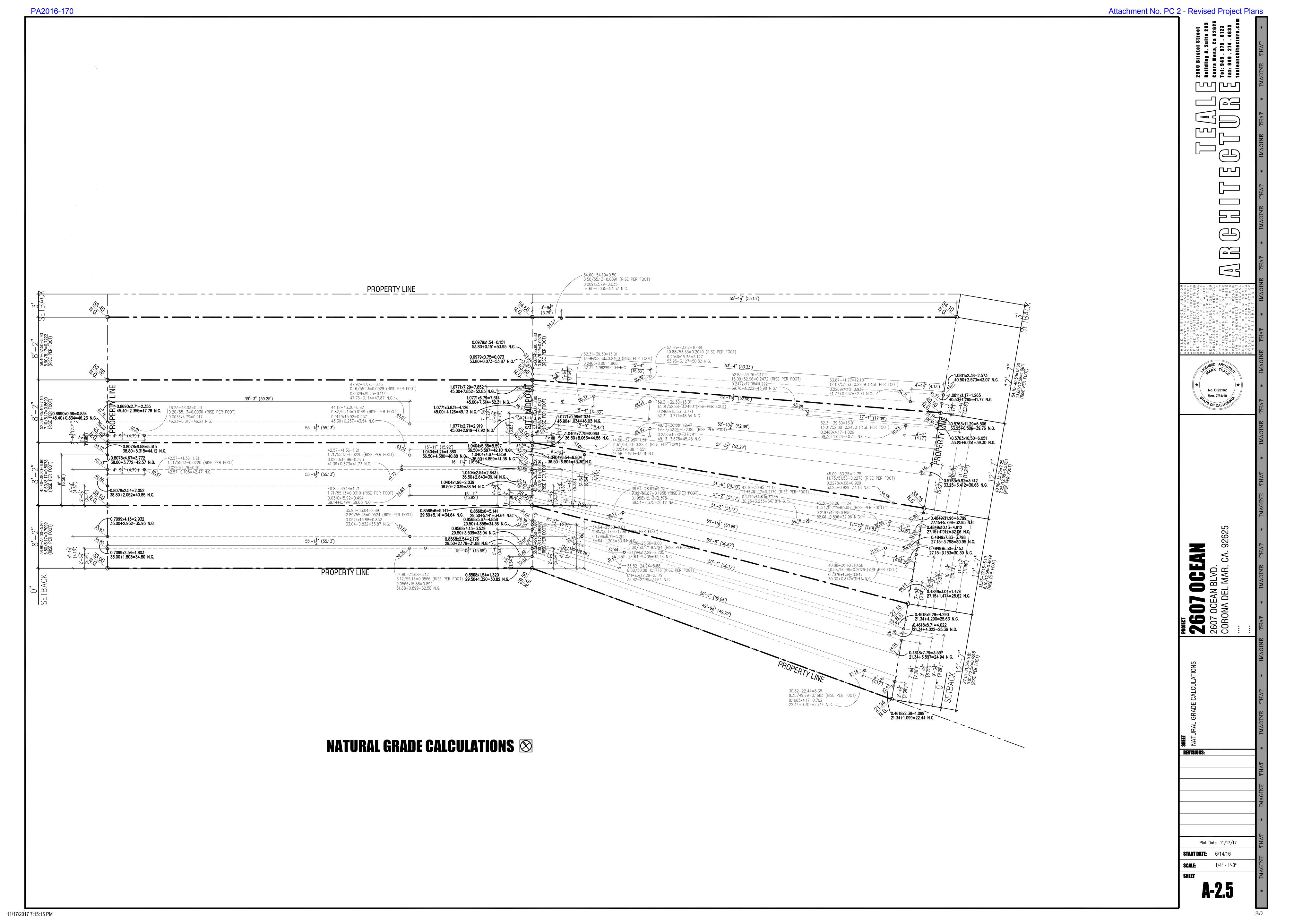
NEW 2x10 STUD WALL FRAMING AT 16"o.c. U.N.O. -SEE NOTES ABOVE.

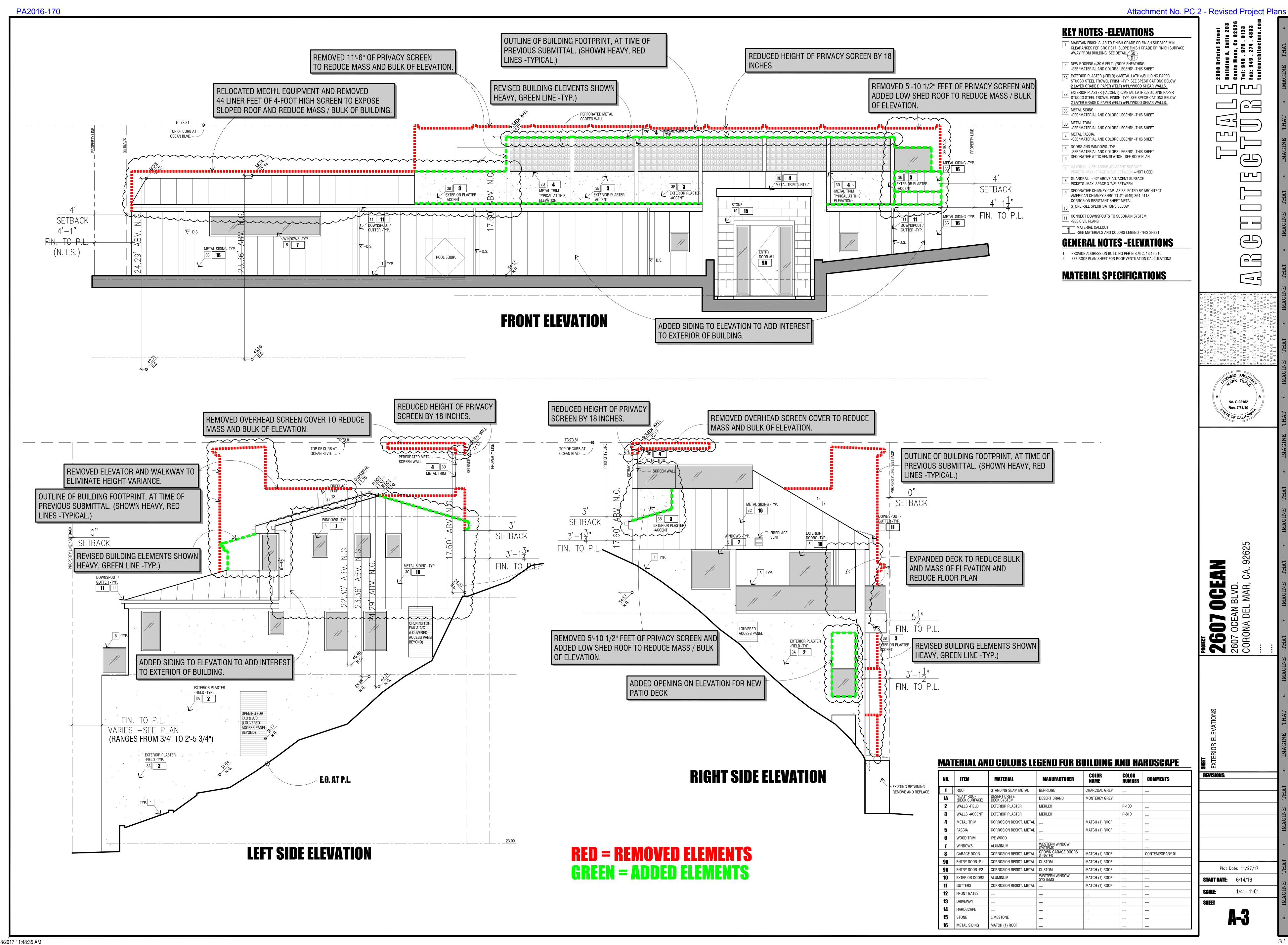
CONCRETE BLOCK WALL

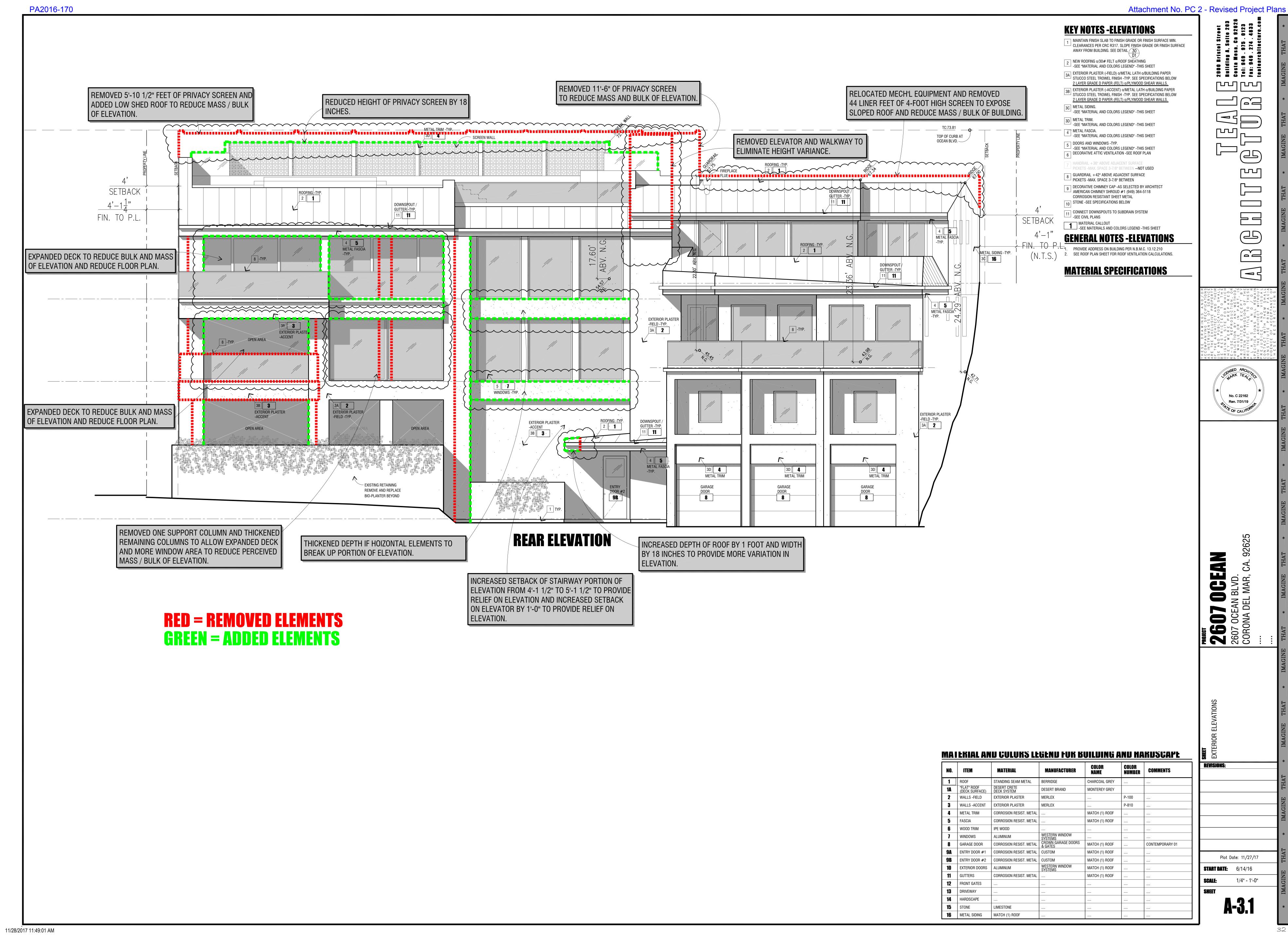


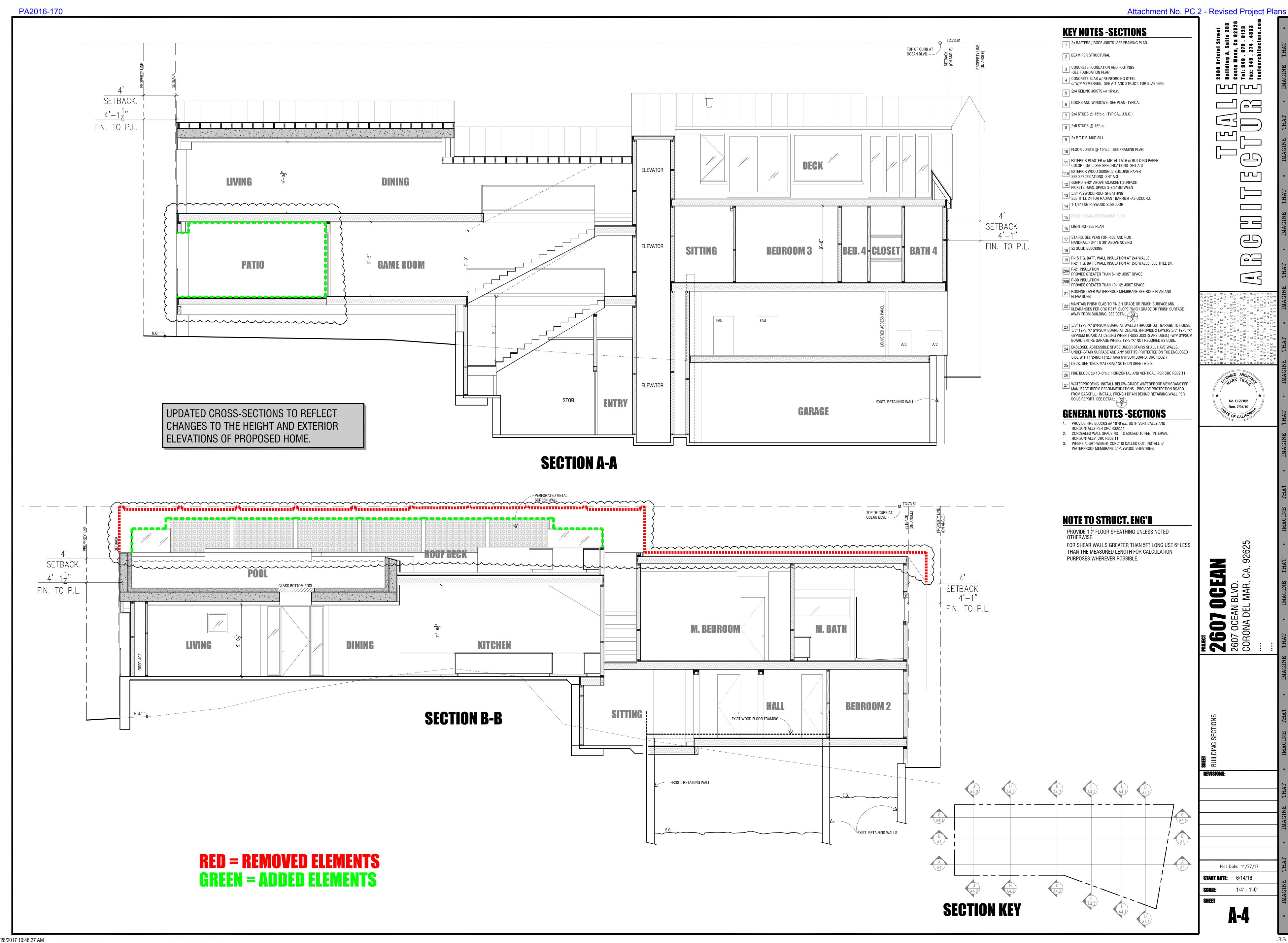


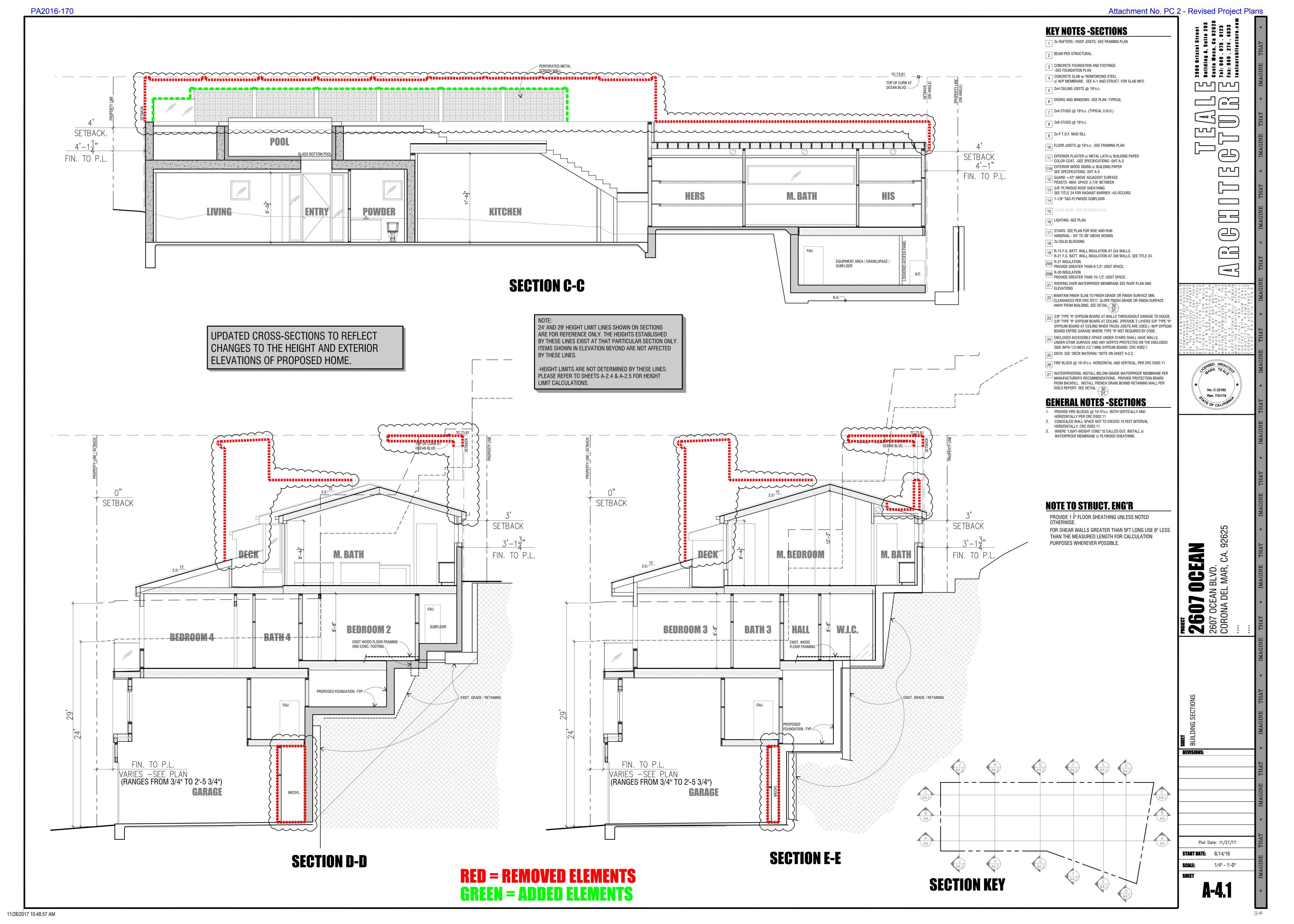


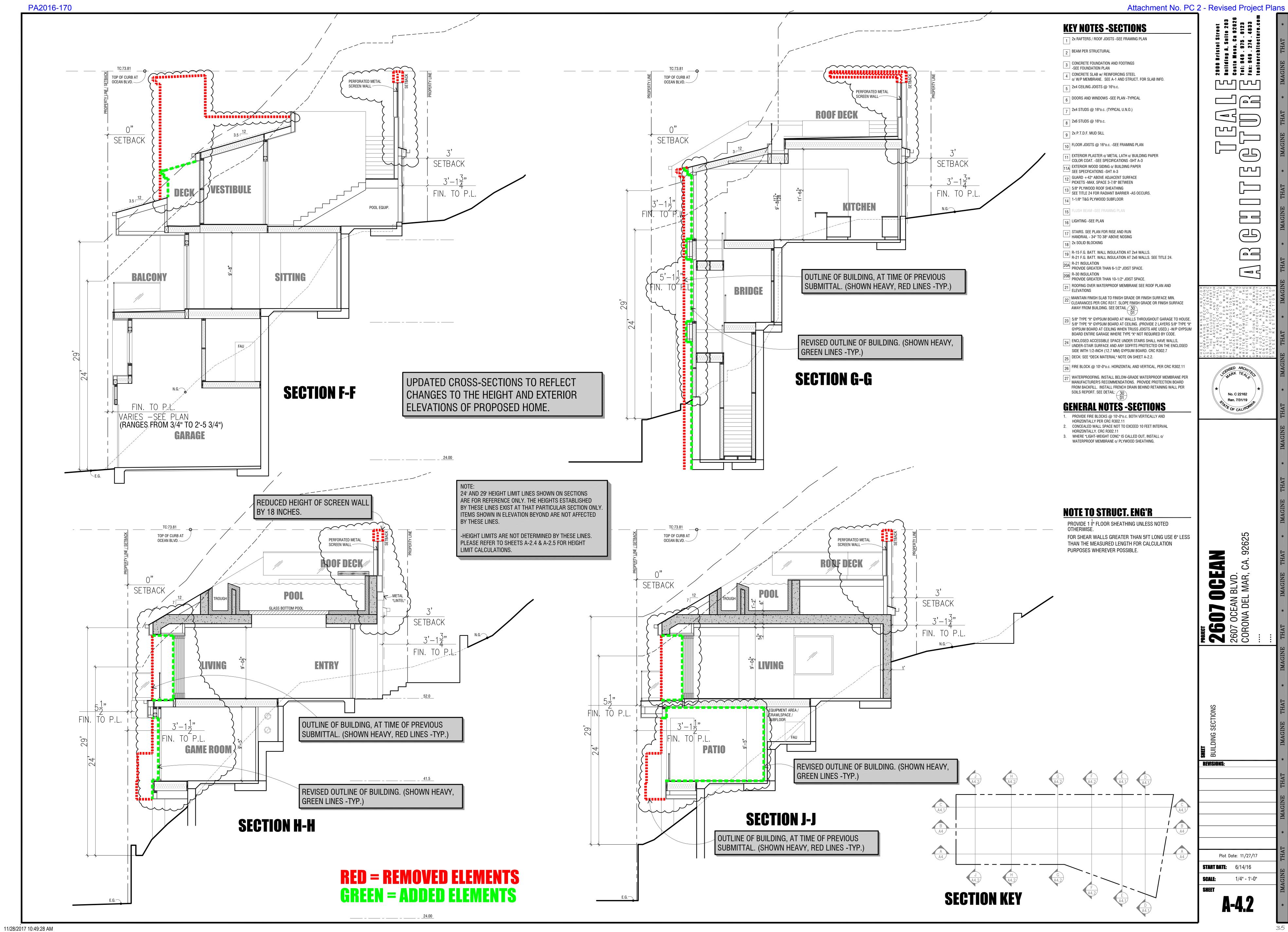








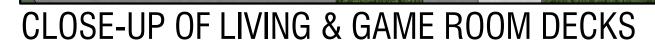




PA2016-170 Attachment No. PC 2 - Revised Project Plans



LOOKING DOWN FROM OCEAN BLVD



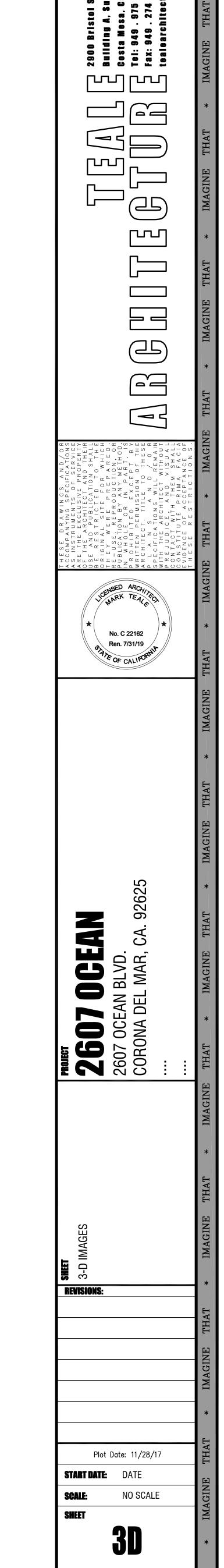


FROM ABOVE WAY LANE

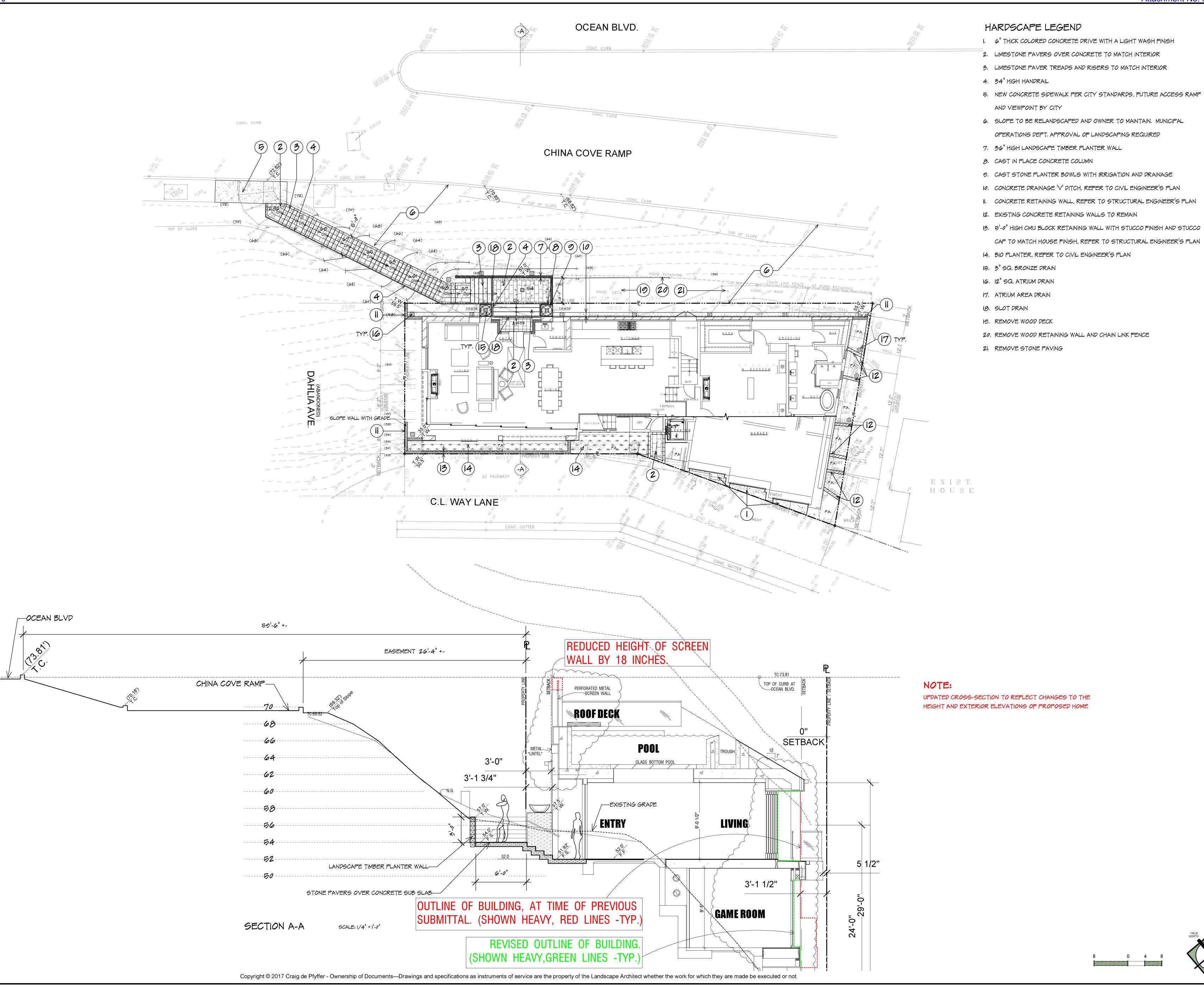


2607 Ocean Blvd

FROM WAY LANE



Attachment No. PC 2 - Revised Project Plans PA2016-170



7-10-17 9-1-17 10-30-17 11-20-17



DESIGNS 1278 Glenneyre St. #106 Laguna Beach California 02651

Tel:800 811-3010 Fax:800 811-3014 Environmental Designs Landscape.com



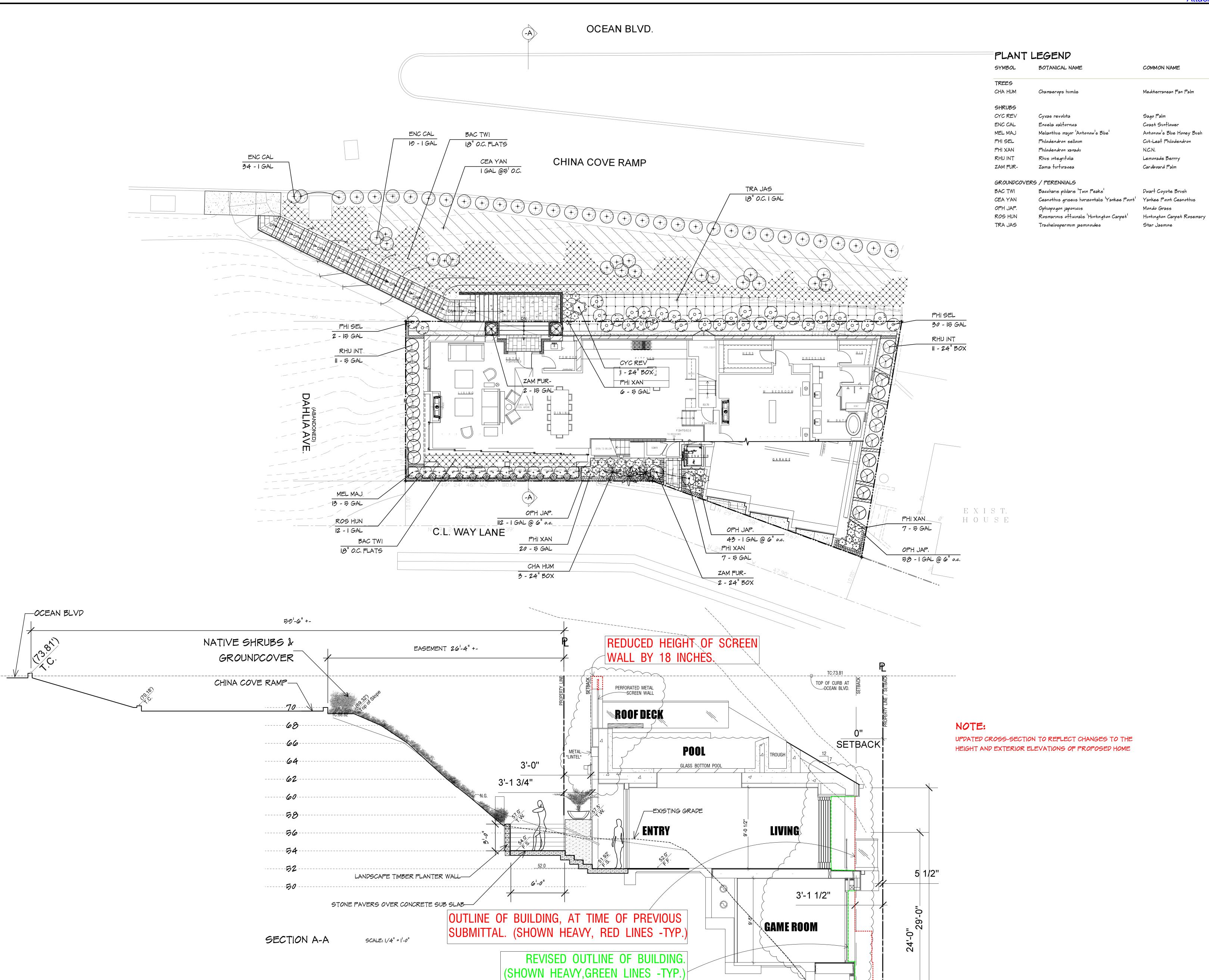
PRELIMINARY HARDSCAPE

> PLAN CRAIG DE PFYFFER

MAY 11, 2017 1/8" = 1' - 0"

2607 Ocean_Preliminary_11-27-17.vwx

PA2016-170 Attachment No. PC 2 - Revised Project Plans



6-28-17 C.D. 7-10-17 9-1-17 10-30-17 11-20-17

MATURE SIZE

12'H×8'W

3'Hx3'W

3'H × 4'W

8'H × 8'W

プH × プW

 $2^{1}H \times 2^{1}W$

5'Hx5'W

3'Hx3'W

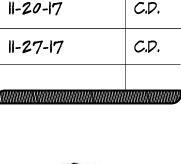
18"Hx3¹W

2'H x 8'W

6"H×6"W

1'Hx7'W

1'H × 3'W



ENVIRONMENTAL DESIGNS 1278 Glenneyre St. #196 Laguna Beach California 92651

Tel:800 811-3010 Fax:800 811-3014 Environmental Designs Landscape.com



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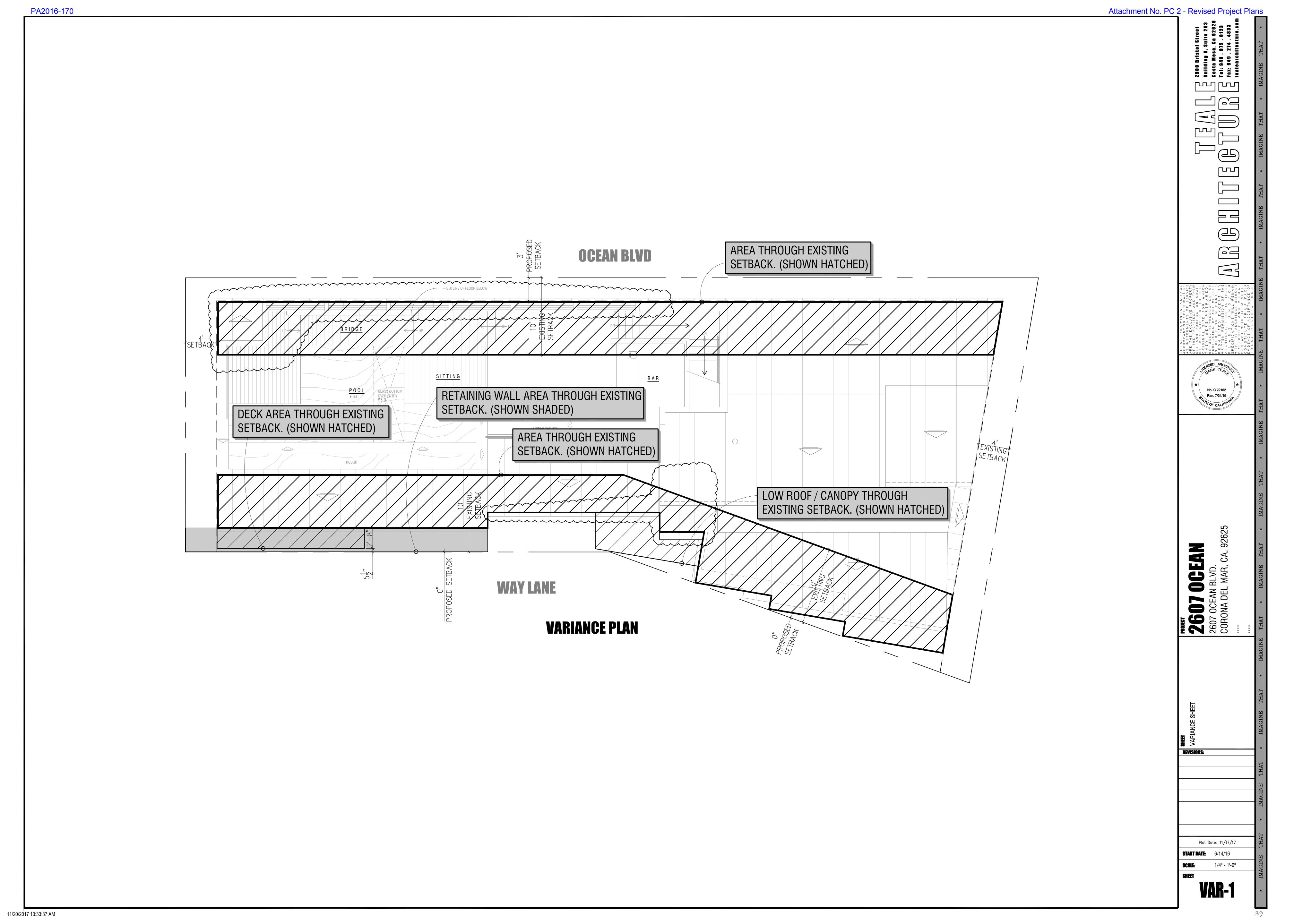
PRELIMINARY PLANTING PLAN

CRAIG DE PFYFFER

MAY 11, 2017

1/8" = 11 - 0"

2607 Ocean_Preliminary_11-27-17.vwx



WIEWIIONALLY BLANK PACE

Attachment No. PC 3 Summary of Plan Revisions

2607 Ocean Boulevard - Summary of Plan Revisions:

As part of the update to the plans in response to the Planning Commission's direction, the proposed home was modified in size, layout and exterior architecture. As a result of these modifications, two of the variance requests were deleted – the request to exceed the maximum height (for the elevator and handrail) and the request to allow required open volume area within the setback areas. The home was reduced from 4500 SF to 4178 SF (reduction of 322 SF) and the garage was reduced from 683 SF to 629 SF.

Increased the open volume area outside of the setback areas from 255 SF to 343 SF where 286.5 SF is required – eliminating this variance request.

Removed 227 SF from the bedroom level.

Removed 96 SF from the living level

Removed 54 SF from the garage

Sheet A-2

- 1. Relocated mechanical equipment to the garage from the roof to allow removal of screen wall.
- 2. Increased the setback of the elevator and stairway by 1 foot (from 4 feet to 5 feet) to get more relief
- 3. Increased the depth and width of the support columns to accommodate remove of one support and add interest/depth to elevation.

Sheet A-2.1

- 1. Cut the game room back to make more visual depth from Way Lane (added 207 SF deck).
- 2. We re-proportioned the glass to reduce bulk / mass and cut the lower deck back.
- 3. We straightened the structural wall to make the game room more spacious.
- 4. Add a new opening at the end of the game room deck to break up Dahlia elevation
- 5. Removed column to increase glass and reduce structure mass

Sheet A-2.2

- 1. We re-proportioned the glass to reduce bulk / mass
- 2. We increased the size of the deck
- 3. We revised the living room / dining room glass layout to make sliding doors slide all the way across

Sheets A-2.3 and A-2.4

- 1. We cut the corner off at Ocean / Dahlia roofline. Low pitched roof matches the other side and "book ends" the house making it more cohesive design.
- Removed screen wall to expose hip roof along east portion of house and reduce bulk of structure
- 3. Reduced the width of the screen wall and added a glass privacy panel at the bar on the deck to reduce bulk and mass of the structure.
- 4. Removed horizontal privacy screen on roof deck to reduce bulk.
- 5. Removed elevator tower and associated walkway to eliminate height variance.

Sheet A-3

1. Cut the corner off at Ocean / Dahlia roofline. Low pitched roof matches the other side and "book ends" the house making it more cohesive design.

- 2. Removed screen wall to expose hip roof along east portion of house and reduce bulk of structure
- 3. Reduced the width of the screen wall and added a glass privacy panel at the bar on the deck to reduce bulk and mass of the structure.
- 4. Removed horizontal privacy screen on roof deck to reduce bulk.
- 5. Removed elevator tower and associated walkway to eliminate height variance.
- 6. Added siding to the elevations to add interest to elevation exterior.
- 7. Reduced screen wall height by 18 inches to reduce mass/bulk of structure.
- 8. Reduced screen wall near stairwell.
- 9. Added opening on game room level (right side elevation)
- 10. Increased deck on living area level (right side elevation)

Sheet A-3.1

- 1. Reduced the width of the screen wall and added a glass privacy panel at the bar on the deck to reduce bulk and mass of the structure.
- 2. Reduced screen wall height by 18 inches to reduce mass/bulk of structure.
- 3. Removed horizontal privacy screen on roof deck to reduce bulk.
- 4. Removed elevator tower and associated walkway to eliminate height variance.
- 5. We re-proportioned the glass to reduce bulk / mass
- 6. We increased the size of the deck
- 7. We revised the living room / dining room glass layout to make sliding doors slide all the way across and open area up
- 8. Cut the game room back to make more visual depth from Way Lane (added 207 SF deck).
- 9. Removed column to increase glass and reduce structure mass
- 10. Increased depth of horizontal elements in front of stair to add interest and break up this portion of the structure

Sheets A-4, A-4.1 and A-4.2

- 1. New patio reflected on Section A-A
- 2. Reduced screen wall on roof reflected on Section B-B
- 3. Reduced screen wall on roof reflected on Section C-C
- 4. Reduced screen wall on roof reflected on Sections D-D and E-E
- 5. Removed elevator tower and walkway reflected on Sections D-D, E-E and F-F
- 6. Relocated equipment room into garage from roof reflected on Sections D-D and E-E
- 7. Reduced screen wall on roof reflected on Sections F-F, G-G, H-H and J-J
- 8. Elevation changes to Way Lane on Sections G-G, H-H and J-J

Sheet 3-D

1. Renderings reflect visual impact of plan updates from Ocean Blvd and Way Lane perspectives.

Sheets L-1 and L-2

- 1. Reduced screen wall height by 18 inches to reduce mass/bulk of structure.
- 2. Cross-section on Way Lane elevation of expanded deck and new patio shown.

Sheet VAR

- 1. Removed height variance exhibit
- 2. Removed open volume area exhibit information
- 3. Removed elevator from exhibit and increased setback on Way Lane to 5 feet for the stairway

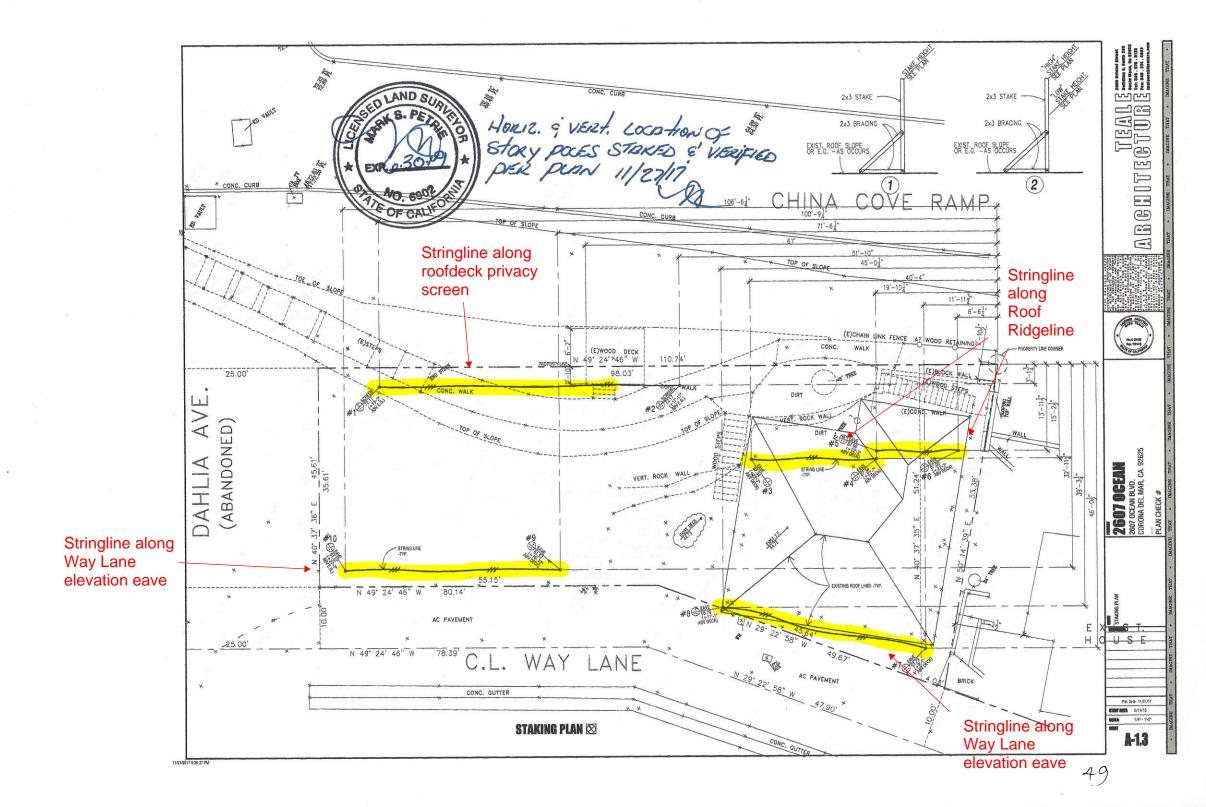
4. Cut corner off Dahlia/Ocean corner of roof line, reduced screen height 18 inches and removed horizontal screening, and reduced width of screen.

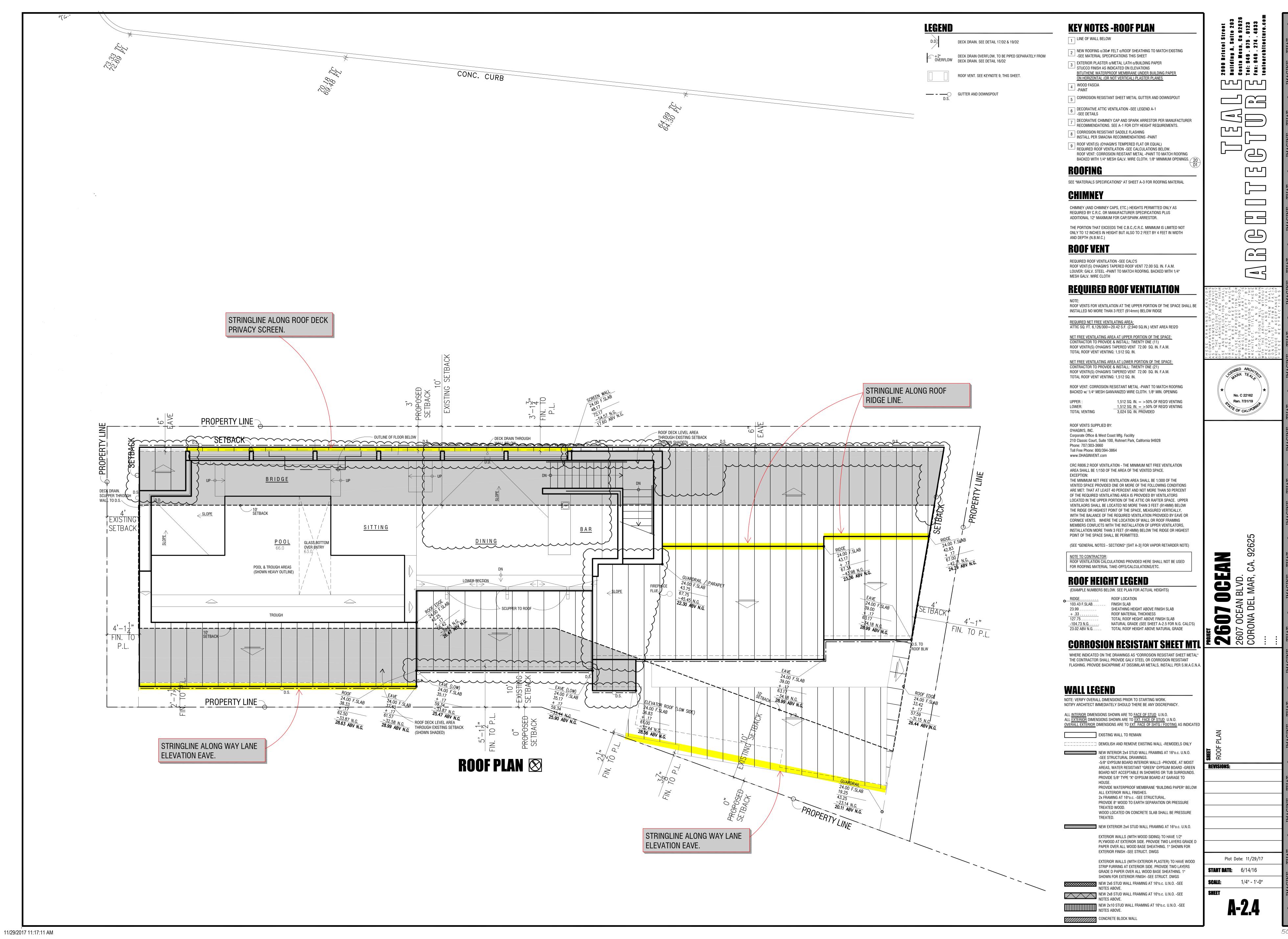
Revised Project Description

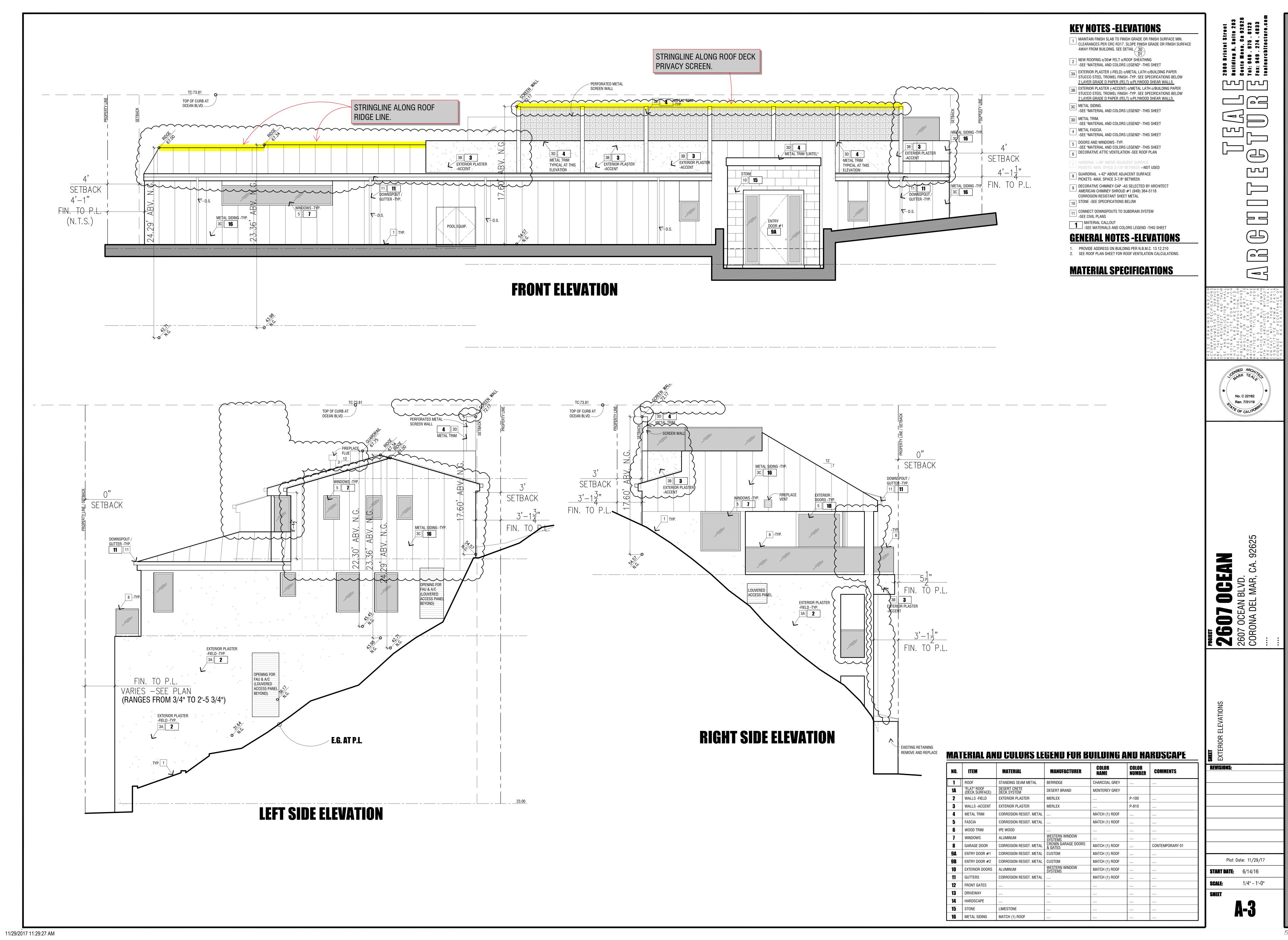
A COASTAL DEVELOPMENT PERMIT TO ALLOW THE CONSTRUCTION OF A NEW 4,178 SQUARE-FOOT, SINGLE-FAMILY RESIDENCE AND A 629-SQUARE-FOOT, THREE-CAR GARAGE AND VARIANCE TO ALLOW THE RESIDENCE TO: 1) EXCEED THE MAXIMUM FLOOR AREA; 2) ENCROACH INTO THE 10-FOOT REAR YARD SETBACK ALONG WAY LANE; AND, 3) ENCROACH INTO THE 10-FOOT FRONT YARD SETBACK ALONG OCEAN BOULEVARD.

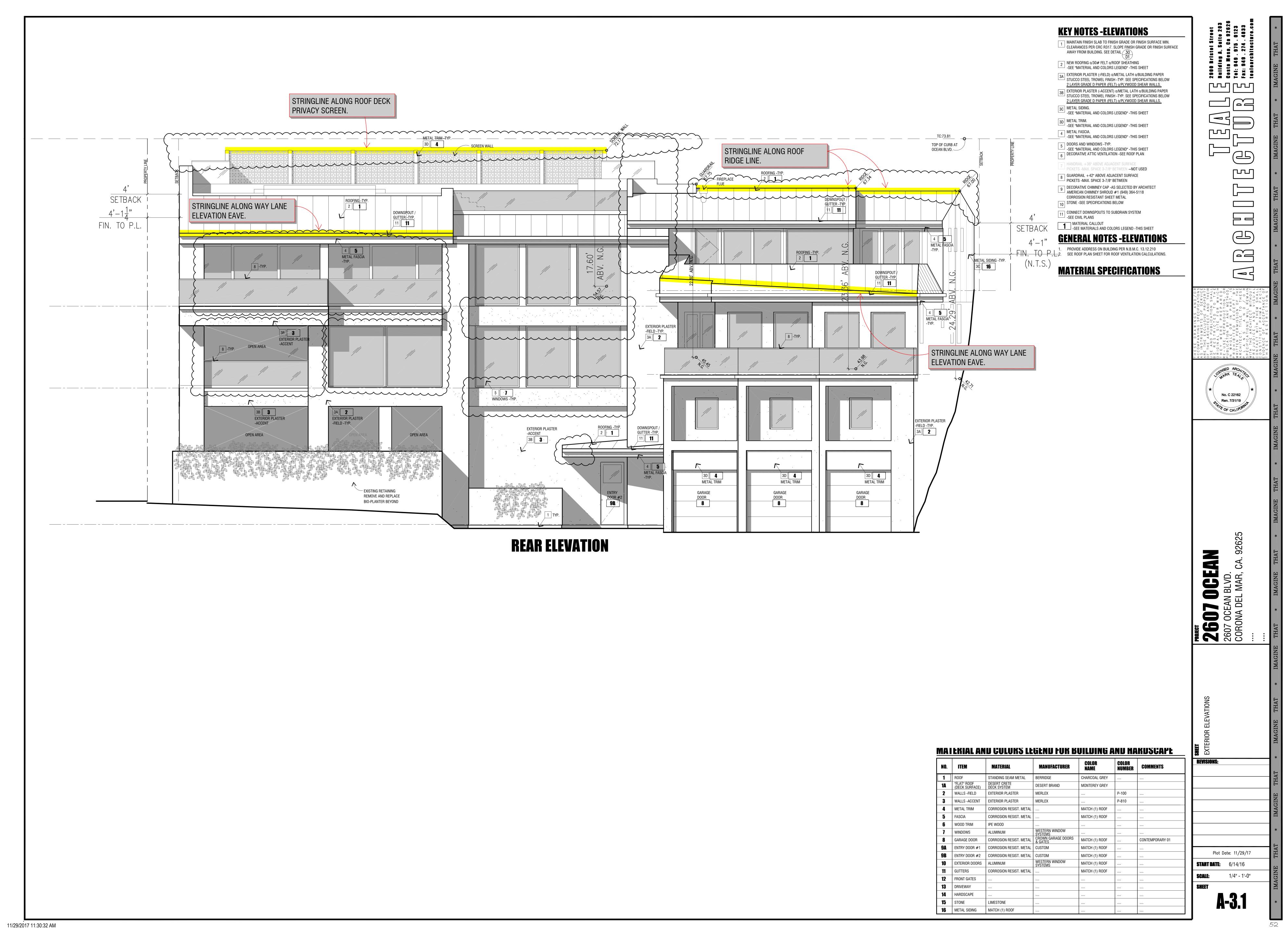
Attachment No. PC 4

Story Poles Certification









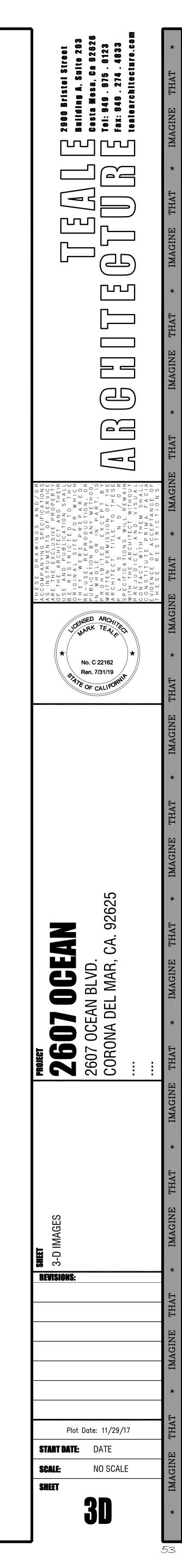
LOOKING DOWN FROM OCEAN BLVD



FROM ABOVE WAY LANE



FROM WAY LANE



WIEWIOWALLY BLANK PACE

Attachment No. PC 5

Story Poles Notification



DESIGN INSPIRED RESIDENCES

RECEIVED BY COMMUNITY DEVELOPMENT

NOV 27 2017

November 21, 2017

CITY OF

NEWPORT BEACH

Neighbor Corona Del Mar

Re: Future Ginsberg Family Residence at 2607 Ocean Boulevard Dear Neighbor,

As you may know, Nicholson Construction Company, a local Newport Beach home builder, has requested an application to the Planning Commission to build a new home at 2607 Ocean Boulevard. In working with City staff, Nicholson Construction elected to erect story poles to outline the newly proposed home's roofline.

These story poles will be installed Monday, November 27, 2017 in the morning, and will be displayed until Friday morning, December 1, 2017. You may contact John P. Ramirez at 562-818-6719 or johnr@nicholsoncompanies.com if you have any questions. John will also be on site on Thursday, November 30, 2017, from 1p-5p if you would like to meet to discuss the project with him.

Thank you

Tom Nicholson

Nicholson Construction

Attachment No. PC 6 Construction Management Plan

2607 Ocean Boulevard Construction Management Plan

Owner: Ginsberg Family Trust

1 Corporate Plaza Drive, suite 110

Newport Beach, CA 92660

Architect: Teale Architecture

2900 Bristol Street Building A, Suite 203 Costa Mesa, CA 92626

1.0 PROJECT INTRODUCTION

Project Location

The project property (the "Site") is located at 2607 Ocean Blvd, Corona Del Mar, 92625. It is bordered by Ocean Blvd/China Cove Ramp at the top of the property and Way Lane in China Cove at the bottom of the property.

Project Description

The site is currently occupied by one single-family residence that has been remodeled over the last 40 plus years. The current residence will be demolished and a new single family residence will be built.

Scope of Work

This construction management plan is designed to minimize the Project's neighborhood impacts and construction related environmental effect and to foster public safety during project construction.

The Project applicant, Contractor, and all sub-contractors must adhere to all provisions as stated in this Construction Management Plan.

2.0 PROJECT IMPLEMENTATION

Dates of Construction

The construction of the proposed project is expected to occur over approximately 26-28 months.

Hours of Construction

The hours of construction will be Monday through Friday from 7:00 a.m. to 6:30 p.m. And Saturday from 8:00 a.m. to 6:00 p.m./ as allowed by City of Newport Beach Municipal Code Section 10.28.040. Work hours in the public right of way shall be limited to 7:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays. Additional restrictions during summer months may apply and will require further coordination with the City. No Construction workers shall arrive earlier than 7:00 a.m. Monday through Friday and no earlier than 8:00 a.m. on Saturday.

Sequence (Phasing) of Construction

Project Construction is divided into four phases:

I. <u>DEMOLITION PHASE #1 – Disconnect</u> and cap off utilities. Install temporary power and install temporary water stand pipe to the existing water service and meter. Demolish the existing residence. Approximately 8 to 10 personnel on site daily during this phase and approximately 3 to 6 car/trucks.

Approx. Time: 2 months

II. <u>EXCAVATION/GRADING/FOUNDATON-PHASE #2-</u> Excavation and removal of approximately 200 cubic yards of dirt (approximately 20 truckloads). Grading and concrete placement, which consists of shoring, placement of structural slabs and walls, waterproofing, sub-slab drainage system will occur during Phase #2. In addition, site drainage, plumbing underground and electrical underground systems will be integrated. Approximately 4 to 15 personnel on the site daily during this phase and approximately 4 to 8 cars/trucks.

Approx. Time: 8 months

III. ROUGH TRADES-PHASE #3- During phase #3- Metal and wood floor joist systems and stud wall framing will begin on all levels and work up. Integration of rough plumbing, mechanical, and electrical systems will follow rough framing is in place. Installation of windows, doors and roof structure will also occur during Phase #3. Approximately 4 to 10 personnel on the site daily during this phase and approximately 3 to 8 cars/trucks.

Approx. Time: 8 months

IV. <u>BUILDING FINISHES -PHASE #4-</u> Finishes will be installed during Phase #4. Exterior finishes such as exterior plaster, clay roofing, stone veneer, and flooring, iron elements and guard rails will be installed. Landscaping and hardscape/ Paving, planting and irrigation, landscape lighting and drainage systems will also be installed, including drywall, painting, cabinetry, stone and tile art counters, walls and floors. Approximately 8 to 12 personnel on site Daily during this phase and approximately 5 to 10 cars/trucks

Approx. Time: 10 months

Total length of construction Time Approx. 28 months

Construction Equipment

Construction equipment will be utilized for the various stages of the project as follows:

DEMOLITION- PHASE #1:	Bulldozer
Demolition	• Excavator
	 Hauling Trucks
	 Flatbed delivery trucks
	• Loader
EXCAVATION/GRADING/FOUNDATION-PHASE#2:	Concrete mixer and pumper

Caisson Drill	• Crane
Concrete	Drill rig
Placement	 Flatbed delivery trucks
	 Compressor/ Jackhammer
ROUGH TRADES-PHASE#3:	 Compressors
Wall Framing	Crane
Mechanical, Electrical and Plumbing installation	 Flatbed delivery trucks
Window / Door installation	 Masonry saws/ Rotary Saws
Roofing	Roto hammer Drills
	Shot pin applicators
	 Small stationary power tools
BUILDING FINISHES-PHASE #4:	 Compressors
Exterior and interior finishes	 Flatbed delivery trucks
Hardscape installation	Masonry saws
Softscape installation	Roto Hammers
	Skilsaws/ Drills
	Small cement mixer
	Small hand held power tools

Construction personnel Trip Generation and Parking

The total number of construction personnel at the site will vary on the construction activity and phase. It is expected that there will be an average of 4 to 15 people workers daily at the job site. Refer to section 3.0 below (Parking management), for a discussion of construction personnel parking during construction.

Construction Process

Upon permit issuance, existing utilities will be disconnected and capped off in preparation for demolition. Temporary water standpipe will be installed on site and the existing sewer line will be capped.

After the existing building is demolished, caisson drilling will begin. The caissons will be installed along the perimeter of the building, the lagging will be installed, and then grading will begin.

Vibration monitors will be placed at the neighboring properties and any other locations per the soils engineers' recommendations to monitor construction activities. A vibration monitor program will be initiated and if found to exceed the threshold for structural damage, other construction methods will be employed to eliminate any occurrence of structural damage. Such alternative construction methods include, but are not limited to, use of different drill bits for the caisson drilling, use of less vibration-intensive construction vehicles, and /or use of lubricants for the caisson drilling.

In order to minimize disruption to Way Lane, all demolition and construction activities will be approached from Ocean Blvd. We are proposing to use the existing private pedestrian path that connects the property to Ocean Blvd., as a ramp to transport construction materials and equipment to

the site. The path will be reinforced (concrete base) to provide a stable surface for construction vehicles. The path/ramp during demolition and construction will be engineered to accommodate the weight of a variety of construction materials and equipment (skip loaders, forklifts, etc.). The design of the ramp will be reviewed and approved by the City prior to construction. The ramp will be constructed of poured concrete intended to provide a safe and stable surface during construction, and provide a foundation for the permanent pathway once the home is complete. During demolition, a flagman and pedestrian detours will be stationed at the entrance of the job site on Ocean Blvd. as needed to monitor security in and out of the gates and to redirect pedestrians safely around the construction site. If a sidewalk /street closure is needed for a short duration to move heavy equipment onto and off the site (only required during the demolition and grading phase), a street and /or sidewalk permit will be obtained as required by the City of Newport Beach. The use of Ocean Boulevard for temporary construction materials staging is necessary due to the steep topography and narrow configuration of the site, and to maintain access to Way Lane. This staging will be temporary, and any long term staging of equipment, materials or refuse containers will obtain appropriate approvals from the City prior to activity. Any temporary encroachment within the right of way will be coordinated with the City. Subcontractors will be restricted from accessing the property via Way Lane as much as possible and no large vehicles will be allowed on Way Lane. Any small construction vehicles that need to access the subject property will be instructed to not block access to Way Lane (e.g., use of garage spaces). This approach to the project is intended to minimize any impacts to the access along Way Lane, as well as any impacts to the residences adjacent and near the site during construction.

Concrete trucks, hauling and delivery trucks will follow a specific haul route (see exhibit "A"). At no time, will more than one cement or dump truck be stationed at the site. An onsite flagman will monitor this activity with radio access to incoming trucks.

3.0 PARKING MANAGEMENT

Carpooling among construction workers will be encouraged throughout the project construction time frame by offering a daily stipend for those who carpool. <u>During the off-peak season</u>, <u>generally between Labor Day and Memorial Day</u>, any additional parking deemed necessary by the city of Newport Beach will be obtained from the public parking lot at Big Corona. No parking for construction workers will be allowed on the streets in China Cove. These streets will remain free of construction-related traffic and construction workers will be not be allowed to park in the neighborhood.

During the summer peak season, generally between Memorial Day and Labor Day, workers that do not require direct vehicle access to the site will be required to park at an offsite location (to be determined), and will not park at the public parking lot at Big Corona. Construction workers will park at an off-site location and carpool to the project site when necessary. Every effort will be made to minimize impacts and use of on street parking in the vicinity of the site. There will be occasion when nearby legal parking spaces will be used by personnel, however we are strongly encouraging personnel to carpool.

In order to maintain unobstructed access for residents and emergency responders, construction workers will be prohibited from parking on Way Lane and other streets within China Cove. Compliance with this prohibition will be monitored daily by the construction management team. Carpool shall also be encouraged among professionals.

Construction Office, Materials Storage, and Waste Management

In order to minimize disruption to Way Lane, we are proposing to use the existing private pedestrian path that connects the property to Ocean Blvd., as a ramp to transport construction materials and equipment to the site. The path will be reinforced (concrete base) to provide a stable surface for construction vehicles. Post construction, the pedestrian path will be reconfigured to be consistent with our pending encroachment request currently under review by Public Works staff and pending City Council approval. In addition, landscaping will be installed within the right-of-way consistent with plans approved by Public Works. Temporary toilet facilities will be provided on the site. Once the lower levels are constructed, dedicated storage areas and lockboxes will be provided within the structure for each trade to store their tools and materials on- site for the duration of construction.

4.0 SAFETY AND SECURITY

Project Fencing

The site will be temporarily fenced with a 6-foot-high construction fence prior the start of grading. Mesh covered chain link fencing will be installed on the side of the property facing the adjacent neighbor and will be installed along the property line on China Cove Ramp. One 20-foot-wide rolling gate will provide access into the Site and will be locked for security. This rolling gate shall open by sliding parallel to China Cove Ramp. No direct vehicle access (a driveway) is available to the site along Ocean Blvd. Vendors will need to park on Ocean Blvd. in front of the site, load and unload, then vacate this spot to allow other vendors delivery /pick up access. One 20-foot-wide rolling gate on Way Lane will be provided and will be locked for security. This access will be used sparingly as described above.

Safety and Security

Appropriate signage will be posted at the Site indicating "No Trespassing", "Authorized Personnel Only" and other visitor/delivery Information. The onsite superintendent will do regular jobsite safety inspections.

5.0 AIR QUALITY CONTROL, FUGITIVE DUST CONTROL, NOISE SUPRESSION AND VIBATION MONITORING

Construction activities will follow the 2007 Air Quality Management plan (AQMP) adopted by the South Coast Air Quality Management District to reduce air pollution and emissions impact.

Fugitive Dust Control

The project shall comply with the fugitive dust emission and control plan approved by the South Coast Air Quality Management District (under District Rule 403).

Dust will be minimized using water as control. Site and debris watering shall be performed a minimum of three times daily during all demolition activities. During grading activities, any exposed soil areas shall be watered at least four times per day. Stockpiles of crushed cement, debris, dirt, or other dusty materials shall be covered or watered three times daily. In addition, trucks carrying soil and debris shall be wetted or covered prior leaving the site. On windy days, or when fugitive dust can be observed leaving the site, additional application of water shall be applied to maintain a minimum 12 percent moisture content defined by SCAQMD rule 403. Soil disturbance shall be terminated whenever wind

conditions exceed 25 miles per hour. All Diesel-powered machinery exceeding 100 horsepower shall be equipped with soot traps, unless the contractor demonstrates to the satisfaction of The City Building Official that it's infeasible.

Noise Control

Construction activities will adhere to the hours prescribed by the City of Newport Beach's Noise ordinance (municipal code section 10.28.040). Specifically, construction activities will be restricted to non-holiday weekdays from 7:00 a.m. to 6:30 p.m. and Saturday from 8:00 a.m. to 6:00 p.m., as allowed by City of Newport Beach Municipal Code Section 10.28.040.

The construction contractor shall provide residents living within 100 feet of the project site with a construction schedule for the project prior the commencement of construction and shall keep them informed of any material changes to the schedule. The notification shall also identify the name and the phone number of a contact person with whom to register complaints.

Noise Control Considerations

Noise from construction activities on this project will be a function of the noise generated by individual construction equipment items (as listed in construction equipment), the equipment location, and the timing and duration of noise generated activities. It is important to note that all equipment is not generally operated continuously or used simultaneously. The number, type, distribution, and usage of construction equipment will differ from phase to phase. The noise generated is both temporary in nature and limited by the City's Noise Ordinance (section 10.28.040).

Vibration Monitoring

Vibration monitoring will be conducted as part of the construction management plan. Vibrations probes will be placed at adjacent properties along Ocean Blvd. and any other locations per soil engineer's recommendations to monitor activities.

A vibration-monitoring program will be initiated and if found to exceed the threshold for structural damage, other methods will be employed to eliminate any occurrence of structural damage. Such alternative construction methods include, but are not limited to, use of different drill bits to change levels of torque for the caisson drilling, use of less vibration-intensive construction vehicles, and use of drilling, and /or insertion of expansive grout to fracture rock.

6.0 ENVIROMENTAL COMPLIANCE/ PROTECTION

Storm water Pollution Prevention Plan

A storm water pollution prevention plan (SWPPP) will be prepared. The SWPPP is designed to comply with California's General permit for storm water discharges associated with construction and land Disturbance Activities (General Permit) order No.2009-0009-DWQ as amended by order No. 2010-0014-DWQ (NPDES No. CAS00002) issued by the State Water Resources Control Board on the California Storm Water Quality Association Storm Water Best Management Handbook Portal: Construction (CASQA,2010). In accordance with the general permit, section XI, This SWPPP is designed to address the following:

Pollutants and their sources, including sources of sediment associated with construction, construction site erosion and other activities associated with construction activity are controlled;

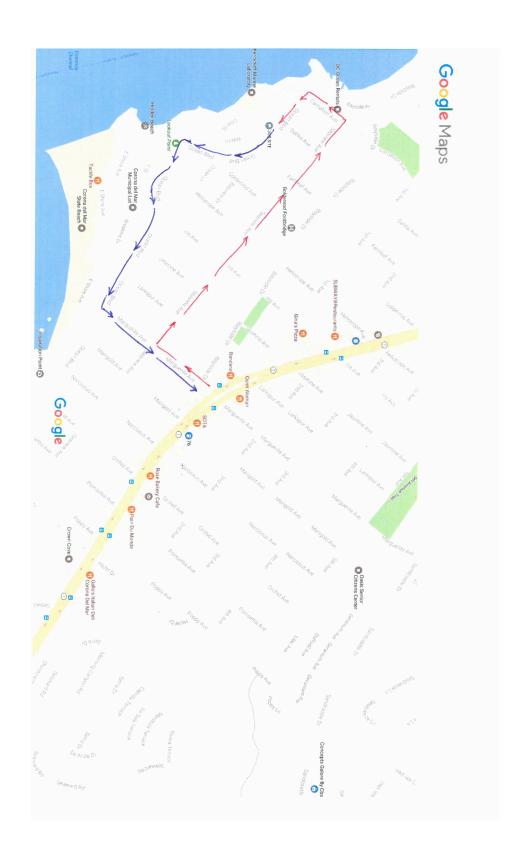
Where not otherwise required to be under Regional Water Quality Control Board (Regional Water Board) permit, all non-Storm water discharges are identified and either eliminated, controlled or treated; and,

Site BMP's are effective and result in the reduction or elimination of pollutants in storm water discharge and authorized non-storm water discharges from construction activity to the best available technology/best control technology (BAT/BCT) standards.

Water Quality Management Plan

A water quality management plan (WQMP) will be prepared. The WQMP is intended to comply with requirements of the local National Pollutant Discharge Elimination System (NPDES) Storm water program requiring the preparation of the plan.

Exhibit "A" Trucking Haul Route



Attachment No. PC 7

Correspondence Letters

WIEWIOWALLY BLAWK PAGE

Ung, Rosalinh

From:

Steve Navarro <snavarro@furmanco.com>

Sent:

Wednesday, November 29, 2017 8:11 AM

To:

Ung, Rosalinh

Subject:

2607 Ocean Blvd, Corona Del Mar

Dear Ms Ung

I am writing today to formally object to the approval of the variances requested for the proposed structure referenced. I am the property owner at 2608 Ocean Blvd, directly across the street from the subject. My permanent residence is in South Carolina but we actively use our Corona del Mar home as a second residence. When on site last month I walked over to introduce myself to the architect and contractor. At that time I expressed concern about losing site-line to the ocean and the beach along China Cove. They assured me that the new structure would not in any way impair views to the water.

I am in the real estate development business throughout the United States and actively engage design teams, so I am familiar with the software they utilize to assist in illustrating effect and impact. I asked the architect if he would send me an illustration showing the structure and proving this critical claim. While he readily agreed to prepare and provide this information to me, he subsequently failed to deliver. This week temporary structures were erected to gauge impact on the surrounding properties. Upon review, I am shocked that these variances would be considered. We witness hundreds of people, both neighbors and visitors, walk this stretch of Ocean Blvd to enjoy the public views. Even though the structure will not exceed the curb height, it will completely blot out all views of the beach at China Cove, the entrance to the harbor and the Wedge. This visual impact will also be felt standing at my front patio. If this structure is approved by the city, I estimate our property value to be diminished by hundreds of thousands of dollars. The city will see this impact monetarily through value re-assessments and corresponding property tax loss by all those impacted. We however, will have to live with a negative environmental impact that we can never change; a result caused by allowing one individual to exceed the legal limits in five (5) critical areas. Accordingly, we object to allowing this structure to exceed the maximum floor area, encroach into the rear yard and front setbacks , and most importantly, exceed the maximum height limit. In my view, and the view of our attorney's, this last variance alone is egregious enough to knowingly and willingly cause a liability on the city's part.

On the human side, please ask Planning Commission members "why" and "where does this stop?". At what point do we stand up and tell someone "no, play by the rules that everyone else is required to play by".

Thank you for considering my request and this formal objection. I trust that this will reach the possession of each member of the Planning Commission.

I am available for discussion at any time.

Sincerely

Steve Navarro

Stephen P. Navarro, CRE®, CCIM, FRICS

President

The Furman Co. Inc

864 242 5151 Tel

snavarro@furmanco.com www.furmanco.com

Please consider the environment before printing this email. Thank you.

This email may contain information that is confidential or attorney-client privileged and may constitute inside information. The contents of this email are intended only for the recipient(s) listed above. If you are not the intended recipient, you are directed not to read, disclose, distribute or otherwise use this transmission. If you have received this email in error, please notify the sender immediately and delete the transmission. Delivery of this message is not intended to waive any applicable privileges.

From:

kent moore <kentmoore@roadrunner.com>

Sent:

Monday, November 27, 2017 9:27 AM

To:

Ung, Rosalinh

Subject:

2607 Ocean Blvd., Corona del Mar proposed project - - requested variance

To the Newport Beach Planning Commission;

After residing 47 years at the corner of Ocean Blvd. and Carnation Ave. in Corona del Mar, I have seen this so-called "mansionization" occurring first hand throughout our area of Old Corona del Mar and I wish to urge your panel not to grant a variance to this applicant. I believe this project should be scaled down considerably. And I am not aware of any other variances given to bluff face properties along the Carnation Ave. bluff or bluff properties above China Cove. Please don't start now as my neighbors and I believe it would set a dangerous precedent in terms of future development.

For years this applicant had a disintegrating, ramshackle wooden fence and gate at the Ocean Blvd. entrance to his property at the foot of Dahia Ave. next to the existing Ocean Blvd. sidewalk. Please take the time to visit this spot. The gate was marked "No Trespassing." Now, we have learned that a large portion of that area leading down the bluff to the applicant's property was part of the public domain. How was this overlooked for so long by the City? Most residents didn't even realize that 2607 Ocean Blvd. even existed as the present home sits so low on the bluff. How nice it would have been over the years for visitors and residents to have strolled down that bluff to view sunsets and the China Cove area. There was even a park bench at one time at this location. I believe it should be replaced as a condition of development and have discussed this with staff.

Just what has happened to the unique village character of this special area of Newport Beach? Some of the designs of these new homes are positively grotesque. Pease - - enough is enough.

Sincerely,

Kent S. Moore 210 Carnation Ave.

From:

Juriis, Seimone

Sent:

Wednesday, November 22, 2017 2:13 PM

To:

Ung, Rosalinh; Campbell, James

Subject:

FW: Oppostion to 2607 Ocean Blvd. CDM



SEIMONE JURJIS, P.E., C.B.O.

Community Development Department

Community Development Director <u>sjurjis@newportbeachca.gov</u> 949-644-3282

From: Emkapp [mailto:emkapp@aol.com]
Sent: Wednesday, November 22, 2017 2:04 PM

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

<pkoetting@newportbeachca.gov>; Kleiman, Lauren <lkleiman@newportbeachca.gov>; Lowrey, Lee

<pzak@newportbeachca.gov>; Ramirez, Brittany <bramirez@newportbeachca.gov>; Campagnolo, Daniel

<DCampagnolo@newportbeachca.gov>; Jurjis, Seimone <sjurjis@newportbeachca.gov>

Subject: Oppostion to 2607 Ocean Blvd. CDM

Dear Ladies and Gentlemen,

Community and neighborhood opposition due the size and bulk of the proposed construction at 2607 Ocean Blvd.is certainly real. Under the definition of variance for real estate, a variance is an inconsistency with or exception to the existing zoning and ordinances of the municipality. As you know, a variance **is requested** and **if** approved allows a property owner to build in a manner that is not consistent with the existing guidelines.

The key factors are, <u>variances are not guaranteed</u> and <u>may be granted</u> by the appropriate Commission, <u>if there</u> is no opposition.

The only property rights that an owner has is the right to develop a lot within the existing Municipal and Zoning codes. The owner may request a variance, BUT it is not a right or a guarantee. Variances are approved on a case-by-case basis and if opposition is presented, may be and should be, denied.

Relating to previous variances granted in the general area, just because variances were previously approved, there is no guarantee that a variance should be approved today. <u>Attitudes and neighborhoods change</u>. Communities often decide to strictly enforce zoning requirements to slow or alter allowable improvements within a community when building has been too rapid, too large, or done in a manner inconsistent with the larger community vision.

There is clearly significant opposition to the proposed variances requested and the development as is currently proposed for 2607 Ocean Boulevard. I strongly request the Planning Commission deny all requests for variances and inform the property owner that development of the lot will need to be within existing zoning and Municipal ordinance senses due to community opposition.

Beth Kiley Corona Del Mar

From:

Susan Skinner <seskinner@me.com>

Sent:

Monday, November 27, 2017 9:37 PM

To:

Kramer, Kory; Dunlap, Bill; Koetting, Peter; Kleiman, Lauren; Lowrey, Lee; Weigand, Erik;

Zak, Peter; Ramirez, Brittany; Campagnolo, Daniel; Jurjis, Seimone; Ung, Rosalinh

Cc:

Joy Brenner; Karen Carlson; Jennifer McDonald; Jean Watt; Dorothy Kraus; Andy Lingle;

Martha Peyton

Subject:

2607 Ocean Blvd: Apparent error in developer's presentation

Attachments:

Nicholson PC 11 09 17.pdf

Dear Planning Commissioners:

I just received the developer's power point presentation regarding 2607 Ocean Blvd. In it, he describes that two of the bluff properties have received variances to increase buildable area.

He is correct that 2711 Ocean Blvd received another 227 sq ft in 1985. However, the variance cited for 2735 Ocean Blvd (VA 876) did not give any additional sq footage when it was granted in 1965. I am attaching that variance to this Email for your review (although parts of it look a bit scrambled).

Thank you,

Susan Skinner

VARIANCE APPLICATION Ordinance No. 635 City of Newport Beach DATE_

INSTRUCTIONS: (Read Carefully). The Applicant of at all public hearings. Fill out this applicate by four copies of a plot plan to scale, and wi all boundaries, existing buildings, proposed a must sign conditions of Variance, if any, with is not valid until 15 days after date of approximately approximately approximately approximately approximately approximately approximately.	tion completely. It must be accompanied th correct dimensions, showing in detail lterations and additions. The Applicant in thirty days after granting. Application
1. <u>J. Herbert Brownell</u> 548-6522	2735 Ocean Ave.
Property Owner Only	Address Involved
2. LOT Pertion of BLOCK 033 SECTION Parce	1 A TRACT Corona del Mar ZONE R-1
3. DATE OF HEARING Nov. 18, 1965 TIM	E 8:00 PM.
4. Application is hereby made for a Variance from S	ection_ ⁷ /03./5(a) to permit:
Reduction of front yard setback from 10' to 5	on Ocean Ave.
5. Hardship Involved: <u>Present setback forces propo</u>	sed dwelling over near-vertical bluff
causing undue structural requirements, Reduced of 46' from Ocean Ave curb and only one foot al City Council Minutes of 10 Dec. 1960, Item #20	NOVe same with roof in accordance with
There are sheets attached to and made a part that the foregoing statements, maps, drawing, place true and correct. If granted, this Variance will working to the neighborhood. I further consent the part and void in the event they are not true.	of this Application. I hereby certify us and specifications attached hereto are not adversely affect persons residing or the any permit issued in reliance thereon
Musica Obiland	109 4137. 3. B. t. 3536, ddress Phone
FOR DEPARTMENTAL USE ONLY In accord with Section 9106.31 (a)-1-2-3 a Varian applicant subject to requirements of all governments of the following:	PLANNING COMMISSION ACTION ce is hereby GRANTED the above ntal agencies having jurisdiction and
Approval is subject to Council policy con	cerning height of structures in
relation to the curb.	
The undersigned hereby agrees to all the above CO	x 1 Herbert Brownell
DATES: Filed Hearing Publish	
FINDINGS OF PLANNING COMMISSION: Upon a review	
mony presented at the hearing, the Commis under the circumstances of the particular would not be detrimental to the general w ments in the neighborhood and, therefore, the above condition.	case, the granting of this vaniance
That Variance be GRANTED - DENIEDX 18 day of November 1965	GRANTED - DENIED on the day of 19 .
Tarandy Action	
Newborn Beach City Planning Commission	Margery Schrouder, City Clerk Newport Beach, California
EXTENDED 18 MOS. BY P.C. DU 6-1-67	11001

V-876

June 14, 1967

Mr. J. Herbert Brownell 1950 W. Coast Highway Newport Boach, California

Subject: Variance No. 876

Dear Sir:

The Planning Commission on June 1, 1967 extended for a period of 18 months the above referenced variance which permits a reduction of the front yard setback from 10' to 5' at 2735 Ocean Avenue, Corona del Mar, subject to the same condition imposed at the time the application was originally granted.

If you have any questions regarding this application do not hesitate to contact this office.

Very truly yours,
PLANNING DEPARTMENT

Ernest Mayer, Jr. Planning Director

EM: hh

CITY OF NEWPORT BEACH

June 1, 1967

T0:

Planning Commission

FROM:

Planning Department

SUBJECT:

Extension of Time - Variance 876

J. Herbert Brownell - 2735 Ocean Ave., CdM

Request:

Letter from J. Herbert Brownell, Architect, requesting an indefinite time extension on the subject variance. Variance 876 was for a reduction in the front yard setback from 10 ft. to 5 ft.

Background:

Variance 876 was approved November 18, 1965 and expired May 18, 1967. Involved was a proposed single family dwelling located on the seaward side of Ocean Avenue overlooking China Cove. A petition was filed containing 9 signatures of property owners across the street objecting on the basis of possible obstruction of their view. The application was approved subject to the Council policy concerning height of structures in relation to the curb. The application states the roof would be 1 ft. above the curb elevation.

Mr. Brownell is the owner of the property and he designed the house for a prospective purchaser. The purchaser dropped the project due to financing problems. Mr. Brownell stated that there are no prospects at present for proceeding with construction. He would like to have the variance extended in case a prospect comes along.

Analysis and Recommendation:

The plans for the proposed dwelling were designed for a specific client. If a new purchaser is found it is quite probable that he would want a different house. Therefore, since the variance was approved based on a specific plan, any new plan would not be in compliance with the approved variance.

It would seem best, under the circumstances, to deny the requested extension of time and consider a new variance (if any is necessary) based on a plan that would be valid at the time.

Respectfully submitted,

ERNEST MAYER, Jr. Planning Director

Attachments: Vicinity map

Letter from Mr. Brownell

By *Willis C. W*arner Senior Planner

Liberty 8-6522

A Herbert Brownell ARCHITECT ALA

1950 W. COAST HIGHWAY 101

NEWPORT BEACH, CALIFORNIA

9 May 167

Planning Commission City of Newport Beach Newport Beach, Calif.

Re: Variance #876, 18 Nov. '65

Dear Sirs:

The undersigned owner of the property for which a variance of reduced front yard setback was granted, respectfully requests an extension of this finding for as long a period as the Commission feels is justified.

This was a non-controversial submission and the situation remains unchanged.

Sincerely,

J. Herbert Brownell

JHB:mb



Nov. 11, 1965

Planning Commission of Newport Beach,

Gentlemen.

We the undersigned wish to voice our objection to the 5 ft. set back ask for by Mr Brownell for new construction at 2031 Ocean Blvd. Corona del Mar. Var. No 876
We feel that the set back will add to the obstruction of the view of property owners across the street already created by the planned construction of the owner.
We also feel that there is a precedent being set that will effect other property owners in the area.

Maurino Bliven 2804 Ocean Blood a. D.M.

Maurino Bliven 2804 Ocean Blood Cd on

Timbres S. Hostern 2808 Queen Blood Cown der men.

Findmil & Landrick 2812 Ocean Blood Cown der men.

Mans & Handricks 2812 Ocean Blood Cown del Man

Estel Lane

Estel Lane

Carter H. Tarre-2500 Ocean Blood, Comma

Bi. Z. M. Krinney

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Gale K. M. Krinney

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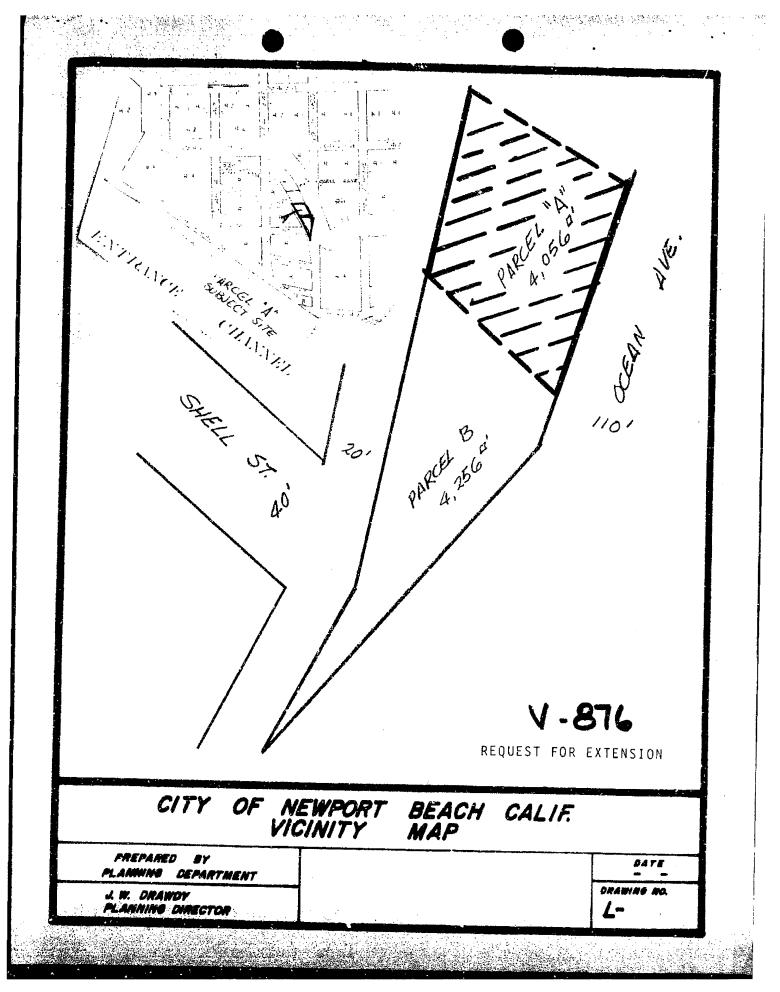
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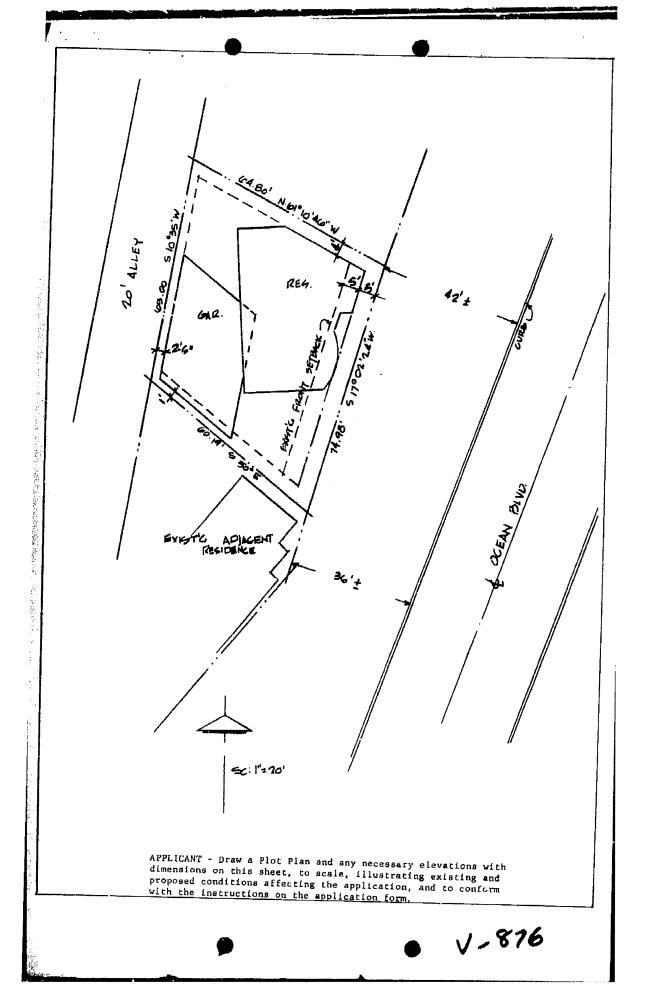
NOTICE OF PUBLIC HEARING

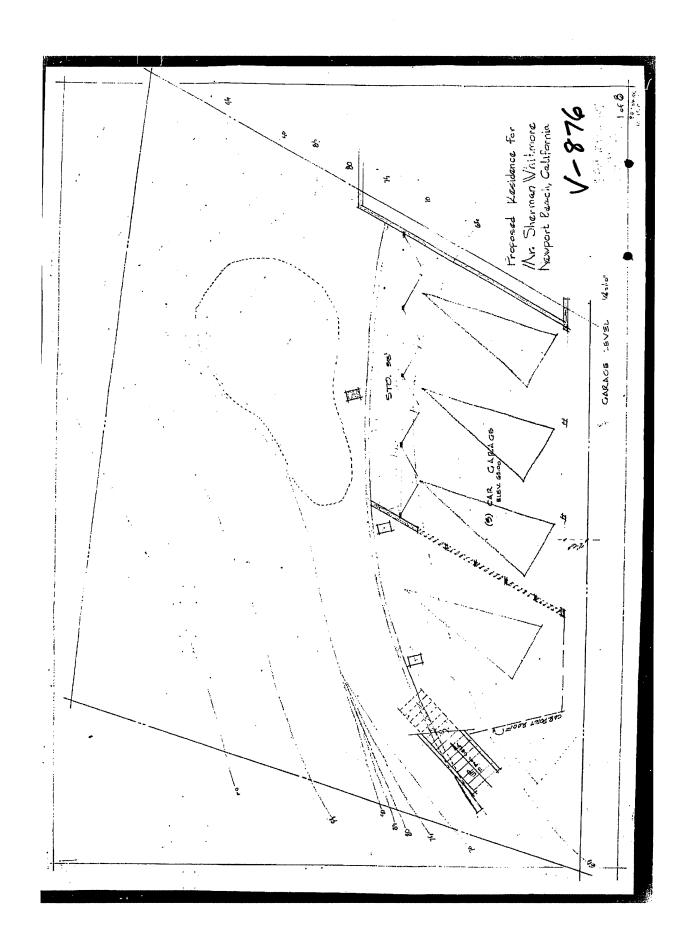
NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION OF THE CITY OF	
NEWPORT BEACH WILL HOLD A PUBLIC HEARING ON THE APPLICATION OF	
J. HERBERT BROWNELL	
FOR A VARIANCE - MSEX PRINTERS # 876 TO PERMIT:	
Reduction of front yard setback from 10' to 5' on Ocean	
Avenue.	
ONX X.DX PORTION OF BLOCK 033 TRACT Corona del Ma	ır
2735 Ocean Avenue, Corona del Mar	• •
NOTICE IS HEREBY FURTHER GIVEN THAT SAID PUBLIC HEARING WILL BE HELD	
ON THE 18 DAY OF November 19 65, AT THE HOUR	
OF 8:00 P.M. IN THE COUNCIL CHAMBERS OF THE NEWPORT BEACH	
CITY HALL, AT WHICH TIME AND PLACE ANY AND ALL PERSONS INTERESTED MAY	
APPEAR AND BE HEARD THEREON.	

RAY Y. COPELIN, SECRETARY NEWPORT BEACH CITY PLANNING COMMISSION

Publication Date Non 4 (96)
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Date Received Non 3 1666







Begin forwarded message:

10

From: "Ung, Rosalinh" < RUng@newportbeachca.gov > Subject: RE: May I get the powerpoint presentation?

Date: November 27, 2017 at 7:44:27 AM PST **To:** 'Susan Skinner' <<u>seskinner@me.com</u>>

Hi Susan - Please see attachment. Thanks. R.

-----Original Message----From: Susan Skinner [mailto:seskinner@me.com]
Sent: Thursday, November 23, 2017 6:54 PM
To: Ung, Rosalinh < RUng@newportbeachca.gov>

Subject: May I get the powerpoint presentation?

Rosalinh,

May I get a copy of the power point presentation that the developer of 2607 presented at the last PC meeting? For some reason, I can't get the video to work on my computer and can't see his slides.

Thanks,

Susan Skinner

From:

Susan Skinner <seskinner@me.com>

Sent:

Sunday, November 19, 2017 6:39 AM

To:

Kramer, Kory; Dunlap, Bill; Koetting, Peter; Kleiman, Lauren; Lowrey, Lee; Weigand, Erik;

Zak, Peter; Ramirez, Brittany; Campagnolo, Daniel; Jurjis, Seimone; Ung, Rosalinh;

Campbell, James

Cc:

Jim Mosher; Joy Brenner; Nicole Reynolds; Andy Lingle; Jean Watt; Karen Carlson

Subject:

Re: Variance at 2607 Ocean Blvd (clarification)

Just for clarification: I am not opposed to the granting of a variance to allow the property the same rights as any similar sized property in the neighborhood. Indeed, it is very appropriate to grant relief of this sort. I am opposed to granting entitlements in excess of what other property owners would be allowed as part of this variance.

Susan

On Nov 18, 2017, at 9:36 PM, Susan Skinner < seskinner@me.com > wrote:

Dear Planning Commissioners:

As follow up to the Email below, I have now obtained a full variance history for the properties referenced in the staff report for 2607 Ocean Blvd. With the exception of 227 sq ft added in 1985 to 2711 Ocean Blvd (notably before the 1997 code change that dropped the FAR from 2 to 1.5 in this area), no other property has received any additional sq footage from a variance request. I am attaching this information below.

Because of this, the granting of a variance allowing additional sq footage would quite clearly be a special privilege and as such, is prohibited by code.

I would appreciate having you respect the variance requirements and denying the developer's application for additional sq footage.

Thank you,

Susan Skinner

<VarianceOceanBlvd11-17.docx>

On Nov 9, 2017, at 3:18 PM, Susan Skinner < seskinner@me.com > wrote:

Dear Planning Commission members,

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

In this staff report is the following statement:

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

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

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

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

Although other properties cited <u>are</u> greater than 5000 sq ft, they are ALL built on lots that allowed a house of that size without requiring a variance for this reason. There are multiple variances granted for setbacks in the south section of Way Lane, but all of the variances that I was able to see on the city website did NOT grant additional sq footage to the homes, but just changes in the setbacks to allow better placement of the homes on a steep slope. Some of the variances granted are very old and I could not find those on the website.

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

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

Thank you,

Susan Skinner

Sq footage per house per Zillow.com:

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

From:

Susan Skinner <seskinner@me.com>

Sent:

Saturday, November 18, 2017 9:37 PM

To:

Kramer, Kory; Dunlap, Bill; Koetting, Peter; Kleiman, Lauren; Lowrey, Lee; Weigand, Erik;

Zak, Peter; Ramirez, Brittany; Campagnolo, Daniel; Jurjis, Seimone; Ung, Rosalinh;

Campbell, James

Cc:

Jim Mosher; Joy Brenner; Nicole Reynolds; Andy Lingle; Jean Watt; Karen Carlson

Subject:

Re: Variance at 2607 Ocean Blvd

Attachments:

VarianceOceanBlvd11-17.docx

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Thank you,

Susan Skinner

Sq footage per house per Zillow.com:

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

Permit/Variance history

2607 Ocean Blvd: Built 1948, No variance history

2616 Way Lane: Built 1947, no variance history

2620 Way Lane: Built 1980, no variance history

2701 Ocean Blvd: Built 1971, no variance history

2711 Ocean Blvd: Being rebuilt now, historical variance VA 884, VA 1055, VA 1126. No recent variance granting extra sq footage. VA 884 from 1966 does not grant additional sq footage. VA 0155 from 1976 does not grant additional sq footage. VA 1126 from 1985 granted an additional 227 sq ft to the property.

2723 Ocean Blvd: Built in 2002 with an addition approved in 2015 that required a variance. No additional sq footage was added. VA 2014-005.

2727 Ocean Blvd: Built in 1956, no variance history

2735 Ocean Blvd: Built in 1971, renovated in 2008. Historical variance VA 876 and MD 0353. MD 0353 in 1971 did not add sq footage. VA 876 in 1965 did not add sq footage.

2741 Ocean Blvd: Not clear if recently rebuilt or pending rebuilding. Variance granted 2015-005 did not allow additional square footage.

Cc:

From: Susan Skinner <seskinner@me.com> Sent: Friday, November 10, 2017 5:24 PM

To: Kramer, Kory; Dunlap, Bill; Koetting, Peter; Kleiman, Lauren; Lowrey, Lee; Weigand, Erik;

Zak, Peter; Ramirez, Brittany; Campagnolo, Daniel; Jurjis, Seimone; Ung, Rosalinh

Joy Brenner; Karen Carlson; Jennifer McDonald; Jean Watt; Dorothy Kraus; Andy Lingle;

Martha Peyton

The definition of 'special privilege' Subject:

Dear Planning Commission members:

Despite Mr. Torres' somewhat flip comment that a "special privilege" is whatever you decide that it is, there actually is a legal definition. Per the legal websites that I went to, "special privilege" is defined as "a legally supported privilege granted exclusively to some individual or class of persons to the exclusion of others and in depreciation of the common right."

From what I can determine from this vantage point, none of the other properties along Way Lane cited in the staff report have needed a variance increasing their sq footage to be able to build their homes. I have asked Ms. Ung to clarify this for me. The FAR for the CdM district is 1.5. Page 41 of the staff report ("Item #2 staff report") indicates that the FAR for the properties citied are a maximum of 1.06 and an average of .99. If 2607 Ocean Blvd is allowed a variance to build at 5000 sq ft, the FAR would be 1.76. By the definition above, this would clearly be a special privilege and would thus indicate that the variance for the additional sq footage MUST be declined as it does not meet #4 of the variance requirements. As I have previously stated, this is not a discretionary decision.

Although I missed much of the presentation (my sister was in town for dinner and that takes precedence over politics), I am told that the developer is seeking to consider the first floor as a basement. I have asked Ms. Ung to forward me the presentation, but the information contained in the staff report shows all levels of the house as above grade. My reading of the code is that only a subterranean basement is not counted in the sq footage and so no aspect of the house as it is currently presented could be considered subterranean. I hope you agree.

I appreciate your consideration of our concerns.

Thank you,

Susan Skinner

From:

Charlene < murphy.charlene@gmail.com >

Sent:

Friday, November 10, 2017 9:23 AM

To:

Ung, Rosalinh

Subject:

2706 Ocean Boulevard

We oppose granting this variance. We are appalled by the requested height variance. We also are opposed to the special consideration for this homeowner. Don't do it!

Charlene and Rick Murphy 2552 Vista Dr

Sent from my iPad

Attachment No. PC 8

Draft Resolution for Denial

WIEWIOWALLY BLAWK PAGE

RESOLUTION NO. 2075

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, DENYING VARIANCE NO. VA2016-005 AND COASTAL DEVELOPMENT PERMIT NO. CD2017-080 TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, FOR PROPERTY LOCATED AT 2607 OCEAN BOULEVARD (PA2016-170)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Nicholson Construction on behalf of the Ginsberg Family Trust, ("Applicant") with respect to property located at 2607 Ocean Boulevard, in the City of Newport Beach, and legally described as a portion of Block 0-32 of Corona Del Mar, in the City of Newport Beach, County of Orange, State of California, as per map recorded in Book 3, Pages 41 and 42 of Miscellaneous Maps, in the Office of the County Recorder of said county ("Property"), requesting approval of a coastal development permit and a variance.
- 2. The Applicant requests a coastal development permit to allow the construction of a new 4,178 square-foot, single-family residence and a 629 square-foot, three-car garage, for a total of 4,807 square feet ("Development") and a variance to allow the Development to:
 - a. Exceed the maximum floor area:
 - b. Encroach 10 feet into the 10-foot rear yard setback along Way Lane, and
 - c. Encroach 7 feet into the 10-foot front yard setback along Ocean Boulevard.
- 3. The Property is designated Single-Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1) Zoning District.
- 4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached 6.0–9.9 DU/AC (RSD-B) and the Coastal Zone is Single-Unit Residential (R-1).
- 5. Public hearings were held on November 09, 2017 and December 7, 2017, in the Council Chambers at 100 Civic Center Drive, Newport Beach in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the public hearings was given in accordance with the Newport Beach Municipal Code ("NBMC"). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at these public hearings.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. REQUIRED FINDINGS.

Variance

The Planning Commission may approve a variance application only after making each of the required findings set forth in NBMC Section 20.52.090(F) (Variances – Findings and Decision). In this case, the Planning Commission was unable to make the required findings for the following reasons:

- 1. The Planning Commission determined, in this case, that the proposed Variance for the Development is not consistent with the legislative intent of Title 20 of the NBMC and that findings required by Section 20.52.090 are not supported in this case. The Development may prove detrimental to the community.
- 2. The design, location, size and characteristics of the Development are not compatible with the single-family residences in the vicinity. The development may result in negative impacts to residents in the vicinity and would not be compatible with the enjoyment of the nearby residential properties.

Coastal Development Permit

The Planning Commission may approve a coastal development permit application only after making each of the required findings set forth in NBMC Section 21.52.015 (F) (Findings and Decision). In this case, the Planning Commission was unable to make the required findings for the following reasons:

1. The proposed residence does not conform to all applicable residential development standards as the Development does not comply with floor area limitation and setbacks.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Planning Commission of the City of Newport Beach hereby denies Variance No. VA2016-005 and Coastal Development Permit No. CD2017-080.
- 2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 7 th DAY OF DECEMBER, 2017.
AYES:
NOES:
ABSTAIN:
ABSENT:
BY: Peter Koetting, Chairman
BY: Erik Weigand, Secretary