
From: Alan Gin <agin001@aol.com>
Sent: Wednesday, December 06, 2017 6:16 AM
To: Ung, Rosalinh; susanskinner949@gmail.com
Subject: Re: 2607 Ocean Blvd

In addition, soon I will be submitting plans for a new house construction in the 200 block of Goldenrod. I might as well ask for a variance for building beyond the 3700 square feet that I'm allowed, based on my setbacks.

If 2607 Ocean is granted a variance to increase the square footage (approx 17%) beyond allowable setbacks, I expect my request to build to build a 4320 square foot house (a 17% increase) to be approved.

Thanks,

Alan Gin

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

From: Alan Gin <agin001@aol.com>
To: rung <rung@newportbeachca.gov>; susanskinner949 <susanskinner949@gmail.com>
Sent: Wed, Dec 6, 2017 5:43 am
Subject: 2607 Ocean Blvd

I'm a fan of development and progress. I built my house in China Cove in 2009. But I did not ask for a variance to increase the size of my new house beyond what is allowed by the setbacks.

Regarding buildable lot size, I believe everyone should follow the same rules, otherwise, allow why not everyone to break the rules, all the time? The latter makes no sense.

Thanks,

Alan Gin

From: Gregg Miller <Gregg@millerenvironmental.com>
Sent: Tuesday, December 05, 2017 4:36 PM
To: Ung, Rosalinh
Subject: 2607 Ocean CDM

Hello Rosalinh,

I am a local CDM homeowner at Ocean and Jasmine and in my opinion upgrading of property is good for the neighborhood and also adds to the city coffers so you can all have nice pensions for all that hard work you do. There is a house at 2607 Ocean that is almost 70 years old and is an eyesore. It needs to come down and be rebuilt to a standard that is in line with the neighborhood.

My information is that a 4200 SF house is being proposed and that is not a large house for the area and there are many other larger houses nearby. This is a very fair request for the area and CDM in general. It is very frustrating for a lot of local folks to have to deal with irrational people from other parts of the area and some that are not even local but have nothing better to do with their days then complain about something they have no stake in at all. We know you are smart people in our great city and can see through the nonsense. The number of people that oppose the project is small and please don't let them control any process that impact our neighborhood.

NB has had a reputation of being fair and realistic in keeping up with the times unlike some of our neighboring cities. My wife Celin and I are FOR this project. Please feel free to call me as necessary to discuss this issue.

Sincerely,

Gregg Miller
Miller Environmental, Inc.
1130 West Trenton Avenue
Orange, CA 92867

Phone: 714-385-0099

Fax: 714-912-1460

For Immediate Assistance call Krystal @ 714-912-1342 or krystal@millerenvironmental.com

www.millerenvironmental.com

From: Bruce Bartram <cpq1x8v0@verizon.net>
Sent: Wednesday, December 06, 2017 10:01 AM
To: Ung, Rosalinh
Cc: Susan Skinner; NFreynolds@yahoo.com
Subject: Variance - 2607 Ocean Boulevard

Dear Ms Ung:

I oppose the request for variance made by the owners of 2607 Ocean Blvd. scheduled for hearing at December 7, 2017 Planning Commission meeting. According to the Staff Report the request involves the destruction of the existing single family home on the property to permit the construction of a new single family home requiring the following variances from the applicable zoning standards:

".....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."

Newport Beach Municipal Code 20.52.090 A. states the purpose of a variance which mirrors state law as well:

"20.52.090 Variances.

A. Purpose. A variance provides a process for City consideration of requests to waive or modify certain standards of this Zoning Code when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district."

In short, a variance can't be a grant of special privileges inconsistent with the limitations on the other properties in the vicinity and zone.

Courts have long held that a zoning variance must be grounded in conditions peculiar to the particular lot as distinguished from other properties in the vicinity and zone. Unnecessary hardship therefore occurs where the natural condition or topography of the land places the landowner at a disadvantage vis-à-vis other landowners in the area, such as peculiarities of the size, shape or grade of the parcel. Case law also has discerned in the hardship requirement an additional finding that the hardship be substantial and that the exception sought must be in harmony with the intent of the zoning laws. Govt. Code 65906; Committee to Save the Hollywoodland Specific Plan (2008) 161 Cal. App. 4th 1168; Craik v. County of Santa Cruz (2000) 81 Cal. App. 4th 880.

Long ago, the California Supreme Court stated that at best only a small fraction of any one zone can qualify for a variance. Topanga Assn. for a Scenic Community v. County of Los Angeles (1974) 11 Cal. 3d. 506. Additionally, the California Supreme Court held that if the property can be put to effective use consistent with the existing zoning without the variance sought, it is not significant that the variances being sought would make the applicant's property more valuable, or that they would enable to recover a greater income, nor that they would relieve him from undesired costs in compliance with the existing restrictions. Broadway, Laguna etc. Assn v. Board of Permit Appeals (1967) 66 Cal. 2d. 767, 775.

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

Finally, a review of the Staff Report reveals numerous emails from neighboring property owners requesting the Planning Commission reject the proposed project as being incompatible with the immediate neighborhood. Courts have long held

that it is necessary for an administrative agency to consider the interest of neighboring property owners in reaching a decision whether to grant or deny a land-use entitlement and that those opinions alone can serve as grounds for denial. SP Star Enterprises, Inc. v. City of Los Angeles (2009) 173 Cal. App. 4th. 459; Harris v. City of Costa Mesa (1994) 25 Cal. App. 4th 963.

In the present case, a review of the 2607 Ocean Blvd. property owners application materials reveals no visual evidence is presented as to how the proposed project will be compatible with the existing homes in the immediate neighborhood. Instead, the property owners have submitted only stand alone visual depictions of the proposed project/home without reference to the immediate neighborhood. Thus, they have presented no credible evidence regarding the proposed project's compatibility with the immediate neighborhood. On these grounds alone the Planning Commission should reject the property owners' application.

In conclusion, for all of the reasons above the Planning Commission should reject the application for a variance for 2607 Ocean Blvd.

Very truly yours,

Bruce Bartram
2 Seaside Circle
Newport Beach, CA 92663

From: Paul Julian <pjulian@advancedonline.com>
Sent: Wednesday, December 06, 2017 9:11 AM
To: Ung, Rosalinh
Subject: Support of Home at 2607 Ocean Boulevard

Hello Rosalinh,

My Family has owned property about 100 yards down Ocean Blvd. from this site for almost 14 years. We are happy to see this proposed development as it is the world-class type of home that this world-class City deserves! I have seen some of Tom's developments and they set the bar for homes in the area. The size of this home is well within the scale of what CDM can support. I don't see any negatives to this development.

Thank you for this consideration.

Sincerely,
Paul Julian

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From: Donald Santacroce <dsanta323@twc.com>
Sent: Wednesday, December 06, 2017 8:42 AM
To: Ung, Rosalinh
Cc: susanskinner949@gmail.com
Subject: 2607 Ocean Blvd.

Gentlemen: I strongly oppose the expansion extension at the above address. Our codes were established for good reasons, please abide by them. We need to preserve our coastline.

Donald Santacroce 323 Larkspur Ave. Corona Del Mar

From: kendra edmonds <kendra.s.edmonds@gmail.com>
Sent: Wednesday, December 06, 2017 8:14 AM
To: Ung, Rosalinh
Cc: Eric Edmonds
Subject: China Cove Residence View Poles

Hi,

I am a concerned resident of Corona Del Mar who is against the proposed variances given to the property in China Cove. I have a young child and am expecting another and we walk this area/visit this beach daily. The proposed height of the structure completely blocks our view of the beach, boats, channel, homes, etc. in the neighborhood as we walk down the hill. As I have a young child, there is no other way for me to access this beach other than the hill since there is no public parking in the neighborhood and I could not possibly carry everything AND my child down the stairs or leave her unattended while getting our beach gear. If you grant these variances and OK the height of the structure, the only way we will be able to enjoy the view provided of the bay will be from the viewing area on Ocean which is overly crowded. Please do not take away our favorite view, walk, and drive in this entire neighborhood. If you have not already stopped by the neighborhood to see the proposed height, I suggest you do as you will realize the absurdity of the proposed structure.

Best,
Kendra

From: Brian Benoit <briantbenoit@gmail.com>
Sent: Wednesday, December 06, 2017 12:47 PM
To: Ung, Rosalinh; Alford, Patrick
Subject: Re: PA2016-170

Hello, I understand you are reevaluating this project. I wanted to resubmit my comments and again advocate that you deny this application.

The City has guidelines for setbacks and height limits. Once those guidelines are waived, the views and impacts to the community are forever impacted. I do not see how this project meets any sort of rationale to waive the guidelines. The owner can follow the rules and still end up with a brand new 4,000 sq ft home.

More broadly speaking, I hope that you continue to protect our precious views of the water - that is a big reason why I live here and the public as a whole enjoys our City.

Thank you
Brian Benoit

On Tue, Nov 7, 2017 at 9:36 AM, Brian Benoit <briantbenoit@gmail.com> wrote:

Dear Planning Commission:

I am a resident of Newport Beach and write to express my concerns regarding the proposed development at 2607 Ocean Blvd, Corona Del Mar.

I walk Ocean Boulevard on a daily basis, it is one of the jewels of our City with incredible views and green space. I am concerned that the abundance of building activity in this part of town detracts from the public's enjoyment of this important recreational space.

I understand this applicant plans replace an existing 2,200 sq ft home by building a massive 5,000+ sq ft structure on a lot barely more than 4,000 sq ft. The setback issues aside, I am most concerned with the height of the new structure and the negative impact on views for the public.

On a broader note - this kind of over-building simply does not fit the character of the neighborhood. Why have height or setback limits if they are simply to be ignored?

Please protect our town's valuable resources and deny this application.

Respectfully,

Brian Benoit
Warwick Lane
Newport Beach

From: Campbell, James
Sent: Wednesday, December 06, 2017 9:57 AM
To: Ung, Rosalinh
Subject: FW: Public Comments: Ginsberg Residence (PA2016-170) / Issue of Building Height and Mass
Attachments: China Cove_2607 Ocean Blvd_PC_171206.pdf



JIM CAMPBELL
Community Development Department
Deputy Community Development Director
jcampbell@newportbeachca.gov
949-644-3210

From: SPON: Still Protecting Our Newport [mailto:Info@SPON-NewportBeach.org]
Sent: Wednesday, December 06, 2017 9:54 AM
To: Koetting, Peter <pkoetting@newportbeachca.gov>; Zak, Peter <pzak@newportbeachca.gov>; Weigand, Erik <eweigand@newportbeachca.gov>; Dunlap, Bill <bdunlap@newportbeachca.gov>; Kleiman, Lauren <lkleiman@newportbeachca.gov>; Kramer, Kory <kkramer@newportbeachca.gov>; Lowrey, Lee <llorey@newportbeachca.gov>
Cc: Ramirez, Brittany <bramirez@newportbeachca.gov>; Jurjis, Seimone <sjurjis@newportbeachca.gov>; Campbell, James <JCampbell@newportbeachca.gov>; Torres, Michael <mtorres@newportbeachca.gov>; Brine, Tony <tbrine@newportbeachca.gov>; Info@CdMRA.org
Subject: Public Comments: Ginsberg Residence (PA2016-170) / Issue of Building Height and Mass

Attached please find SPON's comments on the Ginsberg Residence Project (PA2016-170) which is on the agenda for the December 7 Planning Commission Meeting.

Corona del Mar is a very special neighborhood that deserves the preservation of its village-like charm. Therefore, SPON requests that you recommend denial of this "reduced" proposal for the 2607 Ocean Blvd. residence.

Please let us know if you have any questions.

Sincerely,

Marko Popovich

President



PO Box 102 | Balboa Island, CA 92662 | VM/Text 949.864.6616

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December 5, 2017

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

TREASURER
Dennis Baker

SECRETARY
Allan Beek

Subject: Ginsberg Residence (PA2016-170) / Issue of Building Height and Mass

Dear Chair Koetting and Planning Commissioners:

BOARD MEMBERS

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Jean Watt
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Members of SPON have been raising the question of large, out-of-character buildings sprouting up throughout the City, especially in Corona del Mar. We have seen buildings that have been constructed or are under construction that do not seem to follow the 2006 General Plan vision for Newport Beach that calls for maintaining the characteristics and charm of Corona del Mar and the City at large.

We have begun to delve into the situation as we plan for the city-wide General Plan Update process which is an opportunity for us to change whatever is going wrong. The wrongs seem to evolve in several ways.

- First, we have a height limit for one and two unit residences of 24' for flat roofs and 29' for sloped/peaked roofs. The zoning ordinances which apply to these heights describe the regulations related to the sloped roofs as well as the allowed variances or deviations from the heights. If there are variances and deviations that are being allowed and not carrying out the intent of the ordinances, we should be concerned about that.



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Planning Commission

Subject: Ginsberg Residence (PA2016-170) / Issue of Building Height and Mass

- Second, we have a limitation of the square footage of the building in order to create some open space for visual relief and avoidance of building big ugly boxes. But on many of the buildings the little open spaces are tucked along the sides so as to be of no value in terms of the intent of the ordinances.
- Third, we have new rules as of 2010 allowing for a third story which has regulations calling for setbacks and limited square footage so as to again allow for architectural variation and enhancement and avoidance of the big box look. Yet, when said and done, these buildings look like three story big boxes and are totally out of character with the charming neighborhoods they are in.
- Fourth, we have rules for things that can go on the roofs such as rooftop decks and this rule seems to be abused in many cases as well with the result being more of a 4th story look and again very uncharacteristic of the charming neighborhood.

These wrongs are characterized in the “reduced” proposed residence at 2607 Ocean Blvd. Therefore, SPON urges the Commission to question the basis of the variances requested by asking staff to produce the underlying data that substantiates their recommendation for approval.

SPON is also concerned that treasured public views will be seriously compromised by the proposed “reduced” project. We have attached pictures of the story-polls since we did not see any included with the staff report. This should give you a first-hand reference to the visual impacts of this project. The views from Ocean Boulevard are supposed to be protected by our Coastal Land Use Plan but it appears this building will intrude considerably into the public view of China Cove, the harbor and the ocean.



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Planning Commission

Subject: Ginsberg Residence (PA2016-170) / Issue of Building Height and Mass

Corona del Mar is a very special neighborhood that deserves the preservation of its village-like charm. Therefore, SPON requests that you recommend denial of this "reduced" proposal for the 2607 Ocean Blvd. residence.

Thank you.

Sincerely,

Marko Popovich

President

cc: CNB Planning Commission

Peter Koetting, Chair

Peter Zak, Vice Chair

Erik Weigand, Secretary

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Lauren Kleiman

Kory Kramer

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Corona del Mar Residents Association

Joy Brenner, President

Debbie Stevens, Vice President

Info@CdMRA.org

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