

Attachment F

Correspondence

From: Jurjis, Seimone
Sent: Tuesday, August 28, 2018 2:55 PM
To: Murillo, Jaime; Ung, Rosalinh; Lee, David
Subject: FW: Circumventing city zoning

Follow Up Flag: Follow up
Flag Status: Flagged

SEIMONE JURJIS, P.E., C.B.O.
Community Development Department
Community Development Director
sjurjis@newportbeachca.gov
949-644-3282

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

From: Dixon, Diane
Sent: Tuesday, August 28, 2018 2:43 PM
To: Jurjis, Seimone <sjurjis@newportbeachca.gov>
Subject: FW: Circumventing city zoning

For the record

Diane B. Dixon
Council Member District 1
949.287.9211

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

From: Maureen Buffington <buffington_santo@yahoo.com>
Sent: Tuesday, August 28, 2018 2:41 PM
To: Dixon, Diane <ddixon@newportbeachca.gov>
Subject: Circumventing city zoning

Dear Ms. Dixon,

I am sad to see that the council continues to circumvent city zoning with their approvals of oversized homes, especially near the beaches. I am requesting that you do not approve mansionization at either 3200 Ocean nor 2607 Ocean Boulevard.

Thank you,
maureen buffington
110 yorktown

From: Andy Lingle <andylinge@gmail.com>
Sent: Tuesday, September 04, 2018 10:13 AM
To: Lee, David
Cc: ANDY LINGLE
Subject: 3200 Ocean Blve.

September 3, 2018
Re: 3200 Ocean Blvd.
Dear Mr. Lee,

These days I cringe whenever I see green construction fences in our neighborhoods. They all too often signal the destruction of a perfectly nice house and the construction of the largest building that can be squeezed onto the lot, with a six car garage basement underneath and a rooftop deck on top. Variances may be granted for smaller than code setbacks in order to make room for an even bigger building. Other variances are sought to allow for greater heights than the code would allow. In order to make room for the resulting massive building, trees, lawns, and shrubs are torn out and the little space that's left is paved over, with perhaps a few pots of unhappy flowers scattered about.

When all of this has been accomplished the enormous house is put on the market for millions.

Why are these huge houses being built? I expect, like the example that's being proposed for 3200 Ocean Boulevard, that they are speculative house that are designed with the purpose of maximizing profit for property owners who have no intention of ever living there themselves. They're clearly not designed for a thoughtful family whose goal is to create a well designed permanent home in a lovely, tree shaded and child friendly neighborhood.

I ask the council to deny the variances for a smaller setback and a greater floor area for the project at 3200 Ocean Boulevard.

Thank you for the opportunity to comment.
Andrea Lingle

andylinge@gmail.com
949- 548 7646
2024 Diana Lane
Newport Beach, CA
92660

From: Leung, Grace
Sent: Monday, September 17, 2018 6:13 PM
To: Brown, Leilani
Subject: FW: 3200 Ocean Blvd

From: Bill More [<mailto:billmore714714@gmail.com>]
Sent: Monday, September 17, 2018 5:26 PM
To: Dept - City Council <CityCouncil@newportbeachca.gov>
Subject: 3200 Ocean Blvd

To whom it may concern:

Regarding 3200 Ocean Blvd:

I am a real estate agent in Newport Beach and have worked with Tom Nicholson for many years. He is very thorough and the buyers who have bought his homes have been very satisfied, with no repercussions or adverse situations from local planning commissions or city officials. In my experience there would be no reason to delay his building process. In my review, it appears that all necessary requirements for 3200 Ocean Blvd have been completed (see below):

- The builder has already worked with the City and neighbors and the project was approved by the planning commission. The Newport Beach City Council has more important things to address than excessive review of Tom Nicholson's projects.

- This home is consistent with the size of other immediately adjacent homes on similar-sized lots and is not out of character in any way.

- Over the past year, the builder has made significant compromises in working with the city and neighbors. The project is supported by city staff and the most-affected neighbor.

- A well-designed new home will be an improvement to the neighborhood, and therefore an overall asset to Newport Beach.

Thanks for your time in reviewing my concerns.

Bill More

Bill More
1400 Newport Center Dr. Ste 200
Newport Beach, CA 92660

From: Vikki Swanson <vikki@vikkiswanson.com>
Sent: Sunday, September 16, 2018 7:44 PM
To: Dept - City Council; City Clerk's Office
Subject: Public Comments: 3200 Ocean Blvd Project

419 Marguerite Ave
Corona del Mar, CA 92625

September 17, 2018

Newport Beach City Council
Via e-mail

Regarding: 3200 Ocean Blvd

Dear Newport Beach City Council Members;

I understand the Planning Commission recently approved a project at 3200 Ocean Boulevard. I appreciate Councilman Herdman's elevating this approval to your attention, as this project appears to be inconsistent with the relevant zoning as well as the Local Coastal Program.

I am concerned about a couple of aspects of this project's approval by the Newport Beach Planning Commission, notably:

- Most troubling is planning commission staff's representation in the table below, that when one multiplies 3,108 x 1.5 the result is 5,216...that is patently false and misleading. $3,108 \times 1.5 = 4,662$. So this project's approval not only decreases the setback, it materially increases the Floor Area Ratio (FAR)/Floor Area Limit (FAL) by 554 square feet (12%) without calling attention to that fact.

Table 3: Lot Comparison					
Property Address	Lot Size (SF)	Buildable Area (SF)	Max Floor Area (Buildable SF x 1.5) (SF)	Floor Area Ratio	Required Setbacks
3200 Ocean Blvd. (Code-Required)	5,445	2,823	4,234	0.777	F:24 R:10 S:4
3200 Ocean Blvd. (Proposed)	5,445	3,108	5,216	0.958	F:24 R:5 S:4

I am very good with Excel...I would be happy to provide your planning department with a tool that would calculate the Buildable Area and Max Floor Area for every lot in Corona del Mar...free of charge... if that would eliminate these types of errors/misrepresentations.

- The "proposed" Buildable Area and thus Max Floor Area (if it had been calculated properly) in the table above is based on the false assumption that it is "ok" to reduce the rear setback to 5

feet from the required 10. As I've said in previous communications with the planning commission, it is very frustrating that the standard M.O. these days seems to be to ask for things that are well beyond the entitlement, and then appear to have "compromised" when settling for less...the entitlement is the entitlement, it is not a negotiation...and worse is that the planning department and commission often appear to buy into this negotiation tactic...or in this case there does not appear to have even been any negotiation...they just accepted the developer's egregious plan. The General Plan and the Zoning Code are there for a reason, and our planning department and commission are there to enforce those regulations. In a recent open house, Mr. Jurjis intimated that his direction to his team was to "find a way to yes". This implies that the planning department is doing all it can to facilitate developer's requests...which implies rights of surrounding home owners be damned.

By the way, if one is handing out an extra 5 linear feet of "Buildable Area" and increasing the FAR/FAL for this property owner, do they not have to do that for everyone? In that case, sign me up! Actually, please don't, and certainly don't do that for (more of) my neighbors, as projects like this are changing the charm and character of this place I call home.

- As I understand it, the Local Coastal Program is one in which the California Coastal Commission has empowered the city to approve projects that conform with certain guidelines. This project requires two zoning variances, apparently, one to reduce the setback and another to increase the FAR/FAL so by default should not fall within the City's approval authority – and as I understand it this is why two of the Planning Commissioners did not vote to approve this project.
- Reading between the lines on this particular project approval, it appears that the applicant is simply trying to maximize their property value...it is categorically NOT the planning department nor commission's jobs to facilitate property owners' desire to maximize the value of their property...their job is to enforce the code, nothing more, nothing less.

As you may have guessed, the topic of "Mansionization" is a particularly sore subject with me, as I see the charm and character of this place I've called home for the past 29 years changing...and not for the better.

For my part, I will have to investigate how this planning commission agenda item escaped my notice, as this type of project is typically on my radar!

In summary, I respectfully request that you deny the permit for the project as proposed...and any iteration thereof that exceeds the correctly calculated max floor area (without variances).

Regards,

Vikki Swanson

From: Ken Alber <kalber@pentabldggroup.com>
Sent: Tuesday, September 18, 2018 3:19 PM
To: Dept - City Council
Subject: September 25th public hearing / Hinton and Maloney Residence 3200 Ocean Blvd

City of Newport Beach Council Members,

I am the neighbor (210 Larkspur Ave), of the referenced 3200 Ocean Blvd project on your agenda for September 25th. When the variance request was first posted in the fall of 2017, I strongly opposed the variance and proposed development plans. However, working with the City of Newport Beach planning department and Nicholson Construction, the parties were able to reach a mutual agreeable solution as depicted in the current documents with the accompanying Conditions of Approval as presented and approved at the Planning Commission Public hearing on August 20, 2018. I gave my support for the project at the planning commission hearing.

I will be unable to attend the City Council meeting on September 25th, thus the purpose of this email is to communicate my continued support for the project as approved by the Planning Commission.

Ken Alber | Principal
550 S. Hope St. Suite 2640 | Los Angeles, CA 90071
181 E. Warm Springs Road | Las Vegas, NV 89119
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kalber@pentabldggroup.com | pentabldggroup.com

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From: Julie LaFond <julieegl@gmail.com>
Sent: Tuesday, September 18, 2018 2:12 PM
To: Dept - City Council
Subject: 3200 Ocean Blvd



To whom it may concern:

Regarding 3200 Ocean Blvd:

I am the spouse of a Newport Beach real estate agent. My husband, William More, has worked with Tom Nicholson for many years. He is very thorough and the buyers who have bought his homes have been very satisfied—a wife KNOWS these things as Bill's clients become our friends!

In my experience there would be no reason to delay a Tom Nicholson build. Here are the items you will want to consider carefully before slowing the progress of city beautification in our town by delaying approvals for 3200 Ocean Blvd:

- The builder has already worked with the City and neighbors and the project was approved by the planning commission. The Newport Beach City Council has more important things to address than excessive review of Tom Nicholson's projects.
- This home is consistent with the size of other immediately adjacent homes on similar-sized lots and is not out of character in any way.
- Over the past year, the builder has made significant compromises in working with the city and neighbors. The project is supported by city staff and the most-affected neighbor.
- A well-designed new home will be an improvement to the neighborhood, and therefore an overall asset to Newport Beach.

I hope you will see the advantages for moving Tom's project along expeditiously. Thank you.

Sincerely,

Julie LaFond More

From: Patrick Charriou <patrick@sageinvestco.com>
Sent: Tuesday, September 18, 2018 10:55 AM
To: Dept - City Council
Subject: 3200 Ocean

Hello,

I am a resident of Corona del Mar. This email is to voice our support for Tom Nicholson's plans for 3200 Ocean in Corona Del Mar.

Thank you,

Patrick Charriou
SAGE INVESTCO
(949) 954-6100 Direct
3837 Birch Street
Newport Beach CA 92660
patrick@sageinvestco.com

From: rpmmickey@aol.com <esty8905@aol.com>
Sent: Tuesday, September 18, 2018 11:10 AM
To: Dept - City Council
Subject: 3200 Ocean

To whom it may concern:

We are writing on behalf of Nicholson Companies, a long standing, successful builder here in Corona Del Mar.

For the past year Nicholson Companies have been working extensively with city staff and neighbors on this project and they have been approved by the Planning Commission to move forward with no further modifications.

We have recently been informed that City Council Member Herdman (not even a representative of Corona Del Mar) is challenging this project! This challenge will cause the entire City Council and city staff to spend their valuable time and resources to re-review the approval of one single-family home.

We have lived in Corona Del Mar for the past 10 years and our experience with Nicholson Companies is that they have built beautiful homes all in compliance with the Newport Beach City Council parameters.

This home is consistent with all adjacent homes on similar-sized lots. Nicholson has made significant compromises on this project and it is supported by city staff and by the most-affected neighbor.

Our opinion is that there are so many more important issues to be addressed by the Council and it is a waste of time and resources to delay a project that has already been accepted and approved.

Thank you.
Esther & Bob Miller

From: Darrin Ginsberg
To: [Dept - City Council](#)
Subject: 3200 Ocean Blvd
Date: Tuesday, September 18, 2018 9:08:00 AM

To: City Council
From: Darrin Ginsberg – resident of 301 Carnation Ave

I am writing this email in support of allowing Nicholson Companies to build the new home at 3200 Ocean Blvd. Many of the homes on this street are already in construction or have been redone already. The older homes like the one at 3200 Ocean Blvd need to be torn down and rebuilt to fit the neighborhood. The plans for this project put the new home in similar size and scale as other houses on Ocean Blvd including the adjacent property. This new home will also pay significant more taxes than the old home with some of that coming to the city of Newport Beach.

I'm not sure why the City Council has to approve this when the Planning Commission already did this and that is their job. Mr. Nicholson has built many quality homes in Corona Del Mar including on Ocean Blvd. His projects are a great addition to Corona Del Mar.

Please support this project.

Sincerely,

Darrin Ginsberg | CEO
949-673-2009 Direct
darrin@supergcapital.com | supergcapital.com



From: Allison Rabin <allisonjrabin@hotmail.com>
Sent: Wednesday, September 19, 2018 8:42 AM
To: Dept - City Council
Subject: 3200 Ocean

Good morning

I'm writing to you to let you know I support this project and know that the builder has done the following to ensure it would be approved and completed.

1. The builder has already worked with the City and neighbors and the project was approved by the planning commission.
2. This home is consistent with the size of other immediately adjacent homes on similar-sized lots and is not out of character in any way.
3. Over the past year, the builder made significant compromises in working with the city and neighbors. The project is supported by city staff and the most-affected neighbor.
4. A well-designed new home will be an improvement to the neighborhood.

I urge you to reconsider and not re-review the approval of this home. This is a waste of time and resources for our city. There are many other issues such as reducing crime/break-ins & car theft to be focused on.

Thank you
Allison

From: John Wrate <iwrate@gmail.com> on behalf of John Wrate <john@wrate.com>
Sent: Wednesday, September 19, 2018 1:46 PM
To: Dept - City Council
Subject: 3200 Ocean Blvd

City Council,

I've worked with Nicholson Properties on various projects consulting on solar, automation and energy efficiency.

Re-reviewing the project at 3200 Ocean doesn't seem to be an efficient usage of time. Planning commission staff and (most importantly) the most affected neighbor has approved of the plan. This home is consistent with other homes in the area (although probably not the Ahmanson home two doors down ☺) in size and character and will be an asset to the community. I urge you to expedite the process as much as possible.

Sincerely,

John Wrate



www.BrightLifeSolar.com
john@BrightLifeSolar.com
c 714.883.1114

From: Jonathan Alyn <jalyn@roth.com>
Sent: Wednesday, September 19, 2018 8:45 PM
To: Dept - City Council
Subject: 3200 Ocean

To whom it may concern,

Please understand that you will be doing the right thing by letting the development of 3200 Ocean proceed. Our nation was built on the concept of property rights. There are always limitations to what property owners can do but if they work within the parameters set forth by the governing community and our nation, then the development should proceed. Otherwise inconsistency and arbitrary application of rules/laws are a symptom of corruption and cronyism akin to governments such as the USSR or Venezuela. Please consider the following when reviewing the project:

- My understanding is this project was approved by the planning commission.

This home's size is consistent with adjacent homes neighboring the property.

Over the life of the project, the builder has made considerable adjustments to accommodate the neighbors.

A well designed home improves the value of all surrounding homes and thus increases tax revenues.

Thank you for your consideration and please remember the founding principles of what makes our country exceptional.

All the best,
Jon Alyn

*Jonathan Alyn | Director
ROTH Capital Partners | Investment Banking
888 San Clemente Drive | Newport Beach, CA 92660
O: (949) 720-7156 | M: (949) 554-3077
jalyn@roth.com | www.roth.com*

Please access the attached hyperlink for an important electronic communications disclaimer:

<http://www.roth.com/main/Page.aspx?PageID=1070>

From: Mark Mansfield <mhmansfield82@gmail.com>
Sent: Wednesday, September 19, 2018 10:02 PM
To: Dept - City Council
Subject: 3200 Ocean Blvd - Newport Beach, CA

I am writing on behalf of Nicholson Companies and their Newport Beach project at 3200 Ocean Boulevard. It is my opinion that the Nicholson Companies have contributed significantly to the Newport Beach community and its iconic position in Southern California. Further, the Nicholson properties I have toured appear to be well received and seamlessly integrated with the other neighborhood properties; I believe, given the project refinements and iterative reviews completed to date, the City should likely expect the same the results with the completion of the 3200 Ocean property.

In any event, I have been informed that the Newport Beach City Council and city staff have elected to re-review the previously approved Nicholson 3400 Ocean project. This seems strange. As a Newport Beach resident, I would like to request written clarification as to this shift in policy.

Thank you for your attention in this matter.

Mark Mansfield

142 Baywood Drive
Newport Beach, CA
92660

From: SPON Dorothy Kraus <dorothy.kraus@spon-newportbeach.org>
Sent: Thursday, September 20, 2018 7:35 AM
To: Dept - City Council; City Clerk's Office
Subject: Subject: 3200 Ocean Blvd., Hinton and Maloney Residence

Dear Mayor Duffield and Members of the City Council,

Stop Polluting Our Newport (SPON) has been actively engaged with land use planning, community work, policy decisions, and advocacy for more than 40 years. As residents, we support the kind of growth that is received by the community as being beneficial while keeping Newport's infrastructure, views and very character from being overburdened and quality of life reduced.

SPON, its members and residents are once again dismayed that the Planning Commission approved construction of a 7,964 square-foot single-family home based on variances that allow the residence to encroach 5 feet into the required 10-foot rear setback and exceed the maximum floor area limit.

This property is also in the Coastal Zone and the proposed construction required the City to approve a Coastal Development Permit under its state-certified Local Coastal Program. The LCP currently promises strict adherence to the Council imposed development standards, yet deviation from the LCP standards were also granted.

These actions set a worrisome precedent for others who wish to build oversized homes with reduced setbacks and larger-than-allowed Floor Area Limit. Thankfully, this proposal is now before you for review.

SPON and residents are once again asking why City staff and our governing representatives are allowing this to happen? It's creating more and more concern and frustration throughout the community. We keep asking ourselves why does this practice of advancing development proposals that do not abide by the rules governing development in our City continue?

SPON's request is that you direct your Community Development department, the property owners and their representatives to redesign the proposed resident to conform to the Newport Beach zoning codes governing this parcel of land. This is your opportunity to do right by the people you represent.

Thank you.

Respectfully submitted,

Dorothy Kraus
Vice President

SPON

PO Box 102 | Balboa Island, CA 92662 | VM/Text 949.864.6616
SPONNB.org | [Facebook @SPONNB](#) | [YouTube](#)
[Twitter @SPONNEWPORT](#) | [Instagram @SPONNEWPORT](#)

From: Andy Lingle <andylinge@gmail.com>
Sent: Thursday, September 20, 2018 10:15 AM
To: Dept - City Council; City Clerk's Office
Cc: ANDY LINGLE
Subject: Public Comments: 3200 Ocean Blvd Project Approval Review

Sept. 20, 2018

Dear City Council,

These days I cringe whenever I see green construction fences in our neighborhoods. They all too often signal the destruction of a perfectly nice house and the construction of the largest building that can be squeezed onto the lot. Variances may be granted for smaller than code setbacks and higher than code heights in order to make room for an even bigger building. In order to make room for the resulting massive building, trees, lawns, and shrubs are torn out and the little space that's left is paved, with perhaps a few pots of unhappy flowers scattered about.

When all this has been accomplished the enormous house is put on the market for millions, and many people are doing just that.

Seeing this happening all around me I wondered what I could do with my house if I wanted to get in on this new trend. So I asked a friend, who is very good at this stuff, how I could maximize the size of my own house and make millions too.

Here's what I found out:

Current home size: 1187 square feet.

Lot size: 7800 square feet.

Calculated buildable area: 4810 square feet after deducting the required 20 ft. front setback and a 6 ft. side and back setback.

Notes:

1. Home size in Newport is regulated by a Floor Area Limit (FAL). That limit determines the biggest house you can build on your lot.
2. In my part of the city we are allowed a FAL of 2.0 meaning I can build two stories and double the Floor Area Limit to 9,620 square feet.
3. Wow - that gives me a LOT of scope for mansionization and profit if I build the biggest house my lot size allows.
4. At 9620 square feet my house will be 8 TIMES bigger than it is now! Of course I'll have to tear out all the trees and shrubs and lawn to make room for it, but I'm sure you'll agree - it will be **IMPRESSIVE!**

Frankly, all of this mansionization makes me sad and angry. My hope is that the council will begin to deny or modify huge projects like the one proposed for 3200 Ocean Blvd. and the others like it that are springing up everywhere.

Thank you for this opportunity to comment.

Andrea Lingle

2024 Diana Lane,

Newport Beach, CA, 92660

949-548-7646

From: Martha Peyton <mpeyton112@gmail.com>
Sent: Thursday, September 20, 2018 12:25 PM
To: Dept - City Council; City Clerk's Office; info@lineinthesandpac.org
Subject: Public Comments: 3200 Ocean Blvd Project Approval Review

Dear Council Members,

I am unable to attend the September 25th meeting to protest the 3200 Ocean Blvd variance. I am vehemently opposed to the practice of approving extra buildable area when variances are approved for lot anomalies and set-back adjustments. You are giving away buildable area and contributing to the proliferation of bulky over-sized atrocities. Please put an end to this unwarranted practice now!

Martha Peyton
212 1/2 Fernleaf Ave

Sent from my iPad

From: Tom Moulson. <tjmoulson@cox.net>
Sent: Thursday, September 20, 2018 9:46 AM
To: Dept - City Council; City Clerk's Office; info@lineinthesandpac.org
Subject: Public Comments: 3200 Ocean Blvd Project Approval Review

Follow Up Flag: Follow up
Flag Status: Flagged

Dear City Council:

I am totally opposed to the trend in building houses out in all dimensions permissible. It may enhance property values, including mine, but it deprives the "mansion" and the neighborhood around it of greenery, flowers, and charm. The trend is gradually changing the character of Newport Beach for the worse. I wish the ratio of building area to lot space were less generous and believe residents would overwhelmingly agree.

I hope our councillors value the clear and reasonable wishes of the community.

Yours truly,

Tom Moulson
Sea Lane
Corona del Mae