

**From:** [Ted](#)  
**To:** [Planning Commissioners](#)  
**Subject:** Fwd: Residential design standards amendments  
**Date:** Monday, September 14, 2020 6:33:56 PM

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Dear planning commission,

Please adopt changes to third story massing on Balboa Island.

Thank-you

Ed Black  
Balboa Island

**From:** [Randy Black](#)  
**To:** [Planning Commissioners](#)  
**Subject:** RESIDENTIAL DESIGN STANDARDS CODE AND LCP AMENDMENTS - September 17 Meeting  
**Date:** Tuesday, September 15, 2020 10:24:12 AM

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**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Chairman Weigand, Vice Chair Lowrey, Secretary Kleiman and Commissioners Ellmore, Klaustermeier, Koetting and Rosene:

My family has owned property in Newport Beach since 1926. As a Newport Beach native and homeowner, and as a real estate broker and investor for over thirty years, I strongly support the proposed amendments to the Residential Design Standards regarding third story massing and the definition of gross floor area.

These amendments have been extensively vetted and are overwhelmingly popular with property owners. They are endorsed by all three community organizations on Balboa Island - the Balboa Island Improvement Association, the Little Balboa Island Property Owners Association and the Balboa Island Preservation Association. Multiple City Council meetings and public hearings have been held since the City Council initiated these amendments almost a year and a half ago and the great majority of residents (other than a handful of developers and real estate brokers) have shown their strong support.

The amendments have been approved by the California Department of Housing and Community Development and by the Newport Beach City Attorney, thereby removing any legal concerns.

#### Property Values

The proposed amendments are necessary to maintain property values in the City. The existing charm and character of Balboa Island, Corona del Mar, the Peninsula and the other affected neighborhoods support their very high property values. Unfortunately, too many of the newest properties detract from this charm and character by building to the uttermost limits of the design standards adopted in 2010, thereby creating unsightly three story boxes that overwhelm their neighborhoods. In my experience, deterioration of property values inevitably follows unregulated, out of control construction and property use. We need to preserve the unique qualities of our neighborhoods that make them desirable places to live. The proposed amendments preserve and enhance property values in our community without reducing the building footprint, height or buildable area.

#### Property Rights

All City planning, zoning and development regulations could be said to restrict the right of a property owner to do exactly as he or she pleases, regardless of the effect on the neighborhood. However, the purpose of such regulations is to, among other things, protect the property rights of adjoining landowners to enjoy their properties by preserving the existing character of an area, and to provide for further development to take place in a manner consistent with existing neighborhood uses. This is why you are not allowed to build a ten story commercial facility in a single family residential neighborhood. Unfortunately, since the

Residential Code Update in 2010, clever architects have taken advantage of unintended loopholes to build three story boxes (similar to the unfortunate “tall skinnies” of Huntington Beach) which overwhelm the adjoining properties and trample upon their neighbors’ rights. These amendments are necessary to protect the property rights of these neighbors.

The proposed amendments are essentially technical corrections to conform the 2010 residential design standards to their original intent. They do not reduce any homeowner’s available building footprint, height or buildable area. These amendments will help maintain property values and property rights in the affected areas. They are overwhelmingly popular with property owners. I urge you to adopt them.

Thank you for your kind attention.

Respectfully,

Randy Black  
Newport Beach