

Public Hearing Monday August, 20th 2008

My name is Will Higman and I live at 422 Redlands ave Newport Beach, CA 92663. I am here to represent my family that includes my wife Kristin and two young children ages 9 and 10.

The reason I am here today is to dispute and ask that the modification permit for 418 Redlands Ave be denied.

The reason that I am in opposition is because the property and proposed addition do not conform to the existing City of Newport Beach guidelines of Planning, Zoning, Public Works and the current Building codes.

Also the property has been utilized as a multi unit rental property for many years and we live in an R-1 district.

On top of all this the existing structure is dilapidated run down and an eyesore to the neighborhood. The buildings on the property appear to have been pieced together over the years by many remodels and my understanding is that many of the additions were done without building permits. I have had this confirmed to me by City officials and by one of the prior owners.

I will address each one of these items separately.

First of all I will address some zoning and planning issues. The biggest concern I have here is that the structure is built 13'6" into the current City setback. This is the only house in the immediate Newport Heights area that protrudes and blocks the views of all of the homes up the street.

The current building specifically affects me because it blocks the light and airflow to my front yard. Also Redlands is one of the only streets in the Heights that have an ocean view as you drive down the street. This beautiful picture is obscured by an unusual house sticking out 13 feet. Above and beyond the sun and airflow issues is the fact that the house is “not compatible with the existing development in the neighborhood”. (Page 20.93-5 Modification Permits)

If the modification and addition are approved my family and property will be burdened with an additional 13’ of building structure above and beyond any other adjacent property in the Newport Heights Area.

Because the existing property is built out 13’ into the current setback and by connecting the front and back with the proposed addition, my family will be permanently blacked out by this additional footage. If this is allowed to happen my property and neighborhood will be permanently damaged.

I have reviewed the plans that have been submitted to the City and the proposed additional square footage calculations are misleading. Because it is very unusual and unheard of in our neighborhood to build an open ceiling “art studio” I am asking for the calculations to be figured as a normal two story single “family” home. The fact is that the proposed addition is two stories in height and therefore is affecting me the same as a true and conforming two story family home on the exterior. With that said we need to add an additional 441 square feet of “volume” to the calculations which put the total addition at 1664 square feet. I only care what is on the outside of the proposed building which is 19’ 9” of solid stucco. Staying with my point this makes the total addition ratio at +58% and totally unacceptable and nonconforming. On top of all this there will be no stopping future interior additions once the extra footprint is granted.

On a side note I have to tell you about my troubles with the City that occurred in 1999 regarding the design of my new home which we completed in 2000. My original design and plans that included a front facing garage and driveway made it through Planning, Building, multiple plan checks and building permits. When I went to the public works desk to pay for my curb cut permit it was discovered at that moment that building and planning should have directed me to Public Works prior to designing the house with a new "front facing driveway".

During my negotiations with the City which included meetings with City Council members along with a special group meeting that included the City Manager, City Attorney, along with the heads of Planning, Building and Public Works.

During this exact meeting I used my neighbor's house at 418 Redlands as an example of why the City should allow me to have a front facing driveway. After all the reason I designed my house with the front facing garage was to be neighborly and to try to match the property at 418 Redlands all possible. During this meeting the group came back to me with the fact that the house at 418 was built many years ago before new set back and design regulations. They went on to tell me that "if" the owner of 418 were to ever apply for a permit that changes any interior walls or exterior foot print that it would not be allowed! The City officials also told me during the meeting that the only way that my neighbor could add on was if they changed the design of their house to conform to the new set back regulations. They did say however that they would have to grant permits for maintenance issues.

In the end it was decided by all parties that it was in the best interest of the neighborhood for me to redesign my home which we did.

I do have to say however that now that the issue has come up again I am expecting the City to follow through with their "formal position" from 1999 and prevent any further change in footprint to 418 Redlands!

The other zoning issue I have is the fact that the property has been used for many years as a multi unit rental property. I am aware that the code allows for a "granny unit" however the person that has been living in the detached rear unit for many years is young and is of no relation to the homeowner. Also the front unit is actually a two unit structure making the property a three (3) unit in total. It appears on paper that Mrs. Redwillow is making an attempt to "redevelop" and convert the current buildings into a single family home however the new home must fit in with the neighborhood to preserve value for all of us. I am also concerned that the new rear addition will be bootlegged through the system and will continue to be offered as a rental unit.

In regards to Public Works the property as I mentioned has a front driveway approach with a curb cut. City Council Policy L-2 requires property owners that redevelop their property to remove any driveway access from the adjacent street and to close off the curb cut. Also because the property is built forward 13' it does not allow the homeowner enough space to properly park a car up off the street and into the property. In basic if a future owner were to attempt to park a large vehicle or pickup truck in the driveway it would stick out into the street. (picture) This is a big problem also because the driveway is "within the intersection" of Broad and Redlands in which there are no stop signs. I have witnessed many near misses over the years as Mrs. Redwillow backs out into the intersection. Also the existing driveway that provides the only "pedestrian access" to the main house does not conform to the maximum slope requirement of 8%. I am not an engineer but the slope of the existing front driveway appears to be at about 15%-20% slope. (picture)

We are however in total opposition of any addition that would change the footprint of any of the structures on the property. If any change in footprint is to take place we respectfully ask that the City require the property be updated to the current zoning and planning set backs along with full compliance of the City Council Policy L-2. We feel that this is in the best interest of all the homeowners in Newport Heights.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Higman". The signature is written in a cursive style with a long horizontal stroke at the end.

**Will Higman
422 Redlands Ave
Newport Beach, CA 92663**