



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
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**CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT**
July 11, 2013
Agenda Item No. 1

SUBJECT: Bay Shore Drive Lot Line Adjustment - (PA2013-096)
2482 and 2500 Bay Shore Drive
▪ Lot Line Adjustment No. LA2013-005

APPLICANT: Scott T. Burnham, Property Owner

PLANNER: Jason Van Patten, Planning Technician
(949) 644-3234, jvanpatten@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** R-1 (Single-Unit Residential)
- **General Plan:** RS-D (Single-Unit Residential Detached)

PROJECT SUMMARY

A lot line adjustment application to adjust the boundary between two contiguous parcels. The applicant is requesting to shift the interior lot line to the east. Land taken from 2500 Bay Shore Drive will be added to the adjacent parcel at 2482 Bay Shore Drive. There will be no change in the number of parcels.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Lot Line Adjustment No. LA2013-005 (Attachment No. ZA 1).

DISCUSSION

- The applicant requests to adjust the interior lot line between two contiguous lots located in the R-1 Zoning District (Single-Unit Residential). The subject property and those within the vicinity are developed with single-unit residences.

- The General Plan designates the subject property as Single-Unit Residential Detached (RS-D) which is intended for detached single-family residential dwelling units on a single legal lot and does not include condominiums or cooperative housing.
- The requested lot line adjustment will move the interior lot line to the east. The proposal would take approximately 1,311.25 square feet of land from 2500 Bay Shore Drive, Parcel 2 of LLA 87-6, and add to 2482 Bay Shore Drive, Parcel 1 of LLA 2003-032.
- The existing area of Parcel 1 which is 0.187 acres (8,165.15 square feet) will increase in area to 0.218 acres (9,476.40 square feet). The existing area of Parcel 2 which is 0.161 acres (7,007.65 square feet) will be reduced to an area of 0.131 acres (5,696.40 square feet). The minor boundary adjustment will have no impact on access to or use of the affected properties.
- The proposed parcels are consistent with the development pattern in the area which consists primarily of lots 40 feet wide. The original subdivision of the subject parcels (Tract Map 2095 dated May 7, 1954) and those within the vicinity across Bay Shore Drive (Tract Map 1140 dated May 16, 1946) created lots ranging from 40 feet to 87 feet wide. The lot width of the proposed Parcel 1 (2500 Bay Shore Drive) will be 45.22 feet and the proposed Parcel 2 (2482 Bay Shore Drive) will be 71.22 feet wide. The lot depth will not be affected by the proposed adjustment.
- If approved, the request to shift the interior lot line will require the demolition of the existing residence located on Parcel 2. The applicant will be required to obtain a building permit for the removal of the structure and have the permit finalized prior to the recordation of the lot line adjustment.
- The number of parcels will remain unchanged as a result of the boundary adjustment.
- Future development of both parcels will be required to comply with all applicable R-1 development standards specified by the Zoning Code.

ENVIRONMENTAL REVIEW

The project has been reviewed, and qualifies for a Class 5 (Minor Alterations in Land Use Limitations) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act). The Class 5 exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent,

which do not result in any changes in land use or density, including but not limited to minor lot line adjustments not resulting in the creation of any new parcel.

The proposed lot line adjustment is consistent with all of the requirements of the Class 5 exemption.

PUBLIC NOTICE

Notice of this application 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 prior to the decision date, 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.

APPEAL PERIOD:

An appeal may be filed with the Director of Community Development within 10 days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:



Jason Van Patten
Planning Technician

JM/jvp

Attachments: ZA 1 Draft Resolution
 ZA 2 Vicinity Map
 ZA 3 Lot Line Adjustment Exhibits

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2013-0##

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT LINE ADJUSTMENT NO. LA2013-005 TO ADJUST THE BOUNDARIES OF PARCELS LOCATED AT 2482 AND 2500 BAY SHORE DRIVE (PA2013-096)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Scott T. Burnham, Property Owner, with respect to property located at 2482 and 2500 Bay Shore Drive, and legally described as Parcel 1 of Lot Line Adjustment No. 2003-032 in the City of Newport Beach, County of Orange, State of California, Recorded 11-5-03 as Instrument No. 2003001362485, and Parcel 2 as shown on Exhibit B attached to Lot Line Adjustment 87-6, recorded March 20, 1989 as Instrument No. 89-143482 of official records of Orange County, California, respectively, requesting approval of a lot line adjustment.
2. The applicant proposes to shift the interior lot line between contiguous parcels of land, to the east. The boundary adjustment will take land from 2500 Bay Shore Drive, Parcel 2, LLA 87-6, and add to 2482 Bay Shore Drive, Parcel 1, LLA 2003-032. The lot line adjustment will increase the area of Parcel 1 from 0.187 acres (8,165.15 square feet), to 0.218 acres (9,476.40 square feet), approximately. It will reduce the area of Parcel 2 from 0.161 acres (7,007.65 square feet), to 0.131 acres (5,696.40 square feet), approximately. The minor boundary adjustment will have no impact on access to or use of the affected properties.
3. The subject properties are located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject properties are located within the Coastal Zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-B).
5. A public hearing was held on July 11, 2013, 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 meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project has been reviewed, and qualifies for a Class 5 (Minor Alterations in Land Use Limitations) categorical exemption pursuant to Title 14 of the California Code of

Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act).

2. The Class 5 exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including but not limited to minor lot line adjustments not resulting in the creation of any new parcel. The proposed lot line adjustment will not change the number of existing parcels, will not result in any change in use or density, and is consistent with all of the requirements of the Class 5 exemption.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.76.020 (Procedures for Lot Line Adjustments) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *Approval of the lot line adjustment will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot line adjustment is consistent with the legislative intent of this title.*

Facts in Support of Finding:

- A-1. The proposed lot line adjustment will not change the single-unit residential use of the lots affected, and will maintain consistency with the General Plan Land Use Designation, Single-Unit Residential Detached (RS-D), which is intended for detached single-family residential dwelling units on a single lot.
- A-2. The proposed lot line adjustment is consistent with the purpose identified in Chapter 19.76 (Lot Line Adjustments) of the Newport Beach Municipal Code. The lot line adjustment constitutes a minor boundary adjustment involving two adjacent lots where the land taken from one lot is added to an adjacent lot. The original number of lots will remain unchanged after the adjustment.
- A-3. The subdivision does not affect open space areas in the City, does not negatively impact surrounding land owners in as much as it affects an interior lot line between two adjacent lots, and will not in itself be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood.
- A-4. Public improvements and infrastructure currently exist within the neighborhood and the lot line adjustment will not result in the need for additional improvements and/or facilities.

Finding:

- B. *The number of parcels resulting from the lot line adjustment remains the same as before the lot line adjustment.*

Facts in Support of Finding:

- B-1. The project site consists of Parcel 1 of Lot Line Adjustment No. 2003-032 and Parcel 2 of Lot Line Adjustment 87-6. The proposed lot line adjustment will shift the interior lot line between two adjacent legal lots, taking land from Parcel 2 and adding to Parcel 1. No additional lots will result from the adjustment and the number remains the same as before the lot line adjustment.

Finding:

- C. *The lot line adjustment is consistent with applicable zoning regulations except that nothing herein shall prohibit the approval of a lot line adjustment as long as none of the resultant parcels is more nonconforming as to lot width, depth and area than the parcels that existed prior to the lot line adjustment.*

Facts in Support of Finding:

- C-1. The proposed parcels conform with the development pattern in the area which consist primarily of lots 40 feet wide. The original subdivision of the subject parcels (Tract Map 2095 dated May 7, 1954) and those within the vicinity across Bay Shore Drive (Tract Map 1140 dated May 16, 1946) created lots ranging between 40 feet and 87 feet wide. The width of the proposed Parcel 1 (2500 Bay Shore Drive) will be 45.22 feet and the proposed Parcel 2 (2482 Bay Shore Drive) will be 71.22 feet wide.
- C-2. The depth of the resultant parcels will remain the same as the parcels that existed prior to the lot line adjustment.
- C-3. Setbacks applicable to properties in the R-1 Zoning District shall continue to apply to the adjusted parcels in the same way that they applied to the previous parcel configuration.
- C-4. The proposed parcels will comply with all applicable regulations of the Zoning Code and there will be no change in allowed land uses, density, or intensity on the properties.

Finding:

- D. *Neither the lots as adjusted nor adjoining parcels will be deprived of legal access as a result of the lot line adjustment.*

Facts in Support of Finding:

- D-1. Legal access to the subject properties from Bay Shore Drive will not be affected by the lot line adjustment.

Finding:

- E. *That the final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley for any of the parcels that are included in the lot line adjustment.*

Facts in Support of Finding:

- E-1. The final configuration of the parcels involved will not result in the loss of direct vehicular access from any street for either parcel. Vehicular access to both parcels is taken from Bay Shore Drive and the final configuration will not change this.
- E-2. There are no alleys located within or near the subject parcels.

Finding:

- F. *That the final configuration of a reoriented lot does not result in any reduction of the street side setbacks as currently exist adjacent to a front yard of any adjacent key, unless such reduction is accomplished through a zone change to establish appropriate street side setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street side setbacks are appropriate, and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.*

Facts in Support of Finding:

- F-1. The final configuration of the parcels will not result in a requirement for revised setbacks since the lots are not proposed to be reoriented. Therefore, the lot line adjustment does not result in the reduction of any existing setbacks.
- F-2. Adjustment of the interior lot line will not create a nonconforming setback situation for either parcel.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2013-005 (PA2013-096), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

2. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 11th DAY OF JULY, 2013.

BY:

Brenda Wisneski, AICP, Zoning Administrator

DRAFT

EXHIBIT "A"

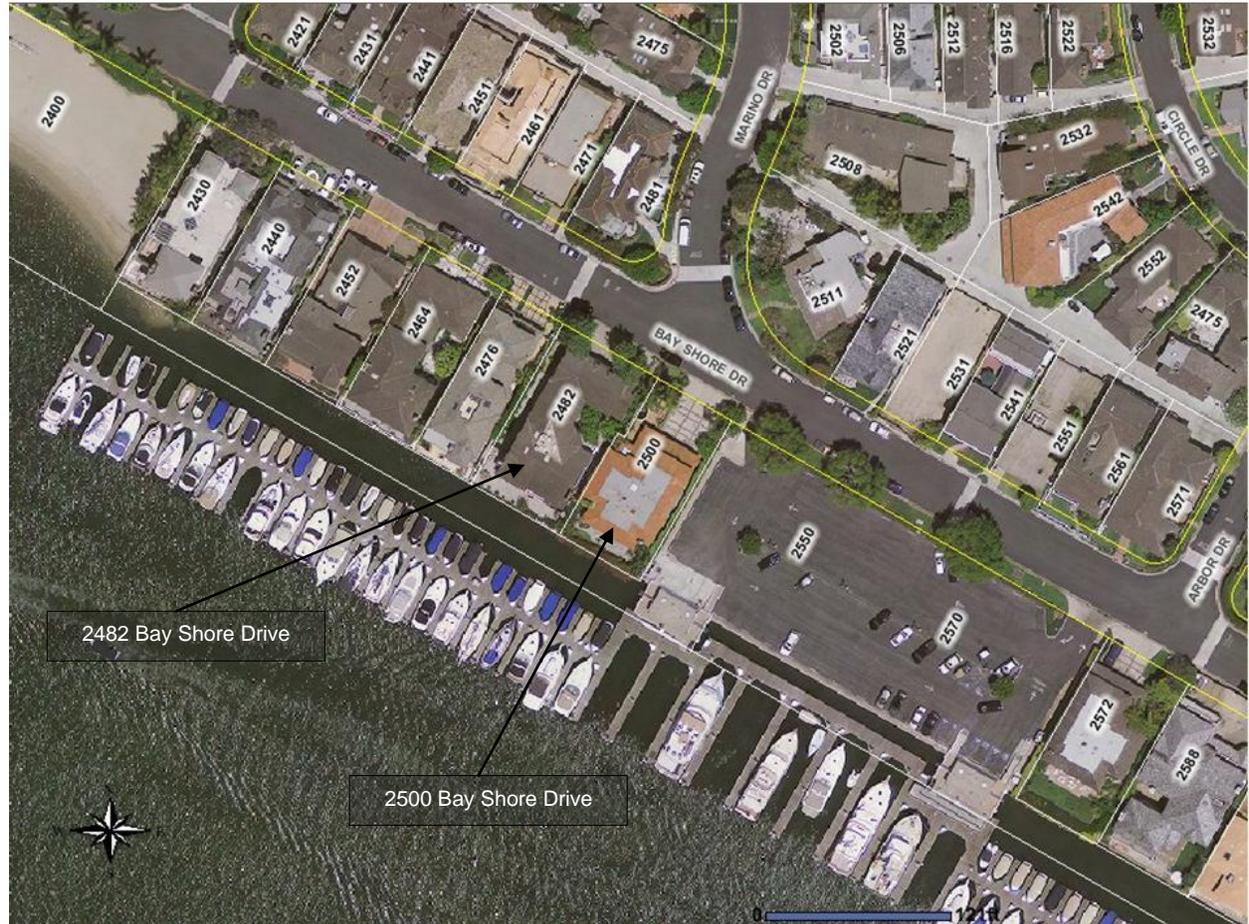
CONDITIONS OF APPROVAL

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. Prior to release for recordation of the lot line adjustment, the applicant shall obtain a building permit to demolish the residential structure on the proposed Parcel 1 (2500 Bay Shore Drive), and demolition shall be completed and finalized by the Building Division.
3. 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 the Bay Shore Drive Lot Line Adjustment including, but not limited to, Lot Line Adjustment No. LA2013-005 (PA2013-096). 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.
4. 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 Title 20 Planning and Zoning of the Newport Beach Municipal Code.

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Lot Line Adjustment No. LA2013-005
PA2013-096

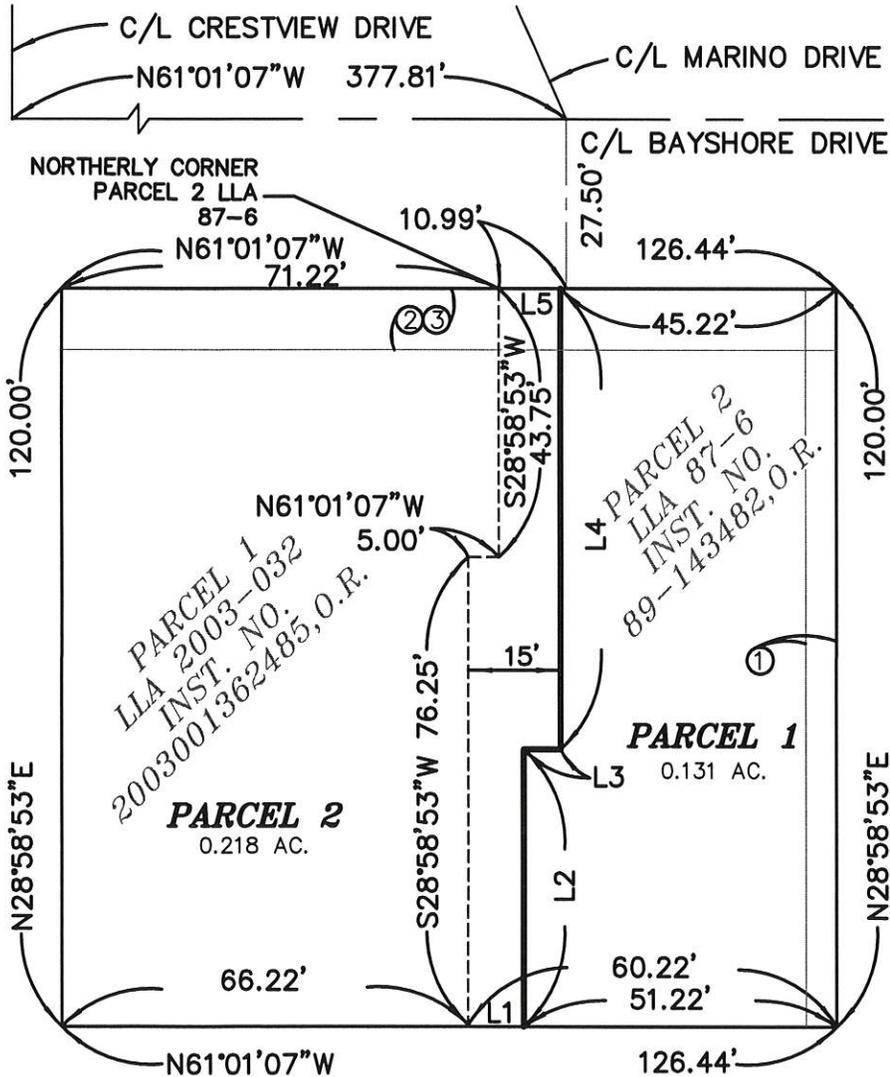
2482 and 2500 Bay Shore Drive

Attachment No. ZA 3

Lot Line Adjustment Exhibits

EXHIBIT "B"
CITY OF NEWPORT BEACH
LOT LINE ADJUSTMENT NO. LA _____
 (MAP)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCEL NUMBER
SCOTT T. BURNHAM	049-177-44	PARCEL 1
SCOTT T. BURNHAM	049-177-45	PARCEL 2



LEGEND
 _____ EXISTING LOT LINE TO REMAIN
 - - - - - LOT LINE TO BE REMOVED
 _____ PROPOSED LOT LINE

BASIS OF BEARINGS:
 BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF BAY SHORE DRIVE BEING N61°01'07"W PER TRACT NO. 2095, M.M. 58/19.

NOTE:
 BEARINGS AND DISTANCES SHOWN HEREON ARE RECORD AND MEASURED PER TRACT NO. 2095 AND LOT LINE ADJUSTMENT NO. 2003-032.

COURSE DATA:
 L1 - S61°01'07"E 9.00'
 L2 - N28°58'53"E 45.00'
 L3 - N61°01'07"W 6.00'
 L4 - N28°58'53"E 75.00'
 L5 - N61°01'07"W 10.00'

EASEMENTS:
 ① - STORM DRAIN AND INCIDENTAL PURPOSES SHOWN ON TRACT NO. 2095, 5.00' WIDE
 ② - IN FAVOR OF SOUTHERN CALIFORNIA EDISON RECORDED 3418/155, O.R., 10.00' WIDE
 ③ - IN FAVOR OF PACIFIC TELEPHONE AND TELEGRAPH COMPANY RECORDED 3773/585, 10.00' WIDE

SCALE: 1"=30'

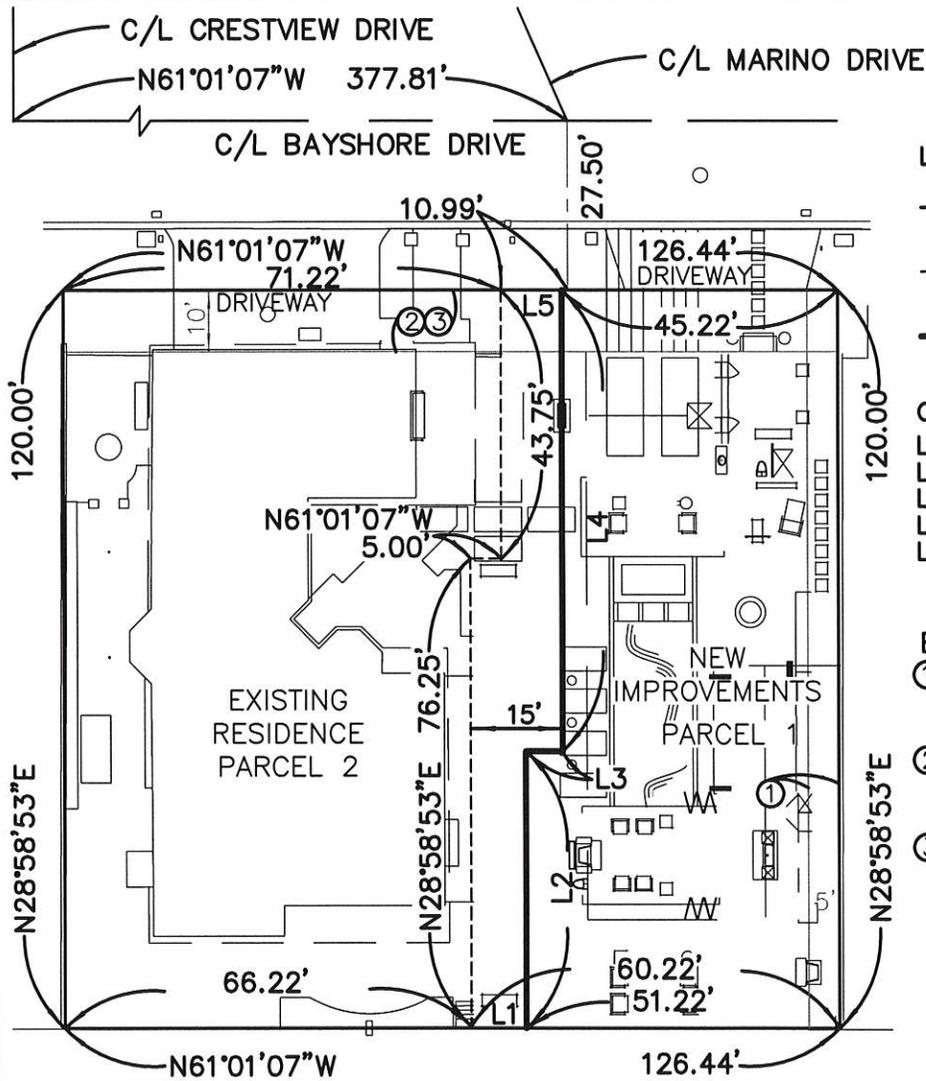
Jeffery L. Mays

 JEFFERY L. MAYS L.S. NO. 6379
 EXP: 12/31/14



EXHIBIT "C"
 CITY OF NEWPORT BEACH
 LOT LINE ADJUSTMENT NO. LA _____ - _____
 (SITE PLAN)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCEL NUMBER
SCOTT T. BURNHAM	049-177-44	PARCEL 1
SCOTT T. BURNHAM	049-177-45	PARCEL 2



LEGEND

- EXISTING LOT LINE TO REMAIN
- LOT LINE TO BE REMOVED
- PROPOSED LOT LINE

COURSE DATA:

- L1 - S61°01'07"E 9.00'
- L2 - N28°58'53"E 45.00'
- L3 - N61°01'07"W 6.00'
- L4 - N28°58'53"E 75.00'
- L5 - N61°01'07"W 10.00'

EASEMENTS:

- ① - STORM DRAIN AND INCIDENTAL PURPOSES SHOWN ON TRACT NO. 2095, 5.00' WIDE
- ② - IN FAVOR OF SOUTHERN CALIFORNIA EDISON RECORDED 3418/155, O.R., 10.00' WIDE
- ③ - IN FAVOR OF PACIFIC TELEPHONE AND TELEGRAPH COMPANY RECORDED 3773/585, 10.00' WIDE

SCALE: 1"=30'

 JEFFERY L. MAYS L.S. NO. 6379
 EXP: 12/31/14

