



Hugh Nguyen  
Clerk - Recorder

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COMMUNITY

OCT 20 2015

DEVELOPMENT  
CITY OF NEWPORT BEACH

Orange County  
Clerk-Recorder's Office  
12 Civic Center Plaza, Room 106, P.O. Box 238, Santa Ana, CA 92702  
web: [www.oc.ca.gov/recorder/](http://www.oc.ca.gov/recorder/)  
PHONE (714) 834-2500 FAX (714) 834-5284

CITY OF NEWPORT BEACH  
100 CIVIC CENTER DR PO BOX 1768  
NEWPORT BEACH, CA 92658-8915

Office of the Orange County Clerk-Recorder  
**Memorandum**

SUBJECT: NOTICE OF EXEMPTION

The attached notice was received, filed and a copy was posted on 09/01/2015

**It remained posted for 30 (thirty) days.**

Hugh Nguyen  
Clerk - Recorder  
In and for the County of Orange

By: HARO, RICARDO

Deputy

Public Resource Code 21092.3

The notice required pursuant to Sections 21080.4 and 21092 for an environmental impact report shall be posted in the office of the County Clerk of each county \*\*\* in which the project will be located and shall remain posted for a period of 30 days. The notice required pursuant to Section 21092 for a negative declaration shall be so posted for a period of 20 days, unless otherwise required by law to be posted for 30 days. The County Clerk shall post notices within 24 hours of receipt.

Public Resource Code 21152

All notices filed pursuant to this section shall be available for public inspection, and shall be posted \*\*\* **within 24 hours of receipt** in the office of the County Clerk. Each notice shall remain posted for a period of 30 days.

\*\*\* Thereafter, the clerk shall return the notice to the local **lead** agency \*\*\* within a notation of the period it was posted. The local **lead** agency shall retain the notice for not less than nine months.

Additions or changes by underline; deletions by \*\*\*

POSTED

Recorded in Official Records, Orange County  
Hugh Nguyen, Clerk-Recorder



50.00

\* \$ R 0 0 0 7 8 0 1 8 8 8 \$ \*

201585000813 3:24 pm 09/01/15

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SEP 01 2015

HUGH NGUYEN, CLERK-RECORDER

Notice of Exemption

BY: RH DEPUTY

<b>To:</b> County Clerk County of Orange Public Services Division Santa Ana, CA 92702	<b>From:</b> City of Newport Planning Division 100 Civic Center Drive P.O. Box 1768 Newport Beach, CA 92658-8915 (949) 644-3200 
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**Project Title:** 2908 Ocean LLC Lot Line Adjustment

**Project Applicant:** Nicholson Companies - Nanci Glass/Tom Nicholson, 4220 Von Karman Avenue, Newport Beach, CA 92660, 949-756-8393

**Project Location – Specific:** 2908 and 2914 Ocean Boulevard

**Project Location – City:** Newport Beach **Project Location – County:** Orange

**Description of Nature, Purpose and Beneficiaries of Project:** Proposal is a lot line adjustment to adjust the interior boundary between contiguous parcels fronting Ocean Boulevard. Land will be taken from 2908 Ocean Boulevard and reallocated to 2914 Ocean Boulevard. There will be no change in the number of parcels.

**Name of Public Agency Approving Project:** City of Newport Beach

**Name of Person or Agency Carrying out Project:** Nicholson Companies - Nanci Glass/Tom Nicholson

**Exempt Status: (check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number:** Minor Alterations in Land Use Limits (15305)
- Statutory Exemptions. State code number:** \_\_\_\_\_

FILED

SEP 01 2015

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: RH DEPUTY

**Reasons why project is exempt:** Class 5 exempts 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 minor lot line adjustments. The proposed project involves a boundary adjustment affecting the interior line between two properties and there will be no change in land use or density.

**Lead Agency**

**Contact Person:** Jason Van Patten **Area Code/Telephone/Extension:** 949-644-3234

**If filed by applicant:**

- 1. Attach certified document of exemption finding.
- 2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

**Signature:** [Signature] **Date:** 9/1/15 **Title:** Assistant Planner

Signed by Lead Agency  Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

# 0793

## RESOLUTION NO. ZA2015-050

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT LINE ADJUSTMENT NO. LA2015-004 TO ADJUST THE BOUNDARIES OF PARCELS LOCATED AT 2908 AND 2914 OCEAN BOULEVARD (PA2015-127)

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Nanci Glass, on behalf of Nicholson Companies, with respect to property located at 2908 and 2914 Ocean Boulevard, and legally described as portions of Lots 4, 5, and 6 in Block 35, Resubdivision of Corona del Mar (Certificate of Compliance No. 2015-100), requesting approval of a lot line adjustment.
2. The applicant proposes to adjust the interior boundary between two (2) contiguous parcels located along Ocean Boulevard. Land will be taken from 2908 Ocean Boulevard and reallocated to 2914 Ocean Boulevard. There will be no change in the number of parcels.
3. The subject property is 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 property is 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 August 27, 2015, 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 15305, 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 minor lot line adjustments. The proposed boundary adjustment affects the interior lot line between two (2) properties and there will be no change in land use or density.

### 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:

1. The proposed boundary adjustment will not change the single-unit residential use of each property. The General Plan Land Use Designation, Single-Unit Residential Detached (RS-D), which is intended for detached single-family residential dwelling units will be maintained for each parcel.
2. The proposed boundary adjustment will not result in a development pattern which is inconsistent with the surrounding neighborhood. Each of the resulting parcels will continue to allow for single-unit development, which is consistent with the existing General Plan Land Use and zoning designations.
3. The proposed boundary 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 (2) adjacent lots where land taken from one (1) lot is added to an adjacent lot. The original number of lot will remain unchanged after the adjustment.
4. The subdivision is consistent with the General Plan, does not affect open space areas in the City, does not negatively impact surrounding land owners, and will not in itself be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood, because the adjustment affects an interior lot line between two (2) adjacent lots.

#### 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:

1. The proposed boundary adjustment will shift the interior boundary between two (2) adjacent lots. 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:

1. The proposed boundary adjustment will reallocate 1,305.06 square feet from 2908 Ocean Boulevard to 2914 Ocean Boulevard. The existing area of 2908 Ocean Boulevard is 0.23 acres (10,049.64 square feet). The proposed lot line adjustment will reduce the area to 0.201 acres (8,744.58 square feet). The existing area of 2914 Ocean Boulevard is 0.16 acres (7,032.22 square feet). The proposed lot line adjustment would increase the area to 0.191 acres (8,337.28 square feet).
2. Lots in Block 35 of the original resubdivision of Corona del Mar were 30 feet wide and extended the depth of the block. The proposed parcels measure 45.53 and 47.83 feet wide and are consistent with the original depths.
3. The proposed parcels comply with the 5,000-square-foot minimum site area requirement for interior lots in single-unit residential zoning districts and comply with all applicable zoning regulations. The proposed parcels are not more nonconforming in lot width than the parcels that existed prior to the lot line adjustment and those in the vicinity, 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:

1. The proposed boundary adjustment affects the interior lot line between two (2) adjacent lots. Legal access to the subject properties will be from Ocean Boulevard and Ocean Lane.

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:

1. Vehicular access to the parcels proposed will be taken from Ocean lane at the rear. The existing curb cut along Ocean Boulevard is required to be closed prior to recordation of the lot line adjustment in order to provide additional on-street parking along Ocean Boulevard, consistent with policies in the General Plan.

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:

1. The final configuration of the proposed parcels does not result in a requirement for revised setbacks since the parcels are not proposed to be reoriented. The required setbacks applicable to lots in the R-1 Zoning District shall continue to apply to the adjusted lots per the Zoning Code.

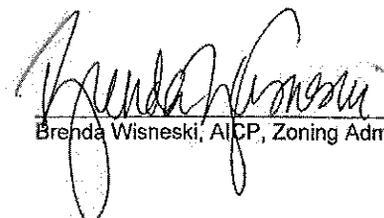
SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2015-004, 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 ten (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 27<sup>TH</sup> DAY OF AUGUST, 2015.**

By:

  
Brenda Wisneski, AICP, Zoning Administrator

**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. This approval shall expire and become void unless exercised within twenty-four (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.
3. Prior to recordation of the lot line adjustment, curb cut access along Ocean Boulevard shall be closed.
4. Prior to recordation of the lot line adjustment, all existing structures are required to be demolished or relocated to comply with applicable setback requirements.
5. Prior to recordation of the lot line adjustment, the applicant shall submit the exhibits to the Public Works Department for final review.
6. Prior to building permit issuance for any demolition or alteration on site, photographs documenting the inventoried historic structure shall be provided in compliance with Coastal Land Use Plan Policy 4.5.2-1.
7. 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 2908 Ocean LLC Lot Line Adjustment including, but not limited to, LA2015-004 (PA2015-127). 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.



State of California—Natural Resources Agency  
**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
**2015 ENVIRONMENTAL FILING FEE CASH RECEIPT**

RECEIPT# 30-2015 0793
STATE CLEARING HOUSE # (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY CITY OF NEWPORT BEACH		DATE 09/01/2015
COUNTY/STATE AGENCY OF FILING Orange		DOCUMENT NUMBER 201585000813
PROJECT TITLE 2908 OCEAN LLC LOT LINE ADJUSTMENT		
PROJECT APPLICANT NAME NICHOLSON COMPANIES		PHONE NUMBER ( 949 ) 644-3234
PROJECT APPLICANT ADDRESS 4220 VON KARMAN AVENUE	CITY NEWPORT BEACH	STATE CA
		ZIP CODE 92660

PROJECT APPLICANT (Check appropriate box):

- Local Public Agency   
  School District   
  Other Special District   
  State Agency   
  Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,069.75	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,210.00	\$	0.00
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board only)	\$850.00	\$	0.00
<input type="checkbox"/> Projects Subject to Certified Regulatory Programs (CRP)	\$1,043.75	\$	0.00
<input checked="" type="checkbox"/> County Administrative Fee	\$50.00	\$	50.00
<input checked="" type="checkbox"/> Project that is exempt from fees			
<input checked="" type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Other _____		\$	_____

PAYMENT METHOD:

- Cash   
  Credit   
  Check   
  Other \_\_\_\_\_
- TOTAL RECEIVED \$ 50.00

SIGNATURE x	PRINTED NAME AND TITLE RICARDO HARO
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