



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663

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CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

July 25, 2012

Agenda Item 2

SUBJECT: 601-701 Newport Center Drive LLA - (PA2012-075)
601 and 701 Newport Center Drive
▪ Lot Line Adjustment No. LA2012-003

APPLICANT: Stantec Consulting Services, Inc.

PLANNER: Javier S. Garcia, AICP, Senior Planner
(949) 644-3206, jgarcia@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** PC-56 (North Newport Center)
- **General Plan:** CR (Regional Commercial)

PROJECT SUMMARY

A lot line adjustment application to adjust the boundary between two contiguous parcels to accommodate new site improvements and building addition. The land taken from the 701 Newport Center Drive parcel will be added to the adjacent 601 Newport Center Drive parcel. There will be no increase in the number of parcels. The parcels are located within Fashion Island Regional Shopping Center.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. 2012-____ approving Lot Line Adjustment No. LA2012-003 (Attachment No. ZA 1).

DISCUSSION

Both parcels are located within Fashion Island Regional Shopping Center. The lot line adjustment increases the area of the existing 1.568-acre, 601 Newport Center Drive parcel by 0.158 acres to 1.726 acres. The area of the existing 701 Newport Center

Drive parcel is 2.658 acres and the proposed lot line adjustment would decrease the size to 2.5 acres.

DISCUSSION

- The subject properties are located within the Fashion Island Regional Shopping Center bounded by the Newport Center Drive ring road. The area in the vicinity of the project site is developed with commercial uses and professional office uses in and around Fashion Island and Newport Center.
- The General Plan designates both sites as CR (Regional Commercial). The CR land use category is intended to provide for a range of retail and service uses developed in the Fashion Island/Newport Center Area oriented to primarily serve the needs of and maintain compatibility with residential uses in the vicinity and the visiting public. The proposed department store expansion is consistent with this land use category.
- The project is compatible with existing and allowed uses within the regional shopping center. Other uses in the regional shopping center include restaurants, service uses, department stores, and retail uses including a grocery store.
- The area of the existing northerly site at 601 Newport Center Drive (Neiman Marcus Department Store), Parcel 1 of Parcel Map 67/2-3 is currently 1.568 acres. The proposed lot line adjustment would increase the size to total approximately 1.726 acres. The proposed lot line adjustment will move the interior lot lines between two legal lots. The proposed lot line adjustment will accommodate an addition to the Neiman Marcus Department Store and will not impact existing parking drive aisles or traffic circulation within the Fashion Island Regional Shopping Center.
- The area of the existing southerly site at 701 Newport Center Drive (Bloomingdales Department Store), Parcel 5 of Parcel Map 86-399 is approximately 2.658 acres. The proposed lot line adjustment would decrease the size of the subject property by 0.158 acres to approximately 2.5 acres.

PUBLIC NOTICE

Notice of this application was 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.

APPEAL PERIOD: An appeal may be filed with the Director of Community Development within ten (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:



Javier S. Garcia, AICP,
Senior Planner

BW/jsg

- Attachments: ZA 1 Draft Resolution
 ZA 2 Vicinity Map
 ZA 3 Project Plans

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2012-___

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT LINE ADJUSTMENT NO. LA2012-003 TO ADJUST THE BOUNDARIES OF PARCELS LOCATED AT 601 and 701 NEWPORT CENTER DRIVE (PA2012-075)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Stantec Consulting Services, Inc., representing the Irvine Company, with respect to properties located at 601 and 701 Newport Center Drive, and legally described as Parcel 5 of Parcel Map No. 86-399 and Parcel 1 of Parcel Map 67/2-3, respectively, requesting approval of a lot line adjustment.
2. The applicant proposes a lot line adjustment to allow the construction of an addition to the existing Neiman Marcus Department Store. The proposed lot line adjustment will move the interior lot lines to encompass area that lies between the existing buildings. Existing parking drive aisles or traffic circulation within the Fashion Island Regional Shopping Center will not be impacted. The lot line adjustment increases the area of the existing 1.568 acre, 601 Newport Center Drive parcel (Neiman Marcus Department Store) by 0.158 acres to 1.726 acres. The area of the existing 701 Newport Center Drive parcel (Bloomingdales Department Store) is 2.658 acres and the proposed lot line adjustment would decrease the size to 2.5 acres.
3. The subject property is located within the CR (Regional Commercial) Zoning District and the General Plan Land Use Element category is CR (Regional Commercial).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on July 25, 2012 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. 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. This Lot Line Adjustment has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 5 (Minor Alterations in Land Use Limitations). The project consists of minor alteration in land use limitations in areas with an average slope of less than 20 percent which does not result in any changes in land use or density. The Lot Line Adjustment will not result in the creation of a new parcel.

SECTION 3. REQUIRED FINDINGS.

Lot Line Adjustment

In accordance with Section 19.76.020.I of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a lot line adjustment 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 Title 19.*

Facts in Support of Finding

1. The proposal is consistent with the General Plan since the lots are for regional commercial retail and service uses, which are permitted uses in this area.
2. The adjusted lot lines of the subject parcels will not result in a development pattern which is inconsistent with the surrounding neighborhood.
3. Public improvements will be required of the Applicant per the Municipal Code and the Subdivision Map Act.
4. The proposed lot line adjustment is consistent with the purpose identified by Title 19. The subdivision is consistent with the General Plan, does not affect open space areas in the City, does not negatively impact surrounding land owners, lot purchasers, or residents, provides for orderly controlled growth within the City, provides adequate traffic circulation and utilities, will not negatively affect property values.

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 project site described in the proposal consists of legal building sites including Parcel 5 of Parcel Map No. 86-399 and Parcel 1 of Parcel Map 67/2-3. The proposed lot line adjustment will move the interior lot lines between two legal lots.
2. The 0.158 acres taken from Parcel 5 of Parcel Map No. 86-399 will be added to Parcel 1 of Parcel Map 67/2-3 and no additional parcels will result from 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 width, depth, and area than the parcels that existing prior to the lot line adjustment.*

Facts in Support of Finding

1. The proposed lot widths and lot sizes are consistent with the zoning requirements of Title 20 of the Newport Beach Municipal Code.
2. The parcels proposed to be created by the lot line adjustment comply with all applicable zoning regulations and there will be no change in allowed land uses, density, or intensity on the properties.
3. The existing and proposed development on the parcels will comply with the Zoning Code development standards.

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. Adequate access to all of the reconfigured parcels is provided within the Fashion Island Regional Shopping Center.
2. That the design of the development will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.

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. The final configuration of the parcels involved will not result in the loss of direct vehicular access from any street for any parcels included in the lot line adjustment. 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

1. The final configuration of the parcels does not result in a requirement for revised setbacks since the lots are not proposed to be reoriented. The setbacks shall continue to apply to the realigned parcels per the Zoning Code development regulations in the same way that they did to the previous parcel configuration; therefore the lot line adjustment does not result in the reduction of any existing street side setbacks.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2012-003 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 Subdivision Code, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 25th DAY OF JULY, 2012.

By:

Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"**PROCEDURAL REQUIREMENTS**

1. *Lot Line Adjustment No. LA2012-003 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.*
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
4. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
5. Property corners shall be monumented by a licensed Land Surveyor or registered Civil Engineer authorized to perform surveying by the State Board of Civil Engineers and Land Surveyors (Pre-1982 with numbers prior to 33,966). Surveyor or Civil Engineer to submit a "Corner Record" or "Record of Survey" to the County Surveyor.
6. All applicable Public Works Department plan check fees shall be paid prior to review of the lot line adjustment and grant deeds.
7. Prior to recordation of the lot line adjustment, grant deeds indicating the changes in titles of ownership should be submitted to the Public Works Department for review and approval.
8. The lot line adjustment and grant deeds reviewed and approved by the Public Works Department should be filed concurrently with the County Recorder and County Assessor's Offices.
9. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Division.
10. All improvements shall be constructed as required by Ordinance and the Public Works Department.
11. 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 601-701 Newport Center LLA including, but not limited to, Lot Line Adjustment No. LA2012-003 (PA2012-075). 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.

DRAFT

Attachment No. ZA 2

Vicinity Map

Attachment No. ZA 3

Application with Exhibits

EXHIBIT "A"
 CITY OF NEWPORT BEACH
 LOT LINE ADJUSTMENT NO. LA 2012-_____
 LEGAL DESCRIPTION

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
THE IRVINE COMPANY LLC	442-021-26	PARCEL 1
THE IRVINE COMPANY LLC	442-021-13	PARCEL 2

PARCEL 1:

PARCEL 5 OF PARCEL MAP NO. 86-399, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 221, PAGES 30 THROUGH 36, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION OF SAID PARCEL 5 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY TERMINUS OF THAT CERTAIN COURSE HAVING A BEARING AND DISTANCE OF "NORTH 49°50'54" WEST, 121.86 FEET" IN THE NORTHEASTERLY BOUNDARY OF SAID PARCEL 5;

THENCE, ALONG SAID CERTAIN COURSE, SOUTH 49°51'08" EAST, 121.86 FEET TO THE SOUTHEASTERLY TERMINUS OF SAID CERTAIN COURSE;

THENCE, CONTINUING ALONG SAID NORTHEASTERLY BOUNDARY OF PARCEL 5, NORTH 85°08'52" EAST, 41.43 FEET;

THENCE, LEAVING SAID NORTHEASTERLY LINE OF PARCEL 5, THE FOLLOWING COURSES:

SOUTH 40°08'52" WEST, 68.31 FEET;

NORTH 49°51'08" WEST, 163.42 FEET;

NORTH 40°08'52" EAST, 51.28 FEET TO SAID NORTHEASTERLY BOUNDARY OF PARCEL 5;

THENCE, ALONG SAID NORTHEASTERLY BOUNDARY OF PARCEL 5, SOUTH 04°51'08" EAST, 17.35 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 2.500 ACRES, MORE OR LESS.



Stantec

STANTEC CONSULTING INC.

19 TECHNOLOGY DRIVE

IRVINE, CA 92618

949.923.6000

stantec.com

EXHIBIT "A"
 CITY OF NEWPORT BEACH
 LOT LINE ADJUSTMENT NO. LA 2012-_____

LEGAL DESCRIPTION

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
THE IRVINE COMPANY LLC	442-021-26	
THE IRVINE COMPANY LLC	442-021-13	

PARCEL 2:

PARCEL 1 OF A PARCEL MAP, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 67, PAGES 2 AND 3 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH THAT PORTION OF PARCEL 5 OF PARCEL MAP NO. 86-399, IN SAID CITY OF NEWPORT BEACH, PER MAP FILED IN BOOK 221, PAGES 30 THROUGH 36, INCLUSIVE, OF PARCEL MAPS, IN SAID OFFICE OF THE COUNTY RECORDER, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY TERMINUS OF THAT CERTAIN COURSE HAVING A BEARING AND DISTANCE OF "NORTH 49°50'54" WEST, 121.86 FEET" IN THE NORTHEASTERLY BOUNDARY OF SAID PARCEL 5,

THENCE, ALONG SAID CERTAIN COURSE, SOUTH 49°51'08" EAST, 121.86 FEET TO THE SOUTHEASTERLY TERMINUS OF SAID CERTAIN COURSE,

THENCE, CONTINUING ALONG SAID NORTHEASTERLY BOUNDARY OF PARCEL 5, NORTH 85°08'52" EAST, 41.43 FEET,

THENCE, LEAVING SAID NORTHEASTERLY LINE OF PARCEL 5, THE FOLLOWING COURSES:

SOUTH 40°08'52" WEST, 68.31 FEET,

NORTH 49°51'08" WEST, 163.42 FEET,

NORTH 40°08'52" EAST, 51.28 FEET TO SAID NORTHEASTERLY BOUNDARY OF PARCEL 5,

THENCE, ALONG SAID NORTHEASTERLY BOUNDARY OF PARCEL 5, SOUTH 04°51'08" EAST, 17.35 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 1.726 ACRES, MORE OR LESS.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

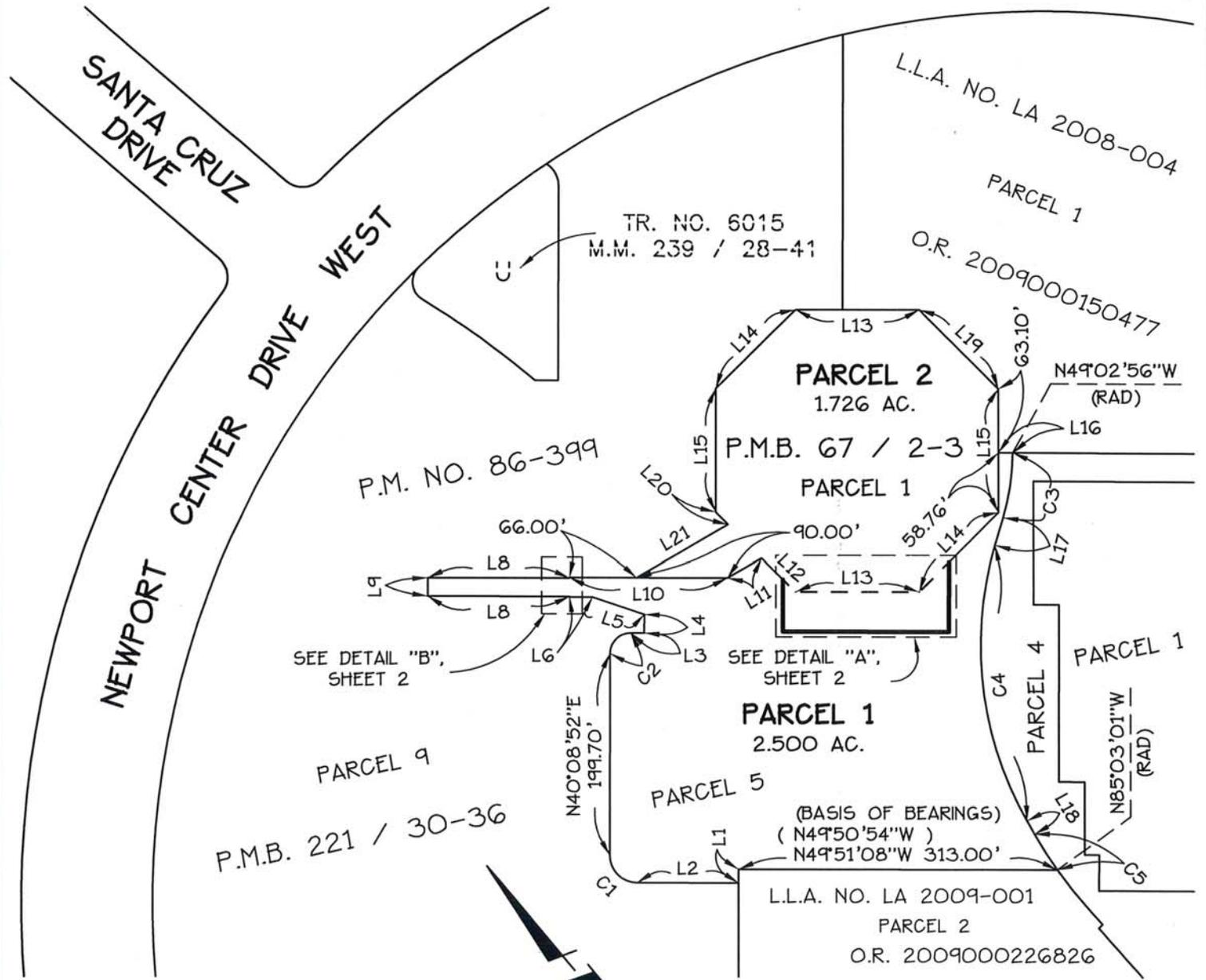
James O. Steines

JAMES O. STEINES, P.L.S. 6086



EXHIBIT "B"
CITY OF NEWPORT BEACH
LOT LINE ADJUSTMENT NO. 2012-_____
MAP

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
THE IRVINE COMPANY LLC	442-021-26	PARCEL 1
THE IRVINE COMPANY LLC	442-021-13	PARCEL 2



SEE SHEET 2 FOR BASIS OF BEARINGS.
 SEE SHEET 2 FOR LINE & CURVE TABLES.
 () RECORD DATA PER P.M. NO. 86-399.

SCALE: 1" = 150'

LEGEND

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

THIS EXHIBIT WAS PREPARED BY
 OR UNDER MY DIRECTION

 JAMES O. STEINES, P.L.S. 6086



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EXHIBIT "B"
 CITY OF NEWPORT BEACH
 LOT LINE ADJUSTMENT NO. LA 2012-_____
 MAP

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
THE IRVINE COMPANY LLC	442-021-26	PARCEL 1
THE IRVINE COMPANY LLC	442-021-13	PARCEL 2

EASEMENT NOTES:

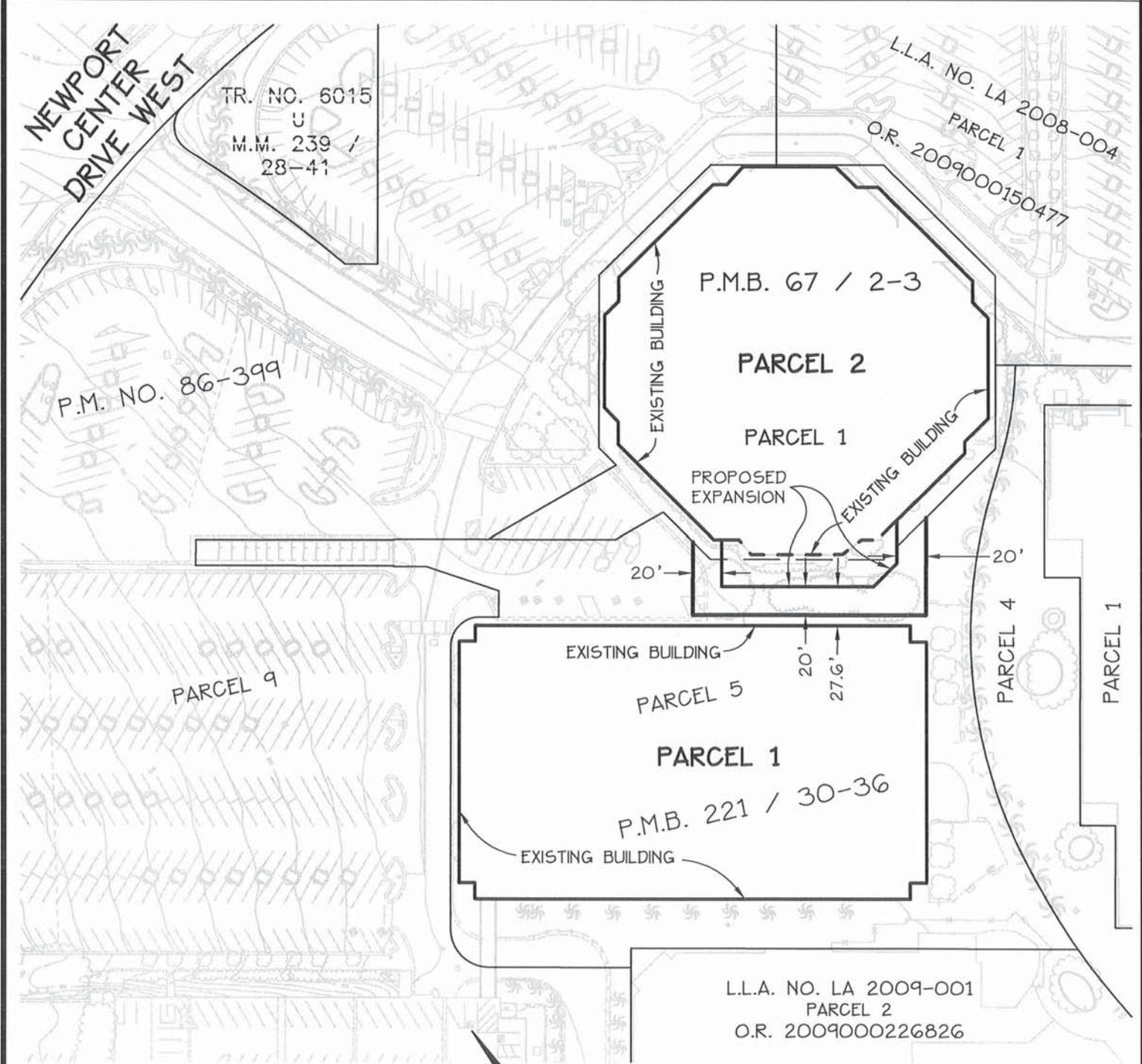
- 1 AN EASEMENT TO COUNTY OF ORANGE FOR AVIGATION AND INCIDENTAL PURPOSES RECORDED MARCH 17, 1964 IN BOOK 6965, PAGE 721, OF OFFICIAL RECORDS.
(EASEMENT IS BLANKET IN NATURE)

- 2 AN EASEMENT TO SOUTHERN CALIFORNIA EDISON FOR WIRES, CABLES, CONDUITS, MANHOLES, VAULTS, PULL BOXES, MARKERS AND OTHER FIXTURES AND APPLIANCES AND INCIDENTAL PURPOSES RECORDED DECEMBER 24, 1968 IN BOOK 8826, PAGE 750, OF OFFICIAL RECORDS.
(EXACT LOCATION IS INDETERMINATE FROM RECORD DATA)

A PARTIAL QUITCLAIM OF THE ABOVE EASEMENT RECORDED JUNE 3, 1998 AS INSTRUMENT NO. 19980345448 OF OFFICIAL RECORDS.

EXHIBIT "C"
CITY OF NEWPORT BEACH
LOT LINE ADJUSTMENT NO. LA 2012-_____
SITE PLAN

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
THE IRVINE COMPANY LLC	442-021-26	PARCEL 1
THE IRVINE COMPANY LLC	442-021-13	PARCEL 2



LEGEND

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

SCALE: 1" = 100'



Stantec

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