



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
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**CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT**
May 16, 2013
Agenda Item No. 3

SUBJECT: 1200 W. Ocean Front Lot Line Adjustment - (PA2013-062)
1200 W. Ocean Front
▪ Lot Line Adjustment No. LA2013-003

APPLICANT: Shirish J. and Sandhya Shirish Shah, Property Owners

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 underlying legal lot line between two contiguous lots. The existing single-family residence with detached garage and detached carport were previously developed across two legal lots. The applicant is requesting to shift the interior lot line between the two lots 3-feet to the northwest to allow the subject residence to occupy a single parcel and enable future development of the adjacent parcel for single-unit residential development. Land taken from Lot 2 will be added to Lot 1. There will be no change in the number of lots.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Lot Line Adjustment No. LA2013-003 (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 property was previously improved with a single-family residence, detached garage, and detached carport that were constructed across two legal lots.
- The proposed lot line adjustment would take approximately 308 square-feet of land from Lot 2, Block 12, Tract Map 234 and add to Lot 1, Block 12, Tract Map 234. The resulting net area of the proposed Parcel 1 would be 4,043 square-feet and 3,428 square-feet for the proposed Parcel 2. The lot line adjustment would allow the existing single-family residence to be located entirely on the proposed Parcel 1 and enable future development of the proposed Parcel 2 for single-unit residential purposes. The minor boundary adjustment will have no impact with access to the subject properties from West Ocean Front and to the alley at the rear.
- The number of parcels will remain unchanged as a result of the boundary adjustment.

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 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:



Jason Van Patten
Planning Technician

JG/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. LA2013-003 TO ADJUST THE BOUNDARIES OF PARCELS LOCATED AT 1200 WEST OCEAN FRONT (PA2013-062)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Shirish J. and Sandhya Shirish Shah, property owners, with respect to property located at 1200 West Ocean Front, and legally described as Lots 1 and 2 in Block 12 of Tract 234 as shown on a Map Recorded in Book 13, Pages 36 and 37 of Miscellaneous Maps, Records of Orange County California, requesting approval of a lot line adjustment.
2. The applicant proposes to adjust the interior lot line between contiguous parcels of land 3-feet to the northwest. The existing single-family residence, detached garage, and detached carport were developed across two legal parcels of land. The boundary adjustment would take land from Lot 2 and add to Lot 1 allowing the subject residence to be located on one single parcel of land, the proposed Parcel 1, and enable future development of the proposed Parcel 2 for single-unit residential purposes.
3. The proposed lot line adjustment would take approximately 308 square-feet of land from Lot 2, Block 12, Tract Map 234 and add to Lot 1, Block 12, Tract Map 234. The resulting net area of the proposed Parcel 1 would be 4,043 square-feet and 3,428 square-feet for the proposed Parcel 2.
4. 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).
5. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-C).
6. A public hearing was held on May 16, 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 lot line adjustment will not result in a development pattern which is inconsistent with the surrounding neighborhood as the request is to accommodate an existing single-family residential property on one single parcel, and allow for a future single-unit development on an adjacent parcel which is consistent with the General Plan Land Use Plan and zoning designations.
- A-3. 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-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 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-5. Public improvements and infrastructure currently exist within the neighborhood and the lot line adjustment, in and of itself, 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 subject residence was originally constructed across two legal lots, Lot 1 and Lot 2 in Block 12 of Tract 234. The proposed lot line adjustment will adjust the interior lot line between two adjacent legal lots, taking land from Lot 2 and adding it to Lot 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 lot line adjustment will take approximately 308 square-feet of land from Lot 2 and add to Lot 1. The resulting net areas of the proposed Parcel 1 and 2, which are 4,043 square-feet and 3,428 square-feet, respectively, is consistent with the range of lot sizes in the vicinity within Block 12, Tract 234.
- C-2. The proposed parcels comply with all applicable zoning regulations, are not more nonconforming as to lot width, depth and area than the parcels that existed prior to the lot line adjustment, 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. In as much as the adjustment affects the interior lot line between two adjacent lots, adequate access to the subject residence from West Ocean Front and the alley at the rear is not 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 lots involved will not result in the loss of direct vehicular access from any street for any lots included in the lot line adjustment. Vehicular access to the existing residential property is taken from the adjacent alley and the final configuration will not change this.

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 both lots does not result in a requirement for revised setbacks since the lots are not proposed to be reoriented. The required setbacks in effect for lots in the R-1 Zoning District shall continue to apply to the adjusted lots per the Zoning Code, just as they applied to the previous lot configuration.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2013-003 (PA2013-062), 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 days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community

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 the release for recordation of the lot line adjustment, the applicant shall apply for a building permit to remove the detached carport, and all work fulfilling this requirement shall be completed and finalized by the Building Division.
3. Prior to the release for recordation of the lot line adjustment, the applicant shall apply for a building permit to remove non-conforming encroachments from the required side-yard setbacks of the proposed Parcel 1, and all work fulfilling this requirement shall be completed and finalized by the Building Division.
4. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department for construction or demolition. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.
5. 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 1200 W. Ocean Front lot line adjustment including, but not limited to, Lot Line Adjustment No. LA2013-003 (PA2013-062). 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.
6. 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. LA2013-003
PA2013-062

1200 W. Ocean Front

Attachment No. ZA 3

Lot Line Adjustment Exhibits

EXHIBIT "A"
 CITY OF NEWPORT BEACH
 LOT LINE ADJUSTMENT LA 2013-
 (LEGAL DESCRIPTION)

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
SHIRISH & SANDHYA SHAH	047-241-14	PARCEL 1
SHIRISH & SANDHYA SHAH	047-241-14	PARCEL 2

PARCEL 1:

ALL THAT CERTAIN LAND SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ORANGE, CITY OF NEWPORT BEACH, DESCRIBED AS FOLLOWS:

LOT 1 IN BLOCK 12 OF TRACT No. 234, AS SHOWN ON A MAP FILED IN BOOK 13, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

TOGETHER WITH

THE WESTERLY 3.00 FEET OF LOT 2 IN BLOCK 12 OF TRACT No. 234, AS SHOWN ON A MAP FILED IN BOOK 13, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA THE EASTERLY LINE OF SAID WESTERLY 3.00 FEET BEING 39.44 FEET PERPENDICULAR TO AND PARALLEL WITH THE WESTERLY LINE OF LOT 1 IN BLOCK 12 OF TRACT No. 234, AS SHOWN ON A MAP FILED IN BOOK 13, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

AREA= 4,043 SQ. FT MORE OR LESS

PARCEL 2:

ALL THAT CERTAIN LAND SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ORANGE, CITY OF NEWPORT BEACH, DESCRIBED AS FOLLOWS:

LOT 2 IN BLOCK 12 OF TRACT No. 234, AS SHOWN ON A MAP RECORDED IN BOOK 13, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

EXCEPTING

THE WESTERLY 3.00 FEET OF LOT 2 IN BLOCK 12 OF TRACT No. 234, AS SHOWN ON A MAP FILED IN BOOK 13, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA THE EASTERLY LINE OF SAID WESTERLY 3.00 FEET BEING 39.44 FEET PERPENDICULAR TO AND PARALLEL WITH THE WESTERLY LINE OF LOT 1 IN BLOCK 12 OF TRACT No. 234, AS SHOWN ON A MAP FILED IN BOOK 13, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

AREA= 3,428 SQ. FT MORE OR LESS

PREPARED BY :

Ron Miedema

RON MIEDEMA L.S. 4653
 REGISTRATION EXPIRES 9-30-2013

DATE: 03-11-2013

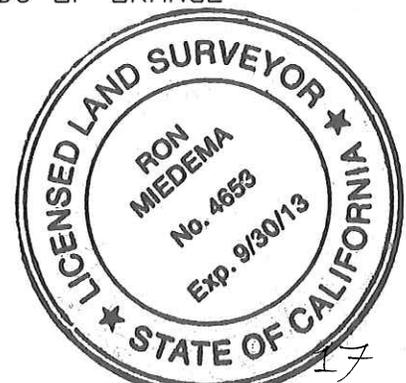
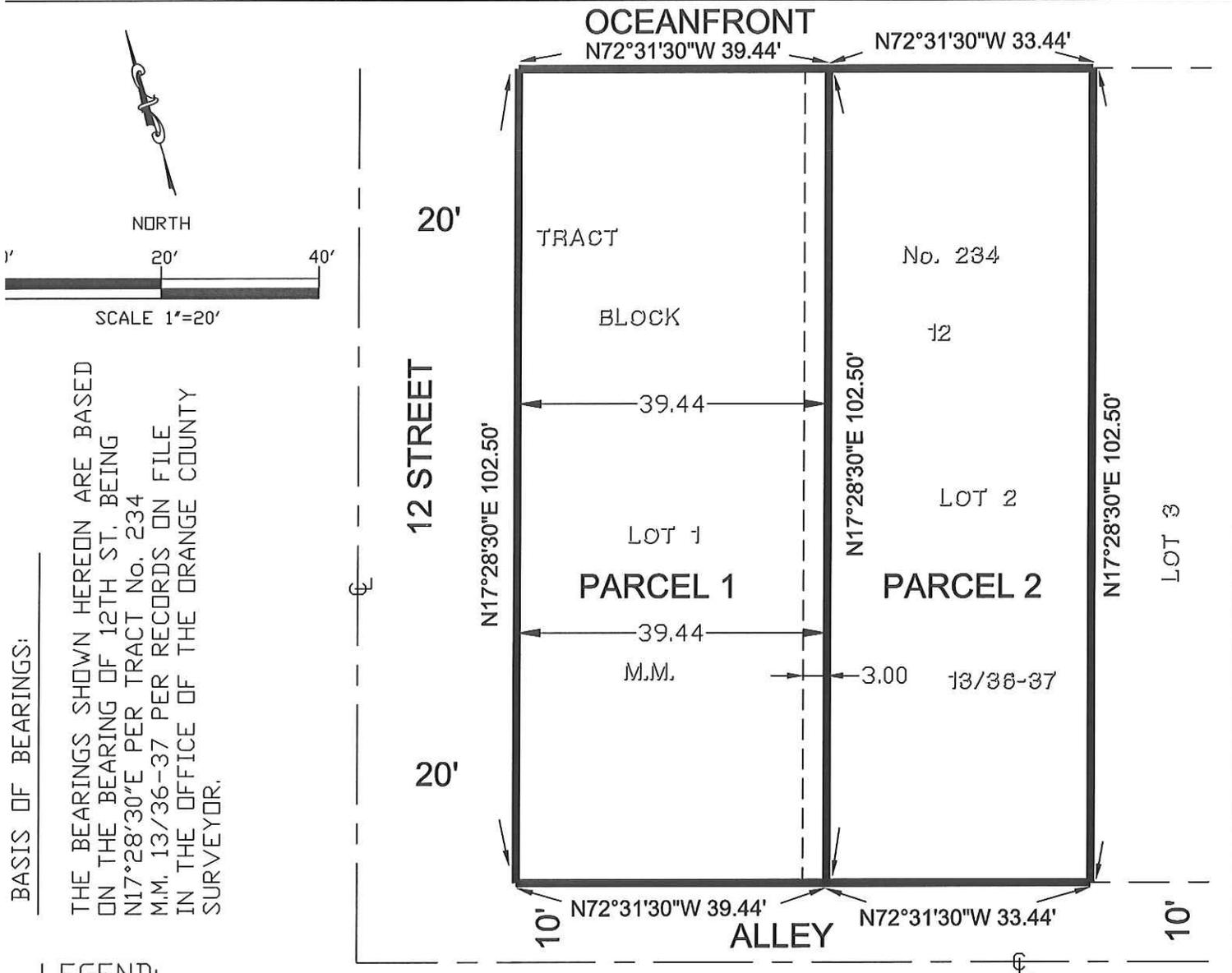


EXHIBIT "B"

CITY OF NEWPORT BEACH
 LOT LINE ADJUSTMENT L.A. 2013-
 (MAP)

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
SHIRISH & SANDHYA SHAH	047-241-14	PARCEL 1
SHIRISH & SANDHYA SHAH	047-241-14	PARCEL 2



BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING OF 12TH ST. BEING N17°28'30"E PER TRACT NO. 234 M.M. 13/36-37 PER RECORDS ON FILE IN THE OFFICE OF THE ORANGE COUNTY SURVEYOR.

LEGEND:

- — — — — CENTER LINE OF STREETS
- - - - - OLD LOT LINE TO BE REMOVED
- PROPOSED PARCEL 1 LINE
- — — — — EXISTING LOT LINE TO REMAIN

PREPARED BY: *Ron Miedema*
 RON MIEDEMA L.S. 4653

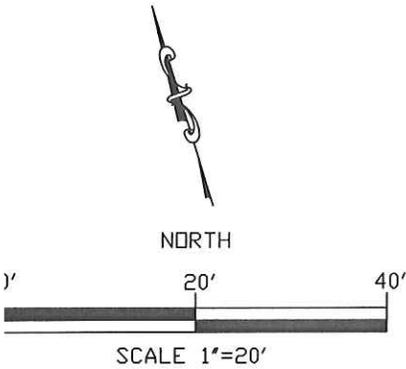
REGISTRATION EXPIRES 9-30-2013

DATE: 03-11-2013

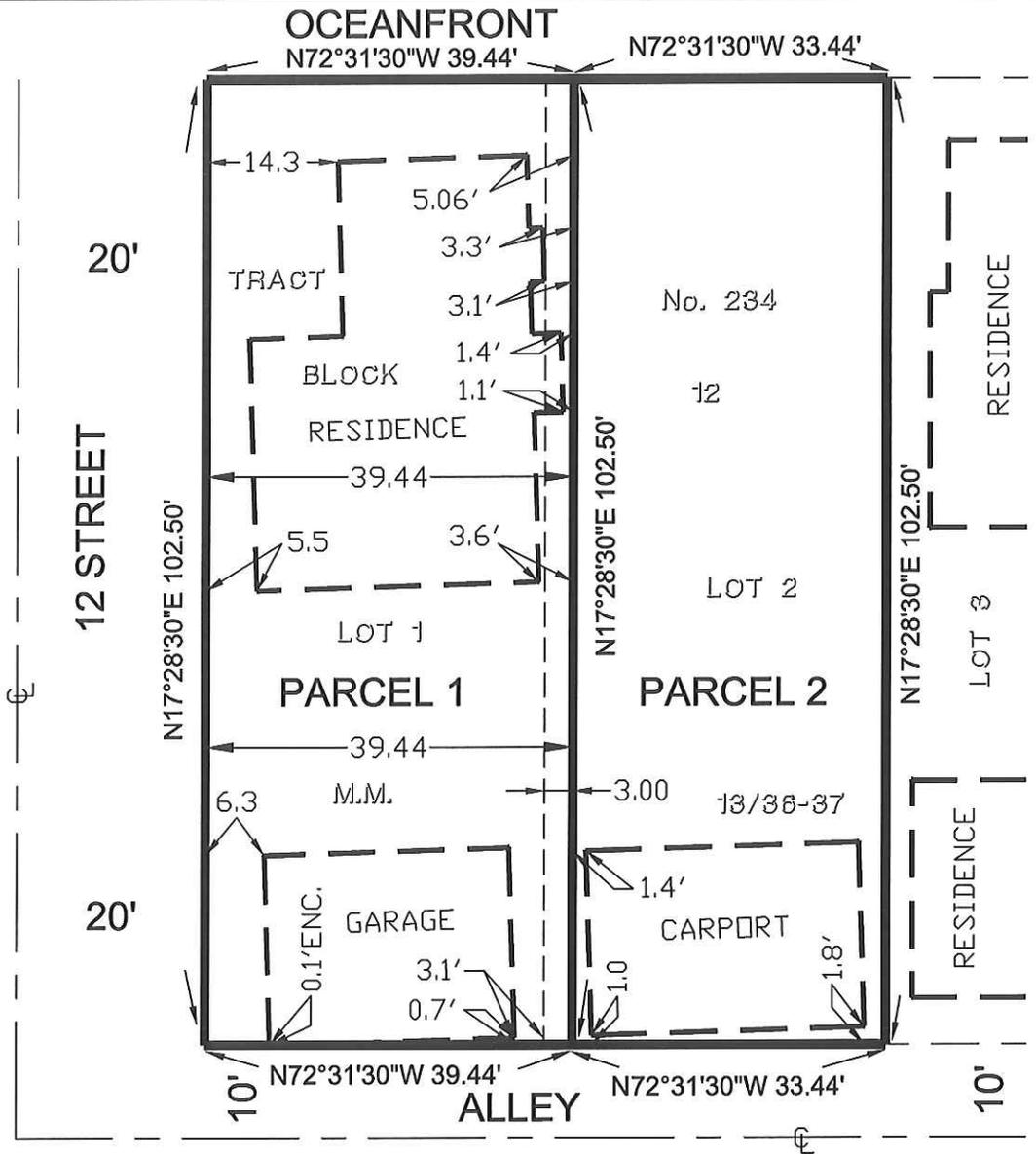
EXHIBIT "C"

CITY OF NEWPORT BEACH
 LOT LINE ADJUSTMENT LA. 2013-
 (SITE PLAN)

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
SHIRISH & SANDHYA SHAH	047-241-14	PARCEL 1
SHIRISH & SANDHYA SHAH	047-241-14	PARCEL 2



BASIS OF BEARINGS:
 THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING OF 12TH ST. BEING N17°28'30"E PER TRACT No. 234 M.M. 13/36-37 PER RECORDS ON FILE IN THE OFFICE OF THE ORANGE COUNTY SURVEYOR.



LEGEND:

- — — — — CENTER LINE OF STREETS
- - - - - OLD LOT LINE TO BE REMOVED
- PROPOSED PARCEL 1 LINE
- - - - - EXISTING LOT LINE TO REMAIN

PREPARED BY: *Ron Miedema*

RON MIEDEMA L.S. 4653
 REGISTRATION EXPIRES 9-30-2013

DATE: 03-11-2013

Item C.3. 1200 W. Ocean Front Lot Line Adjustment (PA2013-062)

Comments on Draft Resolution (Attachment No. ZA 1):

1. Section 3.A.:
 - a. Isn't the loss of parking for the existing residence going to have an impact on the neighborhood?
2. Section 3.C.:
 - a. The resolution does not make clear what lot area and dimensions are required to be conforming, and hence whether the new lots will be more or less conforming than they are now. The lot line adjustment exhibits in Attachment No. ZA 3, similarly fail to identify the width of the proposed Parcel 2.
 - b. Is it correct to guess they were originally equal at 36.44 feet wide, and that with 3.0 feet taken away, Parcel 2 will be 33.44 feet wide?
 - c. What is the minimum conforming lot area?
3. Exhibit "A" : Conditions of Approval
 - a. Should there be a condition requiring markers to be placed memorializing the new lot line?
 - b. Why is the existing carport being required to be demolished, but not the existing garage? Is the garage, with zero setback from the alley, conforming?
 - c. Will additional parking need to be provided on Parcel 1 to make up for the loss of the carport?
4. Lot Line Adjustment Exhibits (Attachment No. ZA 3):
 - a. I assume that most of the heavy black line ("Proposed Parcel 1 Line") was intended to be drawn as a dashed line signifying "Existing Lot Line to Remain."
 - b. Wouldn't "Proposed Parcel 1 Line" be better described as "Proposed Parcel 1 - Parcel 2 Boundary Line"?
5. General comments:
 - a. Presumably this application would not have been made unless the applicants had plans to develop Parcel 2. Is it possible they are planning to demolish and rebuild Parcel 1 at the same time? If so, would it not be better to leave the line where it is, retaining lots with equal sizes?
 - b. Since the City of Newport Beach currently lacks the authority to make findings of consistency with the Coastal Act, to comply with the California Supreme Court opinion in *Pacific Palisades Bowl Mobile Estates, LLC v_ City of Los Angeles*, [55 Cal.4th 783](#) (2012), it would seem the applicants need to apply for a Coastal Development Permit and receive either a permit, or waiver, before the lot line adjustment becomes final.

~~**Item C.4. West Marine Comprehensive Sign Program (PA2013-056)**~~

~~Comments on Draft Resolution (Attachment No. ZA 1):~~

1. Section 1.4.: ~~"The subject property is located within the **coastal-zone Coastal Zone.**"~~
2. Section 3.1:
 - a. A-1: ~~"The structure which the signs are proposed to be located **on** is the anchor retail building ..."~~
 - b. B-3: A statement is offered justifying ~~"the two signs proposed on the **west** elevation."~~ Does an additional justification need to be offered for the sign on the ~~**east**~~ elevation?