



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
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**CITY OF NEWPORT BEACH  
ZONING ADMINISTRATOR STAFF REPORT**  
July 11, 2013  
Agenda Item No. 2

**SUBJECT:** Flanagan Lot Merger- (PA2013-102)  
506 and 512 Signal Road  
▪ Lot Merger No. LM2013-002

**APPLICANT:** Joseph Flanagan

**PLANNER:** Melinda Whelan, Assistant Planner  
(949) 644-3221, [mwhelan@newportbeachca.gov](mailto:mwhelan@newportbeachca.gov)

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**ZONING DISTRICT/GENERAL PLAN**

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

**PROJECT SUMMARY**

A lot merger application and a request to waive the parcel map requirement for two properties, under common ownership, located north of Cliff Drive in the Cliff Haven Community. The merger would combine two legal lots, Parcel 1 and Parcel 2 of LLA2004-001, into a single lot to maintain a single-unit dwelling.

**RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. \_ approving Lot Merger No. LM2013-002 (Attachment No. ZA 1).

**DISCUSSION**

- The abutting lots on Signal Road are under common ownership.
- In 2004, the owner received approval of a lot line adjustment to accommodate an addition and a patio cover. The lot line adjustment resulted in two irregular shaped lots.



- 506 Signal Road is develop with a single-family dwelling. The merger will allow for the owners future plans to expand the existing kitchen and garage
- 512 Signal Road is developed with a sports court, and a pool which will be maintained. The merger will allow for the owners future plans to expand the existing kitchen and garage.
- Future development of the merged lot will be required to be consistent with the Zoning Code standards, including floor area, parking, and setback requirements.
- As demonstrated in the attached draft resolution, staff believes the proposed merger meets the requirements of Title 19 (Subdivisions) and the findings for approval can be made.

### **ENVIRONMENTAL REVIEW**

The project qualifies for an exemption from environmental review pursuant to Section 15305 (Class 5 Minor Alterations in Land Use Limitations) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which 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.

### **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 before the scheduled hearing, 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 of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:



Melinda Whelan  
Assistant Planner

GR/msw

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

# **Attachment No. ZA 1**

Draft Resolution



## RESOLUTION NO. ZA2013-DRAFT

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT MERGER LM2013-002 AND A WAIVER OF THE PARCEL MAP REQUIREMENT FOR A LOT MERGER LOCATED AT 506 & 512 SIGNAL ROAD (PA2013-102)

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Joseph Flanagan, with respect to property located at 506 and 512 Signal Road, and legally described as Parcel 1 and Parcel 2 of LLA2004-001 requesting approval of a Lot Merger.
2. The applicant proposes to merge two adjacent lots of land to create a single lot of land for an existing single-family development and future additions to this development.
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 not located within the coastal zone.
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. This project 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).
2. Class 5 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.

#### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.68.030 and 19.08.030 of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

*A. Approval of the merger will not, under the circumstances of this 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 merger is consistent with the legislative intent of this title.*

Facts in Support of Finding:

- A-1. The lot merger to combine two existing legal lots by removing the interior lot line between them will not result in the creation of additional lots.
- A-2. The project is in an area with an average slope of less than 20 percent.
- A-3. The lot merger is consistent with the purpose and intent of Title 19 (Subdivisions). The proposed merger will protect land owners and surrounding residents, and will preserve the public health, safety, and general welfare of the City.
- A-4. The future development on the proposed lot will be subject to the Zoning Code development standards.

Finding:

*B. The lots to be merged are under common fee ownership at the time of the merger.*

Facts in Support of Finding:

- B-1. The two lots to be merged are under common fee ownership as indicated by the title reports provided by the applicant.

Finding:

*C. The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.*

Facts in Support of Finding:

- C-1. The merged lot will retain the Single-Unit Residential zoning designation, consistent with the surrounding area. The R-1 Zoning District is intended to provide for areas appropriate for a detached single-family residential dwelling units located on a single lot.
- C-2. The new lot will comply with the Zoning Code requirements for lot width and size which requires a minimum width of 50 feet and minimum area of 5,000 square feet.

- C-3. The Land Use Element of the General Plan designates the subject site as Single-Unit Residential Detached (RS-D), which applies to a range of single family residential dwelling units.

Finding:

- D. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.*

Facts in Support of Finding:

- D-1. The lots as merged will not be deprived of legal access as the merged lot will abut a street consistent with existing conditions.
- D-2. No adjoining lots will be deprived of legal access as a result of the merger. The public streets were developed to provide vehicular access for the properties located in the area. Vehicular access to and from the subject site and adjacent properties would remain via the public street (Signal Drive).

Finding:

- E. The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.*

Facts in Support of Finding:

- E-1. Lot widths in the area vary from 60 to 125 feet; likewise lot sizes vary from approximately 7,000 square feet to almost 18,000 square feet. The subject lots, as merged, will result in a 16,330-square-foot lot that is a larger lot in the area. However, due to the inconsistency of lot widths and sizes the merged lot will be consistent with the surrounding development.
- E-2. Development within the R-1 Zoning District is allowed a maximum floor area equal 2.0 times the buildable area of the lot. The merged lot will not be developed beyond this maximum development limit and will be developed consistent with the surrounding development.
- E-3. The existing development already utilizes both lots for a single-family use. A lot line adjustment in 2004 moved a portion of the interior lot line between the two lots and created an irregular shape to allow the addition of a porch across the original lot lines. Therefore, keeping the existing lots as is with irregular shapes would be more inconsistent with the surrounding pattern of development than merging the two lots.

Finding:

*F. The proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads and property access, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of this title, the Zoning Code, the General Plan, and any applicable Coastal Plan or Specific Plan.*

Facts in Support of Finding:

- F-1. Future improvements on the site will be required to comply with the development standards of the Municipal Code and General Plan.
- F-2. The proposed lot merger combines the properties into a single lot of land and does not result in the elimination of more than one lot.
- F-3. Approval of the proposed lot merger would remove the existing interior lot line, and allow the property to be used as a single site. The proposed lot would comply with all design standards and improvements required for new subdivisions by Title 19, and General Plan.

SECTION 4. DECISION.

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

- 1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Merger No. LM2013-002, 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 11<sup>th</sup> DAY OF JULY, 2013.**

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Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"**

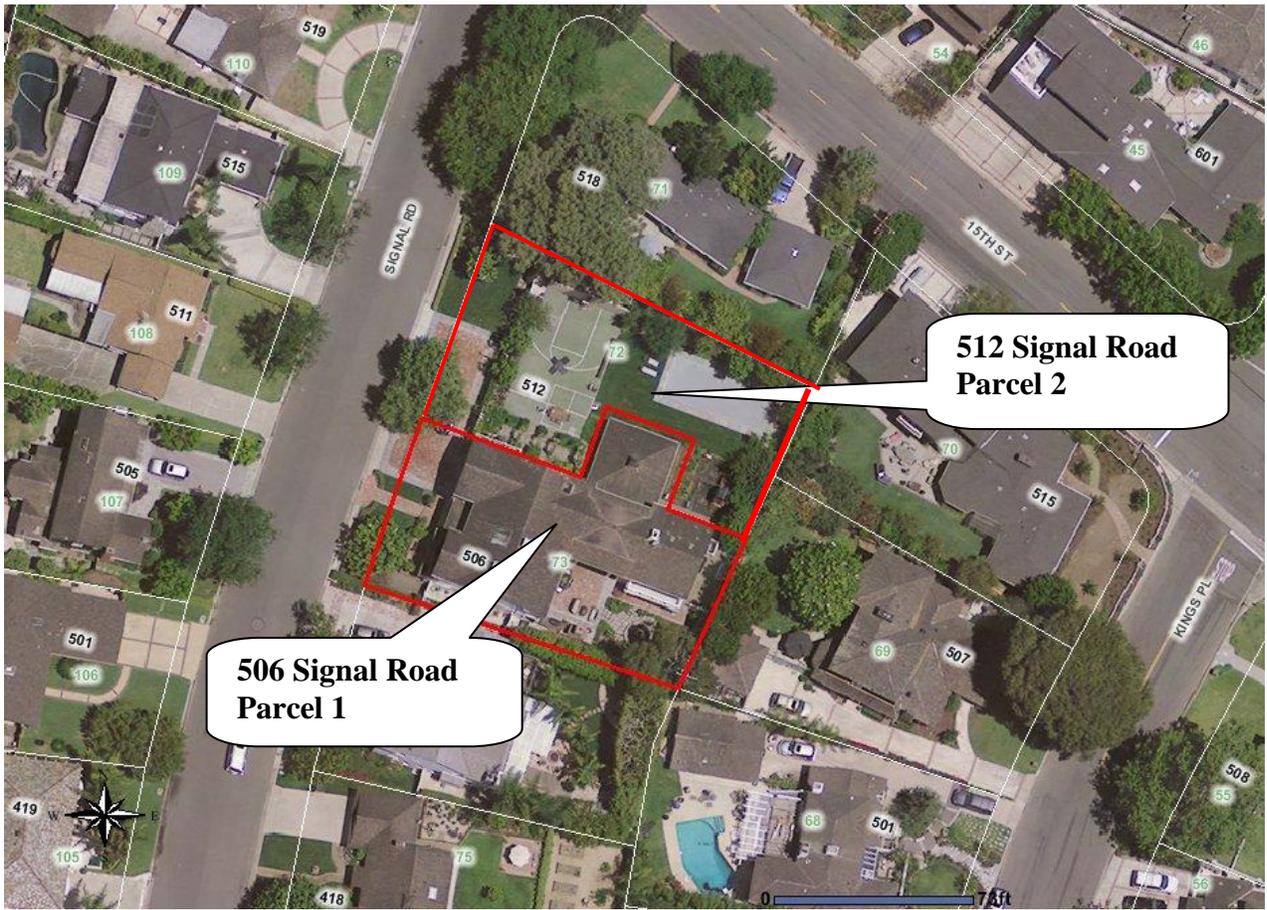
1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
3. Prior to the issuance of any building permit for construction to cross the existing interior lot line between the two lots proposed to be merged, recordation of the lot merger documents with the County Recorder shall be required.
4. Lot Merger No. LM2013-002 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.
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 Flannagan Lot Merger including, but not limited to, the Lot Merger No. LM2013-002. 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.



# **Attachment No. ZA 2**

Vicinity Map

# VICINITY MAP



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Lot Merger No. LM2013-002  
PA2013-102

**506 and 512 Signal Road**

# **Attachment No. ZA 3**

Lot Merger Exhibits



**EXHIBIT 'A'**  
**CITY OF NEWPORT BEACH**  
**LOT LINE ADJUSTMENT NO. LA 2013-\_\_\_\_\_**  
 (LEGAL DESCRIPTION)

OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
JOSEPH M. AND MAURA S. FLANAGAN	049-263-21 049-263-22	PARCEL 1A

**LEGAL DESCRIPTION**

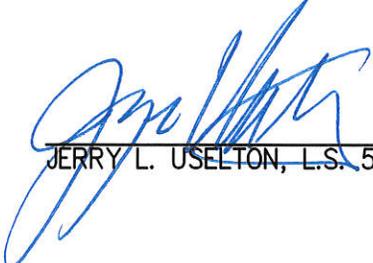
PARCEL 1A:

PARCELS 1 AND 2 LOT LINE ADJUSTMENT NO. 2004-01, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, RECORDED APRIL 15, 2004 AS INSTRUMENT NO. 04-316937, OF OFFICIAL RECORDS IN THE COUNTY RECORDERS OFFICE OF SAID COUNTY.

CONTAINING 16,330 SQUARE FEET, MORE OR LESS

ALL AS SHOWN ON EXHIBIT B ATTACHED HERETO, AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY ME OR UNDER MY DIRECTION:

  
 \_\_\_\_\_  
 JERRY L. USELTON, L.S. 5347      5/15/13



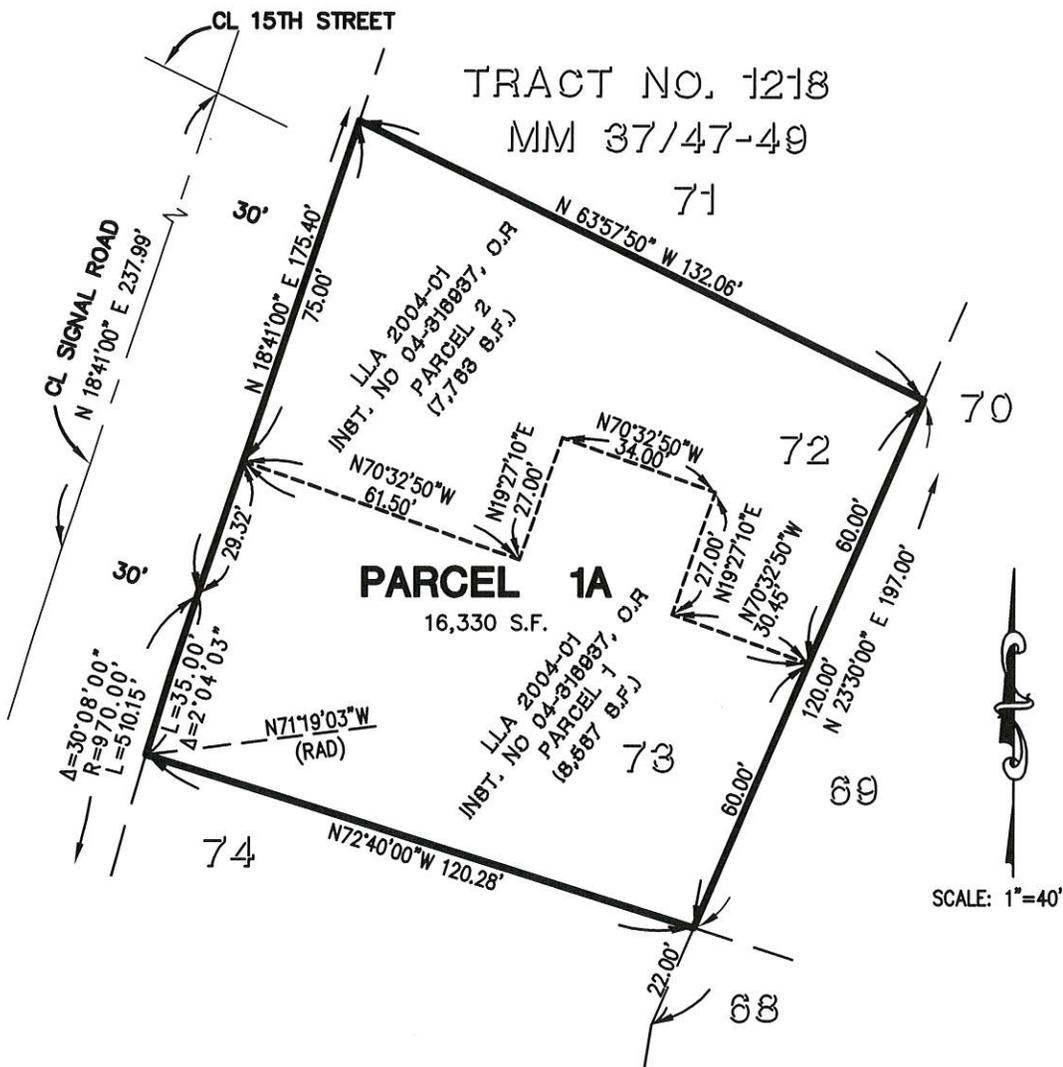
# EXHIBIT 'B'

## CITY OF NEWPORT BEACH

### LOT LINE ADJUSTMENT NO. LA 2013-\_\_\_\_\_

( MAP )

OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
JOSEPH M. AND MAURA S. FLANAGAN	049-263-21 049-263-22	PARCEL 1A



- LEGEND:**
- EXISTING LOT LINE TO REMAIN
  - - - - - EXISTING LOT LINE TO BE REMOVED
  - - - - - EASEMENT LINE





**EXHIBIT 'C'**  
**CITY OF NEWPORT BEACH**  
**LOT LINE ADJUSTMENT NO. LA 2013-\_\_\_\_\_**  
 (SITE PLAN)

OWNERS	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
JOSEPH M. AND MAURA S. FLANAGAN	049-263-21 049-263-22	PARCEL 1A

**EASEMENT NOTES:**

Ⓐ— INDICATES AN EASEMENT FOR POLE LINES, CONDUITS AND INCIDENTAL PURPOSES GRANTED TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, RECORDED AUGUST 26, 1947, IN BOOK 1538, PAGE 513, O.R.

Ⓑ— INDICATES AN EASEMENT FOR PUBLIC UTILITY PURPOSES TO THE SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED JULY 17, 1947 IN BOOK 1535, PAGE 217, O.R.

AN EASEMENT FOR AVIGATION PURPOSES TO THE COUNTY OF ORANGE, RECORDED MARCH 17, 1964 IN BOOK 6965, PAGE 721, O.R. (NOT PLOTTABLE)