



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
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**CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT**

November 14, 2013
Agenda Item No. 1:

SUBJECT: Brockman Lot Merger - (PA2013-188)
2100 Mesa Drive
▪ Lot Merger No. LM2013-004

APPLICANT: James C. "Buzz" Person, Jr.

PLANNER: Benjamin M. Zdeba, Assistant Planner
(949) 644-3253, bzdeba@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** SP-7 (Santa Ana Heights Specific Plan)
- **General Plan:** RS-D (Single-Unit Residential Detached)

PROJECT SUMMARY

A lot merger application and a request to waive the parcel map requirement for four portions of properties, under common ownership, located in the Santa Ana Heights Specific Plan area. The merger would combine portions of Lots 118 through 121 of Tract 706 into a single parcel.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. ZA 2013-____ approving Lot Merger No. LM2013-004 (Attachment No. ZA 1).

DISCUSSION

- The abutting four portions of lots on Mesa Drive are under common ownership.
- The project site is approximately 2.218 acres and is currently developed with a steel corral structure used in conjunction with the single-family dwelling unit located on the adjoining property (2148 Mesa Drive).
- The project site and 2148 Mesa Drive are tied together by an existing Covenant and Agreement to hold the properties as a single parcel and building site since the

Residential Equestrian (REQ) subarea of the Santa Ana Heights Specific Plan does not permit accessory structures without a principal structure.

- If approved, upon recordation of the Lot Merger, the resulting parcel would be redeveloped to include a single-family dwelling unit at which time the existing Covenant and Agreement would be rescinded.
- All future development of the merged lot portions will be required to be consistent with the Santa Ana Heights Specific Plan 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 and the waiver of the parcel map requirement can be supported.

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.

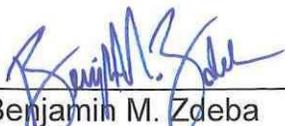
PUBLIC NOTICE

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:



Benjamin M. Zdeba
Assistant Planner

GR/bmz

Tplt:10-15-13

Attachments: ZA 1 Draft Resolution
 ZA 2 Vicinity Map
 ZA 3 Lot Merger No. LM2013-004

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2013-_____

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT MERGER LM2013-004 AND A WAIVER OF THE PARCEL MAP REQUIREMENT FOR A LOT MERGER LOCATED AT 2100 MESA DRIVE (PA2013-188)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by James C. "Buzz" Person, Jr. on behalf of the property owner, with respect to property located at 2100 Mesa Drive, and legally described as, Portions of Lots 118 through 121, Tract No. 706, and portions of Mesa Drive and Birch Street Adjoining, as shown on a map recorded in Book 21, Page 25 of Miscellaneous Maps, Records of Orange County, California, requesting approval of a lot merger.
2. The applicant proposes a lot merger application and a request to waive the parcel map requirement for four portions of properties, under common ownership, located in the Santa Ana Heights Specific Plan area. The merger would combine portions of Lots 118 through 121 of Tract 706 into a single parcel.
3. The subject property is located within the Santa Ana Heights Specific Plan (SP-7) 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 and is designated as Single-Unit Residential Detached (0.0 - 5.9 DU/AC) (RSD-A).
5. A public hearing was held on November 14, 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 pursuant to the State CEQA (California Environmental Quality Act) Guidelines 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 four portions of existing legal lots by removing the interior lot lines 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 and allowed future development will be compatible with surrounding land uses 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 four portions of 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 new parcel will remain within the Residential Equestrian (REQ) subarea of the Santa Ana Heights Specific Plan (SP-7) Zoning District, consistent with the surrounding area. The REQ subarea of the SP-7 Zoning District is intended to provide for the development and maintenance of a single-family residential neighborhood in conjunction with limited equestrian uses.
- C-2. The new 2.218-acre parcel will comply with the Specific Plan requirements for building site area which requires a minimum area of 2 acres within the REQ subarea for lots south of Mesa Drive.
- 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. The resulting parcel will be developed with a single-family dwelling unit once the Lot Merger has been recorded.
- C-4. The Coastal Land Use Plan designates the subject site as Single-Unit Residential Detached (0.0 - 5.9 DU/AC) (RSD-A). Approval of the Lot Merger will maintain a density within the appropriate range prescribed by this designation.

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 lot portions as merged will not be deprived of legal access as the merged parcel will abut a street consistent with existing conditions.
- D-2. As conditioned, no adjoining lots will be deprived of legal access as a result of the merger. A 30-foot-wide easement for road and public utility purposes exists along the easterly property line to provide vehicular access for the properties located south of the subject project site. Vehicular access to and from the subject site and adjacent properties would remain via the public street (Mesa Drive) and existing easements.

Finding:

- E. The lots as merged will be consistent with the pattern of development nearby and will not result in a lot width, depth or orientation, or development site that is incompatible with nearby lots*

Facts in Support of Finding:

- E-1. Lot widths in the area on the southerly side of Mesa Drive vary from approximately 40 feet to 300 feet; likewise lot sizes vary from approximately 83,000 square feet to

almost 160,000 square feet. The subject lot portions, as merged, will result in a 212-foot-wide, 96,616-square-foot lot which falls within the development pattern of the area.

- E-2. Although the lot orientation is not in character with the lots in the vicinity, all future development will be subject to the site development standards prescribed by the REQ subarea of the SP-7 Zoning District within the Zoning Code and will ensure a development patter compatible with the nearby lots.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Merger No. LM 2013-004, 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 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 14TH DAY OF NOVEMBER, 2013.

Brenda Wisneski, AICP, Zoning Administrator

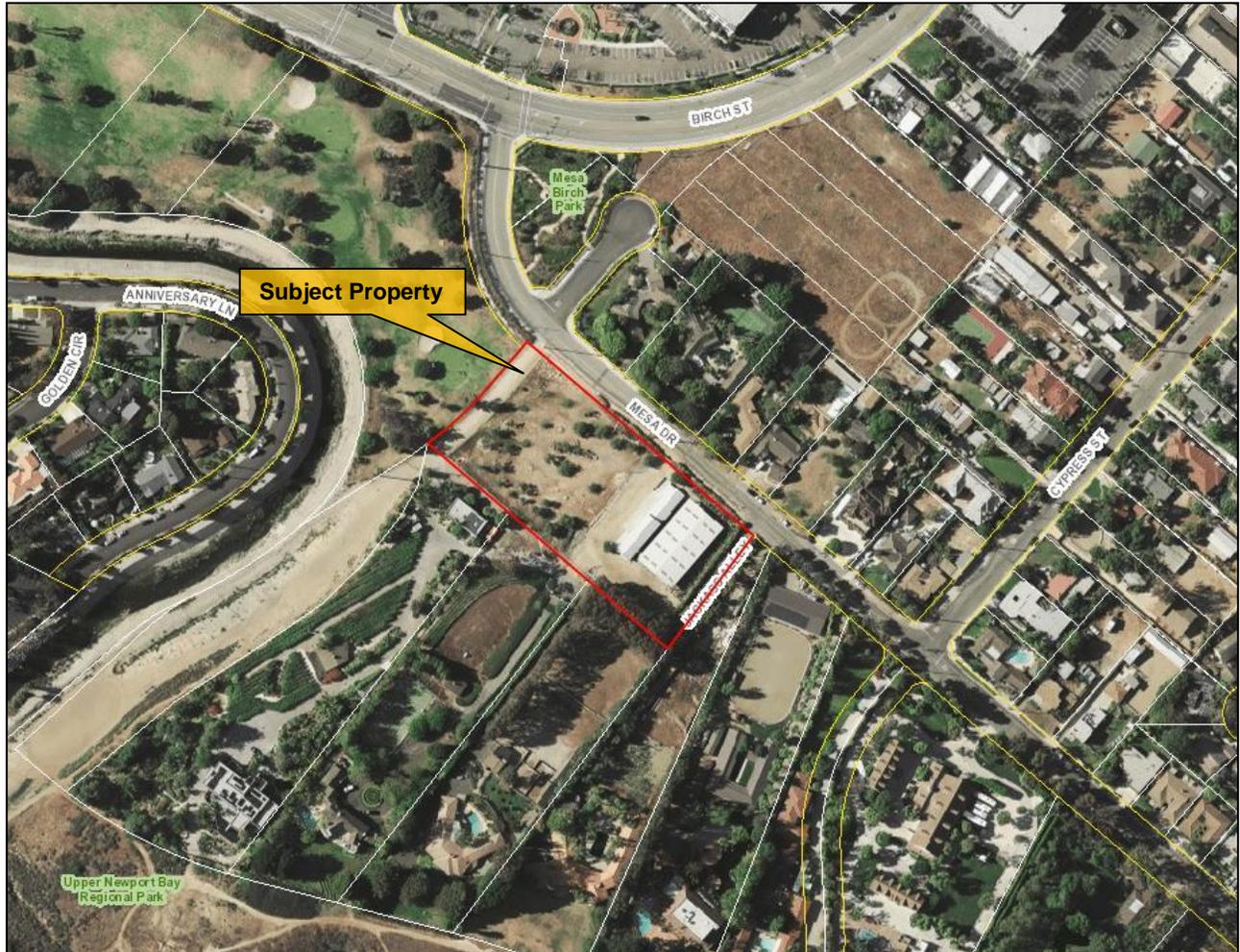
EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. 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 permits, recordation of the lot merger documents with the County Recorder shall be required.
4. Prior to release for recordation, Lot Merger No. LM2013-004 exhibits shall be revised to include a 30-foot-wide easement for road, public utilities, and access purposes. Said easement shall be maintained in a condition that allows adequate access to 2148 Mesa Drive.
5. Lot Merger No. LM2013-004 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.
6. 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 Brockman Lot Merger including, but not limited to, the Lot Merger No. LM2013-004. 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



Lot Merger No. LM2013-004
PA2013-188

2100 Mesa Drive

Attachment No. ZA 3

Lot Merger No. LM2013-004

EXHIBIT A
CITY OF NEWPORT BEACH
LOT MERGER NO. LM- 2013-
(LEGAL DESCRIPTION)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCEL REFERENCE NUMBER
CARLA BROCKMAN	439-061-03	Parcel 1

PARCEL 1

Sheet 1 of 2

Real property in the City of Newport Beach, County of Orange, State of California described as follows:

Those portions of Lots 118 through 121 inclusive of Tract No. 706, and portions of Mesa Drive and Birch Street adjoining, as shown on a map recorded in Book 21, page 25 of Miscellaneous Maps, Records of Orange County, California, described as follows:

Beginning at a point on the center line of Mesa Drive, 310.62 feet northwesterly of the center line intersection of said Mesa Drive, with the center line of Cypress Street, said point of beginning being also North 50°11'45" West 1634.42 feet measured along the said center line of Mesa Drive from the easterly corner of Lot 152 in Block 51 of the Irvine's Subdivision, as shown on a map recorded in Book 1, page 88 of Miscellaneous Record Maps, Records of said Orange County;

Thence South 36°13'05" West 250.06 feet;

Thence North 50°11'45" West along a line parallel with said Mesa Drive, 489.33 feet to a point on a curve concave northwesterly, having a radius of 500.00 feet, the radial line of said curve from said point bears North 36°23'05" West;

Thence northeasterly along said curve, through a central angle of 13°48'40", an arc distance of 120.53 feet to a line tangent, said line tangent being the southwesterly prolongation of the center line of Birch Street, measured at right angles to Mesa Drive from the center line intersection of Mesa Drive and Birch Street;

Thence North 39°48'15" East 130.21 feet to said centerline intersection of Mesa Drive and Birch Street;

Thence South 50°11'45" East along the center line of Mesa Drive, 459.23 feet to the Point of Beginning,

EXCEPTING a strip of land 30 feet wide for road and utilities along the northwesterly and northeasterly side of said land, the intersection of the southeasterly side line of said strip being along the northwesterly side of said land with the southwesterly side line of said strip along northeasterly side of said land shall be rounded with a curve having a radius of 20 feet, as reserved in the deed from The Irvine Company to F. Roy Greenleaf Jr. and wife, recorded July 23, 1951 in Book 2207, page 196 of Official Records of said Orange County.

That portion of Birch Street as shown on a map of Tract No. 706 recorded in Book 21, page 25 of Miscellaneous Maps, Records of said Orange County, included within the herein described land, was abandoned July 10, 1951, a Certified Copy of Resolution of Abandonment being record July 17, 1951 in Book 2145, page 619 of said Official Records.

EXHIBIT A
CITY OF NEWPORT BEACH
LOT MERGER NO. LM- 2013-
(LEGAL DESCRIPTION)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCEL REFERENCE NUMBER
CARLA BROCKMAN	439-061-03	Parcel 1

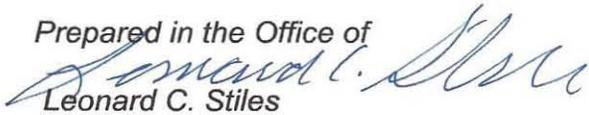
Sheet 2 of 2

An easement for Road and Utility purposes, 30 feet in width, over those portions of Lots 118 to 121 inclusive of Tract No. 706 including a portion of Birch Street in the City of Newport Beach, as shown on a map recorded in Book 21, page 25 of Miscellaneous Maps, records of Orange County, lying southwesterly of and adjoining the southwesterly line of Parcel 1 hereinabove described.

The above described parcel contains 2.218 acres, more or less.

The above described land is more particularly shown on Exhibit B, attached hereto, and by reference, made a part hereof.

Prepared in the Office of



Leonard C. Stiles

PLS 5023

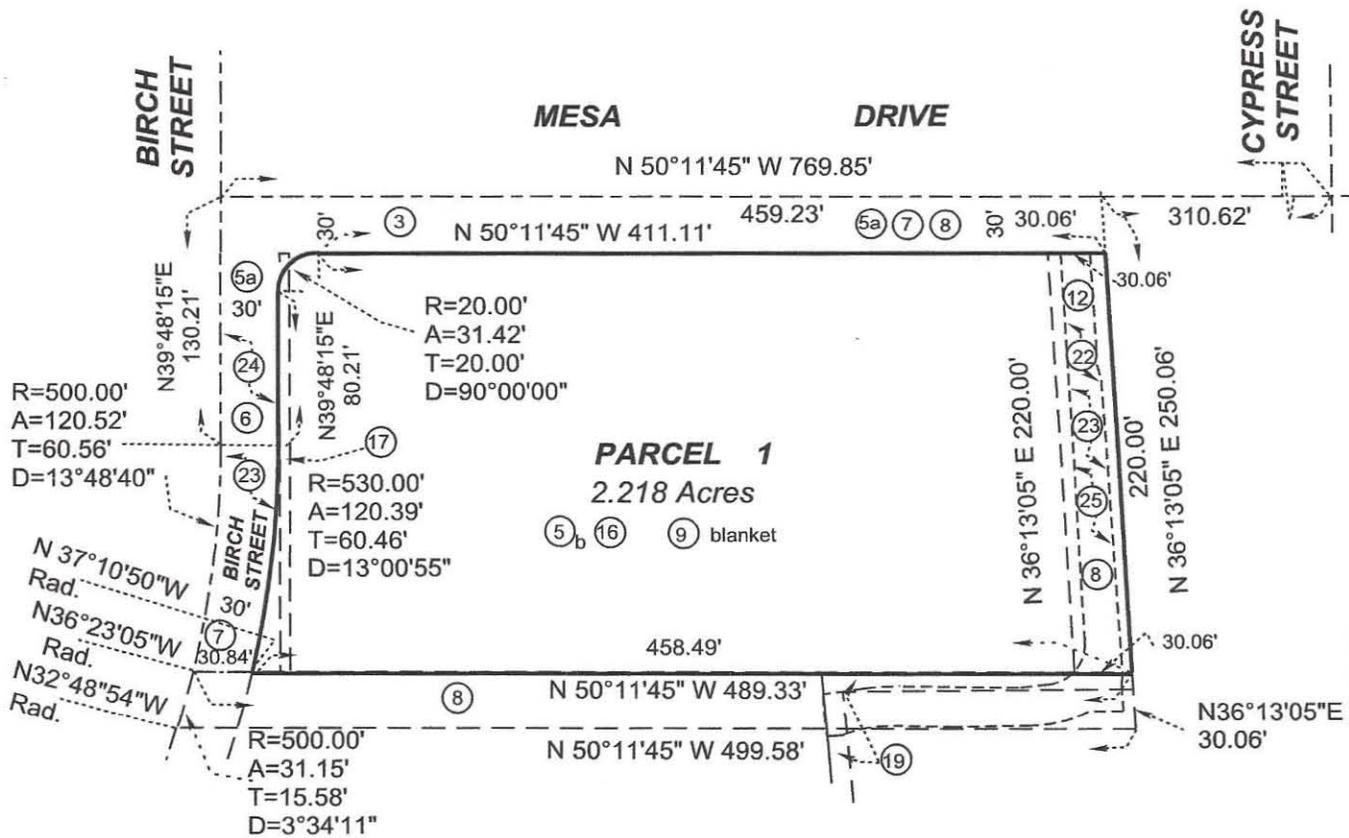
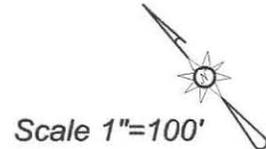
License expires 12/31/2013.



**EXHIBIT B
CITY OF NEWPORT BEACH
LOT MERGER NO. LM- 2013-
MAP**

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCEL REFERENCE NUMBER
CARLA BROCKMAN	439-061-03	Parcel 1

SHEET 1 OF 2



⑩ Denotes exceptions as shown in First American Title Report No. NHSC-4470721 (rh)
See Sheet 2



Prepared in the Office of
Leonard C. Stiles
Leonard C. Stiles PLS 5023
License Expires 12/31/2013

EXHIBIT B
CITY OF NEWPORT BEACH
LOT MERGER NO. LM- 2013-
(EXCEPTIONS)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCEL REFERENCE NUMBER
CARLA BROCKMAN	439-061-03	Parcel 1

Sheet 2 of 2

- 3 *Easement rights of the public over Parcel 1 (Mesa Drive) for public street purposes, and easements in favor of the City of Newport Beach or the County of Orange necessary for preservation and maintenance of the public street.*
- 5a *Covenants, conditions, restrictions and easements in a document recorded in Book 297, page 147 and Book 1229, page 238 of Official Records.*
- 5b *The effect of a document entitled " Quitclaim Deed", recorded July 20, 1959 as Book 4805, page 240 of Official Records.*
- 6 *Any private easements or lesser rights in, to or over Birch Street that were not affected by the proceedings vacating it in the Resolution of the Board of Supervisors of the County of Orange recorded July 17, 1951 in Book 2145, page 618 of Official Records, including but not limited private easements of ingress and ingress to and from lots, combinations or portions of lots purchased by reference to the map of Tract No. 706, recorded Book 21, page 25 of Miscellaneous Maps.*
- 7 *An easement for road, utility purposes and incidental purposes in the document recorded as Book 2207, page 196 of Official Records.*
- 8 *An easement for road and utility purposes and incidental purposes in the document recorded January 11, 1952 as Book 2273, page 175 of Official Records.
The effect of a document entitled " Quitclaim Deed", recorded September 15, 2010 as Instrument No. 2010-457881, 2010-457882, 2010-457883, 2010-457884, all of Official Records.*
- 12 *An easement for road and public utility purposes and incidental purposes in the document recorded March 1, 1990 as Instrument No. 1990-108047 of Official Records.*
- 16 *An easement for ingress, egress, drainage, slope and incidental purposes, recorded May 22, 2003 as Instrument No.03-592265 of Official Records in favor of the County of Orange.*
- 17 *An easement for public utilities and incidental purposes, recorded July 26, 2007 as Instrument No. 07-467145 of Official Records in favor of the Southern California Edison Cpmpany, a corporation.*
- 19 *An easement for electric lines and incidental purposes, recorded as Book 3634, page 433 of Official Records in favor of the Southern California Edison Company.*
- 22 *The terms, Provisions and Easement(s) contained in the document entitled "EASEMENT AGREEMENT" recorded January 19, 2012 as Instrument No. 12-29957 of Official Records.*
- 23 *The terms, Provisions and Easement(s) contained in the document entitled "EASEMENT AGREEMENT AND QUITCLAIM DEED" recorded July 23,, 2012 as Instrument No. 12-416084 of Official Records.*
- 24 *The terms and provisions contained in the document entitled "QUITCLAIM DEED AND DECLARATIONS OF COVENANTS AND EQUITABLE SERVITUDES" recorded July 23, 2012 as Instrument No. 12-416085 of Official Records.*
- 25 *An easement for EMERGENCY INGRESS, EGRESS, ACCESS, INSPECTION, TESTING an incidental purposes in document recorded July 23, 2012 as Instrument No. 12-416089 of Official Records.*

EXHIBIT C
CITY OF NEWPORT BEACH
LOT MERGER NO. LM- 2013-
(SITE PLAN)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCEL REFERENCE NUMBER
CARLA BROCKMAN	439-061-03	Parcel 1

SHEET 1 OF 1

