

**CITY OF NEWPORT BEACH  
PLANNING DEPARTMENT ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: David Lepo, Planning Director

SUBJECT: Report of actions taken by the Zoning Administrator, Planning Director and/or Planning Department staff for the week ending July 30, 2010

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**ACTIONS TAKEN AT JULY 29, 2010 ZONING ADMINISTRATOR HEARING**

Item 1: Lot Merger No. LM2010-004 (PA2010-095)  
2619 & 2623 Cove Street

This item was approved.

Council District 6

On behalf of David Lepo, Planning Director:



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Patrick J. Alford, Planning Manager

APPEAL PERIOD: Modification Permit applications do not become effective until 14 days after the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. Tentative Parcel Map, Condominium Conversion, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code.

*Email* City Council  
Planning Commission  
David Lepo, Planning Director  
Sharon Wood, Assistant City Manager  
David Keely, Public Works Senior Civil Engineer  
Code Enforcement Division



## **ZONING ADMINISTRATOR ACTION LETTER**

PLANNING DEPARTMENT  
3300 NEWPORT BOULEVARD  
NEWPORT BEACH, CA 92663  
(949) 644-3200 FAX (949) 644-3229

**Application No.**                      **Lot Merger No. LM2010-004 (PA2010-095)**

**Applicant**                              **Hall Family Trust**

**Site Address**                        **2619 & 2623 Cove Street**

**Legal Description**                **All of Lots 2, 3, 10, and 11 in Block B32 of the Corona del Mar Tract**

On **July 29, 2010**, the Zoning Administrator approved the following: A lot merger and a waiver of a parcel map to allow two adjacent parcels (comprised of two lots each) under common ownership to be merged into one parcel by removing the shared interior lot lines. The property is located in the R-1 (Single-Family Residential) District. The approval is based on the following findings and subject to the following conditions.

### **FINDINGS**

1. **Finding:** The proposed project is in conformance with the California Environmental Quality Act.

### **Facts in Support of the Finding:**

- 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, including minor lot line adjustments not resulting in the creation of any new parcel.
2. **Finding:** 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 Title 19.



**Facts in Support of the Finding:**

- The existing lots (approximately 1,800 sf) are nonconforming to the minimum lot size of the Zoning Code (5,000 sf) and the merger will create one conforming lot that will be approximately 7,200 sf.
- The merger of lots will reduce density by one unit.
- Although the merged lots will create a wider building site than those on this block of Cove Street, there are other lots in the China Cove area that are of similar width and the future construction must comply Zoning and Building Codes.
- No public views through the lots exists, and therefore, there will be no impact to public views.

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

**Facts in Support of the Finding:**

- Lots 2, 3, 10, and 11 of Block A32 in the Corona del Mar Tract are under common ownership.

4. **Finding:** 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 the Finding:**

- The existing lots (approximately 1,800 sf) are nonconforming to the minimum lot size of the Zoning Code (5,000 sf) and the merger will create one conforming lot that will be approximately 7,200 sf.
- The Land Use Element of the General Plan designates the subject site as Single-Unit Residential Detached (RS-D), which is intended to provide primarily for single-family residential units on a single legal lot. The Coastal Land Use Plan designates this site as Single Unit Residential Detached (RSD-A) which provides for density ranges from 0.0-5.9 dwelling units per acre. The existing lots are developed with two homes one of these units would need to be eliminated prior to the merger in order to maintain consistency with the General Plan and Coastal Land Use Plan designations.

5. **Finding:** Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.

**Facts in Support of the Finding:**

- Cove Street is a public street and provides access to the Lots 10 and 11 that front on Cove Street. Access to a public street independent from Lots 10 and 11 is presently not provided to Lots 2 and 3 as Shell Street is not improved and within Newport Bay. The merger will provide access from Cove Street and the merger will not impact access to adjoining lots on Cove Street.
6. **Finding:** 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 the Finding:**

- The development pattern of the China Code area consists of lots of variable widths and sizes. Although the resulting 7,200 sf lot would be larger than the lots along this specific block of Cove Street, it would not be not excessively large when compared with other lots in China Cove and along Ocean Boulevard above.

In accordance with Section 19.08.030 of the Municipal Code (Waiver of Concurrent Parcel Map), the Zoning administrator approved a waiver of the parcel map requirement since no more than three lots are eliminated.

7. **Finding:** That 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 the Finding:**

- The existing lots have existed as two separate building sites and were developed with two residential units in the 1950s. Municipal utilities and improved public roads are provided. The merged lots will meet the minimum area requirement of the Zoning Code and would allow development consistent with the General Plan and Coastal Land Use Plan.

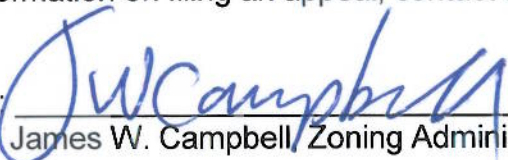
**CONDITIONS**

1. All applicable Public Works Department plan check fees shall be paid prior to review of the lot merger and grant deeds.
2. Prior to recordation of the lot merger, grant deeds indicating the changes in titles of ownership should be submitted to the Public Works Department for review and approval.



3. The lot merger and grant deeds reviewed and approved by the Public Works Department should be filed concurrently with the County Recorder and County Assessor's Offices.
4. No building permits may be issued until the appeal period has expired, unless otherwise approved by the Planning Department.
5. Prior to recordation of the Lot Merger, at least one dwelling structure shall be demolished.
6. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.050 of the Newport Beach Municipal Code.
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 2619 & 2623 Lot Merger including, but not limited to, Lot Merger No. LM2010-004 (PA2010-095). 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.*

**APPEAL PERIOD:** Lot Mergers do not become effective until 10 days following the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By:   
James W. Campbell, Zoning Administrator

JC/mem

Attachments: Vicinity Map

## VICINITY MAP



Lot Merger No. LM2010-004  
PA2010-095

**2619 & 2623 Cove Street**