



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

January 12, 2017  
Agenda Item No. 5

**SUBJECT:** Nguyen Lot Merger (PA2016-160)  
2352 Redlands Drive  
▪ Lot Merger No. LM2016-010

**APPLICANT:** Brian Nguyen and Winnie Dinh

**OWNER:** Brian Nguyen and Winnie Dinh

**PLANNER:** David Lee, Planning Technician  
(949) 644-3225, [dlee@newportbeachca.gov](mailto:dlee@newportbeachca.gov)

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**ZONING DISTRICT/GENERAL PLAN**

- **Zone:** R-1-7,200 (Single-Unit Residential)
- **General Plan:** RS-D

**PROJECT SUMMARY**

A lot merger application and request to waive the parcel map requirement for three properties, under common ownership. The merger would combine two lots and a portion of a lot into a single parcel for future development.

**RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. \_ approving Lot Merger No. LM2016-010 (Attachment No. ZA 1).

**DISCUSSION**

- A lot merger is proposed with respect to property located at 2352 Redlands Drive and two unaddressed parcels (APN 439-232-10 and 439-232-11) directly west and southwest of 2352 Redlands Drive (Attachment No. ZA 2). The purpose of the lot merger is to legally merge the three parcels (Attachment No. ZA 3) into one parcel for allow for future development. Each parcel is legally described as follows:

- The lot at 2352 Redlands Drive is legally described as Lot 9 of Tract No. 3062, as per map thereof recorded in Book 92, Pages 19 and 20 of Miscellaneous Maps, Records of Orange County, California.
- The unaddressed parcel to the west (APN 439-232-10) is comprised of a lot and a portion of a lot. The lot is legally described as Lot B of Tract No. 3062, and the portion of the lot is described as a portion of Lot 105 of Tract No. 300, as shown on a map recorded in Book 14, Pages 11 and 12 of Miscellaneous Maps, Records of Orange County California.
- The unaddressed lot to the southwest (APN 439-232-11) is legally described as a portion of Lot 105 of Tract No. 300, as shown on a map recorded in Book 14, Pages 11 and 12 of the Miscellaneous Maps, Records of Orange County California.
- The private owners of existing lots 3 through 9 of Tract No. 3062 were granted portions of Lot 105 at the rear of each lot, consistent with the prolongation of their property lines. In order for the subject property (Lot 9) to develop structures into the vacated portion of Lot 105, the lots must be merged.
- Lot B, located west of 2352 Redlands Drive, was originally subdivided in 1956 for drainage purposes. Currently, there is a drainage easement over Lot B, which will remain after the merger.
- Section 20.18.030 of the Zoning Code establishes minimum lot area and width requirements. The proposed merger would combine three lots into a 25,778-square-foot parcel that is in conformance to the minimum 7,200-square foot interior lot area standard of the R-1-7,200 Zoning District. Also, the proposed merger would create one approximately 86-foot-wide parcel, exceeding the minimum 70-foot interior lot width standard of the Zoning Code.
- As demonstrated in the attached draft resolution, the proposed merger meets the requirements of Title 19 (Subdivisions).

## **ENVIRONMENTAL REVIEW**

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. Class 15 exemption includes the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcel to local standards are available, the parcel was not involved in a division of a larger parcel

within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. This exemption includes a minor lot merger not resulting in the creation of any new parcel that complies with the conditions specified above.

**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:



David S. Lee, Planning Technician

JM/dl

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

# **Attachment No. ZA 1**

Draft Resolution

## **RESOLUTION NO. ZA2017-###**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT MERGER NO. LM2016-010 AND A WAIVER OF THE PARCEL MAP REQUIREMENT FOR A LOT MERGER LOCATED AT 2352 REDLANDS DRIVE (PA2016-160)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Brian Nguyen and Winnie Dinh, with respect to property located at 2352 Redlands Drive and two unaddressed lots directly west and southwest of 2352 Redlands Drive. The lot at 2352 Redlands Drive is legally described as Lot 9 of Tract No. 3062, as per map thereof recorded in Book 92, Pages 19 and 20 of Miscellaneous Maps, Records of Orange County, California. The unaddressed parcel to the west (APN 439-232-10) is legally described as Lot B of Tract No. 3062 and a portion Lot 105 of Tract No. 300, as shown on a map recorded in Book 14, Pages 11 and 12 of Miscellaneous Maps, Records of Orange County California. The unaddressed parcel to the southwest (APN 439-232-11) is legally described as a portion of Lot 105 of Tract No. 300, as shown on a map recorded in Book 14, Pages 11 and 12 of the Miscellaneous Maps, Records of Orange County California.
2. The applicant proposes a lot merger and requests to waive the parcel map requirement for three properties under common ownership.
3. The subject properties are located within the Single-Unit Residential (R-1-7200) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject properties are not located within the coastal zone.
5. A public hearing was held on January 12, 2017 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 is categorically exempt under Section 15315, of the State CEQA (California Environmental Quality Act) Guidelines - Class 15 (Minor Land Divisions). Class 15 exemption includes the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcel to local standards are available, the parcel was not involved in a division of a larger parcel

within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. This exemption includes a minor lot merger not resulting in the creation of any new parcel that complies with the conditions specified above.

### 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:

1. The lot merger to combine three existing lots by removing the interior lot lines between the lots will not result in the creation of additional parcels.
2. The project is in an area with an average slope of less than 20 percent.
3. The lot merger is consistent with the purpose and intent of Title 19 (Subdivisions).
4. The future development on the proposed parcel will be subject to the Zoning Code development standards, which are intended to promote orderly development, protect neighborhood character, and preserve public health, safety, and general welfare of the City.
5. The existing drainage feature located on the southwest parcel (APN 439-232-11) has been conditioned to not be altered and maintain the existing drainage course.
6. All existing drainage and utility easements will remain with the lot merger.

#### Finding:

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

#### Facts in Support of Finding:

1. The three lots to be merged are under common fee ownership.

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:

1. The merged lots will retain the Single-Unit Residential (R-1-7200) zoning designation, consistent with the surrounding area. The R-1-7200 Zoning District is intended to provide for areas appropriate for a detached single-family residential dwelling unit located on a single lot with a minimum lot area of 7,200 square feet.
2. 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 land use will remain the same and the merger is consistent with the land use designations of the General Plan.
3. The subject property is not located within a Specific Plan area.

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:

1. No adjoining parcels will be deprived of legal access as a result of the merger.
2. Legal access is provided from Redlands Drive and will remain unchanged.

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:

1. Properties along Redlands Drive consist of lots of varying shapes and sizes. Although the proposed lot merger will create a larger lot, it will not create an excessively large lot in comparison to the existing lots in the area. There are many existing lots in the surrounding development that are similar to the proposed lot area, including 2390 Redlands Drive (19,799 square feet) and 2393 Tustin Avenue (14,738 square feet). Furthermore, both of the properties at 2384 and 2364 Redlands Drive utilize the adjacent parcel behind their residences for accessory

structures such as pools and decks. The proposed lot merger would utilize the adjacent lot for a similar purpose. Therefore, the lot would be compatible with the surrounding development.

2. The proposed lot width is approximately 86 feet, which exceeds the minimum lot width requirement of an interior lot for lots zoned as R-1-7,200.
3. The resulting lot configuration will not change the existing pattern of development since the orientation and access to the parcels would remain the same.

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:

1. Approval of the proposed lot merger would remove the existing interior lot lines, 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, General Plan, and Coastal Land Use Plan.
2. The subject property is not subject to a Specific Plan.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Merger No.LM2016-010, 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 12<sup>th</sup> DAY OF JANUARY, 2017.**

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Patrick J. Alford, Zoning Administrator



**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

1. The map shall be submitted to the Public Works Department for Final Map Review and Approval. All applicable fees shall be paid.
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. Prior to the issuance of building permits for construction to cross the existing interior lot line between the three (3) parcels proposed to be merged, recordation of the lot merger documents with the County Recorder shall be required.
4. The natural drainage course shall not be modified.
5. Lot Merger No. LM2016-010 shall expire unless exercised within twenty-four (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 Nguyen Lot Merger including, but not limited to, Lot Merger No. LM2016-010 (PA2016-160). 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. LM2016-010  
PA2016-160

**2352 Redlands Drive**

# **Attachment No. ZA 3**

Project Plans

**EXHIBIT "A"**  
**CITY OF NEWPORT BEACH**  
**LOT LINE ADJUSTMENT NO. LA \_\_\_\_\_ - \_\_\_\_\_; OR**  
**LOT MERGER NO. LM \_\_\_\_\_ - \_\_\_\_\_**

(LEGAL DESCRIPTION)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
Brian Nguyen and Winnie Dinh	439-232-09, 10 & 11	

A PARCEL OF LAND INCLUDING LOT 9 AND LOT B OF TRACT NO. 3062, AS SHOWN ON A MAP RECORDED IN BOOK 92, PAGES 19 AND 20 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, AND A PORTION OF LOT 105 OF TRACT NO. 300, AS SHOWN ON A MAP RECORDED IN BOOK 14, PAGES 11 AND 12 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, LOCATED IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 9;

THENCE, ALONG THE NORTHEASTERLY LINE AND SOUTHEASTERLY PROLONGATION OF SAID LOT 9, SOUTH 50°13'07" EAST A DISTANCE OF 299.91 FEET TO THE SOUTHEASTERLY LINE OF LAND DESCRIBED IN A DEED TO JOE SEAY, JR., AND WIFE, RECORDED APRIL 2, 1952 IN BOOK 2310, PAGE 140 OF OFFICIAL RECORDS;

THENCE, ALONG SAID SOUTHEASTERLY LINE, SOUTH 39°49'18" WEST A DISTANCE OF 86.06 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 105;

THENCE, ALONG SAID SOUTHWESTERLY LINE, NORTH 50°11'53" WEST A DISTANCE OF 299.89 FEET TO THE SOUTHEASTERLY LINE OF REDLANDS DRIVE, AS SHOWN ON SAID MAP OF TRACT NO. 3062;

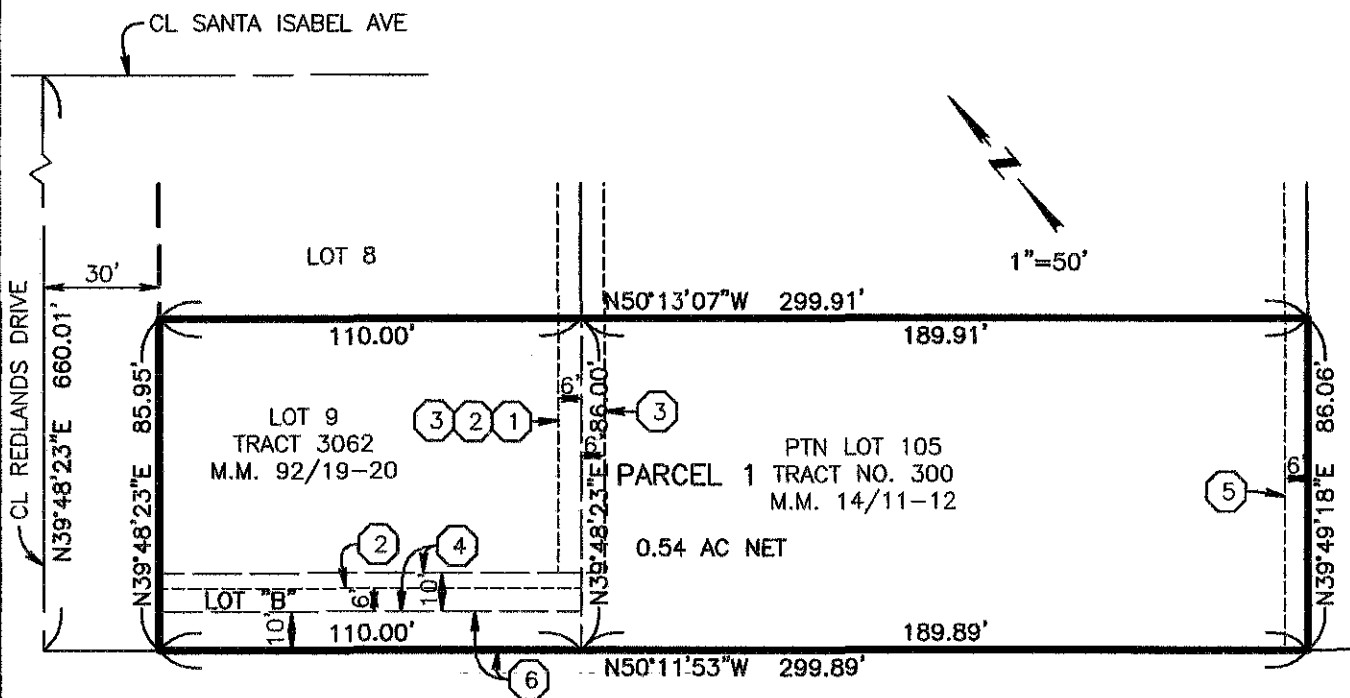
THENCE, ALONG THE SAID SOUTHEASTERLY LINE OF REDLANDS DRIVE, NORTH 39°48'23" EAST A DISTANCE OF 85.95 FEET TO THE SAID POINT OF BEGINNING.



**EXHIBIT "B"**  
**CITY OF NEWPORT BEACH**  
**LOT LINE ADJUSTMENT NO. LA \_\_\_\_\_ - \_\_\_\_\_; OR**  
**LOT MERGER NO. LM \_\_\_\_\_ - \_\_\_\_\_**

(MAP)

OWNER	OWNER	OWNER
Brian Nguyen and Winnie Dinh	439-232-09, 10 & 11	



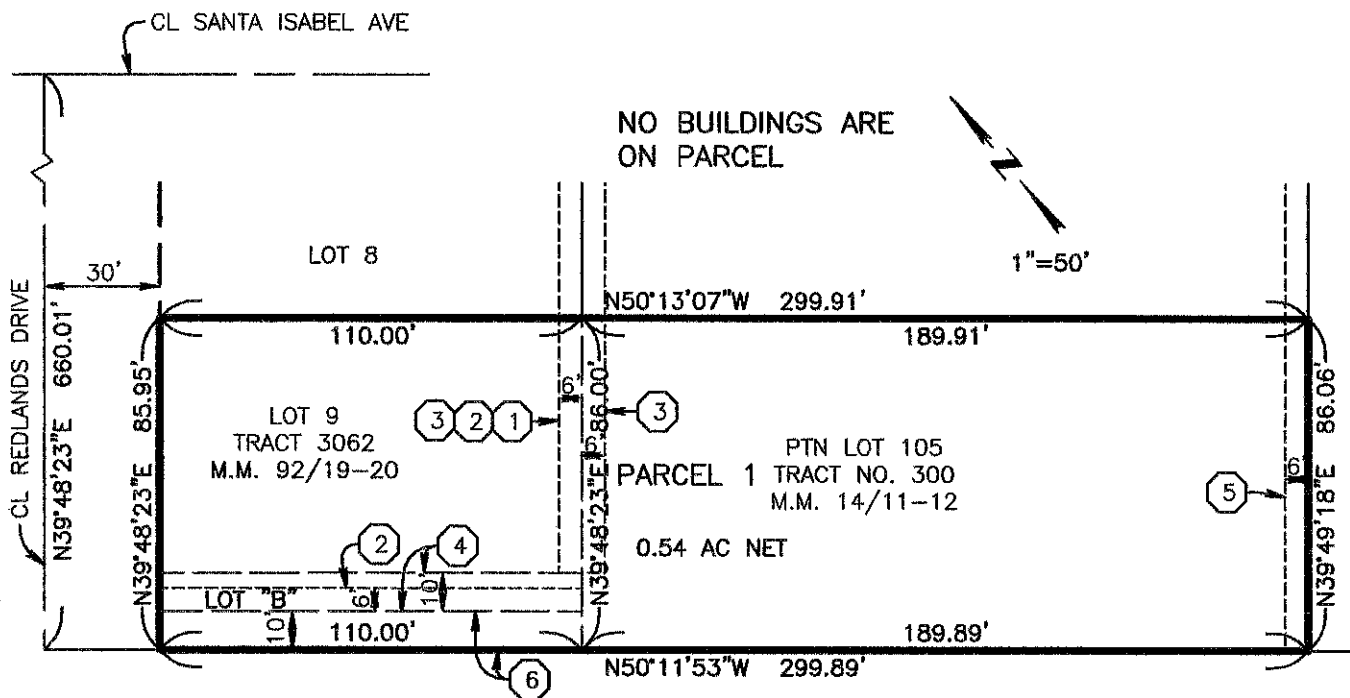
# EXHIBIT "C"

## CITY OF NEWPORT BEACH

**LOT LINE ADJUSTMENT NO. LA \_\_\_\_\_ - \_\_\_\_\_; OR**  
**LOT MERGER NO. LM \_\_\_\_\_ - \_\_\_\_\_**

(SITE PLAN)

OWNER	OWNER	OWNER
Brian Nguyen and Winnie Dinh	439-232-09, 10 & 11	



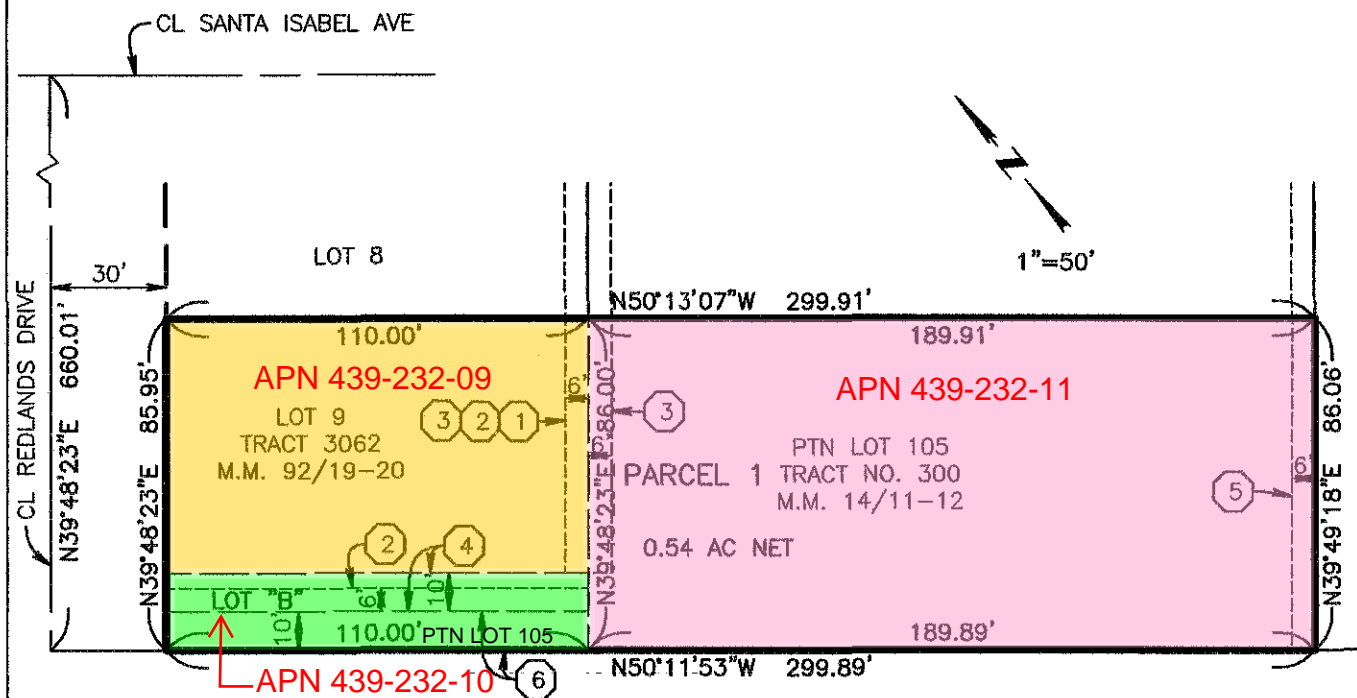
- ① 6' ESMT FOR PUBLIC UTILITY PURPOSES PER MM 92/19-20
- ② 6' ESMT TO PACIFIC TELEPHONE AND TELEGRAPH COMPANY PER BK 3711, PG 9 REC 11/11/1956
- ③ 6' ESMT TO SCE PER BK 3734, PG 32 REC. 12/5/1956
- ④ 10' ESMT FOR DRAINAGE PURPOSES PER MM 92/19-20
- ⑤ 6' ESMT TO COSTA MESA SANITARY DISTRICT PER BK 3742, PG 437 REC. 12/13/1956
- ⑥ 10' ESMT TO CITY OF COSTA MESA FOR STORM DRAIN PER BK 4937, PG 140 REC. 10/21/1959



**EXHIBIT "B"**  
**CITY OF NEWPORT BEACH**  
**LOT LINE ADJUSTMENT NO. LA \_\_\_\_\_ - \_\_\_\_\_; OR**  
**LOT MERGER NO. LM \_\_\_\_\_ - \_\_\_\_\_**

(MAP)

OWNER	OWNER	OWNER
Brian Nguyen and Winnie Dinh	439-232-09, 10 & 11	



- ① 6' ESMT FOR PUBLIC UTILITY PURPOSES PER MM 92/19-20
- ② 6' ESMT TO PACIFIC TELEPHONE AND TELEGRAPH COMPANY PER BK 3711, PG 9 REC 11/11/1956
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