



## CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION  
FROM: Seimone Jurjis, Community Development Director  
SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending November 13, 2020.

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### ZONING ADMINISTRATOR ACTIONS NOVEMBER 12, 2020

Item 1: Balboa Wine Minor Use Permit No. UP2020-167 (PA2020-266)  
Site Address: 611 East Balboa Boulevard

Action: Approved by Resolution No. ZA2020-073	Council District	1
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Item 2: Cameo Highlands Lot Line Adjustment No. LA2020-003 (PA2020-080)  
Site Address: 4800 Surrey Drive, 716 and 722 Cameo Highlands Drive

Action: Approved by Resolution No. ZA2020-074	Council District	6
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**APPEAL PERIOD:** An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

## RESOLUTION NO. ZA2020-073

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING MINOR USE PERMIT NO. UP2020-167 TO ESTABLISH A 925-SQUARE-FOOT RETAIL STORE SPECIALIZING IN WINE SALES WITH ACCESSORY ON-SITE TASTING AT 611 EAST BALBOA BOULEVARD (PA2020-266)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Artisan Uprising LLC (Applicant), with respect to property located at 611 East Balboa Boulevard; and legally described as Parcel 3 of PM 89-131, requesting approval of a minor use permit.
2. The Applicant requests a minor use permit to allow the operation of a 925-square-foot retail store specializing in wine sales and accessory wine tastings (off-sale alcohol). Floor area dedicated to accessory wine tasting is proposed at 125 square feet and includes eight (8) seats. The Applicant intends to acquire a Type 02 (Winegrowers) Alcoholic Beverage Control (ABC) duplicate license. No late hours (after 11:00 p.m.) are proposed as part of the application.
3. The subject property is designated Mixed-Use Vertical (MU-V) by the General Plan Land Use Element and is located within the Mixed-Use Vertical (MU-V) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Vertical (MU-V) and it is located within the Mixed-Use Vertical (MU-V) Coastal Zoning District.
5. Although the project is in the coastal zone, it is exempt from the coastal development permit requirements. The project does not meet the definition of "development" pursuant to Newport Beach Municipal Code (NBMC) Section 21.52.035.2 (Other Existing Structures). There are no improvements to the structure that result in changes in floor area, increased parking demand, or otherwise change the general level of activity in the area.
6. A public hearing was held online on November 12, 2020, observing restrictions due to the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID-19. A notice of time, place and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to categorically exempt under Sections 15301 and 15303 under Class 1 (Existing Facilities) and Class 3 (New Construction or Conversion of Small Structures), respectively, of the State CEQA (California Environmental Quality Act) Guidelines.

Class 1 exempts the operation of an existing private structure involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Class 3 exempts the conversion of existing small structures from one use to another up to 2,500 square feet. The proposed project consists of 925-square foot retail wine store within an existing nonresidential suite and results in negligible or no expansion of the use.

The exceptions to the Class 3 categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

## SECTION 3. REQUIRED FINDINGS.

### *Alcohol Sales (Off-Sale)*

In accordance with Section 20.48.030 (Alcohol Sales) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a use permit are set forth:

#### Finding

- A. *The use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code.*

#### Facts in Support of Finding

In finding that the proposed use is consistent with Section 20.48.030 (Alcohol Sales) of the Zoning Code, the following criteria must be considered:

- i. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*
  1. The proposed retail store is located within Reporting District 12 (RD 12), which stretches from 9th Street to G Street along the Balboa Peninsula. The standard in which ABC utilizes to identify a high crime area is outlined in Business and Professions Code §23958.4. A reporting district is classified as having "undue concentration" when there is 20% higher crime count (with an alcohol nexus) as compared to the City-wide average. The 2019 crime count in RD 12 is 151, 9% over the City-wide average for reported crimes and does not meet the threshold for undue

concentration. In 2019, eleven (11) reporting districts were reported to ABC as high crime areas per their standards. RD 12 was not one of them.

*ii. The number of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*

1. In 2019, there were 93 arrests in RD 12. Of those, 41% were for public intoxication, DUI, or liquor law violations. In comparison, the figures for neighboring RD 11 is 29%, RD 13 is 33%, and RD 15 is 39%. The highest volume crime in the area is bicycle theft. The highest volume arrest in RD 12 are drug-related offenses. The Newport Beach Police Department (NBPD) has reviewed the proposed operation and did not have any concerns when specified conditions of approval are incorporated. All requested conditions of approval are attached as Exhibit "A."

*iii. The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*

1. Although the property has a close proximity of around 100 feet to the public boardwalk and Peninsula Park, the tenant space itself is oriented towards East Balboa Boulevard and away from the boardwalk. This orientation provides screening and protection from view and other potential disturbances. Residential uses surround this area of Balboa Village and the subject building is located within an existing mixed-use corridor, which includes residential and nonresidential uses. The earlier closing hour and the conditions of approval required for the operation will help to ensure there are no negative impacts on the more sensitive land uses nearby.
2. The proposed use is not located in close proximity to known day care centers, places of religious assembly, or schools.

*iv. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*

1. The Applicant's premise is located within census tract 628.00. This census tract has an approximate population of 4220 residents with 38 active retail licenses, a per capita ratio of one license for every 111 residents. Per Business and Professions Code §23958.4, this per capita ratio is compared to Orange County's per capita ratio of one retail license for every 519 residents. Since the area's ratio exceeds the ratio of retail licenses to population in the county, the area is deemed to have an undue concentration of alcohol licenses. There are no other non-retail licenses in census tract 628.00. There are five Type 02 (Winegrower) licenses and 29 total non-retail licenses in Newport Beach. There are 32 Type 02 licenses and 494 non-retail licenses in Orange County.
2. Due to the intended use description, license type, the small size of the space, the limited tasting area, no late hours, and the Applicant's ABC record, the NBPD does

not have any concerns with this project. As proposed, this location should not create an increased burden on police resources.

v. *Whether or not the proposed amendment will resolve any current objectionable conditions*

1. This is a new retail wine establishment; therefore, no objectionable conditions exist.

*Minor Use Permit*

In accordance with Section 20.52.020.F (Findings and Decision) of the NBMC, the following findings and facts in support of the findings for a use permit are set forth:

Finding

B. *The use is consistent with the General Plan and any applicable specific plan.*

Facts in Support of Finding

1. The proposed project is a retail store specializing in wine (Alcohol Sales, Off-sale) and accessory wine tasting to be located within an existing, mixed-use building of Balboa Village.
2. The General Plan land use designation for this site is Mixed-Use Vertical (MU-V), which is intended to provide for areas appropriate for the development of mixed-use structures that vertically integrate residential dwelling units above the ground floor with retail uses including office, restaurant, retail, and similar nonresidential uses located on the ground floor or above.
3. The proposed retail store is consistent with the Mixed-Use Vertical (MU-V) Land Use designation, as it will operate within an existing ground-floor retail suite of a mixed-use building.
4. The proposed project will not interfere or otherwise impact existing coastal-dependent uses in the vicinity.
5. The subject property is not part of a specific plan area.

Finding

C. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

Facts in Support of Finding

1. The proposed use complies with Section 20.48.030 (Alcohol Sales) of the NBMC relating to required operating standards, and conditions of approval are included in this approval to maintain those requirements.
2. Demand of parking will decrease with the proposed retail wine store. According to the off-street parking standards of NBMC Table 3-10 (Section 20.40.040), an off-sales use requires one space per 250 square feet of gross floor building area or four (4) spaces (925 gross sq. ft. / 250 sq. ft. = 4 spaces). For the existing vehicle rental (limited) use, the requirement is one (1) space per 300 square feet, plus 1 per rental vehicle (925 sq. ft. / 300 sq. ft. + 1 vehicle = 5). Since the existing business has vacated the suite, the number of rental vehicles part of their operation is unknown. However, even the most conservative estimate assuming one rental vehicle suggests the retail wine store would, in fact, reduce overall parking demand by one (1) space. As a result, there is no additional parking requirement and no intensification of use generated by the project.

Finding

- D. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding

1. The proposed project involves the establishment of a 925-square-foot retail wine store with an on-site, 125-square-foot accessory tasting area. The operational characteristics of the use are that of a retail store, which is compatible with the uses within Balboa Village which currently include retail and service commercial for various businesses such as a nail salon, retail clothing store, real estate office, restaurants, barber shop, and art studio.
2. The retail store and related accessory tasting have been limited by the conditions of approval to prevent late hour operations and are restricted to the hours between 10 a.m. and 10 p.m., daily. No wine tastings will be poured past 9 p.m.
3. See Fact in Support of Finding A.iii.1.
4. The Applicant is required to obtain Health Department approval prior to opening for business, and comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.

Finding

- E. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

### Facts in Support of Finding

1. The subject mixed-use building has existed since the late 1980s. The proposed retail wine establishment will operate in an existing nonresidential suite and will not negatively affect emergency access.
2. Adequate public and emergency vehicle access, public services, and utilities are provided on-site and are accessed by way of the alley directly behind the site. The site is also accessible from East Balboa Boulevard.
3. The tenant improvements to the project site will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

### Finding

- F. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, a safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

### Facts in Support of Finding

1. The project has been reviewed and this approval includes conditions to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the retail store.
2. The restrictions on the hours and wine tasting operation will help prevent adverse pedestrian and traffic impacts for the surrounding residential and commercial uses.
3. The proposed retail store and on-site, accessory tasting area will help revitalize the project site and will provide an economic opportunity for the property owner to update the tenant space and provide additional services to the visitors and residents in the surrounding area.
4. All owners, managers, and employees selling or serving wine will be required to complete a Responsible Beverage Service certification program.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to categorically exempt under Sections 15301 and 15303 under Class 1 (Existing Facilities) and Class 3 (New Construction or Conversion of Small Structures), respectively, of the State CEQA (California Environmental Quality Act) Guidelines, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2020-167, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED THIS 12<sup>th</sup> DAY OF NOVEMBER, 2020.**



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Jaime Murillo  
Zoning Administrator



**EXHIBIT "A"****CONDITIONS OF APPROVAL****PLANNING**

1. The development shall be in substantial conformance with the approved site plan and floor plan(s) dated with this date of approval. (Except as modified by applicable conditions of approval.)
2. *No portion of the licensed premises shall be maintained for the sole purpose of sale or service of alcoholic beverages directly to patrons for on-site consumption.*
3. *The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premise.*
4. *The wine tasting area shall not operate as a bona fide eating establishment, but may serve incidental snacks such as bread, crackers, or cheeses. No kitchen or food preparation area shall be provided on the premises.*
5. This minor use permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
6. The use of any amplifying systems, outdoor sound system or any other such device is prohibited on the licensed premises.
7. Any change in operational characteristics, hours of operation, expansion in area, or other modification to the approved plans, may require an amendment to this minor use permit or the processing of a new use permit.
8. Minor Use Permit No. UP2020-167 shall expire unless exercised within twelve (12) months from the date of approval as specified in Section 20.48.030 (Alcohol Sales) of NBMC, unless the California Department of Alcoholic Beverage Control issues or transfers the ABC license before the permit expiration date.
9. Minor Use Permit No. UP2020-167 shall expire shall expire if the alcohol sales use is discontinued for ninety (90) consecutive days or if the ABC license for the establishment is revoked or transferred to a different location.
10. Prior to operation of the establishment, the Applicant shall acquire a business license with the City's Revenue Division.

11. Should this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified in writing of the conditions of this approval by the current owner or leasing company.
12. Outdoor storage of boxes, equipment, materials, merchandise, and other similar items shall be prohibited.
13. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
14. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
15. There shall be no dancing and/or live entertainment allowed on the premises.
16. A copy of this resolution shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
17. *The Alcoholic Beverage Control (ABC) License shall be limited to a Type 02 (Winegrower), or comparable license. Any substantial change in the ABC License type shall require subsequent review and potential amendment to this minor use permit.*
18. *The tasting area shall be limited to 125 square feet and eight (8) seats as depicted on the project plans of this approval. No tastings shall be conducted outside of this designated area.*
19. *Tastings are limited to those allowed under a Type 02 (Winegrower) Alcoholic Beverage Control License only. Pours shall be limited to two (2) ounces each. Customers shall not be permitted to drink bottles of purchased wine in the store and no wine tasting should take place on public property.*
20. *The hours of operation for the retail wine store are limited from 10 a.m. to 10 p.m., daily. No wine tastings shall be poured past 9 p.m. No customer shall be in the store past 10 p.m.*
21. All proposed signs shall conform to Title 20, Chapter 20.42 (Sign Standards) of the NBMC regulations or any sign program applicable to the property. Approved window signs shall not obstruct the view of the interior of the premises (e.g., sales counter, cash register, employees, customers, etc.) from the exterior.
22. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.

23. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 8 a.m., daily, unless otherwise approved by the Community Development Director, and may require an amendment to this Use Permit.
24. 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 Balboa Wine including, but not limited to, Minor Use Permit No. UP2020-167 (PA2020-266). 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.

#### **Building Division Conditions**

25. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
26. The Applicant shall ensure a minimum 36 inches wide circulation path and aisle are provided at all times.
27. Project plans shall demonstrate compliance with disabled access requirements.

#### **Police Department Conditions**

28. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code.
29. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
30. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
31. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris from the premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours of written notice from the City.

32. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
33. Strict adherence to maximum occupancy limits is required.
34. The applicant shall maintain a security recording system with a 30-day retention, and make those recordings available to the Police Department upon request.
35. The operator of the retail facility shall be responsible for the control of noise generated by the subject facility. All noise generated by the proposed use shall comply with the provisions of Section 20.30.080 (Noise) Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the Newport Beach Municipal Code.
36. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages within 60 days of hire. This training must be updated every 3 years regardless of certificate expiration date. The certified program must meet the standards of the certifying/licensing body designated by the State of California. The establishment shall comply with the requirements of this section within 60 days of approval. Records of each owner's manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach

## RESOLUTION NO. ZA2020-074

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING LOT LINE ADJUSTMENT NO. LA2020-003 TO ADJUST THE REAR PROPERTY LINE BETWEEN THREE (3) PARCELS LOCATED AT 4800 SURREY DRIVE, 716 AND 722 CAMEO HIGHLANDS (PA2020-080)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by RDM Surveying, with respect to properties located at 4800 Surrey Drive, 716 and 722 Cameo Highlands Drive, and legally described as Lot 50 and the west half of lot 51, Lot 57, and Lot 58 of Tract No. 3519, as shown on map thereof recorded in book 128, pages 18 through 21 of miscellaneous maps in the office of the county recorder of Orange County, CA, requesting approval of a lot line adjustment.
2. The applicant proposes a lot line adjustment to realign the rear property line between three (3) residences located in Surrey Drive and Cameo Highlands Drive.
3. The subject properties are designated Single Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1-6000) Zoning District.
4. The subject properties are located within the coastal zone. The Coastal Land Use Plan category is Single Unit Residential (RSD-A) and it is located within the Single-Unit Residential (R-1-6000) Coastal Zone District. The subject properties are located in the Coastal Zone. However, the proposed lot line adjustment will not result in any change to land use density.
5. A public hearing was held online on November 12, 2020, observing restrictions due to the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID-19. A notice of time, place and purpose of the hearing 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 hearing.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15305, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 5 (Minor Alterations in Land Use Limitations) of the Guidelines for CEQA.
2. This 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 minor lot line adjustments. The proposed lot line adjustment affects the rear property line between three residences located at 4800 Surrey Drive, 716 and 722 Cameo Highlands Drive. There will be no change in land use, density, or intensity.

### 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 the title.*

#### Facts in Support of Finding:

1. The proposed lot line adjustment will not change the existing use, or allowable intensity or density, of either property. The General Plan Land Use Designation of Single Unit Residential Detached will be maintained for 4800 Surrey Drive, 716 and 722 Cameo Highlands Drive.
2. The proposed lot line adjustment will not result in a development pattern that is inconsistent with the surrounding neighborhood. The properties at 4800 Surrey Drive, 716 and 722 Cameo Highlands Drive will continue to allow for a maximum of one (1) single unit dwelling consistent with the applicable General Plan Land Use and zoning designation.
3. The proposed lot line adjustment is consistent with the purpose identified in Chapter 19.76 (Lot Line Adjustment) of the Newport Beach Municipal Code. The lot line adjustment constitutes a minor boundary adjustment involving three (3) adjacent lots rear property lines. The original number of lots will remain unchanged after the adjustment.
4. The subdivision does not negatively impact surrounding land owners, and will not in itself be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood, as the adjustment affects interior property lines between three (3) adjacent parcels. The proposed lot line adjustment results from the existing rear and side property line walls on 716 and 722 Cameo Highlands Drive that were constructed on 4800 Surrey Drive.

Finding:

*B. The number of parcels resulting from the lot line adjustment remains the same as before the adjustment*

Fact in Support of Finding:

1. The proposed lot line adjustment will adjust the rear property line between three (3) adjacent parcels. The number of parcels 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:

1. The three (3) properties are located within Single-Unit Residential (R-1-6,000) Zoning District, intended to provide for detached single-unit dwellings. The proposed lot line adjustment will not change the existing use of the parcels affected.
2. The proposed lot line adjustment will shift the existing rear property line between the three (3) parcels towards the south, reallocating approximately 1,019 square feet of land from the property at 4800 Surrey Drive to 716 and 722 Cameo Highlands Drive. The proposed lot line adjustment results from existing development improvements on 716 and 722 Cameo Highlands Drive that were constructed on 4800 Surrey Drive. The proposed lot line adjustment results from the existing rear and side property line walls on 716 and 722 Cameo Highlands Drive that were constructed on 4800 Surrey Drive.
3. The existing area of 4800 Surrey Drive is approximately 13,806 square feet. The proposed lot line adjustment would decrease the area to approximately 12,787 square feet (net decrease of 1,019 square feet). The existing area of 716 Cameo Highlands Drive is approximately 7,678 square feet and the proposed lot line adjustment would increase the area to approximately 7,987 square feet (net increase of 309 square feet). The existing area of 722 Cameo Highlands Drive is approximately 7,752 square feet and the proposed lot line adjustment would increase the area to approximately 8,462 square feet (net increase of 710 square feet).
4. The proposed lot line adjustment will not result in a development pattern that is inconsistent with the surrounding neighborhood. All three properties will continue to allow for a maximum of one single unit dwelling consistent with the applicable General Plan Land Use and zoning designation.

Finding:

*D. Neither the lots as adjusted nor adjoining parcels will be deprived legal access as a result of the lot line adjustment.*

Fact in Support of Finding:

1. The proposed lot line adjustment affects the interior property lines between three (3) adjacent parcels. Legal access to the subject properties is not affected by the adjustment and is available along Surrey Drive and Cameo Highlands Drive.

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.*

Fact in Support of Finding:

1. Vehicular access to the existing properties is from Surrey Drive and Cameo Highlands Drive. The final configuration will not change vehicular access to the properties.

Finding:

*F. That the final configuration of a reoriented lot does not result in any reduction of the street site 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 site setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street site setbacks are appropriate, and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.*

Fact in Support of Finding:

1. The final configuration of the proposed parcels does not result in a requirement for revised setbacks since the parcels are not proposed to be reoriented. The required setbacks applicable to parcels in the R-1-6,000 Zoning District shall continue to apply to the adjusted parcel.

**SECTION 4. DECISION.**

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

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines,



California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.

2. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2020-003.
3. This action shall become final and effective ten (10) days following the date this Resolution was adopted 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 NOVEMBER, 2020.**



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Jaime Murillo  
Zoning Administrator

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**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. The 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 19 (Subdivisions) of the Newport Beach Municipal Code.
3. Prior to recordation of the lot line adjustment, the applicant shall submit the exhibits to the Public Works Department for final review.
4. 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 Cameo Highlands Lot Line Adjustment including, but not limited to, Lot Line Adjustment No. LA2020-003 (PA2020-080). 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.