



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
(949) 644-3200 Fax: (949) 644-3229
www.newportbeachca.gov

**CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT**

June 26, 2014
Agenda Item No. 2

SUBJECT: Rutter Lot Line Adjustment - (PA2014-081)
212 Via Orvieto
▪ Lot Line Adjustment No. LA2014-001

APPLICANT: RJ Rutter

PLANNER: Jason Van Patten, Planning Technician
(949) 644-3234, jvanpatten@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

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

PROJECT SUMMARY

A lot line adjustment application to adjust the underlying lot line between two contiguous lots that were previously developed with a single-family dwelling. The applicant is requesting to shift the interior lot line 2 feet to the north. Land taken from Lot 80 will be added to Lot 81. There will be no change in the number of lots.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Lot Line Adjustment No. LA2014-001 (Attachment No. ZA 1).

DISCUSSION

- The applicant proposes to adjust the interior lot line between two contiguous lots located in the R-1 (Single-Unit Residential) Zoning District. The subject property and those within the vicinity are developed with single-unit dwellings.

INTENTIONALLY BLANK PAGE

- The General Plan designates the subject properties as Single-Unit Residential Detached (RS-D) which is intended for detached single-family residential dwelling units on each legal lot.
- The property is currently improved with one single-family dwelling that is constructed across two legal lots (Lots 80 and 81 of Tract No. 907). The dwelling is proposed to be demolished, thereby allowing each legal lot to be developed individually.
- The lot line adjustment would shift the interior lot line 2 feet to the north, taking 176 square feet of land from Lot 80 and adding to Lot 81. The resulting net area would be 2,640 square feet for the proposed Parcel 1 (Exhibit B of Attachment No. ZA 3) and 2,992 square feet for the proposed Parcel 2.
- The proposed parcels are consistent with the original lot sizes in the vicinity which are typically 30 feet wide, 88 feet deep, and 2,640 square feet in area, but as large as 35 feet wide, 88 feet deep, and 3,080 square feet in area. The proposed parcels with lot widths of 30 feet and 34 feet and depths of 88 feet are compatible with neighboring lots in width, depth, and area.
- The minor boundary adjustment will not impact access to the subject property from Via Orvieto and Via Palermo.
- The number of parcels will remain unchanged as a result of the boundary adjustment.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15305, of the State CEQA (California Environmental Quality Act) Guidelines - Class 5 (Minor Alterations in Land Use Limitations). The Class 5 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 but not limited to minor lot line adjustments not resulting in the creation of any new parcel. The proposed lot line adjustment is consistent with all of the requirements of the Class 5 exemption.

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 Community Development Director 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:



Jason Van Patten
Planning Technician

JM/jvp

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

Attachment No. ZA 1

Draft Resolution

INTENTIONALLY BLANK PAGE

RESOLUTION NO. ZA2014-0##

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT LINE ADJUSTMENT NO. LA2014-001 FOR PROPERTY LOCATED AT 212 VIA ORVIETO (PA2014-081)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by RJ Rutter, with respect to property located at 212 Via Orvieto, and legally described as Lots 80 and 81 of Tract No. 907 requesting approval of a lot line adjustment.
2. The applicant proposes to adjust the interior lot line between contiguous parcels of land 2 feet to the north. The proposal would take 176 square feet of land from Lot 80 and add to Lot 81. The resulting net area would be 2,640 square feet for the proposed Parcel 1, and 2,992 square feet for the proposed Parcel 2. There will be no change in the number of lots.
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 located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-C).
5. A public hearing was held on June 26, 2014, 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 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). The Class 5 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 but not limited to minor lot line adjustments not resulting in the creation of any new parcel.
2. The proposed lot line adjustment will not change the number of existing lots, will not result in any change in use or density, and is consistent with all of the requirements of the Class 5 exemption.

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 this title.*

Facts in Support of Finding:

1. The proposed boundary adjustment will not change the single-unit residential use of the property, and will maintain consistency with the General Plan Land Use Designation, Single-Unit Residential Detached (RS-D), which is intended for detached single-family residential dwelling units on a single lot.
2. The proposed boundary adjustment will not result in a development pattern which is inconsistent with the surrounding neighborhood. Each of the resulting parcels will allow for future single-unit development which is consistent with the single-unit General Plan Land Use and Zoning designations.
3. The proposed boundary adjustment is consistent with the purpose identified in Chapter 19.76 (Lot Line Adjustments) of the Newport Beach Municipal Code. The lot line adjustment constitutes a minor boundary adjustment involving two adjacent lots where land taken from one lot is added to an adjacent lot. The original number of lots will remain unchanged after the adjustment.
4. The subdivision is consistent with the General Plan, does not affect open space areas in the City, does not negatively impact surrounding land owners because the adjustment affects an interior lot line between two adjacent lots, and will not in itself be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood.

Finding:

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

Facts in Support of Finding:

1. The proposed boundary adjustment will shift the interior lot line between two adjacent lots 2 feet to the north. No additional lots will result from the adjustment and the number 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 proposed boundary adjustment will take 176 square feet of land from Lot 80 and add to Lot 81. The resulting net area would be 2,640 square feet for the proposed Parcel 1 and 2,992 square feet for the proposed Parcel 2. The proposed parcels are consistent with lot sizes in the vicinity which are typically 30 feet wide, 88 feet deep, and 2,640 square feet in area, but as large as 35 feet wide, 88 feet deep, and 3,080 square feet in area.
2. The proposed parcels with lot widths of 30 feet and 34 feet and depths of 88 feet are consistent with neighboring lots and comply with all applicable zoning regulations. The proposed parcels are not more nonconforming as to lot width, depth and area than the parcels that existed prior to the lot line adjustment and those in the vicinity, and there will be no change in allowed land uses, density, or intensity on the properties.

Finding:

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

Facts in Support of Finding:

1. The proposed boundary adjustment affects the interior lot line between two adjacent lots. Legal access to the subject property from Via Orvieto and Via Palermo is not affected by the lot line adjustment.

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.*

Facts in Support of Finding:

1. The final configuration of the proposed parcels does not result in the loss of direct vehicular access from any street. Vehicular access to the existing property is taken from Via Palermo and the final configuration will not change this.

Finding:

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

Facts 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 lots in the R-1 Zoning District shall continue to apply to the adjusted lots per the Zoning Code, just as they applied to the previous configuration.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2014-001, 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 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 26TH DAY OF JUNE, 2014.

By:

Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

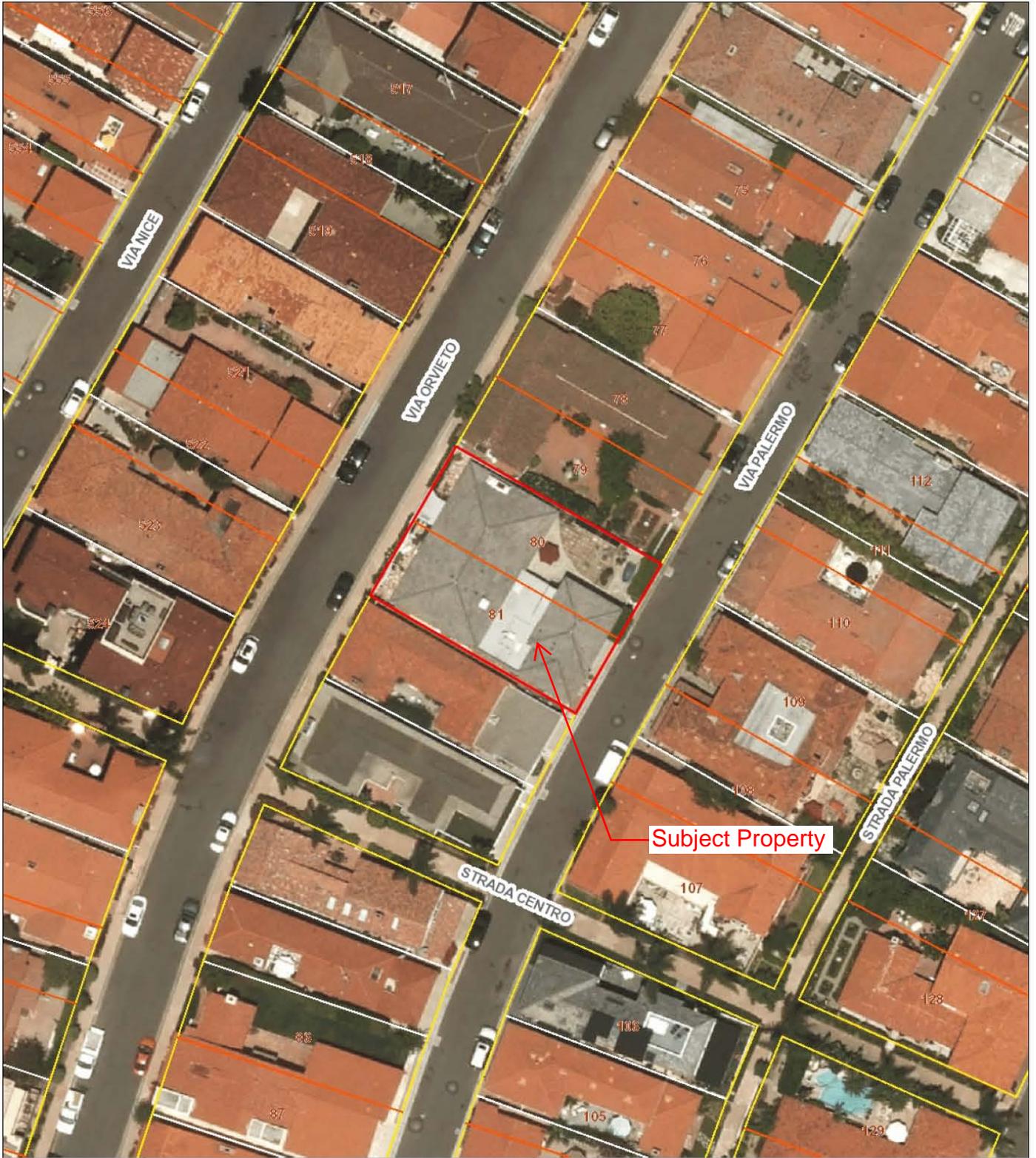
1. The development shall be in substantial conformance with the approved lot line adjustment exhibits stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. The applicant shall comply with all federal, state, and local laws unless specifically waived or modified by the conditions of approval.
3. Prior to the release for recordation of the lot line adjustment, the applicant shall apply for a building permit to remove the existing single-family dwelling and all work fulfilling this requirement shall be completed and finalized by the Building Division.
4. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department for construction or demolition. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.
5. This 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 20 Planning and Zoning of the Newport Beach Municipal Code.
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 Rutter Lot Line Adjustment including, but not limited to, the LA2014-001 (PA2014-081). 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.

INTENTIONALLY BLANK PAGE

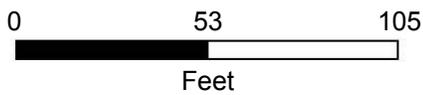
Attachment No. ZA 2

Vicinity Map

INTENTIONALLY BLANK PAGE



Newport
Beach
GIS



Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2013 photos provided by Eagle Imaging www.eagleaerial.com

5/19/2014

INTENTIONALLY BLANK PAGE

Attachment No. ZA 3

Exhibits

INTENTIONALLY BLANK PAGE

EXHIBIT "A"
CITY OF NEWPORT BEACH
LOT LINE ADJUSTMENT NO. LA 2014

RECEIVED BY
 COMMUNITY
 MAY 22 2014
 DEVELOPMENT
 CITY OF NEWPORT BEACH

(LEGAL DESCRIPTION)

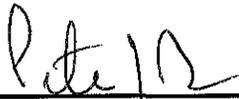
OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
RAYMOND J. RUTTER, TRUSTEE OF THE RAYMOND J. RUTTER AND MELANIE RUTTER FAMILY TRUST, DATED 6-8-94	423-232-06	PARCEL 1
RAYMOND J. RUTTER, TRUSTEE OF THE RAYMOND J. RUTTER AND MELANIE RUTTER FAMILY TRUST, DATED 6-8-94	423-232-06	PARCEL 2

A PROJECT CONSISTING OF AN ADJUSTMENT OF LOTS 80 AND 81 OF TRACT NO. 907, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 28, PAGES 25 TO 36, INCLUSIVE, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

AS MORE PARTICULARLY SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

There may be easements of record delineated and referenced on the underlying maps or there may be other recorded easements within the area being adjusted that are not shown on this document that could encumber said parcels herein.

THIS DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION.



 PETE J. DUCA R.C.E. 24668
 MY REGISTRATION EXPIRES 12-31-15

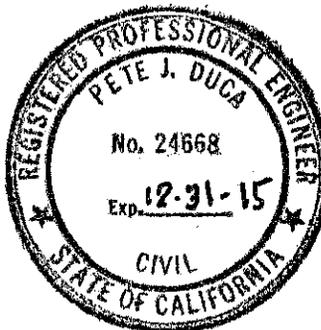


EXHIBIT "B"

CITY OF NEWPORT BEACH

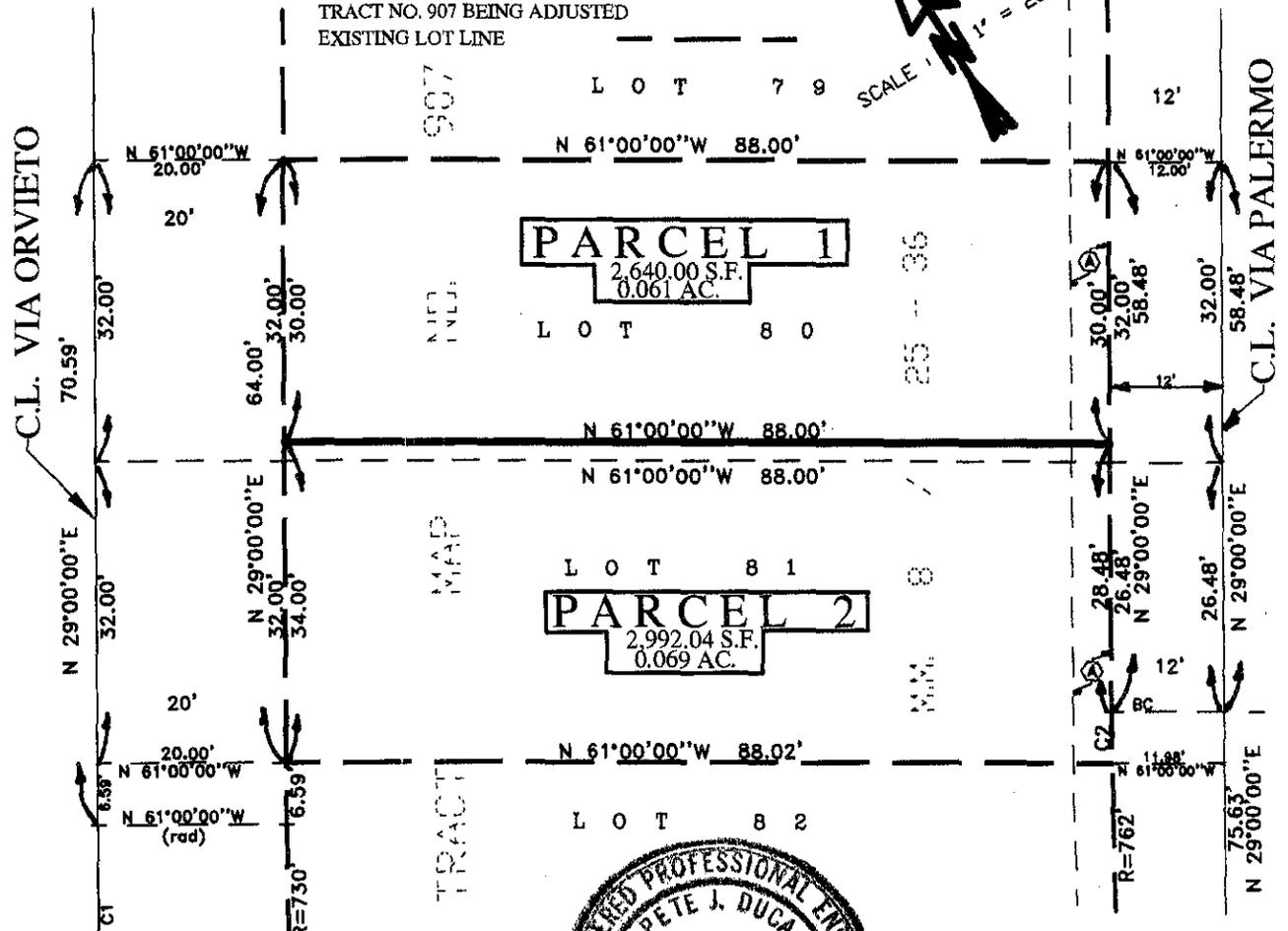
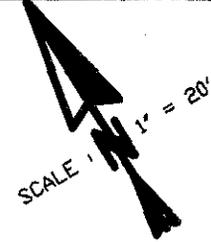
LOT LINE ADJUSTMENT NO. LA 2014

(MAP)

OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
RAYMOND J. RUTTER, TRUSTEE OF THE RAYMOND J. RUTTER AND MELANIE RUTTER FAMILY TRUST, DATED 6-8-94	423-232-06	PARCEL 1
RAYMOND J. RUTTER, TRUSTEE OF THE RAYMOND J. RUTTER AND MELANIE RUTTER FAMILY TRUST, DATED 6-8-94	423-232-06	PARCEL 2

LEGEND:

- PROPOSED NEW LOT LINE PER LOT LINE ADJUSTMENT
- EXISTING LOT LINE PER TRACT NO. 907 BEING ADJUSTED
- EXISTING LOT LINE

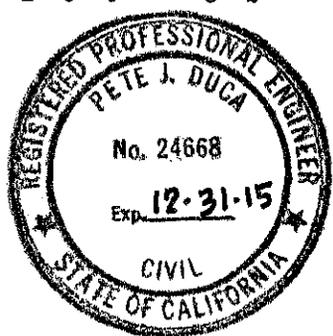


CURVE DATA:

Curve	Delta Angle	Radius	Arc
	5°45'31"	750.00	75.38
	0°24'53"	762.00	5.52

EASEMENTS OF RECORD:

(A) -- 4' WIDE EASEMENT TO CITY OF NEWPORT BEACH FOR PUBLIC UTILITY PURPOSES.



THIS MAP HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION.

Pete J. Duca

PETE J. DUCA, R.C.E. 24668
MY REGISTRATION EXPIRES 12-31-15

EXHIBIT "C"

CITY OF NEWPORT BEACH

LOT LINE ADJUSTMENT NO. LA _____

(SITE PLAN)

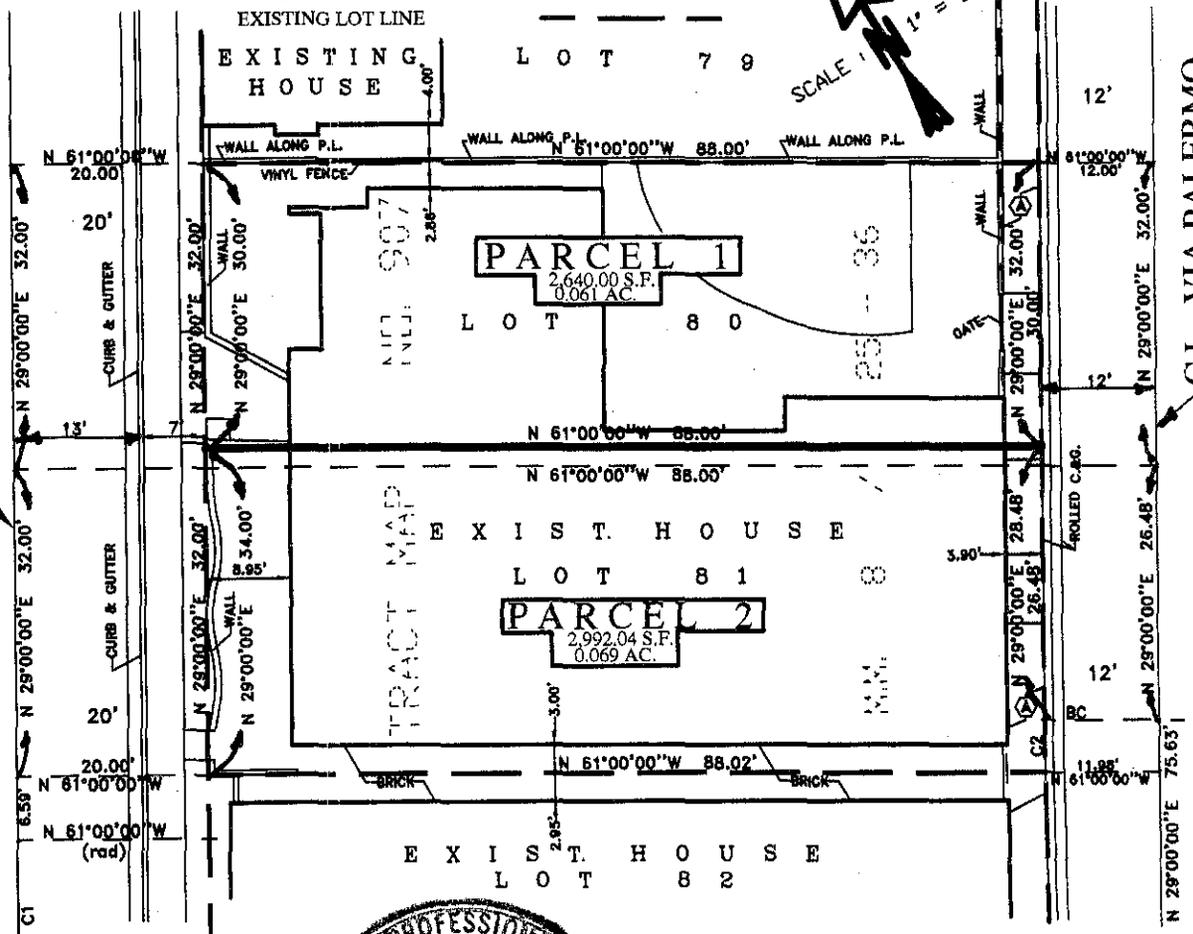
OWNER	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
RAYMOND J. RUTTER, TRUSTEE OF THE RAYMOND J. RUTTER AND MELANIE RUTTER FAMILY TRUST, DATED 6-8-94	423-232-06	PARCEL 1
RAYMOND J. RUTTER, TRUSTEE OF THE RAYMOND J. RUTTER AND MELANIE RUTTER FAMILY TRUST, DATED 6-8-94	423-232-06	PARCEL 2

LEGEND:

- PROPOSED NEW LOT LINE PER LOT LINE ADJUSTMENT
- EXISTING LOT LINE PER TRACT NO. 907 BEING ADJUSTED
- EXISTING LOT LINE

C.L. VIA ORVIETO

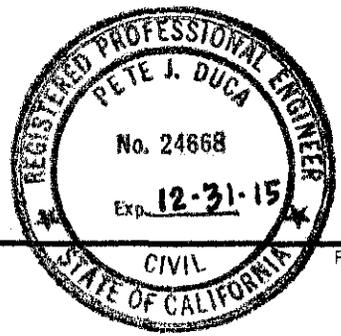
C.L. VIA PALERMO



CURVE DATA:

Curve	Delta Angle	Radius	Arc
1	5°45'31"	750.00	75.38
2	0°24'53"	762.00	5.52

EASEMENTS OF RECORD:
 (A) -- 4' WIDE EASEMENT TO CITY OF NEWPORT BEACH FOR PUBLIC UTILITY PURPOSES.



THIS MAP HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION.

Pete J. Duca

PETE J. DUCA R.C.E. 24668
 MY REGISTRATION EXPIRES 12-31-15

June 26, 2014, Zoning Administrator Agenda Comments

Comments submitted by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item II: Approval of Minutes (June 12, 2014)

Suggested changes:

1. Page 2, paragraph 4: "... he lives in the neighborhood and is familiar with the ~~CC and R's~~ **CC&R's** and look of the community."
2. Page 2, paragraph 3 from end: "~~One member of the public, Mr. Jim Mosher, spoke and inquired on the previous use of the suite and stated that the City's non-conforming parking~~ **rule** was ambiguous."
3. Page 3, last sentence: "~~She made the following changes to the Resolution: addition to Condition No. 7 restricting the maximum number of outdoor seats to 8, addition to Condition No. 11 to state that amplified music shall not be allowed in the outdoor areas, and addition~~ **to of** Conditions No. 4 and No. 11 from the Police Department Report to the Resolution."

Item No. 2. Rutter Lot Line Adjustment (PA2014-081)

I believe that any kind of subdivision change within the Coastal Zone, including a lot line adjustment, requires a Coastal Development Permit or a waiver of that requirement. To the best of my knowledge, the City's Categorical Exclusion Order does not exempt lot changes.

Item No. 3. Petco Sign Modification (PA2014-085)

I am unable to view the staff report from home because NovusAgenda terminates downloads after a little under two minutes and my internet connection is too slow to download the item in that time.

From what I recall of the printed staff report I saw in the Planning Division lobby, I am strongly opposed to this modification permit request as I see no need for a second identification sign.

A single sign on the fascia-like horizontal element of the building between the entry towers would, I suspect, be consistent with the existing sign standards, more tasteful, and entirely adequate. Surely visitors to the shopping center do not need two signs to find the Petco building, and having found the building do not need a sign on each tower to figure out how to get in.

In short, I see no need to deviate from what I assume are the existing sign standards and I feel allowing a proliferation of unnecessary signs is not in the best interests of the community.