


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of March 12, 2024

Consent Item; Public Hearing Item

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: March 6, 2024

Subject: Petranoff Lot Line Adjustment & Variance
File No. 053-163-002; Case No's. LLA 01-2024 & VAR 01-2024

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed lot line adjustment; and
2. Open the public hearing, receive public input, close the public hearing and deliberate; and
3. Find that the proposed lot line adjustment is consistent with the Rio Dell General Plan, Zoning and Building regulations and is Categorically Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and
4. Adopt Resolution No. PC 176-2024 approving the proposed lot line adjustment

Background

A lot line adjustment between two parcels, Lots 13 and 14 of Block Sixteen as shown on the map of the First Addition to New Rio Dell Tract, recorded April 14, 1930, in Book 11 of Maps, pages 76-79. The proposed lot line adjustment will be adjusting approximately 500 square feet from one parcel to another resulting in two parcels of 5,500 square and 4,500 square feet. The

purpose of the lot line adjustment is to adjust the common property line from being built over. The parcels are provided with community water and sewer. See Figure 1. Attachment 1 includes the site plan illustrating the proposed lot line adjustment.



Figure 1

Based on the proposed project, staff has determined that the project is Categorically Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

The applicant has submitted evidence in support of making the required findings. Lot line adjustments *shall* be approved if the required findings can be made. Therefore, staff recommends that the Planning Commission approve the project as conditioned.

Required Findings

Section 17.35.030 Rio Dell Municipal Code (RDMC).

A lot line adjustment shall be approved or conditionally approved when there is compliance with all of the following approval criteria:

- (1) The application is found to be complete; and
- (2) Either (a) the parcels to be adjusted are found to be in compliance with the Subdivision Map Act and local subdivision regulations, or (b) a Conditional Certificate of Subdivision Compliance for the parcel or parcels has been issued for recordation prior to or concurrent with the lot line adjustment; and
- (3) The proposed lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformities with the General Plan, Zoning and Building ordinances. Providing compliance with this subsection, the approval shall not be conditioned on correction or preexisting non-conformities with the General Plan, Zoning and Building ordinances.

Staff Analysis

1. Complete Application

The applicant has submitted the required application materials including the map/plot plan illustrating the proposed lot line adjustment, copies of the current deeds, creation documents and copies of a Preliminary Title Report (PTR) for each of the parcels.

2. Subdivision Map Act Compliance

The parcels were created in compliance with State and local regulations in 1930 by Parcel Map. The subject parcels are Lots 13 and 14 of Block Sixteen as shown on the map of the First Addition to New Rio Dell Tract, recorded April 14, 1930, in Book 11 of Maps, pages 76-79. A records search and a review of the Preliminary Title Report indicate that the lots have not been formally merged.

3. General Plan, Zoning and Building Ordinance Consistency

The parcels are planned and zoned Urban Residential (UR). See Figure 2. The purpose of the Urban Residential zone is to provide neighborhood residential areas with varying densities for single family dwellings. A copy of the Urban Residential development standards is included as Attachment 3. The Urban Residential designation requires a minimum parcel size of 6,000 square feet. Both parcels are currently 5,000 square feet. They are legal non-conforming parcels.

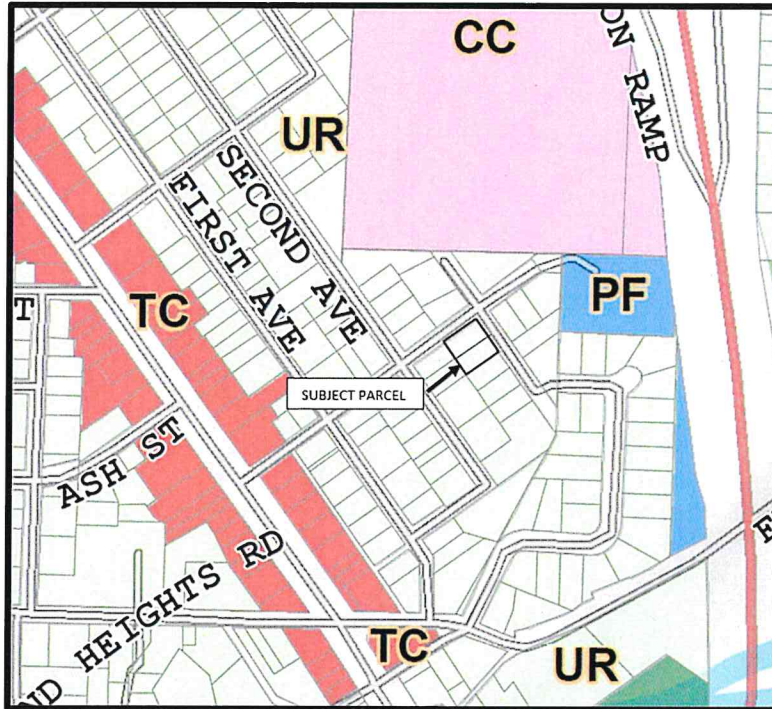


Figure 2

The applicant has requested to utilize the Lot Size Modification provisions to reduce one parcel to 4,500 square feet. Section 17.30.190 of the RDMC allows exceptions to Lot Size, Lot Width and Lot Depth Standards to better design and cope with difficulties due to topography and other natural or manmade features, **minimum lot size**, minimum lot width, and maximum lot depth in all zones. The Lot Size Modification provisions allow parcels to be modified down to not less than 50 percent, or 5,000 square feet, whichever is greater.

Staff is supportive of a Variance to the 5,000 square-foot minimum parcel size requirement. Section 17.35.020 identifies the required findings to approve a Variance.

- The location, shape, size, surroundings, topography, or other condition, applicable to the subject property, represents special circumstances, and that strict application of this title would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district.

The proposed lot line adjustment will resolve the existing building encroachment over the common property line. This represents a special circumstance. Several properties in the Avenue's neighborhood are less than 5,000 square feet. There are parcels as small as 2,500 square feet. As such, the strict application would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district

- The variance is necessary for the enjoyment and preservation of substantial property rights enjoyed by other property owners in the same vicinity and zoning district; and

If the Variance is not approved, the owner would be required to merge the properties, resulting in a loss of property value.

- The variance is consistent with the general plan.

There is nothing in the General Plan which would prohibit the approval of the Variance. Approval of the Variance will allow the owner to sell the parcel, which is currently in escrow. The new owner plans on repairing the existing dwelling, which maintains and enhances the City housing stock. This is consistent with the City's State-approved Housing Element.

The proposed lot line adjustment does not result in any nonconformity in regard to setbacks or lot coverage and does not require the relocation of any easements or utilities. The proposed lot line adjustment resolves a setback issue.

Based on comments from referral agencies, information submitted by the applicant, and the recommended conditions of approval, the evidence supports the finding that the proposed lot line adjustment is in conformance with all applicable policies of the Zoning Regulations, General Plan and Building Regulations.

Approval of the Lot line Adjustment does not guarantee that the parcels are suitable for development in accordance with existing and future regulations.

4. California Environmental Quality Act (CEQA)

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to lot line adjustment with an average slope of less than 20% and does not result in any changes in land use or density.

Attachments:

Attachment 1: Map of Proposed Lot Line Adjustment and map of the First Addition to New Rio Dell Tract.

Attachment 2: Development Standards for the Urban Residential designation.

Attachment 3: Conditions of Approval.

Attachment 4: Resolution No. PC 176-2024.

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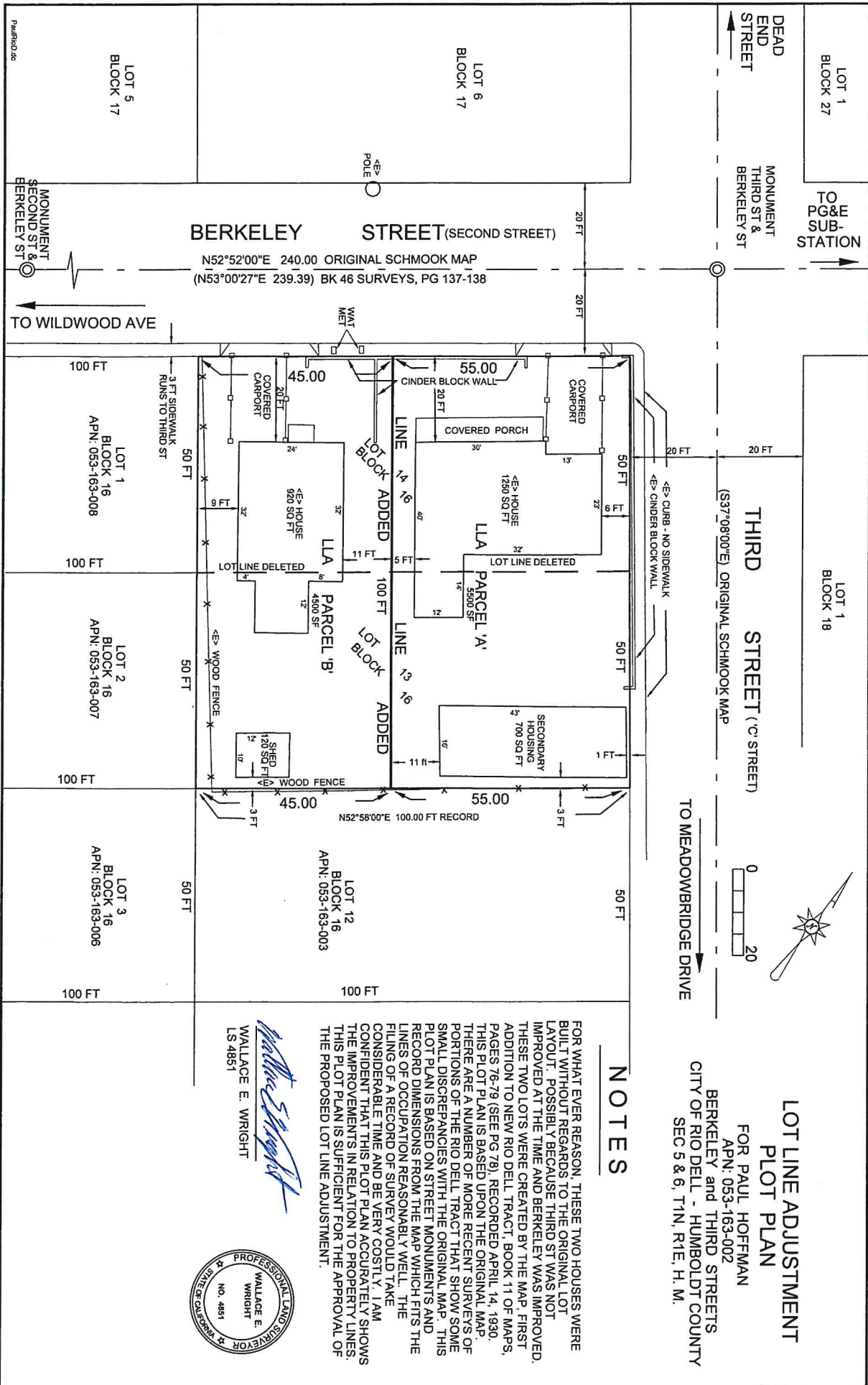
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DEAD END STREET
MONUMENT THIRD ST & BERKELEY ST

LOT 1 BLOCK 27
TO PG SUB STATION

LOT 1 BLOCK 18

THIRD STREET ('C' STREET)
(S37°08'00"E) ORIGINAL SCHMOOK MAP

TO MEADOWBRIDGE DRIVE

LOT LINE ADJUSTMENT
PLOT PLAN
FOR PAUL HOFFMAN
APN: 053-163-002
BERKELEY and THIRD STREETS
CITY OF RIO DELLA - HUMBOLDT COUNTY
SEC 5 & 6, T1N, R1E, H, M.

NOTES

FOR WHAT EVER REASON, THESE TWO HOUSES WERE BUILT WITHOUT REGARDS TO THE ORIGINAL LOT LAYOUT. POSSIBLY BECAUSE THIRD ST WAS NOT IMPROVED AT THE TIME AND BERKELEY WAS IMPROVED. THESE TWO LOTS WERE CREATED BY THE MAP FIRST ADDITION TO NEW RIO DELLA TRACT, BOOK 11 OF MAPS, PAGES 76-79 (SEE PG 78), RECORDED APRIL 14, 1930. THIS PLOT PLAN IS BASED UPON THE ORIGINAL MAP. THERE ARE A NUMBER OF MORE RECENT SURVEYS OF PORTIONS OF THE RIO DELLA TRACT THAT SHOW SOME SMALL DISCREPANCIES WITH THE ORIGINAL MAP. THIS PLOT PLAN IS BASED ON STREET MONUMENTS AND RECORD DIMENSIONS FROM THE MAP WHICH FITS THE LINES OF OCCUPATION REASONABLY WELL. THE FILING OF A RECORD OF SURVEY WOULD TAKE CONSIDERABLE TIME AND BE VERY COSTLY. I AM CONFIDENT THAT THIS PLOT PLAN ACCURATELY SHOWS THE IMPROVEMENTS IN RELATION TO PROPERTY LINES. THIS PLOT PLAN IS SUFFICIENT FOR THE APPROVAL OF THE PROPOSED LOT LINE ADJUSTMENT.

Wallace E. Wright
WALLACE E. WRIGHT
LS 4851



BERKELEY STREET (SECOND STREET)
N52°52'00"E 240.00 ORIGINAL SCHMOOK MAP
(N53°00'27"E 239.39) BK 46 SURVEYS, PG 137-138

TO WILDWOOD AVE

LOT 1 BLOCK 16
APN: 053-163-008

LOT 2 BLOCK 16
APN: 053-163-007

LOT 3 BLOCK 16
APN: 053-163-006

LOT 12 BLOCK 16
APN: 053-163-003

LOT 5 BLOCK 17

LOT 6 BLOCK 17

MONUMENT SECOND ST & BERKELEY ST

Pauley Road



**Urban Residential Zone Development Standards
Section 17.20.030 Rio Dell Municipal Code**

17.20.030 Urban Residential or UR zone.

The purpose of the Urban Residential or UR zone is to provide neighborhood residential areas with varying densities for single-family dwellings. The following regulations shall apply in all Urban Residential or UR zones:

(1) Principal Permitted Uses.

(a) Detached single-family dwellings.

(2) Uses Permitted with a Use Permit.

(a) Attached dwellings with a minimum lot size of 4,000 square feet; *See General Policy below.*

(b) Rooming and boarding of not more than two persons not employed on the premises;

(c) Public and private non-commercial recreation facilities;

(d) Schools, churches, civic and cultural uses including City offices and day care centers.

(e) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.030 for development standards for the Urban Residential (UR) zone.

Table 17.20.030
Development Standards for the Urban
Residential or UR Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	6,000 square feet
Maximum Ground Coverage:	50%
Minimum Lot Width:	60 feet
Minimum Yards	
Front:	20 feet
Rear:	10 feet
Side:	5 feet
Maximum Building Height:	35 feet

General Plan Land Use Policy for Attached Dwellings

Policy LU-14: The standards for attached dwelling units shall be designed to maintain Rio Dell's small town atmosphere. These standards shall include:

- A dwelling group may not contain more than four attached units; and
- Each dwelling unit must have a ground floor front door that faces a public street; and
- Each dwelling unit must have a sidewalk from the public street to the front door that is separate from any driveway; and
- Parking for the dwelling unit group should be located at the rear of the building; and
- Each dwelling unit should have a covered stoop or porch at the front door.

Petranoff Lot Line Adjustment
File No. 053-163-002; Case No's. LLA 01-2024 & VAR 01-2024
Conditions of Approval

Approval of the Lot Line Adjustment is conditioned upon the following terms and requirements:

1. The instruments of record as approved by the Planning Department shall be recorded and the lot line adjustment shall be completed within thirty-six (36) months of approval of the lot line adjustment.

Prior to expiration, the applicant or property owner may request extension of the filing deadline by submitting a written extension request and a filing fee as set by resolution of the City Council.

The Planning Director may grant a maximum of three years extension of the filing deadline if the Planning Director finds that the conditions under which the tentative approval was issued have not significantly changed.

2. A Notice of Lot Line Adjustment shall be recorded for the resulting parcels. The following information must be submitted to the Planning Department for review prior to recordation:

(a) A copy of the deeds to be recorded for the adjusted parcels; provided however, that when the parcels being adjusted are held in common ownership, no new deeds shall be required for the preparation of the Notice of Lot Line Adjustment.

(b) A Lot Book Guarantee or Preliminary Title Report current within 6 months or other evidence satisfactory to the Planning Department regarding ownership of parcels.

(c) Completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" forms (these are available from the Planning Department).

3. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) must be submitted for review and approval to the Planning Department.

4. Pursuant to Section 8762 of the Business and Professions Code a Record of Survey monumenting the corners of the new property line(s) may be required. The City Engineer shall not require the Record of Survey if in his opinion any one of the following findings can be made:

(a) The new boundary line(s) are already adequately monumented of record.

(b) The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.

(c) The new boundary line(s) can be accurately described and located from existing monuments of record.

(d) The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line.

5. The applicants shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the lot line adjustment have been paid in full if payable, or secured if not payable to the satisfaction of the County Tax Collector's Office, and all special assessments on the parcels must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to submitting the required conditions of approval.

6. The applicant/owner shall pay any outstanding fees, fines, penalties or liens associated with the parcels.

Informational Note:

1. Approval of the Lot line Adjustment does not guarantee that the parcels are suitable for development in accordance with existing and future regulations.

RESOLUTION NO. PC 176-2024



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING THE PETRANOFF LOT LINE ADJUSTMENT**

WHEREAS, the parcels were created in compliance with State and local regulations in 1930 by Parcel Map. The subject parcels are Lots 13 and 14 of Block Sixteen as shown on the map of the First Addition to New Rio Dell Tract, recorded April 14, 1930, in Book 11 of Maps, pages 76-79; and

WHEREAS the proposed lot line adjustment will adjust 1500 square feet from one parcel to another resulting in two parcels of 5,500 square and 4,500 square feet; and

WHEREAS both parcels are developed single family residences; and

WHEREAS the parcels are planned and zoned Urban Residential (UR); and

WHEREAS the Urban Residential zone requires a 6,000 square foot minimum parcels size; and

WHEREAS the applicant has requested to utilize the Lot Size Modification provisions to reduce one parcel to 4,500 square feet; and

WHEREAS the Lot Size Modification provisions allow parcels to be modified down to not less than 50 percent, or 5,000 square feet, whichever is greater; and

WHEREAS Staff is supportive of a Variance to the 5,000 square-foot minimum parcel size requirement; and

WHEREAS staff has presented evidence in support of the proposed Variance; and

WHEREAS based on a review of the Preliminary Title Report, current deeds and creation map, staff has determined that the two parcels are legal, separate parcels created in compliance with the Subdivision Map Act and local regulations; and

WHEREAS the proposed lot line adjustment does not result in any nonconformity in regards to setbacks or lot coverage and does not require the relocation of any easements or utilities; and

WHEREAS the applicant has submitted evidence in support of making the required findings and

WHEREAS the City has reviewed the submitted application and evidence and has referred the project to various agencies for review, comments and recommendations; and

WHEREAS based on comments from referral agencies, information submitted by the applicant and the recommended conditions of approval, the evidence supports the finding that the proposed lot line adjustment is in conformance with all applicable policies of the Zoning Regulations, General Plan and Building Regulations; and

WHEREAS the area being adjusted has an average slope of less than 20%; and

WHEREAS staff has determined that the project is Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

WHEREAS pursuant to Section 15305 of the CEQA Guidelines this exemption applies to alterations in land use limitations and lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

NOW, THEREFORE, BE IT RESOLVED the City finds that based on evidence on file and presented in the staff report that the proposed lot line adjustment and variance complies with all of the following required findings:

1. That the proposed lot line adjustment application was found to be complete; and
2. That the parcels involved in the lot line adjustment were created in compliance with the Subdivision Map Act;
3. That the proposed lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformities with the General Plan, Zoning and Building ordinances; and
4. The location, shape, size, surroundings, topography, or other condition, applicable to the subject property, represents special circumstances, and that

strict application of this title would deny the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district; and

5. The variance is necessary for the enjoyment and preservation of substantial property rights enjoyed by other property owners in the same vicinity and zoning district; and

6. The variance is consistent with the general plan

7. That the proposed lot line adjustment and variance is Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell approves the proposed lot line adjustment and variance subject to the recommended conditions of approval.

APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of March 12, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff Chair

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 176-2024 adopted by the Planning Commission of the City of Rio Dell on March 12, 2024.

Karen Dunham, City Clerk, City of Rio Dell