CITY OF UKIAH
City Engineer Public Hearing MINUTES
Conference Room #3
300 Seminary Avenue
Ukiah, CA 95482
January 11, 2018
10:00 a.m.

STAFF PRESENT
Rick Seanor, Acting City Engineer
Adele Phillips, Associate Planner
Ben Kageyama, Senior Civil Engineer
Cathy Elawadly, Recording Secretary

OTHERS PRESENT
Joe Thomas
Adonis Noguera

1. CALL TO ORDER
Acting City Engineer Seanor called the meeting to order at 10:00 a.m. in Conference Room No. 3, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

2. SITE VISIT VERIFICATION
Staff confirmed.

3. APPROVAL OF MINUTES

Acting City Engineer Seanor approved the October 26, 2017 minutes, as submitted.

4. APPEAL PROCESS
Note: For matters heard at this meeting the final date to appeal is January 22, 2018 at 5:00 p.m.

5. VERIFICATION OF NOTICE
Staff confirmed.

6. PUBLIC HEARING
a. Lot Line Adjustment: Conduct a public hearing on the property owners’ request for City Engineer approval of a lot line adjustment to transfer reconfigure the boundaries of 3 lots comprising APN 003-140-07 to create lots of the following areas: 0.5 A, 0.64 A, and 1.33 A.

Presenter: Associate Planner Adele Phillips gave a staff report as provided on pages 1-4 of the staff report and the other accompanying relevant documents for this agenda item and noted:

- While the project consists of one assessor’s parcel number, three lot boundaries are recognized by a Certificate of Compliance in 2017. As such, the intent of the Lot Line Adjustment is to shift the aforementioned lot lines so that the existing development is rendered more legal or conforming with the zoning ordinance regulations as well as to support future development.
- The Lot Line Adjustment that render existing development non-conforming cannot be approved unless measures are taken to ensure the continued legality of the
development. As the site presently exists, two structures are built over the property lines creating a situation that will be rectified with the proposed lot line adjustment. With the reconfiguration of the property lines between Parcels 2 and 3, improvements will need to be made to the building such that it will meet fire safety code standards and zoning consistency. As such, staff has incorporated the following Condition of Approval #7: ‘Prior to final approval and recordation of the lot line adjustment, the owner/applicant shall acquire final approval of the necessary building permit(s) to create separation between the structures on Parcel 2 and Parcel 3 compliant with current fire and building codes.’

- Staff supports project approval with the Findings in Attachment 3 of the staff report and Conditions of Approval in Attachment 4 of the staff report.

PUBLIC HEARING OPENED: 10:07 A.M.

Public Comment: Joe Thomas, applicant accepts the project Findings and Conditions of Approval.

PUBLIC HEARING CLOSED: 10:08 A.M.

Acting City Engineer Seanor approved Lot Line Adjustment between to reconfigure the boundaries of 3 lots comprising APN 003-140-07 to create lots 0.5 A, 0.64 A, and 1.33 A with Findings in attachment 1 and Conditions of Approval in attachment 2.

ATTACHMENT 1

FINDINGS
LOT LINE ADJUSTMENT ON
APN 003-140-07
FILE NO. MUNIS 3221

The following findings are supported by and based on information contained in the staff report, the application materials and documentation, and the public record:

1. The adjustment will not create a greater number of parcels than existed prior to the adjustment;

2. The adjustment will not result in an increase in the number of nonconforming parcels;

3. The adjustment will not increase the nonconformity of any parcel;

4. All of the parcels resulting from the adjustment, as subject to the conditions of approval, are consistent with the General Plan, Zoning Ordinance, and Building Code.

ATTACHMENT 2

CONDITIONS OF APPROVAL
LOT LINE ADJUSTMENT ON
APN 003-140-07
FILE NO. MUNIS 3221
Approval is granted to the Project based on the project description submitted to the Planning and Community Development Department, and as shown on the Plot Plan contained therein, except as modified by the following conditions of approval:

1. All fees related to the Lot Line Adjustment application must be paid prior to the final approval and the recordation of the Lot Line Adjustment.

2. The lot line adjustment shall be reflected in deeds meeting the approval of the City Engineer and shall be recorded with the Mendocino County Recorder. The recorded deeds shall include legal descriptions and plat maps, and shall be prepared by a Licensed Land Surveyor or a Registered Civil Engineer.

3. If required, any existing easement, utility or other infrastructure affected by the Lot Line Adjustment shall be adjusted or relocated, as determined by the City Engineer.

4. If required, property owners shall obtain partial reconveyances from any mortgagor or other lien holders for any portion of a parcel being transferred to an adjacent parcel and that any liens covering the adjacent property have been modified to cover the newly created larger parcel.

5. Prior to recordation of deeds, written verification shall be provided by a title company that partial reconveyances and modified deeds of trust will be filed, as necessary.

6. The project must comply with the requirements of the City of Ukiah Public Works Department Lot Line Adjustment Procedures.

7. Prior to final approval and recordation of the lot line adjustment, the owner/applicant shall acquire final approval of the necessary building permit(s) to create separation between the structures on Parcel 2 and Parcel 3 compliant with current fire and building codes.

8. This approval is contingent upon agreement of the applicant and property owner and their agents, successors and heirs to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City. If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

b. Lot Line Adjustment: Conduct a public hearing on the property owners’ request for City Engineer approval of a lot line adjustment to transfer ±4.12 from APN 003-190-02 (Mendocino County jurisdiction) to APN 003-110-70 (City of Ukiah jurisdiction), resulting in lots comprising 11.08 A and 5.03 A respectively.

Presenter: Associate Planner Adele Phillips gave a staff report as provided on pages 1-4 of the staff report and the other accompanying relevant documents for this agenda item and noted:

- The proposed Lot Line Adjustment will result in two lots, one which remains entirely within the Mendocino County jurisdiction and the other that is located in the City of
Ukiah jurisdiction will result in split jurisdiction. As such, the rear portion of the lot will be within the County of Mendocino jurisdiction.

- The applicants have submitted a concurrent application for a lot line adjustment with the County of Mendocino and that project will be considered for approval by the County’s Subdivision Committee at a hearing today.
- To account for and accommodate the necessity for both jurisdictions to approve the lot line adjustment, special Condition of Approval #8 is required and states, ‘Written verification of approval of County of Mendocino project B2017-0060 shall be provided prior to the final approval and recordation of the Lot Line Adjustment.’
- The project Findings are based on the City parcel (Parcel 2). Finding #2, ‘The adjustment will not result in an increase in the number of nonconforming parcels,’ was able to be made because the City lot is a conforming parcel. The County lot is non-conforming. Finding #3 states, ‘The adjustment will not increase the conformity of any parcel’ and again, this Finding was made based on the City parcel. The County will make its own Finding regarding the County parcel, which technically would increase in nonconformity.
- Staff recommends approval of the Lot Line Adjustment with Findings in attachment 3 of the staff report and Conditions of Approval in attachment 4.

**PUBLIC HEARING OPENED: 10:17 A.M.**

**Public Comment:** Adonis Noguera, applicant accepts the project Findings and Conditions of Approval.

**PUBLIC HEARING CLOSED: 10:17 A.M.**

**Acting City Engineer Seanor:**
- Related to the proposed reconfiguration, requested clarification Parcel 2 will be partially in the City limits and partially in the County.
- Does the proposed reconfiguration affect how taxes are assessed on the property?

**Associate Planner Adele Phillips:**
- Confirmed the Parcel 2 will be in the City and County jurisdiction.
- It is likely the County assessor will have two tax parcels.

**Acting City Engineer Seanor** approved Lot Line Adjustment to transfer ±4.12 from APN 003-190-02 (Mendocino County jurisdiction) to APN 003-110-70 (City of Ukiah jurisdiction), resulting in lots comprising 11.08 A and 5.03 A with Findings in attachment 1 and Conditions of Approval in attachment 2.

**ATTACHMENT 1**

**FINDINGS**
**LOT LINE ADJUSTMENT ON**
**APN 003-190-02 AND APN 003-110-70**
**FILE NO. MUNIS 3282**

The following findings are supported by and based on information contained in the staff report, the application materials and documentation, and the public record:
1. The adjustment will not create a greater number of parcels than existed prior to the adjustment;

2. The adjustment will not result in an increase in the number of nonconforming parcels;

3. The adjustment will not increase the nonconformity of any parcel;

4. All of the parcels resulting from the adjustment, as subject to the conditions of approval, are consistent with the General Plan, Zoning Ordinance, and Building Code.

ATTACHMENT 2

CONDITIONS OF APPROVAL
LOT LINE ADJUSTMENT ON
APN 003-190-02 AND APN 003-110-70
FILE NO. MUNIS 3282

Approval is granted to the Project based on the project description submitted to the Planning and Community Development Department, and as shown on the Plot Plan contained therein, except as modified by the following conditions of approval:

9. All fees related to the Lot Line Adjustment application must be paid prior to the final approval and the recordation of the Lot Line Adjustment.

10. The lot line adjustment shall be reflected in deeds meeting the approval of the City Engineer and shall be recorded with the Mendocino County Recorder. The recorded deeds shall include legal descriptions and plat maps, and shall be prepared by a Licensed Land Surveyor or a Registered Civil Engineer.

11. If required, any existing easement, utility or other infrastructure affected by the Lot Line Adjustment shall be adjusted or relocated, as determined by the City Engineer.

12. If required, property owners shall obtain partial reconveyances from any mortgagor or other lien holders for any portion of a parcel being transferred to an adjacent parcel and that any liens covering the adjacent property have been modified to cover the newly created larger parcel.

13. Prior to recordation of deeds, written verification shall be provided by a title company that partial reconveyances and modified deeds of trust will be filed, as necessary.

14. The project must comply with the requirements of the City of Ukiah Public Works Department Lot Line Adjustment Procedures.

15. This approval is contingent upon agreement of the applicant and property owner and their agents, successors and heirs to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City. If, for any reason any portion of this indemnification
agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

SPECIAL CONDITION:
16. Written verification of approval of County of Mendocino project B 2017-0060 shall be provided prior to the final approval and recordation of the Lot Line Adjustment.

7. **ADJOURNMENT**
   There being no further business, the meeting adjourned at 10:22 a.m.

Cathy Elawadly, Recording Secretary

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**ATTACHMENT 2**

**FINDINGS**
**LOT LINE ADJUSTMENT ON**
APN 180-080-76 AND APN 180-110-11
FILE NO. MUNIS 2887

The following findings are supported by and based on information contained in the staff report, the application materials and documentation, and the public record:

1. The adjustment will not create a greater number of parcels than existed prior to the adjustment;

2. The adjustment will not result in an increase in the number of nonconforming parcels;

3. The adjustment will not increase the nonconformity of any parcel;

4. All of the parcels resulting from the adjustment, as subject to the conditions of approval, are consistent with the General Plan, Zoning Ordinance, and Building Code.

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**ATTACHMENT 3**

**CONDITIONS OF APPROVAL**
**LOT LINE ADJUSTMENT ON**
APN 180-080-76 AND APN 180-110-11
Approval is granted to the Project based on the project description submitted to the Planning and Community Development Department, and as shown on the Plot Plan contained therein, except as modified by the following conditions of approval:

17. All fees related to the Lot Line Adjustment application must be paid prior to the final approval and the recordation of the Lot Line Adjustment.

18. The lot line adjustment shall be reflected in deeds meeting the approval of the City Engineer and shall be recorded with the Mendocino County Recorder. The recorded deeds shall include legal descriptions and plat maps, and shall be prepared by a Licensed Land Surveyor or a Registered Civil Engineer.

19. If required, any existing easement, utility or other infrastructure affected by the Lot Line Adjustment shall be adjusted or relocated, as determined by the City Engineer.

20. If required, property owners shall obtain partial reconveyances from any mortgagor or other lien holders for any portion of a parcel being transferred to an adjacent parcel and that any liens covering the adjacent property have been modified to cover the newly created larger parcel.

21. Prior to recordation of deeds, written verification shall be provided by a title company that partial reconveyances and modified deeds of trust will be filed, as necessary.

22. The project must comply with the requirements of the City of Ukiah Public Works Department Lot Line Adjustment Procedures.

23. Prior to final approval and recordation of the lot line adjustment, the owner of APN 180-080-76 (Redwood Business Park / Gary Akerstrom) shall apply for a Use Permit from the City of Ukiah Community Development and Planning Department for the continued storage of solid waste on the subject property and adjoining APN 180-080-2, and receive Planning Commission approval; OR, remove the material to a zoning district in which such use is permitted and approved by the City of Ukiah.

24. This approval is contingent upon agreement of the applicant and property owner and their agents, successors and heirs to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City’s action on this application, whether or not there is concurrent passive or active negligence on the part of the City. If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.