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**Planning
Department**

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A. General Information:

STAFF REPORT

Item # 4

To: Lemoore Planning Commission
From: Gloria Hobbs, Assistant Planner, Holly Smyth, Planning Director
Review February 13, 2012
Date:
Subject: **Boundary Line Adjustment #2012-01 / Categorical Exemption #2012-02 to adjust the property line between Assessor Parcels #023-020-002 and #023-610-043**

1. Applicant / Owners Shepard Lane LP Homer and Ila Wilson
Attn: Mark Wathen 400 Smith Avenue
802 W. Pinedale, #104 Lemoore, Ca. 93245
Fresno, California 93711
(559) 432-8181 and

2. Engineer/Surveyor Bret Giannetta
1119 S. Street
Fresno, Ca. 93721
(559) 264-3590

3. Location: Assessor Parcel #023-020-002 is located on
the east side of Smith Avenue
Assessor Parcel #023-610-043 is located on
the northeast corner of Siena Way and
Smith Avenue in the East Village
Subdivision Tract 791

4. Property Description: Assessor Parcel Numbers:
Parcel #1 – 023-020-002 with 12,800 sq. ft.
Parcel #2 – 023-610-043 with 9,914 sq. ft.

6. Lot Line Adjustment: Parcel #1 from 12,800 sq. ft. to 13,640 sq.
ft (however with 18' frontage dedication
this would be 12,200 square feet)
Parcel #2 from 9,914 sq. ft. to 9,074 sq. ft

7. General Plan Designation: Low Density Single Family Residential

8. Zone District: Parcel #1 – R-1-7 (Single Family)
Parcel #2 - R-1-7 PUD (Single Family)

“In God We Trust”

PLANNING COMMISSIONERS

Chairperson – Ronald E. Meade, Vice-Chair – Jeffrey Garcia
David Brown, Bob Clement, Sharon Kendall, Jim Marvin, Bill Wynne

B. Plan Location & Description:

Shepherd Lane, LP proposes a boundary line adjustment between Parcel 1 located east of Smith Avenue and Parcel 2 located on the northeast corner of Siena Way and Smith Avenue in the East Village Subdivision Tract 791 which is shown on the map attached to the resolution. According to the applicant, during field survey work they discovered an encroachment on their parcel by the neighbor to the north by 0.62'. In order to provide a clear title to Parcel 2, the applicant is proposing to reduce their lot and adjust the property line 6' to the south between the properties.

The boundary line adjustment proposes to adjust the boundary line between both parcels by 6' decreasing the size of Parcel #2 from 9,914 square feet to 9,074 square feet (840 sq. ft.) and increasing Parcel #1 from 12,800 square feet to 13,640 square (840 sq. ft.).

C. Project Review:

The State Subdivision Map Act limits the City review of a boundary line adjustment. The City review is used to determine whether the proposed property line adjustment will be in compliance with the City General Plan, Zoning and Building Codes.

1. Compliance with General Plan and Zoning District:

The site is designated Low Density Single Family Residential in the 2030 Lemoore General Plan, and single family meets the intent of the General Plan useage. The zone district for Parcel #1 is R-1-7 and R-1-7 (PUD) for Parcel #2 and the single family residential is a permitted use. A revised Planned Unit Development was recently approved for Tract 791 with several conditions that apply to Parcel 2 to conform to the General Plan.

Residential Low-medium Density is designated on vacant land to the north of the subdivision, single family residential exists to the south, east and west of the project site.

See the below section regarding street standards in the General Plan.

2. Access/Right of Way:

Access for Parcel #1 will be from Smith Avenue and Parcel #2 will have driveway access from Montego Way as approved by the PUD.

Based on comments from the Public Works Director, the General Plan shows Smith Avenue as a "Local " street with a 58' right-of-way. Because only 40' of right-of-way exists along the frontage of Parcel 1, 18' of right of way will need to be dedicated along this frontage through an Irrevocable Offer of Dedication prior to the recordation of the Boundary Line Adjustment to conform to the General Plan (as generally shown on the redlined Lot Line Adjustment page). The intent is that the City would "Acknowledge" and record the Offer of Dedication but not "Accept" until such time as the City needs the area and improvements are installed to connect to the adjacent neighborhood. This Offer of Dedication shall include appropriate cover document, legal description of the dedication area and map exhibit in a form acceptable to the City and recorded concurrently with the boundary line adjustment.

3. Parcel Size/Setbacks/Coverage:

The purpose of the boundary line adjustment is to adjust the lot line of Parcel #1, which has a garage currently encroaching on Parcel #2, by moving the lot line 6' to the south decreasing Parcel #2 from 9,914 square feet to 9,074 square feet. The boundary line adjustment will give Parcel #1 840 square feet from the adjacent parcel but then reduce the front property area by 1440 square feet leaving a new Parcel #1 with 12,200 square feet of area.

The R-1-7 District allows maximum site area coverage of 40%. Parcel #1 lot coverage after lot adjustment and dedication will be 22%. Parcel #2 will conform to the overall approval coverage of 40% required per the PUD approval.

The R-1-7 zone district requires an 18'-25' front yard, 15' combined side yards, and a 10' rear yard setback. Tract 791 subdivision setbacks were approved under the Planned Unit Development with 15-18' front yard, 6' and 4' side yard setbacks, and 10' rear yard setback (with 20' for homes backing towards "D" Street). The house on Parcel #1 currently has a 24'-6" front yard setback, 10' north sideyard setback while the south sideyard setback is -.44' to -.62' due to the encroaching detached garage. After the adjustment the garage structure will be approximately 5' from the side property line, thereby meeting side yard setbacks. After the dedication along Smith Avenue, the front yard of the house would be 6.6' behind the new property line, but will be grandfathered in to be maintained in place. A future monolithic sidewalk would be placed approximately 9.6' in front of the home in line with the Smith Avenue sidewalk currently in place on Parcel #2. See attached PFMD Quantities Tract 791 sheet for existing sidewalk location.

Parcel #2 is currently vacant with a PUD approval for the entire subdivision and the developer has determined that they will be able to meet the above listed setbacks after the adjustment.

4. Other Comments:

Kings County requires the processing, review and approval of a lot line adjustment shall be pursuant to the provisions outlined in Chapter 21, Article VII located in the Kings County Code of Ordinances.

The Title Report and the Kings County Assessors data show Homer E. Wilson and Ila Wilson, husband and wife as the owners of Parcel #1, however, Mr. Wilson is no longer living. Therefore, the title company will need to record appropriate documentation to only show Ila Wilson, a widow, on title so that she may legally sign the Boundary Line Adjustment and Irrevocable Offer of Dedication documents discussed herein.

D. Environmental Assessment:

A Boundary Line Adjustment proposal is "Categorically Exempt" from California Environmental Quality Act (CEQA) as per Section 15305(a) of the State Guidelines. This Section exempts "minor lot line adjustments not, resulting in creation of a new parcel" from environmental assessment. The Commission should make such finding for the record, which is included in the draft Resolution.

E. Recommendation:

Staff recommends that the Planning Commission adopt the attached Resolution #2012-05 which determines that the proposed Boundary Line Adjustment is "Categorically Exempt" from California Environmental Quality Act (CEQA) as per Section 15305(a) of the State Guidelines and approves the Boundary Line Adjustment with conditions of approval stated therein.