



MEETING DATE: August 14, 2024

AGENDA ITEM: 5. Consider Approval of a Lot Merger

FROM: Karen Downs

RE: CONSIDER APPROVAL OF A LOT MERGER; RESOLUTION NO. 2594

BACKGROUND:

The City received a request for a lot merger. Attached you will find an agenda report from the City Contract Planner Karen Downs, a review from City Engineer Dan Bastian and Resolution NO. 2594

ATTACHMENTS:

- A. CC AGENDA REPORT- HARSTON LOT MERGER
- B. HARSTON MERGER REVIEW 2024.05.31
- C. RESOLUTION NO. 2594

CITY COUNCIL AGENDA REPORT

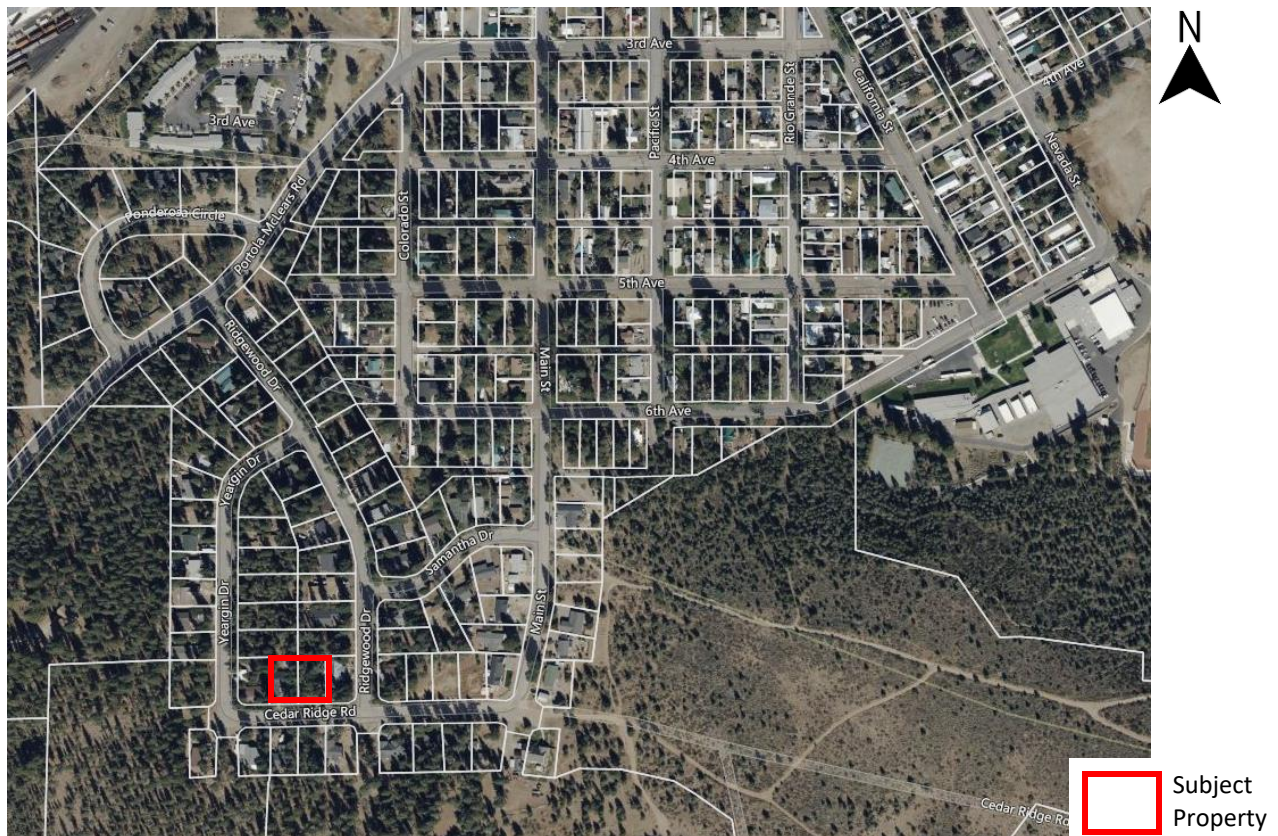
TO: Honorable Mayor and Members of the City Council
FROM: Karen Downs, Contract Planner
MEETING: August 14, 2024
SUBJECT: **CONSIDER APPROVAL OF A LOT MERGER; RESOLUTION NO. 2594**

Synopsis

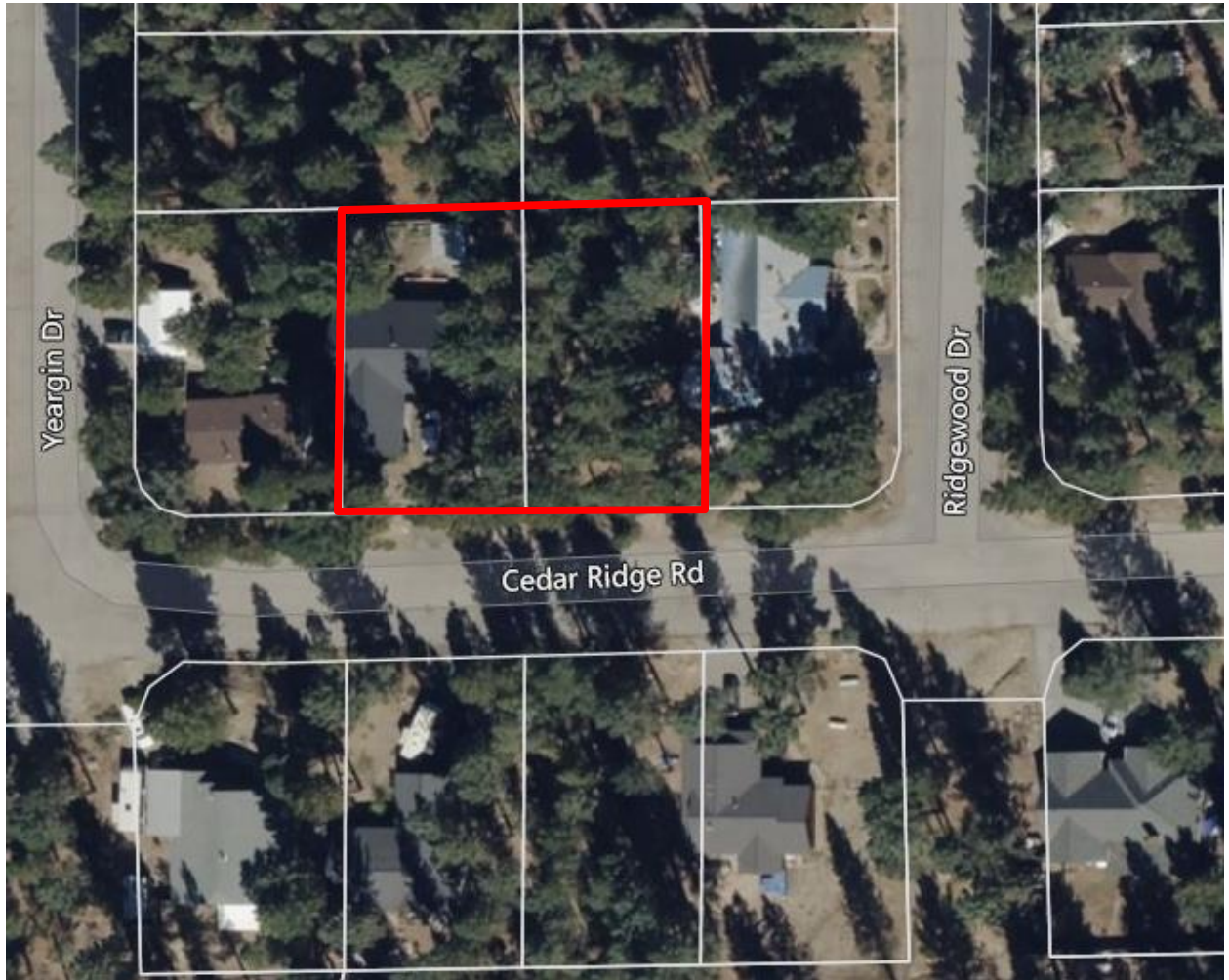
The City received a complete Lot Merger application package for 464 and 452 Cedar Ridge Road, APNs 126-184-016 and 126-184-017, to merge the two contiguous parcels. The application has been reviewed by Dan Bastian, City Engineer (review memo attached) and has been deemed to be complete and in conformance with City Code requirements for a Merger of Contiguous Parcels of Land (Portola Municipal Code Chapter 16.45) and relevant development standards (PMC Chapter 17.16).

As part of this application, a Parcel Map Waiver is requested and has been reviewed by the City Engineer, in accordance with PMC Section 16.45.040. As noted in the attached memo, the City Engineer has found a Parcel Map is not required and the Parcel Map Waiver is recommended for approval.

Location



Existing Parcel Configuration



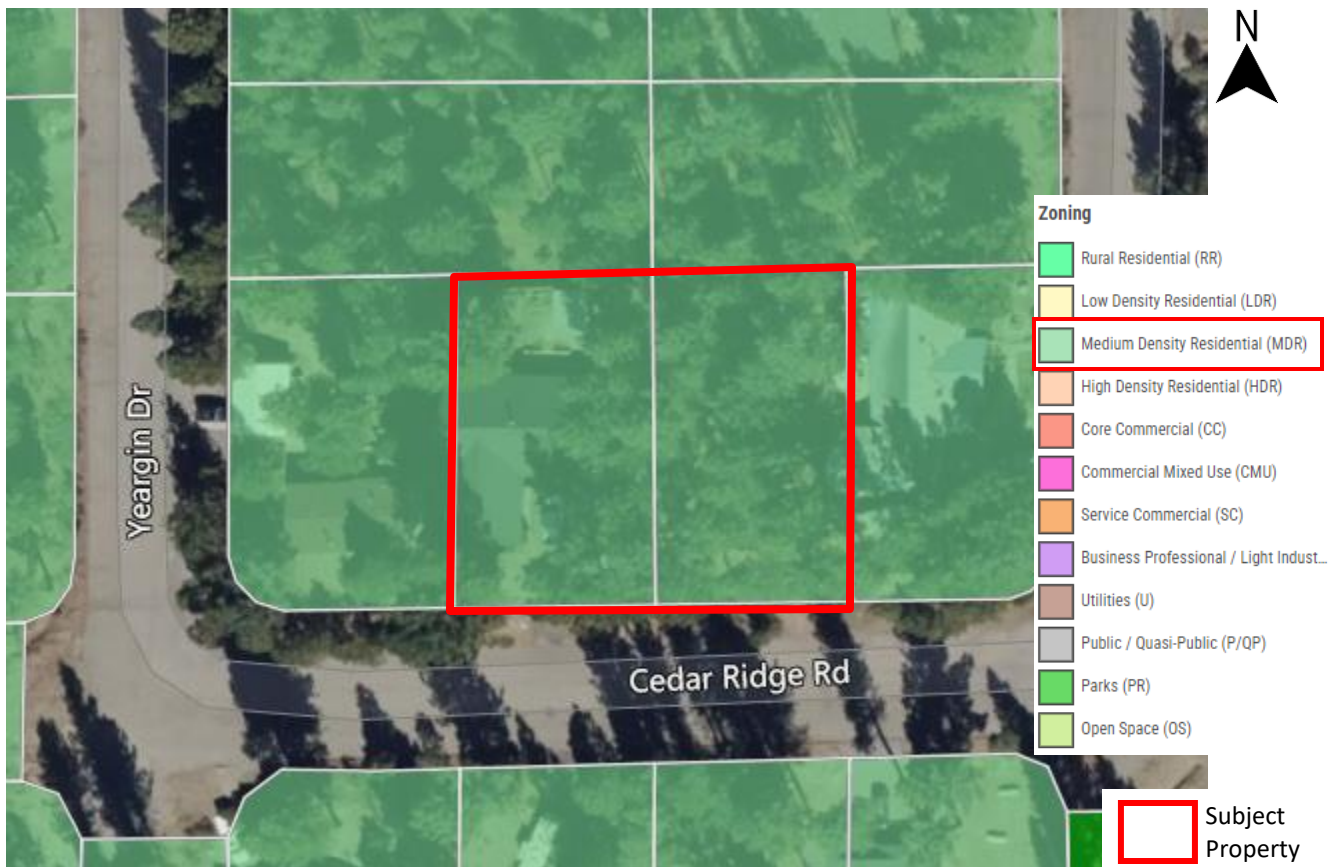
 Subject Property

Aerial of Existing Site



 Subject Property

Land Use and Zoning Designation: Medium Density Residential



Application Review

The 2 parcels on the north side of Cedar Ridge Road, between Yeargin Drive and Ridgewood Drive, and are zoned Medium Density Residential (MDR). If merged, the combined lot size would be +/- .43 acres, which exceeds the minimum lot size in the MDR zoning designation.

The MDR development standards will apply to the resulting parcel, if merged:

	MDR
Min. lot size	6,000 s.f.
Min. lot size-clustered	4,000 s.f.
Min. frontage	50 ft.
Max. density per lot	2 dwellings, 1 second unit From 1 to 8 units per gross acre
Front Setback	20 ft.
Side Setback	10 ft. if adjacent to the edge of a publicly or privately maintained street, right-of-way, and/or sidewalk (1), 5 ft. for an interior lot
Rear Setback	10 ft.
Site Coverage	Maximum of 45%
Height Limit	35 ft.

The subject parcels are under common ownership and are contiguous. As detailed in the City Engineer’s memo, there is an existing deed of trust on APN 125-084-017; a Modification or Reconveyance of the deed of trust must be prepared and recorded concurrently with the Notice of Merger to ensure that the loan documents encompass the properties to be merged. The recommended conditions below address these concerns.

Resolution No. 2594 and the City Engineer’s memo are included for your review.

Recommended Conditions

The following conditions are recommended, and will need to be resolved before the Notice of Merger can be recorded:

1. The deed of trust shall be modified or reconveyed for the proposed merged configuration.
2. The City Council should approve the request for waiver of Parcel Map per 16.45.050(B).
3. A legal description of the resultant property shall be prepared by a licensed Land Surveyor in the State of California.
4. The Tax Collector has certified that there are no liens against any of the affected parcels or any part thereof for unpaid State, County, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable; that the applicant has deposited any amount certified to be a lien with the County Clerk, which money the County Clerk shall hold in trust to secure payment of taxes.
5. The "Notice of Merger of Contiguous Lots under Common Ownership" shall be prepared and the applicant provides an acceptable Grant Deed to be included with the Notice of Merger. Said Grant deed shall be prepared with the words "FOR PURPOSES OF PARCEL MERGER."
6. A note shall be placed in the Grant Deed which indicates that the merger will not operate to diminish or defeat the rights or interests of any party or entity which existed of record prior to the parcel merger, including but not necessarily limited to security investments, deed restrictions, covenants, conditions and restrictions, assessments, and similar rights or obligations.

Recommendation

Staff recommends that the City Council:

1. Find that a Parcel Map is not required for this merger
2. Approve Resolution No. 2594 with conditions

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M E M O
May 31, 2024

TO: Portola City Council

FROM: Daniel B. Bastian, City Engineer

RE: File No. 2K24-18 Harston/Robertson, 464 & 452 Cedar Ridge Road, Portola CA. 96122 (APN 126-184-016 & 017) – Parcel Merger

Pursuant to §16.45.030 of the Portola Municipal Code, the following information is required for a merger application (as it relates to my review):

- The name, address and telephone number of the applicant, and of any agent or representative authorized to act for the applicant.
- A description of the parcels to be merged, including both legal description and assessor's parcel numbers.
- A plat or map, drawn to scale, showing the location and boundaries of each parcel, the location and dimensions of buildings thereon, the location of roads and driveways thereon, and the location of all utility lines serving the same; and
- Such other information as the planning director or the city engineer may require.

Most of the noted information has been provided and is acceptable.

The following review comments are offered:

There is one reported deed of trust, per the provided Lot Book Guarantee (for Lot 57, which is APN 125-084-017). Below is a copy of the text from the lot Book Guarantee:

8. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount Dated Trustor

\$177,600.00

October 1, 2004

Gary B. Robertson and Christine Robertson, Husband and Wife as Joint Tenants

Trustee Cal-Sierra Title Company

Beneficiary INDYMAC Bank, F.S.B.

Recorded October 13, 2004

Instrument No. 2004-0011020 of Official Records

NOTE: The holders of this note/indebtedness should be contacted for all pertinent information.

NOTE: NOTE: An instrument purporting to modify the terms of said deed of trust as therein provided

Executed by F.S.B.,

Dated Recorded Instrument No.

Christine Robertson, Gary G. Robertson and INDYMAC Bank, a Federally Chartered Savings Bank

November 8, 2005

November 16, 2005

2005-0012461 of Official Records

NOTE: The beneficial interest under said deed of trust was assigned.

By Assignment Dated Recorded

**File No. 2K24-18 Harston/Robertson, 464 & 452 Cedar Ridge Road, Portola
CA. 96122 (APN 126-184-016 & 017) – Parcel Merger**

5/31/2024

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Instrument No.

- : Deutsche Bank National Trust Company as Trustee for Residential Asset Securitization Trust Series 2005-A15
Mortgage Pass-Through Certificate Series 2005-0
- : March 13, 2018
- : April 5, 2018
- : 2018-0001691 of Official Records

No legal description was provided. The applicant needs to provide a legal description for the resultant property suitable for recording.

A waiver of parcel map is implied. The property corners related to this merger are not shown on the Tentative Lot Merger plat; however, I find no compelling reason to require a Parcel Map or Record of Survey (in this case).

It is recommended that the Conditions of Approval for the Parcel Merger include the following:

1. The deed of trust shall be modified or reconveyed for the proposed merged configuration.
2. The City Council should approve the request for waiver of Parcel Map per 16.45050 (8).
3. A legal description of the resultant property shall be prepared by a licensed Land Surveyor in the State of California.
4. The Tax Collector has certified that there are no liens against any of the affected parcels or any part thereof for unpaid State, County, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable; that the applicant has deposited any amount certified to be a lien with the County Clerk, which money the County Clerk shall hold in trust to secure payment of taxes.
5. The "Notice of Merger of Contiguous Lots under Common Ownership" shall be prepared and the applicant provides an acceptable Grant Deed to be included with the Notice of Merger. Said Grant deed shall be prepared with the words "FOR PURPOSES OF PARCEL MERGER."
6. A note shall be placed in the Grant Deed which indicates that the merger will not operate to diminish or defeat the rights or interests of any party or entity which existed of record prior to the parcel merger, including but not necessarily limited to security investments, deed restrictions, covenants, conditions and restrictions, assessments, and similar rights or obligations.

Harston Merger Review 2024.05.30.docx

RESOLUTION NO. 2594

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTOLA APPROVING A
LOT MERGER for APNs 126-184-016 and
126-184-017**

Applicant: Harston
464 Cedar Ridge Road
Portola, CA 96122

General Description of Property: 452 Cedar Ridge Road, APN 126-184-016
464 Cedar Ridge Road, APN 125-184-017

WHEREAS, an application has been filed for a lot merger pursuant to Section 66421(d) on the Government Code; and

WHEREAS, said lot merger will not result in any additional parcels than originally existed; and,

WHEREAS, said lot merger is categorically exempt in accordance with the California Environmental Quality Act Section 15315, Minor Land Divisions; and,

WHEREAS, the City Council has determined, in accordance with applicable provisions of the Subdivision Map Act and local ordinances, that such application should be granted, based on the following findings:

1. The Lot Merger is Categorically Exempt under Section 15315 of the California Environmental Quality Act and will have no significant environmental impacts.
2. The Lot Merger complies with all applicable requirements of State Law and City Ordinances.
3. The Lot Merger will not be materially detrimental to the general welfare or injurious to the property or improvements in the vicinity and zone in which the property is located.
4. The Lot Merger is in conformance with the code requirements of the Portola Municipal Code.

NOW THEREFORE, be it resolved by the City of Portola City Council that this lot merger is hereby approved as follows.

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. After reviewing the entire project record, the City Council hereby determines the approval of the proposed lot merger is Categorically Exempt under Class 15 (Minor Land Divisions) Section 15315 of the California Environmental Quality Act. Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use onto four or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

SECTION 3. This approval is subject to the conditions of approval in Exhibit 1.

SECTION 4. If any one or more of the provisions contained in this Resolution shall for any reason be held to be invalid, illegal, or unenforceable in any respect, then such invalidity, illegality or unenforceability shall not affect any other provision hereof and this Resolution shall be construed as if such invalid, illegal, or unenforceable term or provision had never been contained herein.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution, which shall be effective upon its adoption.

PASSED, APPROVED AND ADOPTED this 14th day of August, 2024 by the following vote.

AYES:
NOES:
ABSTAIN:
ABSENT:

Pat Morton, Mayor

ATTEST:

Susan Scarlett, Interim City Manager

I, Susan Scarlett, Interim City Manager of the City of Portola, DO HEREBY CERTIFY that the above and foregoing Resolution was duly passed and adopted by the City Council at the City of Portola Regular meeting thereof held on August 14, 2024:

Susan Scarlett, Interim City Manager

Exhibit 1

Resolution 2594 Conditions of Approval

The following conditions of approval shall be met and/or resolved prior to recordation of a Notice of Lot Merger with Plumas County:

1. The deed of trust shall be modified or reconveyed for the proposed merged configuration.
2. The City Council should approve the request for waiver of Parcel Map per 16.45.050(B).
3. A legal description of the resultant property shall be prepared by a licensed Land Surveyor in the State of California.
4. The Tax Collector has certified that there are no liens against any of the affected parcels or any part thereof for unpaid State, County, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable; that the applicant has deposited any amount certified to be a lien with the County Clerk, which money the County Clerk shall hold in trust to secure payment of taxes.
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