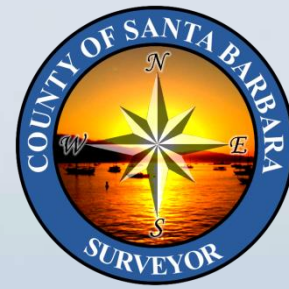




County of Santa Barbara - Department of Public Works

Scott D. McGolpin, Director



Certificate of Compliance Appeal

14CC29-30 – Athena Philippides,

APN 013-191-012 (740 Arcady Road, Montecito)



Office of the County Surveyor

June 2, 2015

Aleksandar Jevremovic, County Surveyor



County of Santa Barbara - Department of Public Works

Scott D. McGolpin, Director



Certificate of Compliance Appeal

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Purpose of Hearing

Pursuant to CA Govt Code 66499.35 and SBCC Sec 21-71.4 to hear an appeal of the decision by the County Surveyor that two parcels are not separate legal parcels. Hearing is a *De Novo* decision by the Board and must be based upon “Substantial Evidence.”

The Board of Supervisors may uphold the decision by the County Surveyor and deny issuing two Certificates of Compliance on APN 013-191-012;

Or, alternatively, direct the County Surveyor to issue two Certificates of Compliance on APN 013-191-012



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Parcel Creation History

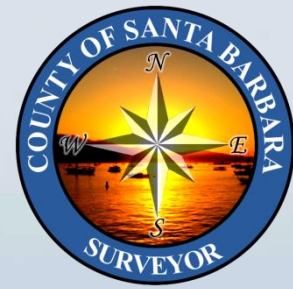
Prior to the creation of the subject parcel (APN 013-191-012), two parcels existed.

1. Parcel to the North was owned by Louis Paulson, per Grant Deed recorded October 21, 1955 in Book 1342 Page 101 of Official Records
2. Parcel to the South was owned by Frank Solomon remainder parcel of Deed recorded June 7, 1954 in Book 1244 Page 289 of Official Records, and Deed recorded July 9, 1955 in Book 1323 Page 494



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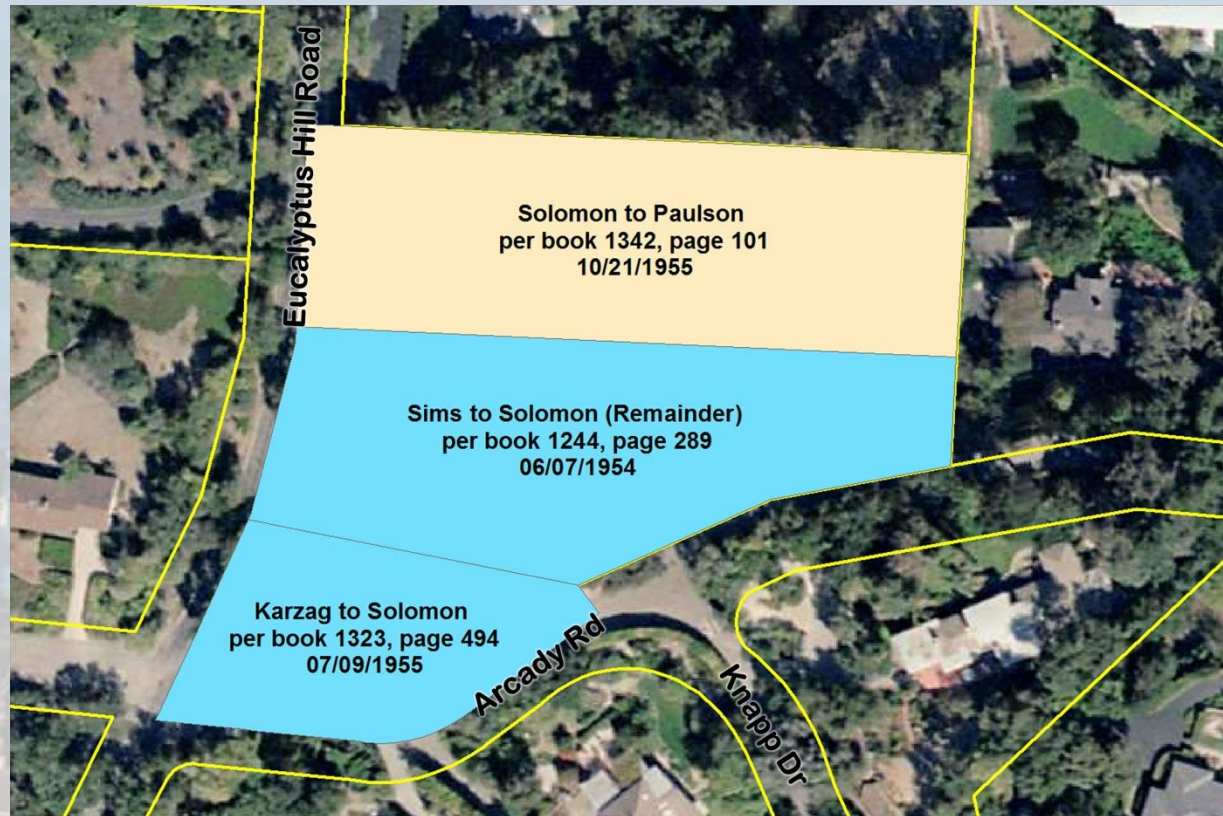
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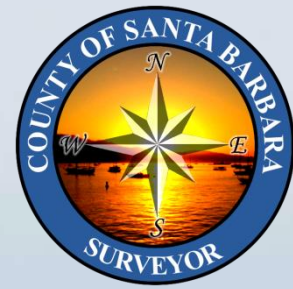
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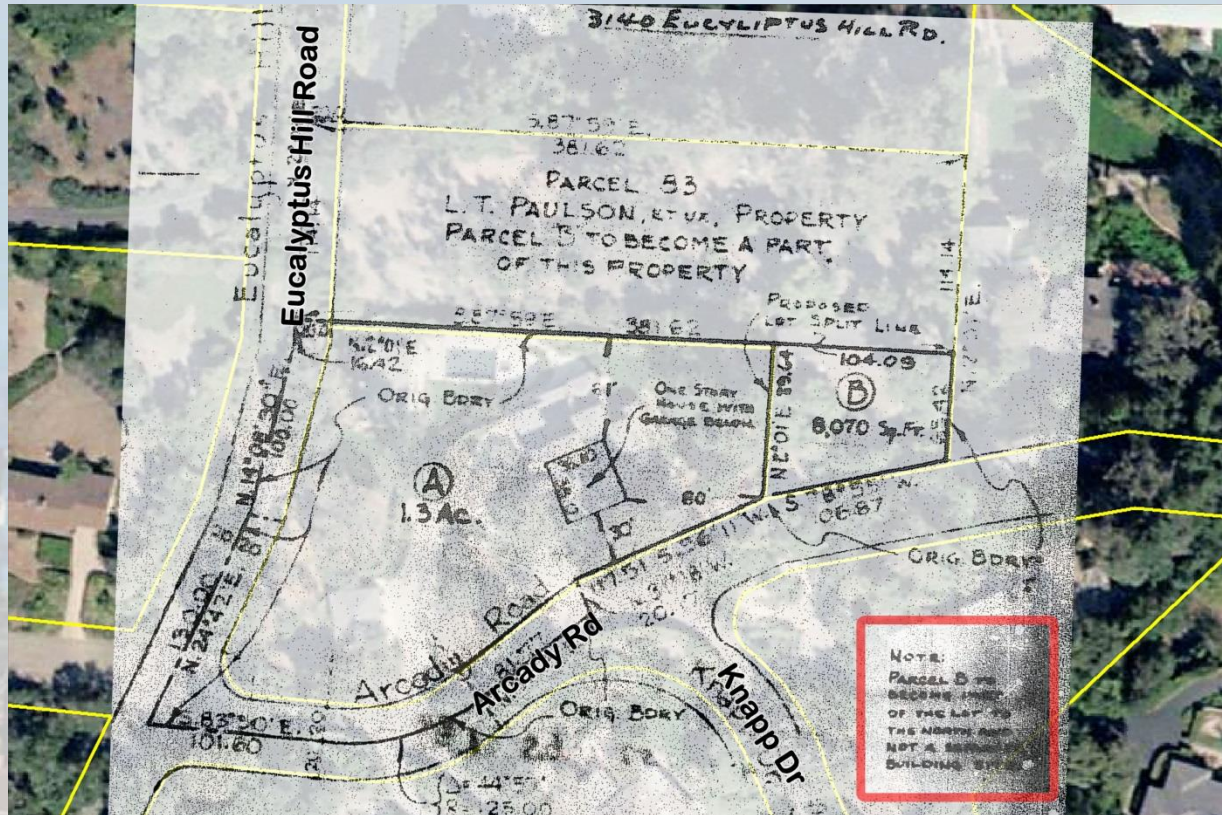


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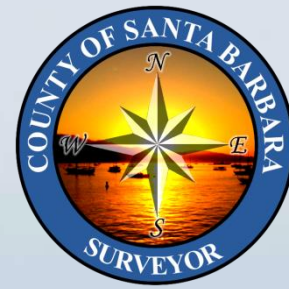


Solomon property Lot Split #414 approved by the County of Santa Barbara Subdivision Committee on April 4, 1957 created two Parcels (A and B) out of the Solomon lot to the South.



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Parcel Creation History (Continued)

The condition of approval of the Lot Split #414 was that the Parcel B should become part of the Paulson's lot to the North and that it was not a separate building site.

Parcel B was 0.19 acres. Zoning required minimum 1 acre lots at the time of approval. But for the condition that Parcel B be joined with the Paulson parcel, this new 0.19 acre piece would not have been legal under County Ord. 791.

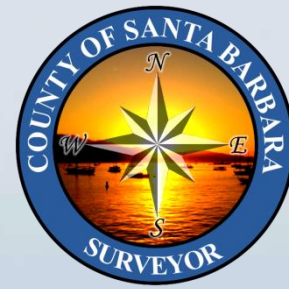
The subsequent deeding of Parcel B to Paulson accomplished the intent of the Lot Split/Merger approval (Book 1444 Page 436, May 1, 1957)

The subsequent deeding of the northerly parcel (Paulson) with the Parcel B of the Lot Split #414, together in a single deed, recorded September 24, 1965 in Book 2122 Page 106, serves to show the intent of the owner to comply with the Subdivision Map Act approval.



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Applicable County Code

Ordinance 791 (Adopted by the Board June 27, 1955)

An Ordinance To Establish Regulation Of The Division Of Land Not A Subdivision, And To Establish Legal Procedures And Penalties

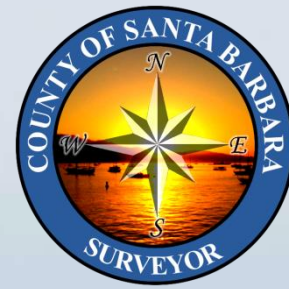
Purpose:

- 1) To promote orderly development of residential areas
- 2) To protect purchasers and surrounding landowners
- 3) To prevent circumvention of existing subdivision, zoning and building ordinances and regulations
- 4) To insure the reservation of adequate streets for vehicular traffic



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Ordinance 791 (Continued)

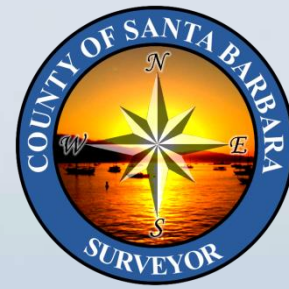
When purpose of the division is to convey land to an abutting owner, the only condition that shall be required as a basis for approval was ... conformance with all applicable zoning and subdivision regulations pertaining to size of lots, shape and dimension of lots, and location and distance requirements of structures.

(Minimum parcel size at the time of approval of the lot split was 1 acre)



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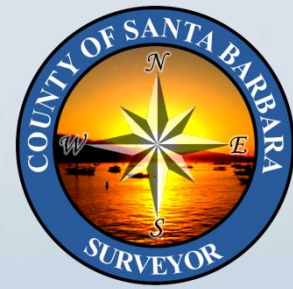
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County Surveyor's Administrative Findings

1. Solomon Lot Split #414 was approved under the condition that Parcel B becomes part of the Paulson property. Ordinance 791 permitted divisions for purpose of merging with the adjoining property, if the resulting parcel conformed with the applicable zoning standards, which had a 1 acre minimum.
2. Paulson acquired the Parcel B and satisfied the condition of approval of Lot Split #414 under the Ordinance 791.
3. Paulson applied for and was issued a building permit for a single family residence ten days after the deed from Solomon to Paulson. The boundary of the newly merged parcels, if not merged would bisect the approved building. The building permit shows the merged lot, proposed structures and setbacks complying with the applicable zoning standards.
4. The subsequent deeding in a single deed serves to show the intent of the owner to comply with the Subdivision Map Act approval.



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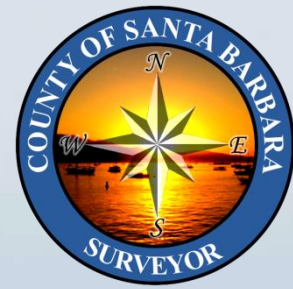
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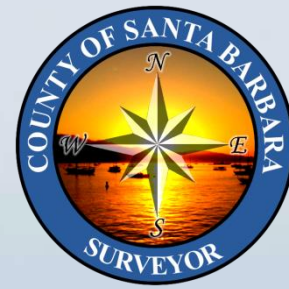
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Conclusion

Recommend that the Board of Supervisors:

The Board of Supervisors may uphold the decision by the County Surveyor and deny issuing two Certificates of Compliance on APN 013-191-012;

Or, alternatively, direct the County Surveyor to issue two Certificates of Compliance on APN 013-191-012

Approve the CEQA Notice of Exemption

Office of the County Surveyor

June 2, 2015

Aleksandar Jevremovic, County Surveyor