



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Public Works  
Department No.: 054  
For Agenda Of: 08/10/2010  
Placement: Administrative  
Estimated Tme: 30 minutes  
Continued Item: NO  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Director: Scott D. McGolpin, Public Works Director, Ext. 3010  
Contact Info: Michael B. Emmons, Deputy Director, Ext. 3034  
**SUBJECT:** **Set September 7, 2010 as the date for conducting a public hearing of an appeal of the County Surveyors decision to deny issuing two Certificates of Compliance on APN 009-304-012 – Jameson Properties, LLC First Supervisorial District**

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**County Counsel Concurrence:**

As to form/legality: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

Take one of the following actions:

- 1) Uphold the County Surveyors decision to deny issuing two Certificates of Compliance on APN 009-304-012; or
- 2) Direct the County Surveyor to issue two Certificates of Compliance on APN 009-304-012

**Summary:**

On May 25, 2010, the County Surveyor denied issuing two Certificates of Compliance by letter for APN 009-304-012 based on the premise that the parcel had not been divided into two separate, legal parcels. On June 3, 2010, the Clerk of the Board of Supervisors received an appeal to the decision of the County Surveyor from Ms. Dianne Nathan, Partner, Jameson Properties, LLC. This request is to set a hearing date of September 7, 2010 for the Board of Supervisors to review the facts of this case and determine whether or not two Certificates of Compliance should be issued.

**Background:**

The lot known as APN 009-304-012 was approved as Parcel 1 of Lot Split # 2180 by the Santa Barbara County Lot Split Committee on August 28, 1964. A condition of approval of the lot split was the filing of a Record of Survey in accordance with the California Business and Professions Code. A Record of Survey was recorded on December 7, 1964 in Book 68 Page 74 of Records of Surveys of the Office of the County Recorder of Santa Barbara County. Since that time, no evidence has been provided to show

that APN 009-304-012 has ever been sold, leased, or financed in any configuration other than was approved by the Lot Split Committee in 1964. Also, from the information provided, the first time APN 009-304-012 was sold separately was on November 30, 1990 by Instrument # 90-076743 recorded in the Office of the County Recorder of Santa Barbara County.

California Government Code Section 66499.20 ½ states that a division of real property that has been subdivided in accordance with the Subdivision Map Act, merges any and all underlying property lines (should they exist) and re-divides it into the configuration that has been approved by the local agency. Such is the case with APN 009-304-012 in that any previous divisions of property that may have occurred on this property would have been “erased” by Lot Split 2180 leaving APN 009-304-012 as a single, legal parcel.

The appellant contends that two permits issued in 1946 and 1950 somehow divide APN 009-304-012 into separate, legal parcels. Although it is true that permits can serve to “legalize” existing divisions of land that have not been created in accordance with the Subdivision Map Act, they cannot, in and of themselves, serve to divide property. The appellant also contends that the issuing authority of the permit allowed the division of land as long as the parcel contained 6,000 square feet. Reading these permits verbatim which states “Lot will contain at least 6000 sq. ft. if sold from total property” suggests that the issuing agency considered the total property as one, not two as the appellant contends (Emphasis on “if”). Although a division of this sort would have been legal at the time these permits were issued, no sale, lease, or financing of the property in the configuration the appellant contends has been provided or found. Even if the evidence of such a sale, lease, or finance existed, Lot Split # 2180 would have erased said the property lines of such a division as stated above.

In summary, there is no evidence of any sale, lease, or financing of any portion of APN 009-304-012. Said parcel has always been sold, leased, or financed either with other property or by itself as a single parcel and no evidence has been presented to conclude otherwise. Therefore, it is the opinion of the County Surveyor that one parcel legally exists in the configuration of APN 009-304-012 and that issuing two Certificates of Compliance as the appellant requests is unwarranted.

**Fiscal and Facilities Impacts:**

**Budgeted:** No

**Staffing Impacts:** N/A

**Legal Positions:** 0 **FTEs:** 0

**Special Instructions:**

**If the Board of Supervisors determines that two parcels exist, then the Board directs the County Surveyor to issue the Certificates of Compliance in the configuration determined by the County Surveyor after consultation with the Director of Planning and Development. A copy of the Board of Supervisor’s Minute Order shall be sent to the County Surveyor’s Office and the Planning & Development Department.**

**Attachments: (list all)**

Vicinity Map – APN 009-304-012

Final Determination Letter – May 25, 2010

Appeal of denial of issuing Certificate of Compliance – June 3, 2010

Permit 605 issued 6/16/46

Permit 1543 issued 10/24/50

Lot Split 2180

Record of Survey Book 68 Page 74

Instrument # 90-076743

Government Code Section 66499.20 ½

Letter from Jacobsen – April 19, 2010

Letter from Jacobsen – November 17, 2010

**Authored by:** Michael B. Emmons, County Surveyor

**cc:** Ms. Dianne Nathan, Partner – Jameson Properties, LLC  
Dennis A. Marshall, County Counsel