



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: May 19, 2015
Placement: Set Hearing
(Departmental on
6/2/2015)
Estimated Time: 30 Minutes on 6/2/2015
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Directors: Scott D. McGolpin, PE, Public Works Director, 568-3010
Contact Info: Aleksandar Jevremovic, County Surveyor, 568-3012
SUBJECT: Set June 2, 2015 for the Appeal of the County Surveyors decision to deny issuing two Certificates of Compliance on APN 013-191-012 – Craig Jon Hawker and Athena Philippides, husband and wife as community property; First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

Set June 2, 2015 as the date for conducting a public hearing of an appeal of the decision by the County Surveyor to deny issuing two Certificates of Compliance on APN 013-191-012.

To take one of the following actions:

- A. Uphold the County Surveyors decision to deny issuing two Certificates of Compliance on APN 013-191-012; or
- B. Direct the County Surveyor to issue two Certificates of Compliance on APN 013-191-012; and
- C. Find that the proposed actions do not constitute a "Project" within the meaning of California Environmental Quality Act (CEQA), pursuant to 14 CCR 15378(b)(2), and approve and direct staff to file a Notice of Exemption on that basis.

Auditor-Controller Concurrence

As to form: N/A

Summary Text:

On December 11, 2014, the County Surveyor denied issuing two Certificates of Compliance by letter for the parcel known as APN 013-191-012 based on the premise that the APN 013-191-012 was created as a single legal parcel. On December 18, 2014, the Clerk of the Board of Supervisors received an appeal to the decision of the County Surveyor from Dr. Athena Philippides, – Craig Jon Hawker and Athena Philippides, husband and wife as community property. This request is to set a hearing date of June 2, 2015 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:

Prior to the creation of the subject parcel (APN 013-191-012), two parcels existed. The parcel to the north was owned by Louis Paulson, per Grant Deed recorded October 21, 1955 in Book 1342 Page 101 of Official Records, and the parcel to the south was owned by Frank Solomon per Deed recorded June 7, 1954 in Book 1244 Page 289 of Official Records.

Solomon's application for the Lot Split #414 was approved by the County of Santa Barbara Subdivision Committee on April 4, 1957 which created two Lots (A and B). The condition of approval of the Lot Split #414 was that the Parcel B becomes part of the Paulson's lot to the north and that it was not a separate building site.

The subject parcel (APN 013-191-012) was created as a single legal parcel by merging Parcel B of the Lot Split #414 with the Paulson's property to the north. The subsequent deeding by Solomon, the Lot Split Parcel B owner, recorded on May 1, 1957 in Book 1444 Page 436, to the owner of the northerly neighboring parcel (Paulson) accomplished the intent of the Lot Split/Merger approval. On May 8, 1957 Paulson applied for a building permit for a single residence, which was approved on May 10, 1957 with a plat showing property and residence with a detached garage approximately in their current location. The permit serves to show that there was no misunderstanding between the applicant (Paulson) and the County on the configuration of the subject parcel.

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

Special Instructions:

If the Board of Supervisors determines that two parcels exist (upholds applicants appeal), then the Board directs the County Surveyor to issue the Certificates of Compliance in the configuration as applied for in the Certificates of Compliance 14CC29&30. 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:

1. 14CC2930_Philippides_Final_Decision_Letter
2. Philippides Appeal
3. APN 013-191-012 Vicinity_Philippides Property
4. Louis Paulson Grant Deed 1342_OR_101
5. Frank Solomon Grant Deed 1244_OR_289
6. Lot_Split_414
7. Solomon to Paulson Deed 1444_OR_436
8. Land Use Rider
9. Paulson to Cox Deed 2122_OR_106

Appeal of the County Surveyors decision to deny issuing two Certificates of Compliance on APN 013-191-012 – Craig Jon Hawker and Athena Philippides, husband and wife as community property
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Authored by:

Aleksandar Jevremovic, County Surveyor (805-568-3012)