

MEMORANDUM

TO: PLANNING COMMISSION

FROM: TERESA McCLISH, ^{TMC} COMMUNITY DEVELOPMENT DIRECTOR

BY: AILEEN NYGAARD, ^{ANN} ASSOCIATE PLANNER

SUBJECT: REVIEW OF CERTIFICATE OF COMPLIANCE 14-002;
LOCATION – 1051 HUASNA ROAD; APPLICANT – COASTAL
COMMUNITY BUILDERS

DATE: OCTOBER 21, 2014

RECOMMENDATION:

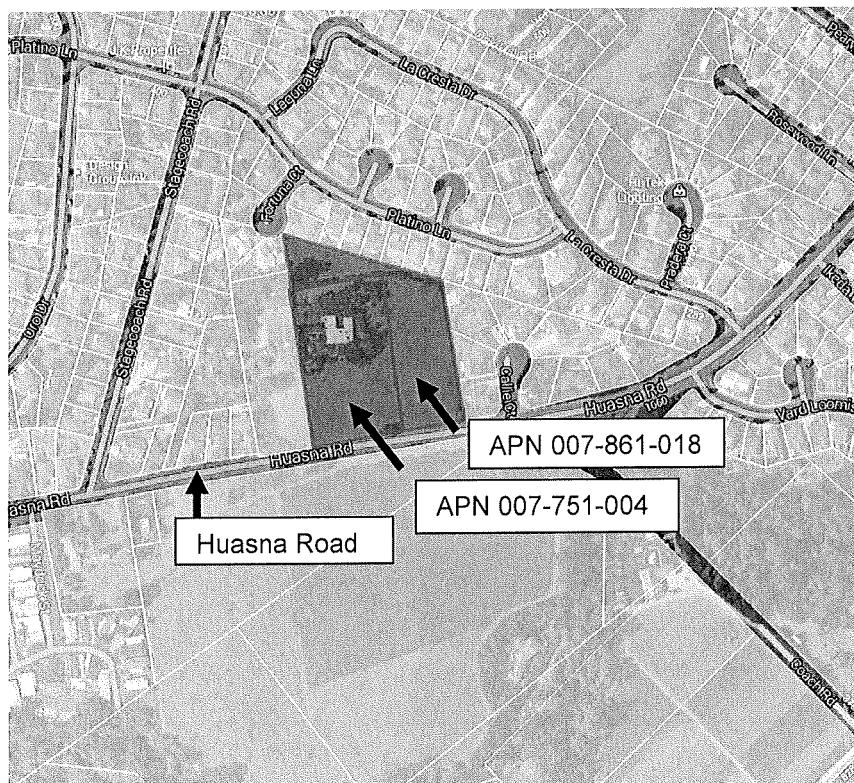
Staff recommends that the Planning Commission review the proposed project and adopt a Resolution approving Certificate of Compliance 14-002.

FINANCIAL IMPACT:

None.

BACKGROUND:

Location:



BACKGROUND:

Project Description:

The proposed project consists of certifying the legal status for two parcels located at 1051 Huasna Road commonly known as Assessor's Parcel Numbers 007-751-004 and 007-861-018. A Vesting Tentative Tract Map (Tract 3045) for a 12 lot residential subdivision was approved on this property on December 10, 2013. The subdivision map has not been finalized and a financial requirement for the developer's of the residential project requires certification of the two existing parcels.

Certificates of Compliance:

Government Code Sections 66499.30(a)-(c) prohibit the sale, lease or financing of any parcel of real property unless such property has been subdivided in accordance with the Subdivision Map Act ("SMA") and the local ordinance which generally requires that either a final or parcel map be recorded. However, Section 66499.30(d) exempts from this prohibition the sale, lease or finance for any parcel in compliance with or exempt from any law, regulating the design and improvement of subdivisions in effect at the time the subdivision was established. This subsection (d) is generally referred to as the grandfather clause of the SMA.

A subdivision can occur through a lawfully recorded map or by conveyance through a deed. Pursuant to the SMA, any parcel created prior to March 4, 1972 is conclusively presumed to have been lawfully created if the parcel resulted from a division of land in which fewer than five parcels were created and if at the time of the creation of the parcel, there was no local ordinance in effect, which regulated divisions of land creating fewer than five parcels. The City began regulating divisions of land in which fewer than five parcels were created in 1959.

ANALYSIS OF ISSUES:

The property is a portion of Lot 14 of the Ranchos Corral de Piedra, Pismo and Bolsa de Chemisal resubdivision, which was recorded on November 24, 1886. The parcel known as APN 007-751-004 was conveyed through a deed and recorded by survey on August 15, 1950 in Book 5, Page 88 of Maps. The parcel known as APN 007-861-018 was also conveyed through a deed and recorded by survey on November 22, 1963 in Book 13, Page 75. Since parcel 007-751-004 was conveyed through a deed and recorded prior to 1959, that parcel was created legally.

The parcel known as APN 007-861-018 was conveyed through a deed and recorded after 1959. Therefore, it would be subject to the City's regulations governing divisions of land. However, Parcel 007-861-018 appears to be a remainder parcel, which by operation of law becomes a legal lot. Based on this information the property is considered to be two legal lots and a certificate of compliance should be issued.

ADVANTAGES:

The proposed project establishes the legal status of two residential suburban zoned lots which allows the approved tract development to proceed.

DISADVANTAGES:

None identified by staff.

ALTERNATIVES:

The following alternatives are provided for the Commission's consideration:

1. Approve the certification of compliance;
2. Do not approve the certification of compliance; or
3. Provide direction to staff.

ENVIRONMENTAL REVIEW:

Staff has reviewed the proposed project in accordance with the California Environmental Quality Act (CEQA) Guidelines and determined the project is not subject to CEQA per Section 15300.1 of the Guidelines – Relation to Ministerial Projects.

PUBLIC NOTICE AND COMMENT:

No public hearing is required for this item.

ATTACHMENTS:

1. Corral de Piedra, Pismo and Bolsa de Chemisal resubdivision, November 24, 1886.
2. Record Survey, August 15, 1950, Book 5, Page 88 of Maps
3. Record Survey, November 22, 1963 in Book 13, Page 75 of Maps
4. Site Plan

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF ARROYO GRANDE APPROVING
CERTIFICATE OF COMPLIANCE NO. 14-002; LOCATION –
1051 HUASNA ROAD; APPLICANT- COASTAL
COMMUNITY BUILDERS**

WHEREAS, the applicant has filed an application for a Certificate of Compliance to verify the legality of two lots located at 1051 Huasna commonly known as Assessor Parcel Nos. 007-751-004 and 007-861-018; and

WHEREAS, the Planning Commission reviewed the project at its meeting on October 21, 2014; and

WHEREAS, the Planning Commission finds, after due study and deliberation, that the lots were legally created.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Arroyo Grande hereby approves Certificate of Compliance No. 14-002 with the above findings and hereby directs the Community Development Director to record a Certificate of Compliance with the County Recorder.

On a motion by Commissioner _____, seconded by Commissioner _____ and by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was adopted this 21th day of October 2014.

ATTEST:

DEBBIE WEICHINGER
SECRETARY TO THE COMMISSION

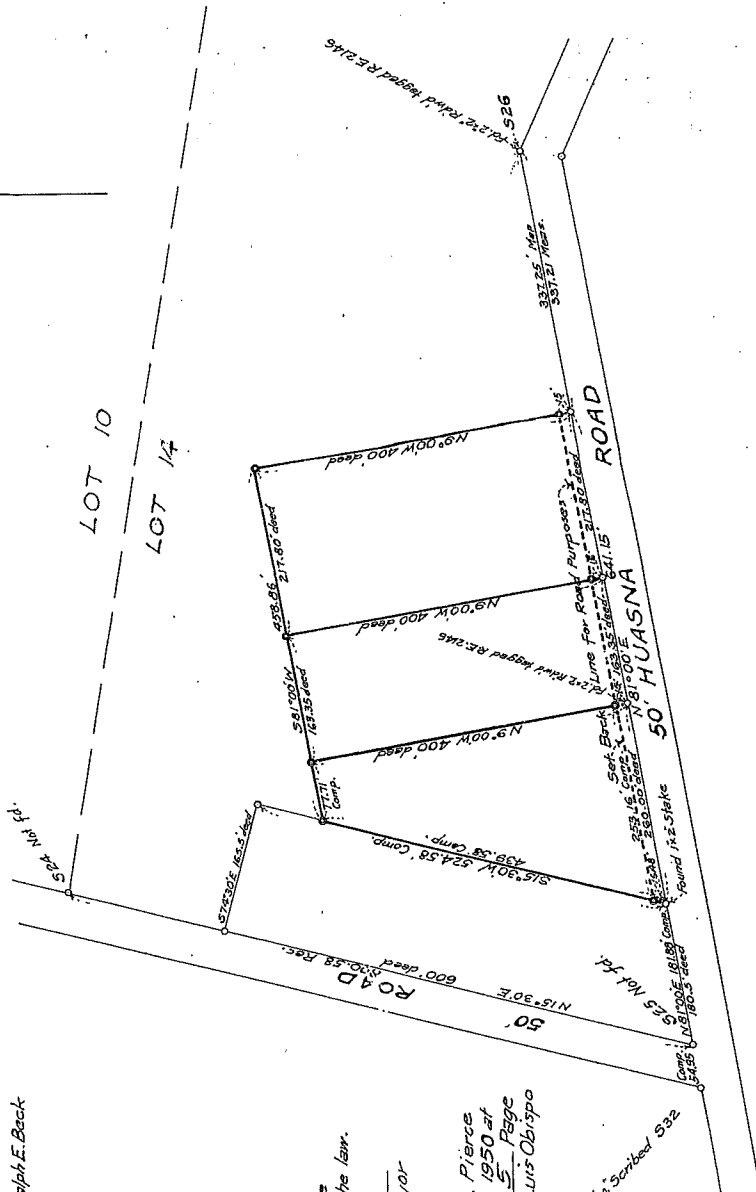
LISA SPEROW, VICE CHAIR

AS TO CONTENT:

TERESA McCLISH
DIRECTOR OF COMMUNITY DEVELOPMENT

Note:
 The Basis of Bearings for this survey was taken from the Southerly Line of Lot 14. The bearing being noted as N 81° E.

—|— Indicates Brass Topped Steel Pin unless otherwise noted.



MAP OF A SURVEY
 OF
 A PORTION OF LOT 14
 OF THE
HARRIS RESUBDIVISION
 OF THE
 R.O.S. CORRAL DE PIEDRA, PISMO AND BOLSA DE CHEMISAL
 IN THE
 COUNTY OF SAN LUIS OBISPO, CALIFORNIA

Request of *Mr Taylor, Maurice Brennan and Ralph E. Beck*
 Surveyed by *Robert E. Pierce*
 August, 1950 Scale 1"=100'

Dated August 15, 1950
Robert E. Pierce
 Registered Engineer No 323

I hereby certify that I have examined the
 within map and find it in conformity with the law.

Jennette Beck
 County Surveyor

Filed for Record at Request of *Robert E. Pierce*
 Registered Engineer, No 323, Aug. 17th 1950 at
 420 Min past 3 o'clock P. M. in Book 5 Page
 88 of Records of Surveyors Maps, San Luis Obispo
 County Records.

W.L. Ranney
 County Recorder

\$ 1.00

Ed. H. Scribner 532

SURVEY DATA
 The basis of bearings for this survey was taken from the historical line of Lot 4 as shown on the map recorded in Vol. A of maps on page 63. The bearing being used as S 15° 44' 41".
 — General measurements being taken from the place set & marked R.C.E. 171748.

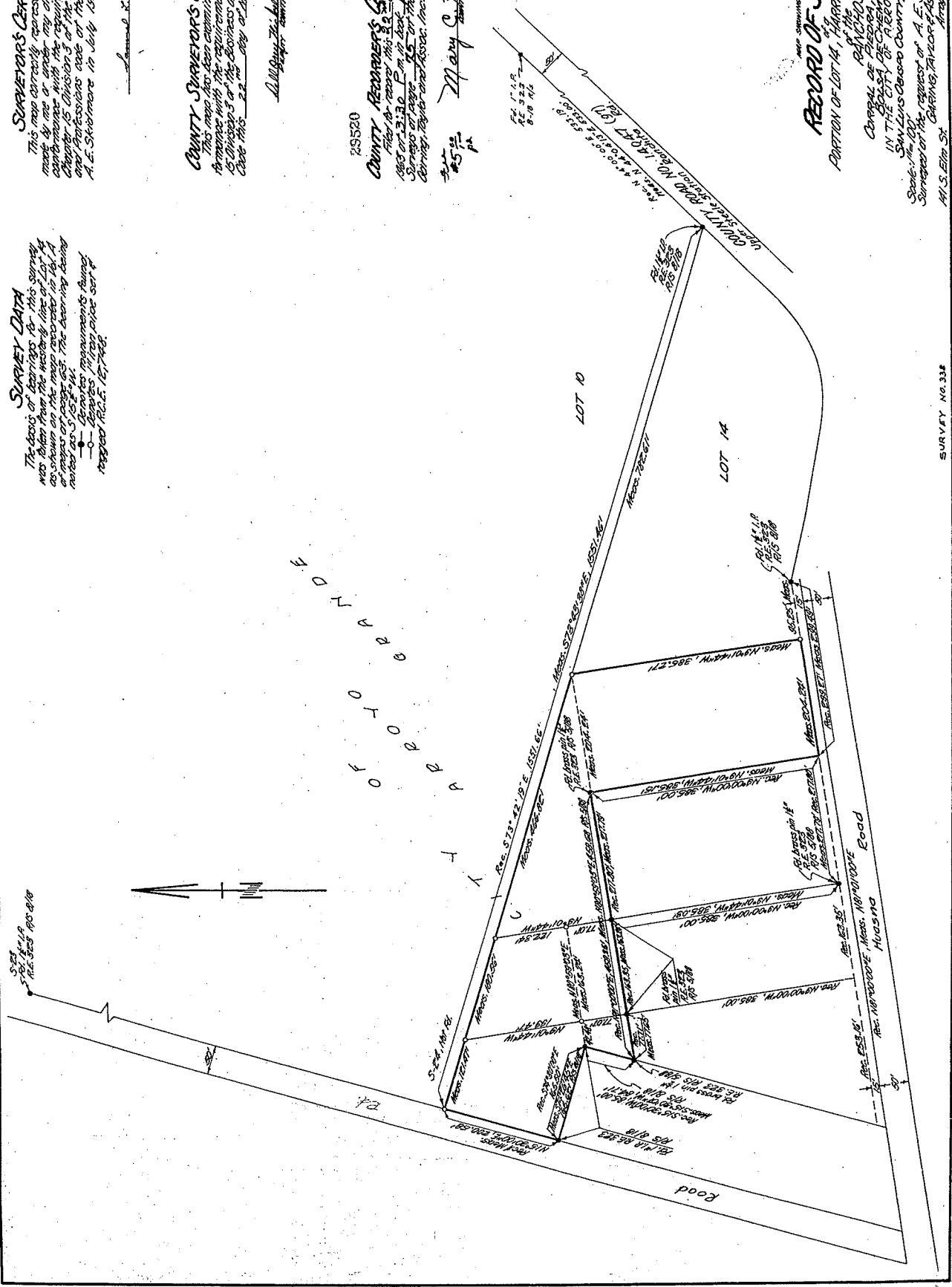
SURVEYOR'S CERTIFICATE
 This map correctly represents a survey made by me or under my direction as County Surveyor of the County of Orange, California, in accordance with the requirements of Chapter 15, Division 3 of the Business and Professions Code of the State of California in July, 1965.
 A. E. Skelmore in July, 1965.

COUNTY SURVEYOR'S CERTIFICATE
 This map has been examined by me in accordance with the requirements of Chapter 15, Division 3 of the Business and Professions Code this 22nd day of November, 1965.
 A. M. Dwyer, Jr. County Surveyor

295520
COUNTY RECORDERS CERTIFICATE
 This map was recorded this 22nd day of November, 1965, at 2:13 P.M. in Book 1 of the County of Orange Records, Vol. 15, in the presence of
 Bernice Taylor and Assoc., Inc.
 #5th flr
 Mary C. Franklin
 County Recorder

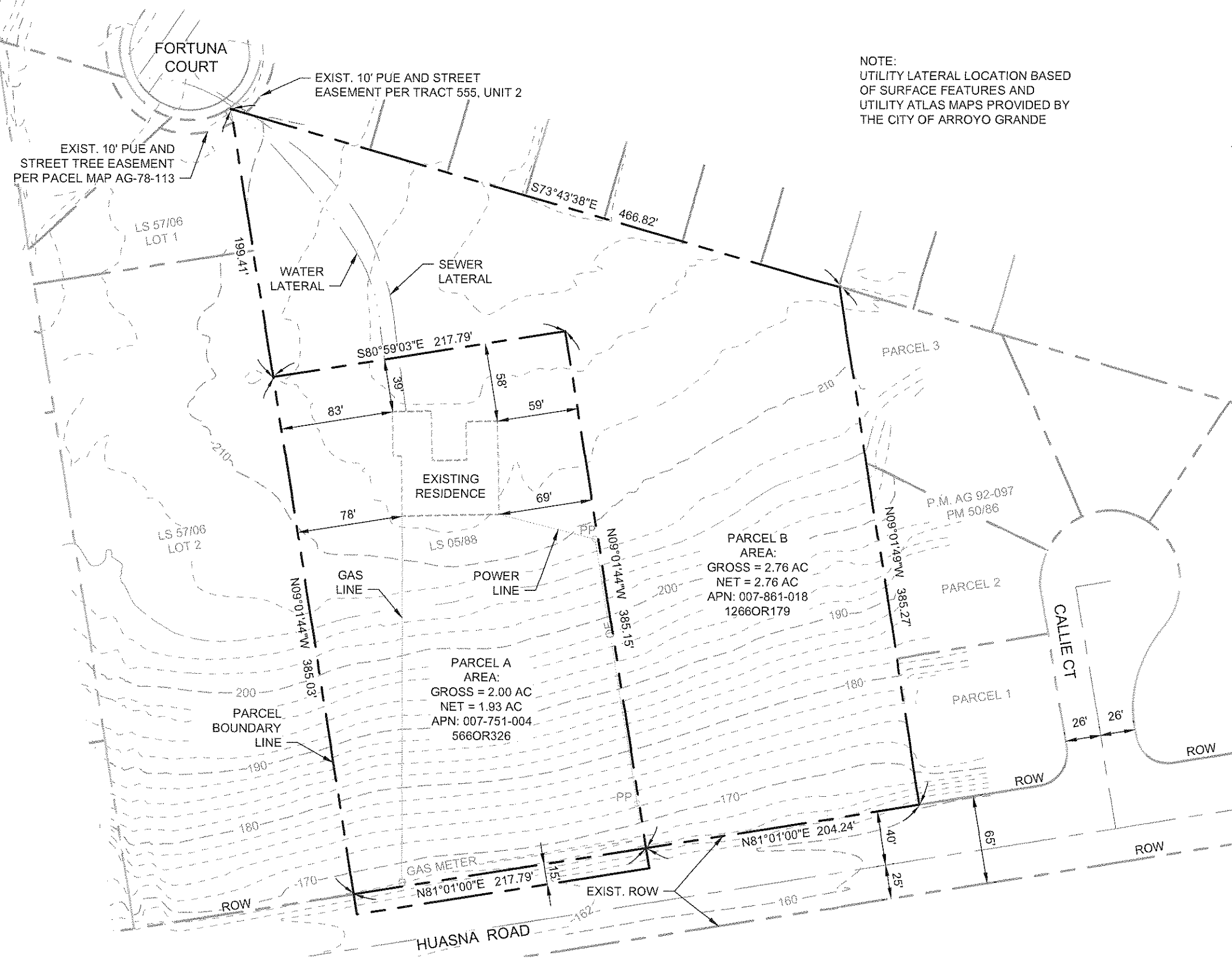
ATTACHMENT 3

RECORD OF SURVEY
 PARTITION OF LOT 14, HARRIS RESUBDIVISION
 of the
 RANCHOS
 Central de Piedra, Pismo and
 Santa Fe de Cerros, Orange
 in the County of Orange, California
 Surveyed in accordance with the
 Statute in the County of Orange, California
 Surveyed in the County of Orange, California
 by
 GARDNER TAYLOR & ASSOC., INC.
 411 S. Elm St.
 Anaheim, California

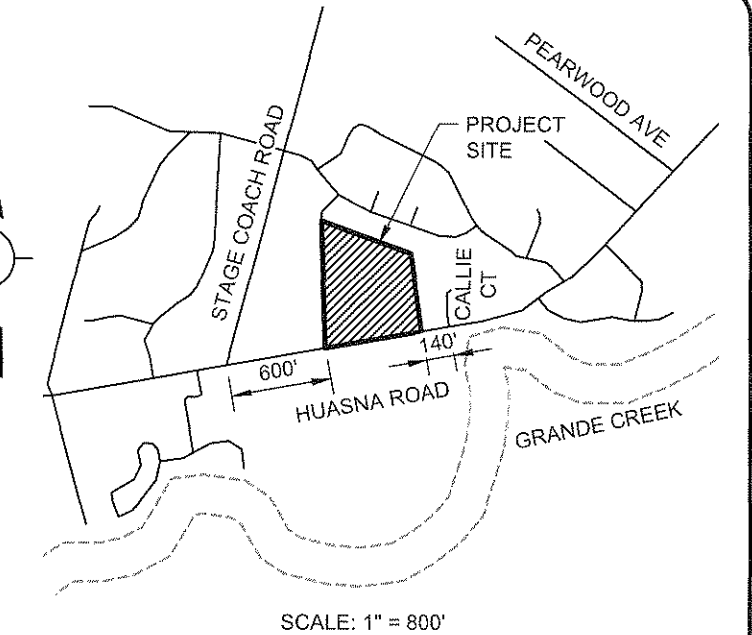
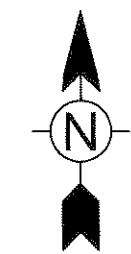


1 2 3 4 5 6

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NOTE:
UTILITY LATERAL LOCATION BASED
OF SURFACE FEATURES AND
UTILITY ATLAS MAPS PROVIDED BY
THE CITY OF ARROYO GRANDE



ZONING
RESIDENTIAL SUBURBAN

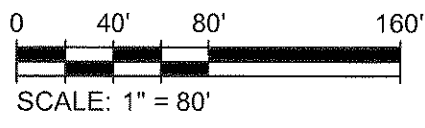
SOURCE OF TOPO
GOLDEN STATE AERIAL SURVEYS, INC.
3195 MCMILLAN ROAD, SUITE E
SAN LUIS OBISPO, CA 93401
(805) 549-0399
DATE OF TOPO: 08-02-2012

RECORD OWNER
IPDC CONSTRUCTION INC
330 JAMES WAY, STE 270
PISMO BEACH, CA 93444
(805) 556-8860

SIGNATURE: *[Signature]*
NAME: Gary Grossman
TITLE: President
DATE: 9/18/14

PREPARER
TETRA TECH
865 AEROVISTA PLACE, SUITE 230
SAN LUIS OBISPO, CA 93401
(805) 542-9052

ATTACHMENT 4



TETRA TECH
www.tetratech.com
865 Aerovista Place, Suite 230
San Luis Obispo, CA 93401
Phone: (805) 542-9052 Fax: (805) 542-9254

MARK	DATE	DESCRIPTION	BY

CERTIFICATE OF COMPLIANCE
APN 007-751-004 & 007-861-018
CITY OF ARROYO GRANDE
COUNTY OF SAN LUIS OBISPO
STATE OF CALIFORNIA

Project No.:	135-112131-14001
Designed By:	CZ
Drawn By:	HN
Checked By:	CZ

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