

MEMORANDUM

TO: PLANNING COMMISSION

FROM: TERESA McCLISH, COMMUNITY DEVELOPMENT DIRECTOR

BY: MATTHEW DOWNING^{MD}, PLANNING MANAGER

SUBJECT: CONSIDERATION OF LOT MERGER 17-001; LOCATION – 825 VIRGINIA DRIVE; APPLICANT – SCOTT AND NICOLE DeMATTEO; REPRESENTATIVE – LEAHA MAGEE, MBS LAND SURVEYS

DATE: JUNE 6, 2017

RECOMMENDATION:

It is recommended that the Planning Commission adopt a Resolution approving Lot Merger 17-001.

IMPACT TO FINANCIAL AND PERSONNEL RESOURCES:

None.

BACKGROUND:

Location:



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The proposed project consists of merging two (2) parcels located at 825 Virginia Drive. Prior to the 1950s, the rear yard of the subject property was a reserved access easement intended to connect what is now Woodland Court to Halcyon Road. In the mid-1950s, this connection was deemed to no longer be necessary, and therefore the easement was abandoned. The remaining fragments were then deeded over to the adjoining Virginia Drive property owners in the mid-1960s, and these areas have been used by those properties since that time. Although the primary parcels were located in the City, the remainder parcels were kept in the County.

ANALYSIS OF ISSUES:

The applicant approached the City with a desire to construct a workshop in the rear yard of the subject property. Due to the rear yard's location in the County, discussions regarding the proper permitting authority occurred and it was determined that the property owner should apply for a lot merger. This would merge the lots but would not change the City Limit line. It is not uncommon for properties to be in multiple jurisdictions, although this tends to be more common with larger parcels. In this instance, the County has agreed that the lot merger is appropriate and the resulting lot would be under the permitting authority of the City.

At this time, the applicants are the only property owners to show an interest in a merger as described. Five (5) other properties along Virginia Drive are in a similar situation and lot merger requests would be processed on an individual basis if property owners determine they wish to pursue mergers.

ALTERNATIVES:

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

- Adopt the attached Resolution approving Lot Merger 17-001;
- Modify and adopt the attached Resolution approving Lot Merger 17-001;
- Do not adopt the attached Resolution and provide direction to staff regarding specific findings for denial of Lot Merger 17-001; or
- Provide direction to staff.

ADVANTAGES:

The proposed project will legally merge an existing residential parcel with a small remainder parcel currently being used as a single property and will allow the property owner to further develop the lot through the City.

DISADVANTAGES:

None identified by staff.

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ENVIRONMENTAL REVIEW:

The project has been reviewed in accordance with the California Environmental Quality Act (CEQA) and determined to be exempt per Section 15061(b)(3) of the CEQA Guidelines regarding projects where it can be determined with absolute certainty that no significant impact will occur.

PUBLIC NOTICE AND COMMENT:

Per Municipal Code Section 16.12.030 (B), a public hearing is not required for approval of a lot merger.

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2. No comments have been received.

ATTACHMENTS:

1. Lot merger exhibit

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF ARROYO GRANDE APPROVING LOT
MERGER 17-001; LOCATED AT 825 VIRGINIA DRIVE;
APPLIED FOR BY SCOTT AND NICOLE DeMATTEO**

WHEREAS, the applicant proposed to merge two lots located at 825 Virginia Drive; and

WHEREAS, one of the lots proposed for the merger is located in the City while the other is located in the County; and

WHEREAS, the County has agreed that the lots should be merged and permitting authority should rest with the City; and

WHEREAS, Municipal Code Table 16.12.030 (B) requires that lot mergers be reviewed by the Planning Commission; and

WHEREAS, the Planning Commission reviewed the project at its meeting on June 6, 2017; and

WHEREAS, the Planning Commission has reviewed this project in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Arroyo Grande Rules and Procedures for Implementation of CEQA and determined that the project is exempt per Section 15305 of the CEQA Guidelines regarding Minor Alterations in Land Use Limitations; and

WHEREAS, the Planning Commission of the City of Arroyo Grande has reviewed the project at a duly noticed meeting on June 6, 2017; and

WHEREAS, the Planning Commission finds, after due study and deliberation, that the merger is consistent with the City's General Plan and Development Code.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Arroyo Grande hereby approves Lot Merger 17-001 as set forth in Exhibit "B", attached hereto and incorporated herein by this reference, with the above findings and subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

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

AYES:

NOES:

ABSENT:

the foregoing Resolution was adopted this 6th day of June, 2017.

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GLENN MARTIN,
CHAIR

ATTEST:

DEBBIE WEICHINGER,
SECRETARY TO THE COMMISSION

AS TO CONTENT:

TERESA MCCLISH
COMMUNITY DEVELOPMENT DIRECTOR

EXHIBIT 'A'
CONDITIONS OF APPROVAL
LOT MERGER NO. 17-001
LOCATED AT 825 VIRGINIA DRIVE

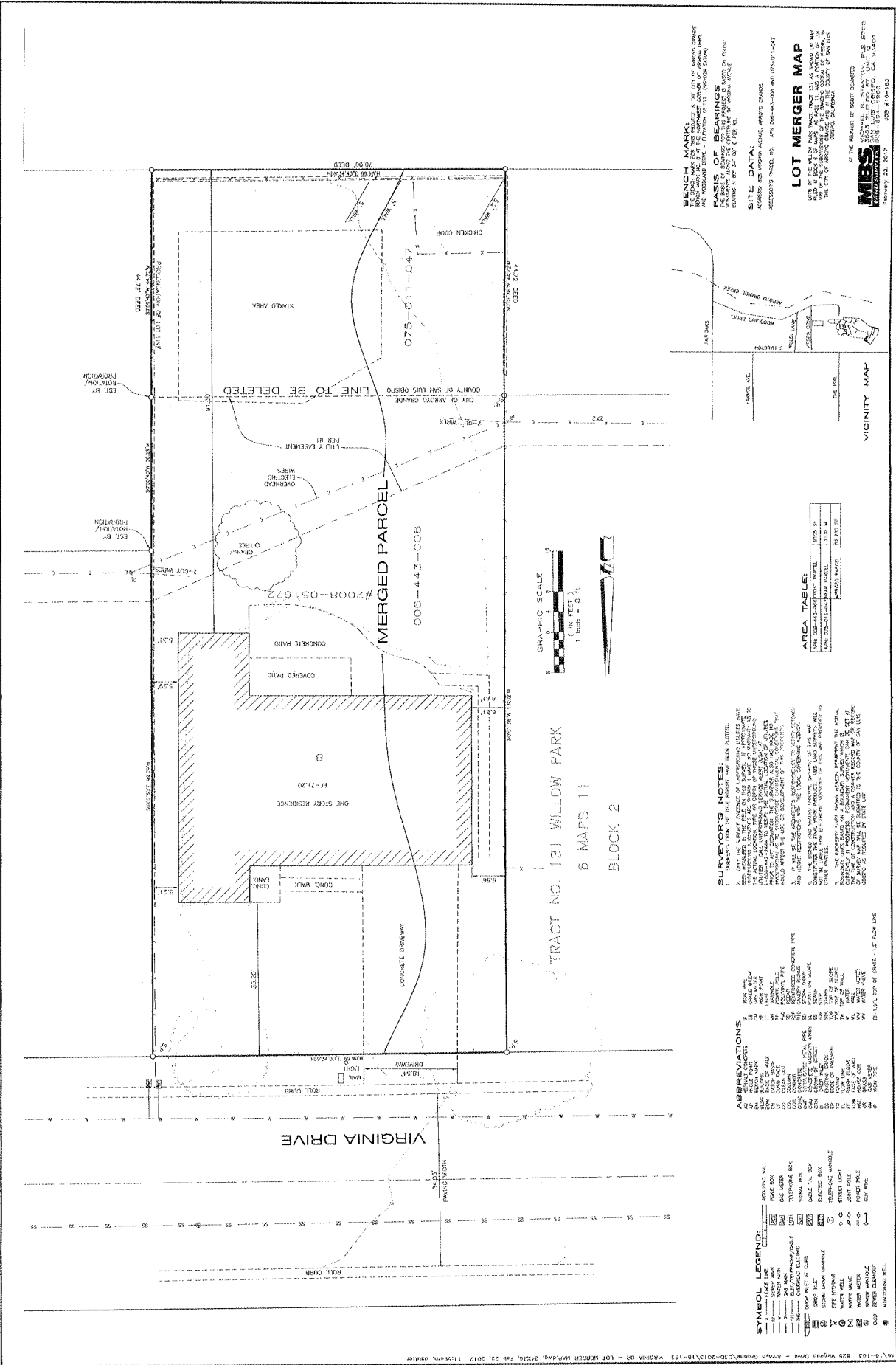
COMMUNITY DEVELOPMENT DEPARTMENT

GENERAL CONDITIONS

1. The applicant shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this project.
2. The applicant shall comply with all applicable conditions of approval for Lot Merger 17-001.
3. The applicant shall agree to indemnify and defend at his/her sole expense any action brought against the City, its present or former agents, officers, or employees because of the issuance of said approval, or in any way relating to the implementation thereof, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his/her obligations under this condition.
4. This approval shall automatically expire on June 6, 2019 unless the merger is recorded or an extension is granted pursuant to Section 16.12.140 of the Municipal Code.
5. The applicant shall comply with all provisions of Municipal Code Section 16.20.150.
6. The applicant shall pay all applicable fees at the time they are due.
7. A current preliminary title report shall be submitted to the Community Development Department prior to checking the final documents.
8. It is the City's preference that the Notice of Merger be recorded via map but can also be recorded via a certificate of compliance in compliance with the Subdivision Map Act. All pertinent conditions of approval satisfied prior to issuance of any building permit.

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9. If the merger is recorded via a map, the applicant shall furnish a certificate from the tax collector's office indicating that there are no unpaid taxes or special assessments against the property. If the merger is recorded via a certificate of compliance, information from the tax collector's office shall be provided to show that there are no unpaid taxes or special assessments against the property.



BENCH MARK:
THE SURVEY MAP FOR THIS MERGER IS THE CITY OF ANCHORAGE EARTHQUAKE
ELEVATION MAP FOR THE MERGER (ELEVATION OF 117' BENCHMARK DATA)
AND WOODLAND BLVD - ELEVATION OF 117' BENCHMARK DATA.

DATE OF BEARINGS:
THE BEARINGS WERE DETERMINED BY THE SURVEYOR ON THE DATE OF THE
SURVEY MAP FOR THIS MERGER (ELEVATION OF 117' BENCHMARK DATA)
ON FEBRUARY 22, 2017.

SITE DATA:
ADDRESS: 430 VILLOW PARK, ANCHORAGE, ALASKA
ASSASSINATOR'S TRACT NO.: APRN 506-443-008 AND 075-011-047

LOT MERGER MAP
FILED BY: MICHAEL B. STANTON, P.E., STAFF SURVEYOR
105 N. BROADWAY, ANCHORAGE, ALASKA 99501
PHONE: 271-5155
MBS

AT THE OFFICE OF THE SURVEYOR
ANCHORAGE, ALASKA
FEBRUARY 22, 2017

AREA TABLE:	
AREA 1	17,000.00
AREA 2	11,000.00
TOTAL MERGED AREA	28,000.00

SURVEYOR'S NOTES:

1. DIMENSIONS FROM THIS FIELD REPORT HAVE BEEN ROUNDED.

2. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE MERGED PARCELS AND HAS OBSERVED THE EXISTING UTILITIES AND STRUCTURES ON THE PARCELS. THE SURVEYOR HAS OBSERVED THE EXISTING UTILITIES AND STRUCTURES ON THE PARCELS AND HAS OBSERVED THE EXISTING UTILITIES AND STRUCTURES ON THE PARCELS.

3. THE MERGED PARCELS ARE BEING MERGED INTO ONE PARCEL AND THE SURVEYOR HAS OBSERVED THE EXISTING UTILITIES AND STRUCTURES ON THE PARCELS AND HAS OBSERVED THE EXISTING UTILITIES AND STRUCTURES ON THE PARCELS.

SYMBOL LEGEND:	
⊖	REPAIRING WELL
⊕	ROCK BOX
⊗	REPAIRING WIRE
⊙	REPAIRING WIRE
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TRACT NO. 131 WILLOW PARK
6 MAPS 11
BLOCK 2