

CITY OF MORRO BAY  
PLANNING COMMISSION  
SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building  
Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay  
Monday, March 20, 2006

Chairperson Sarah McCandliss  
Vice-Chairperson Bill Woodson      Commissioner Nancy Johnson  
Commissioner Robert Tefft      Commissioner Gary Ream  
Mike Prater, Secretary

**I. CALL MEETING TO ORDER**

McCandliss called the meeting to order at 6:02 p.m.

**II. PLEDGE OF ALLEGIANCE**

McCandliss led the pledge.

**III. ROLL CALL**

McCandliss asked that the record reflect all Commissioners were present.

Staff Present: Bruce Ambo, Michael Prater, Rachel Grossman and Kimberly Peeples.

**IV. ACCEPTANCE OF AGENDA**

MOTION: Tefft, Woodson 2<sup>nd</sup> to accept the agenda as presented. Vote: 5-0.

**V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS – None.**

**VI. CONSENT CALENDAR – None.**

**VII. PRESENTATIONS- None.**

**VIII. ORAL COMMUNICATIONS**

Roger Ewing addressed the Commission regarding tandem parking and encouraged them to remove tandem parking from the ordinances.

Nancy Johnson announced the "Gardens by the Sea" Tour on April 23<sup>rd</sup> from 12 – 5 pm.

**IX. FUTURE AGENDA ITEMS – None.**

**X. PUBLIC HEARINGS**

**A. Subdivision Ordinance Update**

The Planning Commission is holding hearings on the Subdivision Ordinance Update and has scheduled a series of meetings to evaluate and discuss and ultimately make recommendations to the City Council on the update. A draft of the proposed update to the Subdivision Ordinance is available for review. The recently adopted General Plan/Local Coastal Plan was used as the policy framework for the amendments to the Subdivision Ordinance.

The goal in this comprehensive update is to bring the Subdivision Ordinance into conformance with the recent amendments to the Subdivision Map Act, and reorganize the document in an easily understandable format.

Staff Contact: Mike Prater, Senior Planner, 772-6261.

Prater reviewed the staff report outlining the review process and issues to be addressed at tonight's meeting and subsequent meetings. After reviewing the substantial changes, updates and key features of the Subdivision Ordinance Update Prater suggested opening up the meeting to Public Comment.

McCandliss opened the Public Comment Period.

James Maul spoke in favor of reducing the minimum lot size requirements for Condominiums.

Roger Ewing spoke against allowing large developments and changing the code so it is no longer vague.

Seeing no further comments McCandliss closed the Public Comment Period and brought the meeting back to the staff.

Discussion ensued amongst the Commissioners in which they requested changes to the Subdivision Ordinance, which are noted in the attached revisions in Addendum 1.

**XI. OLD BUSINESS**

A. Current Planning Processing List

Projects submitted for Administrative Approval (not single-family residential)

1. None

**XII. NEW BUSINESS – None.**

**XIII. ADJOURNMENT**

McCandliss adjourned the meeting at 8:47 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, April 3, 2006, at 6:00 p.m.

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Sarah McCandliss, Chairperson

ATTEST:

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Secretary  
Michael Prater

**TITLE 16**  
**CITY OF MORRO BAY MUNICIPAL CODE**  
**SUBDIVISIONS**

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# Chapter 1

## GENERAL PROVISIONS

Sections:

16-1.001	Title
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16-1.005	Conflict with Public Provisions
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16-1.007	Actions by Persons with Interest
16-1.008	Severability

### 16-1.001 Title

This title shall be known and cited as the "Morro Bay Subdivision Ordinance."

### 16-1.002 Purpose

The regulations codified in this title are adopted for the following purposes:

- A. For the purpose of promoting the public health, safety, convenience and general welfare; the design, improvement and survey data of subdivisions; and the form and content of tentative, parcel and final maps thereof; and the procedure to be followed in securing official approval thereof shall be governed by the provisions of the Subdivision Map Act, Section 66410 to 66499.58 of the Government Code of the State of California, Title 7, Planning and Land Use, and by the additional provisions of this title, and shall comply with the provisions of the City General Plan and be consistent with Title 17, Zoning.
- B. Further, it is the purpose of this title to encourage, where appropriate, new concepts and innovations in the arrangement of building sites within subdivisions. Deviations from the traditional mechanical approach to the subdivision of land are encouraged in order to facilitate the ultimate development of the land in a manner that will minimize environmental disturbance, provide affordable or workforce housing and be more responsive to contemporary living patterns.
- C. It is the city's policy to allow reasonable and economic use of land, and to accommodate additional lots and single-family residences, consistent with policies and elements of the Morro Bay General Plan.

### 16-1.003 Adoption Authority - Conformance with Other Regulations

- A. These regulations are adopted pursuant to the Subdivision Map Act, Section 66410 to 66499.58 of the Government Code of the State of California, as a "local ordinance" as that term is used in that act, and to supplement the provisions of that act. All provisions of the Subdivision Map Act and future amendments thereto not incorporated in these regulations shall apply to all subdivisions, subdivision maps and proceedings under these regulations.
- B. Nothing in this section shall be read to limit the rights of the City to enact additional provisions concerning the division of land as are deemed necessary to protect the public health, safety and general welfare.
- C. Approval or conditional approval of a subdivision map shall not excuse compliance with other applicable provisions of this code or other applicable ordinances, rules, regulations and policies adopted by the City.

### 16-1.004 Interpretation and Application

In their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

16-1.005 Conflict with Public Provisions

These regulations are not intended to annul any other law or regulation. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other regulation or law, whichever provisions are more restrictive or impose higher standards shall control.

16-1.006 Conflict with Private Provisions

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easements, covenants, the requirements of these regulations shall govern. When the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations or the determinations of the Planning Commission in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

16-1.007 Actions by Persons with Interest

When any provisions of the Subdivision Map Act or of these regulations require the execution of any certificate or affidavit or the performance of any act of a person in his official capacity who is also a subdivider or an agent or employee thereof, such certificate or affidavit shall be executed or such act shall be performed by some other person duly qualified therefore and designated so to act by the Council.

16-1.008 Severability

If any part or provisions of these regulations or application thereof to any person or circumstances are adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The council declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

## Chapter 2

### DEFINITIONS

#### Sections:

16-2.001	Generally	16-2.002	Advisory Agency
16-2.003	Alley		
16-2.004	Applicant		
16-2.005	City Council		
16-2.006	City Street		
16-2.007	Community Apartment		
16-2.008	Community Path		
16-2.009	Condominium		
16-2.0010	Condominium Conversion	16-2.011	Day
16-2.0123	Final Map		
16-2.013	Flag Lot		
16-2.01	Flood Hazard		
16-2.015	Future Street		
16-2.016	General Plan		
16-2.017	Geologic Hazard		
16-2.018	Lot		
16-2.019	Lot Line, Front		
16-2.020	Parcel Map		
16-2.021	Planning Commission		
16-2.022	Private Easement		
16-2.023	Private Street		
16-2.024	Public Easement		
16-2.025	Reversion to Acreage		
16-2.026	Right-Of-Way		
16-2.027	Slope		
16-2.028	Specific Plan		
16-2.029	Stock Cooperative		
16-2.030	Street Tree		
16-2.031	Subdivider		
16-2.032	Subdivision		
16-2.033	Subdivision Map Act		
16-2.034	Subdivision Review Committee		
16-2.035	Subdivision Standards		
16-2.036	Substantial Compliance		
16-2.037	Tentative Map		
16-2.038	Vesting Tentative Map		

#### 16-2.001      Generally

For the purposes of the regulations codified in this title, and to supplement the definitions in the Subdivision Map Act, the following words and phrases shall be construed as defined in this chapter.

#### 16-2.002      Advisory Agency

“**Advisory Agency**” means the City Planning Commission.

#### 16-2.003      Alley

**“Alley”** means a public or private way that provides public vehicular access to the side or rear of properties whose principal frontage is on a street.

16-2.004 Applicant

**“Applicant”** means the subdivider or his authorized representative.

16-2.005 City Council

**“City Council”** means the City Council of the City of Morro Bay which is the official body charged with hearing and making determinations with the respect to appeals of decisions of the Planning Commission as described in Section 16-16.002 of this title and the official body charged with final approval of all final maps and parcel maps with dedications and the acceptance, acceptance subject to improvement, or rejection without prejudice of all offers of dedication.

16-2.006 City Street

**“City Street”** means any street, avenue, etc. for vehicular use accepted by the City Council.

**“Collector Street”** is a street that collects traffic from a subdivision or area to a major street.

**“Expressway”** is a street of general City-County importance, which is a limited access street carrying major traffic through several areas.

**“Local (minor) Street”** is that which is used primarily for access to abutting properties.

**“Major Street”** is any street, which carries traffic on four moving lanes between different areas of the City, and traffic entering from secondary streets.

16-2.007 Community Apartment

**“Community apartment”** means an apartment development in which the buyer receives a deed to the whole property and the right to use an apartment. Each owner is a tenant in common. For the purposes of these regulations, community apartments will be subject to the same requirements as condominiums.

16-2.008 Community Path

**“Community Path”** means a way designed for the purpose of pedestrian travel and exiting from parked vehicles. The pathway should be six (6) feet wide, reasonable flat, and free of trip/fall hazards such as plants and rocks.

16-2.009 Condominium

**“Condominium”** means an estate in real property consisting of an undivided interest in common in a portion of a parcel together with a separate interest in space in a building on such real property.

16-2.010 Condominium Conversion

**“Condominium conversion”** means the conversion of property occupied under tenancies or estates other than condominium to occupancy as condominiums, community apartments or stock cooperative.

16-2.012 Day

**“Day”** means calendar day. If the end of an interval specified in days falls on a weekend or holiday, the interval shall be deemed to end on the next business day.

16-2.013 Final Map

**"Final Map"** means a map required to be filed with the County Recorder for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except as noted in Section 66426 of the Subdivision Map Act.

16-2.014 Flag Lot

**"Flag lot"** means a lot predominantly situated behind another lot and having access to a street by means of a narrow portion of the flag lot extending out to the street.

16-2.015 Flood Hazard

**"Flood hazard"** means a potential danger to life, property or natural resources due to storm water runoff or inundation, including deposition of silt and debris, erosion, or the presence of standing water.

16-2.016 Future Street

**"Future street"** means real property subject to a yet unaccepted offer of dedication, all or part of which may later be accepted for a street by Council resolution and without further action by the owner.

16-2.017 General Plan

**"General plan"** means the adopted general plan of the City of Morro Bay, and such revisions as be made.

16-2.018 Geologic Hazard

**"Geologic hazard"** means a condition on or beneath the earth's surface, either natural or artificially created, which is potentially hazardous to life, property or natural resources due to possible movement of rock or soil.

16-2.019 Lot

**"Lot"** means a parcel of land that is identified by a distinct number or letter on a final map or parcel map recorded in the office of the County Recorder, or such parcel shown on a map or survey record complying with approval requirements in effect when it was recorded.

16-2.020 Lot Line, Front

**"Front lot line"** means the line which separates the lot from the street. For a corner lot, the line at the shortest street frontage will be the front lot line, unless the latest tract deed restrictions specify another line.

16-2.021 Parcel Map

**"Parcel Map"** means a map required to be filed with the County Recorder for all divisions of real property into four or fewer parcels, or creation of four or fewer condominiums or a stock cooperative or community apartment project having four or fewer parcels or units, except as provided in Section 16-3.003 of this title.

16-2.022 Planning Commission

**"Planning Commission"** means the Planning Commission of the City of Morro Bay which is the advisory agency charged with final approval of all parcel maps without dedications and the body charged with hearing and making determinations with the respect to appeals of decisions of the Director of Public Services.

16-2.023 Private Easement

**"Private easement"** is a recorded easement granted from one property owner to another adjacent property owner for the purposes of access and/or private utilities.

16-2.024 Private Street

**"Private Street"** is a residential way designated for vehicular traffic and may include curb, gutter, and sidewalk improvements for storm water drainage and pedestrian conveyance. These improvements are privately owned and maintained by the adjoining individual property owners or jointly as a "Homeowners Association/Maintenance Agreement".

16-2.025 Public Easement

**"Public Easement"** is a recorded easement offered or dedicated to and accepted by the City for the purpose of public uses. These public uses shall include, but not be limited to vehicular traffic, parking, bike and pedestrians travel, storm water conveyance, wastewater conveyance and public utilities.

16-2.026 Reversion to Acreage

**"Reversion to acreage"** means the combining of two or more recorded contiguous lots into a single parcel as discussed in Chapter 6, Article 1, of the Subdivision Map Act.

16-2.027 Right-Of-Way

**"Right-of-way"** means a parcel of land occupied or intended to be occupied by a street, path, railroad, electric transmission line, oil or gas pipeline, water main, sewer main, storm drain or similar utility or special use. Use of the term "right-of-way", distinguished from "easement", shall mean that the area dedicated to the special use shall be separate from adjoining lots and shall not be included in the area or dimensions of such lots. Rights-of-way intended for a use involving maintenance by a public agency shall be dedicated to public use by the owner of the parcel(s) on which the right-of-way is established.

16-2.028 Slope

**"Slope"** means the Cross slope for a given site calculated as follows:  $S=(I)(L)(.00223)/A$  where I=contour interval (i.e. 2', 10', 20'), L=length of contour lines added together, A=area of site in acres, S=Slope.

16-2.029 Specific Plan

**"Specific plan"** means a plan for a designated area of the City, based on the general plan but containing more detailed regulations and programs, as provided in Section 65450, et. seq. of the California Government Code.

16-2.030 Stock Cooperative

**"Stock cooperative"** means a development in which a corporation is formed primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. For the purposes of these regulations, stock cooperatives will be subject to the same requirements as condominiums.

16-2.031 Street Tree

“**Street tree**” means a tree in a public place, street, special easement or right-of-way adjoining a street.

16-2.032 Subdivider

“**Subdivider**” means a person, firm, corporation, partnership or association which proposes to divide, causes to be divided, or divides real property for itself or for others, except employees or representatives of such persons or entities, acting in such capacity, are not subdividers.

16-2.033 Subdivision

“**Subdivision**” shall have the meaning as defined in the Subdivision Map Act, including any division for gift or token consideration. According to the Subdivision Map Act:

“**Subdivision**” means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. “Subdivision” includes a condominium project, as defined in subdivision (f) of Section 1351 of the Civil Code, a community apartment project, as defined in subdivision (d) of Section 1351 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in subdivision (m) of Section 1351 of the Civil Code.

16-2.034 Subdivision Map Act

“**Subdivision Map Act**” means the Subdivision Map Act of the State of California, Section 66410 to 66499.58 of the Government Code of the State of California, and such revisions as may be made by the California legislature.

16-2.035 Subdivision Review Committee

“**Subdivision Review Committee**” shall consist of the Building Official, City Engineer, Fire Chief, Director of Recreation and Parks, the Planning Director, or their designated alternates. The Committee shall review each tentative map submitted to the City and meet with applicants to discuss the proposed subdivisions.

16-2.036 Subdivision Standards

“**Subdivision Standards**” means the standards for design and construction of subdivisions and the preparation of maps and documents, adopted by resolution by the Council.

16-2.037 Substantial Compliance

“**Substantial Compliance**” means the subdivision design shown on the final map is consistent with the intent of the approved tentative map, as determined by the Director of Public Services and/or the City Engineer. In no cases shall the addition of lots be considered in “substantial compliance.”

16-2.038 Tentative Map

“**Tentative Map**” means a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.

16-2.039 Vesting Tentative Map

“**Vesting Tentative Map**” means a map which meets the requirements for a tentative map and the other requirements that are set forth in this title and the Subdivision Map Act, and which will provide certain statutorily vested rights to the subdivider. A vesting map gives subdividers who obtain approval of said map a statutory right to proceed with development in substantial compliance with the local ordinances, policies, and standards in effect at the time the map application is found complete.

## Chapter 3

### GENERAL REQUIREMENTS FOR MAPS

Sections:

16-3.001	Final Maps
16-3.002	Parcel Maps
16-3.003	Exclusions and Exceptions
16-3.004	Lot Line Adjustment
16-3.005	Correcting or Amending Maps
16-3.006	Lot Combination
16-3.007	Expansion of Condominium Projects

#### 16-3.001 Final Maps

Except as provided in Section 16-3.003, the division of real property into five or more parcels or creation of five or more condominiums or a stock cooperative or community apartment project having five or more parcels or units requires the filing, approval and recording of tentative and final maps as provided in these regulations and the Subdivision Map Act.

#### 16-3.002 Parcel Maps

Except as provided in Section 16-3.003, the division of real property into four or fewer parcels, or creation of four or fewer condominiums or a stock cooperative or community apartment project having four or fewer parcels or units requires the filing, approval and recording of tentative and parcel maps as provided in these regulations and the Subdivision Map Act.

#### 16-3.003 Exclusions and Exceptions

- A. No maps shall be required for divisions of property that are excepted from the definition of subdivision within the Subdivision Map Act.
- B. Parcel maps, but not final maps, shall be required for those land divisions enumerated under Section 66426 of the Subdivision Map Act.
- C. No maps shall be required for:
  - 1. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks;
  - 2. Mineral, oil or gas leases;
  - 3. Land dedicated for cemetery purposes under the Health and Safety Code of the State;
  - 4. Boundary line or exchange agreements to which the State Land Commission or a local agency holding a trust grant of tide and submerged lands is a party;
  - 5. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code;
  - 6. The financing or leasing of any parcel of land, or portion of parcel, in conjunction with the construction of commercial or industrial buildings on a single parcel, when the project is subject to planned development or use permit approval pursuant to the Zoning Ordinance;
  - 7. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- D. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for the purpose of determining the number of parcels within a subdivision.

E. Parcel maps shall not be required for those conveyances involving government agencies or public utilities, as provided in Section 66428 of the Subdivision Map Act.

16-3.004 Lot Line Adjustment

The adjustment of a boundary line between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, does not require a final or parcel map. However, the Director of Public Services must approve the lot line adjustment as provided in Chapter 16-7.

16-3.005 Correcting or Amending Maps

Recorded final maps and recorded parcel maps may be amended, corrected or modified, as provided in the Subdivision Map Act (Sections 66469 through 66472.1). Approved lot line adjustments may be amended as provided for final and parcel maps, with amending or correcting documents to be filed with the Public Services Department and the County Recorder.

16-3.006 Parcel Merger

Contiguous parcels under common ownership may be merged (interior lot lines may be removed) by approval of a parcel merger, together with recordation of a certificate of merger for the new parcel, as provided in Chapter 8 of this title.

16-3.007 Expansion of Condominium Projects

Notwithstanding Section 16-3.004, the addition of floor area to a condominium project shall require approval of the type of map previously approved. If the City Engineer finds such a map is not necessary for the purposes of these regulations, the City Engineer may waive the requirement for such a map (i.e. if the expansion is within the airspace).

## Chapter 4

### PROCEDURES FOR TENTATIVE MAPS, FINAL MAPS, VESTING TENTATIVE MAPS AND PARCEL MAPS

Sections:

B.

#### Article I. Tentative Maps

16-4.101	Identification of Tentative Map.
16-4.102	Filing of Tentative Map Application.
16-4.103	Examination of Application.
16-4.104	Distribution of Tentative Map.
16-4.105	Departmental Reports On Tentative Map.
16-4.106	Subdivision Review Committee Approval
16-4.107	Notice of Planning Commission Hearing On Tentative Map.
16-4.108	Continuances of Tentative Map Action.
16-4.109	Submission of Revised Tentative Map.
16-4.110	Planning Commission Action On Tentative Map.
16-4.111	Withdrawal of Tentative Map.
16-4.112	Minor Modification of Tentative Map After Approval.
16-4.113	Extension of Time to Act.
16-4.114	Application after Denial

C.

#### Article II. Final Maps

16-4.201	Filing of Final Map.
16-4.202	Termination of Proceedings.
16-4.203	Time Extension.
16-4.204	Final Map Compliance.
16-4.205	Submission of Final Map.
16-4.206	Action of City Engineer.
16-4.207	Council Action on Final Map.
16-4.208	Council Acceptance or Rejection of Offers of Dedication.
16-4.209	Disposition After Approval.

D.

#### Article III. Vesting Tentative Maps

16-4.301	Application.
16-4.302	Filing and Processing.
16-4.303	Vesting on Approval of Vesting Tentative Map.
16-4.304	Development Inconsistent with Zoning; Denial or Conditional Approval.
16-4.305	Applications Inconsistent with Current Policy.
16-4.306	Expiration.

E.

#### Article IV. Parcel Maps

16-4.401	Filing - Processing - Appeals - Dedication Acceptance.
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#### **Article I. Tentative Maps**

<u>16-4.101</u>	<u>Identification of Tentative Map</u>
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Before submitting a tentative map, the person preparing the map shall obtain a tract number from the County of San Luis Obispo Planning Department. The number shall be placed upon each copy of the tentative map and shall not be changed unless a new number is assigned to the subdivision by the County of San Luis Obispo Planning Department. The tract may also be given a name.

<u>16-4.102</u>	<u>Filing of Tentative Map Application</u>
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The tentative map application shall be filed with the Public Services Department and shall be prepared in accordance with the provisions of Chapter 5. The application shall be accompanied by the number of map prints required by the Public Services Department. An eight-and-one-half inch by eleven inch reduction shall also be provided.

#### 16-4.103 Examination of Application

Planning and Engineering Department staff shall examine the map application upon presentation and shall not accept it unless it is a complete application in compliance with the Subdivision Map Act and these regulations. The subdivider shall be notified in writing within thirty days following submittal if the map application is not complete.

#### 16-4.104 Distribution of Tentative Map

After a tentative map has been submitted and determined to be complete, the Planning staff shall forward a copy of the map and accompanying data and reports to all appropriate staff, departments and other agencies for review and report.

#### 16-4.105 Departmental Reports on Tentative Map

Within twenty days of forwarding, each staff member, department or agency given a copy of the tentative map application shall send the Public Services Department its report with recommendations, if any, pertaining to the map. Based on staff analysis and the recommendations submitted to it, the Public Services Department shall prepare a report and recommendation for transmittal with the application for filing with the Planning Commission.

#### 16-4.106 Subdivision Review Committee Approval

All tentative maps shall be reviewed by the Subdivision Review Committee prior to filing any tentative map with the Planning Commission.

- A. The Subdivision Review Committee shall determine the following:
1. The completeness and accuracy of the tentative maps and ancillary reports and the suitability of the land for purposes of subdivisions;
  2. Overall design of the subdivision, and conformity with all pertinent requirements of this title and other ordinances/laws and plans of the city;
  3. Provisions for and suitability of street improvements, underground utilities, fire hydrants, ornamental electroliers, storm drains, streets, trees, sidewalks, including adequacy of the water supply, sewage disposal and easements for utilities and drainage;
  4. Provisions for public areas including parks, schools, public utility facilities, etc.
- B. Action by the Subdivision Review Committee:
1. The Subdivision Review Committee shall review the tentative map and accompanying development applications for compliance with this title, consistency with the general and specific plan and zoning for the land on which the proposed development is located and conformity with all other applicable laws, regulations and ordinances governing such property. If any portion of the subdivision is incomplete or in conflict with any of the requirements, then the Director of Public Services shall so inform the subdivider, in writing;
  2. The Subdivision Review Committee may deem it advisable to recommend additional improvements, easements, dedications, etc. to be included. The subdivider shall be duly informed of the nature of the recommendation prior to the committee meeting;
  3. If, after analysis, it is found that the subdivision required a significant amount of correction before the committee deems it complete to bring it before the Planning Commission, the Subdivision Review Committee may require the subdivider to make the changes and reappear before the Subdivision Review Committee for further study;

4. The tentative map and accompanying development application shall be formally filed if the Director of Public Services has found the tentative map and accompanying development applications are complete and in compliance as set forth hereinabove.

C. Appeal.

If the subdivider believes the Subdivision Review Committee's decision is in error the subdivider may request consideration thereof by the Planning Commission. In such a case the subdivider, within sixty days, shall file his/her objections, in writing, with the Director of Public Services, whereupon the map and application shall be placed on the Planning Commission agenda at which time the Planning Commission will make an independent determination as to the issues appealed from by the subdivider.

16-4.107 Notice of Planning Commission Hearing on Tentative Map

- A. The Planning Commission shall hold a public hearing on the tentative map, and notice thereof shall be given as provided in Section 66451.3 of the Subdivision Map Act and shall be given by:
  1. Publication in a newspaper of general circulation not less than ten days before the meeting;
  2. First-class mail to all owners of property located within 300 feet of the proposed tract, according to the latest county assessment roll, and owners of other property which, as determined by the Director of Public Services, consistent with the requirements of Section 66451.4 of the Government Code, may be adversely affected by the proposed subdivision; and
- B. The Director of Public Services shall notify the subdivider and provide copies of all reports and recommendations being submitted to the Planning Commission from the Director of Public Services not less than three days before the meeting.
- C. Each street frontage of property to be subdivided shall be clearly posted with a "Notice of Intent to Subdivide" provided by the Public Services Department at the time that a complete application for subdivision is filed.

16-4.108 Continuances of Tentative Map Action

Applicant requested Continuances. Prior to the scheduled date of Planning Commission consideration, the applicant may request a continuance to a future agenda date. Granting or denial of such request is at the sole discretion of the Planning Commission.

16-4.109 Submission of Revised Tentative Map

Prior to consideration of a tentative map by the Planning Commission, a revised tentative map may be submitted for consideration. A new application and fee shall be required prior to placement on the Planning Commission's Agenda. An updated title report shall be required. Changes required by the City shall not be considered map revisions. A revised tentative map shall be considered as a new application, and the date of filing shall be the date of filing the revised tentative map. The first application shall be deemed withdrawn upon the submission of the revised application.

16-4.110 Planning Commission Action On Tentative Map

Within fifty days of the filing thereof, the Planning Commission shall, after a hearing and consideration of the tentative map, accompanying reports of applicant and staff, and public testimony, shall consider and approve, conditionally approve, or disapprove the tentative map. If conditional approval of a map is recommended, the report shall contain a complete statement of the conditions of approval. The approval or conditional approval of any tentative map shall not constitute an approval of any exception or deviation from any zoning regulations of the City nor shall it be deemed as an approval to proceed with any development in violation of any applicable provision of law. If the map is disapproved, the grounds for disapproval shall be stated.

16-4.111 Withdrawal of Tentative Map

Once a date for Planning Commission consideration of the tentative map has been set, requests for withdrawal shall be submitted to the Planning Commission in writing, or orally if made at the meeting when the map is being considered. No refund of the filing fee shall be made. Withdrawal of the map shall be an effective denial of the application.

#### 16-4.112 Minor Modification of Tentative Map After Approval

Minor modifications of an approved or conditionally approved tentative map may be made. However, they must be approved by the Director of Public Services and the City Engineer prior to filing of the final map.

#### 16-4.113 Extension of Time to Act

Any of the time limits for acting on tentative maps specified in these regulations may be extended by mutual consent of the subdivider and the Planning Commission. To do so, the subdivider must expressly waive, in writing or in the record at a public hearing, his right to have the map considered within those time limits as set forth in the Permit Streamlining Act (Section 65943, California Government Code).

#### 16-4.114 Application after Denial

When any application for a tentative map filed pursuant to this part has been denied, no new application which is substantially the same shall be filed within one (1) year of the date of denial unless the facts upon which the Planning Commission based its decision have changed. The Director of Public Services shall determine whether facts have changed or when an application is substantially the same as the previous application.

### F. Article II. Final Maps

#### 16-4.201 Filing of Final Map

Within twenty-four months of the date of approval or conditional approval of the tentative map, the subdivider shall cause the final map to be prepared and filed in accordance with these regulations and the Subdivision Map Act.

#### 16-4.202 Termination of Proceedings

Failure to file a final map within 24 months of the date of approval or conditional approval of a tentative map, or within any extended period of time granted in accordance with Section 16-4.203, immediately following, shall terminate all proceedings. Before a final map may thereafter be filed, a new tentative map shall be submitted and approved hereunder. Delivery to the City Engineer shall be deemed a timely filing for purposes of this section.

#### 16-4.203 Time Extension

- A. The Planning Commission may extend the time for filing the final map for a period or periods not exceeding a total of five (5) years or as provided by Section 66452.6 and/or Section 66463.5 of the Subdivision Map Act.
- B. Applications for extensions shall be made in writing to the Department of Public Services prior to the date of tentative map expiration. Time extension may be granted subject to the condition that the final map shall be prepared and improvements shall be constructed and installed in compliance with requirements in effect at the time the request for extension is considered. The Planning Commission may also impose any other conditions, which it was empowered to impose at the time of the tentative map approval and it may revise or delete conditions.

#### 16-4.204 Final Map Compliance

Final maps shall be prepared in accordance with the approved tentative map.

#### 16-4.205 Submission of Final Map

When all the statements appearing on the final map, except the approval statements of the City Clerk, City Engineer, City Planning Commission and the County Recorder's Statement, have been signed, and where necessary, acknowledged, the final map, along with copies of reference maps and other supporting data necessary to verify the survey, may be submitted to the City for examination and presentation to the City for examination and presentation to the Planning Commission for final approval, provided it complies with all other provisions of these regulations. The map

shall be accompanied by as many prints as the City Engineer shall require. The subdivider shall provide the City with an electronic version of the final map.

#### 16-4.206 Action of City Engineer and Director of Public Services

- A. Upon receipt of a final map and accompanying documents, fees and materials for filing, the City Engineer and Director of Public Services shall determine if the final map is in substantial compliance with the approved or conditionally approved tentative map and modifications and conditions made or required by the Planning Commission. If they are found to be complete and in conformance with these and other applicable regulations, the Director of Public Services shall transmit the map to the City Engineer who shall transmit the map to the City Clerk after certification. No map shall be signed by the City Engineer until the required improvements have been installed or an agreement or bond for installation has been secured in accordance with these regulations.
- B. Should the map or accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the City Engineer or Director of Public Services shall advise the subdivider by mail of the changes or additions that must be made before the map may be certified.
- C. If the City Engineer or Director of Public Services determines circumstances concerning the design and improvement of the subdivision relation to the public health, safety and welfare have materially changed since the approval of the tentative map, they need not certify the final map. In such instances, the City Engineer and Director of Public Services shall return the map to the Planning Commission for further consideration.
- D. The final map shall not be considered filed for action by the Planning Commission until the City Engineer and Director of Public Services have completed the actions required by them by subsections A, B, and C of this section.

#### 16-4.207 Planning Commission Action on Final Maps

- A. At the meeting at which it receives the final map, the Planning Commission shall approve the map if it conforms to the approved tentative map and meets the requirements of the Subdivision Map Act, these regulations, and any rulings made pursuant to them. If the map does not conform, the Planning Commission shall not approve it.
- B. If the Planning Commission fails to act within the prescribed time, the final map shall be deemed approved to the extent it meets the requirements enumerated above. Upon approval by either action or inaction, the City Clerk shall certify approval of the final map.

#### 16-4.208 Council Acceptance or Rejection of Offers of Dedication

Subject to exceptions in the Subdivision Map Act, at the first regular meeting after the final map has been approved the Council shall accept or reject without prejudice all offers of dedication. This action shall be certified on the map by the City Clerk.

#### 16-4.209 Disposition after Approval

After the Planning Commission approves a final map, Public Services Department shall transmit the map to the County Recorder.

G.

### Article III. Vesting Tentative Maps

#### 16-4.301 Application

- A. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Subdivision Ordinance, requires the filing of a tentative map or tentative parcel map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

- B. If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

#### 16-4.302 Filing and Processing

A vesting tentative map shall be filed in the same form; and the application package shall have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this subdivision ordinance for a tentative map except as provided in Section 16-5.003

#### 16-4.303 Vesting on Approval of Vesting Tentative Map

- A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
- B. Notwithstanding subsection A, a permit, approval, extension or entitlement may be made Conditional or denied if any of the following are determined:
1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety or both.
  2. The condition or denial is required, in order to comply with state or federal law.
- C. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 16-4.306. If the final map is approved, these rights shall last for the following periods of time:
1. An initial time period of two (2) years. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
  2. The initial time period set forth in C.1. shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days, from the date a complete application is filed.
  3. A subdivider may apply to the Director of Public Services for a one-year extension at any time before the initial time period set forth in C.1. expires. If the extension is denied, the subdivider may appeal that denial to the Planning Commission within 15 days.
  4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections 1-3., the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

#### 16-4.304 Development Inconsistent with Zoning; Denial or Conditional Approval

- A. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The City shall deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the conditionally approved vesting tentative map shall, notwithstanding Section 16-4.303A., confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.
- B. The rights conferred by this section shall be for the time periods set forth in Section 16-4.303C.

16-4.305 Applications Inconsistent with Current Policy

Notwithstanding any provision of this ordinance, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Sections 16-4.303 and 16-4.304, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

16-4.306 Expiration

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by Section 16-4.203 for the expiration of the approval or conditional approval of a tentative map.

H. Article IV. Parcel Maps

16-4.401 Filing - Processing - Appeals - Dedication Acceptance

The procedures for filing, processing, public notice and actions on tentative and parcel maps shall be the same as provided in these regulations for tentative and final maps.

16.4.402 Planning Commission Action on Tentative Parcel Maps Without Dedications

- A. The Planning Commission is the advisory agency charged with final approval of all tentative parcel maps without dedications.
- B. The City Engineer and Director of Public Services shall approve the final map if it conforms with the approved tentative map and meets the requirements of the Subdivision Map Act, these regulations, and any rulings made pursuant to them. If the map does not conform, the City Engineer and Director of Public Services shall not approve it.
- C. If the City Engineer and Director of Public Services fails to act within the prescribed time, the parcel map shall be deemed approved to the extent it meets the requirements enumerated above. Upon approval by either action or inaction, the Secretary of the Planning Commission shall certify approval of the parcel map.

## Chapter 5

### PREPARATION, FORM AND REQUIREMENTS FOR TENTATIVE AND VESTING TENTATIVE MAPS

#### Sections:

- 16-5.001 Preparation and Form of Tentative Map.
- 16-5.002 Information on Tentative Map.
- 16-5.003 Additional Information on Vesting Tentative Map.
- 16-5.004 Other Material to Accompany Tentative Map.
- 16-5.005 Application Requirement.

#### 16-5.001 Preparation and Form of Tentative Map

- A. The tentative map shall be clearly and legibly drawn to an engineer's scale of not less than one inch equals one hundred feet unless otherwise approved by the Director of Public Services. If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each. Each sheet shall be no larger than twenty-four inches by thirty-six inches. Sheets no larger than thirty-six inches by forty-two inches may be submitted with the prior approval of the Director of Public Services.
- B. Tentative maps shall be prepared by or under the supervision of a registered civil engineer, licensed land surveyor or architect. Tentative parcel maps need not be prepared by or under the supervision of a registered civil engineer, licensed land surveyor or architect.

#### 16-5.002 Information on Tentative Map

The tentative map shall contain the following information:

- A. The map number, name if any, date of preparation, north point, scale, and if based on a survey, the date and official record of the survey;
- B. Name and address of the person or entity which prepared the map and the applicable registration or license number and expiration date thereof;
- C. Names and addresses of the subdivider and all parties having a record title interest in the property being subdivided;
- D. The boundaries of the subdivision, defined by legal description, with sufficient information to locate the property and to determine its position with respect to adjacent named or numbered subdivisions, if any;
- E. Topographic information with a reference to the source of the information. Contour lines shall have the following intervals:
  - 0-12% slope 2' intervals
  - >12% slope 5' intervals

Contours of adjacent land shall also be shown whenever the surface features of such land affect the design or development of the proposed subdivision;

- F. The approximate location and general description of any trees six inches (6") dbh (diameter at breast height) or greater - or the general canopy cover of clusters of trees - with notations as to their proposed retention or destruction; notations as to general type of vegetation in areas not occupied by trees;
- G. The location and outline to scale of all structures which are to be retained within the subdivision and all structures outside the subdivision and within ten feet of the boundary lines; the distances between structures to be retained, and existing or proposed street and lot lines; notations concerning all structures which are to be removed;
- H. The locations, widths and purposes of all existing and proposed easements for utilities, drainage and other public purposes shown by dashed lines, within and adjacent to the subdivision (including proposed building setback lines, if

known); all existing and proposed utilities including size of water lines and size and grade of sewer lines, locations of manholes, fire hydrants, street trees and street lights;

- I. The location, width and directions of flow of all water courses and flood-control areas within and adjacent to the property involved; the proposed method of providing storm water drainage and erosion control;
- J. The location of all potentially dangerous areas, including areas subject to inundation, landslide, or settlement, or excessive noise, and the means of mitigating the hazards;
- K. The locations, widths and names or designations of all existing or proposed streets, alleys, paths and other rights-of-way, whether public or private; private easements within and adjacent to the subdivision; the radius of each centerline curve; a cross section of each street; any planned line for street widening or for any other public project in and adjacent to the subdivision; private streets shall be clearly indicated;
- L. The lines and approximate dimensions of all lots, and the number assigned to each lot; the total number of lots; the approximate areas of the average lot; lots shall be numbered consecutively;
- M. The boundaries, acreage and use of existing and proposed public areas in and adjacent to the subdivision. If land is to be offered for dedication for park or recreation purposes or for purpose of providing public access to any public waterway, river or stream, it shall be so designated;
- N. Any exception being requested in accordance with the requirements of Chapter 16-11 (Subdivision Exceptions) of these regulations shall be clearly labeled and identified as to nature and purpose;
- O. The location of all railroad rights-of-way and grade crossings;
- P. The locations of any existing or abandoned wells, septic leaching fields, springs, water impoundments and similar features to the extent they affect the proposed use of the property;
- Q. When it is known that separate final maps are to be filed on portions of the property shown on the tentative map, the subdivision boundaries which will appear on the final maps and the sequence in which the final maps will be filed;
- R. Maps for condominium projects shall indicate the address of the property and the number, size and location of proposed dwelling units, parking spaces and private or public open spaces. For all condominium projects, the floor area of each floor shall be shown in proper scale and location together with the plan view of each ownership unit.
- S. The location of proposed building envelopes shall be shown for any proposed lot having an cross slope of 10% or greater.

16===-5.003 Additional Information on Vesting Tentative Maps

- A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map".
- B. At the time a vesting tentative map is filed, a subdivider shall also supply the following information:
  - 1. Site plans for each lot or parcel indicating proposed locations for all improvements (e.g., utilities, structures, septic systems, driveways, curb, gutter, sidewalk etc.);
  - 2. Preliminary floor plans for all structural uses;
  - 3. Architectural elevations of all structures identifying all exterior finish and roofing materials;
  - 4. Detailed grading plans for each lot or parcel, per the requirements listed on the Building Plan Check List;
  - 5. Road improvement plans for all adjacent and interior roads; and
  - 6. For other than single-family residential projects, landscaping plans for each lot or parcel per the Landscape Guidelines.

16-5.004 Other Material to Accompany Tentative Map

The following supplementary material shall be filed with the tentative map:

- A. A vicinity map of appropriate scale and showing sufficient adjoining territory to clearly indicate surrounding streets, other land in the subdivider's ownership, and other features which have a bearing on the proposed subdivision;
- B. A statement of existing and proposed zoning and land use;
- C. A statement of proposed improvements and landscape modifications, including the estimated time of completion in relation to subdivision of the property;
- D. A description of proposed public or commonly held areas and draft open space easement agreements, if applicable;
- E. Draft covenants, conditions and restrictions if they are integral to the development concept or proposed atypical requirements;
- F. A description of requested exceptions from the subdivision design standards for such items as dimensions, street sections or utility easements;
- G. Description of the proposed building setbacks and yards if different from those in the zoning regulations;
- H. If required by the City Engineer or Building Official, a preliminary grading plan and erosion control plan which utilizes Best Management Practices (BMPs);
- I. An engineering geology report, prepared by a register geologist, may be required in areas of moderate, high and very high landslide risks, and in areas of high and high + liquefaction potential and subsidence potential as noted in the general plan, seismic safety element. The engineering geology report shall include definite statements, conclusions and recommendations concerning the following, as applicable:
  - 1. Location of major geologic features;
  - 2. Topography and drainage in the subject areas;
  - 3. Distribution and general nature of rock and soils;
  - 4. A reasonable evaluation and prediction of the performance of any proposed cut or fill in relation to geologic conditions;
  - 5. An evaluation of existing and anticipated surface and subsurface water in relation to proposed development;
  - 6. Recommendations concerning future detailed subsurface sampling and testing that may be required prior to building;
  - 7. Capability of soils and substrata to support structures;
- J. A soils engineering report, prepared by a civil engineer registered in this state and based upon adequate test borings, may be required for every subdivision. The City Engineer may determine that, due to existing information available on the soils of the subdivision, no analysis is necessary. If the soils engineering report indicates soil problems which, if not corrected, could lead to structural defects, a soils investigation of each lot in the subdivision may be required. The soils engineering report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, when necessary, and opinions and recommendations covering adequacy of sites for development;
- K. In potential noise problem areas identified in the noise element of the general plan, specific site analysis by an acoustical engineer or other approved professional with qualifications in acoustic design may be required by the City

Engineer. Such study shall define the noise exposure problems, conclusions and recommendations for corrective or mitigating measures, when necessary, and opinions and recommendations covering the suitability of the site for development;

- L. Preliminary title report (current within six months);
- M. An authorization consenting to the proposed subdivision signed by all parties having a fee title interest in the property to be subdivided;
- N. Any other information, which the City Engineer, or Director of Public Services determines is necessary for full evaluation of the proposed subdivision.

16-5.005 Application Requirement

The subdivider shall provide the Public Services Department with 12 copies of the tentative map and supplementary material as requested by the Director of Public Services, plus one copy of the tentative map reduced to eight and one-half inches by eleven inches.

## Chapter 6

### PREPARATION, FORM AND REQUIREMENTS FOR FINAL MAPS AND PARCEL MAPS

#### Sections:

16-6.001	General Preparation Requirements
16-6.002	Form and Contents.
16-6.003	Certificate Sheet of Final Map
16-6.004	Statements, Documents and Other Data to Accompany Final Map.
16-6.005	Separated Property
16-6.006	Parcel Maps - Preparation.

#### 16-6.001 General Preparation Requirements

Final maps shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall be based on survey, and shall substantially conform to the approved or conditionally approved tentative map. They shall be prepared in accordance with the Subdivision Map Act and the provisions set forth in Sections 16-6.002 through 16-6.005.

#### 16-6.002 Form and Contents

- A. The final map shall be legibly drawn, printed or reproduced by a process assuring a permanent record in black on polyester base film. All lines, letters, figures, statements, affidavits and acknowledgments shall be legibly stamped or printed upon the map with waterproof, black, opaque ink. The ink surface shall be in such condition when filed so that legible prints may be made from it.
- B. Each sheet of the final map shall be eighteen inches by twenty-six inches, with a marginal line drawn on all sides, leaving a one-inch blank margin. The map shall be to a minimum scale of one-inch equals one hundred feet unless otherwise approved by the City Engineer.
- C. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. A map containing more than three (3) sheets shall have a key map.
- D. Each sheet of the final map shall state the number and name, if any, of the tract, a brief description of the real property being subdivided, the scale and north point.
- E. The map shall show all survey data necessary to locate all monuments and to locate or retrace all interior and exterior boundary lines, lot lines, and block lines appearing on the final map, including bearings and distances, to the nearest one-hundredth foot, of straight lines, and radii, arc length and central angles, and such information as may be necessary to determine the location of the centers of curves, including radial bearings for all compound and reverse curves, and ties to existing monuments used to establish subdivision boundaries. Any nontangent curve shall have a bearing on the radial line. Each required bearing and length shall be shown in full; no ditto marks or other designation of repetition shall be used.
- F. The final map shall show monuments found or set in the manner described in subsection E of this section. Set monuments shall be shown open; found monuments shall be shown as a solid (filled). If monument setting has been deferred, the map shall note which monuments are in place and which are to be set noting a specific date. Securities shall be posted with the City Engineer, prior to the acceptance of the public improvements, insuring the monuments will be set.
- G. The final map shall show the definite location of the subdivision, particularly in relation to surrounding surveys.
- H. Lots shall be numbered consecutively beginning with the numeral "1" and continuing without omission or duplication throughout the entire subdivision. Each lot shall be shown entirely on one sheet.

- I. The area of each lot containing one acre or more shall be shown to the nearest one-hundredth acre; the area of each lot containing less than one acre shall be shown to the nearest square foot.
- J. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The tract boundary shall be based on recorded data on file at the office of the County Recorder and must be re-established by methods commonly accepted in the field of surveying and in accordance with state law. The method of survey and basis of bearing shall be clearly indicated on the final map.
- K. The centerline or side lines of each easement to which the lots in the subdivision are subject shall be shown upon the final map. If such easement cannot be definitely located from the records, a statement showing the existence of such easement shall be placed on the final map and the approximate location shall be shown. All easements shall be designated on the final map by fine dashed lines. The width of such easement or the lengths and bearings of the side lines and sufficient ties thereto to locate it definitely with respect to the subdivision shall be shown. Each easement shall be clearly labeled, identified and marked as to nature and purpose, and if already of record, its record reference shall be shown; if not of record, a statement of such easement shall be placed on the final map. If such easement is being dedicated by the final map, it shall be properly set out in the Owner's Statement and dedication on the title sheet of the map.
- L. Each street, or other public way or public utility right-of-way within the boundaries of the subdivision shall be shown on the final map. The centerline and width of each street shall be shown, and, in the case of a proposed street or way, the width of that portion to be dedicated, if any, shall also be shown. On each centerline, the bearing and length of each line segment and radius, central angle and length of each curve shall be indicated.
- M. In the event the City Engineer, State Highway Engineer, or County Engineer shall have established the centerline of any street in or adjoining the subdivision, such centerline shall be shown and the monuments, which determine its position, indicated with reference to a field book or map showing such centerline. If such position is determined by ties, that fact shall also be indicated on the map.
- N. The location, width and extent of future streets and alleys shall be shown on the final map and shall be offered for dedication as public streets by a dedicatory clause conforming to the requirements of the Subdivision Map Act.
- O. Any street or way which is intended to be kept physically closed to public travel or posted as a private street at all times may be shown as a private street. Sufficient data shall be shown on each private street to define its boundaries and to show clearly the portion of each lot within such street. In order to provide for utility service to individual lots, such streets may be offered and accepted as public utility easements.
- P. The names of all streets and highways within and/or adjacent to the subdivision shall be shown on the final map, spelled out in full and including suffixes such as "Road", "Street", "Avenue", "Place", "Court" or other designation.
- Q. All watercourses, storm drains and areas subject to inundation during a one-hundred-year storm shall be outlined and marked on a separate document and be filed or recorded simultaneously with the final map and shall be covered by easements for access and maintenance. Elevations of floodwater based on City datum shall be noted on the separate document. All other natural watercourses or bodies of water shall also be delineated. The City Engineer may require that a benchmark monument or monuments be set and shown on the final map.
- R. All areas shown on the final map which do not constitute a part of the subdivision shall be labeled "not a part" or "N.A.P.". All lines delineating those areas shall be dashed.
- S. Any City boundary crossing or adjoining the subdivision shall be shown on the final map.
- T. The total acreage within the subdivision shall be stated on the final map.
- U. If the map includes a "designated remainder" parcel, and the gross area of the "designated remainder" parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel. A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this

section. If so designated, such remainder parcel shall be treated as set out in Section 66424.6 of the California Subdivision Map Act and must meet the minimum requirements of the City Zoning Ordinance.

#### 16-6.003 Certificate Sheet of Final Map

The title sheet of each final map shall contain:

- A. A title consisting of the number and name of the tract, if any, and the words "in the City of Morro Bay";
- B. A description of all of the real property being subdivided, referring to such map(s) as have been previously recorded or filed with the County Recorder pursuant to a final judgment in any action in partition. When necessary for greater clarity or definiteness, supplemental reference may be made to any other map on file in the office of the County Recorder. Each reference to any tract or subdivision shall be so noted as to be a unique description and must show a complete reference to the book and page records of the county;
- C. An Owners' Statement signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the final map, subject to the exceptions and under the conditions set out in Section 66436 of the California Government Code.

In case of dedication or offer of dedication, the Owners' Statement, also offering certain parcels of real property for dedication for certain specified public use, subject to such reservations as may be contained in any such offer, as required by the Subdivision Map Act. If the offer includes dedication for street or highway purposes, and the Planning Commission has so required, the statement shall include a waiver of direct access rights from any property shown on the final map as abutting on the street or highway;

If any street shown on the final map is not offered for dedication, the map certificate shall contain a statement to that effect. If such a statement appears on a map approved by the Council, public use of such street shall be permissive only but shall include use by emergency vehicles. Map statements shall state the extent to which any street not offered for dedication is offered as a public utility easement.

An offer of dedication for utility or street purposes shall be deemed not to include any public facilities located within the area being dedicated unless, and only to the extent, the intent to dedicate such facilities is expressly stated in the statement;

- D. In the case of final maps filed for reverting subdivided land to acreage, the title sheet shall carry a subtitle consisting of the words "a reversion to acreage of (description as required)";
- E. Certificates and statements for execution as specified by the City Engineer and as required by the State Subdivision Map Act.

#### 16-6.004 Statements, Documents and Other Data to Accompany Final Map

- A. If any part of an area to be subdivided, lot or parcel, is subject to flood hazard, inundation, or geological hazard, it shall be clearly shown on a separate document to be filed or recorded simultaneously with the final map. Benchmark location shall be shown on the final map if required by the City Engineer.
- B. When a soils or geological report has been prepared, this fact shall be noted, together with the date of the report and the name and address of the soils engineer or geologist making the report and the name and address of the person making the report, on a separate document to be filed or recorded simultaneously with the final map. The note shall indicate any soil problems that exist. The City shall keep those reports on file for public inspection in the office of the Director of Public Services.
- C. If a noise analysis has been prepared, as provided in these regulations, this fact together with the date of the report shall be noted on a separate document to be filed or recorded simultaneously with the final map. The City shall keep these reports on file for public inspection in the office of the Department of Public Services.
- D. A copy of the required covenants, conditions and restrictions shall be submitted with the final map.

- E. Copies of reference maps, deeds, traverses of the boundaries and of the lots being created, a methods and reasoning statement, an updated title report (less than 90 days old) and whatever other information is required by the City Engineer to verify the accuracy of the survey.
- F. If all required improvements have not been accepted by the City prior to filing of the final map, an agreement and bond, as provided by these regulations, shall be submitted.
- G. No final map shall be accepted by the City Engineer unless it is accompanied by a certification of the county tax collector that there are no liens for unpaid state, county, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, against any of the land to be subdivided.
- H. No final map shall be accepted unless it is accompanied by a preliminary subdivision guarantee issued by a title company authorized by the laws of the state to write such insurance, showing the names of all persons having any record title interest in the land to be subdivided and the nature of their respective interest. The preliminary subdivision guarantee shall be less than twenty (20) days old.
- I. Wherever a coastal development permit is required pursuant to Division 20 of the Public Resources Code, no final map shall be approved unless such a coastal development permit has been obtained from the California Coastal Commission or from the city, as provided for under Sections 30600.5 and 30624 of the Public Resources Code. All coastal development permits applied for from the city shall be issued in accordance with the procedures contained in Chapter 17.20 of the Morro Bay Municipal Code.
- J. A nonrefundable filing fee in the amount prescribed by resolution of the Council shall accompany the final map.

16-6.005 Separated Property

When property is separated or divided by any parcel of land other than a public right-of-way and when the property is not contiguous (exclusive of such rights-of-way), each portion of the property so separated or divided shall be divided as a separate parcel and shall be shown on a separate map.

16-6.006 Parcel Maps - Preparation

Parcel maps shall be prepared by or under the direction of Licensed Land Surveyor or Registered Civil Engineer, shall substantially conform to the approved or conditionally approved tentative parcel map, shall be prepared in the manner required by the Subdivision Map Act and with the following exceptions, shall comply with the requirements of Sections 16-6.001 through 16-6.004:

- A. There shall be a statement for execution by the Director of Public Services instead of those of the City Clerk and Planning Commission certifying to the information of the sort contained in those statements;
- B. The parcel map shall be based upon a field survey made in conformity with the Land Surveyor's Act.

## Chapter 7

### LOT LINE ADJUSTMENT

Sections:

- 16-7.001 Application for Lot Line Adjustment.
- 16-7.002 Procedures for Lot Line Adjustment.
- 16-7.003 Matters to be considered and findings.
- ~~16-7.004 Development variations.~~

#### 16-7.001 Application for Lot Line Adjustment

Application for lot line adjustment shall be in the same form as prescribed for tentative maps (see Section 16-5.001).

#### 16-7.002 Procedures for Lot Line Adjustment

- A. The Director of Public Services shall have authority to review and approve a tentative lot line adjustment. Said review and approval shall be limited to a determination of whether or not the parcels resulting from the lot line adjustment will conform to local zoning and building ordinances.
- B. The Director of Public Services shall not impose conditions or exactions on approval of a lot line adjustment except to conform to the city's zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements.
- C. If the scale and nature of the requested lot line adjustment (e.g., the number of acres and/or parcels) would, in the opinion of the Director of Public Services, raise questions as to consistency with the purpose and intent of the lot line adjustment in relation to the city's general plan and/or zoning code, the Director of Public Services shall have the authority to refer the requested lot line adjustment to the Planning Commission.
- D. Upon acceptance of all statements, guarantees, and other documents which are required in conjunction with the lot line adjustment, the Director of Public Services may file a certificate of lot line adjustment, which shall refer to the approved lot line adjustment map, for each parcel affected by the change and shall cause a deed to be recorded in the Office of the County Recorder. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.
- E. At the option of the property owner, a parcel map delineating the new parcels may be prepared instead of Certificates.
- F. The Director's action may be appealed as provided in Chapter 16-18.

#### 16-7.003 Matters to be considered and Findings.

- A. Subject to the provisions of the California Environmental Quality Act of 1970, the state CEQA guidelines and the City guidelines, the Public Services Director shall review and consider any applicable environmental documents.
- B. The lot line adjustment may be approved by the Public Services Director if he/she finds that the proposed lot line adjustment is consistent with the general plan, and all applicable provisions of the Morro Bay Municipal Code.
- C. The lot line adjustment may be denied by the Public Services Director on any of the grounds provided by the California Subdivision Map Act or this title. The Public Services Director shall deny approval of the lot line adjustment if he/she makes any of the following findings:
  - 1. That the proposed lot line adjustment is inconsistent with the general plan, any applicable specific plan, or any applicable provisions of the Morro Bay Municipal Code;
  - 2. That the site is not physically suitable for the proposed type of development;

3. That the site is not physically suitable for proposed density of development based on General Plan policies;
4. That the lot line adjustment is likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the Public Services Director may approve such a lot line adjustment if an environmental impact report was prepared with respect to the project and necessary findings were made pursuant to Section 21081(a), (b) and (c) of CEQA;
5. That the lot line adjustment entails significant risk of serious public health problems;
6. That the lot line adjustment will conflict with easements acquired by the public at large for access through or use of property within the proposed lot line adjustment. In this connection, the Public Services Director may approve a lot line adjustment if he/she finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This section shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to the Public Services Director to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

## Chapter 8

### PARCEL MERGER

Sections:

16-8.101	Purpose.
16-8.102	Application
16-8.103	Mergers not required
16-8.104	Mergers required
16-8.105	Unmerged parcels
16-8.106	Procedures for Parcel Merger.

#### 16-8.101 Purpose

This section is intended to enable the merger of contiguous parcels where the Director of Public Services and City Engineer have determined that requirements for onsite and offsite improvements have been satisfied or will be imposed as a condition of a future entitlement for use of the subject parcel(s).

#### 16-8.102 Application

Application for parcel merger shall be made in a form prescribed by the Director of Public Services.

#### 16-8.103 Mergers not required

Except as otherwise provided in this chapter, two (2) or more contiguous parcels or units of land which have been created under the provisions of this title or the California Subdivision Map Act shall not merge by virtue of the fact that the contiguous parcels or units are held by the same owner. No further proceedings under this title shall be required for the purpose of sale, lease or financing.

#### 16-8.104 Mergers required

**Two (2) or more contiguous parcels held by the same owner shall be required to merge if all of the following requirements are satisfied:**

- A. At least one (1) of the affected parcels is undeveloped by any structure for which a building permit was issued, or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or structures, and/or is developed with a structure that is also partially sited on a contiguous parcel.
- B. With respect to any affected parcel, one (1) or more of the following conditions exist:
  - 1. Was not created in compliance with the subdivision ordinance in effect at the time of its creation;
  - 2. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability;
  - 3. Its development would create health or safety hazards;
    - 4. Is inconsistent with the general plan, other than minimum lot size or density standards;
  - 5. Comprises less than 5,000 square feet of area at time of merger; or
  - 6. Site does not meet the slope stability standards.
- C. For purposes of determining whether the same owner holds contiguous parcels, ownership shall be determined as the date the City was noticed of intention to develop the site.

#### 16-8.105 Unmerged parcels

Any parcel which has merged with an adjoining parcel, and for which a certificate of merger has been recorded, shall be allowed to be unmerged if:

A. The resulting parcels meet each of the following criteria:

1. Meets minimum lot size for the zone districts;
2. Is in compliance with applicable laws and ordinances in effect at the time of its creation;
3. Has legal access which is adequate for vehicular and safety equipment access and maneuverability;
4. Its unmerger and development would create no health or safety hazards; and
5. The unmerged parcel would be consistent with Morro Bay's General Plan.

16-8.106 Procedures for Parcel Merger

- A. Upon a determination by the Director of Public Services that the lots proposed for merger are legal lots, that the owners of the subject lots consent to the proposed merger approval have either been installed and accepted or will be required as part of a future entitlement for use or development of the subject lots(s), a certificate of parcel merger shall be prepared. Said certificate shall describe the new exterior boundary of the lot after merger and shall be recorded in the Office of the County Recorder.
- B. Action of the Director of Public Services may be appealed to the Planning Commission. Appeals must be filed in writing with the Director of Public Services within fifteen (15) calendar days of the action being appealed.

## Chapter 9

### SUBDIVISION DESIGN

Section:

I. Article I. General Considerations

16-9.101 General Considerations

J. Article II. Lots

16-9.201 General Requirements.  
16-9.202 Lot Lines  
16-9.203 Depth-Width Relationship  
16-8.204 Minimum Lot Sizes.  
16-8.205 Lot Slopes  
16-8.206 Flag Lots (Deep Lot Subdivisions)

K. Article III. Streets

16-9.301 General Design and Improvement Standards  
16-9.302 Access Restrictions.  
16-9.303 Street Names.  
16-9.304 Slope Easements.  
16-9.305 Street Types and Requirements.

L. Article IV. Design Criteria and Improvement Standards

16-9.401 General Requirements.  
16-9.402 Improvements.  
16-9.403 Blocks  
16-9.404 Community Paths  
16-9.405 Watercourses  
16-9.406 Roads and Streets

M.

N. Article I. General Considerations

16-9.101 General Considerations

The layout of streets and lots within a subdivision shall be consistent with the densities and types of uses authorized by the general plan, specific plans and zoning. The subdivision design shall also recognize the physical conditions of the site, such as slope, soil types, and adjacent land use, which may further limit uses of the property. The subdivider must simultaneously consider such factors as terrain, development objectives, and options available under these regulations in order to design a subdivision which best meets the needs of those who will occupy it as well as the community as a whole.

O. Article II. Lots

16-9.201 General Requirements

The design of lots should be based on intended use, topography and access requirements. Lots which are impractical for intended uses due to terrain, location of natural features, inadequate access, frontage, or buildable area, or other physical limitations will not be approved. All lots shall abut on an improved street unless approved as a deep lot subdivision by the Planning Commission, under standards adopted by the Planning Commission.

16-9.202 Lot Lines

- A. Lot lines shall be at the top of slope banks unless otherwise approved by the Planning Commission.
- B. Side lot lines should be perpendicular to the street on straight streets, or radial to the street on curved streets, unless another angle would provide better building orientation for solar exposure or more lot area to the south of the likely building site, or unless another lot configuration would better suit the site topography or planned design of the development unless otherwise approved by the Planning Commission.

16-9.203 Depth-Width Relationship

Lots with a ratio of depth to width greater than 3:1 shall not be permitted unless there is adequate assurance that deep lot subdivision will not occur or that deep lot subdivision and subsequent development will be accomplished without detriment to adjacent properties. In no case shall lot width be less than 40 feet for a standard detached single-family lot. In addition, no standard detached single-family lot shall be less than 60 feet in depth.

16-9.204 Minimum Lot Sizes

- A In general, subdivisions shall be designed to be compatible with existing lots, residences, and zoning in their vicinity. Subdivisions are to be built, to the extent possible, to foster the appearance of neighborhoods with houses facing one another across public streets, cottage designs and garden courts. Minimum lot sizes shall be as established in the Zoning Ordinance for the underlying zoning district for which a subdivision or other action pursuant to this Title is proposed.

B Where Cross slopes exceed 15%

Topography	Min. Area	Min. Frontage	Average Depth	Ratio Max. Depth to Width	% of Ground Surface to remain in same topographic condition
15-20% Slope	10,000 sq.ft.	80'	110'	3:1	30%
20-30% Slope	20,000 sq.ft.	100'	150'	3:1	50%
30% and up Slope	1 acre	150'	225'	3:1	70%

16-9.205 Lot Slopes

- A. New lots shall not be permitted where the slope is over thirty percent (30%); unless there is a building envelope with slope of less than twenty percent (20%) or the creation of such a lot offers public dedications or easements beneficial to the community.

16-9.206 Flag Lots (Deep Lot Subdivisions)

A. Flag lots may be approved for subdividing deep lots subject to the following findings: (1) the subdivision is consistent with the character of the immediate neighborhood; (2) the installation of a standard street, either alone or in conjunction with neighboring properties is not feasible; and (3) the flag lot meets the topographical conditions. Such subdivisions shall conform to the following:

1. The accessway, or staff portion of the flag serving the flag lot(s) shall not be included in the determination of required lot area for any lot.
2. The original lot shall have frontage on a dedicated street.

3. The accessway to the rear shall be at least twenty (20) feet wide (developed to City standards) for residential zones, except where the accessway is more than one hundred fifty (150) feet long, it shall be at least twenty-four (24) feet wide with twenty (20) feet of pavement, unless otherwise approved by the Planning Commission.
4. Each lot shall have yards as required by the zoning regulations, including a ten (10) foot setback along any accessway, whether easement or lot line.
5. A preference shall be given for the lot farthest from the street to own the accessway in fee. However, an easement is acceptable, as long as, other lots using the accessway shall have an access and utility easement over it, unless otherwise approved by the Planning Commission.
6. Lots utilizing the accessway of a flag lot may be required to enter into a road maintenance and utility agreement to insure perpetual maintenance and repair of the accessway and utilities.
7. A visible house number master sign shall be located at the intersection of the street and accessway to all lots. Individual visible address signs shall be placed on the right-hand side of the driveway to each individual lot.

P. Article III. Streets

16-9.301 General Requirements

The design of a subdivision street system should result from an evaluation of topographical conditions, the traffic likely to be generated by the types and numbers of planned uses, and the purpose of each street. The street system must allow an acceptable pattern of lots.

16-9.302 Access Restrictions

Relinquishment of access rights to control access from adjoining property to public streets may be required by the City. They shall be shown and clearly labeled on the final map. Relinquishment of access rights may also be incorporated by note on the map or stated in the CC&R's.

16-9.303 Street Names

Streets that are continuations of streets shall have the same names. Streets which are not continuations or which have significantly changed alignments shall have names that do not duplicate or closely resemble any other street names. Names for proposed streets shall be submitted on the tentative map for approval by the City.

Streets that are interrupted by developed lots, open space or other impediments to their continuation shall carry the same name when said streets resume.

16-9.304 Slope Easements

Where excavation or fill slopes extend beyond the street right-of-way, the City may require easements for the slopes.

16-9.305 Street Types and Requirements

Requirements (i.e., travel lane width, right-of-way width, etc.) for various types of streets shall be as established by the City Engineer and the Director of Public Services as per the City Standard Drawings and Specifications.

Q. Article IV. Design Criteria and Improvement Standards

16-9.401 General Requirement

The design criteria for subdivisions and the required physical improvements for them shall be in compliance with the City's Zoning Ordinance, Standard Drawings and Specifications, subdivision standards, and other applicable regulations or standards.

Improvement work, shall not be commenced until the City Engineer has approved plans for all such work. All improvements shall be constructed under the inspection of and to the satisfaction of the City. Improvements to be installed by the subdivider, shall be in accordance with the City Standard Drawings and Specifications established by the Public Services Department, include the following:

- A. Streets, curb, gutters, and sidewalks as required by the City Engineer.
- B. The subdivider shall make provisions for any railroad crossing necessary for the subdivision, including application to the California Public Utilities Commission.
- C. Separate bicycle paths or bicycle areas may be required.
- D. Storm drainage, erosion and flood-control facilities shall be constructed for the collection and transmission of storm water from the subdivision to the nearest point of disposal which is satisfactory to the City Engineer. The subdivider shall be responsible for proper drainage of all storm water which runs onto his property from adjacent properties.
- E. Durable boundary monuments shall be installed and shown on the final map, in accordance with the Subdivision Map Act. Permanent monuments shall be set at curve and angle points on the centerline of the on-site streets and shall be set at the point of intersection of all on-site streets.
- F. Street name signs and traffic control and warning signs shall be installed as specified by the City Engineer. Traffic signals and traffic signal control conduits may be required by the City Engineer.
- G. Utilities to be installed by the subdivider shall include those listed in this subsection. The development of these facilities may require financial contribution for previous improvements to the systems, as provided in the most recent council resolution on utility connection charges, or in any agreement affecting a particular portion of a system, or applicable easement.
  - 1. Sanitary sewer laterals shall be stubbed to the front property line of each lot if sanitary sewers are available. All facilities for the transmission of sewage from each of the lots to the nearest adequate point of connection to the City's sewer system shall be installed as acceptable to the City Engineer.
    - a. Sewer lines need not be provided to lots, which will be in perpetual open space use.
    - b. All sewer mains shall be located within a dedicated City street or alley or within a recorded easement. All manholes not within a street or paved drive shall be within an easement to the City and accessible by an all-weather dust-free road.
  - 2. A water system for domestic service and fire protection shall be provided, including all facilities necessary for the transmission of water to each lot of the proposed subdivision from the nearest point of adequate supply, satisfactory to the City Engineer and Fire Chief. Water service shall be stubbed to a meter vault at the front of each lot. Pumping and storage equipment to provide sufficient volume and duration of flow of water shall be provided as determined by the City Engineer and Fire Chief. Fire hydrants shall be installed according to the City Fire Code and to the satisfaction of the Fire Chief and City Engineer. Water lines need not be provided to lots which will be in perpetual open space use and which will not require irrigation or fire suppression. The Fire Chief may determine, however, that fire hydrants are required.
  - 3. Electric power, gas, cable and telephone services shall be stubbed to each lot and all facilities to distribute such services shall be provided according to the requirements of the responsible utility companies. All new facilities shall be installed underground.
  - 4. A fire alarm conduit may be required by the Fire Chief.

- H. All new utility distribution facilities shall be placed underground, except accessory facilities such as terminal boxes, meter cabinets and transformers may be installed above ground. The subdivider shall make all necessary arrangements with the utility companies for these facilities.
- I. The subdivider shall carry out protective measures as required by the City to assure the proper functioning and maintenance of other required improvements and properties adjacent to the subdivision. Temporary protective improvements may be required prior to or concurrent with the construction of permanent improvements.
- J. Mail boxes shall be located per United States Postal Service (USPS) standards.

R.

16-9.403      Blocks

Blocks shall not be longer than five hundred feet between intersecting street lines, except on expressways and major streets, where longer blocks may be required by the Planning Commission. Lots with frontage on more than one street, expressway or major street category will not be permitted, except corner lots, unless approved by the Planning Commission and when access rights are released on one street.

16-9.405      Watercourses

Water courses shall be shown as easements when required by the Planning Commission, and storm drains shall be placed in easements when public right-of-way is not available or adequate. The Planning Commission shall require water courses to be placed entirely in underground conduits or adequately fenced or otherwise improved in accordance with the standards adopted pursuant to this title or the municipal code. The developer shall include sufficient guarantees for installation of the permanent drainage requirements as approved by the City Engineer.

16-9.406      Roads and Streets

All roads and streets shall be designed as per the City's Standard Drawings and Specifications.

## Chapter 10

### COMPACT IN-FILL DEVELOPMENTS

Sections:

- 16-10.001 Intent and Purpose.
- 16-10.002 Application for Conditional Use Permit.
- 16-10.003 Development policy, standards, and criteria.

**16-10.001 Intent and purpose.**

The following provisions shall apply to compact in-fill development proposals. In-fill development lots are defined as lots with sizes smaller than those established in the zoning Ordinance.

(a) Residential small lot subdivisions, and planned unit developments provide a benefit to the community by expanding the range of choice of housing available. This alternate form provides ownership opportunities for those who may desire less space, less maintenance responsibility, or lower carrying costs than normally would be connected with single-family dwellings. A compact in-fill development project may serve as an entry into the housing market for a household whose choice has previously been restricted by economic circumstance to the rental market.

(b) Compact in-fill development is designed and intended to: encourage creativity and innovation in the design of developments; provide for more efficient use of land; permit special consideration of property with outstanding natural or topographical features; facilitate use of the most appropriate construction techniques in the development of land; and, provide for any individual land use not otherwise specified elsewhere in this Ordinance. By allowing developers to depart from "cookie cutter" lot forms and setback requirements, more creative use of open space and urban design is possible.

(c) There shall be no requirements for minimum lot width, lot coverage, yards and building setbacks, or height requirements that apply to compact in-fill developments. Dimensional requirements shall be as proposed by the applicant of the compact in-fill developments and as approved by the Planning Commission via a detailed site plan.

**16-10.002 Application for Conditional Use Permit.**

(a) The developer of a new compact in-fill development project shall first submit an application for a conditional use permit to the Planning Division. The application shall include, but not be limited to, the following, in as many copies as the Planning Division determines to be sufficient for its staff and the Planning Commission to evaluate the project:

(1) A complete legal description of the property and a boundary map showing the existing topography of the site and the location of all existing easements, structures and other improvements, and trees over six inches in diameter.

(2) Dimensioned schematic development plans consisting of at least a site plan, parking plan, typical floor plan, building elevations showing natural and proposed grades, and a conceptual landscaping plan for the project as a whole.

(3) Such other information which the Planning Commission or Planning Division determines is necessary to evaluate the proposed project.

(b) No application shall be considered unless all the information required by subsections (a)(1) through (3), inclusive, is provided to the Planning Division.

**16-10.003 Development policy, standards, and criteria.**

All compact in-fill development projects shall conform to the requirements of the residential district in which the project is located unless the proposed project utilizes unique residential concepts (such as zero lot line). In addition,

all projects shall conform to the following standards, except as noted. In granting a use permit, the Planning Commission may impose appropriate conditions to assure that projects comply with the standards.

(1) Minimum Project Size. In order to qualify for a compact in-fill development project, the project site size must have the ability to produce at least four units while meeting the density criteria established in the Zoning Ordinance for the underlying zoning district.

(2) Affordability. For projects of five or more lots 10% or at least one residential unit must be deed restricted for affordability in accordance with the City's affordability standards.

(3) Overall design and site layout. The following criteria shall be considered in reviewing the overall design and site layout of the project:

a. The project should have a comprehensive and integrated design, providing its own open space, off-street parking, and amenities for contemporary living. Insofar as the scale of the project allows, open space, walkways, and other areas for people should be separated from parking areas, driveways, and areas for automobiles;

b. Architectural unity and harmony should be achieved both within the project and between the project and the surrounding community so that it does not constitute an adverse disruption to the established fabric of the community;

c. The layout of structures and other facilities should effect a conservation in street, driveway, curb cut, utility, and other public or quasipublic improvements. Additionally, structures should be designed to minimize, within the context of accepted architectural practice, the consumption of natural resources either directly or indirectly; i.e., gas, water, and electricity.

**(4) Lots Configuration. The following criteria shall be considered in reviewing the lot sizes and configuration of the project:**

a. The size and shape of lots shall be shown on tentative maps and shall be in conformance with city policy.

1. In no case shall lots in a compact in-fill development subdivision, be smaller than 3,000 square feet in area and 40 feet in width for detached single-family lots and 1,500 square feet in area and 25 feet in width for attached townhouses. These variations shall particularly be applied to allow for more variation in available housing stock to serve a greater cross section of the residents of the city and preserve greater open space.

b. Where property is zoned for commercial use, other widths and areas may be permitted at the discretion of the Planning Commission based on applicable zoning ordinances.

c. Corner lots shall have an extra width sufficient to permit the maintenance of adequate building lines on both front and side, or as set forth in zoning ordinance for the zone in which they are situated, and shall also be designed so as to have sufficient sight distance at intersections to meet engineering standards.

(5) Provision of private open space for each unit. Each dwelling unit within a project shall have an appurtenant private open space, such as a patio, deck, or atrium. Such space shall be designed for the sole enjoyment of the unit owner, shall have at least two weatherproofed electrical outlets, and shall have a shape and size that will allow for optimal usable space. Such space shall be at approximately the same level as, and immediately accessible from, a room within the unit.

a. Except as noted below, all units shall be provided with the following minimum private open space areas:

1. Single-Family unit: 400 square feet with a minimum dimension of 15 feet.

2. Townhouse units: 300 square feet with a minimum dimension of 15 feet.

3. Mixed use units: 50 square feet with a minimum dimension of 5 feet.

b. Units on levels above the first or ground level shall be provided with private open space meeting the above-stated standards, except where the Planning Commission finds that compliance is prohibited by considerations of climatic orientation, relationship to units on other levels, reasonable cost effectiveness, and the architectural design of the building in which the units are located. Where such findings are made, a fee of \$300.00 shall be payable for each unit which does not meet the above-stated standards. One-half of the amount of such fee shall be payable to the homeowners' association, and one-half shall be payable to the city for a tenant purchase assistance fund. In no case shall any unit be provided with private open space of less than 50 square feet, with a minimum dimension of five feet, except that the minimum dimension in the case of conversion projects may be four feet.

c. Any shortage of private open space shall be added to the minimum requirement for common open space. In the case of conversion of existing units, the Planning Commission may modify this requirement upon finding that compliance is prohibited by the original design of the project.

d. The Planning Commission may waive or modify the private open space requirement for any project provided that the Planning Commission determines that full and complete compliance is not necessary and provided that appropriate findings are made. The Planning Commission will take into account the quality of life accommodated by the housing project and the degree to which residents will be benefited by amenities provided in the development, including but not limited to additional common open space, in considering requests to reduce the private open space.

(6) Common Open Space. Each dwelling unit within a project shall have an appurtenant common open space, such as recreational areas, pathways, or landscaped areas. Such space shall be designed for the enjoyment of the entire project owners, and shall have a shape and size that will allow for optimal usable space. Such space shall be accessible to all living units on the lot, and outside of all the required setbacks.

a. All units shall be provided with the following minimum common open space areas:

1. Single-Family unit: 100 square feet with a minimum dimension of 15 feet.
2. Townhouse units: 150 square feet with a minimum dimension of 15 feet.
3. Mixed use units: 100 square feet with a minimum dimension of 15 feet.

(7) Secondary living unit(s) shall not be allowed.

## Chapter 11

### CONSERVATION SUBDIVISIONS

#### Sections:

- 16-11.001 Intent and Purpose.
- 16-11.002 Application for Conditional Use Permit.
- 16-11.003 Applicability of regulations
- 16-11.004 Definition of open space

#### **16-11.001 Intent and purpose.**

The following provisions shall apply to cluster development proposals. Cluster development lots are defined as lots with sizes smaller than those established in the Zoning Ordinance but offers dedicated land for the purposes of open space.

(a) It is the purpose and intent of conservation subdivisions to preserve open space within residential developments; provide flexibility to allow for creativity in developments; minimize the environmental and visual impacts of new development on critical natural resources and historically and culturally significant sites and structures; provide an interconnected network of permanent open space; encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features; reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation; enhance the community character; permit clustering of houses and structures which will reduce the amount of infrastructure, including paved surfaces and utility lines; encourage street design that controls traffic speeds and creates street inter-connectivity; and promote construction of convenient and accessible walking trails and bike paths both within a subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.

(b) There shall be no requirements for minimum lot width, lot coverage, yards and building setbacks, or height requirements that apply to cluster developments. Dimensional requirements shall be as proposed by the applicant of the cluster developments and as approved by the Planning Commission via a detailed site plan.

#### **16-11.002 Application for Conditional Use Permit.**

(a) The developer of a new cluster development project shall first submit an application for a conditional use permit to the Planning Division. The application shall include, but not be limited to, the following, in as many copies as the Planning Division determines to be sufficient for its staff and the Planning Commission to evaluate the project:

(1) A complete legal description of the property and a boundary map showing the existing topography of the site and the location of all existing easements, structures and other improvements, and trees over six inches in diameter.

(2) Dimensioned schematic development plans consisting of at least a site plan, parking plan, typical floor plan, building elevations showing natural and proposed grades, and a conceptual landscaping plan for the project as a whole.

(3) Such other information which the Planning Commission or Planning Division determines is necessary to evaluate the proposed project.

(b) No application shall be considered unless all the information required by subsections (a)(1) through (3), inclusive, is provided to the Planning Department.

#### 16-11.003 Applicability of regulations

(1) The conservation subdivision option is available for single-family detached or condominium residential developments.

(2) The maximum number of lots in the conservation subdivision shall be determined by either of the following two methods, adding any bonus density allowed in the zoning district where it is located, at the discretion of the applicant:

(a) The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:

- (i) Slopes over 30% where at least 5,000 square feet is of contiguous area;
- (ii) Bodies of open water over 5,000 square feet of contiguous area; and
- (iii) Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.

**(b) The maximum number of lots is based on a conventional subdivision design plan prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible.**

#### 16-11.004 Definition of open space

(1) Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space shall be restricted in perpetuity through the use of an approved legal instrument.

(2) The required open space areas shall be protected in perpetuity from further development or unauthorized use by a conservation easement or permanent restrictive covenant. Uses of open space may include the following:

- (a) Conservation of natural, archeological, or historical resources;
  - (b) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
  - (c) Walking, equestrian, or bicycle trails;
  - (d) Passive recreation areas, such as open fields;
  - (e) Active recreation areas which include 15% or less of the total open space area in impervious surfaces;
  - (f) Agriculture, horticulture, silviculture, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
  - (g) Easements for drainage, access, and underground utility lines; and
- (h) Other conservation-oriented uses compatible with the purposes of this chapter.**

#### 16-11.005 Development policy, standards, and criteria.

All conservation subdivision projects shall conform to the requirements of the residential district in which the project is located unless the proposed project utilizes unique residential concepts (such as zero lot line) in order to further preserve open space. In addition, all projects shall conform to the following standards, except as noted. In granting a use permit, the Planning Commission may impose appropriate conditions to assure that projects comply with the standards.

(1) Minimum Project Size. In order to qualify for a conservation subdivision project, the project site size must have the ability to produce at least one acre of open space and/or ten units while meeting the density criteria established in the Zoning Ordinance for the underlying zoning district.

(2) Overall design and site layout. The following criteria shall be considered in reviewing the overall design and site layout of the project:

- a. The project should have a comprehensive and integrated design, providing its own open space, off-street parking, and amenities for contemporary living. Insofar as the scale of the project allows, open space, walkways, and other areas for people should be separated from parking areas, driveways, and areas for automobiles;
- b. Architectural unity and harmony should be achieved both within the project and between the project and the surrounding community so that it does not constitute an adverse disruption to the established fabric of the community;
- c. The layout of structures and other facilities should effect conservation in street, driveway, curb cut, utility, and other public or quasipublic improvements. Additionally, structures should be designed to minimize, within the context of accepted architectural practice, the consumption of natural resources either directly or indirectly; i.e., gas, water, and electricity.

**(4) Lots Configuration. The following criteria shall be considered in reviewing the lot sizes and configuration of the project:**

a. The size and shape of lots shall be shown on tentative maps and shall be in conformance with city policy.

1. In no case shall lots in a cluster development subdivision, be smaller than 3,000 square feet in area and 40 feet in width for detached single-family lots. These variations shall particularly be applied to allow for more variation in available housing stock to serve a greater cross section of the residents of the city and preserve greater open space.

(5) Provision of private open space for each unit. Each dwelling unit within a project shall have an appurtenant private open space, such as a patio, deck, or atrium. Such space shall be designed for the sole enjoyment of the unit owner, shall have at least two weatherproofed electrical outlets, and shall have a shape and size that will allow for optimal usable space. Such space shall be at approximately the same level as, and immediately accessible from, a room within the unit.

a. Except as noted below, all units shall be provided with the following minimum private open space areas:

1. Cluster units: 60 square feet with a minimum dimension of 6 feet.

(6) Each conservation subdivision shall provide a minimum of 40% of its total acreage as open space. The open space shall be designated on the tentative map and recorded on the final map.

(7) Utility rights-of-way and small areas of impervious surface may be included within the 40% minimum protected open space area requirement. Areas greater than 15% of the total open space area that is covered with any impervious surface shall be excluded from the open space.

(8) At least 75% of the open space shall be in a contiguous tract. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

(9) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

(10) Consideration shall be given to the effects secondary living unit(s) may have upon each lot.

## Chapter 12

### CONDOMINIUMS AND CONVERSIONS

#### Sections:

- 16-12.001 Purpose and Intent.
- 16-12.002 Applicability of Other Laws.
- 16-12.003 Provisions to Govern Condominium Conversion Projects.
- 16-12.004 Application Requirements.
- 16-12.005 Acceptance of Reports.
- 16-12.006 Copy of Report to Buyers.
- 16-12.007 Tenant Provisions.
- 16-12.008 Hearing - Notification.
- 16-12.009 Application - Required Findings.
- 16-12.010 Property Improvement Standards for Condominium Conversions.
- 16-12.011 Exceptions to Property Improvement Standards.

#### 16-12.001 Purpose and Intent

Condominiums, community apartments and stock cooperatives provide for ownership of separate dwellings, or equity coupled with a right of exclusive occupancy, as well as common areas within multiple-family housing normally managed and maintained by an owner's association. This mix of individual and common ownership and the potential problems of converting existing apartments make special regulations necessary.

The City has determined that condominiums differ from apartments in some respects and, for the benefit of public health, safety and welfare, the conversion of such projects should be treated differently from apartments.

These regulations are intended to:

- A. Establish requirements and procedures for the conversion of existing rental housing to residential condominiums and other forms of occupant housing.
- B. Provide for compliance with the Land Use Element and Housing Element of the City's General Plan.
- C. Assure purchasers of converted apartments are aware of the condition of the structure which is offered for purchase.
- D. Provide design and property improvement standards for condominium conversion projects.
- E. Maintain a healthy inventory of rental housing suitable for persons of low and moderate income.

#### 16-12.002 Applicability of Other Laws

All condominium projects shall be subject to all applicable provisions of the Subdivision Map Act and Titles 8 and 9 of this code, and all other applicable state and local laws and ordinances.

#### 16-12.003 Provisions to Govern Condominium Conversion Projects

The procedures and standards contained in this chapter shall govern condominium conversion projects.

#### 16-12.004 Application Requirements

The following shall be provided at the time of application for a condominium conversion:

- A. **Property Condition Report.** The application shall be accompanied by a Property Condition Report. This report shall be in addition to and shall not replace any public report required by Government Code Section 66427.1(a) to be submitted to the Department of Real Estate. The Property Condition Report shall include at least the following:

1. A report detailing the condition of all elements of the property including foundations, ventilation, utilities, walls, roofs, windows, mechanical equipment, appliances which will be sold with the units, common facilities and parking areas. The report shall state, to the best knowledge of the applicant, and for each element: the date of construction, the condition, the expected useful life, the cost of replacement, and any variation from the zoning regulations in effect when the last building permit was issued for the subject structures. The report shall include evidence that the internal walls would meet current sound attenuation standards and that all current energy conservation standards are met. In the event the noise and energy standards are not currently met, the report shall explain proposed corrective measures to be used. The report shall identify all defective or unsafe elements or those which may impair use and enjoyment of the property, and explain the proposed corrective measures to be used. The report shall be prepared by or under the supervision of a registered civil or structural engineer, licensed general contractor, or architect;
  2. A report from a licensed pest-control operator describing in detail the presence and effects of any wood destroying organisms;
  3. A report of any known soil or geological problems. Reference shall be made to any previous soil reports for the site.
- B. **Site Plan.** The application shall be accompanied by a site plan which shall include at least the following:
1. The location, number of stories, number of dwellings, and proposed use of each structure to remain and for each proposed new structure;
  2. The location, use and type of surfacing for all open storage areas;
  3. The location and type of surfacing for all driveways, pedestrian ways, vehicle parking areas and curb cuts;
  4. The location and number of all covered and uncovered parking spaces;
  5. The location of all existing and proposed utility lines and meters;
  6. The location, height and type of materials for walls and fences;
  7. The location of all landscaped areas, the type of landscaping, method of irrigation, and a statement specifying private or common maintenance;
  8. The location and description of all recreational facilities;
  9. The location, size and number of parking spaces to be used in conjunction with each unit;
  10. The location, type and size of all drainage pipes and structures;
  11. Existing contours, building pad elevations and percent slope for all driveways and parking areas.
- C. **Evidence of Delivery of Notice of Intent to Convert.** The application shall be accompanied by signed copies from each tenant of the notice of intent to convert as specified in Government Code Section 66427.1. The applicant shall submit evidence that a certified letter of notification was sent to each tenant for whom a signed copy of the notice is not submitted.
- D. **Maps.** The maps required by the California Subdivision Map Act shall accompany the application for conversion. Maps shall be processed in conformance with the applicable portions of this Title. The tentative map application shall be accompanied by the declaration of covenants, conditions and restrictions, articles of incorporation, bylaws and contracts for the maintenance, management or operation of any part of the condominium conversion project, which would be applied on behalf of any and all owners of the condominium units within the project. In addition to the requirements of Civil Code Section 1355 and any requirements which might be imposed by the City consistent with these regulations, the organizational documents shall include provisions concerning the conveyance of units; the assignment of parking; an agreement for common area maintenance, including facilities and landscaping, an estimate of initial fees anticipated for such maintenance, an indication of responsibilities for maintenance of all utility

lines and services for each unit. The covenants, conditions and restrictions document shall include a reference to an attached, updated property conditions report.

- E. **Other Information.** The application shall be accompanied by any other information, which in the opinion of the Director of Public Services will assist in determining whether the proposed project will be consistent with the purposes of these regulations.

16-12.005 Acceptance of Reports

The Director of Public Services shall establish the final form of the Property Condition Report required by this chapter. A copy of any public report submitted to the Department of Real Estate pursuant to Government Code Section 66427.1(a) shall also be submitted to the Public Services Department. Approved reports shall remain on file with the Public Services Department for review by interested persons.

16-12.006 Copy of Report to Buyers

Each prospective purchaser shall be provided with a copy of all reports in their final form, except the signed notices of intent to convert, prior to entering escrow. Copies of the Property Condition Report shall be available at the sales office and the project site.

16-12.007 Tenant Provisions

- A. **Notice of Intent to Convert.** The applicant shall give each tenant a written notice of intent to convert at least one hundred eighty days before termination of tenancy due to conversion. The notice shall contain at least the following:
1. Name and address of current owner;
  2. Name and address of proposed subdivider;
  3. Approximate date on which the unit is to be vacated by nonpurchasing tenants;
  4. Tenant's right to purchase;
  5. Statement of no rent increase.
- B. **Tenant's Right to Purchase.** Pursuant to Government Code Section 66427.1(d), the applicant shall give any present tenant a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. This right of first refusal shall extend at least ninety days from the date of issuance of the subdivision public report or commencement of sales, whichever date is later.
- C. **Vacation of Units.** Each nonpurchasing tenant not in default under the provisions of the rental agreement or lease under which he occupies his unit, shall have the right to remain not less than one hundred eighty days from the date of receipt of notification of intent to convert.
- D. **No Increase in Rents.** A tenant's rent shall not be increased during the one hundred eighty day period provided in subsection C. of this section.
- E. **Notice to New Tenants.** After submittal of the tentative map, prospective tenants shall be given written notice of intent to convert prior to leasing or renting any unit.

16-12.008 Hearing - Notification

Prior to acting on applications, the Planning Commission shall hold a public hearing, notice of which shall be given tenants of the proposed conversion at least ten days beforehand.

16-12.009 Application - Required Findings

An application for condominium conversion shall not be approved unless the following findings are made:

- A. All provisions of these regulations have been met or will be met;
- B. The proposed conversion is consistent with the General Plan;
- C. That there exist facts adequate to support the findings required under Sections 66473.5 and 66474 of the Government Code;
- D. The proposed conversion will not displace a significant number of low-income or moderate-income households or senior citizens at a time when no equivalent housing is readily available in the City.

16-12.010 Property Improvement Standards for Condominium Conversions

- A. **Building and Zoning Regulations.** Conversion projects shall substantially comply with the City's building and housing codes and zoning regulations in effect on the date the application for conversion is accepted as complete.
- B. **Fire Safety.** Each living unit shall be provided with approved smoke detectors mounted on the ceiling or wall at a point centrally located in the area giving access to rooms used for sleeping purposes.
- C. **Fire Protection Systems.** All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protection appliances shall be retained in operable condition at all times and shall comply with the current City standard.
- D. **Utility Metering.** The consumption of gas, electricity, and water within each unit shall be separately metered and there shall be circuit breakers and shutoff valves for each unit.
- E. **Storage.** Each unit shall have provision for at least 100 cubic feet of enclosed, weatherproof and lockable private storage space, exclusive of cabinets and closets within the unit, and the space normally required for parking a vehicle in a garage. This space shall be for the sole use of the unit owner. The minimum opening shall be two and one-half feet by four feet and the minimum height shall be four feet.
- F. **Laundry Facilities.** A laundry area shall be provided in each unit, or in common laundry space. Common facilities shall consist of at least one washer and dryer for each ten units or fraction thereof.
- G. **Parking.** The number of parking spaces, including the provision of covered spaces, shall be as provided in the zoning regulations. Spaces for the exclusive use of each unit shall be so marked. Visitor parking and special stopping zones, if any, shall also be marked.
- H. **Refurbishing and Restoration.** All structures, common areas, sidewalks, driveways, landscaped areas, and facilities, if defective, shall be refurbished and restored to a safe and usable condition. All deficiencies shall be corrected prior to recordation of the final map.
- I. **Private Open Space.** There shall be provided with each unit a minimum of 100 square feet of qualifying private open space. To qualify, open space must be private and directly accessible from the unit it serves, and must have a minimum dimension in every direction of ten feet for open space provided at ground level or four feet for open space provided on a balcony or elevated deck, and must be located outside the required front yard setback.

16-12.011 Exceptions to Property Improvement Standards

Upon request by a subdivider, the Planning Commission may approve exceptions to property improvement standards for conversion projects. The nature of the exception shall be described in public notices for Commission hearings on the condominium map. The Commission may approve exceptions on the request only after a public hearing. In order to approve an exception, the Planning Commission must make the exception findings required by Section 16-11.002.

## Chapter 13

### DEDICATIONS

Sections:

- 16-13.001 General Requirements.
- 16-13.002 Offer to Dedicate Easements to Remain Open.
- 16-13.003 Waiver of Direct Street Access.
- 16-13.004 Title Insurance for Dedication.
- 16-13.005 Parkland Dedications

16-13.001 General Requirements

All parcels of land intended or needed for public use shall be offered for dedication to the City before any subdivision is approved - typically, when the final map is filed. The subdivider shall grant whatever land or easements the City determines are necessary to fulfill the purposes of these regulations. Such dedication of parcels or easements and improvements may be required for the following uses:

- A. Streets and alleys, including future streets;
- B. Private streets (conditional dedication) for emergency services;
- C. Pedestrian and bicycle paths, or sidewalks;
- D. Bus stops;
- E. Public utilities;
- F. Natural watercourses, storm drains and flood-control channels;
- G. Public access, including access for maintenance or fire protection;
- H. Protection of scenic and environmentally sensitive lands;
- I. Street trees;
- J. Parks and recreation facilities;
- K. Protection of slope banks, areas subject to flooding, and other potentially hazardous areas;
- L. School sites as may be necessary in accordance with the Subdivision Map Act;
- M. Sites to be preserved for public use as provided in the Subdivision Map Act;
- N. Such other public purposes as the City may deem necessary, provided the amount of property required to be dedicated bears a reasonable relationship to the increased need for public facilities created by the subdivision.

16-13.002 Offer to Dedicate Easements to Remain Open

If, at the time the final map or parcel map is approved, any of the easements set out in Section 66477.2 of the California Government Code are rejected, the offers of dedication shall be irrevocable and the City Council may, by resolution at any later date and without further action by the subdivider, rescind its action and accept and open any of these easements for public use. The acceptance shall be recorded in the office of the County Recorder.

16-13.003 Waiver of Direct Street Access

The City may require that any dedication or offer of dedication of a street shall include a waiver of direct access rights to such street from any property shown on a final map or parcel map as abutting thereon, and that if the dedication is accepted, such waiver shall become effective in accordance with the provisions of the waiver of direct access.

16-13.004 Title Insurance for Dedication

Before a final map is recorded, or if dedication and offers of dedication are supplemented by separate instrument, before such instrument or instruments are recorded, a preliminary title report shall be issued for the benefit and protection of the City. Any expense involved in complying with the provisions of this section shall be borne by the subdivider.

16-13.005 Parkland Dedication Requirements

- A. The subdivider shall provide for adequate and appropriate public park and recreation facilities for the subdivision by the dedication of lands therein and according to the following requirements.
- B. Prior to consideration of a tentative map, the Recreation and Parks Director, or his/her designee will identify pursuant to this chapter the land area required for dedication or in-lieu fee payment. The final decision maker shall state as a condition of approval of a final map whether the subdivider shall dedicate land, pay a fee in lieu thereof, or both, based on a recommendation from the Recreation and Parks Director for park and recreation purposes.
- C. General standards for the public interest, health and welfare require that four acres of property for each one thousand persons residing in the City be devoted to neighborhood and community park and recreation purposes.
- D. Dedication of land, fifty parcels or more.
  - 1. Where a park or recreation facility has been designated in the park and recreation element of the General Plan of the City and it is to be located in whole or in part within the proposed subdivision, the subdivider shall dedicate land for a local park as determined by the following formula:

$$\frac{\text{\# of units} \times \text{average \# of persons/unit} \times \text{4 acres}}{\text{population}} = \text{Minimum Acreage Dedication}$$

1,000

The following table of population density has been established pursuant to Section 66577(b) of the Government Code:

<u>Dwelling Type</u>	<u>Average Persons/Unit</u>
1, Detached	2.25
1, Attached	1.92
2	2.18
3 or 4	2.28
5 or more	1.91
Mobile Home	1.52

- 2. The subdivider shall without credit provide full street improvements and utility connections including, but not limited to curbs, gutters, street paving, traffic-control devices, street trees and sidewalks to dedicated land.
- 3. The subdivider may be required to provide any of the following without credit:
  - a. Full street improvements and utility connections including, but not limited to curbs, gutters, street paving, traffic-control devices, street trees and sidewalks to dedicated land.
  - b. Recreational improvements including, but not limited to landscaping, irrigation, walkways, site lighting, play equipment, picnic facilities, parking, restrooms and benches.
  - c. Fencing along the property line of that portion of the subdivision contiguous to the dedicated land,
  - d. Improved drainage throughout the site, and

- e. Other minimal improvements which the Recreation and Parks Director identifies to be essential to the acceptance of the land for park and recreational purposes

4. Where only a portion of land to be subdivided is proposed on the city's Access and Recreation element of the General Plan as the site for a local park, or when a major part of the local park and recreation site has already been acquired by the City and only a small portion of land is needed from the subdivision to complete the site, such portion shall be dedicated for local park purposes and a fee in lieu of additional land that would have been required to be dedicated shall be paid.

E. Dedication of Land, less than fifty parcels.

1. If the proposed subdivision contains fewer than fifty parcels the subdivider shall pay a fee in lieu of dedicating land. Such fee shall be calculated in accordance with subsection F of this section.
2. In cases where the subdivider proposes the voluntary dedication of land for park and recreation purposes, such land shall be found acceptable for park and recreation purposes by the decision maker based on a recommendation from the Recreation and Parks Director prior to acceptance of the voluntary dedication of land. The decision maker may require payment of in-lieu fees in addition to the voluntary dedication of land.

F. Fees in Lieu of Land Dedication.

1. If there is no park and recreation facility designated in the city Access and Recreation element of the General Plan to be located in whole or in part within the proposed subdivision, the subdivider shall pay a fee equal to the value of the land plus twenty percent towards the cost of off-site improvements that would have been required if land had been dedicated. Such fees shall be used for a local facility, which bears a reasonable relationship to serve the present, and future recreation needs of the residents of the subdivision.
2. Fees paid in lieu of land dedication shall be based on the fair market value of the amount of land within the proposed subdivision, which would otherwise have been required. Fair market value shall normally be based on the average value of an acre of land as determined by the total assessed land value within the City or a written appraisal of the land may be requested from an appraiser acceptable to the City if so desired.
3. In-lieu fees must be paid prior to the recording of the final map. Fees shall be determined by the Recreation and Parks Director and paid to the City for deposit in the park fee fund. Moneys in this fund shall be expended solely for those uses allowed in the government code including the acquisitions or development of park and recreation facilities. Fees shall be committed pursuant to the park and recreation program within five years of issuance of building permits on one-half of the lots created by the subdivision.

G. Exceptions to Parkland Dedication Requirements.

1. Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this section; provided, however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.
2. The provisions of this Chapter do not apply to commercial or industrial subdivisions; nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

H. Subdivider Provided Recreation Improvements.

- ~~1. The value of specific recreation improvements to the subdivided land provided by the subdivider shall be credited against the fees or dedication of land required by this chapter. The decision maker shall approve such improvements prior to agreeing to accept the dedication of land and to require in lieu fees should the proposed land and improvements be unacceptable or designated in the Access and Recreation element of the Morro Bay General Plan.~~

## Chapter 14

### SUBDIVISION IMPROVEMENT REQUIREMENTS

#### Sections:

16-14.001	General Requirements.
16-14.002	Preparation and Form of Improvement Plans.
16-14.003	Grading Plan.
16-14.004	Plan Check Fees.
16-14.005	Commencement of Improvement Work.
16-14.006	Inspection of Improvement Work.
16-14.007	Coordination of Improvement Work.
16-14.008	Oversizing Improvements Reimbursements.
16-14.009	Form, Filing and Term of Improvement Agreement.
16-14.010	Minimum Agreement Provisions.
16-14.011	Additional Agreement Provisions.
16-14.012	Improvement Security Required.
16-14.013	Form, Filing and Term of Improvement Security.
16-14.014	Labor and Materials.
16-14.015	Liability for Alterations Or Changes.
16-14.016	Release of Improvement Security - Assessment District Proceedings.
16-14.017	Release of Improvement Security - Completion of Work.
16-14.018	Withholding Building Permits.
16-14.019	Acceptance of Improvements.
16-14.020	Deferral of Improvements for Parcel Maps.

#### 16-14.001 General Requirements

All improvements shall conform to these regulations, Standard Drawings and Specifications, and the subdivision standards. All improvement plans, including grading plans, shall be completed by the subdivider's registered engineer prior to the acceptance of the final map for filing. Improvements not completed shall be guaranteed or bonded for, at the option of the City, prior to filing the final map.

#### 16-14.002 Preparation and Form of Improvement Plans

- A. Improvement plans shall be prepared by a registered civil engineer and shall show full details of all improvements required to be installed by the provisions of these regulations, and of all other improvements proposed to be installed by the subdivider within any street, alley, pedestrian way, easement or other public area or right-of-way. Full details shall include cross sections, plans, profiles, estimated costs and specifications. Preliminary plans may be submitted prior to the final plans to allow time for checking and correction.
- B. The form, layout, scale and other particulars of the plans, and the number of copies to be provided, shall be in accordance with the requirements of the City Engineer.

#### 16-14.003 Grading Plan

A grading plan and specifications prepared substantially in accordance with the preliminary grading plan approved as part of the approved or conditionally approved tentative map shall be submitted as part of the improvement plans. A permit must be obtained in accordance with the provisions of the City's grading regulations.

#### 16-14.004 Plan Check Fees

At the time of the submission of the final improvement plans, the subdivider shall pay a fee for plan checking, in an amount established by resolution of the City Council.

#### 16-14.005 Commencement of Improvement Work

Prior to the commencement of construction or installation of any improvements within any street, alley, path, easement or other public area or right-of-way, improvement plans shall have been approved by the City Engineer and Encroachment Permits issued.

#### 16-14.006 Inspection of Improvement Work

All improvements shall be constructed under the inspection of the City Engineer and the subdivider shall cause all such improvement work to be inspected at all times as the City Engineer may establish. The subdivider shall obtain an encroachment permit, pay an inspection fee, in an amount established by resolution of the City Council, or enter into an Inspection Agreement, prior to the commencement of construction of the improvements.

#### 16-14.007 Coordination of Improvement Work

All work and improvements contemplated by and performed under the provisions of these regulations shall be accomplished so as to coordinate and minimize interference with other private or public development and to minimize its threat to public safety.

#### 16-14.008 Oversizing Improvements Reimbursements

As a condition of approval of a tentative map, it may be required that improvements installed by the subdivider for the benefit of the subdivision be of a supplemental size, capacity or number for the benefit of property not within the subdivision, and that the improvement be dedicated to the public. If such condition is imposed, provision for reimbursement to the subdivider, in the manner provided by the Subdivision Map Act, shall be contained in the subdivision improvement agreement entered into pursuant to these regulations, prior to any work being undertaken.

#### 16-14.009 Form, Filing and Term of Improvement Agreement

- A. The improvement agreement shall be in writing, shall be approved as to form by the City Attorney, and shall be secured and conditioned as provided in this chapter. The agreement shall be recorded prior to or simultaneously with the final map.
- B. The improvement agreement shall be complete and on file with the City Engineer before the final map is filed for recording.

#### 16-14.010 Minimum Agreement Provisions

The agreement shall include the following provisions as minimum terms and conditions:

- A. Mutually agreeable terms to complete all required improvements at the subdivider's expense;
- B. A provision that the subdivider shall comply with all requirements of these regulations, of this code, and of other applicable laws, and with all terms and conditions of required improvement permits;
- C. A statement indicating a period of time within which the subdivider shall complete all improvement work;
- D. A provision that, if the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the City may, at its option, complete the required improvement work and the subdivider and his surety shall be firmly bound, under a continuing obligation, for payment of the full cost and expense incurred or expended by the City in completing such work;
- E. Provision for the repair and replacement of defective material and workmanship of the improvements by the subdivider for a period of twelve months after the improvements have been accepted by the Council;
- F. A provision guaranteeing payment to the City for all engineering and inspection costs and fees not previously paid and all other incidental costs incurred by the City in enforcing the agreement.
- G. The current billing rates from the Finance Department for all city personnel involved.

#### 16-14.011 Additional Agreement Provisions

The improvement agreement may also include the following provisions and such other additional terms and conditions as may be required upon approval of the tentative map, or as are determined necessary by the Council to carry out the intent and purposes of these regulations;

- A. Provision for the repair, at the subdivider's expense, of any damage to public streets which may reasonably be expected to result from hauling operations necessary for subdivision improvements required by these regulations, including the importing or exporting of earth for grading purposes;
- B. Mutually agreeable terms to acquire public easements which are outside the boundaries of the subdivision, at the subdivider's expense;
- C. Mutually agreeable terms to improve, at some undetermined future date, easements offered and reserved for future public use at the subdivider's expense; and providing that such improvements shall be secured by separate security in the manner prescribed in Section 16-14.012, and further providing that the requirements of this provision shall not delay the release of any other improvement security provided pursuant to Section 16-14.012;
- D. Provision for reimbursement to be paid the subdivider under the provisions of the Subdivision Map Act;
- E. A provision that the subdivider shall provide to the City, prior to the filing of the final map, letters from each utility company indicating that such companies have agreed to install, and will so install, the public utilities necessary to serve the subdivision.

#### 16-14.012 Improvement Security Required

The subdivider shall secure the foregoing improvement agreement in an amount determined by the City Engineer to be one hundred and fifty percent of the total estimated cost of the improvements and any additional act to be performed by the subdivider under the agreement, and such additional amounts as determined necessary to cover the costs, reasonable expenses and fees, including attorney's fees, which may be incurred by the City in successfully enforcing the agreement. The requirement of the improvement security shall not be waived under any circumstances.

#### 16-14.013 Form, Filing and Term of Improvement Security

- A. The improvement security shall be conditioned upon the faithful performance of the improvement agreement and shall be in one of the forms provided in the Subdivision Map Act. The form shall be the choice of the City in each improvement agreement as per the direction of the Finance Director. (Improvement security for public utility improvements may be in the form of a letter of assurance from the utility.)
- B. Improvement security shall be filed with the City Engineer, together with the improvement agreement, before the City accepts the final map for filing. The form of the improvement security shall be subject to the approval of the City Attorney.
- C. The term of the improvement security, filed pursuant to the provisions of this section to secure the faithful performance of the agreement, shall begin on the date of filing and end upon the date of completion or fulfillment of all terms and conditions of the improvement agreement, to the satisfaction of the Council.

#### 16-14.014 Labor and Materials

When the improvement security provided pursuant to Section 16-14.012 is a surety bond, it shall be accompanied by a bond for the security of laborers and materials in an amount not less than fifty percent of the estimated cost of the improvements. When the improvement security is a cash deposit or instrument of credit, such security shall include an additional amount necessary for the protection of laborers and materials, but in no event less than fifty percent of the estimated cost of the improvements. Security for one hundred percent of the estimated costs, including a factor for inflationary cost increases, may be required.

#### 16-14.015 Liability for Alterations Or Changes

The liability upon the security given for the faithful performance of the agreement shall include the performance of any changes or alterations in the work; provided, however, that all such changes or alterations do not exceed ten percent of the original estimated cost of the improvement.

16-14.016 Release of Improvement Security - Assessment District Proceedings

If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing of the contractor of the faithful performance and payment bond required by the special assessment act being used, the improvement security to the subdivider may be reduced by the City Engineer by an amount corresponding to the amount of such bonds furnished by the contractor.

16-14.017 Release of Improvement Security - Completion of Work

A. Improvement security may be released upon the final completion and acceptance of the work; provided, however, such release shall not apply to the amount of security deemed necessary by the City Engineer for the guarantee and warranty period, nor to costs and reasonable expense fees, including reasonable attorney's fees, incurred by the City in enforcing the improvement agreement.

16-14.018 Withholding Building Permits

No building permit or similar entitlement of use shall be issued for the development of any lot within a subdivision until all required improvements are substantially completed or bonded for at the discretion of and to the satisfaction of the City Engineer and Director of Public Services; provided, however, building permits and entitlements may be issued for the development of a lot designated as a model home site when the Director of Public Services determines:

- A. The construction of all required improvements has progressed to the extent that completion of and acceptance of the work seems assured to occur within a reasonable period of time; and
- B. The development of the model home sites will not conflict with work in progress on the construction of the required improvements.

16-14.019 Acceptance of Improvements

After the parcel map or final map has been recorded, all subdivision improvements properly installed in accordance with previously approved plans and specifications shall be accepted by the Council and the subdivider and any other person having an interest in such completion shall be notified in writing by the City Clerk of acceptance by the Council. At the time of acceptance, the City shall assume maintenance of the improvements except as otherwise provided in this chapter. The Director of Public Services may accept parcel map improvements; the Council will accept final map improvements.

16-14.020 Deferral of Improvements for Parcel Maps

Improvements required for parcel maps may be deferred until a building permit or other entitlement for development of the parcel(s) is granted by the City, unless the City Engineer and Director of Public Services find that completion of improvements is necessary to protect the public health and safety or is a necessary prerequisite to the orderly development of the surrounding area. If these findings are made, the City may require completion of the improvement requirements within a reasonable time following approval of the parcel map and prior to the issuance of permits for development.

## Chapter 15

### SUBDIVISION EXCEPTIONS

Sections:

- 16-15.001 Exception Authority
- 16-15.002 Required Findings and Conditions
- 16-15.003 Filing Applications - Form and Content
- 16-15.004 Planning Commission Action

#### 16-15.001 Exception Authority

The Planning Commission may authorize exceptions to the requirements or standards imposed by these regulations; provided, however, that no exceptions may be made to any requirements imposed by the Subdivision Map Act; and further provided that nothing in this chapter shall be construed as altering or conflicting with the powers and duties of the City to approve variances from the Zoning Ordinance.

#### 16-15.002 Required Findings and Conditions

- A. Before any exception is authorized, all of the following findings shall be made:
1. That the property to be divided is of such size or shape, or is affected by such topographic conditions, that it is impossible, impractical or undesirable, in the particular case, to conform to the strict application of the regulations codified in this title; and
  2. That the cost to the subdivider of strict or literal compliance with the regulations is not the sole reason for granting the modification; and
  3. That the modification will not be detrimental to the public health, safety and welfare, or be injurious to other properties in the vicinity; and
  4. That granting the modification is in accord with the intent and purposes of these regulations, and is consistent with the General Plan and with all applicable specific plans or other plans of the City.
- B. In granting any exception, the Planning Commission shall impose such conditions as are necessary to protect the public health, safety and welfare, and assure compliance with the General Plan, with all applicable specific plans, and with the intent and purposes of these regulations.

#### 16-15.003 Filing Applications - Form and Content

- A. Applications for exceptions shall be filed, in writing, by the subdivider with the Director of Public Services upon a form and in the number of copies required for that purpose.
- B. Each application shall state fully the nature and extent of the exception requested, the specific reasons for it, and the facts relied upon to reach those conclusions.

#### 16-15.004 Planning Commission Action

The Planning Commission shall consider any request for exceptions, and the recommendation on such request, at the same time as the Planning Commission considers the tentative map and shall grant, conditionally grant, or deny the request.

## Chapter 16

### REVERSION TO ACREAGE

#### Sections:

- 16-16.001 Purpose.
- 16-16.002 Initiation of Proceedings.
- 16-16.003 Public Hearing.
- 16-16.004 Required Findings.
- 16-16.005 Required Conditions.
- 16-16.006 Delivery of Reversion Map to County Recorder.
- 16-16.007 Affect of Filing Reversion Map with The County Recorder.
- 16-16.008 Tax Bond Not Required.

#### 16-16.001 Purpose

This section is intended to enable the aggregation of subdivided real property.

#### 16-16.002 Initiation of Proceedings

Proceedings for reversion to acreage may be initiated by the Council on its own motion or by petition of all of the owners of record of the real property within the area to be reverted. The petition shall contain the following:

- A. Adequate evidence of title to the real property within the subdivision;
- B. A statement outlining the use, nonuse, viability or lack of necessity for existing easements, offers of dedication or similar attachments which are to be vacated or abandoned or maintained;
- C. Sufficient data to enable the Council to make all or the determinations and findings required by this chapter;
- D. A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion, and the boundary of the area to be reverted to acreage;
- E. Any other pertinent information as may be required by the Director of Public Services.

#### 16-16.003 Public Hearing

After giving notice as specified in Title 17, Zoning, Section 17.20.050 (Public Notice Requirements), the Council shall hold a public hearing on the proposed reversion to acreage.

#### 16-16.004 Required Findings

Before approving the map, the Council shall find that:

- A. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary of present or prospective public purposes; and
- B. Either:
  - 1. All owners having an interest in the real property to be reverted to acreage have consented to reversion; or
  - 2. None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
  - 3. No lots shown on the final or parcel map have been sold within five years from the date such map was filed for record.

16-16.005 Required Conditions

As conditions of reversion, the Council shall require:

- A. Dedications or offers of dedication necessary for the purposes specified by the regulations set out in this title;
- B. Retention of all previously paid fees if necessary to accomplish the purposes of the regulations set out in this title;
- C. Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this chapter.

16-16.006 Delivery of Reversion Map to County Recorder

After the hearing and approval of the final reversion to acreage map by the Council, the City Clerk shall transmit the map to the County recorder for recordation.

16-16.007 Effect of Filing Reversion Map with The County Recorder

- A. The filing of the map with the County Recorder shall constitute reversion to acreage of the real property affected, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.
- B. When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to Section 16-14.001.

16-16.008 Tax Bond Not Required

A tax bond shall not be required in reversion proceedings.

## Chapter 17

### FEES

Section:

16-17.001 Council's Authority.

16-17.001 Council's Authority

The Council shall, by resolution, establish fees to be charged of subdividers, and procedures of collection and refunds for any activities authorized or required by this title, including appeals and requests for continuance or time extension.

## Chapter 18

### APPEALS

Sections:

16-18.001 Right to appeal - controlling provisions.

16-18.002 Method and form of appeal.

16-18.001 Right to Appeal - Controlling Provisions

Any person may appeal decisions of the Planning Commission or the Director of Public Services-made pursuant to this title.

16-18.002 Method and Form of Appeal

- A. Appeals of the decisions of the Director of Public Services shall be made to the Planning Commission in the form prescribed in Section 17.60.130 of the City Zoning Ordinance.
- B. Appeals of the decisions of the Planning Commission shall be made to the City Council in the form prescribed in Section 17.60.130 of the City Zoning Ordinance.

## Chapter 19

### ENFORCEMENT

Sections:

- 16-19.001 Generally.
- 16-19.002 Illegal Subdivisions - Notification of Director of Public Services Required.
- 16-19.003 Certificate of Compliance - Application - Fee.
- 16-19.004 Certificate of Compliance - Application - Determination.
- 16-19.005 Certificate of Compliance - Recordation.
- 16-19.006 Illegal Subdivisions - Permit Issuance Prohibited.
- 16-19.007 Penalty

#### 16-19.001 Generally

Except as otherwise provided in this title, the City Engineer is authorized and directed to enforce the regulations set out in this title and the Subdivision Map Act for subdivisions within the City.

#### 16-19.002 Illegal Subdivisions - Notification of Director of Public Services Required

Any officer or employee of the City who has knowledge that real property has been divided in violation of the Subdivision Map Act or the regulations set out in this title, shall immediately notify the Director of Public Services. Upon receipt of the information, the Director of Public Services shall file the notices required by the Subdivision Map Act.

#### 16-19.003 Certificate of Compliance - Application - Fee

- A. Any person owning real property, or the agent or representative of such person, may file an application for a certificate of compliance to determine whether such real property complies with the provisions of the Subdivision Map Act and of this ordinance. Such applications shall be filed with the Director of Public Services, who shall be responsible for the issuance and recordation of the same. The Director of Public Services shall prescribe the form of the application.
- B. A nonrefundable fee in an amount specified by resolution of the Council for each lot or parcel for which a certificate is sought, shall accompany the application.

#### 16-19.004 Certificate of Compliance - Application - Determination

- A. Within fifteen working days after the filing of the application for a certificate of compliance, the Director of Public Services shall grant, conditionally grant, or deny such application.
- B. If at any time during the processing of the application for a certificate of compliance, the Director of Public Services determines that additional information or data is required, the applicant shall be promptly advised in writing, by mail, of the additional material to be supplied before further action will be taken on the application. After resubmittal of the application, the Director of Public Services shall grant, conditionally grant, or deny said application
- C. If the application for a certificate of compliance is to be conditionally granted, the Director of Public Services shall impose all conditions reasonably necessary to protect the public health, safety and welfare.
- D. The applicant shall be notified, in writing, of the action taken on the application and of the findings of fact supporting the decision. If the application for certificate of compliance is denied, notices shall be recorded as required by Section 16-19.002.

#### 16-19.005 Certificate of Compliance - Recordation

- A. The certificate of compliance shall be filed for recording with the County Recorder by the Public Services Department. Such certificate shall identify the real property and shall state that the configuration thereof complies

with applicable provisions of these regulations and all other provisions of this code regulating the division of land within the City.

- B. A certificate of compliance granted with conditions shall not be recorded until all conditions have been met, or until assurance that such conditions will be met, in a form approved by the City Attorney and accepted by the Director of Public Services.
- C. If the application for a certificate of compliance is to be conditionally granted, the Director of Public Services shall impose all conditions reasonably necessary to protect the public health, safety and welfare.
- D. The applicant shall be notified, in writing, of the action taken on the application and of the findings of fact supporting the decision. If the application for certificate of compliance is denied, notices shall be recorded as required by Section 16-19.002.

16-19.006      Illegal Subdivisions - Permit Issuance Prohibited

No board, commission, officer or employee of the City shall issue any certificate or permit, or grant any approval necessary to develop any real property within the City which has been divided, or which resulted from a division, in violation of the provisions of the Subdivision Map Act or of this title.

16-19.007      Penalty

Any offer to sell or contract to sell, or any sale contrary to the provisions of this title is a misdemeanor, and any person, corporation or other entity, upon conviction thereof shall be punishable as set forth in Title 1 of this code, except that nothing contained in this chapter shall be deemed to bar any legal, equitable or summary remedy to which the City or other political subdivision or person, corporation or other entity may otherwise be entitled, and the City or other political subdivision or person, corporation or other entity may file an action in the Superior Court of the State, in and for the County of San Luis Obispo, to restrain or enjoin any attempted or proposed subdivision or sale in violation of this title.

Any transfer or conveyance, or purported transfer or conveyance, or agreement to transfer or convey any parcel of land without compliance with the terms of this title shall be voidable at the option of the transferee in accordance with the provisions of Section 11540 and 11540.1 of the Business and Professions Code of the State, as the same may be amended from time to time.

4/21/2006