

CHAPTER 8. SUBDIVISION REGULATIONS

8.10 General Provisions	5
8.10.010 Title	5
8.10.020 Purpose	5
8.10.030 Adoption Authority – Conformance with Other Regulations	5
8.10.040 Interpretation and Application	6
8.10.050 Conflict with Public Provisions	6
8.10.060 Conflict with Private Provisions	6
<hr/>	
8.20 General Requirements.....	7
8.20.010 Subdivision Maps	7
8.20.020 Parcel Maps	7
8.20.030 Exclusions and Exceptions	7
8.20.040 Lot Line Adjustment	7
8.20.050 Correcting or Amending Maps	8
8.20.060 Review Authority for Subdivision Decisions.....	8
<hr/>	
8.30 Subdivision Maps, Vesting Tentative Subdivision Maps, and Parcel Maps: Procedures	9
8.30.010 Tentative and Final Subdivision Maps	9
8.30.020 Vesting Tentative Subdivision Maps	11
8.30.030 Parcel Maps	13
<hr/>	
8.40 Tentative Subdivision or Parcel Map, Tentative Parcel Map, and Vesting Tentative Subdivision Map, Vesting Tentative Parcel Map: Preparation, Form, and Other Requirements	14
8.40.010 Preparation and Form of Tentative Subdivision or Parcel Map	14
8.40.020 Contents of Tentative Subdivision or Parcel Maps	14
8.40.030 Additional Information on Vesting Tentative Subdivision or Parcel Maps	16

8.40.040	Other Material to Accompany Tentative Subdivision or Parcel Map	16
8.40.050	Application Requirements	17
8.50 Final Map Form, Preparation, and Other Requirements		18
8.50.010	General Preparation Requirements	18
8.50.020	Reserved	18
8.50.030	Title Sheet of Final Tract Map	18
8.50.040	Statements, Documents and Other Data to Accompany Final Map	22
8.50.050	Separated Property	23
8.50.060	Final Maps – 4 Parcels or Less	23
8.60 Lot Line Adjustment		24
8.60.010	Application for Lot Line Adjustment	24
8.60.020	Criteria for Lot Line Adjustment	24
8.60.030	Procedures for Lot Line Adjustment	24
8.70 Subdivision Design and Improvements		26
8.70.010	General Considerations	26
8.70.020	General Requirements – Lots	26
8.70.030	Lot Dimensions	26
8.70.040	Solar Orientation	27
8.70.050	Multiple Frontages	27
8.70.060	Depth-Width Relationship	27
8.70.070	Lot Lines	27
8.70.080	Taxing District Boundary	28
8.70.090	Flag Lots (deep lot subdivisions)	28
8.70.100	General Requirements – Streets	28
8.70.110	Access Restrictions	28
8.70.120	Street Names	29
8.70.130	Slope Easements	29
8.70.140	Street Types and Requirements	29
8.70.150	General Requirement – Design Criteria and Improvement Standards	29
8.70.160	Improvements	29
8.80 Dedications		32
8.80.010	Requirements	32

8.80.020	Offer to Dedicate Easements to Remain Open	32
8.80.030	Waiver of Direct Street Access	33
8.80.040	Title Insurance for Dedication	33
8.90 Subdivision Improvement Requirements		34
8.90.010	General Requirements	34
8.90.020	Preparation and Form of Improvement Plans	34
8.90.030	Grading Plan	35
8.90.040	Plan Check Fees	35
8.90.050	Commencement of Improvement Work	35
8.90.060	Inspection of Improvement Work	35
8.90.070	Coordination of Improvement Work	35
8.90.080	Improvements Deferred or Waived	35
8.90.090	Over Sizing Improvements Reimbursements	36
8.90.100	Improvement Agreement	36
8.90.110	Form. Filing and Term of Improvement Agreement	36
8.90.120	Minimum Agreement Provisions	36
8.90.130	Additional Agreement Provisions	37
8.90.140	Improvement Security Required	37
8.90.150	Form. Filing and Term of Improvement Security	38
8.90.160	Labor and Materials	38
8.90.170	Liability for Alterations or Changes	38
8.90.180	Release of Improvement Security – Assessment District Proceedings	38
8.90.190	Release of Improvement Security – Completion of Work	39
8.90.200	Withholding Building Permits	39
8.90.210	Acceptance of Improvements	39
8.90.220	Deferral of Improvements for Parcel Maps	40
8.100 Subdivision Exceptions		41
8.100.010	Exception Authority	41
8.100.020	Required Findings and Conditions	41
8.100.030	Filing Applications – Form and Content	42
8.100.040	Commission or Public Works Director Action	42
8.100.050	Council Action	42

8.110 Reversion to Acreage	43
8.110.010 Procedures for Reversion To Acreage	43
8.120 Lot Merger	44
8.120.010 Procedures for Lot Merger	44
8.130 Condominium Conversions	45
8.130.010 Purpose and Intent	45
8.130.020 Applicability of Other Laws	45
8.130.030 Provisions to Govern Condominium Conversion Projects	45
8.130.040 Application Requirements	46
8.140 Fees	47
8.140.010 Council Authority	47
8.150 Enforcement	48
8.150.010 Generally	48
8.150.020 Illegal Subdivisions – Notification of Public Works Director Required	48
8.150.030 Certificate of Compliance – Application – Fee	48
8.150.040 Certificate of Compliance – Application – Determination	48
8.150.050 Certificate of Compliance – Recordation	49
8.150.060 Illegal Subdivision – Permit Issuance Prohibited	49
8.160 Urban Lot Splits	50
8.160.010 Authority and Purpose	50
8.160.020 Subdivision Standards	50
8.160.030 General Requirements and Restrictions	51
8.160.040 Approval Process	52

8.10 General Provisions

Sections:

- 8.10.010 - Title
- 8.10.020 - Purpose
- 8.10.030 - Adoption Authority – Conformance with other regulations
- 8.10.040 - Interpretation and application
- 8.10.050 - Conflict with public provisions
- 8.10.060 - Conflict with private provisions
- 8.10.070 - Actions by persons with interest
- 8.10.080 - Severability

8.10.010 Title

This Chapter shall be known and cited as the “Grover Beach Subdivision Ordinance.”

8.10.020 Purpose

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

- A. To protect and provide for the public health, safety and general welfare;
- B. To guide the development of the City in accordance with the general plan and specific plans;
- C. To ensure that real property which is to be divided can be used without danger to inhabitants or property due to fire, flood, soil instability, noise or other hazard;
- D. To ensure that proper provision will be made for traffic circulation, public utilities, facilities, and other improvements within the subdivided land and within the City as a whole;
- E. To protect and enhance the value of land and improvements and to minimize conflicts among the uses of land and buildings;
- F. To protect potential buyers and inhabitants by establishing standards of design, and by establishing procedures which ensure proper legal description and defined monuments for subdivided land;
- G. To protect the natural resources of the community, including topographic and geologic features, solar exposure, water courses, wildlife habitats and scenic vistas, and to increase reasonable public access to such resources;
- H. To enable innovations in subdivision procedures which facilitate development that will best reflect the capability of the land to support a desirable living environment.

8.10.030 Adoption Authority – Conformance with Other Regulations

- A. These regulations are adopted pursuant to the Subdivision Map Act (“Act”), 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. Further to the extent that any of the provision in this Chapter are found to be inconsistent with the Act, the Act shall govern and take precedent over this local regulation.

- B. 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.
- C. Notwithstanding anything to the contrary included in this chapter, all land divisions, lot line adjustments and mergers within the Coastal Zone shall require a Coastal Development Permit. For the purposes of this section, land divisions include: subdivisions through a parcel map, subdivision map, grant deed, or any other method; lot splits; redivisions of land; and issuance of a certificate of compliance, unless the certificate of compliance is issued for a land division that occurred prior to the effective date of the Coastal Act and complied with all State laws and local ordinances in effect at the time.

8.10.040 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.

8.10.050 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.

8.10.060 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, or any other private agreement or restriction, 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 advisory agency or Review Authority in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

8.20 General Requirements

Sections:

- 8.20.010 - Subdivision Maps
- 8.20.020 - Parcel Maps
- 8.20.030 - Exclusions and exceptions
- 8.20.040 - Lot line adjustment
- 8.20.050 - Correcting or amending maps
- 8.20.060 - Review Authority for Subdivision Decisions

8.20.010 Subdivision Maps

Except as provided in Section 8.20.030, the division of real property into five or more parcels or creation of five or more condominiums or a conversion of a dwelling to a stock cooperative containing five or more parcels or community apartment project having five or more parcels or units requires the filing, approval and recording of tentative and final subdivision maps except where defined within Government Code Section 66426 subsection (a) through (f) and as provided in these regulations and the Subdivision Map Act.

8.20.020 Parcel Maps

Except as provided in Section 8.20.030 and 8.30.030, 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 final parcel maps as provided in these regulations or as required by the Subdivision Map Act.

8.20.030 Exclusions and Exceptions

- A. No maps shall be required for divisions of property which are excepted from the definition of subdivision within the Subdivision Map Act.
- B. No maps shall be required for any divisions of land of exemptions defined within the Subdivision Map Act Section 66412.

8.20.040 Lot Line Adjustment

The adjustment of a boundary line between four or fewer existing adjacent parcels, which does not result in a greater number of buildable parcels than originally existed, does not require a subdivision or parcel map. However, the City Engineer must approve the deeds which reflect the lot line adjustment as provided in Section 8.60.

8.20.050 Correcting or Amending Maps

Recorded final subdivision maps and recorded final 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 with amending deeds to be filed with the City and recorded at the County Clerk Recorder.

8.20.060 Review Authority for Subdivision Decisions

Pursuant to the Map Act (Sections 66415, 66452.1, & 66458) Table 8.1 identifies the Review Authority responsible for reviewing and making decisions on each type of subdivision application and other decision required by this Subdivision Ordinance.

Subdivision Types	Code Section	Review Authority			
		Director	City Engineer	Commission	Council
Parcel Maps (4 or fewer parcels)					
Parcel Map Waiver	8.30.030	Recommend ¹	Decision	Appeal	Appeal
Urban Lot Split	8.160	Recommend	Decision	--	--
Tentative Parcel Map	8.30.030	Recommend	Recommend	Decision	Appeal
Vesting Parcel Map	8.30.030	Recommend	Recommend	Decision	Appeal
Final Parcel Map	8.50.060	Recommend	Decision	Appeal	Appeal
Parcel Map Time Extension	8.30.010	Recommend	Recommend ²	Decision	Appeal
Subdivision Maps (5 or more parcels)					
Tentative Subdivision Map	8.30.010	Recommend	Recommend	Decision	Appeal
Vesting Subdivision Map	8.30.020	Recommend	Recommend	Decision	Appeal
Final Subdivision Map	8.50	Recommend	Decision ³	Appeal	Appeal
Subdivision Map Time Extension	8.30.010	Recommend	Recommend	Decision	Appeal
Adjustments / Mergers / Reversions / Condo Conversions					
Lot Line Adjustment	8.60	--	Decision	--	--
Voluntary Lot Merger	8.120	--	Decision	--	--
Revision to Acreage	8.110	--	Recommend	--	Decision
Certificate of Compliance	8.60	Recommend	Decision	--	--
Condo Conversion	8.130	Recommend	Recommend	Recommend	Decision
Subdivision Exceptions	8.100	Recommend	Recommend	--	Decision
Note: 1. Refer to Section 8.30.030.B 2. The City Engineer may approved an extension if the Parcel Map was approved by the City Engineer. 3. Subdivision Maps that require an offer of dedication shall be approved by the Council. 4. In the Coastal Zone, a Coastal Development Permit may be required. Refer to Section 6.20.040.					

8.30 Subdivision Maps, Vesting Tentative Subdivision Maps, and Parcel Maps: Procedures

Sections:

- 8.30.010 - Tentative and Final Subdivision Maps
- 8.30.020 - Vesting Tentative Maps
- 8.30.030 - Parcel Maps

8.30.010 Tentative and Final Subdivision Maps

- A. **Preliminary plans.** Applicants are encouraged to consult with the Community Development and Public Works Departments (See Subsection 6.10.030.A).
- B. **Identification of tentative subdivision map.** Applicants shall obtain a map number from the San Luis Obispo County Surveyor. The number shall be placed upon each copy of the tentative ~~tract~~ subdivision map.
- C. **Filing of tentative subdivision map – application.** The tentative subdivision map application shall be filed with the Community Development Department and shall be prepared in accordance with the provisions of Chapter 6 (Procedures).
- D. **Examination of application.** Community Development 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.
- E. **Notice of public hearing on tentative subdivision map.** Notice of the public hearing shall be provided in compliance with Section 7.10 (Public Hearings).
- F. **Action on tentative subdivision map.** The Review Authority shall take action on a tentative subdivision map no later than 50 days of the filing of the tentative map and consistent with Table 8.1.
- G. **Withdrawal of tentative subdivision map.** Once a date for the Review Authority consideration of the tentative subdivision map has been set, requests for withdrawal shall be submitted to City staff in writing, or orally if made at the meeting when the map is being considered. Withdrawal of the map shall be an effective denial of the application.
- H. **Extension of time to act.** Any of the time limits for acting on tentative subdivision maps specified in these regulations may be extended by mutual consent of the applicant and the Review Authority, as the case may be. To do so, the applicant must expressly waive, in writing or in the record at a public hearing, his right to have the map considered within those time limits.
- I. **Filing of Final map.** Within 24 months of the date of approval or conditional approval of the tentative subdivision map or the end of any period representing an extension to the tentative subdivision map consistent with Section 6.30.060, the

applicant may submit a required final in accordance with these regulations and the Subdivision Map Act.

- J. **Termination of proceedings.** Failure to file a final map within 24 months of the date of approval or conditional approval of a tentative subdivision map, or within any extended period of time granted in accordance with Section 6.30.060, immediately following, shall terminate all proceedings. Before a final map may thereafter be filed, a new tentative subdivision map shall be submitted and approved.
- K. **Final map compliance.** Final map shall be prepared in substantial compliance with the approved tentative subdivision map.
- L. **Submission of final map.** When all the certificates appearing on the final map, except the approval certificates of the review authority and the County Recorder's certificate, 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 city staff for review and recommendation provided it complies with all other provisions of these regulations and the Subdivision Map Act.
- M. **Action of City Engineer.**
 - 1. Upon receipt of a final map and accompanying documents, fees and materials for filing, the City Engineer shall determine if they are in substantial compliance with the approved or conditionally approved tentative tract map and modifications and conditions made or required. If they are found to be complete and in substantial compliance with these and other applicable regulations, the City Engineer shall transmit the map to review authority. No map shall be approved until the required improvements have been installed or a subdivision agreement or bond for installation has been secured in accordance with the subdivision map act.
 - 2. If the City Engineer determines circumstances concerning the design and improvement of the subdivision in relation to the public health, safety and welfare have materially changed since the approval of the tentative subdivision map, they need not certify the final map. In such instances, the City Engineer shall return the map to the Review Authority for further consideration.
- N. **Review Authority action on final map.**
 - 1. The Review Authority shall approve the map if it has previously approved a tentative map for the proposed subdivision and it finds the final subdivision map in substantial compliance with the previously approved tentative map.. Final maps that include an offer of dedication or public improvement bond shall be approved by the Council.
 - 2. If the Review Authority does not approve or disapprove the map within the prescribed time in California Government Code section 66452.2, or any authorized extension within this chapter, and the map conforms to all requirements of an approved tentative subdivision map, it shall be deemed approved, and the City Clerk shall certify its approval.

- O. **Council acceptance or rejection of offers of dedication.** Subject to exceptions in the Subdivision Map Act, at the time the Council approves a final map, it shall also accept, accept subject to improvement, reject without prejudice, or reject all offers of dedication. This action shall be certified on the map by the City Clerk.
- P. **Disposition after approval.** After the final map is approved by the Review Authority, the City Clerk, or their designated appointee shall transmit the map to the County Recorder.

8.30.020 Vesting Tentative Subdivision Maps

- A. **Application.**
 - 1. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Subdivision Ordinance, requires the filing of a tentative tract map or tentative parcel map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.
 - 2. If an applicant 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.
- B. **Filing and processing.** A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports, and shall be processed in the same manner as set forth in the subdivision ordinance for a tentative map except as provided in Section 8.40.030.
- C. **Action on vesting subdivision map.** Within thirty days of finding a vesting tentative subdivision map application complete, the Review Authority shall consider and approve, conditionally approve, or disapprove the vesting tentative subdivision map. If the map is disapproved, the grounds for disapproval shall be stated.
- D. **Vesting on approval of vesting tentative subdivision map.**
 - 1. 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 subdivision 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 vesting tentative map is approved or conditionally approved.
 - 2. Notwithstanding Subsection 1, a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:
 - a. 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.

- b. The condition or denial is required, in order to comply with state or federal law.
 3. 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 Subsection G. If the final map is approved, these rights shall last for the following periods of time:
 - a. An initial time period of one year. 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.
 - b. The initial time period set forth in Subsection (a) 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.
 - c. An applicant may apply to the Community Development Director for a one year extension at any time before the initial time period set forth in Subsection (a) expires. If the extension is denied, the applicant may appeal that denial in compliance with Section 7.20 (Appeals).
 - d. If the applicant submits a complete application for a building permit during the periods of time specified in this Subsection, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.
- E. Development inconsistent with zoning - denial or conditional approval.**
1. Whenever an applicant files a vesting tentative subdivision map for a subdivision whose intended development is inconsistent with this Development Code 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 applicant, or their designee, obtaining the necessary change to this Development Code to eliminate the inconsistency. If the change to this Development Code is obtained, the conditionally approved vesting tentative map shall, notwithstanding Subsection 8.30.020.D, confer the vested right to proceed with the development in substantial compliance with the change to this Development Code and the map, as approved.
 2. The rights conferred by this Section shall be for the time periods set forth in Subsection 8.30.020.D.3.
- F. 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 Subsections 8.30.020.D and E, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.
- G. 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 Subsection 8.30.010.M for the expiration of the approval or conditional approval of a tentative map.

8.30.030 Parcel Maps

- A. **Filing - Processing - Appeals - Dedication acceptance.** The procedures for filing, processing, public notice and actions on tentative parcel maps shall be the same as provided in these regulations for tentative subdivision maps. A tentative or vesting tentative parcel map is not required provided a parcel map waiver is requested and findings made (subsection B).
- B. **Parcel Map Waiver.** An applicant may request the waiver of the requirement for a Parcel Map, and the waiver may be granted, in compliance with the Map Act (Section 66428), provided that the Director shall make the following findings that the parcel map complies with all applicable requirements of this Development Code and the Subdivision Map Act pursuant to the following:
1. Area
 2. Improvement and design of the subdivision.
 3. Floodwater drainage control.
 4. Appropriate improved public roads.
 5. Sanitary disposal facilities.
 6. Water supply availability.
 7. Environmental protection.
 8. All other applicable requirements of this Development Code and the Map Act.

8.40 Tentative Subdivision or Parcel Map, Tentative Parcel Map, and Vesting Tentative Subdivision Map, Vesting Tentative Parcel Map: Preparation, Form, and Other Requirements

Sections:

- 8.40.010 - Preparation and form of tentative subdivision or parcel map
- 8.40.020 - Information on tentative map
- 8.40.030 - Additional information on vesting tentative maps
- 8.40.040 - Other material to accompany tentative map
- 8.40.050 - Application requirement

8.40.010 Preparation and Form of Tentative Subdivision or Parcel Map

- A. Tentative subdivision or parcel maps shall provide the following:
 - 1. Shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record.
 - 2. The size of each sheet shall be 18 by 26 inches or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 025 millimeters. Larger page size may be accepted, but no larger than 24 by 36 inches.
 - 3. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this.
 - 4. 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.
 - 5. Shall be prepared by, or under the direction of, a registered civil engineer or licensed land surveyor.

8.40.020 Contents of Tentative Subdivision or Parcel Maps

- A. The Tentative maps shall contain all information required in Subdivision Map Act Sections 66445 through 66450.
- B. 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;
- C. Name and address of the person or entity which prepared the map and the applicable registration or license number and expiration date;
- D. Names and addresses of the applicant and all parties having a record title interest in the property being subdivided;

- E. 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;
- F. Topographic information with a reference to the source of the information. Contour lines shall be two-foot-intervals;
- G. The trunk location and dripline of trees eight inches diameter breast height (DBH). or greater indicating the species and if proposed to be removed or retained;
- H. 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;
- I. 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;
- J. 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;
- 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 each 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 Section 8.100 (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 impoundment's and similar features to the extent they affect the proposed use of the property;

8.40.030 Tentative Subdivision or Parcel Map, Tentative Parcel Map, and Vesting Tentative Subdivision Map, Vesting Tentative Parcel Map: Preparation, Form, and Other Requirements

- 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 sites for any proposed lot having an average cross slope of 10% or greater.

8.40.030 Additional Information on Vesting Tentative Subdivision or Parcel Maps

- A. At the time a vesting tentative subdivision or parcel map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Parcel / Subdivision Map".
- B. At the time a vesting tentative map is filed, an applicant 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, 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 as provided in Article IX Chapter 5 of the Municipal Code.
 - 5. Road improvement plans for all adjacent and interior roads.

8.40.040 Other Material to Accompany Tentative Subdivision or Parcel Map

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

- A. A vicinity map of appropriate scale showing sufficient adjoining territory to clearly indicate surrounding streets, other land in the applicant'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
- 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. If required by the City Engineer, a preliminary grading plan as provided in the grading ordinance as codified in Article IX, Chapter 5 of the Municipal Code;
- H. A soils engineering report, prepared by a civil engineer registered in the state and based upon adequate test borings, shall 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;

A subdivision where soil or geologic problems exist may be approved if the Review Authority determines recommended corrective measures are sufficient to prevent damage to structures or public improvements within or adjacent to the area to be subdivided. Recommended corrective measures may be required conditions of improvement plans and building permits.
- I. 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 Community Development Director. 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,
- J. Preliminary title report (current within six months);
- K. An authorization consenting to the proposed subdivision signed by all parties having a fee title interest in the property to be subdivided;
- L. Any other information which the Community Development or Public Works Director determines is necessary for full evaluation of the proposed subdivision.

8.40.050 Application Requirements

The applicant shall provide the Community Development Department with as many copies of the tentative map and supplementary material as requested by the Community Development Director.

8.50 Final Map Form, Preparation, and Other Requirements

Sections:

- 8.50.010 - General preparation requirements
- 8.50.020 - Reserved
- 8.50.030 - Title sheet of final map
- 8.50.040 - Statements, documents and other data to accompany final map
- 8.50.050 - Separated property
- 8.50.060 - Final parcel maps - Preparation

8.50.010 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 parcel or subdivision map. They shall be prepared in accordance with the Subdivision Map Act and the provisions set forth in this Section.

8.50.020 Reserved

8.50.030 Title Sheet of Final Tract Map

The title sheet of each final tract map shall contain:

- A. A title consisting of the number and name of the subdivision, if any, and the words "in the City of Grover Beach";
- 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 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. A 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 tract map, subject to the exceptions and under the conditions set out in Section 66436 of the California Government Code.
- 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. A basis of bearing shall be shown on every map containing a field survey. A basis of bearing is a line or record which has been reestablished based on points found on the line. The points shall be the same points used to identify the line on the map of record which shows the line's bearing;
- F. In case of dedication or offer of dedication, a statement signed and acknowledged by those parties having any record title interest in the real property subdivided, 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 council 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 certificates 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 certificate;
- G. The following certificates for execution as specified and as required by the State Subdivision Map Act.

1. CITY COUNCIL'S STATEMENT

I hereby certify that this subdivision was duly adopted and approved and (the dedication of all streets and easements shown hereon were accepted, accepted subject to improvement, rejected without prejudice) was accepted by the Council of the City of Grover Beach on _____, and that the City Clerk was duly authorized and directed to endorse hereon its approval of the same.

Dated: _____ City Clerk _____

2. PLANNING COMMISSION STATEMENT

This is to certify that I have examined this map and have determined that said map substantially conforms to the tentative map as approved _____, and the conditions thereon.

Dated: _____ Secretary of the Commission _____

3. SUBDIVISION MAP NO. _____ /OR PARCEL MAP AT _____

Being a subdivision of (or: adjustment of the lines between) brief legal..... in the City of Grover Beach, County of San Luis Obispo, State of California.

4. OWNER'S STATEMENT

(I, We), the undersigned, hereby certify that (I, We) (are, am) (all) the owner(s) of, and all record holder(s) of security interest in, and all parties having any record title in the real property included within the subdivision and project shown on this map, and that each of us does hereby consent to the filing and/or recordation of this map. And we hereby (add dedications or easement reservations or relinquishment of access rights. Must be specific as to type of dedication/easement and whether public or private).

We hereby dedicate to the public for public use and the benefit of the several public utility companies which are authorized to serve in said subdivision, easements for public utility purposes, delineated on said map as "Public Utility Easement" or P.U.E. by the City of Grover Beach or imposed thereon.

(owner) (owner)

Dated: _____

State _____

County of _____

On _____, _____, before me, the undersigned, a said state, personally appeared (owner's name(s)) personally known to me, or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) (is/are) subscribed to the within instrument and acknowledged to me that he, she, they) executed the same as owner (s). Witness my hand and official seal.

(notary signature) SEAL

5. ENGINEERS/SURVEYORS STATEMENT

This map was prepared by me or under my direction (and is based upon a field survey) (and was compiled from record data) in conformance with the Subdivision Map Act and local ordinances, at the request of (name) on (date). I hereby state that it conforms to the approved or conditionally approved tentative map, if any.

(name) R.C.E. (or L.S.) (expiration date) SEAL

6. MONUMENT STATEMENT

I, (engineer/surveyor's name) hereby state that all monuments are of the character and occupy the positions shown, (or that they will be set in such positions on or before date). The monuments shown hereon are (or will be) sufficient to enable the survey to be retraced.

Engineer/Surveyor signature SEAL

7. COUNTY RECORDER'S STATEMENT

Filed this ____ day of _____, __ at _____. in Book ____ of (Parcel) ____ Maps, at page ____ at the request of _____. Document No.: _____

Fee: _____

By: _____

County Recorder Deputy

8. UNPLOTTABLE EASEMENTS

There are certain unplottable easements affecting this property.

_____ (name) _____ document #1

9. CITY ENGINEER'S STATEMENT (SUBDIVISION MAPS ONLY)

I hereby certify that I have examined this Subdivision Map, that the subdivision as shown hereon is substantially the same as it appeared on the tentative map, that all provisions of the Subdivision Map Act and the Subdivision Ordinance of the City of Grover Beach have been complied with and that I am satisfied that this map is technically correct.

Date _____

City Engineer R.C.E. (expiration date)

10. CITY ENGINEER'S STATEMENT (PARCEL MAPS)

This map conforms to the requirements of the Subdivision Map Act and local ordinances.

Date _____

City Engineer R.C.E.

(expiration date)

8.50.040 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 as 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 review.
- C. If a noise analysis has been prepared, as provided in these regulations, this fact shall be noted on the final tract map, together with the date of the report. The City shall keep these reports on file for public inspection in the office of the City Engineer.
- D. A copy of the required covenants, conditions and restrictions shall be submitted with the final tract map.
- E. Copies of reference maps, deeds, traverses of the boundaries or of the parcels being created 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 financial mechanisms, 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 title report 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 title report shall be less than 10 days old.

8.50.050 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.

8.50.060 Final Maps – 4 Parcels or Less

Final maps shall substantially conform to the approved or conditionally approved tentative parcel map (except for parcel map waivers), shall be prepared in the manner required by the Subdivision Map Act and with the following exceptions, and shall comply with the requirements of this Section:

- A. Normally, a final parcel map shall be labeled by number(s) only,
- B. The certificate dedicating or offering dedication may be combined with the owner's certificate;
- C. There shall be a certificate for execution by the City Engineer certifying to the information of the sort contained in those certificates;
- D. The final map shall be based upon a field survey made in conformity with the Land Surveyor's Act.

8.60 Lot Line Adjustment

Sections:

- 8.60.010 - Application for lot line adjustment
- 8.60.020 - Criteria for lot line adjustment
- 8.60.030 - Procedures for lot line adjustment

8.60.010 Application for Lot Line Adjustment

Application for lot line adjustment shall be in the same form as prescribed for tentative parcel maps (see Section 8.40.010).

8.60.020 Criteria for Lot Line Adjustment

- A. The following criteria must be met for a lot line adjustment:
1. Adjustment must be made between four or fewer existing adjacent parcels,
 2. The land taken from one parcel is added to an adjacent parcel,
 3. A greater number of parcels than originally existed cannot be created,
 4. Lot line adjustment must be approved by the review authority.

The review authority shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to local zoning and building ordinances. The review authority shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to local zoning and building ordinances, or except to facilitate the relocation of existing utilities, infrastructure or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in the deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.

8.60.030 Procedures for Lot Line Adjustment

- A. The procedures for review and action on lot line adjustments shall be as provided in Section 8.30. Action of lot line adjustments shall be consistent with Table 8.1.
- B. Upon a determination by the review authority that the parcels resulting from the lot line adjustment will conform with this Development Code and the City's Building Codes, that the environmental protection measures established by the City will be complied with, and that the lot line adjustment will not result in a greater number of buildable parcels than originally existed, the lot line adjustment shall be approved.
- C. Conditions or exaction's imposed on the approval of a lot line adjustment shall be limited to those necessary to insure conformance with this Development Code and

the City's Building Codes, facilitate the relocation of existing utilities, infrastructure, and/or easements. Monuments shall be set at each new property corner.

- D. Upon acceptance of all statements, guarantees, and other documents which are required in conjunction with the lot line adjustment, the Public Works Director may file a certificate of compliance, 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.

8.70 Subdivision Design and Improvements

Sections:

- 8.70.010 - General considerations
- 8.70.020 - General requirements – Lots
- 8.70.030 - Lot dimensions
- 8.70.040 - Solar orientation
- 8.70.050 - Multiple frontages
- 8.70.060 - Depth-width relationship
- 8.70.070 - Lot lines
- 8.70.080 - Taxing district boundary
- 8.70.090 - Flag lots (deep lot subdivisions)
- 8.70.100 - General requirements – Streets
- 8.70.110 - Access restrictions
- 8.70.120 - Street names
- 8.70.130 - Slope easements
- 8.70.140 - Street types and requirements
- 8.70.150 - General requirement – Design Criteria and Improvement Standards
- 8.70.160 - Improvements

8.70.010 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 applicant must simultaneously consider such factors as terrain, solar exposure, 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.

8.70.020 General Requirements – Lots

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.

8.70.030 Lot Dimensions

Each lot shall have the minimum area and dimensions indicated in this Development Code for the zone in which it is located, unless otherwise increased by the provisions of this Chapter. Each lot shall front on a street, or approved ingress and egress easement.

8.70.040 Solar Orientation

The longest dimension of each lot should be oriented within thirty degrees of south, unless the applicant demonstrates that for certain lots:

- A. The lots are large enough to allow proper building orientation and maximum feasible control of solar exposure by the lot owner, regardless of lot orientation;
- B. Buildings will be constructed as part of the subdivision project (as in condominium or planned development), and the buildings themselves will be properly oriented, with adequate solar exposure;
- C. Topography makes variations from the prescribed orientation desirable to reduce grading or tree removal or to take advantage of a setting which favors early morning or late afternoon exposure, or where topographical conditions make solar energy unfeasible;
- D. The size of the subdivision in relation to surrounding streets and lots precludes desirable lot orientation.

8.70.050 Multiple Frontages

Single-family residential lots with frontage on more than one street are discouraged, except for corner lots or where topography makes a single frontage impractical. The City may require the release of access rights on one frontage which shall be noted on the subdivision map.

8.70.060 Depth-Width Relationship

Lots with a ratio of depth to width greater than three 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.

8.70.070 Lot Lines

- A. Lot lines should be at the top of slope banks.
- 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.
- C. On corner lots, the intersection lot lines adjacent to streets shall be rounded with a twenty-foot radius.

8.70.080 Taxing District Boundary

No lot shall be divided by a taxing district boundary.

8.70.090 Flag Lots (deep lot subdivisions)

- A. Flag lots may be approved for subdividing deep lots subject to the following findings (urban lot splits creating a flag lot shall comply with Section 8.160.020):
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 is justified by topographical conditions.
- B. Such subdivisions shall conform with the following:
1. The access way 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 of at least the minimum length required by these regulations for the zone in which it is located, plus the access way required to potential rear lots.
 3. The access way to the rear shall be a minimum 10 feet wide (developed to City standards) for residential zones, except where the access way is more than 150 feet long, it shall be at least 24 feet wide with 20 feet of pavement. For all other zones, the access way shall be at least 30 feet wide with a paved roadway at least 24 feet wide.
 4. Each lot shall have setbacks as required by this Development Code, including a 2 foot setback along any access way, whether easement or lot line.
 5. The lot farthest from the street shall own the access way. Other lots using the access way shall have an access and utility easement over it.

8.70.0100 General Requirements – Streets

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.

8.70.0110 Access Restrictions

Reserve strips of land to control access from adjoining property to public streets may be required by the City. Such reserve strips shall be at least one foot wide. They shall be

shown and clearly labeled on the final map. Access restrictions may also be incorporated by note on the map.

8.70.0120 Street Names

Streets which are continuations of existing streets shall have the same names. Streets which are not continuations or which have significantly changed alignments shall have names which 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. Street names shall be of beach or resort origin or shall honor a non-living individual of historic significance to the community.

8.70.0130 Slope Easements

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

8.70.0140 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 Director of Public Works.

8.70.0150 General Requirement – Design Criteria and Improvement Standards

The design criteria for subdivisions and the required physical improvements for them shall be in compliance with this Development Code, the City's grading ordinance, and other applicable regulations or standards.

8.70.0160 Improvements

Improvement work, including grading, shall not be commenced until plans for all such work have been approved by the City Engineer. All improvements shall be constructed under the inspection of and to the satisfaction of the City. Improvements to be installed by the applicant, in accordance with the subdivision standards established by the Public Works Department, include the following:

- A. Streets, curb, gutters, and sidewalks as required by the City Engineer.
- B. The applicant 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 applicant 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.
- 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 applicant 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.

Sewer lines need not be provided to lots which will be in perpetual open space use.

All sewer mains shall be located within a dedicated City street or alley or within a recorded easement. (The City may make available its powers of condemnation, if needed, to acquire a sewer easement for development of a subdivision. All costs shall be borne by the applicant.) 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 Department. Water service shall be stubbed to a meter vault at the front of each lot. Fire hydrants shall be installed according to the City's 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 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.
 4. Cable television service and fiber connection shall be provided.
 5. 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 applicant shall make all necessary arrangements with the utility companies for these facilities. The applicant 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.

8.80 Dedications

Sections:

- 8.80.010 - General requirements
- 8.80.020 - Offer to dedicate easements to remain open
- 8.80.030 - Waiver of direct street access
- 8.80.040 - Title insurance for dedication

8.80.010 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 applicant 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.

8.80.020 Offer to Dedicate Easements to Remain Open

If, at the time the final tract map or parcel map is approved, any of the easements set out in Section 66477.2 of the California Government Code are rejected, subject to California Code of Civil Procedure Section 771.010, the offers of dedication shall be irrevocable and

the Council may, by resolution at any later date and without further action by the applicant, 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.

8.80.030 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 tract 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.

8.80.040 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 policy of title insurance 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 applicant.

8.90 Subdivision Improvement Requirements

Sections:

- 8.90.010 - General requirements
- 8.90.020 - Preparation and form of improvement plans
- 8.90.030 - Grading plan
- 8.90.040 - Plan check fees
- 8.90.050 - Commencement of improvement work
- 8.90.060 - Inspection of improvement work
- 8.90.070 - Coordination of improvement work
- 8.90.080 - Improvements deferred or waived
- 8.90.090 - Over sizing improvements reimbursements
- 8.90.100 - Improvement agreement
- 8.90.110 - Form. Filing and term of improvement agreement
- 8.90.120 - Minimum agreement provisions
- 8.90.130 - Additional agreement provisions
- 8.90.140 - Improvement security required
- 8.90.150 - Form. Filing and term of improvement security
- 8.90.160 - Labor and materials
- 8.90.170 - Liability for alterations or changes
- 8.90.180 - Release of improvement security – Assessment District proceedings
- 8.90.190 - Release of improvement security – Completion of work
- 8.90.200 - Withholding building permits
- 8.90.210 - Acceptance of improvements
- 8.90.220 - Deferral of improvements for parcel maps

8.90.010 General Requirements

All improvements shall conform to these regulations and the subdivision standards. Improvement plans shall be completed by the applicant's civil 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.

8.90.020 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 applicant 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.

8.90.030 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.

8.90.040 Plan Check Fees

At the time of the submission of the final improvement plans, the applicant shall pay a fee for plan checking, in an amount established by the City's Master Fee Schedule.

8.90.050 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.

8.90.060 Inspection of Improvement Work

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

8.90.070 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.

8.90.080 Improvements Deferred or Waived

The Review Authority may defer or waive all or a portion of the improvements which would otherwise be required if the subdivision map is for the purpose of consolidating existing lots and unsubdivided parcels, eliminating abandoned streets or alleys, or adjusting boundaries, when there is not public need for such improvements, or such improvements are not immediately necessary.

8.90.090 Over Sizing Improvements Reimbursements

As a condition of approval of a tentative map, it may be required that improvements installed by the applicant 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 applicant, 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.

8.90.0100 Improvement Agreement

If the required improvements are not satisfactorily completed before a final map is filed, the applicant shall enter into an agreement with the City to make all improvements as may be required upon approval of such map.

8.90.0110 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 foregoing improvement agreement shall be complete and executed by the City Manager and on file with the city before the final map is filed for recording. The term of each improvement agreement filed pursuant to the provisions of this Section shall begin on the date of recording and end upon the date of completion and fulfillment of all terms and conditions contained therein, to the satisfaction of the Council.

8.90.0120 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 applicant's expense;
- B. A provision that the applicant 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 applicant shall complete all improvement work;
- D. A provision that, if the applicant 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 applicant, the City may, at its option, complete the required improvement work and the applicant 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 applicant 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.

8.90.0130 Additional Agreement Provisions

The foregoing 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, the City Manager, or the Public Works Director to carry out the intent and purposes of these regulations:

- A. Provision for the repair, at the applicant'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 applicant's expense;
- C. Mutually agreeable terms to improve, at some undetermined future date, easements offered and reserved for future public use at the applicant's expense; and providing that such improvements shall be secured by separate security in the manner prescribed in Section 8.90.140, and further providing that the requirements of this provision shall not delay the release of any other improvement security provided pursuant to Section 8.90.140;
- D. Provision for reimbursement to be paid the applicant under the provisions of the Subdivision Map Act;
- E. A provision that the applicant 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.

8.90.0140 Improvement Security Required

The applicant shall secure the foregoing improvement agreement in the amount of 100% of the amount determined by the City Engineer to be the total estimated cost of the improvements, including a factor for inflationary cost increases, and any additional act to be performed by the applicant under the foregoing improvement agreement, including a factor for inflationary cost increases, plus such additional amounts as the City Manager may determine are necessary to cover costs, reasonable expenses and fees, including

reasonable 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.

8.90.0150 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. (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, 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.

8.90.0160 Labor and Materials

When the improvement security provided pursuant to Section 8.90.140 is a surety bond, it shall be accompanied by a bond for the security of laborers and materialmen in an amount to be determined by the City Manager, but not less than 50 percent of the City Engineer's estimated cost of the improvements. When the improvement security is a cash deposit or an instrument of credit, such security shall include an additional amount necessary for the protection of laborers and materialmen, but in no event less than 50 percent of the City Engineer's estimated cost of the improvements.

8.90.0170 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.

8.90.0180 Release of Improvement Security – Assessment District Proceedings

If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and payment bond required by the special assessment act being used, the

improvement security to the applicant may be reduced by the Council by an amount corresponding to the amount of such financial instruments furnished by the contractor.

8.90.0190 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.
- B. The Council shall, upon report by the City Engineer, accept and certify the satisfactory completion of improvement work prior to any release of improvement security covering such work.

8.90.0200 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 Public Works Director; provided, however, building permits and entitlement may be issued for the development of a lot designated as a model home site when the Public Works Director determines the following and executes a City Early Construction Agreement:

- 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.

8.90.0210 Acceptance of Improvements

After the final parcel map or final tract 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 applicant 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. Parcel map improvements may be accepted by the Public Works Director; tract map improvements will be accepted by the Council.

8.90.0220 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 finds 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.

8.100 Subdivision Exceptions

Sections:

- 8.100.010 - Exception authority
- 8.100.020 - Required findings and conditions
- 8.100.030 - Filing applications – Form and content
- 8.100.040 - Commission or Public Works Director action
- 8.100.050 - Council actions

8.100.010 Exception Authority

Upon the recommendation of the Commission or Public Works Director, or upon its sole determination, the Council 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 this Development Code.

8.100.020 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 applicant of strict or literal compliance with the regulations is not the sole reason for granting the modification;
 - 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 Council 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.

8.100.030 Filing Applications – Form and Content

- A. Applications for exceptions shall be filed, in writing, by the applicant with the Community Development Director, 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.

8.100.040 Commission or Public Works Director Action

The Commission (tract map) or Public Works Director (parcel map) shall separately consider any request for an exception and shall recommend approval or conditional approval only after determining that findings can be made which substantiate the criteria set out in Section 8.70.010.

8.100.050 Council Action

Within 30 days of its receipt of the Commission's recommendation, the City Council shall consider and approve, conditionally approve, or deny the request for exceptions.

8.110 Reversion to Acreage

Sections:

8.110.010 - Procedures for Reversion To Acreage

8.110.010 Procedures for Reversion To Acreage

This Section is intended to enable the aggregation of subdivided real property. Reversion to acreage shall be completed consistent with Subdivision Map Act section 66499.11 through 66499.20.3

8.120 Lot Merger

Sections:

8.120.010 - Procedures for lot merger

8.120.010 Procedures for Lot Merger

Lot mergers shall be completed consistent with Subdivision Map Act Section 66451.

8.130 Condominium Conversions

Sections:

- 8.130.010 - Purpose and intent
- 8.130.020 - Applicability of other laws
- 8.130.030 - Provisions to govern condominium conversion projects
- 8.130.040 - Application requirements

8.130.010 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 multi-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.

8.130.020 Applicability of Other Laws

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

8.130.030 Provisions to Govern Condominium Conversion Projects

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

8.130.040 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;

8.140 Fees

Sections:

8.140.010 - Council Authority

8.140.010 Council Authority

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

8.150 Enforcement

Sections:

- 8.150.010 - Generally
- 8.150.020 - Illegal subdivisions – Notification of Public Works Director required
- 8.150.030 - Certificate of compliance – Application – Fee
- 8.150.040 - Certificate of compliance – Application – Determination
- 8.150.050 - Certificate of compliance – Recordation
- 8.150.060 - Illegal subdivision – Permit issuance prohibited

8.150.010 Generally

Except as otherwise provided in this Chapter, the Public Works Director is authorized and directed to enforce the regulations set out in this Chapter and the Subdivision Map Act for subdivision within the City.

8.150.020 Illegal Subdivisions – Notification of Public Works Director 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 so notify the Public Works Director. Upon receipt of the information, the Public Works Director shall file the notices required by the Subdivision Map Act.

8.150.030 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 Public Works Director, who shall be responsible for the issuance and recordation of the same. The form of the application shall be prescribed by the Public Works Director.
- B. A non-refundable 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.

8.150.040 Certificate of Compliance – Application – Determination

- A. Within fifteen days after the filing of the application for a certificate of compliance, the Public Works Director 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 Public Works Director 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.

- C. If the application for a certificate of compliance is to be conditionally granted, the Public Works Director 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.

8.150.050 Certificate of Compliance – Recordation

- A. The certificate of compliance shall be filed for recording with the County Recorder by the Public Works Director. 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 Public Works Director.
- C. If the application for a certificate of compliance is to be conditionally granted, the Public Works Director 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.

8.150.060 Illegal Subdivision – 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.

8.160 Urban Lot Splits

Sections:

- 8.160.010 – Authority and Purpose
- 8.160.020 – Subdivision Standards
- 8.160.030 – General Requirements and Restrictions
- 8.160.040 – Approval Process

8.160.010 Authority and Purpose

- A. The purpose of this Section is to implement the provisions of California Government Code Sections 66452.6, 65852.21, and 66411.7 regarding the allowance for urban lot splits and establishment of more than one dwelling unit on properties in zones formerly limiting development to a single primary dwelling unit, specifically the R1, CR1, and CPR1 zones. Urban lot splits shall comply with the subdivision standards and general requirements and restrictions set forth in this Section.

8.160.020 Subdivision Standards

The following objective subdivision standards supersede any other standards to the contrary that may be provided in this Development Code, as they pertain to creation of an urban lot split under Section 66411.7 of the Government Code.

- A. Flag/Corridor Lots. The access corridor of a flag/corridor lot parcel shall be in fee as part of the parcel and/or as an easement and shall be a minimum width of 14 feet, or 10 feet for lots with a depth of 200 feet or less.
- B. Public Access. Each existing and newly created lot shall have access to a public street. Such access may be provided via an easement of a minimum width 14 feet, or 10 feet for lots with a depth of 200 feet or less, or as a flag/corridor lot.
- C. Lot Lines. The side lines of all lots shall be at right angles, to the maximum extent feasible, to streets or radial to the centerline of curved streets.
- D. Minimum Lot Size. Each new parcel created shall be approximately equal in lot area, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision. In no event shall any new parcel be less than 1,200 square feet in lot area. The minimum lot area for a flag/corridor lot shall be exclusive of the access corridor portion of the flag lot.
- E. Minimum Lot Width. Each new parcel shall maintain a minimum lot width of 35 feet.
- F. Number of Lots. The parcel map to subdivide an existing parcel shall create no more than two new parcels.

8.160.030 General Requirements and Restrictions

The following requirements and restrictions apply to all proposed urban lot splits:

- A. **Adjacent Parcels.** Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously conducted an urban lot split to create an adjacent parcel as provided for in this Section.
- B. **Dedication and Easements.** The City Engineer shall not require dedications of rights-of-way nor the construction of offsite improvements as part of the urban lot split. However, the City Engineer may require recording of easements necessary for the provision of future public services, facilities, and future public improvements. This subsection does not preclude the requirement for dedications and off-site improvements required as part of the building permit process.
- C. **Existing Structures.** Existing structures located on a parcel subject to an urban lot split shall not be subject to a setback requirement. However, any such existing structures shall not be located across the shared property line resulting from an urban lot split unless the structure is converted to an attached unit. All other existing structures shall be modified, demolished, or relocated prior to recordation of a parcel map.
- D. **Grading.** All grading activity shall comply with Section 5.50 (Grading and Drainage).
- E. **Intent to Occupy.** The applicant shall submit a signed affidavit to the Community Development Director attesting that the applicant intends to occupy one of the newly created parcels as his/her principal residence for a minimum of three years from the date of the approval of the urban lot split or certificate of occupancy, whichever is later. This requirement shall not apply to an applicant that is a "community land trust," as defined clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the California Revenue and Taxation Code, or a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.
- F. **Utility Connections.** Any and all existing units on a newly created lot shall be required to have their own utility connections and shall not share connections with any units on adjacent lots.
- G. **Nonconforming Conditions.** The City shall not require, as a condition of approval, the correction of nonconforming zoning conditions. However, no new nonconforming conditions shall result from the urban lot split other than interior side and rear setbacks as set forth for the applicable zone as required by this Development Code.
- H. **Number of Remaining Units.** No parcel created through an urban lot split shall be allowed to include more than two existing dwelling units as defined by Government Code section 66411.7(j)(2). Any excess dwelling units that do not meet these requirements shall be relocated, demolished, or otherwise removed prior to approval of a parcel map.
- I. **Prior Subdivision.** A parcel created through a prior urban lot split may not be further subdivided under the provisions of these regulations. The applicant shall submit a signed covenant to the Community Development Director documenting this

restriction. The covenant shall be recorded on the title of each parcel concurrent with recordation of the parcel map.

- J. Restrictions on Demolition. The proposed urban lot split shall not require the demolition or alteration of any of the following types of housing:
 - 1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; or
 - 3. Housing that has been occupied by a tenant in the last three years.
- K. Stormwater Management. The development shall comply with Chapter 5.60 (Stormwater Construction and Post-Construction Management).
- L. Utility Providers. The requirements of the parcel's utility providers shall be satisfied prior to recordation of a parcel map.

8.160.040 Approval Process

Applications for urban lot splits shall be submitted and processed in compliance with the following requirements:

- A. Application Type. Urban lot splits require a parcel map application and a Zoning Clearance which shall be reviewed ministerially for compliance with the applicable regulations. A parcel map waiver shall not be permitted.
- B. Application Filing. The parcel map application, including the required application materials and fees, shall be filed with the Community Development Department.
- C. Development. Development on the resulting parcels is limited to the project approved by the two-unit housing development process, as allowed by this Section and Section 4.25.060 (Two-Unit Housing Developments in the R1, CR1, and CPR1 zones).
- D. Denial. The Building Official may deny an urban lot split only if the Building Official makes a written finding, based upon a preponderance of the evidence, that an urban lot split or two-unit housing development located on the proposed new parcels would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.