



City of Santa Barbara

SUBDIVISION ORDINANCE* (EXCERPT)

TITLE 27 SUBDIVISIONS

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CHAPTER 27.01 GENERAL PROVISIONS

Sections:

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27.01.010 Title.

This title shall be known as the "Subdivision Ordinance of the City of Santa Barbara". (Ord. 3790 §1, 1975.)

27.01.020 Authority.

(a) This ordinance is adopted pursuant to the Subdivision Map Act of the State of California, Title 7, Division 2 of the Government Code, commencing with Section 66410 (hereinafter referred to as the Subdivision Map Act).

(b) Any amendments to the Subdivision Map Act, adopted subsequent to the effective date of this ordinance, shall not invalidate any provisions of this ordinance. Any amendments to the Subdivision Map Act that may be inconsistent with this ordinance shall govern.

(c) This ordinance shall govern in relation to all other ordinances of the City of Santa Barbara and rules and regulations pursuant thereto. In the event of any inconsistency or conflict between the provisions of this ordinance and other provisions of the Municipal Code, the most restrictive shall prevail. (Ord. 3790 §1, 1975.)

27.01.030 Coverage.

(a) This ordinance supplements the Subdivision Map Act, prescribing rules, regulations and procedures authorized therein.

(b) The necessity for tentative maps, final maps and parcel maps shall be governed by this section and the Subdivision Map Act.

(c) For subdivisions creating five (5) or more parcels or units, a tentative map and a final map or parcel map shall be required pursuant to this ordinance and the Subdivision Map Act.

(1) A tentative map and a final map shall be required for all such subdivisions except those coming within the exceptions set forth in Section 66426 of the Subdivision Map Act.

(2) A tentative map and a parcel map shall be required for all such subdivisions coming within the exceptions set forth in Section 66426 of the Subdivision Map Act.

(d) For subdivisions creating fewer than five (5) parcels or units, a tentative map and a parcel map shall be required containing the information specified by this ordinance and the Subdivision Map Act. Said parcel map shall be filed and recorded according to the procedure set forth in this ordinance.

(e) No tentative map, final map or parcel map shall be required for those specific types of subdivisions exempted by Sections 66412 and 66428 of the Subdivision Map Act.

(f) No tentative map, final map or parcel map shall be required for land conveyed to a public agency or public utility when such conveyance is for public use. (Ord. 3790 §1, 1975.)

27.01.040 Enforcement.

(a) It is unlawful for any person, firm, corporation, partnership or association to offer to sell or lease, contract to sell or lease any subdivision or any part thereof until a final map or a parcel map thereof, in full compliance with the provisions of this ordinance and the Subdivision Map Act, has been duly recorded in the Office of the County Recorder.

(b) Any person, firm, corporation, partnership or association who violates the provisions of this ordinance or any conditions imposed by this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned for a period not exceeding six (6) months or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall be punishable as such hereunder.

(c) The Public Works Director shall have the authority to enforce the provisions of this ordinance and the Subdivision Map Act in the City of Santa Barbara.

(d) The City Attorney is authorized to maintain an action to restrain or enjoin any action in violation of this ordinance or the Subdivision Map Act or any of the terms and conditions imposed on the approval of any tentative, final or parcel map.

(e) All departments, officials and public employees of the City, vested with the duty or authority to approve or issue permits, shall conform to the provisions of this ordinance and shall neither approve nor issue any permit or license for use, construction, or purpose in conflict with the provisions of this ordinance. Any such permit or license issued in conflict with the provisions of this ordinance shall be null and void.

(f) Pursuant to Section 66499.35 of the Subdivision Map Act, any person owning real property, or a vendee of that person pursuant to a contract of sale of the real property, may request a certificate of compliance to determine whether such real property complies with this ordinance and the Subdivision Map Act. Applications for certificates shall be filed with the City Engineer who shall be responsible for the issuance and recordation of same. The form of the application shall be prescribed by the City Engineer. A non-refundable fee in an amount established by resolution of the City Council shall accompany the application for each lot or parcel for which a certificate is sought. Applications for certificates of compliance shall be processed in accordance with the provisions of section 66499.35 of the Subdivision Map Act.

(g) Any officer or employee of the City who has knowledge that real property has been divided in violation of the Subdivision Map Act or this ordinance shall immediately notify the City Engineer. Upon receipt of said information, the City Engineer shall file with the County Recorder the notice of violation required by Chapter 7 of the Subdivision Map Act.

(h) **Illegal subdivisions:** No board, commission, officer or employee of the City shall issue any certificate, 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 ordinance. Any such certificate, permit or grant issued in conflict with the provisions of this ordinance or the Subdivision Map Act shall be null and void.

(i) To the extent permissible by the Subdivision Map Act, the aforementioned provisions of this ordinance shall not apply to any subdivision for which a tentative map has been filed with the Community Development Department prior to the effective date of this ordinance when either of the following conditions exists on said effective date:

(1) The tentative map is under consideration by the Advisory Agency or City Council and has not been acted upon by the Council; or

(2) The tentative map has been approved by the City Council, no final map or parcel map thereof has been filed, and said approval, or any extension thereof, has not expired by lapse of time.

As to any such subdivision, the final map or parcel map shall be filed and processed as provided herein, but in all other respects said subdivision, to the extent permitted by the Subdivision Map Act, shall be governed by the provisions of this ordinance as it read on the day immediately preceding the effective date of this ordinance; provided, that the approval or conditional approval given to maps described in (1) above after the effective date of this ordinance shall expire eighteen (18) months after said approval and shall not thereafter be extended, and the approval given to maps described in (2) above shall not hereafter be extended. (Ord. 5380, 2005; Ord. 3790 §1, 1975.)

27.01.050 Severability.

(a) If any article, section, subsection, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, or other competent agency, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each article, section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one (1) or more articles, sections, subsections, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(b) If the application of any provision or provisions of this ordinance to any person, property or circumstances is found to be unconstitutional or invalid or ineffective in whole or in part by any court of competent jurisdiction, or other competent agency, the effect of such decision shall be limited to the person, property or circumstances immediately involved in the controversy, and the application of any such provision to other persons, properties and circumstances shall not be affected.

(c) This section shall apply to this ordinance as it now exists and as it may exist in the future, including all modifications thereof and additions and amendments thereto. (Ord. 3790 §1, 1975.)

**CHAPTER 27.02
DEFINITIONS**

Sections:

27.02.010	General.	27.02.103	Lot Line Adjustment.
27.02.015	Advisory Agency.	27.02.105	Organizational Documents.
27.02.020	Agent.	27.02.110	Owner.
27.02.025	Appeal Board.	27.02.120	Parcel.
27.02.030	Association.	27.02.140	Project.
27.02.036	Common Area.	27.02.150	Public Utilities.
27.02.038	Common Interest Development.	27.02.155	Public Works Director.
27.02.040	Community Apartment.	27.02.165	Recreational Open Space.
27.02.050	Condominium.	27.02.168	Staff Hearing Officer.
27.02.080	Condominium Unit.	27.02.170	Stock Cooperative.
27.02.090	General Plan.	27.02.180	Tree.
27.02.100	Lot.		

27.02.010 General.

In addition to the terms defined in Article 2, Chapter 1 of the Subdivision Map Act, the following definitions shall apply. (Ord. 3952 §1, 1978; Ord. 3790 §1, 1975.)

27.02.015 Advisory Agency.

Advisory Agency is the designated official or the official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps. As specified in Chapter 27.03, the Planning Commission and the Staff Hearing Officer shall serve as the Advisory Agency for the City of Santa Barbara. (Ord. 5380, 2005.)

27.02.020 Agent.

Any person, firm, partnership, association, joint venture, corporation or any other entity or combination of entities who represent or act for or on behalf of a developer in selling or offering to sell any subdivision unit. (Ord. 3952 §1, 1978; Ord. 3790 §1, 1975.)

27.02.025 Appeal Board.

The Appeal Board is the official body charged with the duty of hearing and making determinations upon appeals with respect to divisions of real property, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements, or both, recommended or decided by the Advisory Agency. As specified in Chapter 27.03, the Planning Commission and the City Council shall serve as the Appeal Board for the City of Santa Barbara. (Ord. 5380, 2005.)

27.02.030 Association.

Association means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development. (Ord. 5380, 2005; Ord. 3952 §1, 1978; Ord. 3790 §1, 1975.)

27.02.036 Common Area.

Common Area means the entire common interest development except the separate interests therein. (Ord. 5380, 2005; Ord. 3952 §1, 1978.)

27.02.038 Common Interest Development.

Common interest development means any of the following: (1) a community apartment project, (2) a condominium project, (3) a planned development, or (4) a stock cooperative. (Ord. 5380, 2005.)

27.02.040 Community Apartment.

As defined in Section 11004 of the Business and Professions Code. (Ord. 3952 §1, 1978; Ord. 3790 §1, 1975.)

27.02.050 Condominium.

As defined in Sections 783 and 1351 of the Civil Code. (Ord. 5380, 2005; Ord. 3952 §1, 1978; Ord. 3790 §1, 1975.)

27.02.080 Condominium Unit.

Condominium Unit means a separate interest in space in a condominium project not owned in common with the owners of other condominiums in the condominium project. (Ord. 5380, 2005; Ord. 3952 §1, 1978; Ord. 3790 §1, 1975.)

27.02.090 General Plan.

The comprehensive General Plan of the City of Santa Barbara together with all specific plans adopted by the City Council. (Ord. 3952 §1, 1978; Ord. 3790 §1, 1975.)

27.02.100 Lot.

A parcel of land created in conformance with the provisions of the Subdivision Map Act and this Title 27, or that was created in compliance with or exempt from any law, including any City ordinance, regulating the design and improvement of subdivisions in effect at the time the subdivision was established. All newly created lots shall contain at least one building site that complies with the requirements of the Zoning Ordinance and the General Plan. Any parcel hereafter created by lot line adjustment or by division or sale of property not in conformance with the provisions of the Subdivision Map Act and this Title 27 shall not be deemed a lot. (Ord. 5380, 2005; Ord. 3952 §1, 1978; Ord. 3790 §1, 1975.)

27.02.103 Lot Line Adjustment.

A lot line adjustment is the adjustment of the boundary of existing parcels where the number of parcels existing after the adjustment is the same as the number of parcels that existed prior to the adjustment. (Ord. 5380, 2005.)

27.02.105 Organizational Documents.

Organizational Documents are the Declaration of Covenants, Conditions, and Restrictions, articles of incorporation, by-laws, and any contracts for the maintenance, management, or operation of all or any part of a project. (Ord. 3952 §1, 1978.)

27.02.110 Owner.

Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence, maintain and complete proceedings to subdivide the same under this ordinance. (Ord. 3952 §1, 1978; Ord. 3790 §1, 1975.)

27.02.120 Parcel.

A general term including all plots of land shown with separate identification on the latest Equalized County Assessment Roll. Parcels may or may not be lots, depending upon whether or not such parcels are created as herein provided. (Ord. 3952 §1, 1978; Ord. 3790 §1, 1975.)

27.02.140 Project.

For purposes of this Title 27, project means a common interest development or a subdivision. (Ord. 5380, 2005; Ord. 3952 §1, 1978; Ord. 3790 §1, 1975.)

27.02.150 Public Utilities.

The general classification for public water, gas, sewer, electrical, cable television and telephone lines and facilities; does not include natural or improved drainage facilities. (Ord. 3952 §1, 1978; Ord. 3790 §1, 1975.)

27.02.155 Public Works Director.

Public Works Director means the Public Works Director or any of his or her deputies or assistants. (Ord. 5380, 2005; Ord. 3952 §1, 1978.)

27.02.165 Recreational Open Space.

Recreational Open Space is open space on the project (exclusive of the required front setback area and driveway), which shall be used exclusively for leisure and recreational purposes, for the use and enjoyment of occupants (and their visitors) of units on the project and to which such occupants (and their visitors) shall have the right of use and enjoyment. Accessory structures such as swimming pools, recreational buildings, and landscaped areas may be included as open space. (Ord. 3952 §1, 1978.)

27.02.168 Staff Hearing Officer.

The Staff Hearing Officer means the Community Development Director or his or her designee. For purposes of this Title 27, the Staff Hearing Officer shall serve as the Advisory Agency for the City as specified in Chapter 27.03. (Ord. 5380, 2005.)

27.02.170 Stock Cooperative.

Stock cooperative means a development in which a corporation is formed or availed of, primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. (Ord. 5380, 2005; Ord. 3952 §1, 1978; Ord. 3790 §1, 1975.)

27.02.180 Tree.

A woody, self-supporting, main trunk, perennial plant. (Ord. 5380, 2005; Ord. 3952 §1, 1978; Ord. 3790 §1, 1975.)

**CHAPTER 27.03
GENERAL PROCEDURAL PROVISIONS**

Sections:

27.03.010	Advisory Agency.	27.03.030	Public Hearing Procedures.
27.03.020	Appeal Board.	27.03.040	Fees.

27.03.010 Advisory Agency.

The Planning Commission or the Staff Hearing Officer shall serve as the Advisory Agency for the City of Santa Barbara as designated below:

A. **THE PLANNING COMMISSION.** The Planning Commission is hereby designated as the Advisory Agency for the purposes of this Title 27 and the Subdivision Map Act, except as such duties are assigned to the Staff Hearing Officer pursuant to Subsection B below.

B. **THE STAFF HEARING OFFICER.** The Staff Hearing Officer is hereby designated as the Advisory Agency for the purposes of this Title 27 and the Subdivision Map Act for the following types of applications, unless the application requires another discretionary approval from the Planning Commission under any other provision of this Code:

1. Lot line adjustments between four (4) or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.

2. Subdivisions that will result in four (4) or fewer parcels or condominium units, unless any of the following conditions apply to the application:

a. Any portion of the real property within the proposed subdivision is located in a Hillside Design District, as defined in Chapter 22.68 of this Code;

b. The proposed subdivision requires a public street waiver pursuant to Section 22.60.300 of this Code; or

c. Any of the following creeks traverse or are immediately adjacent to the proposed subdivision: Arroyo Burro Creek, Arroyo Hondo Creek, Cieneguitas Creek, Laguna Creek/Channel, Lighthouse Creek, Mission Creek or Sycamore Creek, or their tributaries as shown on the City of Santa Barbara Creek and Tributaries Map for Tentative Subdivision Maps that require Planning Commission action adopted by resolution of the City Council.

3. Residential condominium conversions pursuant to Chapter 28.88 of this Code involving four (4) or fewer residential units.

4. New commercial condominiums of up to 3,000 square feet of floor area.

5. Non-residential condominium conversions.

6. Requests for extensions of the time at which an approved tentative map expires for all approved tentative maps. (Ord. 5380, 2005.)

27.03.020 Appeal Board.

The Planning Commission or the City Council shall serve as the Appeal Board for the City of Santa Barbara as designated below:

A. **THE PLANNING COMMISSION.** The Planning Commission is hereby designated as the Appeal Board charged with the duty of hearing and making determinations upon appeals from decisions of the Staff Hearing Officer serving as the Advisory Agency. Decisions of the Planning Commission acting as the Appeal Board may be appealed to the City Council.

B. **THE CITY COUNCIL.** The City Council is hereby designated as the Appeal Board charged with the duty of hearing and making determinations upon appeals from decisions of the Planning Commission serving as the Advisory Agency or the Appeal Board. (Ord. 5380, 2005.)

27.03.030 Public Hearing Procedures.

Whenever a provision of this Title 27 or the Subdivision Map Act requires a public hearing, notice of such public hearing shall comply with the following provisions:

A. **REQUIRED METHODS OF NOTICE.** Notice shall be given in each of the following ways:

1. Notice of the hearing shall be sent by first class mail at least 10 calendar days prior to the hearing to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant; and

2. Notice of the hearing shall be sent by first class mail at least 10 calendar days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing. If the number of owners to whom notice would be mailed pursuant to this paragraph is greater than 1,000, the City, in lieu of mailed notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least 10 calendar days prior to the hearing; and

3. Notice of the hearing shall be published once in a newspaper of general circulation within the City at least 10 calendar days prior to the hearing.

B. **SUPPLEMENTAL METHODS OF NOTICE.** In addition to the required methods of notice specified in Subsection A above, the City may also require notice of the hearing in any other manner it deems necessary or desirable, including, but not limited to, posted notice on the project site. Such additional noticing methods are only intended to supplement the required methods of notice specified in Subsection A above, and the claim of any person or entity that they did not receive such supplemental notice or that supplemental notice was not given pursuant to this Subsection B shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

C. **CONTENT OF NOTICE.** The notice shall include all of the following information:

1. The date, time, and place of the public hearing;

2. The identity of the hearing body or officer;

3. A general explanation of the matter to be considered; and

4. A general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing.

D. **REQUEST FOR NOTICE.** When a provision of this Chapter or the Subdivision Map Act requires a public hearing, notice of such public hearing shall also be mailed at least 10 days prior to the hearing to any person who has filed a written request for notice with either the City Clerk or with any other person designated to receive such requests. The City may charge a fee for providing this service as set by resolution of the City Council. Any request to receive such notice shall be renewed annually. The members of the Planning Commission shall receive notice of all public hearings scheduled before the Staff Hearing Officer.

E. **CONTINUANCES.** Any public hearing noticed pursuant to this Section may be continued to a time certain without further notice. (Ord. 5380, 2005.)

27.03.040 Fees.

A processing fee in an amount established by resolution of the City Council shall be paid for every application filed pursuant to this Title 27. Such fee will be due and payable at the time the application is filed unless another time is specified by this Code or by resolution of the City Council. This processing fee shall be charged in addition to any other fees required by any other provision of this Code. (Ord. 5380, 2005.)

**CHAPTER 27.04
SPECIAL PROVISIONS**

Sections:

27.04.010 Special Treatment Areas.

27.04.010 Special Treatment Areas.

The City Council has recognized that the general provisions, definitions, procedures, improvements and design requirements, standards and principles set out in this ordinance, although adequate for most subdivisions, need modification and supplementation to protect and preserve the public health, safety, welfare and/or wildlife in regard to certain areas. The Council further recognized that when many areas are subdivided or developed such features as hillside terrain, special soil and geologic conditions, water frontage, highly combustible native vegetation and other conditions may cause one or more serious consequences such as increased fire, flood and erosion hazards, traffic circulation problems, property damage from expansive soil, slippage, subsidence, or seismic disturbance, and adverse effects on the economy of the community from destruction of the natural scenic beauty. Therefore, upon a finding of Council that any of the aforementioned conditions do exist, a parcel or parcels may be designated a special treatment area subject to the special terms, requirements and conditions established by the City Council or the Advisory Agency. Determination of special treatment consideration shall occur prior to the filing date for the tentative map. (Ord. 3790 §1, 1975.)

**CHAPTER 27.05
DEDICATIONS AND RESERVATIONS**

Sections:

27.05.010 Public Easements.

27.05.030 Reservations.

27.05.020 School Site Dedication.

27.05.010 Public Easements.

(a) Public Easements. As a condition of approval of a map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision or development that are needed for streets, alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements. The subdivider shall improve or agree to improve all streets, alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements.

(b) Bicycle Paths. As a condition of approval of a map containing two hundred (200) or more parcels, whenever the subdivider is required to dedicate roadways to the public pursuant to §27.05.010(a), he may also be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision.

(c) Waiver of Direct Access to Streets. A condition of approval of a map may impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to such street from any property shown on a final map 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. (Ord. 3790 §1, 1975.)

27.05.020 School Site Dedication.

As a condition of approval of a map, the subdivider may be required to dedicate to the school district, or districts, within which the subdivision is to be located, such land as the City Council shall deem to be necessary for the purpose of constructing thereon such elementary schools as are necessary to assure the residents of the subdivision adequate public school service. The procedures and conditions of such dedication shall be in accordance with Article 3 of Chapter 4 of the Subdivision Map Act. (Ord. 3790 §1, 1975.)

27.05.030 Reservations.

(a) Requirements. As a condition of approval of a map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses according to the standards and formula contained in this section.

(b) Standards and Formula for Reservation of Land. Where a park, recreational facility, fire station, library, or other public use is shown on an adopted specific plan or adopted General Plan containing a community facilities element, recreation and parks element and/or a public building element, the subdivider may be required by the City to reserve sites as so determined by the City in accordance with the definite principles and standards contained in the above specific plan or General Plan. The reserved area must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The reserved area shall conform to the adopted specific plan or General Plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.

(c) Procedure. The public agency for whose benefit an area has been reserved shall at the time of approval of the final map or parcel map enter into a binding agreement to acquire such reserved area within two (2) years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement.

(d) Payment. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

(e) Termination. If the public agency for whose benefit an area has been reserved does not enter into such a binding agreement, the reservation of such area shall automatically terminate. (Ord. 3790 §1, 1975.)

**CHAPTER 27.06
PUBLIC FACILITIES FEES**

Sections:

27.06.010 Drainage and Sewer Facilities.

27.06.020 Bridge Crossings and Major Thoroughfares.

27.06.010 Drainage and Sewer Facilities.

(a) Payment of Fees Required. Prior to filing of any final map or parcel map, the subdivider shall pay or cause to be paid any fees for defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas or sanitary sewer facilities for local sanitary sewer areas established pursuant to Section 66483 of the Government Code. (Ord. 3790 §1, 1975.)

27.06.020 Bridge Crossings and Major Thoroughfares.

(a) Purpose. The purpose of this section is to make provision for assessing and collecting fees as a condition of approval of a final map or as a condition of issuing a building permit for the purpose of defraying the actual or estimated costs of constructing bridges or major thoroughfares pursuant to Section 66484 of the Government Code.

(b) Payment of Fees Required. Prior to filing any final map or parcel map, the subdivider shall pay or cause to be paid any fees established by the City pursuant to Section 66484 of the Government Code to defray the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares. (Ord. 3790 §1, 1975.)

**CHAPTER 27.07
TENTATIVE MAPS**

Sections:

27.07.010	General.	27.07.080	Advisory Agency Action.
27.07.020	Pre-Application Conference.	27.07.090	Appeals and Suspensions.
27.07.030	Tentative Map Requirements.	27.07.100	Requirements for Approval.
27.07.040	Non-Compliance.	27.07.110	Expiration and Extensions of Tentative Maps.
27.07.050	Optional Report.		
27.07.070	Staff Review and Referral.		

27.07.010 General.

All divisions of land that require a final or parcel map pursuant to any provision of this Title 27 or the Subdivision Map Act shall require the submission of a tentative map. The procedures set forth in this chapter shall govern the filing, processing, approval, conditional approval or disapproval of tentative maps for all divisions of land. (Ord. 5380, 2005; Ord. 4494, 1988; Ord. 3790, 1975.)

27.07.020 Pre-Application Conference.

Prior to the filing of a tentative map for a project where the Planning Commission is designated as the Advisory Agency pursuant to Section 27.03.010, the subdivider shall apply to the Community Development Department for conceptual evaluation by the Pre-Application Review Team of a preliminary map, plan or other data concerning a proposed subdivision. This conceptual review does not constitute a filing. The Pre-Application Review Team, whose membership is outlined in Section 27.07.070(b), sits at such time only to advise the developer in proceeding with his project. (Ord. 5380, 2005; Ord. 4494, 1988; Ord. 3790, 1975.)

27.07.030 Tentative Map Requirements.

(a) Tentative maps shall be prepared by a registered civil engineer, or licensed surveyor, or by a licensed architect insofar as such maps fall within the practice of architecture.

(b) The tentative map shall be clearly and legibly drawn. The dimensions of the map shall be eighteen inches (18") by twenty-six inches (26") or multiples thereof. The scale of the map shall be large enough (not smaller than one inch (1") equals one hundred feet (100')) to show clearly all details thereof, and shall contain the following information:

(1) Total acreage of the subdivision; subdivision number; north point; basis of elevation (using the City datum) and the basis of bearing used in survey; scale; date; boundary lines; existing and proposed lot lines; approximate dimensions and areas of proposed lots; proposed land use; land use zone district; identification of adjoining subdivisions or parcels.

(2) Name, address, telephone number and signature of the owner and subdivider; name, address, telephone number and registration or license number of the preparer of the map.

(3) Contours at five foot (5') intervals, smaller intervals may be required by the Chief of Building and Zoning. Contours shall extend one hundred feet (100') beyond the boundary of the subdivision when necessary to determine the adequacy of the proposed subdivision design.

(4) Location, name, width, approximate grades, cross sections of improvements, and approximate radii of curves of existing and proposed streets and alleys, including adjacent streets; location of street lights to be installed; proposed bikeways and trails.

(5) Existing culverts and drain pipes in subdivision and contiguous areas; approximate boundaries of land subject to overflow, inundation or flood hazard; the location, width, and direction of flow of all watercourses in the subdivision and contiguous area; proposed drainage facilities.

(6) Proposed water system and source of water supply; proposed sewer system including elevations at proposed connections; proposed fire protection system.

(7) Location, width and purpose of all existing and proposed rights-of-way and easements; railroads; land for park and recreational areas and other public uses to be dedicated or reserved for public use.

(8) Existing structures within the proposed subdivision; those setback lines that are different from or in addition to those required by the Zoning Ordinance; existing trees larger than four inches (4") in diameter measured two feet (2') above the base.

(9) Location of all existing public utility facilities; location of any proposed above ground collective public utility facilities. (Ord. 3790 §1, 1975.)

27.07.040 Non-Compliance.

The subdivider shall list on the tentative map any proposed noncompliance with the Municipal Code, the General Plan, and any applicable specific plans. Failure to do so shall be evidence that full compliance with the provisions of this ordinance is intended and no variance or waiver of any provisions of the Municipal Code, General Plan or specific plans is contemplated as a condition of approval. (Ord. 3790 §1, 1975.)

27.07.050 Optional Report.

In addition to the tentative map, the subdivider may submit a supplemental report containing any additional information pertinent to the consideration by the Advisory Agency. Such reports may include: covenants to be recorded, special land uses proposed, or an explanation of noncompliance as listed on the tentative map. (Ord. 3790 §1, 1975.)

27.07.070 Staff Review and Referral.

A. The Pre-Application Review Team shall meet to review the project and associated reports and advise applicants of City standards for subdivisions.

B. The following City officials shall be members of the Pre-Application Review Team: Chief Building Official, Water Resources Manager, City Engineer, City Planner, Transportation Engineer, and Fire Chief. Other City officers and their assistants or deputies may sit as advisory members.

C. Applicants and their representatives shall be entitled to adequate notice of the meetings, to be present at meetings, and to discuss with the Team its recommendations and proposed reports. The Pre-Application Review Team is hereby authorized to establish such additional rules of procedure as it deems necessary and appropriate to carry on its business. (Ord. 5380, 2005; Ord. 4494, 1988; Ord. 3790, 1975.)

27.07.080 Advisory Agency Action.

A. PUBLIC HEARING. Prior to taking any action on an application for a tentative map, the Advisory Agency shall conduct a public hearing at which time the Advisory Agency shall: (1) receive a report on the design and improvement of the proposed subdivision from the Community Development Department with staff recommendations, (2) at the election of the applicant, receive a presentation regarding the proposed subdivision, and (3) receive public comment from interested persons. Following the close of the public hearing, the Advisory Agency shall approve, conditionally approve or disapprove the tentative map for the proposed subdivision.

B. COMPATIBILITY CRITERIA. In the course of taking action on an application for a tentative map, the Advisory Agency shall take into consideration the comments of the Architectural Board of Review provided pursuant to the requirements of Section 22.68.045 or the comments of the Historic Landmarks Commission provided pursuant to Section 22.22.145 (as the appropriate case may be) and, in issuing a decision on the application for a tentative map, the Advisory Agency shall provide a written indication on how the ABR or HLC comments affected the Advisory Agency's decision.

C. TIME FOR CONSIDERATION. The time limits for reporting and acting on tentative maps shall be consistent with the Subdivision Map Act and any other pertinent state law. The time limits specified in this Section for reporting and acting on tentative maps may be extended by mutual consent of the subdivider and the Advisory Agency. In the event the Advisory Agency continues its consideration of a map beyond such

time limit, the consent of the subdivider to such extension shall be presumed when the subdivider has notice of the continuance and fails to file a timely protest.

D. **AUTHORITY.** The Advisory Agency is authorized to require dedications or reservations of land within the subdivision for public uses such as streets, highways, parks, schools, drainage, flood control, access easements or other uses as a condition for the approval of the tentative map. (Ord. 5464, 2008; Ord. 5380, 2005; Ord. 4494, 1988; Ord. 4066, 1980; Ord. 3790, 1975.)

27.07.090 Appeals and Suspensions.

A. FROM DECISIONS OF THE STAFF HEARING OFFICER.

1. **Suspensions.** The Chairperson, Vice Chairperson or other designated member of the Planning Commission may take action to suspend any decision of the Staff Hearing Officer serving as the Advisory Agency and to schedule a public hearing before the Planning Commission to review said decision. The notice of suspension must be filed with the Community Development Department within ten (10) calendar days of the date of the Staff Hearing Officer's decision. The Community Development Department shall prepare a report to the Planning Commission with Staff recommendations, including all maps and data and a statement of findings setting forth the reasons for the Staff Hearing Officer's decision. In the case of such suspension and review of the Staff Hearing Officer's decision, the Planning Commission shall serve as the Advisory Agency. The Planning Commission shall affirm, reverse, or modify the decision of the Staff Hearing Officer after conducting a public hearing. Notice of the time and place of the public hearing shall be given in accordance with the notice required for the public hearing before the Staff Hearing Officer.

2. **Appeals.** The decisions of the Staff Hearing Officer serving as the Advisory Agency may be appealed to the Planning Commission serving as the Appeal Board by the applicant or any interested party adversely affected by the decision of the Advisory Agency. The appeal must be filed with the Community Development Department within ten (10) calendar days of the date of the Staff Hearing Officer's decision unless a longer appeal period is allowed for other actions taken concurrently with the decision on the application, in which case the longer appeal period shall prevail. The appellant shall state specifically in the appeal how the decision of the Staff Hearing Officer is not in accord with the provisions of this Title or the Subdivision Map Act or how it is claimed that there was an error or an abuse of discretion by the Staff Hearing Officer. The Community Development Department shall prepare a report to the Planning Commission with staff recommendations, including all maps and data and a statement of findings setting forth the reasons for the Staff Hearing Officer's decision. The Planning Commission shall affirm, reverse, or modify the decision of the Staff Hearing Officer following a public hearing. When acting as the Appeal Board, the Planning Commission shall comply with the requirements of Subsection B of Section 27.07.080 of this Code regarding the consideration of compatibility criteria in the course of its action on the application. Notice of the time and place of the public hearing shall be given in accordance with the notice required for the public hearing before the Staff Hearing Officer; however, in addition to any other required notice, written notice shall be sent by first-class mail to the appellant.

B. FROM DECISIONS OF THE PLANNING COMMISSION. The decisions of the Planning Commission, including decisions on suspensions or appeals from decisions of the Staff Hearing Officer, may be appealed to the City Council serving as the Appeal Board by the applicant or any interested party adversely affected by the decision of the Planning Commission. The appeal must be filed with the City Clerk within ten (10) calendar days of the date of the Planning Commission's decision unless a longer appeal period is allowed for other actions taken concurrently with the decision on the application, in which case the longer appeal period shall prevail. The appellant shall state specifically in the appeal how the decision of the Planning Commission is not in accord with the provisions of this Title or the Subdivision Map Act or how it is claimed that there was an error or an abuse of discretion by the Planning Commission. Prior to the hearing on said appeal, the City Clerk shall inform the Community Development Department that an appeal has been filed thereon, and the Community Development Department shall prepare a report to the City Council with staff recommendations, including all maps and data and a statement of findings setting forth the reasons for the Planning Commission's decision. The City Council shall affirm, reverse, or modify the decision of the Planning Commission following a public hearing. Notice of the time and place of the public hearing shall be

given in accordance with the notice required for the public hearing before the Planning Commission; however, in addition to any other required notice, written notice shall be sent by first-class mail to the appellant.

C. **TIME FOR CONSIDERATION.** The time limits for acting on appeals from decisions of the Advisory Agency regarding tentative maps shall be consistent with the Subdivision Map Act and any other pertinent state law. The time limits for acting on suspensions shall conform with the time limits for appeals. The time limits specified in this Section for reporting and acting on tentative maps may be extended by mutual consent of the subdivider and the Appeal Board.

D. **FEES.** Each appeal shall be accompanied by the appeal fee in the amount established by resolution of the City Council. No fee shall be charged for a suspension of a Staff Hearing Officer action by the Chairperson, Vice Chairperson or other designated member of the Planning Commission. (Ord. 5464, 2008; Ord. 5380, 2005; Ord. 4494, 1988; Ord. 4195, 1983; Ord. 4066, 1980; Ord. 3955, 1978; Ord. 3790, 1975.)

27.07.100 Requirements for Approval.

A. **COMPLIANCE WITH STATE AND LOCAL REQUIREMENTS AND CONDITIONS.** Approval shall be denied to any map for failure to meet or comply with any requirement or condition imposed by the Subdivision Map Act or this Code. Approval shall be denied to any map for which the required information, reports, plans or agreement has not been submitted.

B. **CONSISTENCY WITH GENERAL AND SPECIFIC PLANS.** Approval shall be denied to any map which is not consistent with the General Plan or a specific plan adopted thereunder or which depicts a land division or land use which is not compatible with the objectives, policies, general land uses and programs specified in the General Plan.

C. **DENIAL ON SPECIFIC FINDING; EXCEPTIONS.**

1. Approval or recommendation thereof shall be denied to any map by the Advisory Agency and, in the event of an appeal, by the Appeal Board, if said body finds:

- a. The proposed map is not consistent with applicable General and specific plans.
- b. The design or improvement of the proposed development is not consistent with applicable general and specific plans.
- c. The site is not physically suitable for the type of development.
- d. The site is not physically suitable for the proposed density of development.
- e. The design of the development or the proposed improvements are likely to cause substantial environmental damage or to substantially and avoidably injure fish or wildlife or their habitat.
- f. The design of the development or the type of improvement is likely to cause serious public health problems.
- g. The design of the development or the type of improvement will conflict with easements, acquired by the public at large, for access through or use of property within the proposed development; provided however, approval may be granted if it is found that alternative easements, for access of or use, will be provided, and that these will be substantially equivalent to the ones previously acquired by the public.

D. **ACCESS TO PUBLIC RESOURCES.** Approval shall be denied to any map which does not provide for, have available, or offer dedication of reasonable public access to public natural resources as required by Article 3.5 of Chapter 4 of the Subdivision Map Act.

E. **WATER QUALITY REQUIREMENTS.** Approval may be denied to any map if discharge of waste from the proposed development into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board. The determination of water quality control requirements relating to every subdivision shall be made at the time of map approval consideration. (Ord. 5380, 2005; Ord. 4494, 1988; Ord. 3790, 1975.)

27.07.110 Expiration and Extensions of Tentative Maps.

A. EXPIRATION. The approval or conditional approval of a tentative map shall expire twenty-four (24) months from the date the map was approved or conditionally approved.

B. EXTENSION. The subdivider may request an extension of the tentative map approval or conditional approval by written application to the Staff Hearing Officer filed with the Community Development Department, such application to be filed before the expiration of the tentative map. The application shall state the reasons for requesting the extension. The Staff Hearing Officer shall grant or deny the request for an extension. In granting an extension, the Staff Hearing Officer may impose new conditions or revise existing conditions.

C. APPEAL. If the Staff Hearing Officer denies the subdivider's application for an extension, the subdivider may appeal said denial to the City Council within fifteen (15) days after the Staff Hearing Officer action.

D. TIME LIMIT ON EXTENSIONS. An extension or extensions of tentative map approval or conditional approval shall not exceed an aggregate of three (3) years beyond the expiration of the twenty-four (24) month period provided in Subsection A above.

E. EFFECT OF MAP MODIFICATION ON EXTENSION. Modification of a tentative map after approval or conditional approval shall not extend the time limits imposed by this section.

F. LITIGATION TOLLING PURSUANT TO THE SUBDIVISION MAP ACT. The period of time specified in this section for the validity of a tentative map, including any extension thereof, granted pursuant to the state Subdivision Map Act, shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, provided that such litigation tolling does not exceed a period of five (5) years.

For the purposes of compliance with subsection (c) of Government Code Section 66452.6 (a part of the state Subdivision Map Act), this subsection shall be deemed the local agency's express approval of the tolling of the period of time during which a tentative map's approval is subject to litigation. The Community Development Director may adopt administrative procedures for requiring an applicant to advise the City of litigation challenging the validity of a tentative map's approval or conditional approval and for documenting the period of time involved in such litigation. (Ord. 5537, 2010; Ord. 5380, 2005; Ord. 4494, 1988; Ord. 4135, 1982; Ord. 3790, 1975.)

**CHAPTER 27.08
IMPROVEMENT REQUIREMENTS**

Sections:

27.08.010	General.	27.08.030	Construction.
27.08.020	Improvement Plans.	27.08.040	Improvement Reimbursement.
27.08.025	Underground Utilities Required.	27.08.050	Maintenance of Improvements.

27.08.010 General.

(a) The subdivider shall provide for the construction and installation of all improvements in the subdivision.

(b) The improvements shall be constructed and installed in compliance with the Subdivision Design and Improvement Standards prescribed by resolution of the City Council which standards are incorporated herein by reference. Said standards have been prepared in booklet form and are available for public use and examination in the Office of the City Clerk. (Ord. 3790 §1, 1975.)

27.08.020 Improvement Plans.

(a) Prior to filing the final or parcel map, the subdivider shall submit to the City Engineer for approval improvement plans for all improvements required as a condition of the approval of the tentative map.

(b) Improvement plans shall be prepared under the direction of a registered civil engineer.

(c) Improvement plans shall conform to the Subdivision Design and Improvement Standards.

(d) Within twenty (20) days after submittal by the subdivider's engineer the City Engineer shall return to the subdivider a set of the submittal improvement plans noting thereon his approval, disapproval or conditional approval of said plans. This time limit may be extended by mutual agreement. (Ord. 5380, 2005; Ord. 3790 §1, 1975.)

27.08.025 Underground Utilities Required.

All service connections, new distribution facilities and related facilities for electrical, telephone, street lighting, communication, and cable television to serve newly created subdivisions shall be located underground and this requirement shall be a condition of approval for all such subdivisions except for utility wires, poles and related facilities if (i) said utility wires, poles and related facilities exist at the time of approval of a tentative subdivision map by the Advisory Agency or the Appeal Board on appeal, (ii) the property owner obtains a hardship waiver pursuant to Chapter 22.38 of the Code or relief under Section 22.38.065 and (iii) there is compliance with all conditions of the waiver, including but not limited to payment of fees. (Ord. 5380, 2005; Ord. 4907, 1995; Ord. 4399, 1986; Ord. 4318, 1985.)

27.08.030 Construction.

(a) No construction shall commence until the improvement plans have been submitted to the City Engineer and have been approved by him.

(b) Construction of improvements which are to be accepted by the City for maintenance shall be subject to inspection by the City Engineer.

(c) Any work done by the subdivider prior to approval of the improvement plans, including changes thereto, or without the inspection and testing required by the City Engineer is subject to rejection. Such work shall be deemed to have been done at the risk and peril of the subdivider.

(d) Installation of underground facilities. All underground facilities including sewerage and drainage facilities and excepting survey monuments installed in streets, alleys or pedestrian ways shall be constructed prior to the surfacing of such streets, alleys or pedestrian ways. Service connections for all underground utilities and sewers shall be laid to such lengths as will obviate the necessity for disturbing the street, alley or pedestrian way when service connections are completed to properties in the subdivision. (Ord. 5380, 2005; Ord. 3790 §1, 1975.)

27.08.040 Improvement Reimbursement.

As a condition of approval of a tentative map, it may be required that improvements installed by the subdivider for the benefit of the subdivision be of a supplemental size, capacity or number for the benefit of property not within the subdivision, and that said improvement be dedicated to the public. If such a condition is imposed, provisions shall be made for reimbursement to the subdivider in the manner provided by Article 6 of Chapter 4 of the Subdivision Map Act. (Ord. 5380, 2005; Ord. 3790 §1, 1975.)

27.08.050 Maintenance of Improvements.

All improvements required to be constructed and installed pursuant to this ordinance shall be maintained in a manner satisfactory to the City Engineer until all lots in the subdivision have been sold. (Ord. 5380, 2005; Ord. 3790 §1, 1975.)

**CHAPTER 27.09
FINAL AND PARCEL MAPS**

Sections:

27.09.010	General.	27.09.050	Review by City Engineer.
27.09.020	Preparation of Final and Parcel Maps.	27.09.060	City Council Action.
27.09.030	Contents.	27.09.070	Agreement to Complete Required Improvements.
27.09.040	Accompanying Data.	27.09.080	Transmittal of Map.

27.09.010 General.

In accordance with Article 1 of Chapter 2 of the Subdivision Map Act, a final map shall be required for all subdivisions creating five (5) or more parcels, five (5) or more condominiums, or a community apartment project containing five (5) or more parcels except under those circumstances listed in Section 66426 of the Subdivision Map Act. Parcel maps are required for all divisions of land not requiring a final map except as exempted by Sections 66412 and 66428 of the Subdivision Map Act. (Ord. 5380, 2005; Ord. 3790 §1, 1975.)

27.09.020 Preparation of Final and Parcel Maps.

Subsequent to the approval or conditional approval of a tentative map by the Advisory Agency or the Appeal Board, the subdivider shall cause a final or parcel map and all other maps and plans in connection therewith to be prepared by a registered civil engineer or licensed land surveyor in accordance with a completed survey of the subdivision, in substantial compliance with the approved tentative map, and in full compliance with State law and the Municipal Code. For parcel maps, in lieu of a completed survey of the subdivision, the map may be compiled from recorded or filed data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map if the location of at least one (1) of these boundary lines can be established from an existing monumented line. (Ord. 5380, 2005; Ord. 3790 §1, 1975.)

27.09.030 Contents.

The contents and form of final maps shall be governed by Article 2 of Chapter 2 of the Subdivision Map Act. The contents and form of parcel maps shall be governed by Article 3 of Chapter 2 of the Subdivision Map Act. (Ord. 5380, 2005; Ord. 3790 §1, 1975.)

27.09.040 Accompanying Data.

(a) The final or parcel map and construction plans shall be accompanied by such certifications, test results, reports, and other data required to establish compliance with conditions of approval of the tentative map and all provisions of the Municipal Code and applicable State law.

(b) In addition to the requirements described in the Subdivision Map Act, the final or parcel map shall contain or be accompanied by the following information:

(1) A title sheet. Below the title shall be a subtitle consisting of a general description of all the property being subdivided, by reference to deeds, subdivisions, or sectional surveys. References to tracts and subdivisions shall be identical to the original records, with proper notation as to the book and page of the record. The map shall give the basis of bearing, north point, scale, graphic scale and location of setback lines different from or in addition to those required by the Zoning Ordinance. Maps filed for the purpose of reverting subdivided land to acreage shall be conspicuously so marked.

(2) Easements and rights-of-way. The final or parcel map shall show all easements to which the lots are subject. The easements shall be clearly identified and proper reference to the records given. Easements being dedicated shall be so indicated in the certificate of dedication. If the easement is not definitely located of record, a statement as to the easement shall appear on the title sheet.

(3) Accompanying data. The final or parcel map shall be accompanied by:

A. Where applicable, traverse sheets and work sheets showing the closure, within allowable limits of error, of the exterior boundaries and of each block and lot of the subdivision.

B. A final grading plan, where required by the Advisory Agency or Appeal Board, including slope protection specifications.

C. A copy of the protective covenants, if any, to be recorded.

D. All fees, bonds or guarantees required by the provisions of the Subdivision Map Act and this ordinance.

E. A letter from each of the various utility companies stating that service is available to the subdivision.

(4) Fees. All fees for map checking, plan checking and inspection shall be established by resolution of the City Council. (Ord. 5380, 2005; Ord. 3790 §1, 1975.)

27.09.050 Review by City Engineer.

Prior to the submission of a final or parcel map to the City Council for approval, the final or parcel map and accompanying data which satisfy the Subdivision Map Act and the Municipal Code shall be submitted to the City Engineer. Once all required fees have been paid and all required maps, plans, calculations, and other data have been filed with the Public Works Department, the City Engineer shall examine the final or parcel map and the accompanying data as to correctness of surveying data and computations, and such other matters as require checking to insure compliance with the provisions of State law and the Municipal Code. Within twenty (20) days of receipt of the final or parcel map and all required accompanying data, the City Engineer shall either (1) endorse his approval and transmit one (1) copy to the City Council and one (1) copy to the Community Development Department, together with such other matters as are required to enable the City Council to consider the map, or (2) return the map to the subdivider, together with a statement setting forth the grounds for its return. (Ord. 5380, 2005; Ord. 3790 §1, 1975.)

27.09.060 City Council Action.

(a) The City Council shall, within a period of ten (10) days after its receipt of the final or parcel map for approval or at its next regular meeting after the meeting at which it receives the map, whichever is later, approve the map if it conforms to all the requirements of the Subdivision Map Act and the Municipal Code applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder or, if it does not so conform, disapprove the map. The City Council shall not deny approval of a final or parcel map if there is a previously approved tentative map for the proposed subdivision and if it finds that the final or parcel map is in substantial compliance with the previously approved tentative map.

(b) If the City Council does not approve or disapprove the map within the prescribed time, or any authorized extension thereof, and the map conforms to all said requirements and rulings, it shall be deemed approved, and the Clerk of the City Council shall certify its approval thereon. (Ord. 3790 §1, 1975.)

27.09.070 Agreement to Complete Required Improvements.

If, at the time of approval of the final or parcel map by the City Council, any public improvements required by the City pursuant to the provisions of the Subdivision Map Act or the Municipal Code have not been completed and accepted in accordance with standards established by the City and applicable at the time of approval or conditional approval of the tentative map, the City Council, as a condition precedent to the approval of the final or parcel map, shall require the subdivider to enter into one (1) of the following agreements:

(a) An agreement with the City upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense.

(b) An agreement with the City to thereafter (1) initiate and consummate proceedings under an appropriate special assessment act for the financing and completion of all such improvements, or (2) if not completed under such special assessment act, to complete such improvements at the subdivider's expense.

Performance of such agreements described herein shall be guaranteed by a security specified in Chapter 5 of the Subdivision Map Act and Section 27.11.030 of this ordinance. (Ord. 3790 §1, 1975.)

27.09.080 Transmittal of Map.

Subsequent to the approval of the final or parcel map by the City Council and the execution of required agreements, the City Clerk shall transmit the map to the Clerk of the County Board of Supervisors or County Recorder in accordance with Article 6 of Chapter 3 of the Subdivision Map Act. (Ord. 5380, 2005; Ord. 3790 §1, 1975.)

**CHAPTER 27.10
MONUMENTS**

Sections:

27.10.010	General.	27.10.060	Replacement of Destroyed Monuments.
27.10.020	Boundary Monuments.	27.10.070	Survey Data and Information to be Shown on Final or Parcel Map.
27.10.030	Interior Monuments.	27.10.080	Survey Control Network.
27.10.040	Deferred Monuments.		
27.10.050	Monument Type and Positioning.		

27.10.010 General.

(a) The provisions in this chapter shall govern the monumentation required for final and parcel maps.

(b) In making the survey of a subdivision for a final or parcel map, the engineer or surveyor shall set sufficient permanent monuments so that the survey, or any part thereof, may be readily retraced. The survey shall include measured connections (ties) into the City's Survey Control Network approved by the City Engineer, in accord with the provisions of Section 27.10.080 of this Code. (Ord. 5120, 1999; Ord. 3790 §1, 1975.)

27.10.020 Boundary Monuments.

(a) Monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, beginnings and ends of curves and at intermediate points approximately one thousand feet (1,000') apart. The locations of inaccessible points may be established by ties and shall be so noted on the final map or parcel map.

(b) All exterior boundary monuments shall be set prior to recordation of the final or parcel map unless extensive grading operations or improvement work makes it impractical to set such monuments. In the event any or all of the boundary monuments are to be set after recordation of the final map or parcel map, prior to the submission of such map to the City Engineer for filing, the engineer or surveyor making the survey shall, in addition to furnishing field notes showing the boundary survey, furnish evidence acceptable to the City Engineer to substantiate his reasons for deferring the setting of such monuments until after recordation of such map. (Ord. 5380, 2005; Ord. 3790 §1, 1975.)

27.10.030 Interior Monuments.

Monuments shall be set at all block and lot corners and angle points and at the beginnings and ends of curves, and along street and alley centerlines at the beginnings and ends of curves, at points of intersection with centerlines of other existing and proposed streets and alleys, and at the points of intersection with the exterior boundary lines. Interior property line and centerline monuments and ties may be set after the final map or parcel map is recorded. (Ord. 3790 §1, 1975.)

27.10.040 Deferred Monuments.

(a) In the event any or all of the required monuments are to be set after recordation of the final map or parcel map, the engineer's or surveyor's certificate shall specify the date, established by the City Engineer, by which the monuments will be set and the field notes thereon furnished, and the subdivider shall, prior to the submission of such map to the City Engineer for filing, furnish to the City Engineer a security as required by Section 27.11.020. In lieu thereof, provision for the setting of said monuments may be included in the agreement prepared in accordance with Section 66462 of the Subdivision Map Act.

(b) In the event the deferred monuments are not set within the period of time specified on the engineer's or surveyor's certificate, or within any approved extended period of time, and provided that all improvement work has been completed, the City Engineer shall by written notice forthwith direct the engineer or surveyor of record to within sixty (60) days of the date of such directive set such monuments and furnish such field notes as were agreed to be set and furnished on said certificate. If the engineer or surveyor fails to comply with said directive within the specified time, and if no request for an extension of time has been submitted in writing and granted within such time, the City Engineer shall without further notice submit a written complaint and request for disciplinary action against said engineer or surveyor to the State Board of Registration for Civil and Professional Engineers. (Ord. 5380, 2005; Ord. 3790 §1, 1975.)

27.10.050 Monument Type and Positioning.

All monuments set as required herein shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor who signs the engineer's or surveyor's certificate and under whose supervision the survey was made. (Ord. 3790 §1, 1975.)

27.10.060 Replacement of Destroyed Monuments.

Any monument set as required herein which is disturbed or destroyed before acceptance of all improvements by the City shall be replaced by the subdivider's engineer or surveyor. (Ord. 3790 §1, 1975.)

27.10.070 Survey Data and Information to be Shown on Final or Parcel Map.

The following survey data and information shall be shown on each final or parcel map for which a field survey was made pursuant to the provisions of these regulations:

(a) Stakes, monuments (together with their precise position) or other evidence found on the ground to determine the boundaries of the subdivision.

(b) Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers and page of record or by section, township and range or other proper designation.

(c) All information and data necessary to locate and retrace any point or line without unreasonable difficulty.

(d) The location and description of any required monuments to be set after recordation of the final map, and the statement that they are "to be set".

(e) Bearing and length of each lot line, block line and boundary line and each required bearing and distance.

(f) The centerlines of any street or alley in or adjoining the subdivision which have been established by the City Engineer together with reference to a field book or map showing such centerline and the monuments which determine its position. If determined by ties, that fact shall be stated.

(g) Such other survey data or information as may be required to be shown by the City Engineer or by the provisions of this section. (Ord. 5380, 2005; Ord. 3790 §1, 1975.)

27.10.080 Survey Control Network.

The following standards shall apply to each final map and each parcel map for which a field survey is made pursuant to these regulations:

(b) A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, of money or negotiable bonds of the kind approved for securing deposits of public moneys.

(c) An instrument of credit from one (1) or more financial institutions subject to regulating by the State or Federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment. (Ord. 5380, 2005; Ord. 3790 §1, 1975.)

**CHAPTER 27.12
REVERSIONS TO ACREAGE**

Sections:

27.12.010	Authority.	27.12.030	Reversion of Contiguous Parcels Under the Same Ownership
27.12.020	Initiation.		

27.12.010 Authority.

Subdivided land may be reverted to acreage pursuant to the provisions of Article 1, Chapter 6 of the Subdivision Map Act. (Ord. 3790 §1, 1975.)

27.12.020 Initiation.

Proceedings for reversion to acreage may be initiated by the City Council on its own motion or by petition of all the owners of record of the real property within the subdivision. (Ord. 3790 §1, 1975.)

27.12.030 Reversion of Contiguous Parcels Under the Same Ownership.

A. PARCEL MAP, WAIVER OF TENTATIVE MAP PROCEDURE. Four (4) or less contiguous parcels under the same ownership may be reverted to acreage by the submission of a parcel map to the City Council for approval. Any map so submitted shall be accompanied by evidence of title and non-use or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map. Any tentative map procedures or requirements for a parcel map used solely to complete a reversion to acreage are waived automatically upon approval of the reversion by the City Council unless the City Council expressly conditions the reversion upon compliance with all or a part of those procedures and requirements.

B. RECORDATION OF PARCEL MAP. After approval of the reversion by the City Council, the map shall be delivered to the County Recorder. The recording of the map shall constitute legal reversion to acreage of the land affected thereby, and shall constitute abandonment of all streets and easements not shown on the map. The recording of the map shall also constitute a merger of the separate parcels into one (1) parcel for the purposes of this Title and the Subdivision Map Act. (Ord. 4412, 1986; Ord. 3790 §1, 1975.)

**CHAPTER 27.13
RESIDENTIAL CONDOMINIUM DEVELOPMENT**

Sections:

27.13.010	Scope.	27.13.050	Requirements.
27.13.020	Definition - Residential Condominium.	27.13.060	Physical Standards for Condominiums.
27.13.030	Purpose and Intent.	27.13.070	Application.
27.13.040	Where Permitted.	27.13.080	Findings.

27.13.010 Scope.

This Chapter shall apply to common interest developments that have at least one residential unit. (Ord. 5380, 2005; Ord. 4058, 1980.)

27.13.020 Definition - Residential Condominium.

For the purposes of this Chapter, condominium shall include any residential condominium, community apartment or stock cooperative. (Ord. 4058, 1980.)

27.13.030 Purpose and Intent.

The City Council finds and determines that residential condominiums differ from apartments in numerous respects and, for the benefit of public health, safety and welfare, such projects, which are subject to the subdivision regulations of the State of California, should be treated differently from apartments. The City Council, therefore, declares its express intent to treat such projects differently from apartment and like structures and to adopt development standards for the protection of the community and the purchasers of condominiums to:

(a) insure that condominium developments achieve a high quality appearance and safety, and are consistent with the goals of the City's General Plan and conform with the density requirements of the General Plan's Land Use Element; and

(b) attempt to provide a reasonable variety of choice for type and location of housing in Santa Barbara; and

(c) establish criteria for development of condominiums. (Ord. 4058, 1980.)

27.13.040 Where Permitted.

A. GENERALLY. Condominium projects may be permitted in the single-family residential zones subject to the issuance of a Conditional Use Permit as set forth in Chapter 28.36 of this Code. Condominium projects may be permitted in the R-2, R-3 and R-4 zones subject to the requirements and standards set forth in this Chapter. In addition, condominium projects may be permitted in all other zones where appropriate and generally permitted except in the C-X and M-1 zones.

B. ACCESSORY DWELLING UNITS ON CERTAIN R-2 LOTS. Notwithstanding subsection (A) above, dwelling units constructed or permitted pursuant to the authority of Subsection (E) of Santa Barbara Municipal Code Section 28.18.075 may not be subdivided as a condominium project due to the lack of consistency with General Plan requirements as mandated by Section 27.13.080 of this Chapter and the state Subdivision Map Act, Government Code Sections 66410-66499.58. (Ord. 5271, 2003; Ord. 4058, 1980.)

27.13.050 Requirements.

No condominium project or portion thereof shall be approved in whole or in part, unless it complies with all requirements of Title 27 of this Code and has been reviewed and approved by the Advisory Agency. Prior to approval and recordation of the final map, the required conditions, covenants and restrictions shall be submitted to, be reviewed by and approved by the City Attorney. These conditions, covenants and restrictions shall contain the following:

(a) allocation of parking spaces within the project;

(b) restrictions regarding the storage of recreation vehicles;

(c) provision for the Homeowners Association to maintain all open spaces and/or common areas within the project;

(d) waiver to protest formation of public improvement districts. (Ord. 4058, 1980.)

27.13.060 Physical Standards for Condominiums.

In addition to the requirements of the zone in which a project is located, the following standards shall be required for all condominium projects:

1. Parking. The off-street parking requirements for a condominium development shall be in accordance with Chapter 28.90.100 of this Code.

2. Private Storage Space. Each unit shall have at least 300 cubic feet of enclosed, weatherproofed and lockable private storage space provided in one location in addition to the guest, linen, pantry, and clothes closets that are customarily provided. This requirement may be waived for a unit if an enclosed garage is provided for that unit.

3. Utility Metering.

(a) The consumption of gas and electricity within each unit shall be separately metered so that the unit's owner can be separately billed for each utility.

(b) A water shut-off valve shall be provided for each unit or for each plumbing fixture.

(c) Each unit having individual meter(s) or heater(s) shall have access to its meter(s) and heater(s) which shall not require entry through another unit.

(d) Each unit shall have its own panel, or access thereto, for all electrical circuits which serve the unit.

(e) An exception may be granted to the above restrictions when heat or power is provided by means of solar energy.

4. Laundry Facilities. A laundry shall be provided in each unit; or if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and one dryer for each five (5) units or a fraction thereof.

5. Public Improvement Districts. The applicant shall waive the right, through deed restriction, to protest the formation of public improvement districts as deemed appropriate by the Advisory Agency.

6. Density. The maximum number of dwellings may not exceed the zone in which the project is located (including slope density requirements where applicable).

7. Unit Size. The enclosed living or habitable area of each unit shall be not less than 400 square feet.

8. Outdoor Living Space. Outdoor living space shall be provided as set forth in Section 28.18.060 for R-2 zoned lots and Section 28.21.081 for R-3 or less restrictive zoned lots of this Code pertaining to outdoor living space.

9. Storage of Recreational Vehicles. The provision for storage space of recreational vehicles shall be determined by the Advisory Agency at the time of the approval of the tentative map. (Ord. 5380, 2005; Ord. 4912, 1995; Ord. 4085, 1980; Ord. 4058, 1980.)

27.13.070 Application.

The Community Development Department shall prepare a listing of required information that must be contained in applications for a condominium development as the Department deems necessary to comply with the intent of this Chapter and other parts of this Code. This listing of required information that must be contained in applications for condominium developments, shall be made available to architects, developers, engineers, property owners and other interested individuals. No application for development need be processed until the required information is submitted. (Ord. 5380, 2005; Ord. 4058, 1980.)

27.13.080 Findings.

The Advisory Agency shall review each condominium development as to its effect upon sound community planning, the ecological, cultural, and aesthetic qualities of the community, on the community's public health, safety, and welfare. The Advisory Agency shall not approve a condominium development unless it finds that:

(a) There is compliance with all provisions of this Chapter; and

(b) The proposed development is consistent with the General Plan of the City of Santa Barbara; and

(c) The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources. (Ord. 5380, 2005; Ord. 4498, 1988; Ord. 4058, 1980.)

CHAPTER 27.20
VESTING TENTATIVE MAPS

Sections:

27.20.010	Citation and Authority.	27.20.080	Vesting on Approval of Vesting Tentative Map.
27.20.020	Purpose and Intent.	27.20.090	Development Inconsistent With Zoning--Conditional Approval.
27.20.030	Definitions.	27.20.100	Applications Inconsistent with Current Policies.
27.20.040	Application.		
27.20.050	Filing and Processing.		
27.20.060	Fees.		
27.20.070	Expiration.		

27.20.010 Citation and Authority.

This Chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the Vesting Tentative Map Ordinance. (Ord. 4371, 1985.)

27.20.020 Purpose and Intent.

It is the purpose of this Chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the California Subdivision Map Act and this Title 27. Except as otherwise set forth in this Chapter, the provisions of Title 27 shall apply to vesting tentative maps.

The regulations outlined in this Chapter are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. (Ord. 5380, 2005; Ord. 4371, 1985.)

27.20.030 Definitions.

The following words and phrases shall have the meaning indicated, unless context or usage clearly requires a different meaning:

A. VESTING TENTATIVE MAP. A tentative map for a residential subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is submitted for approval in accordance with Section 27.20.060.

B. All other definitions set forth in Title 27 are applicable. (Ord. 4371, 1985.)

27.20.040 Application.

A. Whenever a provision of the Subdivision Map Act or this Title 27 requires approval of a tentative map, a vesting tentative map may instead be submitted for approval in accordance with the provisions hereof.

B. If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the submission 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. (Ord. 5380, 2005; Ord. 4371, 1985.)

27.20.050 Filing and Processing.

A vesting tentative map shall (i) be submitted for approval in the same form, (ii) have the same contents and accompanying data and reports, and (iii) shall be processed in the same manner as a tentative map except as hereinafter provided:

A. VESTING TENTATIVE MAP - IDENTIFICATION. At the time a vesting tentative map is submitted for approval, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

B. SPECIAL REQUIREMENTS FOR VESTING TENTATIVE MAP. At the time a vesting tentative map is submitted for approval, the subdivider shall also supply the following information:

1. A preliminary plot plan of the proposed development, drawn to scale, showing, as a minimum:
 - a. Boundaries of the property;
 - b. The location, dimensions, and uses of all existing and proposed buildings and structures on the subject property;
 - c. Location, size and number of parking spaces and loading spaces;
 - d. All interior circulation patterns including streets, walkways, bikeways, and connections to existing or proposed arterial or connector roads and other major roads;
 - e. Location and use of all buildings and structures within 50 feet of the property's boundaries;
 - f. Location, height, and material of all existing and proposed walls and fences;
 - g. Location of areas of geologic, seismic, flood and other hazards;
 - h. Location of areas of prime scenic quality, habitat resources, archaeological sites, water bodies, and significant existing vegetation;
 - i. Location and amount of land devoted to public purposes, open space, landscaping and recreation.
2. Preliminary Soils Report.
3. Improvement plans for construction of public improvements as required by the Public Works Department. The improvement plans shall be prepared by a registered civil engineer and shall include but not be limited to:
 - a. Street improvements, including but not limited to curb, gutter, sidewalk, sewer system, water system, street lighting, traffic controls and undergrounding of utilities;
 - b. Existing and proposed drainage;
 - c. Right of way and other dedications;
 - d. Existing contours and proposed grading;
4. Preliminary building elevations;
5. Preliminary landscaping and irrigation plans indicating proposed trees, shrubs, and ground cover; and delineating species, size, and placement;
6. Statistical Data:
 - a. Net and gross acreage and square footage of the property;
 - b. Height, ground floor area, and total floor area of each building;
 - c. Number and type of dwelling units in each building, i.e., single-family dwelling, condominium, apartment, etc., and number of bedrooms in each dwelling, where applicable;
 - d. Building coverage expressed as a percent of the total net area of the property;
 - e. Percentage of the net or gross land area of the property devoted to landscaping, open space and/or recreation, whichever is appropriate;
 - f. Parking requirements for the entire development with a computation showing the requirements for each dwelling, unit in the development and total parking requirements;
 - g. Estimated number of potential residents in each residential category;
 - h. Number of employees and potential new employees, if applicable;
 - i. Average slopes, if parcel contains any slope in excess of 20 percent;
7. Three-dimensional perspective drawings and renderings to scale sufficient to show the architectural design, including colors and materials, of buildings and structures proposed to be constructed;
8. The off-site circulation pattern, including right-of-way dedication, street improvements, traffic control measures and acceleration and deceleration lanes;

9. A statement of intent as to the establishment of utilities, services, and facilities including water, sewage disposal, fire protection, police protection, schools, transportation, i.e., proximity to transit or provision of bike lanes;

10. A statement of energy and water conservation measures and/or devices incorporated into the construction and occupancy phases of the development;

11. The on-site illumination plan emphasizing access, walkways, buildings, parking, landscaping, and signs; illumination intensity shall be subject to approval from the Advisory Agency after on-site inspection;

12. Any signs, including size and location, if applicable;

13. Measures to be used to prevent a reduced nuisance effect such as noise, dust, odor, smoke, fumes, vibration, glare, traffic congestion, and to prevent danger to life and property;

14. If development is to occur in stages, the sequence and timing of construction of the various phases;

15. Proposed homeowners association (if applicable) indicating CC & R's, deeds, restrictions, and methods of open-space maintenance;

16. Any other data requested by the Community Development or Public Works Departments.

C. **PRIOR APPROVALS NECESSARY.** Where a vesting tentative map application is submitted for approval in conjunction with a development plan, conditional use permit, modification, or variance for the same property, the vesting tentative map shall be processed concurrently with such discretionary approvals. If the applicant is seeking a modification, variance, or conditional use permit, a vesting tentative map shall not be approved or conditionally approved until all other discretionary approvals have been granted or conditionally granted. A vesting tentative map processed in conjunction with a development plan shall not be approved or conditionally approved until the preliminary development plan has been approved or conditionally approved by City.

D. **DEVELOPMENT ALLOCATION SYSTEM.** Every vesting tentative map shall contain a statement that the issuance of any building or grading permit for the real property shown on the vesting tentative map is subject to the requirements and restrictions of the City's Development Allocation System existing at the time of any such issuance. (Ord. 5380, 2005; Ord. 4371, 1985.)

27.20.060 Fees.

Upon filing a vesting tentative map, the subdivider shall pay the fees required for filing and processing a tentative map and any other reviews, plan checks or permits necessary to be completed or approved prior to or at the time of the approval of the vesting tentative map. The City Council may, by resolution, establish fees for filing, processing and other matters pertaining to vesting tentative maps. (Ord. 4371, 1985.)

27.20.070 Expiration.

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by Section 27.07.110 of this Code for the expiration of the approval or conditional approval of a tentative map. (Ord. 5380, 2005; Ord. 4371, 1985.)

27.20.080 Vesting on Approval of Vesting Tentative Map.

A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2, subject to compliance with requirements and restrictions of the City's Development Allocation System in effect at the time any building or grading permit is sought for the property.

However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

B. Notwithstanding Subsection A of this Section, a permit, approval, extension, or entitlement may be made conditional or denied if the Advisory Agency or Appeal Board on appeal determines that any of the following exist:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or
2. The condition or denial is required, in order to comply with state or federal law.

C. The rights referred to herein shall expire if a final or parcel map is not approved prior to the expiration of the vesting tentative map as provided in Section 27.20.070. If the final or parcel map is approved, these rights shall last for the following periods of time:

1. An initial time period of one (1) 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. This initial time period shall be automatically extended by any time used by the City for processing a complete application for a grading permit or for design or architectural review, if the time used by the City to process the application exceeds 30 days from the date that a complete application is filed.

2. A subdivider may apply to the Advisory Agency for a one-year extension at any time before the initial time period set forth in Subsection C.1 expires. If the extension is denied, the subdivider may appeal that denial to the City Council within 15 days subject to timely filing with the City Clerk and payment of the required fees.

3. If the subdivider submits a complete application for a building permit during the periods of time specified in Subsections C.1 and C.2, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit. (Ord. 5380, 2005; Ord. 4371, 1985.)

27.20.090 Development Inconsistent With Zoning--Conditional Approval.

A. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the Zoning Ordinance in existence at that time, that inconsistency shall be noted on the map. The Advisory Agency or Appeal Board may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the Zoning Ordinance to eliminate the inconsistency. If the change in the Zoning Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Subsection 27.20.080A, confer the vested right to proceed with the development in substantial compliance with the change in the Zoning Ordinance and the map, as approved.

B. The rights conferred by this section shall be for the time periods set forth in Subsection 27.20.080.C. (Ord. 5380, 2005; Ord. 4371, 1985.)

27.20.100 Applications Inconsistent with Current Policies.

Notwithstanding any provision of this Chapter, 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 Subsection 27.20.080.A and Section 27.20.090 and the City may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. 5380, 2005; Ord. 4371, 1985.)

**CHAPTER 27.30
MERGER OF PARCELS**

Sections:

27.30.010	Voluntary Merger.	27.30.040	Recording of Merger Without Approval Prohibited.
27.30.020	Concurrent Filing of Record of Survey.	27.30.050	Fees.
27.30.030	Merger of Parcels.		

27.30.010 Voluntary Merger.

Pursuant to the provisions of California Government Code Section 66499.20-3/4, a merger and certificate of merger of existing contiguous parcels of real property may be approved by the Director of the Department of Public Works and a certificate of merger filed for record by the County Recorder only where the Director of the Department of Public Works makes all of the following findings:

A. The merger will not affect any fees, grants, easements, agreements, conditions, dedications, offers to dedicate or security provided in connection with any approvals of divisions of real property or lot line adjustments.

B. The boundaries of the merged parcel are well-defined with adequate monumentation in existing recorded documents or filed maps.

C. The document used to effect the merger contains an accurate description of the boundaries of the resulting parcel.

D. All parties having any record title interest in the real property affected have consented to the merger upon a form and in a manner approved by the Director of the Department of Public Works of the City of Santa Barbara according to the terms, provisions, reservations and restrictions provided in Government Code Section 66436 for such consent, excepting those interests that are excepted by statute from the consent requirement.

E. There has been compliance with all requirements and all fees have been paid, including a fee for recording the certificate of merger. (Ord. 4412, 1986.)

27.30.020 Concurrent Filing of Record of Survey.

Where determined to be necessary by the Director of the Department of Public Works in order to monument and define the boundaries of the merged parcel, a record of survey in compliance with all legal requirements shall be filed at the same time as the certificate of merger. The City standard for such record of survey shall include measured connections (ties) of the monuments and boundaries of such record of survey to the approved City Survey Control Network in the same manner as is provided for maps under Section 27.10.080 of this Code. (Ord. 5120, 1999; Ord. 4412, 1986.)

27.30.030 Merger of Parcels.

The recordation of a certificate of merger shall constitute a merger of the separate parcels shown thereon into one parcel for the purpose of the Subdivision Map Act and this Title 27, and the parcels shall thereafter be treated in all respects as a single parcel. (Ord. 5380, 2005; Ord. 4412, 1986.)

27.30.040 Recording of Merger Without Approval Prohibited.

No person shall record a document merging separate legal parcels into a single legal parcel for the purposes of the Subdivision Map Act and this Title 27 except in conformity with the provisions of this Chapter. (Ord. 5380, 2005; Ord. 4412, 1986.)

27.30.050 Fees.

The City Council may establish by resolution such fees as may be required for the review and processing of a proposal for voluntary merger. (Ord. 4412, 1986.)

**CHAPTER 27.40
LOT LINE ADJUSTMENTS**

Sections:

27.40.010	Scope.	27.04.070	Agreement to Complete Required Improvements.
27.40.020	Application.	27.40.080	Documentation of Lot Line Adjustment.
27.40.030	Public Hearing.	27.04.090	Review by City Engineer.
27.40.040	Findings.	27.40.100	Expiration and Extension.
27.40.050	Time for Consideration.		
27.40.060	Appeals and Suspensions.		

27.40.010 Scope.

The procedure set forth in this Chapter shall govern the processing of and requirements for approval and recordation of lot line adjustments between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created. All other lot line adjustments shall require a tentative map pursuant to Chapter 27.07 and a final or parcel map pursuant to Chapter 27.09. (Ord. 5380, 2005.)

27.40.020 Application.

An application for a lot line adjustment pursuant to this Chapter 27.40 shall be filed with the Community Development Department. The application shall be on a form prescribed by the Community Development Director and accompanied by a fee established by resolution of the City Council. The Community Development Director shall prepare a listing of required information that must be contained in applications for lot line adjustments as the Director deems necessary to comply with the intent of this Chapter and other parts of this Code. This listing of required information that must be contained in applications for lot line adjustments shall be made available to architects, developers, engineers, property owners and other interested individuals. (Ord. 5380, 2005.)

27.40.030 Public Hearing.

The Advisory Agency shall conduct a public hearing regarding the application for a lot line adjustment at which time the Advisory Agency shall: (1) receive a report on the design and improvement of the proposed lot line adjustment from the Community Development Department with staff recommendations, (2) at the election of the applicant, receive a presentation regarding the proposed lot line adjustment, and (3) receive public comment from interested persons. Following the close of the public hearing, the Advisory Agency shall approve, conditionally approve or disapprove the lot line adjustment. (Ord. 5380, 2005.)

27.40.040 Findings.

The Advisory Agency shall limit its review of the lot line adjustment to a determination of whether or not the parcels resulting from the proposed lot line adjustment will conform to the general plan, any applicable coastal plan, and the zoning and building ordinances. The Advisory Agency shall not approve a lot line adjustment unless it finds that the resulting lots will conform with the general plan, any applicable coastal plan, and the zoning and building ordinances. The Advisory Agency shall not impose conditions or exactions on its approval of a lot line adjustment except as necessary to conform to the general plan, any applicable coastal plan, and zoning and building ordinances, or to facilitate the relocation of existing utilities, infrastructure, or easements. (Ord. 5380, 2005.)

27.40.050 Time for Consideration.

The time limits for acting on lot line adjustments shall be consistent with the time limits for acting on tentative maps pursuant to the Subdivision Map Act and any other pertinent state law. The time limits

specified in this Section for acting on lot line adjustments may be extended by mutual consent of the applicant and the Advisory Agency. (Ord. 5380, 2005.)

27.40.060 Appeals and Suspensions.

A. FROM DECISIONS OF THE STAFF HEARING OFFICER.

1. Suspensions. The Chairperson, Vice Chairperson or other designated member of the Planning Commission may take action to suspend any decision of the Staff Hearing Officer serving as the Advisory Agency and to schedule a public hearing before the Planning Commission to review said decision. The notice of suspension must be filed with the Community Development Department within ten (10) calendar days of the date of the Staff Hearing Officer's decision. The Community Development Department shall prepare a report to the Planning Commission with staff recommendations, including all maps and data and a statement of findings setting forth the reasons for the Staff Hearing Officer's decision. In the case of such suspension and review of the Staff Hearing Officer's decision, the Planning Commission shall serve as the Advisory Agency. The Planning Commission shall affirm, reverse, or modify the decision of the Staff Hearing Officer after conducting a public hearing. Notice of the time and place of the public hearing shall be given in accordance with the notice required for the public hearing before the Staff Hearing Officer.

2. Appeals. The decisions of the Staff Hearing Officer serving as the Advisory Agency may be appealed to the Planning Commission serving as the Appeal Board by the applicant or any interested party adversely affected by the decision of the Advisory Agency. The appeal must be filed with the Community Development Department within ten (10) calendar days of the date of the Staff Hearing Officer's decision unless a longer appeal period is allowed for other actions taken concurrently with the decision on the application, in which case the longer appeal period shall prevail. The appellant shall state specifically in the appeal how the decision of the Staff Hearing Officer is not in accord with the provisions of this Title or the Subdivision Map Act or how it is claimed that there was an error or an abuse of discretion by the Staff Hearing Officer. The Community Development Department shall prepare a report to the Planning Commission with staff recommendations, including all maps and data and a statement of findings setting forth the reasons for the Staff Hearing Officer's decision. The Planning Commission shall affirm, reverse, or modify the decision of the Staff Hearing Officer following a public hearing. Notice of the time and place of the public hearing shall be given in accordance with the notice required for the public hearing before the Staff Hearing Officer; however, in addition to any other required notice, written notice shall be sent by first-class mail to the appellant.

B. FROM DECISIONS OF THE PLANNING COMMISSION. The decisions of the Planning Commission on suspensions or appeals from decisions of the Staff Hearing Officer may be appealed to the City Council serving as the Appeal Board by the applicant or any interested party adversely affected by the decision of the Planning Commission. The appeal must be filed with the City Clerk within ten (10) calendar days of the date of the Planning Commission's decision unless a longer appeal period is allowed for other actions taken concurrently with the decision on the application, in which case the longer appeal period shall prevail. The appellant shall state specifically in the appeal how the decision of the Planning Commission is not in accord with the provisions of this Title or the Subdivision Map Act or how it is claimed that there was an error or an abuse of discretion by the Planning Commission. Prior to the hearing on said appeal, the City Clerk shall inform the Community Development Department that an appeal has been filed, and the Community Development Department shall prepare a report to the City Council with staff recommendations, including all maps and data and a statement of findings setting forth the reasons for the Planning Commission's decision. The City Council shall affirm, reverse, or modify the decision of the Planning Commission following a public hearing. Notice of the time and place of the public hearing shall be given in accordance with the notice required for the public hearing before the Planning Commission; however, in addition to any other required notice, written notice shall be sent by first-class mail to the appellant.

C. TIME FOR CONSIDERATION. The time limits for acting on suspensions or appeals of decisions concerning lot line adjustments shall be consistent with the time limits set for acting on appeals of decisions concerning tentative maps pursuant to the Subdivision Map Act and any other pertinent state law. The time

limits specified in this Section for acting on lot line adjustments may be extended by mutual consent of the applicant and the Appeal Board.

D. FEES. Each appeal shall be accompanied by the appeal fee in the amount established by resolution of the City Council. No fee shall be charged for a suspension of a Staff Hearing Officer action by the Chairperson, Vice Chairperson or other designated member of the Planning Commission. (Ord. 5380, 2005.)

27.40.070 Agreement to Complete Required Improvements.

If any public improvements are required by the Advisory Agency or Appeal Board as a condition of approval for the lot line adjustment, the applicant shall enter into one (1) of the following agreements:

A. An agreement with the City upon mutually agreeable terms to thereafter complete such improvements at the applicant's expense.

B. An agreement with the City to thereafter (1) initiate and consummate proceedings under an appropriate special assessment act for the financing and completion of all such improvements, or (2) if not completed under such special assessment act, to complete such improvements at the applicant's expense. Performance of such agreements described herein shall be guaranteed by a security specified in Chapter 5 of the Subdivision Map Act and Section 27.11.030 of this ordinance. (Ord. 5380, 2005.)

27.40.080 Documentation of Lot Line Adjustment.

A. Following the approval or conditional approval of a lot line adjustment by the Advisory Agency or the Appeal Board, and prior to the recording of documents accomplishing or implementing the lot line adjustment, the applicant shall submit the following to the City Engineer:

1. Documents necessary to convey each and every property interest required to accomplish or implement the lot line adjustment, such as: agreement relating to the lot line adjustment, quitclaim deeds and acceptance thereof, or a declaration of lot line adjustment.

2. Legal descriptions of each lot before and after the lot line adjustment, prepared by a licensed surveyor.

3. Copies of all documents pertinent to the lot line adjustment (i.e., easements, deeds of trust, leases, agreements, etc.).

B. At the time the documentation of the lot line adjustment is submitted to the City Engineer, the applicant shall pay all fees for the review and processing of the documents in accordance with the current City Council fee resolution.

C. No record of survey map shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code. However, a record of survey map, prepared by a registered civil engineer or land surveyor, is strongly recommended. (Ord. 5380, 2005.)

27.40.090 Review by City Engineer.

Once all required fees have been paid and all required documentation has been submitted, the City Engineer shall examine the documentation and accompanying data as to correctness of surveying data and computations, and such other matters as require checking to insure compliance with the provisions of State law and the Municipal Code. Within twenty (20) days of receipt of the documentation and all required accompanying data, the City Engineer shall either: 1. endorse his approval and transmit one (1) copy to the applicant and one (1) copy to the Community Development Department, or 2. return the documentation to the applicant together with a statement setting forth the grounds for its return. (Ord. 5380, 2005.)

27.40.100 Expiration and Extension.

A. EXPIRATION. The approval or conditional approval of a lot line adjustment shall expire twenty-four (24) months from the date on which final action is taken approving or conditionally approving the lot line adjustment.

B. EXTENSION. The applicant may request an extension of the approval or conditional approval of a lot line adjustment by written application to the Staff Hearing Officer filed with the Community Development Department, such application to be filed before the expiration of the lot line adjustment. The application shall state the reasons for requesting the extension. An extension or extensions of a lot line adjustment approval shall not exceed an aggregate of three (3) years beyond the expiration of the 24-month period provided in Section 27.40.100.A.

C. APPEAL. If the Staff Hearing Officer denies the applicant's application for an extension, the applicant may appeal said denial to the City Council within fifteen (15) days after the Staff Hearing Officer action. (Ord. 5380, 2005.)

****Note: This is an excerpt of the Subdivision Ordinance. Please refer to the Zoning Ordinance for a copy of the entire ordinance.***