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## CHAPTER 11-1 GENERAL PROVISIONS

### Section 11-1.01. Purpose; Authority; Citation.

- (a) The purpose of this title is to regulate and control the division of land within the City of Santa Maria.
- (b) This title is enacted pursuant to the general laws of the State of California and is intended to implement and supplement the California Subdivision Map Act, Government Code Section 66410 et seq., as it exists upon adoption of this ordinance, as it may be amended from time to time, and as it concerns the design, improvement and survey data of divisions of land, the form and content of all required maps provided for by the Subdivision Map Act, and the procedure to be followed in securing official approval of land divisions by the City.
- (c) The regulations contained in this title are determined to be necessary to preserve the public health, safety, and general welfare; to promote orderly growth and development, open space conservation and protection, and proper use of land; and to provide adequate traffic circulation, utilities, and other services in the City.
- (d) All mandated sections of the Subdivision Map Act are not necessarily indicated in this title; these mandated sections must be complied with during the processing of all land divisions. Those provisions of this title mandated by the Subdivision Map Act are subject to change without notice or action by the City and will be periodically updated in this title. If any discrepancies occur between this title and the Subdivision Map Act, the regulations of the Subdivision Map Act shall apply with the exception of definitions as noted in Section 11-2.01 of this title.
- (e) This title may be cited as the Subdivision Ordinance of the City of Santa Maria. (Ord. 94-29, eff. 12/15/94)

### Section 11-1.02. Applicability.

- (a) Except as specifically excluded by the Subdivision Map Act or this title, the provisions of this title shall apply equally to any division of real property wholly or partially within the incorporated area of the City, and shall govern the filing, processing, approval, conditional approval or disapproval of tentative maps, final and parcel maps, mergers, lot line adjustments, reversions to acreage and certificates of compliance, and any modifications thereto.
- (b) Subdivisions of unincorporated territory adjacent to the City shall be subject to this title as authorized by Government Code Section 66454. (Ord. 94-29, eff. 12/15/94)

### Section 11-1.03. Environmental Compliance.

All projects subject to the Subdivision Map Act and this title shall comply with all applicable provisions of the California Environmental Quality Act and the City's Environmental Procedures prior to approval by the Advisory Agency. The subdivider shall provide all necessary data and information requested by the City to prepare the environmental review documents, and shall pay such fees as are required to reimburse City costs for preparation and processing of the environmental review documents in accordance with the most recent fee schedule adopted by the City Council. (Ord. 94-29, eff. 12/15/94)

### Section 11-1.04. Consistency Required.

- (a) No real property shall be subdivided or developed unless the project is in conformance with the City's General Plan, any applicable specific plan, Title 12 (zoning) of the Santa Maria Municipal Code, and any other applicable provisions of the City of Santa Maria.
- (b) The type and intensity of land use as shown in the General Plan and any applicable specific plan, together with the requirements of the Subdivision Map Act and this title, shall determine the type of streets, utilities and other public services that the subdivider may be conditioned to provide. (Reference: Government Code Section 66473.5). (Ord. 94-29, eff. 12/15/94)

### Section 11-1.05. Modifications of Requirements.

- (a) Whenever it appears, based on substantial evidence, that land involved in any subdivision is of such size or shape, or is subject to such title limitations of record, or is affected by such topographical locations or conditions, or it is to be devoted to such use that it is impossible or impractical in each particular case to conform fully with the regulations contained in this title, the Planning Commission may make such modifications thereof as are reasonably necessary or expedient, provided that such modifications are in conformance with the Subdivision Map Act.
- (b) Whenever it appears, based on substantial evidence, to the Planning Commission that the land involved in any subdivision is to be set aside or designated for low and moderate income housing and the City has not granted a density bonus pursuant to Government Code Section 65915 et seq., the Planning Commission may make such modifications to this title as are reasonably necessary or expedient, provided that such modification is in conformance with the Subdivision Map Act. (Ord. 94-29, eff. 12/15/94)

**Section 11-1.06. Tentative and Final Map Required.**

(a) A tentative and final map shall be required for all subdivisions creating five (5) or more lots, five (5) or more condominiums or townhomes, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative apartment project containing five (5) or more dwelling units, except where:

(1) The land, before division, contains fewer than five (5) net acres, and each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required; or

(2) Each parcel created by the division has a gross area of twenty (20) acres or more and each parcel created by the division has a City-approved access to a maintained public street or highway; or

(3) The land comprises part of a tract of land zoned for industrial or commercial development, and each parcel created by the division has an approved access to a public street or highway, and the proposed division has the approval of the City Council as to street alignments and widths; or

(4) Each parcel created by the division has a gross area of not fewer than forty (40) acres or is not less than a quarter of a quarter section.

A tentative and parcel map shall be required for the subdivisions described in subsections (1) through (4). (Reference: Government Code Section 66426). (Ord. 94-29, eff. 12/15/94)

**Section 11-1.07. Tentative and Parcel Map Required.**

(a) A tentative and parcel map shall be required for all subdivisions creating four (4) or fewer lots, four (4) or fewer condominiums or townhomes, a community apartment project containing four (4) or fewer parcels, or for the conversion of a dwelling to a stock cooperative apartment project containing four (4) or fewer dwelling units, except where:

(1) The division contains only parcels of not fewer than forty (40) acres or which are not less than a quarter of a quarter section; or

(2) The division is for land conveyed to or from a governmental agency, public entity, or public utility, or to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless it is determined, upon substantial evidence, that public policy necessitates a tentative and parcel map; or

(3) The parcels are created by a short-term nonrenewable lease for a term of one (1) year or less, unless it is determined, upon substantial evidence, that public policy necessitates a tentative and parcel map.

(b) Parcel Map Waiver. A tentative and parcel map required by this chapter may be waived by the Director of Community Development upon a finding that the proposed division complies with all requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Subdivision Map Act and the Santa Maria Municipal Code. At the discretion of the Director of Community Development, a tentative map may be required to be submitted as a condition of the parcel map waiver.

Actions of the Director of Community Development on parcel map waivers under this section are of such a nature that they do not constitute a significant or substantial deprivation of the property rights of others. Nevertheless, within fourteen (14) calendar days of the action on the waiver by the Director, the Director's decision may be appealed in accordance with Section 11-13.04(a) of this title. (Reference: Government Code Section 66428). (Ord. 94-29, eff. 12/15/94)

**Section 11-1.08. Exceptions.**

This title does not apply to:

(a) The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks;

(b) Mineral, oil, or gas leases;

(c) Leases of land for agricultural purposes (cultivation of food or fiber or the grazing or pasturing of livestock);

(d) Land dedicated for cemetery purposes pursuant to the Health and Safety Code;

(e) Short-term leases (terminable by either party on not more than thirty (30) days written notice) of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a division of land pursuant to the Subdivision Map Act. In such a case, a tentative and parcel map is required;

(f) Any other exception included in the Subdivision Map Act. (Reference: Government Code Sections 66412, 66412.1, 66412.2, 66412.5). (Ord. 94-29, eff. 12/15/94)

**Section 11-1.09. Condominiums, Community Apartments, and Stock Cooperative Conversions.**

A map of a condominium project, a community apartment project, or of the conversion of five (5) or more existing dwelling units to a stock cooperative apartment project need not show the buildings or the manner in which the buildings or airspace above the property shown on the map are to be divided. The City shall not have the right to refuse approval of a tentative, parcel, or final map of such a project on account of design or location of buildings on the property, or of the manner which airspace is to be divided. (Reference: Government Code Section 66427). (Ord. 94-29, eff. 12/15/94)

**Section 11-1.10. Improvement Requirements under a Tentative and Parcel Map.**

(a) The City may require improvements in conjunction with a tentative and parcel map. These improvements shall be limited to the dedication of rights-of-way, easements, and the construction of reasonable onsite and offsite improvements for the lots being created. Requirements for construction of offsite and onsite improvements shall be noticed by a statement on the parcel map, on the instrument evidencing the waiver of the parcel map, or by separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record.

(b) Fulfillment of the construction requirements shall not be required until the time a permit or other grant of approval for development of the parcel is issued by the City of Santa Maria. However, the Planning Commission may require fulfillment of the construction requirements within a reasonable time following approval of the parcel map and prior to issuance of a permit or other grant of approval for the development of the parcel upon a finding by the Planning Commission that fulfillment of the construction requirements is necessary for either of the following reasons:

- (1) The public health and safety.
- (2) The required construction is a necessary prerequisite to the orderly development of the surrounding area. (Reference: Government Code Section 66411.1). (Ord. 94-29, eff. 12/15/94)

**Section 11-1.11. Fees.**

Fees for processing maps or other approvals required by this title shall be paid in the amounts prescribed by resolution of the City Council. Before increasing or adding a fee, notice shall be given in accordance with Title 2 of the Santa Maria Municipal Code. Except as otherwise specified in the Municipal Code, such fees are not refundable. (Ord. 94-29, eff. 12/15/94)

## CHAPTER 11-2 DEFINITIONS AND RESPONSIBILITIES

### Section 11-2.01. Definitions. (Reference: Government Code Sections 66414 et seq.)

For the purpose of this title, unless otherwise apparent from the context, certain words and phrases used in this title are defined in this chapter as set forth below. To the extent they are consistent with these definitions, the Subdivision Map Act definitions shall also be applicable to this title and said definitions are hereby incorporated by reference as though fully set forth herein.

(a) "Advisory Agency" shall mean a designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed division of real property, the imposing of requirements or conditions thereon, or having the authority to approve, conditionally approve, or disapprove maps.

(b) "Alley" shall mean any public or private vehicular way which affords a secondary means of access to abutting property.

(c) "Gross area" shall mean the total land area of a parcel or parcels exclusive of existing public streets.

"Net area" shall mean the total land area of a parcel or parcels exclusive of area within any existing or proposed public or private street, road, or easement for ingress and egress and exclusive of the area within any existing or proposed easement wherein the owner of the parcel is prohibited from using the surface of the ground. Included in the "net area" is the area lying within public utility easements, sanitary sewer easements, landscaping easements, and public service and tree maintenance easements.

(d) "California Environmental Quality Act" shall mean State Public Resources Code Sections 21000 et seq., and the State and City CEQA Guidelines for the implementation of CEQA.

(e) "City" shall mean the City of Santa Maria.

(f) "City Engineer" shall mean the City Engineer of the City of Santa Maria and that person's duly authorized representatives.

(g) "Community apartment project" shall be defined as provided in Section 1351(d) of the State Civil Code.

(h) "Condominium" and "airspace condominium" are synonymous and are used interchangeably. "Condominium" shall mean an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on the real property. A condominium may also include a separate interest in other portions of the real property.

(i) "Conversion" shall mean the conversion of property from lease or rental occupancy to one of lot or space ownership, such as converting a mobile home park to airspace condominium ownership.

(j) "County" shall mean the County of Santa Barbara.

(k) "Design" shall mean:

(1) Street alignments, grades, and widths.

(2) Drainage, water, sewer, sanitary facilities and utilities, including alignments and grades.

(3) Location and size of all required easements and rights-of-way.

(4) Wall locations, materials, and heights.

(5) Lot size and configuration.

(6) Vehicular access, including fire roads.

(7) Grading.

(8) Land to be dedicated for park, open space, or recreational purposes.

(9) Landscaping of public areas.

(10) Such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the City's General Plan or any applicable specific plan.

(11) Compliance with all applicable zoning regulations. (Reference: Government Code Section 66418).

(l) "Development" shall mean the uses to which the land of the subject subdivision shall be put, the buildings to be constructed on it, and all construction incident thereto. (Reference: Government Code Section 66418.1).

(m) "Easement" shall mean an easement dedicated to the City, which shall be continuing and irrevocable unless formally abandoned by the City, and any other easement whether owned by a public entity, public utility, or private party.

(n) "Environmental Impact Report" shall mean a detailed statement prepared pursuant to the provisions of CEQA that describes and analyzes the significant environmental impacts of a project and outlines alternatives and mitigation measures that mitigate or avoid these impacts.

(o) "Final map" shall mean a map showing a subdivision of five (5) or more lots for which a tentative and final map are required by the Subdivision Map Act and this title, prepared in accordance with the Subdivision Map Act and this title, and designed to be filed for recordation in the Office of the County Recorder.

(p) "General Plan" shall mean the General Plan of the City of Santa Maria.

(q) "Geologically hazardous area" shall mean an area which may be affected by one or more of the geologic hazards discussed in the Seismic Safety Element of the General Plan.

(r) "Improvement" shall mean streets, sidewalks, storm drainage facilities, water and sewer facilities, utilities, boundary walls, landscaping to be installed, or agreed to be installed, by the subdivider, on the land to be used for public or private streets, highways, and easements, which are necessary for the general use of the lot owners in the subdivision and local neighborhood. "Improvement" shall also mean other specific improvements or types of improvements, the installation of which, either by the combination of the subdivider, public agencies, private utilities, or other entity approved by the City, is necessary to ensure consistency with, or implementation of, the General Plan, or any applicable specific plan. Improvements shall be constructed in accordance with Standard City Engineering Specifications and Drawings where applicable, and to the satisfaction of the City Engineer in all instances where such improvements are to be publicly accepted and maintained. (Reference: Government Code Section 66419).

(s) "Lot" or "parcel" shall mean a unit or portion of land separate from other units or portions by description, as on a final or parcel map, or by another map approved by the City under the provisions of the Subdivision Map Act and of City ordinances in effect at the time of such approval, for the purpose of sale, lease, or financing. "Lot" has the same meaning as "parcel".

(t) "Lot line adjustment" shall mean a shift, rotation, or elimination of an existing lot line or lines, or other adjustment where a greater number of parcels than originally existing are not created. "Lot line adjustments" are processed pursuant to Section 11-11.03 of this title.

(u) "Parcel map" shall mean a map showing a subdivision of four (4) or fewer lots for which a tentative and parcel map are required by the Subdivision Map Act and this title, prepared in accordance with the Subdivision Map Act and this title and designed to be filed for recordation in the Office of the County Recorder.

(v) "Remainder" shall mean that portion of an existing parcel which is not designated on the required map as part of the subdivision and which is not divided for the purpose of sale, lease, or financing. The remainder shall not be considered as part of the subdivision but shall be shown on the required map as part of the area surrounding the subdivision, except that a remainder of five (5) acres or more need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder.

(w) "Right-of-way" is property dedicated to the City for street, highway, public access, or other public purpose.

(x) "Standard City Engineering Specifications and Drawings" shall mean those standard specifications and drawings as prepared and approved by the City of Santa Maria Department of Public Works, and kept on file at the City of Santa Maria Department of Public Works.

(y) "Stock Cooperative Apartment Project" shall be defined as provided in Section 1351(m) of the State Civil Code.

(z) "Public street" shall mean any duly dedicated street or roadway which the City has accepted and regularly maintains, or which the County duly accepted and regularly maintained prior to incorporation of the City and is not in the City Limits. Public streets are classified in accordance with the designations defined in the Circulation Element of the General Plan and shall be designed in accordance with Standard City Engineering Specifications and Drawings for public streets.

"Private street" shall mean any street, accessway, or the like, lying in whole or in part within a subdivision for which dedication and ownership is privately held and is utilized as access to a development. Private street design and width shall be pursuant to the Standard City Engineering Specifications and Drawings for public streets.

(aa) "Subdivider" shall mean a person, firm, corporation, partnership, or association who or which proposes to divide, or causes to be divided, real property into a subdivision for oneself, itself, or for others. Employees and consultants of such persons or entities, acting in such capacity, are not "subdividers." (Reference: Government Code Section 66423).

(bb) "Subdivision" shall mean the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessor roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered contiguous units even if separated by roads, streets, utility easements or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1351(f) of the State Civil Code, a community apartment project, as defined in Section 1351(d) of the State Civil Code, and the conversion of existing dwelling units to a stock cooperative, as defined in Section 1351(m) of the State Civil Code. "Subdivision" includes any division of land by gift or inheritance, but excludes a division for probate homestead. Any conveyance of land to a governmental agency, public entity, public utility, or subsidiary of a public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels. (Reference: Government Code Section 66424).

(cc) "Subdivision Committee" shall mean the committee established in accordance with Section 11-2.02(c) of this chapter.

(dd) "Subdivision Map Act" shall mean Government Code Section 66410 et seq., inclusive.

(ee) "Tentative map" shall mean a map prepared for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around the subdivision. "Tentative map" shall include a tentative map prepared in connection with both a final map and parcel map pursuant to the provisions of the Subdivision Map Act and of this title.

A "Preliminary Tentative Map" refers to the map reviewed by the Subdivision Committee pursuant to Section 11-3.02 of this title.

An "Official Tentative Map" refers to the map reviewed and acted upon by the Planning Commission pursuant to Section 11-3.03 of this title. (Reference: Government Code Section 66424.5).

(ff) "Title Report" shall mean a document regarding the ownership and encumbrances, limitations, or restrictions upon that ownership of the subject property prepared or updated by a title insurance company. The title report shall not be more than six (6) months old from the date of tentative map, final map, or parcel map submittal, whichever is the case.

(gg) "Vesting tentative map" shall be defined as provided in Section 66424.5(b) of the Subdivision Map Act. (Ord. 94-29, eff. 12/15/94)

### **Section 11-2.02. Responsibilities.**

(a) City Council. The City Council shall act as the Advisory Agency on the approval of final maps and improvement agreements, and where applicable, parcel maps and improvement agreements. The City Council shall also act on the approval, conditional approval, or denial of reversions to acreage.

The City Council shall act as the appeal board for hearing appeals of Planning Commission approval, conditional approval, or denial of official tentative maps. The City Council shall also act as appeal board for hearing appeals of other Planning Commission actions as provided in this title.

The City Council shall determine violations of the Subdivision Map Act and of this title, and other duties as indicated in the City of Santa Maria Municipal Code.

(b) Planning Commission. The Planning Commission shall act as the Advisory Agency on the approval, conditional approval, or denial of official tentative maps.

The Planning Commission shall act as the appeal board for hearing appeals of actions taken on applications for lot line adjustments, mergers, and certificates of compliance by the Director of Community Development.

(c) Subdivision Committee. The City has established a Subdivision Committee whose members shall be as follows: a member of the Planning Commission appointed by the chair of the Planning Commission at the meeting after the election of Planning Commission officers; the Director of Public Works, or a designated representative; the Director of Community Development, or a designated representative; and the Director of Recreation and Parks, or a designated representative. The Planning Commission member shall serve as chair of the Subdivision Committee, and the Community Development Department representative shall serve as the Committee's secretary. Minutes of the deliberations and reports of the Subdivision Committee shall be kept and its proceedings shall be open to the public.

The responsibility of the Subdivision Committee is to perform a preliminary review of all data related to design and improvement of a planned subdivision before an applicant submits an official tentative map for Planning Commission review. The Subdivision Committee makes recommendations to the Planning Commission.

(d) City Attorney. The responsibility of the City Attorney shall include approving as to form all resolutions, subdivision improvement agreements, and securities.

(e) City Engineer. The responsibilities of the City Engineer shall include:

(1) Establishing standard design and construction details, and standards and specifications for all subdivisions and public improvements related thereto;

(2) Establishing if proposed subdivision improvements comply with the provisions of the Subdivision Map Act and this title;

(3) Processing and certifying final maps, parcel maps, reversion to acreage maps, lot line adjustments, and amended and corrected maps, and processing and approving subdivision improvement plans;

(4) Examining and certifying that final maps and parcel maps are in substantial compliance with the approved tentative map;

(5) Writing and approving subdivision improvement agreements as to content;

(6) Inspecting, approving, and accepting public improvements associated with subdivisions; and

(7) Administering subdivision improvement agreements and security.

(f) Director of Community Development. The responsibilities of the Director of Community Development shall include:

- (1) Processing of tentative map applications, including evaluating tentative map consistency with the general plan, zoning ordinance, and any applicable specific plan;
- (2) Acting as the Advisory Agency on the approval, conditional approval, or denial of applications for lot line adjustments, mergers, and certificates of compliance;
- (3) Processing of street name changes;
- (4) Review of final maps and parcel maps for consistency with tentative map conditions; and
- (5) Review and approval of security amounts for Community Development Department related improvements.

(g) City Clerk. The responsibilities of the City Clerk shall include:

- (1) Processing of all documents through the City Council, such as final maps and subdivision improvement agreements;
- (2) Collecting final map and parcel map processing fees; and
- (3) Coordinating the recordation of all final maps, parcel maps, lot line adjustments, mergers, and reversions to acreage.

(h) Director of Recreation and Parks. The responsibilities of the Director of Recreation and Parks shall include:

- (1) Review of tentative maps with respect to street tree requirements, park charges, and public landscaping requirements;
- (2) Administration and calculation of the Residential Development Tax and Subdivision/Residential In-Lieu Park Fee;
- (3) Review and approval of landscape and irrigation improvement plans for landscape areas that are within City landscape maintenance districts; and
- (4) Review and approval of security amounts for street trees and for landscaping within City landscape maintenance districts. (Ord. 94-29, eff. 12/15/94)

## CHAPTER 11-3 TENTATIVE MAPS

### Section 11-3.01. Tract Number.

Prior to filing a preliminary tentative map, the subdivider shall first obtain a Tract Number from the Community Development Department. The Tract Number shall appear on all tentative map submittals. If a preliminary tentative map has not been submitted to the Community Development Department within one (1) year from the date of Tract Number issuance, the Tract Number shall no longer be valid. (Ord. 94-29, eff. 12/15/94)

### Section 11-3.02. Preliminary Tentative Map.

#### (a) Preliminary Tentative Map Submittal.

In order to establish a working relationship between City staff and the subdivider prior to submission of an official tentative map, the subdivider shall submit a preliminary tentative map application package to the Community Development Department that consists of the following:

- (1) Twenty-five (25) full size copies of the preliminary tentative map folded to an 8 1/2 inch by 11 inch size that contains the items listed under Section 11-3.04 of this chapter.
- (2) Two (2) copies of a title report.
- (3) The tentative map application.
- (4) The environmental clearance application.
- (5) A letter from all property owners consenting to the filing of the tentative map.
- (6) The appropriate filing fee.

#### (b) Subdivision Committee Review.

The preliminary tentative map shall be scheduled for Subdivision Committee review within forty-five (45) working days of acceptance of the preliminary tentative map submittal. The preliminary tentative map shall be reviewed by the Subdivision Committee for conformance with this title, the Santa Maria Municipal Code, and other applicable laws, regulations, and standards. This review shall be in the form of memorandums and letters that outline corrections and recommended conditions of approval for the project. More than one Subdivision Committee meeting may be necessary depending on the complexity and nature of a particular project. Upon completion of this process and acceptance of the preliminary tentative map by the Subdivision Committee, the subdivider may file the official tentative map as provided by Section 11-3.03 of this title.

#### (c) Processing Time.

The time consumed in this procedure shall not be counted in determining compliance with the time requirements of Sections 65950 et seq. of the Government Code, the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.), Government Code Section 66452.1, or this title. (Ord. 94-29, eff. 12/15/94)

### Section 11-3.03. Official Tentative Map.

#### (a) Official Tentative Map Submittal.

After the preliminary tentative map is reviewed and accepted by the Subdivision Committee, an official tentative map may be submitted to the Community Development Department for Planning Commission action. The official tentative map submittal shall consist of the items requested in the Subdivision Committee reports and all required items noted in Section 11-3.04 of this title.

#### (b) Official Tentative Map Acceptance.

When twenty-five (25) copies of the official tentative map and accompanying data have been received by the Community Development Department, the submittal shall be reviewed by the City staff for completeness. Completeness includes meeting the requirements set forth in the Subdivision Committee reports, the requirements of the City Standard Specifications and Drawings, and the requirements of the Santa Maria Municipal Code. If the official tentative map submittal is determined to be complete, the date upon which it is found to be complete shall be placed on the map and shall be considered the filing date. Whenever an official tentative map submittal is found incomplete for filing based upon the above criteria, the subdivider shall be notified in writing of the complete reasons thereof within thirty (30) calendar days of submitting the official tentative map. The subdivider shall then resubmit the official tentative map to address the incomplete items and the process of review for completeness shall begin anew.

#### (c) Processing Time.

The processing time periods specified in Sections 66452.1 and 66452.2 of the Government Code shall begin after certification of any type of environmental impact report, adoption of a negative declaration or conditional negative declaration, or upon determination by the Planning Commission that the project is exempt from the

requirements of Section 21000 et seq. of the Public Resources Code. (Reference: Government Code Sections 66452.1 and 66452.2).

(d) Staff Reports.

All staff reports to the Planning Commission regarding an official tentative map shall be in accordance with Section 11-13.01 of this title.

(e) Planning Commission Review.

After the official tentative map has been accepted by the Community Development Department as complete for filing, the official tentative map shall be set for public hearing at the next available meeting of the Planning Commission subject to public noticing time periods. Decisions of the Planning Commission on projects may be appealed to the City Council as provided in Section 11-13.04(b) of this title.

(f) Findings.

Any action taken by the Planning Commission regarding an official tentative map shall be supported by the findings required by the applicable provisions of Public Resources Code Section 21000 et. seq., and Government Code Sections 66412.3, 66427.1, 66473.1, 66473.5, 66474, and 66474.6. In addition, the following findings, based upon presented evidence, both written and oral, shall be made in the affirmative prior to approval of the official tentative map. If one or more of the following findings cannot be made, the application shall be denied:

- (1) The proposed map is consistent with applicable general and specific plans because.. (add reasons).
- (2) The design or improvement of the proposed subdivision is consistent with applicable general and specific plans because... (add reasons).
- (3) The site is physically suitable for the proposed density of development because... (add reasons).
- (4) The site is physically suitable for the type of development because... (add reasons).
- (5) The design of the proposed subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because... (add reasons).
- (6) The design of the subdivision or type of improvements are not likely to cause a serious public health hazard because... (add reasons).
- (7) The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision because... (add reasons).
- (8) The discharge of waste from this proposed land division into the existing community sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board because... (add reasons).

(g) Conditions of Approval.

In approving an official tentative map, the Planning Commission shall require those conditions necessary to protect the public health, safety, and general welfare of the City's residents as authorized by this title, the Santa Maria Municipal Code, the City's General Plan, and State Law. (Ord. 94-29, eff. 12/15/94)

**Section 11-3.04. Contents of Preliminary and Official Tentative Maps.**

(a) Form and Content.

All preliminary and official tentative maps shall be prepared in a manner acceptable to the Community Development and Public Works Departments and shall be prepared by a registered civil engineer or a licensed land surveyor. The tentative map shall be clearly and legibly drawn and shall not contain less than the following:

- (1) Each tentative map submitted to the Community Development Department shall consist of one (1) sheet at least eighteen (18) inches by twenty-six (26) inches, unless multiple sheets of the same size are approved by the Community Development Department. The scale of the map shall be not less than one (1) inch equals one hundred (100) feet or as may be necessary to show all details clearly. When multiple sheets are approved, a key sheet shall be included and the particular number of the sheet and total number of sheets comprising the map shall be stated on each sheet.
- (2) A title which shall contain the tract name, tract number, and type of subdivision.
- (3) Name and address of subdivider, property owner(s), and firm or person preparing the tentative map.
- (4) Sufficient legal description to define the boundary of the subdivision, including all boundary lines of the subdivision with approximate bearings and distances.
- (5) Scale (both written and graphic), date, and north arrow.
- (6) A statement of the current zoning of the site and of existing and proposed uses of the property as well as any proposed changes, whether immediate or future.
- (7) A vicinity map showing all existing major streets, water courses, and Santa Barbara County Flood Control and Water Conservation District channels within one-half (1/2) mile of the exterior boundaries of the subdivision.

- (8) Total number of lots and their type (i.e. residential, commercial, common, etc.).
- (9) Total area of the subdivision in acres.
- (10) The names of all operators of proposed subdivision utility systems (water, wastewater, electrical, gas, telephone, and cable TV).
- (11) The existing topography of the site, with the following contour intervals:
  - (A) One (1) foot when the slope of ground is less than five percent (5%), or
  - (B) Two (2) feet when the slope of ground is greater than five percent (5%).
- (12) Existing improvements and features including, but not limited to, the following:
  - (A) All buildings, fences, tree rows, existing and abandoned water and oil wells, utility poles, prominent land uses and features within the subdivision, and those within one hundred (100) feet of the proposed subdivision on immediately adjoining land which may affect the design of the proposed subdivision.
  - (B) The approximate location and direction of flow of all watercourses and natural drainage channels.
  - (C) Flood zone designation as indicated on the latest Flood Insurance Rate Map.
  - (D) The location, pavement width, right-of-way width, grade and name of all roads and streets (public and private) within, adjacent to, or affected by the subdivision.
  - (E) The widths, location, and identity of all existing easements.
  - (F) The dripline of existing trees with a trunk diameter of six (6) inches or more. Any trees proposed to be removed shall be so indicated.
  - (G) The location and size of all existing sanitary sewers, fire hydrants, water mains, street lights and storm drains. The approximate slope of sanitary sewers and storm drains shall be indicated.
- (13) Proposed improvements and features including, but not limited to, the following:
  - (A) The location, grade, and centerline radius, and travelways and right-of-way widths for all proposed roads and streets. The road standard plate(s) shall also be provided.
  - (B) The location and radius of all curb returns and cul-de-sacs.
  - (C) The widths, location, and purpose of all proposed easements.
  - (D) Individual lot lines and approximate dimensions and the number of each lot. All lots, and the dimensions thereof, including the approximate size in square feet, shall be shown on one (1) sheet of the map.
  - (E) The proposed use of all lots (i.e. single family, multi family, commercial, park, etc.).
  - (F) Engineering grading data, including the approximate finished floor elevation of each lot, the preliminary design of all grading, and the top and toe of cut and fill slopes to scale. In addition, spot elevations shall be provided for top of curbs, top and bottom of retardation basins, and any other significant feature of the project. This information may be submitted in the form of a preliminary grading plan in lieu of showing the information on the tentative map.
  - (G) Proposed pedestrian and bicycle paths, if applicable.
  - (H) Proposed common areas and areas to be dedicated as public open space (e.g. parks), if applicable.
  - (I) Proposed improvements on all existing roads or streets adjacent to or affected by the subdivision, including necessary offsite access improvements.
  - (J) Proposed public and private streets. If the street names have not been approved, they can be shown as "A" Street, "B" Court, or "C" Road on the preliminary tentative map. The approved names for these streets shall be approved and shown on the official tentative map prior to Planning Commission action on the map per the street naming procedures described under Section 11-3.05 of this chapter.
  - (K) All necessary offsite access.
  - (L) The height, type, and location of all boundary walls.
  - (M) The approximate location and approximate size of all proposed sanitary sewers, fire hydrants, water mains, street lights, and storm drains. The approximate slope of sanitary sewers and storm drains shall be indicated.
  - (N) The approximate location and approximate size of retardation basins and design calculations of the basins.

(b) Accompanying Data and Reports for Official Tentative Maps.

Each official tentative map submitted to the Community Development Department shall be accompanied by the following additional information:

- (1) A description of the land within the proposed subdivision.
- (2) The disposition to be made of all existing structures, tree rows, wells, tanks, irrigation facilities, and public utility lines.
- (3) An original signed and stamped preliminary hydrology report from a civil engineer registered in California. The report shall describe the proposed method and plan of stormwater disposal. The plan, including the

location of storm drain lines, inlets, and ultimate outlet, may be shown on the tentative map. The report shall include a hydrologic study, indicating the conditions of the following before and after development: drainage areas, major watercourses, if any, pass-through conditions, and the quantity, patterns, diversions, and collection systems relating to storm water. Flood hazard areas, based on one hundred (100) year storm frequency, shall be delineated (on the tentative map) and described in the hydrology report. Drainage requirements of the Santa Barbara County Flood Control and Water Conservation District also apply to preparation of the hydrology report.

(4) A certification by the applicant that the design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.

(5) A statement of all proposed deviations from City standards for map, street, and storm drainage design, together with justifications for each.

(6) A list of all owners of record of property located within three hundred (300) feet of the boundaries of the subdivision. One (1) list shall be provided for tentative maps of four (4) or fewer parcels, and two (2) lists shall be provided for tentative maps of five (5) or more parcels. Said lists shall be on mailing labels and shall be accompanied by enough first class postage stamps to cover the cost of mailing. A signed Affidavit of Mailing shall also be signed and submitted together with the labels and stamps.

(7) "Will serve" letters from all public utility purveyors.

(8) A preliminary soils report, prepared by a registered civil or geotechnical engineer, if required by the Director of Community Development for use in evaluating and reporting the environmental impacts of the subdivision, or by the City Engineer if onsite terminal or recharge basins are proposed. The soils report for basin areas shall include borings and/or percolation tests to determine the permeability of the soil in the basin. See Section 11-3.04 (c) of this chapter for detailed information regarding soils reports.

(9) Information, as required by the Community Development Department, to allow a determination on environmental review to be made in accordance with CEQA. The subdivider shall deposit and pay all fees as may be required for the preparation and processing of environmental review documents.

(10) For residential projects, a report that indicates the number of units and their location within the subdivision which can make use of passive and natural heating and cooling techniques pursuant to Government Code Section 66473.1.

(c) Soil and Geology Reports.

If a soils report is required, it shall conform to the following:

(1) The preliminary soils report shall describe the nature of the subsurface soils and any soil conditions which would affect the geometrics of the proposed development. The report shall conform with Uniform Building Code standards and shall include the locations and logs of any test borings as well as any percolation test results.

(2) If the City Engineer or Chief Building Official has knowledge of, or the preliminary soils report indicates, the presence of critically expansive soils or other soil problems which, if not corrected, could possibly lead to structural defects or hazardous conditions, a soils investigation of each lot in the subdivision may be required. Such soils investigation shall recommend corrective action which is likely to prevent structural damage and minimize all hazards to each structure proposed to be constructed in the area where such soil problems exist.

(3) For hillside or other geologically hazardous areas, an engineering geology evaluation prepared by a registered engineering geologist defining the geologic conditions of the site shall be submitted in conjunction with, or as part of, the preliminary soils report. The evaluation shall include the locations of any test borings and shall evaluate the effect of the geology on the proposed development. If the conditions of the adjacent properties affect the project site, an analysis of the adjacent properties shall be included. The report shall point out where special design considerations are required.

(4) The soils and geologic reports shall designate areas of hazards from settlement, landsliding, mudsliding, and flood hazards.

(5) The Planning Commission may approve a subdivision or portion thereof where soil problems or geologic hazards exist if it is determined that the actions recommended in the soils and/or geology report are likely to prevent public health or safety problems, prevent structural damage, and minimize all hazards to each structure to be constructed. As a condition of a subdivision, the approved recommended action from the soils/geology report, or other action as proposed by the project engineer and approved by the City Engineer, shall be incorporated into the construction of each structure. (Ord. 94-29, eff. 12/15/94)

**Section 11-3.05. Street Naming Procedures.**

(a) Proposed street names shall be approved by the Community Development, Public Works, Police, and Fire Departments prior to submittal of the official tentative map, and shall be shown on the official tentative map submitted for Planning Commission review.

(b) Street name requests shall be submitted to the Community Development Department for distribution to the other departments for approval. This request shall contain a list of proposed street names and a map showing their location. Two (2) or three (3) alternative names should also be provided in case one or more of the proposed names are rejected.

(c) Duplication of existing or approved street names is prohibited.

(d) Street names, exclusive of Street, Drive, Way, etc., shall be limited to eight (8) letters in length.

(e) Looped streets shall be designated with two street names if the looped street intersects the same cross street. Cul-de-sacs shall be noted as "Courts", "Ways", or "Places."

(f) Addresses will be assigned by the Community Development Department prior to recordation of the final or parcel map. (Ord. 94-29, eff. 12/15/94)

**Section 11-3.06. Expiration of Tentative Maps.**

(a) Expiration.

The approval or conditional approval of an official tentative map shall expire thirty-six (36) months from the date the official tentative map is approved or conditionally approved. However, this date may be extended pursuant to the Subdivision Map Act, Government Code Section 66452.6(a), relating to offsite improvements, and pursuant to Section 11-3.07 of this chapter. Failure to file a final or parcel map with the County Recorder within these time limits shall make the official tentative map null and void and will require that a new tentative map with a new tract number be processed. (Reference: Government Code Section 66452.6(a)).

(b) Development Moratorium/Legal Action.

The period of time specified in Sections 11-3.06(a) and 11-3.07(a) shall not include any period of time during which a development moratorium is imposed or when legal action is pending as both are defined in Government Code Section 66452.6(b)(c). (Ord. 94-29, eff. 12/15/94)

**Section 11-3.07. Extensions of Time.**

(a) Procedure.

The subdivider, or the subdivider's representative, may request an extension of the official tentative map approval or conditional approval by written application to the Planning Commission and payment of applicable fees. The request shall state the reasons for the extension. The extension of time request shall be filed with the Community Development Department at least thirty (30) calendar days before the approval or conditional approval of the official tentative map is due to expire, and said request shall automatically extend the life of the map for sixty (60) calendar days from the expiration date or until the request for the extension is approved or denied, whichever occurs first.

Following a public hearing being noticed and held as provided in Chapter 13 of this title, the Planning Commission may grant the extension, or may deny the request. The decision of the Planning Commission may be appealed to the City Council as provided in Section 11-13.04(b) of this title.

(b) Time Limits.

Extension of time requests shall be granted in one (1) year increments and shall not exceed the cumulative time limits provided in Government Code Section 66452.6. (Reference: Government Code Section 66452.6). (Ord. 94-29, eff. 12/15/94)

**Section 11-3.08. Effect of Map Modification.**

Modification of an official tentative map after approval or conditional approval pursuant to Section 11-10.01 of this title shall not extend the time limits imposed by Sections 11-3.06 and 11-3.07 unless expressly indicated in the modification. (Ord. 94-29, eff. 12/15/94)

## CHAPTER 11-4 VESTING TENTATIVE MAPS

### Section 11-4.01. Authority.

The provisions of this chapter are 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, hereafter referred to as the Vesting Tentative Map Statute. (Ord.. 94-29, eff. 12/15/94)

### Section 11-4.02. Application.

Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this title, requires the filing of a tentative map, a vesting tentative map may be filed in accordance with the provisions of this chapter. (Ord. 94-29, eff. 12/15/94)

### Section 11-4.03. Filing and Processing.

#### (a) Filing and Processing.

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports, and shall be processed in the same manner as set forth in Chapter 3 of this title, except as hereinafter provided.

(1) At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "VESTING TENTATIVE MAP."

(2) At the time a vesting tentative map is filed, the subdivider shall also supply the following information:

(A) Height, size, location, and general uses of all existing and proposed buildings.

(B) Existing and proposed sewer, water, storm drain, and road details.

(C) Detailed grading plans, including a soils report.

(D) Flood control information.

(E) Public improvement plans.

(F) Architectural elevations and floor plans for all of the proposed buildings.

(G) Any other study the City normally defers to the building permit stage consistent with the limitations of Section 66498.8(d) of the Government Code.

#### (b) Fees.

Upon filing a vesting tentative map, the subdivider shall pay the fees required by this title for the filing and processing of a tentative map.

#### (c) 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, as established by Chapter 3 of this title for the expiration of the approval or conditional approval of tentative maps. (Ord. 94-29, eff. 12/15/94)

### Section 11-4.04. Rights on Approval of Vesting Tentative Map.

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

(b) Notwithstanding Section 11-4.04(a) above, any impact fees applicable to a vesting tentative map that are existing at the time the vesting tentative map application is deemed complete shall be paid in the amount required at the time each is required to be paid or performed. This provision only pertains to fee adjustments pursuant to the Engineering News Record Costs of Construction Index, or other appropriate index used by the City.

(c) Notwithstanding Section 11-4.04(a) above, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

(1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(2) The condition or denial is required in order to comply with state or federal law.

(d) The rights referred to in this chapter shall expire if a final or parcel map has not been recorded prior to expiration of the vesting tentative map as provided in Section 11-4.03 of this chapter.

(e) If the final or parcel map is recorded, these rights shall last for the following periods of time:

(1) An initial time period of twenty-four (24) months. Where several final or parcel 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 or parcel map for that phase is recorded.

(2) The initial time period set forth in Section 11-4.04(e)(1) above shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) calendar days from the date a complete application is filed.

(3) A subdivider may apply to the Planning Commission for a one (1) year extension at any time before the initial time period as set forth in Section 11-4.04(e)(1) above expires. If the extension is denied, the subdivider may appeal that denial to the City Council in accordance with Section 11-13.04(b) of this title.

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in Sections 11-4.04(e)(1)-(3) above, the rights referred to in this chapter shall continue until the expiration of that permit, or any extension of that permit. (Ord. 94-29, eff. 12/15/94)

## CHAPTER 11-5 SUBDIVISION DESIGN

### Section 11-5.01. Conformance to City Requirements.

All preliminary and official tentative maps must conform to the City's General Plan and all applicable planning, zoning, design, improvement, and environmental requirements. (Ord. 94-29, eff. 12/15/94)

### Section 11-5.02. Design and Size of Lots.

(a) Lots in a proposed subdivision shall conform to the minimum lot area requirements of the zoning classification applicable to the subject property, and the density shall be consistent with the General Plan. However, pursuant to Title 12 of the Municipal Code, the minimum lot areas and lot widths of residential subdivisions may be reduced if approved by the City Council through a tentative map provided the overall density of the project does not exceed General Plan requirements.

(b) Side lot lines shall be at approximate right angles or radial to the street centerline, except where terrain or other restrictions make such design impractical.

(c) No lot shall be divided by a City, County, School District, or other taxing agency boundary line.

(d) Flag lots shall be permitted, even though they do not meet the minimum lot width requirements at the property line, only if they conform with the existing character of the neighborhood in which they are proposed to be located as determined by the Planning Commission. The minimum lot width of the staff of the flag lot at the property line shall be as follows:

(1) Twenty-six (26) feet on residentially zoned properties.

(2) The minimum widths prescribed in Title 12 of the Municipal Code for all other zoning classifications.

(e) All lots shall have direct access to public streets except where a private street, common driveway, or other reciprocal easement rights are specifically approved by the City Engineer and made a matter of record in the Office of the County Recorder.

(f) All proposed lots shall have not less than the minimum width and length required by the zoning regulations specified in Title 12. Each lot shall have a conforming width at the front yard setback or building line required by the applicable zoning classification. Average lot depth shall not be greater than three (3) times the lot width at the setback or building line unless the Planning Commission, in the case of tentative maps of four (4) or fewer lots, or the City Council, in the case of tentative maps of five (5) or more lots, determines that topographic or geometric features in the area justify a greater average depth. (Ord. 94-29, eff. 12/15/94)

### Section 11-5.03. Street Layout, Design, and Rights-of-Way.

#### (a) Public Streets.

(1) The street layout of the proposed subdivision shall be consistent with all street right-of-way designations shown in the Circulation Element of the General Plan at the time the official tentative map is approved. The street layout, design, and widths of rights-of-way shall also comply with the requirements of the Standard City Engineering Specifications and Drawings.

(2) The requirements of this section affecting road alignments may be waived or modified if the City Engineer finds, after studying and investigating the physical features of the area and the general alignment of the existing roadway and considering such other engineering information as may be available or required, that the street right-of-way for the area of the subdivision would not follow the existing right-of-way centerline and would follow an alignment other than the existing alignment.

(3) Common landscape areas between subdivision boundary walls and nominal public right-of-way boundaries can either be shown as additional public right-of-way dedicated to the City or as a common lot to be owned by the subdivider. If the common lot option is chosen, a landscape easement shall be dedicated to the City over the common lot.

#### (b) Private Streets.

(1) The street design and right-of-way widths of private streets shall comply with the requirements of the Standard City Engineering Specifications and Drawings for public streets. A pavement treatment, such as brick or stamped concrete, shall separate private streets from public streets.

(2) Private streets shall contain all necessary utility and drainage easements as determined by the City Engineer and applicable utility companies. (Ord. 94-29, eff. 12/15/94)

**Section 11-5.04. Boundary Walls - Residential.**

(a) Walls shall be installed along the boundary of proposed residential subdivisions and along controlled access street rights-of-way which abut or pass through the subdivision. Unless otherwise specified by an acoustical analysis and/or through the environmental review process, the following wall types and heights shall be required:

(1) An eight (8) foot high masonry wall, or a six (6) foot high masonry wall on a two (2) foot high berm, between incompatible land uses, as defined in the General Plan, and along arterial streets. Walls along arterial streets shall be slumpstone or other architecturally treated design to be approved by the Director of Community Development.

(2) A six (6) foot high masonry wall along all collector streets. Walls along collector streets shall be slumpstone or other architecturally treated design to be approved by the Director of Community Development.

(3) A six (6) foot high masonry wall with wood inserts along the project boundaries with adjacent undeveloped properties that are zoned for residential land uses. However, a new masonry wall with wood inserts may be required next to adjacent developed residential properties if an existing wall or fence is in disrepair, or if grade differences require the installation of a new wall.

(b) A minimum six (6) foot high masonry wall shall be required on all lot lines which adjoin drainage channels that are adjacent to or paralleling public streets, including multi-purpose trails, per the adopted Bikeway Plan of the Circulation Element. Drainage channels are defined as concrete lined or unlandscaped channels used for flood control purposes only.

(c) In the case of tentative maps of four (4) or fewer lots, construction of the above walls may be postponed pursuant to Section 11-1.10 of this title.

(d) All wall heights shall be measured from the highest ground level elevation on either side of the wall, except where the property line is lower than the finish floor elevation. In these cases, the height of the wall shall be approved by the Zoning Administrator. For six (6) foot high walls, the height of the wall shall be a minimum of five and one-half (5.5) feet above the finish floor elevation unless otherwise specified by an acoustical analysis and/or through the environmental review process. For eight (8) foot high walls, the height of the wall shall be a minimum of seven and one-half (7.5) feet above the finish floor elevation unless otherwise specified by an acoustical analysis and/or through the environmental review process. All walls shall be constructed on the private lots and not within the public right-of-way. (Ord. 94-29, eff. 12/15/94)

**Section 11-5.05. Boundary Walls - Non-Residential.**

(a) Walls may be required along the boundary of proposed non-residential subdivisions. Unless otherwise specified by an acoustical analysis and/or through the environmental review process, the following wall types and heights may be required:

(1) An eight (8) foot high masonry wall, or a six (6) foot high masonry wall on a two (2) foot high berm, between incompatible land uses, as defined in the General Plan. In the case of tentative maps of four (4) or fewer lots, construction of the above wall may be postponed pursuant to Section 11-1.10 of this title.

(b) All wall heights shall be measured from the highest ground level elevation on either side of the wall, except where the property line is lower than the finish floor elevation. In these cases, the height of the wall shall be approved by the Zoning Administrator. For eight (8) foot high walls, the height of the wall shall be a minimum of seven and one-half (7.5) feet above the finish floor elevation unless otherwise specified by an acoustical analysis and/or through the environmental review process. All walls shall be constructed on the private lots and not within the public right-of-way. (Ord. 94-29, eff. 12/15/94)

**Section 11-5.06. Underground Utility Easements.**

To the extent practicable, underground utility easements, whenever necessary, shall be abutting and parallel to lot lines. (Ord. 94-29, eff. 12/15/94)

**Section 11-5.07. Drainage and Drainage Easements.**

(a) The design of the proposed subdivision shall provide for the proper drainage of the proposed subdivision and all lots and improvements therein, based on the runoff that can be anticipated from ultimate development of the watershed area in which the subdivision is located.

(b) The subdivider shall provide, within the boundaries of the proposed subdivision, all easements necessary to provide for: the proper drainage of the proposed subdivision; and flood control channels, conduits, or laterals inside or abutting the proposed subdivision, as required by the Public Facilities Element of the General Plan and the standards of the Santa Barbara County Flood Control and Water Conservation District (SBCFCWCD). Access to open channels shall be provided along the entire length of the channel abutting or within the subdivision. Access to

underground drainage conduit abutting or within the subdivision shall be provided by an easement above the entire length of the conduit. The easement shall be a minimum of twenty (20) feet in width unless it can be shown, to the satisfaction of the City Engineer, that the conduit can be maintained or replaced in a smaller width easement.

(c) The design of the proposed subdivision shall protect the subdivision and the lots and improvements therein from offsite drainage or flood damage. The design shall also ensure that all public facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed so as to minimize or eliminate flood damage to these facilities. Further, the design must provide that any concentrations or increases of surface water resulting from the development of the proposed subdivision are conveyed by means of adequate facilities to a suitable watercourse in the area.

(d) A retardation basin system with a bleeder structure is required for all projects unless an alternative method of storm water disposal is approved by the City Engineer. The retardation basin shall drain into a storm drainage facility or onto a public street as determined by the City Engineer.

(e) Subject to limitations specified in the Subdivision Map Act, off-site easements necessary for drainage facilities shall be provided by the subdivider. All easements required to be provided pursuant to this section shall be offered for dedication at the time the final map or parcel map is filed for recordation.

(f) Every subdivision approved pursuant to this title shall comply with the requirements for grading and erosion control, including the prevention of sedimentation or drainage to off-site property, as set forth in the City's Municipal Code, and as provided in the City's Grading and Drainage Plan Information Handout.

(g) For subdivisions adjacent to the Santa Maria River Levee, a sixty (60) foot wide levee protection area immediately next to the levee shall be either dedicated in fee or granted as an easement to the SBCFCWCD. The SBCFCWCD shall determine whether the sixty (60) foot wide area shall be fee title or an easement. An improved accessway, a minimum of twenty (20) feet wide, shall be provided adjacent to the sixty (60) foot wide area with an access easement to the SBCFCWCD. A landscape and pedestrian access easement shall also be granted to the City of Santa Maria over the sixty (60) foot wide area. (Ord. 94-29, eff. 12/15/94)

#### **Section 11-5.08. State Highways.**

If an existing or proposed state highway abuts a proposed subdivision, the subdivider shall secure all pertinent road data and specifications, and shall show that the design of the proposed subdivision is compatible with the use of such state highway. (Ord. 94-29, eff. 12/15/94)

#### **Section 11-5.09. Street Tree Easements.**

A ten (10) foot wide City tree planting easement is required adjacent to all public streets, measured from the back of sidewalks that parallel the travelway. Arterial streets, certain collector streets, and areas where sidewalks meander shall not have a ten (10) foot wide tree planting easement. Instead, these areas will require landscape easements required per the General Plan and Title 12 of the Municipal Code. (Ord. 94-29, eff. 12/15/94)

## CHAPTER 11-6 FINAL AND PARCEL MAPS

### Section 11-6.01. General.

(a) After approval or conditional approval of an official tentative map and prior to expiration thereof, the subdivider may prepare a final map for subdivisions of five (5) or more lots or a parcel map for subdivisions of four (4) or fewer lots of the proposed subdivision or any portion thereof.

(b) Final maps and parcel maps shall be prepared in accordance with the requirements set forth in the Subdivision Map Act and this title. All final maps and parcel maps must be in substantial conformance with the approved official tentative map and in full compliance with the Subdivision Map Act and this title. (Reference: Government Code Sections 66433 et. seq. and 66444 et. seq.).

(c) A final map or parcel map shall be prepared by a registered civil engineer or a licensed land surveyor. (Reference: Government Code Sections 66434 and 66445).

(d) All final maps shall be based upon a survey made by a licensed land surveyor or a registered civil engineer licensed to perform boundary survey work in the State of California. (Reference: Government Code Section 66434).

(e) Parcel maps shall be based upon a survey unless the provisions of Section 11-6.03 of this chapter apply.

(f) All surveys and all drafting in connection with the preparation of final maps, parcel maps, and improvement plans shall be done in accordance with the standard practices and principles of drafting and land surveying.

(g) A survey and traverse of the boundaries of the subdivision and all lots and blocks shall close within a limit of error of one (1) foot in ten thousand (10,000) feet of perimeter or within an error of closure of two-hundredths (0.02) foot, whichever is larger.

(h) If the final map or parcel map does not include the entire area of the approved official tentative map, and phasing is not proposed pursuant to Section 11-6.02 of this chapter, the subdivider shall obtain a new tract number and shall process a new tentative map for the area not included on the final map or parcel map unless otherwise approved by the City Engineer and the Director of Community Development.

(i) The written consent of all parties having any record title interest in the real property proposed to be subdivided is required in order to process the final or parcel map. (Reference: Government Code Section 66430). (Ord. 94-29, eff. 12/15/94)

### Section 11-6.02. Multiple Final and Parcel Maps (Phasing).

(a) Multiple final or parcel maps relating to an approved or conditionally approved official tentative map may be filed prior to expiration of the official tentative map if: (1) the subdivider, at the time the official tentative map is filed, informs the Advisory Agency of the subdivider's intention to file multiple maps on such tentative map, or (2) after filing the official tentative map, the subdivider and the City Engineer concur in the filing of multiple maps. In providing the notice specified in (1), the subdivider shall not be required to define the number or configuration of the proposed multiple maps.

(b) The filing of a final or parcel map on a portion of an approved or conditionally approved official tentative map shall not invalidate any part of such official tentative map. The right of the subdivider to file multiple maps shall not detract from the authority of the City to impose reasonable conditions relating to filing of multiple maps. (Reference: Government Code Sections 66456.1 and 66463.1). (Ord. 94-29, eff. 12/15/94)

### Section 11-6.03. Parcel Maps Derived from Other Maps.

(a) A parcel map may be compiled from data shown on final maps, records of survey, and parcel maps only if such filed or recorded maps were based upon field surveys and were recorded within the last fifteen (15) years. Data from a field survey made within the last fifteen (15) years and filed with the County Surveyor may also be used. The fifteen (15) year time limit may be waived by the City Engineer if it is shown that record monumentation exists and that existing angles and distances on the ground measure within the required limits of record angles and distances. Parcel maps compiled from filed or recorded data shall conform to the requirements of the Subdivision Map Act and this title.

(b) All other parcel maps shall be based on a field survey made in conformity with the Land Surveyors' Act and shall conform to the requirements of the Subdivision Map Act and this title. (Reference: Government Code Section 66448). (Ord. 94-29, eff. 12/15/94)

**Section 11-6.04. Form and Content of Final and Parcel Maps.**

(a) Material, Size, and Scale of Final and Parcel Maps.

(1) Final and parcel maps shall be clearly and legibly drawn, printed or reproduced by a process ensuring a permanent record in black on polyester base film or comparable medium. All signatures shall be made in waterproof opaque ink. (Reference: Government Code Sections 66434(a) and 66445(a)).

(2) The size of each sheet shall be eighteen (18) inches by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving a blank margin of one (1) inch. (Reference: Government Code Sections 66434(b) and 66445(b)).

(3) No map lettering shall be smaller than eight-hundredths (0.08) of an inch high.

(4) The scale of the map shall be one (1) inch twenty (20), forty (40), or one hundred (100) feet, depending on lot size. A different scale may be used subject to approval by the City Engineer. A graphical scale not less than three (3) inches in length shall be shown in addition to a numerical scale.

(b) Cartographic and Dimensional Information.

Final maps and parcel maps shall contain the following information:

(1) Date of preparation, north point, and scale;

(2) Location and approved names, without abbreviations, of all existing and proposed streets, alleys, and adjoining streets;

(3) Dimensions in feet and hundredths of a foot;

(4) Dimensions of all lots;

(5) Centerline data, including bearings and distances;

(6) Radius, tangent, arc, and central angle of all curves;

(7) Location of all permanent monuments;

(8) Ties to and names of all adjacent subdivisions;

(9) Ties to any City or County boundary lines involved;

(10) All required certifications;

(11) The net area of all lots of more than one (1) gross acre and less than ten (10) gross acres shall be shown to the nearest one-hundredth (1/100) of an acre. The gross area of all lots of more than ten (10) gross acres shall be shown to the nearest one-tenth (1/10) of an acre. The net area of all lots less than one (1) gross acre shall be shown to the nearest square foot;

(12) References to maps previously recorded relative to the property; and

(13) The location of the designated remainder parcel. This need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of such remainder if such remainder has a gross area of five (5) acres or more.

(c) Contents of Final and Parcel Maps.

The following information shall be shown on all final and parcel maps.

(1) Boundary Line. The exterior boundary line of the subdivision shall be shown with blue highlighting. (Reference: Government Code Sections 66434(e) and 66445(d)).

(2) Title Sheets. The title sheet shall contain, at minimum, a title block as provided in Section 11-6.04(c)(3) of this chapter, and all certificates required by the Subdivision Map Act.

(3) Title Block. The title block, showing the project name, tract number, and the designation of the latest legal subdivision of which it is a part together with a reference to the legal record of such subdivision, shall appear on each sheet.

(4) Certificates, Statements, and Acknowledgements. All certificates, statements, and acknowledgements required by the Subdivision Map Act shall appear on the title sheet.

(5) Key Map and Location Map. When the map consists of more than two (2) sheets exclusive of the title sheet, a key map with lot lines at a scale of one (1) inch equals five hundred (500) feet showing the relation of the sheets shall be placed on the first map sheet after the title sheet. Every sheet shall bear a sheet number and shall indicate the total number of sheets comprising the map. Subject to approval of the City Engineer, the scale of the key map may be modified.

A location map at a scale of one (1) inch equals one thousand (1,000) feet showing the geographical location of the proposed subdivision and the subdivision access roads shall be placed on the first map sheet after the title sheet.

(6) City Boundaries. City boundaries adjoining the subdivision shall be properly designated.

(7) Lot Data. Each parcel shall be shown entirely on one (1) sheet. Sufficient data shall be shown to determine the bearing and length of each lot line on the map. Distances and bearings on the sidelines of the lot which are cut by an easement shall be shown to clearly indicate the actual length of the lot lines. No ditto marks

shall be used. No lot in any subdivision shall be divided by the boundary line of a City, County or Special District. The area of each lot shall be provided.

(8) Lot Numbers. The lots shall be numbered consecutively starting with the number "one" (1), with no omissions or duplications. The numbering shall follow the numbering as shown on the official tentative map, unless otherwise approved by the Director of Community Development. Where the subdivision is a continuation of or an additional phase of a subdivision, the lot numbers shall start with the number immediately following the last or highest lot number of such existing subdivision and in all other respects shall conform with the preceding requirements. The last lot number shall be circled.

Private streets shall be numbered, and shall be noted as private streets. Common lots that do not meet zoning requirements as to size and shape shall also be numbered and noted as "non-buildable" lots.

(9) Survey Data. Maps shall show the following survey data: bearing and distance of the centerline of all streets, arc length, tangent, radius, and central angle of all curves; the bearings of radial lines to each lot corner on a curve; the total width of each street, the width of the portion offered for dedication, the width of the existing right-of-way, and the width each side of centerline; flood control or drainage channels; abandoned oil and water well "no-build" easements; and any other easements appearing on the map. On segments of curves on street sidelines, only the arc length and central angle need to be shown. (Reference: Government Code Section 66434(c)).

(10) Bearings. The basis of bearings referred to on the final map or parcel map shall be approved by the City Engineer and shall be clearly identified.

(11) Easements. The location of all existing and proposed easements which are to remain after recordation and which are not within dedicated streets in the subdivision shall be shown by means of broken lines, together with the name of the grantee, the use of the easement and the record reference. Easements not disclosed by the records in the Office of the County Recorder and found by the surveyor or engineer to be existing shall be specifically designated on the map, identifying the apparent dominant tenements.

For easements which parallel property lines, only the easement width need be shown. For easements of a constant width which do not follow property lines, only the centerline of the easement need be described. For all other easements, the widths of easements and the lengths and bearings of the lines thereof shall be clearly labeled and identified. Sufficient ties to locate the easements shall also be provided. Regardless of easement type, if of record, a statement as to the easements shall appear on the title sheet.

The owner's certificate on the final map or parcel map, or by separate instrument for parcel maps (as provided by Section 11-6.06 of this chapter), shall indicate the easements being offered for dedication to public agencies.

(12) Monuments. All monuments required by the Subdivision Map Act and this title shall be shown and identified as such together with sufficient information so that an engineer or surveyor could locate each monument and readily retrace the survey.

(13) Established Ties. Whenever the City has established a centerline of a road, street, or other public right-of-way, the data shall be considered in making the surveys and in preparing the final or parcel map. All monuments found shall be indicated as well as references made to maps of public record relating to the monuments. A monument that is found in the field of which there is no public record shall be noted as such. If the points were reset by ties, that fact shall be stated.

(14) Watercourses and Flooding. Any unimproved natural watercourses wholly or partially within the proposed subdivision shall be indicated. The map shall also show areas within the subdivision which are subject to inundation or flood hazard upon the ultimate development of the watershed.

(15) Tax Collector's Signature or Letter. The county tax collector's certificate on the title sheet shall be signed and dated with a current date. Alternatively, a current letter signed by the County Tax Collector may be submitted certifying that there are no liens against the subdivision or any part thereof for unpaid state, county, municipal or local taxes, or special assessments collected as taxes, except taxes of special assessments not yet payable. Certification of the amount of taxes and assessments which are a lien but which are not yet payable shall be on the map or submitted with the map when submitted to the City Clerk. A date or letter shall be deemed current if the time is no more than ninety (90) calendar days from the time the map is submitted.

(16) Required Notes. All notes required by the conditions of approval of the official tentative map shall appear on the final or parcel map. (Ord. 94-29, eff. 12/15/94)

#### **Section 11-6.05. Accompanying Data.**

The following data shall accompany the submittal of final and parcel maps.

(a) Improvement Plans.

(1) Improvement plans required by Section 11-8.02 of this title, together with calculations and additional information required by the City Engineer to properly check the improvement plans and specifications. Two (2) sets of improvement plans are required to be submitted. Improvement plans shall be prepared by a civil engineer registered in the State of California. Improvement plans are processed in accordance with Chapter 8 of this title.

(2) Parcel maps that do not require construction of any public improvements do not require improvement plans.

(b) Evidence of Title.

(1) Three (3) copies of a title report containing the legal description of the land to be subdivided and showing the names of all persons having any record title interest in such land together with the nature of their respective interests therein. The title report shall be issued by a title company authorized by the laws of the state to write the same. (Ord. 94-29, eff. 12/15/94)

**Section 11-6.06. Dedications and Easements.**

(a) Dedications.

All dedications or offers of dedication to the City or a governmental agency shall be made by certificate on the final map or parcel map. However, for parcel maps, dedications or offers thereof may be made by separate document recorded prior to or concurrently with the recordation of the parcel map. (Reference: Government Code Section 66439).

(b) Off-site Easements.

(1) Written evidence shall be submitted of rights-of-entry or permanent easements on or across private property not within the proposed subdivision as may be necessary to allow performance of the work necessary to improve the subdivision, to allow for maintenance of the subdivision improvements once completed, to allow for permanent public access to the proposed subdivision, or to allow for and to grant necessary slope rights. This evidence shall be submitted prior to recordation of the map.

(2) In the event impacts are created which would adversely affect adjacent or downstream parcels as a result of the design of the subdivision, the City may require the submission of deeds, easements, or rights-of-way not within the proposed subdivision which are necessary to resolve drainage and erosion impacts created by the subdivision. In all cases, real property interests required shall be roughly proportional to the nature and extent of the impacts created. When required, this evidence shall be submitted prior to recordation of the map. (Reference: Government Code Section 66462.5).

(c) Street Rights-Of-Way.

(1) Subject to the exceptions listed in subsection (2), rights-of-way for public streets shown on the map shall be offered for dedication free and clear of any prior easements or rights-of-way. Similarly, all rights of direct access to or from controlled access roads where such roads abut lots within the proposed subdivision shall be waived or dedicated.

(2) Exceptions: Notwithstanding the foregoing, the advisory agency, on the advice of the City Engineer, may approve exceptions to subsection (1) upon finding that one or more of the following apply:

(A) The right-of-way extends through a cross street or other crossing;

(B) The prior easements or rights-of-way would not conflict with the use of the property offered for dedication as a public street;

(C) Maintenance or other use of the prior easements of rights-of-way does not have the potential to damage City improvements.

(d) Park Sites.

All park sites to be dedicated in accordance with Chapter 9 of this title shall be offered for conveyance to the appropriate Public Agency as part of the final or parcel map, or in the case of a parcel map only, by separate document recorded prior to or concurrently with the recordation of the parcel map.

(e) Storm and Flood Control Channels.

(1) All rights-of-way for drainage or flood control purposes required to be provided pursuant to Section 11-5.07 of this title shall be offered for dedication to either the City or the Santa Barbara County Flood Control and Water Conservation District (SBCFCWCD) as may be appropriate.

(2) All rights-of-way required to be provided by Section 11-5.07 for flood control channels or conduits or laterals thereto which are included in the public facilities element of the General Plan and the SBCFCWCD's standards shall be of fee simple title. However, an offer of dedication of such rights-of-way may be of easement interest in lieu of fee simple title when unusual circumstances warrant and the County Board of Supervisors determines that the offer of dedication of easement interest will be of greater public benefit to the SBCFCWCD.

(3) All other rights-of-way for drainage or flood control purposes required by Section 11-5.07 shall be of easement interest. All rights-of-way offered pursuant to this section shall be free of all liens, encumbrances, assessments, easements, and leases, except for public utility easements.

(f) Private Street Easements.

Easements allowing access to all governmental agencies that provide for the public safety, health, and welfare shall be offered for dedication to the City of Santa Maria over all private streets or lanes serving as access for more than two (2) lots on the final or parcel map. In the case of a parcel map only, this dedication or offer thereof may be granted by separate document recorded prior to or concurrently with the recordation of the parcel map.

(g) Reciprocal Access, Drainage, and Parking Agreements.

If required as a condition of approval of the official tentative map for the proposed subdivision, the subdivider shall enter into an agreement with the City for reciprocal access and/or parking and/or drainage across the proposed lot lines that will be created by the proposed subdivision. This agreement shall be in the City's standard agreement format, unless another format is approved by the City Attorney. The document shall be recorded prior to, or concurrently with, the recordation of the final or parcel map.

(h) Other Easements.

All other easements for public use required as a condition of approval of the official tentative map for the proposed subdivision shall be offered for dedication to the City as part of the final or parcel map, or in the case of a parcel map only, by separate document recorded prior to or concurrently with the recordation of the parcel map. This includes, but is not limited to, street tree, utility, flood control, water line, and sanitary sewer easements. (Ord. 94-29, eff. 12/15/94)

**Section 11-6.07. Final and Parcel Map Processing.**

All final and parcel maps shall be processed pursuant to the provisions of the most current City Administration Memo (CAM) 79-6, Parcel or Final Map Procedures after Tentative Map Approval, as it is amended from time to time. (Ord. 94-29, eff. 12/15/94)

**Section 11-6.08. City Council Action.**

(a) Procedure.

(1) Following the final or parcel map procedures described in Section 11-6.07 of this title, final maps, parcel maps, and subdivision improvement agreements shall be filed with the City Council for approval or denial.

(2) The City Council shall consider the final map or parcel map and subdivision improvement agreement at a regular meeting subject to legal noticing requirements.

(3) If the final map or parcel map and subdivision improvement agreement are approved, the City Council shall instruct the Mayor to execute the agreement on behalf of the City. If the agreement and/or final map or parcel map is unacceptable, the City Council shall make its recommended corrections, instruct the City Attorney and/or City Engineer to draft a new agreement and/or revise the final or parcel map, and defer approval until an acceptable agreement and/or final or parcel map has been resubmitted.

(b) Parcel Map Exception.

City Council action is not required for parcel maps that do not require a subdivision improvement agreement because the installation of public improvements is not required or the public improvements are already installed. These parcel maps are processed pursuant to Section 11-6.07 of this chapter.

(c) City Council Denial.

(1) The City Council shall deny approval of a final or parcel map upon making a finding that it does not comply with the requirements of Section 11-3.03(f) of this title or for failure to substantially meet and perform requirements or conditions which were applicable to the subdivision at the time of approval of the official tentative map. The disapproval for failure to conform to an official tentative map shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed.

(2) Where it appears that the failure of the map to meet any requirement or condition is a result of a technical and inadvertent error which, in the determination of the City Council, does not materially affect the validity of the map, the map may be approved. (Reference: Government Code Section 66473).

(d) Condominiums, Community Apartments, Stock Cooperatives.

Final or parcel maps for condominiums, community apartment projects, and stock cooperative apartment projects shall not be approved unless the City Council finds that the notices required by Section 66427.1 of the Subdivision Map Act have been given to the tenants of the proposed project. (Ord. 94-29, eff. 12/15/94)

**Section 11-6.09. Recordation.**

(a) Upon approval of the final or parcel map by the City Council and receipt of the improvement security and all required fees by the City Clerk in a form acceptable to the City Attorney, the City Clerk shall execute the appropriate certificate on the title sheet and forward the map, or have an authorized agent forward the map, to the County Clerk/Recorder for recordation.

(b) In the case of a parcel map that does not require City Council approval, the City Clerk shall transmit the parcel map to the County Clerk/Recorder after receipt of the parcel map from the City Engineer and after all required fees are paid. (Reference: Government Code Section 66464.) (Ord. 94-29, eff. 12/15/94)

## CHAPTER 11-7 MONUMENTS

### Section 11-7.01. General Requirements.

At the time of making the survey of the final map or parcel map, the engineer or surveyor shall set durable monuments to conform with the standards described in Section 66495 of the Subdivision Map Act so that another engineer or surveyor may readily retrace the survey, unless the survey is not required pursuant to Section 11-6.03 of this title. One (1) exterior boundary line of the land being subdivided shall be monumented or referenced prior to recordation of the map. The remaining monuments shall be set within one (1) year following recordation of the map. The monuments shall be set as follows:

(a) Exterior boundary monuments shall be set at or near each boundary corner and at intermediate points approximately one thousand (1,000) feet apart, or at lesser distances as may be necessary by topography to ensure accuracy in reestablishment of any point or line without unreasonable difficulty.

(b) Monuments shall be set at the centerline of all streets, centers of all cul-de-sacs and centerline intersections of streets with exterior boundaries in such a manner as to maintain line of sight from monument to monument within the specified right-of-way. All monuments shall be constructed in accordance with the Standard City Engineering Specifications and Drawings. All monuments set shall be permanently marked or tagged with the engineer's or surveyor's registration number.

(c) Corner monuments shall be set at or near each lot corner, except that the City Engineer may waive certain corner monumenting where standard monumenting would not be feasible or beneficial in retracing a survey. (Ord. 94-29, eff. 12/15/94)

### Section 11-7.02. Monument Construction.

All exterior boundary monuments set shall be of new galvanized iron pipe not less than one and one-half (1 1/2) inches inside diameter. All lot corner monuments shall be new galvanized iron pipe not less than one-half (1/2) inch inside diameter, a cross cut in concrete, a lead and tack, a steel pin, or a minimum five eighths (5/8) inch rebar of a length necessary to assure monument stability. Centerline monuments shall be placed at locations as set forth in Section 11-7.01(b) or as designated by the City Engineer, and constructed in accordance with the Standard City Engineering Specifications and Drawings. All monuments set shall be permanently marked or tagged with the engineer's or surveyor's California registration number. (Ord. 94-29, eff. 12/15/94)

### Section 11-7.03. Monument Security.

If the monuments are to be set following the submission of the final map or parcel map to the City Engineer for certification, a security meeting the requirements set forth in Sections 66441 and 66495 through 66498 of the Subdivision Map Act shall be filed. The engineer or surveyor shall submit an estimate of the cost to set the monuments not already existing, and the City Engineer will review and either accept or reject the estimate. If the estimate is accepted, the subdivider shall post the security pursuant to the provisions of Section 11-8.06 of this title. If the estimate is rejected, the engineer or surveyor shall submit a revised estimate. (Ord. 94-29, eff. 12/15/94)

### Section 11-7.04. Notice of Setting.

(a) Within five (5) calendar days after the final setting of all monuments, the engineer or surveyor shall give written notice to the subdivider and to the City Engineer that the final monuments have been set. The City Engineer shall inspect the monuments within sixty (60) calendar days after notification from the engineer or surveyor.

(b) Upon payment to the engineer or surveyor for setting the final monuments, the subdivider shall present to the City Council evidence of payment to and receipt by the engineer or surveyor. The monument security shall then be released pursuant to the provisions of Chapter 8 of this title. (Ord. 94-29, eff. 12/15/94)

## CHAPTER 11-8 IMPROVEMENTS

### Section 11-8.01. Improvements - General Requirements.

#### (a) General.

(1) The subdivider shall construct all required improvements, both on- and off-site, in accordance with the Standard City Engineering Specifications and Drawings, the official tentative map conditions of approval, the General Plan and Municipal Code, any specific plan, and other standards as provided in this title.

(2) No final map, or parcel map if improvements are required, shall be presented to the City Council for approval until the subdivider either completes the required improvements, or enters into a subdivision improvement agreement with the City agreeing to do the work, and posts surety to guarantee the work as provided in this chapter.

(3) The provisions of this chapter may be imposed as necessary on projects not involving a land division in order to implement the provisions of the General Plan.

#### (b) Completion of Improvements.

(1) The subdivision improvements shall be completed by the subdivider within twelve (12) months from the recordation of the final or parcel map, unless an extension is granted by the City Council.

(2) If the subdivider fails to complete the improvements within the specified time, the City may, by resolution of the City Council and at its option, cause any or all uncompleted improvements to be completed, and the parties executing the surety or sureties shall be firmly bound for payment of all necessary costs therefor. Nothing in this section is intended to limit the City's other remedies, whether legal or equitable.

#### (c) Extensions.

(1) The completion date of the improvements may be extended by the City Council upon written request by the subdivider and the submittal of evidence to justify the extension. The request shall be made not less than thirty (30) calendar days prior to expiration of the subdivision improvement agreement.

(2) The subdivider shall enter into a subdivision improvement extension agreement (SIEA) with the City. The SIEA shall be prepared and signed by the City Engineer, approved as to form by the City Attorney, executed by the subdivider and transmitted to the City Council for its consideration. If approved by the City Council, the Mayor shall execute the agreement on behalf of the City.

(3) In consideration of a SIEA, the following may be required:

(A) Revision of the improvement plans to provide for current design and construction standards when required by the City Engineer;

(B) Revised improvement construction estimates to reflect current improvement costs as approved by the City Engineer;

(C) Reinstatement and/or increase of improvement securities in accordance with the revised construction estimates;

(D) Increase of inspection fees to reflect current construction costs. Such fees shall not, however, be subject to any decrease or refund.

(4) The costs incurred by the City in processing the SIEA shall be reasonable, and shall be borne by the subdivider at the actual cost thereof to the City.

#### (d) Parcel Maps and Remainder Parcels.

(1) Construction requirements of parcel maps shall not be required until such time as a permit or other grant of approval for development of the parcel is issued by the City, unless construction is required pursuant to one of the following conditions: an agreement between the City and the subdivider; or unless the Planning Commission, or City Council on appeal, requires construction within a reasonable time following approval of the parcel map and prior to issuance of a permit or other grant of approval for development upon a finding that construction is necessary for reasons of public health and safety, or for the orderly development of the surrounding area pursuant to Section 11-1.10 of this title. (Reference: Government Code Section 66411.1(b)).

(2) Construction conditions placed on a designated remainder parcel shall not be required until such time as a permit or other grant of approval for development of the remainder parcel is issued by the City, unless construction is required pursuant to one of the following situations: an agreement between the City and the subdivider; or unless the City Council requires construction within a reasonable time following approval of the final map and prior to issuance of a permit or other grant of approval for development upon a finding that construction is necessary for reasons of public health and safety, or for the orderly development of the surrounding area.

#### (e) Commencement of Construction.

Except as otherwise provided in this title, grading of the proposed subdivision and construction of any improvements thereon shall not begin until the City Engineer has approved the improvement plans for the proposed construction. The City Engineer may notify the Chief Building Official that rough grading of the site may begin in

accordance with the provisions of the Uniform Building Code if, in the City Engineer's judgement, the improvement plans and final map are nearly ready for approval and recordation, respectively.

(f) Standard Improvement Drawings and Specifications.

The Standard City Engineering Specifications and Drawings for public improvements and the latest revision of the state standard specifications, copies of which are on file with the City Engineer, are hereby adopted by reference. All subdivision improvements shall be in accordance with the approved public improvement plans for the subdivision and these standards and specifications and such amendments and additions thereto as may be made from time to time by the City Engineer and the State of California.

(g) Processing.

All subdivision improvement agreements and improvement plans shall be processed pursuant to City Manager Memo 79-6, "Parcel or Final Map Procedures after Tentative Map Approval", as it may be amended from time to time. (Ord. 94-29, eff. 12/15/94)

**Section 11-8.02. Improvement Plans.**

(a) General.

(1) The subdivider shall prepare or cause to be prepared all plans and specifications for the improvements required for the proposed subdivision pursuant to this title and the Subdivision Map Act.

(2) Improvement plans shall be prepared under the direction of and signed by a civil engineer registered in the State of California.

(3) Improvement plans shall include, but not be limited to, all improvements required pursuant to Section 11-8.04 of this chapter.

(b) Form.

All improvement plans shall have the following format. The final format of all improvement plans shall be approved by the City Engineer.

(1) Plans, profiles, and details shall be legibly drawn, or reproduced by a process which results in a reproducible drawing, on twenty-two (22) inch by thirty-four (34) inch sheets. A border shall be made on each sheet providing one-half (1/2) inch at the top, bottom, and right side, and one and one-half (1 1/2) inches on the left side.

(2) A City standard title block shall be placed in the lower right corner of the main field of each sheet.

(3) Plans and profiles shall be drawn to the scale of one (1) inch equals forty (40) feet or larger unless otherwise approved by the City Engineer. Details shall be drawn to scale that clearly shows the facility being constructed. The scales for various portions of the plans shall be shown on each sheet.

(4) A vicinity map shall be shown on the first sheet of all sets of plans.

(5) A north arrow shall be shown on each sheet when applicable.

(6) Plans shall be laid out to orient north to the top or right edge of the sheet unless approved otherwise by the City Engineer.

(7) The minimum size of all lettering shall be one-eighth (1/8) inch (nominal) and all lettering shall be legible when reduced.

(8) If the plans include five (5) or more sheets, a key map showing the sheets and the area covered by each sheet of the plan shall be included on the first sheet of the plans.

(c) Content.

The improvement plans shall show complete plans, profiles, and details for all required improvements to be constructed, both public and private, including common areas. Reference may be made to the Standard City Engineering Specifications and Drawings in lieu of duplicating the standard drawings. All standards of agencies other than the City of Santa Maria shall appear on the plans in full and not by reference.

(d) Supplementary Plans and Calculations.

All required hydrology reports, hydraulic plans and calculations, and any structural calculations shall be submitted with the improvement plans to the City Engineer. All calculations shall be legible, systematic, in a form approved by the City Engineer, and signed and stamped by a civil engineer registered in the State of California.

(e) Cost Estimates.

A preliminary estimate of the cost of the public improvements associated with the proposed subdivision shall be prepared by the subdivider's engineer pursuant to Section 11-8.06 of this chapter, and shall accompany the improvement plans at the time they are submitted to the City Engineer. Cost estimates shall include a separate item for contingencies in the amount of ten (10) percent of the estimated actual cost. The estimate submitted by the subdivider's engineer shall be subject to review and approval by the City Engineer. The approved preliminary estimate shall be utilized for the purposes of establishing public improvement plan checking fee. An approved final estimate shall be used to establish construction inspection fees, to reconcile the plan checking fee previously charged

(based on the preliminary estimate) with the fees as they would be based upon the more accurate final estimate, and for establishing required amounts of security as required by Section 11-8.06 of this chapter.

(f) Review by the City Engineer and Responsible Agencies.

(1) The subdivider shall submit the improvement plans and all supporting material to the City Engineer for review by the City and all responsible agencies, such as the Santa Barbara County Flood Control and Water Conservation District, within whose legal jurisdiction the improvements set forth on the plans are proposed to be constructed. Upon completion of the review by all parties, one (1) set of the preliminary plans, with all required revisions indicated, will be returned to the subdivider for corrections.

(2) Improvement plans shall be acted on within sixty (60) working days of their submittal, except that at least fifteen (15) working days shall be provided for processing any resubmitted improvement plans. The sixty (60) working day period shall not include any days during which the improvement plans have been returned to the applicant for correction, have been subject to review by agencies or entities other than the City of Santa Maria, or following that review, have been returned to the applicant for correction. These time limits may be extended by mutual consent of the subdivider and the City Council. However, the City Council may not require a routine waiver of time limits as a condition of accepting the improvement plans. A routine waiver may be obtained for the purpose of permitting concurrent processing of other requirements related to the improvement plans or map. (Reference: Government Code Section 66456.2).

(g) Approval by the City Engineer.

(1) After completing any required revisions, the subdivider shall transmit the originals of the improvement plans to the City Engineer for signature. All revisions shall be legibly drawn on the plans; "sticky back" corrections are not allowed.

(2) Upon a finding that all required revisions have been made and that the plans conform to all applicable City ordinances and plans, design standards and specifications, and the conditions of official tentative map approval, the City Engineer shall sign and date the plans. The signed original plans shall remain on file in the office of the City Engineer. Copies of the plans may be made by the subdivider for the subdivider's use.

(3) Approval of the improvement plans shall not be construed as approval of the gas, electric, telephone, or cable television service construction plans.

(4) Approval by the City Engineer shall in no way relieve the subdivider or the subdivider's engineer from responsibility for the design of the improvements and for any deficiencies resulting from the design, or from any required conditions of official tentative map approval.

(h) Plan Checking and Inspection Costs.

The actual, reasonable cost incurred by the City for the checking of plans and calculations, and all necessary inspections, shall be paid by the subdivider in accordance with the most current fee schedule adopted by the City Council.

(i) Revisions to Approved Plans.

(1) By Subdivider. Requests by the subdivider for major revisions to the approved plans appearing necessary or desirable during construction shall be submitted in writing to the City Engineer. The request shall be accompanied by copies of revised drawings that show the proposed revision prepared by the subdivider's engineer who prepared, signed, and stamped the original drawings. If the revision is acceptable to the City Engineer and consistent with the official tentative map, the originals of the revised drawings shall be submitted to the City Engineer for initialing. The originals of the revised and initialed drawings shall remain on file in the office of the City Engineer. Construction of any proposed revision shall not be permitted to begin until the revised plans have been received and approved by the City Engineer.

(2) By City Engineer. When revisions to the plans are deemed necessary by the City Engineer to protect the public health and safety, or as field conditions may require, a request in writing shall be made to the subdivider. The subdivider shall revise the plans and transmit the originals to the City Engineer for initialing within the time period specified by the City Engineer.

(3) Costs for Revisions. Reasonable costs incurred by the City for the checking of plans or calculations or inspections as a result of revisions to the approved plans shall be borne by the subdivider at actual cost. A deposit, when required, shall be submitted with the revised plans and applied toward the cost.

(j) As-Built Plans.

At the time of completion of the public improvements required pursuant to this title, and as a condition precedent to release of the improvement security, the subdivider shall submit or cause to be submitted to the City Engineer one (1) set of prints and the original tracings of improvement plans which have been modified by the civil engineer of record for the subdivision to reflect the improvements as built. (Ord. 94-29, eff. 12/15/94)

**Section 11-8.03. Subdivision Improvement Agreements.**

(a) Subdivision Improvement Agreements - General.

(1) The term subdivision improvement agreement (SIA) shall, for the purposes of this section, be equally applicable to the subdivision of property by means of either a final map, or a parcel map which has associated with it improvement obligations imposed in accordance with Section 11-8.01(d)(1) of this chapter.

(2) The SIA shall be drafted by the City Engineer in a form prescribed by the City Attorney.

(3) The conditions of official tentative map approval may be explained in the SIA or appended to the SIA. The SIA shall control in case of a discrepancy between the SIA and the conditions of official tentative map approval.

(4) The City Council shall review and approve all SIA's.

(b) Subdivision Improvement Agreements - Form and Content.

The SIA shall provide for the following items:

(1) Construction of all improvements required pursuant to Section 11-8.04 of this chapter, including any required off-site improvements, according to the approved improvement plans and specifications on file with the City Engineer.

(2) Completion of improvements within the time period specified in Section 11-8.01 of this chapter.

(3) Right of the City to require the private engineer responsible for the subdivision to modify plans and specifications pursuant to Section 11-8.02(i) of this chapter and to require the subdivider to pay for the modifications.

(4) Warranty by the subdivider that construction will not adversely affect any portion of the adjacent properties.

(5) Payment of plan checking and inspection fees in accordance with the City's adopted fee schedule.

(6) Improvement securities as required by Section 11-8.06 of this chapter.

(7) Maintenance and repair of any defects or failures and their causes.

(8) To the extent allowed by law, release and indemnification of the City from all liability incurred in connection with the subdivision and payment of all reasonable attorney's fees that the City may incur because of any legal action or other proceeding arising from the subdivision.

(9) Any other deposits, reimbursements, fees, or conditions as required by City ordinance or resolution and as may be required by the City Engineer.

(10) Any other provisions required by the City as reasonably necessary to comply with the purposes and provisions of the Subdivision Map Act and this title. (Ord. 94-29, eff. 12/15/94)

**Section 11-8.04. Improvements Required.**

All improvements required as conditions of official tentative map approval, by the General Plan or Municipal Code, any applicable specific plan, or by City ordinance or resolution, together with, but not limited to, the required improvements set forth below shall be required of all subdivisions unless Section 11-8.01(d) of this chapter applies.

(a) Street Improvements.

(1) All public streets, highways, and alleys required as part of a subdivision shall be improved to their ultimate adopted City road standards and construction specifications, including street structural section, curbs, gutter, sidewalk, driveway approaches, transitions, and street lights. Part width boundary streets adjacent to a subdivision shall be improved to a minimum width of one-half (1/2) section plus twelve (12) feet, except for designated arterial streets. For arterial streets, the required minimum width shall be to the satisfaction of the City Engineer, but in no case shall the requirement exceed a width of one-half (1/2) section plus twelve (12) feet.

(2) Additional right-of-way or easements shall be provided where necessary to accommodate roadway slopes, drainage structures, and other facilities related to subdivision improvements.

(b) Drainage Improvements.

All facilities for drainage required for the proposed subdivision, regardless of location, shall be constructed by the subdivider in accordance with the approved public improvement plans and the requirements specified in the City standards and specifications in effect at the time of construction. The storm drain system shall be capable of collecting and retarding runoff generated by a twenty-five (25) year storm event, unless otherwise required by the City Engineer or the Santa Barbara County Flood Control and Water Conservation District. The overland escape system shall be designed to accommodate a one hundred (100) year flood event.

(c) Sanitary Sewers.

Each unit or lot within the subdivision shall be served by a sanitary sewer system approved by the City Engineer and connections thereto made from each lot in the subdivision.

(d) Water Supply.

Each unit or lot within the proposed subdivision shall be served by an adequate domestic water system as determined by the City Engineer and connections thereto made from each lot in the subdivision.

(e) Fire Protection.

As part of the water supply system installed in the proposed subdivision, the subdivider shall install water mains, fire hydrants, valve connections, and other fire protection devices required by state and local codes and deemed necessary by the Fire Chief or City Engineer to provide adequate fire protection to the proposed subdivision. The installation shall be completed prior to the start of combustible construction and shall be in accordance with the requirements specified in the City standard specifications and drawings in effect at the time of construction.

(f) Utilities.

Each unit or lot within the proposed subdivision shall be served by gas, electric, and telephone facilities. Cable television facilities shall be provided pursuant to Chapter 15 of Title 9 of Santa Maria's Municipal Code.

(g) Underground Utilities.

(1) All existing and proposed utilities, including, but not limited to, electric lines, communications lines, cable television lines, gas lines, and appurtenances thereto, shall be placed underground except those facilities exempted by Public Utilities Commission regulations. All utility facilities, including service laterals, shall be installed in the ground and pressure tested prior to paving of streets. At the time of approval of the official tentative map, the Planning Commission or City Council may modify this requirement for all or part of a subdivision where, due to physical conditions, it would cause unreasonable hardship.

(2) Certain utility appurtenances including, but not limited to, transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts used in connection with underground facilities may be placed on the surface of the ground. All necessary arrangements for the installation of utilities shall be made with the operator of each proposed subdivision utility system pursuant to this title.

(h) Street Name and Traffic Signs.

Street name signs shall be installed by the subdivider at all intersections within the subdivision prior to occupancy of any of the structures. Traffic control devices and signs shall be installed by the subdivider at all locations within the subdivision, or affected by the subdivision as shown on the approved public improvement plans. Traffic control devices and signs shall conform to all applicable local laws and regulations.

(i) Barricades/Turn Arounds.

Barricades conforming to City standards and specifications shall be constructed by the subdivider at the ends of all streets abutting undeveloped property adjacent to the proposed subdivision. Temporary turn arounds may be required by the City Engineer if the ends of these streets need to be served by refuse vehicles or accessed by fire vehicles.

(j) Street Trees.

Street trees shall be planted within the required ten (10) foot wide street tree easement along public streets within the subdivision. Street trees shall be provided as follows: at least one (1) tree per each interior lot, two (2) trees per each corner lot, or one (1) tree per forty (40) feet on center, whichever is the lesser dimension. The trees planted shall be of a type approved by the Recreation and Parks Department. A schematic plan for the proposed tree planting showing the type and location of trees shall be prepared and submitted to the Recreation and Parks Department for approval prior to installation of the trees. If the trees are to be planted after recordation of the map, an appropriate surety shall be posted as part of the subdivision improvement agreement pursuant to this chapter. Installation of the street trees shall be made prior to occupancy of any structure on a proposed lot. The Recreation and Parks Department may waive all or any part of this street tree planting requirement and accept in its place the planting of street trees at an alternative location of the Department's choosing or the funds to affect such planting if the Department determines that the requirement would be unnecessary or unreasonable under the circumstances in any particular case.

(k) Water and Oil Wells.

(1) Water Wells. All water wells within the proposed subdivision shall be destroyed by sealing in a manner satisfactory to the City Engineer and in compliance with applicable State and local laws, or shall be protected from surface and underground pollution in accordance with requirements determined by the Environmental Health Services Division of the Santa Barbara County Health Department. All water wells not destroyed shall be delineated on the recordable map and measures satisfactory to the City Engineer shall be taken to prevent injury to persons or property by use of appropriate physical barriers and restrictions, including a ten (10) foot wide radius "no build" easement around the well head.

(2) Oil Wells. All oil wells shall be abandoned in accordance with the requirements of the California Division of Oil, Gas, and Geothermal Resources (CDOG). All abandoned oil wells not removed shall be delineated on the recordable map and measures satisfactory to the City Engineer and CDOG shall be taken to prevent injury to persons or property by use of appropriate physical barriers and restrictions. This includes a ten (10) foot wide radius "no build" easement around the well head for residential projects. Non-residential projects shall provide the previously mentioned ten (10) foot wide radius "no build" easement, or a CDOG approved venting system shall be provided over the well which will allow a structure to be built over the abandoned well.

(l) Walls and Fences.

(1) Masonry walls and combination masonry/wood fences shall be constructed as part of the subdivision in accordance with the design requirements described in Sections 11-5.04 and 11-5.05 of this title.

(2) If a final or parcel map which does not include the entire tentative map area is submitted for approval, all flood control and drainage channels within the tentative map area shall be fenced with permanent or temporary fencing as approved by the City Engineer. If a temporary fence is constructed, it shall be replaced with the required permanent fence or wall when the land adjacent to the channel is included within a final or parcel map.

(3) All walls and fences required pursuant to this section shall be completed prior to occupancy of buildings within the boundaries of the final or parcel map.

(m) City Maintenance Districts and Landscaping.

(1) All projects shall be annexed into a City Landscape and Lighting Maintenance District prior to recordation of the map, whether or not any landscaping will be maintained by the City.

(2) Eligibility of landscaping to be maintained by the City through the district shall be determined by the Director of Recreation and Parks. Eligible areas generally include landscaping (including retardation basins) along arterial streets, as defined in the General Plan, and median areas. Other areas may be included in the District subject to the approval of the Director of Recreation and Parks.

(3) Landscaping to be included in the district shall be designed as part of the public improvement plans in accordance with the standards of the Recreation and Parks Department, and all applicable landscape standards adopted by the City at the time of official tentative map approval.

(4) All landscape plans for landscaping in public areas to be maintained by the district shall be prepared by a landscape architect registered in the State of California.

(n) Multi-Purpose Trails.

Multi-purpose trails and bicycle paths, as defined in the Bikeways Element of the General Plan, shall be constructed as part of a subdivision, if applicable. The paths shall be designed pursuant to the Bikeways Element of the General Plan and the Standard City Engineering Specifications and Drawings.

(o) Other Improvements.

Other improvements may be required as determined by the City Engineer, Director of Community Development, or Director of Recreation and Parks in order to comply with the City's Municipal Code.

(p) Off-Site Improvements.

(1) If the subdivider is required to construct off-site improvements on land in which neither the subdivider nor the City has sufficient title or interest to allow construction, the City shall, within one hundred twenty (120) calendar days of recordation of the final map, acquire by negotiation or commence condemnation of the land. If the City fails to meet the one hundred twenty (120) calendar day time limit, the condition for the off-site construction shall be waived. The requirement for off-site construction, should the City acquire an interest in the land which permits the improvements to be installed, shall be included in the subdivision improvement agreement.

(2) The subdivider shall pay the cost of acquiring off-site land or an interest in the land required to construct the off-site improvements. The money shall be paid prior to recordation of the map in the form of a deposit determined by the City Engineer. Any unused funds will be refunded to the subdivider, and any cost in excess of the deposit will be billed to the subdivider. (Reference: Government Code Section 66462.5). (Ord. 94-29, eff. 12/15/94)

**Section 11-8.05. Improvements - Reimbursement.**

(a) Supplemental Capacity - Requirement.

The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity, or number for the benefit of property not within the subdivision as a condition precedent to the approval of the official tentative map, and thereafter to dedicate such improvements to the public. Supplemental size, capacity, or number shall mean that size, capacity, or number in excess of the minimum standard City requirements for a particular size and type of project. (Reference: Government Code Section 66485).

(b) Supplemental Capacity - Reimbursement Agreement.

The City shall enter into an agreement for reimbursement to the subdivider of the cost plus interest, at a rate established by City Council, of the supplemental size, capacity, or number. However, the subdivider shall be reimbursed only for that portion of the cost of such improvements actually collected by the City, up to an amount equal to the difference between the amount it would cost the subdivider to install improvements to serve the subdivision only and the actual cost of the oversized improvements. (Reference: Government Code Section 66486).

(c) Supplemental Capacity - Financing.

(1) To pay for the cost of such a reimbursement, the City Council may at its discretion:

(A) Contribute to the subdivider that part of the cost of the improvements attributable to the benefit of real property outside the subdivision and thereafter levy a charge upon the real property benefitted thereby to reimburse the City for its cost, plus interest; or

(B) Collect a reasonable use charge for the account of the subdivider from persons, including public agencies, using the oversized improvements for the benefit of real property not within the subdivision; or

(C) Establish and maintain local benefit districts for the levy and collection of the charge or costs attributable to the property benefitted by the supplemental capacity, size, or number. (Reference: Government Code Section 66487).

(2) No such user charge, levy, or local benefit district shall be established unless and until a public hearing is held thereon by the City Council and the City Council finds that the fee or charge and the area of benefit or local benefit district is reasonably related to the cost of such supplemental improvements and the actual ultimate beneficiaries thereof. The public noticing shall include the following:

(A) Written notice of the hearing shall be given to the subdivider, to those who own property within the proposed area of benefit as shown on the latest equalized assessment roll, and the potential users of the supplemental improvements insofar as they can be ascertained at the time.

(B) Such notices shall be mailed by the City Clerk at least ten (10) calendar days prior to the date established for the hearing.

(3) If the City has adopted a local drainage or sanitary sewer plan or map as required for the imposition of fees therefor, the City may impose a reasonable charge on property within the area benefitted and may provide for the collection of the charge as set forth in this title. The City may enter into reimbursement agreements with the subdivider who constructs the facilities, and charges collected by the City therefor may be utilized to reimburse the subdivider as set forth in Section 11-8.05(c) of this chapter. (Reference: Government Code Section 66488). (Ord. 94-29, eff. 12/15/94)

**Section 11-8.06. Improvement Security.**

(a) General.

(1) Any subdivision improvement agreement, contract, or act required or authorized by the Subdivision Map Act or this title, for which security is required, shall be secured in accordance with Section 66499 et seq. of the Subdivision Map Act and as provided in the following sections.

(2) The final map or parcel map shall be held by the City Clerk until all improvement securities required by this title have been received and approved. Once the surety is posted, the City Clerk will schedule the final map or parcel map for City Council action.

(3) Improvement securities for condominium projects shall be in accordance with Section 11-12.07 of this title.

(b) Form of Security.

The form of security shall be one or a combination of the following at the option and subject to the approval of the City Attorney.

(1) Bond or bonds by one or more duly authorized corporate securities. The form of the bond or bonds shall be in accordance with Sections 66499.1, 66499.2, 66499.3 and 66499.4 of the Subdivision Map Act.

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

(3) An instrument of credit from an agency of the state, federal, or local government when any agency of the state, federal, or local government provides at least twenty percent (20%) of the financing for the portion of the act or agreement requiring security, or from one (1) or more financial institutions subject to regulation 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, or a letter of credit issued by such a financial institution.

(4) A lien upon the property to be divided, created by contract between the owner and the City, if the City finds that it would not be in the public interest to require the installation of the required improvement(s) sooner than two (2) years after the recordation of the map.

(5) Any other form of security, as provided in Section 66499 of the Subdivision Map Act, approved by the City Attorney. (Reference: Government Code Section 66499).

(c) Amount of Security.

(1) The estimate of improvement costs for public improvements shall be as approved by the City Engineer and shall include contingency costs in the amount of ten percent (10%) of the total construction cost.

(A) A performance security in the amount of one hundred percent (100%) of the total estimated construction cost to guarantee the construction or installation of all improvements.

(B) An additional security of not less than fifty percent (50%) nor more than one hundred percent (100%) of the estimated construction cost shall be required to guarantee payment to the subdivider's contractor, subcontractors, and to persons furnishing labor, materials, or equipment for the construction or installation of improvements.

(C) In addition, a warranty security shall be posted in the amount of ten percent (10%) of the total estimated cost of the improvements for the maintenance of the work for a period of one (1) year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished in the performance of the subdivision improvement agreement with the City.

(2) The estimate of improvement costs for public area landscaping shall be as approved by the Director of Recreation and Parks. The performance security shall be in the amount of one hundred percent (100%) of the total estimated construction cost to guarantee the construction or installation of all improvements including contingency costs in the amount of ten percent (10%) of the total construction cost. The performance security for public landscaping shall include the cost of maintaining the landscaping for one (1) year.

(3) Guarantee for the installation of boundary walls shall be accomplished by one of the following methods:

(A) A performance security per Section 11-8.06(b) of this chapter. The estimate of improvement costs for boundary walls shall be as approved by the Director of Community Development. The performance security shall be in the amount of one hundred percent (100%) of the total estimated construction cost to guarantee the construction or installation of all improvements including contingency costs in the amount of ten percent (10%) of the total construction cost.

(B) Construction of all required boundary walls prior to issuance of a building permit for the first building to be constructed. Required boundary walls to be constructed are those walls shown on the grading plan for the particular construction phase under consideration.

The subdivider shall notify the Community Development Department in writing prior to recordation of the map on which method will be employed. (Reference: Government Code Section 66499.3).

(d) Reduction in Performance Security.

Upon written request by the subdivider to the City Clerk, the appropriate department or departments may authorize the release of a portion of the performance security upon the departments' acceptance of the satisfactory completion of a part of the improvements as the work progresses. In no case, however, shall the security be reduced to less than ten percent (10%) of the total improvement security given for the faithful performance. The amount of reduction of the security shall be determined by the appropriate department or departments, but in no event shall the department or departments authorize a release of the improvement security which would reduce security to an amount below that required to guarantee the completion of the improvements and any other obligation imposed by the Subdivision Map Act, this title, or the subdivision improvement agreement. (Reference: Government Code Section 66499.7(a)).

(e) Release of Improvement Securities.

All requests for the release of improvement securities shall be made by the subdivider to the City Clerk. The City Clerk shall distribute the request to the appropriate departments for authorization to release the securities.

(1) Performance Security. The performance security shall be released only upon final completion and acceptance of the improvements by the City.

(2) Material and Labor Security. Security given to secure payment to the contractor, subcontractors, and to persons furnishing labor, materials, or equipment shall, after passage of the time within which claims of lien are recorded pursuant to Sections 3114 et seq. of the California Civil Code, and after the completion and acceptance of the improvements by the City, be reduced to an amount equal to the amount of claims therefor filed and of which notice has been given to the City Council. The balance of the security shall be released upon the settlement of all claims and obligations for which the security was given.

(3) Warranty Security. The warranty security shall be released upon satisfactory completion of the warranty period, provided that:

(A) All deficiencies appearing on the warranty deficiency list for the subdivision have been corrected;  
and

(B) Not less than twelve (12) months have elapsed since the acceptance of the improvements by the City. (Ord. 94-29, eff. 12/15/94)

**Section 11-8.07. Improvements - Acceptance.**

(a) When all improvement deficiencies have been corrected and as-built plans submitted to the City Engineer, the completed subdivision improvements shall be recommended by the City Engineer to the City Council for acceptance. Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that public improvements have been accepted for public use.

(b) If the subdivision improvements have been accepted by the City and public improvements have been dedicated on the final map or parcel map, the City Clerk shall file an Acceptance of Public Improvements with the County Recorder.

(c) When requested by the subdivider in writing, the City Engineer may consider acceptance of a portion of the improvements. Such improvements will be accepted by the City only if the City Council, acting upon the recommendation of the City Engineer, finds that it is in the public interest to do so and such improvements are for the use of the general public. Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements imposed by this title or the Subdivision Map Act. (Ord. 94-29, eff. 12/15/94)

## CHAPTER 11-9 DEDICATIONS

### Section 11-9.01. Dedications - General.

(a) The dedication requirements specified by this chapter are imposed under the authority of Section 66475 of the Subdivision Map Act, and shall apply to all final maps and parcel maps unless exempted from specific dedication requirements by the Subdivision Map Act or this title.

(b) All dedications of property to the City for public purposes shall be made as an irrevocable offer of dedication, except that, at the City's discretion, a grant of easement may be accepted for the following purposes: streets, alleys, open space easements, scenic easements, street tree easements, or public utilities. The City may elect to accept a dedication in fee title in lieu of an irrevocable offer of dedication for items such as park sites and public use areas.

(c) The provisions of this chapter may be imposed as necessary on projects not involving a subdivision in order to implement the provisions of the General Plan. (Ord. 94-29, eff. 12/15/94)

### Section 11-9.02. Dedications - Streets, Alleys, Utilities, and other Public Rights-of-Way or Easements.

#### (a) Required Dedications.

(1) As a condition of approval of an official tentative map, and consistent with applicable laws, the subdivider shall, as part of the final or parcel map process, dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets and alleys, including access rights and abutters' rights, drainage, public open space, multi-purpose trails, bicycle paths as provided in Section 66475.1 of the Subdivision Map Act, public service and utility easements, local transit facilities as provided by Section 66475.2 of the Subdivision Map Act, common area landscaping, street tree easements, and other public easements.

(2) In addition, consistent with applicable laws, the subdivider shall improve or agree to improve all streets and alleys, including access rights and abutters' rights, drainage, public open space, multi-purpose trails, bicycle paths, public service and utility easements, local transit facilities, street tree easements, common area landscaping, and other public easements.

(3) Improvements shall be in accordance with Chapter 8 of this title. (Reference: Government Code Section 66475).

#### (b) Waiver of Direct Access Rights.

(1) The City may require as a condition of approval of an official tentative map that dedication, or offers of dedication of streets, include a waiver of direct access rights to any such street from any property within or abutting the subdivision.

(2) Upon acceptance of the dedication, such waiver shall become effective in accordance with its provisions. (Reference: Government Code Section 66476).

#### (c) Acceptance or Rejection.

At the time of approval of the final or parcel map, the City Council shall accept, accept subject to improvement, or reject any offer of dedication. The City Clerk shall certify on the map the action of the City Council. Offers of dedication shall be rejected and terminated as provided by Sections 66477.1 and 66477.2 of the Subdivision Map Act. (Ord. 94-29, eff. 12/15/94)

### Section 11-9.03. Public Uses - Reservations.

(a) As a condition of approval of an official tentative map, the subdivider may be required to reserve areas of real property within the subdivision for parks, recreational facilities, fire stations, libraries, or other public uses, subject to the following:

(1) The requirement is based upon an adopted specific plan or an adopted general plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.

(2) The reserved area is 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.

(3) The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

(b) The reserved area shall conform to the adopted specific 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 the land is not acquired within the prescribed period.

(c) Nothing in this section shall be construed to limit the authority of the City to levy fees pursuant to this title and the City's Municipal Code. (Reference: Government Code Section 66479 et seq.). (Ord. 94-29, eff. 12/15/94)

**Section 11-9.04. Dedications - Schools.**

The City may require the dedication of land for school purposes pursuant to Section 66478 of the Government Code. The provisions of this section shall not be applicable to a subdivider who has owned the land being subdivided for more than ten (10) years prior to the filing of the official tentative map. (Reference: Government Code Section 66478). (Ord. 94-29, eff. 12/15/94)

**Section 11-9.05. Dedications - Public Parks.**

(a) General.

(1) This section is enacted pursuant to the authority granted by the Subdivision Map Act and the general police power of the City and is for the purpose of providing such additional park and recreational facilities and open space as appropriate pursuant to the General Plan. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this section are in accordance with the policies, objectives, and standards for park and recreational facilities contained in the General Plan.

(2) For the purpose of this section, "Subdivision In-Lieu Fee" shall mean either of the following:

(A) For all subdivisions noted in Section 11-9.05(b)(1), the subdivision in-lieu fee means the Quimby Act provisions of Government Code Section 66410 et. seq. and of Chapter 9 of this title.

(B) For all residential developments not being subdivided as noted in Section 11-9.05(b)(2), the subdivision in-lieu fee means the fee provisions of Chapter 9 of this title.

The subdivision in-lieu fee is not the same as the residential development tax (Chapter 7 of Title 3) or the recreation and parks mitigation fee (Section 19 of Chapter 15 of Title 8).

(b) Applicability.

(1) The provisions of this section shall apply to all subdivisions with the exception of the following:

(A) Commercial or industrial subdivisions.

(B) Condominium projects or stock cooperative projects which consist of the subdivision of airspace within an existing apartment building which is more than five (5) years old and by which no new dwelling units are added.

(C) Official tentative maps containing four (4) or fewer parcels and not used for residential purposes. However, a condition may be placed on the approval of the official tentative map to the effect that if a building permit is requested for construction of a residential structure or structures on one or more of the lots within four (4) years, the fee which is required at the time of building permit issuance may be required to be paid by the owner of each such parcel as a condition to the issuance of the building permit. (Reference: Government Code Section 66477).

(2) The provisions of this section shall apply to residential developments which are not being subdivided and have not previously been assessed fees pursuant to the provisions of this section. The exactions imposed upon these developments shall be paid at the earliest time allowed by law.

(c) Requirements.

(1) As a condition of approval of an official tentative map, the subdivider shall dedicate land to the City, pay a subdivision in-lieu fee to the City, or a combination of both, at the option of the City, for park or recreational purposes at the time and according to the standards described in Section 11-9.05(d) of this chapter. Dedications and/or fees acquired for park and recreational uses shall be used as follows:

(A) To compensate the City for the cost of providing for the rehabilitation or construction of new park and recreational facilities; or

(B) To provide park and recreational facilities that will reasonably serve the residents of the development from which the exaction was obtained, and the amount and location of the fee and /or land shall bear a reasonable relationship to the use of the park and recreational facilities by those future residents.

(2) Any fee collected shall be committed within five (5) years after the payment of such fee, or in the case of a subdivision, when building permits are issued on one-half (1/2) of the lots created, whichever occurs later.

(3) Any fee not committed shall be reimbursed to the then record owners of the subdivision pursuant to the procedure set forth in Government Code Section 66477(f). (Reference: Government Code Section 66477).

(d) Standards for Calculating Parkland Dedication or Fees.

(1) The amount of the subdivision in-lieu fee or the amount of land to be dedicated, or both, shall be based upon the residential density of the site and the average household size according to the following standards:

(A) Residential density shall be the total number of units proposed on the property by the official tentative map filed for Planning Commission action. In the case of a condominium project, the number of dwelling units shall be the number of condominium units.

(B) The average household size reflects the average for the area based on the latest Federal Census.

(C) The dedication of land, or the payment of fees, or both, shall not exceed the proportionate amount necessary to provide three (3) acres of park area per one thousand (1,000) persons residing within a subdivision, unless the amount of existing neighborhood and community park area, as calculated pursuant to this section, exceeds that limit, in which case the City Council may adopt the calculated amount as a higher standard not to exceed five (5) acres per one thousand (1,000) persons residing within a subdivision.

(D) The park area per one-thousand (1,000) members of the population of the City shall be derived from the ratio of the amount of neighborhood and community park acreage bears to the total population of the City as shown in the most recent available Federal Census. The amount of neighborhood and community park acreage shall be the actual acreage of these parks within the City as shown on its records, plans, recreational element, maps, or reports as of the date of the most recent available Federal Census.

(E) Only subdivision in-lieu fees, as calculated in this chapter, may be required of developments of fifty (50) lots or fewer, except that when a condominium project, stock cooperative, or community apartment exceeds fifty (50) dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than fifty (50). However, nothing in this chapter shall prohibit the dedication and acceptance of land for park and recreation purposes in developments of fifty (50) lots or fewer, where the subdivider proposes such dedication voluntarily and the land is acceptable to the City.

(2) The in-lieu fee per acre shall be based on the City-wide average fair market value of land that would be dedicated. The value per acre may be amended annually by resolution of the City Council prior to January 10th, for that year, on the basis of City-wide appraisal information provided by the Director of Recreation and Parks. (Reference: Government Code Section 66477).

(e) Determination of Land or Fee.

(1) Whether the City accepts land dedication, or elects to require the payment of the subdivision in-lieu fee, or a combination of both, shall be determined by consideration of the following:

(A) The policies, objectives, and standards for park and recreation facilities in the City's General Plan;

(B) The topography, geology, and location of and access to land in the subdivision available for dedication;

(C) The size and shape of the subdivision and land available for dedication;

(D) The feasibility of dedication;

(E) The availability of previously-acquired park property; and

(F) The location of existing or proposed park sites and recreation trails.

(2) The determination by the City Council as to whether land shall be dedicated, or the subdivision in-lieu fee shall be charged, or a combination of both, shall be final and conclusive. (Reference: Government Code Section 66477).

(f) Procedure.

(1) At the time of approval or conditional approval of the official tentative map, the Planning Commission shall determine, based on recommendations from the Director of Recreation and Parks, whether land, subdivision in-lieu fees, or a combination of both, shall be dedicated and/or paid by the subdivider.

(2) The Planning Commission may approve, modify, or disapprove the recommendation of the Director of Recreation and Parks.

(3) The recommendation of the Director of Recreation and Parks shall include the following:

(A) The amount of land required, or that the subdivision in-lieu fee be charged instead of the dedication, or that a combination of land and fee be required; and

(B) The location of the park land and, where appropriate, the siting and conceptual design of the park facilities thereto, to be dedicated or used in lieu of fees; and

(C) The approximate time when the development of the park or recreation facility shall commence in the case of land dedication.

(4) Where dedication is required, the dedication shall be accomplished in accordance with the Subdivision Map Act and this title, and such land shall be conveyed to the City.

(5) Where subdivision in-lieu fees are required, they are due and payable to the City at the time of building permit issuance.

(6) Open space covenants, easements or other appropriate designations for private park or recreational facilities shall be submitted to the City, in a form and type acceptable to the City Attorney and Director of Recreation and Parks, prior to approval of the final or parcel map by the City Council, and shall be recorded as part of the final or parcel map or recorded concurrently as a separate instrument with the final or parcel map.

(g) Private Parks/Open Space Maintained by Others.

(1) If private open space for park and recreational purposes is provided in a proposed development, and such space is to be privately owned and maintained by others, such areas may be credited against not more than sixty percent (60%) of the requirement of dedication and development for park and recreation purposes, as set forth in this chapter, or the payment of the subdivision in-lieu fee thereof, in accordance with Section 11-9.05(f) of this chapter, provided that the following standards are met:

(A) That yards, court areas, required setbacks and other open space areas required to be maintained by the zoning and building provisions of the City's Municipal Code shall not be included in the computation of such private open space; and

(B) That the ownership and maintenance of the open space is adequately provided for; and

(C) That the use of the private open space is restricted for park and recreational purposes by recorded easements which run with the land in favor of the existing and future owners of property within the development and which cannot be modified or eliminated without the consent of the City Council; and

(D) That the proposed private open space is reasonably adaptable for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location of the private open space land; and

(E) That facilities proposed for the open space are in substantial accordance with the provisions of the Land Use Element of the City's General Plan and are approved by the Recreation and Parks Commission; and

(F) That the quality of all elements of recreation improvements shall meet the guidelines of the U.S. Consumer's Product Safety Commission (CPSC).

(G) Nothing in this chapter shall prevent credit for lands used jointly for flood control as well as recreational purposes except that land inundated in an average annual storm shall not be given credit for recreational purposes.

(2) A minimum of fifteen hundred (1,500) square feet of landscaped space containing recreation facilities may qualify the applicant for credit to a maximum of sixty percent (60%) of the total subdivision in-lieu fee. All recreation facilities shall meet the CPSC Guidelines. The actual amount of credit will be determined by the estimated value of the land as set forth in Section 11-9.05(d) of this chapter, and the cost estimates of the recreation facilities as approved by the Director of Recreation and Parks. These are calculated and available at the Recreation and Parks Department. All recreation facilities proposed for credit shall be approved by the Director of Recreation and Parks prior to approval of the official tentative map.

(3) Minor deviations from the standards of this section may be approved by the Director of Recreation and Parks, provided the changes are in conformance with the purpose and intent of this chapter.

(4) If a credit is received under this section, further credit may be given under Section 11-9.05(h), but in no case shall the total credit given under Sections 11-9.05(g) and (h) exceed sixty percent (60%).

(5) If a credit is received under this section, no credit shall be available pursuant to Chapter 7 of Title 3 of the Municipal Code (Residential Development Tax), or Section 11-9.05(i) of this chapter. In addition, no credit shall be available pursuant to Municipal Code Section 8-15.19 unless the exemption provisions of Municipal Code Section 8-15.16 apply (AB1600 Growth Mitigation Fee).

(h) Other Credit - No Impact to Recreation or Park Facilities.

(1) If an applicant for a proposed residential development can meet a needs test proving that the residences will not impact typical neighborhood recreation and park facilities, the development may be eligible for credit of up to sixty percent (60%) of the required subdivision in-lieu fee. The Recreation and Parks Commission shall determine eligibility for this credit.

(2) If a credit is received under this section, further credit may be given under Section 11-9.05(g), but in no case shall the total credit given under Sections 11-9.05(g) and (h) exceed sixty percent (60%).

(3) If a credit is received under this section, no credit shall be available pursuant to Chapter 7 of Title 3 of the Municipal Code (Residential Development Tax), or Section 11-9.05(i) of this chapter. In addition, no credit shall be available pursuant to Municipal Code Section 8-15.19 unless the exemption provisions of Municipal Code Section 8-15.16 apply (AB1600 Growth Mitigation Fee).

(i) Deferments and Reductions.

(1) Deferments. If the Recreation and Parks Commission finds that a project will be built and operated for Lower Income Tenants, as defined by the latest United States Housing and Urban Development Department figures for the Santa Maria area, the payment of the subdivision in-lieu fee may be deferred according to the following:

(A) One-half (1/2) of the fee amount shall be paid on or before one (1) year from the date the City issues the last Certificate of Occupancy for the project, with the remainder of the fee due on or before one (1) year thereafter together with interest based on the average interest rate of the Local Agency Investment Fund for the twelve (12) month period (last four statements) ending thirty (30) days prior to the date payment is due. An

agreement and note secured by a Deed of Trust in a form acceptable to the City Attorney shall be entered into between the City and the subdivider.

Approval of the fee deferment shall be through a resolution adopted by the Recreation and Parks Commission.

(2) Reductions. If the City Council finds that a project will be built and operated for senior citizens, the City Council may, by resolution, approve a credit to a maximum of sixty percent (60%) of the total subdivision in-lieu fee. If the project does not remain as a seniors only project, the remainder of the subdivision in-lieu fee shall be paid. If a reduction is received under this section, no credits or reductions shall be available pursuant to Chapter 7 of Title 3 of the Municipal Code, or Sections 11-9.05(g) and 11-9.05(h) of this chapter. In addition, no credit shall be available pursuant to Municipal Code Section 8-15.19 unless the exemption provisions of Municipal Code Section 8-15.16 apply.

(3) Senior Conversions. If the City Council finds that a project that converts existing facilities to senior housing will provide on-site recreational facilities, the City Council may, by resolution, waive up to one hundred percent (100%) of the subdivision in-lieu fee. The waiver of all or a portion of the fee will be determined by the Director of Recreation and Parks based on the estimated cost of the on-site recreation facilities. If a reduction is received under this section, no credits or reductions shall be available pursuant to Chapter 7 of Title 3 of the Municipal Code, or Sections 11-9.05(g), 11-9.05(h), or 11-9.05(i)(2) of this chapter. In addition, no credit shall be available pursuant to Municipal Code Section 8-15.19 unless the exemption provisions of Municipal Code Section 8-15.16 apply. (Ord. 94-29, eff. 12/15/94)

## CHAPTER 11-10 CORRECTIONS AND AMENDMENTS

### Section 11-10.01. Amendments to Approved or Conditionally Approved Tentative Maps.

#### (a) Minor Amendments.

(1) Minor amendments to the approved or conditionally approved official tentative map or conditions of approval may be approved by the Director of Community Development upon application by the subdivider or on the initiative of the Department of Community Development, provided:

- (A) No lots, units, building sites, or structures are added;
- (B) Changes are consistent with the intent and spirit of the original tentative map approval;
- (C) The changes are consistent with the City's General Plan; and
- (D) No violations of State Law or the City's Municipal Code are created.

(2) The minor amendment shall be indicated on the approved or conditionally approved official tentative map or conditions of approval and certified by the Director of Community Development. The subdivider shall be notified in writing of the amendment.

(3) Within fourteen (14) calendar days of the action of the Director of Community Development on the minor amendment, any person aggrieved by the action of the Director of Community Development may appeal the decision to the Planning Commission in accordance with Section 11-13.04(a) of this title.

#### (b) Major Amendments.

Amendments to the approved or conditionally approved official tentative map or conditions of approval which, in the opinion of the Director of Community Development or City Engineer, are not minor, shall be presented at a public hearing to the Planning Commission for approval, conditional approval or denial. Processing shall be in accordance with the provisions for processing a tentative map per Chapter 3 of this title. Any approved amendment shall not alter the expiration date of the official tentative map per Section 11-3.06 of this title. (Ord. 94-29, eff. 12/15/94)

### Section 11-10.02. Correction and Amendment of Final and Parcel Maps.

#### (a) Requirements.

After a final or parcel map is filed in the Office of the County Recorder, the map may be amended by a certificate of correction or an amending map for one or more of the following reasons:

- (1) To correct an error in any course or distance shown thereon;
- (2) To show any course or distance that was omitted therefrom;
- (3) To correct an error in the description of the real property shown on the map;
- (4) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;
- (5) To show the proper location of any monument which has been changed in location or character, or originally was shown at the wrong location or incorrectly as to its character;
- (6) To correct any other type of map error or omission as approved by the City Engineer, which does not affect any property right. Errors and omissions may include, but are not limited to, lot numbers, acreage, street names and identification of adjacent record maps. Error does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map. (Reference: Government Code Section 66469).

#### (b) Form and Contents.

The amending map or certificate of correction shall be prepared, stamped, and signed by a registered civil engineer or licensed land surveyor. The form and contents of the amending map shall conform to the requirements of Chapter 6 of this title. The certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction. (Reference: Government Code Section 66470).

#### (c) Submittal and Approval by the City Engineer.

The amending map or certificate of correction, complete as to final form, shall be submitted to the City Engineer for review and approval. The City Engineer shall examine the amending map or certificate of correction and if the only changes made are those set forth in Section 11-10.02(a) of this chapter, this fact shall be certified by the City Engineer on the amending map or certificate of correction. The City Engineer shall comply with the time frames specified in Government Code Section 66471(b). (Reference: Government Code Section 66471).

#### (d) Filing with The County Recorder.

The amending map or certificate of correction certified by the City Engineer shall be filed in the Office of the County Recorder. Upon indexing of the map by the County Recorder, the original map shall be deemed to have

been conclusively so corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map. (Reference: Government Code Section 66472).

(e) Amending of Final or Parcel Maps through a Public Hearing.

(1) In addition to the corrections listed in Section 11-10.02(a) of this chapter, a recorded final or parcel map may be modified by an amending map or certificate of correction if the City Council in the case of a final map, or the Planning Commission in the case of a parcel map, finds:

(A) That there are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary and that the modifications do not impose any additional burden on the present fee owner(s) of the property; and

(B) That the modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and

(C) That the map as modified conforms to Section 11-3.03(f) of this title.

(2) Any such modification shall be set for public hearing pursuant to the requirements of this title. The City Council or Planning Commission shall confine the hearing to consideration of and action on the proposed modification.

(3) After approval of the amending map or certificate of correction by the City Council or Planning Commission, the map or certificate shall be processed pursuant to Sections 11-10.02(b)(c) and (d) of this chapter. (Reference: Government Code Section 66472.1)

(f) Fee for Amending or Correcting Maps.

The fee for checking, processing, and recording the amending map or certificate of correction shall be in accordance with the City's most current fee schedule adopted by the City Council. A deposit to be applied toward this fee may be required by the City Engineer upon submittal of the amending map or certificate of correction for review. (Ord. 94-29, eff. 12/15/94)

**CHAPTER 11-11 REVERSIONS, MERGERS, LOT LINE ADJUSTMENTS, CERTIFICATES OF COMPLIANCE**

**Section 11-11.01. Reversions to Acreage.**

(a) Applicability.

Subdivided property may be reverted to acreage pursuant to the provisions of Sections 66499.11 et seq. of the Subdivision Map Act and this section. This section shall only apply to final maps and parcel maps.

(b) Initiation of Proceedings.

(1) By Owners. Proceedings to revert subdivided property to acreage may be initiated by petition of all of the record owners of the property. The petition shall contain the information listed in Section 11-11.01(c) of this section and any other information required by the City Engineer and the Director of Community Development.

(2) By City Council. The City Council, at the request of any person or on its own volition may, by resolution, initiate proceedings to revert property to acreage. The City Council shall direct the City Engineer to obtain the necessary information to initiate and conduct the proceedings. (Reference: Government Code Section 66499.12).

(c) Contents of Petition.

(1) The petition shall contain, but not be limited to, the following:

(A) Evidence of title to the real property within the subdivision.

(B) Evidence of the consent of all of the record owners that have an interest in the real property.

(C) Sufficient data to enable the City Council to make all of the determinations and findings required by the Subdivision Map Act and this section.

(D) A final map or parcel map which delineates dedications which will not be vacated and dedications which are a condition to reversion. The final map or parcel map shall be prepared in accordance with Chapter 6 of this title and shall be titled "The Purpose of this Map is a Reversion to Acreage."

(E) Evidence that none of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later.

(F) Evidence that no lots shown on the final or parcel map have been sold within five (5) years from the date such final or parcel map was filed for record.

(G) Such other pertinent information as may be required by the City Engineer.

(2) The petition, along with all required supporting data and maps as required by this section, shall be submitted to the City Engineer for review. Upon finding that the petition meets with all the requirements of the Subdivision Map Act and this section, the City Engineer shall submit the petition and final or parcel map, together with a report and recommendations of approval, conditional approval, or denial of the reversion to acreage, to the City Council for its consideration. (Reference: Government Code Section 66499.13).

(d) Fees.

(1) Petitions to revert property to acreage shall be accompanied by filing fees prescribed by City Council resolution in an amount which will reimburse the City for the actual, reasonable costs incurred in processing the petition. If the proceedings are initiated pursuant to Section 11-11.01(b)(2) of this section, the person or persons who request the City to initiate the proceedings shall pay the required fees.

(2) Prior to increasing the fee for processing petitions for reversion to acreage, notice shall be given in conformity with Title 2 of the Municipal Code. (Reference: Government Code Section 66499.14).

(e) City Council Proceedings.

(1) A public hearing shall be held by the City Council on all proposed reversions to acreage. Notice of the public hearing shall be given as provided in Chapter 13 of this title. The City Council may give such other notice as it may deem necessary or advisable. (Reference: Government Code Section 66499.15).

(2) The City Council may approve a reversion to acreage only if it finds and records by resolution that:

(A) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are not required for present or prospective public purposes; and

(B) Either:

(i) All owners of an interest in the real property within the subdivision have consented to the reversion, or

(ii) None of the improvements required to be made have been made within two (2) years from the date the final map or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or

(iii) No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record. (Reference: Government Code Section 66499.16).

(3) The City Council shall require as a condition of reversion:

(A) That the property owners dedicate or offer to dedicate streets or other public easements as required and permitted by this title and the Subdivision Map Act;

(B) The retention of all or a portion of previously paid subdivision fees, deposits, or improvement securities if the same are necessary to accomplish any of the purposes or provisions of the Subdivision Map Act or this title;

(C) Such other conditions of reversion as are necessary to accomplish the purposes or provisions of the Subdivision Map Act or this title, or necessary to protect the public health, safety or welfare. (Reference: Government Code Section 66499.17).

(f) Filing with County Recorder.

Upon approval of the reversion to acreage, the City Clerk shall transmit the final or parcel map, together with the City Council resolution approving the reversion, to the County Recorder for recordation. The final map or parcel map for reversion shall contain a certificate signed and acknowledged by all parties having any record title interest in the property consenting to the preparation and recordation of the final or parcel map, excepting those whose signatures would not otherwise have been required pursuant to Sections 66436(a), (b), and (c) and Section 66445(f) of the Subdivision Map Act.

(g) Effective Date.

Reversion shall be effective upon the final map or parcel map for reversion being filed for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the final or parcel map for reversion shall be of no further force and effect. (Reference: Government Code Section 66499.18). (Ord. 94-29, eff. 12/15/94)

### **Section 11-11.02. Mergers.**

(a) Mergers Required.

(1) Two (2) or more contiguous parcels held by the same owner shall be considered merged if one (1) of the parcels does not conform to the minimum lot size requirements of a particular zone as set forth in Title 12 of the Municipal Code, and if all of the following requirements are satisfied:

(A) At least one (1) of the affected parcels is undeveloped by any structure for which a building permit was issued, or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel.

(B) With respect to any affected parcel, one (1) or more of the following conditions exists:

(i) Comprises less than five thousand (5,000) square feet in area at the time of determination of merger.

(ii) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.

(iii) Does not meet current standards for sewage disposal and domestic water supply.

(iv) Does not meet slope stability standards.

(v) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

(vi) Its development would create health or safety hazards.

(vii) Is inconsistent with the General Plan and any applicable specific plan, other than in terms of minimum lot size or density standards.

(C) For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that the Notice of Intention to Determine Status is recorded pursuant to this section.

(D) Section 11-11.02(a)(1)(B)(ii) shall not apply if any of the conditions stated in Section 66451.11(b)(A), (B), (C), or (D) of the Subdivision Map Act exist.

(2) Property shall be considered as contiguous parcels only if such parcels are adjoining, but not if such parcels are separated by roads, streets, alleys or other features deemed to be similar to these by the Director of Community Development.

(3) Except as otherwise provided for in this section, two (2) or more contiguous parcels which have been created under the provisions of the Subdivision Map Act, or any prior law regulating the division of land, or a local ordinance enacted pursuant thereto, or which were not subject to those provisions at the time of their creation, shall

not be deemed merged by virtue of the fact that the contiguous parcels are held by the same owner, and no further proceeding under the Subdivision Map Act or this title shall be required for the purpose of sale, lease, or financing of the contiguous parcels, or any of them. (Reference: Government Code Sections 66451.10 and 66451.11).

(b) Notice of Intention to Determine Status.

Prior to recording a Notice of Merger, the Director of Community Development shall send, by certified mail, a Notice of Intention to Determine Status to the current record owner of the property or properties. The Notice of Intention to Determine Status shall also be filed for record with the County Recorder by the Director on the same day that the notice is mailed to the property owner. The notice shall state that the affected parcels may be merged pursuant to this section and that, within thirty (30) calendar days from the date the Notice of Intention to Determine Status was recorded, the owner may request a hearing before the Planning Commission to present evidence that the property does not meet the criteria for merger. (Reference: Government Code Sections 66451.13 and 66451.14).

(c) Hearing on Determination of Status.

(1) The owner of the affected property may file a written request for a hearing with the Director of Community Development within thirty (30) calendar days after the recordation of the Notice of Intention to Determine Status. Upon receipt of the request, the Director of Community Development shall set a date and time for a public hearing before the Planning Commission and notify the owner of the date and time by certified mail. The hearing shall be conducted within sixty (60) calendar days following receipt of the owner's request, or may be postponed or continued by mutual consent of the property owner and the Planning Commission.

(2) At the public hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements for merger specified in this section.

(3) At the conclusion of the public hearing, the Planning Commission shall determine whether or not the affected parcels are to be merged and shall notify the owner of the determination. The Notice of Merger Determination shall be mailed to the property owner by the Director of Community Development within five (5) calendar days of the date of the public hearing. (Reference: Government Code Sections 66451.15 and 66451.16).

(d) Determination of Merger.

(1) If the Planning Commission makes a determination that the parcels are to be merged, a Notice of Merger shall be filed for record with the County Recorder by the Director of Community Development within thirty (30) calendar days of the conclusion of the public hearing, unless the decision has been appealed pursuant to Section 11-11.02(e) of this section. The Notice of Merger shall specify the name of the record owner and a description of the property.

(2) If the Planning Commission makes a determination that the parcels shall not be merged, a release of the Notice of Intention to Determine Status shall be filed for record with the County Recorder by the Director of Community Development within thirty (30) calendar days after the Planning Commission determination, and a clearance letter mailed to the owner by the Director of Community Development. (Reference: Government Code Sections 66451.16 and 66451.18).

(e) Appeal Procedure.

(1) The determination of the Planning Commission may be appealed to the City Council in accordance with Section 11-13.04(b) of this title. In the case of mergers, the City Council shall hear the appeal within sixty (60) calendar days from the date of appeal.

(2) If, after the hearing, the City Council grants the appeal and determines that the affected property has not been merged pursuant to this chapter, the Director of Community Development shall, within thirty (30) calendar days after the City Council determination, file for record with the County Recorder a release of the Notice of Intention to Determine Status and mail a clearance letter to the owner.

(f) Determination When No Hearing is Required.

If the owner does not file a request for a public hearing within thirty (30) calendar days after the recording of the Notice of Intention to Determine Status, the Planning Commission may, at any time thereafter, make a determination that the parcels are or are not to be merged. If they are to be merged, a Notice of Merger shall be filed with the County recorder by the Director of Community Development within ninety (90) calendar days after the mailing of the Notice of Intention to Determine Status. If the parcels are not to be merged, a release of the Notice of Intention to Determine Status shall be filed for record with the County Recorder by the Director of Community Development, and a clearance letter mailed to the owner. (Reference: Government Code Section 66451.17).

(g) Effective Date.

A merger of parcels becomes effective when the City Clerk causes to be filed for record with the County Recorder a Notice of Merger specifying the names of the record owner and a description of the property that is merged. (Reference: Government Code Section 66451.12).

(h) Request to Merge by Property Owner.

If the merger of contiguous parcels is initiated by the record owner, the owner may waive in writing the right to a hearing before the Planning Commission and to all notices required by this section. Upon receipt of such waiver, the Director of Community Development shall simultaneously file for record with the County Recorder a Notice of Intention to Determine Status, the waiver of right of hearing and notice, and a Notice of Merger.

(i) Unmerged Parcels.

Any parcel which has merged under the provisions of any law prior to January 1, 1984, and for which a Notice of Merger had not been recorded on or before January 1, 1984, shall be unmerged if on January 1, 1984 the parcel meets each of the following criteria:

- (1) Contains at least five thousand (5,000) square feet in area.
- (2) Was created in compliance with applicable laws and ordinances in effect at the time of its creation.
- (3) Meets current standards for sewage disposal and domestic water supply.
- (4) Meets slope density standards.
- (5) Has legal access which is adequate for vehicular and safety equipment access and maneuverability.
- (6) Its unmerger and development would create no health or safety hazards.
- (7) The unmerged parcel would be consistent with the General Plan and any applicable specific plan, other than minimum lot size or density standards.
- (8) With respect to the parcel, none of the conditions stated in Section 66451.30(b)(1), (2), (3), (4), or (5) of the Government Code exist. (Reference: Government Code Section 66451.30).

(j) Unmergers - Request for Determination by Owner.

(1) Upon written application made by the owner to the Director of Community Development for parcels subject to Section 11-11.02(i), the Director shall make a determination that the affected parcels have merged or, if meeting the criteria of Section 11-11.02(i), are deemed not to have merged.

(2) If the Director determines that the parcels meet the standards specified in Section 11-11.02(i), the Director shall issue to the owner and record with the County Recorder a Notice of Status of the parcels which shall identify each parcel and declare that the parcels are unmerged pursuant to this section.

(3) If the Director determines that the parcels have merged and do not meet the criteria specified in Section 11-11.02(i), the Director shall issue the owner, and record with the County Recorder, a Notice of Merger as provided in this chapter.

(4) Decisions of the Director of Community Development may be appealed in accordance with Section 11-13.04(a) of this title. (Reference: Government Code Sections 66451.31 and 66451.32)

(k) Fees for Mergers and Unmergers.

(1) Mergers and unmergers undertaken at the request of an owner shall be accompanied by filing fees paid by the owner as prescribed by City Council resolution and in an amount which will reimburse the City for the actual, reasonable costs incurred in processing the merger or unmerger.

(2) Prior to increasing the fee for processing mergers and unmergers, notice shall be given in conformity with Title 2 of the Municipal Code. (Ord. 94-29, eff. 12/15/94)

**Section 11-11.03. Lot Line Adjustments.**

(a) Applicability.

Any affected property owner desiring a lot line adjustment between two (2) or more existing parcels, where the land taken from one (1) parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, shall file an application for a lot line adjustment with the Director of Community Development. (Reference: Government Code Section 66412(d)).

(b) General.

(1) The City shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to Title 12 of the Municipal Code and to the Uniform Building Code.

(2) The City shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to Title 12 of the Municipal Code and to the Uniform Building Code, or except to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition of approval of a lot line adjustment.

(3) The Director of Community Development shall constitute the advisory agency with respect to approving lot line adjustments. (Reference: Government Code Section 66412(d)).

(c) Procedure.

(1) Submittal Requirements. All lot line adjustment applications shall be submitted to the Director of Community Development and shall include the following items:

- (A) The lot line adjustment Application form (signed and notarized original plus five (5) copies).
- (B) The environmental clearance application.
- (C) The original exhibit plus five (5) copies that shows, at minimum, the following:
  - (i) For each lot, all bearings and distances, lot areas, lot numbers (existing and new), assessor's parcel numbers, all existing easements.
  - (ii) Abutting streets and alleys showing names, center lines, and widths.
  - (iii) Label "lot line being deleted" (shown as dashed line) and "new adjusted lot line" with dimensions between them.
  - (iv) Vicinity map, north arrow, and graphic scale.
  - (v) All structures, walls, fences and trees that are located on the property.
  - (vi) The tract number and project name (given out by the Director of Community Development).
- (D) One (1) copy of a title report.
- (E) Boundary calculations and any other boundary data required by the City Engineer.
- (F) The required filing fees (see Section 11-11.03(h)).

(2) Processing of Application.

(A) The application shall be transmitted by the Director of Community Development to the City Engineer for his or her review and approval. The City Engineer will review the application for accuracy and completeness. If the application contains errors or is incomplete, the City Engineer will transmit a correction list to the Director of Community Development. The Director will send the correction list to the applicant. When the revised application is resubmitted, it shall be sent to the City Engineer for further review. This process is repeated until the application meets the requirements of the City Engineer.

(B) Once the application meets the requirements of the City Engineer, the application shall be signed and approved by a representative of the Public Works Department. The signed application is transmitted to the Director of Community Development for his or her approval.

(d) Approval.

Within thirty (30) calendar days after receiving the signed application from the City Engineer the Director of Community Development shall make all findings required by this title and the Subdivision Map Act, including those set forth in Sections 66473.5, 66474.1 and 66474.6, and shall approve or deny the application and report his or her action to the applicant(s). The approved application shall be transmitted to the City Clerk for recordation with the County Recorder.

(e) Filing with County Recorder.

After the applicant(s) pays the required processing fees to the City Clerk, the City Clerk shall transmit the lot line adjustment to the County Recorder for recordation.

(f) Lot Line Adjustment Reflected in Deed.

After the lot line adjustment is filed for record with the County Recorder, the new adjusted lots must be reflected in a recorded grant deed to officially adjust or remove a lot line or lines. No permits contingent upon a lot line adjustment shall be issued until a copy of the recorded grant deed is submitted to the City. (Reference: Government Code Section 66412(d)).

(g) Appeals.

Actions of the Director of Community Development on lot line adjustments under this chapter are of such a nature that they do not constitute a significant or substantial deprivation of the property rights of others. Nevertheless, within fourteen (14) calendar days of the action on the lot line adjustment by the Director, any interested person may appeal the decision of the Director to the Planning Commission in accordance with Section 11-13.04(a) of this title.

(h) Fees.

(1) Lot line adjustments shall be accompanied by filing fees prescribed by City Council resolution in an amount which will reimburse the City for the actual, reasonable costs incurred in processing the application.

(2) Prior to increasing the fee for processing lot line adjustments, notice shall be given in conformity with Title 2 of the Municipal Code. (Ord. 94-29, eff. 12/15/94)

**Section 11-11.04. Certificates of Compliance.**

(a) Applicability.

Any owner of real property within the City may file an application to request the Director of Community Development to determine whether such real property complies with the provisions of this title and the Subdivision Map Act. The Director may then either issue a Certificate of Compliance or Conditional Certificate of Compliance in accordance with this section. (Reference: Government Code Section 66499.35)

(b) Submittal Requirements.

- (1) An application for a Certificate or Conditional Certificate of Compliance shall consist of the following:
  - (A) A completed application form for each parcel.
  - (B) Five (5) copies of an 8 1/2" by 11" plot plan.
  - (C) One (1) copy of the latest deed recorded for the property showing the current ownership, and one (1) copy of a preliminary title report.
  - (D) Legible copies of all documents that show when the parcel was originally created. These documents include, but are not limited to, grant deeds, contracts of sale, records of survey, and court adjudications.
  - (E) Copies of any available building permits, if applicable.
  - (F) One (1) list (on mailing labels) of all owners of record property located within three hundred (300) feet of the boundaries of the subject parcel(s). A sufficient number of first class postage stamps shall be submitted to cover the cost of mailing the legal notices to the property owners who appear on the list. An affidavit of mailing signed by the person preparing the list shall accompany the labels and stamps.
  - (G) The required filing fee (see Section 11-11.04(e)).
- (2) The Director of Community Development and the City Engineer shall review the application for completeness. Once the application is determined to be complete, a public hearing will be scheduled within thirty (30) calendar days of determining the application is complete.

(c) Public Hearing.

The Director of Community Development shall hold a public hearing on the Certificate or Conditional Certificate of Compliance in accordance with the procedures described in Chapter 13 of this title. After receiving any testimony, the Director will then issue either the Certificate or Conditional Certificate of Compliance.

(d) Issuance.

- (1) If the Director of Community Development determines that the real property was divided in compliance with the Subdivision Map Act and this title that were applicable at the time the property was divided, the Director shall cause a Certificate of Compliance to be filed for record with the County Recorder.
- (2) If the Director of Community Development determines that the real property was divided in violation of a section or sections of the Subdivision Map Act or this title that were applicable at the time the property was divided, the Director may, as a condition of granting the Certificate of Compliance, impose such conditions as would have been applicable to the division of property at the time the owner acquired his or her interest therein, and which had been established at such time by this title and the Subdivision Map Act. Upon making such a determination and establishing such conditions, the Director shall cause a Conditional Certificate of Compliance to be filed for record with the County Recorder. Such certificate shall serve as notice to the property owner, future purchaser, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.
- (3) A valid recorded final map or parcel map shall constitute a Certificate of Compliance with respect to the parcels of real property described therein.

(e) Fees.

- (1) A fee of the actual, reasonable cost to the City shall be charged to the applicant for making the determination and processing the Certificate or Conditional Certificate of Compliance. A deposit may be required by the Director of Community Development to be applied toward this fee.
- (2) Prior to increasing the fee for processing certificates and conditional certificates of compliance, notice shall be given in conformity with Title 2 of the Municipal Code. (Ord. 94-29, eff. 12/15/94)

**CHAPTER 11-12 RESIDENTIAL CONDOMINIUMS, STOCK COOPERATIVES, COMMUNITY APARTMENTS, AND PLANNED UNIT DEVELOPMENTS**

**Section 11-12.01. Purpose and Intent.**

(a) The purpose of this chapter is to regulate the development of residential condominiums, stock cooperatives, community apartments, and planned unit developments, both new construction and conversion from existing apartments, so that the residential development is consistent with the goals, objectives, and policies of the General Plan, including provisions for a healthy environment through high-quality appearance, safety, and appropriate densities for condominium, stock cooperative, community apartments, and planned unit developments.

(b) The City Council has determined that residential condominiums, stock cooperatives, community apartments, and planned unit developments are significantly different from rental apartment units, and for the benefit of public health, safety, and welfare makes the findings that residential condominiums, stock cooperatives, community apartments, and planned unit developments are to provide amenities equal to or better than single family detached developments, including, but not limited to, adequate on-site circulation and parking, private laundry facilities, enclosed storage areas, recreation facilities, open space, controlled densities, and maintenance agreements for common areas.

(c) Therefore, in order to assure conformance with the General Plan provisions and expectations for amenities as stated in the findings set out in this section for residential condominiums, stock cooperatives, community apartments, and planned unit developments, both new construction and conversion, and to provide adequate public review of projects, conditional use or planned development permit approval and tentative and final or parcel maps are required as provided for in this title. (Ord. 94-29, eff. 12/15/94)

**Section 11-12.02. Definitions.**

For the purposes of this chapter, the following definitions shall apply:

(a) "Applicant" shall mean the person or persons applying for new construction or conversion who possess an ownership interest, either as principal or agent, in land or a building.

(b) "Association" shall mean the organization of persons who own a project.

(c) "Common" shall mean property with undivided ownership.

(d) "Common Interest Development" shall mean any of the following: a community apartment project, a condominium project, a planned unit development, or a stock cooperative.

(e) "Community Apartment" shall mean a development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon (Section 1351(d) of State Civil Code).

(f) "Condominium" shall mean an estate in real property consisting of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. The description of the unit may refer to:

(1) Boundaries described in the recorded final map, parcel map, or condominium plan;

(2) Physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of any structure or any portion thereof;

(3) An entire structure containing one or more units; or

(4) Any combination thereof.

The portion or portions of real property held in undivided interest may be all of the real property, except for the separate interests, or may include a particular three-dimensional portion thereof, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within the boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. An individual condominium within a condominium project may include, in addition, a separate interest in other portions of the real property (Section 1351(f) of the State Civil Code).

(g) "Conversion" shall mean a change in the type of ownership of a parcel of land, together with the existing structures, from residential rental realty to community apartment, stock cooperative, or condominium.

(h) "Planned Unit Development" shall mean a development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features (Section 1351(k) of State Civil Code):

(1) The common area is owned either by the association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.

(2) A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests in accordance with Section 1367 of the State Civil Code.

(i) "Project" shall mean a common interest development.

(j) "Public Report" shall mean the final subdivision public report for a project of five (5) or more dwelling units issued by the California Department of Real Estate pursuant to Section 11013.2 of the Business and Professions Code.

(k) "Separate Interest" shall mean the following:

(1) In a community apartment project, "separate interest" shall mean the exclusive right to occupy an apartment as specified in Section 11-12.02(e).

(2) In a condominium project, "separate interest" shall mean an individual unit as specified in Section 11-12.02(f).

(3) In a planned development, "separate interest" shall mean a separately owned lot, parcel, area, or space.

(4) In a stock cooperative, "separate interest" shall mean the exclusive right to occupy a portion of the real property as specified in Section 11-12.02(l).

(l) "Stock Cooperative or Stock Cooperative Apartment" shall mean a corporation 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 such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. A stock cooperative includes a limited equity housing cooperative which is a stock cooperative that meets the criteria of Section 33007.5 of the State Health and Safety Code (Section 1351(m) of the State Civil Code).

(m) "Unit" shall mean the element in a project which is exclusively owned or occupied individually and not in common with the owners of other elements of the project.

(o) "Zoning Administrator" shall mean the Director of Community Development or designee. (Ord. 94-29, eff. 12/15/94)

### **Section 11-12.03. General Requirements.**

(a) Subdivision Required. All common interest developments shall be required to process and record a tentative and parcel map or a tentative and final map in accordance with this title.

(b) Conditional Use or Planned Development Permit. In addition to the requirements of this title and the Subdivision Map Act, a conditional use or planned development permit application shall be required and shall include the information required in Title 12 of the Municipal Code and such information as determined by the Zoning Administrator to be necessary for processing of the project.

(c) Noticing Costs.

(1) Funds necessary to cover the costs incurred by the City for all noticing requirements shall be deposited with the City prior to acceptance of the tentative map application.

(2) Noticing requirements for all conversion projects, including those of four (4) or fewer units, shall be in accordance with Government Code Section 66427.1

(d) Municipal Code Compliance. The applicant shall comply with all Municipal Code requirements, particularly the zoning requirements contained in Title 12. (Ord. 94-29, eff. 12/15/94)

### **Section 11-12.04. Parcel Map, Final Map and Owner Agreement Notes.**

The title sheet of the final or parcel map shall state the following:

(a) Any future construction of living space or reconstruction of the building shall require review and approval of a conditional use permit or a planned development permit pursuant to Title 12 (Zoning) of the Municipal Code.

(b) The density of units located on the subject lot shall conform to City General Plan requirements. (Ord. 94-29, eff. 12/15/94)

### **Section 11-12.05. Reports Required for Conversion.**

Applicants for all conversion projects shall submit the following information in conjunction with the tentative map application:

(a) Tenant Information. The name and address of each current tenant, together with address labels for noticing requirements pursuant to this title.

(b) Building History Report. A report which contains the dates of construction of all elements of the proposed conversion project; a statement of the major uses of the project since construction; the date and description of each major repair and renovation of any element since the date of construction. Major repair means any repair for which an expenditure of more than one thousand dollars (\$1,000) was made.

(c) Noise Insulation Report. A report prepared by a certified acoustical engineer describing conformance with the noise insulation standards of the Uniform Building Code and Title 12 (Zoning) of the Municipal Code.

(d) Real Property and Structural Report. A structural and real property report describing the condition, including deficiencies, and remaining useful life of each element of the proposed conversion project. The report shall include, but not be limited to, the following elements: mechanical systems, plumbing system, electrical systems, roofs, foundations, structural elements of existing structures, paved surfaces, and exterior surfaces. Projected maintenance costs shall be estimated and detailed in the report. The report shall be prepared by a registered civil or structural engineer, a licensed general building contractor, an architect, or any combination thereof.

(e) Structural Pest Report. A structural pest report relating the presence or absence of wood-destroying pests and organisms. The report shall be prepared by a licensed structural pest control operator pursuant to Section 8516 of the Business and Professions Code.

(f) Soils/Geological Report. A copy of the soils/geological report originally prepared for the property. If such report has never been prepared or is considered insufficient by the Chief Building Official, the applicant shall submit a new report prepared by a registered civil engineer, soils engineer, or geologist.

(g) Hydrology Report. A preliminary hydrology report that includes the elevation of the first floor level relative to the established one hundred (100) year flood elevation. (Ord. 94-29, eff. 12/15/94)

#### **Section 11-12.06. Map Approval Standards.**

(a) The subdivision design shall provide, to the maximum extent feasible, for future passive or natural heating opportunities within the subdivision. However, this requirement for passive or natural heating does not apply to projects which consist of the subdivision of airspace in an existing building when no new structures are added. (Reference: Government Code Section 66473.1).

(b) Tentative map approval is contingent upon the conformance to the General Plan, any applicable specific plan, applicable provisions of this title, and the Subdivision Map Act.

(c) The approving body shall not approve a final or parcel map for the conversion of residential real property into condominiums, community apartments, or stock cooperatives unless it can make all of the findings specified in Section 66427.1 of the Government Code. The findings shall be made by resolution. (Ord. 94-29, eff. 12/15/94)

#### **Section 11-12.07. Improvement Securities for Condominiums.**

The surety for condominium projects shall not be liable on the bond until at least one (1) condominium unit has been sold to an individual purchaser. (Ord. 94-29, eff. 12/15/94)

## CHAPTER 11-13 HEARINGS, APPROVALS, AND APPEALS

### Section 11-13.01. Staff Reports.

All staff reports or recommendations on the official tentative map to the Planning Commission shall be in writing and a copy thereof shall be mailed to the subdivider and, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or a stock cooperative project, to each tenant of the subject property, at least three (3) calendar days prior to any hearing or action on the official tentative map by the Planning Commission. (Reference: Government Code Section 66452.3). (Ord. 94-29, eff. 12/15/94)

### Section 11-13.02. Approvals.

(a) The Planning Commission shall constitute the advisory agency on all official tentative map approvals. The Planning Commission shall hold a public hearing on the official tentative map, shall make all findings required by Section 11-03.03(f) of this title and the Subdivision Map Act, shall approve, conditionally approve, or deny the official tentative map, and shall report its action to the subdivider.

(b) The public hearing on the official tentative map by the Planning Commission shall be held within fifty (50) calendar days after certification of any type of environmental impact report, adoption of a negative declaration or conditional negative declaration, or upon determination by the Planning Commission that the project is exempt from the requirements of Section 21000 et seq. of the Public Resources Code. Processing of the tentative map is also subject to the time requirements contained in Sections 65950 et seq. of the Government Code, and the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.). (Reference Government Code Sections 66452.1 and 66452.2).

(c) Within fourteen (14) calendar days of Planning Commission action on the official tentative map, any interested person or party may appeal the decision of the Planning Commission to the City Council in accordance with Section 11-13.04(b) of this chapter. (Reference: Government Code Sections 66452.5 and 66474.7). (Ord. 94-29, eff. 12/15/94)

### Section 11-13.03. Hearing Notices.

(a) Whenever a public hearing is to be held, notice of the time and place of the public hearing shall be given. The notice shall include a general description of the location of the subdivision. For projects that are categorically exempt, or for which an environmental impact report was prepared and public notice was given pursuant to Public Resources Code Sections 21000 et seq., the notice shall be given at least ten (10) calendar days before the public hearing. For projects which require a negative declaration or conditional negative declaration, the notice shall be given a minimum of twenty-one (21) calendar days before the public hearing.

(b) All notices shall be given by publication once in a newspaper of general circulation published and circulated in the City of Santa Maria, by posting of the property with the hearing notice, and by first-class mail to all owners of record of properties located within three hundred (300) feet of the subdivision boundary. Any interested persons may appear at such public hearing and shall be heard. (Ord. 94-29, eff. 12/15/94)

### Section 11-13.04. Appeal Procedures.

(a) Appeals of Decisions of the Director of Community Development. Within fourteen (14) calendar days of an action of the Director of Community Development, any interested person or party may appeal the decision of the Director of Community Development to the Planning Commission. The appeal shall be submitted in writing to the Secretary of the Planning Commission with reasons for the appeal clearly stated. The Planning Commission shall then hold a public hearing on the appeal and make a decision thereon. Any decision of the Planning Commission may be appealed, in the same manner, to the City Council which shall hold a public hearing and make a decision thereon. With the written consent of all parties, actions of the Director of Community Development may be appealed directly to the City Council. All public hearings shall be held in accordance with Section 11-13.03 of this chapter.

(b) Appeals of Decisions of the Planning Commission. Within fourteen (14) calendar days of an action of the Planning Commission, any interested person or party may appeal the decision of the Planning Commission to the City Council. The City Council shall then hold a public hearing on the appeal and make a decision thereon. The appeal shall be submitted in writing to the City Clerk with reasons for the appeal clearly stated. All public hearings shall be held in accordance with Section 11-13.03 of this chapter. (Ord. 94-29, eff. 12/15/94)

## CHAPTER 11-14 ENFORCEMENT

### Section 11-14.01. Prohibition.

(a) No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a final map or parcel map is required by the Subdivision Map Act or this title, until such map, in full compliance with the provisions of the Subdivision Map Act and this title, has been filed for record by the County Recorder.

(b) Conveyances of any part of a division of real property for which a final or parcel map is required by the Subdivision Map Act or this title shall not be made by parcel or block number, letter or other designation, unless and until such map has been filed for record by the County Recorder.

(c) This section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with, or exempt from any law, including this title, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

(d) Nothing contained in subsection (a) of this section shall be deemed to prohibit an offer or contract to sell, lease or finance real property or to construct improvements thereon where such sale, lease or financing, or the commencement of such construction, is expressly conditioned upon the approval and filing of a final map or parcel map, as required under the Subdivision Map Act or this title. (Reference: Government Code Section 66499.30). (Ord. 94-29, eff. 12/15/94)

### Section 11-14.02. Remedies.

(a) Any deed of conveyance, sale, or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of the Subdivision Map Act or this title, is voidable at the sole option of the grantee, buyer, or person contracting to purchase, his or her heirs, personal representative, or trustee in insolvency or bankruptcy within one (1) year after the date of discovery of such violation. The deed of conveyance, sale, or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his or her assignee, heir, or devisee. (Reference: Government Code Section 66499.32(a)).

(b) Any grantee, or successor in interest thereof, of real property which has been divided, or which has resulted from a division, in violation of the provisions of the Subdivision Map Act or this title, may, within one (1) year of the date of discovery of such violation, bring an action in Superior Court to recover any damages suffered by reason of such division of property. The action may be brought against the person who so divided the property and against any successors in interest who have any constructive knowledge of such division of property. (Reference: Government Code Section 66499.32(b)).

(c) The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a Certificate or Conditional Certificate of Compliance filed pursuant to Section 11-11.04 of this title, or identified in a recorded final map or parcel map, from and after the date of recordation. (Reference: Government Code Section 66499.32(b)).

(d) The provisions of this section shall not limit or affect in any way the rights of a grantee or successor in interest under any other provision of law. (Reference: Government Code Section 66499.32(b)).

(e) This division does not bar any legal, equitable, or summary remedy to which the City or other public agency, or any person, firm, or corporation, may otherwise be entitled, and the City or other public agency, or any person, firm, or corporation, may file a suit in Superior Court to restrain or enjoin any attempted or proposed subdivision or sale, lease, or financing in violation of the Subdivision Map Act or this title. (Reference: Government Code Section 66499.33).

(f) The City shall not issue any permit or grant of approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of the Subdivision Map Act or this title if the City finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was the owner of record at the time of such violation or whether the applicant therefor is either the current owner of record or a vendee of the current owner of record pursuant to a contract of sale of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his or her interest in such real property.

(g) If the City issues a permit or grants approval for the development of any such real property, the City may impose only those conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest in such real property, and which has been established at such time by the Subdivision Map Act or this title. Where the applicant was the owner of record at the time of the initial violation,

the City may impose conditions applicable to a current division of the property. If a Conditional Certificate of Compliance has been filed for record in accordance with Section 11-11.04 of this title, only those conditions stipulated in that Certificate shall be applicable. (Reference: Government Code Section 66499.34). (Ord. 94-29, eff. 12/15/94)

**Section 11-14.03. Notice of Violation.**

(a) Notice of Intention to Record a Notice of Violation.

(1) If the City has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act or this title, a Notice of Intention to Record a Notice of Violation shall be mailed by the Director of Community Development by certified mail to the current owner of record. The notice shall describe the property in detail, name the owner(s), describe the violation, and state that the owner will be given the opportunity to present evidence. The notice shall also contain an explanation as to why the subject parcel is not lawful under Government Code Section 66412.6(a) and (b). The notice shall specify the date, time, and place for a meeting at which the owner may present evidence to the Director of Community Development on why a Notice of Violation should not be recorded.

(2) If, within fourteen (14) calendar days of receipt of the Notice of Intention to Record a Notice of Violation, the owner fails to file with the Director of Community Development a written objection to recording the Notice of Violation, the Director shall file the Notice of Violation for record with the County Recorder.

(b) Notice of Violation Meeting.

(1) If the owner files a written objection to the filing of the Notice of Violation within fourteen (14) calendar days, a meeting shall be held no sooner than thirty (30) calendar days and no later than sixty (60) calendar days from the date of mailing the Notice of Intention to Record a Notice of Violation. At the meeting, the owner may present evidence describing why a Notice of Violation should not be recorded. If, after the owner has presented evidence, the Director of Community Development determines that there has been no violation, the Director shall mail a clearance letter to the then current owner of record. If, after the owner has presented evidence, the Director determines that the property has in fact been illegally divided, the Director shall record the Notice of Violation for record with the County Recorder.

(2) The Notice of Violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property.

(c) Appeal Procedures.

Actions of the Director of Community Development and of the Planning Commission may be appealed in accordance with Section 11-13.04 of this title. (Reference: Government Code Section 66499.36). (Ord. 94-29, eff. 12/15/94)

**Section 11-14.04. Penalties.**

Each violation of the Subdivision Map Act or this title by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation shall be punishable by imprisonment not exceeding one (1) year in duration in the County jail or the state prison, by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment. Every other violation of the Subdivision Map Act or this title is a misdemeanor. (Reference: Government Code Section 66499.31). (Ord. 94-29, eff. 12/15/94)