

## CALIFORNIA COASTAL COMMISSION

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F10a



**Prepared April 8, 2009 (for April 10, 2009 hearing)**

**To:** Commissioners and Interested Persons

**From:** Dan Carl, District Manager  
Mike Watson, Coastal Planner

**Subject: STAFF REPORT ADDENDUM for F10a**  
**City of Marina LCP Major Amendment Number 1-07 Part 4 (Subdivisions)**

The purpose of this addendum is to modify the staff recommendation for the above-referenced hearing item. Specifically, in the time since the staff report was distributed, City staff and Commission staff have coordinated and agreed on some minor changes to the staff report recommendation (dated prepared March 19, 2009) in order to address City concerns regarding the proposed language related to certificate of compliance (COC) notice and process. The changes agreed upon do not alter the basic parameters of the distributed staff recommendation, and make clearer certain aspects of it with respect to COCs. With the revisions below, City staff has indicated that they are in agreement with the staff recommendation and the suggested modifications.

In addition, staff has confirmed that City of Marina coastal zone boundary map included in the staff report as Exhibit A includes minor errors. These errors do not alter the basic parameters of the distributed staff recommendation either, but they are errors nonetheless in need of correction. Accordingly, a replacement exhibit for staff report Exhibit A is also attached.

Thus, the staff report is modified as indicated below:

**1. Change suggested modification text on pages 37 and 38 of Exhibit C as follows:**

- a. Section 16.22.040.** Modify suggested modification text for Section 16.22.040(C) to read as follows:

*A ~~certificate of compliance or a conditional certificate of compliance~~ shall be issued for any parcel which does not, or at the time of creation did not, comply with the provisions of state or local ordinances regulating the division of land, including the Coastal Act and the Marina Local Coastal Program as applicable. If the parcel subject to a conditional certificate of compliance is in the coastal zone, that parcel must also be subject of an application and approval of a coastal development permit to be recognized as a legal parcel pursuant to the California Coastal Act and the Marina Local Coastal Program.*

- b. Section 16.22.050.** Modify suggested modification text for Section 16.22.050 so that Sections 16.22.050(A) and 16.22.050(B) remain as proposed by the City, but a new Section 16.22.050(C) is added. Suggested modification text to read as follows:



*16.22.050 Form of a certificate of compliance or conditional certificate of compliance.*

*The certificate of compliance or conditional certificate of compliance shall be filed with the Monterey County recorder's office and include the following notices:*

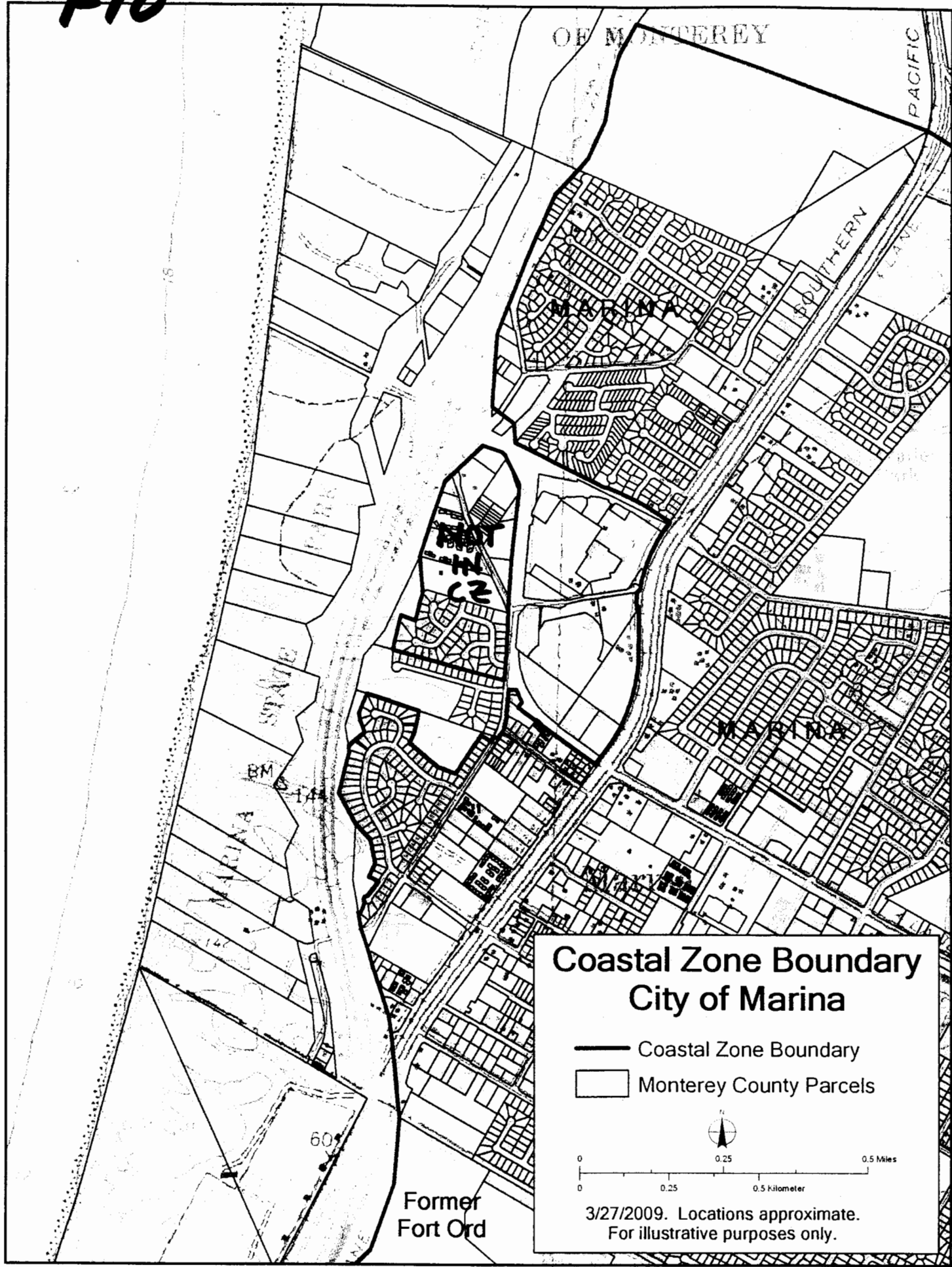
- A. "This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and legal ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval"; ~~and~~*
  - B. A listing of any conditions to be fulfilled and implemented prior to subsequent issuance of a permit or other grant of approval for development of the property, as specified in the conditional certificate of compliance; and*
  - C. If the parcel subject to a conditional certificate of compliance is in the coastal zone, that parcel must also be subject of an application and approval of a coastal development permit to be recognized as a legal parcel pursuant to the California Coastal Act and the Marina Local Coastal Program.*
- c. Section 16.22.070.** Add new suggested modification text to add a new Section 16.22.070 to read as follows:

*16.22.070 Notice of certificate. For any certificates issued for parcels/property in the coastal zone, the community development director shall forward at the time of its issuance notice of said certificate and the evidence supporting its issuance to the California Coastal Commission.*

- 2. Replace staff report Exhibit A with the new Exhibit A attached to this addendum.**



**F10**



**EXHIBIT A - COASTAL ZONE BOUNDARY MAP**

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F10a



**Prepared March 19, 2009 (for April 10, 2009 hearing)**

**To:** Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Manager  
Mike Watson, Coastal Planner

**Subject:** **City of Marina LCP Major Amendment Number 1-07 Part 4 (Subdivisions).** Proposed major amendment to the City of Marina certified Local Coastal Program to be presented for public hearing and California Coastal Commission action at the Commission's April 10, 2009 meeting to take place at the Oxnard Performing Arts Center at 800 Hobson Way in Oxnard.

## Summary

The City of Marina is proposing to amend its Local Coastal Program (LCP) Implementation Plan (IP) to replace the LCP's current subdivision regulations with a new set of updated subdivision regulations. The changes are primarily technical in nature, including identifying significant detail on the process for pursuing various types of land divisions within the City, and identifying required materials for their consideration (e.g., related to tentative maps, final maps, etc.) and approval (including public improvements and easement requirements, etc.). The changes do, however, raise a series of LCP Land Use Plan (LUP) consistency issues, primarily with respect to habitat protection requirements and LCP implementation processes.

In terms of habitat protection issues, the City of Marina coastal zone, though fairly small overall, includes some 300 acres of land containing significant sand dune habitat, wetlands, and related open space areas, including significant areas located between State Highway 1 and the Monterey Bay. The new text proposed includes references to potential development within such areas as part of certain land divisions. However, the resource protection policies of the LCP would not allow for such non-resource dependent development therein. Although the rest of the LCP would continue to apply and protect these areas, the new proposed text does not explicitly include LCP consistency as a requirement in all cases, and, in tandem with the new references to development in certain habitat areas, the proposed text would set up an internal LCP inconsistency that needs to be avoided to best protect resources, as required by the LUP.

In terms of process, the new subdivision text can and does provide additional implementation detail with respect to land divisions. However, this detail lacks explicit cross-reference to coastal development permit (CDP) requirements, and could be read to mean that such CDP requirements of the LCP are somehow not applicable to or are subsumed in and replaced by the subdivision process. This is not the case. All divisions of land in the City of Marina coastal zone, including all subdivision, reconfiguration, and consolidation of land covered by the proposed IP text, require a CDP. Again, as proposed, a potential internal LCP inconsistency is created that should be avoided to ensure resource protection in the City's coastal zone.



Fortunately, these issues are readily addressed through suggested modifications that revise the proposed text to ensure that it is in conformity with the rest of the LCP, including eliminating references to development within habitat and related areas, clearly referencing the need for LCP consistency and CDP requirements (including with respect to notices, hearings, and final actions), and making a series of minor changes to ensure internal LCP consistency, both within the subdivision regulations and in the way they interact with the rest of the LCP.

With the identified modifications, staff recommends that the Commission find that the proposed LCP amendment is consistent with and adequate to carry out the policies of the LUP. **As so modified, staff recommends that the Commission approve the LCP amendment.** The necessary motions and resolutions are found on page 3.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on February 11, 2008. It is an IP amendment only and the original 60-day action deadline was April 11, 2008. On April 10, 2008 the Commission extended the action deadline by one year to April 11, 2009. Thus, the Commission has until April 11, 2009 to take a final action on this LCP amendment.

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## 1. Staff Recommendation – Motions and Resolutions

Staff recommends that the Commission, after public hearing, approve the proposed amendment only if modified. The Commission needs to make 2 motions in order to act on this recommendation.

### A. Denial as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion (1 of 2).** I move that the Commission **reject** Major Amendment Number 1-07 Part 4 to the City of Marina Local Coastal Program Implementation Plan as submitted.

**Resolution to Deny.** The Commission hereby **denies** certification of Major Amendment Number 1-07 Part 4 to the City of Marina Local Coastal Program Implementation Plan as submitted by the City of Marina and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Implementation Plan Amendment may have on the environment.

### B. Approval if Modified

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion (2 of 2).** I move that the Commission **certify** Major Amendment Number 1-07 Part 4 to the City of Marina Local Coastal Program Implementation Plan if it is modified as suggested in this staff report.

**Resolution to Certify with Suggested Modifications.** The Commission hereby **certifies** Major Amendment Number 1-07 Part 4 to the City of Marina Local Coastal Program Implementation Plan if modified as suggested and adopts the findings set forth in this staff report on the grounds that, as modified, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.



## 2. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Land Use Plan consistency findings. If the City of Marina accepts each of the suggested modifications within six months of Commission action (i.e., by October 10, 2009), by formal resolution of the City Council, the corresponding amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-through~~ format denotes text to be deleted and text in underline format denotes text to be added.

1. **Modify Proposed LCP Text as Shown in Exhibit C.** Modify the proposed LCP text as shown in cross through and underline in Exhibit C.

## 3. Findings and Declarations

The Commission finds and declares as follows:

### A. Proposed LCP Amendment

#### 1. City of Marina LCP

The City of Marina is located along the Monterey Bay roughly half-way between the City of Seaside (downcoast) and the City of Castroville (upcoast), and immediately adjacent to California State University at Monterey Bay (CSUMB) and the former Fort Ord. Most of the City is outside of the coastal zone and inland of State Highway 1, but a portion is located within the coastal zone, including significant dune areas seaward of the Highway (see Exhibit A). The City of Marina LCP was originally certified by the Commission in 1982.

#### 2. Subdivision Map Act

Government Code Sections 66410 through 66449.58 (i.e., the Subdivision Map Act) provide standards and processes for subdivisions in California. The Subdivision Map Act also allows a local agency to adopt its own subdivision criteria for regulating subdivisions within its jurisdiction, provided the local criteria are consistent with state law. The City of Marina Municipal Code Title 16 (Subdivisions) was first adopted by the City in 1975, and was incorporated by reference into the City's LCP when it was originally certified in 1982 (see Exhibit B). LCP Title 16 has not been updated since its original certification.

#### 3. Description of Proposed LCP Amendment

The City proposes to replace the LCP's current subdivision regulations with a new set of updated



subdivision regulations that would apply throughout the City's coastal zone. Specifically, LCP Title 16 would be replaced in its entirety (see Exhibit C).<sup>1</sup> The changes are primarily technical in nature, including identifying significant detail on the process for pursuing various types of land divisions within the City, and identifying required materials for their consideration (e.g., related to tentative maps, final maps, etc.) and approval (including public improvements and easement requirements, etc.).

## B. LUP Consistency Analysis

### 1. Standard of Review

The standard of review for proposed amendments to the LCP's IP is that such amendments must be consistent with and adequate to carry out the LCP Land Use Plan (LUP).

### 2. Applicable Policies

The proposed LCP amendment raises issues primarily with respect to habitat protection and LCP implementation process. At a broad level with respect to habitat, the LUP includes several policy goals designed to direct development away from habitat areas and into existing developed areas of the City. These LUP goals include:

*10. To promote housing development which is consistent with the City's Housing Element and the Coastal Act.*

*19. To promote restoration and protection of native dune habitat and vegetation.*

*24. To protect and encourage the restoration of the vernal ponds to their original state and allow only those uses adjacent which will reinforce and conserve the unique habitat qualities of these ponds.*

*25. To protect the habitat of recognized rare and endangered species found in the coastal dune area.*

*26. To regulate development in areas adjacent to recognized rare and endangered species or their habitats so that they will not threaten continuation of the species or its habitat.*

*32. To minimize adverse environmental affects, by concentrating new development within or adjacent to areas of existing development within the Coastal Zone.*

At a more specific level, the LUP takes its cue from the Coastal Act and prohibits all but resource-dependent development in environmentally sensitive habitat areas (ESHAs), including dune and wetland

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<sup>1</sup> Note that Exhibit C includes the Commission's suggested modifications as applied to the City's proposed LCP amendment. Thus, Exhibit C without the changes identified there in cross-through and underline represents the City's proposed amendment.





areas, and prohibits resource degradation of these areas overall. The LUP construct uses the terms “primary” and “secondary” habitat, where primary habitat areas are ESHA areas themselves, and secondary habitat areas are the areas adjacent to the primary habitats areas that serve buffer and related functions. The LUP provides as follows:

***Habitat – Primary Habitat.*** *This term includes all of the environmentally sensitive habitat areas in Marina. These are as follows:*

- 1. Habitat for all identified plant and animal species which are rare, endangered, threatened, or are necessary for the survival of an endangered species. These species will be collectively referred to as “rare and endangered.”*
- 2. Vernal ponds and their associated wetland vegetation. The Statewide Interpretive Guideline for Wetlands and Other Wet Environmentally Sensitive Habitat Areas (California Coastal Commission, February 14<sup>th</sup> 1981) contains technical criteria for establishing the inland boundary of wetland vegetation.*
- 3. All native dune vegetation, where such vegetation is extensive enough to perform the special role of stabilizing Marina’s natural sand dune formations.*
- 4. Areas otherwise defined as secondary habitat that have an especially valuable role in an ecosystem for sensitive plant or animal life, as determined by a qualified biologist approved by the City.*

***Habitat – Secondary Habitat.*** *This term refers to areas adjacent to primary habitat areas within which development must be sited and designed to prevent impacts which would significantly degrade the primary habitat. The secondary habitat area will be presumed to include the following, subject to more precise determination upon individual site investigation:*

- 1. The potential/known localities of rare and endangered plant species as shown on “Disturbed Vegetation” map in Marina Local Coastal Program.*
- 2. The potential wildlife habitats as shown on “Potential Wildlife Habitats” map in the Marina Local Coastal Program.*
- 3. Any area within 100 feet of the landward boundary of a wetland primary habitat area.*

With respect to process, the LCP includes the following definition of development, and requires a CDP for all development, including “subdivision and any other division of land”. The LCP states:

***17.04.221 Development.*** *“Development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredge materials or waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land including subdivision and any other division of land except where*



*division occurs as a result of purchase by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure; the removal or harvesting of major vegetation other than for agricultural purposes or kelp harvesting; and the civilian reuse of former United States military land.*

The LCP also includes a series of requirements associated with noticing, hearing, actions, and reporting of CDP matters, including requiring LCP consistency. The LCP states:

***17.43.050 Coastal Development Permits. A.*** *A public hearing shall be held on each application for a Coastal Development Permit; notices of such hearing shall be given to persons designated and in the manner prescribed in the Section 65854 et seq. of the California Government Code.*

***C. Granting.*** *In considering an application for a Coastal Development Permit the Planning Commission shall ...determine whether or not the establishment, maintenance, and operation of the use applied for will, under the circumstances of the particular case, be consistent with the General Plan and Local Coastal Land Use and Implementation Plans...*

***LCP Implementation Plan at page 15.*** *Within five (5) days of any final City Council action on an appeal of a Coastal Permit the City shall notify, by first class mail, the State Coastal Commission and all persons who have submitted a written request for such notice along with a stamped self-addresses envelope. When the City's action becomes final the required notice will contain the conditions of approval, findings and procedure for appeal to the Coastal Commission (where applicable), as specified by the Local Coastal Program regulations.*

### 3. Analysis

The changes proposed, while fairly straightforward and technical on a certain level, with respect to the manner in which land divisions are to be processed within the City, also raise a series of potential issues, primarily with respect to habitat protection requirements and LCP implementation processes.

In terms of habitat protection issues, the City of Marina coastal zone, though fairly small overall, includes some 300 acres of land containing significant sand dune habitat, wetlands, and related open space areas, including significant areas located between State Highway 1 and the Monterey Bay. Many of these areas are ESHA that are protected as primary habitat pursuant to the LCP, or are areas adjacent to ESHA that are protected as secondary habitat pursuant to the LCP. The new proposed text includes references to potential development within such areas as part of certain subdivisions. For example, the new text identifies a “Coastal Dune Disturbed Area” within “Coastal Dune Areas” within which development is meant to be concentrated (see proposed LCP Sections 16.04.010 and 16.06.040 in Exhibit C). However, dune areas—disturbed or not—oftentimes constitute ESHA and are protected as primary habitat under the LCP; such has been the case historically under the LCP in Marina, and it is reasonable to presume could be the case in the future. The resource protection policies of the LCP would not allow for such non-resource dependent development therein. Thus, these proposed changes (and



others related to them)<sup>2</sup> that would direct development to these areas, are inappropriate under the LUP.

In addition, even if it were observed that these potential habitat issues could be addressed by applying the rest of the LCP to such proposed divisions of land that might inappropriately attempt to concentrate development in these areas, the new proposed text does not explicitly include LCP consistency as a requirement in all cases. Although general plan and other consistency requirements are noted throughout the proposed text, LCP consistency is not noted in the proposed text in all such cases (see, for example, proposed LCP Sections 16.08.060, 16.10.040, 16.12.030, 16.20.040, etc.). In tandem with the new references to concentrating development in certain potential habitat areas, the proposed text would also set up a potential internal LCP inconsistency in this regard because although LCP consistency is required, it is not explicitly referenced in Title 16, while other types of consistency are, thus ensuring greater emphasis in Title 16 for those cited at the potential expense of those (like the LCP) not explicitly referenced.

In terms of process, the new subdivision text can and does provide additional implementation detail with respect to land divisions. However, this detail lacks explicit cross-reference to CDP requirements, and could be read to mean that such CDP requirements of the LCP are somehow not applicable to or are subsumed in and replaced by the land division process identified, including for conditional certificates of compliance. This is not the case. All divisions of land in the City of Marina coastal zone, including all subdivision, reconfiguration, and consolidation of land covered by the proposed IP text, require a CDP. And some of the proposed processes in Title 16 are different from those required by the CDP process,<sup>3</sup> leading to potential CDP inconsistencies. Again, as proposed, a potential internal LCP inconsistency is created that that should be avoided to ensure resource protection in the City's coastal zone.

#### 4. Conclusion

The Commission must determine whether the IP changes proposed are consistent with and adequate to carry out the LUP. There are portions of the proposed IP text where there are inconsistencies and/or other issues that would affect the proposed amendment's ability to carry out LUP policies, and ultimately to ensure that coastal resources are protected as directed by the LUP. Fortunately, these issues are readily addressed through suggested modifications that revise the proposed text to ensure that it is in conformity with the rest of the LCP, including eliminating references to development within habitat areas, clearly referencing the need for LCP consistency and CDP requirements (including with respect to notices, hearings, and final actions), and making a series of minor changes to ensure internal LCP consistency, both within the subdivision regulations and in the way they interact with the rest of the LCP.

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<sup>2</sup> For example, the proposed LCP text refers to various ways that land divisions must account for sandy beach areas and dunes otherwise (e.g., see proposed Sections 16.04.010 (sandy beach access definitions), 16.06.050, 16.06.060, 16.08.030, and 16.08.040 in Exhibit C). These additional references evince an additional intent to provide for land division in dunes otherwise.

<sup>3</sup> See, for example, Sections 16.08.050, 16.08.070, 16.10.040, 16.10.070, 16.10.090, 16.14.070, 16.16.060, 16.20.030, 16.22.040, and 16.22.050 in Exhibit C.



In conclusion, if so modified in all of the ways outlined here according to the cited modification text, then the IP as amended by the proposed amendment, and as further modified as suggested above and in the cited modification text, is approved as being consistent with and adequate to carry out the certified LUP as amended.

### C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The City in this case prepared a negative declaration for the proposed amendment under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



## SUBDIVISION ORDINANCE AMENDMENTS

Implementation of the Local Coastal Plan requires a few changes to the City of Marina's Subdivision Ordinance as adopted in 1975 and amended by Ordinance 76-16. The thrust of these amendments is to insure that the provisions of the Local Coastal Plan Access Component requiring easements (based on Section 6647.11 of the State Map Act, 1977) and development of required improvements occurs. The amendments also include provisions ensuring that development within the Coastal Dune area be focused within areas where the native vegetation has already been disturbed.

### Subdivision Ordinance Revisions

Section 1, 1.1 Purpose (b): Revise to read "(b) To secure compliance with the City of Marina Zoning Ordinance and the Local Coastal Program and any adopted General Plans of the City of Marina."

Section 1, 1.3, 3 (1) as amended by Ordinance 76-16. Revise to read: "(1) If the preliminary map does not comply with this ordinance, the Local Coastal Plan and applicable laws, then the Subdivision Committee shall give written notice to the subdivider."

Section 2, between existing Sections 2 and 2.1: Add "2.0 Incorporate by reference the definitions included in the City of Marina Zoning Ordinance, Section 9."

Section 2, between existing Sections 2.10 and 2.11, following 2.10 A: Add "2.10 B 'Local Coastal Plan' means and refers to the Local Coastal Land Use and Implementation Plans as adopted by the City of Marina and certified by the California Coastal Commission."

Section 2. between 2.1 and 2.2: Add '2.1A 'Coastal Dune Disturbed Area' means terrain and/or natural land form that has been substantially altered by erosion, grading, mining, excavation or other natural or man-made causes to the extent that none or very little of the native vegetation remains.

Section 2. between 2.10 and 2.11: Add '2.10A 'Lateral Accessway' shall mean an access easement along the sandy beach frontage parallel to the water's edge.

Section 2, following 2.25: '2.26 'Vertical Accessway' shall mean an access easement perpendicular from the nearest public road parallel to the ocean to the sandy beach frontage (See Lateral Accessway)."

Section 3.4 General Design and Improvement Standards, between Section 3.41 and 3.42: Add "3.41 A Within the Coastal Dune area, development shall be concentrated in Coastal Dune Distrubed Areas."

Section 3.4 General Design and Improvement Standards, between Section 3.41 and 3.42, following 3.41 A: Add "3.41 B Vertical Beach Accessways. Vertical beach accessways shall be provided in accordance with the provisions of the Local Coastal Land Use Plan; the widths of the accessway shall be a minimum of ten (10) feet and shall extend from the nearest public roadway to the sandy beach frontage. Improvements to be made shall be as prescribed in the Local Coastal Land Use Plan and by the Planning Commission."

Section 3.4 General Design and Improvement Standards, between Section 3.41 and 3.42, following 3.41 B" Add "3.41 C Lateral Beach Accessway. Lateral beach accessway shall be provided by an easement parallel to the water line extending inland to the edge of the sandy beach frontage as defined by a qualified geologist or oceanographer and confirmed by the Planning Director."

Section 3.6 Improvements, between 14 and 15: Add "14 A Vertical Beach Accessway. Identification of easement, installation and maintenance of any structures required to provide the vertical beach access from the nearest public road to the sandy shoreline as specified in the Local Coastal Land Use Plan and by the Planning Commission."

Section 5.1 Preliminary Map Procedure d., between 6 and 7: Add "6 A If coastal frontage parcel, approximate location of vertical and lateral accessway easements."

Section 6.1 Tentative Map Data Required and Design, following f:  
Add "f 1. Within the Coastal Dune area as defined in the Local Coastal Land Use Plan indicate to scale the Coastal Dune Disturbed Area(s)."

Section 6.1 Tentative Map Data Required and Design, between h and i:  
Add h 1. "The location of vertical beach access easements by metes and bounds or other description sufficient in detail to show designation width of ten (10) feet and designation of area as access easement."

Section 6.1 Tentative Map Data Required and Design, between h and i,  
following h 1.: Add "h 2. The location of sandy beach frontage as defined by a qualified geologist or oceanographer and description sufficient in detail to show designation of area as a public easement."

Section 6.3 Statements and Reports: Add to f, "...scenic easements proposed; and, if shoreline property, geologic report on definition of sandy beach area to be dedicated."

Section 8.3 Final Map Data Required: Add to 8.3a "...dedicated to public use; vertical and lateral accessway easements shall be reviewed by a qualified biologist and/or geologist and easements shall be dedicated to the public as determined by the City unless otherwise specified in the Local Coastal Land Use Plan and in the approval of the tentative map."



ORDINANCE NO. 1713  
SUBDIVISION ORDINANCE

COUNTY OF MONTEREY, CALIFORNIA

WITH REVISIONS ADOPTED TO.

JANUARY 8, 1974

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OUTLINE OF PROCEDURE  
FOR FILING SUBDIVISION MAPS  
IN UNINCORPORATED AREA

Ord. Section	Action by	Responsible Party	Time Schedule
5.1 a	Preliminary map submitted to Planning Dept. (15 copies)	Subdivider	14 days prior to Subd. Committee meeting
5.1 f	Recommendation on Preliminary Map to Planning Commission & Subdivider	Subdivision Committee	
6.0 b	Slope stake sidehill roads where average cross slope exceeds 10%.	Subdivider	Prior to filing tentative map
6.0 a	Submit Preliminary Title Report to Planning Dept.	Subdivider	With filing of tentative map
6.5 b	Tentative map presented to Plan. Dept. (10 copies plus reproducible sepia) Fee \$50 + \$3 per lot for 1st 25 lots, \$2 per lot for next 25 lots + \$1 per lot for remainder	Subdivider	30 days prior to Planning Commission meeting.
6.5 d	A model of any development having cross slope of 15% or more shall be presented	Subdivider	Prior to Planning Commission meeting
6.5e	Transmit tentative maps to other agencies	Planning Dept.	
6.5 f	File with Planning Dept. approval or conditional approval of tentative map.	Subdivision Committee Departments	Within 16 days
6.6	Meet with Subdivider or his Representative	Subdivision Committee	Within 16 days
6.6 b4	Report on proposed subdivision to Planning Commission	Subdivision Committee	
6.7 a	File tentative map with Planning Commission (7 copies of revised tentative map, 7-1/2 x 9-1/2 transparency)	Planning Dept.	Next meeting after Subdivision Committee meeting

## ORDINANCE NO. 1713

### COUNTY OF MONTEREY SUBDIVISION ORDINANCE

AN ORDINANCE REGULATING THE DESIGN, IMPROVEMENT AND SURVEY DATA OF SUBDIVISIONS AND THE FORM AND CONTENT OF MAPS THEREOF, PROVIDING PENALTIES FOR THE VIOLATION HEREOF: AND DESIGNATING AN ADVISORY AGENCY

The Board of Supervisors of the County of Monterey do ordain as follows:

Section 1                      ADVISORY AGENCY - COMMITTEE - PURPOSE

Section 1.1                      Purpose.

a. This ordinance is enacted for the purpose of promoting the public health, safety, convenience and general welfare; to regulate the design, improvement and survey data of subdivisions, and to provide for the form and content of tentative and final maps thereof. The procedure to be followed in securing official approval thereof shall be governed by the Subdivision Map Act of the State of California and by the provisions of this subdivision ordinance.

b. To secure compliance with the Monterey County Zoning Ordinance and any adopted General Plans of the County of Monterey.

c. Further, it is the purpose of this ordinance to encourage new concepts and innovations in the arrangement of building sites within subdivisions. Deviations from the traditional mechanical approach to the subdivision of land are encouraged in order to facilitate the ultimate development of the land in a manner that will be commensurate with contemporary living patterns and technological progress.

Section 1.2                      The Planning Commission is hereby designated as the Advisory Agency with respect to subdivisions as provided in the Subdivision Map Act of the State of California.

a. The Planning Commission shall have all the powers and duties with respect to tentative and final maps, and the procedure relating thereto, which are specified by law and by this ordinance.

\* Section 1.3                      There is hereby created a Subdivision Committee to consist of the Director of Public Works, Assessor, Director of Planning, Director of Environmental Health, Parks Director, Director of Building Inspections, District Engineer of the Monterey County Flood Control and Water Conservation District, or their designated representatives. The committee shall have the powers and duties specified by this Ordinance. The Director of Planning or his designated representative shall be the secretary of the committee.

Amended by Ordinance #2012 January 8, 1974.

1.

\* Section 1.3

a. There is hereby created a Minor Subdivision Committee to consist of a member of the Planning Commission, the Director of Public Works, Assessor, Director of Building Inspections, Director of Environmental Health, Parks Director, Director of Planning, District Engineer of the Monterey County Flood Control and Water Conservation District, or their designated representatives. The Director of Planning or his designated representative shall be the secretary of the committee.

b. The minor subdivision committee is hereby designated as the advisory agency for minor subdivision and divisions of property requiring a parcel map under Section 11535-d of the Business and Professions Code.

\* Amended by Ordinance #2012 January 8, 1974

1-3.

Section 2            DEFINITIONS

Section 2.1        "Board of Supervisors" shall mean the Board of Supervisors of the County of Monterey, State of California.

Section 2.2        The designation of any particular officer herein shall mean the particular officer of the County of Monterey.

a. "County" shall mean County of Monterey, State of California.

Section 2.3        "County street" shall mean any street, road, avenue, way, lane or alley for vehicular use accepted by the Board of Supervisors.

a. 'Major' street is any street which is intended to carry traffic on present or future four moving lanes between different areas of the county, and traffic entering from 'secondary' streets.

b. 'Secondary' street is a street which is intended to collect traffic and carry it to a Major street.

c. 'Local' or 'minor' street is one used primarily for access to abutting properties including loop, cul-de-sac and tertiary streets.

Section 2.4        "Planning Commission" shall mean the Planning Commission of the County of Monterey and the Advisory Agency referred to in the Subdivision Map Act.

Section 2.5        "Cross Slope, Average"

FORMULA FOR AVERAGE CROSS SLOPE

$$S = \frac{.00229 \text{ IL}}{A}$$

Where: I = Interval of measured contours in feet

S = Average cross slope of parcel in percent

L = Combined length of contours in feet

(i.e. map measurement of contours in inches x the scale)

A = Area of parcel in acres

Section 2.6

a. "Density" designates the ratio of single family living units to acreage.

b. "Density, gross" designates the ratio of single family living unit to acreage within the entire parcel.

c. "Density, net" designates the ratio of single family living unit to acreage including only open space and actual lot areas.

Section 2.7 "Design" refers to street alignment, grades and widths; alignment and widths of easements and rights-of-way for drainage, sanitary sewers, water, utilities, and other facilities for public use or benefit; lot area, width, depth, shape and pattern as required in this ordinance. "Design" also includes land to be dedicated for park or recreational purposes.

Section 2.8 "Easement" shall mean an easement offered for dedication to the County of Monterey to be used for utility, drainage or other public purpose.

Section 2.9 "Final Map" refers to a map prepared in accordance with this ordinance, which is designed to be placed on record in the Office of the Recorder of the County of Monterey.

Section 2.10 "Improvement" refers to such street work, drainage work and utilities, landscaping, or other improvements to be installed, or agreed to be installed by the subdivider on the subdivision or land adjacent thereto to be used for public streets, easements, highways, and park and recreation sites necessary for the use and benefit of the lot owners in the subdivision and adjacent areas as a condition precedent to approval of the final map, thereof.

Section 2.11 "Lot" shall mean a parcel of land established, or to be established, by the Standard Subdivision Procedure or Minor Subdivision Procedure as provided herein.

Section 2.12 "Lot Width, Average" - The area of the parcel divided by the lot depth.

Section 2.13 "Lot Depth" - A line midpoint from the front line to the midpoint of the line farthest away from the midpoint of the established front line, in the general direction of the sidelines.

Section 2.14 "Lot Line, Front" - In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street.

Section 2.15 "Lot Line, Rear" - A lot line which is opposite and most distant from the front line and, in the case of an irregular, triangular or gore-shaped lot, a line within the lot most nearly parallel to and at the maximum distance from the front lot line, having a length of at least ten feet.

Section 2.16 "Lot Lines, Side" - Any lot boundary not a front line or a rear lot line.

Section 2.17 "Owner" means the individuals, firms, partnerships or corporations having proprietary interests in the land sought to be subdivided.

\* Section 2.18 "Parcel Map" shall mean a map showing the division of land which has been processed as a minor subdivision.

\* Amended by Ordinance #1933 December 12, 1972.



Section 2.19 "Standard" shall mean the Standard Improvement Specifications adopted by the Board of Supervisors, copies of which are on file in the office of the Planning Commission, County Surveyor and County Clerk.

\* Section 2.20 "Subdivision"

a. "Subdivision" shall mean any real property, improved or unimproved, or portion thereof, shown on the 1964-65 tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, transfer or financing, whether immediate or future, by any subdivider into two or more parcels; provided, that this Ordinance shall not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements, or railroad rights of way.

b. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for purposes of computing the number of parcels. Prior to such conveyance a minor subdivision tentative and parcel map shall be filed in accordance with provisions of this Ordinance.

c. "Subdivision" shall not include the division of property for the sole purpose of adjusting property lines between contiguous parcels when no new building site as defined by the Zoning Ordinance of the County of Monterey is thereby created and where no building site as defined by such Ordinances is thereby rendered substandard.

d. "Subdivision" shall not include a division of property into parcels when said parcels were shown on the 1964-65 county tax roll under separate ownership, or a division of property into four or less parcels shown on a Record of Survey recorded prior to March 2, 1964, or Record of Survey of four or less parcels, each of which is over 2-1/2 acres, recorded prior to March 4, 1972 or parcels of 2-1/2 acres or over when said parcels were shown under separate ownership on March 7, 1972 when shown on deed or deeds recorded on or before March 7, 1972 when said parcels comply with applicable Zoning Ordinances in effect at the time of division, or when said parcels are lots on a recorded subdivision map approved by the Board of Supervisors of the County of Monterey.

\* Section 2.21 "Subdivision, Standard" shall mean any subdivision containing five or more parcels or lots except those divisions of five or more parcels all of which are 40 acres or larger.

\* Section 2.22 "Subdivision, Minor" shall mean any subdivision containing four or less lots or parcels or any subdivisions of more than four lots or parcels where each lot is 40 acres or larger.

\* Amended by Ordinance #1933 December 12, 1972.

Section 2.23 "Subdivision, Private Road" - A division of land without frontage on a public street.

Section 2.24 "Subdivider" shall mean a person, firm, corporation, partnership or association who causes land to be divided into any number of parcels.

Section 2.25 "Tentative Map" shall mean any map made for the purpose of showing the design of a proposed subdivision of any kind, including a minor subdivision, and the existing conditions in and around it, prepared as required in this Ordinance.

Amended by Ordinance #1933 December 12, 1972.

4-a.

Section 2.25 "Tentative Map" shall mean any map made for the purpose of showing the design of a proposed Subdivision of any kind, and the existing conditions in and around it, prepared as required in this ordinance.

Section 3      REQUIREMENTS BY TYPE OF SUBDIVISION

Subdivision design and improvements required are as set out in this ordinance.

Section 3.1      Industrial Subdivisions

a. Minimum lot area and width for industrial subdivisions shall be 10,000 square feet in area and 100 feet in average lot width, unless a greater lot area or width is required by the Zoning Ordinance or unless the lot area and width is reduced through the use of Section 3.7 herein.

b. Street Design: Street design shall be as set out in Section 3.4 through 3.7 for industrial areas.

c. Improvements: All improvements shall be as set out in Section 3 herein, and in the Standards.

d. Other regulations: All other regulations set out in this ordinance shall be complied with in the development of Industrial Subdivisions.

Section 3.2      Commercial Subdivisions

a. Minimum lot area and width for commercial subdivisions, unless other lot size or width is stipulated in the Zoning Ordinance or unless the lot size is reduced through the use of Section 3.7 herein, shall be 10,000 square feet and 100 foot average lot width, provided that the Planning Commission may reduce the lot area sizes not more than 50%, when the total lot size combined with land used for parking and landscaping in undivided common interest equals the required 10,000 square feet lot size.

b. Street Design: Street design shall be as set out in the Standards.

c. Improvements: Improvements shall be installed as set out in Section 3.4 and in the Standards.

Section 3.3      Residential Subdivisions

a. Minimum lot area and width shall be as prescribed herein unless a greater area or width is prescribed in the Zoning Ordinance and unless the lot size is reduced through the procedure set out in Section 3.7 herein.

Section 3.3 Residential Subdivisions a. (Continued)

1. Minimum area, where average cross slope does not exceed 10%.

(a) Corner lots - 7,000 square feet

(b) Interior lots - 6,000 square feet

2. Minimum width:

(a) Corner lots - Average width 70 feet, except lots fronting on cul-de-sacs or irregularly shaped lots. The minimum width at front property line shall be 35 feet.

(b) Interior lots - Average width 60 feet, same as above.

3. Average depth, 90 feet.

4. Maximum ratio lot depth to lot width, three to one, unless a greater ratio is approved by the Planning Commission.

5. Improvements: All design and improvements shall be as set forth in Section 3.4

b. Cross slope application: Where cross slope has been determined to be a factor, density permitted shall be as established by the Board of Supervisors.

Section 3.4 General Design and Improvement Standards:

Section 3.41 Improvements hereinafter mentioned shall conform to requirements of the Standards. Blocks shall not be longer than 1,200 feet between intersecting street lines; except on expressways and major streets where longer blocks may be required by the Planning Commission. With the exception of corner lots, lots shall not have frontage on more than one street; however such frontage may be permitted if access rights on all but one street are granted to the County of Monterey.

Section 3.42 Pedestrian Walkways. Pedestrian walkways shall be provided through the middle of blocks over one thousand feet in length; and may be required by the Planning Commission to serve the following purposes: To connect streets, to provide access to river, lake, bay or ocean frontages; to provide access to parks, playgrounds and similar public areas. The widths of the walkways, and the construction improvements to be made shall be as prescribed by the Planning Commission.

Section 3.42 Pedestrian Walkways (Continued)

Easements not less than 5 feet wide shall be required on the sides and rear of all lots where necessary for poles, underground utilities, cables, wires, drainage, conduit and water mains or other utilities. A reduction of the width may be allowed when a lesser width is recommended by the County Surveyor. In condominium or other optional design subdivisions easements of varying widths and locations may be approved by the Planning Commission.

Section 3.43 The Planning Commission may require water courses to be placed in underground conduits or fenced, or otherwise improved in accordance with the Standards. Where sumps are approved to handle drainage as an interim solution, easements shall be provided for necessary channels and sump area.

Section 3.44 All lots shall have the frontage hereinafter set out unless otherwise approved by the Planning Commission as to standard subdivisions or the Subdivision Committee as to minor subdivisions except in "U" and "N" zoning districts:

a. Each lot of less than 2-1/2 acres in area shall have a minimum of 35 foot frontage on a public road, and said required frontage shall provide useable and practical access to the building site, and the driveway providing access shall not exceed 25% grade and 5% cross slope outside the public road right-of-way, and the geometry of the driveway within the public road right-of-way shall conform to the Standards.

b. Each lot of 2-1/2 acres or over in area shall have a minimum of 35 foot frontage on an improved street, public or private, and said required frontage shall provide useable and practical access to the building site, and the driveway providing access shall not exceed 25% grade and 5% cross slope outside the public road right-of-way, and the geometry of the driveway within the public road right-of-way shall conform to the Standards.

Section 3.45 Roads and Streets

a. Reserve strips, where required to control access over certain lot lines or over the ends of street stubs, shall be dedicated to the County.

b. Alleys, access roads and acceleration lanes may be required in industrial, commercial and in multiple family residential areas where necessary to control access to expressways and major streets. Where alleys intersect, widths in excess of that in the Standards may be required.

c. Cul-de-sac streets shall have the following limiting dimensions:

50 foot minimum radius to property line where cul-de-sac is longer than 400 feet. 40 foot minimum radius where cul-de-sac is less than 400 feet.

40 foot minimum radius to curb line where cul-de-sac is longer than 400 feet.

30 foot minimum radius to curb line where cul-de-sac is longer than 400 feet.

Section 3.45 Roads and Streets c (Continued)

400 foot maximum length of a cul-de-sac to center of turn around, except where such cul-de-sac serves less than 16 lots or where cross slope exceeds 15% and when approved by the Planning Commission.

d. Names for proposed new streets shall be shown on the tentative map and shall be subject to approval of the Planning Commission.

Section 3.46 Streets and Highways

a. The street and highway design shall conform both in width and alignment to any adopted Master Plan of Streets and Highways, and the right-of-way for any street or highway indicated on such Master Plan shall be offered for dedication.

b. The street and highway design shall conform to any proceedings affecting the subdivision, which may have been initiated by the Board of Supervisors or approved by said Board upon initiation by other legally constituted bodies of the county, city, or state. If a parcel of land to be subdivided includes a portion of the right-of-way to be acquired for a public freeway or parkway, and the Board of Supervisors shall determine the boundaries of the right-of-way to be acquired, the subdivider shall either dedicate or withhold from subdivision all the area included in said right-of-way.

Section 3.5 Specific Street Design and Improvements

a. Street design and improvement shall conform to the Standards and to the requirements set forth herein.

b. Private roads may be permitted where the following conditions prevail:

1. No more than 42 dwelling units are located thereon.
2. Maintenance is provided for proper legal safeguards.
3. Net density per dwelling unit is 2-1/2 acres or larger.
4. Standards of road improvement are approved by the Planning Commission or Subdivision Committee where applicable as a part of the total design of the plan.

c. Private roads may be also permitted where the following conditions prevail:

1. Maximum number of dwelling units to be served is 4.
2. Adequate parking is provided on the private road or on the building site.
3. Provisions are made for adequate turning operations.
4. Minimum widths and standards are determined by the Planning Commission.

Section 3.5 Specific Street Design and Improvements (Continued)

d. Private roads may be permitted in condominiums or similar developments where maintenance is provided for by proper legal safeguards.

e. Private roads may be permitted by the Planning Commission when constructed according to Standards.

Section 3.6 Improvements

Section 3.61 All improvements installed and constructed in subdivisions shall conform to the requirements set out in the Standards and to all conditions imposed upon the approval of the tentative map.

a. The following improvements shall be constructed, and where described in the Standards as specified therein.

1. Curb, gutter, sidewalk and walkways.
2. Fire hydrants.
3. Water lines and other utility services to serve each lot and stubbed to property line prior to construction of street and pavement connected to existing city, public utility, or other approved system when such system is or can be made available. The subdivider shall present evidence from the proposed supplier of the water availability that the supplier will provide the required services to subdivision, and evidence that satisfactory agreements have been entered into to provide the services.
4. When connection to an existing water system cannot be affected, the subdivision may be provided service by the establishment of a water system constructed to Standards. In the case of a subdivision with lots of 2-1/2 acres or over in size, water supply may be from wells or springs on individual lots, provided, however, the Planning Commission may approve on a showing of necessity a water supply from wells or springs on individual lots of over 1 acre in size. In these cases, sufficient evidence shall be submitted showing that water is available and can be obtained from wells or springs.
5. Sanitary sewers and laterals to serve each lot and stubbed to property line prior to construction of street base and pavement connected to existing city, district or approved private system, where such system is or can be made available. In such case the subdivider shall present evidence from the appropriate agency indicating the ability of the system to handle sewage from the subdivision and evidence that a satisfactory agreement has been entered into to provide the service.

Section 3.61 Improvements a. 5. (Continued)

Where such system is not available, the Planning Commission may approve disposal by septic tank on each lot.

The requirements for sanitary sewers specified herein shall be considered minimum requirements. Where other agencies have jurisdiction over the construction, maintenance and operation of sanitary sewers and have equal to or higher standards of regulation; the regulation of that agency shall apply.

6. Silt basins, structures, planting or other forms of erosion control when necessary in the opinion of the Planning Commission.
7. Improved streets.
8. Improvement and widening of major and secondary streets when within a subdivision or when bordering a subdivision on one side only.
9. Street lights as specified by the Planning Commission.
10. Street trees as specified by the Planning Commission.
11. Street name signs and regulatory signs as specified by the County Surveyor.
12. Street end barricades, walls or fences.
13. All utility distribution facilities (including but not limited to electric, communication and cable television lines) installed in and for the purpose of supplying service to any subdivision shall be placed underground, except as follows:
  - (a) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts, or such equipment when concealed by shrubbery, landscaping or other screening and approved by the Director of Planning.

The Planning Commission may waive the requirements of this Section if topographical, soil or other physical conditions make underground installation of said facilities unreasonable or impractical.



Section 3.61 Improvements a. (Continued)

14. Recreation Requirements

- (a) The subdivider shall provide for adequate and appropriate public recreation facilities for the subdivision by the dedication of lands therein or by the payment of fees in lieu thereof according to the following conditions and requirements:

- (1) In subdivisions having 50 or more lots, and where land in said subdivision can be properly located for public recreational facilities in accordance with the Recreation and Parks Plan adopted by the County of Monterey, the subdivider shall dedicate an area for such purposes on the basis of two acres so dedicated for each 50 acres within the subdivision.
- (2) Where the subdivision consists of 50 lots or less or where the subdivision exceeds 50 lots, but land within the subdivision cannot be located in accordance with the adopted Recreation and Parks Plan of the County of Monterey, then the subdivider shall pay to the County of Monterey, for the recreation fund, a sum in proportion to the dedication required in 14-a-1 based on the "fair market value" of the land that otherwise would have been dedicated and in proportion to the density of population in the subdivision in accordance with the following:

- ((a)) One acre of land shall be dedicated to the County of Monterey for each 100 dwelling units in the subdivision.

15. Landscaping. Installation and maintenance of landscaping and/or screen planting as specified by the Planning Commission.
16. School Sites. Any subdivider proposing a development of more than 400 dwelling units within any three year period on any parcel or contiguous parcels shall dedicate such land as deemed necessary for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate elementary school facilities. The requirements of dedication shall automatically terminate unless the school district shall enter into a binding commitment with the subdivider to accept the dedication

Section 3.61 Improvements a. 16. (Continued)

within 30 days after the requirement is imposed by the county. The required dedication may be made at any time prior to the construction of the 401st dwelling unit. The school district shall, in the event that it accepts the dedication, repay to the subdivider or his successors, the original cost to subdivider of the dedicated land, plus a sum equal to total of following amounts:

- (a) The cost of any improvements to dedicated land since acquisition by the subdivider.
  - (b) The taxes assessed against the dedicated land from the date demand for dedication is made.
  - (c) Any other costs incurred by the subdivider in maintenance of such dedicated land, including costs incurred on any loan covering such land.
17. The following off-site improvements may be required:
- (a) Water supply and transmission lines.
  - (b) Sewage disposal facilities and sewerage systems.
  - (c) Properly graded, drained and paved access roads.
  - (d) The extension of any other utilities.
  - (e) Fees for drainage facilities. As a condition of approval of the final map, the subdivider shall pay fees imposed by ordinance of county enacted under the authority of Business & Professions Code Sections 11543.5, for the purpose of defraying actual or estimated costs of constructing planned drainage facilities for removal of surface and storm waters from drainage areas.
18. In addition to all other requirements herein:
- (a) Improvement work shall not be commenced until plans for such work have been submitted to and approved by the County Surveyor.
  - (b) All improvements shall be constructed under the inspection of, and to the satisfaction of the County Surveyor.
  - (c) Cost of inspection shall be borne by the subdivider.

### Section 3.7 Optional Design and Improvement Standards

Where a subdivider signifies his intent to enhance the livability, convenience and appearance of his proposed subdivision and the health, safety or general welfare of the users of the subdivision by using new concepts in the arrangement of lots, circulation pattern and by providing permanent Open Space in the proposed subdivision, and appropriate means of access to blocks, schools, shopping centers and other uses which do not literally comply with the requirements of the ordinance but which serve and implement the intent of this Ordinance, he may be permitted exceptions provided he comply with the following:

a. Improved design based on density control and better community environment. The Standards set out in Sections 3.1 through 3.4 may be varied only when the gross density of an area is not increased and where said design has the approval of the Planning Commission and the Board of Supervisors, and where each finds that said exceptions will:

1. Produce a more desirable and livable community than would be effected by compliance with the Standards.
2. Create better community environment through dedication of public areas, or setting out of scenic easements and Open Spaces; and rearrangement of lot sizes and reforestation of barren areas.

b. Where the map indicates condominium or name of similar type of improvement, the Planning Commission may waive filing of the final map prior to issuance of building permits provided there shall be no transfer of property and no occupancy permit granted and allow start of road work construction upon approval of improvement plans.

c. As an incentive to creating better overall communities, the Planning Commission may authorize exceptions in lot size but with no increase in density in the overall development.

d. Said Planning Commission and Board of Supervisors may authorize exceptions from other standards of this Ordinance where they find that said exceptions will give effect to the intentions described hereinabove.

e. Where lot sizes are proposed to be reduced by use of common areas, dedication of open areas, or by agreement to give up development rights as a method of maintaining the density required for an area, the credit for such common areas, open areas dedicated, or development rights offered shall be based on the density permitted under the zoning district in which the offer is made or on the basis of the lot sizes required as set out in Section 3.3 of this Ordinance, whichever is more restrictive.

Section 4      EXCEPTIONS FROM REQUIREMENTS

It is recognized that there are certain parcels of land of such dimensions, subject to such restrictions, so affected by physical conditions and devoted to such uses that it would be difficult or impracticable for the subdivider to conform to the foregoing requirements.

Section 4.1

a. The Planning Commission, the Subdivision Committee when considering minor subdivisions, (or on appeal the Board of Supervisors) may grant exceptions from the foregoing requirements, when all the following conditions are found to exist:

1. That because of special circumstances applicable to the subdivision, including size, shape, topography, location or surroundings, the literal application of this Ordinance would deprive the subdivision of privileges enjoyed by other properties in the vicinity.
2. That under the circumstances of a particular case granting the exceptions, rather than the sections at issue in this Ordinance, actually carries out the intent of this Ordinance.

b. Any exception granted shall be subject to such conditions as will assure that the adjustments thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity.

c. Adequate guarantees may be required to insure that any conditions imposed as a part of any approved exception shall be carried out as specified.

Section 5      SUBDIVISION FILING PROCEDURE

Section 5.1      Preliminary Map Procedure

a. Preliminary Map required: Prior to the submission of a tentative map of a proposed subdivision, fifteen (15) copies of a preliminary map shall be prepared by the subdivider and submitted to the Planning Department at least fourteen (14) days prior to meeting of the Subdivision Committee. A development plan showing proposed building locations and landscaping shall be required when such construction is to be done by the subdivider.

b. Purposes of Preliminary Map. The purpose of the preparation and consideration of a preliminary map is to provide a means of review of the proposed subdivision by the Subdivision Committee with the subdivider. From this review it is expected that the subdivider will be made aware of problems in the use of the land and if necessary on and off-site improvements for the

Section 5.1 Preliminary Map Procedure b (Continued)

land to be subdivided and that the Subdivision Committee will be made aware of proposals for the subdivision of land that will require consideration of expansion of public services and facilities prior to the proposed use of land within a subdivision.

c. Purposes of a Development Plan. The purpose of the preparation of a development plan is to provide the Planning Commission with information on the ultimate use of the subdivision.

d. Requirements for Preliminary Maps. It is not intended that a preliminary map be as detailed as the tentative map, but it shall be prepared with enough care to provide pertinent facts and shall show the following:

1. The land area proposed to be subdivided and a statement of the number of acres therein.
2. All existing structures.
3. The placement and location of all existing streets, easements, rights-of-way on the land proposed to be subdivided, and those abutting said land.
4. Sufficient contours to indicate the elevations and the fall of the land adjacent to the surrounding area.
5. Any large land fills.
6. The proposed uses of all portions of the subdivision.
7. The approximate alignment of the proposed streets within the subdivision and their connections with existing streets or methods of terminating proposed streets.
8. The number of acres of open space in the subject subdivision, calculated to the nearest 1/2 acre.
9. The approximate number, size, and acreage size of lots in the proposed subdivision.
10. The approximate density proposed.
11. The north point and date.
12. Drainage, existing and proposed.
13. Utilities proposed.
14. Names and addresses of subdivider and record owner in the lower right hand corner.

Section 5.1

Preliminary Map Procedure d (Continued)

15. Name and address of person who prepared map in lower right hand corner.

16. Vicinity map.

e. Map shall be accompanied by preliminary reports on reimbursable utility installation costs.

\* f. Action by Subdivision Committee.

The Committee shall consider the map and thereafter make a report to the Planning Commission. The report shall contain recommendations and shall set forth the extent of the map's compliance with the provisions of this and other applicable Ordinances. A copy of the Subdivision Committee's report shall be sent to the subdivider. If the Planning Commission recommends to the Board of Supervisors that an Environmental Impact Report (EIR) be required under the criteria set forth in the Guidelines of the County of Monterey, (pursuant to the California Environmental Quality Act of 1970), it shall so advise the Board, which shall then determine whether or not an EIR is required. If an EIR is required, the preliminary map shall be considered by the Planning Commission at the time the EIR is presented to the Commission. The subdivider may request that the preliminary map, report and EIR (if required) be submitted to the Board of Supervisors for review and comment.

Section 6

STANDARD SUBDIVISION PROCEDURE

a. A preliminary title report issued by a title company shall accompany any tentative map filed pursuant to this section.

b. For purposes of a field investigation and prior to filing of a tentative map of a subdivision, critical points on proposed sidehill roads as determined by the Director of Planning and Road Commissioner shall be slope staked by flagging to indicate the general limits of cut and fill slopes if average cross slope exceeds 10%. Typical locations slope staked shall be designated on a copy of the tentative map.

Section 6.1

Tentative Map. Data Required and Design

After submission of a preliminary map to the Subdivision Committee and the review by said committee, the action in connection with the approval of a subdivision shall be the preparation of a reproducible tentative subdivision map or maps, which shall comply with Section 3, as to design, and shall include the following data:

\* Amended by Ordinance #2012 January 8, 1974.

a. A sketch at a minimum scale of  $1'' = 2000'$  indicating the location of the proposed subdivision in relation to the surrounding area or region and showing land use in surrounding area. All to be indicated on the tentative map.

b. Name and address of record owner and subdivider.

c. Name and address of surveyor or engineer who prepared said tentative map.

d. Date, north point (generally up on the map) and scale.  
Minimum scale  $1'' = 100'$ . Minimum map size  $18'' \times 26''$ .

16-a.

Section 6.1 Tentative Map Data Required and Design. (Continued)

e. Name of proposed subdivision and of all adjacent subdivisions; locations of, names and widths of streets, highways, alleys and ways, and easements of all kind, together with the type and location of street improvements thereon including fire hydrants and street light locations.

f. The contour of the land at intervals of one foot of elevation up to 5% slopes; two foot intervals up to 10% and five foot intervals over 10%. Contours shall be indicated in contiguous lands for a distance of 200'. Every 5th contour line shall be a heavier weight line.

g. Sufficient data to define the boundaries of the tract, or a legal description of the tract and blue border on reverse side of map to indicate tract boundaries. Tentative map to show any proposed units of final map.

h. Width, approximate location and purpose of all existing and proposed easements and easements adjoining such land.

i. The width and approximate grade of all streets, highways, alleys and other rights-of-way whether proposed for dedication or not.

j. The approximate radii of all curves.

k. All lots numbered consecutively throughout each block in the development; the approximate dimensions of all lots; lot areas shall be shown for all lots not rectangular in shape.

l. The approximate location of areas subject to inundation by storm water, and the location, width and direction of flow of all water courses existing and proposed.

m. The location and outline to scale of each existing building or structure within the subdivision and the location and designation of uses of each structure in contiguous areas within 100 feet of the boundary thereof; noting thereon whether or not such building or structure within the subdivision is to be removed from or remain in the subdivision, and its existing and proposed use.

n. Show approximate elevation of street intersections.

o. The location, pipe size and approximate grades of proposed sewers and water lines; and the proposed location of fire hydrants and street lights, electric power, gas lines, T.V. cables and storm drains.

p. The location of all trees over 4" in diameter at base of trunk (where stands of trees are located individual trees need not be shown, but may be shown as a group.)



Section 6.1 Tentative Map Data Required and Design. (Continued)

q. The location of existing fences, ditches, wells, sumps, cess-pools, reservoirs, sewers, culverts, drain pipes, underground structures, utility lines or sand, gravel or other excavation within the subdivision, noting thereon whether they are to be abandoned or used. The location of utility lines and sand, gravel or other excavation within 300 feet of any portion of the subdivision shall be shown.

r. Line of high water when adjacent to any stream, waterway or ocean.

s. If a condominium or similar development is proposed, the word 'condominium' or appropriate name shall be indicated on the tentative map.

t. Gross area of subdivision and open space calculated to nearest tenth (0.1) acre.

u. Lot areas, number of lots, minimum lot size, average lot size and density.

Section 6.2 Soils Report

a. A preliminary soils report shall be required which shall be prepared by a Registered Civil Engineer. Such report shall be based on adequate test borings or excavations and shall recommend corrective action. The preliminary soil report may be waived if the Director of Building Inspection shall determine that, due to the knowledge his department has as to the qualities of the soil within the subdivision or lot, no preliminary analysis is necessary.

b. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot so affected in the subdivision shall be made by a registered civil engineer.

c. Where no sewers are available, a soils report shall be submitted relative to percolation tests and/or soil borings, the type and number shall be as required by the County Health Department.

Section 6.3 Statements and reports

Accompanying the tentative map, or placed on the map, shall be statements by the subdivider containing the following:

a. Existing zoning and proposed uses of the land.

b. Intentions regarding erosion control and improvements to be constructed, as required in Section 3 and by other ordinances of the county.

Section 6.3      Statements and reports (Continued)

c. Building setback lines.

d. Proposed source of water supply and method of sewage disposal.

e. Indicate type of tree planting proposed.

f. Proposed public areas to be dedicated and common area or scenic easements proposed. If common areas are proposed method of maintenance shall be stated.

g. Proposed development of lots, that is, whether for sale as lots, fully developed house and lot, or for lease and/or for financing purposes.

Section 6.4      Covenants

A copy of any existing or proposed conditions, restrictions, or covenants regulating or restricting the use of the land within the subdivision shall be attached to the above statement.

Section 6.5      Tentative Map. Completeness and Filing.

a. A tentative map shall be considered ready for the consideration of the Planning Commission after the submission of the preliminary map to the Subdivision Committee and receipt of a report from said committee that the map complies with this Ordinance, and when maps or sketches, together with all required supplementary data have been submitted to the Planning Department. If the subdivision is a portion of a larger area which may be subdivided later, the tentative map shall indicate the ultimate plan for the whole.

b. Ten copies, one reproducible sepia of a tentative map, and a transparency of 7-1/2" x 9-1/2" image on 8 x 10 plastic, and the statement for the proposed subdivision of any land, shall be presented to the Planning Department at leasty thirty days prior to the Planning Commission meeting, at which the map will be filed, together with a fee of fifty dollars, plus three dollars per lot for each of the first twenty-five lots or acres, plus two dollars per lot for each of the next twenty-five lots or acres, plus one dollar per lot for each additional lot in excess of fifty.

c. Revised Tentative Map Fee. If, subsequent to the approval of a tentative map by the Planning Commission, the subdivider submits a revised tentative map as a substitute for the tentative map theretofore approved, or requests a change of any of the conditions approved by the Commission, he shall pay a fee equal to one-fourth of the filing fee required for the filing of a tentative map. The fee may be waived when revision is initiated by the Commission or Subdivision Committee. The time of original approval shall not be extended by revision approval.

Section 6.5 Tentative Map. Completeness and Filing. (Continued)

d. Model. The subdivider shall prepare and make available to the Director of Planning and the Planning Commission a model of any subdivision which is proposed on any area having an average cross slope of 20% or more. Where the gross area of the land is 50 acres or 50 lots or less the Planning Commission may waive the requirement for a model. The model shall be to scale and shall indicate with tape or colored line the proposed cuts, fills, roads, grading, contours and lot layout. When a vertical exaggeration is used in the model it shall be so indicated thereon.

e. Distribution of Copies. Upon the submission to the Planning Department of a tentative map and the requisite number of copies thereof, the said department shall retain two copies and shall transmit copies to the following agencies, departments or officers: Fire District; Road Department; Health Officer; Flood Control or Drainage District; Director of Parks; if the subdivision is traversed or bounded by a State Highway, the District Engineer of the Division of Highways, Department of Public Works of the State of California; the utility companies serving the area; any municipality as may be required by law; and two copies to the County Surveyor.

f. Reports. Within a period of not more than sixteen days from the receipt of a copy of a tentative map, each officer or department to which a copy shall have been transmitted shall file with the Planning Department a report showing changes necessary to make the map meet the requirements of the Subdivision Map Act, this Ordinance, and other applicable ordinances. If such report is not made before the expiration of the sixteen day period, the map shall be deemed to be approved.

Section 6.6 Tentative Map. Subdivision Committee Approval

Prior to the filing of a tentative map with the Planning Commission it shall be reviewed for conformity to this Ordinance and applicable laws by the Subdivision Committee at a meeting. The subdivider shall be notified of the time and place of the meeting.

a. The Subdivision Committee shall consider and determine the following:

1. The completeness and accuracy of the tentative map and accompanying statements and reports and the suitability of the land for subdivision as proposed.
2. The design of the subdivision, and conformity with requirements of this Ordinance and with other ordinances of the County and with applicable state statute.

Section 6.6

Tentative Map. Subdivision Committee Approval. a (Continued)

3. Provisions for and suitability of proposed street improvements, underground utilities, fire hydrants, lighting, drainage, streets, trees, sidewalks, water supply, sewage disposal and easements for utilities and drainage. Such adequacy must be certified by the subdivider and his engineer or surveyor and the serving utility companies.
4. Provisions for public areas such as parks and schools and for public utility facilities.

b. Action by Subdivision Committee.

1. If the tentative map does not comply with this Ordinance and applicable laws, then the Subdivision Committee shall give written notice to the subdivider.
2. The Subdivision Committee may recommend changes in design, additional improvements, easements and dedications. The subdivider shall be informed of the recommendations at the time of the meeting or in writing following the meeting.
3. If it is found that the tentative map requires a significant amount of correction before deemed acceptable for consideration by the Planning Commission, the Committee may recommend that the subdivider make the changes and reappear before the Committee.
4. Report. The Subdivision Committee shall submit a report on the proposed subdivision to the Planning Commission on its conformity to Sections 5 and 6 of this Ordinance. A copy of the report shall be submitted to the subdivider and the engineer of the project.

Section 6.7

Tentative Map. Action by the Planning Commission.

a. The date of the filing of the tentative map shall be the date of the Planning Commission meeting following the presentation of the tentative map or corrected tentative map to the Planning Department. The Planning Commission shall act on any tentative map within fifty days of the date of filing unless this time period is extended by mutual consent of the subdivider and the Planning Commission. If the map proposed for filing is a corrected tentative map, seven copies of the corrected map and a transparency of 7-1/2" x 9-1/2" image on 8" x 10" plastic shall be filed.

\* b. The Planning Commission shall determine whether the tentative map of a standard subdivision is in conformity with provisions of law and this

\* Amended by Ordinance #1933 December 12, 1972

Section 6.7 Tentative Map. Action by the Planning Commission b (Continued)

Ordinance, and shall make the findings required by Section 11549.5 of the Business and Professions Code and thereupon approve, conditionally approve or disapprove said map and shall report its action to the subdivider. The report of the Planning Commission with said findings shall be submitted to the Board of Supervisors. Said Board shall thereafter approve, conditionally approve or deny said tentative map of a standard subdivision.

c. The Planning Commission may, in addition to other causes therefore, disapprove a tentative map because of flood, inundation, geologic or slide hazards and may require protective improvements to be constructed, as a condition of approval of the map.

Section 6.8 Tentative Maps. Appeal

a. If the subdivider, any public agency or officer, is dissatisfied with any action of the Planning Commission with respect to the tentative map, he may, within fifteen days after such action, appeal to the Board of Supervisors. The appeal shall be in writing, shall be accompanied by seven copies of the tentative map, and shall be filed with the Clerk of the Board of Supervisors. The Board of Supervisors shall hear the appeal within fifteen days following filing of the appeal, upon notice to the subdivider and the Planning Commission unless the subdivider consents to a continuance. At the hearing the Board of Supervisors shall hear such argument and consider such evidence as the subdivider, Planning Commission, or other persons may present.

b. Upon conclusion of the hearing, the Board of Supervisors shall make its findings based upon the evidence produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission, and may make such findings as are not inconsistent with the provisions of this Ordinance and applicable laws.

Section 6.9 Improvement Plans

After the approval by the Planning Commission of the tentative map of any subdivision, the subdivider shall furnish the following information to the County Surveyor.

a. A grading plan consisting of cross sections and finished grades of all lots to be graded as a part of the improvement of the subdivision, and of all roads, streets, and highways in the proposed subdivision.

b. Plan and profile drawing on all streets, including sewer and drainage improvements. Utilities may be shown in plan only. Improvement plan scales shall be 1" = 40' horizontally in plan; 1" = 4' vertical in profile, unless otherwise approved by the County Surveyor.

c. Estimated costs of improvements to be constructed and estimated cost of conditions of approval of the subdivision.

Section 6.9 Improvement Plans (Continued)

d. Any other pertinent information required by the conditional approval of the Planning Commission, including a soils report on filled areas or areas proposed to be filled; and in all street and alley rights-of-way at intervals not exceeding 1000' and/or any change in soil conditions. The soils report and analysis will be in accordance with methods approved by the State of California for "R" values, sieve analysis and sand equivalent.

Section 7 REVERSION TO ACREAGE

For the purpose of reversion of subdivided land to acreage, provided that no lots have been sold, no streets improved and where it is not the intent to re-plot the area, the following procedure shall be followed:

a. Three copies of record map of area proposed for reversion to acreage shall be filed with the Planning Commission ten days prior to meeting of said Planning Commission. Each copy of the map shall be accompanied by evidence of title and non-use or lack of necessity of streets or easement which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map.

b. Action on Map. The Planning Commission shall determine whether it is in the best interests of the area to approve such action, and within thirty days after filing shall approve or disapprove the action and forward its recommendations to the Board of Supervisors along with evidence of title and non-use of streets and easements.

c. Action by Board of Supervisors. At its first regular meeting following receipt of the recommendation of the Planning Commission the Board shall set a public hearing and give notice as required by law. After said public hearing the Board shall consider such request for reversion of subdivided land to acreage and if said Board deems it to be in the best interest of the area, it may approve such request. The Clerk of the Board shall certify any map approved by the Board by signing the certificate provided for on the map.

d. Any map filed for the purpose of reversion of subdivided land to acreage shall be conspicuously designated with the title "The Purpose of This Map is a Reversion to Acreage".

e. Within fifteen days after approval of the Board of Supervisors said map shall be recorded in the County Recorder's Office.

Section 8 FINAL MAP

Section 8.1 Time Limit

a. Within eighteen months after approval or conditional approval of the tentative map, the subdivider may cause the final map to be prepared in accordance with the tentative map as approved, or conditionally approved.

Section 8.1 Time limit (Continued)

b. An extension of not exceeding two additional years may be granted by the Planning Commission upon application of the subdivider.

c. Any failure to record a final map within eighteen months from the approval or conditional approval of the tentative map, or within the time extension granted by the Planning Commission, shall terminate all proceedings.

Section 8.2 Final Map Form

a. The final map shall be made to a scale large enough to show details clearly, minimum scale of 100 feet to the inch or larger, using more than one sheet if necessary. The original shall be drawn in black ink upon tracing cloth or polyester base film of good quality. The size of the sheets shall be 18" x 27", and all sheets shall have a 2" margin on the left side and a 1" margin on all other borders.

b. Each sheet shall be numbered, the relation of one sheet to another shown, and the number of sheets used in the map shall be set forth in the title of the map. If more than two sheets are necessary, an index diagram shall be provided.

c. The title of the final map shall consist of a tract number and name, conspicuously placed at the lower right-hand corner of the sheet followed by the words, "consisting of \_\_\_\_ sheets" (showing the number thereof), followed by the words, "County of Monterey".

d. The map and title sheet shall also contain a sub-title giving a general description of the property being subdivided by reference to maps which have been previously filed or recorded, or by reference to the plat of any State or U.S. survey. Each reference in such description shall be set out as on the original record thereof as on the original pages of records and worded identically with the original record thereof and references to book and page of record must be complete.

Section 8.3 Final Map. Data Required

The final map shall show the following:

a. Boundaries, streets and easements. The exterior boundaries of the land in the subdivision be shown by a blue border 1/8" wide; the border lines and center lines of all proposed streets with their widths and names; all easements including those to be dedicated to public use.

b. Adjacent Streets. The lines of all adjoining properties; the lines of adjacent streets and alleys, showing their widths and names.

c. Lot Lines and Numbers. All lot lines, and numbers for all lots. Building lines shall be shown if they differ from zoning requirements. All lots are to be numbered consecutively.

Section 8.3 Final Map. Data Required (Continued)

d. Dimensions. All dimensions, both linear and angular, for locating boundaries of subdivisions, lots, street and alley lines, easements and building lines. The linear dimensions shall be expressed in feet and hundredths of a foot.

e. Monuments. All permanent monuments, together with their descriptions showing their location and size, and if any points were reset by ties, that fact shall be stated. Monuments shall be of a type and location as prescribed by the Standards.

f. Title and Description. Title and description of property being subdivided, showing its location and extent, north arrow, scale of plan, basis of bearing and name of subdivider and of engineer or surveyor platting the tract.

g. The boundaries of any areas subject to periodic inundation by water or to geological hazards.

h. Ocean meander lines from recorded data when sufficient survey information exists on filed maps and when the location of any points can be established by monuments.

i. Scenic easements and open spaces if not shown as a lot or parcel shall be described by courses and distances and the basis of bearings shown. When a tentative subdivision map is approved with a prescribed net density and when final subdivision maps are filed in units, sufficient lot size plus open space in each unit to meet the approved net density shall be provided.

j. Boundaries. Any city boundaries which adjoin the subdivision shall be designated and located in relation to adjacent lot or block lines. No lot shall be divided by a city or district boundary line.

k. Places where access rights have been waived or dedicated.

Section 8.4 Additional Material

The following additional material shall be submitted with the final map:

a. Traverse Sheets. The subdivider shall furnish the County Surveyor traverse sheets prepared by a registered engineer or licensed surveyor showing the mathematical closure within one foot to 10,000 feet on the perimeter of the exterior boundary of the tract and of each block within the tract and each irregular lot.

b. Soils Report. The final map shall contain a note referring to the final soils report and recommended corrective action, and shall indicate by symbol on the map those lots needing corrective action.



## Section 8.5      Certificates

The following certificates and acknowledgments shall appear on the final map, and may be combined where appropriate:

- a. A certificate signed and acknowledged, by all parties having any record title interest in the land subdivided, consenting to the preparation and recording of the final map. In the event of dedication there shall be a certificate signed and acknowledged by all parties having a record title interest in land being subdivided offering certain parcels of land for dedication for specified public uses, subject to such restrictions as may be contained in the offer of dedication. An offer of dedication for street or highway purposes may include a waiver of access rights to such street or highway from any property shown on the final map as abutting thereon. Any parcels of land shown on the map and intended for public use shall be offered for dedication for public use except those parcels intended for the exclusive use of lot owners in the subdivision, their licensees, tenants, and employees.

The signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:

1. Rights of way, easements, or other interest, none of which can ripen into a fee.
2. Rights of way, easements, or reversions, which by reason of changed conditions, long disuse, or laches, appear to be no longer of practical use or value and which signatures it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signatures shall be set forth on the map.
3. Any subdivision map including land originally patented by the United States or the State of California, under patent reserving interest to either or both of these entities, may be recorded under the provision of this ordinance without the consent of the United States or the State of California thereto, or to dedication made thereon.
4. Interests in or rights to minerals, including but not limited to oil, gas, or other hydrocarbon substances, if (1) the ownership of such interests or rights does not include a right of entry on the surface of the land, or (2) the use of the land, or the surface thereof, in connection with the ownership of such interests or rights is prohibited by zoning or other governmental regulations of the governing body and the signatures of the owners of such interests or rights are waived by the governing body.

## Section 8.5 Certificates (Continued)

b. A certificate by the engineer or surveyor responsible for the survey and final map. His certificate shall give the date of the survey and state that the survey was made by him or under his direction and that the survey is true and complete as shown. The certificate shall also state that all the monuments are of the character and occupy the positions indicated or that they will be set in such positions and on or before a specified later date. The certificate shall also state that the monuments are or will be sufficient to enable the survey to be retraced. If the certificate states that all the monuments will be set on or before a specified later date the subdivider shall furnish to the Board of Supervisors of county a bond or cash deposit in an amount equal to the estimated cost of setting such monuments, not already set prior to the recording of the map, guaranteeing payment of the cost thereof.

c. Certificates for execution by the County Surveyor, Secretary of the Planning Commission, Clerk of the Board of Supervisors, and the County Recorder.

## Section 8.6 Final Map Submission Procedure

The subdivider shall submit the final map and twelve blue line copies thereof in the form and with the materials prescribed herein to the County Surveyor. The final map shall be accompanied by a checking fee of \$100 plus \$4 per subdivision lot and parcel, the proposed improvement agreement, accompanying improvement security, a map filing title report and proposed private deed restrictions.

The County Surveyor shall forthwith transmit copies of the final map to the Secretary of the Planning Commission, the County Health Officer, and to any fire district and flood control district containing the subdivision.

The County Surveyor shall examine the map and accompanying instruments, papers, and materials and if he finds that the map is substantially the same as the tentative map as approved and as modified by any approved alterations, that it complies with requirements of this ordinance and of the Subdivision Map Act applicable at the time of approval of the tentative map, and that it is technically correct, he shall affix his certificate of approval to the map stating that he has examined the map and has made these findings.

The County Surveyor shall then transmit the final map to the Secretary of the Planning Commission who shall examine the map to determine if it is in substantial conformity to the tentative map, and any approved alterations thereof; that it complies with this ordinance and the Subdivision Map Act and that it is technically correct. If he finds that the final map meets these requirements he shall affix his certificate of approval to the map.

## Section 8.65 Improvement Agreement

The Subdivider shall execute and file with the Board of Supervisors an agreement between himself and the County of Monterey for construction of

Section 8.65 Improvement Agreement (Continued)

improvements in the subdivision required by this ordinance and other applicable laws. Said agreement shall provide for the following, in addition to other requirements which may be imposed.

- a. The period within which the subdivider shall complete the improvement work to the satisfaction of the County Surveyor, failing which county may complete the work and recover the cost thereof from the subdivider and his improvement security.
  - b. Inspection of all improvement work by the County Surveyor and provision for payment to county for the cost thereof.
  - c. The agreement may also provide for the construction of improvements in units, for extensions of time for performance of the agreement, and for progress payments to the subdivider or his order from cash deposits which the subdivider may have made as improvement security; provided, however, that no such progress payment shall be made for more than 90% of the value of any installment of work and provided. No progress payments from cash deposits shall be made except upon certification by the County Surveyor that the work covered thereby has been satisfactorily completed, and upon approval and authorization by the Board of Supervisors.
  - d. That the subdivider file with the improvement agreement improvement security in the amounts and for the following purposes:
    1. An amount determined by the Board of Supervisors, not less than 50% nor more than 100% of the total estimated cost of the improvements, conditioned upon the faithful performance of the agreement.
    2. An additional amount determined by the Board of Supervisors, not less than 50% nor more than 100% of the total estimated cost of the improvement, securing payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvement.
- "Improvement security" as used in this section means one or more of the following:
- (a) A cash deposit or deposits made with county.
  - (b) A bond or bonds by one or more duly authorized corporate securities.
  - (c) An instrument or instruments of credit from one or more financial institutions subject to regulation by the state or federal government pledging that

Section 8.65 Improvement Agreement d. 2. (c) (Continued)

the funds necessary to meet the performance are on deposit and the guarantee for payment and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument.

Improvement security may be released or reduced in the following manner:

- (a) Improvement security given for faithful performance of the agreement may be released upon final completion and acceptance of the work; partial release of cash deposit improvement security as the work progresses shall be as established hereinabove.
- (b) Improvement security securing the payment to the contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials may, six months after the completion and acceptance of the work, be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to the Board of Supervisors, and if there are no actions filed, the improvement security may be released in full.

Section 8.7 Tax and Assessment Liens

Prior to the filing of the final map with the Clerk of the Board of Supervisors, the subdivider shall file with the Clerk a certificate from the officer of county computing redemptions showing that, according to the records of his office, there are no liens against the subdivision or any part thereof for unpaid State, County, Municipal, or local taxes or special assessments not yet payable.

As to taxes or special assessments collected as taxes not yet payable, the subdivider shall file with the Clerk of the Board of Supervisors a certificate by the County Assessor giving his estimate of the amount of taxes and assessments which are a lien but which are not yet payable.

Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall not be recorded until the subdivider executes and files with the Board of Supervisors a bond to be approved by the Board and by its terms made to inure to the benefit of the county and conditioned upon the payment of all State, County, Municipal, and local taxes and all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable. In lieu of a bond, a deposit may be made of money or negotiable bonds in the same amount, and of the kind approved for securing deposits of public money.

Section 8.8 Approval by Board of Supervisors

When the certificates of the County Surveyor, the Secretary of the Planning Commission, and all other required certificates, except that of the Board of Supervisors, have been placed on the final map it shall be filed with the Clerk of the Board of Supervisors together with accompanying proposed improvement agreements, improvement security, and any other papers and materials required by this ordinance.

The Board of Supervisors shall consider the map, the proposed improvement agreement, proposed improvement security, and all accompanying papers and materials. If the Board of Supervisors determines that they conform to the requirements of this ordinance and the Subdivision Map Act, and that the conditions to approval of the tentative map are satisfied, it shall:

a. Approve the final map. The Board at this time shall also accept, subject to improvement, or reject any or all offers of dedication.

b. Enter into an agreement for construction of improvements in the subdivision.

After approval of the final map by the Board of Supervisors the Clerk shall execute a certificate thereon stating that the Board of Supervisors approved the map and accepted or rejected on behalf of the public parcels of land offered for dedication for public use in conformity with the terms of the offer for dedication. The Clerk shall thereupon transmit the final map together with the recording fee, to be paid by the subdivider, to the County Recorder.

The subdivider shall present to the County Recorder evidence in the form of a title guarantee from a licensed title company that, upon the date of recording, as shown by public records, the parties consenting to the recordation of the map are all the parties having a record title interest in the land being subdivided whose signatures are required by the provisions of this ordinance, otherwise the map shall not be recorded.

### Section 3

### MINOR SUBDIVISION

#### Section 9.1 Filing.

a. The design requirements of Section 3 shall apply to minor subdivisions; and improvement requirements established for Standard Subdivisions may be applied to Minor Subdivisions.

#### \* Section 9.2 / Filing Application.

Every subdivider of a proposed minor subdivision shall submit five copies of an application to the Planning Department on a form prescribed by the Director of Planning together with five copies of a minor subdivision map and a filing fee of \$50. Said department shall examine said application, supporting data and map for compliance with the requirements of the Section and shall accept said application and maps for filing when all requirements are met.

#### Section 9.3 Map Form

The map shall be clearly and legibly reproduced on sheets 8-1/2" x 11", 18" x 26", or 13" x 18". The scale shall be one inch to each 100 feet, unless a larger scale is required, by the Director of Planning, to show all details of the land division. In all cases, an Engineer's scale shall be used.

#### Section 9.4 Information Required

a. The application shall be filed on a form prescribed by the Director of Planning.

b. The map shall show the following information:

1. Name and address of the person, firm or organization which prepared the map.
2. Date of preparation, north point, and map scale.
3. Boundaries and dimensions of the land proposed to be divided.
4. Location of the land in relation to the nearest cross road or street, including, where necessary, a key map in order more easily to identify the location of the land.
5. Right of way lines of public highways shall be shown if available; otherwise, where any private or public road adjacent to property lines is fenced, the distance between fences shall be shown.
6. Width of pavement and indication of curbs, gutters and sidewalks on all adjacent roads and streets.

\* Amended by Ordinance #2012 January 8, 1974.

Section 9.4 Information Required b (Continued)

7. Proposed lot lines and dimensions of existing and proposed lots.
8. Approximate radii of all curves.
9. Area of the site and of each proposed lot, excluding all roads.
10. Locations of water-courses and areas subject to inundation.
11. Contour lines, if required by the Planning Director.
12. Location and outline, to scale, of any structures on the property being subdivided, with an indication of their uses and whether they are to remain, be relocated, or removed.
13. The location and size of existing water lines, sewage facilities, and wells on the property; also the location of all proposed utility facilities and easements.
14. Private roads, existing or proposed, if any, which are intended to provide access to lots in the minor subdivision.

Section 9.5 Reports by Subdivision Committee Members

- a. The County Surveyor shall report on:
  - 1.. Effect of proposed land division on drainage, and other public improvements.
- b. The Director of Sanitation shall report on:
  1. Adequacy of proposed water supply for domestic purposes.
  2. Adequacy of proposed sewage disposal system.
  3. Any other matters which may affect the public health.
  4. The necessity of soil borings and percolation tests to be made by the subdivider.
- c. The Director of Planning shall report on:
  1. Compliance with the Zoning Ordinance.
  2. Lot design in accordance with subdivision requirements.

Section 9.5 Reports by Subdivision Committee Members c (Continued)

3. Such other matters as may be deemed necessary to secure compliance with this Ordinance.

Section 9.6 Action by Subdivision Committee

a. The Subdivision Committee shall consider the application, map and supporting data, the reports and recommendations of its members, any evidence submitted by the subdivider and interested persons following which it shall approve, conditionally approve, or disapprove the minor subdivision application and map.

b. When the action of the committee is the approval or disapproval of the map the secretary of the committee shall endorse its action upon the map and then send one copy to the applicant and one copy to each member of the committee. When the action of the committee is the conditional approval of the map, and when conditions imposed are designated as precedent to committee approval, the secretary shall so notify the applicant and shall hold the map until the conditions have been met. When met, the secretary shall so certify by endorsement upon the map and then send one copy to the applicant and one copy to each member of the committee. All conditions of approval shall be met precedent to sale of the property unless otherwise noted.

\* Section 9.61 Filing of Parcel Map.

a. When the conditions of approval of the Minor Subdivision have been met, a parcel map shall be prepared as prescribed by 11575 to 11580 inclusive of the California Business and Professions Code. The parcel map shall be submitted to the County Surveyor for examination and filing. Provided, however, that the Board of Supervisors or the Subdivision Committee may waive the requirement for filing a Parcel Map for minor subdivisions for any parcel or parcels each of a gross area of 40 acres or more, or each of which is a quarter-quarter section or larger; or where four or less parcels are being created, the Subdivision Committee may waive said requirements for any of said parcels that is of a gross area of 40 acres or more, or is a quarter-quarter section or larger. Provided further that said waiver may be made only after all findings required by Section 11535 of the said Business and Professions Code are made and that the conditions for granting exceptions under Section 4 of this ordinance are found to exist.

Section 9.62 Lawful Division of Property

No sale, lease, or transfer or other division of the land in the minor subdivision shall be made until the parcel map has been filed with the County Recorder.

\* Section 9.7 Appeal.

a. An appeal may be taken by the subdivider or any member of subdivision committee to the Board of Supervisors from the decision of the subdivision committee. The appeal shall be taken by the filing of a notice of appeal.

\* Amended by Ordinance #1933 December 12, 1972.



Section 9.7                      Appeal    a    (Continued)

with the Board of Supervisors within ten days following the mailing to the applicant of the notice of the decision of the subdivision committee. The notice of appeal shall specify the grounds thereof. Upon the filing of the notice of appeal, the Board of Supervisors shall set the matter for hearing and give ten days' notice thereof to the subdivider and to the secretary of the subdivision committee. Upon the receipt of such notice of hearing, the subdivision committee shall file with the Board of Supervisors a copy of all paper, reports and notices pertaining to the application.

b. At the conclusion of the hearing on the appeal the Board of Supervisors shall affirm, conditionally affirm or reverse the decision of the subdivision committee. Written notice of the decision of the Board of Supervisors shall be given to the subdivision committee and the subdivider within ten days from the date thereof. A decision reversing the action of the subdivision committee shall be accompanied by findings in support of the decision.

c. Limitation of Approval

The approval or conditional approval of a minor subdivision shall be valid for a period of one year from the date of approval by the Subdivision Committee or Board of Supervisors. Such approval or conditional approval may be extended for a period not to exceed one year by the Subdivision Committee upon written request, provided such request is made prior to the expiration of the one year period. Filing of the Parcel Map with the County Recorder shall authorize the requested division. Failure to meet conditions imposed and to file the Parcel Map within the period prescribed in this Ordinance or any extension thereof shall terminate all proceedings.

Section 9.8                      Subdivision Alternate

Nothing contained in Section 9 shall prohibit a division of land as a standard subdivision.

Section 10                      ENFORCEMENT

Section 10.1                      No building shall be constructed nor shall a permit for the construction of a building be issued on any parcel or lot created in violation of the requirements of this Ordinance, nor shall any parcel or lot be used if created in violation of this Ordinance, nor shall any parcel or lot be used if created in violation of this Ordinance.

Section 11                      PENALTY

Any offer to sell, contract to sell, or sale made contrary to the provisions of this Ordinance shall be a misdemeanor, and any person, firm, corporation or partnership, upon conviction thereof, shall be punishable by a fine of not more than five hundred (\$500.00) dollars or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment, that nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which the County of Monterey or other political subdivision

Section 11

Penalty (Continued)

or person, firm, corporation, partnership or co-partnership may otherwise be entitled, and the County of Monterey or any other political subdivision, or person, firm, corporation, partnership may bring an action in any Court possessing jurisdiction to restrain or enjoin any attempted or proposed subdivision or sale in violation of this Ordinance.

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

Section 12

NAME

This Ordinance shall be known as the SUBDIVISION ORDINANCE OF THE COUNTY OF MONTEREY.

Section 13

SEVERABILITY

If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, and this Board of Supervisors does hereby declare that this Ordinance and each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more of such sections, sub-sections, paragraphs, sub-paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 14

REPEAL

Ordinance No. 836 and any amendments thereto are hereby repealed.

Section 15

ENACTING

This Ordinance shall be and is hereby declared to be in full force and effect from and after thirty days after the date of its passage.

Regularly passed and adopted by the Board of Supervisors of the County of Monterey, State of California, on this 20th day of January, 1970, by the following vote:

Ayes: Supervisors Atteridge, Branson, Smith and Tavernetti  
Noes: Supervisor Church  
Absent: None

LOREN E. SMITH  
Chairman of the Board of Supervisors  
of the County of Monterey, State of  
California

ATTEST:

EMMET G. McMENAMIN, Clerk

Article 6. Parcel Maps  
(Article 6 is added by Stats. 1965, Ch. 1180)

11575. A parcel map under the provisions of this chapter shall comply with all the provisions of the chapter and, if there is a local ordinance, with all its provisions.

11576. (a) The parcel map shall be prepared by a registered civil engineer or licensed land surveyor. It shall show the definite location of streets or property lines bounding the property for the purpose of showing proposed street widening, conformity with proposed building setback lines, and other information required by the governing body for the orderly administration of their zoning and building regulations.

(b) In any case where the division of land creates four or less parcels, the parcel map may be compiled from recorded or filed data when survey information exists on filed maps to sufficiently locate and retrace the exterior boundary lines of the parcel map and when the location of at least one of these boundary lines can be established from an existing monumented line. The parcel map shall be submitted to the county surveyor or city engineer for his examination prior to filing.

(c) In any case where the division of the land creates five or more parcels as authorized in Section 11535, subdivisions (c) (1), (c) (2), or (c) (3), or where the division of land creates four or less parcels but does not meet the requirements of subdivision (b) above, the parcel map shall be based upon a field survey of the land made in conformance with the Land Surveyors' Act. In any case the parcel map may be based upon a field survey made in conformance with the Land Surveyors' Act. Where the parcel map is based on a field survey, it shall be submitted to the county surveyor or city engineer for his examination prior to filing.

(d) Within 20 days after receiving the parcel map, or within such additional time as may be reasonably necessary the county surveyor or city engineer shall examine it for the survey information shown thereon and if he is satisfied that it is technically correct, he shall place the following certification on the map:

COUNTY SURVEYOR'S CERTIFICATE  
(OR CITY ENGINEER'S CERTIFICATE)

This map has been examined this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, for conformance with the requirements of Section 11575 of the Subdivision Map Act.

Signed \_\_\_\_\_  
County Surveyor/City Engineer

(e) With the approval of their respective governing bodies, the county surveyor may perform any or all of the duties assigned to the city engineer, including the required certification. Whenever such duties are divided between the county surveyor and the city engineer, each officer shall certify to the duties performed by him. (Amended by Stats. 1967, Ch. 727.)

11577. The parcel map shall conform to all of the following provisions:

(a) It shall be a map legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including certificates, except that such certificates may be legibly stamped or printed upon the map with opaque ink when recommended by the county recorder and authorized by the local governing body by ordinance. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 x 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show details. If more than one enough sheets shall be used to accomplish this end. The portion of the map shall be large enough to show details.

sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) Each parcel shall be numbered or otherwise designated.

(d) The exterior boundary of the land included within the parcel or parcels being created shall be indicated by colored border. The map shall show the definite location of such parcel or parcels, and particularly its relation to surrounding surveys. The definite location of the remainder of the original parcel need not be shown.

(Amended by Stats. 1967, Ch. 727.)

11578. If the parcel map satisfied the condition of this article and those applicable provisions of Section 11535 of this code, no final map, need be filed.

11579. Certificates shall appear on a parcel map as follows:

#### SURVEYOR'S CERTIFICATE

This map was prepared by me or under my direction (and was compiled from record data) ( and is based upon a field survey) in conformance with the requirements of the Subdivision Map Act at the request of (Name of person authorizing map) on \_\_\_\_\_, 19\_\_\_\_. I hereby certify (that it conforms to the approved tentative map and the conditions of approval thereof; that) all provisions of applicable state law and local ordinances have been complied with.

(Signed and sealed) \_\_\_\_\_

L. S. (or R.C.E.) No. \_\_\_\_\_

#### RECORDER'S CERTIFICATE

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ m. in Book \_\_\_\_\_ of \_\_\_\_\_ at page \_\_\_\_\_ at the request of \_\_\_\_\_

(Signed) \_\_\_\_\_

County Recorder

(Amended by Stats. 1967, Ch. 79 and Ch. 727.)

11580. After affixing his certificate as required in subdivision (d) of Section 11576 the county surveyor or city engineer shall present the map to the county recorder for filing.

When any parcel map is presented to the county recorder and is accepted by him he shall so certify on the face thereof and shall fasten the same securely in a book of parcel maps which he shall keep in his office. The recorder may not have more than 10 days to examine the parcel map before accepting or refusing it for filing. The charge for filing and for indexing by the recorder shall be the same as provided for subdivided land under Section 27372 of the Government Code. Upon acceptance by the recorder, the parcel map shall be a public record.

The original map shall be stored for safekeeping in a reproducible condition. It shall be proper procedure for the recorder to maintain for public reference a set of counter maps that are prints of the original maps and produce the original map for comparison upon demand.

(Amended by Stats. 1967, Ch. 79 and Ch. 727.)

# STANDARD FORMS

## Subdivision Certificates

The following forms have been approved for use on Subdivision Maps:

- 1a) OWNERS' CERTIFICATION, Consent to Preparation, Recordation and Dedication of Streets;

We hereby certify that we are the owners of, or have some right, title or interest in and to, the real property included within the subdivision shown upon this map, and that we are the only persons whose consent is necessary to pass a clear title to said property, and we consent to the preparation and recordation of said map and subdivision as shown within the colored border lines and hereby dedicate to public use

(Name streets to be dedicated)

shown upon said map within said subdivision.

- 1b) Dedication of Public Utilities Easements.

We also hereby dedicate for public use easements for public utilities including but not limited to electricity, gas, communication, water and their necessary appurtenances on, over or under those certain strips of land designated as "Public Utilities Easements" as shown on said map within said subdivision; such strips of land are to be kept open and free from buildings and structures not serving the purpose of the easements.

- 1c) Dedication of Sanitary Sewer Easements.

We also hereby dedicate for public use easements for sanitary sewers and their necessary appurtenances on and under those certain strips of land designated "Sanitary Sewer Easements" as shown on said map within said subdivision; such strips of land are to be kept open and free from building and structures not serving the purposes of the easements.

ld) Dedication of Drainage Easements.

We also hereby dedicate for public use easements for drainage, both surface and underground and their necessary appurtenances on and under those certain strips of land designated "Drainage Easements" as shown on said map within said subdivision; such strips of land are to be kept open and free from buildings and structures not serving the purposes of the easements.

le) Dedication of Natural Drainage Easements.

We also hereby dedicate for public use easements for the flow or storage of water over those certain strips of land designated as "Natural Drainage Easements" as shown on said map within said subdivision; such strips of land are to be kept open and free from buildings and structures except flood control structures, and shall be maintained in their natural state.

lf) Access Reserve Strips.

We also dedicate certain non-access strips subject to the condition that they shall not be opened for use or travel until such time as they are opened by order of the Board of Supervisors of Monterey County, California, (said strips of land being (one foot wide) and) situated \_\_\_\_\_

\_\_\_\_\_  
(General description of location)  
\_\_\_\_\_

as shown on said map.

## 2a) ACKNOWLEDGEMENTS (For Individual)

STATE OF CALIFORNIA )

( ss.

County of Monterey )

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, \_\_\_\_\_, a Notary Public in and for said County of \_\_\_\_\_, State of California, personally appeared \_\_\_\_\_ known to me to be the person \_\_\_\_\_ whose name \_\_\_\_\_ subscribed to the within instrument and acknowledged to me that \_\_\_\_\_ executed the same.

\_\_\_\_\_  
Notary Public in and for the County of  
Monterey, State of California

( SEAL )

## 2b) For Corporation

STATE OF CALIFORNIA )

( ss.

County of Monterey )

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, \_\_\_\_\_, a Notary Public in and for said County of \_\_\_\_\_, State of California, personally appeared \_\_\_\_\_ known to me to be the \_\_\_\_\_, President and \_\_\_\_\_ known to me to be the \_\_\_\_\_ Secretary of the \_\_\_\_\_ the corporation that executed the within instrument and known to me to be the persons who executed the same upon behalf of the corporation named therein, and acknowledged to me that such corporations executed the same, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

\_\_\_\_\_  
Notary Public in and for the County of  
Monterey, State of California

( SEAL )

## 2c) For Partnerships

STATE OF CALIFORNIA )  
 ( ss.  
 County of Monterey )

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, \_\_\_\_\_, a Notary Public in and for said County of \_\_\_\_\_, State of California, personally appeared \_\_\_\_\_, known to me to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

( SEAL )

\_\_\_\_\_  
 Notary Public in and for the County of  
 Monterey, State of California

## 3a) Certificate of ENGINEER or Surveyor, Survey Monuments not all Installed.

I, \_\_\_\_\_, Licensed Land Surveyor, (or Registered Civil Engineer), hereby certify that this map correctly represents a survey made by me or under my direction during \_\_\_\_\_, 19\_\_\_\_, that the survey is true and complete as shown; that all the monuments are of the character and occupy the positions indicated, or they will be set in such positions on or before one year after the recordation of this map by the Monterey County Recorder. The monuments are, or will be, sufficient to enable the survey to be retraced.

## 3b) All Survey Monuments Installed - No Monument Bond Required.

I, \_\_\_\_\_, Licensed Land Surveyor, (or Registered Civil Engineer), hereby certify that this map correctly represents a survey made by me or under my direction during \_\_\_\_\_, 19\_\_\_\_; that the survey is true and complete as shown; that all the monuments are of the character and occupy the positions indicated and are sufficient to enable the survey to be retraced.

\_\_\_\_\_  
 Licensed Land Surveyor of the State of  
 California  
 License No. \_\_\_\_\_ Registered  
 Civil Engi-  
 near



4. BASIS OF BEARINGS NOTE  
(Must appear on all maps.)

1. \*The bearing of \_\_\_\_\_  
as shown on map \_\_\_\_\_  
recorded in Map Book \_\_\_\_\_  
Page \_\_\_\_\_, was taken as basis of bearings shown upon this map.

2. \*The bearings on this map are based on (a Solar or Polaris Observation).

\*Use whichever form is applicable.

Add also the following:

All distances and dimensions are shown in feet and decimals thereof.

The blue border indicates the boundaries of the land subdivided by this map.

5. CERTIFICATE OF APPROVAL BY COUNTY SURVEYOR

I, \_\_\_\_\_,

County Surveyor of Monterey County, hereby certify that I have examined this map; that the subdivision as shown hereon is substantially the same as it appeared on the tentative map, and any approved alterations thereof as approved by the Monterey County Planning Commission, on \_\_\_\_\_, 19\_\_\_\_\_, that all the provisions of the California "Subdivision Map Act", as amended and of Monterey County Ordinance No. 1713, have been complied with, and that this map is technically correct.

\_\_\_\_\_  
County Surveyor, Monterey County,  
California.

## 6. CERTIFICATE OF CLERK OF BOARD OF SUPERVISORS

I, \_\_\_\_\_,  
 Clerk of the Board of Supervisors of Monterey County, hereby certify that said  
 Board approved the within map on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
 and accepted on behalf of the public, all parcels of land offered for dedication  
 for public use, in conformity with the terms of the offer of dedication.

BY \_\_\_\_\_  
 County Clerk and Ex-Officio Clerk of  
 the Board of Supervisors of the County  
 of Monterey, State of California.

BY \_\_\_\_\_  
 Deputy

## 7. CERTIFICATE OF COUNTY RECORDER

Filed for record at the request of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ minutes  
 past \_\_\_\_\_, \_\_\_\_M, in Volume \_\_\_\_\_ of \_\_\_\_\_ a  
 page \_\_\_\_\_, Record of Monterey, California.

\_\_\_\_\_  
 County Recorder

\_\_\_\_\_  
 Deputy




FEE \$ \_\_\_\_\_

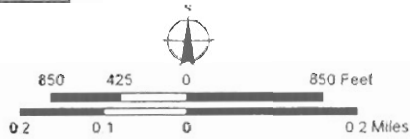
## 8. CERTIFICATE OF APPROVAL BY SECRETARY OF MONTEREY COUNTY PLANNING COMMISSION

I, \_\_\_\_\_, Secretary of the Monterey  
 County Planning Commission, hereby certify that I have examined this map;  
 that the subdivision as shown hereon is substantially the same as it appeared  
 on the tentative map, and any approved alterations thereof as approved by the  
 Monterey County Planning Commission, on \_\_\_\_\_,  
 19\_\_\_\_; that all the provisions of the California "Subdivision Map Act" and  
 Monterey County Subdivision Ordinance No. 1713, have been complied with.

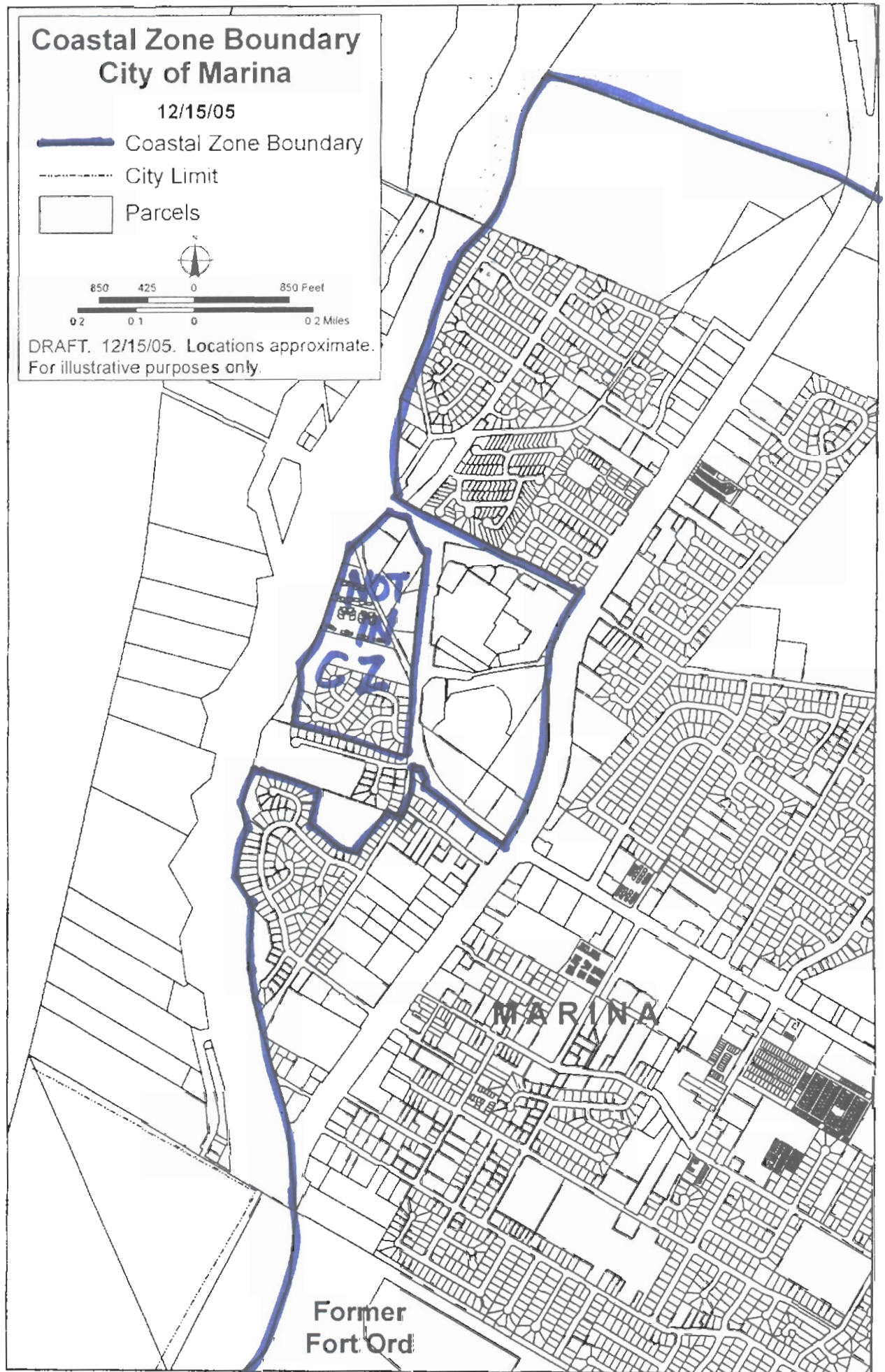
# Coastal Zone Boundary City of Marina

12/15/05

-  Coastal Zone Boundary
-  City Limit
-  Parcels



DRAFT. 12/15/05. Locations approximate.  
For illustrative purposes only.



## TITLE 16 SUBDIVISIONS

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## CHAPTER 16.02 BASIC PROVISIONS

### Sections:

- 16.02.010 Purpose
- 16.02.020 Applicability
- 16.02.030 Authority
- 16.02.040 Conformance with Existing City Plans and Development Criteria
- 16.02.050 Exceptions from Requirements
- 16.02.060 Advisory Agency
- 16.02.070 Community Development Director

#### 16.02.010 Purpose.

A. This Ordinance is enacted for the purpose of promoting the public health, safety, convenience and general welfare; to regulate the design, improvement and survey data of subdivisions, and to provide for the form and content of tentative and final maps thereof. The procedure to be followed in securing official approval thereof shall be governed by the Subdivision Map Act of the State of California, ~~and~~ by the provisions of this Subdivision Ordinance, and by the City of Marina Local Coastal Program.

B. To secure compliance with the City of Marina Zoning Ordinance, the Local Coastal Program and any adopted General Plan of the City of Marina. (Ord. 82-14, 1982)

#### 16.02.020 Applicability.

This title shall apply to the subdivision, reconfiguration and consolidation of land within the city.

#### 16.02.030 Authority.

The provisions of this title are adopted pursuant to, are intended to be used in conjunction with, and are to be construed in light of, the provisions of the Government Code. Whenever adherence to the provisions of this title would constitute a violation of state and/or federal law, the provisions of state and/or federal law shall take precedence.

#### 16.02.040 Conformance with Existing City Plans and Development Criteria.

All land divisions shall conform with the General Plan and Local Coastal Program of the city, with all applicable specific plans, with the requirements of the zoning ordinance and other ordinances, with the requirements of this title except as hereinafter provided, and with the State Subdivision Map Act, all as may be revised from time to time.

#### 16.02.050 Exceptions from the Requirements

A. It is recognized that there are certain parcels of land of such dimensions, subject to such restrictions, so affected by physical conditions that it would be difficult or impractical for the subdivider to conform to the foregoing requirements.

B. Application for an exception shall be made to the community development department on forms provided by the community development department, accompanied by the required filing fee. The community development director shall examine said application and supporting data for compliance with the requirements of this Title and shall accept said application for filing when all requirements are met. Once the community development director accepts an application for filing, the community development director shall forward the request

to the planning commission and/or the city council, upon its consideration of the related project subject to this title. The request for exceptions from the foregoing requirements can be approved when the following findings are made:

1. That because of special circumstances applicable to the subdivision, including size, shape, topography, location or surroundings, the application of this Ordinance would deprive the subdivision of privileges enjoyed by other properties in the vicinity; and

2. That through the granting of the subdivision exception, the project would achieve greater consistency with ~~the~~ General Plan and Local Coastal Program goals, objectives, ~~and~~ policies, and related provisions; and

3. That under the circumstances of a particular case granting the exceptions, rather than the sections at issue in this Ordinance, actually carries out the intent of this Ordinance.

C. Any exception granted shall be subject to such conditions as will assure that the exception thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity.

D. Adequate guarantees will be required to insure that any conditions imposed as a part of any approved exception shall be carried out as specified.

#### 16.02.060 Advisory Agency.

A. The city council is hereby designated as the Advisory Agency with respect to subdivisions as provided in the Subdivision Map Act of the State of California.

1. The city council shall have those powers and duties with respect to tentative and final maps, and the procedure relating thereto, which are specified by law and by this Ordinance.

#### 16.02.070 Community Development Director.

The community development director, or designee, shall have the powers and duties specified by this Ordinance.

#### 16.02.080 Coastal Permit Required.

All proposed subdivisions to which this Title applies, namely subdivision, reconfiguration and consolidation of land (per Section 16.02.020), shall be subject to the requirement of obtaining a coastal development permit.

## CHAPTER 16.04 DEFINITIONS

Sections:

16.2904.010 Definitions generally.

16.2904.010 Definitions generally.

For the purpose of this title, certain terms used herein are defined as follows in this chapter. General Definitions from Zoning Ordinance (Chapter 17) shall be incorporated by reference.

**Building.** Any structure built entirely of frame or more lasting type of construction, having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or chattel, but not including any tent or trailer.

**Building, accessory.** A subordinate building, the use of which is incidental to that of a main building on the same building site.

**City council.** The city council of the City of Marina, State of California.

**Civil code.** The Civil Code of the state of California.

~~**Coastal dune disturbed area.** Terrain and/or natural land form that has been substantially altered by erosion, grading, mining, excavation or other natural or man-made causes to the extent that none or very little of the native vegetation remains.~~

**Planning Commission.** The planning commission of the City of Marina and the Advisory Agency referred to in the Subdivision Map Act.

**Density, gross.** The ratio of family living units to a specified area, excluding major roadways, open spaces, and lands occupied by public facilities such as schools, but it includes local streets, sub-neighborhood parks, recreation areas, and other common open spaces.

**Density, net.** The ratio of family living units to a specified area limited to land occupied by residential parcels for single-family houses and the sites of multi-family housing developments, exclusive of required street or open space dedications.

**Design.** Street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fire roads and firebreaks; traffic access; grading; land to be dedicated for park or recreational purposes; and other specific physical requirements in the plan and configuration of the entire subdivision that are necessary to ensure consistency with, or implementation of, the general plan, the Local Coastal Program or any applicable specific plan as required pursuant to Government Code Section 66473.5.

**Easement.** A burden or servitude upon land, whether or not attached to other land as an incident or appurtenance, that allows the holder of the burden or servitude to do acts upon the land.

**Easement, appurtenant.** An easement that runs with the land.



**Easements in gross.** Not appurtenant to any estate in land or does not belong to any person by virtue of ownership of estate in other land but is mere personal interest in or tied to the land use of another, it is purely personal and usually ends with death of grantee.

**Easements, public service.** Includes all or part of, or any right in a right-of-way, easement or use restriction acquired for public use by dedication or otherwise for sewers, pipelines, polelines, electrical transmission and communication lines, pathways, storm drains, drainage, canal, water transmission lines, light and air, and other limited use public easements other than for street or highway purposes.

**Final Map.** Refers to a map prepared in accordance with this Ordinance, which is designed to be placed on record in the Office of the Recorder of the County of Monterey.

**Frontage, street.** The portion of rights-of-way paving from the face of curb to the rights-of-way centerline, including any raised median, plus twelve feet beyond, plus all property behind the face of curb to the ultimate rights-of-way line adjacent to the subject property, (including curb, gutter, street lights, street trees, landscaping, and fire hydrants.)

**Government Code.** The Government Code of the state of California.

**Improvement.** Any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision, ~~and~~ local neighborhood traffic and drainage, and other needs as a condition precedent to the approval and acceptance of the final map thereof. "Improvement" can include but is not limited to improvements to street frontage, street work, sidewalks, raised medians, curbs, gutters, fire hydrants, driveways, storm drainage facilities, water lines, sanitary sewers and facilities, public utilities including existing overhead utilities required to be underground, landscaping, street trees, and fences or walls to be installed by the subdivider on land to be used for public right-of-way, private streets and easements, street lights and any other improvements defined by Section 66419 of the Subdivision Map Act. "Improvement" also refers to any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the general plan, the Local Coastal Program or any applicable specific plan.

**Lateral Beach Accessway.** An access easement along the sandy beach frontage parallel to the water's edge.

**Local Coastal PlanProgram.** Refers to the Local Coastal Program Land Use and Implementation Plans as adopted by the City of Marina and certified by the California Coastal Commission.

**Lot Line Adjustment.** A division of land consisting of the relocation of an interior lot line between four or fewer adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater or lesser number of parcels than originally existed is not thereby created.



**Merger.** The joining of two or more contiguous parcels of land under one ownership into one parcel.

**Owner.** The individuals, firms, partnerships or corporations having proprietary interests in the land sought to be subdivided.

**Parcel Map.** Any subdivision containing four (4) or less lots or parcels or otherwise qualifying for an exception per the Subdivision Map Act.

**Street, Private.** A street, road, way, or alley for vehicular use and privately maintained within a development.

**Street, Public.** "Public Street" shall mean a street, road, way, or alley for vehicular use accepted by the city council and owned by or maintained by a state, county, or incorporated city.

**Structure.** Anything constructed or erected, except fences under six feet in height, the use of which requires location on the ground or attachment to something having location on the ground but not including any trailer, tent or decks less than eighteen inches above the ground.

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

**Subdivider.** A person, firm, corporation, partnership or association who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or for others except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers."

**Tentative Map and Tentative Parcel Map.** A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it and need not be based upon accurate or detailed final survey of the property.

**Vertical Beach Accessway.** An access easement perpendicular from the nearest public road parallel to the ocean to the sandy beach frontage (see Lateral Accessway).

**Vesting Tentative Map.** A map that meets the requirements of a tentative map and Section 66452 of the Subdivision Map Act.

## CHAPTER 16.06 IMPROVEMENT REQUIREMENTS

### Sections:

- 16.06.010 Generally
- 16.06.020 Minimum lot area and width
- 16.06.030 Street type and design
- ~~16.06.040 Disturbed dune area~~
- 16.06.050 Vertical beach accessway
- 16.06.060 Lateral beach accessway
- 16.06.070 Watercourses
- 16.06.080 Street frontage
- 16.06.090 Improved Streets
- 16.06.100 Easements
- 16.06.110 Water lines and other utility services
- 16.06.120 Sanitary sewer
- 16.06.130 Erosion control
- 16.06.140 Landscaping and Irrigation
- 16.06.150 Storm Drainage
- 16.06.160 Additional off-site improvements
- 16.06.170 Improvement review

#### 16.06.010 Generally.

All improvements installed and constructed in subdivisions shall conform to City or other agency standards and all conditions imposed upon the approval of the tentative map. The Municipal Code and Government Code §66462 provide that, if at the time of approval of a final map the required offsite improvements have not been completed and accepted, as a condition precedent to such approval the City Council must require a subdivider to enter into a guaranteed agreement securing completion of the improvements. Such improvements that are deemed necessary for a project by the community development director shall be set forth in a subdivision improvement agreement as required by Section 16.16.100.

#### 16.06.020 Minimum lot area and width.

Minimum lot area and width for subdivisions shall comply with Zoning Ordinance standards for the applicable zoning district.

#### 16.06.030 Street type and design.

Street design, including block length and the location of mid-block paths shall be as set out in the General Plan, Local Coastal Program, zoning ordinance, specific plan, or other adopted document containing city specifications.

#### ~~16.06.040 Disturbed dune area:~~

~~Within the Coastal Dune Area, development shall be concentrated in Coastal Dune Disturbed Areas.~~

#### 16.06.050 Vertical beach accessways.

Vertical beach accessways shall be provided in accordance with the provisions of the Local Coastal Program land use plan; the width of the accessway shall be a minimum of ten feet and shall extend from the nearest public roadway to the sandy beach frontage. Improvements

to be made shall be as prescribed in the local coastal land use plan and by the planning commission.

#### 16.06.060 Lateral beach accessways.

Lateral beach accessways shall be provided by an easement parallel to the water line extending inland to the edge of the sandy beach frontage as defined by a qualified geologist or oceanographer and confirmed by the community development director.

#### 16.06.070 Watercourses.

The planning commission may require watercourses to be placed in underground conduits or fenced, or otherwise improved in accordance with the standards. Where sumps are approved to handle drainage as an interim solution, easements shall be provided for necessary channels and sump area.

#### 16.06.080 Street frontage.

All lots shall have at least 35 feet of street frontage. If a flag lot is necessary for the reasonable development of a parcel, the minimum width of the portion of the flag lot that provides access to the buildable portion of the lot shall be twelve feet and a length not exceeding ninety feet.

#### 16.06.090 Improved Streets.

Improvement and widening of streets when within a subdivision shall be required. Frontage improvement and/or payment for the cost of improving street frontage shall be required. Improvements shall include paving; gutter; curb; sidewalks; raised medians; street lights; street trees; landscaping; street trees; street signs; street barricades, walls and fences.

#### 16.06.100 Easements.

A. Utility easements not less than five feet wide shall be required on the sides and rear of all lots where necessary for poles, underground utilities, cables, wires, drainage, conduit and water mains or other utilities. Such easements shall not be located in any public street. All utility distribution facilities (including but not limited to electric, communication and cable television lines) installed in and for the purpose of supplying service to any subdivision shall be placed underground, except for equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts, or such equipment when concealed by shrubbery, landscaping or other screening.

B. Easements not less than ten feet wide shall be required for all easements that provide access, such as private streets and mid-block walkways.

C. Mid-block alleys and walkways shall be provided to provide access for emergency vehicle and/or pedestrians and bicyclists within block lengths that exceed 450 feet. Where cul-de-sacs are proposed, connecting paths for pedestrians and bicyclists shall be provided to link neighborhoods, to connect residential and commercial areas and/or to provide pedestrian/bicyclist access to parks and schools.

#### 16.06.110 Water lines and other utility services.

Water lines and other utility services to serve each lot and stubbed to property line prior to construction of street and pavement connected to existing city, public utility, or other approved system when such system is or can be made available. The subdivider shall present evidence from the proposed supplier of that there is sufficient water availability and that the

supplier will provide the required services to the subdivision and evidence that satisfactory agreements have been entered into to provide the services.

16.06.120 Sanitary Sewers and Laterals.

Sanitary sewers and laterals to serve each lot and stubbed to property line prior to construction of street base and pavement connected to existing city, district or approved private system, where such system is or can be made available. In such case, the subdivider shall present evidence from the appropriate agency indicating the ability of the system to handle sewage from the subdivision and evidence that a satisfactory agreement has been entered into to provide the service.

16.06.130 Erosion Control.

Silt basins, structures, planting or other forms of erosion control when necessary.

16.06.140 Landscaping and Irrigation.

Installation and maintenance of landscaping and/or screen planting.

16.06.150 Storm Drainage.

On-site retention of storm water is required.

16.06.160 Additional off-site improvements.

The following off-site improvements may also be required:

- A. Water supply and transmission lines;
- B. Sewage disposal facilities and sewer systems;
- C. Adequately graded, drained and paved access roads;
- D. The extension of any other utilities.

16.06.170 Improvement review. In addition to all other requirements herein:

A. Improvement work shall not be commenced until bonds have been posted, necessary encroachment permits have been issued, any other necessary permits from other agencies have been issued, and plans for such work have been submitted to and approved by the engineering services manager;

B. All improvements shall be constructed under the inspection of, and to the satisfaction of the engineering services manager;

C. Cost of plan review and inspection shall be borne by the subdivider.

## CHAPTER 16.08 TENTATIVE MAPS

### Sections:

- 16.08.010 Purpose
- 16.08.020 Applicability
- 16.08.030 Application Materials
- 16.08.040 Tentative Map Contents
- 16.08.050 Public Notice
- 16.08.060 Action by planning commission
- 16.08.070 Action by city council

#### 16.08.010 Purpose

Tentative maps provide a means for obtaining review and approval of proposed land divisions. Tentative maps shall be prepared and approved in accordance with the Subdivision Map Act and the provisions of this chapter.

#### 16.08.020 Applicability

A tentative map shall be required for all subdivision, reconfiguration and consolidation of real property for which a final map is required.

#### 16.08.030 Application Materials

Application for a tentative map shall be made to the community development department on forms provided by the community development department, accompanied by the required filing fee. Application for a tentative map or maps shall comply with Chapter 16.06 as to improvement requirements, and shall include the following materials:

- A. The city tentative map application form;
- B. Eight (8) copies, one digital copy in AutoCAD, and one reproducible 7-1/2" x 9-1/2" image on 8" x 10" paper of the tentative map (see proposed contents below), and the statement for the proposed subdivision of any land;
- C. Current preliminary title report(s) for affected parcels, not more than six months old, issued by a title company, shall accompany any tentative map filed pursuant to this Section;
- D. For purposes of a field investigation and prior to filing of a tentative map of a subdivision, critical points on proposed hillside roads as determined by the engineering services manager shall be slope staked by flagging to indicate the general limits of cut and fill slopes if average cross slope exceeds ten percent (10%). Typical locations of slopes staked shall be designated on a copy of the tentative map;
- E. A preliminary soils report shall be prepared by a Registered Geotechnical Engineer and shall include the following:
  - 1. Such report shall be based on adequate test borings or excavations and shall recommend corrective action. The preliminary soils report may be waived if the City determines that, due to the knowledge as to the qualities of the soil within the subdivision or lot, no preliminary analysis is necessary.
  - 2. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soils investigation of each lot so affected in the subdivision shall be made by the City.
- F. Architectural elevations and schematic plans for proposed buildings;
- G. A layout of the proposed method of sewage disposal, potable water supply and fire protection systems;

H. Geotechnical reports for the subdivision area;  
I. Preliminary grading and landscaping plans; and  
J. A copy of any existing or proposed codes, covenants and restrictions, or covenants otherwise regulating or restricting the use of the land within the subdivision shall be attached to the above statement.

K. Hydrology report showing the project's ability to meet City standards for stormwater retention.

L. Accompanying the tentative map, or placed on the map, shall be statements by the subdivider containing the following:

1. Existing zoning and proposed uses of the land.
2. Intentions regarding erosion control and improvements to be constructed, as required in Chapter 16.06 and by other Ordinances of the City.
3. Details on the height, size, and location of proposed buildings, including building setback lines.
4. A phasing plan and schedule for the development of the subdivision.
5. Number of trees proposed for removal and preservation.
6. Proposed quantities of cut and fill.
7. Proposed public areas to be dedicated and common area or scenic easements proposed, including designation of public and private streets; and, if shoreline property, geologic report on definition of sand beach area to be dedicated. If common areas are proposed, method of maintenance shall be stated.
8. Distance to the proposed subdivision of existing public parks and open space.
9. Proposed development of lots, that is, whether for sale as lots, fully developed house and lot, or for lease and/or for financing purposes;

#### 16.08.040 Tentative Map Contents.

Each tentative and vesting tentative map shall contain the following information:

A. A sketch at a minimum scale of 1" = 2,000' indicating the location of the proposed subdivision in relation to the surrounding area or region and showing land use in surrounding area. All to be indicated on the tentative map.

B. Name and address of record owner and subdivider.

C. Name and address of surveyor or engineer who prepared said tentative map.

D. Date, north point (generally up on the map) and scale. Minimum scale 1" = 100'. Minimum map size 18" x 26".

E. Name of proposed subdivision and of all adjacent subdivisions; locations of, grades and widths of public and private streets, highways, alleys and ways, together with the type and location of street improvements thereon including fire hydrants and street light locations.

F. On separate sheets, the contour elevations of the existing and proposed land at one (1) foot intervals on slopes up to five percent (5%); two (2) foot intervals on slopes up to ten percent (10%) and five (5) foot intervals on slopes over ten percent (10%). Contours shall be indicated in contiguous lands for a distance of two hundred (200) feet. Every fifth (5th) contour line shall be a heavier weight line. Existing and proposed retaining walls with top of wall elevation shall also be shown.

G. Within the Coastal dune and immediately surrounding areas as defined in the Local Coastal Land Use Plan indicate to scale the Coastal dune disturbed all primary and secondary habitat area(s).

H. Sufficient data to define the boundaries of the tract, or a legal description of the tract. Tentative map to show any proposed units of final map.

I. Width, approximate location and purpose of all existing and proposed easements and easements adjoining such land.

J. The location of lateral and vertical beach accessway easements by metes and bounds or other description sufficient in detail to show designation width of ~~ten (10) feet~~ and designation of area as access easements.

K. The location of the edge of sandy beach frontage as defined by a qualified geologist or oceanographer and description sufficient in detail to show designation of area as a public easement.

M. The approximate radii of all curves.

N. All lots numbered consecutively throughout each block in the development; the approximate dimensions of all lots; pad elevations; lot areas; number of lots; minimum lot size; average lot size; and density.

O. All undevelopable areas lettered consecutively.

P. The approximate location of areas subject to inundation by storm water, and the location, width and direction of flow of all water courses existing and proposed.

Q. The location and outline to scale of each existing building or structure within the subdivision and the location and designation of uses of each structure in contiguous areas within one hundred (100) feet of the boundary thereof; noting thereon whether or not such building or structure within the subdivision is to be removed from or remain in the subdivision, and its existing and proposed use.

R. Show approximate elevation of streets, street intersections and building pads.

S. The location, pipe size and approximate grades of proposed sanitary sewers, storm drains and water lines; and the proposed location of fire hydrants and street lights, electric power, gas lines, T.V. cables and storm drains.

T. The horizontal and vertical location of existing fences, ditches, wells, sumps, cesspools, reservoirs, sewers, culverts, drain pipes, underground structure, utility lines or sand, gravel or other excavation within the subdivision, noting thereon whether they are to be abandoned or used. The location of utility lines and sand, gravel or other excavation within three hundred (300) feet of any portion of the subdivision shall be shown.

U. Line of high water when adjacent to any stream or waterway, and, when adjacent to the ~~or~~ ocean, lines defining the ocean side of dunes, the area subject to wave erosion in the next 50 years, and the tsunami run-up zone.

V. If a condominium or similar development is proposed, the word "condominium" or appropriate name shall be indicated on the tentative map.

W. Gross area of subdivision and open space calculated to nearest tenth (0.1) acre.

X. Any other information deemed necessary by the community development director to clearly describe the proposed project.

#### 16.08.050 Public Notice.

A. Public hearings shall be held on all tentative maps. Notice of such hearings shall be published and posted, including on-site posting, at least one time not less than ten days before the date of the public hearing. The notice shall include the following information:

1. The time and place of the public hearing;
2. The hearing body or officer;
3. A general explanation of the matter to be considered;
4. A general description of the property in text or diagrammatic form;
5. Map preparer/subdivider representative.

B. Specific Hearing Notification. Notices of public hearings shall be mailed or delivered to the following people/entities at least ten days prior to the hearing:

1. Either the owner of the subject property or the owner's duly authorized agent;
2. The project subdivider;
3. Each agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected;
4. All owners of real property within five hundred feet of the property in question, as shown on the latest updated equalized assessment roll.
5. All persons required to be noticed for a coastal development permit application.

16.08.060 Action by the Planning Commission.

A. The community development director shall examine said application and supporting data for compliance with the requirements of this Title and shall accept said application for filing when all requirements are met. Once the community development director accepts an application for filing, staff shall prepare a report and recommendation for planning commission consideration. The planning commission shall hold a public hearing to review the proposed tentative map and staff report and forward a report to the city council stating whether the tentative map of a standard subdivision is in conformity with provisions of law and this Ordinance, and shall recommend conditions as necessary and findings required by Section 66474 of the Subdivision Map Act as follows:

1. That the proposed map is consistent with applicable general and specific plans, and the Local Coastal Program.
2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans, and the Local Coastal Program.
3. That the site is physically suitable for the type of development.
4. That the site is physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements have been analyzed and found not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, in accordance with the California Environmental Quality Act.
6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will not conflict with easements of record, acquired by the public at large, for access through or use of, property within the proposed subdivision, or that the map provides alternate easements, for access or for use, and that these will be substantially equivalent to ones previously acquired by the public.
8. That the design of the new subdivision or type of improvements will not result in nor facilitate the creation of development sites within primary habitat areas.

B. The planning commission may, in addition to other causes therefore, recommend disapproval of a tentative map because of flood, inundation, geologic or slide hazards and may require protective improvements to be constructed, as a condition of approval of the map.

16.08.070 Action by the city council.

Within 50 days after the community development director accepts the application for filing, and after receipt of the report of the planning commission on the tentative map, the city council shall hold a public hearing to act thereon subject to all notice requirements of Section 16.08.050 above. The city council shall determine whether or not the proposed tentative map



meets the requirements of this and any other applicable Ordinances, including the Local Coastal Program, and shall thereafter approve, conditionally approve or deny said tentative map.

16.08.080 Notice of final city action.

Following city council action, notice of the city's action shall be provided pursuant to the administrative procedures for coastal development permits (see page 15 of the Local Coastal Program Implementation Plan).

## CHAPTER 16.10 VESTING TENTATIVE MAPS

### Sections:

- 16.10.010 Purpose
- 16.10.020 Definition of Vesting Tentative Map
- 16.10.030 Applicability
- 16.10.040 Conformance with Existing City Plans and Development Criteria.
- 16.10.050 Processing
- 16.10.060 Application Materials.
- 16.10.070 Development Rights
- 16.10.080 Amendments to Vesting Tentative Map
- 16.10.090 Terms of a Vesting Tentative Map

#### 16.10.010 Purpose

The purpose of this chapter is to establish procedures for the review and approval and administration of vesting tentative maps.

#### 16.10.020 Definition of Vesting Tentative Map.

A tentative map for a subdivision that shall have printed conspicuously on its face the words 'Vesting Tentative Map' at the time it is filed in accordance with the Subdivision Ordinance and which, if approved or conditionally approved by the city council, confers a vested right to proceed with development in substantial compliance with Ordinances, policies and standards in effect at the time an application for said map is accepted by the City as complete and Section 66498.1 seq. of the Subdivision Map Act.

#### 16.10.030 Applicability.

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

#### 16.10.040 Conformance with Existing City Plans and Development Criteria.

A. No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with provisions of the general plan, any specific plan, the zoning ordinance, the Local Coastal Program, or any applicable provisions of this code.

B. The subdivider must make application and receive approval concurrent with the vesting tentative map for all zoning approvals, including, but not limited to, site and architectural design review approvals, conditional use permits, coastal development permits, zoning variances, and grading and drainage plans, which are necessary for ultimate development on the area covered by the vesting tentative map.

#### 16.10.050 Processing.

A vesting tentative map shall be filed in the same form and have the same content, accompanying data and reports, and shall be processed in the same manner described for tentative maps in Chapter 16.08 except as described in this chapter.

#### 16.10.060 Application Materials.

At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words 'Vesting Tentative Map'. Application for a vesting tentative map shall be made to the

community development department on forms provided by the community development department, accompanied by the required filing fee.

#### 16.10.070 Development Rights.

A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in compliance with the ordinances, policies, and standards described in Section 66474.2 of the Government Code. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved. In all cases, such right shall only accrue if all other necessary approvals (see Section 16.10.040) are in place and effective, including that they have not expired.

B. The above notwithstanding, a permit, approval, extension, or entitlement can be made conditionally or may be denied if any of the following are determined:

1. Failure to do so would place the residents of the subdivision or the immediate community in a condition or state dangerous to their health or safety; or

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

C. The provision of this section shall not:

1. Limit the city from imposing reasonable conditions on subsequently required approvals or permits necessary for the development so long as that discretion is not exercised in a manner which precludes a subdivider from proceeding with the proposed subdivision; or

2. Diminish or alter the city's power to protect against a condition dangerous to the public health or safety.

#### 16.10.080 Amendments to Vesting Tentative Map.

A. After approval or conditional approval of a vesting tentative map, amendments can be made only by following procedures for the original approval or conditional approval. Approvals or permits which depart from the vesting tentative map can only be granted based upon an amendment to the vesting tentative map.

B. No amendments shall be granted so as to modify or delete any public improvements and site development requirements and conditions approved in the first instance by the city council, including, but not limited to, grading, drainage facilities and structures. This Section shall not be construed to prevent the City from denying or placing any conditions upon approval of a final map pursuant to Government Code Section 66498.1(c).

#### 16.10.090 Terms of a Vesting Tentative Map.

A. The approval or conditional approval of a vesting tentative map by the city council shall expire twenty-four months after such approval. Prior to the expiration date, upon written request by the applicant, the city council may extend the vesting tentative map expiration date by a period of time that would not extend the total life of the vesting tentative map to exceed three years, and provided all other necessary approvals (see Section 16.10.040) are also similarly extended subject to all applicable processes thereto.

B. If a final map is recorded prior to the expiration of the vesting tentative map, the tentative map vesting rights for the final map area shall last for the periods listed below so long as all other necessary approvals (see Section 16.10.040) are also in place and effective through such periods listed.

1. The rights conferred by a vesting tentative map shall last for a time period of one year beyond the recordation of the final map. Where several final maps are recorded on various

phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

2. The initial time period set forth herein 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) 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 set forth herein expires. If the extension is denied, the subdivider may appeal that denial to the city council within fifteen (15) days.

4. If the subdivider submits a complete application for a building permit during the periods of time specified herein, the rights referred to herein shall continue until the expiration of that permit.

## CHAPTER 16.12 MERGER OF PARCELS

### Sections:

- 16.12.010 Purpose
- 16.12.020 Applicability
- 16.12.030 Requirements for Parcel Mergers
- 16.12.040 Initiation of Merger by Property Owner
- 16.12.050 Processing of Owner-initiated Mergers
- 16.12.060 Initiation of Merger by the City
- 16.12.070 Notice of Intention to Determine Status
- 16.12.080 Notification of Property Owner
- 16.12.090 Director's Hearing
- 16.12.100 Community Development Director's Determination without Hearing--Notice to Owner
- 16.12.110 Filing Notice of Merger or Notice of Nonmerger

#### 16.12.010 Purpose.

This chapter implements the procedure prescribed in Section 66451 of the Government Code for consolidation of contiguous parcels or units of land held by the same owner without reversion to acreage.

#### 16.12.020 Applicability.

Parcel mergers apply to contiguous parcels or units of real property, under common ownership, which meet the requirements of Section 16.12.030, below.

#### 16.12.030 Requirements for Parcel Mergers.

A parcel merger may be made with any parcel or unit with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units does not conform to standards for minimum parcel size, under the zoning ordinance, or if merger would better achieve Local Coastal Program goals, objectives, and related provisions than does existing parcelization, and if all of the following requirements are satisfied:

- A. At least one 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 building or accessory buildings, or is developed with a single building, other than an accessory building, that is also partially sited on a contiguous parcel or unit.
- B. With respect to any affected parcel, one or more of the following conditions shall exist on at least one of the parcels to be merged:
  - 1. It comprises less than five thousand square feet in area at the time of the determination of merger;
  - 2. It was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
  - 3. It does not meet current standards for sewage disposal and domestic water supply;
  - 4. It does not meet slope stability standards;
  - 5. It has no legal access which is adequate for vehicular and safety equipment access and maneuverability;
  - 6. Its development would create health or safety hazards; and

7. It is inconsistent with the city general plan and any applicable specific plan, other than minimum lot size or density standards; or

8. Its development would be inconsistent with the Local Coastal Program.

#### 16.12.040 Initiation of Merger by Property Owner.

Application for a merger by property owner shall be made to the community development department on forms provided by the community development department, accompanied by the required filing fee and shall include the following:

- A. An exhibit, drawn to scale, delineating the existing parcel boundaries and the location of existing structures, easements and public right-of-way;
- B. Copies of the latest grant deeds for the existing parcels;
- C. A legal description and plat, drawn to scale on reproducible medium, showing the boundaries of the new parcel (after the merger). The legal description and plat shall be appropriate for recordation with the county recorder;
- D. Current preliminary title report(s) for affected parcels, not more than six months old, issued by a title company; and
- E. Written consent of all owners of record interest.

#### 16.12.050 Processing of Owner-initiated Mergers.

The community development director shall examine said application and supporting data for compliance with the requirements of this Title and shall accept said application for filing when all requirements are met. Once the community development director accepts an application for filing, the community development director shall transmit a completed application to the engineering services manager for review and recommendation and can grant approval of the request for merger if the following criteria are met:

- A. The merger complies with the standards specified in Section 16.12.030(A) and the Local Coastal Program;
- B. The parcel will be consistent with the zoning of the property;
- C. The parcel will not conflict with the location of existing structures on the property;
- D. The parcel will not be deprived of adequate access as a result of the merger;
- E. Access to adjoining properties will not be restricted as a result of the merger; and
- F. No new lot lines are created by the merger.

#### 16.12.060 Initiation of Merger by the City.

Parcel mergers shall be initiated by the community development director through the filing, with the County Recorder, of a notice of intention to determine status.

#### 16.12.070 Notice of Intention to Determine Status.

The community development director shall initiate a parcel merger by filing, with the County Recorder, a notice of intention to determine status. The notice shall identify the subject property and list the owners of record as determined from the County deed records.

#### 16.12.080 Notification of Property Owner.

The community development director may cause to be mailed, by certified mail with return receipt to the current record owner of the affected parcels, a copy of the notice of intention to determine status and a notification to the property owner that the affected parcels may be merged pursuant to standards specified herein. The notification shall advise the owner that he or

she may, within thirty (30) days, request, in writing, a hearing to present evidence that the property does not meet the criteria for merger.

#### 16.12.090 Director's Hearing.

A. If a written request for a hearing on the determination of status is received by the Planning Services Division within thirty (30) days of recordation of the notice of intention to determine status, the community development director shall set a time, date and place for a director's hearing.

B. The city shall notify the property owner of the time and place of the director's hearing by certified mail. The hearing shall be conducted not more than sixty (60) days following the receipt of the property owner's request for hearing, but may be postponed or continued with the mutual consent of community development director and the property owner.

C. At the hearing, the property owner shall be given the opportunity to present evidence that the affected property does not meet the requirements for merger as set forth in Section 16.12.030.

D. At the conclusion of the hearing, the community development director shall make a determination as to whether the affected parcels are to be merged or not to be merged and shall notify the owner of his or her determination.

E. The community development director may make a determination of merger if the affected property meets the standards for merger specified in Section 16.12.030. The community development director may make a determination of nonmerger whether or not the affected property meets the standards for merger specified in Section 16.12.030.

#### 16.12.100 Community Development Director's Determination without Hearing--Notice to Owner.

If the property owner fails to file a request for hearing within the thirty (30) day period as provided in Section 16.12.080, the community development director may, at any time thereafter, make a determination as to whether the affected parcels are to be merged.

#### 16.12.110 Filing Notice of Merger or Notice of Nonmerger.

If the community development director makes a determination of merger, he or she shall cause to be recorded a notice of merger no later than ninety (90) days after the mailing of the notice of intention to determine status and no later than thirty (30) days following a hearing on the matter, if a hearing is held. The notice of merger shall specify the names of the record owners and describe the affected property. The merger becomes effective on the date the notice of merger is filed with the County recorder's office.

If the community development director determines that the subject property shall not be merged, he or she shall cause to be recorded a release of the notice of intention to determine status and shall mail a clearance letter by certified mail with return receipt to the current owner of the subject property.

## CHAPTER 16.14 REVERSION TO ACREAGE

### Sections:

- 16.14.010 Purpose
- 16.14.020 Applicability
- 16.14.030 Filing of Reversions to Acreage.
- 16.14.040 Procedure
- 16.14.050 Public Notice
- 16.14.060 Action on Map
- 16.14.070 Effective Date of Reversions.

#### 16.14.010 Purpose.

Reversion to acreage is a means of recombining land which was previously subdivided. The process may be used to nullify rights and/or obligations effected by a previous subdivision of the property. Reversions to acreage require a tentative map and either a final map or a parcel map and shall comply with the provisions of Chapter 6 Article 1 of the Government Code.

#### 16.14.020 Applicability.

Reversion to acreage applies to the reconsolidation of previously subdivided land where:

- A. A rescission is sought of rights acquired or obligations incurred under a previous subdivision of the property; and
- B. The parcels do not meet requirements for reconsolidation through a parcel merger or lot line adjustment.

#### 16.14.030 Filing of Reversions to Acreage.

Proceedings for reversion to acreage may be initiated by motion of the city council or by all of the owners of record of the real property within the subdivision. Requests by property owners shall be filed with the community development department on forms provided by the community development department, accompanied by the required filing fee.

#### 16.14.040 Procedure.

For the purpose of reversion of subdivided land to acreage, provided that no lots have been sold and no streets improved, the following procedure shall be followed:

- A. Eight (8) copies of record map of area proposed for reversion to acreage. Each copy of the map shall be accompanied by the following:
  - 1. Evidence of title and non-use or lack of necessity of streets or easement which are to be vacated or abandoned.
  - 2. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map.

#### 16.14.050 Public Notice.

- A. Public hearings shall be held for all reversion to acreage proposals. Notice of such hearings shall be published and posted, including on-site posting, at least one time not less than ten days before the date of the public hearing. The notice shall include the following information:
  - 1. The time and place of the public hearing;
  - 2. The hearing body or officer;
  - 3. A general explanation of the matter to be considered;



4. A general description of the property in text or diagrammatic form;
5. Map preparer/subdivider representative.
- B. Specific Hearing Notification. Notices of public hearings shall be mailed or delivered to the following people/entities at least ten days prior to the hearing:
  1. Either the owner of the subject property or the owner's duly authorized agent;
  2. The project applicant;
  3. Each agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected;
  4. All owners of real property within three hundred feet of the property in question, as shown on the latest updated equalized assessment roll.

#### 16.14.060 Action on Map

A. Action by the planning commission. The community development director shall examine said application and supporting data for compliance with the requirements of this Title and shall accept said application for filing when all requirements are met. Once the community development director accepts an application for filing, staff shall prepare a report and recommendation for planning commission consideration. The planning commission shall hold a public hearing to determine whether it is in the best interests of the area to approve such action, and within thirty (30) days after filing shall forward its recommendations to the city council along with evidence of title and non-use of streets and easements.

B. Action by the city council. At its first regular meeting following receipt of the recommendation of the planning commission, the city council shall hold a public hearing to consider such request for reversion of subdivided land to acreage and if said Council deems it to be in the best interest of the area, it may approve such request. The Clerk of the city council shall certify any map approved by the city council by signing the certificate provided for on the map.

C. Findings for approval. A request for reversion to acreage shall be approved if the dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes and one of the following findings can be made:

1. All owners of an interest in the real property within the subdivision have consented to reversion; or

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

3. No lots shown on the final or parcel map have been sold within five years from the date such map was filed for record.

D. Conditions of approval. A reversion to acreage request is subject to conditional approval through the tentative map review process. Conditions will be determined on a case-by-case basis, but shall include, if appropriate;

1. Dedications or offers of dedication;

2. Abandonment of streets according to procedures set forth in the Streets and Highway Code;

2. Retention of all previously paid fees; and

3. Retention of any portion of required improvement security or deposits made in guarantee of improvements which are necessary despite reversion of the property to acreage.

E. Any map filed for the purpose of reversion of subdivided land to acreage shall be conspicuously designed with the title, "The Purpose of This Map is a Reversion of Acreage".

F. Within fifteen (15) days after approval of the city council, said map shall be recorded in the County Recorder's Office.

#### 16.14.070 Effective Date of Reversions.

Reversion shall be effective upon completion of all necessary application and review processes, including the tentative map review process (see Section 16.14.060D and see Chapter 16.08) and the final map being filed for record by the county recorder. Thereupon, all dedications and offers of dedication not shown on the reversion map shall be of no further force or effect and all fees, deposits and improvement security not retained pursuant to the provisions of this chapter shall be released.

## CHAPTER 16.16 FINAL MAPS

### Sections:

16.16.010	Purpose
16.16.020	Applicability
16.16.030	Application Materials
16.16.040	Final Map Contents
16.16.050	Submission Procedure
16.16.060	Time Limit
16.16.070	Statements and Certificates
16.16.080	Property Survey
16.16.090	Improvement Plans
16.16.100	Improvement Agreement
16.16.110	Tax and Assessment Liens
16.16.120	Approval by City Council

#### 16.16.010 Purpose.

This chapter establishes requirements for the preparation and processing of final maps.

#### 16.16.020 Applicability.

Prior to issuance of building permits for a subdivision project for any subdivision creating five (5) or more parcels, five (5) or more condominium units as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, a final map shall be required, except where any one of the following occurs:

A. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body.

B. Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway.

C. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

D. Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

E. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

#### 16.16.030 Application Materials.

Application for a final map shall be made to the community development department on forms provided by the community development department, accompanied by the required filing fee. The following material shall be submitted with each proposed final subdivision map application:

A. Eight (8) copies and one (1) electronic copy in AutoCAD of the final map;

B. Proposed improvement agreement, accompanying improvement security, a map filing title report, and proposed private deed restrictions.

C. Traverse sheets prepared by a Registered Civil Engineer or Licensed Surveyor showing the mathematical closure within one (1) foot to ten thousand (10,000) feet on the perimeter of the exterior boundary of the tract and of each block within the tract and each irregular lot;

#### 16.16.040 Final Map Contents.

The final map shall include the following:

A. A scale large enough to show details clearly, minimum scale of one hundred (100) feet to the inch or larger, using more than one (1) sheet if necessary. The original shall be drawn in black ink upon tracing cloth or polyester base film of good quality. The size of the sheets shall be 18" x 26", and all sheets shall have a one inch (1") margin on all borders.

B. Numbered sheets showing the relation of one sheet to another shown,

C. A map title consisting of a tract number and name, conspicuously placed at the lower right-hand corner of the sheet followed by the words, "consisting of \_\_\_\_ sheets" (showing the number thereof), followed by the words, "City of Marina". If more than two (2) sheets are necessary, an index diagram shall be provided.

D. A sub-title that generally describes the property being subdivided using references to previously filed or recorded maps, or the plat of any State or U.S. survey. Each reference in such description shall be identical to the original record and reference the book and page of the record referenced.

E. Border lines and center lines of all proposed streets with their widths and names; all easements including those to be dedicated to public use; vertical and lateral accessway easements shall be reviewed by a qualified biologist and/or geologist and easements shall be dedicated to the public as determined by the City unless otherwise specified in the Local Coastal Program Land Use Plan and in the approval of the tentative map. The exterior boundaries of the land in the subdivision shall be shown by a border 1/8" wide.

F. The lines of all adjoining properties, streets and alleys, showing their widths and names.

G. All lot lines and numbers for all lots and letters for undevelopable areas. Building lines shall be shown if they differ from zoning requirements. All lots are to be numbered consecutively.

H. All dimensions, both linear and angular, for locating boundaries of subdivisions, lots, street and alley lines, easements and building lines. The linear dimensions shall be expressed in feet and hundredths of a foot.

I. All permanent monuments, together with their descriptions showing their location and size, and if any points were reset by ties, that fact shall be stated. Monuments shall be of a type and location per City standards and as prescribed by the standards set forth in Section 16.16.080 below.

J. Title and description of property being subdivided, showing its location and extent, north arrow, scale of plan, basis of bearing and name of subdivider and of engineer or surveyor who prepared the map.

K. The boundaries of any areas subject to periodic inundation by water or to geological hazards.

L. Ocean meander lines from recorded data when sufficient survey information exists on filed maps and when the location of any points can be established by monuments.

M. Scenic easements and open spaces if not shown as a lot or parcel shall be described by courses and distances and the basis of bearings shown. When a tentative subdivision map is approved with a prescribed net density and when final subdivision maps are

filed in units, sufficient lot size plus open space in each unit to meet the approved net density shall be provided.

N. Any City boundary that adjoins the subdivision shall be designated and located in relation to adjacent lot or block lines. No lot shall be divided by a City or District boundary line.

O. Places where access rights have been waived or dedicated.

#### 16.16.050 Submission Procedure.

A. The engineering services manager shall examine the map and accompanying instruments, papers, and materials and determine whether the map is in substantial compliance with the tentative map as approved and as modified by any approved alterations, whether it complies with requirements of this Ordinance and of the Subdivision Map Act applicable at the time of approval of the tentative map, and whether it is technically correct. Once these findings are made, the engineering services manager (or a Licensed Civil Engineer authorized to practice land surveying or Licensed Surveyor as delegated by the community development director) shall affix his/her certificate of approval to the map stating that he/she has examined the map and has made these findings.

#### 16.16.060 Time Limit.

A. Within twenty-four (24) months after approval or conditional approval of the tentative map, the subdivider may cause the final map to be prepared in accordance with the tentative map as approved, or conditionally approved.

B. An extension not exceeding two additional years may be granted by the planning commission upon application of the subdivider and provided all other approvals are in order and will remain effective through the extension period.

C. Any failure to record a final map within twenty-four (24) months from the approval or conditional approval of the tentative map, or within the time extension granted by the planning commission, shall terminate all proceedings.

D. If the subdivider is required to expend one hundred twenty-five thousand dollars (\$125,000) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a final map authorized by Government Code Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Government Code Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps which may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map, and shall be made in such a way as to ensure consistency with all other approvals.

#### 16.16.070 Statements and Certificates.

The following certificates and acknowledgments shall appear on the final map, and may be combined where appropriate:

A. A certificate signed and acknowledged, by all parties having any record title interest in the land subdivided, consenting to the preparation and recording of the final map. In the event of dedication, there shall be a certificate signed and acknowledged by all parties having

a record title interest in land being subdivided offering certain parcels of land for dedication for specified public uses, subject to such restrictions as may be contained in the offer of dedication. An offer of dedication for street or highway purposes may include a waiver of access rights to such street or highway from any property shown on the final map as abutting thereon. Any parcels of land shown on the map and intended for public use shall be offered for dedication for public use except those parcels intended for the exclusive use of lot owners in the subdivision, their licensees, tenants, and employees.

The signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:

1. Rights-of-way, easements, or other interest, none of which can ripen into a fee.
2. Rights-of-way, easements, or reversions, which by reason of changed conditions or long disuse, appear to be no longer of practical use or value and which signatures it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signatures shall be set forth on the map.

3. Any subdivision map including land originally patented by the United States or the State of California, under patent reserving interest to either or both of these entities, may be recorded under the provision of this Ordinance without the consent of the United States or the State of California thereto, or to dedication made thereon.

4. Interests in or rights to minerals, including but not limited to oil, gas, or other hydrocarbon substances, if (1) the ownership of such interests or rights does not include a right of entry on the surface of the land, or (2) the use of the land, or surface thereof, in connection with the ownership of such interests or rights is prohibited by zoning or other governmental regulations of the governing body and the signatures of the owners of such interests or rights are waived by the governing body.

B. A statement by the engineer or surveyor responsible for the survey and final map. His or her statement shall give the date of the survey, state that the survey and final map were made by him or her or under his or her direction, and that the survey is true and complete as shown. The statement shall also state that all the monuments are of the character and occupy the positions indicated, or that they will be set in those positions and on or before a specified later date. The statement shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced. city council

C. Certificates for execution by the engineering services manager or Licensed Civil Engineer authorized to practice land surveying or Licensed Surveyor, as delegated by the community development director, Clerk of the city council, and the County Recorder.

#### 16.16.080 Property Survey

The procedure and practice for all survey work done on any subdivision, whether for preparation of a final map or parcel map shall conform to the standards and principals of land surveying, the Business and Professions Code of the State of California Section 8700 et. seq., and the provision of this Division. All related documents shall be executed by a California-Registered Civil Engineer or Licensed Land Surveyor.

A. At the time of making a survey for a final map or parcel map, the engineer or surveyor shall set sufficient durable monuments as provided below.

1. Monuments set shall be sufficient in number and durability and efficiently placed so as not to be readily disturbed, to assure, together with monuments already existing, the perpetuation or easy reestablishment of any point or line of the survey.

2. When monuments exist which control the location of subdivisions, tracts, streets or highways, or provide survey control, the monuments shall be located and referenced by or

under the direction of a licensed land surveyor or registered civil engineer prior to the time when any streets or highways are reconstructed or relocated and a corner record of the references shall be filed with the county surveyor. The monuments shall be reset in the surface of the new construction, a suitable monument box placed at that location, or permanent witness monuments set to perpetuate their location, and a corner record filed with the county surveyor.

3. Sufficient controlling monuments shall be retained or replaced in their original positions to enable land lines, property corners and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area.

4. At least one exterior boundary line of a final map shall be adequately monumented or referenced before the final map is submitted for approval to the city council.

5. Interior monuments and boundary monuments other than those required in subsection (A)(2), need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map the monuments will be set on or before a specified later date, and if the subdivider furnishes to the city security guaranteeing the payment of the cost of setting such monuments.

6. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the subdivider, and to the engineering services manager that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the subdivider shall present to the City evidence of payment and receipt thereof by the engineer or surveyor. If the subdivider does not present evidence to the City that the engineer or surveyor has been paid for the setting of the final monuments, and if the engineer or surveyor notifies the City that the monuments have been set but payment has not been received from the subdivider, the City shall, within three months from the date of the notification, pay to the engineer or surveyor any amounts so due from any deposit or security furnished in guarantee of monuments.

#### 16.16.090 Improvement Plans.

After the approval by the city council of the tentative map of any subdivision, the subdivider shall enter into a subdivision improvement agreement with the City as set forth in Section 16.16.100 and furnish the following information to the community development director.

A. A grading plan consisting of cross sections and finished grades of all lots to be graded as a part of the improvement of the subdivision, and of all roads, streets, and highways in the proposed subdivision.

B. Plan and profile drawing on all streets, including sewer and drainage improvements. Utilities may be shown in plan only. Improvement plan scales shall not be smaller than 1" = 40' horizontally in plan; 1" = 4' vertical in profile, unless otherwise approved by the community development director.

C. Estimated costs of improvements to be constructed and estimated cost of conditions of approval of the subdivision.

D. Any other pertinent information required by the conditional approval of the city council including a soils report on filled areas or areas proposed to be filled; and in all street and alley rights-of-way at intervals not exceeding one thousand (1,000) feet and/or any change in soil conditions. The soils report and analysis will be in accordance with methods approved by the State of California for "R" values, sieve analysis and sand equivalent.

#### 16.16.100 Improvement Agreement.

The Subdivider shall execute and file with the city council an agreement between him or herself and the City of Marina for construction of improvements in the subdivision required by this Ordinance and other applicable laws. Said agreement shall provide for the following, in addition to other requirements which may be imposed.

A. The period within which the subdivider shall complete the improvement work to the satisfaction of the engineering services manager, failing which City may complete the work and recover the cost thereof from the subdivider and his improvement security.

B. Inspection of all improvement work by the engineering services manager and provision for payment to the City for the cost thereof.

C. The agreement may also provide for the construction of improvements in units, for extensions of time for performance of the agreement, and for progress payments to the subdivider or his order from cash deposits which the subdivider may have made as improvement security; provided, however, that no such progress payment shall be made for more than ninety percent (90%) of the value of any installment of work provided. No progress payments from cash deposits shall be made except upon certification by the engineering services manager that the work covered thereby has been satisfactorily completed, and upon approval and authorization by the city council.

D. That the subdivider file with the improvement agreement improvement security for the following purposes:

1. "Improvement security" as used in this section means one or more of the following:

a. A cash deposit or deposits made with the City.

b. A bond or bonds by one or more duly authorized corporate securities.

c. An instrument or instruments of credit from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to meet the performance are on deposit and the guarantee for payment and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument.

2. Improvement security may be released or reduced in the following manner:

a. Improvement security given for faithful performance of the agreement may be released upon final completion and acceptance of the work; partial release of cash deposit improvement security as the work progresses shall be as established hereinabove.

b. Improvement security securing the payment to the contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials may, six months after the completion and acceptance of the work, be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to the city council, and if there are no actions filed, the improvement security may be released in full.

#### 16.16.110 Tax and Assessment Liens.

Prior to the filing of the final map with the Clerk of the city council, the subdivider shall file with the Clerk a certification from the officer of the county computing redemptions showing that, according to the records of his office, there are no liens against the subdivision or any part thereof for unpaid State, County, Municipal, or local taxes or special assessments not yet payable.

A. As to taxes or special assessments collected as taxes not yet payable, the subdivider shall file with the Clerk of the city council a certificate by the County Assessor giving his estimate of the amount of taxes and assessments which are a lien but which are not yet payable.



B. Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall not be recorded until the subdivider executes and files with the city council a bond to be approved by the city council and by its terms made to inure to the benefit of the City and conditioned upon the payment of all State, County, Municipal, and local taxes and all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable. In lieu of a bond, a deposit may be made of money or negotiable bonds in the same amount, and of the kind approved for securing deposits of public money.

16.16.120 Approval by the city council.

A. When the certificates of the engineering services manager and all other required certificates, except that of the city council, have been placed on the final map it shall be filed with the city clerk together with accompanying proposed improvement agreements, improvement security, and any other papers and materials required by this Ordinance.

B. The city council shall consider the map, the proposed improvement agreement, proposed improvement security, and all accompanying papers and materials. If the city council determines that they conform to the requirements of this Ordinance and the Subdivision Map Act, and that the conditions of approval of the tentative map are satisfied, it shall:

1. Approve the final map. The city council at this time shall also accept, subject to improvement, or reject any or all offers of dedication; and

2. Enter into an agreement for construction of improvements in the subdivision.

C. After approval of the final map by the city council, the city clerk shall execute a certificate thereon stating that the city council approved the map and accepted or rejected, on behalf of the public, parcels of land offered for dedication for public use in conformity with the terms of the offer for dedication. The clerk shall thereupon transmit the final map together with the recording fee, to be paid by the subdivider, to the county recorder.

D. The subdivider shall present to the County Recorder evidence in the form of a title guarantee from a licensed title company that, upon the date of recording, as shown by public records, the parties consenting to the recordation of the map are all the parties having a record title interest in the land being subdivided whose signatures are required by the provisions of this Ordinance, otherwise the map shall not be recorded.

## CHAPTER 16.18 TENTATIVE PARCEL MAPS AND PARCEL MAPS

### Sections:

16.18.010	Purpose
16.18.020	Applicability
16.18.010	General Design
16.18.020	Application Materials
16.18.030	Map Form
16.18.040	Reports Required
16.18.050	Action on Map
16.18.060	Filing of Parcel Map
16.18.070	Property Survey
16.18.080	Lawful Division of Property
16.18.090	Subdivision Alternate

### 16.18.010 Purpose.

This chapter establishes the requirements for the preparation and processing of tentative parcel maps and parcel maps.

### 16.18.020 Applicability.

A tentative parcel map shall be required for all subdivisions creating four or less parcels or where any of the following occurs:

A. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body.

B. Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway.

C. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

D. Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

E. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

### 16.18.030 General Design.

The improvement requirements of Chapter 16.06 shall apply to tentative parcel maps.

### 16.18.020 Application Materials.

Application for a tentative parcel map shall be made to the community development department on forms provided by the community development department, accompanied by the required filing fee, together with eight (8) copies of a tentative parcel map. A tentative parcel map shall be filed in the same form and have the same content, accompanying data and reports as for tentative maps in Chapter 16.08, unless otherwise determined by the community development director.

### 16.18.050 Action on Map.

A. The community development director shall consider the application, map and supporting data, the reports and recommendations of its members, any evidence submitted by the subdivider and interested persons following which he or she shall approve, conditionally approve, or disapprove the tentative parcel map application and map based on the following:

1. Effect of proposed land division on drainage, and other public improvements.
2. Adequacy of proposed water supply for domestic purposes.
3. Adequacy of proposed sewage disposal system.
4. Any other matters which may affect the public health.
5. Consistency with the general plan, Local Coastal Program, zoning ordinance and/or applicable specific plans.
6. Physical suitability of the site for the type of development.
7. Physical suitability of the site for the proposed density of development.
8. Potential of the design of the subdivision or the proposed improvements to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
9. Potential of the design of the subdivision or type of improvements to cause serious public health problems.
10. Potential of the design of the subdivision or the type of improvements to conflict with easements of record, acquired by the public at large, for access through or use of, property within the proposed subdivision, unless the map provides alternate easements, for access or for use, and that these will be substantially equivalent to ones previously acquired by the public.
11. Whether protective improvements are required to be constructed to protect the subdivision from flood, inundation, geologic or slide hazards.
12. Ensuring that the design of the new subdivision or type of improvements will not result in nor facilitate the creation of development sites within primary habitat areas.

B. When the action of the community development director is the approval or disapproval of the map the community development director shall endorse its action upon the map and then send one (1) copy to the applicant and one (1) copy on file. When the action of the community development director is the conditional approval of the map, and when conditions imposed are designated as precedent to approval, the engineering services manager shall so notify the applicant and shall hold the map until the conditions have been met. When met, the community development director or appropriate designee shall so certify by endorsement upon the map and then send one (1) copy to the applicant and keep one (1) copy on file. All conditions of approval shall be met precedent to sale of the property unless otherwise noted.

C. Following the community development director's action, notice of the city's action shall be provided pursuant to the administrative procedures for coastal development permits (see page 15 of the Local Coastal Program Implementation Plan).

#### 16.18.060 Filing of Parcel Map.

When the conditions of approval of the tentative parcel map have been met, a parcel map shall be prepared as prescribed by 11575 to 11580 inclusive of the California Business and Professional Code and all applicable provisions of the Subdivision Map Act. The parcel map shall be submitted to the engineering services manager for examination and filing.

#### 16.18.070 Property Survey

The procedure and practice for all survey work done for preparation of a Parcel Map shall conform to the standards in Section 16.16.080.

#### 16.18.080 Lawful Division of Property.

No sale, lease, or transfer or other division of the land in the tentative parcel map shall be made until the parcel map has been filed with the County Recorder.

16.18.090 Subdivision Alternate.

Nothing contained in Chapter 16.18 shall prohibit a division of land as provided by Chapters 16.08, 16.10 and 16.16.

## CHAPTER 16.20 LOT LINE ADJUSTMENTS

### Sections

- 16.20.010 Purpose
- 16.20.020 Applicability
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#### 16.20.010 Purpose

This chapter establishes procedures for adjusting the boundary lines between no more than four existing parcels.

#### 16.20.020 Applicability

Lot line adjustment may be utilized to reconfigure the size or shape of one lot provided that:

- A. All property line segments adjusted are boundary lines of the subject lot (though the extensions of the adjusted segments may affect several lots);
- B. The lot line adjustment does not alter the number of lots; ~~and~~
- C. The applicant and/or owner of the property has not received approval of a lot line adjustment affecting any of the lots to be altered, or lots abutting any of the lots to be altered, for a period of twelve months immediately preceding the date of the current application; ~~and~~
- D. The lot line adjustment better meets Local Coastal Program goals, objectives, and related provisions than does existing parcelization

#### 16.20.030 Application materials.

Application for a lot line adjustment shall include application for all necessary authorizations, including a coastal development permit, and shall be made to the community development department on forms provided by the community development department, accompanied by the required filing fee. Applications for lot line adjustments shall include the following materials:

- A. Grant deeds and title reports for all properties affected;
- B. An acceptable legal description of each existing and new lot/parcel to be created. Legal descriptions shall be prepared by a registered land surveyor or registered civil engineer;
- C. Four (4) copies of a plat map displaying the new lot or parcel configurations;
- D. City processing fees including the cost of map, plat and/or legal description checking as established by resolution or ordinance of the city council;
- E. The location of all structures on the affected properties shown on separate sheet.

#### 16.20.040 Processing procedures.

A. The community development director shall examine said application, supporting data and map for compliance with the requirements of this Title and shall accept said application and maps for filing when all requirements are met. Once the community development director accepts an application for filing, the community development director shall, within 30 days, either approve the lot line adjustment, approve with conditions, or deny the lot line adjustment based on the following:

1. Compliance of the lot line adjustment with Section 16.20.020;

2. Conformance of the resulting lot(s) with the general plan, zoning ordinance, Local Coastal Program, and/or specific plans; and

3. Whether the adjustment causes existing uses of the property to be out of compliance with any provisions of this code.

B. The applicant shall record new grant deeds which reflect the approved lot line adjustment and shall provide the city with certified copies of the recorded deeds.

C. Upon approval or conditional approval of the lot line adjustment and receipt by the city of certified copies of the recorded deeds reflecting the new configuration, the community development director shall issue either a certificate of compliance or a conditional certificate of compliance as required, indicating the city's acceptance and approval of the request.

#### 16.20.050 Conditions of approval.

The community development director may not impose conditions or exactions on the approval of a lot line adjustment, except:

A. To conform with zoning and building codes;

B. To require the prepayment of real property taxes due for the current fiscal year prior to the approval of the lot line adjustment;

C. To facilitate the relocation of existing utilities, infrastructure or easements.

#### 16.20.060 Prohibited conditions.

A. A record of survey shall not be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code, state of California.

B. No tentative map, parcel map or final map shall be required as a condition to the approval of a lot line adjustment.

#### 16.20.070 Notice of final city action.

Following city council action, notice of the city's action shall be provided pursuant to the administrative procedures for coastal development permits (see page 15 of the Local Coastal Program Implementation Plan).

## CHAPTER 16.22 CERTIFICATE OF COMPLIANCE

### Sections

16.22.010	Purpose
16.22.020	Applicability
16.22.030	Application materials
16.22.040	Review and processing procedures
16.22.050	Form of a certificate of compliance or conditional certificate of compliance
16.22.060	Certificate of noncompliance

#### 16.22.010 Purpose.

Certificates of compliance provide a means for determining and conferring legal status to parcels of land ~~which were not created by legal means~~ and shall be issued in accordance with Section 66499.35 of the Government Code and this chapter.

#### 16.22.020 Applicability.

This chapter applies to parcels of land for which there is no final map, parcel map, official map or approved certificate of exception which establishes legal status for the parcels.

#### 16.22.030 Application materials.

Application for a certificate of compliance shall be made to the community development department on forms provided by the community development department, accompanied by the required filing fee. An application for a certificate of compliance shall be accompanied by the following:

- A. One copy of grant deeds and/or other conveyance documents establishing the ownership of the parcel on the date of its creation;
- B. One copy of the grant deed(s) and/or other conveyance documents showing the current owner of the parcel;
- C. An identification of the assessor's parcel number(s) for the parcel;
- D. A legal description of the parcels;
- E. Current preliminary title report(s) for affected parcels, not more than six months old, issued by a title company
- F. One copy of a plat map(s), which depict the parcel or parcels involved in the request; and
- G. Processing fees.

#### 16.22.040 Review and processing procedures.

The community development director shall review the application and shall issue a certificate of compliance, a certificate of noncompliance or a conditional certificate of compliance. The determination shall be based on the following criteria:

- A. A certificate of compliance shall be issued for any parcel created prior to March 4, 1972, which meets the following criteria:
  - 1. The parcels resulted from a division of land in which fewer than five parcels were created; and
  - 2. At the time of creation of parcels, there was no local ordinance regulating the division of land.
- B. A certificate of compliance shall be issued for any real property which has been approved for development pursuant to Section 66499.34 of the Government Code.

C. ~~A certificate of compliance or a~~ conditional certificate of compliance shall be issued for any parcel which does not, or at the time of creation did not, comply with the provisions of state or local ordinances regulating the division of land, including the Coastal Act and the Local Coastal Program. A conditional certificate of compliance does not establish legal status for a parcel, rather it indicates that certain requirements must first be met, including pursuing and obtaining a coastal development permit, before said parcel can be legally recognized. A conditional certificate of compliance may include conditions as follows:

1. If the subdivider was not the owner of record at the time of the initial land division, the conditional certificate of compliance ~~may~~ shall impose conditions which would have been applicable to a division of land on the date the subdivider acquired the property; and

2. If the subdivider was the owner of record at the time of the initial land division and currently owns one or more of the parcels involved in the land division, the conditional certificate of compliance ~~may~~ shall impose conditions which would be applicable to a current division of land.

#### 16.22.050 Form of a certificate of compliance or conditional certificate of compliance.

The certificate of compliance or conditional certificate of compliance shall be filed with the Monterey County recorder's office and include the following notices:

A. For non-conditional certificates of compliance: "This certificate relates only to issues of the subject parcel's compliance or noncompliance with the Subdivision Map Act and legal ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval";

B. For conditional certificates of compliance: "The parcel and/or property to which this certificate pertains does not, and/or at the time of creation did not, comply with the provisions of state or local ordinances regulating the division of land. This certificate does not establish legal status for the subject parcel/property, rather it indicates that certain requirements must first be met, including pursuing and obtaining a coastal development permit, before said parcel/property can be legally recognized. The parcel/property described herein shall not be sold, leased, or financed before this parcel/property is legally recognized. In addition, development of the parcel/property may separately require issuance of a permit or permits, or other grant or grants of approval, and

B. A listing of any conditions that have been identified by the appropriate decision making body that must be fulfilled and implemented prior to subsequent issuance of a permit or other grant of approval for development of the property, including as specified in the conditional certificate of compliance. If no conditions have yet been identified, an indication that there may be conditions that must be fulfilled and implemented prior to subsequent issuance of a permit or other grant of approval for development of the property, but that they have not yet been identified.

#### 16.22.060 Certificate of noncompliance.

If the community development director has knowledge that real property has been divided in violation of the provision of this Chapter or the Subdivision Map Act, a notice of intention to record a notice of violation shall be mailed by certified mail with return receipt to the then current owner of record of the property. The notice shall describe the property in detail, name the owner(s), describe the violation, with explanation as to why the property is not lawful, and state that the owner will be given opportunity to present evidence to the contrary. The notice shall specify the date, time, and place for a meeting at which the owner may present evidence to the



community development director why a notice of violation should ~~be~~ not be recorded. The meeting shall take place no sooner than thirty (30) days and no later than sixty (60) days from date of mailing. If, within fifteen (15) days of receipt of the notice, the owner of the real property fails to inform the City of his or her objection to recording the notice of violation, the City Manager shall record the notice of violation with the County Recorder. If, after the owner has presented evidence, it is determined that there has been no violation, the City shall mail a clearance letter by certified mail with return receipt to the then current owner of record. If, however, after the owner has presented evidence, the city council determines that the property has in fact been illegally divided, the City Clerk shall record the notice of violation with the County Recorder. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. The County Recorder shall index the names of the fee owners in the general index.