

## **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 the requirements.**
- 16.02.060 Advisory agency.**
- 16.02.070 Community development director.**

#### **16.02.010 Purpose.**

A. This title 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 city of Marina zoning ordinance, the local coastal program and any adopted general plan of the city of Marina. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **16.02.020 Applicability.**

This title shall apply to the subdivision, reconfiguration and consolidation of land within the city. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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 title would deprive the subdivision of privileges enjoyed by other properties in the vicinity; and

2. That the granting of the subdivision exception, the project would achieve greater consistency with the general plan goals and policies; and

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

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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**16.02.060 Advisory agency.**

A. The city council is 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 title. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**16.02.070 Community development director.**

The community development director, or designee, shall have the powers and duties specified by this title. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**Chapter 16.04**

**DEFINITIONS**

**Sections:**

**16.04.010 Definitions generally.**

**16.04.010 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” means 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. “Accessory building” means a subordinate building, the use of which is incidental to that of a main building on the same building site.

“City council” means the city council of the city of Marina, state of California.

“Civil code” means the Civil Code of the state of California.

“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.

Density, Gross. “Gross density” means the ratio of family living units in 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. “Net density” means 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 multifamily housing developments, exclusive of required street or open space dedications.

“Design” means 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 or any applicable specific plan as required pursuant to Government Code Section 66473.5.

“Easement” means 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. “Appurtenant easement” means an easement that runs with the land.

“Easements in gross” means 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. “Public service easements” means and 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 title, which is designed to be placed on record in the office of the recorder of the county of Monterey.

Frontage, Street. “Street frontage” means 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” means the Government Code of the state of California.

“Improvement” means 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 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 agen-

cies, 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 or any applicable specific plan.

“Lateral accessway” means an access easement along the sandy beach frontage parallel to the water’s edge.

“Local coastal plan” refers to the local coastal land use and implementation plans as adopted by the city of Marina and certified by the California Coastal Commission.

“Lot line adjustment” means 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” means the joining of two or more contiguous parcels of land under one ownership into one parcel.

“Owner” means the individuals, firms, partnerships or corporations having proprietary interests in the land sought to be subdivided.

“Parcel map” means any subdivision containing four or less lots or parcels or otherwise qualifying for an exception per the Subdivision Map Act.

“Planning commission” means the planning commission of the city of Marina and the advisory agency referred to in the Subdivision Map Act.

Street, Private. “Private street” means a street, road, way, or alley for vehicular use and privately maintained within a development.

Street, Public. “Public street” means 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” means 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.

“Subdivider” means 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.”

“Subdivision” means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility 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 subdivisions (f), (d), and (m) of Section 1351 of the Civil Code.

“Tentative map and tentative parcel map” means a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it and need not be based upon accurate or detailed final survey of the property.

“Vertical accessway” means an access easement perpendicular from the nearest public road parallel to the ocean to the sandy beach frontage (see Lateral accessway).

“Vesting tentative map” means a map that meets the requirements of a tentative map and Section 66452 of the Subdivision Map Act. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

## 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 accessways.**
- 16.06.060**      **Lateral beach accessways.**
- 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 sewers and laterals.**
- 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 Section 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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, zoning ordinance, specific plan, or other adopted document containing city specifications. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **16.06.040**      **Disturbed dune area.**

Within the coastal dune area, development shall be concentrated in coastal dune disturbed areas. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**16.06.050 Vertical beach accessways.**

Vertical beach accessways shall be provided in accordance with the provisions of the local coastal 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**16.06.080 Street frontage.**

All lots shall have at least thirty-five 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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 four hundred fifty 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**16.06.130 Erosion control.**

Silt basins, structures, planting or other forms of erosion control when necessary.  
(Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**16.06.140 Landscaping and irrigation.**

Installation and maintenance of landscaping and/or screen planting.  
(Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**16.06.150 Storm drainage.**

On-site retention of stormwater is required.  
(Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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.

(Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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.

(Ord. 2007-08 § 4 (Exh. A (part)), 2007)

## Chapter 16.08

### TENTATIVE MAPS

#### Sections:

<b>16.08.010</b>	<b>Purpose.</b>
<b>16.08.020</b>	<b>Applicability.</b>
<b>16.08.030</b>	<b>Application materials.</b>
<b>16.08.040</b>	<b>Tentative map contents.</b>
<b>16.08.050</b>	<b>Public notice.</b>
<b>16.08.060</b>	<b>Action by the planning commission.</b>
<b>16.08.070</b>	<b>Action by the city council.</b>

#### **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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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 copies, one digital copy in AutoCAD, and one reproducible seven and one-half-inch by nine and one-half-inch image on eight-inch by ten-inch 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. 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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 one inch is equal to two thousand feet 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 one inch is equal to one hundred feet. Minimum map size eighteen inches by twenty-six inches.
- 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 foot intervals on slopes up to five percent; two-foot intervals on slopes up to ten percent and five-foot intervals on slopes over ten percent. Contours shall be indicated in contiguous lands for a distance of two hundred feet. Every fifth 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 area as defined in the local coastal land use plan indicate to scale the coastal dune disturbed 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 vertical beach access easements by metes and bounds or other description sufficient in detail to show designation width of ten feet and designation of area as access easement.
- K. 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.
- 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 stormwater, 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 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 feet of any portion of the subdivision shall be shown.
- U. Line of high water when adjacent to any stream, waterway or ocean.
- 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 acre.
- X. Any other information deemed necessary by the community development director to clearly describe the proposed project. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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 chapter, 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;

2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;

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.

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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**16.08.070 Action by the city council.**

Within fifty 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. The city council shall determine whether or not the proposed tentative map meets the requirements of this and any other applicable ordinances and shall thereafter approve, conditionally approve or deny said tentative map. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**Chapter 16.10**

**VESTING TENTATIVE MAPS**

**Sections:**

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**16.10.010**      **Purpose.**

The purpose of this chapter is to establish procedures for the review and approval and administration of vesting tentative maps. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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 et seq. of the Subdivision Map Act. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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, 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, zoning variances, and grading and drainage plans, which are necessary for ultimate development on the area covered by the vesting tentative map. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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.

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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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). (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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.

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.

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 days, from the date a complete application is filed.

3. A subdivider may apply to the planning commission for a one 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 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

## **Chapter 16.12**

### **MERGER OF PARCELS**

#### **Sections:**

<b>16.12.010</b>	<b>Purpose.</b>
<b>16.12.020</b>	<b>Applicability.</b>
<b>16.12.030</b>	<b>Requirements for parcel mergers.</b>
<b>16.12.040</b>	<b>Initiation of merger by property owner.</b>
<b>16.12.050</b>	<b>Processing of owner-initiated mergers.</b>
<b>16.12.060</b>	<b>Initiation of merger by the city.</b>
<b>16.12.070</b>	<b>Notice of intention to determine status.</b>
<b>16.12.080</b>	<b>Notification of property owner.</b>
<b>16.12.090</b>	<b>Director's hearing.</b>
<b>16.12.100</b>	<b>Community development director's determination without hearing—Notice to owner.</b>
<b>16.12.110</b>	<b>Filing notice of merger or notice of nonmerger.</b>

#### **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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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.

(Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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);
- 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.

(Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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 days, request, in writing, a hearing to present evidence that the property does not meet the criteria for merger. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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 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 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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-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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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 days after the mailing of the notice of intention to determine status and no later than thirty 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

## 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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 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 nonuse 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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 days after filing shall forward its recommendations to the city council along with evidence of title and nonuse 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;

- 3. Retention of all previously paid fees; and
  - 4. 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 days after approval of the city council, said map shall be recorded in the county recorder's office. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**16.14.070 Effective date of reversions.**

Reversion shall be effective upon 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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 the city council.**

**16.16.010 Purpose.**

This chapter establishes requirements for the preparation and processing of final maps. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**16.16.020 Applicability.**

Prior to issuance of building permits for a subdivision project for any subdivision creating five or more parcels, five 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 twenty 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 forty 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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 copies and one 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 foot to ten thousand feet on the perimeter of the exterior boundary of the tract and of each block within the tract and each irregular lot. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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 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 eighteen inches by twenty-six inches, and all sheets shall have a one inch 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 sheets are necessary, an index diagram shall be provided.

D. A subtitle 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 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 one-eighth-inch 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.

(Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **16.16.050 Submission procedure.**

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 chapter 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **16.16.060 Time limit.**

A. Within twenty-four 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.

C. Any failure to record a final map within twenty-four 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 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 thirty-six 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 ten 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 Chap-

ter 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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 chapter 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 by 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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 chapter. 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) of this section, 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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 one inch is equal to forty feet horizontally in plan; one inch is equal to four feet 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 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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 chapter 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 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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 chapter.

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 chapter 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 chapter, otherwise the map shall not be recorded. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

## **Chapter 16.18**

### **TENTATIVE PARCEL MAPS AND PARCEL MAPS**

#### **Sections:**

- |                  |                        |
|------------------|------------------------|
| <b>16.18.010</b> | <b>Purpose.</b>        |
| <b>16.18.020</b> | <b>Applicability.</b>  |
| <b>16.18.030</b> | <b>General design.</b> |

- 16.18.040**      **Application materials.**
- 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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 twenty 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 forty 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**16.18.030**      **General design.**

The improvement requirements of Chapter 16.06 shall apply to tentative parcel maps. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**16.18.040**      **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 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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, 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.

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 copy to the applicant and one 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 copy to the applicant and keep one copy on file. All conditions of approval shall be met precedent to sale of the property unless otherwise noted. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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 Sections 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**16.18.090 Subdivision alternate.**

Nothing contained in this chapter shall prohibit a division of land as provided by Chapters 16.08, 16.10 and 16.16. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

## Chapter 16.20

### LOT LINE ADJUSTMENTS

#### Sections:

<b>16.20.010</b>	<b>Purpose.</b>
<b>16.20.020</b>	<b>Applicability.</b>
<b>16.20.030</b>	<b>Application materials.</b>
<b>16.20.040</b>	<b>Processing procedures.</b>
<b>16.20.050</b>	<b>Conditions of approval.</b>
<b>16.20.060</b>	<b>Prohibited conditions.</b>

#### **16.20.010 Purpose.**

This chapter establishes procedures for adjusting the boundary lines between no more than four existing parcels. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **16.20.030 Application materials.**

Application for a lot line adjustment 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 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.
- (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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 thirty 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 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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.
- (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

#### **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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

## **Chapter 16.22**

### **CERTIFICATE OF COMPLIANCE**

#### **Sections:**

- |                  |                                                                                      |
|------------------|--------------------------------------------------------------------------------------|
| <b>16.22.010</b> | <b>Purpose.</b>                                                                      |
| <b>16.22.020</b> | <b>Applicability.</b>                                                                |
| <b>16.22.030</b> | <b>Application materials.</b>                                                        |
| <b>16.22.040</b> | <b>Review and processing procedures.</b>                                             |
| <b>16.22.050</b> | <b>Form of a certificate of compliance or conditional certificate of compliance.</b> |
| <b>16.22.060</b> | <b>Certificate of noncompliance.</b>                                                 |

#### **16.22.010 Purpose.**

Certificates of compliance provide a means for 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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.

(Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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. 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 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 impose conditions which would be applicable to a current division of land. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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 parcel compliance. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)

**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 not be recorded. The meeting shall take place no sooner than thirty days and no later than sixty days from date of mailing. If, within fifteen 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. (Ord. 2007-08 § 4 (Exh. A (part)), 2007)