
Chapter 16.90 URBAN LOT SPLITS

16.90.010 Purpose.

The purpose of this section is to allow and appropriately regulate urban lot splits in accordance with Government Code section 66411.7.

16.90.020 Definition.

An “urban lot split” means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of this section.

16.90.030 Application.

- A. Only individual property owners may apply for an urban lot split. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).
- B. An application for an urban lot split must be submitted on the city’s approved form. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
- C. Each map application shall contain information as required in Chapter 16.16 Filing of Tentative Map.
- D. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

16.90.040 Approval.

- A. An application for a parcel map for an urban lot split is approved or denied ministerially, by the community development director, without discretionary review.
- B. A tentative parcel map for an urban lot split is approved ministerially if it complies with all the requirements of this section. A final parcel map is approved ministerially as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements. The tentative parcel map expires three months after approval.

16.90.050 Requirements.

An urban lot split must satisfy each of the following requirements:

- A. **Map Act Compliance.**
 - a. The urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410 et. seq., “SMA”), including implementing requirements in this code, except as otherwise expressly provided in this section.
 - b. Notwithstanding section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an urban lot split.
- B. **Zone.** The lot to be split is in a single-family residential zone which includes:
 - a. the R-1 Single Family Residential zone citywide;

- b. the R-3, R-4, and R-5 Single Family Residential zones in the Spring Lake Specific Plan; and
- c. the R-4 and R-5 Single Family zones in the Southeast Area Specific Plan.

C. Lot Location.

- a. The lot to be split is not located on a site that is any of the following:
 - i. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - ii. A wetland.
 - iii. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
 - iv. A hazardous waste site that has not been cleared for residential use.
 - v. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
 - vi. Within a 100-year flood hazard area, unless the site has either:
 - 1. been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
 - 2. meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
 - vii. Within a regulatory floodway, unless all development on the site has received a no-rise certification.
 - viii. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
 - ix. Habitat for protected species.
 - x. Land under conservation easement.

D. Not Historic. The lot to be split must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.

E. No Prior Urban Lot Split.

- a. The lot to be split was not established through a prior urban lot split.
- b. The lot to be split is not adjacent to any lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.

F. No Impact on Protected Housing. The urban lot split must not require or include the demolition or alteration of any of the following types of housing:

- a. Housing that is income-restricted for households of moderate, low, or very low income.

- b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.
- c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
- d. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which an urban lot split is sought must provide a notarized statement as to this fact with the application for the parcel map.

G. Lot Size.

- a. The lot to be split must be at least 2,400 square feet.
- b. The resulting lots must each be at least 1,200 square feet.
- c. Each of the resulting lots must be between 60 percent and 40 percent of the original lot area.

H. Easements.

- a. The owner must enter into an easement agreement with each public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
- b. Each easement must be shown on the parcel map.
- c. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final map may be approved, in accordance with Section 16.90.040 above.

I. Lot Access.

- a. Each resulting lot must adjoin the public right of way and have at least 20 feet of frontage on the public right of way. Public right of way may include private streets that are open to the public and actively maintained. Private roads and alleys that are not maintained shall not be utilized as primary access.
- b. Curb cuts and additional driveways shall be minimized. Shared driveways shall be utilized to the extent possible.
- c. Any new driveway shall be no closer than five (5) feet to any other driveway and shall be the narrowest width at the right of way possible to allow access.

16.90.060 Information to be submitted with parcel and final maps.

The following information shall be submitted with all parcel and final maps:

- A. Improvement plans as required by Chapter 16.44 of this title.
- B. A title report showing the legal owners at the time of submittal of the parcel or final map.
- C. A guarantee of title, in form acceptable to the City Engineer and City Attorney, shall be issued by a competent title company to and for the benefit and protection of the City and shall be continued complete up to the instant of recording of the final map, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all public easements being offered for dedication, and all acknowledgments hereto, appear on the proper certificates and are correctly shown on the map, both as to consents as to the making thereof and affidavits of dedication where necessary.

- D. A certificate from the County Tax Collector stating that all taxes due have been paid or that a tax bond or other adequate form of security assuring payment of all taxes which are a lien but not yet payable has been filed with the County.
- E. Whenever land, easements or rights-of-way are to be dedicated for public use or access or land, easements or rights-of-way are to be granted to public agencies, all such land, easements, or rights-of-way not dedicated or granted by the owner's statement on the final map or parcel map shall be granted by deeds submitted with the final or parcel map.
- F. Written evidence of rights-of-entry or permanent easements on or across private property not within the proposed subdivision as may be necessary to allow performance of the work necessary to improve the subdivision, to allow for the maintenance of the subdivision improvements once completed, to allow for permanent public access to the proposed subdivision, and to allow for and to grant necessary slope rights shall be submitted with the final map or parcel map.
- G. Written evidence of such deeds, easements or rights-of-way not within the proposed subdivision as may be necessary to provide for the acceptance of stormwaters generated by the proposed subdivision shall be submitted with the final map or parcel map.
- H. All title, rights and easements reasonably required to carry out the purposes of this chapter and the Subdivision Map Act shall be offered for dedication to the City or other appropriate public agency not later than the time the final map or parcel map is filed for approval. Except as provided for Urban Lot Splits in Section 16.90.050.
- I. Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines.
- J. Complete hydrologic and hydraulic calculations of all storm drains and flood flow.
- K. The submittal of the final map or parcel map for a common interest development within the meaning of Civil Code Section 4000 et seq., shall include the proposed declaration of covenants, conditions and restrictions in Section 4250, and all other governing documents for the subdivision as are appropriate pursuant to Civil Code Section 4800 et seq. The submittal of the final map or parcel map for all subdivisions other than a common interest development shall include any declaration of covenants, conditions and restrictions proposed in connection therewith. All documents shall be subject to review and approval by the City Engineer and City Attorney.
- L. In the event sewer, water, drainage, grading, paving or other required improvements have not been completed prior to the filing of the final map, an agreement in accordance with the requirements of Chapter 16.44 of this title shall be filed for the improvement thereof. The subdivider shall secure the performance of the agreement in accordance with the requirements of Chapter 16.44.
- M. The improvement agreement shall obligate the subdivider to hold the City and its elected officials, officers, agents, employees and volunteers harmless from any liability for damages or claims for damages for personal injury or death, which arise from the operations of the subdivider and/or the subdivider's subcontractors in connection with the subdivision. Evidence of insurance as required by the City indicating the amount of insurance the subdivider or his or her subcontractors in connection with the subdivision. A certificate of insurance shall be provided which names the City as an additional insured. The evidence and certificate of insurance required by this subsection shall be subject to prior review and approval by the City Engineer and City Attorney.
- N. Copy of the approved or conditionally approved tentative map and the final conditions of approval.
- O. The final map or parcel map shall be accompanied by a statement to be signed by the Community Development Director, which states that the map substantially complies with the conditions of approval imposed by the Planning Commission and/or City Council. (Prior code § 21-9-5

16.90.070 Parcel map preparation.

A parcel map may be compiled from data shown on final maps, records of survey and parcel maps only if such filed or recorded maps were based upon field surveys and were recorded within the last 15 years. Data from a filed survey made within the last 15 years and filed with the City Engineer, County Surveyor or County

Recorder may also be used. The 15-year time limit may be waived by the City Engineer, if it is shown that record monumentation exists and that existing angles and distances on the ground measure within the required limits of record angles and distances. Parcel maps compiled from filed or recorded data shall conform to the requirements of the Subdivision Map Act. All other parcel maps shall be based on a field survey made in conformity with the Professional Land Surveyor's Act (California Business and Professions Code Section 8700 et seq.) and shall conform to the requirements of the Subdivision Map Act (California Government Code Section 66410 et seq.). (Prior code § 21-9-6)

16.90.080 Acceptance of dedications.

The City Engineer shall first approve and the City Clerk thereafter may accept or reject on behalf of the City, dedications or offers of dedications, whether made by separate document or by statement on the parcel map or final map. (Prior code § 21-9-7)

16.90.090 City Engineer statement on final map.

- A. The City Engineer shall sign, date and, below or immediately adjacent to the signature, indicate his or her registration or license number with expiration date and the stamp of his or her seal, the following statement:
1. He or she has examined the map;
 2. The subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof;
 3. All provisions of this chapter and the Subdivision Map Act applicable at the time of approval of the tentative map have been complied with;
 4. He or she is satisfied that the map is technically correct.
- B. If the City Engineer cannot sign the statement required by subsection A of this section due to deficiencies with the final map, he or she shall return the map, along with a written list of the deficiencies, to the subdivider for correction. Resubmittals of final maps shall be subject to the same time limits as original submittals. (Prior code § 21-9-8)

16.90.100 Review and approval of final maps.

- A. The City shall disapprove a map for failure to meet or perform any of the requirements or conditions imposed by the Subdivision Map Act or this chapter, which were applicable to the subdivision at the time of approval of the tentative map. Such disapproval shall be accompanied by a finding identifying the requirements or conditions that have not been met or performed. When the failure of the map is the result of a technical and inadvertent error, which, in the determination of the Community Development Director, does not materially affect the validity of the map, the provisions of this subsection may be waived in the discretion of the Community Development Director.
- B. The review and approval of final maps shall be as stated below:
1. Pursuant to Section 66442 of the Subdivision Map Act and Section 16.36.080, the City Engineer shall examine the final map. Within 20 days from the time the final map is submitted to the City Engineer, he or she shall complete and file the statement required by Section 16.36.080(A) and approve the map if it conforms to all requirements of the Subdivision Map Act and this title as applicable at the time of approval or conditional approval of the tentative map. If the map does not

conform, the City Engineer shall disapprove the map. After approval by the City Engineer, the map shall be forwarded by the City Clerk to the County Recorder for recordation. (Prior code § 21-9-9)

16.90.110 Correction and amendment of maps.

- A. After a final map for an urban lot split is filed in the office of the County Recorder, it may be amended by a certificate of correction or an amending map for any of the following purposes:
1. To correct an error in any course or distance shown.
 2. To show any course or distance that was omitted.
 3. To correct an error in the description of the real property shown on the map.
 4. To indicate monuments set after the death, disability, retirement from practice or replacement of the engineer or surveyor charged with responsibilities for setting monuments.
 5. To show the proper location or character of any monument which has been changed in location or character which originally was shown at the wrong location or incorrectly as to its character.
 6. To correct any other type of map error or omission as approved by the City Engineer, which does not affect any property right. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names and identification of adjacent record maps but not changes in courses or distances if not ascertainable from the data shown on the map.
- B. The amending map must conform to the requirements of this chapter and must be signed by a registered civil engineer or licensed land surveyor, current property owners and the City Engineer. Said map shall be filed in the office of the County Recorder. (Prior code § 10)

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