ORDINANCE NO. 3690

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 250 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE RELATING TO GENERAL PROVISIONS – MAP REQUIREMENTS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Chapter 250 of the Huntington Beach Zoning and Subdivision Ordinance entitled General Provisions is hereby amended by amending Section 250.14, said section to read as follows:

250.14 Map Requirements

A. Tentative and Final Map. A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civic 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. Exceptions as stated in Section 66426 of the Subdivision Map Act shall comply with Subsection B.

B. Tentative and Parcel Map. A tentative and parcel map shall be required for all divisions of land into four or fewer parcels and exceptions stated in Section 66426 of the Subdivision Map Act. However parcel maps shall not be required for:

1. Subdivisions of a portion of the operating right-of-way of a railroad corporation, which are created by short-term leases terminable by either party on not more than 30 days' notice in writing.

2. Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the Department in individual cases, upon substantial evidence, that public policy necessitates a parcel map. If a parcel map is not required, the dedication or offer must be indicated by a separate instrument.

3. Lot line adjustments, provided:

a. No additional parcels or building sites are created;

b. The resulting parcels conform to Titles 20-24 (Zoning) of this Code;

c. The lot line adjustment shall not sever any existing structure on either of the two parcels.

d. The lot line adjustment shall not allow a greater number of dwelling units than allowed prior to the adjustment.

e. The lot line adjustment is approved by the Director or by the Planning Commission on appeal; and (3530-2/02)

f. A plat map showing the lot line adjustment is prepared, approved, and filed in accord with the provisions of Section 253.24.

G-1b

4. Parcel maps waived by the Zoning Administrator as provided by Section 251.20.

5. Subdivision of property with two to four apartment or stock cooperative units that were converted to and sold as condominium units without approval of a conditional use permit and tentative parcel map prior to June 1, 2004, provided:

   a. Sale of condominium units is evidenced by recorded documents;

   b. No dedications or improvements are required by the Zoning and Subdivision Ordinance;

   c. Covenants, conditions, and restrictions (CC&Rs) are recorded at the County of Orange;

   d. A plat map showing the condominium subdivision is prepared, approved by the City Engineer, and recorded at the County of Orange;

   e. A conditional use permit is approved pursuant to Section 235.04 and a Certificate of Compliance is issued by the Director and recorded at the County of Orange.

C. Designation of Remainder Parcel. When a subdivision includes a remainder parcel as provided in Section 66424.6 of the Subdivision Map Act, the remainder parcel shall be in conformance with Titles 20-24 and shall require a Certificate of Compliance as provided by Section 258.06.

SECTION 2. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2004.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____ 11/1/04
City Attorney

REVIEWED AND APPROVED:

_____
City Administrator

INITIATED AND APPROVED:

_____
Director of Planning

G-1b.2

ORDINANCE NO. 3690

LEGISLATIVE DRAFT

Chapter 250 General Provisions

(3334-6/97, 3530-2/02)

Sections:

250.02	Citation and Authority
250.04	Consistency
250.06	Applicability
250.08	Exceptions
250.10	Definitions
250.12	Responsibilities
250.14	Map Requirements
250.16	Fees and Deposits

250.02 Citation and Authority

This Title is adopted pursuant to Chapter XI, Section 7 of the California Constitution and to supplement and implement the Subdivision Map Act, Section 66410 et seq. of the Government Code. This title may be cited as the Subdivision Ordinance of the City of Huntington Beach.

250.04 Consistency

No land shall be subdivided and developed for any purpose that is inconsistent with the Huntington Beach General Plan, the Local Coastal Program for development within the coastal zone, or any applicable specific plan of the City or that is not permitted by Titles 20-24, Zoning, or other applicable provisions of this Code. (3334-6/97)

The type and intensity of land use as shown on the General Plan, and Local Coastal Program for land within the coastal zone, and any applicable specific plan shall determine, together with the requirements of the Subdivision Map Act and this Title, the type of streets, roads, highways, utilities, and other public services that the subdivider shall provide. (3334-6/97)

250.06 Applicability

The provisions set forth in this Title shall apply to all or parts of subdivisions within the City and to the preparation of subdivision maps and to other maps provided for by the Subdivision Map Act and this Title after the effective date of this Title. All subdivisions and any part thereof lying within the City shall be made and all subdivision maps shall be prepared and presented for approval as provided for in this chapter.

All subdivisions and lot line adjustments located within the coastal zone that meet the definition of development as defined in Section 245.04(J) shall require approval of a coastal development permit. (3334-6/97)

G-16.3

250.08 Exceptions

This chapter shall not apply to the items listed in Sections 66412, 66412.1, 66412.2 and 66412.5 of the Subdivision Map Act. However subject to the provisions of Section 66412(d) of the Subdivision Map Act, a lot line adjustment between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, provided that, the lot line adjustment is approved pursuant to Section 250.16B.

250.10 Definitions

For the purposes of this Title, unless otherwise apparent from the context, certain words and phrases used in this Title are defined in this section as set forth below. All definitions provided in Chapters 1.04, 245.04, and 203 of the Municipal Code and all definitions provided in the Subdivision Map Act shall also be applicable to this Title and said definitions are hereby incorporated by this reference as though fully set forth herein.

Access Rights. The right of abutting landowners or occupants to obtain access to an abutting public way.

Acreage. Any parcel of land which is not a lot, as defined in this chapter, and those areas where a legal subdivision has not been made previously, or where a legal subdivision has declared such parcel as acreage.

Block. The area of land within a subdivision, which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.

Certificate of Compliance. A valid authorization, issued by the City, stating that the subdivision of creation complies with City subdivision laws applicable at the time of creation or stating that the subdivision complies with the Subdivision Map Act and this Title.

City Engineer. The City Engineer of the City of Huntington Beach.

Collector Street. A street, intermediate in importance between a local street and an arterial highway, which has the purpose of collecting local traffic and carrying it to an arterial highway.

Conversion. The creation of separate ownership of existing real property together with a separate interest in space of residential, industrial or commercial buildings.

Cul-de-Sac. A local street, one end of which is closed and consisting of a circular turnaround.

Day. A calendar day unless otherwise specified.

Department. The Community Development Department of the City of Huntington Beach.

Department of Public Works. The Department of Public Works of the City of Huntington Beach.

Director. The Director of the Community Development Department of the City of Huntington Beach.

G-16.4

Easement. A grant of one or more property rights by the owner to the City, a public entity, public utility, or private party.

Final Map. A map showing a subdivision of five or more parcels, prepared in accordance with the provisions of the Subdivision Map Act and this Title and designed to be placed on record in the office of the Orange County Recorder.

Lot Line Adjustment. A minor shift or rotation of an existing lot line where a greater or lesser number of parcels than originally existed is not created.

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

Parcel. A unit or portion of a unit of improved or unimproved land.

Parcel Map. A map showing a subdivision of four or fewer parcels or a subdivision pursuant to the exceptions stated in Section 66426 of the Subdivision Map Act prepared in accordance with the provisions of the Subdivision Map Act and this Title and designed to be placed on record in the office of the Orange County Recorder.

Parkway. That area between the curb face and abutting property line.

Person. Any individual, firm, co-partnership, joint venture, organization, corporation, estate, trust, receiver, syndicate, this City, and any other public agency.

Private Street. Any street or accessway which is privately held, maintained and utilized as access to a development.

Remainder. That portion of an existing parcel which is not divided for the purpose of sale, lease, or financing nor part of the subdivision.

Scenic Easement. An easement dedicated to the City that protects a view from a specific location or locations to a specific visual resource by prohibiting or limiting development.

Service Road. A street adjacent to and providing access to an arterial highway.

Standard Plans. Plans and engineering drawings for public improvements as adopted by the Department of Public Works.

Standard Engineering Specifications. Specifications for public improvements adopted by the Department of Public Works.

Subdivision Committee. The Subdivision Committee of the City of Huntington Beach.

Subdivision Map Act. The provisions of Division 2, Subdivisions of the California Government Code, relating to subdivisions of land and real property commencing with Section 66410.

Tentative map. A map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it precedent to the approval of a final map. Tentative map shall include a tentative parcel map, prepared pursuant to the provisions of this Title.

G-16.5

Usable Parcel Area. That portion of a parcel which does not exceed a slope of 10 percent. Any portion of the parcel exceeding 10 percent shall, for the purpose of this Title, be considered slope and not usable parcel area.

Vesting Tentative Map. A tentative map for a residential subdivision that has, printed conspicuously on its face, the words "vesting tentative map" at the time it is filed with the City, and is processed in accordance with the provisions of Chapter 252 of this Title. (3334-6/97)

250.12 Responsibilities

A. City Attorney. The City Attorney's responsibilities shall include approving as to form all subdivision improvement agreements; covenants, codes, and restrictions; security, liability agreements and insurance; and all governing documents for a community apartment project, condominium, stock cooperative, or conversion.

B. City Council. The City Council shall have final jurisdiction in the approval of final maps and improvement agreements and the acceptance by the City of land and/or improvements as may be proposed for dedication to the City for subdivisions of five or more parcels.

The City Council shall act as the appeal board for hearing appeals of all subdivision maps acted upon by the Planning Commission.

C. Planning Commission. The Planning Commission's responsibilities shall include approving, conditionally approving, or denying the application for tentative map approval of subdivisions of ten or more parcels. The Planning Commission shall act as the appeal board for hearing appeals of tentative parcel maps and tentative maps for subdivisions of 9 or fewer parcels.

D. Zoning Administrator. The Zoning Administrator's responsibilities shall include the processing and approval, conditional approval or denial of tentative map approval of subdivisions of nine or less parcels, tentative parcel maps and waivers of parcel map requirements, lot line adjustments, mergers and certificates of compliance.

E. City Engineer. The City Engineer's responsibilities shall include:

1. Establishing design and construction details, standards and specifications.

2. Determining if proposed subdivision improvements comply with the provisions of the Subdivision Map Act and this Title.

3. The processing and certification of final maps, reversion to acreage maps, and amended maps and the processing and approval of subdivision improvement plans.

4. Examining and certifying that final maps are in substantial compliance with the approved tentative map.

G-1b.6

5. Final jurisdiction in the approval of parcel maps and certification of lot line adjustments.

6. The inspection and approval of subdivision public improvements.

7. The acceptance of dedications and public improvements for subdivisions by parcel map, and off-site dedications lying outside a subdivision boundary which require a separate grant deed.

8. Collection of all required fees and deposits associated with final maps and parcel maps except park and recreation fees.

F. Director. The Director's responsibilities shall include the processing of tentative maps and lot line adjustments.

1. Determinations of violations of the provisions of the Subdivision Map Act or this Title.

2. The management of the Planning Division in carrying out the responsibilities imposed upon it by this Title. When necessary to carry out the Director's responsibilities hereunder, the Director may designate and authorize a representative to act on his or her behalf.

3. Collection of park and recreation fees and fees associated with tentative maps.

G. Subdivision Committee. The Subdivision Committee's responsibilities shall include examining and determining that tentative and vesting tentative maps comply with the provisions of the Subdivision Map Act, this Title, the Local Coastal Program for maps located within the coastal zone, and the City's General Plan, and recommending approval, disapproval, or conditional approval of tentative or vesting tentative maps to the Planning Commission or Zoning Administrator.

The Subdivision Committee shall consist of the following members or their authorized representatives:

1. The Director who shall serve as chairperson and secretary;

2. The City Engineer;

3. The Fire Chief; and

4. Three members of the Planning Commission.

Representatives from other departments shall attend meetings when requested to do so by the Subdivision Committee.

H. Coastal Commission. The Coastal Commission shall have appeal jurisdiction over coastal development permits approved for all subdivisions and lot line adjustments located within the appealable area of the coastal zone that constitute development as defined in Section 245.04(J). (3334-6/97)

G-167

250.14 Map Requirements

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B. Tentative and Parcel Map. A tentative and parcel map shall be required for all divisions of land into four or fewer parcels and exceptions stated in Section 66426 of the Subdivision Map Act. However parcel maps shall not be required for:

1. Subdivisions of a portion of the operating right-of-way of a railroad corporation, which are created by short-term leases terminable by either party on not more than 30 days' notice in writing.

2. Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the Department in individual cases, upon substantial evidence, that public policy necessitates a parcel map. If a parcel map is not required, the dedication or offer must be indicated by a separate instrument.

3. Lot line adjustments, provided:

   a. No additional parcels or building sites are created;

   b. The resulting parcels conform to Titles 20-24 (Zoning) of this Code;

   c. The lot line adjustment shall not sever any existing structure on either of the two parcels.

   d. The lot line adjustment shall not allow a greater number of dwelling units than allowed prior to the adjustment.

   e. The lot line adjustment is approved by the Director or by the Planning Commission on appeal; and (3530-2/02)

   f. A plat map showing the lot line adjustment is prepared, approved, and filed in accord with the provisions of Section 253.24.

4. Parcel maps waived by the Zoning Administrator as provided by Section 251.20.

5. **Subdivision of property with two to four apartment or stock cooperative units that were converted to and sold as condominium units without approval of a conditional use permit and tentative parcel map prior to June 1, 2004, provided:**

G-1b.8

a. Sale of condominium units is evidenced by recorded documents;

b. No dedications or improvements are required by the Zoning and Subdivision Ordinance;

c. Covenants, conditions, and restrictions (CC&Rs) are recorded at the County of Orange;

d. A plat map showing the condominium subdivision is prepared, approved by the City Engineer, and recorded at the County of Orange;

e. A conditional use permit is approved pursuant to Section 235.04 and a Certificate of Compliance is issued by the Director and recorded at the County of Orange.

C. Designation of Remainder Parcel. When a subdivision includes a remainder parcel as provided in Section 66424.6 of the Subdivision Map Act, the remainder parcel shall be in conformance with Titles 20-24 and shall require a Certificate of Compliance as provided by Section 258.06.

250.16 Fees and Deposits

All persons submitting maps as required by this chapter shall pay all fees and/or deposits as provided by this Title and by the City Council resolution establishing applicable fees and charges.

G-1b.9

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