

ORDINANCE NO. 19-014

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE
AMENDING TITLE 23 AND TITLE 24 OF THE PACIFIC GROVE MUNICIPAL
CODE REGARDING SUBDIVISION OF LAND**

WHEREAS, since May 6, 1964, the City of Pacific Grove (City) has regulated subdivision of land as set forth in Pacific Grove Municipal Code (PGMC) Chapter 24, the Subdivision Ordinance; and

WHEREAS, the City Council directed staff to update the Subdivision Ordinance to facilitate the orderly division and creation of new lots in the City as the last update occurred in 1981; and

WHEREAS, on March 7, 2019 the Planning Commission reviewed a conceptual draft of the Subdivision Ordinance and provided direction to staff to revise Title 24 and related amendments to Title 23 to remove redundancies; and

WHEREAS, on August 8, 2019, the Planning Commission reviewed and discussed the proposed Subdivision Ordinance and recommended adoption with certain modifications; and

WHEREAS, notice of the public hearing was published or posted on September 12, 2019; and

WHEREAS, this ordinance amends Chapters 23 and 24 of the Municipal Code to update the mechanics of subdividing land within the City and ensure that new lots are in conformance with both the State Subdivision Map Act and City regulations, remove outdated language, and update processing timelines; and

WHEREAS, in the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq.

WHEREAS, enactment of this ordinance action does not constitute a “project” as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Existing Municipal Code Table 23.70.012-1 of Section 23.70.012, entitled “Types of community development permits and related review authorities” shall be amended by the deletion of all text shown in ~~strikeout text~~ and by the addition of all text shown in bold, italic text (*bold italic text*), as follows:

**Table 23.70.012-1:
Types of Review, Applications, and Roles of Review Authorities**

Roles of Review Authorities ¹							
Type of Permit Application	Director	ZA	SPRC	ARB	HRC	PC	CC
ARB = Architectural Review Board, CC = City Council, HRC = Historic Resources Committee, HRI = Historic Resources Inventory, LCP = Local Coastal Program, PC = Planning Commission, PGMC = Pacific Grove Municipal Code Section, SPRC = Site Plan Review Committee, and ZA = Zoning Administrator.							
Counter Review: Recommended preliminary staff review of projects to determine compliance with zoning code, need for further permit applications, or determination of which track below best suits the situation. (PGMC 23.70.018)							
Counter Review and Determination: Required director review of specific projects or land uses in order to verify compliance with zoning standards. (PGMC 23.70.020)							
Staff Approvals: For timely approval of permits for the following projects and uses:							
Admin. architectural permit – not on HRI (PGMC 23.70.030)	Decision ²	Hearing/ Decision		Appeal ⁵			Appeal ⁵
Admin. architectural permit – on HRI (PGMC 23.70.030)	Decision ^{2,3}				Hearing/ Decision	Appeal ⁵	Appeal ⁵
Architectural design change – not on HRI (PGMC 23.70.030)	Decision ²	Hearing/ Decision		Appeal ⁵			Appeal ⁵

**Table 23.70.012-1:
Types of Review, Applications, and Roles of Review Authorities**

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Type of Permit Application	Director	ZA	SPRC	ARB	HRC	PC	CC
Architectural design change – on HRI (PGMC 23.70.030)	Decision ^{2,3}				Hearing/ Decision	Appeal ⁵	Appeal ⁵
Lot merger (PGMC 23.70.030, 24.04.030)	Decision	Hearing/ Decision	-	-	-	Appeal ⁵	Appeal ⁵
Admin. sign permit (PGMC 23.70.030)	Decision	Hearing/ Decision		Appeal ⁵			Appeal ⁵
Admin. use permit and admin. use permit amendments ⁷ (PGMC 23.70.030)	Decision ²	Hearing/ Decision				Appeal ⁵	Appeal ⁵
Admin. variance and admin. variance amendments (PGMC 23.70.030)	Decision ²	Hearing/ Decision				Appeal ⁵	Appeal ⁵
<i>Certificate of Compliance (PGMC 24.05)</i>	<i>Decision</i>					<i>Appeal⁵</i>	<i>Appeal⁵</i>
<i>City Initiated Merger (PGMC 24.04.050)</i>		<i>Decision</i>				<i>Appeal⁵</i>	<i>Appeal⁵</i>
<i>Lot line Adjustment and Owner Initiated Merger (PGMC 23.70.030, 24.06)</i>	<i>Decision²</i>		<i>Decision</i>			<i>Appeal⁵</i>	<i>Appeal⁵</i>
Permitting of undocumented dwelling units (PGMC 23.70.030)	Decision ²	Hearing/ Decision				Appeal ⁵	Appeal ⁵
Zoning Administrator: For the following applications:							

**Table 23.70.012-1:
Types of Review, Applications, and Roles of Review Authorities**

Roles of Review Authorities¹							
Type of Permit Application	Director	ZA	SPRC	ARB	HRC	PC	CC
Interpretations of permitted use lists (PGMC 23.70.040, Chapter 23.82 PGMC)		Decision ⁶				Appeal	Appeal
Historic relocation permit – on-site (PGMC 23.70.040, 23.76.100)		Decision ⁶			Hearing/ Decision	Appeal	Appeal
Parcel map (PGMC 23.70.040, Chapter 24.08 PGMC)		Decision ⁶				Appeal	Appeal
Site Plan Review Committee: For the following approvals:							
Lot line adjustment (PGMC 23.70.050, 24.04.030)	-	-	Decision	-	-	Appeal	Appeal
Site plan review (multifamily/ commercial/industrial projects only) (PGMC 23.70.050)			Review and Comment				
Architectural Review Board: For the following applications:							
Architectural permit for new construction, major alteration, or demolition/reconstruction – not on HRI (PGMC 23.70.060)				Decision		Appeal	Appeal
Sign permit (PGMC 23.70.060)				Decision		Appeal	Appeal

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Types of Review, Applications, and Roles of Review Authorities**

Roles of Review Authorities ¹							
Type of Permit Application	Director	ZA	SPRC	ARB	HRC	PC	CC
Historic Resources Committee: For the following applications:							
Historic determination (PGMC <u>23.70.070</u> , <u>23.76.030</u>)					Decision	Appeal	Appeal
Architectural permit for major alteration – on HRI (PGMC <u>23.70.070</u>)					Decision	Appeal	Appeal
Historic preservation permit (PGMC <u>23.70.070</u> , <u>23.76.060</u>)					Decision	Appeal	Appeal
Historic demolition permit (PGMC <u>23.70.070</u> , <u>23.76.090</u>)					Decision	Appeal	Appeal
Historic relocation permit – off-site (PGMC <u>23.70.070</u> , <u>23.76.100</u>)					Decision	Appeal	Appeal
Initial historic screening (PGMC <u>23.70.070</u>)	Decision				Recommend		
Planning Commission: For the following applications:							
Use permit and use permit amendments (PGMC <u>23.70.080(a)</u>)						Decision	Appeal
Variance and variance amendments (PGMC <u>23.70.080(b)</u>)						Decision	Appeal
Tentative tract map						Decision	Appeal

**Table 23.70.012-1:
Types of Review, Applications, and Roles of Review Authorities**

Roles of Review Authorities ¹							
Type of Permit Application	Director	ZA	SPRC	ARB	HRC	PC	CC
(Chapter <u>24.12</u> PGMC)							
Final tract map (Chapter <u>24.16</u> PGMC)						Decision	Appeal
Administrative and Amendments: For legislative actions and code interpretations (other than interpretations for permitted use lists), the following applies:							
General plan amendments (Chapter <u>23.84</u> PGMC)						Recommend	Decision
LCP amendments (Chapter <u>23.84</u> PGMC)						Recommend	Decision
Zoning text amendments (Chapter <u>23.84</u> PGMC)						Recommend	Decision
Zoning map amendments (Chapter <u>23.84</u> PGMC)						Recommend	Decision
Interpretations of code (PGMC <u>23.04.040</u>)	Decision ⁴					Appeal	Appeal

1. “Decision” means that the review authority makes the decision on the matter; “hearing” means that the review authority holds a hearing and renders a decision only if requested in response to a notice, in compliance with PGMC 23.70.030 (Staff approvals); “appeal” means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 23.74 PGMC (Appeals and Call-Ups); “recommend” means that the review authority makes a recommendation to a higher decision-making body.

2. The director may defer action and refer the item to the hearing authority for decision.

3. If an administrative architectural permit or an architectural design change is accompanied by a historic preservation permit, both applications shall be reviewed concurrently by the historic resources committee.

4. The director may defer action and refer the item to the first appeal authority for decision.

5. Appeal authority may review matter only if the hearing authority held a public hearing and rendered a decision; except in cases where one or more vacancies on a board or committee causes an item to be continued to a subsequent meeting in order to meet the requirements for an affirmative action.
6. The zoning administrator may defer action and refer the item to the first appeal authority for decision.
7. Administrative use permits are broken down into major and minor categories, to reflect the reduced staff time required and lower corresponding fee for projects in the minor category, pursuant to PGMC 23.70.030(b)(7).

SECTION 3. Existing Municipal Code section 23.70.050 of Chapter 23.70, entitled "Site plan review committee" shall be amended by the deletion of all text shown in ~~strikeout text~~ and by the addition of all text shown in bold, italic text (*bold italic text*), as follows:

23.70.050 Site plan review committee.

(a) Purpose. The purpose of the site plan review committee (SPRC) is to encourage well-designed multifamily residential, commercial, and industrial development. The SPRC's review does not apply to single-family residences outside of the coastal zone. The SPRC studies the siting of proposed construction and its impact upon the existing topography and natural vegetation, and the relationship of proposed construction to existing public and private improvements in the immediate area. It does not act on architectural aspects. It encourages the elimination of unnecessary grading, and endeavors to retain the natural character of the site, including the preservation of trees. The SPRC ensures that site plans conform to a logical plan of site development; have adequate parking facilities, driveways, entrances, and exits; provide an appropriate arrangement, location, and design of required open spaces and recreational facilities; and incorporate other pertinent project features, so that development will not be detrimental to vehicular or pedestrian traffic on adjacent streets, will provide adequate light and air, will provide adequate access for firefighting equipment and, in general, will provide a desirable and well designed facility. The SPRC also reviews and approves lot line adjustments.

(b) Establishment. The city manager shall appoint a site plan review committee, which shall consist of the ~~chief planner~~ *Director*, city engineer, fire chief, and chief building official, or their representatives. The SPRC may adopt such rules as are needed for the conduct of its deliberations. The ~~chief planner~~ *Director* or designee shall serve as chairperson of the SPRC. A quorum of the SPRC shall consist of not less than three members of the SPRC, one of whom shall be the ~~chief planner~~ *Director*. An affirmative

vote of a majority of the total members of the SPRC shall be required for any action by the SPRC.

(c) **Applicability.** As summarized in Table 23.70.012-1, the site plan review committee is the decision-making authority or reviews and comments on the following permits and activities:

~~(1) Lot line adjustments. Pursuant to PGMC 24.04.030 and the SPRC shall approve, approve with conditions, or disapprove lot line adjustments.~~

~~(1)(2)~~ Siting and lot coverage in the coastal zone. Pursuant to Policy No. 3.4.5.2 of the local coastal program, the SPRC shall review and comment on the siting of each new development and the expected area of disturbance around each residence within the coastal zone, and review and comment on any property owner request to exceed the maximum lot coverage of 15 percent of a total lot area within the coastal zone.

~~(2)(3)~~ Projects of \$50,000 or more. The SPRC shall review and comment on any structure or site work valued at \$50,000 or more, as determined by the chief building official, including the structural alteration, or addition to, existing structures or works.

Exceptions. This section shall not apply to:

- (A) Interior alterations and remodeling that do not involve a change in occupancy as defined by the Uniform Building Code;
- (B) Exterior alterations not involving an increase in floor area; or
- (C) Single-family residences in all residential zones outside of the coastal zone.

(d) **Review Process.** Upon submittal of an application for site plan review ~~or approval of a lot line adjustment~~, the department shall process it in accordance with the following:

(1) Staff reviews the application to ensure it is complete based on the submittal requirements provided by the department.

(2) For site plan reviews, the SPRC holds a meeting to review and comment on the project. No formal action is taken. Comments are forwarded to the review authority for the associated community development permit.

~~(3) For lot line adjustments, the SPRC holds a public meeting, accepts public comments, and approves, approves with conditions, or disapproves the item. Noticing procedures for public meetings are described in Chapter 23.86 PGMC (Public~~

~~Meeting and Hearing Procedures). The action is subject to appeal in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups).~~

(e) Required Improvements. The SPRC will ensure compliance with the following requirements as part of its site plan review:

(1) Street Frontage Improvements. Curb, gutter, sidewalk, street pavement, and concrete driveway aprons shall be installed along all street frontages of the site in compliance with the requirements of Chapter 24.12 PGMC. The requirements of this section shall not apply to the erection, construction, or reconstruction of agricultural structures or uses. If the city engineer determines that engineering considerations will make the required improvements infeasible or if the SPRC finds that there is a prevailing design element of the neighborhood that runs counter to usual standards, the site plan review committee may modify the improvement requirements to conform to engineering feasibility or a prevailing neighborhood design element.

(2) Deferral of Improvements. The SPRC may recommend to the review authority the deferral of required improvements after a written request from the applicant, if the SPRC first determines that special or unusual circumstances warrant the deferral. When recommending a deferral, the SPRC shall specify a time limit for deferral, which shall not exceed one year, unless extended by subsequent action of the review authority. If a deferral is ultimately granted, the applicant shall furnish a satisfactory faithful performance bond, cash contribution, or other guarantee acceptable to the city, to ensure that the work will be performed.

(f) Criteria for Site Plan Review. The SPRC will review and comment on whether site plans submitted for review incorporate the following criteria:

- (1) Necessary street improvements to control and provide for traffic movement arising from the development;
- (2) Safe pedestrian movement on or adjoining the property;
- (3) Safe and sanitary control of surface and subsurface drainage on or adjoining the property;
- (4) Attractive and sanitary provisions for refuse storage and disposal;
- (5) Appropriate and adequate automobile parking spaces; and

(6) Fulfillment of the purposes of subsection (a) of this section.

~~(g) Findings Required for Approval. Lot line adjustment approvals are subject to the following findings:~~

~~(1) The proposed development conforms to the applicable provisions of the general plan and these regulations;~~

~~(2) The proposed development is located on a legally created lot; and~~

~~(3) The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivision, setbacks, and any other applicable provisions of this code, and all applicable zoning violation enforcement and processing fees have been paid.~~

~~(h) Effective Date of Lot Line Adjustment. A lot line adjustment approval shall become effective only when:~~

~~(1) The appeal period has expired or, if appealed, prior to final action on the appeal by the appeal authority in accordance with Chapter 23.74 PGM (Appeals and Call-Ups); and~~

~~(2) All necessary prior approvals have been obtained.~~

~~(g) Building Permit Issuance. No building permit shall be issued for structures subject to the provisions of this section until the SPRC has completed its deliberations. The chief building official shall not allow final public utility connections to any structure until the applicant has complied with all applicable provisions of this section.~~

SECTION 4. Existing Municipal Code Title 24, entitled "Subdivisions" shall be amended by the deletion of all text shown in strikeout text (~~strikeout text~~) and by the addition of all text shown in bold, italic text (***bold italic text***), as follows:

Title 24
SUBDIVISIONS

Chapters:

24.04 General Provisions

24.05 Certificate of Compliance

- 24.06 *Lot-Line Adjustments and Owner-Initiated Mergers***
- 24.08 Parcel Map Procedures
- 24.12 Filing of Tentative Map
- 24.16 Approval of Final Maps
- 24.20 Imposition of Fees
- 24.24 Environmental Impact and Grading and Erosion Control
- 24.28 Soil Reports
- 24.32 Subdivision Standards

SECTION 5. Existing Municipal Code Chapter 24.04, entitled “General Provisions” shall be amended by the deletion of all text shown in strikeout text (~~strikeout text~~) and by the addition of all text shown in bold, italic text (***bold italic text***), as follows:

Chapter 24.04

GENERAL PROVISIONS

Sections:

- 24.04.010 Purpose and citation.
- 24.04.020 Report of conformity to general plan – Exceptions.
- 24.04.030 Definitions.
- 24.04.035 Certificate of compliance.
- ~~24.04.040 Water availability.~~
- 24.04.045 *Defense and Indemnification***
- 24.04.050 *City-initiated mergers.***

24.04.010 Purpose and citation.

This title is adopted to supplement and implement the Subdivision Map Act (*Government Code Section 55410 et seq.*) and may be cited as the “subdivision ordinance of the city of Pacific Grove.” It is the purpose of this title to promote the public health, safety, convenience, and general welfare by establishing standards and procedures for the subdivision of land and resulting development on account thereof, in a manner consistent with the general plan and any specific plan adopted pursuant to Section 65450, and following, of the Government Code. ***Each subdivision and the map thereof shall be in conformity with the provisions of this title and the Subdivision Map Act, and all zoning ordinances of the City. In the event of a conflict between the provisions of this Title and a mandatory provision of the Subdivision Map Act, the Subdivision Map Act shall prevail.***

Any subdivision of an existing parcel into two or more parcels shall require approval by the City in compliance with this Chapter. In general, the procedure for subdivision

requires the approval of a Parcel Map (for four or fewer parcels) or a Tentative and Final Map (for five or more parcels) to complete the subdivision process. The Tentative Map review process is used to evaluate the compliance of the proposed subdivision with the adopted City standards, and the appropriateness of the proposed subdivision design. Parcel and Final Maps are precise engineering documents that detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

24.04.020 Report of conformity to general plan – Exceptions.

(a) A report as to conformity to the general plan, which is required pursuant to Section 65402 of the Government Code as the result of a proposed division of land, may be included as part of and at the same time as the action taken by the advisory agency on such division of land.

(b) Such report is not required for a proposed subdivision which involves (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects; provided, that the advisory agency expressly finds that any such disposition for street purposes, acquisitions, dispositions, or abandonments for street widening or alignment projects is of a minor nature.

24.04.030 Definitions.

Whenever any words or phrases are used in this title but are not defined, they shall have the definition and meaning as provided in the Subdivision Map Act. The following words and phrases shall have the meanings respectively ascribed to them:

“Subdivider” means a person, firm, corporation, partnership, or associate who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or for others.

“Subdivision” means the division of any improved or unimproved land, 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.

“Subdivision” includes a condominium project, as defined in Section 1351(f) of the Civil Code, or a community apartment project, as defined in Section 11004 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity, or

public utility shall not be considered a division of land for purposes of computing the number of parcels.

“Subdivision Map Act” shall mean the provisions of Division 2 (commencing with Section 66410) of Title 7 of the California Government Code and such amendments and additions thereto as may be made from time to time by the California Legislature.

The planning commission shall constitute the review authority for all tentative maps, and the zoning administrator shall constitute the review authority for all parcel maps.

~~This title shall not be applicable to a lot line adjustment between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, where a number of parcels greater than originally existed is not thereby created, and where merger is not required for such parcels under this section. The site plan review committee shall be authorized to review and approve lot line adjustment applications consistent with the provisions of Section 66412(d) of the Subdivision Map Act.~~

~~This title shall not require further subdivision of city lots, parcels, or units heretofore created by recorded subdivision or recorded deed transferring the parcel, by virtue of being contiguous to any other lot or parcel in the same ownership. However, merger of contiguous lots or parcels in the same ownership shall occur so as to require further subdivision in order to effect a sale, leasing or financing of any such contiguous lot, parcel, or unit in case any one of such lots, parcels, or units does not conform to the minimum area or width requirements of PGMC Title 23 and any of the contiguous lots, parcels, or units is not developed with a building.~~

~~In such case the resulting merged parcel or parcels need not exceed the minimum sizes prescribed in PGMC Title 23, to the extent such can be accomplished without producing any remainder parcel of substandard size. Nothing contained herein is intended to merge any building site that is valid under the terms of PGMC 23.64.140 while it qualifies as a valid building site thereunder.~~

~~Wherever a merger results hereunder which comes to the knowledge of the city, the chief planner, after verifying the identity and configuration of the resulting merged parcels, shall cause a notice of merger to be filed for record with the county recorder, which shall specify the names of the owners of record and describe the real property effected; provided, however, notice shall be given to such owners in writing at least 30 days prior to such recording, advising of the intended recording of the fact of merger and specifying a time, date, and place at which the owner may present evidence to the zoning administrator, pursuant to Chapter 23.70 PGMC (Community Development Permit~~

~~Review Authorities and Procedures), why such notice should not be recorded. The zoning administrator's decision may be appealed in accordance with Chapter 23.74 PGMC (Appeals and Call Ups).~~

~~24.04.040 Water availability.~~

~~No application for a parcel or tentative map shall be accepted, processed or approved unless at the time of application for such map there is adequate water available, in the appropriate water allocation category or categories under Chapter 11.68 PGMC, to serve the parcels proposed by the application.~~

24.04.045 Defense and Indemnification

Whether or not such a condition is explicitly listed as a condition of approval, every approved tentative, parcel or final map shall be deemed to include a condition requiring the subdivider to defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the Planning Director, Planning Commission, or City Council concerning a subdivision brought within the time provided for in Section 66499.37. The City shall promptly notify the subdivider of any claim, action or proceeding and shall cooperate fully in the defense.

24.04.050 City-initiated mergers.

(a) The Zoning Administrator may cause the merger of two or more contiguous parcels held by the same owner(s) if the conditions specified in Subdivision Map Act Section 66451.11 are found to be in evidence. The City shall utilize the procedures set forth, commencing with Subdivision Map Act Section 66451.12 and ending with Section 66451.19 in processing actions to merge such parcels.

(b) The Zoning Administrator reserves the right to make determinations of nonmerger as specified in Subdivision Map Act Section 66451.16.

(d) The Zoning Administrator's determinations may be appealed to the Planning Commission in accord with 23.74.

SECTION 6. A new Chapter 24.05 shall be added to Title 24, entitled "Certificate of Compliance" and shall be created, as follows:

Chapter 24.05
CERTIFICATE OF COMPLIANCE

Sections:

24.05.010 General Provisions.

24.05.020 Appeal.

24.05.30 Enforcement.

24.05.010 General Provisions.

~~24.04.035~~ Upon request of any person owning real property or a vendee of that person pursuant to a contract of sale of the real property, the ~~chief planner~~ Director shall determine whether the real property complies with the Subdivision Map Act and this title.

(a) The ~~chief planner~~ Director shall issue either a certificate of compliance if it is determined that the real property complies, or a conditional certificate of compliance if it is determined that the real property does not comply, in accordance with the Subdivision Map Act procedures (Government Code Sections 66499.34 and 66499.35).

(b) The Director may, as a condition to granting a conditional certificate of compliance, impose any conditions as authorized by Government Code Section 66499.35.

(c) The Director shall not issue a certificate of compliance if the effect of issuing the certificate would be to subdivide the property in violation of the Subdivision Map Act.

(d) A certificate of compliance only determines the legal status of a parcel and does not grant a right of development.

24.05.020 Appeal.

The Director's determination may be appealed in accord with 23.74.

24.05.030 Enforcement.

Whenever the Director has knowledge that real property has been divided in violation of the provisions of this Chapter, it shall cause to be mailed by certified mail to the then current owner of record of the property a notice of intention to record a notice of violation in accord with the Subdivision Map Act.

SECTION 7. A new Chapter 24.06 shall be added to Title 24, entitled "Lot-Line Adjustments and Owner-Initiated Mergers" and shall be created, as follows:

CHAPTER 24.06
LOT-LINE ADJUSTMENTS AND OWNER-INITIATED MERGERS

- 24.06.010 General.**
- 24.06.020 Application.**
- 24.06.030 Authority for Approval or Denial.**
- 24.06.040 Findings.**
- 24.06.050 Notification and Appeal.**
- 24.06.060 Recordation.**
- 24.06.070 Approval Time Limits.**

24.06.010 General.

The purpose of this Chapter is to provide criteria for processing, approving, and recording voluntary lot-line adjustments and owner-initiated parcel mergers in accordance with Subdivision Map Act Section. The provisions of this Chapter and references to “lot-line adjustment” shall apply equally to an “owner-initiated merger,” unless specifically stated otherwise.

24.06.020 Application.

An application for a lot-line adjustment shall be filed with the Planning Department in a form prescribed by the Director and shall be accompanied by the following items:

- (a) An 11 x 17-inch map exhibit drawn to scale that includes the following information: street addresses, Assessor’s Parcel Numbers, existing property lines and dimensions, proposed property lines and dimensions, property lines or sections proposed for removal, existing lot areas, proposed lot areas, existing easements, location of all structures and distances to existing and proposed property lines, location of all utility-service lines, location of septic disposal system and wells, 100-year floodplain of any watercourse, location of creeks and drainages, areas of slopes over 20 percent, off-street parking areas and driveways, title block, north arrow, and date.
- (b) A preliminary title report prepared by a licensed title insurance company, current within forty-five (45) days of the date of application.
- (c) Other information and documentation as determined necessary by the Director for a particular project. This may include evidence that the properties proposed for adjustment were legally created.
- (d) Application processing fee.

24.06.030 Authority for Approval or Denial.

(a) The Director shall have the duty of considering investigations and reports on the design and improvement of proposed divisions of real property; conducting a public hearing when required as described in 23.86 PGMC (Public Meeting and Hearing Procedures); imposing requirements or conditions thereon; and having the authority to approve, conditionally approve, or disapprove the discretionary matters governed by this Chapter, while also ensuring project compliance with the Subdivision Map Act and CEQA.

(b) Within thirty (30) days of submittal of a complete application, the Director shall approve or disapprove the lot-line-adjustment request by executing a letter of approval or denial to the applicant.

24.06.040 Findings.

In accordance with the Subdivision Map Act Section 66412.(d), approval of a lot-line adjustment shall be based upon a determination by the Director that the following criteria are in evidence:

(a) The adjustment involves four (4) or fewer adjoining parcels that were legally created and will not result in the creation of more parcels than originally existed.

(b) Each resulting parcel is viable in supporting existing or planned land uses based on applicable General Plan and other applicable zoning regulations.

(c) The resulting parcels and any structure(s) or parking space(s) located thereon will comply with the requirements of the zoning district in which the parcel is located and with applicable building regulations, except that where an existing parcel(s) or structure(s) is nonconforming with respect to zoning regulations, a lot-line adjustment may be approved if the degree of nonconformance is not increased.

(d) The adjustment will not impair any existing public-street or private-access easement or create parcels without legal access to a public street and the number of lots fronting on a public street is not being reduced.

(e) The adjustment will not require substantial alteration of any existing public easements or improvements.

(f) The adjustment will not result in a utility service line being located on any property other than the lot being served, unless the service line is contained in a recorded utility easement.

(g) Each resulting parcel has been, or can be, provided with adequate sewage-disposal

facilities.

24.06.050 Notification and Appeal

(a) Notification of Approval. All parties of interest as reflected on deed(s) of trust and any other individuals or entity who, in the opinion of the Director, may have a direct interest in the involved parcels, shall be notified of the approval of the lot-line adjustment at the same time as the applicant. The notice shall include a statement that the legal descriptions in any existing deeds of trust may need to be amended to conform to the new lot configurations resulting from the lot-line adjustment.

(b) Appeal. The decision on a lot line adjustment may be appealed in accordance with the procedures in PGMC 23.70 and 23.74.

(c) Effective Date of Lot Line Adjustment. A lot line adjustment approval shall become effective only when:

(1) The appeal period has expired or, if appealed, prior to final action on the appeal by the appeal authority in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups); and

(2) All necessary prior approvals have been obtained.

24.06.060 Recordation

(a) Prior to recording an approved lot-line adjustment, the applicant must first submit the following items for document checking and final approval by the City Engineer:

(1) An 8½-inch by 11-inch map exhibit depicting the approved lot-line adjustment, prepared by a licensed surveyor (stamped) or professional engineer licensed to practice land surveying and included on standard Notice of lot-line adjustment forms prepared by the City.

(2) Deeds necessary to convey property to implement the property-line adjustment. The deeds shall include a legal description of all affected parcels as they will exist after the property-line adjustment is recorded. Said deeds shall contain the words "LOT LINE ADJUSTMENT" in bold letters at the top of each page and exhibit and also contain the following statement: "Recordation of this deed is for the purpose of adjusting property lines only and does not create or convey a separate parcel," as defined in Subdivision Map Act Section 66412(d).

(3) Map-check fee.

(b) Following final approval of all exhibits, deeds, and legal descriptions by the City

Engineer, approved documentation shall be returned to the applicant or a designated title company for recording with the Monterey County Recorder's Office.

(c) As an alternative, the applicant may submit a parcel map to the City Engineer for recordation of the property-line adjustment, along with applicable map-check and recording fees. A parcel map prepared to accomplish an approved lot-line adjustment shall comply with the requirements of Chapter 24.08 PGMC.

24.06.070 Approval Time Limits

(a) Initial Time Limit. The applicant shall submit the necessary documents for checking and gain final document approval by the City Engineer within one (1) year of the original lot-line adjustment approval date. Failure by the applicant to complete the final approval process within the specified time line shall cause expiration of the lot-line adjustment approval.

(b) Time Extension. The applicant may request an extension of the original property-line-adjustment approval by written request to the Director, which must be received prior to expiration of the original approval. Only one extension, not to exceed a period of ninety (90) days, may be allowed for good cause at the discretion of the Director.

SECTION 8. Existing Municipal Code Chapter 24.08, entitled "Parcel Map Procedures" shall be amended by the deletion of all text shown in strikeout text (~~strikeout text~~) and by the addition of all text shown in bold, italic text (*bold italic text*), as follows:

Chapter 24.08 PARCEL MAP PROCEDURES

Sections:

- 24.08.010 Filing and recording.
- 24.08.020 Information to be included.
- 24.08.030 Report from community development department – Compliance with regulations.
- 24.08.040 Report from city engineer – Grading and erosion control.
- 24.08.050 Scheduling of public hearing.
- 24.08.060 Compliance with general plan.
- 24.08.070 Additional provisions.
- 24.08.080 Appeals.
- 24.08.090 Waiver – Hearing.

24.08.010 Filing and recording.

A parcel map, upon approval by the zoning administrator, pursuant to

Chapter 23.70 PGMC, shall be filed and recorded for any subdivision for which a tentative and final map is not required by the Subdivision Map Act except for subdivisions created by short-term leases (terminable by either party on not more than 30 days' notice in writing) of a portion of an operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code; provided, however, that upon a showing made to the zoning administrator based upon substantial evidence, that public policy necessitates such a map, this exception shall not apply.

Such maps shall meet all the requirements of the Subdivision Map Act and of this title and shall show all dedications or offers of dedication thereon. The zoning administrator may require that such dedications or offers of dedication be made by deed in lieu of or in addition to appearing on the map.

24.08.020 Information to be included.

The parcel map shall also include the following:

- (a) Locations, names, and existing width of all adjoining and contiguous roadways;
- (b) Locations and size of all pipelines and structures used in connection therewith;
- (c) Location and outline of all existing structures on the property, with an indication of their uses and whether they are to remain, be relocated, or be removed;
- (d) Location of all trees measuring six inches or more in diameter at a height of two feet above existing grade level;
- (e) A statement as to the existence of public utilities services (including water, electricity, gas, telephone), mail delivery, sewers, garbage collection, streets or rights-of-way, curbs, gutters, or any other improvements on the land, or what provision is made for each;
- (f) Any additional information which may be reasonably required by the ~~community development~~ Director to carry out the purposes hereof.

24.08.030 Report from community development department – Compliance with regulations.

Within ~~130~~ days of receiving a parcel map, ~~the community development department~~ Director shall prepare a report to the zoning administrator as to its compliance with the general plan and this title, and such other matters as may be deemed necessary to secure compliance with this code.

24.08.040 Report from city engineer – Grading and erosion control.

The city engineer shall report on grading and erosion control, including the prevention of sedimentation or damage to off-site property which may be required by the proposed

development.

24.08.050 Scheduling of public hearing.

Upon receiving the community development department's report, the zoning administrator shall schedule a public hearing in accordance with the provisions of the Subdivision Map Act to consider the parcel map.

24.08.060 Compliance with general plan and zoning ordinance.

Prior to granting approval for a parcel map, the zoning administrator shall find specifically that the proposed subdivision, together with its provisions for design and improvements, is consistent with the general plan and zoning ordinance.

24.08.070 Additional provisions.

All parcel maps shall provide for the following:

- (a) Curbs and sidewalks shall be installed along all public street frontages, unless waived by the zoning administrator after finding that such requirement unfairly discriminates against the subdivider in relation to other developed properties in the neighborhood;
- (b) Sanitary sewer facilities and connections of each lot;
- (c) Each unit or parcel of land shall contain a minimum frontage of 40 feet along a dedicated street;
- (d) Access to the land shall be by dedicated street of a minimum right-of-way of 50 feet; provided, that the minimum right-of-way in the R-1-B-3 zone district shall be 40 feet;
- (e) Provisions for fire mains including fire hydrants as may be required by the fire chief.

24.08.080 Appeals.

Any person claiming to be aggrieved by the decision of the zoning administrator may, within 10 days after the rendering of such decision, appeal in writing to the planning commission for review thereof. The planning commission shall fully review the matter and (1) affirm the findings of the zoning administrator; (2) reverse the findings; or (3) refer the matter back to the zoning administrator for further action.

24.08.090 Waiver – Hearing.

The zoning administrator shall, after hearing, waive the requirement of a parcel map when it shall specifically find that the proposed division of land complies with all of the requirements of PGMC Titles 23 and 24 as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and all other provisions of this code. The zoning administrator is authorized to require that a tentative map be filed prior to any

such hearing.

SECTION 9. Existing Municipal Code Chapter 24.12, entitled “Filing of Tentative Map” shall be amended by the deletion of all text shown in ~~strikeout text~~ and by the addition of all text shown in bold, italic text (*bold italic text*), as follows:

Chapter 24.12
FILING OF TENTATIVE MAP

Sections:

- 24.12.010 Filing – Information to be included.
- 24.12.020 Public hearing – Generally.
- 24.12.030 Public hearing – Notice.
- 24.12.040 Time limitations.
- 24.12.045 Findings.**
- 24.12.050 Appeal from decision of planning commission.

24.12.010 Filing – Information to be included.

Tentative maps shall be filed with the community development director and shall be processed in accordance with the Subdivision Map Act and the provisions of this title. The subdivider shall file as many copies of the tentative map as may be required by the community development director. Such tentative map shall indicate such of the following as may be applicable:

- (a) A tract number for any subdivision;
- (b) The date, north point, and scale;
- (c) A sufficient legal description of land to define the boundaries of the proposed division of land;
- (d) A key map indicating the location of the proposed division of land in relation to the surrounding area;
- (e) The name and address of the record owner, the subdivider, and the civil engineer or licensed surveyor under whose direction the map was prepared, including the registration number of the engineer or surveyor;
- (f) The existing topography of the land proposed to be divided using contour intervals of not more than five feet, and of not more than two feet where the grade of the land is less than five percent. Contours of adjacent land shall also be shown whenever the surface features of such land affect the design and/or improvement of the proposed division. The tentative map shall contain a statement by the person preparing the map stating the source of contours shown on the map;
- (g) The approximate location and outline to scale of each building or structure on the property proposed for division. Buildings or structures on adjacent property shall also be shown if such buildings or structures affect the design of the proposed subdivision. Each building shown shall be identified by house number or other identifying feature, including a notation on each building or structure to be retained;

- (h) The approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of each watercourse;
- (i) The approximate location of each area covered by trees with a statement of the nature of the cover and the kind and approximate location of all trees standing within the boundaries of proposed public rights-of-way;
- (j) The location, width, approximate grade, and curb radii of all existing and proposed streets and highways within and adjacent to the proposed subdivision;
- (k) The width, purpose, and approximate location of all existing and proposed easements or rights-of-way, whether public or private, within and adjacent to the proposed subdivision;
- (l) The approximate radius and arc length of each centerline curve;
- (m) The approximate lot layout and the approximate dimensions of each lot and of each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale, and the number of each lot; the proposed areas for public use; and the angle of intersecting streets or highways if such angle deviates from a right angle by more than four degrees;
- (n) The location of all cut and fill slopes or a separate grading plan;
- (o) Each street shown by its actual street name or by a temporary name or letter for purpose of identification until the proper name of such street is determined;
- (p) The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map;
- (q) A geologic soils report prepared by a civil engineer who is registered by the state, based upon adequate test borings or excavations, unless the community development department determines that, due to the knowledge such department has as to the soil qualities of the soil of such subdivision or lot, no preliminary analysis is necessary. 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, the person filing the tentative map shall submit a soils investigation of each lot in the subdivision, prepared by a civil engineer who is registered in this state, which shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil. The community development department shall approve the soils

investigation if it determines that the recommended action is likely to prevent structural damage to each dwelling to be constructed and shall require that the approved recommended action be incorporated in the construction of each dwelling as a condition to the building permit. Appeal from such determination shall be to the board of building and fire code appeals.

If the community development director finds that a written geological report is necessary to determine whether the property to be divided is subject to an existing or potential geological hazard, the person filing the tentative map shall submit such a report to said board. The report shall be prepared by a registered engineering geologist;

(r) At its option, the planning commission may require all proposed dedications or offers of dedication to be made by deed.

Such information may be furnished separately from the map itself.

The planning commission may waive any of the foregoing requirements whenever the planning commission finds that the type of subdivision is such that compliance is unnecessary or that other circumstances justify the waiver. The planning commission may require such drawings, data, or other information as is deemed necessary.

24.12.020 Public hearing – Generally.

The planning commission shall hold a public hearing on the tentative map, and notice thereof shall be given as provided in Section 66451.3 of the Subdivision Map Act. Any interested person may appear at such a hearing and shall be heard.

24.12.030 Public hearing – Notice.

Notice of the time and place of said hearing, and a general description of the location of the subdivision, shall be published once in the official newspaper of the city at least 10 days before the date of the hearing.

24.12.040 Time limitations.

The following time periods shall be applicable to tentative maps:

(a) The approval or conditional approval of a tentative map shall expire ~~12~~²⁴ months from the date the map was approved or conditionally approved.

(b) The person filing the tentative map may request an extension of the tentative map approval or conditional approval *pursuant to the Subdivision Map Act* by written application to the planning commission, such application to be filed at least 30 days before the approval or conditional approval is due to expire. The application shall state the reasons for requesting the extension. In granting an extension, new conditions may be

imposed and existing conditions may be revised.

(c) An extension or extensions of tentative map approval or conditional approval shall not exceed ~~an aggregate of two~~ six years.

(d) Modification of a tentative map after approval or conditional approval shall not extend the time limits imposed by this section.

24.12.045 Findings.

The planning commission shall determine whether the tentative map is in conformity with the provisions of the Subdivision Map Act and of this Chapter, the City's General Plan and zoning ordinance, and upon that basis within fifty days after the filing of the tentative map, approve, conditionally approve, or disapprove the same and shall report such action direct to the subdivider and shall also transmit to the City Engineer a copy of the tentative map, and a memorandum setting forth the action of the commission thereon.

24.12.050 Appeal from decision of planning commission.

Decisions of the planning commission with respect to a tentative map may be reviewed by the city council as follows:

(a) The subdivider may appeal and such appeal and the hearing thereon shall be conducted in the manner provided by Government Code Sections 66452.5(a) and (b).

~~(b) Any interested person adversely affected by a decision may file a complaint with the city council concerning such decision. Any such complaint shall be filed with the city clerk within 15 days after the action which is the subject of the complaint. The city council may, in its discretion, reject the complaint within 15 days or set the matter for public hearing. If the city council rejects the complaint, the complainant shall be notified of such action. If the matter is set for hearing, the hearing shall be conducted and notice thereof given as provided by Government Code Section 66451.3 and by PGMC 24.12.030.~~

~~(b)(c)~~ Notwithstanding the provisions of subsections (b) and (c), any Any interested person may appeal any decision of the planning commission relative to the provisions of Government Code Sections 66473.5, 66474, 66474.1, and 66474.6 to the city council. Such appeal and the hearing thereon shall be conducted in the manner provided by Government Code Sections 66452.5(a) and (b) and PGMC ~~Chapter 24.16.030~~ **23.74 PGMC**. The responsibilities of the city council under said Sections 66473.5, 66474, 66474.1, and 66474.6 are assigned to the planning commission.

SECTION 10. Existing Municipal Code Chapter 24.16, entitled "Approval of Final Maps" shall be amended by the deletion of all text shown in strikeout text (~~strikeout text~~) and by the addition of all text shown in bold, italic text (***bold italic text***), as follows:

Chapter 24.16
APPROVAL OF FINAL MAPS

Sections:

- 24.16.010 Time limitation on submittal.
- 24.16.020 Conformance to tentative map.
- 24.16.030 Conformance to Government Code.
- 24.16.040 Time limitation on ~~planning commission~~ action ***of City Engineer.***
- 24.16.050 Transmittal to city council.

24.16.010 Time limitation on submittal.

No final map shall be approved which is not submitted within the time limits prescribed by PGMC 24.12.040.

24.16.020 Conformance to tentative map.

The final map shall ***substantially*** conform to the tentative map as approved or conditionally approved.

24.16.030 Conformance to Government Code.

The final map shall be in the form and have the content prescribed by Section 66434 of the Government Code, and shall bear the certificates and acknowledgments prescribed by Sections 66435 through 66443 of said code.

24.16.040 Time limitation on ~~planning commission~~ action *of City Engineer.*****

(a) The ~~planning commission~~ city engineer shall consider the approval or disapproval of the final map not later than at its next regular meeting after the meeting at which it receives the map. notify the City Council at its next regular meeting after the city engineer receives the map that the city engineer is reviewing the map for final approval.

(b) The city engineer shall approve or disapprove the final map within 10 days following the meeting of the City Council that was preceded by the notice in (d) below.

(c) The city engineer's action may be appealed to the City Council in accordance with Chapter 23.74 PGMC.

(d) The City Clerk shall provide notice of any pending approval or disapproval by the

city engineer, which notice shall be attached and posted with the City Council's regular agenda and shall be mailed to interested parties who request notice.

(e) The City Council shall periodically review the delegation of authority to the city engineer.

(f) Except as specifically authorized by this Chapter, the processing of final maps shall conform to all procedural requirements of the Subdivision Map Act.

24.16.050 Transmittal to city council.

The city clerk shall transmit to the city council all final maps and parcel maps which have been finally approved.

SECTION 11. Existing Municipal Code Chapter 24.32, entitled "Subdivision Standards" shall be amended by the deletion of all text shown in ~~strikeout text~~ and by the addition of all text shown in bold, italic text (*bold italic text*), as follows:

Chapter 24.32
SUBDIVISION STANDARDS

Sections:

- 24.32.010 Utilities and improvements generally.
- 24.32.020 Cement installations.
- 24.32.030 Subbase installations.
- 24.32.040 Subgrade covering.
- 24.32.050 Base covering.
- 24.32.060 Curbs and gutters.
- 24.32.070 Sidewalks.
- 24.32.080 Driveways.
- 24.32.090 Water mains and fire hydrants.
- 24.32.100 Utility distribution facilities.
- 24.32.110 Streets.
- 24.32.120 Drainage facilities.
- 24.32.130 New concepts in lot arrangement and transportation patterns.
- 23.32.140 Passive or natural heating or cooling.***

24.32.010 Utilities and improvements generally.

Unless exempted under the provisions set forth elsewhere in this title, each subdivision shall provide for the installation of curbs and gutters, sidewalks, driveways, sanitary sewers, water mains, fire hydrants, street lights, street name signs, street trees, required easements, streets, survey monuments, and drainage facilities.

24.32.020 Cement installations.

All installations of portland cement shall be made with Class B portland cement conforming to current standard specifications of the state of California, Department of Transportation.

24.32.030 Subbase installations.

All installations of subbase shall conform to Class 1 subbases of the standard specifications of the state of California, Department of Transportation.

24.32.040 Subgrade covering.

The prepared subgrade shall be covered with class "2" aggregate base material in accordance with standard specifications. The aggregate shall conform to the grading as specified for one and one-half inch maximum aggregate or three-quarters inch in accordance with the standard specifications, including penetration treatment. Said aggregate base shall be a minimum of six inches thick unless engineering tests show a lesser thickness can be used.

24.32.050 Base covering.

The base shall be covered with a two-inch thick (after compaction) plant-mix surfacing conforming to Type "B" three-quarter-inch thick maximum aggregate of the standard specifications of the state of California, Department of Transportation.

24.32.060 Curbs and gutters.

Integral portland cement concrete curbs and gutters shall be required throughout. Vertical curbs six inches in height shall be used as per city requirements. Gutters should be at least 24 inches in width. Tops opposite curbs shall preferably be level at any station outside the intersection proper. Vertical curb and gutter shall conform to State Standard A2-6.

24.32.070 Sidewalks.

Portland cement concrete sidewalks shall be required throughout with the following specifications:

(a) Thickness: four inches;

(b) Width: minimum of five feet not counting top of curb.

Sidewalks shall be located adjacent to the curbs on streets up to and including 50 feet in width. Streets wider than 50 feet shall have sidewalks placed either one foot from the property line or adjacent to the curb. Sidewalks wider than five feet may be required.

Trees located in the sidewalk area shall not be cut unless the provisions of PGMC Title 12, Trees and Vegetation, are complied with. Sidewalks may meander from the curbline in order to avoid trees.

24.32.080 Driveways.

Portland cement concrete driveways *or equivalent* shall be required throughout with the following dimensions:

(a) Thickness: six inches;

(b) Width: 16 feet for a single driveway and 24 feet for a double driveway. The width dimension includes the curb taper at each end. The drive section shall slope from the bottom of the gutter which has a five-eighths-inch lip to the back edge of the sidewalk.

24.32.090 Water mains and fire hydrants.

Water mains and fire hydrants shall be designed to provide at least minimum capacity at the fire hydrants as specified by the Insurance Services Office standards.

24.32.100 Utility distribution facilities.

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 the following may be permitted:

(a) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts, shall be installed per utility standards.

(b) Approved poles supporting street lights only.

The subdivider is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of said facilities. The planning commission may waive the requirements of this section if topographical, soil, or any other conditions make underground installation of said facilities unreasonable or impractical.

All underground utility installation under roadways shall be completed prior to the paving of the road unless otherwise permitted by the city engineer.

24.32.110 Streets.

Minimum width of any street right-of-way shall be 50 feet. Cul-de-sacs shall terminate in a turnaround with a 40-foot radius. Wider right-of-way dedications may be required. The traveled way of streets shall be at least 36 feet between curb faces and shall be located in the center of the right-of-way.

All streets shall conform to standard specifications set forth in PGMC 24.32.020 through 24.32.050.

Streets shall not be required to any lot in the subdivision which shall have adequate access to an existing street, unless such access is required to be waived under PGMC 24.36.010.

24.32.120 Drainage facilities.

Drainage facilities shall be designed in accordance with accepted engineering principles and located in public streets or easements. Drainage facilities shall be located in the street right-of-way where practical.

Drainage facilities and design criteria shall be approved by the city engineer. Upstream areas shall be considered as if fully developed. Downstream facilities shall be adequate or improved to accommodate the design flow.

Artificial and natural watercourses may be required to be placed in closed conduit.

24.32.130 New concepts in lot arrangement and transportation patterns.

Where a subdivider signifies his or her intent to enhance the livability, convenience, and

appearance of his or her proposed subdivision and the health, safety, or general welfare of the users of the subdivision by using new concepts in the arrangement of lots, transportation patterns, and by providing permanent open space in the proposed subdivision, and appropriate means of access to blocks, schools, shopping centers, and other uses which do not literally comply with the requirements of this title but which serve and implement the intent of this title, he or she may be permitted exceptions from the provisions of PGMC 24.08.070(c), (d), and 24.32.110, provided he or she complies with the following:

(a) The gross density of an area is not increased and the design has the approval of the planning commission and the city council, and each finds that the exceptions will:

- (1) Produce a more desirable and livable community than would be effected by compliance with the excepted standards;
- (2) Create better community environment through dedication of public areas, or setting out of scenic easement and open spaces.

(b) Where the map provides for a condominium or similar type of subdivision, a building permit may be issued and improvements may be allowed prior to the filing of the final map; provided, that no property be transferred and no occupancy certificate granted until said final map has been approved and filed with the county recorder.

(c) Exceptions in lot size may be authorized which do not result in an increase in density in the overall development.

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

23.32.140 Passive or natural heating or cooling.

The design of a subdivision for which a tentative map is required shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.

Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.

In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and that provision shall not result in reducing allowable densities or the percentage of a lot that may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map is filed.

For the purposes of this Section, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

SECTION 12. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 13. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 14. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
THIS 18th day of September, 2019, by the following vote:

AYES: Mayor Peake, Councilmembers Garfield, Huitt, McAdams, and Tomlinson.

NOES: None.

ABSENT: Councilmembers Amelio and Smith.

APPROVED:

Bill Peake

BILL PEAKE, Mayor

ATTEST:

DATED:

9/23/19

Sandra Kandell

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

David C. Laredo

DAVID C. LAREDO, City Attorney