

ORDINANCE NO. 2015-04

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING SECTIONS 23.12.030.1; 23.16.060; AND ADDING CHAPTER 23.44 OF THE CITY OF SANTA CRUZ MUNICIPAL CODE TO UPDATE SECTIONS OF THE SUBDIVISION ORDINANCE TO CONFORM TO THE STATE SUBDIVISION MAP ACT

BE IT ORDAINED by the City of Santa Cruz as follows:

Section 1. Section 23.12.030.1 of the Santa Cruz Municipal Code is hereby amended as follows:

23.12.030.1 DIVISION OF LAND – FEWER THAN FIVE PARCELS – MAPS REQUIRED.

A tentative parcel map and a parcel map shall be required for all divisions of land which create fewer than five parcels, except for:

(a) Divisions of land created by short-term leases (terminable by either party on not more than a thirty-day 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 city engineer, based upon substantial evidence that public policy necessitates such a map, this exception shall not apply;

(b) Lot-line adjustments, provided:

(1) The parcels resulting from the lot line adjustment will conform to the general plan, any applicable specific plan, any applicable coastal plan, zoning and building ordinances; and

(2) A greater number of parcels than originally existed are not created by the lot line adjustment.

The zoning administrator shall review the application for a lot line adjustment and shall not impose conditions or exactions on approval except to conform to the general plan, any applicable specific plan or area plan, any applicable coastal plan, zoning or building ordinances, and except to facilitate the relocation of existing utilities, infrastructure, or easements.

No tentative map, parcel map, or final map shall be required as a condition of approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8792 of the state Business and Professions Code.

Section 2. Section 23.16.060 of the Santa Cruz Municipal Code is hereby amended as follows:

23.16.060 EXPIRATION AND EXTENSIONS.

Sections:

- | | |
|-------------|-------------|
| 23.16.060.1 | Expiration. |
| 23.16.060.2 | Extensions. |

23.16.060.1 EXPIRATION AND EXTENSIONS – EXPIRATION.

The approval or conditional approval of a tentative subdivision map shall expire thirty-six months from the date of the adoption of the resolution by the city council approving or conditionally approving the map or as may be authorized by the state of California Subdivision Map Act. An extension of the expiration date may be approved as provided in Section 23.16.060.2 herein, for a period or periods not to exceed six years.

(a) Expiration of an approved or conditionally approved tentative map shall terminate all proceedings, and no final map or parcel map of all, or any portion of, the real property included within such tentative map shall be filed without first processing a new tentative map.

23.16.060.2 EXPIRATION AND EXTENSIONS – EXTENSIONS.

(a) Request by Subdivider. A subdivider may request an extension of the expiration date of an approved or conditionally approved tentative subdivision map by written application to the director of planning. The application shall be filed before the map is to expire and shall state the reasons for requesting the extension. Upon an application by the subdivider prior to the expiration of an approved or conditionally approved tentative map or parcel map to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider’s application for extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(b) Action Taken. The planning director shall review the request for time extension and submit the application together with a report to the planning commission for tentative subdivision maps or to the zoning administrator for tentative parcel maps. A copy of the director’s report shall be forwarded to the subdivider prior to the planning commission or zoning administrator meeting on the extension. For tentative subdivision maps, the planning commission shall consider the director’s report and recommend approval, conditional approval, or denial to the city council. The planning commission recommendation shall specify the new expiration date of the tentative subdivision map. The city council shall take final action on requests for time extensions for tentative subdivision maps. The zoning administrator shall take final action on requests for time extensions for tentative parcel maps.

(c) Time Limit of Extension. The approved extension shall not exceed a period or periods totaling six years. The approved new expiration date shall not extend more than nine years beyond the date of the resolution adopted by the city council approving or conditionally approving the original tentative subdivision map, or as may be authorized by the state of California Subdivision Map Act.

(d) Conditions of Approval. As a condition of the extension of a tentative subdivision map, the city council may impose new conditions or revise existing conditions on the approved tentative map as deemed necessary.

Section 3. Chapter 23.44 of the Santa Cruz Municipal Code is hereby added to as follows:

Chapter 23.44 CORRECTIONS AND AMENDMENTS TO FINAL MAPS

23.44.010 Definitions

(a) “Certificate of Corrections” – a document recorded with the County Recorder’s office to correct errors or omissions to a final map.

(b) “Advisory Body” – the entity (Zoning Administrator, Planning Commission, or City Council) that approved the original tentative map or parcel map and is responsible for reviewing and approving, conditionally approving, or denying any subsequent amendments allowed under Chapter 23.44.

23.44.020 Corrections of Errors and Omissions

After a final map or parcel map 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:

- (a) To correct an error in any course or distance shown thereon.
 - (b) To show any course or distance that was omitted therefrom.
 - (c) To correct an error in the description of the real property shown on the map.
 - (d) To indicate monuments set after the death, disability, retirement from practice, or replacement of the engineer or surveyor charged with responsibilities for setting monuments.
 - (e) To show the proper location or character of any monument which has been changed in location or character originally was shown at the wrong location or incorrectly as to its character.
 - (f) To correct any additional information filed or recorded pursuant to Section 66434.2 of the State Government Code if the correction does not impose any additional burden on the present fee owners of the real property and does not alter any right, title, or interest in the real property reflected on the recorded map.
 - (g) To correct any other type of map error or omission as approved by the county surveyor, city surveyor, or city engineer that does not affect any property right, including, but not limited to, lot numbers, acreage, street names, and identification of adjacent record maps.
- As used in this section, “error” does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map.

23.44.030 Preparation of Amending Documents

The amending map or certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor. An amending map shall conform to the requirements of Section 66434 of the State Government Code, if a final map, or subdivisions (a) to (d), inclusive, and (f) to (i), inclusive, of Section 66445 of the State Government Code, if a parcel map. The amending map or certificate of correction shall set forth in detail the corrections made and show the names of the fee owners of the real property affected by the correction or omission on the date of the filing or recording of the original recorded map. Upon recordation of a certificate of correction, the county recorder shall within 60 days of recording transmit a certified copy to the county surveyor or county engineer who shall maintain an index of recorded certificates of correction.

If the property affected by a map is located within a city, the county recorder shall, upon request of the city engineer, provide copies of recorded certificates of correction to the city engineer.

23.44.040 Review by City Engineer and City Surveyor

- (a) The city surveyor or city engineer shall examine the amending map or certificate of correction and if the only changes made are those set forth in Section 23.44.020, he or she shall certify to this fact on the amending map or certificate of correction.
- (b) As to a certificate of correction, the city surveyor or city engineer shall have 20 working days in which to examine the certificate of correction for compliance with Sections 23.44.020

and 23.44.030, endorse a statement on it of his or her examination and certification, and present it to the county recorder for recordation. In the event the submitted certificate of correction fails to comply with Sections 23.44.020 and 23.44.030, the city surveyor or city engineer shall return it within the same 20 working days to the person who presented it, together with a written statement of the changes necessary to make it conform to the requirements of Sections 23.44.020 and 23.44.030. The licensed land surveyor or registered civil engineer submitting the certificate of correction may then make the changes in compliance with Sections 23.44.020 and 23.44.030 and resubmit the certificate of correction to the city surveyor or city engineer for approval. The city surveyor or city engineer shall have 10 working days after resubmission and approval of the certificate of correction to present it to the county recorder for recordation.

23.44.050 Recordation of Amendments

The amending map or certificate of correction certified by the city surveyor or city engineer shall be filed or recorded in the office of the county recorder in which the original map was filed. Upon that filing or recordation, the county recorder shall index the names of the fee owners of the real property reflected on the original recorded map, and the appropriate tract designation shown on the amending map or certificate of correction in the general index and map index respectively. Thereupon, the original map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all those corrections in the same manner as though set forth upon the original map.

23.44.060 Required Findings for Additional Amendments

In addition to the amendments authorized by Section 23.44.020, after a final map or parcel map is filed in the office of the county recorder, the recorded final map may be modified by a certificate of correction or an amending map if the advisory body finds that:

- (a) there are changes in circumstances that make any or all of the conditions of the map no longer appropriate or necessary;
- (b) the modifications do not impose any additional burden on the fee owners of the real property;
- (c) the modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
- (d) the advisory body finds that the map as modified conforms to Section 23.16.050.4. Any modification shall be set for public hearing before the appropriate advisory body. The advisory body shall confine the hearing to consideration of, and action on, the proposed modification.

Section 4. This ordinance shall take effect and be in force thirty (30) days after final adoption. If any part of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this ordinance, and the City Council hereby declares that it would have passed the remainder of this ordinance if such invalid portion thereof had been deleted.

PASSED FOR PUBLICATION this 10th day of February, 2015, by the following vote:

AYES: Councilmembers Chase, Terrazas, Comstock, Posner, Noroyan; Vice Mayor Mathews; Mayor Lane.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: ss/Don Lane, Mayor

ATTEST: ss/Bren Lehr, City Clerk Administrator

PASSED FOR FINAL ADOPTION this 24th day of February, 2014 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____

Mayor

ATTEST: _____

City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2015-04 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

City Clerk Administrator