

ORDINANCE NO. 1540

AN ORDINANCE OF THE CITY OF CHULA VISTA REPEALING PARAGRAPH B OF SECTION 28.401 OF ARTICLE 4 OF CHAPTER 28 OF THE CHULA VISTA CITY CODE, AND FURTHER AMENDING CHAPTER 28 OF THE CHULA VISTA CITY CODE BY ADDING THERETO NEW ARTICLES 5 AND 6 RELATING TO PARCEL MAP ADJUSTMENT PLATS, CERTIFICATES OF COMPLIANCE AND NOTICE OF VIOLATION PROCEDURES

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Paragraph B of Section 28.401 of Article 4 of Chapter 28 of the Chula Vista City Code be, and the same is hereby repealed.

SECTION II: That Chapter 28 of the Chula Vista City Code be, and the same is hereby amended by adding thereto new Articles 5 and 6 to read as follows:

ARTICLE 5. ADJUSTMENT PLATS.

Sec. 28.501. Adjustment Plats - Purpose and Intent.

It is the purpose of the City Council -in establishing an adjustment plat procedure to facilitate the consolidation of lots and adjustment of boundary lines when it is determined that conditions exist as delineated herein which would eliminate the need for the preparation and filing of either a subdivision map or a parcel map as required by the Subdivision Map Act and the Subdivision Ordinance of the City of Chula Vista.

It is the intent of this Article to simplify, insofar as possible, the creation of legal parcels or lots in the urban community and allow for the development of lots in accordance with applicable zoning and subdivision regulations without the necessity of filing subdivision or parcel maps.

Sec. 28.502. Adjustment Plats - Applicability.

Notwithstanding any other provisions of this Chapter or provisions of the Subdivision Map Act, the procedures set forth in this Article for the use of adjustment plats or adjustment of boundary lines and consolidation of parcels shall be applicable.

An adjustment plat may be filed pursuant to the provisions of this section under the following situations:

- A. To adjust the boundaries between two or more lots provided the Director of Planning and the City Engineer determine that the exchange of property does not:

1. Create any new lots.
2. Include any lots or parcels created illegally.
3. Result in any lots which do not meet applicable zoning regulations.
4. Impair any existing access or create a need for access to any adjacent lots or parcels.
5. Impair any existing easements or create a need for any new easements serving any adjacent lots or parcels.
6. Require substantial alteration of any existing improvements or create a need for any new improvements.

B. To consolidate two or more lots provided the Director of Planning and the City Engineer determine that the consolidation does not:

1. Include any lots or parcels created illegally.
2. Result in any lots which do not meet applicable zoning regulations.
3. Impair any existing access or create a need for access to any adjacent lots or parcels.
4. Impair any existing easements or create a need for any new easements serving any adjacent lots or parcels.
5. Require substantial alteration of any existing improvements or create a need for any new improvements.

C. To create not more than two lots for financing purposes, provided that said lots shall not be sold, leased or otherwise transferred or conveyed unless and until a parcel map is approved pursuant to this Chapter and filed in the office of the County Recorder.

Sec. 28.503. Adjustment Plats - Procedures.

A. *Application.*

1. Application for an adjustment plat shall be made with the Planning Department in accordance with the following specifications:
 - (a) The plat shall be drawn on a form prescribed by the Director of Planning. Such forms are available in the Planning Department upon request.
 - (b) The plat shall be drawn to a minimum scale of one inch equals one hundred feet (1" = 100').
 - (c) All parcels proposed for adjustment shall be shown, including all contiguous property to be retained by the owner. Property to be retained shall be designated on the plat as a separate parcel.

(d) All existing lots or parcels shown on final maps, parcel maps or final division plats shall be designated by dotted lines, and said maps shall be identified by map type and number.

2. Each adjustment plat shall contain the following information:

(a) A plat number as issued by Planning Department.

(b) North arrow and scale.

(c) Name, address, telephone number and signature of owner(s).

(d) If prepared by an engineer or surveyor, his name, address, telephone number and registration or license number.

(e) The location, width and names, if any, of all existing streets; and the location, width and purpose of all easements which lie within the boundaries of the land proposed for division.

(f) The names of the owners and the Assessor's numbers be labeled within or adjacent to the parcels involved.

(g) The existing boundary be shown as a dashed line.

(h) The proposed boundary be shown as a solid line.

(i) Sufficient legal description of the land to define the boundaries of the ownerships involved.

(j) A vicinity map with north arrow and scale indicated.

(k) The net area of each proposed lot.

(l) The dimensions of each boundary of each proposed lot.

(m) The location of all existing buildings and structures and their uses, the distance between said buildings and structures, and the minimum distance between each building or structure, and the boundary of the proposed lot on which it is located.

(n) A statement of the existing zoning and the proposed use of each lot.

3. Adjustment Plat Fee. At the time of filing an adjustment plat, there shall be paid to the City an examination fee of \$25 for each such plat.

4. Approval. Within 15 calendar days after an adjustment plat has been filed, the Director of Planning and the City Engineer shall approve, conditionally approve, or disapprove such plat. The applicant shall be notified of the Director of Planning's action by written notice. Notice shall be deemed to have been given upon deposit of the notice in the United States mail.

5. Certification. If the Director of Planning and the City Engineer determine that the adjustment plat meets the requirements of this Chapter they shall certify on the adjustment plat that it has been approved and have it recorded in the office of the County Recorder. A revised adjustment plat shall be submitted for certification when the Director of Planning and/or the City Engineer finds that the number or nature of the changes required for approval are such that they cannot be shown clearly or simply on the original adjustment plat, the applicant shall submit a revised plat.

6. Conditions for Approval of an Adjustment Plat. Whenever applicable, the Director of Planning may prescribe the following requirements as conditions of approval of an adjustment plat:

(a) Parcel Boundaries. Relocation of lot lines to provide lots that comply with any applicable zoning regulations, and conform to standards of lot design specified in this Chapter.

(b) Access. The provision of safe and adequate access to each lot or parcel within the adjustment.

(c) Inundation Line. The addition of a distinctive boundary line, clearly labeled, which delineates the limits of any area determined by the City Engineer Public Works to be subject to flooding or inundation. The plat shall contain an appropriate note stating said area is subject to flooding or inundation.

B. *Failure to File Revised Adjustment Plat.* When required to prepare a revised adjustment plat, the failure to file said plat within six months from the date of approval or conditional approval of the original plat shall terminate all proceedings.

C. *Recordation of Deeds.* Following approval of the adjustment plat, the applicant must have the necessary deeds prepared and recorded in the office of the County Recorder.

ARTICLE 6. NOTICE OF VIOLATION AND CERTIFICATES
OF COMPLIANCE.

Sec. 28.601. Purpose and Intent.

In accordance with the provisions of the Subdivision Map Act, it is the purpose and intent of the City Council to establish procedures for placing purchasers of illegally split lots on notice that such lot split occurred in violation of the Subdivision Map Act and the requirements of this Chapter, and to provide for a means of certifying that the real property does comply with the provisions of the Subdivision Map Act and this Chapter.

Sec. 28.602. Notice of Violation.

A. *Legally Created Lots.* No building permit, grading permit nor any other permit may be issued, nor any approval granted necessary to develop any property unless, and until, said property has been determined to have been legally created, or if the City Council finds that development of such real property is contrary to the public health or the public safety, provided, further, such permits may be denied if the applicant was the owner of the real property at the time of the violation or currently owns the property with knowledge of the violation as provided through a notice of violation pursuant to the procedures set forth herein.

For a parcel to be considered a legally created parcel, its specific boundaries must have been established or set forth by one of the following means:

1. A recorded subdivision map or parcel map.
2. A deed describing the parcel by a metes and bounds description recorded prior to November 26, 1971 (four (4) or less lots).
3. A record of survey recorded prior to August 7, 1955.
4. A licensed survey or a miscellaneous map recorded prior to August 4, 1943.
5. Any of the above means combined with a City approved and recorded boundary adjustment plat.

B. *Notice of Violation.*

1. If the Director of Planning becomes aware of any parcel which has not resulted from a legal division or consolidation of property in compliance with the Subdivision Map Act and applicable City Codes, he will send to the property owner, or owners, of said property written notice notifying them of the violation. This written notification will advise the property owner(s) that:

- (a) The Director of Planning has determined that subject property together with other contiguous property has been divided or has resulted from a division in violation of the Subdivision Map Act and applicable City Codes.

(b) No building permit, grading permit nor any other permit may be issued, nor any approval granted necessary to develop said property, unless and until a parcel map (subdivision map) is filed, approved and recorded in full compliance with the Subdivision Map Act and provisions of the Chula Vista City Code adopted pursuant thereto. It is the responsibility of the person or persons (the seller) who divided this property in violation of the Subdivision Map Act and the Chula Vista City Code to submit the required parcel map (subdivision map).

(c) The Director of Planning will cause a Notice of Violation to be recorded in the office of the County Recorder within 15 days of notification to property owner(s) which will describe the violation and the property and name the owner(s) thereof. This notice when recorded will be constructive notice of the violation to all successors in interest of said property.

(d) Section 11540 of the Subdivision Map Act (Business and Professions Code) contains provisions for certain persons to rescind the sale of legally created parcels and/or to bring an action to recover any damages suffered by reason of such division. Said section also provides that any such action or rescission must be initiated within one (1) year of the date of the discovery of such violation.

(e) If subject property was purchased through a licensed real estate salesman or broker within the past three years and it is felt that the property was misrepresented, the Department of Real Estate desires that they be notified.

Sec. 28.603., Certificate of Compliance.

In accordance with Section 11538.3 of the Business and Professions Code, any person owning real property may request and the City shall determine whether said property complies with the provisions of the Subdivision Map Act and of this Chapter, and thus, constitutes a legal and buildable lot.

Sec. 28.604. Certificate of Compliance - Procedures.

A. *Application.*

1. Application for a Certificate of Compliance shall be made with the Planning Department in accordance with the following specifications:

(a) The plat shall be drawn on a form prescribed by the Director of Planning. Such forms are available in the Planning Department upon request.

(b) The plat shall be drawn to a minimum scale of one inch equals one hundred feet (1" = 100').

2. Each plat shall contain the following information:

(a) A plat number as issued by Planning Department.

(b) North arrow and scale.

(c) Name, address, telephone number and signature of owner(s).

(d) If prepared by an engineer or surveyor, his name, address, telephone number and registration or license number.

(e) A vicinity map with north arrow and scale indicated.

(f) Sufficient legal description of the land to define the boundaries of the ownership involved and the Tax Assessor's parcel number(s).

(g) The boundaries to be shown as a solid line, with bearings (directions) and distances labeled along boundaries.

(h) The net area of subject parcel.

(i) The location, width and names, if any, of all existing streets providing access to the property and the location, width and purpose of all easements which lie within or immediately adjacent to the exterior boundaries of the parcel.

(j) All referenced maps shall be fully identified by map type and number.

(k) The location of all existing buildings and structures and their uses, the distance between such buildings and structures, and the distance between each building or structure and the boundary of the lot.

(l) A statement of the existing zoning and any proposed zoning.

B. The request for certification shall also include:

1. A legible copy of the current owner's Grant Deed.

2. Documentation of recorded access to the subject property unless abutting a public street.

3. A filing fee of twenty-five dollars (\$25.00).

SECTION III: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented and Approved as to Form by



George D. Lindberg, City Attorney

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY
OF CHULA VISTA, CALIFORNIA, this 25th day of June,
1974, by the following vote, to wit:

AYES:	<i>Councilmen</i>	<u>Hobel, Hamilton, Egdahl, Scott</u>
NAYES:	<i>Councilmen</i>	<u>None</u>
ABSENT:	<i>Councilmen</i>	<u>Hyde</u>
ABSTAIN:	<i>Councilmen</i>	<u>None</u>

Thomas D. Hamilton Jr.
Mayor of the City of Chula Vista

ATTEST Jennie M. Fulasz
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, City Clerk of the City of Chula Vista,
California, DO HEREBY CERTIFY that the above and foregoing is a full,
true and correct copy of _____ and that
the same has not been amended or repealed.

DATED: _____

City Clerk

(SEAL)