

Title 18 SUBDIVISIONS
CHAPTER 18.04. GENERAL PROVISIONS

Sec. 18.04.020. Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Perris.

City engineer means the city engineer or the employee of the city performing the duties of the city engineer.

Commission means the Planning Commission of the City of Perris.

Council means the city council of the City of Perris.

Director means the Director of Development Services of Development Services or their designee.

General plan means the general plan of the city and all the elements thereof as authorized and defined in the Government Code commencing with section 65300.

Owner includes the plural and means any and all persons whose consent is necessary to the filing of a subdivision map and to the making of the dedications of land or other properties shown thereon and to passing clear title thereto.

Subdivision, subdivider, parcel map, tentative map, final map, improvement and design have the same meanings respectively, as those terms are defined or used in division 2 of title 7 of the Government Code of the state, known as the Subdivision Map Act.

CHAPTER 18.12. PROCEDURE

Sec. 18.12.010. Filing.

- (a) All applications for divisions of land shall be filed with the Planning Division in the form and together with such additional information as specified by the Director.
- (b) No map shall be considered filed until all provisions of CEQA and Resolution No. 800 are complied with.

Sec. 18.12.020. Fees.

Each application shall be accompanied by such fees as shall be established by resolution of the City Council.

Sec. 18.12.030. Hearing.

- (a) The Planning Commission shall conduct a public hearing within the time limits described in the Subdivision Map Act, after which the Planning Commission may approve, conditionally approve, or disapprove the map by resolution. In making its decision, the Planning Commission shall consider the findings described in Section 18.12.050.
- (b) Prior to the hearings described in this section, a staff report shall be prepared stating the action recommended to be taken, and conditions of approval, if any. The staff report shall be served upon the land divider and his representative, and upon each tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment project or stock cooperative project, at least three days prior to the date of hearing.
- (c) Notwithstanding Section 18.12.030(a), a parcel map for an urban lot split filed pursuant to Chapter 18.17 shall not require a public hearing. The decision on the parcel map for an urban lot split shall be decided by the Director.

Sec. 18.12.050. Duties and findings.

- (a) The Director shall carry out the following actions:
 - (1) Investigate each parcel map for urban lot split, lot line adjustment, and lot merger application filed with the city pursuant to this title or the Subdivision Map Act and the improvements proposed to be constructed and installed in or to serve the subdivision.
 - (2) If the proposed parcel map for urban lot split, lot line adjustment, and parcel merger (residential development) complies with the requirements of this title and the Zoning Code, the Director shall approve or conditionally approve the application. Such action shall be in writing and shall be delivered to the applicant.
- (b) The Planning Commission or City Council shall carry out the following actions:
 - (1) Investigate each tentative map filed with the city pursuant to this title or the Subdivision Map Act and the improvements proposed to be constructed and installed in or to serve the subdivision, and make its report with respect to the design and improvements of the subdivision and the kind, nature and extent of the proposed improvements.
 - (2) Consider the tentative map at the time and place set forth in the notice required by section 18.12.040, and shall by resolution approve, conditionally approve or disapprove the tentative map.
 - (3) Where the Planning Commission or City Council approves or conditionally approves a tentative map, it shall prescribe, pursuant to the provisions of this title, the kind, nature and extent of the improvements to be constructed or installed in or to serve the subdivisions for which such tentative map is filed.

- (4) The Planning Commission or City Council shall disapprove a tentative map if it finds any of the following:
- a. That the proposed map is not consistent with applicable general and specific plans;
 - b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
 - c. That the site is not physically suitable for the type of development;
 - d. That the site is not physically suitable for the proposed density of development;
 - e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - f. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;
 - g. That the design of the subdivision or the type of improvements will conflict with easements of record or easements established by court judgment, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the Director may recommend approval of a map if he finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public;
 - h. That all requirements of CEQA have not been met;
 - i. That the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a state regional water quality control board pursuant to Division 7 (commencing with section 13000) of the Water Code.

(c) The City Council shall carry out the following actions:

- (1) Upon appeal of the Planning Commission's approval, conditional approval, or denial of a tentative map, investigate each tentative map filed with the city pursuant to this title or the Subdivision Map Act and the improvements proposed to be constructed and installed in or to serve the subdivision, and make its report with respect to the design and improvements of the subdivision and the kind, nature and extent of the proposed improvements.
- (2) The City Council, on appeal, shall disapprove a tentative map if it makes any of the findings set forth in Section 18.12.050(b)(4).

CHAPTER 18.21. MERGER OF CONTIGUOUS LOTS

Sec. 18.21.010. Purpose and Intent.

The provisions of this chapter are intended to provide for the merger of parcels as authorized by Section 66499.20.3 of the Government Code. These provisions are intended to be consistent with the State Subdivision Map Act and shall be so construed.

Sec. 18.21.020. Lot Mergers.

(a) Mergers of contiguous lots involving four or fewer parcels under one fee ownership may be initiated by the owner of the fee interest. Application for merger of contiguous parcels shall be made on forms provided by the Director of Development Services and shall include such items as may reasonably be required to make the necessary findings. An application shall be accompanied by a fee set by resolution of the City Council.

(b) Lot Mergers shall be reviewed in accordance with the requirements set forth in Chapter 18.12.

Sec. 18.21.030. Lot Mergers Findings.

The following findings shall be made prior to approval of a lot merger:

(a) Approval of the merger will not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City;

(b) The lots to be merged are under common fee ownership at the time of the merger;

(c) The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations; and

(d) Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.

Sec. 18.21.040. Recording of Lot Merger.

Upon approval of a lot merger, the applicant shall file a document, approved by the City in writing, specifying the names of the record owners of the fee interest and particularly describing the real property with a site map for recordation with the County Recorder.

CHAPTER 18.22. LOT LINE ADJUSTMENTS

Sec. 18.22.010. Purpose and Intent.

This chapter is intended to allow for lot line adjustments. A lot line adjustment for purposes of this chapter is a minor boundary adjustment involving four or fewer adjacent lots or parcels where the land taken from one parcel is added to an adjacent parcel.

Sec. 18.22.020. Procedures for Lot Line Adjustments.

- (a) Application. An application for a lot line adjustment shall be filed in accordance with the requirements set forth by the Director and shall include all fees specified by the City Council. The owners of the fee interest of all parcels involved shall sign the application form.
- (b) Administrative Process. Lot Line Adjustments are an administrative process. No public hearing shall be required. The Director is authorized to approve a Lot Line Adjustment provided that all parcels involved in the Lot Line Adjustment comply with this Title, the requirements set forth in Title 19, and the Subdivision Map Act.

Sec. 18.22.040. Recording of Lot Line Adjustment.

Upon approval of a Lot Line Adjustment, the applicant shall file a document, approved by the City in writing, specifying the names of the record owners of the fee interest and particularly describing the real property with a site map for recordation with the County Recorder.

CHAPTER 18.23. PARCEL MAPS FOR URBAN LOT SPLITS

Sec. 18.23.010. Purpose and Scope.

This chapter serves to implement Government Code Section 66411.7 to provide an owner an alternative method to subdivide a lot for residential development. For purposes of this chapter, “urban lot split” means the subdivision of an existing legal lot pursuant to Government Code Section 66411.7 to create one additional lot in the R-20,000, R-10,000, R-8,400, R-7,200, and R-6,000 Zones or areas designated for single-family residential or areas designated for single-family residential within a specific plan.

Sec. 18.23.020. Application for Tentative Parcel Maps for Urban Lot Splits.

- (a) An application for a tentative parcel map for an urban lot split shall be filed with the Planning Division by a record owner or owners of the property to be divided or their authorized agents. The required number of copies of the map shall be established by the Director through an application form.
- (b) The application shall be accompanied by the required application fee(s), as established by resolution of the City Council.
- (c) A tentative parcel map for an urban lot split shall be prepared by a licensed surveyor in accordance with the Subdivision Map Act and this Code. Maps shall meet the requirements in subsection (d) of this section and shall be accompanied by other reports, exhibits, information and materials as required by the Director.
- (d) In addition to the items identified in subsection (c) of this section, the following supplemental information shall be submitted with a tentative parcel map for urban lot split application to establish compliance with the construction plans and all provisions of this Code and applicable state law:

- (1) A map of appropriate size and to scale showing all the following:
 - a. Total area (in acreage and square feet) of each proposed lot;
 - b. Zoning and General Plan land use designation;
 - c. The location and use of all existing and proposed structures;
 - d. All required zoning setbacks for the existing and proposed lots;
 - e. The location of all existing water, sewer, electricity, storm drain, or gas service lines, pipes, systems, or easements;
 - f. The location of all proposed new water, sewer, electricity, storm drain, lines, pipes, or systems;
 - g. The location of any proposed easements for public utilities to serve a lot created by the subdivision;
 - h. The location of access to the public right-of-way, whether through easement or direct access;
 - i. Curb, gutter, sidewalk, parkway, and street trees: type, location, and dimensions;
 - j. Location of existing or proposed driveway dimensions, materials, and slope (including cross slope); and
- (2) A statement of the owner, signed under penalty of perjury under the laws of California, that:
 - a. The proposed urban lot split would not require or authorize demolition or alteration of any of the following types of housing:
 - i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;
 - iii. A lot or lots on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within fifteen (15) years prior to the date that the development proponent submits an application;
 - iv. Housing that has been occupied by a tenant in the last three years;

- b. The lot has not been established through prior exercise of an urban lot split under this chapter or Government Code Section 66411.7;
 - c. Neither the owner of the lot being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent lot under the provisions of this chapter or Government Code Section 66411.7;
 - d. The owner intends to occupy one of the housing units located on a lot created by the parcel map as their principal residence for a minimum of three years from the date of the approval of the urban lot split;
- (3) The establishment of a short-term rental shall be prohibited in all units on property that was subdivided pursuant to this chapter; and
- (4) The uses allowed on a lot created by the parcel map shall be limited to residential uses.

Sec. 18.23.030 Design and Improvement Requirements.

The lot design and development standards set forth in Chapter 19.30 shall apply to urban lot splits.

Sec. 18.23.040 Concurrent Processing with Other Ministerial Permits for Housing Development.

- (a) No development, including grading, shall commence on either lot, concurrent or subsequent to an urban lot split, unless it is approved with a valid building permit for the construction of a housing development that complies with all the residential development and design standards set forth in this code, or any other adopted Residential Design Guidelines in effect at the time a complete application is submitted.
- (b) A building permit for development of an urban lot split cannot be issued until the parcel map is recorded.

Sec. 18.23.050 Prohibition of Further Subdivision.

A lot created by a parcel map under this chapter shall not be further subdivided.

Sec. 18.23.060 Decision; Findings for Denial.

- (a) The Director shall deny any application for a tentative parcel map for urban lot split if the Building Official makes written finding(s), based upon a preponderance of the evidence, that it would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- (b) An application for an urban lot split shall be considered and approved or denied within 60 days from the date the City receives a completed application. If the City has not approved or denied the completed application within 60 days, the application shall be deemed approved. If the City denies

an application for a proposed urban lot split, the City shall, within the time period described in the preceding sentences of this paragraph, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

Sec. 18.23.070 Sunset Provision

The provisions of this chapter shall sunset automatically without action of the City in the event California Government Code Sections 65852.21 and 66411.7 are repealed or no longer mandated by State law.