

Article 5: Subdivision Procedures

Division 7: Merger of Parcels

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0701 Purpose of Merger of Parcels Procedures

The purpose of these procedures is to provide the process for the merger of substandard parcels. The intent of these regulations is to implement the merger provisions of the *Subdivision Map Act*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0710 When a Parcel Shall Be Merged

Unless exempted by the *Subdivision Map Act*, Section 66451.11, any parcel or unit of land that does not conform to standards for minimum parcel size under the applicable zone shall be merged with a contiguous parcel or unit of land held by the same owner if the following are met as required by the *Subdivision Map Act*.

- (a) At least one of the affected parcels or units of land is either:
 - (1) Not developed with any *structure* for which a Building Permit was issued or required at the time of construction; or
 - (2) Developed with a single *structure*, other than an *accessory structure*, that is also partially sited on a contiguous parcel or unit.
- (b) At least one of the affected parcels or units of land has one or more of the following conditions:
 - (1) Comprises less than 5,000 square feet in area at the time of the determination of merger;
 - (2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
 - (3) Does not meet current standards for sewage disposal and domestic water supply;
 - (4) Does not meet slope stability standards;

- (5) Has no legal access that is adequate for vehicular and safety equipment access and maneuverability;
- (6) Contains *development* that would create health or safety hazards; or
- (7) Is inconsistent with the applicable *land use plans* other than minimum *lot size* or *density* standards.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0720 Initiation of Parcel Merger

- (a) The City Manager may initiate the merger of parcels by mailing a Notice of Intention to Determine Status by certified mail to each owner of affected property. The notice shall inform the owner that the affected property may be merged pursuant to the *Subdivision Map Act* and Section 125.0710. The notice shall state that the owner may request a hearing on the determination of status and may present evidence at the hearing that the property does not meet the criteria for merger.
- (b) The Notice of Intention to Determine Status shall be recorded with the County Recorder on the date that the notice is mailed.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0730 Decision Process for Determination of Status of the Merger of Parcels

The determination of status of the merger of parcels shall be made in accordance with Process Two with the following modifications to Process Two procedures as required by the *Subdivision Map Act*:

- (a) A Notice of Intention to Determine Status of the merger of parcels shall be provided in accordance with Section 125.0720 and a Notice of Future Decision specified in Section 112.0503(a).
- (b) An application for an appeal hearing may be filed within 30 calendar days after the recording of the Notice of Intention to Determine Status in place of the time specified in Section 112.0504(b). If the owner does not file a request for a hearing within 30 calendar days after the recordation of the Notice of Intention to Determine Status, the City Manager may record the Notice of Merger.
- (c) An appeal hearing shall be scheduled not more than 60 calendar days following receipt of the property owner's request for hearing, in place of the time

specified in Section 112.0504(c), but the time period may be continued or postponed with the mutual consent of the City and the property owner.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0740 Findings for Determination of Status for Merger of Parcels

The decision maker shall determine that the parcels are merged if the decision maker finds that the parcels meet the requirements specified in Section 125.0710.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0750 Recordation of Notice of Merger of Parcels

The City Manager shall record the Notice of Merger within 30 calendar days of the *decision date*. A merger of parcels becomes effective when a Notice of Merger specifying the names of the *record owners* and describing the real property is recorded with the County Recorder. Upon recordation of the Notice of Merger, the merged parcels, units, or *lots* shall constitute a single parcel for all regulatory purposes and no component parcel, unit, or *lot* of the merged parcel shall be separately conveyed or developed.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0751 Determination Not to Merge Parcels

If the decision maker determines that the property is not merged, a release of the Notice of Intention to Determine Status shall be recorded with the County Recorder and a letter of clearance shall be mailed to the all of the current property owners.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0760 Temporary Merger of Parcels for Development

Parcels may be temporarily merged as a condition of a permit or other approval for *development* by a “Covenant to Hold as One Parcel.” The covenant shall be recorded in the Office of the County Recorder and shall run with the land. The City Manager shall release the burden of the covenant at such time the restriction is no longer needed by a change in *development* or a change in the regulations requiring the covenant. The release of covenant shall be recorded in the Office of the County Recorder.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0761 Voluntary Merger of Parcels

An owner of real property may voluntarily merge or partially merge one or more contiguous parcels into one or more newly created parcels by filing a *parcel map* pursuant to Chapter 12, Article 5, Division 5 and Section 144.0330 or by filing a *parcel map* or final map and using the provisions of the *Subdivision Map Act*, Section 66499.20 1/2. In either case, all parcels shall be legally merged or resubdivided and all public easements and *streets* not delineated thereon shall be abandoned and vacated subject to the restrictions contained in the *Subdivision Map Act* Section 66499.20 1/2.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)