



City of Rialto

Legislation Text

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For City Council Meeting [August 9, 2022]

TO: Honorable Mayor and City Council

APPROVAL: Marcus Fuller, City Manager

FROM: Paul Gonzales, Community Development Manager

Request City Council Introduce for First Reading **Ordinance No. 1668**, Amending Chapter 17.46 of the Rialto Municipal Code to Allow for Parcel Mergers Initiated by the Property Owner / Applicant.

(ACTION)

BACKGROUND

The California Government Code sections 66410 - 66499.40 provide regulations relating to subdivisions of land and is cited as the "Subdivision Map Act." This body of law regulates how properties can be subdivided, with requirements for submittal of Tentative Maps and final Tract Maps or Parcel Maps. Of importance is the requirement for a Tentative Tract Map and final Tract Map for subdivisions of 5 or more residential parcels, and a Tentative Parcel Map and final Parcel Map for subdivisions of 4 or fewer residential parcels.

The City, as a general law city, has adopted Title 17 of the Rialto Municipal Code as the City's regulations relating to subdivisions with general reference to the Subdivision Map Act. The Subdivision Map Act provides certain exemptions to when a Tentative and final map are required and include adjustments of existing lot lines. Specifically, section 66412(d) of the Subdivision Map Act exempts a lot line adjustment between four or fewer existing adjoining parcels from the requirements for a Tentative and final Map. For reference, the statute states:

(d) A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line adjustment is approved by the local agency, or advisory agency. A local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances. An advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition to the 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 8762 of the Business and Professions Code. A local agency shall approve or disapprove a lot line adjustment pursuant to the Permit Streamlining Act (Chapter 4.5

(commencing with Section 65920) of Division 1)

The City, like all cities, has an administrative application and process for approval of lot line adjustments of four or fewer parcels. This includes an allowance to merge and consolidate as many as four existing contiguous parcels as part of a lot line adjustment. However, given the limitation in the Subdivision Map Act if a property owner elected to merge and consolidate more than four existing parcels, the City requires the property owner to file an application for a Tentative Parcel Map and final Parcel Map.

Currently, pursuant to the provisions of the Subdivision Map Act, the City adopted Chapter 17.46 of the Rialto Municipal Code for City-initiated (non-voluntary) parcel mergers. This provision is rarely used and is allowed only insofar as existing parcels held under single ownership and meet several conditions allowing for City-initiated mergers. Chapter 17.46 does not provide for a voluntary parcel merger process to allow for a property owner to pursue merger and consolidation of any number of existing contiguous parcels held under common ownership.

ANALYSIS/DISCUSSION

Staff is recommending that the City Council consider amending Chapter 17.46 of the Rialto Municipal Code to allow for owner-initiated (voluntary) parcel mergers that would avoid the need to file an application for and process a Tentative and Parcel Map when the owner wishes to merge and consolidate five or more existing parcels.

Government Code section 66499.20.3 of the Subdivision Map Act allows for a city to allow for merger of contiguous parcels under common ownership provided the City adopts an ordinance. For reference, the statute states:

A city or county may, by ordinance, authorize the merger of contiguous parcels under common ownership without reverting to acreage. The ordinance shall require the recordation of an instrument evidencing the merger.

The City Attorney has prepared an ordinance, attached herein, amending Chapter 17.46 of the Rialto Municipal Code by adding Section 17.46.080 for "Mergers Initiated by Applicant". The proposed new section of the Rialto Municipal Code is intended to implement procedures and prescribe the standards for owner-initiated mergers and un-mergers of land. The adoption of the proposed ordinance would allow applicants to consolidate parcels through the administrative lot line adjustment / parcel merger application process and eliminating the need to file for the more costly and time consuming applications for Tentative and Parcel Maps.

To qualify for an owner-initiated merger, the following criteria must be met:

1. All parcels to be merged are contiguous, adjacent or may be consolidated into a single parcel;
2. All parcels to be merged are under identical ownership; and
3. The resulting parcel is consistent with the city's general plan, any applicable specific plan, and any other applicable provision of this code.

On July 27, 2022, the Planning Commission voted 6-0, one (1) vacancy, recommending the City Council adopt the proposed Ordinance amending Chapter 17.46 of the Rialto Municipal Code for voluntary parcel mergers.

ENVIRONMENTAL IMPACT

The requested action does not constitute a “Project” as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. According to Section 15378(b)(5), a Project does not include: Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

GENERAL PLAN CONSISTENCY

Approval of the proposed Ordinance complies with the following City of Rialto General Plan Guiding Principle:

Our City government will lead by example, and will operate in an open, transparent and responsive manner that meets the needs of all citizens and is a good place to do business.

LEGAL REVIEW

The City Attorney prepared the ordinance and approved this staff report.

FINANCIAL IMPACT

Operating Budget Impact

Adoption of the Ordinance will not incur any direct costs and is not expected to have any financial impact.

Capital Improvement Budget Impact

There is no capital improvement budget impact.

Licensing

A Business License application and payment of a Business License tax are not required for this action.

RECOMMENDATION

Staff recommends that the City Council Introduce and, by separate motion, waive full reading of an Ordinance entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO CALIFORNIA AMENDING CHAPTER 17.46 OF THE MUNICIPAL CODE REGARDING THE MERGER OF PARCELS.”