



# Chapter 26 Zoning

## ARTICLE 8 SUBDIVISION REGULATIONS

### DIVISION 1 – AUTHORITY

#### 26-293 Subdivision Map Act [Source: 20-1]

Pursuant to the provisions of Title 7, Division 2 (commencing with section 66410) of the Government Code, State of California, hereinafter referred to as the "Subdivision Map Act," and in addition to any other regulations provided by law, the regulations hereinafter contained in this chapter shall apply to all subdivisions, parts of subdivisions, and divisions of land hereafter, made wholly or partially, within the West Covina city limits, and to the preparation of subdivision maps thereof and other maps provided for by the Subdivision Map Act. Provisions for grading and erosion control are contained in Chapter 9 of the West Covina Municipal Code.

### DIVISION 2 – GENERAL PROVISIONS [SOURCE: 20-30 THROUGH 20-48]

#### 26-294 Definitions

Definitions related to this Article can be found in Article I Division 4.

#### 26-295 Application

The regulations set forth in this Article shall apply to all subdivisions or parts thereof within the City of West Covina and to the preparation of subdivision maps thereof and to other maps or certificates provided for by the Subdivision Map Act. Each such subdivision and each part thereof lying within the City of West Covina shall be made and each such map or certificate shall be prepared and presented for approval as hereafter provided for and required.

#### 26-296 Deviations [Source: 20-30]

Whenever any parcel of land is of such size, design, or shape, or subject to such title limitations of records, or is subject to such topographical conditions or such dominating drainage problems that it is impossible, or impractical in the particular case to conform fully to the provisions of this chapter, the City Engineer may recommend such deviation as may be necessary or expedient to the proper development of the subject property as allowed by state law. In each case of deviation, the City Engineer shall transmit to the Planning Commission with the tentative map a written report setting forth each deviation recommended and the reasons therefor.

#### 26-297 Conformance to City Standards [Source: 20-31 and NEW]

A subdivision or division of land shall conform to the following city standards and requirements:

- (a) All adopted general plan elements and specific area plans.
- (b) The master plan of streets.
- (c) Standard Specifications for Public Works Construction.
- (d) City Engineer's standard drawings.



- (e) Any applicable City ordinances and resolutions.
- (f) Lot standards as contained in the West Covina Municipal Code.
  - (1) Frontage on street. All lots in the subdivision shall have a minimum twenty (20) feet of frontage on a street except that on other than R-1 and/or R-A zoned land an alternate minimum twenty (20) feet wide permanent access easement may be utilized subject to approval of the planning commission and/or City Council. Documents necessary to implement an approved permanent access easement shall be subject to review and approval of the City Attorney and shall be recorded concurrently with the final map or parcel map.
  - (2) Lot dimensions. Lot dimensions shall conform to the standards of development as contained in chapter 26 of the West Covina Municipal Code or other official plans adopted pursuant to law. Irregularly shaped lots shall be subject to individual approval by the City.
  - (3) Jurisdictional boundary lines. No lot shall be divided by a county, city or school district boundary line.
  - (4) Lot side lines. Lot side lines shall be approximately at right angles or radial to the street center line.
  - (5) Use of flag lots. The standards in this subsection shall only apply to residential flag lots. Residential flag lots may be permitted through a parcel map or tentative subdivision map when they comply with the standards in this section, in addition to any other applicable City standards:
    - (i) Limitation on number of residential flag lots. Flag lots shall not be approved where alternative designs are feasible. To avoid an over- concentration of residential flag lots in any one neighborhood, residential flag lots shall not be allowed where approval of a proposed subdivision would result in flag lots comprising greater than one (1) or ten (10) percent of the number of lots in the immediate neighborhood (whichever is greater). Lots in the immediate neighborhood shall be defined as all lots which would be created by a proposed subdivision plus all residentially-zoned lots lying wholly or partially within 300 feet of the proposed subdivision.
    - (ii) Where a subdivision proposes more than one flag lot a flag lot shall not be located adjacent to another flag lot
    - (iii) Flag lots must have a minimum of twenty (20) feet of frontage on a street. The lot(s) located between the primary portion of the flag lot and the street shall have the minimum feasible depth required to comply with the requirements of chapter 26 of the West Covina Municipal Code. The accessway serving an infill residential flag lot shall not be included when calculating the required area of that lot.
  - (6) Cul-de-sacs. Minimum street frontage of thirty-three (33) feet.
- (g) Any subdivision that results in a lot without direct access to and from a public street shall dedicate a separate parcel as a private street maintained by the Home Owners Association. Private streets shall comply with all applicable standards listed in Chapter 19 Article VIII of the West Covina Municipal Code.

**26-298 Information Package for Prospective Purchases of Subdivided Land [Source: 20-32]**

In addition to the subdivision report prepared by the state real estate commissioner, the owner, their agent or the subdivider of a residential subdivision containing five (5) or more single-family residences or condominium units shall prepare or cause to be prepared a package of information for distribution to prospective purchasers of homes or units in the subdivision containing the following information:

- (a) The zoning applicable to the property being subdivided and to contiguous property.



- (b) The text of the land use element of the City's general plan which is applicable to the subdivision and to contiguous property.
- (c) The location of existing and proposed schools which the children of purchasers of property within the subdivision may be expected to attend.
- (d) A copy of any conditions, covenants and restrictions which are applicable to property within the subdivision.
- (e) Any additional information deemed necessary or appropriate to fully inform prospective purchasers of property within the tract of the conditions which exist within the tract and within contiguous areas.
- (f) The owner, his agent or the subdivider shall submit the proposed package of information to the director of planning of the City of West Covina for approval as to form and content. The Community Development Director or their designee may require amendments or the addition of information to the package. A copy of the package as finally approved shall be filed with the director of planning prior to its distribution.
- (g) Sales agents of the owner or the subdivider shall deliver a copy of the package of information to each prospective buyer of property within the subdivision, and prior to accepting a deposit on any such property the sales agent shall require the prospective buyer to sign a receipt acknowledging that a copy of the package of information has been delivered to him. The receipt shall contain the sales agent's name, the owner or developer's name, the lot and tract number, the date of the delivery of the information package, and the purchaser's printed name and signature.
- (h) Within ten (10) days after the close of escrow on the initial sale of any residence or condominium in the tract, the owner, the developer, or his agent shall file a copy of the receipt for the package of information with the Community Development Director or their designee of the City of West Covina.
- (i) The provisions of this section shall be applicable to the initial sale of residences or condominium units in existing tracts or developments, as well as to all tracts or developments hereafter approved within the City of West Covina.
- (j) The provisions of this section shall not require the furnishing of any information to a prospective purchaser of property which is contained in the subdivision report prepared by the state real estate commissioner.
- (k) The failure of any owner, subdivider or sales agent to obtain the approval of the Community Development Director or their designee of the information package before selling property within the tract or the failure to deliver the package of information and to obtain a receipt therefor from prospective buyers of property shall constitute a misdemeanor punishable in the manner and to the extent provided by law.

**26-299 Surveys [Source: 20-33]**

The procedure and practice of all survey work done on any division of land, whether for preparation of a final map or parcel map, shall conform to the standards and details set forth in Chapter 15, Division 3, of the Business and Professions Code, the Land Surveyor's Act. The allowable error of closure on any portion of a final map or parcel map shall be a minimum of 1/10,000.

In the event that the county engineer, county road commissioner, the state highway engineer, or any City Engineer shall have established the center line of any street or alley in or adjoining a division of land, the final map or parcel map shall show such center line, together with reference to a field book or map showing such center line and the monuments which determine its position. If determined by ties, that fact shall be stated upon the final map or parcel map. Monuments shall be found, set or reset for final maps and parcel maps at least at the following locations, except no additional monuments need to be set for parcel maps prepared from record data:

- (a) At all angle points and beginnings and ends of curves on the exterior boundaries of the subdivision or division of land.



- (b) At all angle points and beginnings and ends of curves on the exterior boundaries of any and all land dedicated or offered for dedication in fee simple for park or open space purposes.
- (c) At the intersections of center lines of streets and at all angle points and beginnings and ends of curves on street center lines.
- (d) For each center line intersection monument set, the engineer or surveyor under whose supervision the survey has been made shall furnish to the City Engineer a set of notes showing clearly the ties between such monument and at least four (4) durable distinctive reference points or monuments. Such reference points or monuments may be leads and tacks in sidewalks, or two-inch iron pipe set back of the curb line and below the surface of the ground, or such substitute therefor approved by the City Engineer as appears likely not to be disturbed. The set of center line tie notes shall be filed with the City Engineer within three (3) months of the date required for setting monuments as shown by certification on the final map.
- (e) Such set of notes shall be of such quality, form and completeness and shall be on paper of such quality and size as may be necessary to conform to the standardized office records of the City Engineer. All such notes shall be indexed and maintained by the city engineer as a part of the permanent records of the City Engineer's office.
- (f) Whenever the City Engineer has established the center line of a street or alley, such data shall be considered in making the surveys and in preparing the final map, and all monuments found shall be indicated and proper reference made to field books or maps of public record, relating to the monuments. If the points were reset by ties, that fact shall be stated.
- (g) City boundaries crossing or adjoining the subdivision or division of land shall be clearly designated and tied in on the final map.
- (h) All boundary monuments shall be set prior to recordation of the final map unless extensive grading operations or improvement work makes it impractical to set monuments. If the setting of boundary monuments is deferred, field notes showing the boundary survey and a bond shall be submitted with the final map for checking and guaranteeing that the boundary monuments will be installed. Interior street center line monuments may be set subsequent to recordation of the final map. The final map shall show which monuments are in place and which are to be set. Prior to approval of the final map by the City Council, the subdivider shall submit a written agreement in which he agrees that the monuments so deferred will be set within a specified time, and that the required notes will be furnished within a specified time.
- (i) At least one (1) exterior boundary line of the land being subdivided shall be adequately monumented or referenced before the final map is recorded.

**26-300 Standards for Completing and Accepting Public Improvements [Source: 20-34]**

Required public improvements shall be constructed in accordance with the following:

- (a) The West Covina Municipal Code.
- (b) The Standard Specifications for Public Works Construction.
- (c) The standards of the City Engineer as approved by resolution of the City Council.
- (d) Where applicable the California Building, California Plumbing, California Mechanical Codes as amended and adopted by the City.

Upon completion of the improvements, inspection by the City, and recommendation of the City Engineer, the improvements shall be presented for acceptance by the City Council. Upon acceptance by the City Council the



subdivider will be relieved of maintenance responsibility, and the city and/or other appropriate public agencies will assume maintenance of the improvements.

In the case of public open spaces requiring landscaping, irrigation and/or lighting, the subdivider is responsible for a minimum one-year maintenance period after satisfactory completion of the improvements and before acceptance by the City Council. The maintenance period shall be extended for additional periods of time corresponding to any periods of deficient maintenance as determined by the city. Upon completion of the maintenance period and any extensions thereof, inspection by the City, and recommendation of the City Engineer, the improvements shall be presented for acceptance by the City Council. Upon acceptance by the City Council the subdivider will be relieved of maintenance responsibility, and the city and/or other appropriate public agencies will assume maintenance of the improvements.

**26-301 Waiver of Disapproval of Maps [Source: 20-35]**

No map shall be disapproved when the failure of the map is solely a result of a technical and inadvertent error which, in the determination of the Planning Commission for tentative maps and the City Council for final maps, does not materially affect the validity of the map. Upon such a finding, disapproval of the map shall be waived.

**26-302 Assignment of Responsibilities to Advisory Agency [Source: 20-36]**

The Planning Commission shall have the following responsibilities in addition to those otherwise assigned responsibilities:

- (a) Make findings that tentative maps, together with the provisions for their design and improvement, are consistent with the general plan and/or any specific plans of the city.
- (b) Make findings justifying approval or denial of tentative maps as such findings are specified in the Subdivision Map Act.
- (c) Make findings for tentative maps relating to the waste discharge from proposed subdivisions and the requirements prescribed by a California regional water quality control board as such findings are specified in the Subdivision Map Act.

**26-303 Appeal of Findings of Advisory Agency [Source: 20-37]**

Any interested person can appeal the findings specified in section 20-301 (Assignment of Responsibilities to Advisory Agency) to the City Council in the manner prescribed in the Subdivision Map Act. Appeals shall be accompanied by the fee as set from time to time by resolution of the City Council.

**26-304 Dedication or Irrevocable Offers of Dedication [Source: 20-38]**

The Planning Commission shall determine the requirements, if any, for dedications or irrevocable offers of dedication concurrent with its approval or conditional approval of tentative maps. Irrevocable offers of dedication shall not be limited in any manner except as specified in the Subdivision Map Act as to the time or time periods in which the City may accept, reject, terminate, or abandon the offer of dedication. Required dedications or irrevocable offers of dedication shall be by certificate on the final or parcel maps unless the City Engineer finds such procedure to be impractical, in which case, separate instruments may be processed by the City Engineer through the City Council for recordation.

The Planning Commission may require dedications or irrevocable offers of dedications for the following purposes as prescribed in the Subdivision Map Act:



- (a) Streets, alleys, waivers of direct access rights and abutter's rights, drainage, water, sewerage, bicycle paths, equestrian trails, access easements, public utility easements, and such other public easements as may be deemed necessary by the Planning Commission.
- (b) Local transit facilities as prescribed in and restricted by the Subdivision Map Act.
- (c) Parks and recreation as prescribed in this chapter and as prescribed in and restricted by the Subdivision Map Act.

**26-305      Reservation of Real Property for Public Use [Source: 20-39]**

The Planning Commission shall determine the requirements, if any, for reservations of real property in a subdivision for parks, recreational facilities, fire stations, libraries and/or other public uses concurrent with its approval or conditional approval of tentative maps. Such reservations, if any, shall be imposed in accordance with the provisions of the Subdivision Map Act.

**26-306      Parks and Recreation [Source: 20-40]**

- (a) Dedications for parks and recreation shall be 3.2 acres per one thousand (1,000) residents of the subdivision. The number of residents of the subdivision for purposes of this section shall be the product of the average household size in the City as disclosed by the most recent available federal census and the number of housing units in the subdivision.
- (b) The land dedicated for parks and recreation shall:
  - (1) Be in a location and configuration approved by the Planning Commission.
  - (2) Be rough graded, including drainage devices, in accordance with a grading plan approved by the recreation and parks director, Community Development Director or their designee and City Engineer.
  - (3) Be fully usable for parks and recreation purposes with the majority of the on-site area being graded at two (2) percent and with areas of grades exceeding twenty (20) percent not being included in the computation of the area required to be dedicated.
  - (4) Have all public utilities stubbed out to the site and have all connection charges paid including annexation to the county sanitation district.
  - (5) Have all public works improvements installed adjacent to the site.
- (c) In such instances where dedication is not required, in total or in part for subdivision, an in-lieu fee shall be paid. The fee shall be equivalent to the value of the land which would have been dedicated if dedication were required. The value shall be the fair market value of the land if it were to be sold immediately after completion of the full improvements in the subdivision. Fair market value shall be determined in accordance with the following:
  - (1) The fair market value as determined by the City Engineer and the Community Development Director or their designee based upon the average anticipated sale prices of the fully improved lots, excluding buildings, in the subdivision; or
  - (2) If the subdivider objects to such evaluation, he may at his expense obtain an appraisal of the property by a qualified real estate appraiser approved by each party, which appraisal may be accepted by both if found reasonable; or
  - (3) The City Council may determine the fair market value.



26-307 Park Fees [Source: 26-204]

- (a) Every person who constructs a multiple-family residential development or multiple single-family residential lots shall pay a fee as set forth in section 26-306 (Parks and Recreation) for the purpose of providing park and recreational facilities to serve future residents of such development.
- (b) This section shall apply to all undeveloped multiple-family residential property and to all approved precise plans and/or conditional use permits which have not commenced construction prior to the effective date of this section.

26-308 Required Improvements [Source: 20-41]

The Planning Commission, concurrent with its approval or conditional approval of the tentative map, shall require the following improvements constructed to the satisfaction of the City Engineer unless specific findings are made that construction of said improvements are unnecessary and impractical:

- (a) Construction of subdivision streets in accordance with the master plan of streets, standard specifications for public works construction, and the City Engineer's standard drawings, including but not limited to asphalt concrete or portland cement concrete pavement, aggregate base, portland cement concrete curbs and gutters, portland cement concrete sidewalks, surface drainage facilities, and portland cement concrete driveway approaches.
- (b) Construction of half of the adjoining portions of exterior streets in accordance with the master plan of streets, Standard Specifications for Public Works Construction, and the city engineer's standard drawings, except that the minimum width constructed shall be twenty (20) feet, in the same manner as subdivision streets.
- (c) Construction of landscaped and irrigated street median islands.
- (d) Installation of street lighting in accordance with plans and specifications approved by the city engineer or his duly authorized representative.
- (e) Installation of street trees and of tree wells.
- (f) Irrigation, landscaping and lighting in open space areas and irrigation and landscaping on slopes in accordance with plans and specifications approved by the Community Development Director or their designee.
- (g) Installation of traffic signals at subdivision street intersections where needed as determined by a traffic and engineering study in accordance with plans and specifications approved by the city engineer.
- (h) Payment of a fair share cost of traffic signals at adjoining exterior street intersections or adjoining exterior street and subdivision street intersections as determined by the city engineer. The fair share cost is to be computed by the city engineer based upon the estimated construction cost of the traffic signal, preliminary and construction engineering, materials testing, and contingencies not exceeding twenty (20) percent of estimated construction cost.
- (i) Construction of adequate sewerage, water and drainage systems in accordance with the standards of the City of West Covina, Los Angeles County Flood Control District, Los Angeles County sanitation districts, and local domestic water purveyor to the satisfaction of the city engineer.
- (j) Installation of public utilities, including mail boxes and cable television trenching, conduit, pull boxes, pedestals and easements.
- (k) Construction of private streets in accordance with City of West Covina standards to the satisfaction of the City Engineer.
- (l) Installation of traffic signing and street name signing in accordance with standards of the City of West Covina to the satisfaction of the City Engineer.



- (m) Installation and/or construction of such other improvements which the Planning Commission finds necessary and practical for the general use of the lot owners and/or to ensure conformity to or implementation of the general plan and applicable specific plans

**26-309 Additional Improvements [Source: 20-42]**

The Planning Commission concurrent with its approval or conditional approval of the tentative tract map and the Community Development director concurrent with the approval or conditional approval of a tentative parcel map shall require the payment of fees or the submittal of an agreement with approved security for planned drainage facilities as shown on the City's side drainage report, master plan of drainage, or other drainage study as it finds necessary and practical. Such fees or agreements shall be applied and administered in accordance with the provisions of the Subdivision Map Act.

The Planning Commission also shall require that any required improvements shall contain supplemental size, capacity or number for the benefit of property not within the subdivision as the Planning Commission finds necessary and practical. Such improvements shall be required to be dedicated to the public as the Planning Commission shall determine.

**26-310 Preliminary Soils Report [Source: 20-43]**

A preliminary soils report, prepared by a civil engineer or soils engineer registered in the State of California, and based upon adequate test borings, shall be required for all subdivisions unless waived by the Planning Commission upon finding that no preliminary soil analysis is necessary due to the knowledge that the City has as to the soils qualities of the soils of the subdivision.

If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, the subdivider shall have performed a soils investigation of each lot in any problem area in the subdivision as may be recommended by the preparer of the preliminary soils report and/or as required by the City Engineer or City Building Official.

**26-311 Agreements and Security [Source: 20-44]**

A subdivider may enter into an agreement with the city, provided the performance of the agreement is guaranteed by security as indicated in the Subdivision Map Act, in lieu of constructing required improvements prior to approval of final or parcel maps. Deferral of improvements on parcel maps shall include a covenant and a note on the final parcel map that includes an estimated construction cost. The agreement shall be on the form provided by the city engineer or such other form as is approved by the city attorney. The period in which the construction is to be completed is one (1) year from the date of execution of said agreement or prior to occupancy of any structure in the subdivision, whichever is sooner, or for such other period of time found to be practical and approved by the city engineer. The completion time hereinbefore mentioned may be extended by the city engineer as necessary to ensure orderly and satisfactory completion of required improvements. In no event may said completion be extended for more than four (4) years beyond the initial completion date. The City Engineer is authorized to execute such agreements on behalf of the city.

**26-312 Release of Security [Source: 20-45]**

The initial and subsequent security furnished by the subdivider may be released in the following manners upon authorization by the City Council:

- (a) Completion of all required improvements to the satisfaction of the city engineer.





- (b) Completion of a portion of the required improvements to the satisfaction of the city engineer and the furnishing of new security by the subdivider for the remaining portion of the required improvements. This procedure will only be initiated at the discretion of the city engineer, and the new security shall include an estimated amount for any repairs of the previously completed improvements concurrent with the completion of the remainder of the improvements.
- (c) The furnishing of new security by the subdivider to replace the initial security.
- (d) The furnishing of new security by other person or persons, including assessment districts, which replaces in whole or part the initial security. If replacement is partial, the subdivider shall furnish new security for the portion not replaced.
- (e) Such other arrangement or condition at the discretion of and with the approval of the city engineer may be considered by and authorized by the City Council.

**26-313 On-site improvements security [Source: 26-219]**

Before approval of a development requiring onsite improvements, the applicant shall enter into a written agreement with the city to construct or install within twelve (12) months of approval all such required improvements as set forth in section 26-311 et seq (Agreements and Security). of this Code, which requires security for the agreement. On-site improvements shall include, but not be limited to landscaping, lighting, paving, curbs and drainage devices. Failure to perform under the agreement may lead to revocation of the permit, forfeiture of the security, or any other remedies available to the city.

**26-314 Street Names [Source: 20-46]**

The names of streets to appear on final and parcel maps shall be designated by the city engineer and Community Development Director or their designees. Subdividers may submit suggested names for the city engineer's and Community Development Director or their designee's consideration. The city engineer and Community Development Director or their designee shall consider continuity or establishment of naming patterns, phonetic similarity to previously named streets, objectionable or improper connotation, subdivider's desires, and other factors the city engineer and Community Development Director or their designee find relevant or practical.

**26-315 Improvements and Dedications with Remainder Parcels [Source: 20-47]**

When a subdivision is of a portion of any previously existing lot or lots, the remaining portion or portions of the previously existing lot or lots are remainder parcels and shall be subject to required improvements and dedications as determined by the Planning Commission in the same manner as if the remainder parcels were included in the subdivision, including the provisions in this chapter for agreements and security.

**26-316 Application of Chapter to Current Maps [Source: 20-48]**

Parcel maps and final maps which have been approved by the City Council shall not be affected by the adoption of this chapter or amendments thereto. Tentative maps which have been approved or conditionally approved by the advisory agency or appeal board shall not be affected by the adoption of this chapter or amendments thereto except as follows:

- (a) The parcel maps and final maps for approved or conditionally approved tentative maps shall conform to the current requirements for parcel maps and final maps at the time of City Council approval.
- (b) At the time of consideration by the advisory agency of a request to extend the expiration time for a tentative map, such tentative map shall conform to the current requirements for tentative maps; and the advisory



agency or City Council may revise or add conditions of approval in accordance with the current requirements for tentative maps.

### **DIVISION 3 – TENTATIVE TRACT MAPS [SOURCE: 20-50 THROUGH 20-56]**

#### **26-317 Processing Fee [Source: 20-50]**

The fee for processing a tentative tract map shall be as established from time to time by resolution of the City Council.

#### **26-318 Filing [Source: 20-51]**

The tentative tract map shall be filed with the secretary of the Planning Commission.

#### **26-319 Notice of Hearings [Source: 20-52]**

- (a) In addition to the requirements of the Subdivision Map Act, mailed notices shall be sent to owners of property located within five hundred (500) feet of the boundaries of the tentative tract map. The person filing the tentative map shall concurrently submit a sketch in sufficient detail and to scale of the property configurations within five (500) feet of the boundaries of the tentative map and a list of property owners and their addresses. Said list shall be keyed numerically or alphabetically to said sketch. The property owners shall be as shown on the last Los Angeles County Assessor's tax roll preceding the filing of the tentative map
- (b) An on-site notice shall also be posted on the site of the subdivision. The on-site notice shall follow the standards and requirements listed in Article VI Division 1.

#### **26-320 Submittals of Tentative Tract Maps [Source: 20-54]**

To provide the City with sufficient information in a readily usable format for consideration of the tentative tract maps' compliance with the Subdivision Map Act and this chapter, the following requirements for submittals of tentative maps are established:

- (a) Tentative tract map information. Each tentative map shall contain the following information:
  - (1) Tract number of parcel map number obtained from the county engineer.
  - (2) Name, address and signature of the owner whose property is proposed to be subdivided and the name, address and signature of the subdivider.
  - (3) Name, address, signature and number of the registered civil engineer, or licensed surveyor, who prepared the tentative map.
  - (4) North arrow, scale, boundary lines, date.
  - (5) The location, width and proposed names of all streets within the boundaries of the proposed subdivision or division of land and their approximate grades.
  - (6) Location and width of alleys.
  - (7) Name, location and width of all adjoining highways, streets or ways.
  - (8) Lot lines and approximate dimensions, areas and numbers of each lot.
  - (9) Lot lines and approximate dimensions, and areas of remainder parcels.
  - (10) Approximate location, width and directions of flow of all watercourses; the approximate locations of all areas subject to inundation from floods; and location of structures, irrigation ditches and other permanent physical features.



- (11) Approximate contours at sufficient intervals to determine existing topography and all proposed grading.
  - (12) Approximate location and outline to scale of existing buildings and permanent structures.
  - (13) Approximate location of each area covered by trees with a statement of the nature of the cover and the kind and approximate location of all trees standing within the boundaries of the proposed public rights-of-way and private streets.
  - (14) Description of the exterior boundaries of the subdivision or division of land (or legal description of the property comprising the subdivision or division of land).
  - (15) Width and location of all existing or proposed public or private easements.
  - (16) Classification of lots as to intended use.
  - (17) Approximate radii of all curves.
  - (18) Proposed public areas, if any.
  - (19) For a division of land consisting of a condominium project, as defined in section 1350 of the Civil Code, a community apartment project, as defined in section 11004 of the Business and Professions Code, the tentative map shall show the general location of all buildings to be erected or maintained and the means of access to such buildings.
  - (20) A vicinity map showing the location of the division in relation to the nearest existing cross streets. If it is impossible or impracticable to place upon the tentative map any matter required by this section, such information shall be submitted with the map.
- (b) Scale of tentative tract map. Each tentative tract map shall be drawn to scale as to clearly show the details of the plan thereon. Such scale shall be no smaller than a scale of one (1) inch to fifty (50) feet. A smaller scale may be used if previously approved by the city engineer.
- (c) Reports and statements. The tentative tract map shall show or be accompanied by reports and written statements from the subdivider giving essential information regarding the following matters:
- (1) Source of water supply.
  - (2) Type of street improvements and utilities which the subdivider proposed to install.
  - (3) Proposed method of sewage disposal.
  - (4) Proposed storm drains or other means of drainage (grade and size).
  - (5) Water Quality Requirements or a preliminary Standard Urban Stormwater Mitigation Plan (SUSMP) and drainage study.
  - (5) Protective covenants to be recorded.
  - (6) Proposed tree planting.
  - (7) The existing zoning and, if a zone change is proposed, the requested zoning for all real property within the division of land.
  - (8) A written statement by the registered civil engineer or land surveyor as to whether or not he will set boundary monuments prior to filing the final parcel map with the county recorder.
  - (9) Proposed intent, if any, to file multiple final maps.

**26-321 Required Findings for Tentative Tract Maps [Source: 20-55]**

The following findings are required for approval of a tentative tract map:

- (a) The proposed map is consistent with the general plan and any applicable adopted specific plans.



- (b) The design or improvement of the proposed subdivision is consistent with the general plan and applicable adopted specific plans.
- (c) The site is physically suitable for the type of development.
- (d) The site is physically suitable for the proposed density of development.
- (e) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife or their habitat.
- (f) Neither the design of the subdivision nor the type of improvements are likely to cause serious public health problems.
- (g) The design of the subdivision or the type of improvements will either (i) not conflict with recorded or adjudged easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; or (ii) alternate easements, for access or for use, will be provided, and these will be substantially equivalent to ones previously acquired by the public.

**26-322 Amendment to a Tentative Tract Map [Source: 20-56]**

The Community Development Director or their designee may approve an application for minor modification to an approved tentative map without notice or public hearing. A modification is considered minor when, in the determination of the Community Development Director or their designee, it is consistent with the intent of the original map approval, does not violate any provision of this Code, and does not constitute a substantial change to the map or the conditions of approval. A minor modification may only be implemented with the approval of a minor modification as set forth in Article VI, Division 14 of Chapter 26.

**DIVISION 4 – VESTING TENTATIVE MAPS [SOURCE: 20-100 THROUGH 20-105]**

**26-323 Added Requirements [Source: 20-100]**

Any person requesting approval of a Vesting Tentative Map pursuant to the provisions of the Subdivision Map Act shall comply with and be subject to the applicable provisions of the Subdivision Map Act and this chapter as it specifically applies to tentative maps and shall also comply with and be subject to the additional provisions of this article.

**26-324 Submittals of Vesting Tentative Maps [Source: 20-101]**

A vesting tentative map shall be processed and filed in the same form and with the same content as provided tentative maps except that the words “Vesting Tentative Map” shall be conspicuously printed on the face thereon. In addition to the information and material required for tentative maps, the following submittals are also required prior to approval of a vesting tentative map:

- (a) Plans for all public works improvements to be constructed as a condition of the subdivision prepared by a registered civil engineer in accordance with city standards and approved by the City Engineer.
- (b) Plans for all site development including but not limited to grading, drainage facilities and miscellaneous structures prepared by a registered civil engineer in accordance with city standards and approved by the city engineer. Such plans shall be supported by geological and/or soils engineer's reports as required by chapter 9 of this Code.
- (c) Plans for all structures approved by the Building Official.
- (d) Plans for all irrigation and landscaping approved by the Community Development Director or their designee.



- (e) Plot plan showing details of the entire development and all improvements to be constructed in the subdivision.

**26-325 Amendments to Vesting Tentative Maps [Source: 20-102]**

After approval or conditional approval of a vesting tentative map, amendments can be made only by following procedures for the original approval or conditional approval. Approvals or permits which depart from the vesting tentative map may only be granted based upon an amendment to the vesting tentative map. No amendments shall be granted so as to modify or delete any public improvements and site development requirements and condition, including, but not limited to, grading, drainage facilities and miscellaneous structures, approved in the first instance by the Planning Commission.

**26-326 Application of Fees [Source: 20-103]**

The applicable fees associated with the vesting tentative map and the development thereof shall be paid at the then current rate as the various applications, filings, plan checks, permits, etc., are accomplished.

**26-327 Added Fee for Vesting Tentative Map [Source: 20-104]**

In addition to any other fees associated with the vesting tentative map and the development therefor there shall be paid to the city a fee as established from time-to-time by resolution of the City Council to reimburse the city on a pro rata basis for the costs associated with establishing and adopting the procedure for vesting tentative maps.

**26-328 Initial Time period of Rights [Source: 20-105]**

The rights conferred by a vesting tentative map shall last for an initial time period of one (1) year after the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

**DIVISION 5 – FINAL MAPS [SOURCE: 20-60 THROUGH 20-66]**

**26-329 Processing Fee [Source: 20-60]**

The fee for processing a final map shall be as established from time to time by resolution of the City Council. In addition, the fee for checking the final map shall be as established by the agency performing the checking; and such fee shall be paid directly to that agency.

**26-330 Additional Survey Requirements [Source: 20-61]**

The required survey for a final map shall be a field survey made in conformity with the Land Surveyors' Act done within one (1) year preceding the approval of the final map. A closure shall be done on the survey, and a copy of the closure shall be provided the city engineer and the agency checking the final map.

**26-331 Additional Map Requirements [Source: 20-62]**

Upon recordation of the final map, a reproducible copy of the map on mylar or other material approved by the city engineer and one (1) blue line or black line print shall be filed with the city engineer. The copy and print shall have the recorder's stamp and recording information clearly shown thereon.



**26-332 Additional Certification and Acknowledgements [Source: 20-63]**

The final map shall contain a certificate for execution by the city treasurer stating that any and all special assessments, if any, levied against land included in the map have been paid in full.

**26-333 Additional Monuments [Source: 20-64]**

Monuments for final maps shall be set, found or reset at all angle points and beginnings and ends of curves on the exterior boundary of the subdivision; at all angle points and beginnings and ends of curves on the exterior boundaries of any and all land dedicated or offered for dedication for parks or open spaces; and on the center line of all interior and exterior streets at intersections, tract boundaries, the beginnings and ends of curves, angle points, and the radius center of cul-de-sac.

**26-334 Center Line Ties [Source: 20-65]**

The engineer or surveyor under whose supervision center line monuments have been set, found or reset shall file with the city engineer a set of notes and corner records, conforming to the size and quality of the city engineer's standardized office records, showing clearly the ties between each monument and at least four (4) durable, distinctive reference points or monuments subject to the approval of the city engineer.

**26-335 Multiple Final Maps [Source: 20-66]**

In the event of the filing of multiple final maps relating to an approved or conditionally approved tentative map, the following conditions shall apply:

- (a) The map shall be submitted to the Planning Commission for review and conditioning as the commission may find warranted to provide adequate traffic circulation, proportional development of any open spaces, proportional dedication of any parks, adequate drainage facilities, adequate fire protection, adequate water facilities and adequate sewerage facilities.
- (b) The final map may be required to include the construction of improvements and dedications outside the boundaries of the final map but inside the boundaries of the tentative map.

**DIVISION 6 – TENTATIVE PARCEL MAPS [SOURCE: 20-70 THROUGH 20-79]**

**26-336 Tentative Parcel Map Required [Source: 20-70]**

A tentative parcel map in accordance with this chapter and the Subdivision Map Act is required for each parcel map.

**26-337 Improvements and Dedications Required [Source: 20-71]**

Improvements and dedications in accordance with this chapter and the Subdivision Map Act are required for parcel maps.

**26-338 Agreements [Source: 20-72]**

Required improvements will be completed prior to recordation of the final tentative parcel map, or an agreement in the format provided by the city engineer secured by appropriate security shall be executed prior to recordation to guarantee the improvements. The time of completion of the improvements shall be prior to occupancy of any new structure constructed on any parcel included in the tentative parcel map. This section precludes the satisfaction of improvement requirements by certificate on the tentative parcel map.



**26-339 Waivers [Source: 20-73]**

The requirement for a tentative parcel map in accordance with this chapter and the Subdivision Map Act may be waived by the Community Development Director or their designee after submittal of a plot map of the proposed division which shall contain a detailed survey of all affected parcels. The content of the plot map shall be determined by the City Engineer. Additionally the applicant shall submit a request for waiver in the format provided by Community Development Director or their designee. The preparation and recordation of a final parcel map is still required.

The Community Development Director or their designee must make the following findings to approve a waiver of a tentative parcel map:

- (a) The proposed division complies with the Subdivision Map Act and this chapter as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection.
- (b) All fees, dedications or combinations of such fees or dedications which would normally be required of the proposed division of land have been paid or made.
- (c) The fire protection for the proposed division of land is adequate as determined by the city fire chief.
- (d) A field survey has been completed and all monuments and center line ties which would normally be required of the proposed division of land have been set, found, or reset within the year preceding the approval of the waiver.

**26-340 Processing Fee [Source: 20-74]**

The fee for processing a parcel map shall be as established from time to time by resolution of the City Council. The fee for processing a request for waiver of a parcel map shall be the same as the fee for processing the tentative map submitted with the request for waiver. In addition, the fee for checking the parcel map shall be as established by the agency performing the checking, and such fee shall be paid directly to that agency.

**26-341 Processing Procedure [Source: 20-75]**

The procedure for processing, approval, conditional approval or disapproval and filing of tentative parcel maps and modifications thereof shall be as provided in this chapter and the Subdivision Map Act for processing, approval, conditional approval, or disapproval and filing of tentative maps and final maps and modifications thereof.

**26-342 Additional Map Requirements [Source: 20-76]**

The tentative parcel map shall include any additional map requirements as this chapter may require of final maps.

**26-343 Owners Consent [Source: 20-77]**

Where a subdivider does not have a record title ownership in the property to be divided, the persons with record title ownership shall sign a certificate on the parcel map consenting to the subdivision.

**26-344 Expiration of Approval or Conditional Approval of Tentative Parcel Map [Source: 20-78]**

- (a) An approved or conditionally approved tentative parcel map shall expire twenty-four (24) months after its approval or conditional approval or such other period as may be set by section 66452.6 of the Government Code or any successor law. Failure to file a final map prior to the expiration of a tentative parcel map will automatically void the tentative parcel map.



- (b) A subdivider may apply for up to three (3) two-year extensions of time of the tentative parcel map expiration. Such application must be filed prior to the expiration of the tentative parcel map and must clearly state the reasons why the final map has not been recorded. An application for an extension may be granted by the Planning Commission only after first finding all of the following:
- (1) There have been no changes to the provisions of the general plan, any applicable specific plan, or this chapter applicable to the project since the approval of the tentative parcel or tract map;
  - (2) There have been no changes in the character of the site or its surroundings that affect how the policies of the general plan, any applicable specific plan, or other standards of this chapter apply to the project; and
  - (3) There have been no changes to the capacities of community resources, including but not limited to roads, sewage treatment or disposal facilities, schools, or water supply so that there is no longer sufficient remaining capacity to serve the project.
- (c) The Community Development may impose new conditions on the tentative parcel map, based on changed circumstances, code amendments, or oversights disclosed in review of the application for extension of the tentative parcel map.

## **DIVISION 7 – REVERSIONS TO ACREAGE [SOURCE: 20-80 THROUGH 20-82]**

### **26-345 Parcel Maps [Source: 20-80]**

A parcel map may be filed pursuant to the provisions of the Subdivision Map Act for the purpose of reverting to acreage land previously subdivided and consisting of four (4) or less contiguous parcels under the same ownership. The filing of the map shall constitute legal reversion to acreage of the land affected thereby and shall also constitute abandonment of all streets and easements not shown on the map. The filing of the map shall also constitute a merger of the separate parcels not divided by streets into one (1) parcel. A certificate shall appear signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map.

### **26-346 Processing fee [Source: 20-81]**

The processing fee for processing a reversion to acreage shall be equivalent to the processing fee for a parcel map as established from time to time by resolution of the City Council.

### **26-347 Dedications [Source: 20-82]**

Dedications or offers of dedication of land for streets, highways, or easements necessary for public health and safety or a prerequisite to the orderly development of the surrounding area shall be required as a condition of reverting to acreage land previously subdivided.

## **DIVISION 8 – LOT LINE ADJUSTMENTS**

### **26-348 Lot Line Adjustment Procedure [Source: 20-90]**

Any person requesting approval of a lot line adjustment shall submit to the city engineer the following:

- (a) A detailed sketch to scale of not less than one (1) inch equals fifty (50) feet of the existing and proposed lot lines for each of the parcels. Existing building structures shall be delineated on the sketch with dimensions shown to the lot line being adjusted. Lot areas before and after the proposed lot line adjustment shall be





indicated on the sketch. Legal descriptions of the existing and proposed parcels shall be filed with the detailed sketch.

- (b) A notarized written request for the proposed lot line adjustment from all property owners involved and parties of interest.
- (c) The fee for processing as set from time to time by resolution of the City Council.
- (d) For lot line adjustments between five (5) or more existing adjoining parcels , after review and determination by the city engineer and Community Development Director or their designee that the proposed lot line adjustment is in conformance with the general plan, applicable specific plans, the Subdivision Map Act and this chapter, the city engineer will submit the proposed lot line adjustment to the City Council for approval by resolution, and recordation thereof with the county recorder.
- (e) For lot line adjustments between four (4) or less existing adjoining parcels, after review and determination by the city engineer and Community Development Director or their designee that the proposed lot line adjustment is in conformance with the general plan, applicable specific plans, the Subdivision Map Act and this chapter, the city engineer will submit the proposed lot line adjustment for recordation thereof with the county recorder.

## **DIVISION 10- LOT MERGER**

### **26-349 Lot Merger applicability [Source: New]**

Pursuant to the provisions of California Government Code Section 66499.20.3, a merger and certificate of merger of existing adjoining parcels of real property under common ownership may be authorized by the City Engineer and filed for record by the County Recorder only where the City Engineer makes all of the following findings:

- (a) The merger will not affect any fees, grants, easements, agreements, conditions, dedications, offers to dedicate or security provided in connection with any approvals of divisions of real property or lot line adjustments;
- (b) The boundaries of the parcels to be merged are well-defined in existing recorded documents or filed maps and were legally created or have certificates of compliance issued on them;
- (c) The merger will not alter the exterior boundary of the parcels to be merged;
- (d) The document used to effect the merger contains an accurate description of the exterior boundaries of the resulting parcel;
- (e) All parties having any record title interest in the real property affected have consented to the merger upon a form and in a manner approved by the City Engineer, excepting all those interests that are excepted from the requirement to consent to the preparation and recordation of Final Maps under the provisions of California Government Code Section 66436 and according to the terms, provisions, reservations and restrictions provided therein for such consent;
- (f) All necessary fees and requirements, including a fee for recording the document have been provided;

### **26-350 Concurrent filing of record of survey [Source: New]**

Where a record of survey is deemed to be necessary by the City Engineer or the applicant in order to monument and define the boundaries of the merged parcel, such record of survey, otherwise in compliance with all requirements, may be filed at the same time as the merger and certificate of merger.



26-351 Merger of parcels [Source: New]

The filing of the merger and certificate of merger for record shall constitute a merger of the separate parcels into one parcel for the purpose of the Subdivision Map Act and local ordinances enacted pursuant thereto, and the parcels shall thereafter be treated in all respects as a single parcel.

26-352 Recording of merger without approval prohibited [Source: New]

No person shall record a document merging separate legal parcels into a single legal parcel for the purposes of the Subdivision Map Act and local Ordinances enacted pursuant thereto except in conformity with the provisions of this Chapter.

## DIVISION 9— CERTIFICATE OF COMPLIANCE

26-353 Certificate of compliance [Source: 20-95]

- (a) Any owner of real property or a vendee of such person pursuant to a contract of sale of such real property may request in writing that the city engineer make a determination whether such real property complies with applicable provisions of the Subdivision Map Act and city ordinances enacted pursuant thereto, or that such real property does not comply with the provisions, and the city engineer shall so notify the owner thereof setting forth the particulars of such compliance or noncompliance. If the subject real property is found to be in compliance with the Subdivision Map Act and city ordinances enacted pursuant thereto, the city engineer shall cause a certification of compliance relative to such real property to be filed for record with the county recorder.
- (b) If the subject real property is found not to be in compliance with the Subdivision Map Act and city ordinances enacted pursuant thereto, the city engineer may issue a notice of violation or a conditional certificate of compliance. When issuing a conditional certificate of compliance, the city engineer may impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property and which had been established at such time by the Subdivision Map Act or city ordinances enacted pursuant thereto. Upon making such a determination and establishing such conditions, the city engineer shall cause a conditional certification of compliance setting forth such conditions to be filed for record with the county recorder, fulfillment and implementation of the conditions shall be required prior to the subsequent issuance of a permit or grant of approval for development of the property, but compliance with such conditions shall not be required until such time as a building permit or granting permit is issued by the city.
- (c) A certificate of compliance shall be used for the following purposes:
  - (1) For the recordation of a waiver of a parcel map.
  - (2) To determine compliance with the Subdivision Map Act and of the City of West Covina Subdivision Regulations, upon the application of any person owning real property or a vendee of that person pursuant to a contract sale.
  - (3) To establish a violation of or correction of a violation of the Subdivision Map Act and of City of West Covina Subdivision Regulations.



## DIVISION 10 – PARCEL MAPS FOR URBAN LOT SPLITS [SOURCE: 20-120 THROUGH 20-126]

### 26-354 Purpose and Definitions [Source: NEW, 20-120]

The purpose of this Article is to allow and appropriately regulate urban lot splits in accordance with Government Code Section 66411.7. For purposes of this article, the following definition shall apply:

Urban lot split means a lot split of a single-family residential lot into two (2) parcels that meets the requirements of this article.

### 26-355 Ministerial approval [Source: 20-121]

The city shall ministerially approve a parcel map for a lot split that meets the following requirements or as required by State Law:

- (a) The parcel is located within a single-family residential (R-1) zone.
- (b) The parcel map divides an existing parcel to create no more than two (2) new parcels of approximately equal lot area, provided that one (1) parcel shall not be smaller than forty (40) percent of the lot area of the original parcel.
- (c) Both newly created parcels are no smaller than one thousand two hundred (1,200) square feet.
- (d) The parcel is not located in any of the following areas and does not fall within any of the following categories:
  - (1) A historic district or property included on the state historic resources inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
  - (2) A very high fire hazard severity zone as further defined in Government Code section 65913.4(a)(6)(D). This does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
  - (3) A delineated earthquake fault zone as determined by the state geologist in any official maps published by the state geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building division.
- (e) The proposed lot split would not require demolition or alteration of any of the following types of housing:
  - (1) 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;
  - (2) Housing that is subject to any form of rent or price control by the city;
  - (3) A parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within fifteen (15) years before the date of the application; or
  - (4) Housing that has been occupied by a tenant in the last three (3) years.
- (f) The lot split does not create more than two (2) units on a parcel, including any accessory dwelling units or junior accessory dwelling units.

### 26-356 Standards and requirements [Source: 20-122]

The following requirements shall apply:



- (a) The lot split conforms to all applicable objective requirements of the Subdivision Map Act and The City of West Covina Subdivision Standards, except as the same are modified by this section.
- (b) Setbacks:
  - (1) Existing structures. No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.
  - (2) Side and rear setback for new structures and additions. The minimum setback from the side and rear property line is four (4) feet. The proposed residential unit(s) occupying an urban lot subdivision may be constructed directly along the side property line adjoining and attached to the unit within the same urban lot split subdivision, if the construction of an 800-square-foot unit would not be physically possible without the setback reduction.
  - (3) Front setback for new structures and additions. The minimum setback from the front property line is twenty-five (25) feet.
    - (i) The front setback may be reduced if the construction of an 800-square-foot unit would not be physically possible without the front setback reduction after the implementation of (2)b. of this section is incorporated with the project design.
- (c) The applicant shall provide easements for the provision of public services and facilities as required.
- (d) All lots shall have a minimum street frontage of twelve (12) feet to provide for vehicular access.
- (e) Walls facing any modified setback and walls for any new structure shall meet the fire-rating and opening requirements in the California Building Code

**26-357      Limitations [Source: 20-123]**

The city shall not require or deny an application based on any of the following:

- (a) The city shall not require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map.
- (b) The city shall not impose any objective subdivision standards that would have the effect of physically precluding the construction of two (2) units on either of the resulting parcels or that would result in a unit size of less than eight hundred (800) square feet.
- (c) The city shall not require the correction of nonconforming zoning provisions as a condition for the lot split.
- (d) The city shall not deny an application solely because it proposes adjacent or connected structure provided that that all building code safety standards are met and they are sufficient to allow a separate conveyance.

**26-358      Affidavit [Source: 20-124]**

An applicant for an urban lot split shall be required to sign an affidavit in a form approved by the city attorney to be recorded against the property stating the following:

- (a) That the applicant intends to occupy one (1) of the housing units as their principal residence for a minimum of three (3) years from the date of approval. This requirement does not apply when the applicant is a "community land trust" or a "qualified nonprofit corporation" as the same are defined in the Revenue and Taxation Code.
- (b) That the uses shall be limited to residential uses.
- (c) That any rental of any unit created by the lot split shall be for a minimum of thirty-one (31) days.
- (d) That the site is not eligible for any street parking permits.



- (e) That the maximum number of units to be allowed on the parcels is two (2), including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to Article IV (Special Regulations for Unique Uses), Article 4, Division 4 (Urban Dwelling Units) of this Code.

**26-359 Building official Denial [Source: 20-125]**

The city may deny the lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

**26-360 Inapplicability of article [Source: 20-126]**

This article shall not apply to:

- (a) Any parcel which has been established pursuant to a lot split in accordance with this article; or
- (b) Any parcel where the owner of the parcel being subdivided or any person acting in concert with the owner has previously subdivided an adjacent parcel in accordance with this article. For purposes of this section, "acting in concert" shall include, but not be limited to, where the owner of a property proposed for an urban lot split is the same, related to, or connected by partnership to the owner, buyer or seller (if transferred within the previous three (3) years) of an adjacent lot.

**DIVISION 11 – CONDOMINIUM CONVERSION**

**26-361 Conversion to Condominium [Source: 20-127]**

- (a) Any building or structure proposed to be converted from residential rental housing to a condominium shall require a Conditional Use Permit and shall be found by the Planning Commission to be in substantial conformance with Section 66427.1 (Subdivision Map Act) and the West Covina General Plan and applicable sections of the Municipal Code.
- (b) The structural, electrical, fire, and life safety systems of the structure either are, or are proposed to be prior to the sale of the units, in a condition of good repair and maintenance, including such alterations or repairs as are required by the Building Official.

**26-362 Notice to occupying tenants [source: 20-128]**

All tenants occupying a unit shall be given written notice of the proposed conversion pursuant to the provisions of California Government Code Section 66427.1 (Subdivision Map Act) and a nontransferable right of first refusal to purchase the occupied unit at the same or at better terms than those offered to the general public. Such right of first refusal shall be effective for a period of not less than 90 days from the date at which such units are offered for sale to the public, as described in Section 66427.1. The tenant may waive any such right by executing a written notice to that effect or by terminating his or her tenancy and vacating the unit without acting on the right.