

ORDINANCE NO. 2007- 05

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA
ADDING ARTICLE 14 TO CHAPTER 10-2 OF THE SAN JUAN
BAUTISTA MUNICIPAL CODE TO PROVIDE FOR MERGER OF
COMMONLY OWNED SUBSTANDARD LOTS**

WHEREAS, the Subdivision Map Act, California Government Code Section 66400 and following, allows cities to provide for merger of commonly owned contiguous parcels under circumstances described in the Map Act; and

WHEREAS, this Council desires to provide for procedures consistent with the Map Act, that will allow the City of San Juan Bautista to merge commonly owned contiguous lots where at least one of the lots has one or more of several substandard conditions listed in the Map Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 10-2 (“Subdivisions”) of the San Juan Bautista Municipal Code hereby is amended to add Article 14, to be titled “Merger of Substandard Lots,” consisting of three sections, as follows:

10-2-1400 Authority.

This Article is adopted pursuant to Sections 66451.10 through 66451.21 of the California Government Code.

The provisions of this Article shall extend to any parcel of land within the City having less than the minimum parcel size for the district in which it is located.

10-2-1405 When Lots May Be Merged.

Two or more contiguous parcels or units of land may be merged by the City Council when held by the same owner if all of the following requirements are satisfied:

(A) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure other than an accessory structure, that is partially sited on a contiguous parcel or unit, and,

(B) With respect to any affected parcel, one or more of the following conditions exist:

(1) Comprises less than 5,000 square feet in area at the time of 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 which is adequate for vehicular and safety equipment access and maneuverability.
 - (6) Its development would create health and safety hazards.
 - (7) Is consistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.
- (C) For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded.

10-2-1410 Procedure to Merge Lots

The procedure for merger of substandard lots shall be as set forth in Sections 66451.12 through 66451.21, inclusive of the California Government Code. Said sections are hereby incorporated by reference as if fully set forth herein.

SECTION 2. Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section, or part thereof, so declared to be unconstitutional or invalid.

SECTION 3. Effective Date. This ordinance shall go into effect thirty (30) days after the date of its adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 16th day of January, 2007, and was adopted at a regular meeting of the San Juan Bautista City Council on the 20th day of February, 2007, by the following vote:

- AYES: Hill, Dias, Paradice, Edge, Laverone**
- NOES: None**
- ABSENT: None**
- ABSTAIN: None**

Priscilla Hill, Mayor

ATTEST:

Trish Paetz, Deputy City Clerk

APPROVED AS TO FORM:

George Thacher, City Attorney