



**A Quick Guide to
Subdivision Mapping Processes and Review**

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SECTION 1 – SUBDIVISION MAP ACT

PURPOSE

Any division of land into multiple parcels or separate ownership interests for sale, lease, or financing is a subdivision. Subdivisions are regulated under the **Subdivision Map Act (SMA)**, beginning at **Section 66410** of the California Government Code. The creation of a planned unit development, condominium, community apartment project, or stock cooperative is also a subdivision of land.

Tentative and final subdivision maps are required whenever a property owner/developer wants to subdivide land within the City of Oxnard. The Community Development Department reviews the tentative and final subdivision maps for compliance with **Chapter 15: Subdivisions** of the City of Oxnard Municipal Code and the **SMA**.

WHICH MAP IS REQUIRED?

The first step in any proposed subdivision is to determine which one of two maps, if any, is required. There are only two types of maps - parcel or final. The general rule is that a subdivision consisting of four (4) or fewer lots, parcels, or condominium units will require a parcel map. A subdivision consisting of five (5) or more lots, parcels, or condominium units will require a final map. A tentative map is required for both the parcel and final maps according to the City of Oxnard Municipal Code **Section 15-35**. The tentative map shall be submitted for review and must be clearly stated in the title of the map. However, there are several exclusions or exemptions from the normal mapping process. Here are some key points to keep in mind:

- 1) The SMA sets the general rules for subdivisions.
- 2) A subdivision map is required for the property to be divided for the purpose of sale, lease, or financing.
- 3) Condominiums are considered a subdivision. The number of condo lots (excluding the common lot) determines the map type for condominiums.
- 4) The assessor parcel maps do not indicate legal parcels. These maps are used only for assessing taxes. One legal lot can have two assessor's parcel numbers (APNs) assigned, or two legal lots can have one APN.

The table below summarizes some of the key differences between the two subdivision map processes.

Differences between a Parcel Map and a Final Map

	Parcel Map	Final Map
Number of lots or condominiums	4 or fewer	5 or more
Tentative map	Required (per City of Oxnard Sec. 15-35)	Required (per City of Oxnard Sec. 15-35)
Subdivision improvements	Shall be constructed or bonded prior to recording the parcel map	Shall be constructed or bonded prior to recording the final map
Approval	City Council (after Planning Commission Recommendation)	City Council (after Planning Commission Recommendation)

EXCLUSIONS FROM THE SUBDIVISION MAP ACT

The SMA has provisions for exemptions from the subdivision entitlement process. The most common exemptions are per **SMA 66426.5** and **SMA 66428 (a)(2)**. These sections exempt public utilities and government entities from the requirement to process a map to subdivide property. For example, property can be conveyed to or from the City of Oxnard by deed without recording a map to legally create the parcel. Any parcel created in this manner is a legal lot, which may or may not have development rights. See the SMA for details on the following exclusions:

- Agricultural leases, SMA 66412.
- Building leases & financing, SMA 66412(a) & 66412.1.
- Windpower, cell towers, solar, etc. SMA 66412(i), (j), (1).

A government entity or utility loses this exemption when the subdivision is for the commercial sale of property, as in normal land development. In other words, the City loses its exemption when it behaves like a developer and the subdivision does not serve a governmental purpose.

Another exemption is a Lot Line Adjustment, which is not a subdivision of land per section **SMA 66412(d)**. The lot lines between four or fewer existing adjoining legal parcels may be adjusted so long as no additional parcels are created. The adjusted parcels must conform to building and zoning regulations and be consistent with the applicable general, specific, or coastal plan. A parcel map is not required, but one may be used to effectuate the adjustment.

EXCEPTIONS TO NORMAL SUBDIVISION PROCESSING

The Subdivision Map Act has five (5) exceptions to the rule that a final map is required for a subdivision of five or more lots or condominium units. These exceptions are contained in **SMA 66426**:

- 1) The land before the land division contains less than five acres, and each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the governing body.
- 2) Each parcel created by the division has a gross area of 20 acres or more and has approved access to a maintained public street or highway. (Note here that access via a private easement is permissible. Also, there is no requirement that the site be developed.)
- 3) The land consists of a parcel or parcels of land with approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development and has the approval of the governing body regarding street alignments and widths. (This section can significantly simplify the land division of commercial and industrial developments.)
- 4) Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section. (This exception is wide open and is often used to subdivide ranches for deeding to family members or other large parcels for financing purposes. Note that there is no requirement for access to a dedicated public street.)
- 5) The land being subdivided is solely for the creation of an environmental subdivision pursuant to **SMA 66418.2**. (Environmental subdivisions are for land banking and restrict all development of the parcels that are created. They do, however, allow a landowner to create and “sell” mitigation parcels that can then be used to mitigate the environmental impacts of an offsite project.)
- 6) A tentative map and parcel map are required for the subdivisions listed above. Some of them may also be eligible for a map waiver, which is discussed later in this guide.

CONDOMINIUMS

A condominium, as defined in **Section 1350**, et seq. of the Civil Code, is a form of real property ownership with some specific requirements. A condominium consists of an undivided fractional interest in a single lot called the common area coupled with a separate fee interest in a three-dimensional space, usually within a building called a unit. Condominiums come in many forms and all are not discussed here. Condominiums are a form of cooperative ownership of property that avoids some of the pitfalls of older conventional cooperatives and enables a purchaser to own his/her unit rather than own it indirectly through the purchase of stock or other means. The mutual ownership rights and responsibilities are spelled out in the Covenants, Conditions, and Restrictions (CC&Rs), to which each owner must subscribe. Condominiums may consist of residential units, commercial units, or industrial units.

The creation of condominium units is a subdivision, just as the more familiar mapped parcel or lot is a subdivision of land and, with some exceptions, follows the same process as other subdivisions, depending upon the number of condominium units being created. The **SMA Section 66426(c)** allows a special processing exception for some industrial and commercial condominium projects. Generally, condominiums are created with one lot subdivision for several condominiums, but different and more elaborate configurations are possible.

CONDOMINIUM CONVERSIONS

Existing apartment buildings may be converted to condominium ownership. The **SMA 66427.1** has special regulations for condominium conversions to protect the interests of the existing renters or leaseholders. The protections include specific noticing requirements and in some cases, the payment of relocation expenses by the applicant.

Four (4) or fewer apartment units may be converted through the tentative map and parcel map process. If the project qualifies, four (4) or fewer units may also be converted through the parcel map waiver process. However, converting five (5) or more existing apartment units to condominiums will always require a tentative map and a final map.

THE DISCRETIONARY PROCESS

Once it is determined which subdivision map is required, the subdivision entitlement must be approved, conditionally approved, or denied at a public hearing. The tentative map, a conceptual exhibit for a proposed subdivision, is the basis for the approval or denial of a subdivision. It depicts the design and improvement of the proposed subdivision and the existing conditions in and around the project area.

Regardless of the project's size and complexity, the public hearing will be conducted before the Planning Commission and then the City Council. Anyone supporting or opposing the proposed subdivision will be given an opportunity to be heard at the public hearing. The Planning Commission and then the City Council will consider all evidence, including staff recommendations, and decide whether to approve or deny the project.

TENTATIVE MAP

The City of Oxnard always requires a tentative map when a subdivision is proposed. City staff reviews and conditions the tentative map, which helps form the basis for the Planning Commission's and/or the City Council's approval or denial of the subdivision. Per the City of Oxnard Municipal Code, the Planning Commission recommends approval, conditional approval, or disapproval of the tentative subdivision map and staff reports the action to the subdivider and the City Council. The City Council has the authority to approve, conditionally approve, or disapprove the tentative subdivision map.

STAFF REVIEW AND PUBLIC HEARING

Staff will review the tentative map to ensure the project complies with all ordinances and regulations relating to land development, including the City's General Plan, Specific Plans, and Zoning Code as necessary. Staff will also study the project's impact on the surrounding areas, public facilities, and the environment. A California Environmental Quality Act (CEQA) environmental determination will be made as part of staff's recommendation. City staff will provide a list of conditions in the form of a Resolution for the project. The conditions of approval ensure that the necessary infrastructure is constructed to support the subdivision, environmental impacts are mitigated, and adequate public facilities are provided.

Based on the review, City staff recommends to the Planning Commission and City Council whether to approve, deny, or conditionally approve the project. The Planning Commission and City Council will consider the staff report, together with the oral and written testimonies, before taking final action on the project. Specific findings required pursuant to **SMA 66474** shall be made to approve a tentative map.

The Resolution and the Tentative Map, taken together, establish what must be done by the applicant to get the parcel map or final map approved and recorded. The parcel or final map must be in "substantial conformance" with the approved tentative map. All approval conditions listed in the Resolution shall be satisfied before the map is recorded. The recording of the parcel map or final map completes the land subdivision.

TERM OF A TENTATIVE MAP

A tentative map approved in the City of Oxnard has an initial term of three (3) years per the City of Oxnard Municipal Code **Section 15-46**. A Tentative Map on the property may be subject to a statutory "Development Agreement" and may be extended for a period of time specified in the Development

Agreement, which specified period cannot exceed the term of the Development Agreement itself per Government Code Section **66452.6(a)(1)**. All conditions of approval shall be satisfied, and the parcel or final map shall be recorded before the tentative map expires. Once a tentative map expires, no parcel or final map may be recorded until a new tentative map is approved.

The developer may apply for an extension of time before the tentative map expires pursuant to **SMA 66452.6** and the City of Oxnard Municipal Code **Section 15-46**. The procedure for applications and hearings regarding map time extensions shall be the same as for original maps. One or more discretionary tentative map term extensions may be added up to three (3) years in addition to the original map term.

A tentative map may also be extended by phasing the project into multiple-phase final maps. Phasing must be approved at the same time the tentative map is approved to ensure the orderly development of the community. Certain offsite improvements may be required for the development to qualify for phasing. Every time one of the phased maps is recorded, the tentative map is automatically extended three (3) years, up to a total of ten years, including the initial three-year approval. Therefore, a tentative map that was phased and received all discretionary extensions could have a term of up to 13 years.

PARCEL MAP WAIVERS

A parcel map waiver is designed for simple subdivisions with minimal or no development issues. The approval of a parcel map waiver is a discretionary decision made by the Planning Commission during a noticed public hearing in accordance with the City of Oxnard Municipal Code **Section 15-11**. Depending on the circumstances, the Commission may take one of two actions at the hearing: (1) approve the map waiver and waive all mapping requirements, or (2) deny the request for a map waiver.

Parcel map waivers are authorized under **SMA Section 66428(b)** and City of Oxnard Municipal Code **Section 15-11**. The Planning Commission may waive the requirement for a tentative parcel map and a parcel map, provided that the Planning Commission finds at the time of the waiver that the proposed division of land complies with the requirements established by the Subdivision Map Act, including but not limited to requirements regarding area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection. That said, a tentative map shall be submitted for review to validate and determine the feasibility of a parcel map waiver to recommend to the Planning Commission. Generally speaking, the Planning Commission may consider the waiver if:

- 1) There are no requirements for private and public dedications or the construction of major public facilities, engineering studies, or environmental issues, which means the project is a subdivision of previously developed land.
- 2) All proposed parcels (or condominiums) meet current zoning and building regulations fully permitted under previous regulations.

- 3) A parcel map waiver may also be used to subdivide a newly constructed condominium project of any size on a single parcel or to convert an existing apartment complex of four (4) or fewer units to condominiums, provided that the proposed condominium project also meets the two requirements listed above. Converting five (5) or more existing apartment units into condominiums requires the approval of a tentative map and a final map.

The parcel map waiver process is intended for simple projects with no other outstanding issues.

FINAL PROCESSING

Final processing for the map recording is initiated once the City Surveyor and City Engineer can certify on the face of the map that:

- 1) The map substantially conforms to the approved tentative map, and all conditions contained in the resolution of approval have been satisfied.
- 2) The map complies with the Subdivision Map Act and the City of Oxnard Municipal Code.
- 3) The map is technically correct.

Final processing may include signing improvement plans and entering into a bonded agreement for the construction of the improvements. Other documents, such as offsite easements and agreements, may also need to be executed and/or recorded. The process may include the payment of outstanding review and impact fees, such as assessment districts, as required. If all is in order, the Community Development Director (Director), per the City of Oxnard **Ordinance No. 2910**, shall notify the City Council at its next regular meeting after the Director receives the map that the Director is reviewing the map for final approval. The City Clerk shall provide notice of any pending approval or disapproval by the Director, which notice shall be attached and posted with the City Council's regular agenda and shall be mailed to interested parties who request notice. The Director shall approve or disapprove the final map within ten days following the meeting of the City Council.

As provided by City of Oxnard **Ordinance No. 2910**, the City Council has delegated the signing authority of the map and acceptance of public dedications to the Director, including approval of abandonments of public right-of-way and public easements. The Director's action may be appealed to the City Council pursuant to the appeal procedures outlined in the City of Oxnard Municipal Code **Section 15-25**.

The next step is to record the parcel or final map with the Ventura County Recorder's Office. All subdivision maps shall have a tax certificate from the County Assessor and Subdivision Guarantee from a title company. The tax certificate certifies that all taxes are paid or bonded, and the Subdivision Guarantee identifies the owner who must sign the map. Some separate easement deeds or agreements

affecting the map may need to be recorded before the map to allow the recording information to be noted on the parcel or final map. An example of such a document is an offsite easement grant required as a condition of map approval. The map is then recorded. The map's recording information may then be added to other deeds or agreements that depend on the recorded map and then, in turn, can be recorded. An example of such a document is a grant deed in fee to the City for an open space lot created on the map.

Recording a subdivision map completes the final step in the land subdivision process. In accordance with an approved tentative map and resolution, the filing of a map may indicate an acceptance or rejection of dedications indicated on the map and vacate any designated streets or public service easements.

SECTION 2 – STANDARD MAPPING PROCEDURES

TENTATIVE TRACT MAPS AND FINAL MAPS

Entitlement Stage

- 1) Use if creating five (5) or more parcels.
- 2) Commonly called “Tract Maps.” (Tentative Subdivision Map of Tract No. XXXX)
- 3) “Tract” number (always four digits) is assigned by the County Surveyor and must be listed on the map.
- 4) Planning Division processes the tentative map through the entitlement process.
- 5) Planning Division collects all fixed fees associated with tentative map review.
- 6) Engineering Division collects the deposit-based Engineering Services Map Checking Fee.
- 7) Tentative map is typically processed through the Planning Division concurrent with a development proposal.
- 8) All tentative maps are required to be presented to the Planning Commission and City Council for public hearings.

Final Map Review/Approval

- 9) Engineering Division performs the technical review of the final map with the City Surveyor.
- 10) Engineering Division collects the “additional DS fee” prior to submitting the final map clearance to the Planning Division.
- 11) Engineering Division sends a “Verification of Status” form (a memo) along with the final map mylars to the project planner when the map is ready for processing. **Do not** accept a final map application until you receive the Verification of Status form from Engineering.
- 12) Engineering Division coordinates and obtains signatures from the Property Owner, City Surveyor, and City Engineer.
- 13) The Planning Division processes the final map for approval by the City Council. (requires a report and resolution; it is an “Info/Consent” agenda item).
- 14) Planning Division verifies lot sizes and street names prior to City Council review.
- 15) Planning Division ensures that the City Resolution has the appropriate language for public easement/right-of-way vacation and for acceptance/rejection of public dedications.
- 16) Case Planner shall include the “Tract Number” in all staff reports and resolutions of approval for both tentative maps and final maps. (Engineering uses these numbers in their filing system).
- 17) Case Planner takes the Map to the City Council Hearing.

Final Signatures and Recordation

- 18) After the City Council hearing, the Case Planner coordinates and obtains the remaining required signatures from the Community Development Director and City Clerk. Include a note with the map showing the City Council date, PZ No. (and Tract No.), title company name, the title company’s order number, and phone number (see the Title Report).
- 19) Case Planner coordinates with the Title Company to have the final map recorded.

TENTATIVE PARCEL MAPS AND PARCEL MAPS

- 1) Use if creating four (4) or fewer parcels.
- 2) Can be used for more than four (4) parcels in certain circumstances See Government Code **Section 66426** (e.g. industrial or commercial development if lots have approved access to a public street or highway).
- 3) Project is processed as “Parcel Map XX-300-XX”
- 4) Same process as items 4 through 19 of Final Maps.

PARCEL MAP WAIVER

- 1) Parcel map waiver is a procedure intended to simplify the subdivision process in a limited number of situations.
- 2) Parcel map waiver criteria are specified in the City of Oxnard Municipal Code **Section 15-11**.
- 3) A parcel map waiver is a two-step process:
- 4) Fees are still collected for a Tentative Map review and an SUP (if applicable). While the Tentative Map fees are collected, the project is processed as a Parcel Map Waiver (PZ No. XX-300-XX).
- 5) In the resolution, the Planning Commission finds that the proposed division of land qualifies for a parcel map waiver as it complies with requirements established by the **SMA** and the City of Oxnard Municipal Code **Chapter 15**, including but not limited to requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection; and
- 6) Authorizes the Planning Director to review and sign the Certificate of Approval for Parcel Map Waiver, subject to conditions.
- 7) The Planning Commission is the decision-maker for the parcel map waiver. It does not go on to the City Council.
- 8) After the Planning Commission's approval, the applicant applies for a Certificate of Approval for the Parcel Map Waiver. The Planning Division collects fees for the Parcel Map Waiver, and the Engineering Division collects the engineering deposit fees to cover the technical review of the legal exhibits.
- 9) From here on, the Parcel Map Waiver is an administrative process that will be processed much like a Lot Line Adjustment.
- 10) All of the documents are submitted to the Planning Division. The Case Planner forwards the documents to Community Development Engineering, who forwards them to the City Surveyor and the Plan Check Engineer for technical review and approval.
- 11) Once the technical review is done, the Engineering Division provides the technical review and approval to the Case Planner.
- 12) The Case Planner prepares the certificate of approval and obtains the required signature from the Community Development Director.
- 13) The applicant's title company coordinates with the Case Planner and picks up the approved documents for recording at the County Recorder's Office.

- 14) Case Planner makes a copy of all the documents prior to putting them in the pick-up box; put these copies in the project file with a note saying who was called to pick up the documents and on what date.) The approval is not complete until the documents are recorded.
- 15) Case Planner obtains the original recorded documents for filing. Remove the copies of the unrecorded approved documents from the file and insert the recorded documents into the case folder.

LOT LINE ADJUSTMENTS

- 1) Allowed where land taken from one parcel is added to an adjoining parcel and where a greater number of parcels is not created. This means that the final number of parcels can be fewer than the original count.
- 2) If the proposal includes buildings, be sure the applicant submits Exhibit "C", Site Plan showing existing building(s), with dimensioned setbacks and distances between buildings. Exhibit "C" is not recorded with the Certificate of Approval.
- 3) The number of lots being adjusted cannot exceed 4.
- 4) If a proposal is moving lot lines and reducing the number of lots we typically call it a lot line adjustment.
- 5) Project is processed as "Lot Line Adjustment XX-310-XX"
- 6) Planning collects all fees associated with review.
- 7) Engineering collects the deposit-based engineering review fee.
- 8) Send all lot line adjustment requests to the Plan Check Engineer, who will forward them to the City Surveyor. Plan Check Engineer coordinates his/her comments with the City Surveyor until the document is acceptable.
- 9) Plan Check Engineer sends a memo recommending approval to the project planner when the exhibits are technically accurate.
- 10) The Case Planner prepares a memo to the Community Development Director recommending approval, with Certificate of Approval, Exhibit A and Exhibit B.
- 11) The title company picks up the approved documents for recording at the County Recorder's Office. (Make a copy of all the documents prior to putting them in the pick up box; put them in the project file with a note of who was called to pick up the documents and on what date.) The approval is not complete until the documents are recorded. The Recorder sends the original recorded documents back to the project planner. Remove the copies of the unrecorded approved documents from the file and insert the recorded documents into the case file.

LOT MERGERS

- 1) Lot mergers are used to merge 2 or more lots.
- 2) Project is processed as “Lot Merger XX-310-XX”
- 3) Planning Division collects all fees associated with review.
- 4) Engineering Division collects the deposited-based engineering review fee.
- 5) Process the same as items 9 through 12 of Lot Line Adjustments.

SUBDIVIDING LAND WITH EXISTING BUILDINGS/IMPROVEMENTS

Subdividing land or processing condo conversion with existing buildings could cause the need for separate water meters or other utilities for each lot or condo unit. Building and Safety related requirements may also be required for the proposed subdivisions. Property that has existing improvements must be checked to ensure a lot line adjustment or map does not create a non-conforming situation. The Building Division may have requirements for setbacks from property lines to buildings due to Building Code requirements. If a commercial or office building is closer than 10 feet to a lot line or another building, check with the Building Division for Building Code requirements. The Fire Department may have requirements for access around an existing building that cannot be met if a portion of the property is sold to a third party.