**Commonly Used Subdivision Ordinance—California**

Chapter 1

General Provisions

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11-01-1 Purpose

This title is enacted for the purpose of adopting subdivision regulations, under the authority of and in accordance with the provisions of Division 2 of Title 7 of the Government Code, of the State of California and any future amendment thereto, referred to herein as the Subdivision Map Act, and in addition to any other regulations provided by law.

11-01-2 Advisory Agency Designated

The Planning Commission, hereinafter referred to as the planning commission, is hereby designated as the Advisory Agency. The Advisory Agency is charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property and the imposing of conditions or requirements thereon. The planning commission shall have the power, authority and the duty with respect to tentative maps, final maps and parcel maps which are specified in this title.

11-01-3 Authority; Power

The city council shall have all the authority, powers and duties with respect to tentative maps, final maps, parcel maps, and the procedure relating thereto, which are specified by the law and by the provisions of this title.

11-01-4 Sale of Property; Compliance

It shall be unlawful for any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity, as a principal, agent, or otherwise to:

A. Divide real property in any manner that shall constitute a subdivision unless and until all the requirements of this title have been complied with, or,

B. Sell, lease or divide for purposes of financing or contract, any division of land that shall constitute a subdivision, unless and until all the requirements of this chapter have been complied with or unless the offer to sell, lease or divide is expressly conditioned upon compliance with this title and the Subdivision Map Act. This shall not be construed to prohibit the sale of any lot or parcel of land which is of record as a lot or parcel of land on the effective date of this title.

11-01-5 Action by Interested Persons

When any provision of the Subdivision Map Act or of this title requires the execution of any certificate or affidavit or the performance of any act by a person in his official capacity who is also a subdivider or an agent or employee thereof, such certificate or affidavit shall be executed or such act shall be performed by some other person duly qualified therefore and designated so to act by the city council.

11-01-6 Subdivision Map Act

The provisions of this title shall be in addition to and shall be considered as supplementing the provisions of the "SUBDIVISION MAP ACT" of the State of California. This title may be cited as the "Subdivision Ordinance of the City of \_\_\_\_\_\_\_\_".

11-01-7 Effect

Any application or request which has been denied wholly or in part by the planning commission or by the city council shall not be resubmitted for a period of one (1) year from the date of said order of denial became final, except on grounds of new evidence or proof of changed conditions found to be valid by the planning commission or the city council, whichever is the final decision making body.

11-01-8 CATV Facilities

For all new mobile home park developments, apartment developments, and subdivisions contemplating residential use, a mandatory condition of any approval or permits pertinent thereto shall be the performance of trenching and backfilling necessary for the provision of cable television service, including furnishing of any imported backfill material required.

The CATV franchisee shall provide plans and specifications and shall install the facilities required and certify to the city, prior to the final approval of the subdivision or development, that facilities required herein are properly installed. The city shall have the right to review and require its approval of the maps and specifications provided by the CATV franchise.

11-01-9 Inapplicability

This title shall be inapplicable to:

A. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks.

B. Mineral, oil or gas leases.

C. Land dedicated for cemetery purposes under the Health and Safety Code.

D. A lot line adjustment between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created subject to the following limitations.

1. Said lot line adjustment shall be subject to city council approval.

2. The city council's review shall be limited to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the zoning ordinance and building code.

3. No conditions shall be imposed except to conform to the zoning ordinance or building code or to facilitate the relocation of existing utilities, infrastructure, or easements.

4. The lot line adjustment shall be reflected in a deed or record of survey which shall be recorded. No parcel map shall be required but may be filed at the owner's discretion.

E. The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a wind powered electrical generation device on the land, if the project is subject to discretionary action by the city.

F. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other city ordinances regulating design and improvement.

G. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.

H. The construction, financing, or leasing of dwelling units pursuant to Section 65852.1 or second units pursuant to Section 65852.2 of the Government Code, but this division shall be applicable to the sale or transfer, but not leasing, of those units.

I. Subdivisions of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code, which are created by short-term leases (terminable by either party on nor more than 30 days’ notice in writing).

J. Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates such a parcel map.

11-01-10 Relationship to Title 10 (Zoning Ordinance)

This title shall not be construed to exempt property from compliance with Title 10 of the City Code.

Chapter 2

Definitions

Section

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11-02-1 Definitions, General

Except as otherwise provided in this section, all terms used in this title which are defined in the Subdivision Map Act are used in this title as so defined, unless from the contact hereof it clearly appears that the different meaning is intended.

11-02-2 Approved Access

"Approved access" shall mean access to a state highway, county road or city street of not less than forty feet in width by a connecting access of not less than thirty feet in width; said connecting access being owned by the owner of the parcel or parcels to which it furnishes access or irrevocable easement for the permanent use of such parcel or parcels.

11-02-3 Arterial

The term "arterial" shall mean a street that serves a large volume of vehicular traffic with intersections at grade and direct access to abutting property, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

11-02-4 Certificate of Compliance

"Certificate of Compliance" shall mean a document issued by the planning director which certifies that real property has been divided or resulted from a division in compliance with all applicable city ordinances regulating the division of real property and Subdivision Map Act applicable at the time the parcel(s) of real property were divided or resulted from such division.

11-02-5 Collector Street

The term "collector street" shall mean a street that serves abutting property and carries residential traffic from local streets to the arterials and highways and includes:

A. Principal entrance streets to a residential neighborhood.

B. Streets for circulation within a development.

Streets adjoining traffic generators, i.e.:

1. Schools, churches and meeting places.

2. Housing complexes of medium and high density.

3. Neighborhood shopping centers.

11-02-6 Control of Access

The term "control of access" shall mean the condition where the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with the street or highway is fully or partially controlled by a public authority.

A. Full control of access means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only and prohibiting crossings at grade or direct private driveway connections.

B. Partial control of access means that the authority to control access is exercised to give preference to through traffic to a degree that in addition to through access connections with selected public roads, there may be some crossings at grade and some private driveway connections.

11-02-7 Cul-de-sac

The word "cul-de-sac" shall mean a dead end street with a turn-around at the closed end.

11-02-8 Design

The term "design" shall mean the following:

A. Street alignments, grades and widths.

B. Drainage and sanitary facilities and utilities, including alignments and grades thereof.

C. Location and size of all required easements and right-of-way.

D. Fire roads and firebreaks.

E. Lot size and configuration.

F. Traffic access.

G. Grading.

H. Land to be dedicated to park or recreational purposes.

I. Such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan.

11-02-9 Designated Remainder

The term "designated remainder" shall mean that portion of any unit or units of improved or unimproved land that is designated as a remainder by the subdivider and which is not divided for the purpose of sale, lease, or financing. The designated remainder shall not be counted as a parcel for the purpose of determining whether a parcel map or final map is required.

For a designated remainder parcel, the fulfillment of construction requirements for improvements shall not be required until a permit or other grant of approval for development of the remainder parcel is issued by the city or until the construction of the improvements is required pursuant to an agreement between the subdivider and the city. In the absence of an agreement, the city may require fulfillment of the construction requirements within a reasonable time following approval of the final map and prior to the issuance of a permit or other grant of approval for the development of a remainder parcel upon a finding by the city that fulfillment of the construction requirements is necessary for reasons of:

A. The public health and safety; or

B. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

A designated remainder may subsequently be sold without any further requirement of the filing of a parcel map or final map, but a certificate of compliance or conditional certificate of compliance shall be required.

11-02-10 Development

The word "development" shall mean the uses to which the land is the subject of the map shall be put, the buildings to be constructed on it and all alterations of the land and construction incident thereto.

11-02-11 Expressway

The word "expressway" shall mean a divided street or highway which serves large volumes of through traffic with full or partial control of access.

11-02-12 Final Map

The word "final map" shall mean a subdivision map creating five or more parcels, except as noted in Section 66426 a), b), c), and d) of the Subdivision Map Act, prepared in accordance with the provisions of this title and in the Subdivision Map Act, which is designed to be placed on record in the office of the county recorder.

11-02-13 Freeway

The word "freeway" shall mean an expressway with full control of access and with grade crossings eliminated.

11-02-14 Improvement

Refers to any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof.

Improvement also refers to any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity, by the city, or by a combination thereof, is necessary or convenient to insure consistency with, or implementation of, the general plan.

11-02-15 Local Street

The term "local street" shall mean a street that serves the local needs of residential properties in a neighborhood and is so designed to serve not more than fifty dwelling units between streets or a higher traffic classification.

11-02-16 Lot

The word "lot" shall mean a parcel or portion of land separated from other parcels or portions by description as on a final or parcel map or by metes and bounds for purpose of sale, lease, financing or separate use.

11-02-17 Minor Industrial Street

The term "minor industrial street" shall mean a street that serves the local needs of industrial properties and is designed to accommodate truck traffic.

11-02-18 Owner

The word "owner" shall mean the individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title.

11-02-19 Parcel Map

The word "parcel map" shall mean a subdivision map creating four or less parcels or a subdivision described in Section 66426 (a), (b), Â©, and (d) of the Subdivision Map Act, prepared in accordance with the provisions of this title and the Subdivision Map Act which is designed to be placed on record in the office of the county recorder.

11-02-20 Shall, May

The word "shall" is mandatory. "May" is permissive.

11-02-21 Subdivider

The term "subdivider" shall mean a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others except that employees and consultants of such persons or entities acting in such capacity, are not "subdividers".

11-02-22 Subdivision

The term "subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement, or railroad rights-of-way. "Subdivision" includes 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, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. As used in this section, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock.

11-02-23 Tentative Map

The word "tentative map" shall mean a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around such subdivision. Such map need not be based upon an accurate or detailed field survey of the property but shall be of the form and contain the information required by this title.

11-02-24 Tentative Parcel Map

The word "tentative parcel map" shall mean a tentative map of a proposed subdivision into four or fewer parcels and which meets the requirements of Chapter 6 of Title 11.

11-02-25 Vesting Tentative Map

The term "vesting tentative map" shall mean a map which meets all of the requirements of Chapter 4 of Title 11 and which has printed conspicuously on its fact the words "VESTING TENTATIVE MAP".

11-02-26 Vesting Tentative Parcel Map

The term "vesting tentative parcel map" shall mean a map which meets of the requirements of Chapter 6 of Title 11 and which has printed conspicuously on its face the words "VESTING TENTATIVE PARCEL MAP".

Chapter 3

General Regulations; Design

Section

11-03-1 Standards and Approval

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11-03-16 Railroad Crossings

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11-03-18 Energy Conservation

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11-03-1 Standards and Approval

All improvements shall conform to the requirements contained in the Standard Specifications of the city of prepared by the city engineer, recommended by the planning commission, and adopted by the city council as the same now exists or may hereafter be amended. Copies of said standard specifications shall be maintained on file in the offices of the city clerk, planning commission and city engineer.

11-03-2 Street Design and Standards

A. Street design shall conform in principle to the streets shown on the circulation element of the general plan and in width and alignment to the streets shown on any precise plan adopted by the city council relating to streets and shall conform to the requirements of this title.

B. The subdivider shall be required to dedicate all land necessary for street purposes as shown on the general plan or any precise plan or to conform to the provisions of this title.

C. Improvements shall be made to conform to the requirements of the city council and to the Standard Specifications.

D. Location: The location of a freeway, expressway, arterial or collector street shall be as shown on the general plan, a precise plan, or as otherwise designated by the city council.

E. The street system: In the proposed subdivision, streets shall relate functionally to the existing streets in the area adjoining the subdivision.

F. The centerlines: The centerlines of all streets wherever practicable shall be the continuation of the centerline of existing streets, or shall be offset at least one hundred feet.

G. Street intersection: Intersections shall not be at such an angle that the intersection is dangerous or awkward.

H. Cul-de-sac or dead-end streets: Dead-end streets where necessary to give access to, or permit a satisfactory future subdivision of adjoining land, shall extend to the boundary of the property and the resulting dead-end street may be approved without a turn-around. In all other districts a cul-de-sac or a comparable area in another form shall be required, separated to the depth of one lot from the exterior boundary line or other topographical feature of the subdivision. No dead-end street shall be more than five hundred feet in length.

I. Curve radius: The centerline curve radius of all streets and highways shall conform to accepted engineering standards of design and shall be subject to the approval of the Engineer but shall not be less than fifty feet.

J. Rounding of intersection corners: At all street intersections the block corners shall be rounded at the property line with a curve having a radius of not less than twenty feet where street intersections are not at right angles, greater curve radius may be required.

K. Grades: No streets or highways shall have a grade of more than six percent, or less than fifteen hundredths percent, except when approved by the city engineer.

L. Street names: All street names shall be approved by the city council. Duplication of existing names within the county will not be allowed unless the streets are obviously in alignment with existing streets and likely to sometime be a continuation of the other street. At least one street in each subdivision is encouraged to be named after an historically prominent resident from a list as approved by the planning commission from time to time.

M. Street name signs: Each subdivider shall pay to the city at the time of approval of the final map as condition of such approval an amount for each street name sign required in the subdivision.

N. Street improvements: The following street improvements shall be required on streets which are along and adjacent to the boundary of a subdivision.

1. Regardless of any other provisions in the sub-section, a street which is fronting city-owned property shall be constructed by the developer to its full width including curbs, gutters, sidewalks, storm drainage, and pavement. Provision shall be made to reimburse the developer for the cost of construction of any facilities not required by the subdivision.

2. Existing streets with a planned right of way width of sixty feet or less. The street shall be constructed with full street improvements to the centerline of the existing street. Improvement of the street past the centerline will only be required when the other driving lane is inadequate to serve the needs of the proposed subdivision.

3. New streets with a planned right of way width of sixty feet or less. The street shall be constructed to a forty foot part-width standard to provide for two driving lanes, one parking lane and curb, gutter and sidewalk adjacent to the parking lane. Any part-width street so approved shall be at least forty (40) feet in width unless the city council approves a lesser width as set forth in Section 1805 of the Streets and Highways Code of the State of California. Such approval for a part-width street of less than forty (40) feet shall be based on the following factors:

a. The extension of the street is along a property line which forms the boundary of the subdivision and the necessary width for a forty foot part-width street: (l) is not dedicated and the city council decides not to pursue dedication; or (2) is not dedicated and the city council cannot obtain title to the property within 120 days of approval of the map.

b. Adherence to the forty foot part-width standards would create an off-set in the center of the subdivision.

c. The public interest in having a street without an off-set in the centerline thereof outweighs the general public policy, set forth above in having all part-width streets a minimum of forty feet in width.

In cases in which a part-width street is allowed that is less than forty (40) feet in width, on-street parking may be prohibited until such time as a minimum of forty (40) feet of the street is improved.

4. New streets with a planned right of way width of more than sixty feet. The street shall be fully constructed from the centerline of the street to the property being subdivided.

O. Streets and highways: Streets and highways not shown on any other master street and highway plan or not affected by proceedings initiated by the city council shall not be of less width than those set forth herein. Increased widths may be required when streets are to serve commercial property or when probable traffic conditions warrant such. Approval or determination of the required width, in the absence of an approved master plan of streets and highways, shall be made by the city council.

P. Street widths:

1. Freeways and Expressways: Freeways and expressways shall have a right-of-way as determined by the governmental agency.

2. Arterials: Arterials shall have a minimum of right of way as established in the Circulation Element of the General Plan.

3. Collector streets: Collector streets shall have a minimum right of way of sixty feet a minimum paved width of forty feet between curb faces.

4. Local streets: Local streets shall have a minimum right of way of fifty feet and a minimum paved street width of thirty-six feet between curb faces.

5. Minor industrial streets: Minor industrial streets shall have a minimum right of way of sixty feet and a minimum paved street width of fifty feet.

6. Cul-de-sac: A cul-de-sac shall have a maximum length of five hundred feet measured from the centerline of the intersecting street to the center of the turn-around. The radius of the turn-around at the property lines shall be fifty feet. Right of way and street width of a cul-de-sac shall conform to that of a local street.

11-03-3 Alleys

A. Alleys: Alleys shall be prohibited in residential subdivisions except when approved or required by the city council for any one of the following reasons:

1. To widen an existing part-width alley which has been dedicated and approved in an adjacent subdivision;

2. To complete the continuity of existing alleys where the property to be subdivided is located adjacent to existing blocks containing alleys;

3. The special nature of the design or density of a residential subdivision where dwellings are to be grouped in such a manner as to require access from other than street frontage;

4. The relationship to existing or proposed adjacent commercial, industrial, or high density residential development, or adjacent railroad, canal rights-of-way or other physical barrier;

5. The unusual size, shape or topographical character of the property to be subdivided.

B. Alleys shall be a minimum of twenty feet in width.

C. Where two alleys intersect, ten foot corner cut-offs measured along the property lines from the point of intersection will be required.

D. Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

E. Alleys shall be improved in accordance with the requirements of the Standard Specifications.

11-03-4 Blocks

A. Acre or large lot subdivisions: Where a parcel is first subdivided into large lots of such size that they can be further subdivided and conform to all requirements of this chapter, the design shall be of such form as to provide for the future opening of arterials and collector streets and for the ultimate extension and opening of local streets at such intervals as will permit a subsequent division of any parcel into smaller lots.

B. Block lengths: Block lengths shall not exceed one thousand feet unless existing conditions warrant a variance. Long blocks along arterials and highways may be required to reduce the number of intersections.

C. Blocks: Blocks shall be of sufficient width to permit the platting of two tiers of lots of normal depth, except where blocks are adjacent to arterials, freeways, or expressways. Such lots shall be created to back up to such street and front onto a residential or collector street and access rights to such arterial, freeway, or expressway shall be waived by the subdivider. The city council may grant an exception to these provisions to permit through lots which are to be developed with uses facing both streets when it is determined that such exception is warranted by the circumstances of a particular subdivision and is in compliance with an existing zoning classification.

11-03-5 Lots

A. Minimum frontage and depth requirements shall be as set forth in Title 10 of the City Code. Minimum lot frontage shall be measured at the building setback line.

B. The side lines of all lots shall be at right angles to the street on which they front, wherever possible.

C. Width to depth ratio: The depth of lots shall not exceed the road frontage by more than three times.

D. All lots or parcels being created must front with access on a city street or state highway.

11-03-6 Easements

A. The subdivider shall grant easements for public utility uses along lot lines where necessary for the extension of any such utility and for the relocation of existing public utility facilities.

B. Where streets are less than sixty feet in width, additional easements for planting may be required.

C. Dedication of easements shall be for the purpose of installing utilities, both privately and publicly owned, planting strips and other public purposes as may be ordered by the city council.

D. Protection of Easements: No persons other than a public utility shall erect, construct or place any building or structure except fences or walls on any public utility easement. No person shall permit or allow vines or other climbing plant materials to become attached to public utility poles. It shall be the responsibility of the owner and/or occupant of real property to maintain any public utility easement area located thereon in such manner that its condition will not interfere with the proper operation and maintenance of public utility facilities located thereon. Any public utility using such easement, its representatives, agents or employees shall have the right to trim or top such trees or shrubs growing within or overhanging the easement as may endanger or interfere with public utility facilities constructed therein and may have free access to said public utility facilities and every part thereof at all times for the purpose of construction, operating and maintaining said public utility facilities.

E. Design of easements: Easements shall be located and designed in subdivisions to provide for reasonable, practical and useful placement, replacement, enlargement, repair and maintenance of utility facilities.

11-03-7 Underground Utilities

A. All utility distribution facilities and lines including but not limited to gas, water, sewer, electrical communications, street lighting and cable television shall be installed underground, except that overhead utility lines may be permitted when it is determined by the city council that such facilities are designed to serve areas larger than that being subdivided and that it is impractical to locate such facilities underground.

When overhead lines are approved by the city council they shall extend along alleys, side lot, rear yard, or privately owned easements, whichever is possible, except where such overhead lines cross streets, or must be located outside of easements for good and sufficient reasons as determined by the city council.

Overhead service to lots abutting existing overhead lines is permitted where no extension of overhead lines is required.

B. Street lighting standards, underground cables or conduit and conductors and all materials and appurtenances necessary shall be installed of a design and at a location approved by the city engineer and in accordance with the Standard Specifications.

It shall be the responsibility of the subdivider to insure that utilities are installed in compliance with the requirements of this section. He shall make the necessary arrangements with the companies or other agencies for such installation, according to the specifications of the governing agency. For the purpose of this section, appurtenances and associated equipment such as, but not limited to, surface mounted switches, transformers, pedestal mounted terminal boxes and meter cabinets may be placed above ground.

11-03-8 Service Roads

When a subdivision is developed adjacent to a freeway or expressway as shown on the general plan, the city council may require the subdivider to dedicate and improve a frontage road to provide ingress and egress to adjacent lots or to create backup lots which front upon an interior residential street and back up to such freeway or expressway. When backup lots are created the subdivider shall waive direct access rights from the lots to the freeway or expressway and shall construct a masonry wall, fence or other suitable barrier as required by the city council between the subdivision and the adjacent freeway or expressway.

11-03-9 Water Courses

The subdivider shall, subject to riparian rights, dedicate a right of way for storm drainage purposes conforming substantially with the lines of any natural water course or channel, stream or creek that traverses the subdivision, or at the option of the subdivider, provide by dedication, further and sufficient easements or construction, or both, to dispose of such surface and storm water.

11-03-10 Sewage Disposal

Provisions shall be made for adequate sewage disposal by:

A. Connection to sanitary sewer when available by the installation of a main lateral to the boundary of the subdivision and service laterals to the property line of each lot. The design and specifications of sewer construction shall be consistent with the Standard Specifications.

B. Where septic tanks existed prior to November l, 1981, or existed on property annexed to the city subsequent to that date, they may remain until failure, at which time connection to sanitary sewer shall be required, if available.

C. Sanitary sewer facilities: Whenever the city, by ordinance, has adopted a sanitary sewer plan for a particular local sanitary sewer area, pursuant to Section 66483 of the Government Code of the State of California, each subdivider filing a final map or parcel map for the division of such area and the tentative map of which is filed after the effective date of the addition of this subsection, shall pay to the city at the time of the filing of the final map or parcel map, as a condition of approval thereof, such fees as may be required by said ordinance. The city council may, by resolutions or agreements adopted or entered into, from time to time, establish conditions under which such fees may be spread over a period of time.

D. Sewer connection fees: At the time of filing of the final map or parcel map, the subdivider shall pay to the city such sewer connection fees and front foot assessments as required by Title 4, Chapter 4, Section 4 of the City Code or as required by future amendments approved by ordinance or resolution of the city council.

11-03-11 Reservations

A. Requirements: As a condition of approval of a map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses according to the standards and formula contained in this Section.

B. Standards and formula for reservation of land: Where a park, recreational facility, fire station, library, or other public use is shown on an adopted specific plan or adopted general plan, the subdivider may be required by the city to reserve sites as so determined by the city in accordance with the definite principles and standards contained in the above specific plan or general plan. The requirements and procedures as outlined in Section 66479 et. seq. of the Government Code shall be followed.

11-03-12 School Site Dedication

A. Requirement: As a condition of approval of a tentative map or tentative parcel map, a subdivider who develops or completes the development of one or more subdivisions within the elementary school district shall dedicate to the school district such lands as the city council shall deem to be necessary for the purpose of construction of schools necessary to assure the residents of the subdivision adequate elementary school service.

B. Procedure: The procedure for dedication and reimbursement shall be as provided by the Subdivision Map Act.

C. The school district to which the property is dedicated shall record a certificate as required in Section 66478Â© of the Government Code.

11-03-13 Park and Recreation Dedication and Fees

A. Purpose: This subsection is enacted pursuant to the authority granted by Section 66477 of the Government Code of the State of California. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this Section are in accordance with the Recreational Element of the General Plan of the city, as revised on January 9, 1987.

B. Requirements: As a condition of approval of a parcel map or tentative map, the subdivider shall dedicate and develop land, pay a fee in lieu thereof, or both, at the option of the city for park or recreational purposes at the time and according to the standards and formula contained in the Section.

C. General standards: It is hereby found and determined that the public interest, convenience, health, welfare and safety require that five acres of property for each one-thousand persons residing within this city be devoted to local park and recreational purposes. Two and one half acres shall be allocated for community parks and two and one half acres shall be allocated for neighborhood parks.

D. Standards and formula for dedication of land: Where a park or recreational facility has been designated in the recreation element of the general plan, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography to serve the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the standards and formula listed below. If the amount of land needed for the park according to the recreational element exceeds the amount of land to be dedicated according to the formula, the city shall pay compensation in an amount as determined pursuant to Chapter 8 (commencing with Section 1260.010) and 9 (commencing with Section 1263.010) of Title 7 of Part 3 of the Code of Civil Procedure.

The formula for determining acreage to be dedicated shall be as follows:

Dwelling Type

Zoning District

Standard Dedication

Single-Family

R-l

3.5 persons per dwelling unit 1 acre for each 115DUs

Duplex, Multi-dwelling or Mobile home

R-2 or R-3

2.5 persons per dwelling unit 1 acre for each 160DUs

Dedication of the land shall be made in accordance with the procedures contained in Subsection 11-03-12 hereof.

E. Formula for fees in lieu of land dedication:

1. General formula: If there is no park or recreational facility designated in the city's recreation element to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of the land prescribed for dedication in subsection D thereof and in an amount determined in accordance with the provisions of this subsection F, such fee to be used for a local park which will serve the residents of the area being subdivided.

2. Fifty parcels or less: If the proposed subdivision contains fifty parcels or less, the subdivider shall pay a fee equal to the land value of the portion of the local park required to serve the needs of the residents of the proposed subdivision as prescribed in subsection D thereof and in an amount determined in accordance with the provisions of subsection F hereof.

3. Use of money: The money collected hereunder shall be used only for the purpose of providing park or recreational facilities reasonably related to serving the subdivision by way of the purchase of necessary land/and or the improving of such land for park and recreational purposes.

F. Amount of fee in lieu of land dedication: Where a fee is required to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair-market value of the amount of land which would otherwise be required to be dedicated pursuant to subsection D hereof. The fair market value of land shall be determined by the city with a written appraisal prepared and signed by a qualified real estate appraiser acceptable to the city. The appraisal shall be made immediately prior to the filing of the final or parcel map. If more than one year elapses between the preparation of the appraisal and the filing of the final map or parcel map, the city shall cause a new appraisal to be prepared. All costs associated with obtaining the appraisal and the reappraisal, if necessary, shall be borne by the subdivider.

G. Criteria for requiring both dedication and fee: The subdivider shall both dedicate land and pay a fee in lieu thereof in accordance with the following formula:

1. When only a portion of the land to be subdivided is proposed on the recreational element as the site for a local park, such portion shall be dedicated for local park purposes and a fee computed pursuant to the provisions of this subsection E hereof shall be paid for any additional land that would have been required to be dedicated pursuant to section D hereof.

2. When a major part of the local park or recreational site has already been acquired by the city and only a small portion of land is needed from the subdivision to complete the site, such remaining portion shall be dedicated and a fee computed pursuant to the provisions of this subsection E hereof shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated pursuant to subsection D hereof, such fees to be used for the improvement of the existing park and recreational facility or for the improvement of other local parks and recreational facilities in the area serving the subdivision.

H. Determination of land of fee: Whether the city council accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

1. Recreational element of the city's general plan.

2. Topography, geology, access and location of land in the subdivision available for dedication.

3. Size and shape of the subdivision and land available for dedication.

4. The feasibility of dedication.

5. Compatibility of dedication with the recreation element.

6. Availability of previously acquired park property.

7. Availability of other, equally suitable sites for park property.

I. Credit for private open spaces - partial credit: Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, partial credit, not to exceed fifty percent, may be given against the requirements of land dedication or payment of fees in lieu thereof, if the city finds that it is in the public interest to do so and that all the following standards are met:

1. That yards, setbacks and other open areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private open space.

2. That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance or restrictions.

3. That the use of the private open space is restricted for park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the city or its successor.

4. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location.

5. That facilities proposed for the open space are in substantial accordance with the provisions of the general plan.

6. That the open space for which credit is given is a minimum of two acres and provides some of the local park basic elements listed below.

â€¢ Children's play apparatus area

â€¢ Landscape park-like & quiet areas

â€¢ Family picnic area

â€¢ Game court area

â€¢ Turf play field

Before credit is given, the city council shall make written findings that the above standards are met.

J. Procedure: At the time of approval of the tentative parcel map, or tentative subdivision map, the planning commission (or city council in the case of a tentative subdivision map) shall determine pursuant to Subsection D hereof, the land to be dedicated and/ or fees to be paid by the subdivider. At the time of the filing of the parcel map, the subdivider shall dedicate the land/or pay the fees as previously determined by the planning commission or city council. Open space covenants for private park or recreational facilities shall be submitted to the city prior to approval of the final parcel map and shall be recorded contemporaneously with the final map.

In the case of land zoned R-2, R-3, when the ultimate number of dwelling units is unknown, no park-in-lieu fee shall be collected at the time of filing the final map. When a building permit is obtained on the parcel so created for which no park-in-lieu fee has been collected, the fee shall be computed pursuant to Section 11-03-13-D and shall be collected prior to issuance of the building permit.

K. Commencement of development: At the time of approval of the final parcel map, the city council shall specify when development of the park or recreational facilities shall be commenced. Fees collected shall be committed within 5 years after payment of such fees.

L. Exemptions: The provisions of this section shall not apply to subdivisions containing less than five (5) parcels and not used for residential purposes; provided, however, that if a building permit is requested for construction of a residential structure or structures, the fees may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

The provisions of this subsection also shall not apply to commercial or industrial subdivision or to condominium projects or stock cooperative which consist of the subdivision of air space in an existing apartment building which is more than five years old, when no new dwelling units are added.

11-03-14 Drainage Facilities

A. Positive storm drainage facilities shall be installed as deemed necessary by the city engineer to provide for the removal of surface water. Such drainage facilities shall be of a character and design approved by the city engineer and in accordance with the requirements of the Standard Specification referred to in Section 11-8-1 hereof, in order to insure proper grading and erosion control including the prevention of sedimentation of damage to off-site property. Dry wells shall not be permitted as a drainage facility.

B. Whenever the city, by ordinance, has adopted a drainage plan for a particular drainage area, pursuant to Section 66483 of the Government Code of the State of California, each subdivider filing a final map or parcel map for the division of land, any part of which is located within the boundaries of such a drainage area and the tentative map of which is filed after the effective date of the addition of this subsection, shall pay to the city at the time of the filing of the parcel map, as a condition of approval thereof, such fees as may be required by said ordinance. The city council may by resolutions or agreements adopted or entered into from time to time, establish conditions under which such fees may be spread over a period of time.

11-03-15 Street Trees

Each subdivider of a subdivision, the tentative map, of which is approved by the planning commission after the effective date of this Section, shall provide, as part of the improvements of the subdivision, street trees. An amount equal to the cost of furnishing, locating, planting and fertilizing streets trees and providing and installing supports for street trees in such subdivision shall be provided. Street trees shall be planted and maintained in accordance with the provisions of Chapter 2 of Title 3 of the City Code and any pertinent policies adopted by the city council.

11-03-16 Railroad Crossings

Provisions shall be made for any and all railroad crossings necessary to provide access to our circulation within the proposed subdivision, including the preparation of all documents necessary for application to the California Public Utilities Commission for the establishment and improvement of such crossing. The cost of such railroad crossing improvement shall be borne by the subdivider unless, subsequent to adoption of this ordinance, fees for this purpose have been imposed and adequate funds have been collected to improve the crossing.

11-03-17 Monuments

A. At the time of making the survey for the final map, the engineer shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey.

B. Permanent monuments as required by the Subdivision Map Act and the Standard Specifications of the city shall be set except where such monuments already exist in the proper positions.

11-03-18 Energy Conservation

The design of a subdivision for which a tentative map or tentative parcel map is required shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision pursuant to Section 66473.1 of the Government Code.

11-03-19 Centralized Mail Delivery

The subdivider shall confer with local postal authorities to determine whether cluster mailboxes will be required. If clustering is not required, the subdivider shall provide a letter from the postmaster stating the exemption. If clustering is required, proposed easements or other provisions shall be included on the tentative subdivision map or tentative parcel map. The final map shall include these provisions as approved. The improvement plans shall include provision of concrete pads with necessary hardware (at the developer's expense) to allow the post office to attach their mailboxes. The location of such units shall be approved by the local postal service and the public works department.

11-03-20 Water and Sewer Service

All water and sewer lot services shall extend two feet past the sidewalk and shall be between three and five feet of one interior side property line of each lot in the subdivision.

Chapter 4

Tentative Maps for Subdivisions

Other than Parcel Maps

Section

11-04-1 Tentative Maps Required

11-04-2 Filing, Departmental Approval

11-04-3 Form of Tentative Map

11-04-4 Statement In Writing

11-04-5 Action of Tentative Map

11-04-6 Vesting Tentative Map

11-04-1 Tentative Maps Required

A tentative map and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:

A. The land before division contains less than five acres; each parcel created by the division abuts upon a city maintained street, road, or highway and no dedications or improvements are required by the city council, or

B. Each parcel created by the division has a gross area of twenty acres or more and has an approved access to a city maintained street, road or highway, or

C. The land consists of a parcel or parcels of land having approved access to a city maintained street, road or highway, which comprises part of a tract of land zoned for industrial development, and which has the approval of the governing body as to street alignments and widths, or

D. Each parcel created by the division has a gross area of not less than forty acres or is not less than a quarter of a quarter section.

A parcel map shall be required for those subdivisions described in this Section.

11-04-2 Filing; Departmental Approval

A. Copies of any requested tentative map and statement of the proposed subdivision of any land shall be filed with the planning commission at least six (6) weeks (or such longer period as determined by the Planning Director) prior to the regularly scheduled meeting at which consideration is desired. A filing fee as set forth by Resolution of the city council shall be paid at the time of filing.

B. The secretary of the planning commission shall examine the map upon presentation and shall not accept such map unless the same is in full compliance with the law and the provisions of this chapter as to form, data, information, and other matters required to be shown thereon or furnished therewith. Maps shall be accepted which are not in full compliance if applications are concurrently submitted that would assure compliance. The map shall not be accepted as complete until the map is in full compliance. The exact requirements for submittal of a tentative map shall be available, in writing, to a subdivider at least 30 days prior to the deadline for submittal.

C. The secretary of the planning commission shall transmit copies of such tentative map to interested and affected agencies. A copy shall be transmitted to each school district having jurisdiction over the area shown on the tentative map.

D. The department or agency receiving a copy of the map may notify, within fifteen days of receipt thereof, the Secretary of the planning commission of particulars which do not conform to requirements coming within its authorized scope. In the case of school districts, they shall respond within twenty (20) working days of the date on which the notice was mailed. If a reply is not received within the time periods listed above it will be assumed that the agency approved its form.

E. Prior to the presentation of a formal tentative map, the subdivider is encouraged to present sketches of his proposal to the planning department. However, such a preliminary sketch is not to be construed as a tentative map. Where only a portion of a larger area is to be subdivided at this time and the balance planned for future subdivision, the planning commission may require a map showing the proposed street layout within the entire area. Such a map is not a tentative map but is to be used as a guide for the tentative map under consideration and future maps of that area.

F. Upon submittal of a tentative map of unincorporated territory, no further action may be taken and the map may not be accepted as complete (at the discretion of the city council) until the territory has been annexed to the city.

11-04-3 Form of Tentative Map

The form of the tentative map shall be as determined from time to time by the planning department and shall be available, in writing, to the subdivider at least 30 days prior to the final date for submittal of the map.

11-04-4 Statement in Writing

A statement shall be presented by the subdivider in writing accompanying the map stating:

A. Proposed use of property: If more than one use, the area, lots or lot proposed for each type of use shall be shown on the tentative map.

B. Statement of the improvements and public utilities proposed to be installed.

C. Proposed plan for drainage.

D. Proposed plan for sewerage and sewage disposal.

E. Provisions for water supply, both domestic and fire protection. Provisions for fire protection shall be approved by the Fire Protection District.

F. Type of location of street lighting proposed.

G. A copy of any existing or proposed restrictive easements and public areas.

H. Justification and reasons for any exceptions to provisions of this title or for any amendment to the zoning law, which may be requested in conjunction with the subdivision proposed.

11-04-5 Action on Tentative Map

A. Public hearings: Whenever a tentative map is submitted to the planning commission for review, the planning commission shall give notice of the hearing not less than l0 days before the date of the hearing in the following manner:

1. By publication in a newspaper of general circulation in the city, and

2. By mailing said notice to the owners of all real property within 300 feet of the property which is the subject of the application.

If the proposed subdivision is a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, the notice shall also be given by mail to each tenant of the subject property and shall also include notification of the tenant's right to appear and be heard.

B. Time limits: The planning commission shall review and make a written report on the tentative map within 50 days after it has been accepted for filing by the secretary of the planning commission.

At the next regular meeting of the city council following filing of the planning commission report with it, the city council shall fix the meeting date at which the tentative map will be considered by it, which date shall be within 30 days thereafter and the city council shall approve, conditionally approve, or disapprove the tentative map within such 30 day period. If no action is taken on the tentative map within the above time limits, or any authorized extension thereof, the tentative map as filed, shall be deemed to be approved, insofar as it complies with other applicable requirements of this title.

The time limit for acting and reporting on tentative maps as specified in this Section may be extended by mutual consent of the subdivider and the city council.

C. Notices to subdivider: Any report or recommendation on a tentative by the staff, or planning commission shall be served on the subdivider and on each tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, of stock cooperative project, at least three days prior to the hearing on such map by the planning commission or city council. Such required submission in writing shall be deemed complied with when such reports or recommendation are placed in the mail bearing proper postage, and directed to the subdivider at his address shown on the map or at other address as requested in writing.

D. Findings: A tentative map shall not be approved or conditionally approved by the city council unless the city council finds that the proposed subdivision, together with the provisions for its design and improvements, is consistent with the general plan and applicable specific plans of the city.

In connection with their review of a tentative map, the city council shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in violation of existing requirements prescribed.

The city council shall consider the effect of its actions on the housing needs of the region in which the local jurisdiction is situated and balance those needs against the public service needs of the city's residents and available fiscal and environmental resources.

A tentative map shall not be approved or conditionally approved by the city council if it makes any of the following findings:

1. The proposed map is not consistent with applicable general and specific plans.

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

3. That the site is not physically suitable for the type of development.

4. That the site is not physically suitable for the proposed density of the development.

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.

6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the city council may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easement of record or to easements established by judgment of a court of competent jurisdiction.

E. Public access to the river: No approval shall be granted for a tentative map of any proposed subdivision to be fronted upon the river which does not provide for a dedication of a public easement along a portion of the bank of the river bordering or lying within the proposed subdivision. Reasonable public access from a public highway to the river shall also be provided. These easements shall comply with the provisions of Chapter 3.5 of Division 2 (Section 66478.1 et. seq.) of the Government Code and may be satisfied by using the existing U.S. Corps of Engineers easement.

F. Subdivider to indemnify city: If any controversy exists regarding the approval of a tentative map, the tentative map shall include a condition that the subdivider defend, indemnify, and hold harmless the city and its agents, officers, and employees from any claim, action, or proceeding against the city or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the city council concerning the subdivision, provided the action is brought within the time period provided for in Section 66499.37 of the Government Code.

11-04-6 Vesting Tentative Map

Whenever a tentative map for residential development is required under this chapter, a vesting tentative map may be filed instead. At the time such a map is filed, it shall have printed conspicuously on its face the words, "VESTING TENTATIVE MAP."

A. In addition to submitting all of the information normally required for a tentative map, the following information shall also be required with submittal of a vesting tentative map.

1. Grading plans, including relationship to grades of neighboring properties.

2. Typical height, size, and location of buildings.

3. Sewer, water, storm drain and road details.

4. Information on the use to which the buildings will be put.

B. Except as otherwise specified in this section a vesting tentative map shall be processed in the same manner as a tentative map.

C. A vesting tentative map may be conditioned or denied if any of the findings listed in Section 11-04-5-D can be made or if it is determined that:

1. Failure to condition or deny the map would place the residents of the subdivision or of the immediate community, or both, in a condition dangerous to their health or safety, or both; and/or

2. The condition or denial is required, in order to comply with state or federal law.

D. When a vesting tentative map is approved or conditionally approved, that approval shall confer a vested right to proceed with development in substantial compliance with Section 66474.2 of the Government Code or if that section is repealed, with all the ordinances, policies, and standards of the city in effect at the time the vesting tentative map is approved or conditionally approved.

E. Approval of a vesting tentative map shall be for the same period as described in Section 11-5-1 of the City Code. The rights conferred by this Section shall expire if a final map is not approved prior to the expiration of the vesting tentative map. If the final map is approved, the rights conferred by this Section shall be subject to the periods of time set forth below.

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

2. The initial time period shall be automatically extended by any time used by the city for processing a complete application for a grading permit or for design or architectural review, if the time used exceeds 30 days from the date that a complete application is filed.

3. At any time prior to the expiration of the initial time period provided by this section, the subdivider may apply for a one year extension. If the planning commission denies the extension, the subdivider may appeal that denial to the city council within fifteen (15) days.

4. If the subdivider submits a complete application for a building permit during the initial time period, or any approved extension thereof, the rights conferred by a vesting tentative map shall continue until the expiration of that permit, or any extension of that permit granted by the city.

F. Any time prior to the expiration of the vesting tentative map, the subdivider may apply for an amendment to the vesting tentative map. A request for amendment shall include review of the entire map under the ordinance, policies and standards in effect at the time of the requested amendment.

Chapter 5

Final Maps

Section

11-05-1 Filing; Time Limit

11-05-2 Fees

11-05-3 Form of Final Map

11-05-4 Certificates

11-05-5 Action on Final Map

11-05-6 Subdivision Agreement

11-05-7 Improvement Security

11-05-8 Correction and Amendment of Maps

11-05-1 Filing; Time Limit

A. Expiration. Final maps of subdivisions of more than four parcels shall be filed for record within 24 months after approval or conditional approval of the tentative map. Delivery of a complete and correct map to the city engineer shall be deemed a timely filing for purposes of this section.

Upon written application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the planning commission may extend the time for filing a final map for a period or periods not exceeding an additional 3 years if it determines that conditions affecting the subdivision have not substantially changed. Such a request shall automatically extend the map for 60 days or until the application for extension is approved, conditionally approved, or denied. In any case where a final map has not been filed within 24 months or such extended period of time as may be granted by the planning commission, approval of a new tentative map shall be required.

B. Multiple final maps. Multiple final maps of portions of an approved tentative map may be filed prior to the expiration of the tentative map if: (a) the subdivider, at the time the tentative map is filed, informs the city of the subdivider's intention to file multiple final maps on such tentative map, or (b) after filing of the tentative map, the city and the subdivider concur in the filing of multiple final maps.

If the subdivider is subject to a requirement of one hundred thousand dollars ($100,000) or more to construct, improve, or finance the construction or improvement of public improvements outside the boundaries of the tentative map, the filing of each multiple map as authorized by Section 55456.1 of the Government Code shall extend the expiration of the tentative map by 36 months from the date of expiration or the date of the filing of the final map, whichever is later. There shall not be more than two such final maps (and automatic extensions) and the extensions shall not extend the tentative map more than 10 years from its approval or conditional approval.

11-05-2 Fees

A tracing of the final map shall be filed with the city Clerk. The subdivider shall provide the city with the county recorder's fee for recording the final map and shall pay to the city fees for checking the map and for preparing prints thereof, the amount of such fees to be set from time to time by resolution of the city council.

11-05-3 Form of Final Map

A. The final map shall be clearly drawn, printed or reproduced by a process guaranteeing a permanent record as approved by the county recorder. The map shall be so made and shall be in such condition when filed that good legible prints and negatives can be made therefrom.

B. The final map shall contain a title consisting of the name of tract and subtitle or general description of all the property being subdivided with reference to maps which have been previously recorded. In no case shall the title be the same, or so nearly the same as to cause confusion as a name of any existing city, town, tract or subdivision of land of which a map has been previously recorded.

C. Sufficient data must be shown to determine readily the bearing and length of every lot line, block line and boundary line. Dimensions of lots shall be given as total dimensions, corner to corner, and shall be shown in feet and hundredths of a foot. Lots containing one acre or more shall show total acreage to nearest hundredth, bearing and lengths of straight lines, and radii and arc length for all curves as may be necessary to determine the location of the centers of curves and tangent points shall be shown. Calculations of all non-rectangular lots shall be provided by the subdivider to ensure that City Codes are met.

D. The final map shall show clearly any stakes, monuments or other evidence found on the ground to determine the boundaries of the tract. The corners of adjoining subdivisions or portion thereof shall be identified by lot and block numbers, subdivision name and properties shown.

1. Whenever the city engineer has established the center line of a street or alley, adjacent to or in the proposed subdivision, the data shall be shown in the final map indicating all monuments found and making reference to a field book or map. If the point was reset by ties, the course and detail or relocation data used shall be stated.

2. The map shall show the location and description of all monuments and bench marks found or placed in making the survey of the subdivision with property reference sufficient to relocate.

E. Information required: In addition, the final map shall be prepared in full compliance with the following requirements.

1. Boundary of subdivision: The boundary of the subdivision shall be designated by a blue border 1/8" in width applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data. If the map includes a "designated remainder" parcel, and the gross area of the "designated remainder" parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

2. Right-of-Way dimensions: The center lines and side lines of all streets, the total width of all streets, the widths of each side of the center line, the widths of any portion of a street being dedicated, and the widths of existing dedications and the widths of all railroad, irrigation district or other rights-of-way shall be shown.

3. Easements: The map shall show the side lines of all easements to which the lots are subject. Such easements must be clearly labeled and identified and if already of record, the record references given. If any easement is not definitely located, a statement of such easement must appear on the title sheet. Easements for storm drain, sewers and other purposes shall be demoted by fine broken lines. The width of the easement and the lengths and bearings of the lines thereof and sufficient ties thereto to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be property referenced in the owner's certificate of dedication.

4. Acreage: The total acreage of the subdivision to the nearest one-hundredth of an acre shall be shown on the face of the final map.

5. Lot numbers: Lot numbers shall be consecutive with no omissions or duplications.

6. Other data: The map shall also show all other data that is or may be required by law.

7. Disposition of lots: The final map shall particularly define, delineate and designate all lots intended for sale or reserved for private purposes, all parcels offered for dedication for any purpose, public or private with all dimensions, boundaries and courses clearly shown and defined in every case.

8. Reversion to acreage: Maps filed for the purpose of reverting subdivided land to acreage shall be conspicuously so designated under the title "The Purpose of This Map is A Reversion to Acreage."

F. Additional information required. The following additional information shall be required on a separate document or additional map sheet and shall indicated its relationship to the final map. The document or map shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and that it is not intended to affect record title interest.

1. Building Lines: Building setback lines shall be indicated by dashed lines of the same width as the lines demoting street boundaries and shall be properly designated.

2. High Water Line: The line of high water shall be shown in any case where the subdivision is adjacent to a stream, channel or any body of water.

3. Flood Areas: The boundaries of any areas within the proposed subdivision which are subject to inundation by water shall be shown.

G. Information to be furnished to city engineer: The subdivider shall furnish improvement plans which include the following information to the city engineer, and shall receive his authorization prior to construction of any of the improvements.

1. Typical cross sections and proposed final finished grades of all road, streets and highways in the proposed new subdivision, together with a profile showing the relation between finished grade and existing ground elevations.

2. Proposed lengths, size and type of any pipes, culverts or structures necessary for drainage, erosion control or the public safety with plans and specifications therefore.

3. Any information required by the conditional approval of the city council.

4. Elevations shall be referenced to the U.S.G.S. Datum.

An improvement plan shall be acted on within 60 working days of its submittal, except that at least 15 working days shall be provided for processing any resubmitted improvement plan and this period shall not include any days during which the improvement plan has been returned to the applicant for correction, or has been subject to review by other than the city.

H. Traverse sheets: At the time of the filing of the final map with the city engineer, the subdivider shall also file therewith traverse sheets showing traverse closures and the computation of all distances, angles, and courses shown on the final map. The traverse of the boundaries of the tract and of lots and blocks shall close within a limit of error of one in ten thousand.

I. Title report: The final map shall be accompanied by a report prepared by a duly authorized title company naming the persons whose consent is necessary to the preparation and recordation of said map and to the dedication of the streets, alleys and other public places shown on the map and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to said subdivision. At the time of recording the approved map, there shall be filed with the county recorder, a guarantee executed by a duly authorized title company for the benefit and protection of the city showing that persons (naming them) consenting to the preparation and recordation of said map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to said subdivision and to the dedications shown thereon.

J. Soil report: Prior to the submission of the final map, the subdivider shall comply with Chapter 9 of this title.

K. Division of existing buildings: Prior to the recordation of a subdivision map which will result in the division of any existing building or buildings into separate units or parts, the subdivider shall secure certification by the Chief Building Official that any building or buildings to be divided will, after division meet current Code standards for new construction. As used in this Section, the phrases "current Code standards" refers to all standards in the current adopted editions of the Building Code, Electrical Code, Plumbing Code, Mechanical Code and Fire Code for the city.

11-05-4 Certificates

The following certificates, statements or acknowledgments, as well as any others required by law, shall appear on the final map. Such certificates may be combined where appropriate and may be made by separate instrument to be recorded concurrently with the final map.

A. Statement of parties holding title: A statement signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of said map as required by Section 66436 of the Government Code.

B. Dedication statement: A statement signed and acknowledged as above offering for dedication all parcels of land shown on the final map and intended for any public use, except those parcels other than streets which are intended for the exclusive use of the lot owners in the subdivision, their licenses, visitors, tenants and servants.

C. Engineer's certificate: A statement of the civil engineer or licensed surveyor responsible for the survey and final map. The statement shall give the date of the survey, state that the survey and final map were made by him or under his or her direction and that the survey is true and complete as shown. The statement shall also state that all the monuments are of the character and occupy the positions indicated, or that they will be set in those such positions on or before a specified later date. The statement shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced. The signature of such civil engineer or surveyor, unless accompanied by his seal, must be attested.

D. City engineer's statement: A statement signed by the city engineer shall be provided within 20 days from the time the final map is submitted to him by the subdivider for approval in accordance with Section 66442 of the Government Code.

E. Certificates for execution: A certificate for execution shall be provided for the city clerk, the secretary of the planning commission, and the county recorder as appropriate.

F. Certificates regarding tax liens: Prior to the filing of the final map with the governing body, the subdivider shall file with the Clerk of the Board of Supervisors, certificates as required by Article 8 of Division 2 of the Government Code (Subdivision Map Act).

11-05-5 Action on Final Map

A. Approval by planning commission: The planning director or secretary of the planning commission, upon receiving the final map from the subdivider or his agent, shall examine the same to determine whether said map conforms with the tentative map and with all requirements imposed as a condition to the acceptance of said tentative map by the city council. If it is determined that the final map does not conform, the subdivider shall be advised of the changes or additions that must be made before the final map can be certified by the planning director or the secretary of the planning commission. If the subdivider is not satisfied with the determination made by the planning director or the secretary of the planning commission he may appeal in writing, within 15 days, to the planning commission. If it is determined that the map is in conformity, the planning director or secretary of the planning commission shall certify approval thereon.

B. Approval by city engineer: Upon approval by the planning director or the secretary of the planning commission, the final map and other data shall be submitted to the city engineer, who shall examine and determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of the law and of this chapter applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct. If the city engineer determines that full conformity therewith has been made, he shall so certify on said map.

C. Approval by city council:

1. At its first regular meeting following the transmittal of the final map to the city clerk, the city council shall receive said map and shall consider the map and the offers of dedication. The city council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon the terms of this chapter or by law are not completed before the filing of the final map, the city council may enter into an agreement with the subdivider for posting improvement securities as provided in Sections 11-05-6 and 7 of this title. In such case, when the agreement has been approved by the city attorney as to form and by the city engineer as to sufficiency, and when the improvement security has been approved by the city attorney as to form and by the city manager as to sufficiency, the city council may consider the final map.

2. The city council shall, at the meeting at which it receives the map or, at its next regular meeting after the meeting at which it receives the map, approve said map if it is determined to be in conformity with the provisions of law and of this article. The city council shall disapprove said map if it is determined not to be in conformity with the provisions of law and of this Chapter and shall advise the subdivider of its disapproval, and the reason or reasons therefore.

Failure to construct offsite improvements (not within the boundaries of the subdivision) that are on land in which neither the subdivider or the city has sufficient title or interest to permit the improvements to be made cannot be grounds to refuse or postpone approval of a final map. The provisions of Section 66462.5 of the Government Code shall govern.

D. Action by city clerk: The city clerk upon receipt of the necessary fees, and after the signatures and seals have been affixed and upon the approval of the final map by the city council, shall transmit the map to the county recorder who shall file the same. No map shall have any force of effect until the same has been approved by the city council, and no title to any property described in any offer of dedication shall pass until recordation of the final map.

11-05-6 Subdivision Agreement

If the improvements required as a condition of the final map are not complete and accepted by the city prior to approval by the city council of the final map, the subdivider shall execute and file an agreement between himself and the city, specifying the period within which he shall complete all improvement work to the satisfaction of the city engineer, and providing that if he shall fail to complete such work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the city engineer and reimbursement of the city by the subdivider for the cost of such inspection.

Said fees shall be three (3) percent of the estimated cost of improvements or such other amount as may be set from time to time by resolution of the city council.

Such agreement may also provide:

A. For the construction of the improvements in units.

B. For extension of time under conditions therein specified.

C. For partial release of the improvement securities upon acceptance by the city council of the work as it progresses.

D. For the financing and construction of any or all of such improvements under an appropriate special assessment act proceeding, the subdivider shall agree, in writing to initiate, and so far as may be in his power to consummate such proceedings, within such time as may be prescribed by the city council.

E. For payment of a deposit in such amount as is set from time to time by resolution of the city council to ensure adequate dust control measures.

11-05-7 Improvement Security

A. The subdivider shall also file with the aforesaid agreement, two improvement securities, each to be in an amount based upon the total estimated cost of the improvements as determined by the city engineer. One improvement security shall secure faithful performance of said agreement and shall be in an amount equal to 100% of the estimated cost of the improvement. The second improvement security shall secure the obligations set forth in subsection (b) of Section 67499.2 of the Government Code, for payment of the contractor, his sub-contractors and to persons renting equipment or furnishing labor or materials to them for said improvements, and shall be in an amount equal to 50% of the total estimated cost of the improvements. Such improvement securities shall be in one of the following forms:

1. A cash deposit or deposits.

2. A bond or bonds issued by one or more duly authorized corporate sureties.

3. A savings and loan certificate and/or share.

4. An instrument or instruments of credit from an agency of the state, federal, or local government when any such agency provides at least 20 percent of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulations by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payments and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument.

5. Any other form of improvement security authorized by the Subdivision Map Act, including the deposit, with a responsible escrow agent or trust company approved by the city council, of money or negotiable bonds of the kind approved for security deposits of public money.

 The required security shall be in an amount determined by the city engineer as sufficient to cover the cost of said improvements, engineering, inspection, fees and incidental expenses. The required improvements security shall be approved by the city engineer as to sufficiency and by the city attorney as to form.

B. Forfeiture of improvement security: In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this Chapter and the city shall have to complete same, or if the subdivider shall fail to reimburse the city for the cost of inspection, engineering, fees and incidental expense, the city shall call on the surety for reimbursement, or shall appropriate from any cash deposits, savings and loan certificates and shares, or instruments of credit, funds for reimbursement. In any case, if the amount of the surety bond, savings and loan certificate and shares, instrument of credit, or cash deposit shall exceed all cost and expenses incurred by the city it shall release the remainder of such bond, savings and loan certificate or share of cash deposit. If the amount of the surety bond, savings and loan certificate and share, instrument of credit, or cash deposit shall be less than the cost and expense incurred by the city, the subdivider shall be liable to the city for such difference.

C. Release of improvement security: Improvement securities may be released or reduced, in whole or in part, only in the time and manner prescribed in Section 66499.7 of the Government Code, as it now exists or is hereafter amended, and only after certification by the city engineer that the work covered thereby has been satisfactorily completed and upon approval of the city council.

D. Guarantee and warranty security: In addition to the improvement securities specified in subsection (A) of this Section, the subdivider shall file with the subdivision agreement an amount as specified in said agreement to guarantee and warrant subdivision improvements for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished. The city engineer is authorized to release said security upon expiration of the guarantee and warranty period if it is determined that subdivision improvements so guaranteed and warranted are satisfactory.

11-05-8 Correction and Amendment of Maps

After a final map is filed in the office of the county recorder, it may be amended as provided in Article 7 of Division 2 (Section 66469 et. seq.) of the Government Code.

Chapter 6

Parcel Maps

Section

11-06-1 Parcel Maps Required

11-06-2 Tentative Parcel Map Filing; Departmental Approval

11-06-3 Form of Tentative Parcel Map

11-06-4 Action on Tentative Parcel Maps

11-06-5 Filing; Time Limit

11-06-6 Issuance of Building Permits

11-06-7 Correction and Amendment of Maps

11-06-8 Vesting Tentative Parcel Maps

11-06-9 Waiver of Parcel Map Requirement

11-06-1 Parcel Maps Required

When a proposed division of land will result in real property being divided into four or fewer parcels (or more than four parcels, but nevertheless not a subdivision as defined in the Subdivision Map Act), a parcel map shall be prepared in accordance with the Subdivision Map Act and this Chapter.

11-06-2 Tentative Parcel Map Filing; Departmental Approval

A. Copies of any requested tentative parcel map shall be filed with the planning commission at least four (4) weeks (or such longer period as determined by the planning director) prior to the regularly scheduled meeting at which consideration is desired. A filing fee as set forth by resolution of the city council shall be paid at the time of filing.

B. The secretary of the planning commission shall examine the map upon presentation and shall not accept such map unless the same is in full compliance with the law and the provisions of this Chapter as to form, data, information and other matters required to be shown thereon or furnished therewith. Maps shall be accepted which are not in full compliance if applications are concurrently submitted that would assure compliance. The map shall not be accepted as complete until the map is in full compliance. The exact requirements for submittal of a tentative parcel map shall be available, in writing, to a subdivider at least 30 days prior to the deadline for submittal.

C. The secretary of the planning commission shall transmit copies of such tentative map to interested and affected agencies.

11-06-3 Form of Tentative Parcel Map

The form of the tentative parcel map shall be as determined from time to time by the planning department and shall be available, in writing, to the subdivider at least 30 days prior to the final date for submittal of the map.

11-06-4 Action on Tentative Parcel Map

A. Public hearings: Whenever a tentative parcel map is submitted to the planning commission for review, the planning commission shall give notice of the hearing not less than 10 days before the date of the hearing in the following manner:

1. By publication in a newspaper of general circulation in the city, and

2. By mailing said notice to the owners of all real property within 300 feet of the property which is the subject of the application.

B. If the tentative map complies with all of the requirements of this title and the Subdivision Map Act, the planning commission may approve the division, subject to the dedication of necessary right of way for streets and easements, the installation of all improvements along the frontages of the property so divided, as required by the planning commission, and the installation of all necessary utilities and connections to each lot. All lot sizes shall conform to the provisions of the Zoning Regulations of the city.

C. Limitations on approval: A tentative parcel map shall not be approved or conditionally approved by the planning commission if it makes any of the following findings:

1. That the proposed map is not consistent with applicable general and specific plans.

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

3. That the site is not physically suitable for the proposed type of development.

4. That the site is not physically suitable for the proposed density of development.

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision. In this connection, the planning commission may approve a map if it finds that alternate easements, for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easement of record or to easements established by judgment of a court of competent jurisdiction.

D. The subdivider, any tenant of the subject property, or any interested person adversely affected by a decision of the planning commission may file a written protest within 10 days after the planning commission action. Upon filing of an appeal, the city council will hold a public hearing and render its decision within 30 days of the filing of the appeal.

E. Subdivider to indemnify city: If any controversy exists regarding the approval of a tentative parcel map, the tentative parcel map shall include a condition that the subdivider defend, indemnify, and hold harmless the city and its agents, officers, and employees from any claim, action, or proceeding against the city or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the city council concerning the map, provided the action is brought within the time period provided for in Section 66499.37 of the Government Code.

11-06-5 Filing; Time Limit

A. The subdivider or his agent may file a parcel map with the city engineer for his examination, certification, and recordation within 24 months after the approval or conditional approval of the tentative parcel map. Delivery of a complete and correct map to the city engineer shall be deemed a timely filing for purposes of this section.

Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the planning commission may extend the time for filing a parcel map for a period or periods not exceeding an additional 3 years if it determines that conditions affecting the parcel map have not substantially changed. Such request for an extension automatically extends the expiration date of the map by 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever comes first.

In any case where a parcel map has not been recorded within 24 months or such extended period of time as may be granted by the planning commission, approval of a new tentative parcel map shall be required. A parcel map shall be prepared by, or under the direction of, a registered Civil Engineer or Licensed Land Surveyor and shall substantially conform to the tentative parcel map and conditions thereto as approved by the planning commission.

B. Fees: A tracing of the parcel map shall be filed with the city engineer. In addition, the subdivider shall deposit with the city the recorder's fee for recording the parcel map and fees for checking the map, the amount of such fees to be set from time to time by resolution of the city council.

C. Form of parcel map: The parcel map shall conform to the provisions of Section 11-5-3 for final maps where applicable. The map shall show the definite location of the parcel or parcels and particularly their relation to surrounding surveys. The location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey, but only by reference to the existing record boundaries if such remainder has a gross area of 5 acres or more. The parcel map may be compiled from record data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map and when the location of at least one of these boundary lines can be established from an existing monument line. In any case, the parcel map may be based upon a field survey made in conformance with the Land Surveyor's Act.

D. Consent by owner: The parcel map shall contain a certificate which shall be signed and acknowledged by all parties having any record title interest in the real property being subdivided, consenting to the preparation and recording of the parcel map. Such signatures shall be in accordance with the provisions of Section 11-5-4 of this title pertaining to final maps.

E. Dedications: If dedication of streets, alleys, walkways, easements, public utility easements or other public ways or access rights are required by the planning commission as conditions of approval of a parcel map, such dedications shall either be shown on and offered by a certificate on the final parcel map, or made by separate instrument as determined by the city engineer. Such certificate or instrument shall be signed by those parties having any record title interest in the real property being subdivided in accordance with the provisions of Section 11-5-4 of this title pertaining to final maps.

F. Engineer's statement: A statement executed by the engineer or surveyor shall be affixed to the map pursuant to Section 66449 of the Government Code.

G. Certification by city engineer: Upon receipt of the final map, together with the recording fees, and any required improvement security, the city engineer shall examine the same to determine whether said map is technically correct and substantially conforms with the tentative parcel map and with all changes and requirements imposed as conditions of approval by the planning commission. The city engineer shall also refer the parcel map to the Secretary of the planning commission for examination and determination if all the lots and parcels created by said map conform with the requirements and the Zoning Regulations of the city. Within 20 days after receiving the parcel map, the city engineer shall determine whether the parcel map fully conforms with all of the requirements set forth herein and he shall comply with Section 66450 of the Government Code.

H. Acceptance of dedications: Offers of dedication as set forth in subsection (E) of this Section shall be reviewed by the city engineer for compliance with the conditions of approval imposed by the planning commission. If all offers of dedication are in accordance with the requirements of the planning commission, the city engineer shall recommend the acceptance of such dedications by the authorized officials of the city.

I. Security: If the planning commission approved the tentative parcel map it may grant the subdivider a period of time after the recording of the parcel map in which to complete the installation of the public improvements required as a condition of the map by the planning commission. If such a time period is granted, the planning commission shall require improvement security to be posted in one of the forms set forth in subsection (A) of Section 11-5-7.

J. Division of existing buildings: Prior to the recordation of a parcel map which will result in the division of any existing building or buildings into separate units or parts, the applicant shall secure certification by the chief building official that any building or buildings to be divided will, after division, meet current code standards for new construction. As used in this section the phrase "current Code standards" refers to all standards in the current adopted editions of the Building Code, Electrical Code, Plumbing Code, Mechanical Code, and Fire Code of the city.

K. Recordation of parcel map: Upon certification by the city engineer, the parcel map shall be transmitted to the city clerk, who shall cause said map to be recorded in the Office of the county recorder.

11-06-6 Issuance of Building Permits

No building permit shall be issued for the construction of any building, structure or other work on any parcel proposed to be created until a parcel map has been approved in accordance with the provisions of this title and the Subdivision Map Act, and recorded in the Office of the county recorder.

11-06-7 Correction and Amendment of Maps

After a final map is filed in the office of the county recorder, it may be amended as provided in Article 7 of Division 2 (Section 66469 et. seq.) of the Government Code.

11-06-8 Vesting Tentative Parcel Maps

Whenever a tentative parcel map is required under this chapter, a vesting tentative parcel map may be filed instead. At the time such a map is filed, it shall have printed conspicuously on its face the words "VESTING TENTATIVE PARCEL MAP." The map shall be subject to the same procedures, time periods, requirements and restrictions as described in Section 11-4-6 for tentative subdivision map except that the time periods specified in Section 11-4-6(E) shall be determined from the recordation of the parcel map instead of the final map.

11-06-9 Waiver of Parcel Map Requirements

The requirement for a final parcel map may be waived by the planning commission pursuant to the procedure set forth below.

A. Submittal: A tentative parcel map application shall be submitted as required by Sections 11-06-2 and 3. At the time of submittal of the tentative parcel map, the property owner must request, in writing, the waiving of the final parcel map requirement.

B. Findings required: The planning commission may waive the requirement for a final parcel map when all of the following findings can be established:

1. The proposed parcel(s) complies with the minimum area requirement as established by Title 10 of the City Code.

2. The design of the proposed parcel(s) is in compliance with this title and with all requirements of the city general plan.

3. That all necessary improvements as required by this title and the city general plan have been installed.

4. All storm drainage facilities have been installed consistent with the city's Storm Drainage Master Plan and the Standard Specifications.

5. All lots front on city maintained roads constructed as required by the Standard Specifications.

6. The proposed parcel(s) is adequately served with city sanitary sewer service.

7. The proposed parcel(s) is adequately served with city domestic water facilities.

8. That all lot lines and lot corners have been established in compliance with the requirements of the Land Surveyor's Act.

9. That the proposed division complies with all provisions of the Subdivision Map Act and any city ordinances which provide for environmental protection.

C. Certificate of compliance filing requirements: Upon waiver of the final parcel map requirement by the planning commission, submission of the proper legal descriptions, and the receipt of the fee for filing of a certificate of compliance in such amount as may be fixed from time-to-time by resolution of the city council, the director shall file a certificate of compliance for the land being divided.

Chapter 7

Other Maps

Section

11-07-1 Reversion to Acreage

11-07-2 Re-subdivision of An Existing Subdivision

11-07-3 Merger

11-07-1 Reversion to Acreage

Subdivided property may be reverted to acreage pursuant to the provisions of this chapter. Proceedings for reversion to acreage may be initiated by the city council on its own motion or by petition of all of the owners of record of the real property within the subdivision.

A. Initiation of proceedings by owner(s): Proceedings to revert subdivided property to acreage may be initiated by petition of all the owners of record of property within the subdivision. The petition shall contain the following information and such other information as required by the Secretary of the planning commission:

1. Evidence of title to the real property.

2. A tentative map in the form prescribed by Section 11-03-4 of this title.

3. A final map in the form prescribed by Section 11-5-3 of this title, which delineates dedications which will not be vacated and dedications required as a condition to reversion.

4. Evidence of one of the following:

a. Consent of all the owners of an interest in the property, or

b. That none of the improvements required to be made have been made within 2 years from the date the final map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later, or

c. That no lots shown on the final map or parcel map have been sold within 5 years from the date such map was filed for record.

B. Initiation of proceedings by city council: The city council on its own motion may, by resolution, initiate proceedings to revert property to acreage. The city council shall direct the secretary of the planning commission to obtain the necessary information to initiate and conduct proceedings.

C. Fees: Petitions to revert property to acreage shall be accompanied by a fee to cover the cost of processing and public hearing in an amount to be set from time to time by resolution of the city council. If the proceedings are initiated pursuant to subsection B of this Section, the person or persons who requested the city council to initiate the proceedings shall be responsible for paying the fee established by resolution of the city council. Fees are not refundable.

D. Proceedings: Public hearings shall be held before the planning commission and the city council on all reversions to acreage. Notice of the hearing shall be given not less than 10 days before the date of the hearing in the following manner:

1. By publication in a newspaper of general circulation in the City of , and

2. By mailing said notice to the owners of all real property within 300 feet of the property which is the subject of the application.

The city council may approve a reversion to acreage only if it finds and records in writing that:

1. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purpose, and

2. Either:

a. The owner(s) of an interest in the real property within the subdivision have consented to reversion; or

b. None of the improvements required to be made within 2 years from the date of the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or

c. No lots shown on the final or parcel map have been sold within 5 years from the date the map was filed for record.

The city council may require as conditions for reversion:

1. The owner(s) dedicate or offer to dedicate streets or easements.

2. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities, if the same are necessary to accomplish any of the provisions of this chapter.

E. Return of fees, deposits, release of securities: Except as provided in subsection (d) of this Section, upon filing of the final map for reversion to acreage with the county recorder, all fees and deposits shall be returned to the subdivider and all improvement securities shall be released by the city council.

F. Recording of final map: After the hearing before the city council and approval of the reversion, the final map shall be delivered to the county recorder. The reversion to acreage shall be effective upon the final map being filed for record by the county recorder. Upon filing, all dedications and offers of dedication not shown on the final map for reversion shall be of no further force and effect.

11-07-2 Re-subdivision of an Existing Subdivision

In the event an existing subdivision is re-subdivided such that the street alignment, lot design or drainage shall be changed, then the area constitutes a new subdivision and the procedures for filing a tentative and final map as outlined in this title apply. The filing of the final map or parcel map shall constitute legal merging of the separate parcels into one parcel and the re-subdivision of such parcel.

11-07-3 Merger

A parcel or unit may be merged with a contiguous parcel or unit held by the same owner in the following manners:

A. When requested, in writing, by the owner of the property subject to recording, at the owner's expense, a notice of merger, or

B. In compliance with Article 1.5 of Division 2 of the Government Code of the State of California if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size under the City Code. The following requirements must be satisfied:

1. 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 also partially sited on a contiguous parcel or unit.

2. With respect to any affected parcel, one or more of the following conditions exists:

a. Comprises less than 5,000 square feet in area at the time of the determination of merger.

b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.

c. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

3. The procedures specified in Section 66451.10 et. seq. shall be used in merging parcels.

Chapter 8

Exception

Section

11-8-1 Authority to Vary Regulations

11-8-2 Planning Commission Report

11-8-3 Notice

11-8-4 Fees

11-8-1 Authority to Vary Regulations

A. The city council may vary the regulations relating to the subdivision of land by granting an exception provided it is shown by the subdivider that:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property such as topography, fixed rights of way, unique location of easements, etc.

2. Because of the unique nature of a particular subdivision concept, design innovations are proposed which meet the functional standards of the zoning and subdivision regulations without strict adherence to the requirements of this chapter.

3. In the case of a parcel map, the applicant is being denied the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or zone in which the property is located.

4. That the granting of the exception will not be injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the general plan or these regulations.

B. Where it is determined by the city council that the design of a proposed subdivision is in compliance with a development plan which has been adopted by the city council in conjunction with a planned development zone, the city council may approve such subdivision map without formally granting exceptions for design factors which are not in strict compliance with the provisions of this chapter.

C. In granting an exception, the city council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements to be excepted.

11-8-2 Planning Commission Report

Prior to consideration by the city council, all exceptions shall be reviewed by the planning commission and a report made to the city council.

11-8-3 Notice

Public hearings shall be held before the planning commission and city council. The hearings shall be noticed by publication in a newspaper of general circulation at least l0 days prior to the meeting and by sending notices to adjacent property owners.

11-8-4 Fees

Requests for an exception shall be accompanied by a fee to cover the cost of processing and public hearing in an amount to be set from time to time by resolution by the city council.

Chapter 9

Preliminary Soil Report

Section

11-09-1 Purpose

11-09-2 Preliminary Soil Report

11-09-3 Soil Investigation

11-09-4 Approval of Soil Investigation

11-09-1 Purpose

The city council declares that this chapter is enacted to the requirements of Chapter 1001 of the State Statutes of 1965.

11-09-2 Preliminary Soil Report

Prior to the submission of the final subdivision map, the subdivider shall file with the Building Inspector and the city engineer, a preliminary soil report, prepared by a Civil Engineer or Soil Engineer who is registered by the State of California, based upon adequate test borings or excavations of every subdivision as defined in Sections 11535 and 11535.1 of the Business and Professions Code. The preliminary soil report may be waived if the Building Inspector and city engineer shall determine that, due to their knowledge as to the soil qualities of the subdivision, no preliminary analysis is necessary.

11-09-3 Soil Investigation

If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision shall be prepared by a civil engineer who is registered by the State. The soil investigation shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil. The report shall be filed with the building inspector and city engineer.

11-09-4 Approval of Soil Investigation

The building inspector and city engineer shall submit reports to the city council describing whether or not the recommended corrective action is likely to prevent structural damage to each dwelling to be constructed on each lot in the subdivision. The city council may approve the subdivision or portion thereof where such soil problems exist if it determines that the recommended action is likely to prevent structural damage to each structure. The building permit shall be conditioned upon this incorporation of the approved recommended corrective action in the construction of each structure.

Chapter 10

Certificates of Compliance

Section

11-10-1 Application

11-10-2 Review

11-10-3 Final Map Constitutes Certificate of Compliance

11-10-1 Application

Requests for issuance of a certificate of compliance shall be submitted, in legible and readily reproducible writing, to the planning director, on paper accompanied by a plot plan and such other supporting information as may be deemed necessary by the planning director to determine compliance and shall be accompanied by a checking fee in such amount as may be fixed from time-to-time by resolution of the city council.

11-10-2 Review

Within four weeks after filing of the request, the planning director shall review the request and determine whether the property, or the division thereof, complies with the provisions of the Subdivision Map Act and this title. If the planning director determines the property or the division thereof complies with the provisions of the Subdivision Map Act and this title, a certificate of compliance shall be issued. If the planning director determines the property or the division thereof does not comply with the provisions of the Subdivision Map Act and this title, the planning director shall forward the request to the planning commission. The planning commission, following a public hearing, shall then direct the planning director to issue either a certificate of compliance or a conditional certificate of compliance. A certificate of compliance may impose conditions as permitted by the Subdivision Map Act.

Any parcel created prior to April 27, 1966 shall be conclusively presumed to have been lawfully created if the parcel resulted from a division of land in which fewer than five parcels were created.

11-10-3 Final Map Constitutes Certificate of Compliance

A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcel described therein.

Chapter 11

Condominium Conversions

Section

11-11-1 Authority

11-11-2 Findings

11-11-3 Conversion of a Mobile Home Park

11-11-4 Fees

11-11-5 Compensation to Tenants

11-11-1 Authority

The Subdivision Map Act shall govern the processing of condominium conversions within the city, subject to the following modifications.

11-11-2 Findings

The city council shall not approve a final map for a subdivision to be created from the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project unless it makes the findings as required by Section 66427.1 of the Government Code.

The provisions of Section 11-4-5(D) shall not apply to condominium projects or stock cooperatives, which consist of the subdivision of airspace in an existing structure, unless new units are to be constructed or added. The city shall approve or disapprove the conversion of an existing building to a stock cooperative within 120 days following receipt of a completed application for approval of such conversion.

11-11-3 Conversion of a Mobile Home Park

At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a mobile home park to another use, the subdivider shall also file a report on the impact of the conversion upon the displaced residents of the mobile home park to be converted pursuant to Section 66427.4 of the Government Code.

11-11-4 Fees

No fee shall be charged by a city as a condition to the approval of a tentative, final, or parcel map for a subdivision, or a division of land which is not a subdivision, which consists of the conversion of a mobile home park to condominium or stock cooperative ownership interests, except regulatory fees charged for the issuance of a permit and those fees are authorized by Section 66451.2 of the Government Code.

11-11-5 Compensation to Tenants

The compensation required by Section 66452.8(c)1 of the Government Code shall be increased to $1,000.00.