

CITY OF SAN MARCOS
ENGINEERING DIVISION

SUBDIVISION ORDINANCE
90-847

ORDINANCE NO. 90-847

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, AMENDING TITLE 19 OF THE SAN MARCOS MUNICIPAL CODE TO REVISE AND RECODIFY THE CITY REGULATIONS OF SUBDIVISIONS

THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1. That Title 19 of the San Marcos Municipal Code is revised and recodified as shown on Exhibit "A" attached hereto and incorporated herein by this reference.

Section 2. The provisions of Title 19, as adopted by this ordinance, shall apply to the approval and processing of all tentative maps, tentative parcel maps and other subdivision approvals, the application for which was filed on or after the effective date of this ordinance unless the applicant for a tentative, map, tentative parcel map or other subdivision approval, the application for which was filed prior to the effective date of this ordinance, agrees in writing that the application may be processed and approved, conditionally approved or disapproved pursuant to the provisions of this ordinance. Final maps and parcel maps submitted after the effective date of this ordinance shall comply with the terms and conditions of the tentative map or tentative parcel map and with the requirements of this ordinance pertaining to the processing approval and filing of final maps and parcel maps.

EFFECTIVE DATE: This ordinance shall be effective thirty (30) days after its adoption. The City Clerk is hereby authorized to publish a summary of this ordinance prepared by the City Attorney pursuant to Government Code Sec. 36933(c).

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of San Marcos, California, held on the 24th day of April, 1990, and thereafter,

PASSED AND ADOPTED by the City Council of the City of San Marcos at its regular meeting held on the 8th day of May, 1990, by the following roll call vote:

AYES: COUNCILMEMBERS: HARRIS, SMITH, LOSCHER

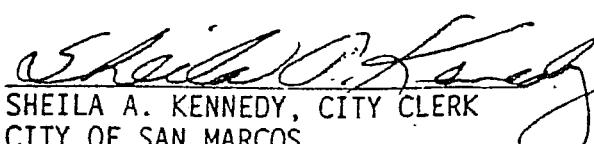
NOES: COUNCILMEMBERS: NONE

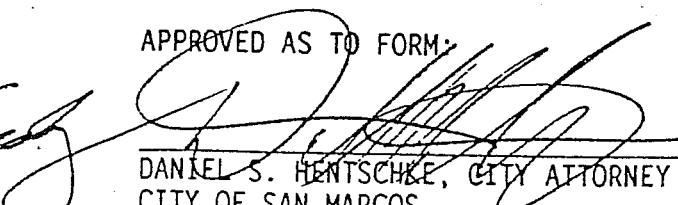
ABSENT: COUNCILMEMBERS: PRESTON, THIBADEAU


LEE B. THIBADEAU, MAYOR

ATTEST:

APPROVED AS TO FORM:


SHEILA A. KENNEDY, CITY CLERK
CITY OF SAN MARCOS


DANIEL S. HENTSCHKE, CITY ATTORNEY
CITY OF SAN MARCOS

TITLE 19

SUBDIVISIONS

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- 19.12 Major Subdivisions - Procedure**
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CHAPTER 19.04

GENERAL REGULATIONS

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- 19.04.040 Application of Subdivision Map Act**
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19.04.010 Title. This Title is adopted to supplement and implement the Subdivision Map Act and may be cited as the "San Marcos Subdivision Ordinance."

19.04.020 Definitions. Words in this Title that are defined in the Subdivision Map Act but not specifically defined in this Chapter shall have the same meaning as is given to them in the Subdivision Map Act. Words in this Title that are defined in Title 20 of this Code but are not specifically defined in this Section shall have the same meaning as established by Title 20. Whenever the following words are used in this Title, they shall have the meaning ascribed to them in this Section:

Adjustment Plat means a plat prepared pursuant to Chapter 19.36 of this Title and certified by the City Engineer as having been approved pursuant to this Title and filed in the office of the City Engineer.

Basis of Bearings means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved by the City Engineer, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).

California Coordinate System means the coordinate system as defined in Sections 8801 and 8819, inclusive, of the California Public Resource Code. The specified zone for San Diego County is "Zone 6" and the official datum is the "North American Datum of 1983".

Bicycle means a device upon which any person may ride, propelled by human power through a belt, chain or gears, and having either two or three wheels in a tandem or tricycle arrangement.

Bicycle Route means the generic term for all facilities that explicitly provide for bicycle travel by a course which is to be traveled.

Cable Televisions Lines means electronic cable, conduit and any other appurtenances thereto which distribute television or other electronic communication signals.

Common Interest Development means any of the developments defined in Section 1351 of the State Civil Code.

Certificate of Compliance means a document describing a unit or contiguous units of real property and stating that the division creating the unit or contiguous units complied with applicable provisions of the Subdivision Map Act and City ordinances enacted pursuant thereto.

Conditional Certificate of Compliance means a document describing a unit or contiguous units of real property stating that the unit or contiguous units were not created by a division complying with the Subdivision Map Act or applicable City ordinance and stating the fulfillment and implementation of the conditions set forth therein are required before issuance of building, grading or other construction permits applicable thereto.

City Engineer means the person designated by the City Manager to perform the functions of a city engineer.

City Standards means those standards and specifications, including standard drawings, as may be adopted from time to time by the City Engineer. The standards shall be on file in the office of the City Clerk and in the Engineering Department.

City Street System means the streets owned by the City which have been accepted by the city for purpose of maintenance.

Final Map means a map prepared pursuant to Chapter 19.20 of this Title and the Subdivision Map Act which, after approval and recordation, is effective to complete the subdivision of a major subdivision.

Improvement means:

(a) Such street work, utilities, and appurtenances to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, highways, ways, bicycle routes, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic, drainage, flood control, fire protection and sanitation needs as a condition precedent to the approval of a parcel map or final map.

(b) 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 approved by the City or by a combination thereof, is necessary to ensure conformity to or implementation of the General Plan, any applicable specific plan, any applicable redevelopment plan, and any applicable provision of Title 20 of the Code, including, but not limited to, public facilities and services plan prepared according to Title 20.

Lot Area for the purposes of subdivision design means the horizontal area within the boundary lines of a lot exclusive of:

- (a) The area of any street right-of-way or road easement;
- (b) Any flood control easement of walkway which must be fenced as a condition of approval of the subdivision map on which the lot is shown;
- (c) Any portion of the lot which is less than thirty-five feet wide for a distance of fifty feet or more and which is designated or used to provide vehicular or pedestrian access to the part of such lot which is designed for use as a building site; and

(d) Any portion of the lot which is encumbered by a utility easement for the placement of high voltage electrical lines.

Major Subdivision means a subdivision of five or more lots.

Minor Subdivision means a subdivision of four or fewer lots.

Notice of Violation means a recorded document describing a unit or contiguous units of real property, naming the owners thereof, and describing the manner in which the real property has been divided, or has resulted from a division, in violation of the Subdivision Map Act and City ordinances enacted pursuant thereto.

Parcel Map means a map prepared pursuant to Chapter 19.32 of this Title and the Subdivision Map Act which, after approval and recordation, is effective to effect the subdivision of a minor subdivision.

Street means the entire public right-of-way associated with a state highway, county or city road or street, public road, public street, public alley or other public thoroughfare. Whenever the term "private street" is used, it shall mean a street which is not owned and maintained by the City, County or State. A city street is a street which has been accepted into the City street system and is owned and maintained by the City.

Subdivider means a person, firm, corporation, partnership or association who prepares 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".

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(s) 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 or utility easement or railroad rights-of-way. "Subdivision" includes a common interest development as defined in Civil Code Section 1351 and condominium projects, community apartment projects, stock cooperative projects or the conversion of existing dwellings to any one of these type projects. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels. As used in this Section, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of live stock.

Subdivision Map Act means the Subdivision Map Act as set forth in Division 2 of Title 7 of the Government Code of the State commencing with 66410.

Tentative Map means a map prepared for the purpose of showing the design and improvement of a proposed major subdivision, and the existing conditions in and around it, filed with the Developmental Services Department for approval or conditional approval by the City precedent to the preparation and filing of a final map.

Tentative Parcel Map means a map prepared for the purpose of showing the design and improvement and proposed minor subdivision, and the existing conditions in and around it, filed with the City Engineer for approval or conditional approval precedent to the preparation and filing of a parcel map, or precedent to waiver of the requirement for a parcel map.

Vesting Tentative Map means a tentative map for a subdivision which conforms with the requirements of Chapter 19.17 and confers upon the subdivider certain rights established by this Title. "Vesting tentative parcel map" means a vesting tentative map prepared in conjunction with a parcel map.

19.04.030 Prohibition. No person shall create a subdivision or common interest development except in accordance with the provisions of the Subdivision Map Act and this Title. All subdivisions and common interest developments shall comply with the applicable provision of Titles 16, 17, 18 and 20 of this Code.

19.04.040 Application of Subdivision Map Act.

(a) All of the provisions of the Subdivision Map Act, and all of the provisions of this Title apply to subdivisions as defined in the Title, unless a provision of this Title expressly provides differently.

(b) This Title shall be inapplicable to:

(1) The financing or leasing of:

a) Apartments, offices, stores or similar space within a duplex, multiple dwelling, apartment building, industrial building, commercial building, mobilehome park or trailer park.

b) Any parcel of land or portion thereof in conjunction with the construction of commercial or industrial buildings on a single parcel, if the project is subject to design and improvement view under other provisions of Title 20 of this Code.

c) Existing separate commercial or industrial buildings on a single parcel.

(2) Mineral, oil or gas leases.

(3) Land dedicated for cemetery purposes under the Health and Safety Code of the State.

(4) 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, provided an adjustment plat for the lot line adjustment is approved by the City Engineer, pursuant to Chapter 19.36 of this Title. The City Engineer shall not impose conditions or exactions on approval of a lot line adjustment except to conform to

the building and zoning requirements contained in Titles 17 and 20, respectively, of this Code, or except to facilitate the relocation of existing utilities, infrastructure, or easements: No tentative map, tentative parcel map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed or record of survey which shall be recorded.

(5) Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party.

(6) Leases of agricultural land for purposes of cultivation of food or fiber or the grazing or pasturing of livestock.

(7) Any separate assessment under California Revenue and Taxation Code Section 2188.7.

(8) Unless a parcel map or final map was approved by the City Council, the conversion of a community apartment project, as defined in Section 11004 of the California Business and Professions Code, to a condominium, as defined in Section 783 of the California Civil Code or a stock cooperative to a condominium provided that the requirements of Government Code Sections 66412(g) or (h), respectively, have been met and the subdivider provides certification that the requirements have been met.

(9) The leasing of, or 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 windpowered electrical generating device on the land, if the project is not otherwise subject to discretionary review pursuant to this Code.

(10) The construction, financing or leasing of dwelling units, pursuant to California Government Code Section 65852.1 or second units pursuant to Section 65852.2 of said Code. The sale or transfer of those units, except in conjunction with a sale or transfer of the entire parcel to the same person, but not the leasing of those units, shall be subject to this Title.

(11) The leasing of property within the parking area of a larger project for the purpose of constructing a removable commercial building having a floor area of less than 100 square feet.

19.04.050 Extent of Regulations.

(a) No real property, improved or unimproved, consisting of a single unit, or two or more contiguous units, owned by the same person or persons, shall be divided into two or more lots, including any lot retained by the owner, except in accordance with the provisions of this Title.

(b) No parcel map may be subdivided if it was illegally created unless, as part of the division, the illegality is eliminated. If such elimination is not possible, a notice of violation with respect to the parcel shall be recorded. In no event shall a subdivision be permitted unless the entire legal parcel is subdivided when the owner of any portion of the illegal parcel is the person who owned the property at the same time of the illegal subdivision.

19.04.052 Merger.

(a) This Title shall not apply to the sale, lease or financing of one or more contiguous parcels or units of land which have been created under the provisions of applicable City ordinances regulating the division of real property and the Subdivision Map Act applicable at the time of their creation, even though the contiguous parcels or units are held by the same owner; except that if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size to permit use or development under Title 20 of this Code and the standards established by Subsection (c) of this Section, then those parcels or units shall be merged.

(b) Any parcels or units created prior to January 1, 1979, pursuant to this Title or any predecessor, or which are buildable lots under the provisions of Title 20 of this Code, and which merged pursuant to the Subdivision Map Act and have not been deemed merged pursuant to this Section or any of its predecessors, are exempted from the merger provisions of this Section and those parcels or units shall be deemed unmerged and separate parcels, except that any parcels which merged under the provisions of this Title after January 1, 1989 shall remain merged if the provisions of Subsection (c) (2) f) of this Section are met. Further, any parcels or units which do not conform to the standards established by Subsection (c) of this Section shall be merged.

(c) Contiguous parcels or units of land held by the same owner, on the date that notice of intention to determine status is filed, shall be merged if one of the parcels or units does not conform to the minimum parcel size to permit use or development under Title 20 of this Code and, if all of the following requirements are 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 exist:

- a) Comprises less than 5,000 square feet in area at the time of determination of merger.
- b) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
- c) Does not meet current standards for sewage disposal and domestic water supply.
- d) Does not meet slope stability standards.
- e) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
- f) Its development would create health or safety hazards.

g) Is inconsistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.

(3) Subsection (c)(2) of this Section shall not apply if any of the conditions stated in Subdivision Map Act Section 66451.11 (b)(A)(B)(C)(D) or (E) exist as to the property.

(d) Whenever the City Engineer has knowledge that real property has merged pursuant to this Section, he shall mail by certified mail to the owner of the property as shown on the latest equalized county assessment roll(s), a notice of intention to determine status. The notice of intention shall state: that the affected parcels may be merged pursuant to this Section; that the owner may request, within thirty days from the date of the notice of intention was recorded, a hearing before the City Engineer to present evidence that the property does not meet the standards for merger; that the notice of intention was recorded with the County Recorder on the date the notice of intention was mailed; and that any request for a hearing shall be submitted in writing to the City Engineer and shall contain the name of the owner(s) requesting a hearing and the address(es) where all notices may be mailed to such owner(s). Upon receipt of a request for a hearing, the City Engineer shall set the hearing for a date of receipt of the request. The property owner shall be notified of the hearing by certified mail at the address(es) shown on the written request for the hearing. After the hearing the City Manager shall determine whether the affected property has merged pursuant to this Section. The decision shall be made and notification of the decision shall be mailed to the property owner within five working days of the date of the hearing. If the parcels have merged, the City Engineer shall file a notice of merger with the County Recorder within thirty days from the date of the hearing unless the decision has been appealed as provided in Subsection (e) of this Section. The notice of merger shall specify the name and names of the record owner or owners of the property as shown on the latest equalized county assessment roll(s), and shall particularly describe the real property. If the parcels have not merged, the City Engineer shall record a release of the notice of intention within thirty days from the date of the decision, and shall mail a copy of the release to the owner. If no hearing is requested, the decision shall be made not later than 90 days after the mailing of the notice of the opportunity for a hearing. A hearing on the determination of status may be postponed or continued upon the mutual consent of the City Engineer and the property owner.

(e) If the owner requested a hearing, the decision of the City Engineer may be appealed to the City Council within ten calendar days of the date of mailing of the notice of decision by filing a written appeal with the City Clerk. A fee established by City Council resolution shall be paid at the time of filing the appeal. Upon receipt of an appeal and payment of the fee, the City Clerk shall place the matter on the Council Agenda not less than thirty nor more than sixty days from the date of the appeal. If, after a hearing, the Council grants the appeal, the City Clerk shall record within thirty days with the County Recorder, a release of notice of intention. If the appeal is denied, the City Clerk shall, within thirty days, record a notice of merger with the County Recorder. A copy of either the release or the notice of merger shall be sent to the owner(s).

19.04.054 Unmerger. Any parcel or unit of land which merged pursuant to the provisions of any law prior to January 1, 1984, but for which a notice of merger was not recorded on or before that date, are deemed unmerged if on January 1, 1984 all of the criteria established by California Government Code Section 66451.30(a) are not met and, if none of the conditions of Section 66451.30(b) of that Code exist. Upon request of the owner, the City Engineer determines that a parcel is unmerged pursuant to this Section.

19.04.056 Request for Determination of Merger.

(a) A property owner may request that the City Engineer determine whether property has merged under Section 19.04.052 or are deemed unmerged under Section 19.04.054. A request for determination shall be made in writing and shall be accompanied by any fee established by City Council resolution.

(b) Upon determination that the property has merged, the City Engineer shall issue to the owner and record with the County Recorder a notice of merger.

(c) Upon determination that property is deemed unmerged, the City Engineer shall issue to the owner and record with the County Recorder, a Certificate of Compliance showing each parcel as a separate parcel.

19.04.060 Advisory Agency Designation.

(a) The Planning Commission is the advisory agency as that term is used in the Subdivision Map Act, for major subdivisions. The Planning Commission may prescribe, subject to the approval by City Council resolution, such additional rules and regulations as are necessary or advisable with respect to the form and content of tentative maps required by the Subdivision Map Act or this Title and the data to be furnished with such tentative maps.

(b) The City Engineer is the advisory agency, as that term is used in the Subdivision Map Act, for minor subdivisions, lot line adjustments pursuant to Chapter 19.36 and certificates of compliance. The City Engineer may prescribe, subject to the approval of the City Council by resolution, such additional rules and regulations as are necessary or advisable with respect to the form and content of tentative parcel maps required by this Title.

19.04.070 Environmental Impact Review. All tentative maps and tentative parcel maps shall be subject to environmental review in accordance with the California Environmental Quality Act and Title 18 of this Code. Decisions to approve, conditionally approve or deny any tentative map or tentative parcel map shall be based, among other things, on the information contained in the environmental documents.

19.04.075 Environmental Mitigation Reporting. Whenever environmental mitigation measures are imposed as a condition of a subdivision approval, or are incorporated into the design or improvement of a subdivision, the subdivider shall certify to the Planning Director compliance with the measures before obtaining the final or parcel map for the subdivision. This Section implements Section 21081.6 of the Public Resources Code. Compliance with this Section shall not relieve the subdivider of any other obligation to mitigate environmental impacts of a project. If compliance with the environmental mitigation measures may require continued monitoring and performance after the filing of a final or parcel map, the subdivider, as a precondition to filing the final or parcel map shall submit a monitoring and performance program to the Planning Director for approval.

19.04.080 Soils Reports.

(a) Unless waived pursuant to Subsection (b), a preliminary soils report, prepared by a civil engineer registered in this State and based upon adequate test borings and field investigations, shall be submitted to the City Engineer for every subdivision. The City Engineer shall review the report and may require additional information or reject the report if it is found incomplete, inaccurate or unsatisfactory.

(b) A preliminary soils report may be waived by the City Engineer providing the City Engineer finds that, due to the knowledge of the City, no preliminary analysis is necessary. The City Engineer's findings setting forth the reasons therefore shall be contained in a writing filed with the subdivision application.

(c) If the City has knowledge of, or the preliminary soils report indicates, the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a detailed soils investigation of each lot in the subdivision may be required by the City Engineer. Such soils investigation shall be done by a civil engineer registered in this State, who shall recommend the corrective action which is likely to prevent damage to each structure proposed to be constructed in the area where such soil problem exists. A subdivision or portion thereof where such soils problems exist may be approved if the advisory agency determines that the recommended corrective action is likely to prevent structural damage to each structure to be constructed and may condition the issuance of any building permit upon incorporation of the approved map and the recommended corrective action in the construction of each structure.

19.04.090 Reservations.

(a) As a condition of approval of a final or parcel map, the subdivider may be required to reserve sites appropriate in area and location for parks, recreational facilities, fire stations, libraries or other public uses according to the procedural standards and formula contained in this Section.

(b) The requirement for reservation shall be based upon an adopted specific plan or General Plan containing policies and standards for park, recreational facility, fire station, library or other public use facilities. The reserved area must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The reserved area shall conform to the adopted specific plan or General Plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period. The tentative map shall show the manner in which the reserve area will be divided if the area is not acquired within the prescribed period.

(c) The public agency for whose benefit an area has been reserved shall, at the time of approval of the final map or parcel map, enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement.

(d) The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

(e) If the public agency, for whose benefit an area has been reserved, does not enter into such a binding agreement, the reservation of such area shall automatically terminate.

(f) The authority granted by this Section shall not be construed as a limitation or as diminution of any other authority of the City to require dedication, improvement, or fees in lieu of dedication or improvement of any of the uses or facilities listed in this Section.

19.04.095 Subdivisions Containing Potential School Sites. Whenever an area in a development is considered or proposed for a school site the Planning Director shall give written notice of the proposed site to the State Department of Education 40 days before the tentative map or tentative parcel map is submitted to the advisory agency for consideration.

19.04.100 Corrections and Amendments.

(a) Corrections and amendments to final and parcel maps may be accomplished as set forth in the Subdivision Map Act Sections 66469 through 66472 to the extent provided for therein.

(b) Changes in any lot line, parcel line or subdivision boundary line may only be accomplished by recording an approved final or parcel map or by the approval of an adjustment plat to the extent provided for in this Title.

(c) Any other change to a final or parcel map must be accomplished by processing a new tentative map or tentative parcel map.

19.04.110 Security for the Payment of Taxes and Special Assessments: Release.

Whenever security is filed with the Board of Supervisors or the Clerk thereof, pursuant to Subdivision Map Act Section 66493, to secure the payment of taxes or special assessments collected as taxes, which are a lien on the property to be subdivided, but not yet payable, the clerk of the board of supervisors, upon notification by the tax collector that the total amount of said taxes or special assessments have been paid in full, may release said security.

19.04.120 Designated Remainder Parcel. When a subdivision, as defined in Section 19.04.020, is of a portion of any unit or units of improved or unimproved land, the subdivider may designate as a remainder parcel that portion which is not divided for the purpose of the sale, lease or financing. A note shall be placed on the final map or parcel map providing that a building permit will not be issued for such parcel until it is further subdivided in accordance with this Title. A designated remainder parcel shall not be counted as a parcel for the purpose of determining whether a parcel map or final map is required. After the filing of a parcel map or final map which establishes a designated remainder parcel, the designated remainder parcel map be sold without any further requirement for filing of a parcel map or final map if a Certificate of Compliance is first processed pursuant to the provisions of Chapter 19.48 of this Code. Prior to the issuance of a Certificate of Compliance or conditional Certificate of Compliance for the sale of a designated remainder parcel the City Engineer shall make a determination under Section 19.16.040 (h) of this Code whether improvements should be required for the designated remainder parcel. The improvement requirements may be imposed as a condition of the Certificate of Compliance. A notice shall be placed on the Certificate of Compliance that a building permit will not be issued for a designated remainder parcel until it is further subdivided in accordance with the provisions of this Title. For the purposes of this Title, a parcel designated as "not a part" shall be deemed to be a designated remainder parcel.

19.04.130 Consideration of Housing Needs. In making decisions pursuant to this Title, the decision maker shall consider the effect of that decision on the housing needs of the region and balance those needs against the public service needs of its residents and available fiscal and environmental resources.

19.04.140 Covenants for Easement.

(a) Whenever, under the provisions of this Code, an easement is necessary or required for parking, ingress, egress, emergency access, fire protection, light and air access, landscaping or open space purposes, the easement may be created by a covenant pursuant to this Section.

(b) At the time of recording of the covenant of easement, all the property benefitted or burdened by the covenant shall be in common ownership. The covenant shall be effective when recorded and shall act as an easement pursuant to Chapter 3 (commencing with Section 801) of Title 2 of Part 2 of Division 2 of the Civil Code except that it shall not merge into any other interest in the real property. Section 1104 of the Civil Code shall be applicable to any conveyance of the affected real property. The covenant of easement shall describe the real property subject to the easement and the real property benefitted by the easement. The covenant of easement shall also identify the approval permit or designation granted which relied upon or required the covenant.

(c) A covenant of easement shall be enforceable by the City, by the owner of the real property benefitted by the covenant and, by the successors in interest to the real property benefitted by the covenant. The covenant of easement shall be recorded in the Office of the County Recorder. The burdens of the covenant shall be binding upon and the benefits of the covenant shall inure to all successors in interest to the real property.

(d) The covenant of easement may be released upon the application of any person after a public hearing by the Planning Commission. Notice of the public hearing shall be given pursuant to Section 65091 of the California Government Code. The Planning Commission may authorize the Planning Director to record a release of the covenant if it determines that the restriction of the property is no longer necessary to achieve the land use goals of the City. An application for release of a covenant shall be accompanied by a fee in an amount as may be set by resolution of the City Council. A covenant of easement may be consolidated with any other application for discretionary approval under this Code.

(e) This Section is adopted pursuant to Article 2.7, commencing with Section 65870 of Chapter 4 of Division 1 of Title 7 of the California Government Code.

19.04.150 Notices. Whenever mailed or other written notice of a hearing decision or other matter is required to be given, the City may require the subdivider to give the notice and to certify the giving of notice by declaration under penalty of perjury.

19.04.160 Hold Harmless. It is a condition of each subdivision approval, or other approval under this Title, that the subdivider or his successor or assigns defend, indemnify and hold harmless the City and its officers, employees and agents from any claim, action or proceeding against the City or any of its officers, employees or agents to attach, set aside, void or annul the subdivision approval or other approval including any claim, action or proceeding based upon the adequacy of the environmental review for the project. The City Clerk shall

promptly notify the subdivider of any claim, action or proceeding. The City shall cooperate fully in the defense of the claim, action or proceeding. Notice under the provision may be given by mail to the subdivider's address as shown on the application unless the subdivider notifies the City Clerk of a different address. Nothing in this Section shall be construed to limit any indemnity or hold harmless clause in any subdivision improvement agreement or other agreement between City and the subdivider.

19.04.170 Delegation of Duties. In order to effectively administer and implement this Title, the City Manager, Director of Developmental Services, Planning Director or City Engineer may delegate administrative or other duties established by this Title to qualified members of the City staff, or to qualified independent contractors of the City. Whenever the terms "City Manager," "Director of Developmental Services," "Planning Director" or "City Engineer" are used in this Title, the term shall include the person or persons to whom specific responsibilities or administrative duties have been delegated. Responsibilities which require a professional license or certification for performance may be delegated only to a person or persons possessing the license or certification.

19.04.180 Waiver of Tentative and Final Map for Mobilehome Park Conversions. Other provisions of this Chapter notwithstanding, the City Council may, by resolution, waive the requirement for a tentative and final map or parcel map for a single-parcel subdivision for the conversion of an existing mobilehome park to tenant owned condominium ownership. Prior to granting such a waiver, the City Council shall make the following findings:

(a) The proposed subdivision shall not result in the displacement from the subject mobilehome park of tenants and/or owners of mobilehomes then located within the subject mobilehome park who do not purchase condominium unit(s) where the mobilehome which they own or within which they reside is located.

(b) The subdivision complies with such requirements then in effect as may have been established by the Subdivision Map Act or this Chapter pertaining to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Subdivision Map Act of this Chapter.

When two-thirds or more of the owners of mobilehomes who are tenants in the mobilehome park sign a petition of interest for their purchase of the park for conversion the City Council shall waive the requirements for a tentative, final, or parcel map unless it finds:

- (a) There are significant design or improvement requirements necessitated by health or safety concerns.
- (b) There is a need to perform field surveys of the exterior boundary of the parcel or parcels on the map.
- (c) The lot or lots of the park (not the spaces) were not created by a recorded subdivision map.
- (d) The conversion would result into additional parcels (but not spaces).

The City Council may, in the resolution granting a waiver hereunder, impose such conditions as the City Council deems necessary to enable the City Council to make the aforementioned findings. The subdivider requesting a waiver as provided for herein shall make application therefore on such forms and may be provided for by the Director of Planning. For subdivisions resulting from a two-thirds petition, the Council shall impose only those conditions authorized by Section 66428(b) of the Map Act.

Upon the grant of a waiver as provided for under this Section, the City Engineer shall prepare a Certificate of Compliance or conditional Certificate of Compliance, as appropriate, for recordation in the Office of the County Recorder for the purpose of documenting the approval of the subdivision. The City Engineer shall not record or release for recordation a conditional Certificate of Compliance prepared pursuant to this Section unless and until the owner or owners of the property to be subdivided have entered into an agreement with the City to provide for the satisfactory completion of all conditions of the Certificate of Compliance and shall have provided improvement security, as appropriate, as provided for in Chapter 5 of the Subdivision Map Act. For subdivisions resulting from a two-thirds petition, improvement requirements shall be the subject of an unsecured improvement agreement prepared by the City Attorney.

19.04.190 Review of Engineering of Land Surveying Conditions. Whenever engineering or land surveying conditions are imposed on a tentative map or tentative parcel map, those conditions and the fulfillment thereof by the subdivider shall be reviewed by the City Engineer to determine compliance with generally accepted engineering or surveying practices.

CHAPTER 19.08**FEES****SECTIONS:**

- 19.08.010** Development Services Fees for Processing, Examination, Review and Inspection, Complete Applications
- 19.08.020** Tentative Map Litigation Stay Fee
- 19.08.030** Notice Fees
- 19.08.045** Insufficiency of Funds
- 19.08.050** Drainage and Sewer Facilities - Payment of Fees Required
- 19.08.060** Bridge Crossing and Major Thoroughfares

19.08.010 Development Services Fees for Processing, Examination, Review and Inspection, Complete Applications. At the time that an application for any of the following development entitlements is submitted to the City for consideration, filing or review, and in addition to any applicable Public Facilities Financing Fees as delineated in Chapter 17.44, and any applicable fees under Chapter 19.08.050 and/or 19.08.060, below, the applicable components of the Development Services Fees delineated in Title 17, Chapter 17.44 shall be paid to the City when and as described in Chapter 17.44: tentative map, tentative parcel map, vesting tentative map, vesting tentative parcel map, final map, parcel map, extension of any of the foregoing maps, reversion to acreage, Certificate of Compliance, adjustment plat, boundary adjustment and/or lot line adjustment. Applications for such development entitlements shall not be deemed accepted for processing, not shall they be deemed complete for purposes of calculating the processing time, unless and until the applicable exaction, fee and/or cost has been paid. Further, all construction and installation of improvements shall be subject to plan review and inspection by the City Engineer or other appropriate Department, and the subdivider shall arrange for inspection prior to initiating construction or installation of improvements. The costs to the City for such review, examination and inspection shall be paid as in accordance with the Development Services Fees provisions of Chapter 17.44. Development Services Fee protests shall comply with the provisions Government Code Section 66020, and any amendments thereto. (Ord. No. 2001-1129, 1-8-02)

19.08.020 Tentative Map Litigation Stay Fee. At the time of filing a request for a stay with the City Engineer, there shall be paid to the City a litigation stay processing fee equal to one-quarter of the fee described in 19.08.010.

19.08.030 Notice Fees. The subdivider shall pay a fee to cover the cost incurred by the City in giving any notice or providing any report required by this Title or the Subdivision Map Act.

19.08.045 Insufficiency of Funds. If payment of a fee is made by check which is later rejected for insufficiency of funds, all processing of the submittal shall cease and shall not be recommended until the fee plus a processing charge in an amount established by City Council resolution is paid in full in cash or by cashier's check.

19.08.050 Drainage and Sewer Facilities - Payment of Fees Required. Prior to filing of any final map or parcel map, the subdivider shall pay, or cause to be paid, any fees for defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas or sanitary sewer facilities for local sanitary sewer areas established pursuant to Subdivision Map Act Section 66483.

19.08.060 Bridge Crossing and Major Thoroughfares.

(a) The purpose of this Section is to make provisions for assessing and collecting fees as a condition of approval of a final map or as a condition of issuing a building permit for the purpose of defraying the actual or estimated costs of constructing bridges or major thoroughfares pursuant to Subdivision Map Act Section 66484.

(b) Whenever the following words are used in this Section, they shall have the following meaning:

Construction means design, acquisition of right-of-way, administration of construction contracts and actual construction.

Major thoroughfare means any roadway as shown on the circulation element of the General Plan whose primary purpose is to carry through traffic and provide a network connecting to the State highway system.

(c) Whenever this Section refers to the circulation element of the General Plan or to the transportation or flood control provisions thereof, it shall mean the circulation element of the General Plan and the transportation and flood control provision thereof, heretofore adopted by the City pursuant to Chapter 3 of Title 7 of the Government Code, together with any additions or amendments thereto hereafter adopted.

(d) Prior to filing a final map which includes land within an area of benefit established pursuant to this Section, the subdivider shall pay, or cause to be paid, any fees established and apportioned to said property pursuant to this Section for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways or canyons or constructing major thoroughfares.

(e) Prior to the issuance of a building permit for construction on any property within an area of benefit established pursuant to this Section, the applicant for such permit shall pay, or cause to be paid, any fees established and apportioned pursuant to this Section for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, or canyons or constructing major thoroughfares, unless such fees have been paid pursuant to Subsection (d) of this Section.

(f) Notwithstanding the provisions of Subsections (d) and (e) of this Section:

(1) Payment of bridge fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of adoption of the boundaries of the area of benefit.

(2) Payment of major thoroughfare fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the area of benefit.

(g) Prior to establishing an area of benefit, a public hearing shall be held by the City Council, at which time the boundaries of the area of benefit, the costs, whether actual or estimated, of the planned bridge and for major thoroughfare improvements, and a fair method of allocation of costs to the area of benefit and fee apportionment, and the fee to be collected, shall be established.

Notice of the public hearing shall be given pursuant to Government Code Section 65091. In addition to the requirements of Government Code Section 65091, such notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment.

(h) At any time, not later than the hour set for hearing objections to the proposed bridge facility or major thoroughfare, any owner of property to be benefitted by the improvement may file a written protest against the proposed bridge facility or major thoroughfare or against the extent of the area to be benefitted by the improvements or against both of them. Such protests must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify the same and, if the signers are not shown on the latest equalized assessment roll(s) as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. All such protests shall be delivered to the City Clerk and no other protest or objections shall be considered. Any protests may be withdrawn by the owner's making the same, in writing, at any time prior to the conclusion of the public hearing.

(i) If there is a written protest filed with the City Clerk by the owners of more than one-half of the area of the property to be benefitted by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefitted, then the proposed proceedings shall be abandoned, and the City Council shall not, for one year from the filing of the written protests, commence or carry on any proceedings for the same improvements under the provisions of this Section.

If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this Section to construct that portion of the improvement so protested against shall be abandoned and the City Council shall not, for one year from the date of the decision of the City Council on the hearing, commence or carry on any proceedings for that same portion of the improvement under the provisions of this Section; provided, however, that nothing in this Section shall prohibit the City Council within such one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefitted are in favor of going forward with such portion of the improvement acquisition.

(j) If the City Council finds that a majority protest has not been made, they shall make the determinations required by Subsection (g) of this Section and decide whether or not to confirm the area of benefit.

The Council shall announce its decision by resolution, which shall be recorded with the County Recorder. There are hereby authorized and established, fees for the purpose of defraying the actual or estimated cost of constructing the bridge or thoroughfare as described in such resolution as the Council may adopt pursuant to this section. Said fees and the area of benefit to which such fees are apportioned shall be established as set forth in said resolution. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for such property or portions thereof.

(k) Notwithstanding the provision of Subsection (j) of this Section, payment of such fees shall not be required for:

- (1) The use, alteration or enlargement of an existing building or structure or the erection of one or more buildings or structures accessory thereto, or both, on the same lot or parcel of land; provided the total value, as determined by the City Engineer, of all such alteration, enlargement or construction completed within any one-year period does not exceed one-half of the current market value, as determined by the City Engineer, of all existing buildings on such lot or parcel of land, and the alteration or enlargement of the building is not such as to change its classification of occupancy as defined in Uniform Building Code Section 501.
- (2) The following accessory buildings and structures: private garages, children's playhouses, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, coops and other buildings which are accessory to one-family or two-family dwellings.

(l) Upon application by the subdivider or applicant for a building permit, the City Council may accept consideration in lieu of fees required pursuant to this Section; provided:

- (1) The City Council finds, upon recommendation of the City Engineer, that the substitute consideration has a value equal to or greater than the fee; and
- (2) The substitute consideration is in a form acceptable to the City Council.

CHAPTER 19.12

MAJOR SUBDIVISIONS - PROCEDURE

SECTIONS:

- 19.12.010 Tentative Map Required**
- 19.12.015 Application for Processing**
- 19.12.016 Conversion of Mobilehome Parks**
- 19.12.020 Grading Plan**
- 19.12.030 Preliminary Title Report**
- 19.12.040 Size of Map**
- 19.12.050 Information on Map**
- 19.12.060 Supplemental Information**
- 19.12.065 Required Notices**
- 19.12.070 Developmental Services Director**
- 19.12.080 Planning Commission Duties**
- 19.12.085 Appeal of Planning Commission Decision**
- 19.12.090 City Council Action**
- 19.12.091 Required Findings**
- 19.12.100 Expiration of Tentative Maps**
- 19.12.110 Extension of Tentative Map**
- 19.12.120 Revised Tentative Map**
- 19.12.130 Vesting Tentative Maps**

19.12.010 Tentative Map Required.

(a) Any person proposing to create a major subdivision shall file a tentative map pursuant to this Chapter with the Developmental Services Department. The City Council shall not approve a final map unless prior thereto a tentative map of the subdivision shown thereon shall have been filed with and reported on by the Planning Commission. Prior to filing a tentative map, the subdivider or his authorized agent may confer with the Planning Director and the City Engineer regarding the preparation of the map. The rules and regulations adopted pursuant to Section 19.12.015 may make the pre-filing conference mandatory. A proposed tentative map may not be filed unless it conforms to the requirements of this Chapter.

(b) The Development Services Director shall not accept a tentative map for processing or filing unless the Director finds that:

- (1) The requirements of Title 18 (Environmental Review) of this Code have been met; and
- (2) All approvals required by Title 20 (Zoning) for the project have been given or issued. (Ord. No. 91-903, 10-22-91)

(c) Notwithstanding the provisions of Subsection b), a tentative map may be processed concurrently with documents, permits or approvals required by the provisions of this Code referenced in Subsection b) if the applicant for the tentative map first waives the time limits for processing, approving, conditionally approving, or disapproving the tentative map established by this Title or the Subdivision Map Act to the extent that those time limits may be shorter than the

(d) A tentative map may, but need not be, based on a detailed, accurate final survey of the property.

19.12.015 Application for Processing.

(a) All tentative maps shall be in the form and shall contain and be accompanied by the data specified by this Title or by the rules and regulations approved by the Developmental Services Director and the City Council.

(b) The Developmental Services Director shall not accept a tentative map for processing or filing unless the Developmental Services Director finds that:

- (1) The requirements of Title 20 (Zoning) of this Code have been met; and
- (2) That all approvals required by Title 20 for the project have been given or issued.

(c) Notwithstanding the provisions of Subsection (b), a tentative map may be processed concurrently with documents, permits or approvals required by the provisions of this Code regarding conversion of mobilehome parks or zoning, if the applicant for the tentative map first waives the time limits for processing, approving, conditionally approving, or disapproving the tentative map established by this Title or the Subdivision Map Act to the extent that those time limits may be shorter than the time period established by Government Code Sections 65950 et seq.

19.12.016 Conversion of Mobilehome Parks. At the time of filing a tentative subdivision map for a subdivision to be created from the conversion of a mobilehome park to another use, the subdivider shall also file a report specified by Section 19.12.030 of this Code. The subdivider shall make a copy of the report available to each resident of the mobilehome park within fifteen days of the filing of the tentative parcel map. The subdivider may be required to mitigate the adverse impacts of the conversion on the ability of displaced mobilehome park residents to find adequate space in another mobilehome park. (Ord. No. 91-903, 10-22-91)

19.12.020 Grading Plan. A grading plan showing any grading proposed for the creation of building sites within the subdivision, drainage configuration, and for construction or installation of improvements to serve the subdivision shall be filed with each tentative map. The grading plan, together with the original topographical contours, shall be shown on the tentative map or on a separate sheet accompanying the tentative map. This plan shall indicate approximate earthwork volumes of proposed excavation and filling operations. Profile sections showing existing topographical contours along with proposed grading shall be submitted along with the grading plan. The grading plan shall conform to all requirements of Section 17.32.040. The level of detail required may be less than would be required for actual construction but shall be sufficient to permit analysis of all onsite and offsite environmental impacts and mitigation measures including, but not limited to, best management practices. The authority considering an application for a tentative map shall also consider the grading plan, and if the tentative map is approved or conditionally approved, the grading plan submitted under this section shall be marked to identify it as the grading plan that was a basis for approval of the tentative map. Any grading permit obtained pursuant to the Grading Code (Chapter 17.32) for the subdivision shall conform to the grading plan thus marked, and any substantial deviation from this grading plan shall require an amendment to the grading plan under Chapter 17.32. In the event no grading is proposed, a

19.12.030 Preliminary Title Report. A preliminary title report for the property being subdivided issued not more than six (6) months before the date of filing shall be filed with each tentative map.

19.12.040 Size of Map. The size of such tentative map shall be 18 inches by 26 inches and the scale shall not be less than one hundred feet to the inch. When necessary, the size of the tentative map may be larger than 18 inches by 26 inches, but in no event shall such size exceed 24 inches by 36 inches.

19.12.050 Information on Map. Each tentative map shall contain the following information:

- (a) Name and address of the owner whose property is proposed to be subdivided and the name and address of the subdivider.
- (b) A statement that the owner(s) has (have) no title or interest in title to property contiguous with or adjacent to the proposed subdivision and that the owner(s) consent to the filing of the tentative map. The statement shall be signed by the owner(s).
- (c) Name and address of registered civil engineer/licensed surveyor who prepared the maps.
- (d) North point, oriented to the top or left side of sheet.
- (e) Scale; vicinity map.
- (f) Date of preparation.
- (g) The location, width and proposed names of all streets within the boundaries of the proposed subdivision and approximate grades thereof.
- (h) Location and width of alleys.
- (i) Name, location and width of adjacent streets.
- (j) Lot lines and approximate dimensions and numbers of each lot.
- (k) Tax Assessor Parcel Number(s) of the property.
- (l) Preliminary soils report information, unless waived pursuant to Section 19.04.080.
- (m) Location and width of watercourses (both natural and man-made), areas subject to inundation from floods and location of structures, irrigation or drainage ditches and other permanent drainage features.
- (n) Contours at two-foot intervals, unless other contour intervals are approved for a map by the City Engineer.
- (o) Location of existing buildings and permanent structures.

(p) Location of all major vegetation, major rock outcroppings or environmentally sensitive areas, showing size and type.

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(q) Legal description of the exterior boundaries of the subdivisions.

(r) Width and location of all existing or proposed public or private easements.

(s) Classification of lots as to intended residential, commercial, industrial or other uses.

(t) Location of railroads.

(u) Location of radii of curves.

(v) Proposed name and City tract number of the subdivision.

(w) Any proposed phasing by units.

(x) Number of units to be constructed when a common interest development is involved.

(y) Proximity to City boundaries.

(z) Off-site data or information, including contours, existing structures, etc., for a minimum horizontal distance of 100' beyond the boundaries of the subdivision.

(aa) Any other off-site data or information deemed necessary by the Developmental Services Director for the review of the submitted map.

19.12.060 Supplemental Information. The tentative map shall show, or be accompanied by, reports and written statements from the subdivider giving essential information regarding the following matters:

(a) Source of water supply.

(b) Type of street improvement and utilities which the subdivider proposes to install, along with the locations of existing and proposed utility facilities.

(c) Proposed method of sewage disposal, including location of facilities.

(d) Proposed storm water sewers or other means of drainage, including the location of such facilities and proposed drainage patterns.

(e) Protective covenants or restrictions to be recorded by the subdivider.

(f) Proposed tree planting.

(g) The names and addresses of all agencies, whether public or private, which will provide fire protection, school, water, sewer, cable and electrical facilities for the property being subdivided.

(h) A public facilities phasing plan consistent with Chapter 20.12 and the plans prepared pursuant to that Chapter.

19.12.065 Required Notices.

- (a) Whenever a public hearing is required by this Title, notice shall be given as provided in Government Code Section 66451.3. The City Council may, by resolution, establish additional notice requirements.
- (b) Failure by any person to receive notice specified in this Section shall not invalidate any action taken pursuant to this Title.
- (c) The Director of Developmental Services may require the subdivider to give the notice required by this Section. Whenever the subdivider is required by this Title or the Subdivision Map Act to give any notice, or provide any report or information to any person other than the City, the subdivider shall submit proof, sufficient to allow the Planning Commission or the City Council to find that the notice has been given or the reports or information provided. Such proof may include declarations under penalty of perjury.

19.12.070 Developmental Services Director's Duties.

- (a) The Developmental Services Director, or his designee, shall obtain, for the Planning Commission, the recommendation of the Planning Director, City Engineer, Public Works Director and the Fire Chief, or their authorized representatives, with respect to the design of the proposed subdivision and the kind, nature and extent of the proposed improvements. Recommendations may also be obtained from neighboring cities, affected special districts, CalTrans, the Office of Inter-Governmental Management, the State Department of Fish and Game, the Army Corps of Engineers, and any other person affected by, or interested in, the proposed subdivision, if such recommendations are found to be necessary.
- (b) Within ten days after the acceptance for filing of a tentative map, the Developmental Services Director shall send notice of filing thereof with information about the location, number of units, density and any other information relevant to school districts to the governing board of any school district, water district, sewer or sanitation district, or fire district within those boundaries the proposed subdivision is located. Such governing board shall make a written report thereon to the City indicating the impact of the proposed subdivision and its recommendations within 20 working days after said notice was mailed, or the governing board shall be deemed to have approved the proposed subdivision.
- (c) The Developmental Services Director shall prepare a staff report to the Planning Commission containing recommendations regarding the tentative map. A copy of the staff report and recommendations shall be furnished to the subdivider and to each tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project at least three days prior to any hearing or action on such map by the Planning Commission.
- (d) The Developmental Services Director shall set the map for public hearing before the Planning Commission.
- (e) The Developmental Services Director may delegate the duties under this Section.

19.12.080 Planning Commission Duties. The Planning Commission is authorized and

directed to carry out the following actions:

(a) Hold a public hearing on all tentative maps. Any interested person may appear at
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the hearing and be heard.

(b) Investigate the design and improvements proposed for each subdivision on the tentative map filed with it and at the conclusion of the hearing on the map;

- (1) Approve, conditionally approve or disapprove the map; or
- (2) Continue the public hearing or refer the matter back to the staff for further review.

(c) Whenever the Planning Commission approves, conditionally approves or disapproves a tentative map, it shall take such action within 50 days following the certification of the Environmental Impact Report, approval of a negative declaration or determination by the City that the project is exempt from the provisions of the California Environmental Quality Act, and shall announce its decision by resolution. Any decision to approve or conditionally approve a tentative map shall include a description, pursuant to the provisions of this Title, of the kind, nature and extent of any improvements required to be constructed or installed in or to serve the subdivision. Any decision to disapprove a tentative map shall be accompanied by a finding, identifying the requirements or conditions which have not been met or performed. If the Planning Commission fails to act within the required time limit, the tentative map, as filed, shall be deemed approved, insofar as it complies with the applicable requirements of this Code, including, but not limited to, the provisions of this Title and the provisions relating to environmental review, the General Plan, zoning and growth management.

(d) Whenever the Planning Commission approves or conditionally approves a tentative map, it shall also establish, pursuant to the provisions of this Title, the kind, nature and extent of the improvements to be constructed or installed in or to serve the subdivision for which such tentative map is filed along with an appropriate time schedule for construction, installation or other provisions of the facilities. Improvements shall be constructed and installed in accordance with the City standards.

(e) Whenever the Planning Commission approves, or conditionally approves, a tentative map providing for supplemental size of improvements, the establishment of benefit districts, the execution of reimbursement agreements or the setting of any fees under the provisions of Section 19.08.040 of this Code the map shall be filed with the City Clerk and shall be forwarded to the City Council which shall hold a public hearing on the issue of the improvements and fees.

(f) Whenever a tentative map is processed concurrently with a request for a zone change, General Plan amendment or other zoning approval necessary for the development, the decision of the Planning Commission shall be considered a recommendation and the tentative map shall be heard by the City Council pursuant to Section 19.12.090. No appeal shall be necessary or appropriate in order to vest the Council with jurisdiction under this provision. The City Clerk shall notice the tentative map for hearing by the City Council concurrently with the hearing on the zone change, General Plan amendment or other zoning approval.

19.12.085 Appeal of Planning Commission Decision.

(a) The subdivider, any tenant of the subject property in the case of a proposed

conversion of residential real property to a condominium project, community apartment project or stock cooperative project, or any other interested person may appeal to the City Council from any action of the Planning Commission with respect to a tentative map.

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Any appeal shall be filed with the City Clerk within ten days after the date of the action of the Planning Commission from which the appeal is being taken and shall be accompanied by a filing fee in an amount established by City Council resolution. For the purposes of this Section, the date of the Planning Commission action shall be the date of adoption of a resolution regarding a subdivision, or if the Commission fails to adopt a resolution regarding a subdivision within the time period required by law, for Planning Commission action from the date that the subdivision is deemed approved.

Upon the filing of an appeal, the City Clerk shall set the matter for public hearing on the agenda of the first available Council meeting after the date of the filing of the appeal. For the purposes of this Section, the first available Council meeting is the first meeting at which a legally noticed public hearing can be held. Within ten days following the conclusion of the hearing, the City Council shall render its decision on the appeal. The hearing on an appeal shall be a de novo hearing and the City Council may approve, conditionally approve or deny the subdivision in the Council's discretion. No person shall raise a matter before the City Council which was not raised before the Planning Commission, unless the person can show that the matter is based on new information which was not available at the time of the Planning Commission hearing, or that the person for good cause was unable to raise the matter at the time of the Commission hearing. The decision of the City Council is final.

(b) The decision of the City Council shall be consistent with the provisions of this Code and the Subdivision Map Act and shall be supported by appropriate findings.

(c) If the City Council fails to act on an appeal within the time limits specified in this Section, the appeal shall be deemed denied and the Planning Commission decision shall be deemed to be the decision of the City Council.

(d) Any interested person adversely affected by a decision of the Planning Commission regarding a subdivision which is not subject to appeal, may file a complaint with the City Council concerning that decision. The complaint shall be filed with the City Clerk within ten days after the action of the Planning Commission which is the subject of the complaint. Upon the filing of the complaint, the City Council shall set the matter for hearing. The hearing shall be held within thirty days after the filing of the complaint. The hearing shall be limited to the matters stated in the complaint and to the record of the Planning Commission hearing.

Upon conclusion of the hearing, the City Council shall, within seven days, declare its findings based upon the testimony produced before the Planning Commission. It may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make any findings which are not inconsistent with the provisions of the Subdivision Map Act or this Title.

(e) In the case of a conversion of residential real property to a common interest development project, notice of each hearing provided for in this Section shall be sent by United States mail to each tenant of the subject property at least three days prior to the hearing. The notice requirement of this paragraph shall be deemed satisfied if the notice complies with the legal requirements for service by mail. Pursuant to Section 66451.2 of the California Government Code, fees may be collected from the subdivider or from person appealing or filing a complaint for expenses incurred under this Section.

19.12.090 City Council Action. Whenever the City Council is required to consider a tentative map pursuant to Section 19.12.080 (f) or 19.12.085, they shall consider the matter and shall approve, conditionally approve or disapprove the tentative map within the time limits prescribed by the Subdivision Map Act after the date of the first public hearing set to consider the matter. The City Council shall announce its decision by resolution. Any decision to approve or conditionally approve a tentative map shall include a description, pursuant to the provisions of this Title, of the kind, nature and extent of any improvements required to be constructed or installed in, or to serve the subdivision. Any decision to disapprove a tentative map shall be accompanied by a finding, identifying the requirements or conditions which have not been met or performed. If the City Council fails to act within the required time limit, the recommendations of the Planning Commission regarding the tentative map shall be deemed to be the decision of the City Council in regard thereto.

19.12.095 Required Findings.

(a) A tentative map shall not be approved unless the decision-making body finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plans and any applicable zoning provisions of this Code and that all zoning approvals and permits required for the project have been given or issued. Approval or conditional approval of a map may be given concurrently with any zoning approval or permit required for the project by this Code.

(b) A tentative map shall not be approved or conditionally approved if the decision-making body finds any of the following:

(1) That the proposed map is not consistent with applicable general and specific plans, and with applicable zoning provisions of this Code.

(2) That the design and improvements of the proposed subdivision are not consistent with applicable general and specific plans and with applicable land use and zoning provisions of this Code.

(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) Unless an Environmental Impact Report was prepared in respect to the project and a finding was made pursuant to Section 21081(c) of the Public Resources Code, that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.

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

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(7) That the design of the subdivision or the type of improvements will conflict with easements of record or easements established by court judgment, acquired by the public at large, for access through or use or property within the proposed subdivision. In this connection, the City Council may approve a map if they find 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.

(8) That all requirements of the California Environmental Quality Act, as amended, ("CEQA") and the environmental protection provision of this Code, have not been met.

(9) That the proposed map fails to meet or perform any of the requirements or conditions of this Title or the Subdivision Map Act.

(10) In the case of conversions of residential real property to a common interest development, that all required notices and reports to tenants have not been or will not be sent as required by law.

(11) Subject to the exceptions contained in Government Code Section 66474.4, the property is subject to a contract entered into pursuant to the Land Conversion Act of 1965 (Williamson Act) and the parcels resulting from the subdivision would be too small to sustain agricultural use. The determination of ability to sustain agricultural use shall be made according to the provisions to Government Code Section 66474.4.

19.12.100 Expiration of Tentative Maps.

(a) The approval or conditional approval of a tentative map shall expire 24 months from the date the map was approved or conditionally approved unless it is extended pursuant to Section 19.12.110 of this Chapter.

(b) The time period specified in Subsection (a), including any extension thereof, shall not include any period of time during which a development moratorium, as defined in Government Code Section 66452.6, imposed after approval of the tentative map, is in existence; provided, however, that the length of such moratorium does not exceed five years.

(c) The period of time specified in Subsection (a), including any extension thereof granted pursuant to Section 19.12.110, shall not include any period of time during which a lawsuit involving the approval or conditional approval of the tentative map is, or was, pending in a court of competent jurisdiction, if a stay of such time period is approved by the City Council pursuant to this Subsection. An application for a stay must be filed by the subdivider in writing with the Director of Developmental Services within ten days of service on the City of the initial petition or complaint in such lawsuit. The application shall state the reasons for the requested stay and include names and addresses of all parties to the litigation. The Director of Developmental Services shall notify all parties to the litigation of the date when the application will be heard by the City Council. Within forty days after receiving such application, the City Council shall approve or conditionally approve the stay for up to five years or deny the requested stay.

(d) Prior to expiration of the tentative map, a final map conforming to the approved or conditionally approved tentative map may be filed with the City Council for approval if all of the following have been met:

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(1) All required certificates or statements on the final map have been signed and, where necessary, acknowledged;

(2) The City Engineer has determined that the final map conforms with the requirements of this Title, the Subdivision Map Act and the tentative map and has so stated on the map; and,

(3) The City Attorney has approved the final map as to form.

(e) The final map shall be deemed final with the City Council on the date which the complete map is received by the City Clerk. Once a timely and complete filing of a final map for approval by the City Council has been made pursuant to this Code, subsequent actions of the City, including, but not limited to, processing, approving or recording may occur after the date of expiration of the tentative map.

19.12.110 Extension of Tentative Maps.

(a) A tentative map for which the filing of multiple or "phased" final maps is not authorized may be extended as follows:

(1) The subdivider may request an extension of the approved or conditionally approved tentative map by written application to the Developmental Services Department. The application shall be filed not more than ninety days before the date of expiration as established by Section 19.12.100. The application shall state the reasons for the requested extension.

(2) At any time within sixty days after the expiration of the approved or conditionally approved tentative map for which timely application for extension was filed, the Planning Commission may extend the map for a period or periods not exceeding a total of three years. The determination as to whether an extension for a longer period is warranted shall be made giving consideration to the scope of the project, the previous expenditures made by the subdivider in furtherance of the subdivision, and the effect of the extension of the map on the community. An extension shall not be granted or conditionally granted for the subdivision unless the Planning Commission finds that the design and improvements, including public facilities phasing, of the subdivision are consistent with the General Plan, any applicable specific plan, this Title and the provisions of Title 20 (Zoning) of this Code. When granting or conditionally granting an extension, the Planning Commission shall also find that the subdivider is diligently pursuing those acts required to obtain a final map for the subdivision. In granting an extension, the Planning Commission may impose new conditions and may revise existing conditions. The Planning Commission decision to deny or further condition an extension may be appealed by any interested party to the City Council. The appeal shall be filed in writing with the City Clerk within 10 days of the Planning Commission's decision. Denial of an extension shall be at the sole discretion of the Planning Commission and City Council.

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(b) A tentative map for which the filing of multiple or "phased" final maps has been authorized, may be extended as follows:

- (1) If the subdivider is not subject to a requirement to construct or improve, or finance the construction or improvement of public improvements outside the boundaries of the tentative map, the cost of which is \$125,000 or more, as determined at the time of the tentative map approval, then the subdivider may request an extension to the provisions of Subsection (A) of this Section.
- (2) When the subdivider is subject to a requirement to construct or improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map, the cost of which is \$125,000 or more, as determined at the time the tentative map is approved, then each filing of a final map authorized by Section 19.20.020 (c) of this Code shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date it would otherwise have expired as provided in this Section or the date of the previously filed final map, whichever is later. The total combined time for extensions under this Section and Subsection (b)(1) shall not exceed 10 years from the date of the approval or conditional approval of the tentative map. However, a tentative map for property subject to a development agreement authorized by the State Government Code and City implementing ordinance may be extended for the period of time provided for in the agreement but, not beyond the duration of the agreement.
- (3) "Public improvements" include traffic controls, roads, streets, highways, freeways, bridges, over-crossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities. The provisions of this Subsection shall be the sole method for extending maps for which multiple or phased final maps may be filed. Improvements on or abutting the boundaries of the subdivision shall not be considered to be outside the subdivision.
- (4) The \$125,000 limit established by inspection shall be periodically increased as provided in Section 66452.6 of the Subdivision Map Act.

(c) Extensions of vesting tentative maps shall be governed solely by the provisions of Chapter 19.17 of this Title and by the provisions of Subsection (b)(2) of this Section.

19.12.120 Revised Tentative Map.

- (a) Where a subdivider desires to revise or alter a proposed subdivision for which a tentative map has previously been approved, the subdivider may file with the Department of Developmental Services, a revised tentative map subject to payment of the required fees.
- (b) A revised tentative map shall conform to the following requirements:
 - (1) The proposed subdivision shown on such map shall include only one contiguous area consisting of all or a portion of the subdivision shown on the approved tentative map together with such additional land, if any, as the subdivider

desires to include.

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(2) The map shall contain all of the information required on tentative maps and shall be accompanied by such data as is required to be filed with tentative maps.

(c) A revised tentative map shall be filed within 18 months after the approval of the tentative map by the City Council, or Planning Commission for tentative maps which it is authorized by this Title to approve or conditionally approve or, if an extension of time is granted, within the period specified in such extension.

(d) Upon the filing of a revised tentative map and payment of the prescribed fee, such revised tentative map shall be treated in all respects as an original tentative map and shall be processed, approved, conditionally approved or disapproved in the same manner as a tentative map. Upon approval of a revised tentative map, the subdivider shall have 18 months from the approval or conditional approval of the revised tentative map within which to obtain the final map. Approval of a revised map shall void the prior map.

19.12.130 Vesting Tentative Maps. The vesting tentative map may be filed and processed in the same manner and subject to the same requirements as a tentative map except as provided in this Chapter and Chapter 19.17 of this Title.

CHAPTER 19.16**MAJOR SUBDIVISIONS - REQUIREMENTS****SECTIONS:**

19.16.010	Design of Subdivision
19.16.015	Design for Passive or Natural Heating Opportunities
19.16.020	Conformance to Street Plans
19.16.030	Conversion of Mobilehome Parks
19.16.040	Dedication
19.16.045	Dedication Procedure
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19.16.055	Supplemental Improvements - Required
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19.16.060	Agreement to Improve
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19.16.080	Improvement Security - Amount
19.16.090	Improvement Security - Release
19.16.100	Improvement Security - Forfeiture
19.16.110	Off-Site Improvements - Acquisition of Property Interests
19.16.120	Design of Common Interest Developments

19.16.010 Design of Subdivision. All major subdivisions for which a tentative map is required by this Title shall conform to the following design requirements:

(a) Except as approved by the City Engineer, no lot shall include land in more than a single tax code area. A building permit shall not be issued for a lot which includes land in more than one tax code area and a note reflecting such restriction shall be included on the final map.

(b) Every lot shall contain the minimum lot area specified in zoning provisions of this Code for the zone in which the lot is located at the time the final map is submitted to the City Council for its approval; provided, however, if no lot area is established, every lot shall contain a net area of no less than 7500 square feet.

(c) At the time the final map is submitted to the City Council for its approval every lot shall front on a dedicated street or a street offered for dedication unless lots on private streets have been authorized pursuant to the zoning provisions of this Code; except for subdivisions for commercial or industrial purposes where the advisory agency or legislative body may permit lots fronting on private streets or common access easements. Whenever access to lots is provided by private streets or common access easements the subdivider shall establish a method satisfactory to the City Engineer and City Attorney to assure maintenance of the streets or easements.

(d) Every lot shall have a width as specified in the zoning provisions of this Code for the zone in which the lot is located at the time the final map is submitted.

(e) Through lots shall not be allowed unless vehicular access rights are relinquished to one of the abutting streets as approved by the City Engineer.

(f) Unless otherwise authorized by the provisions of Title 20, lot depth shall be at least 90 feet. Lot depth shall be no greater than three times the average width except for minor subdivisions where the proposed lot depth to width ratio is less than that of the existing lot.

(g) Whenever practical, subdivision of residential property abutting prime, major and secondary arterial routes shown on the circulation element of the City General Plan, railroads, transmission lines and open flood-control channels shall be designed so that the lots do not front on nor have access from such right-of-ways.

(h) Whenever practical, side and rear lot lines shall be located along the top of man-made or natural slopes.

(i) Bicycle routes shown on the City's General Plan shall be included in the subdivision when such routes pass through or abuts the subdivision.

Whenever rights-of-way for streets are required to be dedicated in subdivisions containing 200 or more lots, the subdivider shall include bicycle routes when necessary and feasible for the use and safety of the residents.

(j) Consideration shall be given to assuring proper development of abutting properties in the development of the circulation plan.

(k) Each lot shall be designed to connect to the public sanitary sewer system. If a private sewage disposal system is proposed, the necessary permits for a private sewage disposal system for each lot shall be secured before issuance of the final map.

(l) Unless the City Engineer determines that good engineering practice requires otherwise, all City facilities shall be designed to be located with street right-of-way dedicated to the City.

19.16.015 Design for Passive or Natural Heating Opportunities. In addition to the requirements of Section 19.16.010, the design of a major subdivision for which a tentative map is required by this Title, shall also provide to the extent feasible for future passive or natural heating or cooling opportunities in the subdivision.

Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.

Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.

In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvements requirements and, such provisions

shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in force at the time the tentative map is filed.

The requirements of this Section do not apply to condominium projects which consist of the subdivision of airspace in an existing building when no new structures are added.

For the purposes of this Section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, topographical, social and technological factors as the City Council or Planning Commission may determine.

19.16.020 Conformance to Street Plans. All streets shown on a tentative map shall be in substantial conformance to the circulation element of the General Plan and they shall relate to the existing streets in the areas adjoining the subdivision. Such streets shall also conform to any applicable master plans, specific plans or other officially adopted street plans and to City street standards.

19.16.030 Conversion of Mobilehome Park.

(a) At the time of filing a tentative map for a subdivision to be created from the conversion of a mobilehome park to another use, the subdivider shall also file a plan specified by Government Code Section 66427.4.

(b) If the provisions of Chapter 20.44 of this Code apply to the mobilehome park, the plan specified in Subsection (a) of this Section shall include the matters specified in Chapter 16.12 of this Code.

(c) In determining the impact of the conversion on displaced mobilehome park residents, the plan shall address the availability of adequate replacement space in mobilehome parks. The subdivider shall make a copy of the plan available to each resident of the mobilehome park at least 15 days prior to the hearing on the map. If Chapter 19.12 applies, the subdivider shall also provide all notices required by Chapter 19.12 of this Code. The Planning Commission or City Council may require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobilehome park residents to find adequate space in a mobilehome park and, shall make all findings required by Section 16.12.050.

(d) When approving or conditionally approving a tentative map for conversion of a mobilehome park, the Planning Commission or the City Council shall do one of the following:

(1) Mitigate any significant adverse impact of the conversion on the ability of displaced mobilehome park residents to find adequate space in a mobilehome park by zoning additional land for mobilehome parks.

(2) Find that there is sufficient land zone for mobilehome parks or sufficient space available in other mobilehome parks for the residents who will be displaced.

(3) Require the subdivider to mitigate any adverse impact pursuant to Subsection (c).

(4) Find that the mitigation required by Subsection (d)(1) and (d)(3) are not feasible. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, topographical, social and technological factors.

19.16.040 Dedication.

(a) The subdivider shall offer to dedicate rights-of-way for streets within and adjacent to or fronting the subdivision in accordance with City standards.

(b) No final map shall be approved unless the street or streets providing access to the subdivision are offered for dedication to a city, county or state, whichever has jurisdiction, and the street or streets meet City standards for right-of-way width.

(c) Streets which are proposed on the boundaries of a subdivision shall have a dedicated width of no less than one-half the right-of-way width shown on the General Plan or City street standards, plus twelve feet. Access rights shall be relinquished along the outer edge of the right-of-way. Additional dedication may be required if a median is needed.

(d) Where it has been determined by the City Engineer to be necessary to extend a street beyond the boundaries of a subdivision to provide adequate circulation for residents of the subdivision, the subdivider shall cause the required easements to be dedicated to the City and shall improve the easements in accordance with City standards.

(e) Whenever any land to be subdivided is bounded by an inlet, bay, estuary, lagoon, river or stream, there shall be a street to and along such inlet, bay, estuary, lagoon, river or stream, or adequate public access to and along such boundary shall be provided or be made otherwise available in lieu of such street or any combination as the City Council or Planning Commission may require to ensure compliance with Chapter 4, Article 3.5 of the Subdivision Map Act.

(f) Where a drainage facility or flood-control facility is necessary for the use of lot owners or for the protection of lots, adequate rights-of-way free and clear of all liens and encumbrances, for such drainage facilities or flood-control facilities shall be offered for dedication to the City or to such other public entities as the City Council designates and shall be shown on the map.

(g) Where it is necessary to extend a drainage facility or flood-control facility beyond the boundaries of the subdivision for adequate drainage, or flood-control needs, the required rights-of-way shall be offered for dedication.

(h) Drainage facilities and flood-control facilities within and without the subdivision shall be provided so as to carry storm run-off, both tributary to and originating within the subdivision.

(i) The subdivider shall offer to dedicate land for park purposes, pay fees in lieu thereof, or do a combination of both, pursuant to this Title or pursuant to Title 20.12 and the plans adopted thereto, or both.

(j) The subdivider shall offer to dedicate in accordance with City standards the necessary right-of-way for bicycle routes under the following circumstances:

(1) When such routes, as shown on the City General Plan, pass through or abut the subdivision.

(2) When a subdivider is required to dedicate rights-of-way for streets in a subdivision containing 200 or more lots and the City Council finds that such route is necessary and feasible for the use and safety of the residents.

(k) The subdivider may be required as a condition of approval of the tentative map to dedicate land for elementary school purposes. The requirement shall be subject to the provisions of Section 66478 of the Subdivision Map Act.

(l) Where required, a dedication or offer of dedication of a street shall include a waiver of direct access to such street from any property shown on a final map abutting thereon and, if the dedication is accepted, such waiver shall become effective in accordance with the provisions of the Subdivision Map Act.

19.16.045 Dedication Procedure.

(a) Dedications shall be made according to the following provisions:

(1) Unless otherwise provided herein, and authorized by the City Engineer, all dedications or offers of dedication required by the provisions of this Title or by condition of a subdivision approval, shall be by certificate on the final or parcel map.

(2) An offer of dedication shall be in such terms as to be binding on the owners, his heirs, assigns or successors in interest, and except as provided in Section 66477.2 of this Act, shall continue until such dedication is accepted or the offer is abandoned or otherwise terminated. Any such dedication or offer of dedication shall be free of any lien burden or encumbrance which would interfere with the purposes for which the dedication or offer of dedication is required.

(3) The subdivider shall provide a current preliminary title report or equivalent proof of title satisfactory to the City Engineer.

(4) At the time the authorized agency approves the final or parcel map, it shall also accept, subject to improvement, or reject any offer of dedication. The City Clerk is authorized to act on behalf of the City in rejecting or accepting dedications with respect to minor subdivisions.

(5) At the time of making a dedication or offer of dedication the Subdivider shall either:

(a) Warrant that all property dedicated or offered for dedication is free from hazardous or toxic waste or material, or other environmental contamination of which the subdivider has knowledge or reasonably should have knowledge through ownership of the property or through a reasonable investigation conducted in due diligence to discover the existence of such waste, material or contamination, or (Ord. No. 91-903, 10-22-91)

(b) If the subdivider cannot make the warranty referred to herein, disclose to the public agency to whom the dedication or offer of dedication is made the nature and extent of any hazardous or toxic waste or material, or environmental contamination of which the subdivider has knowledge or has discovered through an investigation of the subject property and shall submit a plan where by the subdivider will mitigate or remedy any effects of the waste, material or contamination on the property as required by any public agency with jurisdiction over the mitigation or remedying of such effects to the extent necessary to put the subject property into a condition that it may be used for its intended purpose by the public agency to whom it is dedicated or offered for dedication. The agency to which the property is to be dedicated may require the subdivider to complete any mitigation plan, or plan to remedy, before the offer of dedication is accepted. (Ord. No. 91-903, 10-22-91)

(b) The subdivider may file a protest in accordance with Section 66475.4 of the Subdivision Map Act, at the time of the imposition of a dedication requirement or within the time established by this Title for an appeal of a decision. The City Council shall hold a public hearing to determine if the protested requirements is excessive. If the dedication requirement is determined to be excessive, the City Council may require amendment of the tentative subdivision map, redesign of the subdivision, pay just compensation, or delete or modify the dedication found to be excessive. A dedication requirement is excessive to the extent it is not reasonably necessary to meet public needs arising as a result of the subdivision. This Section shall not apply to dedications imposed to mitigate identified adverse environmental impacts on the project or imposed pursuant to the provisions of a specific plan or a plan adopted pursuant to Chapter 20.12 of this Code, or as a condition of a zoning approval. "Dedication" shall have the meaning established by Section 66475.4 of the Subdivision Map Act.

19.16.050 Required Improvements.

(a) No final map shall be approved, whether by the City Council or otherwise, unless the following requirements have been met;

(1) The subdivider shall grade and improve or agree to grade and improve all land dedicated or to be dedicated for streets or other improvements, bicycle routes and all private streets and private easements shown on or required by the tentative map, in accordance with City standards;

(2) The subdivider shall install, or agree to install, all drainage and flood-control structures and facilities as required by the City Engineer, in conformance with City standards of other appropriate agencies as the City Engineer adopts;

(3) The subdivider shall install, or agree to install, fire hydrants and connections of a type and location approved by the San Marcos Fire Chief. Fire hydrant connections, including valves, shall be installed to the rear or back of the sidewalk;

(4) The subdivider shall provide all necessary easements and rights-of-way to accommodate all streets, drainage and flood control structures and facilities and sewer systems extending beyond the boundaries of the subdivision;

(5) The subdivider shall provide for the subdivision to be connected to a domestic water system approved by the City and all water mains shall be of a material subject to the requirements of the water company or agency serving the subdivision. The subdivider shall install, or agree to install, all required water systems necessary to serve the subdivision and that all water lines, appurtenances and service connections shall be constructed or laid prior to paving of streets; and

(6) The subdivider shall install, or agree to install, sewer lines of a type and size approved by the City Engineer to the property line of each lot within the subdivision and all sanitary sewer lines, appurtenances and service connections have been constructed or laid prior to paving or provisions have been made to ensure the construction.

(b) If an offer of dedication of streets delineated on the map is rejected, surfacing in accordance with all applicable City standards shall be required on any street so rejected before occupancy of any lots within the subdivision, unless otherwise determined by the City Council; provided, however, this provision shall not be construed as relieving the subdivider of the obligation of:

(1) Grading such rejected streets to grades and widths required by City standards.

(2) Installing all drainage structures and facilities required by the City Engineer or by the tentative map approval.

(3) Installing water-supply pipelines, fire hydrants and connections as may be required by the City Engineer and Fire Chief.

(c) No surfacing is required on any private street laid out on any parcel map where each parcel shown on such map contains a gross area of twenty acres or more; provided, however, this provision shall not be construed as relieving a subdivider of the obligation of:

(1) Grading such private streets to grades and widths required by City standards.

(2) Installing all drainage structures and facilities required by the City Engineer, which shall conform to City standards.

(3) Installing water supply pipelines, fire hydrants and connections as may be required.

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Nothing in this Subsection shall prohibit the City Engineer from requiring surfacing or other measures as will assure all weather access to any parcel or lot prior to any building materials being placed on such parcel or lot.

(d) All new utility distribution facilities, including cable television conduit and lines within the boundaries of any new subdivision or within the half-street abutting a new subdivision shall be placed underground. All existing utility distribution facilities within the boundaries of any new subdivision or within any half-street abutting any new subdivision shall be placed underground except where the City Engineer determines that it is not feasible to place the existing facilities underground with any single half-street section due to the existence of overhead utility services to properties on the opposite sides of that half-street section, or such other reason as the City Engineer deems controlling. In which cases the subdivider shall execute and record a covenant running with the land not to oppose a local improvement district for underground placement of utilities and to pay a fee in an amount estimated by the City Engineer to be the cost of the undergrounding.

In developments where overhead utility distribution facilities are allowed to remain, all new services to existing lots and lots created according to the provisions of this Title shall be installed underground from the nearest utility pole.

The subdivider is responsible for complying with the requirements of this Subsection and he shall make the necessary arrangements with each of the serving utilities, including franchised cable television operators, for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts and other facilities necessarily appurtenant to such underground utilities and street lighting systems may be placed above ground, subject to approval of the City Engineer as to type and location. The provisions of this Subsection shall not apply to the installation and maintenance of overhead electrical transmission lines in excess of 64,000 volts and long distance and trunk communications facilities. The installation of cable television lines may be waived when, in the opinion of the City Council, no franchised cable television operator is found to be willing and able to install cable television lines in the subdivision. Notwithstanding any such waiver, the installation of cable television conduits is required.

(e) Unless otherwise approved by the City, all utility facilities shall be placed in the street right-of-way or other easement dedicated to the City for utility purposes.

(f) The subdivider shall construct, or cause to be constructed, at his cost, a street lighting system conforming to City standards.

(g) Where the City has adopted a flood-control element or drainage element of the General Plan, any improvements shall conform to such element wherever possible.

(h) The subdivider shall comply, or agree to comply, with all the conditions of approval contained in the resolution approving the tentative map and not otherwise provided for by this Section.

(i) If the improvements are required for a designated remainder parcel, the fulfillment of such requirements by the construction of improvements shall not be required until such time as a building or grading permit for development of the parcel is issued by the City or until such time

as the construction of such improvements is required pursuant to an agreement between the subdivider and the City. In the absence of such an agreement, the City Council may require fulfillment of some or all of such construction requirements within a reasonable time following

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approval of the final map and prior to the issuance of a building or grading permit for the development of a remainder parcel upon a finding that fulfillment of the construction requirements is necessary for reasons of public health and safety or that the construction is a necessary prerequisite to the orderly development of the surrounding area.

(j) All improvements shall be constructed according to plans prepared by a registered civil engineer and approved by the City Engineer.

19.16.055 Supplemental Improvements - Required.

(a) The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity, number or length for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map and, thereafter, to dedicate such improvements to the public. However, when such supplemental size, capacity, number or length is solely for the benefit of property not within the subdivision, the City shall enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements pursuant to the provisions of the Subdivision Map Act, or in the alternative, enter into such other agreement or procedure which will assure that said difference is paid or agreed to be paid by the owners of such other benefitted property.

(b) The City Manager or City Council on appeal shall determine the method for payment of the costs required by a reimbursement agreement which may include, but is not limited to, the establishment and maintenance of local benefit districts for the levy collection of such charge or costs from the property benefitted.

19.16.056 Supplemental Improvements - Reimbursement Agreement - Funding Procedures.

(a) No charge within the area of benefit shall be levied and no local benefit district shall be established unless and until a public hearing held thereon by the body charged with ruling on the tentative map and such body finds that the fee or charge and the area of benefit or local benefit district is reasonably related to the cost of such supplemental improvements and the actual ultimate beneficiaries thereof.

(b) In addition to the notice required by the Government Code Section 66451.3, written notice of the hearing shall be given to the subdivider and to those who own property within the proposed area of benefit as shown on the latest equalized county assessment roll(s), and the potential users of the supplemental improvements insofar as they can be ascertained at the time. Such notices shall be mailed by first class mail, postage prepaid to the City Clerk at least ten days prior to the date established for the hearing. The failure to receive such mailed notice shall not invalidate the proceedings or agreement.

19.16.057 Supplemental Improvements - Drainage, Sewerage, Bridges and Major Thoroughfares. If the City has adopted a local drainage or sanitary sewer plan or map as required for the imposition of fees therefore, or has established an area of benefit for bridges or major thoroughfares as provided in Chapter 19.08 of this Title, the City may impose a reasonable

charge on property within the area benefitted and may provide for the collection of said charge as set forth in Chapter 19.08. The City may enter into reimbursement agreements with a subdivider who constructs said facilities, bridges, or thoroughfares and the charges collected by the City, therefore, may be utilized to reimburse the subdivider.

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19.16.060 Agreement to Improve. Unless the conditions of the tentative map approval require the subdivider to construct improvements prior to final map approval, the subdivider may elect to agree to construct improvements or to otherwise comply with the requirements of this Title and with the conditions in the resolution approving the tentative map or, if authorized by the City Council, may contract to initiate and consummate special assessment or special taxing district proceedings in lieu of constructing improvements, as provided in Subdivision Map Act Section 66462. If the subdivider consents, or the City Council requires pursuant to Section 19.16.040, the agreement may provide for the improvements for a designated remainder parcel prior to issuance of a building or grading permit for such parcel. In addition, the subdivider shall prepare and deposit with the City Engineer detailed plans and specifications of the improvements to be constructed or the conditions to be met. The plans shall be prepared by a registered civil engineer and approved by the City Engineer. The plans and specifications shall be made a part of any such agreement or contract and of the improvement security securing the same. The agreement shall be in a form approved by the City Attorney. The City Manager is authorized to sign such agreements on behalf of the City.

19.16.070 Improvement Security - Required. The improvement agreement referred to in Section 19.16.060 shall be secured by one of the following:

- (a) A bond or bonds by one or more duly authorized corporate sureties substantially in the form prescribed by Subdivision Map Act Sections 66499.1 and 66499.2.
- (b) A deposit either with the City or a responsible escrow agent or trust company selected by the City of cash or negotiable bonds of the kind approved for securing deposits of its public monies.
- (c) An irrevocable instrument, or instruments, of credit from one or more responsible financial institutions regulated by federal or state government and pledging that the funds are on deposit and guaranteed for payment on demand by the City.
- (d) An irrevocable letter of credit, or irrevocable letters of credit, in a form approved by the City Attorney, issued by a financial institution regulated by the federal government or this State and approved by the City Manager. The letter of credit shall be subject to provisions of Section 66495.6 of the Subdivision Map Act.

19.16.080 Improvement Security - Amount. Improvement security shall be in the following amounts:

- (a) One hundred percent of the total estimated cost of the improvement or act to be performed conditioned upon the faithful performance of the act or agreement.
- (b) Fifty percent of the total estimated cost of the improvement or act to be performed securing payment of the improvement or act to be performed securing payment to the contractor, the subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act.
- (c) Twenty-five percent of the total estimated cost of the improvement or act to be performed to guarantee or warranty the work for a period of one year following completion and

acceptance thereof against any defective work or labor done or defective materials furnished.

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(d) The improvement security shall also include an additional amount as determined by the City Manager, as necessary to cover the cost and reasonable expenses and fees, including reasonable attorneys fees, which may be incurred by the City in successfully enforcing the obligation secured.

(e) The improvement security shall also secure the faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed ten percent of the original estimated cost of improvement.

(f) Whenever an entity required to furnish security is a California non-profit corporation funded by the United States of America or one of its agencies, or the State of California or one of its agencies, the entity shall not be required to comply with Subsections (a) or (b), provided that the conditions established by Government Code Section 66499.3(c) exist.

19.16.090 Improvement Security - Release. The improvement security required under this Chapter shall be released in the following manner:

(a) Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the required act or work, subject to the provisions of Subsection (b) hereof.

(b) The City Engineer may release a portion of the security in conjunction with the acceptance of the performance of the act or work as it progresses upon application therefore by the subdivider; provided, however, that no such release be for an amount less than twenty-five percent of the total improvement security given for faithful performance of the act or work and, that the security shall not be reduced to an amount less than fifty percent of the total improvement security given for faithful performance until final completion and acceptance of the required act or work. In no event shall the City Engineer authorize a release of the improvement security which would reduce such security to an amount below that required to guarantee the completion of the required act or work and any other obligation imposed by this Title, the Subdivision Map Act or the improvement agreement.

(c) Security given to secure payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment shall, six months after the completion and acceptance of the act or work, be reduced to an amount equal to an amount of all claims therefore filed and, of which notice has been given to the legislative body plus an amount reasonably determined by the City Engineer to be required to assure the performance of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.

(d) No security given for the guarantee or warranty of work shall be released until the expiration of the guarantee or warranty period thereof.

(e) No security shall be released except as provided in Subsection (a-d), inclusive of this Section or, unless appropriate securities are substituted and approved in the manner provided in this Title.

(f) Partial releases of a security shall be made by a writing signed by the City

Engineer. A true copy of the writing shall be dated with the security instrument on file in the office of the City Clerk. The City Clerk may return a security instrument to the person or entity which provided it upon total release of the security provided that the City Clerk retains a true copy of the security instrument along with the release documents.

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(g) The City Engineer may establish administrative processing requirements as necessary to ensure implementation of this Section.

19.16.100 Improvement Security - Forfeiture. Upon the failure of the subdivider to complete any improvement, or to perform any acts or obligations imposed upon the subdivider, within the time specified or upon the breach of an agreement entered into pursuant to Section 19.16.060, the City Manager may determine that the subdivider is in default and may cause the improvement security, or such portion thereof as is necessary to complete the work or act and any other obligations of the subdivider secured thereby, to be forfeited to the City.

19.16.110 Off-site Improvements - Acquisition of Property Interests. Whenever a subdivider is required as a condition of a tentative map to construct or install off-site improvements on property which neither the subdivider nor the City owns, not later than 60 days prior to filing the final map for approval, the subdivider shall provide the city with reports and data, including, but not limited to, an appraisal and title report, to enable the City to commence proceedings pursuant to Title 7 of Part 3 of the Code of Civil Procedure to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property pursuant to Article 3 of said Title. The subdivider shall agree, pursuant to Section 19.16.060, to complete the improvements at such time as the City has a sufficient interest in the property to permit the construction of the improvements. The subdivider shall bear all costs associated with the acquisition of the property interests and the estimated cost thereof shall be secured as provided in Section 19.16.070.

19.16.120 Design of Common Interest Developments. If the design of a common interest development is subject to review and approval pursuant to Title 20 of this Code, such review and approval shall be obtained prior to or concurrently with the approval of the tentative map. If the design of a common interest development is not subject to review pursuant to Title 20 of this Code, the tentative map shall be accompanied by a site plan showing the design of the development. The site plan shall be consistent with the provisions of Title 20 and shall be approved, conditionally approved or denied along with the tentative map. Development of the project shall be consistent with the approved or conditionally approved design.

CHAPTER 19.17

VESTING TENTATIVE MAPS

SECTIONS:

- 19.17.010 Authority**
- 19.17.020 Filing and Processing**
- 19.17.030 Rights Conferred**
- 19.17.040 Consistency with Zoning and General Plan**

19.17.010 Authority. This Chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1 of Division 2 of Title 7 of the Government Code of the State of California-Subdivision Map Act) and is intended to implement the provisions of that Chapter.

19.17.020 Filing and Processing.

(a) Whenever this Title requires the filing of a tentative map or a tentative parcel map for a residential development, the subdivider may file a vesting tentative map or vesting tentative parcel map subject to the provisions of this Chapter.

(b) At the time a vesting tentative map is filed, it shall have printed conspicuously on its face, **"Vesting Tentative Map."** If the map is a vesting tentative parcel map, the words "Vesting Tentative Parcel Map" shall appear conspicuously on its face.

(c) In addition to the other information required by this Title to be shown on, or provided with, a tentative map or tentative parcel map, a vesting tentative map or vesting tentative parcel map, shall show or be accompanied by the following information in a form satisfactory to the City Engineer and Developmental Services Director:

- (1) The height, area and location of proposed buildings.
- (2) Information on the uses to which the buildings will be put and general architectural renderings of the buildings.
- (3) Detailed lines and dimensions.
- (4) Detailed design and specifications approved by the City Engineer for all public facilities, including, but not limited to, on-site and off-site sewer, water and drainage facilities; roads including final grades and alignment; and other on-site and off-site improvements.
- (5) Detailed geological, drainage, flood-control, soils, traffic or other reports deemed necessary by the City Engineer or Developmental Services Director to permit a complete review of the design and improvements for the subdivision. The subdivider, for subdivisions over five units, shall also submit a fiscal impact report prepared by an independent economic analyst, analyzing the projected impacts the development will have on public facilities and services; the report shall include marketing information and a cost benefit analysis for the project.

(6) Detailed final grading plans showing existing and proposed finishing grades at a maximum of two foot intervals, provided the City Engineer may require lesser intervals if he determines such lesser intervals to be necessary to display the proposed grading in sufficient detail to permit approval of such final grading plans.

(7) Detailed landscape plans.

(8) Detailed environmental information sufficient to permit assessment of all environmental effects of the project including cumulative and long term effects.

(d) Notwithstanding Section 19.12.080 of this Code, all vesting tentative maps, regardless of number of lots, shall be considered by the City Council after a report and recommendation by the Planning Commission.

(e) Notwithstanding Section 19.24.100 of this Code, all vesting tentative maps shall be referred to the Planning Commission for consideration pursuant to the provisions of Section 19.12.080. The decision of the Planning Commission concerning a tentative parcel map shall be final unless the decision is appealed to the City Council pursuant to the provisions of Chapter 19.12 of this Code.

(f) The time for filing a final map for a vesting tentative map shall be extended only by operation of Subsection 19.12.110 (b)(2) of this Code.

(g) Notwithstanding Section 19.24.180 of this Code, the time for filing a parcel map for a vesting tentative parcel map shall not be extended. Failure to file a parcel map within the time period established by Section 19.24.170 of this Code shall terminate all proceedings and no final map or parcel map for all or any part of the property included within the vesting tentative map shall be filed without first processing a new map pursuant to this Title.

(h) A vesting tentative map or vesting tentative parcel map shall not be approved or conditionally approved unless the City Council or Planning Commission, whichever is the final decision-making body, finds on the basis of the studies and reports submitted by the subdivider, that all public facilities necessary to serve the subdivision or mitigate any impacts created by the subdivision, will be available for the entire time that the vesting tentative map or vesting tentative parcel map is valid, plus any time during which the rights conferred by Section 19.17.030 exist.

19.17.030 Rights Conferred.

(a) Approval or conditional approval of a vesting tentative map or vesting tentative parcel map shall confer a right to proceed with the development in substantial compliance with the ordinances, policies and standards as described in Section 66474.2 of the Government Code. However, if Section 66474.2 is repealed, the approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map or vesting tentative parcel map was approved or conditionally approved. Any disputes as to whether a development substantially complies with the approved or conditionally approved map, or with the ordinances, policies or standards described in this Subsection, shall be resolved by the City Council, and its determination with respect thereto shall be final.

(b) Notwithstanding Subsection (a), a permit or entitlement for development may be conditionally approved or denied if, at the time of the issuance of the permit or approval or entitlement, it is determined by the issuing authority or the City Council on appeal:

- (1) A failure to condition or deny the permit or entitlement would place the residents of the subdivision or the immediate community or both in a condition dangerous to their health or safety or both; or
- (2) The condition or denial is required in order to comply with State or Federal law.

(c) The rights conferred by a vesting tentative map or vesting tentative parcel map shall expire if:

- (1) A final map or parcel map is not approved prior to the expiration of the vesting tentative map or the vesting tentative parcel map.
- (2) The applicant has requested and the City has approved a change in the type, density, area or design of the development unless an amendment to the vesting tentative map or vesting tentative parcel map has been approved.

(d) Upon the filing of a final map or a parcel map for a vesting tentative map or vesting tentative parcel map, the rights conferred by Subsection (a) shall continue for one year. Where several final maps or parcel maps are recorded on various phases of a project covered by a single vesting tentative map or vesting tentative parcel map, this period shall begin for each phase when the final map or parcel map for that phase is recorded.

(e) The time period set forth in Subsection (d), shall be automatically extended by any time used for processing a complete application for a grading permit if such processing exceeds thirty days from the date a complete application is accepted.

(f) A subdivider may apply to the City Council for a one year extension of the rights conferred by Subsection (d) at any time before the time period set forth in Subsection (d) expires. An extension may be granted only if the Council finds that the map still complies with the requirements of this Title and all other ordinances, policies and standards in effect at the time of consideration of such extension. The City Council may approve, conditionally approve or deny any extension in its sole discretion.

(g) If the subdivider submits a complete application for a building permit during the periods of time set forth in Subsections (d) through (f), the rights referred to therein shall continue until the expiration of that building permit or any extension of that permit.

(h) Upon the expiration of the time limits specified in Subsections (a)(d)(e)(f) or (g), all rights conferred by the Section shall cease and the project shall be considered as the same as any subdivision which was not processed pursuant to this Chapter.

(i) Notwithstanding Subsection (a), the amount of any fees which are required to be paid as a condition of the map approval or by operation of any law shall be determined by application of the law or policy in effect at the time the fee is paid. The amounts of the fees are not vested upon approval of the vesting tentative map or tentative parcel map.

19.17.040 Consistency with Zoning and General Plan. No vesting tentative map or vesting tentative parcel map shall be approved if the proposed map or the design or improvement of the proposed development are not consistent with the applicable general or specific plans or with the applicable zoning provisions of this Code. If development of the project for which a vesting tentative map or vesting tentative parcel map requires any permits or approvals pursuant to the zoning provisions of this Code, those permits or approvals shall be processed concurrently with the vesting tentative map or vesting tentative parcel map. A vesting tentative map or vesting tentative parcel map shall not be approved if all other discretionary permits or approvals including, without limitation, improvement plans and final grading plans, have not been approved either prior to or concurrently with approval of the map.

CHAPTER 19.20
FINAL MAP REQUIREMENTS

SECTIONS:

- 19.20.010** **Maps to Conform to Requirements of Subdivision Map Act and Tentative Map**
- 19.20.020** **City Council to Approve Maps**
- 19.20.030** **Required Offer of Dedication**
- 19.20.040** **Grant of Open Space Easement**
- 19.20.050** **Final Map Required - Filing of Parcel Map in Lieu of Final Map, When Permitted**
- 19.20.060** **Additional Data of Final Subdivision Maps**
- 19.20.065** **Non-Title Information**
- 19.20.070** **Record of Easements**
- 19.20.080** **Survey Data**
- 19.20.090** **Lot Numbers**
- 19.20.100** **Established Lines**
- 19.20.110** **Additional Certificates on Final Subdivision Maps**
- 19.20.115** **Notice of Owner's Development Lien**
- 19.20.120** **Title Company Certificate and Report**
- 19.20.130** **Title Company Subdivision Guarantee**
- 19.20.140** **Approval as to Form**
- 19.20.150** **Stamping or Printing of Certificates**
- 19.20.160** **Soil Reports**
- 19.20.170** **Transmittal of Final Map**

19.20.010 Maps to Conform to Requirements of Subdivision Map Act and Tentative Map. All final and parcel maps for major subdivisions shall conform to the requirements of the Subdivision Map Act and this Title and also shall conform to the requirements specified in the resolution approving or conditionally approving the tentative map.

19.20.020 City Council to Approve Maps.

(a) The City Council shall not consider a final map unless there is a valid tentative map for the subdivision.

(b) No final map shall be filed in the Office of the County Recorder until approved by the City Council, but such map shall be disapproved only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the tentative map, providing that any such disapproval shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed. The City Council may waive any such failure of the map to meet such requirements and conditions if such failure is a result of technical and inadvertent error which, in the determination of the City Council, does not materially affect the validity of the map.

(c) **Multiple or phased** final maps may be filed for portions of the tentative map, provided that the tentative map divides a subdivision into units and each final map or **phased** final map substantially conforms to one or more of the units and complies with all conditions applicable to the units. The number of final maps or **phased** final maps which may be filed shall be determined by the decision-making authority at the time of the approval or conditional approval of the tentative map. When dividing a subdivision into units, the decision-making authority shall ensure that the design and improvement of each unit is consistent with the provisions of this Title. If the subdivider is subject to a requirement to construct or improve or finance the construction and improvement of public improvements outside the boundary of the subdivision, the cost of that requirement shall be established at the time the tentative map is approved. If the cost of the off-site public improvements requirement is one hundred thousand dollars or more, it shall be a condition of the tentative map that additional conditions may be placed on the extension of the tentative map which occurs by operation of Section 19.12.110 (b) of this Chapter; and further, it shall be a condition that upon the filing of any multiple final map or phased final map, the Council may modify or eliminate the phasing scheme. Multiple or phased final maps shall be authorized for vesting tentative maps for which off-site improvements are required only if the City Council finds that multiple final maps are necessary to accomplish the subdivision, that all off-site improvements are required as a condition of the zoning for the property or zoning approval for the project, that phasing of the project is consistent with the City's General Plan and any development management or public facilities ordinances, policies or regulations, and that the subdivision consists of one hundred or more units.

(d) **Interim Final Map.** A subdivider may file an interim final map dividing the property for the purposes of financing only, subject to the following restrictions:

- (1) The interim final map is authorized by a tentative map approval for the division of the property into ultimate building sites proposed to be developed by the subdivider. The units to be created by the interim final map shall be shown on the tentative map.
- (2) The tentative map shall be for the development of property pursuant to an approved specific plan.
- (3) The subdivider shall dedicate or irrevocably offer to dedicate the streets shown on the tentative map so that each unit created by the interim final map has frontage on a street.
- (4) No grading, building or other permits to develop shall be issued for any unit created by the interim final map until and unless a subsequent final map is filed dividing the property into final lots in substantial compliance with the tentative map. A note containing this restriction shall be placed on the interim final map.
- (5) The interim final map shall not be construed as operating to extinguish the tentative map or to extend its expiration date by operation of Government Code Section 66452.6.

This Section is intended to accommodate the financing needs of subdividers developing large projects over an extended period of time.

(e) The City Council shall not approve a final map for a subdivision to be created from a conversion of residential real property into a common interest development project unless it finds all of the following:

- (1) Each of the tenants of the proposed common interest development project has received written notification of intention to convert at least sixty days prior to the filing of a tentative map. There shall be a further finding that each such tenant and each such person applying for the rental of a unit in such residential real property has or will have received all applicable notices and rights now and hereafter required by this Title or the Subdivision Map Act. In addition, a finding shall be made that each tenant has received ten days written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request. The written notices to tenants required by this subdivision shall be deemed satisfied if such notices comply with the legal requirements for service by mail.
- (2) Each of the tenants of the proposed common interest development project, has been, or will be given written notification within ten days of approval of a final map for the proposed conversion.
- (3) Each of the tenants of the proposed common interest development project or stock cooperative, has been or will be given one hundred eighty days written notice of intention to termination of tenancy due to the conversion or proposed conversion. The provisions of this subdivision shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provisions of services, payment of rent or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the California Civil Code.
- (4) Each of tenants of the proposed common interest development project has been or will be given notice of an exclusive right to contract for the purchase of his or her respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the Business and Provisions Code, unless the tenant gives prior written notice of his intention not to exercise the right.
- (5) The owners of a stock cooperative or community apartment project have voted in favor of such conversion as specified by Section 66452.10 of the State Government Code.
- (6) This Section shall not diminish, limit or expand, other than as provided herein, the authority of the City Council to approve or disapprove common interest development projects.

19.20.030 Required Offer of Dedication. As a condition precedent to the approval by the City Council of any final map, all parcels of land shown thereon and intended for any public use shall be offered for dedication for public use except those parcels, other than streets, intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

19.20.040 Grant of Open Space Easement. In the event that a grant of an open space easement is to be made over a portion of the subdivision, the final map shall contain a certificate signed and acknowledged by those parties having any record title interest in the subdivided land granting such open space easement and stating the conditions of the grant.

19.20.050 Final Map Required--Filing of Parcel Map in Lieu of Final Map When Permitted.

Permitted. Unless otherwise provided in this Title, a final subdivision map shall be prepared and filed pursuant to an approved tentative map for every major subdivision. In lieu of filing a final subdivision map, unless otherwise required by the Subdivision Map Act, a parcel map with a form and content in accord with Chapter 19.32 of this Title may be filed pursuant to an approved tentative map when any of the following conditions prevail:

- (a) The land before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the City Council.
- (b) Each parcel created by this division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway and no dedications or improvements are required by City Council.
- (c) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprise part of a tract of land zoned for industrial or commercial development and which has the approval of the City Council.
- (d) Each parcel created by the division has a gross area of forty acres or more; or each of which is a quarter section or larger.
- (e) The subdivision is for the purpose of converting a rental mobilehome park to a mobilehome park common interest development which conversion has been approved by the City Council.

19.20.060 Additional Data on Final Subdivision Maps. Every final subdivision map shall:

- (a) Contain a definite description of the land subdivided by references to recorded deeds, recorded maps and official United States surveys. Reference to tracts, recorded deeds and recorded maps shall be spelled out, worded identically with original records and show the book and page of records or map numbers.
- (b) Use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearing values in terms of said system. The angle of Grid divergence from a true meridian (Theta or mapping angle), and the North point of said map shall appear on each street thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
- (c) Show the area of all parcels containing one quarter acre or more to the nearest hundredth.
- (d) Clearly indicate, by description or a distinctive boundary line, any area subject to flooding at times of high tide or heavy rainfall, and state that such area is subject to flooding at times of high tide or heavy rainfall.
- (e) Show a solid line separating all private ways, easements and other rights-of-way not to be accepted as public streets and shown on the map from public streets and clearly designate their nature and the manner in which the right is reserved or granted.

(f) Bear the name and the San Marcos tract number of the subdivision on every sheet of the map.

(g) Indicate the exterior boundary of the land included within the subdivision by distinctive symbols and clearly so designate. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys. If the map includes a "designated remainder" parcel or a parcel designated as "not a part," and the gross area of that parcel is five acres or more, that parcel need not be shown on the map and its location need not be indicated as a matter of survey but may be indicated by deed reference to the existing boundaries of the remainder parcel.

(h) Show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid Bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

If there are not acceptable Horizontal Control stations within one half mile of subject property, then the engineer or land surveyor may make a written request to the Developmental Services Department for additional control stations within the subject area.

The City may provide a coordinated monument (using the North American Datum of 1983) by tying either a section, quarter-section, or rancho or other appropriate land net corner or road centerline which is intervisible with an existing monument in the local control network.

In the event the City is unable to provide an acceptable Horizontal Control station within one half mile of the subject property within 30 days of written request, this requirement may be waived.

None of the above will preclude a person, authorized to practice land surveying, from performing the necessary work to meet the requirements of this Section.

19.20.065 Non-Title Information.

(a) The City Engineer may require that any or all of the following map and survey information be submitted concurrently with the final map: building setback lines, flood or safety hazard zones, seismic lines and setbacks, approximate slope lines, geological mapping, archaeological sites, scenic overlay setbacks or boundaries, noise contour lines from major noise generators in the vicinity, other information which does not affect record title interests, but which may affect development of the site.

(b) If the City Engineer requires any of the information described in Subsection (a) the information shall be placed on an additional map sheet or sheets which shall indicate the relationship of the information to the subdivision. The additional map sheet or sheets shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. If appropriate, the additional map sheet or sheets shall list the source or sources of the information stated. The additional map sheet or sheets may contain a notation that the additional information is derived from public records or reports, and does not imply the corrections or sufficiency of those records by the preparer of the additional map sheet or sheets.

19.20.070 Record of Easements.

(a) The final map shall show the centerline data, width and side lines of all easements to which the land is subject or to be subjected unless the easement is to be extinguished by the filing of the map pursuant to the State Subdivision Map Act. If the easement is not definitely located on record, a statement as to the easement shall appear on the title sheet.

(b) Easements for storm drains, sewers and other purposes shall be denoted by broken lines.

(c) The easement shall be clearly labeled and identified and, if already of record, proper reference to the records given.

(d) Easements being dedicated shall be so indicated in the certificate of dedication.

(e) Separate easements for utilities (i.e., those where the utilities are to be located other than in a public street right-of-way) shall be designated on the final map as "easements for public utilities."

19.20.080 Survey Data.

(a) The final map shall show the centerlines of all streets, length, tangents, radii and central angles or radial bearings of all curves, the total width of each street, the width of the portion being dedicated and the width of existing dedication and the width of each side of the centerline; also the width or rights-of-way of railroads, flood-control or drainage channels and any other easements existing or being dedicated by the map.

(b) Surveys in connection with subdivision maps prepared pursuant to this Chapter shall be made in accordance with standard practices and principles for land surveying. A traverse of the boundaries of the subdivisions and all lots and blocks shall close. Sufficient data shall be shown to determine readily the bearing and length of each line. The net dimensions of each lot shall be separately stated.

(c) Traverse sheets and work sheets showing the closure of the exterior boundaries and of each irregular block and lot shall be provided.

(d) The final map shall also have indicated thereon the following:

(1) Suitable primary survey control points:

(a) Section corners;

(b) Monuments (existing outside of subdivision).

(2) Location of all permanent monuments within subdivision.

(3) Ties to any City or County boundary lines involved.

(4) Ties to and identification of adjacent subdivisions.

(5) Required certificates.

19.20.090 Lot Numbers.

- (a) The lots shall be numbered consecutively, commencing with the number "1", with no omissions or duplications; in case of phased subdivisions of the same tentative map, the numbering may be successively extended from the previous phase of the subdivision.
- (b) Each lot shall be shown entirely on one sheet.

19.20.100 Established Lines.

- (a) Whenever the City Engineer has established the centerline of a street or alley, such data shall be considered in making the surveys and in preparing the final map, and all monuments found, shall be indicated and proper references made to field books or maps of public record, relating to the monuments. If the points were reset by ties, that fact shall be stated.

- (b) The final map shall show City boundaries crossing or adjoining the subdivision clearly designated and tied in.

19.20.110 Additional Certificates on Final Subdivision Maps. In addition to certificates and other material required by the Subdivision Map Act and this Title, every final subdivision map shall bear the following certificates or endorsements:

- (a) A certificate by the City Treasurer to the effect that there are no unpaid special assessments of bonds which may be paid in full shown by the records in their offices against the subdivision or any part thereof.
- (b) A certificate or statement by the Clerk of the Board of Supervisors that the provisions of Division 2, Title 7 of the Government Code have been complied with regarding deposits for taxes on the property within the subdivision.
- (c) Certificates of the County Recorder as to the filing of the map.
- (d) A statement by the engineer/surveyor in accordance with Section 66441 of the Subdivision Map Act.
- (e) A certificate or statement signed by the City Engineer in accordance with Section 66442 of the Subdivision Map Act.
- (f) Endorsement by the City Attorney of approval of the map as to form.
- (g) A certificate or statement signed by the City Clerk attesting to the approval of the map by the City Council and their acceptance, acceptance subject to improvement; or rejection, on behalf of the public, of all dedications shown thereon.
- (h) An owner's certificate as required by Section 66436 of the Subdivision Map Act which shall bear the signatures of all parties owning any record title interest in the land subdivided except those which have been omitted pursuant to Section 66436 of the Subdivision Map Act. The names of any parties who own interests described in Section 66436 of the Subdivision Map Act and who have not signed the owners' certificate shall be set forth in the owners' certificate,

together with a description of their respective interests and the reasons why they have not signed the certificate. All such signatures of owners and others, whether individuals or corporations, must be properly signed and acknowledged before a notary public. In case a subdivision map is signed by a corporation, a certified copy of the resolution passed by the Board of Directors of such corporation authorizing that action must accompany the map.

(i) Where dedications are required, a certificate offering to dedicate to the City or other appropriate public entity as determined by the City, the interests in real property for specified public purposes in accord with Section 66439 of the Subdivision Map Act. The certificate shall be properly signed and acknowledged before a notary public, and shall be signed by all parties having any record title interest in the real property being subdivided subject to the provisions of Section 66436 of the Subdivision Map Act. In case any dedication or consent shown on a subdivision map is signed by a corporation, a certified copy of the resolution passed by the Board of Directors of such corporation authorizing that action must accompany the final map.

19.20.115 Notice of Owner's Development Lien. When an owner's development lien has been created pursuant to the provisions of Article 2.5, commencing with Section 39327 of Chapter 3 of Part 23 of the California Education Code, on the real property or portion thereof subject to the final map, a notice, as specified in Section 66434.1 of the California Government Code, shall be placed on the face of the final map.

19.20.120 Title Company Certificate and Report. Every final map submitted to the City Council shall bear the certificate of a qualified title company that the parties who executed the owner's certificate required by Section 66436 of the Subdivision Map Act are all the parties having any record title interest in the land subdivided. The certificate shall also indicate the names of the parties owning the interests set forth in Section 66436 of the Subdivision Map Act, together with an description of the interests and the reasons the parties did not execute the owner's certificate. The title company shall, on the date the final map will be transmitted to the County Recorder, present to the County Recorder a letter stating that on said date the names of the parties and the other facts set forth in the title company's certificate were the same as shown by the certificate.

19.20.130 Title Company Subdivision Guarantee. In lieu of the title company certificate required by Section 19.20.120, there may be filed with the City Engineer a subdivision guarantee from a qualified title insurance company which guarantees that the parties named therein are the only parties having any record title interest in the land subdivided. The title company shall, on the date the final map will be transmitted to the County Recorder, present to the County Recorder, pursuant to the requirements of Section 66465 of the Subdivision Map Act, a letter stating that at the time of filing of the final map or parcel map in the Office of the County Recorder, the parties consenting to such filing are all of the parties having a record title interest in the real property being subdivided whose signatures are required by Division 2 of Title 7 of the Government Code, as shown by the records in the Office of the Recorder.

19.20.140 Approval as to Form. All final subdivision maps filed with, or submitted to, the City Council shall be first submitted to the City Attorney and approved as to form.

19.20.150 Stamping or Printing of Certificates. The affidavits, certificates, acknowledgements and approvals required or permitted by this Chapter or the Subdivision Map Act to appear upon maps may be legibly stamped or printed upon the map with opaque ink in

such a manner as will guarantee a permanent record in black upon the tracing cloth or polyester base film. If ink is used in polyester base file, the ink surface shall be coated with suitable substance to assure permanent legibility.

19.20.160 Soil Report. When a soils report, a geological report, or soils and geological reports have been prepared specifically for the subdivision, such fact shall be noted on the final map, together with the date of such report or reports, the name of the engineer making the soils report and geologist making the geologic report or the name of the geo-technical engineer making either, or both, of said reports, and the location where the reports are on file. A copy of the soils and geologic reports shall be filed with the City Engineer and shall be kept on file for public inspection.

19.20.170 Transmittal of Final Map for Filing. After the City Engineer certifies that all applicable requirements of the Subdivision Map Act and this Code have been satisfied and after approval of a final map by the City Council, the City Clerk or the Clerk's designee shall transmit the map to the appropriate County agency pursuant to Government Code Section 66464 for filing with the County Recorder. The map shall be transmitted for recording within 15 working days after approval of the map by the Council.

CHAPTER 19.24**MINOR SUBDIVISION - PROCEDURE****SECTIONS:**

19.24.010	Minor Subdivision
19.24.020	Tentative Parcel Map Required
19.24.030	Application
19.24.040	Information to be Filed with Tentative Parcel Map
19.24.050	Grading Plan
19.24.060	Preliminary Title Report
19.25.070	Replacement Tentative Parcel Map
19.25.080	Revised Tentative Parcel Map
19.25.090	City Engineer - Duties
19.25.100	Assignment of Certain Responsibilities to the City Engineer
19.24.110	Action of the City Engineer
19.24.115	Notice to Affected Property Owners
19.24.116	Conversion of Mobilehome Parks
19.24.117	Proof of Notice - Minor Subdivisions
19.24.120	Consideration of Tentative Parcel Map - Notice of Decision
19.24.130	Disapproval of Tentative Parcel Map
19.24.140	Appeal to City Council
19.24.150	Waiver of Parcel Map
19.24.160	Expiration of Tentative Parcel Map
19.24.170	Time to File Parcel Map
19.24.180	Extension of Tentative Parcel Map
19.24.190	Vesting Tentative Parcel Map

19.24.010 Minor Subdivision. No person shall create a minor subdivision except by the filing of a parcel map approved pursuant to this Title and the Subdivision Map Act, unless the requirement for a parcel map is waived pursuant to Section 19.24.150. The provisions of this Chapter shall not apply to:

- (a) The conveyance, transfer, creation or establishment of an easement for sewer, water or gas pipelines and appurtenances or electrical or telephone poles and lines or conduit and appurtenances.
- (b) The leasing of a dwelling on a lot which, together with all contiguous land owned by the same person or persons, has an area of less than twelve thousand square feet.
- (c) The conveyance or transfer of land or any interest thereon by or to the United States, State, County, City, school district, special district or public utility.

19.24.020 Tentative Parcel Map Required. Any person proposing to create a minor subdivision pursuant to this Title shall file with the City Engineer a tentative parcel map pursuant to the provisions of this Chapter; provided, however, an adjustment plat may be filed in lieu of

a tentative parcel map pursuant to Section 66450 of the Subdivision Map Act unless prior thereto, a tentative parcel map of the minor subdivision shown thereon shall have been filed with and approved by the City Engineer or, on appeal, by the City Council. When an adjustment plat is authorized, it shall be processed according to Chapter 19.36 of this Title.

19.24.030 Application.

(a) A subdivider applying for a minor subdivision plat shall file an application with the City Engineer, together with copies of a tentative parcel map.

(b) The City Engineer shall not accept an application or map for processing unless the City Engineer finds that the parcel map or adjustment plat is consistent with the zoning provisions of this Code and that all approvals and permits required by Title 20 for the project have been given or issued.

(c) Notwithstanding the provisions of Subsection (b), a tentative parcel map may be processed concurrently with documents, permits or approvals required by the zoning provisions of this Code if the applicant first waives the time limits for processing, approving or conditionally approving or disapproving a tentative parcel map or adjustment plat provided by this Title or the Subdivision Map Act if that time period would be shorter than the pre-period established by Government Code Section 65950.

19.24.040 Information to be Filed with Tentative Parcel Map. Such information as may be prescribed by the rules and regulations approved by the City Council pursuant to Section 19.04.060 of this Title and such additional information as the City Engineer may find necessary with respect to any particular case to implement the provisions of this Title shall accompany the tentative parcel map or adjustment plat at the time of submission.

19.24.050 Grading Plan. There shall be filed with each tentative parcel map a grading plan showing graded building site elevations, drainage configurations, and grading proposed for the creation of building sites or for construction or installation of improvements to serve the subdivision. The grading plan, together with the original topography contours, may be shown on the tentative map. The grading plan shall indicate approximate earthwork volumes of proposed excavation and filling operations. Profile sections, taken through the site, showing existing topographical contours along with proposed grading, shall be submitted along with the grading plan. The grading plan shall conform to all requirements of Section 17.32.040. The level of detail required may be less than would be required for actual construction but shall be sufficient to permit analysis of all onsite and offsite environmental impacts and mitigation measures including, but not limited to, best management practices. The authority considering an application for a tentative parcel map shall also consider the grading plan, and if the tentative parcel map is approved or conditionally approved, the grading plan submitted under this section shall be marked to identify it as the grading plan that was a basis for approval of the tentative parcel map. Any grading permit obtained pursuant to the Grading Code (Chapter 17.32) for the subdivision shall conform to the grading plan thus marked, and any substantial deviation from this grading plan shall require an amendment to the grading plan under Chapter 17.32. In the event no grading is proposed, a statement to that effect shall be placed on the tentative parcel map. (Ord. No. 2001-1123, 11-27-01)

19.24.060 Preliminary Title Report. There shall be filed with each tentative parcel map, a current preliminary title report of the property being subdivided or altered.

19.24.070 Replacement Tentative Parcel Map. A replacement tentative parcel map shall be submitted when the City Engineer finds that the number or nature of the changes necessary for approval are such that they cannot be shown clearly or simply on the original tentative parcel map.

19.24.080 Revised Tentative Parcel Map. Where a subdivider desires to revise an approved tentative parcel map, he may file with the City Engineer, prior to the expiration of the approved tentative parcel map, a revised tentative parcel map on payment of the fees specified in Section 19.08.060.

19.24.090 City Engineer - Duties. The City Engineer is authorized and directed to carry out the following duties, concerning applications for tentative parcel maps or adjustment plats:

- (a) Obtain the recommendations of other City departments, governmental agencies or special districts as may be deemed appropriate or necessary by the City Engineer in order to carry out the provisions of this Title.
- (b) Investigate each tentative parcel map filed pursuant to this Chapter and indicate by written report the kind, nature and extent of improvements required to be installed on or to serve the land to be divided.
- (c) Refer the application or tentative parcel map to the Planning Director for a report concerning consistency with the zoning provisions of this Code for any tentative parcel map containing proposed panhandle or flag-shaped lots that do not meet the minimum lot width requirements of the zone, but which may be permitted pursuant to the zoning ordinance. The matter shall be referred to the Planning Commission for decision. The processing of such maps shall be deferred until the Planning Commission has determined whether or not to approve the panhandle lots. If such lots are not approved, the City Engineer shall disapprove the map. If such lots are approved by the Planning Commission, the City Engineer shall continue to process the map in accordance with this Chapter.
- (d) Approve, conditionally approve or disapprove tentative parcel maps, and report as provided in this Chapter the approval, conditional approval or disapproval directly to the subdivider.
- (e) Waive the requirements for filing and recordation of a parcel map for certain subdivisions as provided for in this Title.

19.24.100 Assignment of Certain Responsibilities to the City Engineer. The responsibilities of the City Council, pursuant to Sections 66437.5, 66474, 66474.1 and 66474.6 of the Subdivision Map Act and the responsibilities of the Planning Commission, pursuant to Section 65402 of the Government Code and Section 19.24.065 of this Code are assigned to the City Engineer with respect to those tentative parcel maps filed pursuant to this Chapter.

19.24.110 Action of the City Engineer. Within ten working days after a tentative parcel map has been filed, the City Engineer shall transmit copies of the map, together with accompanying information, to such public agencies and public and private utilities as the City Engineer determines may be concerned. Each of the public agencies and utilities may, within ten working days after the map has been sent to such agency, forward to the City Engineer a written report of its findings and recommendations thereon.

19.24.115 Notice to Affected Property Owners. Within ten working days after the tentative parcel map has been filed, the City Engineer shall notify, by first class mail, all property owners as shown on the last equalized county assessment roll(s) as owning property located within a radius of five hundred feet of the proposed project that the tentative parcel map has been filed. Each such person may request, in writing, the opportunity to be heard on the tentative parcel map. Such written request must be filed with the City Engineer within fifteen days after the mailing of the notice. Failure to so file shall be deemed a waiver of the rights under this Section. If written request to be heard is filed by any property owner receiving such notice, the property owner shall receive all notices required by Section 19.24.120 and may request or shall be permitted to be heard at a review pursuant thereto. The notice required by this Section shall include a brief description of the project as proposed on the tentative parcel map, and shall inform each property owner of their rights pursuant to this Section. Whenever a tentative parcel map is for the conversion of existing residential real property to a common interest development project, the notice required by this Section shall be sent to all tenants of the project and shall include notification of the tenant's rights to appear and be heard. The failure of any person to receive the notice specified herein shall not invalidate any action taken pursuant to this Title.

19.24.116 Conversion of Mobilehome Parks. At the time of filing a tentative parcel map for a subdivision to be created from the conversion of a mobilehome park to another use, the subdivider shall also file a report specified by Section 19.16.030. In determining the impact of the conversion on displaced mobilehome park residents, the report shall address the availability of adequate replacement space in mobilehome parks. The subdivider shall make a copy of the report available to each resident of the mobilehome park within fifteen days of the filing of the tentative parcel map. The subdivider shall also provide all notices required by this Code. The City Engineer may require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displace mobilehome park residents to find adequate space in a mobilehome park and shall make all the findings required.

19.24.117 Proof of Notice - Minor Subdivisions. Whenever the subdivider is required by this Title or the Subdivision Map Act, to give any notice or provide any report or information to any person other than the City, the subdivider shall submit proof sufficient to allow the City Engineer to find that the notice has been given or the reports or information provided. Such proof may include declarations under penalty or perjury.

19.24.120 Consideration of Tentative Parcel Map - Notice of Decision.

(a) Within fifty calendar days after a tentative parcel map is filed, the City Engineer shall approve, conditionally approve or disapprove such map. The time limit specified in this paragraph may be extended by mutual consent of the applicant and the City Engineer. If the tentative map is disapproved, the reasons therefore shall be stated in the notice of disapproval.

(b) The City Engineer shall notify the subdivider of his preliminary decision to conditionally approve or disapprove a tentative parcel map, along with the conditions of conditional approval or the reasons for disapproval, within forty days after the tentative parcel map is filed. If the applicant is dissatisfied with such preliminary decision or with any condition pertaining thereto, he may request in writing that such preliminary decision be reviewed. Such request must be received by the City Engineer within ten calendar days after the date of the preliminary decision, but in no case later than forty-nine calendar days after the tentative parcel map is filed.

Upon receipt within the time prescribed of the written request for review of a preliminary decision, the City Engineer shall arrange a time and place for such review, and shall notify the

applicant and appropriate City departments and agencies thereof. In the event that a review

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cannot be arranged or completed prior to fifty days after the tentative parcel map is filed, the request for review shall be deemed to constitute consent of the applicant to extend for a reasonable period not to exceed ten working days the time limit in which the City Engineer must approve, conditionally approve or disapprove the tentative parcel map. After completion of the review, the City Engineer shall render his final approval, conditional approval or disapproval of the tentative parcel map as provided in this Section.

In the event no written request for review is received within the time prescribed, the preliminary decision shall become final and the subdivider shall be so notified as provided in this Section.

(c) The subdivider shall be informed of the preliminary decision and of the final decision of the City Engineer by written notice. Notice shall be deemed to have been given upon deposit of the notice in the United States mail addressed to the subdivider or applicant with postage thereon prepaid.

19.24.130 Disapproval of Tentative Parcel Map. The City Engineer shall not approve a tentative parcel map under any of the following circumstances:

(a) The land proposed for division is a lot or parcel which was part of a parcel map which was approved or recorded less than two years prior to the filing for approval of the subject tentative parcel map where the total number of lots created by all maps exceeds four.

(b) The land proposed for division is a lot or parcel created illegally, unless the lot or parcel has been approved by the City Engineer or, on appeal, by the City Council and a Certificate of Compliance relative thereto has been filed with the County Recorder.

(c) The subdivision proposes creation of five or more lots.

(d) The City Engineer finds that the tentative parcel map does not meet the requirements of this Code or that all approvals or permits required by this Code for the project has not been given or issued.

(e) The land proposed for division is a lot or parcel that was part of an approved tentative map wherein the parcel map requirement was waived and a Certificate of Compliance has been filed with the County Recorder pursuant to this Title.

(f) The City Engineer makes any of the following findings:

(1) The proposed map is not consistent with applicable general and specific plans and applicable provisions of Title 20.

(2) The design or improvement of the proposed subdivision is not consistent with the applicable provisions of Title 20.

(3) The site is not physically suitable for the type of development.

(4) The site is not physically suitable for the proposed density of development.

(5) The design of the subdivision of the proposed improvements are likely to

cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; unless an Environmental Impact Report was prepared in

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respect to the project and a finding was made pursuant to Section 21081(c) of the Public Resources Code that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.

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

(7) The design of the subdivision or the type of improvements will conflict with easements of record or easements established by court judgment, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the City Engineer may approve a map if he 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.

(8) In the case of the conversion of residential real property to a common interest development project, that any of the notices to tenants required by law have not been or will not be given as required by the Subdivision Map Act.

Any decision to disapprove a tentative parcel map shall be accompanied by a finding identifying the requirements imposed by the Subdivision Map Act and this Title or the conditions of approval which have not been met or performed.

(9) Subject to the exceptions contained in Section 66474.4 of the Government Code, that the property is subject to a contract entered into pursuant to the Land Conservation Act of 1965 (Williamson Act) and the parcels resulting from the subdivision would be too small to sustain agricultural use. The determination of ability to sustain agricultural use shall be made according to the provisions of Section 66474.4 of the Government Code.

19.24.140 Appeal to the City Council.

(a) The subdivider may appeal any action of the City Engineer with respect to a tentative parcel map or adjustment plat to the City Council as provided in Section 66452.5 of the Subdivision Map Act. The appeal shall be filed with the City Clerk within 10 days after the action of the City Engineer from which the appeal is being taken.

(b) Any interested person may appeal to the City Council from any decision of the City Engineer made relative to a tentative parcel map or adjustment plat within 10 days after the action of the City Engineer from which the appeal is being taken. Any such applicant shall be entitled to the same notice and rights regarding testimony, as apply to the subdivider under Section 66452.5 of the Subdivision Map Act.

(c) The City Council shall hold a public hearing on the appeal, and notice thereof shall be given as provided in Section 66451.3 of the Subdivision Map Act. Any interested person may appear at such hearing and shall be heard.

(d) The City Council shall hold the hearing and act on the map within the time limits prescribed by the Subdivision Map Act.

(e) Notice of any final decision of the City Engineer pursuant to this Chapter shall be mailed to all property owners as shown on the latest equalized county assessment roll(s) and

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persons in possession, if different, within three hundred feet of the proposed project. Such notice shall inform each owner of the appeal rights under this Section.

19.24.150 Waiver of Parcel Map.

(a) Notwithstanding other provisions of this Title, the requirement that a parcel map be prepared, filed with the City Engineer and recorded may be waived, providing a finding is made by the City Engineer or, on appeal, by the City Council, that the proposed subdivision complies with the requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the public facilities element of the General Plan and the provisions of Chapter 19.44 of this Title which would otherwise apply to the proposed subdivision.

(b) An applicant for a minor subdivision, pursuant to this Section, shall pay the fee prescribed by Section 19.08.060 for tentative parcel maps and shall file an application and request for parcel map waiver which shall contain sufficient information in the opinion of the City Engineer to enable the City Engineer or, on appeal, the City Council, to make the findings required by this Section. The following types of subdivisions are deemed to comply with the findings required by this Section for waiver of the parcel map unless the City Engineer or, on appeal, the City Council finds, based on substantial evidence that public policy necessitates a parcel map, such map shall not be required for the following:

(1) Short-term leases, terminable by either party on thirty days notice, of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code.

(2) Land conveyed to or from a governmental agency, public entity or public utility, or to a subsidiary of a public utility for conveyance to such public utility for rights-of-way.

(c) The following minor subdivisions are deemed to comply with the findings required by this Section for waiver of the parcel map unless dedication improvements are required by the City Engineer, or unless there is evidence to the contrary:

(1) A minor subdivision wherein each resulting lot or parcel contains a gross area of forty acres or more; or each of which is a quarter-quarter section or larger.

(2) A minor subdivision only for the purpose of leasing the lots resulting from such subdivision.

(3) A major subdivision as specified in Section 19.20.050 of this Title.

(d) The processing of any application pursuant to this Section shall be subject to the same time requirements and appeal procedures as are provided in this Title for tentative parcel maps. In any case, where waiver of the parcel map is granted by the City Engineer, or an appeal by the City Council, the City Engineer shall cause to be filed for record with the County Recorder, a Certificate of Compliance pursuant to Chapter 19.48 of this Title.

19.24.160 Expiration of Tentative Parcel Map. The approval of conditional approval of a tentative parcel map shall expire twenty-four months from the date the map was approved or

conditionally approved unless it is extended in accord with Section 19.24.180.

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The period of time specified in this Section shall not include any period of time during which a water or sewer moratorium, imposed after approval of the tentative parcel map is in existence; provided, however, that the length of such moratorium does not exceed five years.

Once such a moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time the moratorium was imposed; provided, however, that if such remaining time is less than one hundred twenty days, the map shall be valid for one hundred twenty days following the termination of the moratorium. This Section applies to all tentative parcel maps approved or conditionally approved after January 1, 1983; tentative parcel maps approved prior to that date shall expire one year from the date of approval or conditional approval unless extended pursuant to Section 19.24.180.

19.24.170 Time to File Parcel Map.

(a) Within twenty-four months after the approval or conditional approval of the tentative parcel map, or within the period of any extension thereof, the subdivider may file with the City Engineer a parcel map in substantial conformance with the tentative parcel map as approved or conditionally approved and in conformance with the Subdivision Map Act and this Title.

(b) The period of time specified in Subsection (A) shall not include any period of time during which a development moratorium imposed after approval of the tentative parcel map is in existence; provided, however, that the length of such moratorium does not exceed five years. Once such a moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time the moratorium was imposed. However, if the remaining time is less than one hundred twenty days, the map shall be valid for one hundred twenty days following the termination of the moratorium.

(c) The period of time specified in Subsection (A), including any extension thereof, granted pursuant to Section 19.24.180 shall not include any period of time during which a lawsuit involving the approval or conditional approval of the tentative parcel map is or was pending in a court of competent jurisdiction, if a stay of such time period is approved by the City Engineer pursuant to this Subsection. An application for a stay must be filed by the subdivider in writing with the City Engineer within ten days of service of the initial petition or complaint in the lawsuit upon the City. The application shall state the reasons for the requested stay and include names and addresses of all parties to the litigation. The City Engineer shall approve or conditionally approve the stay for up to five years or deny the requested stay.

(d) The expiration of the approved or conditionally approved tentative parcel map shall terminate all proceedings and no parcel map for all or any portion of the real property included in the tentative parcel map shall be filed without first processing a new tentative map or tentative parcel map. Once a timely and complete filing of a parcel map has been made pursuant to this Code subsequent actions of the City including, but not limited to, processing, approving and recording may occur after the expiration of the tentative parcel map.

19.24.180 Extension of Tentative Parcel Map.

(a) The subdivider may request an extension of the tentative parcel map approval or conditional approval by written application to the City Engineer. Such application shall be filed at least five days and not more than ninety days before the approval or conditional approval is due to expire.

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(b) At any time within ninety days of the expiration of the map, the City Engineer may approve, conditionally approve or deny the requested extension. An extension shall not exceed one year from the original expiration date. Only one such extension may be granted. In granting an extension, the City Engineer may impose new conditions and may revise existing conditions. Any decision by the City Engineer in regard to an extension may be appealed to the City Council in accord with Section 19.24.140.

19.24.190 Vesting Tentative Parcel Map. A vesting tentative parcel map may be filed and processed in the same manner and subject to the same requirements as a tentative parcel map except as provided in Chapter 19.17.

CHAPTER 19.28

MINOR SUBDIVISIONS--REQUIREMENTS

SECTIONS:

- 19.28.010 Design of Minor Subdivisions**
- 19.28.020 Panhandle-Shaped Lots**
- 19.28.030 Dedication and Access**
- 19.28.040 Waiver of Direct Access to Streets**
- 19.28.050 Dedication Procedure**
- 19.28.060 Required Improvements**
- 19.28.070 Agreement to Improve**
- 19.28.080 Exemption from Improvements**
- 19.28.090 Off-Site Improvements - Acquisition of Property Interests**
- 19.28.100 Monuments and Flagging**

19.28.010 Design of Minor Subdivisions. Except as otherwise provided in this Title, all minor subdivisions shall conform to the lot design requirements of Section 19.16.010 of this Title.

19.28.020 Panhandle-Shaped Lots. A panhandle-shaped or flag-shaped lot, if permitted by Title 20, shall have a minimum frontage of thirty feet on a dedicated public street or publicly dedicated easement accepted by the City. Said minimum frontage shall be twenty feet for each such shaped lot when located back-to-back with another such shaped lot. Panhandles may not serve as access to any lot except the lot of which the panhandle is a part.

Where the panhandle or flag-shaped portion of a lot is adjacent to the same portion of another such lot, the required minimum frontage on such street or easement shall be twenty feet, provided, a joint easement ensuring common access to both such portions is agreed upon by the property owners and recorded.

19.28.030 Dedication and Access. No parcel map filed pursuant to Chapter 19.32 of this Title shall be approved by the City Engineer unless and until the following conditions have been satisfied.

(a) There shall be offered for dedication, pursuant to Section 19.28.050 of this Chapter, right-of-way for streets in accordance with the circulation element of the General Plan, any applicable master plans, specific plans or other officially adopted street plans and the City standards within and adjacent to the boundaries of the land to be subdivided.

(b) Streets which are proposed on the boundaries of a subdivision shall be offered for dedication to a width of no less than one-half the width shown on the circulation element or the City standards plus twelve feet. In the event that the offer of dedication for the streets is to be accepted prior to the final approval of the parcel map, a strip of land one foot wide extending along the outer edge of the land offered for dedication may be required to be offered to the City for street purposes and over which access rights are relinquished.

(c) Offers of dedication for streets which will be accepted before final approval of the parcel map, and which streets are proposed to be terminated at the boundary of the minor subdivision may be required to include a strip of land one foot wide extending across the street at its point of termination at the boundary which shall be portions of the adjacent lots, offered for street purposes and over which access rights are relinquished.

(d) Easements for public utilities and drainage-ways shall be offered for dedication in the manner prescribed by Section 19.28.050 of this Chapter as required by the City Engineer when he determines that such offers of dedication are necessary to serve the subdivision and/or are a reasonable and logical extension of such facilities as exist in the vicinity.

19.28.040 Waiver of Direct Access to Streets. The City Engineer may impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to such street from any property shown on a parcel map as abutting thereon, and that if the dedication is accepted, such waiver shall become effective in accordance with the provisions of the waiver of direct access.

19.28.050 Dedication Procedure. Pursuant to Section 66447 of the Subdivision Map Act, all dedications or offers of dedication required by the provisions of this Chapter shall be by separate instrument and shall be completed prior to filing of the parcel map or by certificate on the parcel map as the City Engineer may elect. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and except as provided in Subsection (b) of Section 66477.2 of the Subdivision Map Act, shall continue until such dedication is accepted or the offer is abandoned or otherwise terminated. Any such dedication or offer of dedication shall be free of any burden or encumbrance which would interfere with the purposes of which the dedication or offer of dedication is required. The subdivider shall provide a current preliminary title report or equivalent proof of title satisfactory to the City Engineer. The City Engineer is authorized to accept dedications of offers or dedication or to reject such offers on behalf of the City.

19.28.060 Required Improvements.

(a) As a condition precedent to the approval of a parcel map for a minor subdivision, the subdivider shall construct all off-site and on-site improvements in accordance with the requirements applicable to major subdivisions as set forth in Section 19.16.050 of this Title for the parcels being created; provided, however, that requirements for the construction of such off-site and on-site improvements shall be noticed by certificate on the parcel map, in the instrument evidencing the waiver of such parcel map, or by separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record. (Ord. No. 91-903, 10-22-91)

(b) Fulfillment of such construction requirements shall not be required until, at or after such time as a building or grading permit is issued by the City or at such time as may be provided by an agreement between the subdivider and the City pursuant to Section 19.28.070, except that in the absence of such agreement, the City Engineer may require fulfillment of some or all of such construction requirements within a reasonable time following approval of the parcel map and prior to the issuance of a building or grading permit for the development of a parcel map upon a finding that fulfillment of such construction requirements is necessary for reasons of public health and safety or that the construction is a necessary prerequisite to the orderly development of the surrounding area.

19.28.070 Agreement to Improve. Unless the subdivider elects, with the consent of the City Engineer, to construct the improvements required by Section 19.28.060 prior to approval of the parcel map, the subdivider shall execute an agreement to construct such improvements or to otherwise comply with the requirements of this Title and with the conditions of approval for the tentative parcel map for the subdivision prior to approval of the parcel map. If the subdivider consents, the agreement may provide for the construction of such improvements prior to issuance by the City of a building or grading permit for a parcel within the subdivision. The subdivider shall provide improvement security in accord with Section 19.16.070, 19.16.080, 19.16.090 and 19.16.100 of this Title. In addition, the subdivider shall prepare and deposit with the City Engineer detailed plans and specifications of the improvements to be constructed, and such plans and specifications shall be made a part of any such agreement and of the improvement security. The City Manager is authorized to execute such agreements on behalf of the City.

19.28.080 Exemption from Improvements. Other provisions of this Title to the contrary notwithstanding, the following minor subdivisions shall not be subject to the public improvement or dedication requirements of this Chapter, except insofar as is necessary to comply with the Subdivision Map Act, including Sections 66426 and 66428 thereof:

(a) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty acres or more; or each of which is a quarter-quarter section or larger.

19.28.090 Off-Site Improvements - Acquisition of Property Interests. Whenever a subdivider is required as a condition of a tentative parcel map to construct or install off-site improvements on property which neither the subdivider nor the City owns, then not later than sixty days prior to filing the parcel map for approval, the subdivider shall provide the City with sufficient information, reports and data including, but not limited to, an appraisal and title report, to enable the City to commence proceedings pursuant to Title 7 of Part 3 of the Code of Civil Procedure to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property pursuant to Article 3 of said Title.

The subdivider shall agree, pursuant to Section 19.28.070 to complete the improvements at such time as the City has a sufficient interest in the property to permit the construction of the improvements. The subdivider shall bear all costs associated with the acquisition of the property interests and the estimated cost thereof shall be secured as provided in Section 19.28.070.

19.28.100 Monuments and Flagging. Every parcel map shall show monuments which shall be set by a licensed surveyor or engineer in accordance with Section 19.16.050 of this Title, provided that monumentation of the exterior boundary of a remainder parcel need not be placed or shown on the parcel map. The monuments shall be set prior to the approval of the map unless the setting thereof is deferred by the City Engineer in accordance with Section 66496 of the State Government Code. The City Engineer is authorized to accept monumentation agreements and securities for parcel maps on behalf of the City.

CHAPTER 19.32**PARCEL MAP REQUIREMENTS****SECTIONS:**

19.32.010	Maps to Conform to Requirements of City Engineer and City Council
19.32.020	City Engineer to Approve Parcel Maps
19.32.030	Land Subject to Inundation
19.32.040	Additional Certificates on Parcel Maps
19.32.050	Title Company Subdivision Guarantee
19.32.060	Stamping or Printing of Certificates
19.32.070	Additional Data on Parcel Maps
19.32.080	Transmittal of Parcel Map
19.32.090	Coordinate Ties on Parcel Maps

19.32.010 Maps to Conform to Requirements of City Engineer and City Council. All parcel maps shall conform to the requirements of the Subdivision Map Act and this Chapter and also shall conform to the requirements specified in the report of the City Engineer approving or conditionally approving the tentative parcel map, unless an appeal is made by the subdivider to the City Council and the City Council modifies, rejects or overrules the recommendations of the City Engineer, in which event the map also shall conform to the requirements of the City Engineer as modified by the City Council and the requirements imposed by the City Council.

19.32.020 City Engineer to Approve Parcel Maps. The City Engineer shall not consider a parcel map unless there is a valid tentative parcel map for the subdivision. No parcel map shall be filed in the Office of the County Recorder until approved by the City Engineer, but such map shall be disapproved only for failure to meet or perform requirements of conditions which were applicable to the subdivision at the time of approval of the tentative parcel map, providing that any such disapproval shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed. The City Engineer may waive any failure of the map to meet such requirements and conditions if such failure is a result of a technical and inadvertent error, which in the determination of the City Engineer does not materially affect the validity of the map.

19.32.030 Land Subject to Inundation. Lots or portions of lots shown on a parcel map which are subject to inundation as determined by the City Engineer shall be identified and so labeled.

19.32.040 Additional Certificates on Parcel Maps. In addition to the certificates and other material required by the Subdivision Map Act and this Title, a parcel map shall bear the following certificates:

(a) A certificate by the City Engineer that the map complies with all the provisions of this Title and conforms to the approved tentative parcel map or, in the case of a parcel map for a major subdivision filed pursuant to Section 19.20.050 of this Title, to the approved tentative map.

(b) A certificate by the City Engineer that the map does not appear to be a map of a major subdivision for which a final map is required pursuant to Section 66426 of the Subdivision Map Act.

(c) A certificate as required by Section 19.20.110(i); provided, however, with respect to a division of land into four or fewer parcels where dedications or offers of dedications are not required, the certificate shall be signed and acknowledged by the subdivider only; provided, however, where a subdivider does not have a record title ownership interest in the property to be divided, the City Engineer may require that the subdivider provide him with satisfactory evidence that the persons with record title ownership have consented to the proposed division. For purposes of this Subsection, "record title ownership" shall mean fee title of record unless a leasehold interest is to be divided, in which case "record title ownership" shall mean ownership of record of such leasehold interest; "record title ownership" does not include ownership of mineral rights or other subsurface interests which have been severed from ownership of the surface.

(d) A dedication certificate as required by Section 19.20.110.

(e) An engineer's/surveyor's statement, in accordance with Section 66449(a) of the Subdivision Map Act.

(f) A recorder's certificate or statement, in accordance with Section 66449(b) of the Subdivision Map Act.

(g) A certificate signed by the City Engineer attesting to his acceptance or rejection on behalf of the public of all dedications shown thereon.

(h) A certificate by the engineer or surveyor responsible for preparation of the map stating that all monuments are of the character and occupy the positions indicated, or that they will be set in such positions on or before a specified date. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

19.32.050 Title Company Subdivision Guarantee. There shall be filed with the City Engineer, a subdivision guarantee from a qualified title insurance company which guarantees that the parties named therein are the only parties having any record title interest in the land subdivided. The title company shall, on the date the parcel map will be transmitted to the County Recorder, present to the County Recorder, pursuant to the requirements of Section 66465 of the Subdivision Map Act, a letter stating that at the time of filing of the parcel map in the Office of the County Recorder, the parties consenting to such filing are all of the parties having a record title interest in the real property being subdivided whose signatures are required by Division 2 of Title 7 of the Government Code, as shown by the records in the Office of the County Recorder.

19.32.060 Stamping or Printing of Certificates. The affidavits, certificates, statements, acknowledgements and approvals required or permitted by this Chapter or the Subdivision Map Act to appear upon parcel maps may be legibly stamped or printed upon the map with opaque ink in such a manner as will guarantee a permanent record in black upon the tracing cloth or polyester base film. If ink is used on polyester base film, the base surface shall be coated with a suitable substance to assure permanent legibility.

19.32.070 Additional Data on Parcel Maps. Additional data on parcel maps shall be as listed in Section 19.20.060 of this Title.

19.32.080 Transmittal of Parcel Maps. After approval by the City Engineer and after he determines that all applicable requirements of the Subdivision Map Act and this code have been satisfied, he shall sign a statement to that effect on the map and shall transmit the map to the City Clerk. The City Clerk shall transmit such maps directly to the County Recorder unless otherwise required by Section 66454 of the Government Code.

19.32.090 Coordinate Ties on Parcel Maps. The provisions of Section 19.20.60 (b) and 19.20.60 (h) shall also apply to all parcel maps.

CHAPTER 19.36**ADJUSTMENT PLATS****SECTIONS:**

- 19.36.010 Purpose of Chapter**
- 19.36.020 Applicability**
- 19.36.030 Application**
- 19.36.040 Approval**
- 19.36.050 Revised Adjustment Plat**
- 19.36.060 Conditions of Approval**
- 19.36.070 Certification**
- 19.36.080 Appeal**

19.36.010 Purpose of Chapter. The purpose of this Chapter is to provide a simplified procedure for the adjustment of property boundaries, or the consolidation, of legally existing adjacent lots or parcels where the land taken from one adjacent parcel is added to another adjacent parcel and where no additional lots or parcels will result. An adjustment plat shall not be used for the consolidation and re-division of lots or parcels.

19.36.020 Applicability. Notwithstanding any other provisions of this Title to the contrary, the procedure set forth in this Chapter shall govern the processing of and requirements for adjustment plats. An adjustment plat may be filed in accord with the provisions of this Chapter to adjust the boundaries between two or more legally existing adjacent parcels, provided the City Engineer determines that the boundary adjustment does not:

- (a) Create any additional lots.
- (b) Include a lot or parcel created illegally unless a Certificate of Compliance pursuant to Chapter 19.48 of this Code has been approved and recorded for such lot or parcel.
- (c) Impair any existing access or create a need for a new access to any adjacent lot or parcel.
- (d) Impair any existing easement or create need for a new easement.
- (e) Violate the provisions of this Code.
- (f) Alter the City limit boundary.
- (g) Require substantial alterations of existing public improvements or create a need for new public improvement.
- (h) Adjust the boundaries between lots or parcels which are subject to an agreement for public improvements unless the City Engineer finds that the proposed adjustment plat will not materially affect such agreement or the security therefore.

19.36.030 Application. An application for approval of an adjustment plat shall be filed with the City Engineer accompanied by such information as the City Engineer may require and by a fee established by City Council resolution. That application shall also be accompanied by an adjustment plat of a size and form prescribed by the City Engineer which shall bear the signature of the owners of the property involved and by a title report for the property. The City Engineer may refer copies of such plat to other public agencies for review and comment.

19.36.040 Approval. After an application for approval of an adjustment plat has been filed in accordance with this Chapter, the City Engineer may approve, conditionally approve or disapprove such plat. The applicant shall be notified in writing of the City Engineer's action.

19.36.050 Revised Adjustment Plat. A revised adjustment plat shall be submitted for approval when the City Engineer finds that the number or nature of any changes necessary for approval are such that they cannot be shown clearly or simply on the original adjustment plat. When required, the failure to file a revised adjustment plat within six months from the date of the conditional approval of the original plat shall terminate all proceedings.

19.36.060 Conditions of Approval. The City Engineer may impose conditions or extractions on the approval of an adjustment plat to the extent that the conditions or extractions are necessary to ensure compliance with the applicable provisions of the City's building and zoning laws, or to facilitate the relocation of existing utilities, infrastructures, or easements. The City Engineer shall not impose conditions or extractions on approval of a lot line adjustment except to conform to the building and zoning requirements contained in Titles 17 and 20, respectively, of this Code, or except to facilitate the relocations of existing utilities infrastructure, or easements. The conditions imposed by the City Engineer shall be satisfied prior to the recordation of the adjustment plat or such other document authorized by law to effectuate the lot line adjustment.

19.36.070 Certification.

(a) If the City Engineer determines that the adjustment plat meets all the requirements of this Code and that all conditions imposed have been satisfied, he shall certify on the adjustment plat that it has been approved pursuant to this Chapter, notify the Director of Developmental Services, file it in the Engineering Department and cause to be filed with the County Recorder, a Certificate of Compliance, having as an attachment a copy of the approved adjustment plat.

(b) As an alternative to the procedures established by Subsection (a) of this Section, a lot line adjustment may be effectuated by the recordation of the deed or record of survey; provided, however, that such deed or record of survey shall not be recorded unless it contains a certification by the City Engineer that all the requirements of this Chapter and any condition imposed pursuant to this Chapter have been satisfied and further provided that a copy of the adjustment plat shall be attached to the deed or record of survey.

(c) The City Engineer shall require the filing of a record of survey for any lot line adjustment for any property which was not created by a recorded subdivision map, for which the City Engineer requires the setting of monuments, or for which a recorded survey is required by Section 8762 of the Business and Professions Code.

19.36.080 Appeal. Any interested person may appeal any action of the City Engineer pursuant to this Chapter to the City Council as provided in Section 19.24.140 of this Title.

CHAPTER 19.40**REVERSIONS TO ACREAGE****SECTIONS:**

- 19.40.010 Reversions to Acreage by Final Map**
- 19.40.020 Initiation of Proceedings by Owners**
- 19.40.030 Initiation of Proceedings by City Council**
- 19.40.040 Data for Reversion to Acreage**
- 19.40.050 Proceedings Before the City Council**
- 19.40.060 Conditions of Approval**
- 19.40.070 Return of Fees and Deposits - Release of Securities**
- 19.40.080 Delivery of Final Map**
- 19.40.090 Effect of Filing Reversion Map With the County Recorder**

19.40.010 Reversions to Acreage by Final Map. Subdivided property may be reverted to acreage pursuant to the provisions of this Chapter.

19.40.020 Initiation of Proceedings by Owners. Proceedings to revert subdivided property acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the City Engineer. The petition shall contain the information required by Section 19.40.040 and such other information as required by the City Engineer.

19.40.030 Initiation of Proceedings by City Council. The City Council, at the request of any person or on its own motion, may by resolution initiate proceedings to revert property to acreage. The City Council shall direct the City Engineer to obtain the necessary information to initiate and conduct the proceedings.

19.40.040 Data for Reversion to Acreage. Petitioners for a reversion to acreage shall file the following:

- (a) Evidence of title to the real property; and
- (b) Evidence of the consent of all of the owners of an interest(s) in the property; or
- (c) Evidence that none of the improvements required to be made have been made within two years from the date the final map or parcel map was filed for record or within the time allowed by agreement for completion of the improvements, whichever is later; or
- (d) Evidence that no lots shown on the final or parcel map have been sold within five years from the date such final or parcel map was filed for record; or
- (e) A tentative map in the form prescribed by Chapter 19.12 of this Title; or
- (f) A final map in the form prescribed by Chapter 19.20 of this Title which delineates dedications which will not be vacated and dedications required as a condition to reversion.

19.40.050 Proceedings Before the City Council.

(a) A public hearing shall be held before the City Council on all petitions for, and City Council initiations for, reversions to acreage. Notice of the public hearing shall be given as provided in Section 66451.3 of the Subdivision Map Act. The City Engineer shall also mail a written notice to all property owners as shown on the latest equalized county assessment roll(s) or persons in possession, if different, within a radius of three hundred feet of the proposed project within the time limits as specified in Section 66451.3 of the Subdivision Map Act.

(b) 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 purposes; and
- (2) All owners of an interest in the real property within the subdivision have consented to reversion; or
- (3) None of the required improvements to have been made within two years from the date 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
- (4) No lots shown on the final or parcel map were filed for record.

19.40.060 Conditions of Approval. The City Council may require as a condition of reversion:

- (a) The dedication or offer of dedication of streets or easements.
- (b) 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 Title.

19.40.070 Return of Fees and Deposits - Release of Securities. Except as provided in Section 19.40.060, upon filing of the final map for reversion of 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.

19.40.080 Delivery 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.

19.40.090 Effect of Filing Reversion Map with the County Recorder. Reversion 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.

CHAPTER 19.44

DEDICATION OF LAND FOR RECREATIONAL FACILITIES

SECTIONS:

"RESERVED"

CHAPTER 19.48**ENFORCEMENT - CERTIFICATES OF COMPLIANCE****SECTIONS:**

- 19.48.010** **Enforcement**
- 19.48.020** **Notice of Violation**
- 19.48.030** **Development Permits and Approvals Withheld**
- 19.48.040** **Certificates of Compliance**
- 19.48.050** **Appeal**
- 19.48.060** **Violations**
- 19.48.070** **Severability**
- 19.48.080** **Presumption of Lawful Creation**

19.48.010 Enforcement. Whenever the County Assessor or the head of any City department finds that the provisions of this Title or of the Subdivision Map Act have been violated, he shall report such violation to the City Manager. It shall be the duty of the City Manager or his designee to investigate such report and enforce the provisions of this Title and the Subdivision Map Act.

19.48.020 Notice of Violation. Whenever the City Manager has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act or of City ordinances enacted pursuant thereto, he shall cause to be filed for record with the County Recorder a notice of intention to record a notice of violation, describing the real property in detail, naming the owners thereof, describing the violation, and stating that an opportunity will be given to the owner to present evidence. Upon the recording of the notice of intention to record a notice of violation, the City Manager or his designee shall mail a copy of such notice to the owner of the real property. The notice shall specify a time, date and place at which the owner may present evidence to the City Manager why such notice should not be recorded. If, after the owner has presented evidence, the City Manager determines that there has been no violation, he shall forthwith file a release of the notice of intention to record a notice of violation with the County Recorder. If, however, after the owner has presented evidence, the City Manager determines that the property has in fact been illegally divided, or if within sixty days of receipt of a copy of such notice the owner of such real property fails to inform the City Manager of his objection to recording the notice of violation, the City Manager shall record the notice of violation with the County Recorder. The notice of intention to record a notice of violation and the notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such real property. The City Manager's duties under this Section may be delegated to the City Engineer.

19.48.030 Development Permits and Approvals Withheld.

(a) The City or any other responsible agency shall not issue or grant building, grading or any other permit, or any approval necessary to develop any real property which has been divided or which has resulted from a division in violation of the provisions of the Subdivision Map Act or City ordinances enacted pursuant thereto applicable at the time such division occurred unless the City Manager or, an appeal to the City Council, finds that development of such real property is not contrary to the public health or the public safety. The authority to deny such a

permit or such approval shall apply whether the applicant therefore was the owner of record at the time of such violation or whether the applicant therefore is either the current owner of record or vendee of the current owner of record pursuant to a contract of sale of the real property with or without actual or constructive knowledge of the violation at the time of the acquisition of his interests in such real property.

(b) All applications for permits or approvals necessary for the development of real property shall be reviewed by the City Engineer, who shall determine whether the real property has been subdivided or has resulted from a division in violation of the Subdivision Map Act or City ordinances enacted pursuant thereto. The City Engineer shall also make such a determination upon a receipt of a written request from the owner of such real property or the vendee of the current owner of record pursuant to a contract of sale of the real property or upon receipt of written notification of the authority or body responsible for granting a permit or approval. The City Manager may approve real property for development pursuant to Subsection (a) and shall so inform the owner or vendee thereof and the authority or body authorized to issue or grant the permit or approval for development. If it is determined that such real property is approved for development, the City Manager may impose those conditions that would have been applicable to the division of the property and which had been established at such time by the Subdivision Map Act or City ordinances enacted pursuant thereto and are appropriate to satisfy public health and safety considerations and other considerations as are hereinafter specified unless the applicant was the owner of record at the time of the initial violation in which event the City Engineer may impose such conditions as would be applicable to a current division of property. If a conditional Certificate of Compliance has been filed for record under the provisions of Section 19.48.040, only such conditions stipulated in that certificate shall be applicable. If real property is approved for development the City Engineer shall cause a Certificate of Compliance relative to the subject real property and reflecting any conditions of development to be filed with the County Recorder pursuant to Section 19.48.040 of this Chapter.

(c) In determining whether approval or conditional approval should be granted for development of real property divided or resulting from a division in violation of the Subdivision Map Act or City ordinances enacted pursuant thereto, the City Engineer or the City Council shall give consideration to:

- (1) Whether the owner of the real property can rescind the agreement by which he acquired the real property and recover the consideration paid therefore;
- (2) Whether the real property meets the requirements of the applicable zoning regulations;
- (3) Whether the real property has a satisfactory potable water supply;
- (4) Whether the real property has legal access to a city or county maintained road;
- (5) Whether the current owner would have been required to dedicate land for any public purpose or construct or install any improvements pursuant to the terms of the Subdivision Map Act or City ordinances enacted pursuant thereto had the subdivision by which the real property was created been submitted for approval at the time the current owner acquired the property.

(d) Approval for development shall be granted for development of real property where improvements have been completed prior to the time a permit or grant of approval was required for development of the property, or for development of real property for which improvements have been completed in reliance on a previous permit or grant of approval for development, unless the City Engineer finds that development is contrary to the public health or safety.

(e) Whenever any person submits an application for a building or any other permit for proposed construction of more than one main building as defined in Title 20 on any single lot or building site, the Building Director shall refer such application together with the plot plan to the City Engineer for his determination as to whether such proposed construction would create a subdivision. The permit for such proposed construction shall not be issued unless the City Engineer has approved the plot plan and determined that the proposed construction would not constitute a violation of the Subdivision Map Act or this Title.

(f) A request for development approval or a Certificate of Compliance shall be accompanied by a fee established by City Council resolution.

(g) The City Manager's duties under this Section may be delegated to the City Engineer.

19.48.040 Certificate of Compliance.

(a) Any owner of real property or a vendee of such person pursuant to a contract of sale of such real property may request in writing that the City Manager make a determination whether such real property complies with applicable provisions of the Subdivision Map Act and City ordinances enacted pursuant thereto, or that such real property does not comply with the provisions, and the City Manager shall so notify the owner thereof setting forth the particulars of such compliance or noncompliance. If the subject real property is found to be in compliance with the Subdivision Map Act and City ordinances enacted pursuant thereto, the City Manager shall cause a certification of compliance relative to such property to be filed for record with the County Recorder.

If the subject real property is found not to be in compliance with the Subdivision Map Act and City ordinances enacted pursuant thereto, the City Manager may issue a notice of violation or a conditional Certificate of Compliance. When issuing a conditional Certificate of Compliance the City Manager may impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his interest in the property and which had been established at such time by the Subdivision Map Act or City ordinances enacted pursuant thereto.

Upon making such a determination and establishing such conditions, the City Engineer shall cause a conditional Certificate of Compliance setting forth such conditions to be filed for record with the County Recorder, fulfillment and implementation of the conditions shall be required prior to the subsequent issuance of a permit or grant of approval for development of the property, but compliance with such conditions shall not be required until such time as a building permit or granting permit is issued by the City.

(b) Certificates of compliance shall be issued for real property that:

(1) Has been approved for development pursuant to Section 19.48.030 of this Chapter;

(2) Has been approved for division, and the requirement for preparing, filing and recording a parcel map has been waived pursuant to Section 19.24.150 of this Title.

(c) A recorded final subdivision map or recorded parcel map shall constitute a Certificate of Compliance with respect to the lots described therein, and no additional certificates of compliance shall be issued therefore.

(d) The City Manager's duties under this Section may be delegated to the City Engineer.

19.48.050 Appeal. Any interested person may appeal any action of the City Manager or his designee pursuant to this Chapter to the City Council as provided in Section 19.24.140 of this Title.

19.48.060 Violations. Any person violating any of the provisions of this Title is guilty of a misdemeanor and shall be subject to imprisonment for a period not exceeding six months and a fine not exceeding five hundred dollars, or by both such imprisonment and such fine.

19.48.070 Severability. If any provision of this Title or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application thereof, and to this end the provisions of this Title are severable.

19.48.080 Presumption of Lawful Creation.

(a) For purposes of this Title, any parcel created prior to March 4, 1972, 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 and if at the time of the creation of the parcel there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels.

(b) For purposes of this Title, any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if any subsequent purchaser acquired that parcel for valuable consideration without actual or constructive knowledge of a violation of this division or the local ordinance. Owners of parcels or units of land affected by the provisions of this subdivision shall be required to obtain a Certificate of Compliance or a conditional certificate of compliance pursuant to this Chapter prior to obtaining a permit or other grant of approval for development of the parcel or unit of land. For purposes of determining whether the parcel or unit of land complies with the provisions of this Title or the Subdivision Map Act, as required pursuant to Section 19.48.040, the presumption declared in this subdivision shall be operative. (Ord. No. 90-847, 5-8-90)