

**Title 18 – Development Code**  
**Article 5 –**  
**Subdivisions**



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## Chapter 18.50 -- General Provisions

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### Sections:

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- 18.50.020 – Title
- 18.50.030 – Definitions
- 18.50.040 – Authority
- 18.50.050 – Applicability
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- 18.50.070 – Type of Subdivision Approvals Required
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### 18.50.010 – Purpose of Article

- A. Supplement and Implement the Act.** The provisions of this Article are intended to supplement, implement, and work with the State Subdivision Map Act, as specified in Government Code Section 66410 et seq., referred to in this Article as the Act, for the purpose of regulating the design and improvement of divisions of land within the City.
- B. Used in Conjunction with the Act.** This Article is not intended to replace the Act, but is expected to be used in conjunction with the Act in the preparation of subdivision applications, and the review, approval or denial, and improvement of proposed subdivisions.
- C. Promote Public Safety.** The purpose of this Article, and any rules, regulations, and specifications adopted in compliance with this Article, is to regulate the division of land and to promote the conservation, stabilization, and protection of property values through orderly growth and development, the provision of necessary public and private facilities, and generally, the public health, safety, and general welfare within the City and any lands as may be annexed or are proposed to be annexed to the City.
- D. Implement the General Plan.** The provisions of this Article are intended to implement the goals and policies of the General Plan and any adopted specific plans.
- E. Regional Housing Needs.** In carrying out the provisions of this Article, the City shall consider the effect of actions taken in compliance with these regulations on the housing needs of the region and balance these needs against the public service needs of residents and available fiscal and environmental resources.
- F. References to Other Laws.** Whenever reference is made to a City ordinance, provision of the Municipal Code or the Development Code or to a state statute, the reference applies to the requirements of the provision applicable on the date the application is determined to be complete and to the conditions of variances and permits granted.

### 18.50.020 – Title

This Article shall be known as the “City of East Palo Alto Subdivision Ordinance” and referred to as the City’s “Subdivision Ordinance.”

### 18.50.030 – Definitions

For the purpose of this Article, the following definitions apply unless the context clearly indicates or requires a different meaning. Other definitions are contained in Article 1.

**Act.** California Government Code Section 66410 et seq., also known as the Subdivision Map Act.

**Advisory Agency.** The person or Review Authority responsible for acting on an application.

**Certificate of Compliance; Conditional Certificate of Compliance.** A document issued by the City and recorded by the County Recorder certifying a specified real property complies with the provisions of the Subdivision Map Act and this Article. A Conditional Certificate of Compliance includes any conditions the City may impose upon the granting of the certificate requiring that specified terms be complied with before the subsequent issuance of a permit or other grant of approval for development of the property.

**Co-Operative Multiple Dwelling Building.** Any multiple dwelling existing or proposed to be constructed where it is proposed that persons will possess an undivided equitable or legal ownership right or interest, including but not limited to shares, stock, or beneficial interest in trust, coupled with an exclusive right or interest to possess, occupy, or use one or more dwelling units in the multiple dwelling building, and also means a condominium, as defined in California Civil Section 1350, and a community apartment project as defined in California Business and Professions Code Section 11004.

**Dedication.** The grant of real property for public use.

**Design.** Design includes all of the following: (1) street alignments, grades, and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades ; (3) location and size of all required casements and rights-of-way; (4) fire roads and firebreaks; (5) parcel size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park and/or recreational purposes; and (9) other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure compliance with or implementation of the General Plan or any applicable specific plan.

**Development Code.** The Development Code of the City (Municipal Code Title 18).

**Division of Land.** See Subdivision. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for the purposes of computing the number of parcels . “Division of Land” shall not mean land dedicated for cemetery purposes under the State Health and Safety Code or the leasing or financing of apartments, offices, stores, or similar space within an apartment building, a commercial building, an industrial building, mobile home park, or trailer park, or division of a gas, mineral, or oil lease.

**Drainage facility.** Any drainage device or structure which may be used to control or direct the flow of water or alleviate a flood hazard, including but not limited to berms, channels, culverts, curbs, ditches, gutters, pavement, pumps, and pipes.

**Emergency Vehicle Access Easement (EVAE).** A permanent easement and a right-of-way for emergency access, with the right of ingress and egress of emergency vehicles (fire and police protection, ambulances and rescue services and other lawful governmental or private emergency services) for access to the property or to other adjacent lands for emergency purposes. When required, an EVAE shall be recorded.

**Environmental Analysis.** An analysis conducted in compliance with the provisions of the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq.

**Final Map.** A map showing a subdivision of parcels prepared in compliance with the provisions of this Article and the Act and in a manner to be filed in the office of the County Recorder.



**Flood hazard.** A potential danger to life, land, or improvements due to inundation or stormwater runoff having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage structures, or erode the banks of water courses.

**Frontage.** Portion of a parcel which abuts a public or private street or highway to which the parcel has the right of access.

**Future Street or Alley.** A street or alley necessary for the future division of land within a subdivision of land or for the development of adjacent properties and which is offered for public use at an indeterminate future time when the Council determines the acceptance and construction of the street or alley is warranted.

**Geologic Hazard.** A hazard inherent in the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, failure, or shifting of earth.

**Improvements.** Street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the parcel owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the subject final map. Improvement also refers to 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 local agency or by a combination, is necessary or convenient to ensure compliance with or implementation of the General Plan or any applicable specific plan.

**Lot Line Adjustment.** The adjustment of property lines between four or fewer legally created adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not created.

**Lease.** An oral or written agreement or contract, tenancy at will, month-to-month, or similar tenancy.

**Ornamental Street Lighting.** A system of street lighting composed of individual free-standing light standards.

**Paper Subdivision.** An undeveloped subdivision consisting of parcels only recognized on paper and, in most cases, without infrastructure, services, or structures.

**Parcel on Cul-De-Sac Terminus.** A parcel which has at least 50 percent of its front parcel line coterminus with the required diameter turn around on a cul-de-sac.

**Parkway.** Portion of a public right-of-way located between the outermost curb-lane driving lane and the farthest edge of the right-of-way.

**Special Study Zone.** The area delineated on the Alquist-Priolo Special Studies Zones Map of the State Geologist, as adopted by the City.

#### **Street Types.**

**Principal Arterial Interstate.** A freeway included as part of the interstate highway system. A controlled access, divided highway intended to accommodate high-speed regional travel. Freeways have grade-separated interchanges that provide access from freeway to freeway or between freeways and the arterial street system.

**Minor Arterial.** An arterial roadway with less regional significance than a Principal Arterial roadway. It accommodates sub-regional and intercity travel and generally has four to six through travel lanes with a raised median and/or a center left-turn lane. Minor Arterials accommodate through traffic while also providing direct access to adjacent properties and intersecting streets.

**Collector.** A street intended to serve as an intermediate route to accommodate travel between local streets and arterial roadways and to provide access to the abutting properties. Collector streets generally have two travel lanes, although four lanes may be provided at certain locations.

**Local.** A low speed street primarily intended to provide direct access to the abutting properties. Local streets generally have two travel lanes with parking along both sides of the street.

**Highway.** A thoroughfare of primary importance in the City or State Highway system, other than a freeway, which is shown on the Circulation Element of the General Plan as a Major Arterial.

**Subdivide.** Dividing land or structures in compliance with Government Code Section 66410 et seq.

**Subdivider.** An association, corporation, firm, partnership, or person that proposes to divide, divides, or causes to be divided real property into a subdivision for that person/entity or others, except that employees and consultants of the person/entity, acting in the capacity, are not subdividers.

**Subdivision.** The division of a tract of land, shown on the latest equalized County assessment roll as a unit or as continuous units, into defined parcels, either improved or unimproved, which can be separately conveyed by sale, lease, or financing, and which can be altered or developed. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement, or railroad rights-of-way. The process often includes setting aside land for streets, sidewalks, parks, public areas, and other infrastructure needs, including the designation of the location of utilities. "Subdivision" includes a condominium project, as defined in Section 4125 or 6542 of the Civil Code, a community apartment project, as defined in Section 4105 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in of Section 4190 or 6566 of the Civil Code.

**Subdivision Map Act.** Government Code Section 66410 et seq., as it may be replaced or amended from time to time, and referred to in this Article as the Act.

**Tentative Map.** A map prepared for the purpose of dividing a legal parcel into five or more parcels and prepared in compliance with the provisions of this Article, the Act , and in a manner to be recorded in the office of the County Recorder.

**Tentative Parcel Map.** A map prepared for the purpose of dividing a legal parcel into four or fewer parcels and prepared in compliance with the provisions of this Article, the Act and in a manner to be recorded in the office of the County Recorder.

**Vesting Tentative or Tentative Parcel Map.** A tentative map for any subdivision, which shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed and which meets all of the requirements for a vesting tentative map as specified in this Article, the Act and in a manner to be recorded in the office of the County Recorder.

**Tract Map.** Tract map refers to a subdivision of land to create five or more residential lots with full urban improvements, including paved streets, curbs, gutters and sidewalks, fire hydrants, street lights, comprehensive drainage systems, water and sewer service and other infrastructure found in urban areas.

### 18.50.040 – Authority

This Article is adopted in compliance with the Act as a "local ordinance". All provisions of the Act and future amendments to the Act not incorporated into this Article shall apply to all subdivision maps and proceedings under this Article.

### 18.50.050 – Applicability

#### A. Applicability of Article.

1. It is unlawful for any person to divide any real property for the purpose of sale, lease, or financing except in compliance with the provisions of this Article and/or the Act.
2. This Article applies to all divisions of land, except those exempted by Government Code Sections. 66411, 66412, 66412.1, 66412.2, and 66426.5
3. In the event of divisions of land not subject to this Article and/or the Act, a Certificate of Compliance shall be issued on a form prescribed by the Director.

- B. Subdivision Approval Required.** Each division of land within the City shall be authorized through the approval of a map or other entitlement in compliance with this Article.
- C. Conflicts with the Act.** In the event of any conflicts between the provisions of this Article and the Act, the Act shall control.
- D. Compliance with Other Regulations Required.** The approval or conditional approval of a subdivision map shall not authorize an exception or deviation from any zoning regulation specified in the Development Code, or as an approval to proceed with any development in violation of other applicable provisions of the Municipal Code or other applicable ordinances or regulations of the City.
- E. Compliance with Affordable Housing Provisions Required.** Compliance with all applicable requirements related to affordable housing is required. Prior to approval of a final map, the developer must execute an agreement providing that all applicable requirements related to affordable housing shall be complied with and that compliance shall occur prior to issuance of a certificate of occupancy. The final map must contain a notation regarding affordable housing requirements.

### **18.50.060 – Advisory Agency**

#### **A. Advisory Agency**

1. The designated advisory agencies specified in this Article shall have the duty of making investigations and reports on the design and improvement of proposed applications for the division of real property and imposing requirements and conditions on these applications, and shall have the authority to act upon the applications as specified below.
2. Any advisory agency shall have the authority to refer an application to the Commission or Council for action, as set forth in Table 5-1.
3. Notwithstanding the provisions of this Article, any application filed in compliance with this Article that has an associated permit application made in compliance with the provisions of the Development Code, and subject to action by the Commission or Council, shall be subject to the same review and hearing requirements required for the associated permit application, as set forth in Table 7-1.
4. Any Review Authority may defer action and refer the request to the next higher Review Authority level for consideration and final action.

<b>Table 5-1 Subdivision Review Authorities</b>				
<b>Type of Decision</b>	<b>Applicable Chapter or Section</b>	<b>Director</b>	<b>Commission</b>	<b>Council<sup>(3)</sup></b>
Amendments to Approved Tentative Maps	18.52.120	Decision	Appeal	Appeal
Certificates of Compliance	18.56.020	Decision	Appeal	Appeal
<b>Condominiums</b>				
Residential Condominiums	18.64		Recommend	Decision
Residential Condominium Conversions	18.66		Recommend	Decision
Non-Residential Condominium Conversions	18.68		Recommend	Decision
Correction and Amendments to Recorded Maps	18.54.060	Decision	Appeal	Appeal
Extensions of Time – Tentative Maps	18.52.020	Decision	Appeal	Appeal
Final Parcel Maps, Without Dedications	18.54.040	Recommend	Decision	Appeal
Final Parcel Maps, With Dedications*	18.54.040	Recommend	Decision	Appeal
Final Tract Maps, Vesting Tract Maps	18.54.040	Recommend	Decision	Appeal
Lot Line Adjustments	18.56.030	Decision	Appeal	Appeal
Parcel Mergers	18.56.040	Decision	Appeal	Appeal
Reversion to Acreage	18.56.050		Recommend	Decision
Subdivision Improvement Plans	18.58.040	Decision	Appeal	Appeal
Tentative Tract Maps, Vesting Tentative Maps	18.52.100	Recommend	Decision	Appeal
Tentative Parcel Maps, Vesting Tentative Parcel Maps	18.52.040	Recommend	Decision	Appeal
Tentative Parcel Maps, only when creating no more than one additional parcel, without dedications	18.52.040	Decision	Appeal	Appeal
Tentative Parcel Maps, with dedications*	18.52.040	Recommend	Decision	
Wavier of Parcel Maps	18.54.010	Decision	Appeal	Appeal
Subdivision Improvement Agreement	18.70.050	Decision	Appeal	Appeal

\*When a request is made for the City to dedicate right-of-way, the City Council is the decision maker.

- B.** The City Engineer shall be responsible for all of the following.
1. Establishing subdivision and public improvement design and construction details, standards, and specifications.
  2. Determining whether proposed subdivision improvements comply with the provisions of this Article and the Act.
  3. Inspecting subdivision improvements.
  4. Providing assistance to the Director on the review of amendments to approved tentative maps, certificates of compliance, lot line adjustments, parcel mergers, and tentative parcel maps without dedications,

**C. Director.** The Director shall be responsible for all of the following.

1. Accepting Certificate of Compliance, lot line adjustment, parcel map, reversion to acreage, tentative map, vesting tentative map, and similar applications for processing; and distributing the application materials to appropriate agencies and City departments for review.
2. Investigating tentative map applications for conformity to the General Plan, applicable specific plans, and the Development Code, and in consultation with other City departments, recommending action to the Commission.
3. Conducting environmental analyses related to proposed applications in compliance with the California Environmental Quality Act (CEQA) .
4. Certifying amended maps, final maps, and reversion to acreage maps for substantial compliance with approved tentative maps.
5. Review Authority on tentative parcel maps, but only when creating no more than one additional parcel, and without dedications.
6. Review Authority on amendments to approved tentative maps, certificates of compliance, lot line adjustments, and parcel mergers.

**D. Commission.** The Commission shall be responsible for all of the following.

1. Recommend approval, conditional approval, or denial of condominium maps, tentative tract map applications, and reversions to acreage maps to the Council.
2. Hearing appeals of decisions of the City Engineer and Director.
3. Reviewing and taking action to approve, conditionally approve, or deny commercial condominium and residential condominium conversion applications.

**E. Council.** The Council shall be responsible for all of the following.

1. Accepting offers of dedication and improvements for divisions of land resulting in five or more parcels.
2. Review Authority on amendments to recorded maps, condominiums/conversions, tentative and final parcel maps with dedications, tentative and final tract maps, and reversions to acreage maps.
3. Taking action to approve, conditionally approve, or deny any application referred by another Review Authority or by appeal, or any land division application with an associated permit application filed in compliance with the requirements of the Development Code.
4. Review and approval of maps when public right-of-way is being relinquished to another entity (public or private).

**18.50.070 – Type of Subdivision Approvals Required**

Any subdivision of an existing parcel into two or more parcels requires approval by the City. In general, the procedure for subdivision first requires the approval of a tentative map, and then the approval of a final parcel map (for a subdivision that results in four or fewer parcels) or a final map (for a subdivision

that results in five or more parcels) . The City's review of a tentative map evaluates the compliance of the proposed subdivision with applicable City standards, this Article, the Act, and the appropriateness of the proposed subdivision design. Parcel and final maps are precise surveying documents which detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

**A. Tentative Map Requirements.** The filing and approval of a tentative parcel and tentative tract maps is required for:

1. A subdivision or re-subdivision of four or fewer parcels, as authorized by Government Code Section 66428; and
2. A subdivision or re-subdivision of five or more parcels, and all other types of subdivisions required to have tentative map approval by Government Code Section 66426.

**B. Final Map/Final Parcel Map Requirements.** A final map or final parcel map is required as follows.

1. **Final Map.** For a subdivision of five or more parcels, except a subdivision otherwise required to have a final parcel map by Government Code Section 66426.
2. **Final Parcel Map.** For a subdivision creating four or fewer parcels, with or without a designated remainder, except for the following subdivisions:
  - a. **Public Agency or Utility Conveyances.** Any conveyance of land, including a fee interest, an easement, or a license, to a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way, unless the Director determines, based on substantial evidence, that public policy necessitates a parcel map in an individual case, in compliance with Government Code Section 66428;
  - b. **Cemeteries.** Land dedicated for cemetery purposes in compliance with the Health and Safety Code; and
  - c. **Waived Parcel Map.** A subdivision granted a waiver of parcel map requirements.

**C. Co-Operative Multiple Dwelling Buildings.** A tentative map or tentative parcel map shall be required for a cooperative multiple dwelling building. A tentative tract map or tentative parcel map for a cooperative multiple dwelling building project shall not be approved unless at the time of approval it appears that the project complies with or will comply with the then existing Building Code and Development Code regulations and all applicable regulations of the Municipal Code, and unless a condition is imposed that a building permit shall not be issued for the project unless it so complies. Where minor variations from the Development Code with respect to the proposed conversion of an existing structure to a co-operative multiple dwelling building and full compliance with Development Code requirements presents practical difficulties, after report of the Commission, the Council may waive full compliance and approve the tentative map or tentative parcel map with the condition appropriately modified upon making a finding that the project is in substantial compliance with the applicable Development Code regulations and that the minor variation will not prevent compliance with the intent and purpose of the Development Code regulations.

**D. Exemptions from Subdivision Approval Requirements.** The types of subdivisions specified by Government Code Sections 66411, 66412, 66412.1, 66412.2, and 66426.5, or other applicable Act provision as not being subject to the requirements of the Act, and/or not being

considered to be divisions of land for the purposes of the Act, are exempt from the subdivision approval requirements.

- E. Exceptions from Map Preparation Requirements.** The types of subdivisions specified by Government Code Section 66426, or other applicable Act provisions as not requiring the preparation of a tentative map, parcel map, and/or a final map shall comply with Government Code Section 66426.
- F. Paper Subdivisions Prohibited.** All proposed and required on- and off-site improvements, including structures, shall be constructed and installed within a maximum period of 36 months following the date of final map recordation or such later time consistent with California Government Code section 66462 or California Government Code section 66411.1 or specified in any applicable Development Agreement. The Review Authority may extend the 36-month deadline for good cause shown and confirmed by the Review Authority. Failure to construct road and utility improvements within the designated time period may void subdivision approval following notice and public hearing by the Review Authority. Subdivision of property into large “master” lots for purposes limited to sale or financing in advance of future further subdivision of such master lots for actual development purposes is not prohibited by this provision.

### **18.50.080 – Subdivision Improvement Agreement**

Subdivisions will not be approved without a Subdivision Improvement Agreement that identifies the specific timeframes for when public improvements, installation of utilities, grading, and drainage will be physically done to the subject property. In no case shall the City authorize paper subdivisions with no physical improvements to the land. All applicants shall be required to prepare the land with grading and infrastructure improvements within three years of approval of a tentative map, or parcel map or the site will revert back via a reversion to acreage as authorized by the Subdivision Map Act. Subdivision Improvement Agreements shall be prepared by the applicant and approved as to technical form by the Planning Director.

### **18.50.090 – Enforcement of Subdivision Regulations**

Enforcement of subdivision regulations may be taken consistent with the provisions in this title and in Chapter 18.116.

### **18.50.100 – Applications Deemed Approved**

- A. Subdivisions Deemed Approved by Law.** A subdivision application deemed approved in compliance with the Act, shall be subject to all applicable provisions of the Development Code, and any conditions imposed by the Review Authority, which shall be satisfied by the subdivider before a building or grading permit is issued.
- B. Subject to Mandatory Requirements.** Final maps filed for recordation after their tentative parcel or tract maps are deemed approved shall remain subject to all of the mandatory requirements of this Article and the Act.

### **18.50.110 – Processing Fees**

- A. Council Shall Set Fees.** The Council, in the Master Fee Schedule, shall set reasonable fees in connection with this Article, including but not limited to fees and deposits for processing tentative tract and parcel maps and final and final parcel maps; fees for giving notice of public hearings; fees for copying and distributing written reports on tentative maps; fees for processing lot line

adjustments, mergers, and reversions to acreage; and fees and deposits related to the other procedures and requirements.

- B. Payable to the City.** All required fees and deposits are payable to the City.

### **18.50.120 – Exceptions to Subdivision Standards**

- A. Exceptions to Standards.** An exception to a provision of related to subdivision design and improvements may be requested by a subdivider in compliance with Planned Development Permits and Variances.
- B. Not Used to Waive Act.** An exception shall not be used to waive or modify a provision of the Act, or a provision of this Article which is duplicated or paraphrased from the Act.



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## Chapter 18.52 -- Tentative Map Filing and Processing

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### Sections:

- 18.52.010 – Purpose
- 18.52.020 – Tentative Map Preparation, Application Contents
- 18.52.030 – Tentative Map Filing, Initial Processing
- 18.52.040 – Staff Report and Recommendation
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### 18.52.010 – Purpose

This chapter establishes requirements for the preparation, filing, approval or denial of tentative parcel and tentative tract maps (collectively referred to as tentative maps).

### 18.52.020 – Tentative Map Preparation, Application Contents

#### A. When Required.

1. A tentative map shall be submitted for a subdivision for which a tentative parcel or tentative tract map is required.
2. The requirements specified in this chapter shall apply to all applications for tentative parcel and tentative tract maps.

#### B. Application and Filing Fees Required.

1. An application shall be filed on forms provided by the Department.
2. The application shall be accepted for filing only upon payment by the applicant of a filing and processing fee.
3. An applicant may, in writing, withdraw the application at any time during the processing of the application.
4. In compliance with adopted City policy, any refund of any of the filing and processing fees paid in connection with the application may only occur on a pro-rated basis.
5. Within 30 days of receiving an application and the application filing fee, the Director shall inform the applicant in writing whether the application is deemed complete.

### 18.52.030 – Tentative Map Filing, Initial Processing

#### A. Submission of Tentative Maps.

1. The subdivider is strongly encouraged to confer with the Director before preparing and submitting the tentative map.
2. Submission of a tentative map shall not constitute filing with the City until all attachments and required statements, instructions, environmental forms and clearances, and a completed application form with appropriate fees are deposited with the Department and a written receipt is provided to the applicant. Included with the application shall be a signed statement indicating whether the project site is located on a site included on any of the local lists prepared by the California Integrated Waste Management Board in compliance with Government Code Section 65962.5.
  - a. In the event that the Director determines additional information is required for the preparation of environmental documents required in compliance with the provisions of the California Environmental Quality Act (CEQA) and the State Guidelines, the tentative map shall not be deemed filed until the additional information has been provided.
  - b. In the event that the Director determines an Environmental Impact Report (EIR) is required, the filing of the application for the tentative map shall not be deemed filed until the draft of the EIR has been prepared.
3. A tentative map shall be filed with the Director by one or more record owners of property or their authorized agents.
4. The subdivider shall file with the Director the number of tentative maps the Director shall deem necessary, together with evidence as to the ownership of the land proposed to be divided.
5. Failure to submit all materials and statements required by this chapter shall constitute grounds for rejection of the application.

**B. Prepared by Civil Engineer or Surveyor.** Tentative maps shall be prepared by or under the direction of a registered civil engineer or a licensed land surveyor.

**C. Maps to Shall Be Clearly Drawn.** Tentative maps shall be clearly and legibly drawn to scale and shall be of such size and form as required by the Director. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to do so.

1. Map sheets should be no less than 18 inches by 26 inches. The Review Authority may approve a modification in map sheet size when necessary to adequately show the subdivision. A one-inch margin shall be left between the trim line and the borderline. The number of the particular sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.
2. The maps shall be prepared at a readable scale, but in general in no case shall the scale be less than one inch equals 100 feet or a scale specified by the City.
3. All lettering shall be one-eighth-inch minimum. All linear dimensions shall be expressed in feet and decimals of a foot. All angular dimensions shall be expressed in degrees, minutes and seconds.

4. Tentative maps shall contain, at a minimum, all of the following information, as well as any additional information that may be specified in the application form:
  - a. A title, which shall contain the subdivision number, subdivision name, and type of subdivision.
  - b. Name(s) and address(es) of the legal owner(s), the subdivider, and civil engineer or land surveyor under whose direction the map was prepared, including registration or license number and telephone number.
  - c. A sufficient legal description to define the boundary of the proposed subdivision.
  - d. Date, north arrow, scale, contour interval, and source and date of existing contours.
  - e. Existing and proposed land use(s).
  - f. A vicinity map showing data sufficient to locate the proposed subdivision and show its relation to the community, including adjacent land, public streets and freeway, if any, as well as the names and/or numbers of adjacent subdivisions. If the subdivision is adjacent to the City boundary, the boundary shall be indicated.
  - g. Existing topography of the proposed site and at least 100 feet beyond its boundaries or covering the entire drainage area, whichever is greater, including but not limited to all of the following:
    - (1) Existing contours at one-foot intervals, or as specified by the City Engineer.
    - (2) The approximate location of all trees standing within the boundaries of the division of land and a clear indication as to which trees are to be removed. The location of all trees with a diameter greater than six inches, measured three feet above grade, shall be clearly indicated, and a statement on the existing ground cover shall also be submitted.
    - (3) The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked.
    - (4) The location of potentially dangerous areas within and adjacent to the proposed subdivision, including approximate location of all areas subject to inundation or stormwater overflow and the direction, location, and width of flow of each water course and flood control channel, culvert and all natural and man-made drainage devices.
    - (5) The grade, location, pavement and right-of-way width, and name of existing streets or highways.
    - (6) The identity, location, and widths of all existing easements.
    - (7) The location and size of existing wells, sanitary sewers, storm drains, and water mains and the approximate slope of existing sewers and storm drains shall be clearly indicated. The location of existing overhead and underground utility lines on peripheral streets shall be clearly indicated.

5. The tentative map also shall show, or be accompanied by the required number of copies of reports and written statements from the subdivider giving essential information regarding all of the following matters:
  - a. Evidence of an adequate source of water supply for the proposed development;
  - b. Identity of all utility providers that will serve the proposed development and copies of will-serve letters from each utility provider stating it will provide service;
  - c. Type of street improvements and utilities which the subdivider proposes to install;
  - d. Proposed method of sewage disposal;
  - e. Proposed stormwater sewer or other means of drainage (grade and size);
  - f. Protective covenants to be recorded;
  - g. Proposed tree planting;
  - h. A geological and/or soils report, if required by the City Engineer, prepared by a licensed geologist and/or registered civil engineer, stating the effect of geological or soil conditions on the proposed development;
  - i. An Environmental Initial Study and/or input for a Draft Environmental Impact Report, as determined by the Director; and
  - j. For all condominiums, stock cooperatives, and planned unit developments, a site plan shall be submitted with the tentative map. The site plan shall contain all of the information required for a Site Plan and Design Review.

**D. Proposed Improvements.** Proposed improvements required to be shown shall include, but not be limited to, all of the following:

1. The grade, location, centerline and curb return radii and arc length of curves, pavement, right-of-way width, and names of all proposed streets, whether public or private and any pedestrian or bicycle ways;
2. Typical cross-sections of all existing and proposed streets showing the proposed construction;
3. The location, nature, and width of all easements, whether private or public;
4. The approximate parcel layout and the approximate dimensions of each parcel and of each building site, and an identifying number on each parcel. Parcels shall be numbered and continue without omission on duplication throughout the subdivision. No prefix or suffix or combination of letter and number shall be used. Each parcel shall be shown entirely on one sheet unless such requirement is waived by the City Engineer. Engineering data shall show the approximate finished grade of each parcel;
5. Location and nature of all proposed recreation facilities and any proposed public areas, such as schools or park sites within the subdivision and on lands immediately adjacent;
6. Location and nature of all proposed common areas and areas to be dedicated for public open space or reserved for common private open space;

7. The elevation, location, and size of proposed sanitary sewers, storm drains, and water mains;
  8. Location and nature of all proposed slopes;
  9. Dimensions of setbacks for proposed structures; and
  10. Phasing lines for proposed developments.
- E. A Preliminary Soils and/or Geologic Report.** At the time of submission of the tentative map, the subdivider shall file a preliminary soils and/or geologic report, prepared by a certified engineering geologist and a civil engineer who is registered by the state, based upon adequate test borings or excavations. The report also shall consider any known or potential fault lines and other geologic conditions which could alter the proposed development. The preliminary soils and/or geologic report may be waived if the Department determines that, due to its knowledge of the soils qualities and geologic conditions of the subdivision, no preliminary analysis is necessary.
- F. Additional Data and Reports Required.** Tentative maps shall be accompanied, at a minimum, by the following data or reports, as well as any additional data and reports that may be required by the Director to facilitate review of the tentative map:
1. **Title Report.** A preliminary title report dated no older than within 60 days of the filing date of the tentative map.
  2. **Owner's Affidavit.**
    - a. Written verification that the fee owner(s) of the real property have consented to the filing of the tentative map.
    - b. A title guarantee by a title company doing business in the City, showing the names of all persons whose consent is necessary to file the final or parcel map and for any dedication to public use, and their respective interest in the property, certified for the benefit and protection of the City that the persons named are all of the persons necessary to give clear title to the streets and other easements to be offered for dedication.
- G. Letter of Certification from Water Provider.** The subdivider shall submit written certification to the City that adequate domestic water resources and facilities are or will be available to serve the proposed project and that all necessary financial arrangements have been made to ensure construction of the facilities.
- H. State, Federal or County Laws.** If federal, state, or county laws are modified or administrative policies of the City are amended, the subdivider shall be required to submit additional information as required by the Director.
- I. Referral to Affected Agencies.**
1. **Required Referrals.** The Director shall refer a tentative map application for review and comment to all agencies expected to provide service to the proposed subdivision.
  2. **Anticipated Type of Response.** The agencies that receive a tentative map application are expected to respond to the Director with an evaluation of the proposal, a list of items (e.g., hydrology study, title report, traffic study.) which may need to be filed and considered during the evaluation phase, and a list of proposed conditions of tentative map approval.

3. **Required Action in the Case of Waste Discharge Violations.** The City Engineer shall advise the Director as to whether the discharge of waste from the proposed subdivision into an existing community sewer system will result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board in compliance with Water Code Section 13000 et seq.
4. **Time Limits for Referral and Response.**
  - a. As required by Government Code Sections 66453 et seq., referral shall occur within five days of the tentative map application being determined to be complete.
  - b. An agency wishing to respond to a referral shall provide the Director with its recommendations within 15 days after receiving the tentative map application.

**J. Environmental Review.**

1. The Director, upon receipt of a tentative map application, shall conduct an environmental analysis.
2. If a draft Environmental Impact Report or Negative Declaration is required, the application shall not be deemed complete until sufficient information is submitted to allow the City to make the determination required by Public Resources Code Section 21080.1.

### **18.52.040 – Staff Report and Recommendation**

**A. Preparation of an Evaluation.**

1. **Director Shall Prepare Evaluation.** The Director shall prepare an evaluation describing the conclusions of the tentative map application review.
2. **Mailing of Copies of Evaluation.** Copies of the evaluation shall be mailed to the subdivider (and each tenant of the subject property, in the case of a residential condominium conversion) at least 10 days before any hearing or action on the tentative map by the Review Authority.

### **18.52.050 – Tentative Map Public Hearing and Action**

**A. Applicable Review Authority.**

1. **Public Hearing Required.** The applicable Review Authority shall hold a noticed public hearing on a tentative parcel or tract map.
2. **Exception.** The only exception to the requirement for a public hearing shall be for the Director's decision on a tentative parcel map, when creating no more than one additional parcel, and without the requirement for dedications.

- B. Scheduling and Notice of the Public Hearing(s).** Not less than 10 days before the date of the public hearing, notice shall be given by publication once in a newspaper of general circulation published and circulated in the City and by mailing, postage prepaid, to the owners, as shown on the last available equalized assessment roll or ownership records of the City Clerk of property located within 300 feet of all parcels any portion of which is included within the boundaries of the proposed subdivision, and to each tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock

cooperative project. No error or omission or failure of any person to receive notice shall affect the validity of any action taken under this Article.

- C. Review Authority's Action is Conclusive.** In the absence of a timely filed written appeal, the decision of the Review Authority shall be final and conclusive.

### 18.52.060 – Tentative Map Approval or Denial

In order to approve or recommend the approval of a tentative parcel or tract map and conditions of approval, or to deny a tentative parcel or tract map, the Review Authority shall first make the all of the findings required. In determining whether to approve a tentative parcel or tract map, the City shall apply only the ordinances, policies, and standards in effect on the date the Department determined that the application was complete, except where the City has initiated General Plan, Specific Plan, or Development Code amendments, and provided public notice.

#### A. Required Findings for Approval.

1. **Mandatory Findings Required.** The Review Authority shall approve a tentative parcel or tract map only after first making all of the findings as required by the Act. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel specified as a designated remainder.
  - a. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable specific plan, and this Article;
  - b. The site is physically suitable for the type and proposed density of development;
  - c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
  - d. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;
  - e. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision.
    - (8) This finding may also be made if the Review Authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public.
    - (9) This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Review Authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.
  - f. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements specified by the California Regional Water Quality Control Board;
  - g. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities; and

- h. The proposed subdivision, its design, density, and type of development and improvements conforms to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law.
2. **Additional Specific Findings Required.** If the proposed subdivision is a conversion of residential real property into a condominium, a community apartment project, or a stock cooperative, the Review Authority shall first make the additional finding that the proposed subdivision complies with the requirements of the Act before approving the proposed subdivision. The specific findings include all of the following:
    - a. Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has received written notification of intention to convert at least 60 days before the filing of a tentative map;
    - b. Each of the tenants, and each person applying for the rental of a unit in the residential real property, has, or will have, received all applicable notices and rights required; and
    - c. Each of the tenants received 10-day written notification that an application for a public report will be, or has been, submitted to the State Department of Real Estate, and that the report will be available on request.
  3. **CEQA Findings.** The Review Authority must make the required California Environmental Quality Act (CEQA) findings of fact for each project subject to the Subdivision Map Act.
- B. Supplemental Findings.** In addition to the mandatory and additional specific findings specified, the Review Authority shall not approve a tentative parcel or tract map unless it can also make the following supplemental findings, when they are applicable to the specific subdivision proposal.
1. **Construction of Improvements.** In the case of a tentative map for a subdivision that will require a subsequent parcel map, the construction of improvements for the subdivision within a specified time after the recordation of the parcel map is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area.
  2. **Waiver of Parcel Map.** The findings required if waiver of a parcel map has been requested with the tentative map application.
- C. Time Limits.** The time limits for acting and reporting on tentative parcel or tract maps and appeals may be extended in writing by mutual consent of the subdivider and the applicable Review Authority.
- D. Appeals.** The subdivider or any interested person adversely affected by a decision of the Review Authority with respect to a tentative parcel or tract map may appeal, in compliance with the applicable appeals procedures and as follows:
1. Any such appeal shall be filed with the applicable Review Authority within 15 days after the action of the Review Authority from which the appeal is being taken.
  2. Before accepting for filing of an appeal, the City shall charge and collect an appeal fee.
  3. Upon the filing of an appeal, the applicable Review Authority shall set the matter for a public hearing. The hearing shall be held within 60 days after the date of filing the appeal.
  4. The hearing shall be publicly noticed.



5. Within 15 days following the conclusion of the public hearing, the applicable Review Authority shall declare its findings based upon the testimony and documents produced before it. The Review Authority may sustain, modify, or overrule any recommendations or rulings of the previous Review Authority and may make the necessary findings

**E. Modifications to the Tentative Map.**

1. **Changes before Approval.** Modifications to the submitted tentative parcel or tract map may be made by the subdivider during the review and hearing process, and before approval, upon the approval of the Director or the applicable Review Authority. A tentative parcel or tract map modified before action by the applicable Review Authority need not be re-noticed for public hearing. If a tentative parcel or tract map has been appealed to the Council, that map shall not be modified and approved without first receiving a report from the previous Review Authority.
2. **Changes Following Approval.** Once a tentative parcel or tract map is approved, any changes shall be in compliance with the procedures for amendments.

### **18.52.070 – Conditions of Approval**

In approving a tentative parcel or tract map, the Review Authority may impose any conditions of approval deemed reasonable and necessary to carry out the purposes of the Development Code; provided, all conditions are consistent with the requirements of this Article and the Act.

**A. Dedications and Improvements.**

1. As a condition of approval of a tentative parcel or tract map, the City may require dedications and improvements as necessary to ensure the parcels to be created:
  - a. Are provided with adequate public services and utilities, including any appropriate cable, electronic or wireless services, to meet the needs of future residents or users;
  - b. Are of adequate design in all respects in compliance with the Development Code;
  - c. Act to mitigate any potential environmental impacts specified in the Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), or by other means; and
  - d. Provide for proper grading and erosion control, including the prevention of sedimentation or damage to off-site property.
2. All improvements shall comply with adopted City standards.

**B. Access.**

1. Except as provided below, parcels created by a subdivision of land shall abut upon a recorded dedicated public right-of-way of a width as established by the City Street Standards Manual, or shall be ensured of access to the City road system by an approved access which connects a parcel(s) to a maintained public street or state highway.
2. Private road easements may be approved for access to each parcel if it is determined that public street access cannot be provided due to certain title limitations or topographical conditions.

3. Road easements of record established before the effective date of this Article shall be recognized as legal access to each parcel of the proposed subdivision.
  4. Existing traveled roads for which a court has determined a prescriptive right by users exists for public use shall be recognized as legal access to each parcel of the proposed subdivision.
- C. Conditions Modifying Subdivision Design - Time for Compliance.** When modifications in design require a change in the conditions of approval of a tentative parcel or tract map, the subdivider shall, at least 60 days before the submission of a final map, submit the appropriate number of copies of the tentative map as modified to the Department for review for confirmation by the City Engineer.

### **18.52.080 – Effective Date of Tentative Map Approval**

The approval of a tentative map shall become effective for the purposes of filing a final tract or parcel map, including compliance with the conditions of approval, 15 days following the date of decision by the applicable Review Authority if no appeal is filed.

### **18.52.090 – Completion of Subdivision Process**

- A. Effect of Approval on Prior Approvals.** The approval or conditional approval by the Review Authority of any revised or new parcel map or tentative map shall annul all previous subdivision designs and approvals for the same site.
- B. Compliance with Conditions, Improvement Plans.** After approval of a tentative parcel or tract map, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and the expiration of the map and, where applicable, shall prepare, file, and receive approval of improvement plans before constructing any required improvements.
- C. Parcel or Final Map Preparation, Filing, and Recordation.**
1. A parcel map for a subdivision of four or fewer parcels shall be prepared, filed, processed, and recorded to complete the subdivision, unless a parcel map has been waived.
  2. A final map for a subdivision of five or more parcels shall be prepared, filed, processed, and recorded to complete the subdivision.
  3. Project phasing and the filing of multiple parcel or final maps shall be in compliance with this Article.

### **18.52.100 – Vesting Tentative Map**

- A. Application Filing.**
1. Whenever a provision of this Article and the Act requires the filing of a tentative parcel or tract map, a vesting tentative map may instead be filed.
  2. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as is required of tentative maps, except as otherwise provided.

3. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."
  4. At the time a vesting tentative map is filed a subdivider shall also supply all of the following information:
    - a. The height, location, and size of all existing and proposed structures;
    - b. Detailed information on the use(s) of all existing and proposed structures;
    - c. Architectural plans for tract development or design guidelines for custom subdivisions;
    - d. Detailed circulation information (existing and proposed). This information may include area wide traffic data sufficient for the City to determine future circulation needs;
    - e. Detailed grading plans;
    - f. Flood control information;
    - g. Hazardous materials - Level 1 Study;
    - h. Road, sewer, stormwater, and water details;
    - i. Soils report;
    - j. Any other studies the Director and/or City Engineer may require to thoroughly evaluate the project; and
    - k. The Director may require the filing and concurrent review of other related development applications where it is necessary for the review and implementation of the vesting tentative map.
- B. Expiration.** The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by this Article and/or the Act for the expiration of approved or conditionally approved tentative maps.
- C. Vesting on Approval of Vesting Tentative Map.**
1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in compliance with Government Code Section 66474.2.
  2. If Government Code Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall be deemed to have conferred 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 was approved or conditionally approved.
  3. The Review Authority may condition or deny a permit, approval, extension, entitlement, or require an amendment to the map if it first determines any of the following:
    - a. A failure to do so 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
    - b. The condition or denial is required in order to comply with state or federal law.

4. The Review Authority may alter any condition(s) of a vesting tentative map through an amendment in order to protect against conditions dangerous to public health and safety or to comply with state or federal law.

**D. Expiration of Vested Rights.**

1. The vested rights shall expire if a final map is not approved before the expiration of the vesting tentative map, as provided in the Act.
2. If the final map is approved, the vested rights shall last for the following periods of time:
  - a. An initial time period of 12 months.
  - b. A subdivider may apply for a 12-month extension 30 days before expiration in.
  - c. If the extension is denied, the subdivider may appeal that denial within 10 days after the denial.

**18.52.110 – Tentative Map Expiration and Extensions**

- A. Valid Timeframe.** An approved tentative map is valid for 24 months after its effective date, except as otherwise provided by the Act which, under specified circumstances, allows for a tentative map to be deemed valid for 36 months, unless otherwise extended in compliance with the provisions of this Article and the Act, unless the requirements of Government Code Section 66452.6 are met.

**B. Expiration of an Approved Map.**

1. Expiration of an approved tentative map shall terminate all proceedings.
2. The application shall not be reactivated unless a new tentative map application is filed in compliance with this Article.

**C. Filing of Extension Request.**

1. The time limits for acting on maps and associated appeals may be extended by mutual consent of the subdivider and the applicable Review Authority.
2. An extension request shall be in writing and shall be filed with the Director not less than 30 days before the date of expiration of the approval or previous extension, together with the required filing fee.

- D. Approval of First Extension — Director.** The Director may grant one 12-month extension to the initial time limit, only after first finding all of the following:

1. There have been no changes to the provisions of the General Plan, any applicable specific plan, or this Development Code applicable to the project since the approval of the tentative parcel or tract map;
2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan, any applicable specific plan, or other standards of this Development Code apply to the project; and

3. There have been no changes to the capacities of community resources, including but not limited to roads, sewage treatment or disposal facilities, schools, or water supply so that there is no longer sufficient remaining capacity to serve the project.

**E. Additional Extensions — Commission.**

1. The Commission may grant additional extensions to the initial time limit, only after first making all of the findings specified for an extension approval.
2. The aggregate period of time for all extensions shall not exceed the maximum limits specified in the Act.

**F. Appeal of Decision.** If the tentative map extension request is denied, the subdivider may appeal the denial within 10 days after the effective date of the denial of the extension.

**G. Filing of a Lawsuit.**

1. If a lawsuit has been filed and is pending in a court of competent jurisdiction over the validity of the approval or conditional approval of a tentative parcel or tract map, the subdivider may apply to the City within 10 days of the service of the initial petition or complaint upon the City for a stay of the time in which a tentative parcel or tract map will expire.
2. Within 40 days after receiving the request, the Director shall stay the map's expiration date until final conclusion of the action, if the Director determines the action concerns the validity of the tentative parcel or tract map approval.

### **18.52.120 – Amendments to Approved Tentative Maps and Conditions**

**A. Minor Changes to Approved Tentative Maps – Director.** A subdivider may request minor changes or amendments to an approved tentative parcel or tract map or its conditions of approval before recordation of a final map. Changes to a parcel or final map after recordation are subject to the provisions pertaining to correction and amendment of recorded maps.

**B. Minor Changes Defined.** Minor changes or amendments to a tentative parcel or tract map which may be requested by a subdivider include minor adjustments to the location of proposed parcel lines and improvements, and reductions in the number of approved parcels.

**C. Changes Other Than Minor Changes.** All proposed changes or amendments not covered by this chapter shall require the filing and processing of a new tentative parcel or tract map.

**D. Application for Changes.** The subdivider shall file an application and filing fee, with the Department, using the forms furnished by the Department, together with the following additional information:

1. A statement identifying the tentative parcel or tract map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and
2. Any additional information deemed appropriate by the Director.

**E. Processing of Application.** Proposed changes to a tentative parcel or tract map or conditions of approval shall be processed using the same procedures as the original tentative parcel or tract map, except as otherwise provided.

- F. Review Authority.** The Director shall be the Review Authority for reviewing and either approving or denying minor changes to approved tentative maps.
- G. Required Findings for Approval.** The Director may approve changes or amendments to an approved tentative parcel or tract map or its conditions of approval if the Director first determines all of the following findings to be true, and that all of the applicable findings for map approval can still be made:
1. No parcels are added, deleted, or substantially altered;
  2. No proposed structure locations are substantially altered;
  3. The changes are consistent with the intent and spirit of the original tentative parcel or tract map approval; and
  4. There are no resulting violations of this Article, the Act, or other applicable laws.
- H. Effect of Changes on Time Limits.** Approved changes to a tentative parcel or tract map or conditions of approval shall not be considered as approval of a new tentative map, and shall not extend the time limits nor extend any right(s) in compliance with a vesting tentative map.
- I. Recording of Amendments.** Minor changes or amendments shall be indicated on the approved map and certified by the Director.

### **18.52.130 – Post Decision Procedures**

The procedures and requirements related to appeals and public hearings apply to the decision on a tentative map application.

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## Chapter 18.54 -- Parcel Maps and Final Maps

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### Sections:

- 18.54.010 – Purpose
- 18.54.020 – Final Tract and Parcel Map Form and Content
- 18.54.030 – Filing and Processing of Final Tract and Parcel Maps
- 18.54.040 – Final Tract or Parcel Map Approval and Recordation
- 18.54.050 – Supplemental Information Sheets
- 18.54.060 – Correction and Amendment of Recorded Maps
- 18.54.070 – Post Decision Procedures

### 18.54.010 – Purpose

This chapter establishes requirements for the preparation, filing, processing, approval, conditional approval, or denial, and recordation of final tract and parcel maps, following approval of a tentative parcel or tract map, consistent with the requirements of this Article and the Act.

- A. Eligibility for waiver of Parcel Map.** The following projects shall be eligible for waiver of the requirements that a parcel map be filed, except where the tentative map of the subdivision, the conditions of approval, or the requirements of this Article or the Act provide for or require the provision of road, drainage, sewer, water, or other easements or the delineation of flood or geologic hazard, drainage ways, or building restrictions:
1. Lot line adjustments, or the distribution of all of an existing parcel(s) between adjacent parcels where the only conditions are conformance to the General Plan, an applicable Specific Plan, and all zoning and building provisions, and prepayment of any outstanding property taxes, or where necessary to facilitate the relocation of existing utilities, infrastructure or easements, when approved by resolution;
  2. A lease-project; or
  3. Subdivisions described in Government Code Section 66426.
- B. Requests for waiver.** Waiver requests shall be in writing on a standard form provided by the Department. The request shall include:
1. A request for waiver, signed and acknowledged by all owners of record of the land comprising the minor land division;
  2. A description of each proposed parcel;
  3. The Review Authority may require the submission of a plat map, showing sufficient ties, dimensions, and bearings to adequately establish the boundaries of the minor land division and of each proposed parcel. Record information, when available, may be utilized; and
  4. The Review Authority may require the submission of documentation (i.e., preliminary title report) as it deems necessary to verify the information presented in the request for waiver. All submissions shall be legible and readily reproducible. Before approval of a

request for waiver, the subdivider shall complete or guarantee completion of the conditions of approval as if a parcel map were to be filed.

- C. Waiver of Parcel Map Fee.** Upon submission of a request for waiver the subdivider shall pay a filing fee. The subdivider shall also pay a sum of money equal to the amount required by law for filing with the County Recorder a Certificate of Compliance for the parcels comprising the division.
- D. Eligibility for Waiver.** Within 20 days following the acceptance of a request for waiver or within any additional time as may be necessary, the Review Authority may waive the requirement that a parcel map be filed, if it first finds all of the following:
1. The design of each parcel described in the request for waiver is in substantial compliance with the tentative map, as approved; and
  2. The subdivision complies with all applicable 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 this Article, the Act, and the Municipal Code. When a waiver is granted, within 30 days the Review Authority shall cause a Certificate of Compliance, describing each approved parcel, to be filed for record with the County Recorder. The Certificate of Compliance shall state that the requirement that a parcel map of the division of land be filed has been waived and that the parcels comprising the division may be sold, leased, financed, or transferred in full compliance with all applicable provisions of the Act and this chapter.

### 18.54.020 – Final Tract and Parcel Map Form and Content

- A. Form and Content.** The form and content of final tract and parcel maps shall be as required by the Act and this chapter. The final tract or parcel map shall contain all of the contents specified for a tentative map. The map shall be considered submitted when it is complete and complies with all applicable provisions of the Act, the Development Code and all conditions of approval. The final tract or parcel map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
- B. Authorized Preparers.**
1. The final tract or parcel map shall be prepared by, or under the direction of, a licensed land surveyor or registered civil engineer whose registration dates prior to January 1, 1982.
  2. A final tract or parcel map shall be based upon a field survey made in compliance with the Professional Land Surveyors Act and as required by this chapter.
- C. Certificates and Acknowledgments.**
1. Before filing, the required certificates and acknowledgements shall appear on the map and may be combined where appropriate.
  2. The certificates and acknowledgments shall appear on the face of the map unless the City Engineer advises the subdivider that the certificates and acknowledgments are to be made by separate instrument.



3. If a certificate or acknowledgment is made by separate instrument, there shall appear on the map a reference to the separately recorded documents.

**D. Monuments.** The location, number, and type of monuments shall be as specified in the Act and this chapter and shall be in compliance with the standards prescribed in the California Business & Professions Code Chapter 8771.

1. Each final map and each parcel map for which a survey is required shall show durable monuments found or set at or near each boundary corner and at intermediate points, approximately 1,000 feet apart, or at lesser distances as may be made necessary by topography or culture to ensure accuracy in the reestablishment of any point of the line without unreasonable difficulty. The precise position and the character of each monument shall be shown on the map. The durable monument shall be not less substantial than an iron pipe of a two inch outside diameter, not less than two and one-half feet in length, with plug and tack, and set at least two feet into the ground or of another character and stability as may be approved by the City Engineer. For the purposes of this chapter, a lead and tack set in permanent concrete or masonry shall be considered as a durable monument. The approximate elevation of the top of each monument with respect to the surface of the ground shall be shown on the map.
2. Center line monuments shall be set to mark intersections of streets or intersections of streets with the map boundary or to mark either the beginning or end of curves or the points of intersections of tangents or other intermediate points in the following manner:
  - a. In asphalted concrete or cement pavements a lead and tack or PK nail and washer.
  - b. In unsurpassed graveled or oiled surfaces a two-inch iron pipe set not less than 12 inches below the surface, or at a depth as may be approved by the City Engineer.
  - c. In bituminous macadam pavements a spike not less than six inches long.
  - d. For each center line monument set, the engineer or surveyor under whose supervision the survey has been made shall furnish to the City Engineer a set of notes, clearly showing the ties between the monument and a sufficient number (normally four) of durable, distinctive reference points or monuments.
  - e. The reference points or monuments may be lead and brass tacks or PK nail and washer in a curb, or a substitute which appears to be not more likely to be disturbed.
  - f. Each set of notes submitted shall conform in all respects to the standardized office records of the City Engineer. All notes shall be indexed and filed by the City Engineer as a part of the permanent public records of the office.
3. All monuments set as required shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor under whose supervision the survey was made.
4. The City Engineer may require all or a portion of boundary monuments to be set before filing the final map or parcel map. Interior street centerline monuments may be set subsequent to filing of the final map or parcel map. The final map or parcel map shall show which monuments are in place and which are to be set. Before certification of the final map or parcel map by the City Engineer, the subdivider shall submit a written agreement in which the subdivider agrees that monuments deferred will be set before

final acceptance of the subdivision and that the notes required will be furnished within that specified time.

5. All monuments shall be subject to inspection and approval of the City Engineer.

**E. Documentation Required for City Review and Approval.**

1. **Map.** The subdivider shall submit prints of the map to the City Engineer for checking, who will distribute the map to other City departments and agencies for review.
2. **Other Documents.** The preliminary prints shall be accompanied by documents, plans, and reports in a form approved by the City Engineer, including but not limited to all of the following.
  - a. **Improvement Plans.** Improvement construction plans as required by the City Engineer.
  - b. **Soils Report.**
    - (1) A preliminary soils report, based upon test borings and prepared in compliance with the requirements of the Building Code, as it may be amended and as referenced in Municipal Code Title 15, shall be required for all tract maps and for those parcel maps which involve commercial or industrial development.
      - (a) The soils report shall be prepared by a State-registered civil or soils engineer.
      - (b) The requirement of a preliminary soils report may be waived or reduced in scope by the City Engineer if, in the City Engineer's opinion, the soil characteristics in the vicinity of the proposed subdivision have been established by previous analyses.
    - (1) Parcel maps which propose the construction of single-family dwellings shall require the preparation of a report which includes the subsurface soil classification, as well as the results of an expansive index test.
  - c. **Title Report.** A title report prepared by a title insurer within 90 days from the filing of the final map.
  - d. **Improvement Cost Estimate.** An improvement cost estimate, which shall include all improvements located within public or private rights-of-way, common areas, or easements, on-site and off-site drainage improvements, and utility trench backfill as provided by the subdivider, except for those utility facilities to be installed by a utility company under the jurisdiction of the Public Utilities Commission.
  - e. **Deeds for Easements and Rights-of-way.**
    - (2) Deeds for easements or rights-of-way required which are not proposed to be dedicated on the final map.
    - (3) The subdivider shall provide written evidence acceptable to the City Engineer in the form of rights of entry or permanent easements across private property outside of the subdivision granting access to perform

- necessary construction work and allowing the maintenance of facilities, if required.
- (4) Any other maps, deeds and easements for the review of the map as required by the Director or City Engineer.
- f. **Traverse Closure Calculations.** Traverse closure calculations for the boundary blocks, easements, monument lines, parcels, and street centerlines.
- g. **Hydrology and Hydraulic Calculations.** Complete hydrology and hydraulic calculations.
- h. **Organization Documents.**
- (5) Any proposed declaration of covenants, conditions, and restrictions (CC&Rs) and all other organization documents for the subdivision in a form prescribed by the Civil Code
- (6) All documents shall be subject to review and approval by the Director and the City Attorney.
- i. **Letter of Certification for Water.** The subdivider shall submit written certification from the City that adequate domestic water facilities are or will be available to serve the proposed project and that all necessary financial arrangements have been made to ensure construction of the facilities.
- j. **Other Reports.** Any additional calculations, data, reports, or information specified by the City Engineer.

### 18.54.030 – Filing and Processing of Final Tract and Parcel Maps

#### A. Official and Timely Filing of Map.

1. The subdivider shall cause the map to be officially filed with the City Engineer at least 30 days before the expiration of the approved or conditionally approved tentative map or any approved extension of time granted together with the filing fee(s).
2. The map shall not be considered officially filed until the engineer or surveyor has received notification from the City Engineer that all provisions of the tentative map approval, including all conditions of approval, the Act, the Municipal Code, the Development Code, and applicable City standards have been complied with.
3. The filing of the official copy of the map with the City Engineer shall constitute the timely filing of the map.

#### B. Review of Map.

1. After the issuance of a receipt for the map, the City Engineer and City Surveyor shall examine it as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations, and other matters which may require checking to ensure compliance with the provisions of this Article, the Act, and applicable City standards.
2. If the map is found to be in substantial compliance with the tentative map and is in the correct form, the matters shown on the map are sufficient, and the City Engineer and City

Surveyor are satisfied that all of the conditions of approval have been met, the City Engineer and City Surveyor shall endorse approval of the map.

3. The City Engineer shall combine with the map the agreements, easements, and securities as required by this chapter.
4. The material shall be transmitted to the Council for its consideration of the map.

**C. Time Limit for Filing Map.** If the subdivider fails to file the map with the City Engineer and the required accompanying data with the appropriate City departments within 24 months, or other period of time specified in the Act and this Article, following the effective date of tentative map approval by the Review Authority, or within any authorized extension of time, the tentative map approval or conditional approval shall become void. In this event, an application for a new tentative map shall be filed and a new filing fee shall be paid.

1. If 120 days before the submittal of a map, the subdivider has failed to comply with the tentative map conditions which require the subdivider to construct or install off-site improvements on land in which neither the subdivider nor the City has sufficient title or interest, then at the time the map is filed with the local agency, the subdivider shall enter into an agreement with the City to pay all costs of the City in acquiring the property.
2. The City shall have 120 days from the filing of the map, in compliance with the Act, to obtain interest in the land to allow the improvement(s) to be made by negotiation or proceedings in compliance with the Code of Civil Procedure, including proceedings for immediate possession of the property.
3. Before approval of the map, the City may require the subdivider to enter into an agreement to complete the improvements, at the time the City acquires an interest in the land which will allow the improvements to be made.
4. "Off-site improvements," do not include improvements which are necessary to ensure replacement or construction of housing for persons and families of low or moderate income, as defined in Health and Safety Code Section 50093.

### **18.54.040 – Final Tract or Parcel Map Approval and Recordation**

After determining the map is in compliance with this Article and is technically correct, the City Engineer shall execute the City Engineer's certificate on the map and forward the map to the Review Authority for action.

**A. Applicable Review Authority.** The applicable Review Authority is specified in Table 5-1.

**B. Review and Approval by the Review Authority.**

1. **Timing of Review Authority's Review.** The Review Authority shall approve or deny the map after it receives the map from the City Engineer or, unless the applicable time limit is extended with the mutual consent of the Director and the subdivider.
2. **Criteria for Approval.**
  - a. The Review Authority shall approve the map if it conforms to all of the requirements of the Act, all provisions of the Development Code applicable at the time the tentative map application was deemed complete, and is in substantial compliance with the approved tentative map and all conditions of approval.

- b. If the map does not conform, the Review Authority shall not approve the map.
- c. Where a map does not include any offers for dedication or improvement, the Director shall review the map(s) and shall approve each map if the map conforms to the applicable requirements of this Article and the Act. If the map(s) does not conform, it shall not be approved.

**3. Action Not to Approve a Final Tract or Parcel Map.**

- a. If a map is not approved, the denial shall be accompanied by findings identifying the requirements which have not been met or performed.
- b. Approval of a map shall not be withheld when the failure of the map to comply is the result of a technical and inadvertent error which, in the determination of the Review Authority, does not materially affect the validity of the map.

**C. Map with Dedications.**

- 1. If a dedication or offer of dedication is required on the map, the Council shall accept, accept subject to improvement, or reject, on behalf of the public, of any real property offered for dedication to the public in compliance with the terms of the offer of dedication, at the same time as it takes action to approve the map.
- 2. If the Council rejects the offer of dedication, the offer shall remain open and may be accepted by the Council at a later date in compliance with the Act.
- 3. Any termination of an offer of dedication shall be processed in compliance with the Act using the procedures specified in the Streets and Highway Code .

**D. Map with Incomplete Improvements.** If improvements required by the Development Code, conditions of approval, or other applicable laws have not been completed at the time of approval of the map, the Review Authority shall require the subdivider to enter into an improvement agreement with the City as a condition precedent to the approval of the map.

**E. Recording of Final Tract and Parcel Maps.**

- 1. After action by the Review Authority to approve the map, and after the required signatures and seals have been affixed, and the filing fee(s) paid, the City Clerk shall transmit the map back to the Director.
- 2. The Director shall establish an appointment with the County Recorder for filing.
- 3. The County Recorder shall oversee the recording of the map.

**18.54.050 – Supplemental Information Sheets**

In addition to the information required by this chapter to be included in all final tract and parcel maps, additional information may be required to be submitted and recorded simultaneously with a final or parcel map.

**A. Preparation and Form.**

- 1. The additional information required shall be presented in the form of an additional map sheet(s), unless the Director or City Engineer determines that the type of information

required would be more clearly and understandably presented in the form of a report or other document(s).

2. The additional map sheet(s) shall be prepared in the same manner and in substantially the same form as required for final tract and parcel maps.

**B. Content of Information Sheets.** Supplemental information sheets shall contain the following statements and information:

1. **Title.** A title, including the number assigned to the accompanying final or parcel map and the words "Supplemental Information Sheet;"
2. **Explanatory Statement.** A statement following the title that the supplemental information sheet is recorded along with the subject final or parcel map, and that the additional information being recorded with the final or parcel map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest;
3. **Location Map.** A location map, at a scale not to exceed one inch equals 1,200 feet. The map shall indicate the location of the subdivision within the City;
4. **Areas Subject to Flooding.** Identification of all lands within the subdivision subject to periodic inundation by water;
5. **Soils or Geologic Hazards Reports.** When a soils report or geological hazard report has been prepared, the existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and
6. **Information Required by Conditions of Approval.** Any information required by the Review Authority (e.g., areas subject to earthquakes and other similar environmental constraints) to be included on the supplemental information sheet(s) because of its importance to potential successor(s)-in-interest to the property, including any other easements or dedications.

### 18.54.060 – Correction and Amendment of Recorded Maps

A recorded final tract or parcel map may be amended by the City Engineer to correct errors in the recorded map or to change characteristics of the approved subdivision.

**A. Type of Corrections Allowed in Compliance with Government Code Chapter 66469.**

1. **Filing of a Certificate of Correction or an Amending Map.** In the event errors in a map are discovered after recordation, or other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map.
2. **Error Defined.** Errors include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the City Engineer that does not affect any property right, including but not limited to acreage, parcel numbers, street names, and identification of adjacent record maps.
3. **Other Corrections.** Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or

showing the proper character or location of any monument that was incorrectly shown, or that has been changed.

4. **Review Authority.** The Director shall approve or deny corrections or amendments to recorded maps.
5. **Required Findings.** A map may be amended only if the Director first finds all of the following to be true:
  - a. The change(s) requested only involves a minor map annotation correction(s);
  - b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
  - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
  - d. The map, as amended, is still in compliance with the Act.

**B. Type of Corrections Allowed in Compliance with Government Code Chapter 66472.1.** In the event there are changes in circumstances which make any or all of the conditions of a recorded map no longer appropriate or necessary, the following procedures shall be followed to amend the map:

1. **Application and City's Review Process.** An application to amend a recorded map shall be filed with the Director
2. **Review Authority.** The Director shall be the Review Authority for reviewing and either approving or denying corrections to and amendments of recorded maps.
3. **Required Findings.** A map may be amended only if the Director first finds all of the following to be true:
  - a. There is a change(s) in circumstances that make any or all of the conditions of the map no longer appropriate or necessary;
  - b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
  - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
  - d. The map, as amended, is still in compliance with the Act.

**C. Recordation.** After approval, the certificate of correction or amending map shall be submitted to the County Recorder for recordation.

**D. Amendment of an Approved Subdivision – New Map Required.** In the event a subdivider wishes to change or modify the characteristics of an approved subdivision, including but not limited to the number or configuration of parcels, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an improvement agreement, the subdivider shall file a new tentative, final, or parcel map or comply with the requirements of Government Code Section 66499.20.1 et seq.

**18.54.070 – Post Decision Procedures**

The procedures and requirements related to appeals and public hearings shall apply to the decision on a final tract or parcel map application.



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## Chapter 18.56 -- Additional Subdivision Procedures

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### Sections:

- 18.56.010 – Purpose
- 18.56.020 – Certificates of Compliance
- 18.56.030 – Lot Line Adjustments
- 18.56.040 – Parcel Mergers
- 18.56.050 – Reversions to Acreage
- 18.56.060 – Post Decision Procedures

### 18.56.010 – Purpose

This chapter establishes requirements consistent with the Act for Certificates of Compliance, lot line adjustments, parcel mergers, and reversions to acreage.

### 18.56.020 – Certificates of Compliance

#### A. General Provisions.

1. The City shall process and approve or deny applications for Certificates of Compliance in compliance with Government Code Sections 66499.34 and 66499.35, and this chapter.
2. Filing criteria and applicability – when required.
  - a. A recorded Certificate of Compliance may be requested by any person owning real property to have the Director determine whether the property complies with the provisions of this Article, the Act, and the Development Code.
  - b. A Certificate of Compliance may be required by the Department with the recordation of a Notice of Merger.
  - c. A recorded Certificate of Compliance shall be required for all lot line adjustments.
  - d. When contiguous deeds or surveys have ambiguities in which the property boundary cannot be clearly established, as determined by the Director, and an agreement is reached to establish the line by all parties, a boundary line agreement and a Certificate of Compliance shall be recorded.
  - e. When determined by the Director, a Certificate of Compliance may be required for the remainder parcel(s) on final or parcel maps.

#### B. Application.

1. An application for a Certificate of Compliance shall be filed with the Director and processed in compliance with the Development Code.
2. The applicant shall pay the processing fee specified and the sum of money equal to the amount required by law for filing with the County Recorder the Certificate of Compliance.

3. The Director may require the submission of supporting information as deemed necessary by the Director to determine compliance.
  4. All submissions shall be legible and readily reproducible.
- C. Review Authority.** The Director shall be the Review Authority for Certificates of Compliance.
- D. Review and Action.**
1. The Director shall review the completed application in light of public records and applicable law.
  2. If the Director is able to determine from this review that the parcel is clearly in compliance with the provisions of this Article and the Act, a Certificate of Compliance shall be issued by the Director and delivered to the County Recorder for recordation.
  3. If the Director is unable to determine from this review that the parcel is in compliance with the provisions of this Article and the Act, but can do so with appropriate conditions, a conditional Certificate of Compliance may be issued by the Director and delivered to the County Recorder for recordation.
    - a. The Director may impose conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property, and which had been established at the time by the Act or local ordinance enacted in compliance with the Act.
    - b. Upon making a determination and establishing conditions, the Director shall cause a conditional Certificate of Compliance to be filed for record with the County Recorder. The certificate shall serve as notice to the property owner who has applied for the certificate, a grantee of the property owner, or a subsequent transferee or assignee of the property that fulfillment and implementation of the conditions shall be required before subsequent issuance of a permit or other grant of approval for development of the property.
  4. If the Director is unable to determine from this review that the parcel is clearly in compliance, the procedures specified in the Act shall apply.

### 18.56.030 – Lot Line Adjustments

**A. Conditions for Allowing Lot Line Adjustments.**

1. **When Allowed.** An adjustment of the parcel lines between four or fewer existing adjoining parcels is allowed without a map:
  - a. Where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed are not created;
  - b. To consolidate two to four adjoining parcels under common ownership;
  - c. Where the resulting parcels shall be in compliance with applicable building regulations, the Development Code, and the General Plan. The City is authorized to condition the approval of a lot line adjustment to conform to the local general plan, any applicable specific plan, and adopted codes, to require the prepayment of real property taxes prior to approval, or upon the relocation of existing utilities, infrastructure, and/or easements; and

- d. Where a draft deed is submitted with a lot line adjustment application reflecting the proposed parcel configuration and legal description.
2. **Lawfully Created Parcels.**
    - a. Any parcel created by a tract map or parcel map is a lawfully created parcel.
    - b. Any parcel created before March 4, 1972 with a deed or record of survey shall be conclusively presumed to be a lawfully created parcel.
  3. **Compliance with Government Code Section 66412.** Lot line adjustments shall be allowed in compliance with Government Code Section 66412(d).
  4. **Preparation of the Application.** An application for a lot line adjustment shall be prepared by a licensed land surveyor or civil engineer authorized to practice land surveying by the state.
  5. **Application Requirements.**
    - a. An application for a lot line adjustment shall be filed with the Director, shall include the signature(s) of all owner(s) of record of the properties involved.
    - b. The application shall include the most up-to-date information and materials specified in the Department handout for lot line adjustment applications, together with the required fee.
    - c. Incomplete applications shall not be accepted.
    - d. All completed applications shall be consecutively numbered, shall become part of the permanent official records of the City, and shall contain copies of all notices and actions pertaining to the application.
    - e. It is the responsibility of the applicant to provide evidence in support of the findings required to approve a lot line adjustment .
  6. **Survey May Be Required.** The Director may, at the Director's sole discretion, require a survey of the properties involved, if the Director finds the survey necessary in order to provide an adequate description of the subject properties. The property survey which may be required by the Director is not a record of survey as detailed in California Business and Professions Code Section 8762.
- B. Review Authority.** The Director shall be the Review Authority for lot line adjustments.
- C. Processing of Lot Line Adjustment Application - Findings Required for Approval.**
1. The Director may approve a lot line adjustment only after first making all of the following findings:
    - a. The lot line adjustment would not:
      - (1) Create any new parcels;
      - (2) Include any parcels created illegally;
      - (3) Involve more than four parcels; or

- (4) Involve parcels that are not adjoining.
  - b. No street or alley dedication or improvements are necessary to properly service the properties involved in the proposed lot line adjustment;
  - c. The parcels, as proposed by the lot line adjustment, will conform, in all respects, to the minimum provisions of this Article and of the Development Code;
  - d. A greater or lesser number of parcels than originally existed are not created;
  - e. The new lot line(s) is located in a manner so as not to substantially alter the size and shape of the existing parcels, with “substantially alter” defined to be not reducing the parcel size by more than 10 percent;
  - f. All lien holders, record owners, and trust deed holders consent in writing to the lot line adjustment; and
  - g. A title report prepared by a title insurer, with the title report required to be dated no older than within 90 days from the filing date of the lot line adjustment application, is submitted.
- 2. Where the Director determines all of the required findings can be made, the Director shall approve the lot line adjustment, and the owner(s) of the parcels involved shall cause a map, in a form approved by the Director, to be recorded.
- 3. The Director may impose conditions of approval, to be satisfied before the recordation of the lot line adjustment, as the Director finds reasonable and necessary to ensure that the lot line adjustment fully complies with the Act, the Development Code, the General Plan, and all applicable building codes.
- 4. If the Director is unable to make any of the required findings, the lot line adjustment shall be denied.
  - a. The applicant shall be advised of the Director’s action.
  - b. In case of denial, the applicant shall have the option of:
    - (1) Appealing the decision to the Commission; or
    - (2) Filing a parcel or tract map.

**D. Documentation.**

- 1. Notice of the action on an application for a lot line adjustment shall be issued by the Director in writing to the applicant within five working days.
- 2. Approval of a lot line adjustment does not transfer title, adjust liens, mortgages or deeds of trust, nor does it adjust assessments.
- 3. At the conclusion of processing the lot line adjustment application, the applicant shall submit an amended deed of trust reflecting the revised legal descriptions of the affected parcels for any parcels encumbered by a deed of trust. The revised legal descriptions of affected parcels shall also be reflected in any mortgages and liens.

4. If all requirements for approval of a lot line adjustment are met, the City shall issue a Certificate of Compliance and the applicant shall record the Certificate of Compliance reflecting the adjustments

**E. Appeal.**

1. The applicant or any interested party may appeal an approval, conditional approval, or denial of an application for a lot line adjustment.
2. Appeals shall be made to the Commission
  - a. The appeal shall be made in writing and delivered to the Department within 15 days following the decision of the Director and shall be accompanied by the appeal fee.
  - b. Upon receipt in proper form of an appeal, the Director shall schedule a public hearing to be held within 60 working days.
  - c. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with standard hearing procedures.
3. After action on an appeal by the Commission, an appeal may be made to the Council.
  - a. The appeal shall be made in writing and delivered to the City Clerk within 15 days following the decision by the Commission and shall be accompanied by the appeal fee.
  - b. The public hearing shall be held within 60 working days following the date the appeal is filed.
  - c. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with standard hearing procedures.

- F. Completion of lot line adjustments.** Approval or conditional approval of a lot line adjustment shall not become effective until 10 calendar days after the issuance of the notice of the action on an application for a lot line adjustment, unless the lot line adjustment approval is appealed

**G. Expiration, Extension, and Alterations.**

1. In the event the approved lot line adjustment is not recorded with the County Recorder's office within 12 months following the effective date of the approval by the Director or an approved lot line adjustment has been altered, the lot line adjustment or lot consolidation, as may be applicable, shall be void and of no further force and effect and shall not be recorded with the County Recorder's office.
2. If the applicant still wishes to proceed with the lot line adjustment or consolidation, a new application shall first be submitted.

### **18.56.040 – Parcel Mergers**

**A. Purpose.**

1. In compliance with Government Code Section 66451.10 et seq. the authority of the City to merge two or more parcels or units of land held by the same owner is established.

2. Parcel mergers may be voluntary mergers initiated by the property owner(s) or mandatory mergers initiated by the City.
3. Parcels may also be merged in compliance with Government Code Section 66499.20.1 et seq. pertaining to the reversion to acreage.

**B. Voluntary Merger of Contiguous Parcels.**

1. **Intent.** Property owners may request a voluntary merger of contiguous parcels under the same ownership.
2. **Review Authority.** The Director shall be the Review Authority for parcel mergers.
3. **Process.**
  - a. The property owner shall file an application for a parcel merger.
  - b. The merger of the subject parcels become effective when the Director causes a notice of merger specifying the names of the record owners and a description of the real property to be filed for record with the County Recorder.
4. **Requirements.** A parcel may be voluntarily merged with one or more contiguous parcels held by the same owner: if any one of the contiguous parcels held by the same owner does not conform to standards for minimum parcel size or dimension specified by the applicable zone; if the property owner wishes to construct a structure across the property line(s) of two or more contiguous parcels; or, if at least one of the parcels meet one or more of the requirements specified in the Government Code Section 66451.11(b).

**C. Where These Provision Do Not Apply.**

1. These provisions 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 City ordinances regulating the division of real property and the Act., applicable at the time of their creation, or to parcels or units which were not subject to the provisions at the time of their creation, even though the contiguous parcels or units are held by the same owner.
2. If any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size to allow use or development in compliance with the Development Code, then those parcels or units shall be merged.

**D. Unmerged Parcels Prior to January 1, 1984.** Any parcels or units which were deemed unmerged, before January 1, 1984, under the Act and which have not been merged subsequently shall be considered separate parcels or units.

**E. Mandatory Merger of Nonconforming Contiguous Parcels under Single Ownership.**

- 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 involuntarily merged if one of the parcels or units does not conform to the minimum parcel size to allow use or development in compliance with the Development Code, and if all of the following requirements are satisfied in compliance with the Act:
1. At least one of the affected parcels is not developed with 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(s), or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit of land.

2. With respect to any affected parcel, one or more of the following conditions exists:
  - a. Comprises less than 5,000 square feet in area at the time of the determination of merger;
  - b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
  - c. 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; or
  - g. Is not consistent with the applicable General Plan and any applicable specific plan, other than minimum parcel size or density standards.
3. Mandatory merger does not apply if any of the conditions specified in Government Code Section 66451.11(b)(7)(A), (B), (C), (D) or (E) exist.

**F. Proceedings for Notice of Intention to Determine Status.**

1. Whenever the Director has knowledge that real property has merged, the Director shall mail, by certified mail, to the current record owner(s) of the property a notice of intention to determine status.
  - a. The notice of intention shall state that the affected parcels may be merged ; that the owner may request, within 30 days from the date the notice of intention was recorded, a hearing before the Commission to present evidence that the property does not meet the standards for merger; and that the notice of intention was recorded with the County Recorder on the date the notice of intention was mailed to the property owner(s).
  - b. Upon receipt of a request for a hearing, the Director shall set the hearing for a date not less than 30 days but not more than 60 days from the date of receipt of the request.
  - c. The property owner(s) shall be notified of the hearing by certified mail.
  - d. After the hearing, the Commission shall determine whether the affected property has merged.
  - e. A determination of non-merger may be made whether or not the affected property meets the standards for merger.
  - f. The determination shall be made and notification of the determination shall be mailed to the property owner(s) within five working days following the date of the hearing.
2. If the parcels have merged, the Director shall file a notice of merger with the County Recorder within 30 days following the date of the hearing, unless the determination has been appealed.

- a. The notice of merger shall specify the name(s) of the record owner(s) and shall particularly describe the real property.
  - b. If the parcels have not merged, the Director shall record a release of the notice of intention within 30 days following the date of the determination, and shall mail a copy of the release to the owner(s).
  - c. If no hearing is requested, the determination shall be made not later than 90 days after the mailing of the notice of the opportunity for a hearing.
3. If the property owner(s) requested a hearing, the determination of the Commission may be appealed to the Council within 10 days following the date of mailing the notice of determination by filing a written appeal with the City Clerk.
- a. A appeal fee shall be paid at the time of filing the appeal.
  - b. Upon receipt of an appeal and payment of the fee, the City Clerk shall place the matter on the Council agenda not less than 30, but not more than 60, days following the date the appeal was filed.
  - c. If, after a hearing, the Council grants the appeal, the City Clerk shall, within 30 days, record a release of the notice of intention with the County Recorder.
  - d. If the appeal is denied, the City Clerk shall, within 30 days, record a notice of merger with the County Recorder.
  - e. A copy of either the release or the notice of merger shall be sent to the property owner(s).

#### **G. Unmerger.**

1. **Deemed Unmerged.** Any parcel or unit of land which merged in compliance with the provisions of any law before 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 Government Code Section 66451.30(a) are met, and if none of the conditions specified in Government Code Section 66451.30(b) exist.
2. **Filing of a Certificate of Compliance.** Upon request of a property owner, the Director shall file a Certificate of Compliance whenever the Director determines that a parcel is unmerged.

#### **H. Request for Determination of Merger.**

1. **Director's Determination of Merged or Unmerged.**
  - a. A property owner may request that the Director determine whether property has merged or is deemed unmerged
  - b. A request for determination shall be made in writing and shall be accompanied by a fee.
2. **Determination of Merged.** Upon determination that property has merged, the Director shall issue to the property owner(s) and record with the County Recorder a notice of merger.



3. **Determination of Unmerged.** Upon determination that property is deemed unmerged, the Director shall issue to the property owner(s) and record with the County Recorder a Certificate of Compliance showing each parcel as a separate parcel.

### **18.56.050 – Reversions to Acreage**

#### **A. Purpose and Filing Provisions.**

1. A procedure for the merger of separate parcels into one parcel, in compliance with Government Code Section 66499.11 et seq., is established.
2. A reversion to acreage shall be initiated, processed, reviewed, and approved or denied in compliance with the Act.
3. An application for reversion submitted by a property owner(s) shall include all information required by the Director, and shall include the fee required.
4. A parcel map may be filed to revert to acreage land previously subdivided that consists of four or less contiguous parcels, in compliance with the Act.

#### **B. Review Authority.** The Council shall be the Review Authority for reversions to acreage requests.

#### **C. Processing Procedures and Public Hearing Required.**

1. The Commission shall hold a public hearing on all petitions for, and Council initiations of, reversions to acreage.
2. The notice of the hearing shall be provided and the hearing shall be conducted in compliance with standard hearing procedures.
3. The Commission shall render its decision in the form of a written recommendation to the Council.
4. The recommendation shall include the reasons for the recommendation and shall be transmitted to the Council.
5. Upon receipt of the recommendation of the Commission, the Council shall hold a public hearing.
6. The notice of the hearing shall be provided and the hearing shall be conducted in compliance with standard hearing procedures.
7. The Council may approve a reversion to acreage only if it first makes all of the findings required.

#### **D. Required Findings.** The applicable Review Authority shall approve a reversion to acreage only after first making all of the following findings, as required by the Act:

1. Dedications or offers of dedication to be abandoned or vacated by the reversion to acreage are unnecessary for present or prospective public purposes; and
2. Either:
  - a. All owners of an interest in the real property within the subdivision have consented to the reversion;

- b. None of the improvements required to be made 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 the later; or
- c. No parcels shown on the final or parcel map have been sold within five years from the date the map was filed for record.

**E. Recordation Procedures.**

- 1. After the hearings before the Commission and the Council and approval of the reversion to acreage, the final or parcel map, as applicable, shall be delivered to the City Engineer.
- 2. The reversion to acreage shall be effective upon the final or parcel map being filed for recordation by the County Recorder.
- 3. Upon filing, all dedications and offers of dedication not shown on the final or parcel map for reversion shall be of no further force or effect.

**F. Effect of Reversion.** The filing of a final or parcel map, as applicable, to complete a reversion to acreage shall also constitute the merger of the separate parcels into one parcel, in compliance with the Act.

### **18.56.060 – Post Decision Procedures**

The procedures and requirements related to appeals and public hearings shall apply to the decision on any application filed.

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## Chapter 18.58 -- Subdivision Design and Improvements

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### Sections:

- 18.58.010 – Purpose
- 18.58.020 – Applicability of Design and Improvement Standards
- 18.58.030 – Subdivision Design Standards
- 18.58.040 – Subdivision Improvement Requirements
- 18.58.050 – Site Preparation and Grading for Subdivision Construction
- 18.58.060 – Improvement Plans
- 18.58.070 – Improvement Agreement Required
- 18.58.080 – Improvement Security
- 18.58.090 – Installation of Improvements
- 18.58.100 – Monuments
- 18.58.110 – Soils Reports

### 18.58.010 – Purpose

- A. Requirements for the Design and Layout.** This chapter establishes standards for the design and layout of subdivisions, and the design, construction, and installation of public improvements within subdivisions.
- B. Creation of New Usable Parcels.** The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan and any applicable specific plan.

### 18.58.020 – Applicability of Design and Improvement Standards

#### **A. Extent of Required Improvements.**

1. Each subdivision of four or fewer parcels, and each subdivision of five or more parcels, shall provide the improvements required by this chapter, and any additional improvements required by conditions of approval.
2. Improvements required to be installed or agreed to be installed by a subdivider as a condition precedent to the filing of a final map or parcel map shall comply with the requirements of this chapter. The improvements shall be provided and developed in compliance with the conditions imposed as a condition of approval of the tentative map or tentative parcel map in compliance with any agreement or bond made or entered into by the subdivider for that purpose, and in compliance with the standards and specifications specified by administrative regulations and ordinances of the City applicable at the time of approval of the tentative map or tentative parcel map.

#### **B. Applicable Design Standards, Timing of Installation.**

1. **Construction of Off-Site Improvements.** The subdivider shall construct all on- and off-site improvements in compliance with the standards approved by the City Engineer.

2. **Completion of Improvements.** No parcel or final map shall be presented to the Council for approval and no parcel map shall be presented to the City Engineer for approval until the subdivider either completes the required improvements, or enters into a subdivision improvement agreement with the City for the work.
3. **Improvements, Other Than Street Improvements.**
  - a. Plans, profiles, and specifications for improvements, other than street improvements, and grading and drainage plans, shall be submitted to the City Engineer not later than the time a final map or final parcel map is submitted for checking and certification. The plans shall show all details of the proposed improvements, grading, and drainage needed for approval of the plans by the City Engineer. The details may include requirements of other governmental agencies whose jurisdiction some portion of the plan may encompass. Final plans shall be submitted for approval by the City Engineer before a final map is transmitted to the Review Authority for approval or parcel map is certified for filing by the City Engineer if:
    - (1) The subdivider applies for a reimbursement agreement; or
    - (2) Another governmental agency, whose approval of plans is necessary, will not approve preliminary plans.
  - b. Preliminary plans may be submitted to the City Engineer when sufficient engineering data is furnished by the subdivider to demonstrate that the preliminary design meets the City's standards and specifications, is practicable from a maintenance standpoint, and is consistent with sound engineering practices and that the final plans will conform to the preliminary plans with only minor changes.
2. **Street Improvements.**
  - a. Plans, profiles, and specifications for all street improvements shall be subject to the approval of the City Engineer. The plans shall be furnished to the City Engineer no later than the time of submitting the final map or parcel map to the City Engineer for checking and shall be subject to the approval of the City Engineer before any map shall be certified by the City Engineer. The plans, profiles, and specifications shall show full details of the proposed improvements and shall be in compliance with the standards and specifications of the City Engineer. The plans shall also include the design grade for an existing highway or for a future street provided the City Engineer determines that the grade is necessary to properly locate slope and drainage easements, if any.
  - b. If streets or other public ways are to be dedicated on a final map or by separate instrument before filing a parcel map and the subdivider is required to grade, pave, or install curbs, gutters, or sidewalks within the easements, the subdivider shall provide a copy of the final map or parcel map, as applicable, which delineates all structures within the easements. The maps shall be submitted to the City Engineer when street improvement plans are submitted for approval.
  - c. Each street, whether public or private, shall be improved with full width grading, full height Portland cement concrete curbs and gutters, full width roadway paving, installation of incidental drainage facilities, street signs, sidewalks, street lights on public streets, and any other improvements for traffic and drainage needs as are required for the appropriate development of the division of land.

- d. If a portion of an existing street constitutes any portion of the boundary of the division of land and the street is unimproved, or the Review Authority determines that the improvements are insufficient for the general use of the parcel owners in the division of land and for local neighborhood traffic and drainage needs, the Review Authority may require the subdivider to improve or agree to improve the street.
- e. The Review Authority may require the remodeling of an existing street. The remodeling shall be in compliance with the improvement requirements specified.
- f. Except for full width grading, the subdivider shall not be required to improve streets shown on a final map or a parcel map as future streets.

3. **Other Improvement Requirements.**

- a. **Fencing of Watercourses or Drainage Facilities.** The subdivider shall provide a chain link fence or equivalent, not less than six feet high, along each side of any portion of a dedicated right-of-way for any watercourse or drainage facility within a proposed division of land if the Review Authority finds that the location, shape, slope, width, velocity of the water, or other characteristics of the watercourse or drainage facility makes the fencing of the right-of-way necessary for the protection of the general public. The fencing shall have an adequate number of gates to facilitate cleaning and maintenance and shall not contain openings below the fence in excess of four inches vertical.
- b. **Protective Improvements.** The Review Authority may require specified protective structures to be installed as are necessary for the proper functioning and maintenance of the improvements required to remove a flood or geological hazard and as are necessary for the protection of property adjacent to the division of land.
- c. **Sidewalks.** Sidewalks shall be installed in compliance with City standards, except when the Review Authority specifies otherwise.
- d. **Street Trees and Plants.** The subdivider shall pay the cost of trees in the parkway panels of streets and highways within or adjacent to a division of land. The type or species and location of the trees shall be determined by the City Engineer.
- e. **Temporary Improvements.** Temporary improvements may be required before, or concurrent with, permanent improvements. In these instances, the temporary improvements shall be installed in a manner approved by the City Engineer.
- f. **Public Safety Improvements.** All public improvements as specified by the Police Department and Fire Department shall be determined completed in accordance with city standards and the Review Authority.
- g. **Green Infrastructure Improvements.** Green infrastructure improvements shall be required for all subdivisions in accordance with the City's Green Infrastructure Plan, the Municipal Regional Stormwater NPDES Permit and the requirements of the California Regional Water Quality Control Board.

**C. Subdivision Improvement Standards - Conditions of Approval.**

1. The applicable subdivision improvement and dedication requirements of this chapter and any other improvements and dedications required by the Review Authority shall be described in conditions of approval adopted for each approved tentative map.
2. The design, construction, or installation of all subdivision improvements shall comply with the requirements of the City Engineer.

**D. Oversizing of Improvements.**

1. At the discretion of the Review Authority, improvements required to be installed by the subdivider for the benefit of the subdivision may also be required to provide supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and may be required to be dedicated to the City, in compliance with the Act.
2. In the event that oversizing is required, the City shall comply with all applicable provisions of Government Code Section 66485 et seq., including the reimbursement provisions of Government Code Section 66486.
3. If a parcel proposed for subdivision is subject to an existing reimbursement agreement, the subdivider shall pay the required reimbursement before the recordation of the parcel or final map, or the issuance of a building permit for construction on the parcel, whichever occurs first.

**E. Exceptions.** Exceptions to the requirements of this chapter may be requested and considered.**18.58.030 – Subdivision Design Standards**

**A. Applicability.** Each subdivision shall be designed in compliance with the subdivision standards unless an exception is granted in.

**B. Roads and Streets.** The layout, design, and construction of all proposed roads and streets shall comply with the General Plan, any applicable specific plan, and the City Street Standards Manual. Whenever the Development Code specifies the City Street Standards Manual, it shall mean the San Mateo County Road Standards Manual, maintained by the County Department of Public Works, or as approved by the City Engineer.

**1. Street Alignment Plan.**

- a. If the General Plan or any applicable specific plan designates a general location of a proposed street and any portion of the street may be wholly or partially located within a proposed subdivision or may be affected by a proposed subdivision before the approval of the subdivision, a specific alignment plan shall be prepared and adopted.
- b. Each street shall conform in width and alignment with that shown or indicated on the General Plan or any applicable specific plan or any standards adopted in compliance with the General Plan or specific plan.
- c. As a condition of approval of the subdivision, the subdivider shall be required to make dedications and construct reasonable improvements as required by the specific alignment plan.

- d. The Review Authority may require that future streets and alleys be provided for the future division of parcels shown on the tentative or parcel map and for the development of adjoining property.
- e. These requirements may be waived by the Director upon recommendation of the City Engineer, if the proposed street is located upon a street line or its precise alignment cannot be otherwise determined.

2. **Circulation Standards.**

- a. **Streets and Street Layout.** The layout, design, and construction of proposed streets shall comply with the General Plan, applicable specific plan, the Development Code, and/or other requirements that may be deemed appropriate by the City Engineer and/or Director.
- a. **Subdivision Access.**
  - (1) Depending on the size of the subdivision and the length of the streets, the subdivision and each of its phases shall have a minimum of two points of vehicular ingress and egress from existing and surrounding streets.
  - (2) Where the subdivider provides evidence that this access is physically impossible or a cul-de-sac is proposed, this requirement may be waived or modified by the City Engineer, after receiving a recommendation from the Fire District.

F. **Additional Standards.**

- 1. **Applicable Standards.** The following additional standards shall apply:
  - a. Freeways, limited access, and unlimited access state highways shall conform to the standards of the California Department of Transportation and where the same are involved in any subdivision, they shall receive special attention. The standards of the California Department of Transportation shall be deemed to be the minimum standards acceptable.
  - b. Street intersections shall be as follows:
    - (1) Where one or both intersecting streets serve residential development, their intersecting right-of-way lines shall be rounded with a curve having a radius of 15 feet, unless otherwise determined by the City Engineer.
    - (2) Where one or both intersecting streets serve commercial, industrial, mixed use development, their intersecting right-of-way lines shall be rounded with a curve having a radius of 25 feet, unless otherwise determined by the City Engineer.
    - (3) Where two alleys intersect, a cutoff of not less than 10 feet at the intersection of the right-of-way lines shall be provided.
  - c. Special local streets where freeways, grade separations, parkways, railroads, or other dominant factors are involved shall receive special attention.

- d. The alignment of streets shall provide the required frontage for each parcel in the proposed subdivision and, where necessary, to provide for the future development of adjacent properties.
  - e. Centerline jogs of 150 feet or more shall be avoided wherever practicable.
  - f. On any street, no centerline curve radius of less than 200 feet shall be provided.
  - g. Suitable tangents, when possible, shall be used between all curves.
  - h. The applicable Review Authority may require that an alley be provided at the rear of parcels which are intended for multi-family residential, commercial, industrial, and/or mixed use land uses.
  - i. In areas where no official plans exist, the layout of all improvements, including curbs, gutters, parkways, planting strips, sewer lines, sidewalks, streets, street lights, trees, and private water mains located within the public rights-of-way, shall be in compliance with adopted City standards, and where no standards have been adopted, the arrangements shall be subject to review and approval by the City Engineer.
2. **Interconnected Streets.** Streets proposed within a new subdivision shall be interconnected and shall connect with adjacent streets external to the subdivision, to provide multiple routes for pedestrian and vehicle trips from, to, and within the subdivision, as determined by the Review Authority to be appropriate.
  3. **Street Extensions and Stub Streets.**
    - a. **Street Extensions.** Where the subdivision adjoins unsubdivided land, streets in the subdivision shall be extended to the adjacent unsubdivided land, as prescribed by the Review Authority, to provide access to the unsubdivided land in the event of its future subdivision.
    - b. **Stub Street Improvements.**
      - (1) In the case of stub end streets extending to the boundary of the property, a barricade, the design to be approved by the City Engineer, shall be constructed at the end of the stub end street, pending the extension of the street into adjacent property.
      - (2) Where required by the Review Authority, a temporary connection to another street, or a temporary turnaround, shall be provided by the subdivider.
  4. **Right-of-Way and Roadway Widths.** The following right-of-way and roadway widths shall apply:
    - a. Streets and alleys shall have minimum right-of-way and roadway widths as shown in the City Street Standards Manual. Alternative cross street may be used where the applicable Review Authority finds that existing improvement patterns or neighborhood design warrant use of the alternative cross streets.
    - b. In the interest of good planning and the orderly development of the City, the applicable Review Authority may, at its sole discretion, permit variations of the above minimum cul-de-sac right-of-way widths, lengths, and alignments, for good cause.



5. **Dead-End and Cul-de-Sac Streets.**
  - a. Subdivision design shall not include dead-end streets (including cul-de-sacs), except where through streets cannot be provided because of existing development or an environmental feature requiring protection and/or preservation (e.g., a creek channel). The exception shall be subject to the approval of the applicable Review Authority.
  - b. Where a subdivision is allowed to include a dead-end street design, the street shall be designed to end in a cul-de-sac, rather than a hammer head, designed and constructed in compliance with adopted City standards.
  - c. The length of a dead-end street shall not exceed a distance of more than 500 feet, and as determined by the Fire District based on consideration of specific street conditions. The length shall be measured from the center of the closest intersection to the center of the cul-de-sac bulb. Dead-end streets shall provide a suitable turn-around designed with a minimum diameter of 96 feet between right-of-way lines, and as determined to be suitable on a case-by-case basis, in coordination with the Fire District and to the satisfaction of the City Engineer.
6. **Intersection Design.** All streets shall normally intersect as nearly as possible at right angles, except when it can be shown that any other street pattern will improve the design of the subdivision without hindering traffic safety to the satisfaction of the City Engineer.
7. **Street Grades.** Streets shall have a grade of not less than four tenths of one percent or more than 10 percent, except where the applicable Review Authority, upon the advice of the City Engineer, determines that a modification to the grade limitations is appropriate.
8. **Street Dedications.**
  - a. A street that is not constructed to City standards will not be accepted by the City for dedication as a public street.
  - b. Even a street that complies with all applicable City standards may not be accepted for dedication.
  - c. Acceptance of street dedication is subject to the recommendation(s) of the City Engineer and the approval of the Review Authority.
9. **Sidewalk Standards.** All sidewalks shall be designed, constructed, and continuously maintained in compliance with the City Standard Plans and Specifications, subject to approval by the City Engineer.
10. **Private Street Standards.** All private streets shall be designed, constructed, and continuously maintained in compliance with the City of East Palo Alto and Menlo Park Fire Protection District standards.
11. **Pedestrian Walkways Away from Street Frontages.**
  - a. As part of subdivision approval, the Review Authority may require dedicated and improved pedestrian walkways in locations away from street frontages where necessary to provide safe and convenient pedestrian access to a public facility or to otherwise provide convenient connections between existing pedestrian routes.
  - b. Where walkways are required, the City Engineer shall specify the standards for their design, location, and construction.

12. **Distance Between Driveways.** There shall be a minimum clear separation of 20 feet between all driveways, measured at the point where the outer edge of the driveway apron meets the street.
  13. **Guest Parking Standards.** Provisions for suitable off-street guest parking shall be designed, constructed, and continuously maintained.
  14. **Outdoor Lighting Standards.** Outdoor lighting shall be designed, constructed, and continuously maintained.
  15. **Sign Standards.** All signs, including the placement and maintenance of signs on private streets, shall be designed, constructed, and continuously maintained.
- G. Parcel Design.** The arrangement, shape, and size of proposed parcels shall comply with this Article, the Development Code, and with any General Plan policy, any specific plan requirement, or other Municipal Code provisions which apply to subdivisions.
1. **General Parcel Design Standards.**
    - a. Each proposed parcel shall be determined by the Review Authority to be “buildable” because it contains at least one building site that can accommodate a structure.
    - b. No parcel shall be created that is divided by a City, County, school district, or other taxing district boundary line.
    - c. If a proposed parcel is located in more than one zone classification, then the area, depth, and width of the parcel shall be in compliance with the minimum requirements of the most restrictive zone classification.
    - d. The parcel area, depth, and width requirements shall not apply to any parcel which the subdivider offers to deed or dedicate to the public.
    - e. Easements intended for vehicular access and parkways required by the City shall not be included in the determination of the area, depth, and width of the parcel.
    - f. No subdivision shall be approved which leaves unsubdivided islands, strips or parcels, or property unsuitable for subdividing, which is not either accepted by the City or other appropriate entity for public use, or maintained as common area, within the boundaries of the subject development.
  2. **Parcel Area, Depth, and Width Requirements.**
    - a. **Compliance with Article 2 Required.** The minimum area, depth, and width for new parcels shall be as specified for the applicable zone, except as otherwise provided by this chapter.
    - b. **Minimum Parcel Area Requirements for Common Interest Projects.** The minimum parcel area requirements shall not apply to individual condominiums, condominium conversions, and townhouses, but shall apply to the creation of the original parcel(s) that is the location of the condominium or townhouse development.
    - c. **Planned Development Permit Projects.** Minimum parcel size requirements may be reduced below that required in order to permit greater density, if

additional open space, beyond that required by the Development Code is provided through the approval of a Planned Development Permit.

- d. **Modifications.** The Review Authority, in the exercise of sound reasonable judgment after proof of necessity has been presented and after a finding by a majority of the members of the Review Authority that a modification(s) to the requirements is necessary by reason of the size, shape, topography, or other conditions of the property within the subdivision or of adjacent property, may, by majority vote grant a modification(s) that is not prohibited by this Article, or the Act, and that is not inconsistent with the General Plan.
3. **Dimensions.** The dimensions of new parcels shall comply with the applicable provisions of Article 2 or as otherwise required by the Review Authority.
  4. **Lot Line Orientation.** Side lot lines shall be at right angles to the street on straight streets and shall be approximately radial on curved streets.
  5. **Parcel Configuration.** The layout of proposed parcels and streets shall be designed to use land efficiently and minimize site disturbance in terms of cuts and fills and the removal of vegetation. See also the parcel design provisions regarding energy conservation.
    - a. **Street Frontage Required.** Each proposed parcel shall have frontage on a public street. The frontage width shall be at least the minimum parcel width required by the applicable zone, except where a flag lot is approved by the applicable Review Authority.
    - b. **Double-Frontage Parcels**
      - (1) Newly proposed double-frontage parcels with streets located along both the front and rear parcel lines are prohibited.
      - (2) For existing double-frontage parcels, the Director shall determine which frontage(s) shall be considered as the "parcel front" or "parcel frontages" for the purposes of compliance with the minimum setback requirements.
    - c. **Flag Lots.**
      - (1) Flag lots are strongly discouraged and may be approved only where the Review Authority first determines that unusual depth or other characteristics of a parcel to be subdivided prevents one or more proposed parcels from having a frontage width equal to the minimum parcel width requirements.
      - (2) Where allowed, the "flag pole" portion of a flag lot shall have a minimum unobstructed width of 20 feet. The Review Authority may require additional width depending upon the length of the flag pole and traffic safety sight distance considerations.
  6. **Open Space Requirements.**
    - a. **Provision of Private Open Space.** Every parcel within a subdivision shall provide for a minimum of 150 square feet of dedicated permanent private open space located within the parcel. The measurement of the minimum private open space shall not include front or side setback areas. The Review Authority shall have the authority to modify this open space requirement.

- b. **Increase in Allowable Dwelling Unit Sizes with the Provision of Additional Open Space.** Maximum dwelling unit sizes may be increased if the subdivision proposes to offer a corresponding amount of additional permanent private open space beyond that required by the Development Code. For example, if an applicant/subdivider is only allowed 2,000 square feet of livable area, but wants 2,500 square feet, the City may grant the additional 500 square feet if a corresponding amount of additional usable private open space is provided within the project. The process to achieve this modification is the Planned Development Permit process.
- H. **Energy Conservation.** Each proposed subdivision shall be designed to provide maximum opportunities for energy conservation, including opportunities for passive or natural heating or cooling opportunities, and optimum solar energy orientation in compliance with Government Code Chapter 66473.1 and as follows.
1. **Street Layout.** The streets proposed in a subdivision shall be planned in a primarily east-west orientation where feasible.
  2. **Parcel and Building Site Design.** Proposed parcels shall be designed, where feasible, to provide building sites that allow the orientation of structures in an east-west alignment for southern exposure, and to take advantage of existing shade or prevailing breezes.
- I. **Environmental Health.** Lands to be subdivided for residential, park, playground, or land recreation purposes may be subject to environmental quality standards as established by ordinances and regulations of the different departments and agencies within the City.
- J. **Fire Protection.**
1. Subdivision design shall provide for safe and ready access for fire and other emergency vehicles and for routes of escape to safely handle evacuations. The design, construction, and continual maintenance of all on-site means of emergency vehicle access shall ensure suitable access, including properly sized turnaround areas, subject to the review and approval of the Fire District.
  2. The subdivision shall be served by water supplies for community fire protection in compliance with the standards established by the Fire District.
  3. In hazardous fire areas, all flammable or combustible vegetation shall be removed from around all structures, in compliance with Fire District requirements. Where erosion is probable, the slopes shall be planted with fire resistive ground cover.
- K. **Exceptions.**
1. Conditional exceptions to the standards and regulations specified in this chapter may be authorized by the Review Authority, and only if exceptional or special circumstances apply to the subject property.
  2. The special circumstances may include extreme topographic elements, limited size, dominating drainage problems, unusual shape, or the impracticability of employing a comprehensive plan or layout by reason of the prior existing recorded subdivision of contiguous properties.

**18.58.040 – Subdivision Improvement Requirements**

- A. General Improvement Installation.** All culverts, curbs, drainage structures, fire hydrants, gutters, pavements, sanitary sewer lines, sidewalks, public or private streets, traffic signals, street lights, street name signs, and water mains shall be installed by and at the cost of the subdivider when not prohibited by the Act, and shall conform to grades and specifications established and approved by the City.
- B. Bicycle/Walking Paths and Hiking/Equestrian Trails.** The subdivider shall construct bicycle paths, multiple use trails, and/or access to multiple use trails within an approved subdivision in compliance with the Circulation, and Open Space, and Conservation Elements of the General Plan and any applicable specific plan.
- C. Bridges and Major Thoroughfares.** The City may assess and collect fees as a condition of issuing a building permit for the purpose of defraying the actual or estimated costs of constructing bridges or major thoroughfares in compliance with the Act and this Article, after the City has established a master plan for bridge crossings and major thoroughfares.
- D. Fire Hydrants.** The subdivider shall supply and install fire hydrants, along with their associated underground water pipes, of sizes and locations as required and approved by the City Engineer and Fire District, and in compliance with this chapter.
- E. Monuments.** The subdivider shall supply and install monuments in compliance with the requirements of the Act, the City Engineer, and this chapter.
- F. Private Facilities – Maintenance.** A subdivision with common area(s) or private streets shall have conditions, covenants, and restrictions (CC&Rs) approved by the applicable Review Authority, upon the review and recommendation of the Director and City Attorney, to provide for the proper maintenance of the common area(s) and/or private streets, and to establish standards for maintenance.
- G. Public Utilities.** Each approved parcel shall be provided connections to public utilities, including electricity, gas, sewer, telecommunications, and water services, which shall be installed as part of the subdivision improvements.
- 1. Underground Utilities Required.**
    - a. Utility lines, including communications, electric, telephone, and street lighting, located within or directly serving each subdivision, shall be placed underground.
    - b. The subdivider is responsible for complying with the requirements without expense to the City, and shall make necessary arrangements with the appropriate utility company for the installation of the facilities. Appurtenances and associated equipment (e.g., boxes and meter cabinets) and concealed ducts in an underground system may be placed above ground.
    - c. Undergrounding requirements also apply to existing utility or common carrier routes in use at the time the subdivision is completed which do not provide service to the area being subdivided, except for high voltage transmission lines or other utilities with good cause as excepted on a case-by-case basis by the City Engineer.
    - d. The Review Authority, based on the recommendations of the City Engineer, may waive the undergrounding requirements if topographical, soil, or any other conditions make the underground installations unreasonable or impractical.

2. **Cable, Electronic and Wireless Systems.** If a local cable television system, electronic and/or wireless system (or comparable technology system provider) is available to serve the project, any subdivision for which a tentative map is required, or a parcel map for which a tentative map was not required, shall be designed to provide the appropriate system an opportunity to construct, install, and maintain on land reserved for cable, electronic or wireless service or by separate instrument, any equipment necessary to extend services to each residential parcel in the subdivision.
  - a. "Appropriate system," means those franchised or licensed to serve the geographical area in which the subdivision is located.
  - b. These provisions shall not apply to the conversion of existing dwelling units to condominiums, community apartments, or stock cooperatives.
3. **Reimbursement for Relocation or Replacement.**
  - a. Whenever the City imposes as a condition of its approval of a tentative parcel or tract map a requirement that necessitates replacing, undergrounding, or permanently or temporarily relocating existing facilities of a telephone corporation or cable television system, common carrier, or other public utility, the developer or subdivider shall reimburse the appropriate facility provider for all costs for the replacement, undergrounding, or relocation.
  - b. All costs shall be paid as required by the responsible cable television system, common carrier, or other public utility.
  - c. Under no circumstances shall the telephone corporation or cable television system be reimbursed for costs incurred in excess of the cost to replace the facilities with substantially similar facilities.

#### **H. Sewage Disposal.**

1. Each parcel within an approved subdivision shall be provided a connection to the City's sewage collection, treatment, and disposal system, in compliance with the requirements of the City Engineer and the outlet to be used for the sewers shall be designated by the City Engineer.
2. The subdivider shall also pay the required connection fee.
3. When sanitary sewer mains are existing, the subdivider shall pay for these improvements in compliance with the provisions of Municipal Code for the developed parcels.
4. All sanitary sewer mains, appurtenances, and service connections shall be constructed or laid to the line and grade established by the City Engineer and shall be of a design and size as designated.
5. Sewers shall not be installed in utility easements, except in special cases and circumstances, subject to the approval of the City Engineer.

#### **I. Street Lighting.**

1. The subdivider shall provide an ornamental street lighting system in each division of land of four parcels or more and one parcel condominium divisions of land. Plans for the installation of the system shall be submitted to the City Engineer for review and approval.

2. All proposed subdivisions shall provide street lighting facilities designed and constructed in compliance with the City's adopted improvement standards and specifications.
3. The subdivider shall pay for street light maintenance on decorative fixture lighting as required by the City.

**J. Street Signs and Street Names.**

**1. Street Names.**

- a. All public and private streets located within a proposed subdivision shall have names in compliance with the procedures established by the City Engineer.
- b. It is the City's established policy to strongly encourage the use within subdivisions of prominent African American, Native American or other names that demonstrate the rich diverse history of the City.
- c. The duplication of an existing street name within the same area shall not be allowed in a new subdivision, unless the street is an obvious extension of and contiguous to an existing street.

**2. Street Name Signs.**

- a. The subdivider shall be responsible for the cost of materials, manufacturing, and installation of street name signs.
- b. One set of signs shall be installed at each intersecting street identifying each street name at a location(s) determined by the City Engineer.
- c. All street name signs shall be designed, ordered, and installed by the Director

**K. Storm Drainage.** Stormwater runoff from the subdivision shall be collected and conveyed by an approved storm drain system.

1. A subdivision that lies in the path of existing watercourses or overflows from existing watercourses, or natural drainage from upstream properties, shall not be approved unless adequate dedicated right(s)-of-way and improvements are provided as deemed satisfactory by the City Engineer.
2. When the City Engineer determines that a subdivision may cause an unnatural increase or concentration of surface waters onto downstream property, the subdivision shall not be approved unless drainage outlets are provided that will be adequate to render the City harmless from any damages caused by the increase or concentration of water.
3. The location, size, and type of watercourses or drainage works, and all drainage of streets and other drainage works between streets, shall comply with City standards or as required by the City Engineer.
4. When the City Engineer determines that drainage right(s)-of-way are necessary, the subdivider shall offer to dedicate upon the tentative, parcel, or final map of the subdivision the necessary right(s)-of-way for the drainage facilities.
5. Where dedication is offered or granted, the right(s)-of-way shall be shown as parcels lettered alphabetically on the tentative, parcel, or final map. The offer of dedication or grant shall be made by an appropriate statement on the title sheet of the final map.

6. The subdivision shall incorporate the required C3/C6 storm drainage requirements, as adopted and implemented by the City of East Palo Alto. These requirements are incorporated by reference into this code.
  7. The subdivision shall incorporate the required green infrastructure improvements in accordance with the City's Green Infrastructure Plan, the Municipal Regional Stormwater NPDES Permit and the requirements of the California Regional Water Quality Control Board.
- L. Water Mains and Fire Hydrants.** The subdivider shall install, or agree to install, water mains and fire hydrants in the division of land for the general use of the parcel owners and for fire protection. The installation of the water mains and fire hydrants shall comply in all respects with all statutes, ordinances, rules, and regulations applicable to water mains and fire hydrants. In the absence of these statutes, ordinances, rules, and regulations, required domestic water flows shall be determined by the Water Manager and required fire flows, duration of required fire flows, and fire hydrant type and location shall be determined by the Fire District. Water mains and fire hydrants may be required on existing streets or highways adjacent to or within the division of land, provided the existing improvements are insufficient for the general use or fire protection of the parcel owners.
- M. Special Facilities.** Special facilities as required by the General Plan, any applicable specific plan, or as a special condition of the subject zone shall be provided.

### 18.58.050 – Site Preparation and Grading for Subdivision Construction

- A. Grading.** Before the issuance of a building permit, a grading plan prepared and signed by a registered civil engineer shall be submitted to and approved by the City Engineer. Grading plans shall show the elevations of the natural ground at all parcel corners, the finished grade at corners, the finished pad elevation, finished floor elevations, rates and directions of all drainage swales, elevation height of all retaining or perimeter walls and finished sidewalk elevations at all front parcel lines, and existing topographic elevations and drainage direction a minimum of 100 feet outside the boundary of proposed project area and/or map or as required by the City Engineer.
1. **Minimum Slopes.** The minimum grade of all drainage swales on parcels shall be one-half of one percent, unless approved differently by the City Engineer.
  2. **Pad Elevation.** All building pad elevations shall be established in compliance with Municipal Code Title 15.
  3. **Drainage Plan.**
    - a. No inter-parcel or "cross drainage" shall be allowed.
    - b. Each parcel shall drain its own water to a public street, approved public or private drainage facility, or natural drainage course without passing through or across an adjacent parcel, except where a legal right exists (e.g., a drainage easement), and is authorized by the City Engineer.
    - c. No parcel shall drain water over the bank of a flood control channel.
  4. **Grading Practices.**
    - a. All grading within the City shall employ the best available management practices, as determined by the City Engineer, to minimize airborne dust, erosion, sedimentation, and unnecessary grading.



- b. Each building site shall be individually prepared.
  - c. No grading shall occur during the generally observed rainy season between October 15 and April 15, unless authorized by the City Engineer.
5. **Grading Exceptions.** Specific exceptions to the above grading requirements may be authorized at the discretion of the City Engineer.
6. **Bonding.**
- a. The City may require, as a condition of approval that a bond be secured before any grading.
  - b. This bond would be used to install landscaping and appropriate erosion control measures as needed, if the subdivider abandons the project after grading occurs.
  - c. All bonding shall be in compliance with provisions related to improvement agreements improvement security.
2. **As-Built Grading Plan.** Upon completion of grading operations the subdivider or individual parcel owner shall furnish to the City Engineer two prints and an electronic copy of an as-built grading plan prepared by the subdivider's or owner's engineer.
3. **Compliance with California Building Code Required.** Every map approved in compliance with the provisions of this Article shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damages to off-site property, in compliance with California Building Code Appendix Chapter 70, as adopted and amended from time to time by the City.
4. **Retaining Walls.**
- a. Retaining walls shall be required at grade differences of one foot or more, unless a recorded slope easement is obtained.
  - b. Retaining walls shall be constructed in compliance with the Development Code and any other adopted City standards.
  - c. Retaining walls one foot or more in height shall be constructed of masonry or concrete, and shall be engineered to City standards.
- B. Erosion and Sediment Control.** A proposed subdivision shall be designed so that all grading incorporates appropriate erosion and sediment control measures.

### 18.58.060 – Improvement Plans

After the approval of a tentative map and before the construction of any improvements or recording of the final map, the subdivider shall submit plans to the City in the following manner:

- A. Preparation and Content.** Improvement plans shall be prepared by a California registered professional engineer and shall include all of the following information:
- 1. All calculations, design reports, drawings, specifications, and other information required by the City Engineer;

1. Grading, drainage, erosion and sediment control, and a storm water pollution prevention plan (SWPPP) for the entire subdivision; and
  2. The improvement plan/specification checking and construction inspection fees required.
- B. Submittal of Plans.** Improvement plans shall be submitted to the City Engineer and other appropriate reviewing agencies for review and approval. Upon the approval of improvement plans, the subdivider shall also submit to the City Engineer a detailed cost estimate of all improvements, based on guidelines provided by the City.
1. **Street and Drainage Plans and Profiles.** Plans, profiles, and specifications of proposed street and drainage improvements shall be submitted to the City Engineer, checked and approved before presentation of the final map to the Review Authority for acceptance. These plans and profiles shall show full details of the proposed improvements in compliance with City standards.
  2. **Water Systems Plans.** Plans, specifications, and all necessary details of the proposed water system shall be submitted to the City Engineer for review; provided, the water purveyor, if different from the City, has certified that it has reviewed and approved all of the plans, specifications, and all necessary details of the proposed water system and is willing and able to supply water upon request.
    - a. **Connections.** The subdivider shall install an approved water connection to the property line of each parcel within the subdivided area and pay the applicable water connection fees.
    - b. **Mains.** Water mains and related systems and services shall be constructed to serve each parcel within the subdivided area and shall be of a size and design as established by the City Engineer.
  3. **Sanitary Sewer Plans.** Plans, profiles, specifications, and all necessary details of the sanitary sewers to be installed shall be submitted to the City Engineer for review and approval; provided, that before submitting the plans, they shall have been approved by the entity that will serve the subdivision.
- C. Review and Approval.** Improvement plans shall be reviewed and approved by the applicable agency within the time limits specified by state law.
- D. Effect of Approval.**
4. The final approval of improvement plans shall be required before approval of a parcel or final map.
  5. The approval of improvement plans shall not bind the City to accept the improvements nor waive any defects in the improvements as installed.
- E. As-Built Plans.** Upon completion of all improvements, the subdivider or individual parcel owner shall furnish to the City Engineer two prints and electronic copy of an as-built improvements prepared by the subdivider's or owner's engineer.

### 18.58.070 – Improvement Agreement Required

- A. Agreement in Compliance with Government Code Section 66462 Required.** If all required improvements, engineering, and inspections are not satisfactorily completed before a parcel or final map is approved, the subdivider shall, before the approval of the parcel or final map, enter

into an improvement agreement with the City where in consideration of the acceptance by the Review Authority of the streets, easements, and any other land offered for dedication, the subdivider and the subdivider's contractor agrees to furnish the equipment, labor, and material necessary to complete the work within the time specified in the agreement.

- B. Structure Improvements to be Completed Within 36 Months.** All subdivision improvement agreements shall contain a detailed schedule to ensure that all public improvements and private structures and improvements shall be completed within 36 months following recordation of the final map. Completion shall not be considered accomplished until the subdivider receives final inspection and approvals from the City Engineer and Chief Building Official.
- C. Director May Grant One Extension to the 24 Month Deadline.** The Director shall have the authority to grant one additional 24 month extension to the deadline specified in the subdivision improvement agreement, but only upon the submittal of the written application for extension by the subdivider at least 60 days before expiration of the original deadline.

### 18.58.080 – Improvement Security

- A. Security Required.** To ensure that the work covered by the improvement agreement will be completed, improvement security shall be furnished, in an amount, form, and manner consistent with the Act and/or as approved by the Review Authority based on a recommendation(s) of the City Engineer, to guarantee the faithful performance of any act or agreement.
- B. Forfeiture on Failure to Complete.** If the owners, subdividers, or sellers neglect or fail for any reason to complete any improvements and work within 36 months from the date the agreement is executed, the Review Authority may, upon notice in writing served by registered mail addressed to the last known address of the owners, subdividers, or sellers signing the contract, determine that the improvement work or any part of the work is uncompleted and may cause to be forfeited to the City, the sum of money or bond(s) given for the faithful performance of the work as may be necessary to complete the work.
- C. Exoneration of Improvement Security.**
  - 1. **Duty of City Engineer.** It shall be the duty of the City Engineer to inspect or receive certificates of completion of all improvements installed as to their compliance with this chapter and City standards.
  - 2. **Release of security.** The security furnished by the owners, subdividers, or sellers may be released in the following manner.
    - a. Security given for faithful performance of any act or agreement shall be released upon the performance of the act subject to a 10 percent withholding until final completion and acceptance of the required work.
    - b. Security guaranteeing the payment to the contractor, subcontractors, and to persons furnishing labor, materials, or equipment shall, after passage of the time within which claims of lien are required to be recorded in compliance with Civil Code Title 14 and other acceptance of the work, be reduced to an amount equal to the total claimed by all claimants for whom claims of lien have been recorded and notice of the claims given in writing to the Review Authority, and if no claims have been recorded, the security shall be released in full.
    - c. The release of security shall not apply to any required guarantee and warranty period, nor to the amount of the security deemed necessary by the City for the

guarantee and warranty period, nor to cost and reasonable expenses and fees, including reasonable attorney's fees.

- d. Maintenance security necessary for guarantee and warranty of the work for a period of 12 months following completion and acceptance of the work against any defective work or labor completed, or defective materials furnished, shall be released if no claims of defective work have been filed with the Review Authority.
- e. In the event of defective work, the security shall be held until all work is considered satisfactory and acceptable by the City Engineer.

### **18.58.090 – Installation of Improvements**

All subdivision improvements required as conditions of approval of a tentative map approved in compliance with this Article shall be installed as specified in this section.

**A. Timing of Improvements.** Required improvements shall be constructed or otherwise installed only after the approval of improvement plans and before the approval of a parcel or final map, except where:

- 1. Improvements are deferred as provided for in Government Code Section 66462 or Section 66411.1; or
- 2. To avoid breaking up street paving, underground utility, or service lines required to be installed as part of a subdivision and which are planned to run across or underneath a street or alley right-of-way shall be installed before the preparation of subgrade and before the surfacing of any streets or alleys.
- 3. In the event that the development of the subdivision requires the utility company to perform utility construction work, the subdivider shall pay a deposit satisfactory to the utility company within sufficient time to allow construction work to be performed before subgrade preparation.
- 4. In no event shall subgrade preparation commence before installation of all necessary utilities and laterals.

**B. Inspection of Improvements.** The inspection of the construction and installation of required subdivision improvements shall occur in the following manner.

- 1. **Authorized Representative.**
  - a. Before starting any work, the contractor engaged by the subdivider shall designate in writing an authorized representative who shall have the authority to represent and act for the contractor in contacts with the City.
  - b. The designated representative shall be present at the work site at all times while work is in progress.
  - c. At times when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work that may be required.

**2. Inspection Procedures.****a. Inspections Required.**

- (1) The agency that has required a specific action shall make any inspections as it deems necessary to ensure that all construction complies with the approved improvement plans.
- (2) Where required by the City, the subdivider shall enter into an agreement with the City to pay the full cost of any contract inspection services determined to be necessary by that agency.

**b. Access to Site and Materials.** The agency that has required a specific action shall have access to the work site at all times during construction, and shall be furnished with every reasonable facility for verifying that the materials and workmanship are in compliance with the approved improvement plans.

**c. Authority for Approval.**

- (1) The work done and all materials furnished shall be subject to the inspection and approval of the agency that has required a specific action.
- (2) The inspection of the work or materials shall not relieve the contractor of any obligations to fulfill the work as prescribed.

**d. Improper Work or Materials.**

- (1) Work or materials not meeting the requirements of the approved plans and specifications may be rejected, regardless of whether the work or materials were previously inspected by the agency that has required a specific action.
- (2) In the event that the appropriate agency determines that subdivision improvements are not being constructed as required by the approved plans and specifications, it shall order the work stopped and shall inform the contractor of the reasons for stopping work and the corrective measures necessary to resume the work.
- (3) Any work done after issuance of a stop work order shall be a violation of this Article.

**2. Notification.**

- a. The subdivider shall notify the City Engineer as part of condition compliance upon the completion of each stage of construction.
- b. Further construction may only be completed if all required actions included in the conditions of approval have been accomplished and signed off by the agency that has required the action(s).

**18.58.100 – Monuments**

The location, number, and type of monuments shall be as specified in the Act in compliance with the standards specified in California Business and Professions Code, and to the satisfaction of the City Engineer.

### 18.58.110 – Soils Reports

- A. Preliminary Soils Report.** A preliminary soils report based upon adequate test borings and prepared by a registered civil engineer shall be required for every subdivision for which a final map is required or when required as a condition of development when soils conditions warrant the investigation and report. The preliminary soils report shall be submitted with the tentative map application.
1. **Form of Preliminary Soils Report.** A preliminary soils report may be divided into two parts (i.e., soils reconnaissance and soils investigation and report) in the following manner:
    - a. **Soils Reconnaissance.**
      - (1) The soil reconnaissance shall include a complete description of the site based on a field investigation of soils matters.
      - (2) The soils matters reviewed shall include erosion, settlement, stability, feasibility of construction of the proposed improvements, description of soils related hazards and problems, and proposed methods of eliminating or reducing these hazards and problems.
    - b. **Soils Investigation and Report.** This soils investigation and report shall include field investigation and laboratory tests with detailed information and recommendations relative to all aspects of grading, filling, and other earthwork, foundation design, pavement design, and subsurface drainage.
      - (1) The report shall recommend any required corrective action for the purpose of preventing structural damage to subdivision improvements and the structures to be constructed on the parcels.
      - (2) The report shall recommend any special precautions required for erosion control, and the prevention of sedimentation or damage to off-site property.
      - (3) The report shall review any geologic conditions for the purpose of preventing structural damage to the subdivision improvements and the structures to be constructed on the parcels.
      - (4) If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects or environmental impacts, a subsequent soils investigation of each parcel in the subdivision may be required and shall be submitted to and approved by the Building Inspection Department and the City Engineer before approval of a parcel or final map.
  3. **Preliminary Soils Report Waiver.** A preliminary soils report shall not normally be waived. The preliminary soils report may be waived only if the City Engineer determines that existing available information on the qualities of the soils of the subdivision makes no preliminary analysis necessary.
- B. Final Soils Report.** A final soils report prepared by a registered civil engineer shall be required where a preliminary soils report was required, unless the final report is waived by the City Engineer.

1. **Filing of Report.** The final soils investigation and report shall be filed with the improvement plans.
  2. **Content of Report.**
    - a. The report shall contain sufficient information to ensure compliance with all recommendations of the preliminary soils report and the specifications for the project.
    - b. The report shall also contain information relative to soils conditions encountered which differed from that described in the preliminary soils reports, along with any corrections, additions, or modifications not shown on the approved plans.
- C. Geologic Investigation and Report.** If the City Engineer determines that conditions warrant, a geologic investigation and report may also be required.

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## Chapter 18.60 -- Dedications, Reservations, and Exactions

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### Sections:

- 18.60.010 – Purpose
- 18.60.020 – Dedications
- 18.60.030 – Reservations

### 18.60.010 – Purpose

This chapter establishes requirements for the for subdivider dedications of land or payment of fees, in conjunction with subdivision approval.

### 18.60.020 – Dedications

**A. Dedications Required.** Required dedications and easements shall include all of the following.

1. **Bicycle Paths.** As a condition of approval of a tentative map, whenever a subdivider is required to dedicate roadways to the public, the subdivider may be required to dedicate and improve additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision. Alternatively, the subdivider can meet this requirement by paying a bicycle in lieu fee.
  - a. **Sufficient Size, Location, and Type.** Dedications and improvements for bicycle paths shall be of sufficient size, location, and type as necessary to serve the subdivision. In all cases, the requirements for dedications and improvements shall be consistent with the General Plan, particularly the City Bikeways Plan, and any applicable area plan.
2. **Major Thoroughfares.** As a condition of approval of a final map or the issuance of a building permit, the subdivider may be required to pay a fee to defray the actual or estimated costs of constructing or maintaining major thoroughfares within the City.
3. **Groundwater Recharge Facilities.** As a condition of approval of a final or parcel map or the issuance of a building permit, the subdivider may be required to pay a fee to defray the actual or estimated cost of constructing recharge facilities for the replenishment of the underground water supply.
4. **Park and Recreational Purposes.** Dedications for park and recreational purposes shall be in compliance with Chapter 18.62 .
5. **Public Facilities.** As a condition of approval of a tentative map the subdivider may be required to reserve all land within the subdivision that is needed for public facilities including, but not limited to, fire stations, libraries, parks, and other public uses and facilities.
  - a. **Sufficient Size, Location, and Type.** Reservations for public facilities shall be of sufficient size, location, and type as needed to meet their intended purpose. In all cases, the location of a public use for which the land is dedicated or reserved

shall be supported by and consistent with the policies and standards of the General Plan and any applicable area plan.

- b. **Responsible Organization or Agency.** Requirements for the amount and location of the land to be reserved shall be further determined by consultation with the organization or agency that is responsible for the operation of the public facility in question. For example, if land is to be set aside for a fire station, the Fire District shall be consulted.
- c. **Development in an Orderly and Efficient Manner.** Reserved areas shall be of a size and shape as to permit the balance of property within which they are located to develop in an orderly and efficient manner. The land to be reserved shall also be designed so as to permit an efficient division and development of the reserved area in the event that it is not acquired by the organization or agency.
- d. **Procedure for Reservation of Land for Public Facilities.**
  - (1) At the time of final map or parcel map approval, the City or other public organization or agency for whose benefit an area has been reserved shall enter into a binding agreement with the subdivider to acquire the reserved area within two years following completion and acceptance of all improvements, unless this period of time is extended by mutual agreement.
  - (2) The purchase price shall be the market value of the land and any improvements at the time of the filing of the tentative map plus the taxes against the reserved area from the date of reservation and any other costs incurred by the subdivider in the maintenance of the reserved area, including interest costs incurred on any loan covering the reserved area.
  - (3) If the public organization or agency for whose benefit an area has been reserved does not enter into a binding agreement to acquire the reserved area within two years following the completion and acceptance of all improvements, the reservation of the area shall automatically terminate.
2. **Restricted Use Areas.** The right to restrict the erection of structures within those portions of parcels which are shown as being subject to flood hazard, inundation, or geological hazard on a tentative parcel or tract map shall be dedicated.
3. **Reversion to Acreage.** The Review Authority may require dedications as a condition precedent to filing a map for the purpose of reverting to acreage land previously subdivided.
4. **Sewers and Drains.** If sewers or drains or both are required for the general use of parcel owners in a division of land and the sewers or drains are not to be installed within public highways, streets, or alleys, the necessary easements shall be granted.
5. **School Sites.**
  - a. **Land Dedication for Schools.** The City requires any subdivider who develops or completes the development of one or more subdivisions in one or more school districts maintaining an elementary school to dedicate to the school district, or districts, within which the subdivision(s) is to be located, land as the Review Authority shall deem to be necessary for the purpose of constructing an elementary school(s) necessary to ensure the residents of the subdivision

adequate public school service, in compliance with Government Code Sections 66455.9 and 66478.

- b. **Exception.** This requirement for school site dedication shall not apply to a subdivider who has owned the property being subdivided for more than 10 years before the filing of the tentative map.
- c. **Land Specifications.** Dedication of land for an elementary school(s) shall be of suitable location, size, and type as necessary to meet the elementary school needs of the subdivision. This dedication requirement shall also take into account anticipated growth in the area which can reasonably be expected to increase demand for school services in the future. The elementary school site dedication requirements will be determined by the Review Authority in consultation with the school district providing elementary school service in the area of the subdivision.
- d. **Offer and Acceptance of Dedication.** This dedication requirement shall be imposed at the time of tentative map approval.
  - (1) **If the school district does not offer.** If within 30 days following the date this requirement of dedication is imposed by the City the school district does not offer, in writing, to enter into a binding commitment with the subdivider to accept the dedication, this dedication requirement shall be automatically terminated.
  - (2) **If the school district does offer.** If the school district does offer, in writing, to enter into a binding commitment, the required dedication may be accepted any time before, concurrently with, or up to 60 days following the recording of the final map on any portion of the subdivision.
- e. **Repayment to Subdivider.** The school district will, if it accepts the dedication, repay to the subdivider or successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:
  - (1) The cost of any improvements made by the subdivider to the dedicated land since acquisition by the subdivider;
  - (2) The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication;
  - (3) Any other costs incurred by the subdivider in maintenance of the dedicated land, including interest costs incurred on any loan covering the land.
- f. **Certificate to be Recorded.**
  - (1) The school district to which the property is dedicated shall record a certificate with the County Recorder's Office. The certificate shall contain all of the following information:
    - (a) The name and address of the subdivider dedicating the property;
    - (b) A legal description of the real property being dedicated;

- (c) A statement that the subdivider dedicating the property has an option to repurchase the property if it is not used by the school district as a school site within 10 years following dedication; and
  - (d) Proof of the acceptance of the dedication by the school district and the date of the acceptance.
- (2) The certificate shall be recorded not more than 10 days following the date of acceptance of the dedication. The subdivider shall have the right to compel the school district to record the certificate, but until the certificate is recorded, any rights acquired by any third party dealing in good faith with the school district will not be impaired or otherwise affected by the option right of the subdivider.
- g. **Option to Repurchase.** If the school district accepts the dedication, but the land is not used by the school district as a school site within 10 years following dedication, the subdivider shall have the option to repurchase the property from the school district for the original amount paid.
6. **Storm Drainage and Sanitary Sewer Facilities.** As a condition of approval of a tentative map, the subdivider may be required to pay a fee to defray the actual or estimated costs of constructing storm drainage facilities and/or sanitary sewer facilities planned for local or neighborhood areas.
7. **Transit Facilities.** The City may require that the subdivider dedicate, or make an irrevocable offer of dedication, for all land within the subdivision needed for local transit facilities including, but not limited to, bus turnouts, benches, shelters, and similar items that directly benefit the residents of the subdivision. In addition, the subdivider may be required to install the required transit facilities. A transit facility in lieu fee can also be collected to meet this requirement.
- a. **Availability of Transit Services.** Before imposing the requirement for the dedication of transit facilities, the City shall first find that transit services are or will be made available to the subdivision within a reasonable time period.
  - b. **Exemption.** The requirement for dedication and installation of transit facilities does not apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building that is more than five years old, when no new dwelling units are added.
  - c. **Sufficient Size, Location, and Type.** Dedications and improvements for transit facilities shall be of sufficient size, location, and type as necessary to meet the transit needs of the subdivision. In all cases, the requirements for dedications and improvements will be consistent with the transit-related policies of the General Plan and any applicable area plan. The requirements will also be determined by consultation with SamTrans or other transit provider serving the area.
- B. Dedications and Improvements.**
1. **Offer for Dedication.** All streets, highways, and parcels of land shown on the final tract or parcel map and intended for any public use shall be offered for dedication for public use by certificate on the final map.

2. **Future Dedication.** Streets or portions of streets may be offered for future dedication where the immediate widening and improvement is not required, but where it is necessary to ensure that the City can later accept dedication when the streets are needed for the further development of the area or adjacent areas. The offers shall be made by certificate on the final map.
3. **Improvements Required.** The subdivider shall improve, or agree to improve, all land dedicated for streets, highways, public ways, and easements as a condition precedent to acceptance and approval of the final map when the areas of abutting parcels are one acre or less, and the improvements may be required if the areas of abutting parcels exceed one acre each. The improvements shall also include bridges, culverts, curbs, grading, gutters, sanitary sewers, sidewalks, storm drains, street lights, surfacing, and other structures or improvements as may be required by ordinance or deemed by the Review Authority to be necessary for the general use of the parcel owners in the subdivision and local neighborhood traffic and drainage needs.
4. **Grades.** All improvements shall be installed to grades approved by the City Engineer.
5. **Plans, Profiles, and Specifications.** Plans, profiles, and specifications of proposed improvements shall be furnished to the City Engineer at the time of submitting the final map, and be approved by the City Engineer before the final map is filed with the Review Authority. The plans and profiles shall show full details of the proposed improvements which shall be in compliance with all applicable City standards.

**C. General Work and Improvements Required.**

1. The minimum work and improvements which the subdivider shall be required to make, or enter into an agreement to make, for the subdivision before the acceptance and approval of the final tract map by the Review Authority, or approval of the final parcel map by the Review Authority shall include all of the following:
  - a. Adequate distribution lines for domestic water supply to each parcel;
  - b. Sewage collection system, unless the City determines that main lines of an adequate disposal system are not reasonably available;
  - c. Adequate drainage of the subdivision streets, highways, ways, and alleys;
  - d. Adequate grading and surfacing of streets, highways, ways, and alleys;
  - e. Curbs and gutters, crossgutters, and sidewalks; the sidewalks may be omitted in whole or part in the event the applicable Review Authority determines the omission of sidewalks is desirable or justified by reason of particular circumstances, which shall be specified in writing in the determination;
  - f. Monuments;
  - g. Fire hydrants at locations designated by the Fire District;
  - h. Street name signs; at least two for each intersection;
  - i. Necessary barricades and safety devices;
  - j. Street trees;

- k. An ornamental street lighting system, together with required underground conduit and wiring.
  - (1) The ornamental system shall be installed by the subdivider; the subdivider shall be liable for and pay all costs incurred in installing the entire system and all related appurtenances.
  - (2) Installation of street lighting shall be in compliance with the plans and specifications of, or approved by, the City Engineer.
  - (3) The system shall be installed subject to the inspection of the City Engineer and electrical provider;
- l. All new and preexisting lighting, power, cable, and telephone lines shall be undergrounded within all street rights-of-way adjacent to and within the subdivision boundaries and all utility lines leading from the poles to the new parcels shall also be undergrounded, all by and at the expense of the subdivider.
  - (1) If it is determined by the City Engineer that it is impractical for the subdivider to complete all undergrounding required, then a cash fee equal to the estimated cost of the undergrounding shall be deposited in the City's Underground Utility Fund in lieu of installation.
  - (2) The estimate of cost shall be prepared by a licensed civil engineer at the expense of the subdivider and reviewed and recommended for approval by the City Engineer before it is accepted by the City.
  - (3) Subject to review and approval by the City Engineer, high voltage transmission lines may be exempted.
- 2. All improvements shall conform to the standards and specifications established by the City.

**D. Acceptance of Dedications.**

- 1. **Review Authority Action and Certification.**
  - a. At the time the Review Authority approves a final map, it shall also accept, subject to improvement, or reject any offer of dedication.
  - b. The City Clerk shall certify on the map the action of the Review Authority.
- 2. **Deferred Acceptance.**
  - a. If at the time the final map is approved, any streets, alleys, paths, public utility easements, rights-of-way for local transit facilities including benches, bus turnouts, landing pads, shelters, and similar items that directly benefit the residents of a subdivision, or storm drainage easements are rejected as set forth in Code of Civil Procedure Chapter 771.010, the offer of dedication shall remain open and the Review Authority may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, alleys, paths, rights-of-way for local transit facilities including benches, bus turnouts, landing pads, shelters, and similar items that directly benefit the residents of a subdivision, or storm drainage easements for public use.
  - b. The acceptance shall be recorded in the office of the County Recorder.

**18.60.030 – Reservations**

The subdivider, as a condition of approval of a tentative map, may be required to reserve areas of real property for fire stations, libraries, parks, or other public uses, in compliance with Government Code Sections 66479 and 66480.

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## Chapter 18.62 -- Dedication of Land for Park and Recreational Purposes

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### Sections:

- 18.62.010 – Purpose
- 18.62.020 – Applicability
- 18.62.030 – Standards and Formula for Land Dedication
- 18.62.040 – Fees in Lieu of Land Dedication
- 18.62.050 – Use of Fees
- 18.62.060 – Requirement of Both Dedication and Fees
- 18.62.070 – Credit for Private Open Space
- 18.62.080 – Credit for Park Improvements and Equipment
- 18.62.090 – Amendments to the Act

### 18.62.010 – Purpose

It is the purpose of this chapter to require the dedication of a portion of land or payment of a fee in lieu thereof, or a combination of both, when a subdivision occurs to provide park and recreational facilities reasonably related to serving the development and in compliance with the standards and provisions specified in this chapter. The provisions of this chapter are enacted in compliance with Government Code Section 66477.

### 18.62.020 – Applicability

- A. Subdividers Shall Provide Park and Recreational Facilities.** Every subdivider who subdivides land shall dedicate a portion of the land, pay a fee, or do both, as specified in this chapter for the purpose of providing park and recreational facilities to serve future residents of the subdivision.
- B. Application – Exceptions.** The provisions of this chapter shall apply to all subdivisions, as that phrase is defined in Government Code Section 66410 et seq., except for any of the following:
1. Commercial or Industrial Subdivisions;
  2. Subdivisions containing less than five parcels and not used for residential purposes. It shall automatically be a condition of tentative map approval of any subdivision that if a building permit is requested for construction of a residential structure(s) on one or more of the parcels within four years following the date of final map recordation, the fee in lieu of dedication, as prescribed in this chapter, shall be paid by the owner of each of the parcels as a condition to the issuance of the building permit;
  3. Any condominium or community apartment project which consists of the subdivision of air space of an existing multiple-unit structure which is more than five years old, where no new dwelling units are added; or
  4. Any other exceptions as may be added to the Act.

### 18.62.030 – Standards and Formula for Land Dedication

- A. Three Acres for Each 1,000 Persons.** It is hereby found and determined that the public interest convenience, health, welfare, and safety require that three acres of real property for each 1,000 persons residing within the City be devoted to park and recreational purposes.
- B. Subdivider Shall Dedicate Land.** Where a park or recreational facility has been designated in the Recreational Element of the General Plan and is to be located in whole or in part within the proposed subdivision to serve the immediate or future needs of the residents of the subdivision, the subdivider shall dedicate land within the area of the subdivision for a local park consistent with the Recreational Element.
- C. Amount of Land to be Dedicated.** The amount of land (expressed in acreage) required to be dedicated shall be based upon the average number of persons per household, based upon the most recent available federal census, divided by 333.33 (one thousand persons per three acres).

### 18.62.040 – Fees in Lieu of Land Dedication

- A. Subdivider to Pay an in Lieu Fee to the City.** In the event there is no park or recreational facility designated in the Recreational Element to be located in whole or in part within the proposed subdivision, or in the event that the proposed subdivision contains 50 or less parcels, then the subdivider shall pay a fee to the City in lieu of dedicating land, which shall be in an amount equal to the fair market value of the amount of land which would otherwise be required to be dedicated .
- B. Fair Market Value.** Either the average estimated fair market value for all residentially zoned real property located in the City, or the fair market value of the land in the subdivision, based upon its then assessed value modified to equal current market value in compliance with the practices of the County Assessor and as determined by the Director, whichever amount shall be the greater.

### 18.62.050 – Use of Fees

All fees collected shall be used only for the purpose of providing park or recreational facilities reasonably related to serving the subdivision by way of purchase of necessary land or improving existing facilities, or both. Interest earned on the accumulated fees may be used for the maintenance of any existing parks in the City, so long as the use is allowed under the Act.

### 18.62.060 – Requirement of Both Dedication and Fees

Both dedication of a portion of land, together with the payment of fees may be required in compliance with all of the following criteria:

- A.** Where only a portion of the land to be subdivided or developed is proposed in the Recreation Element as a site for a local park or recreational area, the portion shall be dedicated for local park purposes and a fee shall be paid for any additional land that would have been required to be dedicated.
- B.** Where a major part of the local park or recreational area has already been acquired by the City and only a portion of land is needed from the subdivision or building site to complete the park, the remaining portion shall be dedicated and a fee computed in compliance with this chapter shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated for the balance thereof.

**18.62.070– Credit for Private Open Space**

- A.** Throughout the City in a proposed subdivision, or in conjunction with a development not involving a subdivision, a developer may aggregate up to 20 percent of the required per unit private open space within the project into communal park and active recreational open space to be owned and maintained by residents, and a credit not to exceed 20 percent may be given against the requirement of dedication for park and recreation purposes or payment of fees in-lieu thereof, provided the Council finds that it is in the public interest to do so. The common open space must have minimum length and width dimensions of 20 feet and must be usable and provide amenities. Required setbacks and yards may count toward the open space requirement if all provisions are met. Walkways shall not be included in the computation. All the following standards shall be met:
1. The private ownership and maintenance of the open space is adequately provided for by written agreement, conveyance, or restrictions;
  2. The use of the private open space is restricted for park and active recreational purposes by recorded covenants which run with the land in favor of the future owners of property located within the subdivision which cannot be defeated or eliminated without the consent of the Council;
  3. The proposed private open space is reasonably adaptable for use for park and active recreational purposes, taking into consideration the size, shape, topography, access, and location of the private open space land; and
  4. The facilities proposed for the open space are in substantial compliance with the provisions of the Recreational Element of the General Plan and are approved by the Council.
- B.** On the Westside, where a public open space for park and active recreational purposes is provided in a proposed subdivision, or in conjunction with a development not involving a subdivision, and the open space is off-site and is to be available to the general public and not exclusively to the residents of the development, up to 50 percent of the required private open space may be aggregated for the public open space and a credit not to exceed 50 percent may be given against the requirement of dedication for park and recreation purposes or payment of fees in-lieu thereof, provided the Council finds that it is in the public interest to do so. The public open space must be usable and provide amenities. Required setbacks and yards may count toward the open space requirement if all provisions are met. Walkways shall not be included in the computation. All the following standards shall be met:
1. The proposed public open space shall be a minimum of 10,000 square feet and be reasonably adaptable for use for park and active recreational purposes, taking into consideration its size, shape, topography, access, and location;
  2. The site is accessible and visible from the street;
  3. The developer shall design the park and obtain City approval prior to installation, and the developer shall provide funding for maintenance and insurance;
  4. The facilities proposed for the open space are in substantial compliance with the provisions of the Recreational Element of the General Plan and are approved by the Council; and
  5. The property is dedicated to and accepted by the City and appropriate signage pre-approved by the City is installed.

**18.62.080 – Credit for Park Improvements and Equipment**

- A.** A credit against the requirements for dedication of land or payment of fees shall be given in an amount equal to the value of any park and recreational improvements or equipment constructed or installed by the subdivider, with the prior consent of the City, either upon land dedicated to the City in connection with the project or upon existing park land located elsewhere within the City that will service the future occupants of the subdivision.
  
- B.** All improvements and equipment shall be constructed and/or installed in compliance with plans, specifications, or standards prepared or approved by the City.

**18.62.090– Amendments to the Act**

In the event the Act should in the future be amended to expand or change the allowed uses of land dedicated or in lieu fees paid, the purposes shall control and the limitations specified in this chapter to the extent they are inconsistent with the amended Act, shall no longer have any force or effect.

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## Chapter 18.64 -- Residential Condominiums

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### Sections:

- 18.64.010 – Purpose
- 18.64.020 – Condominium Defined
- 18.64.030 – Submittal Requirements
- 18.64.040 – Site Requirements
- 18.64.050 – Structural Requirements
- 18.64.060 – Other Requirements
- 18.64.070 – Inspection and Fees
- 18.64.080 – Post Decision Procedures

### 18.64.010 – Purpose

- A. Residential condominium projects differ from other residential subdivisions in numerous respects, particularly as to development standards and ownership of individual dwelling units and jointly held common areas.
- B. The purpose of this chapter is to address the special attributes of condominium subdivisions and to adopt development standards which will protect both the community and the purchasers of condominium dwelling units.

### 18.64.020 – Condominium Defined

- A. **Condominium.** An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential structure located on the real property in compliance with Civil Code Section 783.
- B. **May also include.** A condominium may include, in addition, a separate interest in other portions of the real property.

### 18.64.030 – Submittal Requirements

In addition to standards applicable to regular subdivisions, no new condominium project or portion of a project shall be approved unless all of the following items have been submitted with the tentative map and approved by the City:

- A. **Subdivision Procedures.** Under Government Code Section 66426, a condominium is treated as a subdivision subject to the provisions of the Act and this chapter.
- B. **Application, Fees, and Deposits Required.** The application shall include the information and materials specified in the most current Department handout for residential condominium applications, together with the required fee.
- C. **Development Plan.** A development plan of the project clearly displaying the location and sizes of structures, parking layout, access areas, and exterior elevations;

- D. Preliminary Landscaping Plan.** A preliminary landscaping plan of the project indicating types and sizes of landscaping materials and permanent irrigation facilities, prepared by a person licensed by the state to prepare plans ;
- E. Preliminary Lighting Plan.** A preliminary lighting plan of the project clearly displaying the location and nature of the lighting and lighting fixtures in common areas;
- F. Proposed Condominium Documents.** The proposed condominium documents, including those portions of the covenants, conditions, and restrictions (CC&Rs) that apply to the conveyance of units, the assignment of parking, and the management and maintenance of common areas and improvements;
- G. Delineation of Shared Common Spaces.** All shared common spaces including shared access areas, utility corridors, shall be clearly delineated with bearings and distances; and
- H. Other Information.** Other information which the Director determines is necessary to evaluate the proposed project to ensure consistency with the General Plan, any applicable specific plan, the Development Code, this chapter, and any other applicable City regulations.

### 18.64.040 – Site Requirements

A condominium tentative map may be approved, conditionally approved, or denied, based upon an evaluation of the proposed condominium plan in relation to all of the following criteria.

- A. Architectural and Site Design.** Architectural evaluations shall include, but not be limited to, all of the following:
  - 1. The general appearance of the proposed development shall contribute to the orderly and harmonious development of the community as a whole;
  - 2. The design of all exterior surfaces of the structures shall create an aesthetically pleasing project;
  - 3. Consideration shall be given to the appearance of garages when viewed from outside the subdivision; and
  - 4. General architectural and site considerations, including site layout and topography, the location of structures, access, building materials, circulation, colors, lighting, open space, screening, signing, walls, and similar elements have been designed to provide a desirable environment.
- B. Environmental Preservation.**
  - 1. The design, location, and orientation of all structures shall be arranged to preserve natural features by minimizing the disturbance to the physical environment.
  - 2. Natural features and historic landmarks shall be delineated in the development plan and considered when planning the location and orientation of structures, parking areas, paved areas, play areas, open spaces, underground services, walks, and finished grade elevations.

**C. Landscaping.**

1. All setback areas fronting on or visible from an adjacent public street, and all leisure, open space, and recreational areas shall be landscaped in an attractive manner and provided with a method for the maintenance of the areas.
2. The provision of decorative design elements (e.g., benches, exterior recreational facilities, fountains, planters, pools, sculptures, walls, and similar elements) are strongly encouraged; provided, the elements are incorporated as a part of the landscaping plans, except where otherwise prohibited.
3. Permanent and automatic irrigation facilities shall be provided in all planted landscaped areas.
4. The landscaping shall be consistent with the zone in which the condominium project is proposed.

**D. Lighting.**

1. The subdivider shall install an on-site lighting system on all vehicular access ways and along pedestrian walkways.
2. The lighting shall be directed onto the driveways and walkways within the development and away from the adjacent properties.
3. Appropriate lighting shall also be installed within all covered and/or enclosed parking areas.

**E. Parcel Coverage.** Parcel coverage shall conform to the Development Code requirements for the zone in which the condominium project is proposed.

**F. Open Space – Common.**

1. Common open space areas shall be designed and located within the project to afford use by all residents of the condominium project. These common areas may include, but are not limited to, game courts or rooms, garden roofs, play lots, putting greens, sauna baths, and/or swimming pools.
2. Active recreation and leisure areas, except those located completely within a structure, used to meet the open space requirement shall not be located within 15 feet of any door or window of a dwelling unit.

**G. Parking.** Off-street parking shall be provided in compliance with Development Code requirements for condominium and townhouse projects.

**H. Solid Waste and Recycling Storage Areas.** Solid waste and recyclable storage areas shall be in compliance with requirements.

**I. Width of the Public Rights-of-Way and Roadways.** The width of the public rights-of-way and roadways of the street(s) abutting the subject property shall conform to the minimum standards of the Circulation Element of the General Plan. The utilities within a subdivision shall conform to City standards and the policy direction of the General Plan.

### **18.64.050 – Structural Requirements**

A condominium project shall be subject to the structural requirements specified in Municipal Code Title 15.

### **18.64.060 – Other Requirements**

#### **A. Storage Space – Private.**

1. Where the proposed dwelling units are to be constructed with other than an attached garage, a minimum of 200 cubic feet of storage space shall be provided outside of the dwelling unit for the exclusive use of each condominium unit.
2. The storage space shall have a minimum horizontal surface area of 24 square feet of enclosed, lockable storage space.

#### **B. Circuit Breaker Panels.**

1. Each dwelling unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit.
2. The breaker panels shall be accessible without leaving the unit, except for townhouse units.

### **18.64.070 – Inspection and Fees**

**A. Compliance with Title 15 Required.** Building inspection and associated fees shall be in compliance with Municipal Code Title 15.

**B. Compliance with Municipal Code Required.** Inspection and associated fees for required public and private street and utility improvements shall be in compliance with applicable provisions of the Municipal Code.

### **18.64.080 – Post Decision Procedures**

The procedures and requirements related to appeals and public hearings apply to the decision on a residential condominium application.



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## Chapter 18.66 -- Residential Condominium Conversions

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### Sections:

- 18.66.010 – Purpose
- 18.66.020 – Approvals Required
- 18.66.030 – Application Requirements
- 18.66.040 – Building Conditions/Inspections
- 18.66.050 – Required Amenities and Upgrades
- 18.66.060 – Public Hearing
- 18.66.070 – Review Standards
- 18.66.080 – Findings
- 18.66.090 – Special Conditions and Approvals
- 18.66.100 – Conditions, Covenants and Restrictions
- 18.66.110 – Tenant Rights to Purchase Units and Extended Leases
- 18.66.120 – Buyer Protection
- 18.66.130 – Appeal
- 18.66.140 – Time Limits

### **18.66.010 - Purpose.**

The purpose of this chapter is to set forth the requirements for processing an application for conversion of an apartment building to a condominium, once the threshold requirements for a conversion, as set forth in Municipal Code Chapter 14.24, are met. The annual report on the vacancy rate for all housing units in the County must show there is a vacancy rate of at least six percent of the total housing inventory before an application for a conversion may be filed, and no application may be filed for any building containing less than four units.

### **18.66.020 - Approvals Required.**

- A. Subdivision Procedures.** Under Government Code Section 66426, a condominium conversion is treated as a subdivision subject to the provisions of the Act. A condominium conversion also is subject to the provisions of Municipal Code Chapter 14.24 and this chapter. A Use Permit and Tentative Map or Parcel Map approved by the Commission are required for all condominium conversion applications.
- B. Application.** The application shall include all of the information and materials specified in the most up-to-date Department handout for residential condominium conversions, together with the required fee in compliance with the Master Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Section 18.82.070.

### **18.66.030 - Application Requirements.**

- A.** All condominium projects shall conform to the requirements of the residential zone in which the project is located. In addition, all projects, including conversion of multiple residential structures to condominiums, shall conform to the following standards, except as noted. In granting a Use Permit, the Commission may impose reasonable conditions to assure that a project complies with the required standards.

- B.** A site plan drawn to scale including, but not limited to, lot lines, property dimensions, easements, setbacks, and location of all structures, including streets and parking elements.
- C.** A landscape plan drawn to scale including, but not limited to trees and tree clusters, shrub groupings, lawn and groundcover areas, special paving, hardscape and site furnishings, and a description of the condition of various elements.
- D.** Building elevation drawings drawn to scale including, but not limited to, specifying all materials, details and features for all building sides.
- E.** A statement regarding the current ownership of all improvements and underlying land.
- F.** A property report prepared by a registered engineer or licensed qualified contractor, describing the physical condition and estimated remaining useful life of each of the various elements of the project proposed for conversion, including the following: building foundations, roofs, walls, sound insulation, mechanical, electrical and plumbing systems, onsite utilities, heating and air conditioning systems, earthquake and fire protection systems, together with recommendations in order to assure their continued useful life for a minimum of ten (10) years.
  - 1. A description of the structural condition of each element of the property, including foundation, braced walls, roofing and roofing structure, electrical, plumbing, utilities, ceiling, windows, recreational facilities, mechanical equipment, parking facilities, and appliances.
  - 2. Information when each element was constructed or installed, and/or last replaced, the approximate date when each element will require replacement, and the cost of replacing each element.
  - 3. Identification of each known defective or unsafe element as well as proposed corrective measures to be employed.
- G.** A structural pest control report prepared within 60 days of the date of application by a licensed structural pest control operator, pursuant to California Business and Professions Code Section 8516 et seq., or successor section.
- H.** Information regarding any known soil and geologic conditions, including soil deposits, rock formations, faults, groundwater and landslides in the vicinity of the project, a statement regarding any known evidence of soils problems relating to each element, and reference to any previous soils report for the site with copy of same.
- I.** A qualified engineer's report on the condition of, and any repairs required to all paved areas and all drainage systems within the project.
- J.** Sound transmission control details that include sections of the types of wall, floor, and ceiling construction that would be used in both common and interior partition walls, and published data from a recognized and approved testing laboratory or a statement from a licensed acoustical engineer as to the STC (sound transmission class) and ISI (impact sound insulation) of the proposed type of construction. Prior to approval of the tentative or parcel map, a compliance statement signed by a certified sound engineer shall be submitted to the building division.
- K.** A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance, quality and safety.
- L.** A proposed budget for the maintenance and operation of common facilities, plus minimum reserves, including the estimated costs to the owner of each unit, projected over a five year period. The budget shall be reviewed or prepared by a professional management firm familiar

with the costs of similar properties, or by other qualified professional, and that firm or person shall provide a statement of recommendations on the budget, together with a statement of professional qualifications.

- M.** A rental rate history report which shall include, but not be limited to:
1. Name, address, age and length of occupancy of every tenant and occupant, including children, in the project on the date of application.
  2. Current rents for each unit, along with the date and amount of prior rent increases for the preceding five-year period.
  3. The monthly vacancy rate for each month during the preceding two years.
  4. The turnover rate for all tenants during the preceding two years.
  5. The percentage annual increase in maintenance and taxes occurring over the preceding five years.
- N.** The approximate proposed sales price of each unit, and the pro forma budget proposed for submission to the California Real Estate Commissioner or similar estimate of projected annual operating and maintenance fees and assessments.
- O.** All organizational documents. The covenants, conditions and restrictions (CC&Rs) may be submitted after the approval of the use permit and tentative or parcel map, however they must be submitted and approved prior to the recording if the final or parcel map.
- P.** A copy of the application to the Department of Real Estate of the State of California for issuance of a final public report for the proposed conversion, including all attachments and exhibits required, pursuant to California Business and Professions Code Section 11011, or successor section.
- Q.** Evidence of service by mail that the written notice of intention to convert, pursuant to Government Code Section 66452.18, and as required by Municipal Code Chapter 14.24, was provided to each tenant at least 60 days prior to filing a formal application. All required written notices regarding the condominium conversion shall be issued in the language that the rental agreement was negotiated and may be issued in additional language(s).
- R.** Evidence of additional notification of the use permit application to all tenants who occupy the property following application filing. Such evidence shall demonstrate the subdivider has attached a clearly worded statement to the proposed deposit/rental agreement as well as a sign prominently displayed in the business office. This notice shall conform to the form and requirements contained in Government Code Section 66452.18 and as further detailed in Municipal Code Chapter 14.24
- S.** Any other information which, in the opinion of the Director, will assist in determining whether the proposed project will be consistent with the purposes of this chapter. The Director may waive the submission of certain of the factual items if it is demonstrated that such information is not available and cannot be obtained.

#### **18.66.040 – Building Conditions/Inspections.**

- A.** As part of the application review process, the premises shall be inspected by the Building Official to evaluate the condition of the structure(s). All inspection costs shall be incurred by the project's owner or subdivider.

- B.** The Building Official shall inspect all structures and premises. The design, improvement, construction, and repair of all condominium conversions, including all common areas, shall conform to and be in accordance with the most currently adopted requirements of all California Model Building and Fire Codes, any adopted local modifications to these codes, and any other applicable ordinances, including, but not limited to:
1. Housing Code;
  2. Electrical Code;
  3. Fire Code;
  4. Plumbing Code;
  5. Mechanical Code;
  6. Swimming Pool, Spa and Hot Tub Code; and
  7. Building Security Code.

Deficiencies found shall be corrected at the project owner's or subdivider's expense as required by the Building Official. Any existing dangerous condition that is not specifically itemized shall be corrected to the satisfaction of the Building Official.

- C.** The Fire District shall inspect all structures and premises to determine the sufficiency of fire protection systems serving the structures and premises, report on any deficiencies, and indicate which deficiencies are required to be corrected by law. Deficiencies found shall be corrected at the project owner's or subdivider's expense as required by the Fire District.
- D.** The Director shall inspect all structures, improvements, and premises for compliance with Development Code requirements applicable to the project. Deficiencies found shall be corrected at the project owner's or subdivider's expense as required by the Director.

### **18.66.050 - Required Amenities and Upgrades.**

- A. Facilities Required.** The project shall be required to provide all of the following:
1. **Units.** All units shall be brought into compliance with all provisions of this chapter prior to certificate of occupancy, and shall be duly inspected to ensure compliance.
  2. **Building Components and Systems.** Components and systems with a remaining life of five years or less shall be replaced
  3. **Utility Distribution Systems.** Utility system and equipment shall be in compliance with the adopted codes. All existing and proposed on-site utilities, including communication service and distribution facilities, and electricity service and boundary distribution lines of thirty-four and one-half (34½) kV or less, shall be placed underground to the nearest off-site pole, in a manner approved by the city engineer. All utility meters and other utility apparatus shall be concealed from public view.
    - a. Gas and electric service shall be separately metered and billed for each individual lot or unit.
    - b. In the case of a project in which units are not vertically separated by floor/ceiling assemblies, water service shall also be separately metered and billed for each

individual lot or unit, as well as for all common facilities, the latter being billed to the association.

- c. Provision shall be made for individual shutoff valves in accessible locations, and all units shall be provided with separate water shutoff valves. There may be a master valve for each unit, or separate valves for each fixture in the unit.
  - d. Electric panels shall be provided in accessible locations controlling the entire service to each unit.
4. **Fire Detection Systems.** Early-warning smoke detection systems and carbon monoxide detectors in the living quarters and fire protection appurtenances, as required by current state and local law, shall be required for all residential condominium conversions.
  5. **Fire Protection Systems.** Subdivider shall demonstrate that wall and floor/ceiling assemblies comply with fire wall separation standards, as specified in the California Building Code. Fire protection systems for individual units and for the project as a whole shall be provided as required by the Fire District and applicable City codes.
  6. **Landscaping and Irrigation Systems.** Street trees, all yard landscaping, and all irrigation systems required by Chapter 18.28 shall be provided.

#### **B. Laundry Facilities.**

1. Individual hookups shall be provided in each unit to accommodate washing machines and dryers, unless common facilities, including all new appliances, are provided on the basis of one washer and dryer for each five units or fraction thereof. Communal appliances which are determined to be a source or potential source of vibration or noise shall be shock mounted, isolated from the floor and ceiling, or otherwise insulated in a manner to lessen the transmission of vibration or noise. All major appliances provided shall be guaranteed to operate properly for a period of one year.
2. In cases determined by the Director where the project's owner or subdivider can demonstrate that this standard cannot or should not reasonably be met, this requirement may be modified by the Director.

#### **C. Private Storage Space.**

1. Each unit shall have a minimum of 200 cubic feet of enclosed, weather-proofed and lockable private storage space, with no less than a horizontal surface area of 25 square feet, and an interior dimension of three and one-half feet. If the space is a reach-in type, it shall have an opening of three and one-half feet by six feet. If the space is a walk-in type, it shall have a minimum clear access opening of two and one-half feet by six and two-thirds feet. This storage space shall be in addition to guest, linen, food pantry, and clothes closets that are customarily provided in each unit.
2. The space shall be for the exclusive use of the unit's owner.
3. The space may be provided in any location, approved by the Director but shall not be divided into multiple locations. Location shall be in areas that are safe, convenient and unobtrusive to the functional and aesthetic qualities of the project. If located within common area, the association shall be responsible for the care and maintenance of the exterior surface of the space.

4. In cases determined by the Director where the project's owner or subdivider can demonstrate that this standard cannot or should not reasonably be met, this requirement may be modified by the Director.
- D. Parking.** All parking shall be provided in compliance with Chapter 18.30, including any requirement for covered and guest parking. Up to five percent of the resident and guest parking ratio requirement may be waived, based upon a finding of unique circumstances of the site, location, age or occupancy of the project. In no case shall requirements for assigned resident spaces be waived.
- E. Pest Control.** The project's owner or subdivider shall repair or replace any damaged or infested areas in need of repair or replacement, as shown in the structural pest control report, which shall be prepared by a state licensed structural pest control operator and shall be dated and filed at least 30 days, but not more than 60 days, before the submittal of the final map.
- F. Sewer.**
1. The sewer system shall be inspected and brought up to current standards, subject to the approval of the City Engineer.
  2. If the apartment proposed for condominium conversion has not been levied a sanitary sewer line charge or other charges or fees required for ownership units, the project's owner or subdivider shall pay any charges required by the responsible sewer authority, and shall provide to the City proof of the payment.
- G. Sound Attenuation/Proofing.**
1. All floor-to-ceiling assemblies between separate units shall meet the standards for the sound transmission class specified in applicable Building and/or Health and Safety Codes for residential condominium units, including the sound insulation performance criteria promulgated in Title 25, California Code of Regulations, Section 1092 or its successor.
  2. The compliance shall be certified in the inspection report.
  3. Occupancy Permits shall not be issued without first meeting these sound attenuation/proofing compliance requirements.
- H. Street Improvements.**
1. The project's owner or subdivider shall improve or post security with the City guaranteeing the installation of required public right-of-way improvements to City standards in compliance with Chapter 18.100.070.
  2. These improvements may include, but shall not be limited to, curbs, gutters, sidewalks, ramps, driveways, drainage devices, trees and tree wells, and streetlights.
- I. Windows and Doors.**
1. All windows and doors shall meet applicable window and door emergency escape/rescue requirements.
  2. All locks shall be changed prior to the issuance of the certificate of occupancy so that no master key or other keys previously used will allow entry into any unit of the project after conversion.

- J. Energy Conservation.** Subdivider shall demonstrate that residential buildings conform to energy conservation standards promulgated in Title 24, Part 5, Article 1, California Code of Regulations, or its successor.
- K. Landscaping and Irrigation.** All landscaping and irrigation shall be restored or new landscaping and irrigation shall be installed to achieve a high degree of appearance and quality. Provisions shall be made for continuing maintenance of all landscaped areas.
- L. Open Space.** Total usable open space on a site having three or more dwelling units shall be at least 200 square feet per dwelling unit. This requirement shall be met by providing private open space, common open space, or a combination of the two.
1. **Private open space.** This type of open space must:
    - a. Have minimum dimensions no less than six feet when a horizontal rectangle is inscribed within it;
    - b. Have at least two weather-proofed electrical outlets; and
    - c. Be at approximately the same level as, and immediately accessible from a room within the unit.
  2. **Common open space.** This type of open space must:
    - a. Have minimum dimensions of no less than 10 feet when a horizontal rectangle is inscribed within it;
    - b. Be open to the sky;
    - c. Be located at least fifteen (15) feet from any door or window of a dwelling unit; and
    - d. Not include driveways or parking areas.
  3. **Recreational open space.** In addition to the private and common open space requirements above, a project of 25 units or more shall provide at least one element of recreational open space. For projects of 100 or more units, a multi-purpose or recreation room shall be provided. Any recreational open space element must be located at least 15 feet from any door or window of a dwelling unit.
  4. **Modification of open space requirement.** The open space requirements above may be modified by a supermajority of the Commission based on findings that a project site is physically constrained, or that the quality of life accommodated by the project will not be compromised, or that residents will benefit from other amenities that are located in close proximity to the project site.
- M. Trash and recycling collection areas.** Trash and recycling collection areas shall be provided within 250 feet of the units they are designed to serve, and shall comply with the specifications for trash enclosures.

### 18.66.060 – Public Hearing.

- A.** The Director shall present to the Commission a written report in connection with any map setting forth its compliance or noncompliance with this chapter, and any other matters affecting the subdivision and the City.

- B. The Commission shall conduct at least one public hearing on any tentative or parcel map. Notice of the hearing shall be given to all owners and tenants in compliance with the Section 66427.1 of the Act and with Chapter 18.106. These notice requirements are in addition to the notices mandated by Municipal Code Chapter 14.24.

### **18.66.070 – Review Standards**

In reviewing requests for conversion of existing apartments to condominiums, the Review Authority shall consider all of the following:

- A. Whether or not the amount and impact of the displacement of tenants if the conversion is approved would be detrimental to the health, safety, or general welfare of the community;
- B. The need and demand for lower cost home ownership opportunities which are increased by the conversion of apartments to condominiums; and
- C. If the Review Authority determines vacancies in the project have been increased for the purpose of preparing the project for conversion, the tentative map may be denied.

### **18.66.080 – Findings**

The Review Authority may approve or conditionally approve a residential condominium conversion application only after first making all of the following findings:

- A. All applicable provisions of the Act, this chapter, and the Development Code are met;
- B. The proposed conversion is consistent with the General Plan and any applicable specific plan;
- C. The proposed conversion will conform to all Municipal Code provisions in effect at the time of tentative map approval, except as otherwise provided in this chapter; and
- D. The overall design and physical condition of the condominium conversion will achieve a high degree of appearance, quality, and safety and is appropriately conditioned to ensure this achievement.
- E. The subdivider shall provide proof of the tenant notification set forth in Government Code Section 66427.1 so the required findings of that provision may be made.

### **18.66.090 – Special Conditions of Approval.**

- A. The subdivider shall supply the homeowners' association with copies of final approved building and site plans which shall show, among other things, the actual location of major utilities and services, such as irrigation pipes and controls, utility easements, and underground wiring, before the initial meeting of the association.
- B. The subdivider shall provide to the homeowners' association the following minimum warranties from the date of final or parcel map approval, unless otherwise specified:
  1. **Roof and exterior finish.** A 10 year warranty that all roofs and exterior finishes have been repaired as is necessary to ensure weather-proof conditions.
  2. **Moisture barriers.** A 10 year warranty that moisture barriers are sufficient to prevent collection of moisture on the ground under the buildings.



3. **Paved areas.** A 10 year warranty of a useful life for all paved areas within the project.
  4. **Swimming pools.** A ten (10) year warranty of structural soundness.
  5. **Appliances.** A one year warranty at the close of escrow on any fixed appliances appurtenant to each unit.
  6. **Condition of equipment owned in common.** A five year warranty at such time as escrow has closed on the sale of 51 percent of the units that all appliances and mechanical equipment to be owned in common are in operable working condition. The developer shall be responsible to maintain any appliances and mechanical equipment prior to the time that 51 percent of the units are sold.
- B.** The subdivider shall establish the following minimum reserves prior to issuance of the first certificate of occupancy:
1. A fund in the name of the homeowners' association that shall be earmarked for long-term reserves for capital maintenance replacement, and shall be equal to two times the estimated monthly assessment for each dwelling unit.
  2. A fund, through cash deposit or bond, equal to \$1,000.00 for each dwelling unit in the project as minimum security for the various warranties required by this chapter. Such fund shall be maintained for the maximum period of the warranties.

### **18.66.100 – Covenants, Conditions, and Restrictions (CC&Rs).**

- A.** Project covenants, conditions, and restrictions (CC&Rs) shall be developed, and shall be subject to review and approval by the City prior to approval of the final or parcel map. The CC&Rs shall reference by incorporation this chapter and the adopted conditions of approval, and shall be recorded in conjunction with the final or parcel map.
- B.** The declaration of restrictions shall prohibit the unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but not including attached camper bodies and motor homes not exceeding 18 feet in length, unless approved storage areas are provided.
1. The declaration of restrictions shall provide for approval by the City prior to any future modification of site plans, architectural elevations, exterior materials and colors or of any of the organizational documents.
  2. The declaration of restrictions shall require the designation of a project manager residing in the project or maintaining an office on-site to represent the association with full powers to enforce the various provisions of such document.

### **18.66.110 – Tenant Right to Purchase Units and Extended Leases.**

- A.** As provided in Government Code Section 66427.1 or any successor statute, and as set forth in more detail in Municipal Code Chapter 14.24, the subdivider shall, as a condition of approval of the conversion and before offering the unit for sale to the general public, be required to provide tenants with an exclusive nontransferable right to contract for the purchase of the unit occupied by the tenant. The right shall run for a period of 90 days from the date of issuance of the subdivision public report pursuant to Business and Professions Code Section 11018, unless the tenant gives prior written notice of his or her intention not to exercise the right.

- B. Tenant purchase assistance for low and moderate income tenants shall be provided as set forth in Municipal Code Chapter 14.24
- C. Extended leases may be required as set forth more fully in Municipal Code Chapter 14.24

### **18.66.120 – Buyer Protection.**

- A. The subdivider shall furnish each prospective purchaser of a unit a true copy of each of the following documents:
  - 1. The use permit and all project conditions of approval issued under the provisions of this chapter;
  - 2. Property report;
  - 3. Structural pest report;
  - 4. Building history report;
  - 5. Soils report; and
  - 6. Statement of compliance issued by the Real Estate Department of the State of California, or its successor document relating to operating and maintenance funds during startup.
- B. The subdivider shall make available the following information and documents to all potential and actual buyers of units in a condominium project:
  - 1. Copy of the approved proposed budget for maintenance and operation of common facilities, plus reserves, including the estimated monthly costs to the owner of each unit, projected over a five-year period. The budget shall be reviewed or prepared by a professional management firm familiar with costs of similar properties, or by another qualified professional, and that firm or person shall provide a statement of recommendations on the budget, together with a statement of professional qualifications;
  - 2. All organizational documents; and
  - 3. Any other information which the planning commission may require to be provided.
- C. The subdivider shall provide each purchaser with a copy of the reports required by this chapter in their final accepted form, except information that is personal and confidential in nature to any tenant, before the purchaser executes an agreement to purchase a unit in the project, and the subdivider shall give the purchaser sufficient time to review the reports. A copy of the reports shall be made available at all times at the sales office.
- D. Prohibition of discrimination against prospective buyers with children. Under no circumstances shall a project approved for conversion limit sales to families or individuals without children, unless it is demonstrated that the project as designed and built is not suitable for accommodation of children.

### **18.66.130 – Appeal.**

Any person dissatisfied with the decision made by the Commission may appeal to the Council. The appeal shall be processed and heard pursuant to the procedure set forth in Government Code Section 66452.5.

**18.66.140 – Time limits.**

- A.** Withdrawal. If a tentative or preliminary parcel map for a subdivision to be created from a conversion is withdrawn before Commission review, a map for subdivision cannot be submitted again for one year after the date of withdrawal.
- B.** Expiration. If a tentative or preliminary parcel map for a subdivision to be created from a conversion which has been approved or conditionally approved by the City expires, pursuant to Government Code Section 66452.6, a map for subdivision cannot be submitted again for one year after the date of expiration.
- C.** Denial. If a tentative or preliminary parcel map for a subdivision to be created from a conversion is denied by the City, a map for subdivision cannot be submitted for one year after the date of denial.
- D.** Sale. All rental units approved for conversion shall be offered for sale within two years of the issuance of the Department of Real Estate report.

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## Chapter 18.68 -- Non-Residential Condominiums

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### Sections:

- 18.68.010 – Purpose
- 18.68.020 – Definitions
- 18.68.030 – Submittal Requirements
- 18.68.040 – Procedures for Non-Residential Condominium Conversions
- 18.68.050 – Review Considerations for Conversions
- 18.68.060 – Standards for Condominium Conversions
- 18.68.070 – Findings
- 18.68.080 – Inspection and Fees
- 18.68.090 – Post Decision Procedures

### 18.68.010 – Purpose

- A. Commercial and industrial condominium projects differ from other commercial and industrial subdivisions in numerous respects, particularly as to development standards and ownership of individual units and jointly held common areas.
- B. The purpose of this chapter is to address the special attributes of commercial and industrial condominium projects and to adopt development standards which will protect both the community and the purchasers of condominium units.
- C. This chapter applies to commercial, industrial, and mixed-use condominium projects, whether newly developed or conversions, in compliance with Government Code Section 66427.

### 18.68.020 – Definitions

**Association.** A nonprofit corporation or unincorporated association created for the purpose of managing a condominium or other common interest development in compliance with Civil Code Section 1351.

**Condominium.** An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a commercial, industrial, or residential structure located on the real property (e.g., apartment, office, or store). A condominium may include, in addition, a separate interest in other portions of the real property in compliance with Civil Code Section 783.

**Condominium Conversion.** The conversion of an existing structure into separately owned commercial, industrial, or mixed-use units.

**Declaration.** The document (covenants, conditions, and restrictions [CC&Rs], however titled) which contains the restrictive covenants of the development, consistent with Civil Code Section 1353.

### 18.68.030 – Submittal Requirements

Under Government Code Section 66426, a condominium is treated as a subdivision. In addition to the other subdivision requirements and procedures, a commercial, industrial, or mixed-use condominium is

subject to the requirements specified in this chapter. An application for approval of a tentative map for the condominium subdivision shall be accompanied by all of the following items.

- A. Application, Fees, and Deposits Required.** An application for a non-residential condominium shall be filed and processed in compliance with standard application submittal requirements and this chapter. The application shall include the information and materials specified in the most current Department handout for non-residential condominium applications, together with the required fee.
- B. Development Plan.** A development plan of the proposed project clearly displaying the location and sizes of structures, parking layout, access areas, sewer, storm drains, water, and any other information required by the Director.
- C. Proposed Declaration.** A proposed declaration, as required by Civil Code Section 1353. The declaration shall include an agreement for common area maintenance, a clear designation of parking and sign rights, and a method for resolving differences.
- D. Allocation of Parking and Signs.** Each proposal shall include all of the following:
  1. Square footage of each unit, and the type of business for each existing tenant;
  2. An allocation of parking based on the parking requirements for commercial, industrial, and mixed use projects; and
  3. An allocation of signs based on the sign requirements for commercial, industrial, and mixed use projects and any existing master sign program.

### **18.68.040 – Procedures for Non-Residential Condominium Conversions**

#### **A. Tenant Notification.**

The subdivider shall submit evidence to the Director that a certified letter of notification was sent to each tenant at least 30 days before the filing of an application for a subdivision in compliance with this chapter, with a statement that all tenants have been notified of all of the following information:

1. The name, address, and telephone number of the current project owner and/or applicant and of any person designated by the applicant as the person to be contacted for future information;
2. The approximate date on which the application for a subdivision is proposed to be filed;
3. The approximate date on which the unit is to be vacated by non-purchasing tenant(s);
4. The anticipated price range and terms of sale for each type of unit;
5. The proposed property owners' association fees;
6. A copy of the applicable condominium conversion regulations;
7. The address and telephone number of the City's Community and Economic Development Department for use in seeking additional information about the proposed conversion; and
8. Notification to tenants that, upon filing an application, the structure(s) subject to subdivision and selected units may be inspected by City representatives.

**B. Acceptance of Reports – Copy to Buyers.**

1. The final form of all of the submittal information required shall be as approved by the City.
2. The information in its final, accepted form shall remain on file with the Director for review by the public.
3. The subdivider shall provide each purchaser with a copy of the information in its final, accepted form.

**C. Inspections and Associated Fees.**

1. Before submitting the final map, the subdivider shall request an inspection of the premises be made by the Director.
2. A project inspection(s) shall be made by the Building Official, the City Engineer, and the Director.
3. The inspection shall include common areas, public improvements, site improvements, structures, and other related facilities.
4. A deficiency list shall be compiled during the inspection of all corrections required.
5. When the final inspection is complete, a copy of the deficiency list shall be transmitted to the subdivider.
6. All deficiencies shall be corrected to the satisfaction of the City before filing of the final map.
7. When plans for corrective work are required, they shall be as approved by the appropriate City official before filing of the final map.
8. The City shall charge the usual fees, if applicable, or an hourly fee (estimated actual hourly cost to the City) for the inspection and processing.
9. The subdivider shall post a cash deposit in an amount equal to the estimated cost of all inspection(s).
10. The deposit shall be applied towards the inspection fee with any refund or balance due to be resolved before the approval of the final map by the applicable Review Authority.
11. Any balance due to the City shall be paid before recordation of the final map.

**18.68.050 – Review Considerations for Conversions**

In reviewing requests for conversion of existing commercial, industrial, and/or mixed-use space to condominiums, the Review Authority shall consider all of the following:

- A.** Whether or not the amount and impact of the displacement of tenants if the conversion is approved would be detrimental to the health, safety, or general welfare of the community;
- B.** The need and demand for lower cost commercial, industrial, and/or mixed-use ownership opportunities which are increased by the conversion of commercial, industrial, and/or mixed-use space to condominiums; and

- C. If the Review Authority determines that vacancies in the project have been increased for the purpose of preparing the project for conversion, the tentative map may be denied.

### **18.68.060 – Standards for Condominium Conversions**

The following standards apply to a condominium conversion. These standards shall be satisfied, or security provided in a form approved by the City Attorney, before the final map is approved.

- A. Building Regulations.** The project shall comply with the applicable standards of the City adopted Building Code in effect at the time the last building permit was issued, in compliance with Municipal Code Title 15.
- B. Fire Prevention.**
1. **Fire Warning Systems.** Each unit shall be provided with a fire warning system complying with the Building and Fire Code standards adopted by the City in type and locations.
  2. **Maintenance of Fire Protection Systems.** All fire alarm systems, fire hydrants, portable fire extinguishers, and other fire protective appliances shall be retained in an operable condition at all times.
- C. Landscape Maintenance.**
1. All landscaping shall be restored or new landscaping shall be installed to achieve a high degree of appearance and quality .
  2. Appropriate provisions shall be made for continuing maintenance of all landscaped areas, subject to the review and approval of the Director.
  3. All existing and new landscaping is subject to review and approval by the Director.
- D. Parking.** Off-street parking and loading shall be provided in compliance with the Development Code for commercial, industrial, and mixed use projects.
- E. Refurbishing and Restoration.**
1. Each accessory structure, driveway, fence, landscaped area, main structure, sidewalk, utility, wall, and any additional element required by the Director shall be refurbished and restored as necessary to achieve a high degree of appearance, quality, and safety.
  2. The refurbishing and restoration is subject to the review and approval by the Director.
- F. Sewer.**
1. The sewer system shall be inspected and brought up to current standards, subject to the approval of the City Engineer.
  2. If the structure proposed for condominium conversion has not been levied a sanitary sewer line charge or other charges or fees required for ownership units, the project's owner or subdivider shall pay any charges required by the responsible sewerage authority, and shall provide to the City proof of the payment.



**G. Sound Transmission.**

1. **Vibration Transmission.** All permanent mechanical equipment (e.g., compactors, compressors, motors, and pumps) which is determined by the Building Official to be a source of structural vibration or structural-borne noise shall be vibration isolated with inertia blocks or bases or vibration isolator springs in a manner approved by the Building Official.
2. **Noise Standards.**
  - a. The structures shall comply with all interior and exterior sound transmission standards of the State Administrative Code, Title 24, and the Building Code.
  - b. Where present noise standards cannot reasonably be met the Director may require the subdivider to notify potential buyers of the noise deficiency currently within the unit(s).

**H. Utility Metering.** Each unit shall be separately metered for electricity, gas, and water, unless the declaration provides for the association to take responsibility for these utilities.

**I. Windows and Doors.**

1. All windows and doors shall be inspected and brought up to current energy efficiency standards, subject to the approval of the Building Official.
2. All windows and doors shall meet applicable window and door emergency escape/rescue requirements.

**J. Water.**

1. The water system shall be inspected and brought up to current standards, subject to the approval of the City Engineer.

**18.68.070 – Findings**

The Review Authority may approve or conditionally approve a commercial, industrial, or mixed use condominium application only after first making all of the following findings:

- A.** All provisions of the Act, this chapter, and all applicable provisions of the Development Code are met;
- B.** The proposal is consistent with the General Plan and any applicable specific plan;
- C.** The proposal will conform to all Municipal Code provisions in effect at the time of tentative map approval, except as otherwise provided in this chapter; and
- D.** The overall design and physical condition of the condominium will achieve a high degree of appearance, quality, and safety and is appropriately conditioned to ensure this achievement.

**18.68.080 – Inspection and Fees**

- A. Compliance with Title 15 Required.** Building inspection and associated fees shall be in compliance with Municipal Code Title 15.

- B. Compliance with Municipal Code Required.** Inspection and associated fees for required public and private street and utility improvements shall be in compliance with applicable provisions of the Municipal Code.

### **18.68.090 – Post Decision Procedures**

The procedures and requirements related to appeals and public hearings apply to the decision on a non-residential condominium application.

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## Chapter 18.70 -- Enforcement

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### Sections:

- 18.70.010 – Purpose
- 18.70.020 – Violations
- 18.70.030 – Prohibitions and Falsifications
- 18.70.040 – Remedies

### 18.70.010 – Purpose

This chapter establishes provisions intended to ensure compliance with the requirements of this Article and the Development Code and any conditions of subdivision map approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City.

### 18.70.020 – Violations

Enforcement of the Subdivision Ordinance shall be as specified in the Act, in this chapter and in Chapter 18.118.

### 18.70.030 – Prohibitions and Falsifications

- A. Misdemeanor or Infraction.** Any person, firm, or corporation violating any of the provisions of this Article or the Act shall be prosecuted for either a misdemeanor or an infraction and upon conviction shall be punishable as provided in Development Code Chapter 18.118 and Municipal Code Chapter 1.12.
- B. Separate Offense.** Each person, firm, or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this Article is permitted, continued, or committed by the person, firm, or corporation and any alley, parcel, street, or other feature made the subject of this Article maintained contrary to the provisions of this Article shall constitute a public nuisance.
- C. Transaction voidable.** Any deed of conveyance, mortgage, deed of trust, or other lien or lease or sale or contract to sell, mortgage, lien, or lease made contrary to the provisions of this Article is voidable at the sole option of the beneficiary, buyer, grantee, mortgagee, tenant, or person contracting to purchase or to accept a lien or mortgage or to lease as a tenant, their heirs, personal representative, or trustee in insolvency or bankruptcy within 12 months after the date of the execution of the deed of conveyance, mortgage, deed of trust, other lien, lease, or sale, or contract, but the deed of conveyance, sale, mortgage, deed of trust, lien, lease, or contract, is binding upon any assignee, or transferee of the grantee, beneficiary, buyer, mortgagee, tenant, or person contracting for the parcel, other than those specified above, and upon the grantor, landlord, mortgagor, trust, vendor, or person so contracting, their assignee, devisee, or heir.
- D. Falsifications.** Fraudulent misrepresentation of pertinent information shall be sufficient reason to invalidate an approval obtained in compliance with this Article.

**18.70.040 – Remedies**

**Remedies.** The provisions of this chapter are not intended to prohibit any legal, equitable, or summary remedy to which the City or other political subdivision, or any person may otherwise be entitled, and the City or other political subdivision or person may file suit in a court of competent jurisdiction, to restrain or enjoin any attempted or proposed division of land in violation of this Article or the Act.