

Division 5: Subdivisions

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Section 9105.01 – General Provisions

Subsections:

- 9105.01.010 Purpose of Section
- 9105.01.020 Title
- 9105.01.030 Definitions
- 9105.01.040 Authority
- 9105.01.050 Applicability
- 9105.01.060 Advisory Agency
- 9105.01.070 Type of Subdivision Approvals Required
- 9105.01.080 Enforcement of Subdivision Regulations
- 9105.01.090 Applications Deemed Approved
- 9105.01.100 Processing Fees
- 9105.01.110 Exceptions to Subdivision Standards

9105.01.010 Purpose of Section

- A. Supplement and Implement the Act.** The provisions of this Section are intended to supplement, implement, and coordinate with the State Subdivision Map Act, referred to in this Section as the Act, as specified in Government Code Sections 66410 et seq., for the purpose of regulating the design and improvement of divisions of land within the City, as those sections may be replaced or amended from time to time.
- B. Used in Conjunction with the Act.** This Section 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, and improvement of proposed subdivisions.
- C. Promote Public Safety.** The purpose of this Division, and any rules, regulations, and specifications adopted in compliance with this Division, 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, to promote 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. References to Other Laws.** Whenever reference is made to an ordinance of this City or to a statute of the State, the reference applies to the requirements of the ordinance or statute applicable on the date of final action on a tentative map and to the provisions of approval of tentative maps, tentative parcel maps, vesting tentative maps, or vesting tentative parcel maps granted in compliance with the ordinances or statutes.

9105.01.020 Title

This Division shall be known as and referred to as "the City's Subdivision Ordinance."

9105.01.030 Definitions

For the purpose of this Division, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Additional definitions are contained in Division 9 (Definitions).

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

Advisory Agency. The City staff member or City policy-making or review authority responsible for acting on an application, as specified in Subsection 9105.01.060 (Advisory Agency).

Certificate of Compliance; Conditional Certificate of Compliance. A document issued by the City and recorded by the County Recorder certifying that a specified real property complies with the provisions of the Subdivision Map Act (Government Code Sections 66410 et seq.) and this Section. A Conditional Certificate of Compliance includes any conditions that 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 Multifamily Building. Any multifamily dwelling, as defined in this Development Code, existing or proposed to be constructed where it is proposed that persons will possess an undivided equitable or legal right or interest, including but not limited to shares, stock, or beneficial interest in trust, in a multiple dwelling in the City coupled with an exclusive right or interest to possess, occupy, or use one or more dwelling units in the multiple dwelling, and shall also mean a condominium, as defined in California Civil Sec. 1350, and a community apartment project as defined in California Business and Professions Code Sec. 11004.

Dedication. The granting of real property for public use.

Design. (1) Street alignments, grades, and widths; (2) Drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) Location and size of all required easements and rights-of-way; (4) Fire roads and firebreaks; (5) Lot size and configuration; (6) Traffic access; (7) Grading; (8) Land to be dedicated for park 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 to or implementation of the General Plan or any specific plan.

Development Code. The Development Code of the City specified in Municipal Code Division 9.

Division of Land. Any lot or contiguous lots of land, improved or unimproved which are divided for the purpose of transfer of title, sale, lease, or financing, whether immediate or future, into two or more lots or the consolidation of separate lots of land or a co-operative multiple building, as defined above. 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 lots under Development Code. "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.

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 lots prepared in compliance with the provisions of this Division and the Act (Government Code Sections 66410 et seq.) and in a manner to be filed in the office of the County Recorder. The map may be a final map, final parcel map, final vesting map, or final vesting parcel map.

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. That portion of a lot which abuts a public or private street or highway to which the lot has the right of access.

Future Street or Alley. A street or alley which is necessary for the future division of land within a division 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 that 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 lot 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.

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

Lot Line Adjustment. The adjustment of property lines between four or fewer legally created adjoining lots, where the land taken from one lot is added to an adjoining lot, and where a greater number of lots than originally existed is not created; approved by the Director in compliance with Subsection 9105.07.030 (Lot Line Adjustments).

Lot on Cul-De-Sac Terminus. A lot which has 50 percent of its front lot line coterminous with the required diameter turn around on a cul-de-sac.

Lot Width. The distances between the side lot lines measured in a horizontal plane, and as further explained in Division 3.

One Sided Cul-De-Sac. A cul-de-sac which is only half formed in that the centerline of the cul-de-sac establishes one side of the cul-de-sac and the otherwise entire bulb of the cul-de-sac is only half formed and not fully rounded as is customary for cul-de-sacs.

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

Parkway. That 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 adopted by the City in compliance with Municipal Code Article III, Chapter 7.

Streets. All alleys, avenues, courts, highways, lanes, places, streets, squares, sidewalks, parkways, curbs or other public ways in the City which have been or may hereafter be dedicated and open to public use, or other public property so designated in the General Plan and any law of the State, and as specified in the following descending order of pavement widths.

Principal Arterial Interstate. A freeway that is included as part of the interstate highway system. It is a controlled access, divided highway that is 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.

Major Arterial. An arterial roadway that has regional significance. It accommodates subregional and intercity travel and generally has eight travel lanes with a raised median and dedicated left turn lanes. Major Arterials accommodate regional traffic while also providing connection to primary arterials. The right-of-way width for Major Arterial roadways in the City is 220 feet, while the pavement widths range from 160 to 180 feet.

Primary Arterial. An arterial roadway that has less of a regional significance than Major Arterial roadways. It accommodates subregional and intercity travel and generally has four to six through travel lanes with a raised median and/or a center left-turn lane. Primary Arterials accommodate through traffic while also providing direct access to adjacent properties and intersecting streets. The right-of-way widths for Primary Arterial roadways in the City range from 100 to 108 feet, while the pavement width is 84 feet.

Secondary Arterial. An arterial roadway that has less of a regional significance than Primary Arterial roadways. It accommodates intercity travel and generally has four travel lanes with a painted median and/or a center left-turn lane. Secondary Arterials accommodate through traffic while also providing direct access to adjacent properties and intersecting Collector Streets. The right-of-way widths for Secondary Arterial roadways in the City range from 84 to 92 feet, while the pavement widths range from 60 to 68 feet.

Enhanced Collector. A street that is intended to serve as an intermediate route to accommodate travel between arterial roadways and to provide access to the abutting properties. Enhanced Collector streets generally have two travel lanes although four lanes may be provided at certain locations. The right-of-way widths for Enhanced Collector streets in the City range from 80 to 88 feet, while the pavement widths range from 54 to 64 feet.

Collector. A street that is 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 have two travel lanes. The right-of-way widths for Collector streets in the City range from 64 to 72 feet, while the pavement widths range from 40 to 48 feet.

Subdivide. The act of 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 lots, either improved or unimproved, which can be separately conveyed by sale, lease, or financing, and which can be altered or developed. 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 Map Act (the Act). Government Code Sections 66410 et seq., as it may be replaced or amended from time to time, and referred to in this Division as the Act.

Tentative Map. A map prepared for the purpose of dividing a legal lot into five or more lots and prepared in compliance with the provisions of this Division, the Act (Government Code Sections 66410 et seq.), and in a manner to be recorded in the office of the County Recorder, filed in compliance with Section 9105.03 (Tentative Map Filing and Processing).

Tentative Parcel Map. A map prepared for the purpose of dividing a legal lot into four or fewer lots and prepared in compliance with the provisions of this Division, the Act (Government Code Sections 66410 et seq.), and in a manner to be recorded in the office of the County Recorder, filed in compliance with Section 9105.03 (Tentative Map Filing and Processing).

Vesting Tentative 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 the Act (Government Code Sections 66452) and in compliance with Subsection 9105.03.100 (Vesting on Approval of Vesting Tentative Map).

9105.01.040 Authority

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

9105.01.050 Applicability

A. Applicability of Section

1. No person shall divide any real property for the purpose of sale, lease, or financing except in compliance with the provisions of this Division and/or the Act, Government Code Sections 66410 et seq.
2. This Division shall apply to all divisions of land, except those exempted by Government Code Sections 66412, 66412.1, 66412.2, and 66412.5.
3. In the event of divisions of land which are not subject to this Division 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 Division.

C. Conflicts with the Act. In the event of any conflicts between the provisions of this Division 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 this 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.

9105.01.060 Advisory Agency

A. Advisory Agency

1. The designated advisory agencies specified in this Subsection 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 indicated in Table 5-1 (Subdivision Review Authorities), below.
3. Notwithstanding the provisions of this Subsection, any application filed in compliance with this Section that has an associated permit application made in compliance with the provisions of this Development Code, and is subject to action by the Commission or Council, shall be subject to those same review and hearing requirements required for the associated permit application, in compliance with Table 7-1 (Review Authority), located within Division 7 (Permit Processing Procedures).

Table 5-1 Subdivision Review Authorities		Role of Review Authority⁽¹⁾			
Type of Decision	Applicable Section or Subsection	Director	City Engineer	Commission	Council⁽²⁾
Amendments to Approved Tentative Maps	9105.03.120	Decision		Appeal	Appeal
Certificates of Compliance	9105.07.020	Decision	Recommend	Appeal	Appeal
Correction and Amendments to Recorded Maps	9105.03.070		Decision	Appeal	Decision/ Appeal
Extensions of Time – Tentative Maps, in compliance with Section 9105.03.110 (Tentative Map Expiration and Extensions)	9105.03.110	Decision	Recommend	Appeal	Appeal
Final Parcel Maps, Without Dedications	9105.05	Recommend	Decision	Appeal	Appeal
Final Parcel Maps, With Dedications	9105.05	Recommend	Decision		
Final Tract Maps, Vesting Tract Maps	9105.03.100	Recommend	Recommend		Decision
Lot Line Adjustments	9105.07.030	Decision	Recommend	Appeal	Appeal
Lot Mergers	9105.07.040	Decision	Recommend	Appeal	Appeal
Modifications to Lot Area, Depth, and Width Requirements	9105.09.030			Decision	Appeal
Reversion to Acreage	9105.07.050			Recommend	Decision
Subdivision Improvement Plans	9105.09.060		Decision	Appeal	Appeal
Tentative Tract Maps, Vesting Tentative Maps	9105.03	Recommend		Decision	Appeal
Tentative Parcel Maps, Vesting Tentative Parcel Maps	9105.03	Recommend		Decision	Appeal
Tentative Parcel Maps, With Dedications	9105.05	Recommend		Decision	Appeal
Waiver of Parcel Maps	9105.05.020		Decision	Appeal	Appeal
Tentative & Final Parcel Map for Urban Lot Splits	9105.05.090	Decision			

Notes:

(1) "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Section 9108.07 (Appeals); "Recommend" means that the review authority makes a recommendation to a higher decision-making review authority.

(2) Decisions of the Council may not be appealed.

B. Appeal Authorities

1. The Commission shall be the review authority for any appeal of a decision of the City Engineer or Director, except when dealing with any maps containing dedications.
2. The Council shall be the review authority for any appeal of a decision of the Commission.

C. City Engineer. 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 Division and the Act.
3. Inspecting and approving subdivision improvements.
4. Review authority on amendments to recorded maps, extensions of time on tentative maps, final parcel maps with and without dedications, lot mergers, subdivision improvement plans, and waiver of parcel maps.
5. Providing assistance to the Director on the review of amendments to approved tentative maps, certificates of compliance, lot line adjustments, lot mergers, and tentative parcel maps without dedications.

D. 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 this 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) specified in Public Resources Code Section 21000 et seq.
4. Certifying amended maps, final maps, and reversion to acreage maps for substantial compliance with approved tentative maps.
5. Review authority on amendments to approved tentative maps, certificates of compliance, lot line adjustments, lot mergers, and tentative parcel maps without dedications.

E. Commission. The Commission shall be responsible for all of the following:

1. Taking action to recommend approval, conditional approval, or denial of condominiums/conversions, tentative tract map applications, and reversion 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.

F. 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 lots.
2. Review authority on amendments to recorded maps, condominiums/conversions, 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 this Development Code.

9105.01.070 Type of Subdivision Approvals Required

Any subdivision of an existing lot into two or more lots shall require approval by the City in compliance with this Division and the Act. In general, the procedure for subdivision first requires the approval of a tentative map, and then the approval of a parcel map (for a subdivision that results in four or fewer lots) or a final map (for a subdivision that results in five or more lots) to complete the subdivision process. The City's review of a tentative map evaluates the compliance of the proposed subdivision with applicable City standards, this Division, the Act, and the appropriateness of the proposed subdivision design. Parcel and final maps are precise surveying documents that detail the location and dimensions of all lot 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 map is required for:

1. A subdivision or resubdivision of four or fewer lots, as authorized by Government Code Section 66428; and
2. A subdivision or resubdivision or of five or more lots, 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/final parcel map (Section 9105.05) shall be required as follows.

1. **Final Map.** The filing and approval of a final map (Section 9105.05) shall be required for a subdivision of five or more lots, except a subdivision that is otherwise required to have a parcel map by Government Code Section 66426.
2. **Final Parcel Map.** The filing and approval of a final parcel map (Section 9105.05) shall be required for a subdivision creating four or fewer lots, with or without a designated remainder in compliance with Government Code Article 2, Chapter 1, 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 that has been granted a waiver of parcel map requirements in compliance with Subsection 9105.05.020 (Waiver of Parcel Map).

C. Co-Operative Multiple Buildings. A tentative map or tentative parcel map for a co-operative multiple building project shall not be approved unless at the time of approval it appears that the project complies or will comply with the then existing building codes and Development Code regulations and all other regulations of the Municipal Code, and unless a condition is imposed that a Building Permit shall not be issued and a final map or parcel map shall not be approved for the project unless it so complies; provided, that where minor variations from Development Code requirements exist with respect to the proposed conversion of an existing structure to a co-operative multiple 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 variations 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, shall be exempt from the subdivision approval requirements of this Division.

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.

9105.01.080 Enforcement of Subdivision Regulations

See Section 9105.13 (Enforcement) for specific subdivision related enforcement provisions and Section 9108.15 (Enforcement) for expanded enforcement provisions relating to this Development Code.

9105.01.090 Applications Deemed Approved

A. Subdivisions Deemed Approved by Law. A subdivision application deemed approved in compliance with Government Code Sections 65956 or 66452.1, 66452.2 or 66542.4, shall be subject to all applicable provisions of this 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 Division and the Act, including Government Code Sections 66473, 66473.5, and 66474.

9105.01.100 Processing Fees

A. Council Shall Set Fees. The Council, by resolution, shall set reasonable fees in connection with this Division, 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 specified in this Division.

B. Fee Schedule. This schedule of fees shall be referred to in this Development Code as the Fee Schedule.

C. Payable to the City. All required fees and deposits shall be payable to the City in compliance with the Fee Schedule established by resolution of the Council, as it may be revised from time to time.

9105.01.110 Exceptions to Subdivision Standards

A. Exceptions to Standards. An exception to a provision of Section 9105.09 (Subdivision Design and Improvements) may be requested by a subdivider in compliance with Section 9107.05 (Administrative Modifications) or Section 9107.25 (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 Division that is duplicated or paraphrased from the Act.

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Section 9105.03 – Tentative Map Filing and Processing

Subsections:

- 9105.03.010 Purpose
- 9105.03.020 Tentative Map Preparation, Application Contents
- 9105.03.030 Tentative Map Filing, Initial Processing
- 9105.03.040 Staff Report and Recommendation
- 9105.03.050 Tentative Map Public Hearing and Action
- 9105.03.060 Tentative Map Approval or Denial
- 9105.03.070 Conditions of Approval
- 9105.03.080 Effective Date of Tentative Map Approval
- 9105.03.090 Completion of Subdivision Process
- 9105.03.100 Vesting on Approval of Vesting Tentative Map
- 9105.03.110 Tentative Map Expiration and Extensions
- 9105.03.120 Amendments to Approved Tentative Maps and Conditions
- 9105.03.130 Post Decision Procedures
- 9105.03.140 Tentative Parcel Map for Urban Lot Splits

9105.03.010 Purpose

This Section establishes requirements for the preparation, filing, approval or denial of tentative maps (tentative parcel and tract map), consistent with the requirements of the Act.

9105.03.020 Tentative Map Preparation, Application Contents

A. When Required

1. A tentative map shall be submitted for a subdivision for which a tentative parcel or tract map is required by Government Code Sections 66410 et seq.
2. The requirements specified in this Section shall apply to all applications for tentative parcel and 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 in compliance with the Fee Schedule.
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 in compliance with Subsection 9107.03.050 (Filing Fees and Requirements).
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 for the purpose of complying with Government Code Chapter 4.5 and Subsection 9107.03.060 (Initial Application Completeness Review).

9105.03.030 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 Sections 65962.5(d) and (f).
 - a. In the event that the Director determines that additional information is required for the preparation of environmental documents which are required in compliance with the provisions of the California Environmental Quality Act (CEQA) and the State Guidelines, the tentative map shall not be deemed complete until the additional information has been provided.
 - b. In the event that the Director determines that 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 Subsection shall constitute grounds for rejection of the application.
6. The tentative map may be for land located either within the City or within the unincorporated territory adjacent to the City. If a tentative map for land located within the unincorporated territory adjacent to the City is approved, the approval shall be conditioned upon annexation of the property to the City within a time specified and the approval shall not be effective until annexation of the property to the City has been completed.

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. Information, Data, and Reports Required.

The application shall include all of the information and materials specified in the most up-to-date Department handout for tentative map applications, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9105.03.060 (Tentative Map Approval or Denial), below.

D. Referral to Affected Agencies

1. **Required Referrals.** The Director shall refer a tentative map application for review and comment to all agencies that will be expected to provide service to the proposed subdivision, including, as appropriate, City agencies and departments, local agencies, public utilities, special districts, and State agencies.
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, etc.) that 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 through 66455.7, referral shall occur within five days of the tentative map application being determined to be complete in compliance with Section 19.112.070 (Initial Review of Application).
- 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.

E. Environmental Review

1. The Director, upon receipt of a tentative map application, shall conduct an environmental analysis.
2. If a draft Environmental Impact Report is required, the application for tentative map approval shall not be considered completed until an Environmental Impact Report is ready for presentation to the Commission.

9105.03.040 Staff Report and Recommendation

A. Preparation of a Report

1. **Director Shall Prepare Report.** The Director shall prepare an evaluation in compliance with Government Code Section 66452.3 describing the conclusions of the tentative map application review.
2. **Mailing of Copies of Report.** Copies of the report shall be mailed to the subdivider (and each tenant of the subject property, in the case of a residential condominium conversion [Section 9105.23]) at least five days before any hearing or action on the tentative map by the review authority in compliance with Section 9108.13 (Public Notices and Hearings).

9105.03.050 Tentative Map Public Hearing and Action

- A. Applicable Review Authority.** The applicable review authority as specified in Table 5-1 (Designated Review Authorities) shall hold a noticed public hearing on a tentative parcel or tract map.
- 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 County maintained equalized assessment roll or ownership records for property located within 300 feet of all lots 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 in compliance with Government Code Sections 66410 et seq. and Section 9108.13 (Public Notices and Hearings). No error or omission or failure of any person to receive notice as provided in Section 9108.13 shall affect the validity of any action taken under this Division.
- C. Action of the Applicable Review Authority.** The action by the applicable review authority shall be taken within 50 days of determining the tentative parcel or tract map to be complete as defined in Subsection 9105.03.030 (Tentative Map Filing, Initial Processing), above, and reported to the subdivider within that time limit. This time limitation may be extended upon the mutual consent of the review authority and the subdivider.
- D. Review Authority's Action is Conclusive.** In the absence of a timely filed written appeal in compliance with Section 9108.07 (Appeals), the decision of the review authority shall be final and conclusive.

9105.03.060 Tentative Map Approval or Denial

Amended by Ord. No. 2375

In order to approve or recommend the approval of a tentative parcel or tract map and conditions of approval, or to deny the tentative parcel or tract map, the review authority, as designated in Table 5-1 (Designated Review Authorities), shall first make all of the findings required by this Subsection. 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 in

compliance with Subsection 9105.03.030 (Tentative Map Filing, Initial Processing), except where the City has initiated General Plan, specific plan, or Development Code amendments, and provided public notice as required by Government Code Section 66474.2.

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 following findings, as required by Government Code Sections 66474 and 66474.6. The findings shall apply to each proposed lot as well as the entire subdivision, including any lot specified as a designated remainder in compliance with Government Code Section 66424.6.
 - a. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable specific plan, and this Division;
 - 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.
 - (1) 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.
 - (2) 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; and
 - g. That the proposed design and site improvements of the subdivision conform to the regulations of this 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 Government Code Sections 66427.1(a), 66451, and 66452 before approving the proposed subdivision. It is the responsibility of the applicant to comply with all of these requirements. 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 in compliance with Government Code Section 66452;
 - 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 in compliance with Government Code Sections 66451 and 66452; 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. **Findings under an EIR.** Notwithstanding the finding required by Subparagraph A.1.c., above, the review authority may approve a tentative map, or a parcel map for which a tentative map was not required, if an Environmental Impact Report

(EIR) was prepared for the project and a finding is made in compliance with Public Resources Code Section 21081 Subdivision (a) Paragraph (3), that specific economic, social, or other considerations make the mitigation measures or project alternatives specified in the EIR infeasible.

B. Supplemental Findings. In addition to the findings specified in Subparagraph A, above, the review authority shall not approve a tentative parcel or tract map unless it can also make the following 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 by Subsection 9105.05.020 (Waiver of Parcel Map), 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, as specified in this Division and by the Act, may be extended 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 specified in Government Code Section 66452.5, Section 9108.07 (Appeals), and as follows:

1. If the Commission is the review authority, then the appeal shall be to the Council which is established as the appeals board.
2. If the review authority is not the Commission, then the first appeal shall be to the Commission. The Commission's decision may be appealed to the Council.
3. Any appeal shall be filed with the applicable review authority within 10 days after the action of the review authority from which the appeal is being taken.
4. Before accepting for filing of an appeal, the City shall charge and collect an appeal fee which shall be paid in compliance with the Fee Schedule.
5. Upon the filing of an appeal, the applicable review authority shall set the matter for a public hearing. The hearing shall be held within 30 days after the date of filing the appeal.
6. The hearing shall be noticed as specified in Subsection 9105.03.050 (Tentative Map Public Hearing and Action), above.
7. Within 10 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 findings specified in Subsection 9105.03.060 (Tentative Map Approval or Denial), above.

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 subdivision 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 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 and recommendation from the previous applicable review authority (i.e., Director, City Engineer, or the Commission), in compliance with Table 5-1 (Subdivision Review Authorities).

2. **Changes Following Approval.** Once a tentative parcel or tract map is approved, any changes shall be in compliance with Subsection 9105.03.120 (Amendments to Approved Tentative Maps and Conditions).

9105.03.070 Conditions of Approval

Along with the approval of a tentative parcel or tract map, the review authority may adopt any conditions of approval deemed reasonable and necessary to carry out the purposes of this Development Code, including conditions regarding the matters described in Subparagraph A. (Dedications and Improvements), below; provided, that all conditions shall be consistent with the requirements of the Act and this Division.

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 that the lots to be created:
 - a. Are provided with adequate public services and utilities, including any appropriate cable television services, to meet the needs of future residents or users;
 - b. Are of adequate design in all respects in compliance with this 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, lots created by a subdivision of land shall abut upon a recorded dedicated public right-of-way of a width as established by the City's Streets and Highways Manual, or shall be ensured of access to the City road system by an approved access which connects a lot(s) to a maintained public street or State highway.
2. Private road easements may be approved for access to each lot 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 Division shall be recognized as legal access to each lot of the proposed subdivision.
4. Existing traveled roads for which a court has determined that a prescriptive right by users exists for public use shall be recognized as legal access to each lot 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 30 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.

9105.03.080 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, 10 days following the date of decision by the applicable review authority in compliance with Government Code Section 66452.5, if no appeal is filed in compliance with Section 9108.07 (Appeals).

9105.03.090 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 in compliance with this Division, 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 in compliance with Section 9105.09 (Subdivision Design and Improvements), 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 lots shall be prepared, filed, processed, and recorded in compliance with Section 9105.05 (Parcel Maps and Final Maps), to complete the subdivision, unless a parcel map has been waived in compliance with Subsection 9105.05.020 (Waiver of Parcel Map).
 - 2. A final map for a subdivision of five or more lots shall be prepared, filed, processed, and recorded in compliance with Section 9105.05 (Parcel Maps and Final Maps), to complete the subdivision.
 - 3. Project phasing and the filing of multiple parcel or final maps shall be in compliance with this Division.

9105.03.100 Vesting on Approval of Vesting Tentative Map

- A. Purpose.** The purpose of this Subsection is to establish procedures necessary for the implementation of the provisions of Government Code Section 66452 relating to vesting tentative maps.
- B. Application Filing**
 - 1. Whenever a provision of the Act or this Division 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 in compliance with this Division, except as otherwise provided in this Subsection.
 - 3. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."
 - 4. The application shall include all of the information and materials specified in the most up-to-date Department handout for vesting tentative map applications, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9105.03.060 (Tentative Map Approval or Denial), above.
- C. 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 the Act and/or this Division for the expiration of approved or conditionally approved tentative maps.
- D. 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. However, 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. Notwithstanding Subparagraph 1, above, 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 compliance with Subsection 9105.03.120 (Amendments to Approved Tentative Maps and Conditions) in order to protect against conditions dangerous to public health and safety or to comply with State or Federal law.

E. Expiration of Vested Rights

1. The vested rights referred to in this Subsection 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 at least 60 working days before expiration in compliance with Subsection 9105.03.110 (Tentative Map Expiration and Extensions), below.
 - c. If the extension is denied, the subdivider may appeal that denial within 10 days after the denial, in compliance with Section 9108.07 (Appeals).

9105.03.110 Tentative Map Expiration and Extensions

A. Valid Timeframe. An approved tentative parcel or tract map is valid for 24 months after its effective date, except as otherwise provided by Government Code Section 66452.6, 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 Division and the Act.

B. Expiration of an Approved Map

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

C. Filing of Extension Request

1. The time limits for acting on maps and associated appeals, as specified in this Division and Government Code Sections 66410 et seq., 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 in compliance with the Fee Schedule.

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 in Subparagraph D (Approval of First Extension - City Engineer), above.
2. The aggregate period of time for all extensions shall not exceed the maximum limits specified in Government Code Section 66452.6.

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 in compliance with Section 9108.07 (Appeals).

G. Filing of a Lawsuit

1. If a lawsuit has been filed and is pending in a court of competent jurisdiction affecting 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 that the action affects the validity of the tentative parcel or tract map approval.

9105.03.120 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 in compliance with this Subsection. Changes to a parcel or final map after recordation are subject to Subsection 9105.05.070 (Correction and Amendment of Recorded Maps).

B. Minor Changes Defined. Minor changes or amendments to a tentative parcel or tract map that may be requested by a subdivider in compliance with this Subsection include minor adjustments to the location of proposed lot lines and improvements, and reductions in the number of approved lots (but no increase in the number of approved lots), and any changes to the conditions of approval, consistent with the findings required by Subparagraph G. (Required Findings for Approval), below.

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

D. Application for Changes. The subdivider shall file an application and filing fee, in compliance with the Fee Schedule, 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 by this Subsection.

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 finds all of the following findings to be true, and that all of the applicable findings for approval specified in Subsection 9105.03.060 (Tentative Map Approval or Denial), above, can still be made:

1. No lots 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 Division, 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 specified in Subsection 9105.03.110 (Tentative Map Expiration and Extensions), above, 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 City Engineer.

9105.03.130 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a tentative map application.

9105.03.140 Tentative Parcel Map for Urban Lot Splits

The tentative parcel map process shall adhere to the requirements and process in Section 9102.01.150 (Urban Lot Splits), Section 9105.03.020 (Forms and Contents), and Section 9105.05.090 (Final Parcel Map process).

Section 9105.05 – Parcel Maps and Final Maps

Subsections:

- 9105.05.010 Purpose
- 9105.05.020 Waiver of Parcel Map
- 9105.05.030 Final Tract and Parcel Map Form and Content
- 9105.05.040 Filing and Processing of Final Tract and Parcel Maps
- 9105.05.050 Final Tract or Parcel Map Approval and Recordation
- 9105.05.060 Supplemental Information Sheets
- 9105.05.070 Correction and Amendment of Recorded Maps
- 9105.05.080 Post Decision Procedures
- 9105.05.090 Final Parcel Map for Urban Lot Splits

9105.05.010 Purpose

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

9105.05.020 Waiver of Parcel Map

- A. Eligibility for Waiver.** The following subdivisions 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 the Act or of this Division 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 lot(s) between adjacent lots when approved by resolution;
 - 2. Those of a lease-project; or
 - 3. Those 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 lot;
 - 3. 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;
 - 4. The Commission 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 lot. Record information, when available, may be utilized.
- C. Waiver of Parcel Map Fee.** Upon submission of a request for waiver the subdivider shall pay a filing fee in compliance with the Fee Schedule. 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 lots 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 Commission may waive the requirement that a parcel map be filed as provided in Subsection 9105.03.030 (Tentative Map Filing, Initial Processing), if it first finds all of the following:

1. The design of each lot 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 the Act, this Division, and the Municipal Code. When a waiver is granted in compliance with this Subsection, the Commission shall, within 60 working days, cause a certificate of compliance, describing each approved lot, 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 lots comprising the division may be sold, leased, financed, or transferred in full compliance with all applicable provisions of the Act and this Division.

9105.05.030 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 Division. The map shall be considered submitted when it is complete and complies with all applicable provisions of the Act, this Development Code, this Division, and all conditions of approval.

B. Authorized Preparers

1. The final tract or parcel map shall be prepared by, or under the direction of, a registered civil engineer or licensed land surveyor.
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 Division.

C. Certificates and Acknowledgments

1. Before filing, the certificates and acknowledgements required by the Act and this Section 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 Subsection and shall be in compliance with the standards prescribed in the California Business & Professions Code Section 8771.

E. Documentation Required for City Review and Approval

1. 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. 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 Article VIII (Building Regulations), 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.
- (2) 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, with the title report required to be dated no older than 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

- (1) Deeds for easements or rights-of-way required which are not proposed to be dedicated on the final map.
- (2) 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.

f. Traverse Closure Calculations. Traverse closure calculations for the boundary blocks, easements, monument lines, lots, and street centerlines.

g. Hydrology and Hydraulic Calculations. Complete hydrology and hydraulic calculations.

h. Organization Documents

- (1) 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 Section 1355.
- (2) All documents shall be subject to review and approval by the Director and the City Attorney.

i. Letter of Certification from Water Agencies. The subdivider shall submit written certification from the affected water provider 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.

9105.05.040 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 90 days before the expiration of the approved or conditionally approved tentative map or any approved extension of time granted in compliance with

Subsection 9105.03.110 (Tentative Map Expiration and Extensions), together with the filing fee(s) in compliance with the Fee Schedule.

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, this Development Code, this Division, 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 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 the Act, this Subsection, and applicable City standards.
2. If the map is found to be in substantial compliance with the tentative map and is in correct form, the matters shown on the map are sufficient, and the City Engineer is satisfied that all of the conditions of approval have been met, the City Engineer shall endorse approval of the map.
3. The City Engineer shall combine with the map the agreements, easements, and securities as required by this Section.
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 Government Code Section 66452.6 and Subsection 9105.03.110 (Tentative Map Expiration and Extensions), 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 case, a new filing fee shall be paid, in compliance with the Fee Schedule, and an application for a new tentative map shall be filed.

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, including an easement or license, then at the time the map is filed with the local agency, to allow the improvements to be made, the subdivider shall enter into an agreement with the City through the Director 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 Government Code Section 66457, to obtain interest in the land to allow the improvement(s) to be made by negotiation or proceedings in compliance with Code of Civil Procedure Title 7 (commencing with Section 1230.010) of Part 3, including proceedings for immediate possession of the property under Code of Civil Procedure Title 7 Article 3 (commencing with Section 1255.410).
3. In the event the City fails to meet the 120-day time limitation, the condition for construction of off-site improvements shall be conclusively deemed to be waived.
4. Before approval of the map, the City may require the subdivider to enter into an agreement to complete the improvements, in compliance with Subparagraph 9105.05.050.D (Map with Incomplete Improvements), below, at the time the City acquires an interest in the land which will allow the improvements to be made.
5. "Off-site improvements," as used in this Subsection, 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.

9105.05.050 Final Tract or Parcel Map Approval and Recordation

After determining that the map is in compliance with Subsection 9105.05.030 (Final Map and Parcel Map Form and Content), above, and is technically correct, the City Engineer shall execute the City Engineer's certificate on the map in compliance with Government Code Section 66442, and forward the map to the City Clerk for Council action in the following manner.

A. Applicable Review Authority. The applicable review authority is specified in Table 5-1 (Subdivision Review Authorities).

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, in the case of the Council, at its regular meeting after the meeting at which it receives the map, unless that 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 this Development Code that were applicable at the time that the tentative map was approved, 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 the Act and this Section. If the map(s) does not conform, it shall not be approved.
3. **Applicable Ordinances, Policies, and Standards.** In determining whether to approve or deny a map, the review authority shall apply only those ordinances, policies, and standards in effect on the date the proposal for the subdivision was accepted as complete, in compliance with Government Code Section 66474.2.
4. **Action Not to Approve a Final Tract or Parcel Map**
 - a. If a map is not approved due to its failure to meet any of the requirements imposed by the Act or this Section, 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 Council or, in the case of a map involving four or fewer parcels, the Director, 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 or City Engineer 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 or City Engineer rejects the offer of dedication, the offer shall remain open and may be accepted by the Council or City Engineer at a later date in compliance with Government Code Section 66477.2.
3. Any termination of an offer of dedication shall be processed in compliance with Government Code Section 66477.2 using the same procedures as specified by Streets and Highway Code Part 3 of Division 9.

D. Map with Incomplete Improvements. If improvements required by this 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 agreement with the City as specified in Government Code Section 66462, and Subsection 9105.09.070 (Improvement Agreement Required), 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, together with the filing fee(s) in compliance with the Fee Schedule, the City Clerk shall transmit the map back to the City Engineer.
2. The City Engineer shall establish an appointment with the County Recorder for filing.
3. The County Recorder shall oversee the recording of the map.

9105.05.060 Supplemental Information Sheets

In addition to the information required by this Section 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 as required by this Subsection.

A. Preparation and Form

1. The additional information required by this Subsection shall be presented in the form of an additional map sheet(s), unless the 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 by Subsection 9105.05.030 (Final Tract and Parcel Map Form and Content).

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 by the City Engineer, 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.

9105.05.070 Correction and Amendment of Recorded Maps

A recorded final tract or parcel map (referred to as a map) may be amended by the City Engineer to correct errors in the recorded map or to change characteristics of the approved subdivision in compliance with Government Code Chapter 3, Article 7.

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

1. **Filing of a Certificate of Correction or an Amending Map.** In the event that errors in a map are discovered after recordation, or that other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map, in compliance with Government Code Chapter 3, Article 7.
2. **Error Defined.** For the purposes of this Subsection, "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, lot 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 City Engineer shall be the review authority for reviewing and either approving or denying corrections to and amendments of recorded maps in compliance with Government Code Section 66469.
5. **Application and City Engineer's Review Process**
 - a. An application to amend a recorded map in compliance with Government Code Section 66469 shall be filed with the City Engineer.
 - b. The City Engineer shall determine if the changes requested may be approved with a certificate of correction or an amending map.
 - c. The City Engineer may request additional information based upon that determination and shall approve the certificate of correction or the amending map if all of the required findings specified in Subparagraph 6. (Required Findings), below can be made.
6. **Required Findings.** A map may be amended only if the City Engineer 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 Government Code Section 66474.

B. Type of Corrections Allowed in Compliance with Government Code Section 66472.1. In the event that 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

- a. An application to amend a recorded map in compliance with Government Code Section 66472.1 shall be filed with the City Engineer.
- b. Once approved by the City Engineer, the application shall be sent to the Council for approval of either a certificate of correction or an amending map.
- c. The Council shall approve the application if all of the required findings specified in Subparagraph 3. (Required Findings), below can be made.

2. **Review Authority.** The Council shall be the review authority for reviewing and either approving or denying corrections to and amendments of recorded maps in compliance with Government Code Section 66472.1.
3. **Required Findings.** A map may be amended only if the Council 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 Government Code Section 66474.

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. In the event that a subdivider wishes to amend (e.g., change or modify) the characteristics of an approved subdivision (e.g., a recorded final tract or parcel map), including but not limited to the number or configuration of lots, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Subsection 9105.09.070 (Improvement Agreement Required), the subdivider shall file a new tentative, final, or parcel map in compliance with this Division or comply with the requirements of Government Code Section 66499.20.2.

9105.05.080 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a final tract or parcel map application.

9105.05.090 Final Parcel Map for Urban Lot Splits

The final parcel map process shall adhere to the requirements and process in Section 9102.01.150 (Urban Lot Splits), Section 9105.05.030 (Form and Content for Maps), and Section 9105.05.040 (Filing and Processing of Maps).

Section 9105.07 – Additional Subdivision Procedures

Subsections:

- 9105.07.010 Purpose
- 9105.07.020 Certificates of Compliance
- 9105.07.030 Lot Line Adjustments
- 9105.07.040 Lot Mergers
- 9105.07.050 Reversions to Acreage
- 9105.07.060 Post Decision Procedures

9105.07.010 Purpose

This Section establishes requirements consistent with the Act for certificates of compliance, lot line adjustments, lot mergers, and reversions to acreage.

9105.07.020 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 Subsection.
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 the Act and this 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 ascertained 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 lot(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 Section 9107.03 (Application Processing Procedures).
2. The application shall include the most up-to-date information and materials specified in the Department handout for certificate of compliance applications.
3. The applicant shall pay the processing fee specified by the Fee Schedule and the sum of money equal to the amount required by law for filing with the County Recorder the certificate of compliance.
4. The Director may require the submission of supporting information as deemed necessary by the Director to determine compliance.
5. All submissions shall be legible and readily reproducible.

C. Review Authority. The Director shall be the review authority for reviewing and either approving or denying 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 lot is clearly in compliance with the provisions of this Division 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 lot is in compliance with the provisions of this Division and the Act, but can do so with appropriate conditions, a conditional certificate of compliance shall be issued by the Director and delivered to the County Recorder for recordation.
 - a. In compliance with this Subparagraph, 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 in compliance with this Subsection, 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 lot is clearly in compliance, the procedures specified in Government Code Section 66499.35 shall apply.

9105.07.030 Lot Line Adjustments

Amended by Ord. No. 2347

A. Conditions for Allowing Lot Line Adjustments

1. **Purpose.** This Subsection provides a procedure for the filing, review, and determination of a lot line adjustment which allows for an adjustment of the lot lines between four or fewer existing adjoining lots:
 - a. Where the land taken from one lot is added to an adjoining lot, and where a greater number of lots than originally existed are not created;
 - b. Where the resulting lots shall be in compliance with applicable building regulations, this Development Code and the General Plan. The City is authorized to condition the approval of a lot line adjustment upon the relocation of certain existing utilities, infrastructure, and/or easements; and
 - c. Where a draft deed is submitted with a lot line adjustment application reflecting the proposed lot configuration and legal description.

2. Lawfully Created Lots

- a. Any lot created by a tract map or parcel map is a lawfully created lot.
- b. In addition, any lot created before March 4, 1972 with a deed or record of survey shall be conclusively presumed, by the City, to be a lawfully created lot for the purposes of this Division.

3. **Compliance with Government Code Section 66412(d).** Lot line adjustments shall be allowed in compliance with Government Code Section 66412(d); provided, all of the following provisions are complied with.

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, and shall be processed in compliance with Section 9107.03 (Application Processing Procedures).

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 in compliance with the Fee Schedule.

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 by Subparagraph C (Processing of Lot Line Adjustment Application - Findings Required for Approval), below.

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.

B. **Review Authority.** The Director shall be the review authority for reviewing and either approving or denying 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 lots;

(2) Include any lots created illegally;

(3) Involve more than four lots; or

(4) Involve lots 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 lots, as proposed by the lot line adjustment, will conform, in all respects, to the minimum provisions of this Division and those of this Development Code;

d. The lot line adjustment does not create additional lots;

e. All lien holders, record owners, and trust deed holders consent in writing to the lot line adjustment; and

f. 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 finds all of the above facts to be present, the Director shall approve the lot line adjustment, and the owner(s) of the lots 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 Municipal Code, the General Plan, and all applicable building codes.
4. If the Director finds any of the foregoing facts specified in Subparagraph 1, above, not present, 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 in compliance with Section 9108.07 (Appeals); or
 - (2) Filing a parcel or tract map in compliance with this Division.

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 lots for any lots encumbered by a deed of trust. The revised legal descriptions of affected lots shall also be reflected in any mortgages and liens.
4. In compliance with approval of a lot line adjustment, the applicant shall file a certificate of compliance reflecting the adjustments in compliance with Subsection 9105.07.020 (Certificates of Compliance).
5. Within seven days of the issuance of a notice of the action on an application for a lot line adjustment, notice of the decision shall be forwarded to the Commission and Council.

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 in compliance with Section 9108.07 (Appeals).
 - a. The appeal shall be made in writing and delivered to the Department within 10 days following the decision of the Director and shall be accompanied by an appeal fee in compliance with the Fee Schedule.
 - b. Upon receipt in proper form of an appeal, the Director shall schedule a public hearing to be held within 30 working days.
 - c. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).
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 10 days following the decision by the Commission and shall be accompanied by an appeal fee in compliance with the Fee Schedule.
 - b. The public hearing shall be held within 30 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 Section 9108.13 (Public Notices and Hearings).

F. Completion of Lot Line Adjustments. Approval or conditional approval of a lot line adjustment shall not become effective until 10 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 in compliance with Section 9108.07 (Appeals).

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 in compliance with this Subsection.

9105.07.040 Lot Mergers

A. Purpose

1. This Subsection is provided in compliance with Government Code Division 2, Chapter 3, Article 1.5 (Merger of Parcels) for the purpose of establishing the authority of the City to merge two or more lots or units of land held by the same owner.
2. Lot mergers may be voluntary mergers initiated by the property owner(s) or mandatory mergers initiated by the City.
3. Lots may also be merged in compliance with Government Code Sections 66499.20.2, or 66499.20.3 pertaining to the reversion to acreage.

B. Voluntary Merger of Contiguous Lots

1. **Intent.** It is the intent of this Subsection to allow property owners to request a voluntary merger of contiguous lots that are under the same ownership.
2. **Review Authority.** The Director shall be the review authority for reviewing and either approving or denying lot mergers.
3. **Process**
 - a. The property owner shall file an application for a lot merger.
 - b. The merger of the subject lots 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 lot may be voluntarily merged with one or more contiguous lots held by the same owner:
 - a. If any one of the contiguous lots held by the same owner does not conform to standards for minimum lot size or dimension specified by the applicable zone;
 - b. If the property owner wishes to construct a structure across the property line(s) of two or more contiguous lots; or
 - c. If at least one of the lots meet one or more of the requirements specified in the Government Code Section 66451.11(b).

C. Where These Provision Do Not Apply

1. This Subsection shall not apply to the sale, lease, or financing of one or more contiguous lots or units of land which have been created under the provisions of City ordinances regulating the division of real property and Government Code Sections 66410 et seq., applicable at the time of their creation, or to lots or units which were not subject to the provisions at the time of their creation, even though the contiguous lots or units are held by the same owner.
2. However, if any one of the contiguous lots or units held by the same owner does not conform to standards for minimum lot size to allow use or development in compliance with this Development Code and the standards established by Subsection D (Unmerged Parcels Prior to January 1, 1984), below, then those lots or units shall be merged.

D. Unmerged Lots Prior to January 1, 1984. Any lots or units which were deemed unmerged, before January 1, 1984, under the Act and which have not been merged subsequently shall be considered separate lots or units for purposes of this Subsection.

E. Mandatory Merger of Nonconforming Contiguous Lots under Single Ownership. Contiguous lots 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 lots or units does not conform to the minimum lot size to allow use or development in compliance with this Development Code, and if all of the following requirements are satisfied in compliance with Government Code Section 66451.11(b):

1. At least one of the affected lots 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 lot or unit.
2. With respect to any affected lot, 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;
 - g. Its development would create health or safety hazards; or
 - h. Is not consistent with the applicable General Plan and any applicable specific plan, other than minimum lot size or density standards.
3. Subparagraph E. 2, above, shall not apply if any of the conditions specified in Government Code Sections 66451.11(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 in compliance with this Subsection, the Director shall deliver, 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 lots may be merged in compliance with this Subsection; 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 in compliance with this Subsection.
 - e. A determination of non-merger may be made whether or not the affected property meets the standards for merger specified in Subparagraph E (Mandatory Merger of Nonconforming Contiguous Parcels under Single Ownership), above.
 - 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 lots 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 in compliance with Subparagraph 3, below, and Section 9108.07 (Appeals).
 - 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 lots 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, in compliance with Section 9108.07 (Appeals).
 - a. A fee in compliance with the Fee Schedule 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 lot 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 lot is unmerged in compliance with this Subparagraph.

H. Request for Determination of Lot Merger

- 1. Director's Determination of Merged or Unmerged**
 - a. A property owner may request that the Director determine whether property has merged in compliance with Subparagraph E (Mandatory Merger of Nonconforming Contiguous Lots under Single Ownership), above, or is deemed unmerged in compliance with Subparagraph G (Unmerger), above. The property owner's request shall be in the form of an application for a Certificate of Compliance.
 - b. A request for determination (Certificate of Compliance) shall be made in writing and shall be accompanied by a fee in compliance with the Fee Schedule.
- 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 lot as a separate lot.

9105.07.050 Reversions to Acreage

A. Purpose and Filing Provisions

1. The purpose of this Subsection is to provide a procedure for the merger of separate lots into one lot, in compliance with Government Code Section 66499.20.2.
2. A reversion to acreage shall be initiated, processed, reviewed, and approved or denied in compliance with Government Code Chapter 6, Article 1.
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 by the Fee Schedule.
4. A parcel map may be filed to revert to acreage land previously subdivided that consists of four or less contiguous lots, in compliance with Government Code Section 66499.20.1.

B. Review Authority. The Council shall be the review authority for reviewing and either approving or denying 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 Section 9108.13 (Public Notices and Hearings).
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 Section 9108.13 (Public Notices and Hearings).
7. The Council may approve a reversion to acreage only if it first makes all of the findings required by Subparagraph D (Required Findings), below.

D. Required Findings. The review authority shall approve a reversion to acreage only after first making all of the following findings, as required by Government Code Sections 66499.16:

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 lots 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 lots into one lot, in compliance with Government Code Section 66499.20.2.

9105.07.060 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on any application filed in compliance with this Section.

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Section 9105.09 – Subdivision Design and Improvements

Subsections:

- 9105.09.010 Purpose
- 9105.09.020 Applicability of Design and Improvement Standards
- 9105.09.030 Subdivision Design Standards
- 9105.09.040 Subdivision Improvement Requirements
- 9105.09.050 Site Preparation and Grading for Subdivision Construction
- 9105.09.060 Improvement Plans
- 9105.09.070 Improvement Agreement Required
- 9105.09.080 Improvement Security
- 9105.09.090 Installation of Improvements
- 9105.09.100 Monuments
- 9105.09.110 Soils Reports

9105.09.010 Purpose

- A. **Requirements for the Design and Layout.** This Section 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 Lots.** The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable lots that are consistent with the General Plan and any applicable specific plan.

9105.09.020 Applicability of Design and Improvement Standards

The requirements of this Section apply as follows.

A. Extent of Required Improvements

- 1. Each subdivision of four or fewer lots, and each subdivision of five or more lots, shall provide the improvements required by this Subsection, 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 Subsection. 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 in compliance with Subsection 9105.09.040 (Subdivision Improvement Requirements), below.

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 Council 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.

4. 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 Council determines that the improvements are insufficient for the general use of the lot owners in the division of land and for local neighborhood traffic and drainage needs, the Council may require the subdivider to improve or agree to improve the street as specified in Subparagraphs 4.c, above and Subparagraph 5.g, below.
- e. The Council may require the remodeling of an existing street. The remodeling shall be in compliance with the improvement requirements specified in Subparagraphs 4.c, above and Subparagraph 5.g, below.
- 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.

5. 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 Council 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 Council 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 Council 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 Public Works Director.
- 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.

C. Subdivision Improvement Standards - Conditions of Approval

1. The applicable subdivision improvement and dedication requirements of this Subsection 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 Government Code Chapter 4, Article 6.
2. In the event that oversizing is required, the City shall comply with all applicable provisions of Government Code Sections 66485 et seq., including the reimbursement provisions of Government Code Section 66486.
3. If a lot 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 lot, whichever occurs first.

E. Exceptions. Exceptions to the requirements of this Section may be requested and considered in compliance with Subparagraph 9105.09.030 J (Exceptions), below.

9105.09.030 Subdivision Design Standards

A. Purpose. This Subsection establishes standards for the design and layout of subdivisions.

B. Applicability. Each subdivision shall be designed in compliance with the standards of this Subsection, except where an exception is granted in compliance with Subparagraph 9105.09.030 J (Exceptions), below.

C. Roads and Streets. The layout, design, and construction of proposed roads and streets shall comply with the General Plan, and adopted City street standards.

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 standards adopted in compliance with the General 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 Council may require that future streets and alleys be provided for the future division of lots 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 section 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, this Development Code, and/or other requirements that may be deemed appropriate by the City Engineer and/or Director.

b. 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 Department.

D. 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 lot 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 lots which are intended for multifamily 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 Streets and Highways Design Manual (Currently Division 4 – Design of Streets, pages 23 and 24) developed and maintained by the City Engineer. Alternative cross sections may be used where the applicable review authority finds that existing improvement patterns or neighborhood design warrant use of the alternative cross sections.
 - 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. The length of a dead-end street shall not exceed a distance of more than 500 feet, and as determined by the Fire Department 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 80 feet between right-of-way lines, and as determined to be suitable on a case-by-case basis, in coordination with the Fire Department and to the satisfaction of the City Engineer.
- c. One sided cul-de-sacs shall be prohibited anywhere within the City.

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 a Variance to the grade limitations is appropriate.

8. Pedestrian Walkways away from Street Frontages

- a. As part of subdivision approval, the City 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 and construction.

9. 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.

E. Lot Design. The arrangement, shape, and size of proposed lots shall comply with this Subsection, and with any General Plan policy, specific plan requirement, or other Municipal Code provisions that apply to proposed subdivisions.

1. General Lot Design Standards

- a. Each proposed lot shall be determined by the review authority to be “buildable” because it contains at least one building site that can accommodate a structure in compliance with all applicable provisions of this Development Code.
- b. No lot shall be created that is divided by a City, County, school district, or other taxing district boundary line.
- c. If a proposed lot is in more than one zone classification, then the area, depth, and width of the lot shall be in compliance with the minimum requirements of the most restrictive zone classification.
- d. The lot area, depth, and width requirements shall not apply to any lot 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 lot.
- f. No subdivision shall be approved which leaves unsubdivided islands, strips or lots, 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. Lot Area, Depth, and Width Requirements

- a. **Compliance with Division 2 Required.** The minimum area, depth, and width for new lots shall be as specified in Division 2 (Zones, Allowable Uses, and Development Standards) for the applicable zone, except as otherwise provided by this Subsection.
- b. **Minimum Lot Area Requirements for Common Interest Projects.** The minimum lot area requirements of Division 2 (Zones, Allowable Uses, and Development Standards) shall not apply to individual condominiums, condominium conversions, and townhouses, but shall apply to the creation of the original lot(s) that is the location of the condominium or townhouse development.
- c. **Modifications.** The Commission, after making a finding that a modification(s) to the requirements of this Subparagraph 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) to this Subparagraph that is not prohibited by the Act, this Division, and that is not inconsistent with the General Plan.

3. **Dimensions.** The dimensions of new lots shall comply with the applicable provisions of Division 2 (Zones, Allowable Uses, and Development Standards), 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. **Lot Configuration.** The layout of proposed lots 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 lot design provisions regarding energy conservation in Subparagraph G. (Energy Conservation), below.

- a. **Street Frontage Required.** Each proposed lot shall have frontage on a public street. The frontage width shall be at least the minimum lot width required by the applicable zone as specified in Division 2 (Zones, Allowable Uses, and Development Standards), except where a flag lot is approved by the applicable review authority in compliance with Subparagraph 5.c (Flag Lots), below.
- b. **Double-Frontage Lots Prohibited**
 - (1) Newly proposed double-frontage lots with streets located along both the front and rear lot lines shall be prohibited. (An alley is not considered a street for the purposes of this Subparagraph.)
 - (2) For existing double-frontage lots as described in Subparagraph (1), above, the Director shall determine which frontage(s) shall be considered as the "lot front" or "lot frontages" for the purposes of compliance with the minimum setback requirements specified in Division 2 (Zones, Allowable Uses, and Development Standards).
- c. **Flag Lots Prohibited.** New flag lots shall be prohibited.

F. 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, in compliance with Government Code Section 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. **Lot and Building Site Design.** Proposed lots 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.

G. 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.

H. Fire Protection

1. Subdivision design shall provide for safe and ready access for fire and other emergency equipment and for routes of escape to safely handle evacuations.
2. The subdivision shall be served by water supplies for community fire protection in compliance with the standards established by the Fire Department.
3. In hazardous fire areas, all flammable or combustible vegetation shall be removed from around all structures, in compliance with Fire Department requirements. Where erosion is probable, the slopes shall be planted with fire resistive ground cover.

I. Exceptions

1. Conditional exceptions to the standards and regulations specified in this Subsection 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 topography, limited size, dominating drainage problems, unusual shape, or the impracticability of employing a comprehensive plan or layout by reason of prior existing recorded subdivision of contiguous properties.

9105.09.040 Subdivision Improvement Requirements

A. General Improvement Installation. All culverts, curbs, drainage structures, fire hydrants, gutters, pavements, sanitary sewer lines, sidewalks, streets (public or private), 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. 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 Department, and in compliance with Subparagraph L (Water Mains and Fire Hydrants), below.

D. Monuments. The subdivider shall supply and install monuments in compliance with the requirements of the City Engineer, Government Code Chapter 4, Article 9, and Subsection 9105.09.100 (Monuments), below.

E. 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 to provide for the proper maintenance of the common area(s) and/or private streets, and to establish standards for maintenance.

F. Private Streets. A subdivision which proposes to provide private streets within its boundaries shall comply with all of the following provisions:

1. Private streets and private access require the approval of the City Engineer;

2. Pedestrian access shall be provided from the private street or private access to an existing or future street or public pathway, if vehicular access cannot be provided;
3. Private streets or private access shall not obstruct traffic circulation or cut off future development from public access or utilities;
4. Streets must be public if they are designed to connect to an adjacent site, or will serve lots on an adjacent site;
5. Private streets shall be constructed in compliance with the City's design standards for public streets;
6. Private streets or private access shall provide public utility easements for sewer, stormwater, and water conveyance systems wherever applicable;
7. Appropriate accessibility shall be maintained at all times for emergency vehicles, as determined by the City Engineer; and
8. Private streets or private access shall be owned in common by the owners of the property served by the private streets/private access or by a homeowners' association (HOA).

G. Public Utilities. Each approved and newly created lot 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 as provided by this Subsection.

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 of this Subparagraph without expense to the City, and shall make necessary arrangements with the appropriate utility company for the installation of the facilities. For the purposes of this Subparagraph, appurtenances and associated equipment (e.g., boxes and meter cabinets) and concealed ducts in an underground system may be placed above ground.
- c. This Subparagraph shall 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 Council, based on the recommendations of the City Engineer, may waive the requirements of this Subparagraph if topographical, soil, or any other conditions make the underground installations unreasonable or impractical.

2. Cable Television Systems. If a local cable television 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 cable television system an opportunity to construct, install, and maintain on land reserved for cable television service or by separate instrument, any equipment necessary to extend cable television services to each residential lot in the subdivision.

- a. "Appropriate cable television system," as used in this Subparagraph, means those franchised or licensed to serve the geographical area in which the subdivision is located.
- b. This Subparagraph 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 lot within an approved subdivision shall be provided a connection to the City's and/or Sanitation District'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 City's and/or Sanitation District's required connection fee.
3. When sanitary sewer mains are existing, the subdivider shall pay for these improvements in cash, in compliance with the provisions of Municipal Code for the developed lots.
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 lots or more and one lot condominium divisions of land. Plans for the installation of the system shall be submitted to the City Engineer for 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. 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 Public Works Services Department.

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 lots 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.

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 lot 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 Chief. 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 lot 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.

9105.09.050 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 lot 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 lot 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 lots 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 Article VIII (Building Regulations).
3. **Drainage Plan**
 - a. No inter-lot or "cross drainage" shall be allowed.
 - b. Each lot 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 lot, except where a legal right exists (e.g., a drainage easement), and is authorized by the City Engineer.
 - c. No lot 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 on sloping lots shall be individually prepared.
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 Subsections 9105.09.070 (Improvement Agreement Required) and 9105.09.080 (Improvement Security), below.
7. **As-Built Grading Plan.** Upon completion of grading operations the subdivider or individual lot owner shall furnish to the City Engineer two prints of an as-built grading plan prepared by the subdivider's or owner's engineer.
8. **Compliance with Uniform Building Code Required.** Every map approved in compliance with the provisions of this Division 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 Uniform Building Code Appendix Chapter 70, as adopted and amended from time to time by the City.

9. Retaining Walls

- a. Retaining walls shall be required at grade differences in compliance with the Building Code, unless a recorded slope easement is obtained.
- b. Retaining walls shall be constructed in compliance with Section 9103.05 (Fences and Walls) 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.

9105.09.060 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;
2. Grading, drainage, erosion and sediment control, and a storm water pollution prevention plan (SWPPP) for the entire subdivision; and
3. The improvement plan/specification checking and construction inspection fees required by the Fee Schedule.

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 in compliance with Subparagraph C. (Review and Approval), below, 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 Council 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 lot within the subdivided area and pay the applicable water connection fees as established by City resolution or ordinance.
 - b. **Mains.** Water mains and related systems and services shall be constructed to serve each lot 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, or if a private sewage disposal company is to provide service, the plans shall have been approved by the City Engineer.

C. Review and Approval. Improvement plans shall be reviewed and approved by the applicable agency within the time limits specified by Government Code Section 66456.2.

D. Effect of Approval

1. The final approval of improvement plans shall be required before approval of a parcel or final map.
2. The approval of improvement plans shall not bind the City to accept the improvements nor waive any defects in the improvements as installed.

9105.09.070 Improvement Agreement 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 Council or City Engineer 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 in compliance with Government Code Section 66499.3.

9105.09.080 Improvement Security

A. Security Required. If the proprietors, owners, or sellers of the subdivision request the Council to approve the map before the actual completion of any of the work required under the tentative map and to ensure that the work covered by the improvement agreement specified in Subsection 9105.09.070 (Improvement Agreement Required), above, will be completed, improvement security shall be furnished, in an amount, form, and manner consistent with the Act and/or as approved by the Council 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 two years from the date the agreement is executed, the Council 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 Subsection 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 Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 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 Council, 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 Council.
 - e. In the event of defective work, the security shall be held until all work is considered satisfactory and acceptable by the City Engineer.

9105.09.090 Installation of Improvements

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

A. Timing of Improvements. Required improvements shall be constructed or otherwise installed only after the approval of improvement plans in compliance with Subsection 9105.09.040 (Subdivision Improvement Requirements), above, and before the approval of a parcel or final map in compliance with Section 9105.05 (Parcel Maps and Final Maps), except where:

1. Improvements are deferred in compliance with Section 9105.09.070 (Improvement Agreement Required); 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 agency, 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 Subsection.

3. Notification

- a. The subdivider shall notify the City Engineer as part of condition compliance upon the completion of each stage of construction as specified in this Subsection.
- 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).

9105.09.100 Monuments

The location, number, and type of monuments shall be as specified in Government Code Chapter 4, Article 9 in compliance with the standards specified in California Business & Professions Code Section 8771 and Subparagraph 9105.05.030 D (Final Tract and Parcel Map Form and Content – Monuments).

9105.09.110 Soils Reports

A. Purpose. This Subsection provides standards for the preparation and review of soils reports, in compliance with Government Code Chapter 4, Article 7.

B. 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 also recommend any required corrective action for the purpose of preventing structural damage to subdivision improvements and the structures to be constructed on the lots.
 - (2) The report shall also recommend any special precautions required for erosion control, and the prevention of sedimentation or damage to off-site property.
 - (3) 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 lot 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.
2. **Preliminary Soils Report Waiver.** The preliminary soils report may be waived if the City Engineer determines that existing available information on the qualities of the soils of the subdivision makes no preliminary analysis necessary.

C. 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.

D. 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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Section 9105.11 – Dedications, Reservations, and Exactions

Subsections:

- 9105.11.010 Purpose
- 9105.11.020 Dedications
- 9105.11.030 Reservations

9105.11.010 Purpose

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

9105.11.020 Dedications

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

1. **Restricted Use Areas.** The right to restrict the erection of structures within those portions of lots which are shown as being subject to flood hazard, inundation, or geological hazard on a tentative parcel or tract map shall be dedicated.
2. **Natural Watercourses.** In the event that a division of land is traversed by a major watercourse, channel, creek, stream, or swale, the review authority may require that an adequate right-of-way be dedicated for storm drainage purposes.
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 lot 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.

B. Dedications and Improvements

1. **Offer for Dedication.** All streets, highways, and lots 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 lots are one acre or less, and the improvements may be required if the areas of abutting lots exceed one acre each. The improvements shall 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 lot 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, in the subdivision before the acceptance and approval of the final tract map by the Council, or approval of the final parcel map by the review authority both as specified in Subsection 9105.09.040 (Subdivision Improvement Requirements), shall include all of the following:
 - a. Adequate distribution lines for domestic water supply to each lot;
 - 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; provided, the sidewalks may be omitted in whole or part in the event that the applicable review authority determines that 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 Department;
 - h. Street name signs, at least two for each intersection;
 - i. Necessary barricades and safety devices;
 - j. Street trees, in compliance with the requirements of the Department of Public Works;
 - k. An ornamental street lighting system, together with required underground conduit and wiring, shall be required.
 - (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 lots shall also be undergrounded, all by and at the expense of the subdivider.
 - (1) 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.
 - (2) 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 Council.

D. Acceptance of Dedications

1. Council Action and Certification

- a. At the time the Council or City Engineer 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 Council.

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 subject to Code of Civil Procedure Section 771.010, the offer of dedication shall remain open and the Council or City Engineer 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, in compliance with Subparagraph B. 2. (Future Dedication), above.

- b. The acceptance shall be recorded in the office of the County Recorder.

9105.11.030 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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Section 9105.13 – Enforcement

Subsections:

- 9105.13.010 Purpose
- 9105.13.020 Violations
- 9105.13.030 Prohibitions and Falsifications
- 9105.13.040 Remedies

9105.13.010 Purpose

This Section establishes provisions that are intended to ensure compliance with the requirements of this Division and this Development Code and any conditions of tentative map or parcel map approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City.

9105.13.020 Violations

Enforcement of these Subdivision Regulations shall be as specified in the Act and Section 9108.15 (Enforcement).

9105.13.030 Prohibitions and Falsifications

- A. Guilty of a Misdemeanor.** Any person, firm, or corporation violating any of the provisions of this Division or the Act shall be deemed guilty of is a misdemeanor or an infraction, and upon conviction thereof shall be punishable as provided in Municipal Code Chapter 2 (Penalty Provisions) and Municipal Code Section 1200 (Violations a Misdemeanor or Infraction).
- 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 Division is permitted, continued, or committed by the person, firm, or corporation and shall be punishable as provided in Municipal Code Chapter 2 (Penalty Provisions) and Municipal Code Section 1200 (Violations a Misdemeanor or Infraction), and any alley, lot, street, or other feature made the subject of this Division maintained contrary to the provisions of this Division 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 Division 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 lot, 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 Division.

9105.13.040 Remedies

- A. Section 9108.15 (Enforcement).** Remedies and procedures for violations shall be as specified in the Act and in Section 9108.15 (Enforcement).
- B. Other Remedies.** The provisions of this Section 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 the Act or of this Division.

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Section 9105.15 – Dedication of Land for Park and Recreational Facilities

Subsections:

- 9105.15.010 Purpose and Recitals
- 9105.15.020 Applicability
- 9105.15.030 Special Park Funds
- 9105.15.040 Park Facilities Impact Fee
- 9105.15.050 Limitations on the Use of Fees

9105.15.010 Purpose and Recitals

- A. Purpose.** This Section establishes requirements for the collection of fees for parks and related recreational purposes to serve the residents of newly created subdivisions.
- B. Council Recitals.** The Council finds, determines, and declares as follows:
 1. In 1975, the State Legislature amended the Act (Government Code Sections 66410 et seq.) to enable the City to require the dedication of land, the payment of fees, or a combination of both, for park or recreational purposes as a condition of approval of a subdivision;
 2. Before the City may avail itself of Government Code Sections 66410 et seq., it shall have an Open Space and Conservation Element (referred to in the General Plan as the Parks, Recreation, and Community Resources Element) to the General Plan with definite principles and standards for the park and recreational facilities to serve the residents of the City; and
 3. The Council has adopted the Parks, Recreation, and Community Resources Element of the General Plan.

9105.15.020 Applicability

- A. Subdividers Shall Provide Park and Recreational Facilities.** Every subdivider who subdivides land shall pay a fee, as specified in this Section, for the purpose of providing park and recreational facilities to serve future residents of the subdivision.
- B. Application – Exceptions.** The provisions of this Section shall apply to all subdivisions, as that phrase is defined in Government Code Sections 66410 et seq., except for the following:
 1. Condominium projects which consist of the subdivision of air space in an existing apartment structure which is more than five years old when no new dwelling units are added;
 2. Industrial subdivisions;
 3. Parcel maps containing four or fewer lots; and
 4. For a shopping center with no residential development or uses.
- C. Applicability to Parcel Maps and Multi-Dwelling Unit Developments**
 1. The requirements of this Subparagraph shall also apply to persons filing parcel maps for approval by the City and to persons constructing new multi-unit residential developments within the City, except as provided in this Section.
 2. In compliance with the provisions of this Section, persons subject to the provisions of this Subparagraph shall pay the required fee(s).

9105.15.030 Special Park Funds

- A. Authority.** The Mitigation Fee Act allows the City to establish and collect development impact fees for municipal facilities and services based on statutory findings. The fees may be established by resolution of the Council.
- B. Establishment.** There is created a special fund to be known and designated as the Park Facilities Impact Fee Program ("Program"). The Council may establish by resolution, from time to time, a park facilities impact fee, the proceeds of which shall be deposited in the Program.
- C. Purpose of fees**
 - 1. The fee advances a legitimate interest of the City by enabling the City to provide park and recreation facilities and services to new development.
 - 2. The purpose is to provide a funding source for the cost to acquire and develop the land for new parks and recreation facilities and the improvement and development of park and recreation facilities.

9105.15.040 Park Facilities Impact Fee

- A. Council Resolution 6602.** Council Resolution 6602, effective March 14, 2008, established a Park Facilities Impact Fee based on the following amounts:
 - 1. \$2.85 per square foot for single-family projects;
 - 2. \$3.73 per square foot for multifamily projects; and
 - 3. For remodels or demolitions, a residence will only be charged for the new net livable square footage.
- B. Fee Amendments.** The fee may be amended by Council resolution from time-to-time to respond to current costs.

9105.15.050 Limitations on the Use of Fees

The fees received in compliance with this Section shall be used only for the purpose of providing park and recreational facilities to serve the subdivision for which received, and the amount of fees shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

Section 9105.17 – Non-Residential Condominiums

Subsections:

- 9105.17.010 Purpose
- 9105.17.020 Definitions
- 9105.17.030 Submittal Requirements
- 9105.17.040 Site Requirements
- 9105.17.050 Structural and Electrical Requirements
- 9105.17.060 Inspection and Fees
- 9105.17.070 Post Decision Procedures

9105.17.010 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 Section 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 units.
- C. This Section applies to commercial and industrial condominiums in compliance with Government Code Section 66427.
- D. If a commercial or industrial condominium is proposed in combination with a residential condominium, the requirements of this Section and Section 9105.19 (Residential Condominiums) shall be read together, with the relevant requirements applying to the applicable portions of the project.

9105.17.020 Definitions

For the purpose of this Section, the following definitions, in addition to those specified in Division 9 (Definitions), shall apply unless the context clearly indicates or requires a different meaning:

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 lot of real property, together with a separate interest in space in a commercial, industrial, or residential structure located on the same 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.

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

9105.17.030 Submittal Requirements

- A. **Subdivision Procedures.** Under Government Code Section 66426, a condominium is treated as a subdivision subject to the provisions of the Act and this Division. In addition to standards applicable to regular subdivisions, no new condominium project or portion of a project shall be approved, unless all of the items specified in this Section have been submitted with the tentative map and approved by the City.

B. Application Requirements. The application shall include all of the information and materials specified in the most up-to-date Department handout for non-residential condominiums, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).

9105.17.040 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 evaluation shall include, but not be limited to, all of the following, in compliance with Section 9107.19 (Site Plan and Design Review):

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; and
3. General architectural and site considerations, including site layout and topography, the location of structures, access, building materials, circulation, colors, lighting, open space, screening, signing, and similar elements have been designed to provide a desirable environment. The design should minimize visibility of all service areas (e.g., delivery, outdoor storage, and solid waste storage), backflow prevention devices, and other utilities from public areas.

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 (e.g., historic landmarks, slopes, and/or trees) 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 open space areas shall be landscaped in an attractive manner and provided with a method for the maintenance of the areas in compliance with Section 9103.09 (Landscaping).
2. Decorative design elements (e.g., benches, exterior recreational facilities, fountains, planters, pools, sculptures, walls, and similar elements) may be allowed; 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 major walkways.
2. The lighting shall be directed onto the driveways and walkways within the development and shielded to eliminate off-site glare away from adjacent properties.
3. Appropriate lighting shall also be installed within all covered and/or enclosed parking areas.

- E. Open Space – Common.** Common open space areas shall be designed and located within the project to afford maximum use by all owners of the project.
- F. Building Development, Intensity, and Lot Coverage Provisions.** Building development (i.e., height and structure setbacks), intensity, and lot coverage provisions shall conform to the Development Code requirements for the zone in which the condominium project is proposed, in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- G. Parking.** Off-street parking and loading shall be provided in compliance with Development Code requirements for commercial, industrial, and mixed-use projects, as specified in Section 9103.07 (Off-Street Parking and Loading). Parking assignments shall be designated in the recorded declaration.
- H. Solid Waste and Recycling Collection Areas.** Solid waste and recycling collection areas shall be in compliance with Subsection 9103.01.110 (Refuse Collection Enclosures).
- 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.
- J. Proposed Declaration.** The proposed declaration shall include a clear designation of parking and sign rights, and a method for resolving differences. The declaration shall include a provision substantially as follows:

The City of Arcadia Development Code regulates (1) the uses of property and required parking and (2) allowable signs. The City will not issue a Building Permit or a Sign Permit unless it is first authorized in writing by the association. This authorization shall be submitted with an application to the City. For parking, the authorization shall include a comprehensive parking layout and calculation to show there is sufficient parking for the proposed development. For signs, the authorization shall indicate the total signs allocated to the property and to each unit. This provision may not be modified without the written consent of the City.

9105.17.050 Structural and Electrical Requirements

- A. Structural Requirements.** A condominium project is to be subject to the structural requirements specified in Municipal Code Article VIII (Building Regulations).
- B. Circuit Breakers Panels**
 - 1. Each 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.

9105.17.060 Inspection and Fees

- A. Compliance with Article VIII Required.** Building inspection and associated fees shall be in compliance with Municipal Code Article VIII (Building Regulations).
- B. Compliance with Municipal Code Required.** Inspection and associated fees for required public and private street and utility improvements shall be in compliance with other applicable Sections of the Municipal Code.

9105.17.070 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a non-residential condominium application.

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Section 9105.19 – Residential Condominiums

Subsections:

- 9105.19.010 Purpose
- 9105.19.020 Condominium Defined
- 9105.19.030 Submittal Requirements
- 9105.19.040 Site Requirements
- 9105.19.050 Structural Requirements
- 9105.19.060 Other Requirements
- 9105.19.070 Inspection and Fees
- 9105.19.080 Post Decision Procedures

9105.19.010 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 Section 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.
- C. If a commercial or industrial condominium is proposed in combination with a residential condominium, the requirements of this Section and Section 9105.17 (Non-Residential Condominiums) shall be read together, with the relevant requirements applying to the applicable portions of the project.

9105.19.020 Condominium Defined

For the purpose of this Section, the following definitions, in addition to those specified in Division 9 (Definitions), shall apply unless the context clearly indicates or requires a different meaning:

- A. **Condominium.** An estate in real property consisting of an undivided interest in common in a portion of a lot, 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) 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.

9105.19.030 Submittal Requirements

- A. **Subdivision Procedures.** Under Government Code Section 66426, a condominium is treated as a subdivision subject to the provisions of the Act and this Division. In addition to standards applicable to regular subdivisions, no new condominium project or portion of a project shall be approved, unless all of the items specified in this Section have been submitted with the tentative map and approved by the City.
- B. **Application Requirements.** The application shall include all of the information and materials specified in the most up-to-date Department handout for residential condominiums, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).

9105.19.040 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 evaluation shall include, but not be limited to, all of the following, in compliance with Section 9107.19 (Site Plan and Design Review):

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 (e.g., historic landmarks, slopes, and/or trees) 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 recreation areas shall be landscaped in an attractive manner and provided with a method for the maintenance of the areas in compliance with Section 9103.09 (Landscaping).
2. Decorative design elements (e.g., benches, exterior recreational facilities, fountains, planters, pools, sculptures, walls, and similar elements) may be allowed; 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 major 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. Building Envelopment, Density, and Lot Coverage Provisions. Building envelopment (i.e., height and structure setbacks), density, and lot coverage provisions shall conform to the Development Code requirements for the zone in which the condominium project is proposed, in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).

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, as specified in Section 9103.07 (Off-Street Parking and Loading).

H. Solid Waste and Recycling Storage Areas. Solid waste and recycling storage areas shall be in compliance with Subsection 9103.01.110 (Refuse Collection Enclosures).

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.

9105.19.050 Structural Requirements

A condominium project shall be subject to the structural requirements specified in Municipal Code Article VIII (Building Regulations).

9105.19.060 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 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 Breakers 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.

9105.19.070 Inspection and Fees

A. Compliance with Article VIII Required. Building inspection and associated fees shall be in compliance with Municipal Code Article VIII (Building Regulations).

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

9105.19.080 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a residential condominium application.

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Section 9105.21 – Non-Residential Condominium Conversions

Subsections:

- 9105.21.010 Purpose
- 9105.21.020 Definitions
- 9105.21.030 Tenant Notification
- 9105.21.040 Submittal Requirements
- 9105.21.050 Procedures
- 9105.21.060 Review Standards
- 9105.21.070 Standards for Condominium Conversions
- 9105.21.080 Findings
- 9105.21.090 Inspection and Fees
- 9105.21.100 Post Decision Procedures

9105.21.010 Purpose

- A. Commercial and industrial condominium conversion 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 Section is to address the special attributes of condominium conversions and to adopt development standards which will protect both the community and the purchasers of condominium units.
- C. This Section applies to commercial, industrial, and mixed-use condominium conversions, in compliance with Government Code Section 66427.

9105.21.020 Definitions

For the purpose of this Section, the following definitions, in addition to those specified in Division 9 (Definitions), shall apply unless the context clearly indicates or requires a different meaning:

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 lot, 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], or however titled) which contains the restrictive covenants of the development, consistent with Civil Code Section 1353.

9105.21.030 Tenant Notification

The applicant shall send a certified letter of notification to each tenant at least 30 days before the filing of an application for a subdivision in compliance with this Section, with a statement that all tenants have been notified of all of the following information:

- A. The name, address, and telephone number of the current owner and/or applicant and of any person designated by the applicant as the person to be contacted for future information;

- B. The approximate date on which the application for a subdivision is proposed to be filed;
- C. The approximate date on which the unit is to be vacated by non-purchasing tenant(s);
- D. The anticipated price range and terms of sale for each type of unit;
- E. The proposed property owners' association fees;
- F. A copy of the applicable condominium conversion regulations;
- G. The address and telephone number of the City's Development Services Department for use in seeking additional information about the proposed conversion; and
- H. Notification to tenants that, upon filing an application, the structure(s) subject to subdivision and selected units may be inspected by City representatives.
- I. The owner or subdivider shall provide the Department with sufficient evidence, satisfactory to the Director, that all tenant noticing requirements specified in this Section have been properly accomplished.

9105.21.040 Submittal Requirements

- A. **Subdivision Procedures.** Under Government Code Section 66426, a commercial, industrial, or mixed-use conversion is treated as a subdivision subject to the provisions of the Act and this Division. In addition to standards applicable to regular subdivisions, no condominium conversion project or portion of a project shall be approved unless all of the items specified in this Section have been submitted with the tentative map and approved by the City.
- B. **Application requirements.** The application shall include all of the information and materials specified in the most up-to-date Department handout for non-residential condominium conversions, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).

9105.21.050 Procedures

- A. **Subdivision Procedures.** Under Government Code Section 66426, a condominium conversion is treated as a subdivision subject to the provisions of the Act and this Division.
- B. **Acceptance of Reports – Copy to Buyers**
 - 1. The final form of all of the information required by Subsection 9105.21.040 (Submittal Requirements), above, 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 that an inspection of the premises be made by the Director for compliance with Subsection 9105.21.090 (Inspection and Fees), below.
 - 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 to comply with the requirements of this Section, Subsection 9105.21.090 (Inspection and Fees), below, and other applicable Development Code requirements.
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 specified in Subparagraph 2, above, 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.

9105.21.060 Review Standards

In reviewing requests for conversion of existing commercial, industrial, and/or mixed-use space to condominiums, the review authority as specified in Table 5-1 (Subdivision Review Authorities), 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.

9105.21.070 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 Article VIII (Building Regulations).
- 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 as specified in Section 9103.09 (Landscaping).
 2. Provisions shall be made for continuing maintenance of all landscaped areas.

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 this Development Code for commercial, industrial, and mixed use projects as specified in Section 9103.07 (Off-Street Parking and Loading).

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 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 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.

9105.21.080 Findings

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

- A. All provisions of this Section and all applicable provisions of this 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 Section; 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.

9105.21.090 Inspection and Fees

- A. Compliance with Article VIII Required.** Building inspection and associated fees shall be in compliance with Municipal Code Article VIII (Building Regulations).
- B. Compliance with Municipal Code Required.** Inspection and associated fees for required public and private street and utility improvements shall be in compliance with other applicable Sections of the Municipal Code.

9105.21.100 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a non-residential condominium conversion application.

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Section 9105.23 – Residential Condominium Conversions

Subsections:

- 9105.23.010 Purpose
- 9105.23.020 Procedures and Application Required
- 9105.23.030 Building Conditions/Inspections
- 9105.23.040 Noticing and Tenants Rights
- 9105.23.050 Development Regulations and Required Upgrades
- 9105.23.060 Review Standards
- 9105.23.070 Findings
- 9105.23.080 Inspection and Fees
- 9105.23.090 Post Decision Procedures

9105.23.010 Purpose

- A. This Section establishes regulations for the conversion of residential apartments into condominiums.
- B. These regulations work to provide for the housing needs for all economic segments of the community while also protecting the rights of the tenant; protecting the health, safety, and welfare of the public and potential purchasers; promoting home ownership; and increasing owner-occupied units that are affordable to all economic segments of the community.

9105.23.020 Procedures and Application Required

- A. **Subdivision Procedures.** Under Government Code Section 66426, a condominium conversion is treated as a subdivision subject to the provisions of the Act and this Division.
- 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 Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).

9105.23.030 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 owner or subdivider.
- B. The Building Official shall inspect all structures and premises for needed repairs and upgrades to bring the project into compliance with the adopted Building Code requirements, Housing Code requirements, and State requirements for residential condominiums applicable at the time of Building Permit and/or other permit issuance.
- C. The Fire Department 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.
- D. The Director shall inspect all structures, improvements, and premises for compliance with Development Code requirements applicable to the project.

9105.23.040 Noticing and Tenants Rights

Noticing shall be required as provided in the Act and shall include, but is not limited to, all of the following:

- A. At least 60 days before submittal of the tentative tract map and application to the City for processing, the owner or subdivider shall send a notice to each and every tenant in the structure(s) to be converted. The notice shall contain the following information:
 - 1. All of the information specified in the most up-to-date Department handout for residential condominium conversions and which shall be delivered in a manner that provides for proof of delivery; and
 - 2. The address and telephone number of the City's Development Services Department for use in seeking additional information about the proposed conversion.
- B. At least 60 days before submittal of the tentative tract map, the owner or subdivider shall give written notice of the intent to convert to each person applying for rental of a unit in the subject property immediately before acceptance of any rent or deposit from the prospective tenant.
- C. The City shall provide each tenant with written notification of planned public hearings for the application for conversion.
- D. Within 10 days of submittal of an application for a subdivision public report to the State Department of Real Estate, the owner or subdivider shall give written notice of application for the public report to each tenant, and each tenant shall be advised that upon issuance of the public report, it will be made available to any tenant upon request, free of charge.
- E. At least 180 days before termination of tenancy due to the conversion or proposed conversion, the owner or subdivider shall provide each tenant with 180 days written notice of the intention to convert.
- F. Each tenant shall be given an exclusive right to contract for the purchase of their respective unit upon the same terms and conditions that the unit will be initially offered to the general public or on terms more favorable to the tenant, and the exclusive right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report by the State Department of Real Estate.
- G. No units may be sold in the structure proposed for conversion unless the conversion is approved by the City and until after the final tract map is recorded and a subdivision public report has been issued by the State Department of Real Estate.
- H. Unless tenants of the structure proposed to be converted were given written notice of the intention to convert by the owner or subdivider, or by their respective agent(s), at the time the tenants signed rental or lease agreements, the owner or subdivider shall compensate the tenants for their reasonable relocation expenses.
- I. The owner or subdivider shall provide the Department with sufficient evidence, satisfactory to the Director, that all tenant noticing requirements specified in this Section have been properly accomplished.

9105.23.050 Development Regulations and Required Upgrades

- A. **Building Inspection Deficiencies.** Deficiencies found during the building inspection shall be corrected at the owner's or subdivider's expense to the satisfaction of the Building Official.
- B. **Fire Protection System Inspection Deficiencies.** Deficiencies found during the fire protection system inspection shall be corrected as required by the Fire Department.
- C. **Zoning Compliance Inspection Deficiencies.** Deficiencies found during the zoning compliance inspection shall be corrected as required by the Director.
- D. **Upgrades Required.** The owner or subdivider shall be required to upgrade all of the following:
 - 1. **Building Components and Systems.** Components and systems with a remaining life of five years or less shall be replaced
 - 2. **Electrical.** Electrical system and equipment shall be in compliance with the adopted Electrical Code.

3. **Fire Detection Systems.** Early-warning smoke detection systems in the living quarters and fire protection appurtenances, as required by current State and local law, shall be required for all residential condominium conversions.
4. **Fire Protection Systems.** Fire protection systems for individual units and for the project as a whole shall be provided as required by the Fire Department and applicable City codes.
5. **Landscaping and Irrigation Systems.** Street trees, all yard landscaping, and all irrigation systems required by Section 9103.09 (Landscaping) shall be provided.

E. Laundry Facilities. A laundry area shall be provided in each unit; or if common laundry areas are provided, the facilities shall consist of not less than two sets of automatic washers and dryers for each five units or fractions thereof.

F. Parking. All parking shall be provided in compliance with Section 9103.07 (Off-Street Parking and Loading), including any requirement for covered and guest parking.

G. Pest Control. The 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.

H. 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 owner or subdivider shall pay any charges required by the responsible sewer authority, and shall provide to the City proof of the payment.

I. 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.
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.

J. Street Improvements

1. The 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 Subsection 9108.11.070 (Performance Guarantees).
2. These improvements may include, but shall not be limited to, curbs, gutters, sidewalks, ramps, driveways, drainage devices, trees and tree wells, and streetlights.

K. 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.

9105.23.060 Review Standards

In reviewing requests for conversion of existing apartments to condominiums, the review authority, as specified in Table 5-1 (Subdivision Review Authorities), 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 that vacancies in the project have been increased for the purpose of preparing the project for conversion, the tentative map may be denied.

9105.23.070 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 provisions of this Section and all applicable provisions of this 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 Section; 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.

9105.23.080 Inspection and Fees

- A. **Compliance with Article VIII Required.** Building inspection and associated fees shall be in compliance with Municipal Code Article VIII (Building Regulations).
- B. **Compliance with Municipal Code Required.** Inspection and associated fees for required public and private street and utility improvements shall be in compliance with other applicable Sections of the Municipal Code.

9105.23.090 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a residential condominium conversion application.