



AGENDA
CITY OF GUSTINE
PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
352 5th STREET GUSTINE, CALIFORNIA
MAY 11, 2016 – 7:00 P.M.

CALL TO ORDER - PLEDGE OF ALLEGIANCE

ROLL CALL

Commission Members: Martens, Oliveira, Hasness, Vice-Chairperson Marsigli,
Chairperson Gandy & Ex-Officio Anderson

PRESENTATIONS

ORAL COMMUNICATIONS

At this time, any person may comment on an item, which is not on the agenda. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD. Members of the public, who have questions regarding a specific agenda item, may comment on that item before consideration of that item by the Planning Commission, when recognized to do so by the Chairman.

CONSENT CALENDAR

- 1. Minutes, Planning Commission Meeting of April 13, 2016**
 - 1. Recommendation: Review and approve.*

ADMINISTRATIVE AGENDA

- 2. PUBLIC HEARING – Consider Tentative Map and Variance**
 - 1. Receive Staff Report*
 - 2. Open the public hearing*
 - 3. Receive public comment*
 - 4. Close the public hearing*
 - 5. Consider a motion to continue the Public Hearing to a date specific*

- 2. STUDY SESSION – Tentative and Final Maps**
 - 1. Receive staff report*
 - 2. Receive public comment*
 - 3. Conduct study session*

CITY PLANNER REPORT

PLANNING COMMISSION REPORTS

ADJOURNMENT

Note:

- 1. In compliance with the Americans with Disabilities Act, a disabled person requesting a disability-related modification or accommodation to participate in this meeting, must contact City Hall at (209) 854-6471 or (209) 854-2127 (fax). Requests must be made as early as possible, preferably one-full business day before the start of the meeting.*

2. Any document provided to a majority of the Planning Commission regarding any open session item on this agenda is available for public inspection during normal business hours at the front counter of City Hall located at 352 5th Street, Gustine, CA. Documents or writings received after the general distribution of the agenda are also available for inspection.

CERTIFICATION

I, Melanie Correa, Deputy City Clerk, do hereby declare under penalty of perjury that the foregoing agenda was posted on the outdoor bulletin board at the Gustine City Hall, 352 5th Street, Gustine CA and made available for public review on this 6th day of May, 2016, at or before 5:00 p.m.



Melanie Correa

**MINUTES OF
PLANNING COMMISSION MEETING
APRIL 13, 2016**

CALL TO ORDER - PLEDGE OF ALLEGIANCE

Chair Mike Gandy called the meeting to order at 7:03 P.M. and conducted the pledge of allegiance.

ROLL CALL

Commission Members: Martens, Marsigli, Chairperson Gandy

Staff Present: City Manager Sean Scully and Public Works Director Kathryn Reyes

PRESENTATIONS

ORAL COMMUNICATIONS

There was no oral communication.

CONSENT CALENDAR

1. Minutes, Planning Commission Meeting of February 10, 2016

1. Recommendation: Review and approve.

Chairman Gandy introduced the consent calendar. Vice-Chair Marsigli moved to approve the consent calendar. The motion was seconded by Commissioner Martens and carried 3-0 with Commissioners Oliveira and Hasness absent.

ADMINISTRATIVE AGENDA

2. STUDY SESSION – Annexation, Tentative Map, Final Map and Subdivision Process

- 1. Receive staff report*
- 2. Receive public comment*
- 3. Conduct study session*

City Manager Scully presented the staff report and distributed Chapters II and II of the Merced County Local Area Formation Commission policies. There was discussion throughout the study session.

CITY PLANNER REPORT

Public Works Director Reyes updated on the status of the O'Reilly's project, she also advised of a new residential build on Sycamore. She further updated on the status of the Formula One project. The Commission inquired on the status of the egret migration, to which City Manager Scully provided information.

PLANNING COMMISSION REPORTS

Commissioner Martens advised that he had nothing to report.

Vice-Chair Marsigli reminded everyone of the upcoming Antique Faire.

Chairperson Gandy reminded everyone of the sign dedication, and that it would be attended by representatives of the Lemoore Naval base. He further mentioned the upcoming Chamber of Commerce Beer, Wine and Cheese fundraiser.

ADJOURNMENT

Vice-Chair Marsigli made motion to adjourn the meeting at 7:55 P.M. The motion was seconded by Commissioner Martens, and carried 3-0 with Commissioners Oliveira and Hasness absent.

ATTEST:

DEPUTY CITY CLERK



PLANNING COMMISSION AGENDA ITEM

MAY 11, 2016

PREPARED BY: Sean Scully, City Manager

**SUBJECT: PUBLIC HEARING - Tentative Map and Variance- APN 020-191-019 –
George Souza**

BACKGROUND/ DISCUSSION:

The City of Gustine has received an application by George Souza requesting the subdivision of a 2.8 acre parcel located one parcel east of the corner of West Ave and North Ave. The subdivision would split the 2.8 acre parcel into five parcels. The newly divided parcels would range in size from .45 acres to .60 acres. The application also requests a variance of 1' from the minimum lot width (100'). At the time this staff report was filed, minor modifications of the plan were being requested as well as ongoing communication with noticed agencies. Staff would like to request that this item be continued to a date specific at the time of the meeting. At the time of the continued public hearing full analysis of the project will be provided.

RECOMENDATION:

Staff will request that the Planning Commission consider continuing the Public Hearing to a date specific at the time of the meeting.

EXHIBITS:

A) None



PLANNING COMMISSION AGENDA ITEM

MAY 11, 2016

PREPARED BY: Sean Scully, City Manager

SUBJECT: **STUDY SESSION – Tentative and Final Maps**

BACKGROUND/ DISCUSSION:

At the April Planning Commission meeting the Planning Commission conducted a workshop study session on the history and process for annexations in California. Annexations are one portion of a multi step process to the development of land. The subsequent steps (not including zoning) primarily revolve around the Tentative and Final Map process which is governed by the Subdivision Map Act. At the time of the Commission meeting staff will present a power point with relevant information on this subject. The Planning Commission will have the opportunity to ask questions and also direct staff on future desired study sessions.

Staff has attached the applicable section of the Gustine Zoning Code that discusses the policies and procedures for Tentative and Final Maps in Gustine. This material can be used as a reference during the study session.

RECOMENDATION:

None

EXHIBITS:

- A) Article 6 of the Gustine Zoning Code – Subdivisions

ARTICLE 6 - SUBDIVISIONS

CHAPTER 4-60. - APPLICABILITY AND ADMINISTRATION OF SUBDIVISION REGULATIONS

Sections:

Sec. 4-60-010. - Purpose.

The provisions of this Article constitute the City of Gustine Subdivision Ordinance. These provisions are intended to supplement, implement, and work with the Subdivision Map Act, Sections 66410 et seq. of the California Government Code (hereafter referred to as the "Map Act"). This Article is not intended to replace the Map Act, and must be used in conjunction with the Map Act in the preparation of subdivision applications, and the review, approval, and improvement of proposed subdivisions.

Sec. 4-60-020. - Authority.

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

Sec. 4-60-030. - Applicability.

- A. **Subdivision approval required.** Each subdivision of land within the City shall be authorized through the approval of a map or other entitlement in compliance with this Chapter.
- B. **Conflicts with Map Act.** In the event of any conflicts between the provisions of this Chapter and the Map Act, the Map Act shall control.
- C. **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 in this Zoning and Subdivision 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.

Sec. 4-60-040. - Responsibility for Administration.

The Director and City Engineer are authorized and directed to administer and enforce the provisions of this Article and applicable provisions of the Map Act for subdivisions within the City, except as otherwise provided by this Article.

Sec. 4-60-050. - Advisory Agency.

- A. **Advisory agency established.** The advisory agency for subdivision review shall be the Planning Commission.
- B. **Authority and duties.** The advisory agency shall perform the following duties, and as further detailed in Section 4-60-060 (Authority for Subdivision Decisions).
 - 1. Recommend to the Council the approval, conditional approval, or disapproval of Tentative Maps;
 - 2. Recommend to the Council the approval, conditional approval, or disapproval of requests for exceptions to of the City's design and improvement standards, in compliance with Section 4-60.090 (Exceptions to Subdivision Standards);
 - 3. Recommend modifications of the requirements of this Article;
 - 4. Review and make recommendations concerning proposed subdivisions in adjacent cities, and in the unincorporated areas of Merced County in compliance with the provisions of the Map Act when the advisory agency has elected to do so;

5. Perform additional duties and exercise additional authorities as prescribed by law and by this Article.

Sec. 4-60-060. - Authority for Subdivision Decisions.

Table 6-1 (Subdivision Review Authority) identifies the City official or authority responsible for reviewing and making decisions on each type of subdivision application and other decision required by this Article.

TABLE 6-1. SUBDIVISION REVIEW AUTHORITY

Type of Decision	Applicable Zoning and Subdivision Code Section	Role of Review Authority (1)			
		Director	City Engineer	Planning Commission	City Council
Subdivisions					
Tentative Map	<u>4-61</u>	Recommend		Recommend	Decision
Parcel Map	<u>4-62</u>	Recommend			Decision
Final Map	<u>4-62</u>	Recommend			Decision
Certificate of Compliance	4-64.020	Decision (2)			Appeal
Lot Line Adjustment	4-64.040	Decision (2)			Appeal
Parcel Merger	4-64.050	Decision (2)			Appeal
Reversion to Acreage	4-64.060	Recommend	Decision		Appeal

Notes:

- (1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "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 Chapter 4-64 (Appeals).
- (2) The Director may defer action and refer the request to the Commission, so that the Commission may instead make the decision.

Sec. 4-60-070. - Type of Subdivision Approval Required.

Any subdivision of an existing parcel into two or more parcels shall require approval by the City in compliance with this Article. In general, the procedure for subdivision first requires the approval of a Tentative Map, and then the approval of a Parcel Map (for four or fewer parcels) or a Final Map (for five or more parcels) to complete the subdivision process. The Tentative Map review process is used to evaluate the compliance of the proposed subdivision with the adopted City standards, and the appropriateness of the proposed subdivision design. Parcel and Final Maps are precise engineering documents that detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

- A. **Tentative Map requirements.** The filing and approval of a Tentative Map is required for a subdivision or resubdivision of:
1. Four or fewer parcels, as authorized by Map Act Section 66428; and
 2. Five or more parcels, and all other types of subdivisions required to have Tentative Map approval by Map Act Section 66426.
- B. **Parcel and Final Map requirements.** A Parcel or Final Map shall be required as follows:
1. **Parcel Map.** The filing and approval of a Parcel Map (Chapter 4-62) shall be required for a subdivision creating four or fewer parcels, with or without a designated remainder in compliance with Map Act 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;
 - b. **Rail right-of-way leases.** Subdivisions of a portion of the operating right-of-way of a railroad corporation as defined by Section 230 of the California Public Utilities Code, which are created by short-term leases (terminable by either party on not more than 30 days' notice in writing); or
 - c. **Waived Parcel Map.** A subdivision that has been granted a waiver of Parcel Map requirements in compliance with Section 4-62-030 (Waiver of Parcel Map).
 2. **Final Map.** The filing and approval of a Final Map (Chapter 4-62) shall be required for a subdivision of five or more parcels.
- C. **Exemptions from subdivision approval requirements.** The types of subdivisions identified by Map Act Sections 66411, 66412, 66412.1, 66412.2, and 66426.5, or other applicable Map Act provision as not being subject to the requirements of the Map Act, and/or not being considered to be divisions of land for the purposes of the Map Act, shall be exempt from the subdivision approval requirements of this Article.

Sec. 4-60-080. - Applications Deemed Approved.

Any subdivision application deemed approved in compliance with Government Code Section 65956 or Map Act Article 2, Chapter 3 (Government Code Sections 66452 et seq.), shall be subject to all applicable provisions of this Zoning and Subdivision Code, and any conditions imposed by the review authority, which shall be satisfied by the subdivider before any zoning approval or Building Permit is issued. Parcel or Final Maps filed for record after their Tentative Map is deemed approved shall remain subject to all the mandatory requirements of this Article and the Map Act, including Map Act Sections 66473, 66473.5 and 66474.

Sec. 4-60-090. - Exceptions to Subdivision Standards.

An exception to a provision of Chapter 4-68 (Subdivision Design and Improvement Requirements) may be requested by a subdivider in compliance with this Section. An exception shall not be used to waive or modify provisions of the Map Act, or any provision of this Article that is duplicated or paraphrased from the Map Act.

- A. **Application.** An application for an exception shall be submitted on forms provided by the Department together with the required filing fee. The application shall include a description of each standard and requirement for which an exception is requested, together with the reasons why the subdivider believes the exception is justified.
- B. **Filing and processing.** A request for an exception shall be filed and processed as follows.
 1. An exception shall be processed and acted upon in the same manner as the Tentative Map, concurrently with the Tentative Map if the exception request was filed at the same time.
 2. The approval of an exception shall not constitute approval of the Tentative Map and the approval or denial of an exception shall not extend the time limits for the expiration of the map established by Section 4-61-140 (Expiration of Approved Tentative Map).
 3. An exception request may be filed after the approval of a Tentative Map, but shall be considered by the Tentative Map review authority in the same manner (e.g., after a public hearing) as the original Tentative Map.
- C. **Approval of exception.** The Council shall have the authority to approve or deny exception requests in compliance with this Section. The Council shall not grant an exception unless all the following findings are first made:
 1. For exceptions granting relief of a specified requirement or standard:
 - a. Due to special circumstances or conditions affecting this property, the strict application of Chapter 4-68 would create an unnecessary hardship;
 - b. The exception is consistent with the intent of the requirements of Chapter 4-68 and does not constitute a grant of special privilege;
 - c. The exception would not result in significant increased adverse environmental impacts compared to the strict application of the requirements of Chapter 4-68; and
 - d. The granting of the exception will not be detrimental to the public health, safety, convenience and general welfare or injurious to other property in the territory in which said property is situated.
 - e. The exception will not affect the consistency of the proposed subdivision with the General Plan or any applicable specific plan.
- D. **Conditions of approval.** In granting an exception, the Council shall secure substantially the same objectives of the regulations for which the exception is requested and shall impose whatever conditions it deems necessary to protect the public health, safety, general welfare and convenience, and to mitigate any environmental impacts in compliance with CEQA.

Sec. 4-60-100. - Appeals.

Any interested person may appeal any decision of the Director to the Commission, and may appeal any decision of the Commission to the Council, in compliance with Chapter 4-64 (Appeals).

Sec. 4-60-110. - Enforcement of Subdivision Regulations.

- A. **Violations.** Any person who violates any provision of this Article shall be subject to the penalties specified by Map Act Division 2, Chapter 7, Article 1 and/or, where applicable, shall be guilty of a misdemeanor or infraction as specified in Chapter 4-69 of this Zoning and Subdivision Code (Enforcement and Penalties).
- B. **Remedies.** If construction activity on property subject to a Final Map or Parcel Map is occurring contrary to the Map Act, a requirement of the Map, or any other Federal, State, or local law, rule, or ordinance, the City Engineer may order the activity stopped by written notice served on any person responsible for the activity, in addition to the remedies outlined in Map Act Division 2, Chapter 7, Article 2. The responsible person shall immediately stop the activity until authorized by the City Engineer to proceed. For the purposes of this Section, construction activities include, but are not limited to, grading, earth moving, and/or tree removal.

CHAPTER 4-61. - TENTATIVE MAP FILING AND PROCESSING

Sections:

Sec. 4-61-010. - Purpose.

This Chapter establishes requirements for the preparation, filing, approval or disapproval of Tentative Maps, consistent with the requirements of the Map Act.

Sec. 4-61-020. - Tentative Map Preparation, Application Contents.

Tentative Map submittal shall include the application forms, and all information and other materials prepared as required by the Department and the City Engineer.

Sec. 4-61-030. - Tentative Map Filing, Initial Processing.

A. **General filing and processing requirements.** A Tentative Map application shall be submitted to the Department for processing, and shall be:

1. Reviewed for completeness and accuracy;
2. Referred to affected agencies;
3. Reviewed in compliance with the California Environmental Quality Act (CEQA) where applicable; and
4. Evaluated in a staff report in compliance with Chapter 4-50 (Permit Application Filing and Processing).

B. **Referral to affected agencies.** The procedure provided by this Subsection is in addition to the procedures in Chapter 4-50 (Permit Application Filing and Processing).

1. **Required referrals.** The Director shall refer a Tentative Map application for review and comment to agencies that will be expected to provide service to the proposed subdivision, including, as appropriate, City departments, County agencies, other cities, special districts, and local agencies, public utilities, and state agencies.
2. **Time limits for referrals.** As required by Map Act 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 4-50-070 (Initial Application Review). An agency wishing to respond to a referral shall provide the Department with its recommendations within 15 days after receiving the Tentative Map application.

Sec. 4-61-040. - Evaluation of Application.

After completion of the initial processing and the application being deemed complete in compliance with Section 4-50.070, the Director shall:

- A. Review and evaluate each Tentative Map as to its compliance and consistency with applicable provisions of this Zoning and Subdivision Code, the General Plan, any applicable specific plan, and the Map Act, in compliance with Map Act Section 66474.2;
- B. Determine the extent to which the proposed subdivision complies with the findings in Section 4-61-070 (Tentative Map Approval or Disapproval); and
- C. Prepare a staff report to the review authority describing the conclusions of the evaluations of the map, and recommending to the review authority the approval, conditional approval, or denial of the Tentative Map. The staff report shall be mailed to the subdivider (and each tenant of the subject property, in the case of a condominium conversion (Section 4-64-030) at least three days before any hearing or action on the Tentative Map by the review authority in compliance with Section 4-61-050 or 4-61-060

Sec. 4-61-050. - Planning Commission Review and Recommendation.

- A. The Commission shall conduct a public hearing on the proposed Tentative Map in compliance with Chapter 4-68 (Public Hearings), and consider the recommendations of the Director, any agency comments on the map, and any public testimony; and
- B. The Commission shall review and evaluate each Tentative Map as to its compliance and consistency with applicable provisions of this Zoning and Subdivision Code, the General Plan, any Specific Plan, and the Map Act. The evaluation shall be based on the staff report, information provided by an initial study or environmental impact report (EIR), where applicable, and any public testimony received; and
- C. As required by Map Act Chapter 3, Article 2 (Tentative Maps), within 30 days after the filing of the report and recommendation of the Director with the Commission, but no later than 50 days after the Tentative Map application was deemed complete in compliance with Section 4-50-070 (Initial Application Review) recommend to the Council the approval, conditional approval, or denial the Tentative Map.
- D. A recommendation for the approval or conditional approval of a Tentative Map shall be given only after the Commission first makes all findings required by Section 4-61-070 (Tentative Map Approval or Disapproval). The Commission may recommend conditions of approval in compliance with Section 4-61-080 (Conditions of Approval).

Sec. 4-61-060. - Council Review and Decision.

- A. As required by Map Act Chapter 3, Article 2 (Tentative Maps), at its next regular meeting following the filing of the Commission's report with the Council in compliance with Section 4-61-050, the Council shall set the meeting date for its consideration of the Tentative Map and the Commission recommendation, which shall be within 30 days thereafter. The Council shall then conduct the hearing, and shall approve, conditionally approve, or deny the Tentative Map on the date it has set.
- B. The approval or conditional approval of a Tentative Map shall be granted only after the Council first makes all findings required by Section 4-61-070 (Tentative Map Approval or Disapproval). The Council may adopt conditions of approval in compliance with Section 4-61-080 (Conditions of Approval).

Sec. 4-61-070. - Tentative Map Approval or Disapproval.

In order to approve or recommend the approval of a Tentative Map and conditions of approval, or to disapprove a Tentative Map, the review authority shall first make the findings required by this Section.

A.

Required findings for approval. The review authority may approve a Tentative Map only after first finding that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable specific plan, and that none of the findings for denial in Subsection C. can be made. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6.

- B. Supplemental findings.** In addition to the findings required for approval of a Tentative Map by Subsection A. above, the review authority shall not approve a Tentative 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, it 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, to require the construction of road improvements within a specified time after recordation of the Parcel Map.
 2. **Condominiums.** Any applicable findings required by Section 4-64-030 for condominium conversions.
 3. **Waiver of Parcel Map.** The findings required by Section 4-62-030 (Waiver of Parcel Map), if waiver of a Parcel Map has been requested with the Tentative Map application.
- C. Findings requiring denial.** A Tentative Map shall be denied if the review authority makes any of the following findings (from Map Act 66474, except as noted):
1. The proposed subdivision including design and improvements is not consistent with the General Plan or any applicable specific plan;
 2. The site is not physically suitable for the type or proposed density of development;
 3. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 4. The design of the subdivision or type of improvements is likely to cause serious public health or safety problems;
 5. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may not 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. 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;
 6. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;
 7. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the City Engineer or other applicable review authority that the conditions can be corrected in the plan for the development; or
 - 8.

The proposed subdivision is not consistent with all applicable provisions of this Zoning and Subdivision Code, any other applicable provisions of the Municipal Code, and the Subdivision Map Act.

Sec. 4-61-080. - Conditions of Approval.

Along with the approval of a Tentative Map, the Council may adopt any conditions of approval deemed necessary to carry out the purposes of this Zoning and Subdivision Code, provided that all conditions shall be consistent with the requirements of the Map Act.

Sec. 4-61-090. - Effective Date of Tentative Map Approval.

The approval of a Tentative Map shall become effective for the purposes of filing a Parcel or Final Map, including compliance with conditions of approval, immediately after the adoption of the resolution of decision by the Council.

Sec. 4-61-100. - Changes to Approved Tentative Map or Conditions.

A subdivider may request changes to an approved Tentative Map or its conditions of approval before recordation of a Parcel or Final Map in compliance with this Section. Changes to a Parcel or Final Map after recordation are subject to Section 4-62-120 (Amendments to Recorded Maps).

- A. **Limitation on allowed changes.** Changes to a Tentative Map that may be requested by a subdivider in compliance with this Section include major 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 Subsection D. of this Section. All other proposed changes shall require the filing and processing of a new Tentative Map.
- B. **Application for changes.** The subdivider shall file an application and filing fee with the Department, using the forms furnished by the Department, together with the following additional information:
 1. A statement identifying the Tentative 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 Department.
- C. **Processing.** Proposed changes to a Tentative Map or conditions of approval shall be processed in the same manner as the original Tentative Map, except as otherwise provided by this Section.
- D. **Findings for approval.** The review authority shall not modify the approved Tentative Map or conditions of approval unless it first finds that the change is necessary because of one or more of the following circumstances, and that all of the applicable findings for approval required by Sections 4-61-070.A and B. can still be made:
 1. There was a material mistake of fact in the deliberations leading to the original approval;
 2. There has been a change of circumstances related to the original approval; or
 3. A serious and unforeseen hardship has occurred, not due to any action of the applicant subsequent to the enactment of this Zoning and Subdivision Code.
- E. **Effect of changes on time limits.** Approved changes to a Tentative Map or conditions of approval shall not be considered as approval of a new Tentative Map, and shall not extend the time limits provided by Section 4-61-130 (Tentative Map Time Limits and Expiration).

Sec. 4-61-110. - Completion of Subdivision Process.

- A. Compliance with conditions, improvement plans.** After approval of a Tentative Map pursuant to this Chapter, 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 Chapter 4-68 (Subdivision Design and Improvement Requirements), before constructing any required improvements.
- B. Parcel or Final Map preparation, filing and recordation.**
1. A Parcel Map for a subdivision of four or fewer parcels shall be prepared, filed, processed and recorded in compliance with Chapter 4-62 (Parcel Maps and Final Maps), to complete the subdivision, unless a Parcel Map has been waived in compliance with Section 4-62-030 (Waiver of Parcel Map).
 2. A Final Map for a subdivision of five or more parcels shall be prepared, filed, processed and recorded as set forth in Chapter 4-62 (Parcel Maps and Final Maps), to complete the subdivision.

Sec. 4-61-120. - Vesting Tentative Maps.

The preparation, filing, processing, approval or disapproval, of a Vesting Tentative Map shall comply with Map Act Sections 66452 and 66498.1 et seq.

Sec. 4-61-130. - Tentative Map Time Limits and Expiration.

An approved Tentative Map is valid for 24 months after its effective date (Section 4-61.090), except as otherwise provided by Map Act Sections 66452.6, 66452.11, 66452.13, or 66463.5. At the end of 24 months, the approval shall expire and become void unless:

- A. A Parcel or Final Map, and related security and improvement agreements, have been filed with the City Engineer in compliance with Chapter 4-62 (Parcel Maps and Final Maps); or
- B. An extension of time has been granted in compliance with Section 4-61-140

Expiration of an approved Tentative Map or vesting Tentative Map shall terminate all proceedings. The application shall not be reactivated unless a new Tentative Map application is filed and fees are paid.

Sec. 4-61-140. - Extensions of Time for Tentative Maps.

When a subdivider has not completed all Tentative Map or Vesting Tentative Map conditions of approval and filed a Parcel or Final Map with the City within the time limits established by Section 4-61-130, time extensions may be granted in compliance with this Section.

- A. **Filing of extension request.** An extension request shall be in writing and shall be filed with the Department on or before the date of expiration of the approval or previous extension, together with the required filing fee.
- B. **Approval of extension.** The Council may grant one 12-month extension to the initial time limit, only after finding that:
 1. There have been no changes to the provisions of the General Plan, any applicable Specific Plan or this Zoning and Subdivision Code applicable to the project since the approval of the Tentative 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 or other standards of this Zoning and Subdivision Code apply to the project; and
 3. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project.

A time extension of more than 12 months may be granted only in compliance with Map Act Section 66452.6.

CHAPTER 4-62. - PARCEL MAPS AND FINAL MAPS

Sections:

Sec. 4-62-010. - Purpose.

This Chapter establishes requirements for the preparation, filing, approval and recordation of Parcel and Final Maps, consistent with the requirements of the Map Act.

Sec. 4-62-020. - Parcel Maps.

As required by Sections 4-60-070 (Type of Subdivision Approval Required), and 4-61-110 (Completion of Subdivision Process), a Parcel Map shall be filed and approved to complete the subdivision process for a subdivision of four or fewer parcels, except when the requirement for a Parcel Map is waived as set forth in Section 4-62-030. A Parcel Map shall be prepared, filed and processed as set forth in Section 4-62-040, et seq.

Sec. 4-62-030. - Waiver of Parcel Map.

A subdivider may request the waiver of the requirement for a Parcel Map, and the waiver may be granted, in compliance with the Map Act Section 66428, provided that the review authority shall first find that the proposed subdivision complies with the requirements of this Zoning and Subdivision Code and the Map Act as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other applicable requirements of this Article and the Map Act.

Sec. 4-62-040. - Parcel Map Form and Content.

A Parcel Map shall be prepared by or under the direction of a qualified, registered civil engineer or licensed land surveyor, registered or licensed by the State of California. Parcel Map submittal shall include the application forms, and all information and other materials prepared as required by the Department.

Sec. 4-62-050. - Filing and Processing of Parcel Maps.

- A. **Filing with the City Engineer.** The Parcel Map, together with all data, information and materials required by Section 4-62-040 shall be submitted to the City Engineer. The Parcel Map shall be considered submitted when it is complete and complies with all applicable provisions of this Zoning and Subdivision Code and the Map Act.
- B. **Review of Parcel Map.** The City Engineer shall:
1. Determine whether all applicable provisions of this Zoning and Subdivision Code and the Map Act have been complied with, that the map is technically correct, and that it is in substantial compliance with the approved Tentative Map; and
 2. Obtain verification from the Department that the Parcel Map conforms to the approved Tentative Map and that any conditions of approval for which that office is responsible have been completed.

If the Parcel Map does not conform as required above, the subdivider shall be notified, and given the opportunity to make necessary changes and resubmit the Parcel Map, together with all required data, if the Tentative Map has not expired.

Sec. 4-62-060. - Parcel Map Approval.

After determining that the Parcel Map is in compliance and is technically correct in compliance with Section 4-62-030.A, the Director shall forward the Parcel Map to the Planning Commission for a recommendation. The Planning Commission shall recommend approval or disapproval and forward to the Council for action. If the Council approves the Parcel Map, the map shall be transmitted by the City Engineer to the County Recorder for filing in compliance with Map Act Section 66450.

Sec. 4-62-070. - Final Maps.

As required by Section 4-60-070 (Type of Subdivision Approval Required), a Final Map shall be filed and approved to complete the subdivision process for a subdivision of five or more parcels. A Final Map shall be prepared, filed and processed as set forth in Section 4-62-080 et seq.

Sec. 4-62-080. - Final Map Form and Content.

A Final Map shall be prepared by or under the direction of a qualified registered civil engineer or licensed land surveyor, registered or licensed by the State of California. Final Map submittal shall include all information and other materials prepared as required by the Department. A Final Map submittal shall also include a digital copy of the Final Map, prepared using computer software and standards specified by the City Engineer.

Sec. 4-62-090. - Filing and Processing of Final Maps.

- A. Filing with City Engineer.** The Final Map, together with all data, information and materials required by Section 4-62-080 shall be submitted to the City Engineer. The Final Map shall be considered submitted when it is complete and complies with all applicable provisions of this Zoning and Subdivision Code and the Map Act.
- B. Review of Final Map.** The City Engineer shall review the Final Map and all accompanying materials, and shall:
1. Determine whether all applicable provisions of this Zoning and Subdivision Code and the Map Act have been complied with, that the map is technically correct, and that it is in substantial compliance with the approved Tentative Map; and
 2. Obtain verification from the Department that the Final Map conforms to the approved Tentative Map and that any conditions of approval for which that office is responsible have been completed.

If the Final Map does not conform as required above, the subdivider shall be notified, and given the opportunity to make necessary changes and resubmit the Final Map, together with all required data, if the Tentative Map has not expired.

- C. Multiple Final Maps.** Multiple Final Maps may be filed if the subdivider included a statement of intention with the Tentative Map that he or she would submit multiple phased Final Maps.

Sec. 4-62-100. - Final Map Approval.

After determining that the Final Map is in compliance with Section 4-62-080, and is technically correct, the City Engineer shall execute the City Engineer's certificate on the map in compliance with Map Act Section 66442, and forward the Final Map to the Council for action, as follows.

- A. Review and approval by Council.** The Council shall approve or disapprove the Final Map at its next regular meeting after the City Clerk receives the map, or at its next regular meeting after the meeting at which it receives the map, unless that time limit is extended with the mutual consent of the City Engineer and the subdivider.
- 1.

Criteria for approval. The Council shall approve the Final Map if it conforms to all the requirements of the Map Act, all provisions of this Zoning and Subdivision Code that were applicable at the time that the Tentative Map was approved, and is in substantial compliance with the approved Tentative Map.

2. **Waiver of errors.** The Council may approve a Final Map that fails to meet any of the requirements of this Zoning and Subdivision Code or the Map Act applicable at the time of approval of the Tentative Map, when the Council finds that the failure of the map is a technical or inadvertent error which, in the determination of the Council does not materially affect the validity of the map.
 3. **Approval by inaction.** If the Council does not approve or disapprove the Final Map within the prescribed time or any authorized extension, and the map conforms to all applicable requirements, it shall be deemed approved, and the City Clerk shall certify its approval on the map.
- B. **Map with dedications.** If a dedication or offer of dedication is required on the Final Map, the Council shall accept, accept subject to improvement, or reject with or without prejudice any or all offers of dedication, at the same time as it takes action to approve the Final Map. If the City Council rejects the offer of dedication, the offer shall remain open and may be accepted by the City Council at a later date pursuant to Map Act Section 66477.2. Any termination of an offer of dedication shall be processed in compliance with Map Act Section 66477.2 and the street vacation procedure.
- C. **Map with incomplete improvements.** If improvements required by this Zoning and Subdivision Code, conditions of approval, or other law have not been completed at the time of approval of the Final Map, the Council shall require the subdivider to enter into an agreement with the City as specified in Map Act Section 66462, and Section 4-68-080 (Improvement Agreements and Security), as a condition precedent to the approval of the Final Map.
- D. **Transmittal to Recorder.** After action by the Council, and after the required signatures and seals have been affixed, the City Clerk shall transmit the Final Map to County Recorder for filing.

Sec. 4-62-110. - Supplemental Information Sheets.

In addition to the information required to be included in Parcel Maps and Final Maps (Sections 4-62-040 and 4-62-080, respectively), additional information may be required to be submitted and recorded simultaneously with a Final Map as required by this Section.

- A. **Preparation and form.** The additional information required by this Section shall be presented in the form of additional map sheets, unless the Director determines that the type of information required would be more clearly and understandably presented in the form of a report or other document. The additional map sheet or sheets shall be prepared in the same manner and in substantially the same form as required for Parcel Maps by Section 4-62-040 (Parcel Map Form and Content).
- B. **Content of information sheets.** Supplemental information sheets shall contain the following statements and information:
 1. **Title.** A title sheet, including the number assigned to the accompanying Parcel or Final Map by the City Engineer, the words "Supplemental Information Sheet;"
 - 2.

Explanatory statement. A statement following the Title sheet that the supplemental information sheet is recorded along with the subject Parcel or Final Map, and that the additional information being recorded with the Parcel or Final Map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title of interest;

3. **Location map.** A location map, at a scale not to exceed one inch equals 2,000 feet. The map shall indicate the location of the subdivision within the City;
4. **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
5. **Information required by conditions of approval.** Any information required by the review authority to be included on the supplemental information sheets because of its importance to potential successors in interest to the property, including any other easements or dedications.

Sec. 4-62-120. - Amendments to Recorded Maps.

A recorded Parcel or Final Map shall be modified to correct errors in the recorded map or to change characteristics of the approved subdivision only as set forth in this Section.

- A. **Corrections.** In the event that errors in a Parcel or Final 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 Article 7, Chapter 3 of the Map Act. For the purposes of this Section, "errors" include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the Parcel or Final 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 lot numbers, acreage, street names, and identification of adjacent record maps. 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.
- B. **Changes to approved subdivision.** In the event that a subdivider wishes to change the characteristics of an approved subdivision, including but not limited to the number or configuration of parcels, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Section 4-68-080 (Improvement Agreements and Security), a new tentative and Parcel or Final Map shall be filed and approved as required by Section 4-60-070 (Type of Subdivision Approval Required).

CHAPTER 4-64. - ADDITIONAL SUBDIVISION PROCEDURES

Sections:

Sec. 4-64-010. - Purpose.

This Chapter establishes requirements consistent with the Map Act for Certificates of Compliance, Condominiums and Condominium Conversions, Lot Line Adjustments, Parcel Mergers, and Reversion to Acreage.

Sec. 4-64-020. - Certificates of Compliance.

The City shall process and approve or disapprove applications for Certificates of Compliance as provided by Map Act Sections 66499.34 and 66499.35, and as follows.

- A. **Application.** An application for the approval of a Certificate of Compliance or Conditional Certificate of Compliance shall be filed with the Director and include the information required by the Director, together with the processing fee specified by the City Fee Schedule.
- B. **Review by City Engineer.** The City Engineer shall review the completed application in the light of public records and applicable law. If the City Engineer is able to determine from this review that the parcel is clearly in compliance with the provisions of this Article and the Subdivision Map Act, a Certificate of Compliance shall be issued for the parcel and delivered to the County Recorder for recordation. If the City Engineer is unable to determine from this review that the parcel is clearly in compliance, the procedures identified in Map Act Section 66499.35 shall apply.

Sec. 4-64-030. - Condominiums and Condominium Conversion.

Condominiums and condominium conversions shall comply with the following requirements.

- A. **Condominiums.** When a residential structure is proposed at the time of construction as a condominium, community apartment project, or stock cooperative, a Tentative Map for the project shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or denied in the same manner in compliance with Chapter 4-61 (Tentative Map Filing and Processing). Chapter 4-62 (Parcel Maps and Final Maps) determines whether a Parcel or Final Map shall also be filed.
- B. **Condominium Conversions.** A condominium conversion is the conversion of real property to a common interest development as defined by Civil Code Section 1351.
 1. **Approvals required.** A conversion shall require the approval of a Tentative Map, and Parcel or Final Map, except where a Parcel Map, or Tentative and Final Map are waived in compliance with Map Act Sections 66428(b) or 66428.1, for the conversion of a mobile home park. If a Parcel Map is waived, a Tentative Map shall still be required.
 2. **Application filing and processing.** A Tentative Map for a condominium conversion shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or disapproved in the same manner as set forth in Chapter 4-61 (Tentative Map Filing and Processing), except as otherwise provided by the following provisions of this Section.
 3. **Application contents.** Condominium conversion applications shall include the same information and materials as Tentative Map applications, except for conversions of residential projects, which shall also include the following information and materials.
 - a. **Tentative Map.** The Tentative Map for a condominium, community apartment project, or the conversion of five or more existing dwelling units to a stock cooperative need not show the buildings or the manner in which the airspace above the property shown on the map are to be divided. However, the applicant shall provide an illustration of how subdivision will occur to enable verification of the accuracy of the legal descriptions on deeds for the transfer of ownership of the units.
 - b. **Verification of stock cooperative vote.** If the development being converted to a condominium is a stock cooperative, the application shall also include verification of the vote required by Map Act Section 66452.10.

- c. **Relocation assistance program.** A program proposed by the applicant that will assist tenants displaced through the conversion in relocating to equivalent or better housing.
 - d. **Vacancy rate assessment.** An assessment of the vacancy rate in multi-family housing within the City.
4. **Staff report.** The staff report on the Tentative Map for the condominium conversion (Section 4-64-020) shall be provided to the subdivider and each tenant of the subject property at least three days before any hearing or action on the Tentative Map by the Commission or Council.
 5. **Public notice.** The following notice shall be provided in addition to that required by Chapter 4-68 (Public Hearings):
 - a. **Tenant notice.** The subdivider shall give notice to all existing or prospective tenants as set forth in Map Act Sections 66452.8 and 66452.9, and shall provide the Department satisfactory proof that the notice was given; and
 - b. **Public hearing notice.** Notice of a public hearing on the Tentative Map shall be provided to all tenants of the subject property, as required by Map Act Section 66451.3.
 6. **Approval of conversion, required findings.**
 - a. **Time limit, stock cooperatives.** The approval or disapproval of the conversion of an existing building to a stock cooperative shall occur within 120 days of the application being found complete in compliance with Section 4-61-030 (Tentative Map Filing, Initial Processing). The 120-day time limit may be extended by mutual consent of the subdivider and the City.
 - b. **Conversion findings, residential projects.** Approval of a tentative or Final Map for a subdivision to be created from the conversion of residential real property into a condominium project, community apartment project or stock cooperative shall not be granted unless the findings set forth in Map Act Section 66427.1 are first made.
 7. **Completion of conversion.** The filing, approval and recordation of a Parcel Map or Final Map in compliance with Chapter 4-62 (Parcel Maps and Final Maps) shall be required to complete the subdivision process, except where a Parcel Map, or Tentative and Final Map are waived for the conversion of a mobile home park in compliance with Map Act Section 66428(b).

Sec. 4-64-040. - Lot Line Adjustment.

A Lot Line Adjustment is permissible in compliance with Map Act Section 66412(d), and as follows.

- A. **Application requirements.** An application for a Lot Line Adjustment shall be filed with the Director and shall include the information required by the Director, together with the processing fee specified by the City Fee Schedule.
- B. **Lot line adjustment approval.** After consultation with the City Engineer, the Director shall approve a lot line adjustment provided that all criteria identified in Map Act Section 66412(d) are met to the Director's satisfaction. After City approval, the applicant shall be responsible for recording the approval document and paying the necessary fees charged by the County Recorder for recording Lot Line Adjustment approval documents in compliance with the Map Act.

Sec. 4-64-050. - Parcel Merger.

A. **Procedures for merger of parcels.** Two or more parcels may be merged as follows.

- 1.

Parcels may be merged in compliance with Map Act Chapter 3, Article 1.5. A parcel or unit may be merged with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size as identified by this Zoning and Subdivision Code applicable to the parcels or units of land, and if all of the requirements of Map Act Section 66451.11 are satisfied.

2. Parcels may also be merged in compliance with Map Act Sections 66499.20-1/2, or 66499.20-3/4; provided that a merger in compliance with Map Act Section 66499.20-3/4 shall require the recordation of an instrument evidencing the merger in the same manner as required by Map Act Section 66499.20-1/2.

B. Requirements for unmerger of parcels. The unmerger of parcels within the City shall comply with Map Act Chapter 3, Article 1.7.

Sec. 4-64-060. - Reversion to Acreage.

- A. A Reversion to Acreage shall be initiated, processed, reviewed, and approved or denied in compliance with Map Act Chapter 6, Article 1
- B. An application for reversion submitted by a property owner shall include all information required by the Department, and shall include the fee required by the City Fee Schedule.
- C. A Parcel Map may be filed to revert to acreage land previously subdivided that consists of four or less contiguous parcels, in compliance with Map Act Section 66499.20-1/4.

CHAPTER 4-66. - DEDICATIONS AND EXACTIONS

Sections:

Sec. 4-66-010. - Purpose.

This Chapter establishes standards for subdivider dedications of land or payment of fees, in conjunction with subdivision approval.

Sec. 4-66-020. - Applicability.

Each proposed subdivision shall comply with the requirements of this Chapter for dedications, reservations, or the payment of fees.

Sec. 4-66-030. - Park Land Dedications and Fees.

- A. **Purpose.** This Section provides for the dedication of land and/or the payment of fees to the City for park and recreational purposes as a condition of the approval of a Tentative Map. This Section is enacted as authorized by the provisions of Chapter 4, Article 3 of the Map Act, also known as the "Quimby Act."
- B. **Applicability.**
 1. **Land dedication and/or fee payment required.** As a condition of Tentative Map approval, the subdivider shall dedicate land and/or pay a fee, at the option of the Council, in compliance with this Section for the purpose of developing new or rehabilitating existing park or recreation facilities to serve the subdivision.
 2. **Exemptions.** The provisions of this Section do not apply to industrial or commercial subdivisions, condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added, or to any other subdivision exempted by Map Act Section 66477.
- C. **Amount of parkland required.**

1. **General standard.** It is found and determined that the public interest, convenience, health, welfare, and safety require that six acres of property for each 1,000 persons residing within this City be devoted to neighborhood and community park and recreational purposes.
2. **Dedication requirement for residential subdivisions.** The amount of contiguous acreage required to be dedicated by a residential subdivider for park and recreational purposes shall be based upon the number of dwelling units expected in the subdivision. The required dedication shall be computed using the following formula:

$$X = .006(U)(P)$$

Where:

X = Amount of parkland required, in acres.

U = Total number of approved dwelling units in the subdivision.

P = Average number of persons per dwelling unit:

3.5 for detached single-family dwellings

2.5 for duplexes, and multi-family dwellings containing four or fewer units

2.0 for multi-family dwellings with five or more units and mobile homes

D. Fees in lieu of land.

1. If the entire parkland obligation for a proposed residential subdivision is not satisfied by dedication in compliance with Subsection C. above, the subdivider shall pay a fee to the City as determined by the Council through negotiations with the subdivider.

E. Criteria for requiring dedication and fees. In subdivisions of over 50 lots, the City may require the subdivider to dedicate both land and pay a fee, as follows:

1. **Determination of land or fee.** Whether the City accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:
 - a. The General Plan, and the compatibility of dedication with the General Plan;
 - b. Topography, geology, access, size, shape and the location of land in the subdivision available for dedication;
 - c. Feasibility of dedication; and
 - d. Availability of previously acquired park property.
2. **Procedure for determining land or fee.** The review authority shall determine whether the subdivider shall dedicate land, pay in-lieu fees, or provide a combination of both, at the time of Tentative Map approval. The determination of the review authority shall be based on a report and recommendation from the Director. The recommendation by the Director and the action of the review authority shall consider the factors in Subsection E.1 above, and shall include the following:
 - a. The amount of land required;
 - b. Whether a fee shall be charged in lieu of land;
 - c. Whether land and a fee shall be required;
 - d. The location and suitability of the park land to be dedicated or use of in-lieu fees; and

- e. The approximate time when development of the park or recreation facility shall commence. The determination of the City as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.
3. **Land and fees.** A requirement for both land dedication and fee payment shall comply with the following standards.
- a. When only a portion of the land to be subdivided is proposed in the General Plan or applicable specific plan as the site for a local park, that portion shall be dedicated for local park purposes, and a fee computed as provided by Subsection D. shall be paid for any additional land that would have been required to be dedicated by Subsection C.
 - b. When a major part of the local park or recreational site has been acquired by the City and only a small portion of land is needed from the subdivision to complete the site, the remaining portion shall be dedicated, and a fee computed as provided by Subsection D. shall be paid in an amount equal to the value of the land that would otherwise have been required to be dedicated by Subsection C. The fees shall be used for the improvement of the existing park or recreational facility serving the subdivision.
4. **Credit for improvements.** If the subdivider provides park and recreational improvements on dedicated land, the value of the improvements together with any installed equipment shall be a credit against the required fees or land.
- F. **Suitability of land to be dedicated.** Each park site proposed for dedication in compliance with this Section shall be physically suited for the intended use.
1. Land which is made part of a park site for subdivision design purposes, but which is physically unsuited for park use, shall not be considered when calculating the area of the park site provided in compliance with this Section. The park space provided shall be calculated from the road rights-of-way and interior property lines abutting the site, and not from any abutting roadway centerline.
 2. If the Council determines that any of the land proposed to be dedicated is not suitable for park use, it may reject all or any portion of the land offered, and in that event the subdivider shall instead pay a fee in compliance with Subsection D., above.
- G. **Conveyance of land, payment of fees.** Real property being dedicated for park purposes shall be conveyed by the Parcel or Final Map in fee simple absolute, to the City by the subdivider, free and clear of all encumbrances except those which, in the opinion of City Attorney, will not interfere with use of the property for park and recreational purposes, and which the Council agrees to accept. The amount of required fees shall be deposited with the City at the time of submittal of a Parcel or Final Map. The fees shall be held by the City until the map is recorded, or the time for recordation expires. The subdivider shall provide all fees and instruments required to convey the land, and title insurance approved by the City Attorney in favor of the City in an amount equal to the value of the land.

CHAPTER 4-68. - SUBDIVISION DESIGN AND IMPROVEMENT REQUIREMENTS

Sections:

Sec. 4-68-010. - Purpose.

This Chapter establishes standards for the design and layout of subdivisions, and the design, construction or installation of public improvements within subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the

General Plan and any applicable Specific Plan.

Sec. 4-68-020. - Applicability of Design and Improvement Standards.

The requirements of this Chapter apply as follows:

- A. **Extent of required improvements.** Each subdivision of four or fewer, and five or more parcels, shall provide the improvements required by this Chapter, and any additional improvements required by the review authority through conditions of approval.
- B. **Applicable design standards, timing of installation.** The subdivider shall construct all on- and off-site improvements according to standards approved by the City Engineer. No Final or Parcel Map shall be presented to the Council for approval until the subdivider either completes the required improvements, or enters into a subdivision improvement agreement with the City for the work.
- C. **Subdivision improvement standards—Conditions of approval.** The applicable subdivision improvement and dedication requirements of this Chapter and any other improvements and dedications required by the review authority in compliance with Section 4-61-070 (Tentative Map Approval or Disapproval), shall be described in conditions of approval adopted for each approved Tentative Map (Section 4-61-080). 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 Article 6, Chapter 4 of the Map Act.
 2. In the event that oversizing is required, the City shall comply with all applicable provisions of Map Act Sections 66485 et seq., including the reimbursement provisions of Map Act Section 66486.
 3. If a parcel proposed for subdivision is subject to an existing reimbursement agreement, the subdivider shall pay the required reimbursement prior to the recordation of the Final Map, or the issuance of a building permit for construction on the parcel, whichever occurs first.
- E. **Exceptions.** Exceptions to the requirements of this Chapter may be requested and considered in compliance with Section 4-60-090 (Exceptions to Subdivision Standards).

Sec. 4-68-030. - Subdivision Design Standards.

- A. **Purpose.** This Section establishes standards for the design and layout of subdivisions, and the design, construction or installation of public improvements within subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan and any applicable specific plan.
- B. **Applicability.** Each subdivision shall be designed in compliance with the standards of this Section, except where an exception is granted in compliance with Section 4-61-090 (Exceptions to Subdivision Standards).
- C. **Accessibility.** A subdivision of five or more single-family residential parcels shall be designed and constructed so that a minimum of 10 percent of the single-family dwellings are one-story. In addition, each of the required one-story dwellings shall include features to enhance disabled accessibility,

including wide doors, grab bars, etc., as determined by the review authority; or the applicant shall demonstrate to the review authority that all prospective buyers are offered the installation of those accessibility features as a no-cost item.

- D. **Density of a residential subdivision.** The maximum number of dwelling units permitted within a proposed subdivision shall not exceed the density established by the General Plan for the site and the maximum number of dwelling units permitted by the applicable zoning district.
- E. **Streets and street layout.** The layout, design, and construction of proposed streets shall comply with the General Plan, the City's standard specifications for public improvements, and the energy conservation standards of Subsection G.
1. **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.
 2. **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.** In the case of stub-end streets extending to the boundary of the property, a barricade, of a design 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. Where required by the review authority, a temporary connection to another street, or a temporary turnaround, shall be provided by the subdivider.
 - c. **Required notification.** The developer shall install a sign at the location of a future street extension to give notice to future homebuyers that the street will be opened or extended at some time in the future. The sign shall be installed prior to the sale of the first unit within the project.
 3. **Dead-end streets.** Subdivision design shall not include dead-end, including cul-de-sac streets, 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).
 - a. An approved dead-end street shall generally be maintained as a private roadway, and shall not be accepted by the City for dedication or maintenance, except for extraordinary circumstances determined by the Council, in its sole and absolute discretion.
 - b. The length of a dead-end street shall not exceed 500 feet, except that a dead-end street of up to 600 feet in length may be permitted, provided that it has frontage of no more than 16 lots.
 4. **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 design of the subdivision without hindering traffic safety. Street intersections may be narrowed at each corner with traffic-calming features, in compliance with the City's standard specifications for public improvements.
 5. **Pedestrian walkways away from street frontages.** 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. Where walkways are required, the City Engineer shall specify standards for their design and construction.

6. **Street dedications.** A street that is not constructed to City standards will not be accepted by the City for dedication as a public street; however, even a street that complies with all applicable City standards may not be accepted for dedication. Acceptance of a street dedication is at the discretion of the Council.

F. **Block design.** See Figure 7-1.

1. **Block length.** No block face shall exceed a length of 500 feet. No block perimeter shall exceed 2,000 feet. For the purposes of this Section, a "block face" is the edge of a block comprised of the front property lines of the parcels within the block.
2. **Block width.** The width of each block shall be sufficient for an ultimate layout of two tiers of lots within the block, preferably with a paved alley between the tiers, with the lots sized in compliance with this Section. The review authority may approve alternative designs where it determines that surrounding subdivision layout, property lines, or topographic conditions require other standards.

Figure 7-1. Block Standards

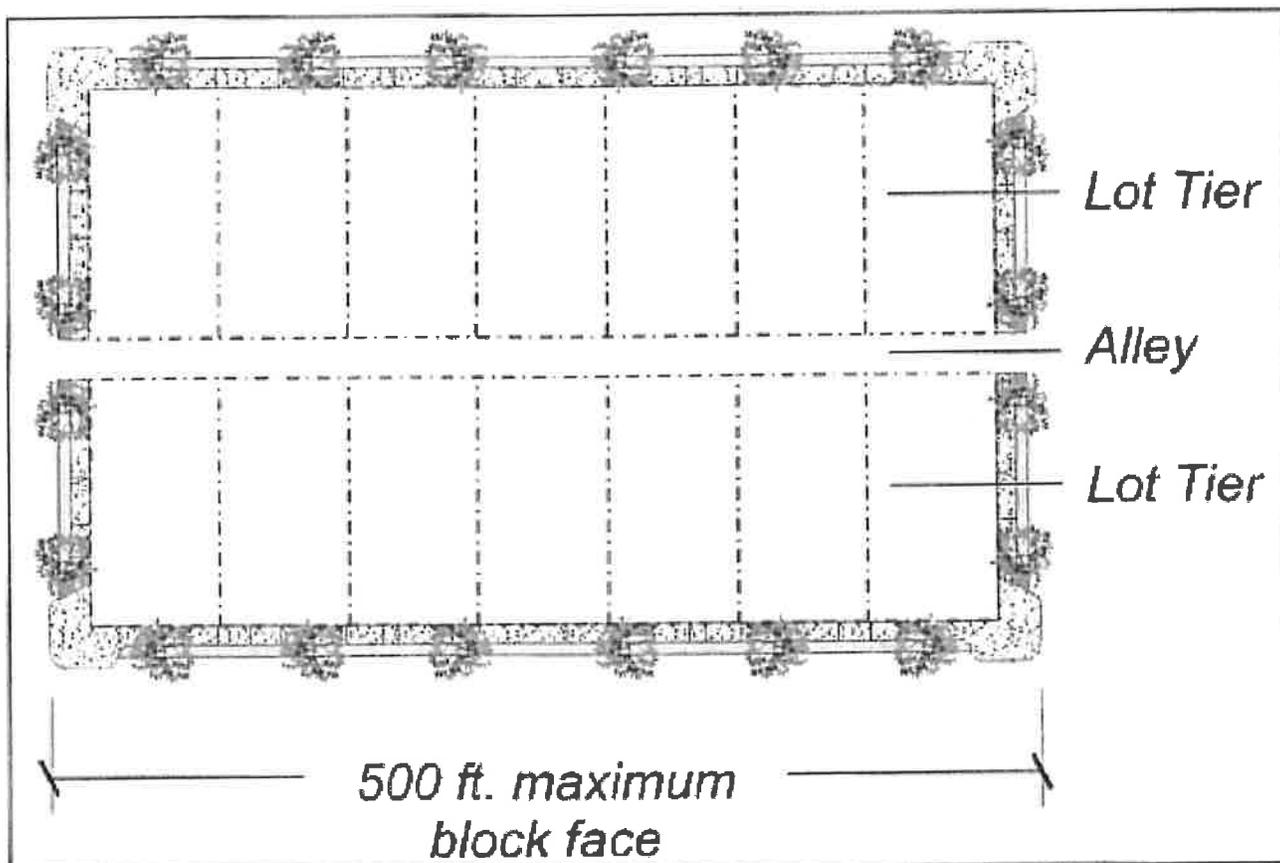


Figure 7-1 - Block Standards

G. **Parcel design.** The size, shape and arrangement of proposed parcels shall comply with this Section, and with any General Plan policy, specific plan requirement, or other Municipal Code provision that applies to proposed subdivisions.

1. **General parcel design standards.**

a.

Each proposed parcel shall be determined by the review authority to be "buildable" because it contains at least one building site that can accommodate a structure in compliance with all applicable provisions of this Zoning and Subdivision Code.

- b. No parcel shall be created that is divided by a City boundary line.
 - c. No subdivision shall be designed to leave unsubdivided islands, strips or parcels, or property unsuitable for subdividing, which is not either accepted by the City or other appropriate entity for public use, or maintained as common area within the development.
2. **Parcel area.** The minimum area for new parcels shall be as required by Article 2 of this Land Use Code for the applicable zoning district, except as otherwise provided by this Section.
- a. **Calculation of area.** When calculating the area of a parcel to determine compliance with this Section, Article 2, or the General Plan, the following shall be deducted from the gross area of any parcel, regardless of whether they may be used by the general public or are reserved for residents of the subdivision:
 - (1) A vehicular or non-vehicular access easement through the parcel;
 - (2) An easement for an open drainage course, whether a ditch, natural channel or floodway;
 - (3) Other easement restricting the use of the property; or
 - (4) The "flag pole" (access strip) of a flag lot.
 - b. **Minimum lot area requirements for common interest projects.** The minimum lot area requirements of Article 2 shall not apply to condominiums, condominium conversions, and townhouses, but shall apply to the creation of the original parcel or parcels that are the location of the condominium or townhouse.
3. **Dimensions.** The dimensions of new parcels shall comply with the applicable provisions of Section 4-24-020 (Zoning District Subdivision and Density 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. **Parcel configuration.** The layout of proposed parcels and streets shall be designed to use land efficiently and minimize site disturbance in terms of cuts and fills and the removal of vegetation. See also the lot design provisions regarding energy conservation in Subsection G.
- a. **Street frontage required.** Each proposed parcel shall have frontage on a public or private street. The frontage width shall be at least the minimum lot width required by the applicable zoning district, except where a flag lot is approved in compliance with Subsection F.5.d (Flag lots).
 - b. **Double-frontage lots.** No parcel shall have streets abutting both the front and rear lot lines, except when necessary because of topographical or other physical conditions or where access from one of the roads is prohibited. (An alley is not considered a street for the purposes of this Section.)

Vehicular access onto a double frontage lot shall generally be from the street with the lowest existing and projected traffic volumes, but with each proposed building designed so that its primary facade faces the higher volume street. The review authority may authorize alternative access locations where appropriate because of localized traffic conditions, and/or nearby residential areas that would be adversely affected by increased traffic.

c.

Cul-de-sac parcels. The minimum street frontage width for each parcel on a cul-de-sac street shall be 25 feet. The minimum depth of a parcel on a cul-de-sac shall be an average of 90 feet.

- d. **Flag lots.** Flag lots shall generally not be permitted. A flag lot may be approved only where the review authority determines that unusual depth or other characteristic of a parcel to be subdivided prevents one or more proposed parcels from having a frontage width equal to the required minimum lot width. Where allowed, the "flag pole" portion of a flag lot shall have a minimum width of 20 feet; provided that the review authority may require additional width depending upon the length of the flag pole and traffic safety sight distance considerations. No more than two parcels shall be provided access from a single flag pole.
4. **Driveway standards.** Proposed parcels shall be designed to accommodate driveways designed in compliance with Section 4-36-100 (Driveways and Site Access).
- H. **Energy conservation.** Each proposed subdivision shall be designed to provide maximum opportunities for energy conservation, including opportunities for passive or natural heating or cooling opportunities, in compliance with Map Act Section 66473.1, 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 permit the orientation of structures in east-west alignment for southern exposure, and to take advantage of existing shade or prevailing breezes.
 3. **Solar Energy Design and Installation: Subdivisions of single family lots, duplex, and multifamily lots for twenty (20) or more units, must construct and install solar design energy systems for 50% or more of the total units and 50% of the units shall be constructed to accept solar design energy systems. Commercial, office, industrial lots where development is equivalent to 20,000 square feet or larger shall be required to install and utilize solar design energy systems. (Added at request of City Council and Planning Commission./April 2008)**

Sec. 4-68-040. - Site Preparation and Subdivision Construction.

- A. **Grading.** Prior to the issuance of a Building Permit, a grading plan prepared and signed by a registered civil engineer shall be submitted to 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, and finished sidewalk elevations at all front lot lines and existing topographic elevations and drainage direction 100 feet outside the boundary of proposed project area and/or map.
 1. **Minimum slopes.** The minimum grade of all drainage swales on lots shall be one-half of one percent.
 2. **Pad elevation, residential.** The building pad elevation of residential lots shall be established at a minimum of 10 inches above the design sidewalk elevation at the lowest point of the lot. The finished floor elevation of slab floor houses shall be a minimum of 16 inches above the sidewalk elevation. The pad elevation of all residential lots shall be established at least one foot above the maximum water surface in an adjacent storm drain channel or the ponded surface in an adjacent sump for collection of storm drain waters. An exception may be permitted in the case of a proposed subdivision served by a storm drain pump station.
 - 3.

Drainage plan. No inter-lot or "cross drainage" shall be permitted. All lots shall drain their own water to the public street, approved public or private drainage facility, or natural drainage course without passing through or across an adjacent lot. No lot shall drain water over the bank of a flood control channel.

4. **Grading practices.** All grading within the City shall employ the best available management practices, as determined by the City Engineer, to minimize erosion and sedimentation, and unnecessary grading. Each building site on sloping parcels shall be individually prepared; no mass grading shall be allowed.
 5. **Grading exceptions.** Specific exceptions to the above requirements may be authorized at the discretion of the City Engineer. Exceptions are to be for an individual lot or at most a tier of lots, and shall not to be construed as extending to an entire subdivision.
 6. **As-built grading plan.** Upon completion of grading operations the owner shall furnish to the City Engineer two prints of an as-built grading plan prepared by the owner's engineer.
- B. **Erosion and sediment control.** A proposed subdivision shall be designed so that all grading incorporates appropriate erosion and sediment control measures.
- Sec. 4-68-050. - Subdivision Improvement Requirements.
- A. **Bicycle paths.** The subdivider shall construct bicycle paths within an approved subdivision as per the Bicycle Master Plan or as determined by the review authority. In the event that the review authority determines that bicycle path construction within a subdivision would be infeasible or constitute unsound engineering, the review authority may grant the subdivider the option to pay into a bicycle path fund an amount approved by the City Council.
 - B. **Bridges and major thoroughfares.** The City may assess and collect fees as a condition of issuing a building permit for the purpose of defraying the actual or estimated costs of constructing bridges or major thoroughfares in compliance with Map Act Section 66484, after the City has established a master plan for bridge crossings and major thoroughfares by ordinance.
 - C. **Fire hydrants.** The subdivider shall install gate valves, extensions and risers extending 30 inches above the finished grade of the gutter for fire hydrants, of sizes and at locations approved by the Fire Chief.
 - D. **Landscaping.** Landscaping shall be provided in compliance with Chapter 4-34 (Landscape Standards).
 - E. **Monuments.** The subdivider shall install monuments in compliance with the requirements of the City Engineer, and Map Act Chapter 4, Article 9.
 - F. **Private facilities—Maintenance.** **A subdivision with common area or private streets shall have a homeowners association and conditions, covenants, and restrictions (CC&Rs) approved by the City to provide for the maintenance of the common areas and/or private streets, and establish standards for maintenance.**
 - G. **Public utilities and utility easements.** Each approved parcel shall be provided connections to public utilities, including electricity, gas, water, sewer, and telecommunications services, which shall be installed as part of the subdivision improvements as provided by this Section.
 1. **Underground utilities required.** Utilities in new subdivisions shall be installed underground, as follows. These requirements do not apply to utility lines which do not serve the area being subdivided. Telecommunications facilities are also subject to the requirements of Chapter 4-44 (Telecommunications Facilities).
 - a.

When undergrounding is required. All existing and proposed utility distribution facilities (including electric, telecommunications and cable television lines) installed in and for the purpose of supplying service to any subdivision shall be installed underground. Equipment appurtenant to underground facilities, including transformers, pedestal mounted terminal boxes and meter cabinets, and ducts, shall also be located underground or entirely within a building.

The subdivider is responsible for complying with the requirements of this Section and shall make the necessary arrangements with the affected utility companies for facility installation.

- b. **Location of installation.** Underground utility lines may be installed within a public or private street right-of-way or along a lot line, subject to appropriate easements being provided if necessary. When installed within a public street right-of-way, their location and method of installation, insofar as it affects other improvements within the street right-of-way, shall be subject to the approval of the City Engineer.
 2. **Utility easements—Minimum width.** The minimum width of easements for public or private utilities, sanitary sewers, or water distribution systems shall be determined by the review authority based on the recommendations of the City Engineer for City facilities, and the recommendations of the applicable utility company, for public or private utilities.
 3. **Timing of installation.** All underground utilities, water lines, sanitary sewers, and storm drains installed in streets, shall be constructed before the streets are surfaced. Connections to all underground utilities, water lines, and sanitary sewers from approved parcels shall be laid to sufficient lengths, as determined by the City Engineer, to avoid the need for disturbing the street improvements when service connections are made.
- H. **Railroad crossings.** A proposed subdivision shall be designed to provide for railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the California Public Utilities Commission for the establishment and improvement of the crossings.
1. The subdivider shall deposit with the City Clerk, in cash, the estimated costs to be incurred by the City in pursuing, or assisting in the applicant's pursuit of an application for railroad crossings before the Public Utilities Commission.
 2. Upon termination of the proceedings before the Public Utilities Commission, an accounting of the deposit will be made and an additional charge or refund will be made to the subdivider.
- I. **Sewage disposal.** Each parcel within an approved subdivision shall be provided a connection to the City's sewage collection, treatment, and disposal system, in compliance with the City's improvement standards and specifications. The subdivider shall also pay the City's required connection fee.
- J. **Street lighting.** All proposed subdivisions shall provide street lighting facilities designed and constructed in compliance with the City's improvement standards and specifications. The subdivider shall agree to either create or annex into an existing Lighting and Landscaping District as determined by the City Engineer.
- K. **Street signs and street names.**
1. **Street names.** Names for all public and private streets within a proposed subdivision shall be approved by the Council. The duplication of an existing street name shall not be allowed in a new subdivision unless the street is an obvious extension of an existing street.
 - 2.

Street signs. The subdivider shall provide a minimum of two street name signs in compliance with the City's improvement standards and specifications at each street intersection; with the signs located on the diagonally opposite sides of the intersection. The subdivider shall provide one street name sign at each "T" intersection.

- L. **Storm drainage.** Storm water runoff from the subdivision shall be collected and conveyed by an approved storm drain system.
1. The storm drain system shall be designed for ultimate development of the drainage area, and shall comply with any applicable NPDES requirements.
 2. The storm drain system shall provide for the protection of abutting and off-site properties that would be adversely affected by any increase in runoff attributed to the development; off-site storm drain improvements may be required to satisfy this requirement.
 3. Any easement for drainage or flood control shall be improved as specified by the City Engineer.
- M. **Water supply.** Each approved parcel shall be served by the City's water distribution system and shall be designed and constructed to accommodate both domestic and fire flows, together with necessary fire hydrants to serve each lot proposed to be created.

Sec. 4-68-060. - Improvement Plans.

After the approval of a Tentative Map, the subdivider shall diligently proceed to complete any subdivision improvements necessary to fulfill the conditions of approval. Before the construction of any improvements, the subdivider shall submit plans to the City as follows:

- A. **Preparation and content.** Improvement plans shall be prepared by a California registered civil engineer. Improvement plan submittals shall include the following information:
1. Any drawings, specifications, calculations, design reports 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 City Fee Schedule.
- B. **Submittal of plans.** Improvement plans shall be submitted to the City Engineer and other reviewing agencies for review and approval. Upon the approval of improvement plans in compliance with Subsection C., the subdivider shall also submit to the City Engineer a detailed cost estimate of all improvements, based on guidelines provided by the City.
- C. **Review and approval.** Improvement plans shall be reviewed and approved by the City Engineer, within the time limits provided by Map Act Section 66456.2.
- D. **Effect of approval.** The final approval of improvement plans shall generally be required before approval of a Parcel or Final Map. The approval of improvement plans shall not bind the City to accept the improvements nor waive any defects in the improvements as installed.

Sec. 4-68-070. - Installation of Improvements.

Subdivision improvements required as conditions of approval of a Tentative Map in compliance with this Chapter (see Section 4-68-050) shall be installed as provided by this Section.

- A. **Timing of improvements.** Required improvements shall be constructed or otherwise installed only after the approval of improvement plans in compliance with Section 4-68-060, and before the approval of a Parcel or Final Map in compliance with Sections 4-62-060 (Parcel Map Approval)

or 4-62-100 (Final Map Approval), except where:

1. Improvements are deferred in compliance with Section 4-68-080 (Improvement Agreements and Security); or
2. Improvements are required as conditions on the approval of a subdivision of four or fewer lots, in which case construction of the improvements shall be required:
 - a. When a Building Permit is issued for development of an affected parcel; or
 - b. At the time the construction of the improvements is required in compliance with an agreement between the subdivider and the City, as set forth in Section 4-68-080 (Improvement Agreements and Security); or
 - c. At the time set forth in a condition of approval, when the review authority finds that fulfillment of the construction requirements by that time is necessary for public health and safety, or because the required construction is a necessary prerequisite to the orderly development of the surrounding area.
3. 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 prior to the preparation of subgrade and prior to the surfacing of any streets or alleys. In the event that the development of the subdivision requires the utility company to perform utility construction work, the developer shall pay a deposit satisfactory to the utility company within sufficient time to permit construction work to be performed prior to subgrade preparation. In no event shall subgrade preparation commence before installation of all necessary utilities and laterals.

B. Inspection of Improvements. The construction and installation of required subdivision improvements shall occur as follows.

1. **Supervision.** 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. The designated representative shall be present at the work site at all times while work is in progress. 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.** The City Engineer or a designated official shall make any inspections as he/she deems necessary to ensure that all construction complies with the approved improvement plans. The developer shall be required to submit 3% of the approved Engineer's Cost Estimate to the City to cover inspection costs, prior to approving a final map or initiating inspections.
 - b. **Access to site and materials.** The City Engineer 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 accordance with the approved improvement plans.
 - c. **Authority for approval.** The work done and all materials furnished shall be subject to the inspection and approval of the City Engineer. 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. 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 City Engineer. In the event that the City Engineer determines that subdivision improvements are not being constructed as required by the approved plans and specifications, he or she shall order the work stopped and shall inform the contractor of the reasons for stopping work and the corrective measures necessary to resume work. Any work done after issuance of a stop work order shall be a violation of this Chapter.

3. **Notification.** The subdivider shall notify the City Engineer upon the completion of each stage of construction as outlined in this Chapter, and shall not proceed with further construction until authorized by the City Engineer.

Sec. 4-68-080. - Improvement Agreements and Security.

A subdivider may file a Parcel or Final Map before completion of all the improvements required by this Zoning and Subdivision Code and conditions of approval of the Tentative Map, only when the subdivider first obtains Council approval of a subdivision improvement agreement executed and submitted for Council review by the subdivider, and provides the City performance security as required by this Section. Improvement agreements and required security shall also comply with Chapter 5 of the Map Act.

- A. **Contents of improvement agreement.** A subdivision improvement agreement shall be submitted on the form provided by the City and approved by the City Attorney and shall include the following provisions:
 1. **Description of improvements.** A description of all improvements to be completed by the subdivider, with reference to the approved subdivision improvement plans;
 2. **Time limit for construction.** The period within which all required improvements will be completed to the satisfaction of the City Engineer;
 3. **Completion by City.** Provide that if the subdivider fails to complete all required improvements within the specified time, the City may elect to complete the improvements and recover the full cost and expenses thereof from the subdivider or the surety, including any attorney and legal fees associated with enforcement of the agreement;
 4. **Surety requirement.** Require the subdivider to secure the agreement by furnishing security to insure full and faithful performance and to insure payment to laborers and material suppliers, as specified in Subsection B. The amount of surety shall be based on an engineer's cost estimate submitted by the subdivider and approved by the City Engineer, which covers all public improvements, private improvements for the general use of the lot owners in the subdivision, local neighborhood traffic, and drainage. The total cost of improvements to be guaranteed shall be as provided in the approved engineer's cost estimate; and
 5. **Phased construction.** Provisions for the construction of improvements in units, at the option of the subdivider.
- B. **Security required to guarantee improvements.** A subdivision improvement agreement or a subdivision road maintenance and repair agreement shall be secured by adequate surety in a form approved by the City Attorney, as follows:
 1. **Type of security.** Improvement security shall be in the amount set forth or authorized in Map Act Section 66499.3.
 - a.

If the security is other than a bond or bonds furnished by a duly authorized corporate surety, an additional amount shall be included as determined by the Council as necessary to cover the cost and reasonable attorney's fees, which may be incurred by the City in successfully enforcing the obligation secured.

- b. The security shall also secure the faithful performance of any changes or alterations in the work, to the extent that such changes or alterations do not exceed 10 percent of the original estimated cost of the improvement.
2. **Form of security.** The required surety shall consist of one or more of the following forms selected by the City Engineer for the full amounts specified in Subsection B.1 above.
 - a. A deposit, either with the local agency or a responsible escrow agent or trust company, at the option of the local agency, of money or negotiable bonds of the kind approved for securing deposits of public moneys.
 - b. A bond or bonds executed by one or more duly authorized corporate sureties;
 - c. An instrument of credit from an agency of the state, federal, or local government when any said agency provides at least 20 percent of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the State or Federal government pledging that funds necessary to carry out the act or agreement are on deposit and guaranteed for payment; or a letter of credit issued by such a financial institution;
- C. **Time extensions.** An extension of time for completion of improvements under a subdivision improvement agreement shall be granted by the Council only as follows:
 1. **Public Works report.** The City Engineer notifies the Council that either the subdivider is proceeding to do the work required with reasonable diligence or is not yet ready to develop the subdivision, and has given satisfactory evidence of being able and willing to complete all required work within the time of the requested extension.
 2. **Agreement by sureties.** The sureties agree in writing to extend for the additional period of time at the original amount of the bond or other surety, or if recommended by the City Engineer, at an increased amount.
 3. **Council action.** The Council approves or denies the extension. As a condition of granting a time extension, the Council may impose whatever additional requirements the Council deems reasonable to protect the public interest.
- D. **Acceptance of improvements.** Before acceptance for maintenance or final approval by the Council of subdivision improvements, the City Engineer shall verify that the improvement work has been completed in substantial compliance with the approved plans and specifications. The City shall require the Developer to provide a Warranty bond in an amount of 10% of the approved Engineer's Cost Estimate prior to acceptance of any improvements.

Sec. 4-68-090. - Soils Reports.

Soils reports shall be provided by the subdivider as required by this Section.

- A. **Preliminary soils report.** A preliminary soils report based upon adequate test borings and prepared by a registered civil engineer shall be required for every subdivision. The preliminary soils report shall be submitted with the Tentative Map application.
 1. **Form of report.** A preliminary soils report may be divided into two parts:
 - a.

Soils reconnaissance. The soil reconnaissance shall include a complete description of the site based on a field investigation of soils matters. The soils matters reviewed shall include stability, erosion, settlement, 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; and

- b. Soils investigation and report.** This 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.

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. The report shall also recommend any special precautions required for erosion control, and the prevention of sedimentation or damage to off-site property.

If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects or environmental impacts, a subsequent soils investigation of each parcel in the subdivision may be required and shall be submitted to and approved by the 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.
- B. Final soils report.** A final soils report prepared by a registered civil engineer shall be required where a preliminary soils report was required, unless the final report is waived by the City Engineer.
1. Two copies of the final soils investigation and report shall be filed with the improvement plans.
 2. The report shall contain sufficient information to ensure compliance with all recommendations of the preliminary soils report and the specifications for the project.
 3. The report shall also contain information relative to soils conditions encountered which differed from that described in the preliminary soils reports, along with any corrections, additions or modifications not shown on the approved plans.
- C. Geologic investigation and report.** If the City Engineer determines that conditions warrant, a geologic investigation and report may also be required.