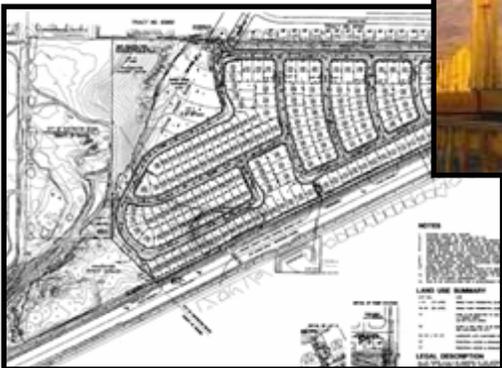
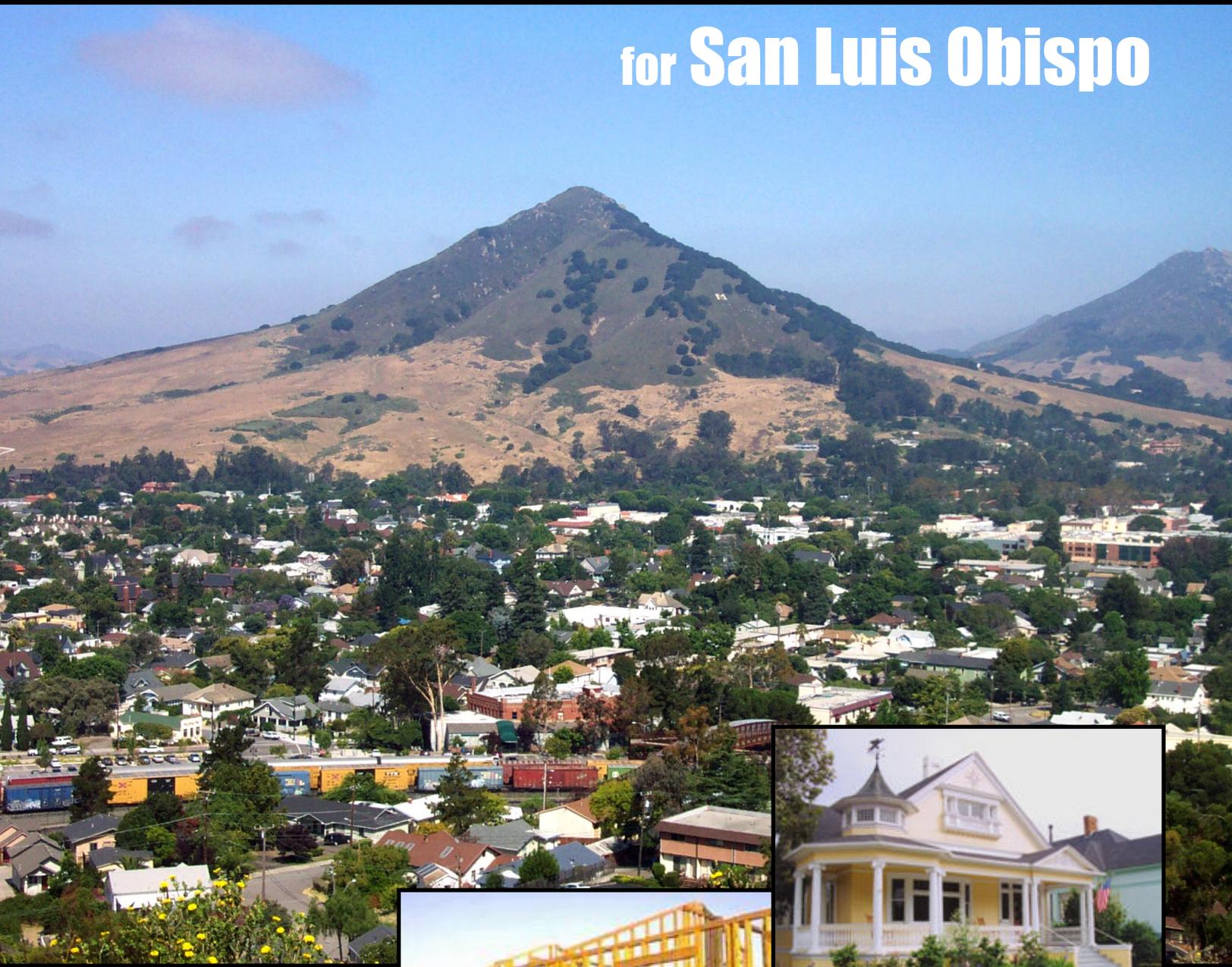


Subdivision Regulations

for San Luis Obispo



august 2007

9-07



community development department

MISSION STATEMENT

Our mission is to identify and serve the needs of all people in a positive and courteous manner and to help ensure that San Luis Obispo remains a healthy, safe, attractive and enjoyable place to live, work or visit. We help plan the City's form and character, support community values, preserve the environment, promote the wise use of resources and protect public health and safety.

OUR SERVICE PHILOSOPHY

The City of San Luis Obispo Community Development Department staff provides high-quality service whenever and wherever you need it. We will:

- *Listen to and understand your needs;*
- *Give clear, accurate and prompt answers to your questions;*
- *Explain how you can achieve your goals under the City's rules;*
- *Help resolve problems in an open, objective and fair manner;*
- *Maintain the highest ethical standards; and*
- *Work to continually improve our services.*

The Subdivision Regulations were adopted March 7, 2006, by City Council Ordinance 1490. Amendments were approved to add Airspace Subdivision Regulations August 2007.

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Chapter 16.01 GENERAL PROCESSING OVERVIEW FOR SUBDIVISION PROJECTS

WHY REGULATE SUBDIVISIONS?

Property lines, streets, parks and open spaces establish a community's long term development pattern, and distinguish the physical identity of one community from another. In California, local governments are required by law (the Subdivision Map Act) to adopt an ordinance regulating subdivisions within that agency's jurisdiction. Subdivision regulations help determine who will pay for the public improvements needed to accommodate growth and help ensure the creation and preservation of adequate land records. They also protect consumers and the environment by establishing design and improvement standards for lot size, building spacing, drainage, access, resource buffer zones, provision of utilities, and solar access.

GENERAL SUMMARY OF SAN LUIS OBISPO'S REVIEW PROCEDURES

A summary of the City's procedure for handling subdivision projects is included below. It provides an overview of the steps typically involved in subdividing a parcel of land:

- 1. The applicant submits an initial application, tentative map and processing fees to the Community Development Department. The Subdivision Map Act requires most subdivision maps to be prepared by a licensed surveyor or registered civil engineer authorized to practice land survey activities.*
- 2. City staff, and sometimes staff from other agencies, review the application for completeness. Staff will notify the applicant when the project is ready for processing or that additional information is necessary.*
- 3. For projects that are subject to environmental review under the California Environmental Quality Act (CEQA), a separate application and fee is required and staff will prepare an initial study to identify potential environmental impacts and recommended mitigation. If the project can be modified to avoid significant impacts, a Negative Declaration (ND), or Mitigated Negative Declaration (MND) is prepared. If significant negative impacts cannot be avoided by modifying the project or adding mitigation measures as conditions of subdivision approval, an Environmental Impact Report (EIR) must be prepared.*
- 4. Once applications are complete and CEQA requirements for environmental review, if any, have been met, staff evaluates the project to see if it meets the design and improvement standards specified by these regulations and prepares a report with a recommendation for project approval or denial. The project is then scheduled for action. Depending on the type of subdivision, the Community Development Director, the Planning Commission, or the City Council will review the subdivision. The subdivision proposal may be approved, denied, or approved subject to conditions. Conditions may include (but aren't limited to) dedication of land, physical improvements to the site or to an off-site location, street improvements, and provision of utilities.*

5. *If approved, the applicant will need to file a Final or Parcel map (or other documents and exhibits for recordation) to the Public Works Department. Maps and documents are recorded with the County Recorder's Office once all required subdivision improvements have been completed or bonded for, and all conditions of project approval have been met or ensured. Time limits for submitting required material or completing conditions of approval are discussed in Section 16.10.050. Recordation of the map is usually the final process that establishes the subdivision.*



NOTE: *Application requirements are described in detail in Chapters 16.10 through 16.17.*

Chapter 16.02 GENERAL PROVISIONS

This chapter describes the authority, purpose, applicability, and other general provisions of these regulations.

Sections:

- 16.02.010 *Title and Authority*
- 16.02.020 *Purpose*
- 16.02.025 *Conformity to General Plan, Specific Plans and Zoning Regulations*
- 16.02.030 *Interpretation and Application*
- 16.02.040 *Projects Subject to City Subdivision Regulations*
- 16.02.050 *Projects Excluded From City Subdivision Regulations*
- 16.02.060 *Processing Fees*
- 16.02.070 *Withdrawal of Application*
- 16.02.080 *Effect of Annexation*
- 16.02.090 *Conflict with Public Provisions*
- 16.02.100 *Conflict with Private Provisions*
- 16.02.110 *Actions by Persons with Interest*

16.02.010 TITLE AND AUTHORITY

- A.** This title of this section of the Municipal Code shall be known and cited as the "Subdivision Regulations of the City."
- B.** Nothing in this section shall be read to limit the right of the City, as a charter city, to enact additional provisions concerning the division of land as are deemed necessary to protect the public health, safety and general welfare.
- C.** Approval or conditional approval of a subdivision map shall not excuse applicants from meeting other applicable provisions of this code or other applicable ordinances, rules, regulations and policies adopted by the City.

16.02.020 PURPOSE

These regulations are adopted to supplement and implement the provisions of the Subdivision Map Act pertaining to the design, improvements and survey data of subdivisions, as a "local ordinance" as that term is used in that act. All provisions of the Subdivision Map Act and future amendments thereto not incorporated in these regulations shall apply to all subdivisions, subdivision maps and proceedings under the following regulations.

Additionally, the regulations codified in this title are adopted for the following purposes:

- A.** To protect and provide for the public health, safety and general welfare;
- B.** To guide the development of the City in accordance with the General Plan and specific plans;

- C. To ensure that real property, which is to be divided, can be used without danger to inhabitants or property due to fire, flood, soil instability, noise or other hazard;
- D. To ensure that proper provision will be made for traffic circulation, public utilities, facilities, and other improvements within the subdivided land and within the City as a whole pursuant to the Circulation Element of the General Plan;
- E. To protect and enhance the value of land and improvements and to minimize conflicts among the uses of land and buildings;
- F. To protect potential buyers and inhabitants by establishing standards of design, and by establishing procedures which ensure proper legal description and monumenting of subdivided land;
- G. To protect the natural and cultural resources of the community, including topographic and geologic features, historic sites and structures, solar exposure, watercourses, wildlife habitats and scenic vistas, and to provide reasonable public access to such resources;
- H. To enable innovations in subdivision procedures which facilitate development that will best reflect the capability of the land to support a desirable living environment.

16.02.030 CONFORMITY TO GENERAL PLAN, SPECIFIC PLANS AND ZONING REGULATIONS

No land shall be subdivided and developed for any purpose which is not in conformity with the General Plan and any specific plan of the City or permitted by the Zoning Regulations or other applicable provisions of the Municipal Code. The type and intensity of land use as shown on the General Plan shall determine the type of streets, roads, highways, utilities and public services that shall be provided by the subdivider. The Subdivision Regulations are an implementation tool for General Plan Policy.

16.02.040 INTERPRETATION AND APPLICATION

In their interpretation and application, these regulations shall be held to be the **minimum** requirements for the promotion of the public health, safety and general welfare.

16.02.050 PROJECTS SUBJECT TO CITY SUBDIVISION REGULATIONS

The regulations shall apply to all parts of subdivisions within the City of San Luis Obispo and to the preparation of subdivision maps and to other maps provided for by the Subdivision Map Act. Except as noted in Section 16.02.050, each subdivision and each part thereof lying within the City shall be made and each map shall be prepared and presented for approval as provided for and required by these regulations.

16.02.60 PROJECTS EXCLUDED FROM SUBDIVISION REGULATIONS

The following are not considered subdivisions and are therefore excluded from tentative and parcel or final map requirements:

1. *The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks.*
2. *Mineral, oil, or gas leases.*
3. *Land dedicated for cemetery purposes under the State Health and Safety Code.*
4. *A lot line adjustment between four or fewer existing adjoining parcels, where land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.*
5. *Any separate assessment under Section 2188.7 of the State Revenue & Taxation Code for community apartment or cooperative housing projects.*
6. *The conversion of a residential community apartment project or a stock cooperative to a condominium if the requirements of Sections 66412 (g) and (h) of the Subdivision Map Act are met.*
7. *The financing or leasing of any parcel of land, or any portion, for the construction of commercial or industrial buildings on a single parcel, when the project is subject to planned development or use permit approval pursuant to the zoning regulations.*
8. *The financing or leasing of existing separate commercial or industrial buildings on a single parcel.*
9. *The construction, financing or leasing of second residential units pursuant to the zoning regulations.*
10. *Leasing for agricultural purposes, cultivation of food or fiber, and grazing or pasturing of livestock.*
11. *Leasing of, or grant of easement to, a parcel of land, or any portion or portions of land, for financing, erection, and sale or lease of a wind powered electrical generation device which is subject to discretionary action by the City.*

16.02.070 PROCESSING FEES

A fee, established by resolution of the City Council, is required for all applications and plan checks required or permitted by this title or the Subdivision Map Act. A list of application fees is available in the Community Development and Public Works Departments.

16.02.080 WITHDRAWAL OF APPLICATION

Requests for withdrawal of a subdivision application shall be submitted in writing to the Community Development Director. Refunds, if due, will be based on the amount of work completed at the time of withdrawal request. No refunds will be granted following publication of the first staff report for the applicable subdivision hearing.

16.02.090 EFFECT OF ANNEXATION

Any subdivision subject to annexation to the City shall comply with the Subdivision Map Act.

16.02.100 CONFLICT WITH PUBLIC PROVISIONS

These regulations are not intended to annul any other law or regulation. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other regulation or law, whichever provisions are more restrictive or impose higher standards shall control.

16.02.110 CONFLICT WITH PRIVATE PROVISIONS

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction. Where the provisions of these regulations are more restrictive or impose higher standards, and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations.

16.02.120 ACTIONS BY PERSONS WITH INTEREST

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

Chapter 16.04 REVIEW AUTHORITY

This chapter describes the duties and responsibilities of those authorized to review and act on subdivisions governed by these regulations.

Sections:

- 16.04.010 *City Council*
- 16.04.020 *Planning Commission*
- 16.04.030 *Community Development Director/Subdivision Hearing Officer*
- 16.04.040 *City Public Works Director*
- 16.04.050 *City Attorney*
- 16.04.060 *City Clerk*
- 16.04.070 *County Recorder*

16.04.010 CITY COUNCIL

- A.** The City Council shall review and have final approval authority for:
 - 1.** *Subdivisions processed in conjunction with a rezoning or any amendment to either the zoning regulations or the General Plan.*
 - 2.** *Subdivision improvement agreements, and the acceptance by the City of lands and/or improvements as may be proposed for dedication in conjunction with final maps.*
 - 3.** *Right of way abandonment.*
- B.** The City Council shall act on all appeals of action taken by the Planning Commission on subdivisions governed by these regulations.

16.04.020 PLANNING COMMISSION

- A.** The Planning Commission shall review and make recommendations on:
 - 1.** *All tentative map applications for subdivisions of five (5) or more lots or units. The Commission's action shall be in the form of a recommendation to City Council for approval, conditional approval, or denial.*
 - 2.** *Tentative map applications that also involve concurrent processing of a rezoning, an amendment to the zoning regulations or the General Plan, residential condominium conversion, or any other legislative action. The Commission's action shall be in the form of a recommendation to City Council for approval, conditional approval, or denial.*
 - 3.** *Tentative maps for minor subdivisions with requested exceptions to subdivision standards, providing they are not in conjunction with items listed in the preceding paragraph. The Commission may*

take final action on these items.

4. *Residential condominium conversion requests. The Commission's action shall be in the form of a recommendation to City Council for approval, conditional approval, or denial.*

16.04.030 COMMUNITY DEVELOPMENT DIRECTOR / SUBDIVISION HEARING OFFICER

- A. The Director shall review and have the authority to act on:
 1. *Tentative maps for minor subdivisions **not** in conjunction with a rezoning, an amendment to either the zoning regulations or the General Plan, residential condominium conversion, or any other legislative action.*
 2. *Lot line adjustments.*
 4. *Lot combinations (voluntary mergers).*
 5. *Certificates of compliance.*
 6. *Conditional certificates of compliance.*
 7. *Commercial condominium conversions together with a tentative map, for project eligible to record a Parcel rather than a Final map, pursuant to Section 66426(c) of the Subdivision Map Act.*
 8. *Parcel map waivers.*
 9. *Time extension requests for filing Parcel or Final maps.*
 10. *Minor amendments to tentative maps (see Section 16.10.150)*
- B. The Director shall be responsible for responding to any notice of violation pursuant to Section 66499.36 of the Subdivision Map Act.
- C. The Director may appoint a Subdivision Hearing Officer to act on any or all of the subdivision projects within the purview of the Director as authorized by these subdivision regulations.
- D. The Director, at his or her sole discretion, may refer subdivision projects within the purview of the Director to the Planning Commission or City Council for action.

16.04.040 CITY PUBLIC WORKS DIRECTOR

- A. The City Public Works Director (or designee of) shall be responsible for:
 1. *Developing public improvement design standards and construction details and specifications for subdivision improvements, consistent with land use development and conservation goals stated in*

the General Plan and all implementing ordinances and guideline documents.

- 2. Reviewing all subdivision projects to determine if proposed subdivision improvements comply with the provisions of these and other City regulations and with the Subdivision Map Act.*
 - 3. Processing parcel and final maps, and reversion to acreage maps, to determine if they are in substantial compliance with approved or conditionally approved tentative maps, and certifying such by signature on the parcel or final maps to be filed with the County Recorder.*
 - 4. Inspection and approval or rejection of subdivision improvements.*
 - 5. Recording notices of completion of private subdivision improvements that are not to be maintained by the City.*
 - 6. Coordinating the filing of all maps and associated documents and exhibits with the County Recorder.*
- B.** The City Public Works Director (or designee of) shall make recommendations to accept, accept subject to improvement, or reject lands and/or improvements as may be proposed for dedication to the City for minor subdivisions, and shall so certify by signature on the parcel map.

16.04.050 CITY ATTORNEY

The City Attorney shall be responsible for approving as to form all subdivision improvement agreements, easements, and offers of dedication. The City Attorney shall also review and approve as to form any notice of violation before it is forwarded to the County Recorder.

16.04.060 CITY CLERK

The City Clerk shall certify actions taken by the City Council by signature on: 1) all resolutions approving subdivisions acted on by the Council; and 2) the title sheet of the parcel or final maps.

16.04.070 COUNTY RECORDER

The County Recorder is responsible for entering all maps and documents to be recorded into the official public record. The date of recordation is the date on which a subdivision is established for purposes of these regulations. The Recorder certifies maps as acceptable for recordation by signature on the title sheet of the parcel or final map.

TABLE 1
LEVEL OF REVIEW BY SUBDIVISION PROJECT

<i>APPLICATION TYPE</i>	<i>DECISION MAKER</i>	<i>APPEAL BODY</i>	<i>ENVIRONMENTAL REVIEW?</i>
Lot line adjustment, Lot combination (Voluntary merger)	Director (No hearing)	Planning Commission	No*
Certificate of compliance	Director (No hearing)	Planning Commission	No*
Conditional certificate of compliance	Hearing Officer	Planning Commission	No*
Tentative map for subdivision of 4 or fewer lots with no concurrent rezoning or other legislative action (1).	Hearing Officer	Planning Commission	No*
Tentative map for subdivision of 4 or fewer lots with exceptions but no concurrent rezoning or other legislative action	Planning Commission	Council	Yes
Parcel map	City Public Works Director (No hearing)	Council	No*
Tentative map for subdivision of 5 or more lots, and all other maps with concurrent processing of rezoning or other legislative action.	Planning Commission reviews/recommends; Council takes final action	--	Yes
Final map	Council	--	No*
Residential condominium conversion	Planning Commission reviews; Council takes final action	--	No
Commercial condominium conversion	Director	Council	No*
Reversion to Acreage	Planning Commission	Council	No*
Minor amendments to tentative maps and time extensions	Director	Planning Commission	No*

* Environmental review may be required if the Director determines there are special site-specific circumstances such as significant slopes or cultural and natural resources, or if exceptions are requested.

1. Some maps involving commercial property with greater than 4 lots may fit this category.

Chapter 16.08 TYPES OF MAPS REQUIRED

This section describes the Subdivision Map Act requirement for types of maps to be submitted as part of various subdivision project applications.

- 16.08.010 *Subdivisions Creating Four or Fewer Parcels*
- 16.08.020 *Lot Line Adjustments*
- 16.08.030 *Waiver of Parcel Map Requirement*
- 16.08.040 *Subdivisions and Lot Line Adjustments Creating or Involving 5 or More Parcels*
- 16.08.050 *Substituting Parcel Maps for Final Maps*
- 16.08.060 *Remainder Parcels*
- 16.08.070 *Maps Required for Other Types of Subdivision Projects*
- 16.08.080 *Fees and Deposits*

16.08.010 SUBDIVISIONS CREATING FOUR (4) OR FEWER PARCELS (MINOR SUBDIVISION)

Unless exempt under the provisions of Section 16.02.050 or waived pursuant to Section 16.08.030, a Tentative or Vesting Tentative map are required for all subdivisions creating four (4) or fewer lots including condominium, townhouse, stock cooperative apartment or community apartment projects containing four (4) or fewer lots. A parcel map is utilized to record a minor subdivision.

16.08.020 LOT LINE ADJUSTMENTS

If consistent with this section, and the Subdivision Map Act Section 66412.d, a tentative map and parcel map is not required for a lot line adjustment between four or fewer existing adjoining parcels where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created. Instead a map exhibit (drawn to appropriate scale and detail as determined by the Community Development Department) shall be submitted. The final lot line adjustment may be reflected in a deed, which shall be recorded. As an alternative, a parcel map may be utilized to record a lot line adjustment.

16.08.030 WAIVER OF PARCEL MAP REQUIREMENT

- A.** Parcel maps may be waived pursuant to Sections 66428 and 66428.1 of the Subdivision Map Act for the following:
1. *Divisions of real property or interests therein created by probate, eminent domain procedures, partition, or other civil judgments or decrees.*
 2. *Divisions of real property resulting from the conveyance of land or any interest therein to or from the City, public entities, or public utilities for a public purpose, such as school sites, public building sites, or right-of-way or easements for streets, sewers, utilities, drainage, or other public facilities.*
 3. *Any other division of real property which would otherwise require a parcel map.*

- B. The provisions of this Section do not apply if rezoning is required or requested.
- C. A subdivider wishing to request a waiver of the parcel map requirement shall include such request with his or her application for tentative map approval.
- D. The decision to waive the parcel map requirement shall be made as part of the action taken on the tentative map, and only upon making a finding that the proposed division of land complies with requirements as to lot area, physical improvement and design standards, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, utility installation, environmental protection, and other requirements of these regulations, other City ordinances, and the Subdivision Map Act.
- E. A parcel map waiver may be conditioned to provide for the payment of park land dedication and any other fees generally applied to subdivision projects.
- F. Such waiver automatically constitutes approval for the issuance of a certificate of compliance as specified in Section 66499.35 of the Subdivision Map Act. When the parcel map requirement has been waived, the Director shall, within ninety (90) days and without further application and proceedings, file the certificate of compliance and a map exhibit showing the land division with the County Recorder.

**16.08.040 SUBDIVISIONS CREATING FIVE OR MORE PARCELS,
LOT LINE ADJUSTMENTS INVOLVING FIVE OR MORE PARCELS:
TENTATIVE MAP AND FINAL MAP**

Unless exempt under Section 16.02.050 or qualified for processing pursuant to Section 16.08.040 below, a tentative or vesting tentative and final map are required for all subdivisions creating five (5) or more parcels, Lot Line Adjustments involving five or more parcels, residential condominiums and townhouses with five or more units, stock cooperative apartment units, a community apartment project containing five (5) or more parcels or an airspace subdivision containing five (5) or more parcels. A final map is utilized as the recording instrument for a subdivision involving five or more parcels.

16.08.050 SUBSTITUTING PARCEL MAPS FOR FINAL MAPS

For the subdivisions listed below a parcel map may be submitted in place of the final map, and therefore the application may be processed as a minor subdivision.

1. *The land before division contains less than five acres, each parcel created by the division abuts a maintained public street, highway, or other approved access, and no dedications or improvements are required; or*
2. *Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway; or*
3. *The land consists of a parcel or parcels of land (or airspace condominiums) having approved access to a public street or highway, which is comprised of land zoned for industrial or commercial*

development, and which has the approval of the governing body as to street alignments and widths; or

- 4. Each parcel created by the division has a gross area of 40 acres or more or is not less than a quarter of a quarter section.*
- 5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.*

16.08.060 REMAINDER PARCELS

A remainder parcel is that portion of an existing parcel that is not divided for the purpose of sale, lease, or financing. If a subdivider elects to designate a remainder, that remainder must be shown on the tentative map, however, the designated remainder shall not be counted as a parcel for the purpose of determining whether a parcel or final map is required. A designated remainder is not considered a legal lot under the provisions of these regulations until a certificate of compliance or conditional certificate of compliance has been recorded. (Also see Section 16.20.020 regarding remainder parcels and required fees and improvements.)

16.08.070 OTHER MAPS REQUIRED

Map requirements for other types of subdivision projects are summarized on the following page in **Table 2, Maps Required for Various Subdivision Projects.**

16.08.080 FEES AND DEPOSITS

All persons submitting maps as required by this chapter shall pay all fees and/or deposits as provided by the City's resolution establishing fees and charges.

TABLE 2 MAPS REQUIRED FOR VARIOUS SUBDIVISION PROJECTS

<i>PROJECT TYPE</i>	<i>MAPS REQUIRED</i>	<i>NOTES</i>
Subdivisions creating 4 or fewer lots or condominiums	Tentative map or vesting tentative map and parcel map	Parcel map requirement may be waived, pursuant to Section 16.08.020
Subdivisions creating 5 or more lots or condominiums	Tentative map or vesting tentative map and final map	Parcel map may be substituted for final map, pursuant to Section 16.08.040
Lot line adjustments between four or fewer existing adjoining parcels as described in the SMA 66412 (d)	Map exhibit, drawn to scale, and suitable for recording	Tentative map or record of survey may be submitted with the application
Lot line adjustments between five or more existing adjoining parcels	Tentative map or vesting tentative map and final map	Parcel map may be substituted for final map, pursuant to Section 16.08.040
Lot combinations (voluntary mergers)	Map exhibit, drawn to scale, and suitable for recording	Tentative map or record of survey may be submitted with the application
Certificates of compliance and Conditional certificates of compliance	Map exhibit, drawn to scale, and suitable for recording	Also needed: legal descriptions prepared by a qualified individual will also be required.
Residential or commercial condominium conversions	Tentative map or vesting tentative map and parcel or final map, depending on the number of lots created	Commercial condominium projects may submit a parcel map rather than a final map, pursuant to Section 16.08.040

Chapter 16.10 TENTATIVE MAPS

This chapter describes tentative map application requirements, review procedures, and required findings for approval or denial. A "tentative" or "vesting tentative" map is the map initially reviewed for either a "parcel" or "final" map subdivision.

Sections:

- 16.10.010 *Tentative Map Application Requirement*
- 16.10.020 *Tentative Map: Form and Contents*
- 16.10.030 *Other Material to Accompany Tentative Map*
- 16.10.040 *Submittal to Community Development Department*
- 16.10.050 *Time Limits for City Review*
- 16.10.060 *Environmental Review*
- 16.10.070 *Notice of Public Hearing on Tentative Map*
- 16.10.080 *Staff Reports and Recommendations*
- 16.10.090 *Public Hearings*
- 16.10.100 *Tentative Map Action: Extension of Time*
- 16.10.110 *Submission of Revised Tentative Map*
- 16.10.120 *Required Findings for Tentative Map Approval*
- 16.10.130 *Mandatory Denial of Tentative Maps*
- 16.10.140 *Appeal of Director's Action on a Tentative Map*
- 16.10.150 *Expiration of Approved Tentative Maps*
- 16.10.155 *Time Extension for Submitting Parcel or Final Maps*
- 16.10.160 *Correction and Amendment of Approved Tentative Maps*

16.10.010 TENTATIVE MAP APPLICATION REQUIREMENT

The subdivider shall provide the Community Development Department with a completed application form and as many copies of the tentative map and supplementary material as requested by the Community Development Director (minimum of ten copies), a copy of the tentative map reduced to eight and one-half inches by eleven inches and a digital copy on compact disc or e-mailed to the City in PDF format.

16.10.020 TENTATIVE MAP: FORM AND CONTENTS

Unless exempted by the Community Development Director, the tentative map shall be prepared by a licensed professional or under the direction of a licensed land surveyor or a State registered civil engineer authorized to practice land surveying. The map shall consist of one or more sheets, all of equal size. The scale of the map shall be one (1) inch equals one hundred (100) feet or larger (not to be in metric unless conversion units are noted on the map for each dimension). If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each.



Note: All maps shall contain the following information and be folded to a maximum size of 8 ½ " x 14" with the title block clearly visible:

- A. **Key data.** The County issued map number, subdivider name if any, date of preparation, north arrow, and if based on a survey, the date of the survey.
- B. **Preparer identification.** Name, address, and telephone number of the person or entity which prepared the map and the applicable registration or license number.
- C. **Persons with interest.** Names, addresses, and telephone numbers of the subdivider and all parties having a recorded title of interest in the property being subdivided.
- D. **Boundaries.** The boundaries of the subdivision, defined by legal description, with sufficient information to locate the property and to determine its position with respect to adjacent named or numbered subdivisions, if any.
- E. **Topography.** Existing and proposed topographic information shall be provided and shall be tied to the City's datum. Contour lines shall have the following intervals:
 - 1. **Two-foot** contour interval for ground slope between level and ten percent; and
 - 2. **Five-foot** contour interval for ground slope exceeding ten percent. Contours of adjacent land shall also be shown whenever the surface features of such land affect the design or development of the proposed subdivision.
- F. **Vegetation.** The approximate location, height, trunk diameter and general description of any trees over three inches in diameter at the trunk with notations as to their proposed retention or destruction, and approximate location and notations as to the general type of vegetation in areas not occupied by trees.
- G. **Structures.** The location and outline to scale of all existing structures within the subdivision and all structures outside the subdivision and within ten feet of the boundary lines, the distances between structures to be retained and existing or proposed street and lot lines, and notations concerning whether structures are to be retained or removed.
- H. **Public easements.** The locations, widths and purposes of all existing and proposed easements for utilities, drainage and other public purposes, shown by dashed lines, within and adjacent to the subdivision (including proposed building setback lines, if known).
- I. **Utilities.** All existing and proposed utilities including, but not limited to, size of water lines and the size and grade of sewer lines, locations of manholes, fire hydrants, street trees and street lights.
- J. **Drainage.** Based on a current field survey conducted no more than one year prior to application sub-

mittal, the location, width, top-of-bank, extent of riparian vegetation, and directions of flow of all water-courses and flood-control areas within and adjacent to the property involved, and the proposed method of providing storm water, drainage and erosion control.

- K. Hazards.** The location of all potentially dangerous areas, including fault zone areas and areas subject to inundation, landslide, or settlement; or excessive noise, and the means of mitigating the hazard.
- L. Right-of-way.** The locations, grade, widths and names or designations of all existing or proposed streets, alleys, paths and other rights-of-way, whether public or private; private easements within and adjacent to the subdivision; the radius of each centerline curve; a typical section of all streets shall be shown; and any planned line for street widening or for any other public project in and adjacent to the subdivision. Private streets shall be clearly indicated.
- M. Lot dimensions.** The lines and approximate dimensions of all existing and proposed lots, and the number assigned to each lot, the total number of lots, and the area of each lot. Lots shall be numbered sequentially.
- N. Public recreation.** The boundaries, size and use of existing and proposed public areas in and adjacent to the subdivision. If land is to be offered for dedication for open space park or recreation purposes or for purpose of providing public access to any public waterway or recreation area, it shall be so designated.
- O. Exceptions.** Any exception being requested of these regulations shall be clearly labeled and identified as to nature and purpose. A written statement justifying the exception shall be submitted by the applicant separate from the map.
- P. Railroads.** The location of all railroad rights-of-way and grade crossings.
- Q. Wells, springs, septic.** The locations of any existing or abandoned wells, septic leaching fields, springs, water impoundments and similar features to the extent they affect the proposed use of the property.
- R. Separate parcel or final maps.** When it is known that separate parcel or final maps are to be filed on portions of the property shown on the tentative map, the subdivision boundaries which will appear on the parcel or final maps and the sequence in which the parcel or final maps will be filed.
- S. Condominiums.** Maps for condominium projects shall indicate the address of the property and the number, size and location of proposed dwelling units, parking spaces, and private or public open spaces. For all condominium projects, the floor area of each floor shall be shown in proper scale and location together with the plan view of each ownership unit.
- T. Solar access.** Solar access easements pursuant to Section 16.18.150.

16.10.030 OTHER MATERIAL TO ACCOMPANY TENTATIVE MAP

The following supplementary material shall be filed with the tentative map.

- A. **Vicinity map.** A vicinity map of appropriate scale and showing sufficient adjoining territory to clearly indicate surrounding streets, other land in the subdivider's ownership, and other features which have a bearing on the proposed subdivision;
- B. **Zoning.** A statement of existing and proposed zoning and land use;
- C. **Site development.** A statement of proposed improvements and landscape modifications, including the estimated time of completion in relation to subdivision of the property;
- D. **Public/private areas.** A description of proposed public or commonly held areas and draft open space easement agreements, if applicable;
- E. **CC&R's.** Draft covenants, conditions and restrictions if they are integral to the development concept or proposed atypical requirements;
- F. **Exceptions.** A description of requested exceptions from the subdivision design standards for such items as lot area and dimensions, street sections or utility easements;
- G. **Setbacks.** Proposed building setbacks and yards if different from those in the zoning regulations;
- H. **Drainage.** Two (2) copies of the preliminary drainage study showing or explaining the drainage area tributary to the subdivision and a statement setting forth in detail the manner in which storm water runoff will enter the subdivision, the manner in which it will be carried through the subdivision, and the manner in which disposal beyond the subdivision boundaries will be accomplished. This shall be done in accordance with the City's Waterways Management Plan and shall be prepared by a Civil Engineer registered in the State of California.
- I. **Faulting.** A fault investigation report if the project is located in a fault zone.
- J. **Slope analysis.** A detailed slope analysis if the project contains any slopes of fifteen (15) percent or greater.
- K. **Other technical reports.** Three (3) copies of all required technical reports such as biological, cultural, noise, traffic, and the like.
- L. **Soils Report.** A preliminary soils report (prepared by a qualified engineer registered in this State) based on adequate test borings, is required. The requirement for a preliminary soils report may be waived by the City Public Works Director in circumstances where earlier projects on the same site have provided a soils report, or where the Director determines that adequate records (or knowledge of soil qualities) exist that do not warrant a soils report.
 - 1. *The preliminary soils report shall describe the nature of the subsurface soils and any soil conditions which would affect the geometric of the proposed subdivision.*

2. *The soils report shall state whether the proposed subdivision is feasible and provide general solutions for all known hazardous conditions or problems.*
3. *The soils report shall include the locations and logs of any test borings, percolation test results and a hydrological evaluation if on-site sewage disposal is proposed.*
4. *If the soils report indicates, or the City Public Works division has knowledge of, the presence of critically expansive soils or other soils problems which, if not corrected, could possibly lead to structural defects or hazardous conditions, a soils investigation of each lot of the proposed subdivision may be required. The soils report shall recommend corrective action to eliminate the hazardous conditions.*
5. *The Director or City Council may approve a subdivision where such soils problems exist upon finding that the recommended corrective action is likely to prevent structural damage, and eliminate other hazardous conditions, to any structure to be constructed. As a condition to the issuance of any building permit, the Director or hearing body may require that the approved recommended corrective action be incorporated in the construction of each structure.*

- M. Engineering Geology Report.** For hillside or other geologically hazardous areas (as identified within the City's Safety Element or as determined by the Public Works Director) an engineering geology evaluation defining the geologic conditions of the site shall be submitted. The report shall be prepared by a state registered geotechnical engineer. The report shall designate a suitable building site for each lot which is safe from settlement and landslides, and which has reasonable legal access.
- N. Noise study.** In potential noise problem areas identified in the noise element of the General Plan, specific site analysis by an acoustical engineer or other approved professional with qualifications in acoustic design may be required by the Community Development Director. Such study shall define the noise exposure problems, conclusions and recommendations for corrective or mitigating measures, when necessary, and opinions and recommendations covering the suitability of the site for development;
- O. Archaeological resource inventory.** An archaeological resource inventory shall be provided where required by the Archaeological Resource Preservation Guidelines;
- P. Endangered species survey.** If the project site contains habitat indicative of any rare, threatened, or endangered species, the subdivider shall submit a biological and botanical report confirming the presence or absence of such species.
- Q. Preliminary title report.** Two copies of a preliminary title report, dated not more than three (3) months prior to submittal of the application.
- R. Owner consent.** An authorization consenting to the proposed subdivision signed by all parties having a record title interest in the property to be subdivided:
- S. School Site.** The subdivider shall obtain from the school districts involved their intention, in writing, concerning the necessity for a school site and/or facilities, if any, within the subdivision and shall pre-

sent this information to the Community Development Department prior to the consideration of the tentative map.

- T. Environmental Assessment.** The subdivider shall provide additional data and information and deposit and pay such fees as may be required for the preparation and processing of environmental review documents.
- U. Affordable Housing Plan and Statement.** Unless exempt, (four or fewer lots or units are generally exempt), the applicant shall submit an affordable housing statement in compliance with the City's Inclusionary Housing Requirement. The map or plans should identify location of affordable units. The City's Housing Element and the City's Inclusionary Housing Ordinance list the criteria for affordable housing for subdivision projects.

16.10.040 SUBMITTAL TO COMMUNITY DEVELOPMENT DEPARTMENT

- A. Application acceptance.** The tentative map shall be considered for filing only when the map conforms to Section 16.10.020 and when all accompanying data or reports have been submitted and accepted by the Community Development Department.
- B. Determination of Complete Application.** The Community Development Department shall determine whether the application is complete within thirty (30) days after receipt of the application. If the application is not complete, the Community Development Department will notify the applicant of its determination (including a list of items needed for a complete application) in writing.

16.10.050 TIME LIMITS FOR CITY REVIEW

- A.** The advisory or legislative body shall review the proposed tentative map within the time limits specified by applicable provisions of the California Environmental Quality Act (CEQA), Section 21151.5, and the Subdivision Map Act, Sections 66452.1 and 66452.2 (or as those sections may subsequently be amended), as follows:
 - 1. If an environmental impact report (EIR) is required, the EIR shall be adopted within one (1) year of the project application being accepted as complete, subject to such limited extension as permitted by the Subdivision Map Act.*
 - 2. If a negative declaration is required, the negative declaration shall be adopted within one hundred five (105) days of the project application being accepted as complete, subject to such limited extension as permitted by the Subdivision Map Act.*
 - 3. The Director or Planning Commission shall hold a public hearing on the project within fifty (50) days of the adoption of the environmental document.*



Note: *Items (1) and (3) or (2) and (3) above may be accomplished concurrently*

- B. Any of the time limits for acting on tentative maps specified in these regulations may be extended by mutual consent of the subdivider and the advisory agency or legislative body required to report or act, pursuant to Subdivision Map Act Section 66451.1. To do so, the subdivider must expressly waive, in writing or in the record at a public hearing, his or her right to have the map considered without those time limits.

16.10.060 ENVIRONMENTAL REVIEW

- A. **Environmental impact.** Unless the project is exempt from environmental review, no tentative map filed in accordance with the provisions of this chapter shall be approved until an environmental impact evaluation has been prepared, processed and considered in compliance with the provisions of the California Environmental Quality Act (CEQA). The subdivider shall submit such data and information, as required by the Director, to allow a determination on environmental review to be made in compliance with CEQA.
- B. **Significant natural resources.** Whenever a proposed subdivision contains significant natural resources (as defined by environmental assessment or local, state or federal designation), a plan for their protection and management shall be required as a condition of approval of the tentative map. Said plan shall be submitted for review and shall be approved prior to recordation of the final subdivision map.
- C. **Sensitive sites.** Whenever a proposed subdivision contains unique areas of citywide significance, such as creeks, hillsides, wetlands, or other significant natural features, the dedication of said area to the public or some other assurance, as approved by the Director and City Attorney, for future protection may be required as a condition of approval.
- D. **Historic and cultural resources.** Whenever a proposed subdivision contains archaeological artifacts, or historic or cultural resources pursuant to CEQA, a plan for the protection, restoration (if necessary), and management of said resource shall be required as a condition of approval of the tentative map. Such plan shall be submitted for review and shall be approved prior to recordation of the final subdivision map.

16.10.070 NOTICE OF PUBLIC HEARING ON TENTATIVE MAP

- A. At least ten (10) calendar days before the public hearing, a notice shall be given including:
 - 1. *Publication, at least once, in a newspaper of general circulation published and circulated in the City;*
 - 2. *First-class mail to all owners and occupants of property shown on the latest county assessment roll as being located within 300 feet of the subject property.*
 - 3. *Owners of other property which, as determined by the Community Development Director, consistent with the requirements of Section 66451.4 of the Government Code, may be adversely affected by the proposed subdivision; and*

4. *In addition, in the case of a proposed conversion of residential real property to a condominium, community apartment or stock cooperative project, notice shall be given as required by Section 66451.3 of the Subdivision Map Act.*
5. *In the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the City shall also give mailed notice to the owner of the property as shown on the last equalized assessment roll.*
6. *In addition, notice shall be given by first class mail to any person who has filed a written request with the Secretary of the Planning Commission. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year. The City may impose a reasonable fee on persons requesting the notice for the purpose of recovering the cost of the mailing.*
7. *Posting a notice at each street frontage describing the proposed subdivision, applicant, hearing action date and contact information.*



Note: *Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in the article.*

- B. Public agency notification.** The Community Development Department shall forward copies of the tentative map to the affected public agencies which may, in turn, forward to the Community Development Department their findings and recommendations. Public agencies and utilities shall state that the subdivision can be adequately served.
- C. School district notification.** Within five (10) days after the tentative map application is determined to be complete, the Community Development Department shall send a notice of the filing of the tentative map to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located. The notice shall also contain information about the location of the proposed subdivision, the number of units, density, and any other information which would be relevant to the affected school district. The governing board may review the notice and may send a written report to the Planning Commission. The report shall indicate the impact of the proposed subdivision on the affected school district and shall make recommendations as the governing board of the district deems appropriate. In the event the school district fails to respond within a fifteen (15) day period from receipt of notice of the tentative map, the failure shall be deemed approval of the proposed subdivision by the school district. The Planning Commission shall consider the report from the school district in approving, conditionally approving or denying the tentative map.

16.10.080 STAFF REPORTS AND RECOMMENDATIONS

Any staff report or recommendations on a tentative map shall be in writing and a copy shall be made available to the subdivider or applicant at least three days prior to any hearing or action on such map.

16.10.090 PUBLIC HEARINGS

- A. For tentative maps subject to Director approval, a public hearing shall be held within fifty (50) days of the adoption of the environmental document for the subdivision (a notice of exemption, or determination thereof, may constitute as the environmental document).
- B. For tentative maps subject to Planning Commission review a public hearing before the Planning Commission shall be held within fifty (50) days of the adoption of the environmental document for the subdivision. If the map requires Council review, the project shall be scheduled for final action by the City Council within forty-five (45) days of the Planning Commission action.
- C. The Director, Planning Commission or City Council shall approve, conditionally approve or disapprove the tentative map in writing, which action shall then be reported to the subdivider or applicant in writing. The approval, conditional approval, or denial shall be based on the ordinances, policies, and standards in effect on the date of notification to the subdivider of the determination that the application is complete. If the City has initiated formal proceedings and published notice of an ordinance or resolution amending ordinances, policies, and standards applicable to the subdivider's project prior to a complete application, the amended ordinances, policies, and standards in effect on the date of tentative map approval shall apply. If the subdivider requests changes in applicable ordinances, policies, and standards, and if they are adopted, the changes shall apply.
- D. Whether or not such a condition is explicitly listed as a condition of approval, every approved tentative map shall be deemed to include a condition requiring the subdivider to defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attach, set aside, void or annul an approval of the City Council, Planning Commission, Architectural Review Commission or City Staff concerning a subdivision. The City shall promptly notify the subdivider of any claim, action or proceeding and shall cooperate fully in the defense.

16.10.100 TENTATIVE MAP ACTION: EXTENSION OF TIME

The time limits set forth above for acting on the tentative map may be extended by mutual consent of the subdivider and the Hearing Officer, Planning Commission or the City Council.

16.10.110 SUBMISSION OF REVISED TENTATIVE MAP

Prior to consideration of a tentative map by the Director or Planning Commission, a revised tentative map may be submitted for consideration. Significant changes may require additional fees and/or a new application. Changes required by the City shall not be considered map revisions.

16.10.120 REQUIRED FINDINGS FOR TENTATIVE MAP APPROVAL

No tentative map shall be approved unless the hearing body makes all of the following findings:

- A. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan, including compatibility with the objectives,

policies, general land uses and programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

- B. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision (Subdivision Map Act Section 66473.1).
- C. Whether or not such a condition is explicitly listed as a condition of approval, every approved tentative map shall be deemed to include a condition requiring the subdivider to defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attach set aside, void or annul an approval of the City Council, Planning Commission, or City Staff concerning a subdivision. The City shall promptly notify the subdivider of any claim, action or proceeding and shall cooperate fully in the defense.

16.10.130 MANDATORY DENIAL OF TENTATIVE MAPS

The Tentative Map shall be denied if any of the following findings are made:

- A. That the proposed subdivision is not consistent with the General Plan or any applicable Specific Plan or any other provision of this code.
- B. That the design or improvement of the proposed subdivision is not consistent with the General Plan or any applicable Specific Plan.
- C. That the site is not physically suitable for the proposed type of development.
- D. That the site is not physically suitable for the proposed density of development.
- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially injure fish or wildlife or their habitat. Notwithstanding the foregoing, the Planning Commission may approve such a tentative map if an environmental impact report was prepared with respect to the project and a finding is made pursuant to Section 21081 (c) of the Public Resources Code that specific economic, social or other considerations make infeasible the mitigation measures and project alternatives are identified in the environmental impact report.
- F. That the design of the proposed subdivision or the type of proposed improvements is likely to cause serious public health or safety problems.
- G. That the design of the proposed subdivision or the type of proposed improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision or with public access to public resources as defined and regulated by Section 66478.1 et seq., of the Subdivision Map Act. In this connection, Director or City Council may approve a tentative map if alternate easements, for access or for use, will be provided, and these will be substantially equivalent to the ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdictions and no authority is hereby granted to the City to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
- H. That the Director or City Council has not considered the effect of its action on the housing needs of the region or has not balanced those needs against the public service needs of its residents and available

fiscal and environmental resources with favorable results pursuant to Section 66412.3 of the Subdivision Map Act.

16.10.140 APPEAL OF DIRECTOR'S OR PLANNING COMMISSION'S ACTION ON A TENTATIVE MAP

- A.** The subdivider or any other interested person may appeal the decision of the Director by filing such appeal with the Community Development Department within ten (10) days of said decision. The appeal shall be filed in writing, stating the basis for the appeal, and be accompanied by any applicable application and fee. The Department shall schedule the appeal for a Planning Commission hearing within thirty (30) days of the date of the filing of the appeal or such longer period of time as may be agreed to by the appellant. The Planning Commission may sustain, modify, reject, or overrule any recommendations or rulings of the Director and may make such findings as are not inconsistent with this title, the General Plan, the Subdivision Map Act or any other applicable regulations.
- B.** The subdivider or any other interested person may appeal the decision of the Planning Commission by filing such appeal with the City Clerk within ten (10) days of said decision. The appeal shall be filed in writing, stating the basis for the appeal, and be accompanied by any applicable application and fee. The Department shall schedule the appeal for a City Council hearing within thirty (30) days of the date of the filing of the appeal or such longer period of time as may be agreed to by the appellant. The map shall be reviewed a new as though there had been no decision, recommendation or ruling previously made. The City Council may sustain, modify, reject, or overrule any recommendations or rulings of the Planning Commission and may make such findings as are not inconsistent with this title, the General Plan, the Subdivision Map Act or any other applicable regulations.

16.10.150 EXPIRATION OF APPROVED TENTATIVE MAPS

The approval or conditional approval of a tentative map or phases of a tentative map shall expire twenty-four (24) months from the date of such approval. Failure to cause a parcel or final map to be officially acceptable to the City within twenty-four (24) months after approval shall terminate all proceedings. Any subsequent subdivision of the same land shall require the submittal and processing of a new tentative map. The subdivider shall be responsible for keeping a record of the expiration date of a tentative map without further notice by the City beyond the written notice of approval, which shall state the expiration date. An extension of the approval time may be requested pursuant to Section 16.14.155.

16.10.155 TIME EXTENSION FOR PARCEL OR FINAL MAPS

- A.** The Director may extend the time for filing the final subdivision map for a period or periods not exceeding a total of three (3) years.
- B.** Applications for extensions shall be made in writing to the Community Development Department, and submitted together with application fees, prior to the date of tentative map expiration. The subdivider shall attach a statement of the reasons for requesting the time extension. Upon submittal of the application and required fees the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved or denied, whichever occurs first.

- C. A time extension may be granted subject to the condition that the final map shall be prepared and improvements shall be constructed and installed in compliance with requirements in effect at the time the request for extension is considered. The Director may also impose any other conditions which the City was empowered to impose at the time of the tentative map approval and he or she may revise or delete conditions.
- D. A subdivider may appeal the Director's action to the City Council. Appeals must be filed in writing to the City Clerk within fifteen **(15)** days of the Director's action.

16.10.160 CORRECTION AND AMENDMENT OF APPROVED TENTATIVE MAPS

- A. Minor corrections or amendments to approved tentative maps or conditions of approval may be granted by the Director provided that all of the following are true:
 - 1. *No lots, units or building sites are added or deleted; and*
 - 2. *The proposed changes are consistent with the intent and spirit of the original tentative map approval; and*
 - 3. *The proposed changes are consistent with the zoning regulations and the building code, the General Plan and the Subdivision Map Act.*
- B. Approval of minor corrections or amendments shall not change any expiration dates. Corrections and amendments to tentative maps and conditions of approval which are not deemed by the Director to be minor shall be reviewed at a public hearing by the Planning Commission upon submittal of the appropriate modification application, materials, and fees by the subdivider.

Chapter 16.12 VESTING TENTATIVE MAPS

This chapter describes the application and processing requirements for "vesting" tentative maps. An approved vesting tentative map guarantees that subsequent development of the subdivided property will be subject to the same ordinances, policies, and standards in effect at the time the tentative map is approved.

Sections:

- 16.12.010 *Applicability*
- 16.12.020 *Application Procedures and Requirements*
- 16.12.025 *Development inconsistent with Zoning- Conditional Approval*
- 16.12.030 *Failure to Obtain Architectural Review Approval*
- 16.12.040 *Approval of Vesting Tentative Map*
- 16.12.045 *Development Rights*
- 16.12.050 *Duration of Vested Rights*

16.12.010 APPLICABILITY

Whenever this title requires that a tentative map be filed, a vesting tentative map may instead be filed. Vesting tentative maps may be filed for residential, commercial, or industrial developments, consistent with the provisions of Section 66498 of the Subdivision Map Act.

16.12.020 APPLICATION PROCEDURES AND REQUIREMENTS

A vesting tentative map shall be filed in the same form, have the same contents, accompanying data, and reports, and shall be processed in the same manner as a tentative map, with the additional requirements that:



Note: *Application content; the vesting tentative map shall include the following information in addition to that required by Chapter 16.10:*

- A. Title:** The vesting tentative map has the words "Vesting Tentative Map" printed conspicuously on the title sheet.
- B. Application requirements:** All vesting tentative map submittals must be accurate and complete, and must satisfy all requirements of the Community Development Department. At the time a vesting tentative map is filed a subdivider shall also supply the following information:
 - 1.** *A statement that Architectural Review approval has been granted, or a complete application for Architectural Review approval and plans have been filed which will be concurrently processed with the vesting tentative map for all buildings to be constructed on lots within the boundary of the vesting tentative map. Tentative Maps that are part of a Planned Development Zoning application or are part of a Specific Plan are exempt from this requirement.*

2. *A statement that the vesting tentative map is consistent with the current zoning, or that an application has been filed for rezoning or pre-zoning the land which will be processed concurrently with the vesting tentative map. If a planned development (PD) is required the PD shall be processed prior to or concurrently with the vesting tentative map.*

16.12.025 DEVELOPMENT INCONSISTENT WITH ZONING- CONDITIONAL APPROVAL

Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning in existence at that time, that inconsistency shall be noted on the map. If a change in the zoning or issuance of a planned development rezoning, or use permit is obtained, the approved or conditionally approved vesting tentative map shall confer the vested right to proceed with the development in substantial compliance with the change in the zoning, P.D. or Use Permit and the map as approved.

16.12.030 FAILURE TO OBTAIN ARCHITECTURAL REVIEW APPROVAL

Unless exempted as described in 16.12.020 B.1 above, approval of a vesting tentative map is contingent upon architectural review approval of the site improvements and all structures within the boundaries of the map. If the subdivider filed a complete application for Design Review approval concurrently with filing the vesting tentative map application and final action has not been taken on the Architectural Review application, the subdivider may request that the City defer action on the vesting tentative map application until after final action has been taken on the Architectural Review application, provided that the subdivider agrees to an extension of any time periods within which the City is legally required to act on the vesting tentative subdivision map application.

16.12.040 APPROVAL OF VESTING TENTATIVE MAP

Approval of a vesting tentative map shall not be granted until after the project has received approval from the Architectural Review Commission unless exempted as described in 16.12.020 B.1 above. Nor shall approval of the vesting tentative map be granted unless the review body first determines that the intended development of the subdivision is consistent with the zoning regulations applicable to the property, in addition to all other required findings for approval of tentative maps as outlined in Section 16.10.110.

16.12.045 DEVELOPMENT RIGHTS

- A. When a vesting tentative map is approved or conditionally approved, that approval confers a vested right to proceed with the development in compliance with the ordinances, policies, and standards (**excluding fees**) in effect at the time the tentative map is approved. Consistent with Subdivision Map Act Section 66474.2, the effective date of the vesting rights shall be the date the vesting map application is deemed complete.
- B. Notwithstanding (A) above, the review body may condition or require an amendment to the map or disapprove a permit, approval, extension or entitlement, if one of the following applies:
 1. *Failure to do so will put the residents of the subdivision and/or the immediate community in a condition dangerous to their health or safety.*

2. *Action is required to comply with State or Federal law.*

16.12.050 DURATION OF VESTED RIGHTS

- A. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by these regulations for the expiration of a tentative map (see Section 16.10.140)
- B. If a final map is approved, these rights shall remain in effect for the following time periods beyond the recording of the final map:
 1. *An initial time period of one (1) year. Where multiple parcel or final maps are to be recorded, this initial time period shall begin for each phase when the final map for that phase is recorded, provided it is recorded prior to the expiration of the vesting tentative map.*
 2. *The subdivider may apply for a one (1) year extension of the initial time period in subsection (1) above, pursuant to the provisions in Section 16.14.030 of this title. Appeals of the results of the request for an extension of time are subject to the provisions of Section 16.14.030 of this title, provided that the subdivider may appeal the Director's denial of an extension within fifteen (15) days [66452.6(g)].*
 3. *Upon submittal of a complete application for a building permit during the time periods specified in subsections (1) and (2) above, the rights referred to herein shall continue until the expiration of that permit, or any approved extension of that permit.*

Chapter 16.14 PARCEL AND FINAL MAPS

This phase of the subdivision process includes the final design of the subdivision, engineering of public improvements, and the submittal of either a "parcel" or "final" map together with improvement plans for City review and action. As discussed in the definitions section a "parcel" map is generally the recording instrument for a minor subdivision and a "final map" is generally the recording instrument for tract maps with five or more lots.

Sections:

- 16.14.010 *Application Submittal*
- 16.14.020 *Failure to File in Time*
- 16.14.030 *General Preparation Requirements*
- 16.14.040 *Final Map Form and Contents*
- 16.14.050 *Parcel Map Form and Contents*
- 16.14.060 *Title Sheet*
- 16.14.070 *Statements, Documents and Other Data to Accompany Parcel and Final Map*
- 16.14.080 *Action of City Engineer*
- 16.14.090 *Council Action on Final Subdivision Maps*
- 16.14.100 *Filing with the County Recorder*
- 16.14.110 *Multiple Parcel or Final Maps*
- 16.14.120 *Corrections and Amendments to Final Subdivision Maps*

16.14.010 APPLICATION SUBMITTAL

The subdivider shall submit the original form of the final map or parcel map (hereafter referred to as "map"), prepared in accordance with the provisions of this title and the Subdivision Map Act, to the City Public Works Department within twenty-four months of the date of approval or conditional approval of the tentative map, together with review fees and any additional information or documents deemed necessary by the Public Works Director to adequately evaluate compliance with the approved tentative map.

16.14.020 FAILURE TO FILE IN TIME

Failure to file a map within twenty-four months of the date of approval or conditional approval of a tentative map, or within any extended period of time granted in accordance with Section 16.10.155, shall terminate all proceedings. Before a map may thereafter be filed, a new tentative map shall be submitted and approved.

16.14.030 GENERAL PREPARATION REQUIREMENTS

Parcel and final maps shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall be based on survey, and shall conform to the approved or conditionally approved tentative map. They shall be prepared in accordance with the Subdivision Map Act and this title. The map may be based upon a field survey made in conformity with the Land Surveyor's Act, at the discretion of the City Engineer. It may be compiled from recorded or filed data when sufficient survey information exists on

filed maps to locate and retrace the exterior boundary lines of the map (if the location of at least one of these boundary lines can be established from an existing monumented line).

16.14.040 MAP FORM AND CONTENTS

- A. Materials.** The map shall be legibly drawn, printed or reproduced by a process assuring a permanent record in black on durable, transparent material. All lines, letters, figures, certificates, affidavits and acknowledgments shall be legibly stamped or printed upon the map with waterproof opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The map shall be made and shall be in such condition when filed so that legible prints may be made from it. An eight-and-one-half inch by eleven inch reduced copy of each sheet shall be delivered to the City Engineer or supplied electronically.
- B. Size and scale.** Each sheet of the final subdivision map shall be (18) eighteen inches by (26) twenty-six inches, with a marginal line drawn on all sides, leaving a one-inch blank margin. The map shall be to a minimum scale of one inch equals one hundred feet (1" = 100'), and with all lettering a minimum of one-eighth (1/8) inch, unless otherwise approved by the City engineer. Drafting symbols shall be as shown in the standard details adopted by the City.
- C. Sheet key.** The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining street shall be clearly shown.
- D. Miscellaneous data.** Each sheet of the final subdivision map shall state the number and name, if any, of the subdivision, the scale, and north point.
- E. Survey data.** The map shall show all survey data necessary to locate all monuments and to locate or retrace all interior and exterior boundary lines, lot fines, and block lines appearing on the final map, including bearings and distances, to the nearest one-hundredth foot, of straight lines, and radii and arc length or chord bearings and length for all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish subdivision boundaries.
- F. Monuments.** The map shall show monuments found or set in the manner described in subsection E of this Section. If monument setting has been deferred, the map shall note which monuments are in place and which are to be set.
- G. Vicinity map.** The final subdivision map shall show the definite location of the subdivision, particularly in relation to surrounding surveys.
- H. Lot numbering.** Lots shall be numbered consecutively beginning with the numeral "1" and continuing without omission or duplication throughout the entire subdivision. No prefix or suffix or combination of letter and number shall be used. Each lot shall be shown entirely on one sheet.
- I. Blocks.** Blocks shall not be designated by number or letter.
- J. Lot area.** The area of each lot containing one acre or more shall be shown to the nearest one-hundredth acre; the area of each lot containing less than one acre shall be shown to the nearest square

foot. The total acreage within the subdivision shall be stated on the parcel or final map.

- K. Boundary lines.** The boundary lines of the subdivision shall be clearly identified and emphasized by appropriate line weight. The tract boundary shall be based on record data on file at the office of the county recorder and must be reestablished by methods commonly accepted in the field of surveying and in accordance with state law. The method of survey shall be clearly indicated on the final map. Any City boundary crossing or adjoining the subdivision shall be shown on the map.
- L. Easements.** The centerline or side lines of each easement to which the lots in the subdivision are subject shall be shown upon the final subdivision map. If such easement cannot be definitely located from the records, a statement showing the existence of such easement shall be placed on the title sheet of the map and the approximate location shall be shown. All easements shall be designated on the final map by fine dotted lines. Each easement shall be clearly labeled, identified and marked as to nature and purpose, and, if already of record, its record reference shall be shown. If not of record, a statement of such easement shall be placed on the title sheet of the final map. If such easement is being dedicated by the final map, it shall be properly set out in the owner's certificate and dedication on the title sheet of the map.
- M. Streets and Right-of-way.** Each street, or other public way or public utility right-of-way within the boundaries of the subdivision shall be shown on the final subdivision map. The centerline and width of each street shall be shown and, in the case of a proposed street or way, the width of that portion to be dedicated, if any, shall also be shown. On each centerline, the bearing and length of each tangent and radius central angle and length of each curve shall be indicated.
- N. Centerlines.** In the event the City Public Works Division, State Highway Engineer or County Engineer shall have established the centerline of any street in or adjoining the subdivision, such centerline shall be shown and the monuments which determine its position indicated with reference to a field book or map showing such centerline. If such position is determined by ties, that fact shall also be indicated on the map.
- O. Future streets.** The location, width and extent of future streets and alleys shall be shown on the final subdivision map and shall be offered for dedication as public streets by a dedicatory clause conforming to the requirements of the Subdivision Map Act.
- P. Private streets.** Any street or way which is intended to be kept physically closed to public travel or posted as a private street at all times may be shown as a private street. Any such private street shown on the map shall be indicated by heavy dashed lines. Sufficient data shall be shown on each private street to define its boundaries and to show clearly the portion of each lot within such street. In order to provide for utility service to individual lots, such streets may be offered and accepted as public utility easements.
- Q. Street names.** Streets and highways within the subdivision shall be shown on the final map and shall be named or otherwise designated.
- R. Watercourses.** All watercourses, storm drains and areas subject to inundation during a one-hundred-year storm shall be outlined and marked on the map. Elevations of floodwater based on City datum shall be noted on the map. All other natural watercourses or bodies of water shall also be delineated.

The top of bank for water courses and the extent of any riparian vegetation along the watercourses shall be shown, based on a field survey.

- S. Historic and cultural resource areas.** The final subdivision map shall show the footprint of all structures of historic and cultural significance and the extent of any archaeological surface surveys prepared for the site, together with the survey reference number.
- T. Endangered species.** The final subdivision shall note the presence and extent of any rare, threatened, or endangered plant or animal species listed in Sections 670.2 or 670.5, Title 14, California Administrative Code, or in Title 50, Code of federal regulations Sections 17.11 or 17.12 pursuant to the Federal Endangered Species Act.
- U. Hazard areas.** If any part of an area to be subdivided, lot or parcel, is subject to flood hazard, inundation, or geological hazard, or located in a fault zone, it shall be clearly shown on the final map by a prominent note on each sheet whereon such conditions exist.
- V. Not a part.** All areas shown on the final subdivision map which do not constitute a part of the subdivision shall be labeled "not a part of this subdivision" or "N.A.P.O.T.S." All lines delineating those areas shall be dashed.
- W. Remainder.** When a subdivision is of a portion of any unit or units of improved or unimproved land, the map may designate as a remainder that portion which is not divided for the purpose of sale, lease, or financing. Such designated remainder parcel need not be indicated as a matter of survey but only by deed reference to existing boundaries of such remainder if such remainder has a cross area of five acres or more. If so designated, such remainder parcel shall be treated as set out in Section 66424.6 of the Subdivision Map Act or its successor section, as it may be amended from time to time.

16.14.050 PARCEL MAP FORM AND CONTENTS

- A. Materials.** The map shall be legibly drawn, printed or reproduced by a process assuring a permanent record in black on durable, transparent material. All lines, letters, figures, certificates, affidavits and acknowledgments shall be legibly stamped or printed upon the map with waterproof opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The map shall be made and shall be in such condition when filed so that legible prints may be made from it. An eight-and-one-half inch by eleven inch reduced copy of each sheet shall be delivered to the City Engineer or supplied electronically.
- B. Size and scale.** Each sheet of the final subdivision map shall be (18) eighteen inches by (26) twenty-six inches, with a marginal line drawn on all sides, leaving a one-inch blank margin. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end.
- C. Sheet key.** The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining street shall be clearly shown.
- D. Miscellaneous data.** Each sheet of the map shall state the number and name, if any, of the subdivi-

sion, the scale, and north point together with the description of the real property being subdivided.

- E. Survey data.** The exterior boundary of the land included within the subdivision shall be indicated by distinctive line weight and clearly designated on the map. The map shall show the location of each parcel and its relation to surrounding surveys. If the map includes a "designated remainder" parcel or similar parcel, and the gross area of the "designated remainder" parcel or similar parcel is five acres or more, that remainder need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference.
- F. Easements.** The centerline or side lines of each easement to which the lots in the subdivision are subject shall be shown upon the final subdivision map. If such easement cannot be definitely located from the records, a statement showing the existence of such easement shall be placed on the title sheet of the map and the approximate location shall be shown. All easements shall be designated on the final map by fine dotted lines.
- G. Monuments.** The map shall show monuments found or set in the manner described in subsection E of this Section. If monument setting has been deferred, the map shall note which monuments are in place and which are to be set.
- H. Vicinity map.** The map shall show the definite location of the subdivision, particularly in relation to surrounding surveys.
- I. Lot numbering.** Lots shall be numbered consecutively beginning with the numeral "1" and continuing without omission or duplication throughout the entire subdivision. No prefix or suffix or combination of letter and number shall be used. Each lot shall be shown entirely on one sheet. Each street shall be named or otherwise designated.

16.14.060 TITLE SHEET

The title sheet of each map shall contain:

- A.** A title consisting of the number and name of the tract, if any, and the words "in the City of San Luis Obispo."
- B.** A description of all of the real property being subdivided, referring to such map(s) as have been previously recorded or filed with the county clerk pursuant to a final judgment in any action in partition. When necessary for greater clarity or definiteness, supplemental reference may be made to any other map on file in the office of the county recorder. Each reference to any tract or subdivision shall be so noted as to be a unique description and must show a complete reference to the book and page records of the County.
- C.** A certificate signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the final map, subject to the exceptions and under the conditions set out in Section 66436 of the California Government Code.
- D.** In the case of parcel or final maps filed for reverting subdivided land to acreage, the title sheet shall carry a subtitle consisting of the words "a reversion to acreage of (description as required)".

- E. A basis of bearing shall be shown on every map containing a field survey. A basis of bearing is a line or record which has been reestablished based on points found on the line. The points should be the same points used to identify the line on the map of record which shows the line's bearing.
- F. In case of dedication or offer of dedication, a certificate signed and acknowledged by those parties having any record title interest in the real property subdivided, offering certain parcels of real property for dedication for certain specified public use, subject to such reservations as may be contained in any such offer, as required by the Subdivision Map Act. If the offer includes dedication for street or highway purposes, and the Council has so required, the certificate shall include a waiver of direct access rights from any property shown on the final map as abutting on the street or highway.
 - 1. *If any street shown on the final map is not offered for dedication, the map certificate shall contain a statement to that effect. If such a statement appears on a map approved by the Council, public use of such street shall be permissive only. Map certificates shall state the extent to which any street not offered for dedication is offered as public utility easement.*
 - 2. *An offer of dedication for utilities, streets, or other purposes shall be deemed not to include any public facilities located within the area being dedicated unless and only to the extent the intent to dedicate such facilities is expressly stated in the certificate.*
- G. A certificate for execution by the City clerk

16.14.070 STATEMENTS, DOCUMENTS AND OTHER DATA TO ACCOMPANY PARCEL AND FINAL MAP



Note: *When possible these documents shall be submitted to the City in electronic (PDF file or other) format.*

- A. **Improvement plans.** Improvement plans and specifications required by this Chapter along with calculations and additional information to assist the City Engineer in properly checking the improvement plans shall be submitted with the Final Map.
- B. **Improvement agreement.** All agreements and securities required by the Subdivision Map Act and this Chapter shall be submitted with the Final Map. If all required improvements have not been accepted by the City prior to filing of the final map, an agreement and bond as provided by these regulations, shall be submitted.
- C. **Tax lien letter.** A current letter from the San Luis Obispo County Tax Assessor's Office, certifying that there are no tax liens against the subdivision or any part of it for unpaid State, County, or City taxes or special assessments, shall be submitted with the Final Map. The letter is deemed to be current if it is no more than thirty (30) days old when submitted. No final map shall be accepted by the City engineer unless it is accompanied by a certification of the county tax collector that there are no liens for unpaid state, county, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, against any of the land to be subdivided.

- D. Subdivision guarantee.** A Preliminary Subdivision Guarantee and a Title Report containing the legal description of the land being subdivided shall be submitted with the Final Map. The Subdivision Guarantee shall show the names of all persons having any record title interest in the subdivision together with the nature of their respective interests. The Subdivision Guarantee shall be for the benefit of the City in an amount to be determined by the Public Works Director and shall cover all lands to be dedicated for public use. No final map shall be accepted unless it is accompanied by a preliminary title report or subdivision guarantee issued by a title company authorized by the laws of the state to write such insurance, showing the names of any persons having any record title interest in the land to be subdivided and the nature of their respective interest.
- E. Deeds.** Whenever land, easements or rights-of-way are to be dedicated for public use or whenever access to land, easements or rights-of-way are to be granted to public agencies, all such land, easements or rights-of-way not dedicated or granted by the owner's certificate on the final subdivision map shall be granted by deeds submitted with the final subdivision map.
- F. Soils and geologic reports.** When a soils or geological report has been prepared, this fact shall be noted on the final map, together with the date of the report and the name and address of the soils engineer or geologist making the report and the name and address of the applicable subdivision. Any studies necessary to comply with Air Pollution Control District (APCD) requirements (including naturally occurring asbestos) shall be included. The City shall keep those reports on file for public inspection in the Publics Works Division office.
- G. Grading and erosion control.** All maps approved in accordance with these regulations shall comply with the requirements for grading and wind and water erosion control, including the prevention of sedimentation or damage to off-site property, as set forth by the City Engineer and Chief Building Official. Grading and erosion control plans shall be submitted to the Building Division of the Community Development Department for review and shall be approved prior to recordation of the parcel or final map. For sites over 1 acre in size, copies of Regional Water Quality Control Board and APCD permits may be required.
- H. Other technical reports.** If a noise analysis, archaeological survey, traffic study, biological, botanical, or any other report has been prepared, as provided in these regulations, this fact shall be noted on the final map, together with the date of the report. The City shall keep these reports on file for public inspection in the office of the City engineer.
- I. CC&R's.** A copy of any required covenants, conditions and restrictions shall be submitted with the parcel or final map.
- J. Survey data.** Copies of reference maps, deeds, traverses of the boundaries or of the parcels being created and whatever other information is required by the City Engineer to verify the accuracy of the survey. All boundary monuments and lot corners must be tied to the City's control network. At least two control points shall be used and a tabulation of the coordinates shall be submitted with the final parcel or final map along with a computer disk, containing the appropriate data for use in AutoCAD, or a successor program utilized by the City, for geographic information system purposes.
- K. Utility Statements.** A statement from each utility system and cable television company stating that the easements shown on the parcel or final map are satisfactory for service to the proposed subdivision shall be submitted with each map.

16.14.080 ACTION OF PUBLIC WORKS DIRECTOR

- A.** Upon receipt of a parcel or final map and accompanying documents, fees and materials for filing, the City Public Works Director (or designee) shall determine if they are in substantial conformity with the approved or conditionally approved tentative map and modifications and conditions made or required by the review body. If they are found to be complete and in conformance with these and other applicable regulations, and the required improvements have been installed or an agreement for installation has been made in accordance with these regulations, the City Public Works Department shall:
1. *Transmit the map to the City Clerk for placement on the next available Council agenda.*
 2. *Certify approval of the final subdivision maps by signature on the title sheet and forward it to the Country Recorder for recording, if all of the following findings can be made:*
 - a) *The subdivision shown is substantially the same as it appeared on the tentative map, including any approved alterations or conditions.*
 - b) *All provisions of this title and the Subdivision Map Act applicable at the time of approval of the tentative map have been complied with.*
 - c) *The map is technically correct.*
- B.** Should the map or accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the Public Works Director shall advise the subdivider in writing of the changes or additions that must be made before the parcel or final map may be certified.
- C.** If the City Public Works Department determines circumstances concerning the design and improvement of the subdivision in relating to the public health, safety and welfare have materially changed since the approval of the tentative map, the City Public Works Division need not certify the parcel or final map. In such instances, the City Public Works Division shall forward the parcel or final map to the Council for further consideration.
- D.** If the City Public Works Department approves a parcel or final map, the City shall accept, subject to improvement or reject any offer of dedication and shall so certify on the map.
- E.** The City Public Works Department's actions shall be reported to the Council within four days of the date of the action.

16.14.090 COUNCIL ACTION ON FINAL SUBDIVISION MAPS

- A.** At the meeting at which the Council receives the map, or at the first regular meeting thereafter, the Council shall approve the map if it conforms with the approved tentative map and meets the requirements of the Subdivision Map Act, these regulations, and any rulings made pursuant to them. If the map does not conform, the Council shall disapprove it unless it finds that that the map is in substantial compliance pursuant to Subdivision Map Act 66474.1
- B.** If the Council fails to act within the prescribed time, the parcel or final map shall be deemed approved to the extent it meets the requirements enumerated above. Upon approval by either action or inaction, the City Clerk shall certify approval of the final subdivision map.

- C. Subject to exceptions in the Subdivision Map Act, at the time the Council approves a map, it shall also accept, accept subject to improvement or reject all offers of dedication. This action shall be certified on the map by the City clerk.

16.14.100 FILING WITH THE COUNTY RECORDER

After the Council approves a final subdivision map, the City Public Works Division is hereby authorized to transmit the map to the County Recorder.

16.14.110 MULTIPLE PARCEL OR FINAL MAPS

- A. Multiple parcel or final maps relating to an approved tentative map may be filed prior to the expiration of the tentative map if:
1. The Director is informed of the subdivider's intention to file multiple parcel or final maps at the time of filing of the tentative map.
 2. In the event that the intention to file multiple parcel or final maps is not disclosed with the filing of the tentative map, the tentative map application may be deemed incomplete.
 3. In the event that the intention to file multiple parcel or final maps is not disclosed prior to tentative map approval, multiple parcel or final maps may not be filed.
- B. The subdivider shall not be required to define the number or configuration of the proposed multiple parcel or final maps. However, the City may impose reasonable conditions, such as the sequence of map approvals, relating to the filing of multiple parcel or final maps.

16.14.120 CORRECTIONS AND AMENDMENTS TO SUBDIVISION MAPS

- A. **Purpose.** After a parcel or final map is filed in the office of the County Recorder, the recorded map may be modified by a certificate of correction or an amending map in order to:
1. *Correct an error in any course or distance shown; or*
 2. *Show any course or distance that was previously omitted; or*
 3. *Correct an error in the description of the real property shown on the map; or*
 4. *Indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments; or*
 5. *Show the proper location or character of any monument which originally was shown at the wrong location or incorrectly as to its character; or*
 4. *Correct any other type of map error or omission as approved by the County Surveyor or the City Public Works Department which does not affect any property right. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and the identification of*

adjacent record maps.



Note: As used in this section, "error" does not include changes in courses or distances from which an error is not ascertainable from the data shown on the parcel or final map.

- B. Form and content.** The amending map or certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor. An amending map shall conform to the requirements of Section 66434 of the Subdivision Map Act if a final map, or Section 66445 (a) to (d) inclusive and (f) to (i) inclusive if a parcel map. The amending map or certificate of correction shall set forth in detail the corrections made and the names of the present fee owners of the property affected by the corrections.
- C. Submittal.** The application for an amending map or certificate of correction shall be submitted to the City Public Works Department upon payment of appropriate fees and on forms provided by the City.
- D. Certification.** The City Public Works Department shall examine the amending map or certificate of correction and if the only changes made are those set forth in paragraph A above, describing the purpose for an amendment or correction, he or she shall certify this fact on the amending map or certificate of correction. Such certification shall not change any expiration dates.
- E. Filing with County Recorder.** After the amending map or certificate of correction has been certified by the City Public Works Department, it shall be filed in the office of the County Recorder.
- F. Other modifications.** In addition to the amendments authorized by paragraph a above, describing the purpose for amendments and corrections, the recorded parcel or final map may also be modified by a certificate of correction or amending map if:
 - 1. *There are changes in circumstances which make any or all of the conditions of the parcel or final map no longer appropriate or necessary; and*
 - 2. *The modifications do not impose any additional burden on the present fee owners of the property; and*
 - 3. *The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and*
 - 4. *The City Public Works Director and the Community Development Director find that the map, as modified, conforms to the provisions of these regulations, the General Plan and the Subdivision Map Act.*
- G. Public hearing.** For maps proposed for correction or amendment pursuant to paragraph F above, the City Public Works Department shall set the matter for public hearing before the legislative body or advisory agency that originally took final action on the project. Public notice of the hearing shall be given in accordance with Sections 65090 and 65091 of the California Government Code. The hearing shall be confined to consideration of and action on the proposed modifications. Approval of the proposed modifications shall not change any expiration dates.

Chapter 16.16 CERTIFICATES, ADJUSTMENTS AND MERGERS

This chapter explains the application requirements and review procedures for Lot Line Adjustments, Certificates of Compliance, Lot mergers and Reversions to Acreage.

Sections:

- 16.16.010 Certificate of Compliance
- 16.16.020 Lot Line Adjustments
- 16.16.030 Lot Combinations/Voluntary Mergers
- 16.16.040 Reversion to Acreage
- 16.16.050 Merger and Re-subdivision

16.16.010 CERTIFICATES OF COMPLIANCE

A. Purpose.

1. *Where no adequate record exists to demonstrate that a parcel of land was legally created a) by approval of the City, or b) in compliance with the Subdivision Map Act prior to March 4, 1972, a certificate of compliance may be requested. (The Map Act did not regulate minor subdivisions of four or fewer parcels until March 4, 1972.*

The Subdivision Map Act states:

“For purposes of this (section) or of a local ordinance enacted pursuant thereto, any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if any subsequent purchaser acquired that parcel for valuable consideration without actual or constructive knowledge of a violation of the local ordinance.”

A recorded certificate of compliance establishes for the public record that the subject parcel is recognized as a separate legal parcel. If the parcel was created illegally and does not comply with current City subdivision standards or those in effect at the time the parcel was illegally created, then a conditional certificate of compliance may be applied for (also see Chapter 16.24 Violations and Enforcement). In such cases, all conditions of the certificate of compliance must be satisfied prior to the City's issuance of any permit or other grant of approval for development for the affected property.

2. *While issuance of a certificate of compliance may verify the legality of a parcel, it does not ensure that it is a developable parcel. Nor does the issuance of a certificate automatically entitle the parcel owner to issuance of a building permit or other development permits and approvals without applications for and compliance with City requirements for those permits and approvals.*

B. Application Requirements.

Any person owning real property may apply for a certificate of compliance or a conditional certificate of compliance. Each separate parcel for which a certificate is requested shall require a separate applica-

tion. The appropriate application form shall be submitted with the required fee, a preliminary title report not more than six months old, a chain of title, and any maps or other supporting documents deemed necessary by the Director or the City Engineer to clarify when and how the parcel was created.

C. Time limits for City review.

Within 50 days of acceptance of a complete application, the Director shall determine whether a certificate of compliance or a conditional certificate of compliance should be recorded.

D. Certificate of Compliance.

1. *Upon payment by the applicant of the appropriate recording fee, the Director shall cause a certificate of compliance to be filed for record with the County Recorder if evidence contained in the application supports a finding that the subject parcel is in compliance with the Subdivision Map Act, this title and other applicable provisions of the Municipal Code.*
2. *No public notice or hearing. Except for notice to the applicant prior to action by the Director, public notice and public hearings are not required for certificates of compliance under Section 66499.35(a) of the Subdivision Map act because issuance of such certificates is ministerial.*

E. Conditional Certificate of Compliance.

1. *If the Director determines that the subject property does not comply with provisions of the Municipal Code or the Subdivision Map Act, he or she, may impose conditions currently applicable to subdivisions, or conditions applicable to subdivisions at the time the current owner of record acquired the property (if the current owner is not the same as the owner of record at the time of the initial creation of the lot).*
2. *Appeal. The conditions imposed by the Director may be appealed to the Planning Commission within 10 calendar days of the action taken.*

D. Recordation and Compliance with Conditions.

Upon payment by the applicant of the appropriate recording fee, and following the expiration of the 10-day appeal period or the Council's action on appeal, the Director shall cause a conditional certificate of compliance to be filed with the County recorder. The certificate shall identify the property and serve as public notice that fulfillment and implementation of the conditions shall be accomplished before any subsequent issuance of a permit or other approval for development of the property. Compliance with the conditions shall not be required until a permit or other grant of approval for development is issued. The property owner shall notify the Director when all conditions have been met. If compliance with conditions is satisfactory, the Director shall cause a certificate of compliance to be filed with the County Recorder.

E. Effect of parcel or final map.

Recordation of a final parcel or final map shall constitute a certificate of compliance for all parcels described therein.

16.16.020 LOT LINE ADJUSTMENTS

- A. Purpose.** Lot line adjustments of five or more parcels shall be subject to the same application requirements as those required for a Tentative Parcel Map as described in Section 16.10.010. Lot line adjustments involving four or fewer lots, being adjustments between adjacent legal lots, may be used to accomplish the following objectives, subject to the required findings and possible conditions of approval outlined below:
1. *To eliminate an existing encroachment; or*
 2. *To meet or more closely meet the minimum lot size and area requirements of the zoning district classification in which the subject property is located; or*
 3. *To meet building setback requirements; or*
 4. *To better recognize topographic features; or*
 5. *Other purposes approved by the Director.*
- B. Application Submittal Requirements.** Applications and fees for lot line adjustments involving four or fewer parcels shall be filed with the Community Development Department, and shall contain the following items:
1. *Preliminary title report.*
 2. *An authorization consenting to the proposed adjustment signed by all parties having a record title interest in the property to be subdivided.*
 3. *Assessor's parcel map(s) with the affected properties highlighted.*
 4. *Name if any, date of preparation, North arrow, scale, and, if based on a survey, the date of the survey.*
 5. *Name and address of the person or entity who prepared the map and the applicable registration or license number.*
 6. *The legal boundaries of the properties to be adjusted, with sufficient information to locate the property and to determine its position with respect to adjacent named or numbered subdivisions, if any.*
 7. *Names and addresses of the applicant(s) and all parties having record title interest in the property being adjusted.*
 8. *Topographic information based on City datum with a reference to the source of the information.*
 9. *Existing streets and lot lines and the location and outline to scale of all structures which are to be retained within the properties and all structures outside the adjustment area within 10 feet of the boundary lines; the distances between structures to be retained and notations concerning all structures which are to be removed.*
 10. *The locations, widths and purpose of all existing and proposed easements for utilities, drainage and other public purposes, shown by dashed lines, within and adjacent to the subdivision (including proposed building setback lines, if known); all existing and proposed utilities including size of water lines and the size and grade of sewer lines, location of manholes, fire hydrants, street trees and street lights.*
 11. *The name, location, width and directions of flow of all watercourses and flood-control areas within and adjacent to the property involved; the proposed method of providing storm water drainage and erosion control.*

12. *The location of all potentially dangerous areas, including areas subject to inundation, landslide, settlement, excessive noise, and the means of mitigating the hazards.*
13. *The locations, widths and names or designations of all existing or proposed streets, alleys, paths and other rights-of-way, whether public or private; private easements within and adjacent to the subdivision; the radius of each centerline curve; a cross-section of each street and planned line for street widening or for any other public project in and adjacent to the subdivision; private streets shall be clearly indicated.*
14. *The lines and approximate dimensions of all lots, and the number assigned to each lot (lots shall be numbered consecutively); the total number of lots; the area of each lot.*
15. *The locations of any existing or abandoned wells, septic leaching fields, springs, water impoundments and similar features to the extent they affect the proposed use of the property.*
16. *Preliminary Map (Five 18" x 26" copies, folded, and one 8 1/2" x 11" reduction).*

Each set of plans must contain:

- a) *The location, type, trunk and canopy diameter of all trees on the property and indicate status (e.g. to be removed, maintained, or relocated).; notations as to general type of vegetation in areas not occupied by trees.*
 - b) *A preliminary development plan or statement detailing the purpose of the Lot Line Adjustment.*
 - c) *A vicinity map of appropriate scale and showing sufficient adjoining territory to clearly indicate surrounding streets, other land in the subdivider's ownership, and other features which have a bearing on the proposed subdivision.*
 - d) *A description of requested exceptions from the subdivision design standards for such items as lot area and dimensions, street sections or utility easements.*
17. *Any additional information required by the Director in order to verify the legal status of the affected lots and make the required findings.*

C. Review procedure. The Community Development Director shall, within fifty (50) days of the application being accepted as complete, approve, conditionally approve or deny the request and so notify the applicant in writing.

D. Required findings for approval. The Community Development Director shall approve a lot line adjustment if all of the following findings can be made:

1. *The land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels or building sites than originally existed is not thereby created.*
2. *The modified parcels are consistent with, or more closely compatible, with the parcel design, minimum lot area, setbacks, environmental quality, and public health and safety criteria specified in the Municipal Code, the General Plan and any applicable Specific Plan (unless findings can support a reasonable exception).*
3. *The lot line adjustment does not create (or increase existing) inconsistencies with the Zoning Regulations, Building Code and the General Plan.*
3. *The modified lot lines do not alter an existing right-of-way, except with written approval of the City Public Works Director.*

4. *The adjustment does not result in an increase in the number of nonconforming parcels nor increase the nonconformity of an existing parcel.*

- E. Required findings for denial.** The Director shall deny a lot line adjustment if any one of the required findings for approval can not be made.
- F. Conditions of approval.** Conditions of approval are limited to those necessary for the parcels to meet General Plan or zoning and building code requirements, to require the prepayment of real property taxes prior to recordation of documents effecting the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements.
- H. Recorded deeds.** The Subdivision Map Act requires that lot line adjustments be reflected in a recorded deed (66412(d)). Therefore, following the Director's approval, the applicant shall submit for recordation *AN AGREEMENT RELATING TO LOT LINE ADJUSTMENT, QUITCLAIM DEEDS AND ACCEPTANCE THEREOF* (if the adjustment involves parcels with separate land owners), or a *DECLARATION OF LOT LINE ADJUSTMENT* (if the adjustment involves only one landowner). No record of survey shall be required for a lot line adjustment unless required by section 8762 of the Business and Professions Code.

16.16.030 LOT COMBINATIONS / VOLUNTARY MERGERS

Lot lines may be eliminated, and adjacent lots may be voluntarily joined into a single parcel of land through the recordation of a Notice of Merger and Certificate of Subdivision Compliance.

- A. Application submittal requirements.** An application and required fees for processing and recording a Voluntary Merger shall be filed with the Community Development Department, and shall contain such information and reports as may be required by the application submittal package or by the Community Development Director in order to verify:
1. *Ownership;*
 2. *That the affected lots were legally created; and*
 3. *That the legal description of property to be merged matches the legal description of the same property as it's reflected in recorded deeds or maps.*
- B. Review and recordation.** Once Planning and Engineering staff have determined that information submitted with the application is consistent with recorded information pertinent to the merger, Community Development staff shall forward the Notice of Merger and Certificate of Subdivision Compliance to the County Recorder.

16.16.040 REVERSIONS TO ACREAGE

This Section establishes procedures for processing requests for reversions to acreage in accordance with Chapter 6, Article 1 of the Subdivision Map Act. Requests for reversions to acreage shall be reviewed and acted upon by the City Council.

A. Initiation of Proceedings (66499.12). Proceedings for reversions to acreage map may be initiated by either of the following:

1. *By Owner(s).* A petition of all the owners of record in the form prescribed by and containing the information required by this Section and the Subdivision Map Act.
2. *By City Council.* A resolution of the City Council at the request of any person or on its own motion.

B. Data Required for a Reversion to Acreage (66499.13). The following data shall be provided:

1. *Adequate evidence of title to the real property within the subdivision and one or more of the following:*
 - a. Evidence of the consent of all the owners of any interest in the property; or
 - b. Evidence that none of the improvements required to be made have been made within two (2) years from the date the parcel or final map was recorded, or within the time allowed by the improvement agreement, whichever is later; or
 - c. Evidence that no lots shown on the parcel or final map have been sold within five (5) years from the date the map was recorded.
2. *A parcel or final map shall be provided with the petition, prepared in accordance with this title, which delineates the dedications which are not proposed to be vacated, as well as any dedications which are required as a condition to the proposed reversion to acreage.*

C. Fees. All petitions for reversion to acreage shall be accompanied by the applicable fees for processing, such fees are nonrefundable. Fees for a reversion to acreage through resolution of the City Council shall be paid by the person requesting such resolution.

D. Required findings for approval (66499.16). Subdivided real property may be reverted to acreage only if the Planning Commission finds that:

1. *Dedications or offers of dedication to be vacated or abandoned are unnecessary for present or prospective public purposes; and*
2. *Either:*
 - a. All owners of an interest in the real property within the subdivision have consented to reversion; or
 - b. None of the improvements required to be made have been made within two (2) years from the date the parcel or final map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
 - c. No lots shown on the parcel or final map have been sold within five (5) years from the date such map was filed for record.

E. Required Conditions of Approval. As conditions of reversion to acreage the City shall require:

1. *Dedications or offers of dedication necessary for the public purposes specified in the General*

Plan, Municipal Code or other applicable ordinance.

2. *Retention of all previously paid fees if necessary to accomplish the purpose of this chapter.*
3. *Retention of any portion of required improvement security or deposits if necessary to accomplish the purpose of this title.*

F. Filing Reversion Map with County Recorder. The proposed reversion to acreage shall be effective upon the recording of the parcel or final map by the County Recorder.

G. Return of Fees, Deposits; Release of Securities. When a reversion to acreage is effective, all fees and deposits shall be returned and all improvement security released, except those retained in accordance with subsection E above.

16.16.050 MERGER AND RE-SUBDIVISION

Subdivided lands may be merged and re-subdivided without reverting to acreage by complying with all the applicable requirements for the subdivision of land as provided by this chapter pursuant to the Subdivision Map Act. Any unused fees or deposits previously made pursuant to these regulations pertaining to the property shall be credited pro rata towards any of the requirements for the same purposes which are applicable at the time of re-subdivision. Any streets or easements to be left in effect after the re-subdivision shall be delineated on the map. After approval the map shall be delivered to the County Recorder for recording. The filing of the Final Map shall constitute legal merging of the separate parcels into one parcel and the re-subdivision of such parcel and shall also constitute abandonment of all streets and easements not shown on the map.

Chapter 16.17 COMMON INTEREST SUBDIVISIONS, AIR- SPACE SUBDIVISIONS AND CONDOMINIUM CONVERSIONS

Sections:

- 16.17.010 *Purpose and Applicability*
- 16.17.020 *Application requirements for Common Interest Subdivisions*
- 16.17.030 *Property improvement standards for Common Interest Subdivisions*
- 16.17.040 *Application requirements for Airspace Subdivisions*
- 16.17.050 *Property Improvement Standards for Airspace Subdivisions*
- 16.17.060 *Application Requirements for Condominium Conversions*
- 16.17.070 *Tenant Provisions for Condominium Conversions*
- 16.17.080 *Required findings for Condominium Conversions*
- 16.17.090 *Property improvement standards for Condominium Conversions*
- 16.18.100 *Condominium Conversion limit procedure*
- 16.18.110 *Exceptions to Chapter 16.17*

16.17.010 PURPOSE AND APPLICABILITY

Common Interest Subdivisions provide for ownership of separate units as well as interest in commonly owned areas that are managed and maintained by an owner's association. This mix of individual and common ownership and the potential problems of converting existing residential apartments make special regulations necessary.

As further described in the definitions section, Chapter 16.26, Common Interest Subdivisions include the following: (1) A community apartment project, (2) A condominium project, (3) A planned development, and (4) A stock cooperative. With the exception of Planned Development re-zoning as defined in Chapter 17.62 of the Zoning Regulations, Common Interest Subdivisions are subject to the property development standards established within the City's Zoning Regulations for each zoning district. Common Interest Subdivisions as defined herein are not allowed within the R-1 district (unless Planned Development zoning is approved subject to Chapter 17.50 and 17.62 of the Zoning Regulations) and are intended for multi-family attached or detached residential developments. The Common Interest regulations also apply to commercial subdivisions within all commercial zoning districts.

As further described in the definitions section, Chapter 16.26,035, Airspace Subdivisions differ from Common Interest Subdivisions in that they do not share interest in a common area within the map boundaries. Instead, airspace subdivisions divide property ownership into three-dimensional spaces, often stacked upon one another. Airspace condominiums in residential zoning districts are not included in this category and are instead regulated by the Common Interest Subdivision standards described above and in Sections 16.17.020 and 16.17.030. Airspace Subdivisions are not allowed within residential zoning districts and are intended to serve mixed use, multi-story buildings within all commercial zoning districts.

These regulations are intended to:

1. *Provide design and property improvement standards for Airspace and common interest subdivision*

- projects, both new and converted;*
2. *Establish requirements and procedures for the conversion of existing rental housing to residential condominiums and other forms of occupant ownership;*
 3. *Provide for compliance with the housing element of the General Plan;*
 4. *Assure that purchasers of converted apartments are aware of the condition of the structure which is offered for purchase;*
 5. *Minimize the loss of affordable housing stock as a result of condominium conversions.*
 6. *Recognize that ownership units differ from rental apartments and for the benefit of public health, safety and welfare, such projects should be treated differently from apartments.*

16.17.020 APPLICATION REQUIREMENTS FOR COMMON INTEREST SUBDIVISIONS

In addition to application submittal requirements for Tentative Maps provided in Chapter 16.10, the following additional information is required in order to complete an application submittal:

- A. Common interest subdivisions are subject to the City's Architectural Review process and require a separate application for Architectural Review. The information required for the architectural review application can be found on the City checklist for architectural review applications and is available at the Community Development Counter. In summary, a development plan that includes the following information will be required:
 1. *A site plan with proposed building footprints with property boundaries. All dimensions shall be clearly labeled.*
 2. *Proposed building elevations with dimensions and, where pertinent, floor plans shall be provided.*
 3. *A grading and site drainage plan in compliance with the City's Flood Damage Prevention Regulations and the City's Waterways Management Plan.*
 4. *Parking stalls, driveways and associated public improvements shall be provided and clearly dimensioned in accordance with the City's Parking and Driveway Standards.*
 5. *A list of property statistics, including any proposed exceptions, shall be provided on the plans. The statistics shall identify how the project complies with private and common open space and recreation standards as listed below in Section 16.17.030.*
 6. *A landscape plan.*
 7. *Commonly owned parcels or easements and methods of maintenance (association) shall be clearly identified on the plans.*
- B. Any other information deemed necessary by the Community Development Director.

16.17.030 PROPERTY IMPROVEMENT STANDARDS FOR COMMON INTEREST SUBDIVISIONS

- A. **Property Development Standards:** Within condominiums, stock cooperatives and community apartment projects, property development standards (SLOMC 17.16), including (but not limited to) density, yards, and coverage, shall apply with respect to the exterior boundary lines (property lines) of the proposed subdivision and not to individual dwelling units within the project. Within planned development subdivisions (subdivisions which include land ownership as defined by Chapter 16.26.070 B.), property development standards shall apply to each lot within the project that contains one or more dwelling units, unless different standards are approved through the

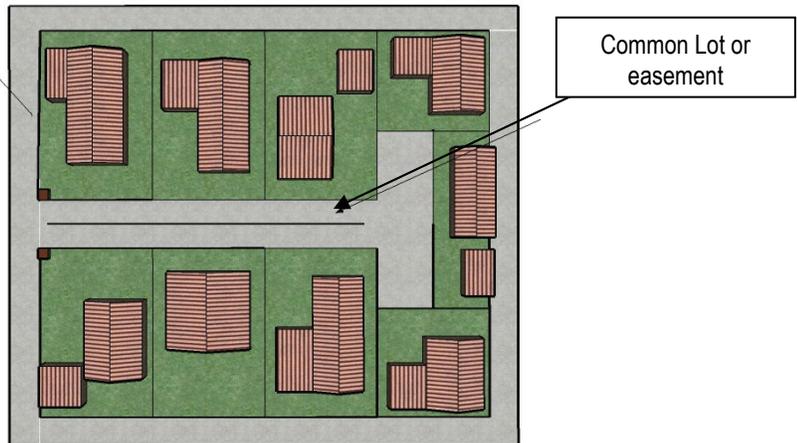
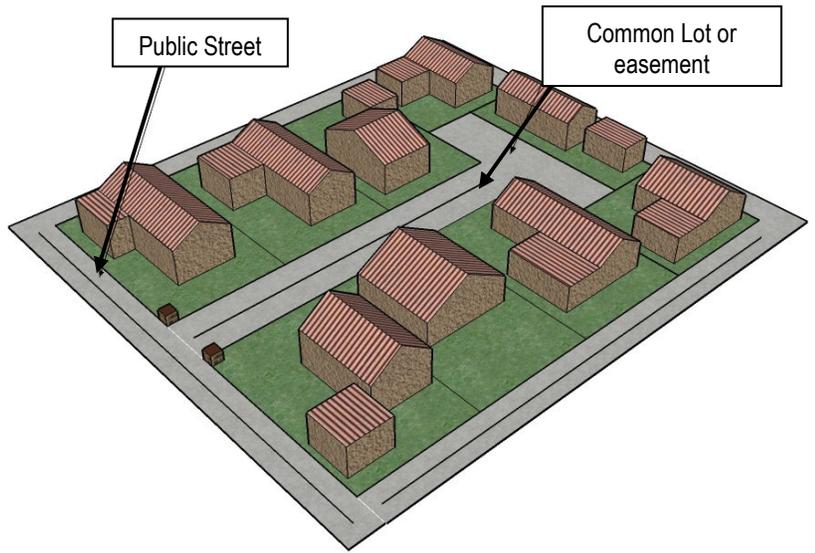
Planned Development zoning process (SLOMC 17.50 and 17.62).

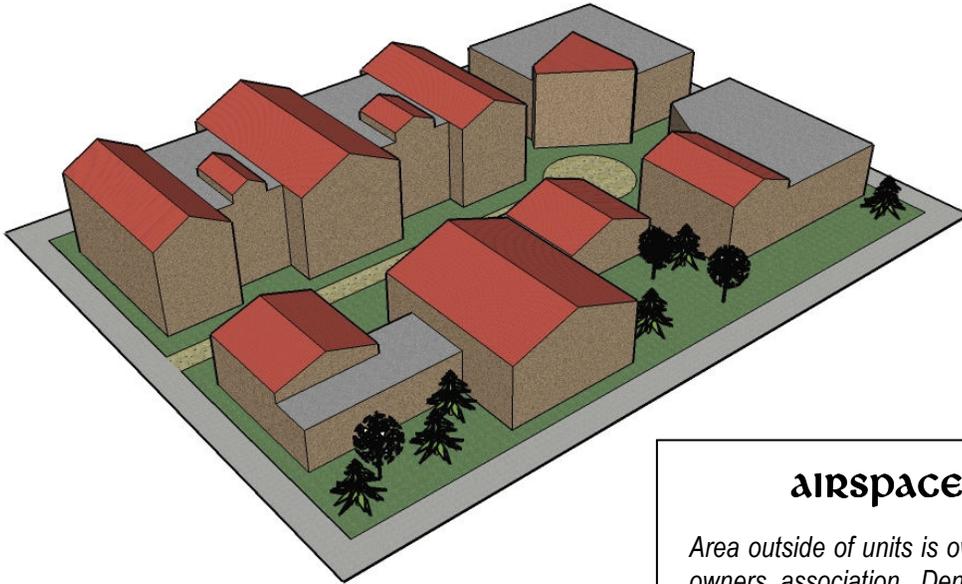
1. Common open space, recreation facilities and driveways may be contained within easements or a commonly owned separate lot.
2. Common interest subdivisions must provide a method of common area maintenance by means of an association or agreement.

Examples of Common Interest Subdivision maps

planned unit development

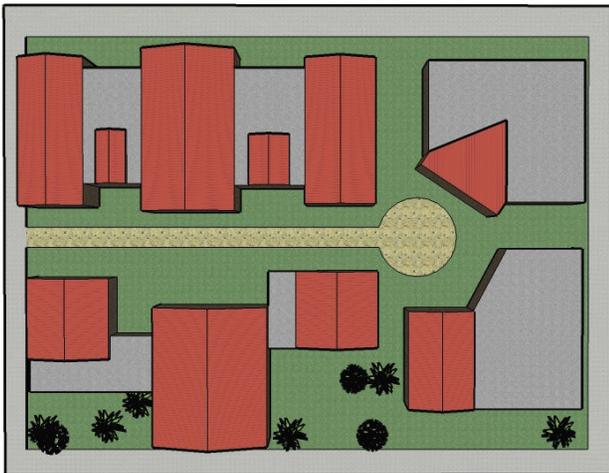
Planned Unit Developments are small lot common interest subdivisions where each unit is within its own lot. Each lot must support the residential density for the unit on the lot in terms of number of bedrooms per acreage in accordance with the Zoning Regulations, Section 17.16.010. Each unit must meet the yard requirements of the zoning regulations. In addition to property development standards, each unit must also comply with the development standards B through G on pages 61-62 of this document. The driveway and common area improvements may be served by an easement or be within a separate lot that is commonly owned and managed by a homeowners association. These developments are also subject to the private and common open space requirements.





airspace condominium

Area outside of units is owned and maintained by a homeowners association. Density may be averaged over the entire site, and separation between units is not governed by the Zoning Regulations Yard Requirements. Units may be attached or detached or even stacked. Each unit must meet the private open space requirements and a common open space must be provided on site. Typically, the map consists of one common lot with a condominium plan identifying the outline of each unit.



B. Private Open Space. There shall be provided with each unit a minimum of two hundred fifty square feet of qualifying private open space for projects in the R-2 zone, and a minimum of one hundred square feet for projects in the R-3 or R-4 zones. To qualify, open space must be private and directly accessible from the unit it serves, and must have a minimum dimension in every direction of ten feet for open space provided at ground level or six feet for open space provided on a balcony or elevated deck, and must be located outside the street yard required by zoning regulations.

- C. Common open space.** There shall be provided in each project of five or more units a minimum of one hundred square feet of qualifying open space per unit for projects in the R-3 or R-4 zones and one hundred fifty square feet for projects in the R-2 zone. To qualify, open space shall have a minimum dimension in every direction of ten feet for open space provided at ground level or six feet for open space provided on a balcony or elevated deck, and must be located outside the street yard required by zoning regulations. Common open space need not be located with each unit.
- D. Combined Total open space.** The cumulative amount of common and private open space shall be at least 400 square feet per unit. All open space areas must be qualifying as described in section C above. Total open space exceeds the minimum private and common open space since the City recognizes that some projects benefit from larger private yards while other projects rely upon common open spaces. The total open space requirement allows for flexibility in providing logical, usable and appropriately sized amenities for high density, ownership residential projects.
- E. Common recreation facilities.** There shall be provided in each project of five or more units in the R-3 or R-4 zones a minimum of twenty square feet per unit of common indoor recreation facilities, or forty square feet per unit of improved outdoor recreation facilities. Area of common recreation facilities may be within required common open space and may be counted towards minimum common open space requirements. Common recreation facilities shall be available for, and limited to, the use of the project's tenants and their guests. Common recreation facilities must be located outside the street yard required by zoning regulations. Examples of acceptable recreation facilities for smaller projects may consist of permanent, high quality fixed seating and tables, fire or barbeque facilities, and other passive use facilities. For larger projects of more than 10 units, more substantial improvements may be required and may include ball courts, children's play equipment, community gardens or other features that can be appropriately incorporated into the project design.
- F. Open space and recreation facilities in nonresidential zones.** Requirements for open space and recreational facilities for projects in nonresidential zones shall be set by the review body at the time the project is reviewed.
- G. Storage.** Each dwelling unit shall have provision for at least two hundred cubic feet of enclosed, weatherproof and lockable private storage space, exclusive of cabinets and closets within the unit. This space shall be for the sole use of the unit owner. The minimum opening shall be two and one half feet by four feet and the minimum height shall be four feet.
- H. Laundry facilities.** A laundry area shall be provided in each unit, or in common laundry space. Common facilities shall consist of at least one washer and dryer for each ten units or fraction thereof.

16.017.040 APPLICATION REQUIREMENTS FOR AIRSPACE SUBDIVISIONS

In addition to application submittal requirements for Tentative Maps provided in Chapter 16.10, the follow-

ing additional information is required in order to complete an application submittal:

- A. The tentative map shall provide a cross-sectional drawing showing how the proposed building or buildings are to be divided into ownership boundaries.
- B. Airspace subdivisions are subject to the City's Architectural Review process and require a separate application for Architectural Review. The information required for the architectural review application can be found on the City checklist for architectural review applications and is available at the Community Development Counter. In summary, a development plan that includes the following information will be required:
 - 1. A site plan with proposed building footprints with property boundaries. All dimensions shall be clearly labeled.
 - 2. Proposed building elevations with dimensions and floor plans.
 - 3. Parking stalls, driveways and associated public improvements shall be provided and clearly dimensioned in accordance with the City's Parking and Driveway Standards.
 - 4. A list of property statistics, including any proposed exceptions, shall be provided on the plans. The statistics shall include a list of property development standards such as floor area ratio, coverage, height, and setbacks.
 - 5. Location of easements to allow all lots to access the public right of way.
 - 6. Any other information deemed necessary by the Community Development Director

16.17.050 PROPERTY IMPROVEMENT STANDARDS FOR AIRSPACE SUBDIVISIONS

- A. All tentative maps creating airspace lots, as defined by Chapter 16.26.035 shall be required to incorporate a deed restriction which ensures the following:
 - 1. Air space lots shall have access to appropriate public rights of way by means of one or more easements or other entitlements to use, in a form satisfactory to the Public Works Director, and Chief Building Official.
 - 2. Parking requirements, inclusionary housing requirements, Building Code requirements, all other applicable property development standards required by the Zoning Regulations, and any other technical code requirements affecting the development of the property, shall be determined for the air space lots as if all lots in the air space subdivision were merged into the same lot.
- B. Individual buildings that are subdivided by an airspace map shall be reviewed as a single building for purposes of the building code, zoning code, and General Plan policies. Property development standards including, but not limited to density, lot coverage, floor area ratio, parking, height, and setbacks shall be calculated as if the subdivided building were within one lot.

16.017.060 APPLICATION REQUIREMENTS FOR CONDOMINIUM CONVERSIONS

The following shall be provided at the time of application for condominium conversion:

- A. **Property condition report.** The community development director shall establish the final form of the reports. Approved reports shall remain on file with the community development department for review by interested persons. The application shall be accompanied by a property condition report

including at least the following:

1. *A report detailing the condition of all elements of the property including foundations, ventilation, utilities, walls, roofs, windows, mechanical equipment, appliances which will be sold with the units, common facilities and parking areas. The report shall state, to the best knowledge of the applicant, and for each element: the date of construction, the condition, the expected useful life, the cost of replacement, and any variations from the zoning regulations in effect when the last building permit was issued for the subject structure(s). The report shall identify all defective or unsafe elements or those which may impair use and enjoyment of the property, and explain the proposed corrective measures to be used. The report shall be prepared by or under the supervision of a registered civil or structural engineer, licensed general contractor or architect;*
2. *A report from a licensed pest-control operator describing in detail the presence and effects of any wood-destroying organisms;*
3. *A report of any known soil or geological problems. Reference shall be made to any previous soil reports for the site.*
4. *A report detailing existing or potential mold infestation, moisture damage, or existing or former water inundation shall be required.*

B. Site plan. The application shall be accompanied by a site plan which shall include at least the following:

1. *The location, number of stories, number of all dwellings, and proposed uses for each structure to remain and for each proposed new structure;*
2. *The location, use and type of surfacing for all open storage areas;*
3. *The location and type of surfacing for all driveways, pedestrian ways, vehicle parking areas, and curb cuts;*
4. *The location, height and type of materials for walls or fences;*
5. *The location of all landscaped areas, the type of landscaping, method of irrigation, and a statement specifying private or common maintenance;*
6. *The location and description of all recreational facilities;*
7. *The location, size and number of parking spaces to be used in conjunction with each unit;*
8. *The location, type, and size of all drainage pipes and structures;*
9. *Existing contours, building pad elevations and percent slope for all driveways and parking areas.*

C. Evidence of delivery of notice of intent to convert. The application shall be accompanied by signed copies from each tenant of the notice of intent to convert as specified in Section 16.17.050A. The applicant shall submit evidence that a certified letter of notification was sent to each tenant for whom a signed copy of the notice is not submitted.

D. Inclusionary Housing Proposal. Consistent with the City's inclusionary housing requirements, Chapter 17.91.100 of the Municipal Code, an inclusionary housing Statement must be submitted. The statement shall describe how the conversion intends to meet the affordable housing requirements consistent with Housing Element policies. All Condominium Conversions are subject to supplying on-site deed-restricted affordable units in a quantity and level in accordance with the City's Housing Element of the General Plan.

- E. **Other information.** The application shall be accompanied by any other information which in the opinion of the director of community development will assist in determining whether the proposed project will be consistent with the purposes of these regulations.
- F. **Copy of reports to buyers.** Each prospective purchaser shall be provided with a copy of all reports in their final form, except the signed notices of intent to convert, prior to entering escrow. Copies of the report shall be available at the sales office and the project site.

16.17.070 TENANT PROVISIONS FOR CONDOMINIUM CONVERSIONS.

- A. Notice of intent to convert. Applicant shall give each tenant a written notice of intent to convert at least one hundred eighty days before termination of tenancy due to conversion. The notice shall contain at least the following:
 - 1. *Name and address of current owner;*
 - 2. *Name and address of proposed subdivider;*
 - 3. *Approximate date on which the unit is to be vacated by non-purchasing tenants;*
 - 4. *Tenant's right to purchase;*
 - 5. *Statement of no rent increase; and statement of proposed sales prices and terms.*
- B. Tenant's right to purchase. Pursuant to Government Code Section 66427.1(d), applicant shall give any present tenant a nontransferable right of first refusal to purchase the unit occupied. This right of first refusal shall extend at least ninety days from the date of issuance of the subdivision public report or commencement of sales, whichever date is later.
- C. Vacation of units. Each non-purchasing tenant not in default under the provisions of the rental agreement or lease under which he occupies his unit, shall have the right to remain not less than one hundred eighty days from the date of approval of the condominium conversion by the City Council.
- D. No increase in rents. A tenant's rent shall not be increased from the time an application for conversion is submitted to the City for processing to 180 days following City Council approval of the conversion.
- E. Notice to new tenants. After submittal of the condominium conversion application to the City, prospective tenants shall be given a written notice of intent to convert prior to leasing or renting.

16.17.080 REQUIRED FINDINGS FOR CONDOMINIUM CONVERSIONS



Note: *An application for condominium conversion shall not be approved until these findings are made:*

- A. All provisions of these regulations have been or will be met;
- B. The proposed conversion is consistent with the General Plan;
- C. That there exist facts adequate to support the findings required under Sections 66473.5 and 66474 of the Government Code;
- D. That: (1) Any existing deed restricted affordable housing units shall remain at affordable rates for the remainder of the recorded agreement or (2) an equivalent number of new units comparable in affordability and amenities to those being converted are being created as part of the new project; and that low- or moderate-income persons will not be displaced by the proposed conversion.

16.017.090 PROPERTY IMPROVEMENT STANDARDS FOR CONDOMINIUM CONVERSIONS

- A. **Minimum Project Size:** Condominium Conversion shall not be allowed for projects consisting of less than five residential units.
- B. **Building and zoning regulations.** Conversion projects shall substantially comply with the city's building and housing codes and zoning regulations in effect on the date the conversion project is approved.
- C. **Smoke detectors.** Each living unit shall be provided with approved smoke detectors mounted on the ceiling or wall at a point centrally located in the area giving access to rooms used for sleeping purposes.
- D. **Fire protection systems.** All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protection appliances shall be maintained in operable condition at all times and shall comply with current city standards.
- E. **Utility metering.** The consumption of gas, electricity and water within each unit shall be separately metered and there shall be circuit breakers and shutoff valves for each unit.
- E. **Storage.** Each dwelling unit shall have provision for at least two hundred cubic feet of enclosed, weatherproof, and lockable private storage space, exclusive of cabinets and closets within the unit. This space shall be for the sole use of the unit owner. The minimum opening shall be two and one half feet by four feet and the minimum height shall be four feet.
- F. **Laundry facilities.** A laundry area shall be provided in each unit, or in common laundry space. Common facilities shall consist of at least one washer and dryer for each ten units or fraction thereof.

- G. **Parking.** The number of parking spaces shall be as provided in the zoning regulations. Spaces for the exclusive use of occupants of each unit shall be so marked. Visitor parking and special stopping zones, if any, shall also be marked.
- H. **Refurbishing and restoration.** All structures, common areas, sidewalks, driveways, landscaped areas and facilities, if defective, shall be refurbished and restored to a safe and usable condition. All deficiencies shall be corrected prior to recordation of a final map.
- I. **Open space/Recreation.** All condominium conversions shall be subject to the private, common and total open space requirements and recreation facilities listed in Section 16.17.030 B through E above.

16.17.100 CONDOMINIUM CONVERSION LIMIT PROCEDURE

- A. **Annual limit.** The city shall not approve conversion projects in any one calendar year resulting in more units being converted than one-half the number of multi-family rental dwellings added to the city's housing stock during the preceding year. The number of multi-family rental units added in one year shall be determined as follows: From January 1st through December 31st, the total number of multi-family rental units given a final building inspection and occupancy permit minus the number of such units demolished, removed from the city, or converted nonresidential use.
- B. **Filing period.** Applications for conversion may be filed during the months of January and February only. No action shall be taken on applications during this period. In order to be accepted by the City for processing, the application must be deemed complete by February 28th. Applications not deemed complete by February 28th shall be rejected until the following year.
- C. **Project ranking.**
 - 1. *If applications on file at the end of the filing period would, when approved, convert more dwelling units than allowed under subsection A of this section, the planning commission shall rank the applications according to the following point criteria:*
 - a. The fractions of tenants not objecting to conversion;
Deduct 1 point for each percentage point of objecting tenants. Applicants shall survey tenants and provide tenants an opportunity to respond with a postage paid envelope addressed to the applicable project planner at the City.
 - b. Provision of private open space with each dwelling;
10 points for every unit that exceeds minimum square feet of qualifying private open space (by at least 25 square feet) for a maximum of 50 points. Deduct 10 points for every unit that falls below (by at least 25 square feet) the minimum private open space standards. No points for projects that meet standards.
 - c. Project meets or exceeds current parking standards;
5 points deducted for every parking space below minimum standards, 5 points added for every parking space above minimum up to 25 points.
 - d. Provision of common open space that meets or exceed criteria;
10 points for every additional 100 square feet of qualifying and usable common

open space above minimum requirements, for a maximum of 50 points).

e. Provision of common recreation amenities that meet or exceed criteria;
10 points for high quality recreation amenities that exceed minimum size requirements by at least 200 square feet per project.

f. Provision of units which low-income and moderate-income families can afford;
20 points given for each moderate deed-restricted affordable unit proposed in the project, 25 points for each low-income unit for a maximum of 100 points.

g. Provision for energy savings.
Projects that contain significant solar energy installations capable of supplying at least 50% of the project's energy demand shall receive 20 points.

h. Age of existing apartments.
1 point for each year an apartment project has been occupied as rental apartments.

i. Discretionary ranking.
Project quality, design features or overall neighborhood character and compatibility may allow the Planning Commission to add or deduct up to 50 points.

2. *The planning commission's evaluation shall be a recommendation to the council, which may act on conversion projects based on its own findings, within the numerical limits established under subsection A of this section.*

D. Time limits for actions. The results of the planning commission's evaluation should be transmitted to the council by June 30th. The council shall approve, approve subject to conditions, or deny each conversion application by June 1st. If the applications on file at the end of the filing period would not exceed the year's limit, they shall be forwarded directly to the council, which shall act on the applications by May 31st.

E. Maps. Maps required by the California Subdivision Map Act need not be prepared until an application for conversion has been approved. The tentative map application shall be accompanied by the declaration of covenants, conditions and restrictions, articles of incorporation, bylaws and contracts for the maintenance, management or operation of any part of the condominium conversion project, which would be applied on behalf of any and all owners of the condominium units within the project. In addition to the requirements of Civil Code Section 1355 and any requirements which might be imposed by the city consistent with these regulations, the organizational documents shall include provisions concerning the conveyance of units; the assignment of parking; an agreement for common area maintenance, including facilities and landscaping, an estimate of initial fees anticipated for such maintenance, an indication of responsibilities for maintenance of all utility lines and services for each unit. The covenants, conditions and restrictions document shall include a reference to attached, updated property condition report.

16.17.110 EXCEPTIONS TO CHAPTER 16.17

- A. Conversions:** Exceptions to the Condominium Conversion regulations may only be approved by the City Council under request by the subdivider when in accordance with the findings noted in section C. Exceptions may only be granted to the property improvement standards and not the affordable housing requirements or tenant notification provisions.
- B. New Common Interest Subdivisions:** Exceptions to the property improvements standards for new common interest subdivisions may be approved by the applicable hearing body (Hearing officer, Planning Commission, or City Council) and are subject to the findings noted in section C below.
- C. Findings for exceptions.**
1. There are circumstances of the site, such as size, shape or topography, distinct from land in the same zoning; or compliance would be completely infeasible because of the location or site design.
 2. The required property improvement standards would decrease the size or number of units within the project resulting in a significant loss of entitlement. *(Note: a loss of one or more density units allowed by density standards or reductions in the floor area of units that still allow for a reasonable floor space may not be considered a significant loss of entitlement. For the purpose of these regulations, a reasonable floor area for a one-bedroom unit is considered to be approximately 900 square feet while a reasonable floor area for a two-bedroom unit is considered to be 1,200 square feet).*
 2. The exception will not constitute a grant of special privilege; an entitlement inconsistent with the limitations upon other properties in the vicinity with the same zoning; and
 3. No feasible alternative to authorizing the exception would satisfy the intent of the city policies and regulations.

Chapter 16.18 GENERAL SUBDIVISION DESIGN STANDARDS

Sections:

- 16.18.010 *Purpose and Applicability*
- 16.18.020 *General Design Requirements*
- 16.18.030 *Lot Dimensions*
- 16.18.040 *Location of Lot Lines*
- 16.18.050 *Depth-Width Relationship*
- 16.18.060 *Flag Lots (deep lot subdivision)*
- 16.18.070 *Multiple Frontages*
- 16.18.080 *Street Layout and Alternative Design standards*
- 16.18.090 *Access Restrictions*
- 16.18.100 *Alleys*
- 16.18.110 *Street Names*
- 16.18.120 *Hillside Subdivisions*
- 16.18.130 *Location of Development*
- 16.18.135 *Natural Resource Preservation, creeks, wetlands and native habitats.*
- 16.18.140 *Energy Conservation*
- 16.18.150 *Easements for Solar Access*

16.18.010 PURPOSE AND APPLICABILITY

This chapter establishes standards for the design and layout of divisions of land. These standards apply to subdivisions and conditional certificates of compliance in addition to all other applicable requirements of the Municipal Code. The purpose of the standards is to ensure, through careful site evaluation and design, the creation of new parcels that are compatible with existing neighborhoods, the natural environment, health and safety of City residents, and are consistent with the policies of the General Plan and the Community Design Guidelines. Standards for the physical design of streets and associated Public Improvements can be found in the City Engineering Standards, a document maintained by the City Public Works Department. Subdivision Design Principles can be found in Chapter 5.2 of the City's Community Design Guidelines.

16.18.020 GENERAL DESIGN REQUIREMENTS

The design of lots shall be based on intended use, topography, natural resources and access requirements. Lots which are impractical for intended uses due to terrain, location of natural features, inadequate access, frontage, or developable area, or other physical limitations will not be approved.

A. Grading: natural contours shall be preserved in new subdivisions to the greatest extent possible. Pad development prior to design approval of structures shall be prohibited unless directly associated with public improvements and required drainage. Retaining walls greater than 3 feet in height, 2:1 slopes or other significant landform alterations are strongly discouraged.

B. Access and Neighborhood connections: Consistent with General Plan Land Use Element Policies 2.2.6, 2.1.5. & 2.2.6 new subdivisions shall be integrated with existing subdivisions. All subdivisions shall have a street and sidewalk pattern that promotes neighborhood and community cohesiveness. There

should be continuous sidewalks or paths of adequate width, connecting neighborhoods with each other and with public and commercial services to provide continuous pedestrian paths throughout the City. Where applicable it may be necessary to provide safe routes to school at locations other than major roadways. Where new subdivisions that are adjacent to open space, public schools, adjacent street systems or other public spaces, adequate pedestrian (or pedestrian and vehicular) access shall be provided from the new subdivision to the public spaces. In some cases, it may be necessary to gain easements through existing private property and such costs shall be the responsibility of the subdivider.

16.18.030 LOT DIMENSIONS

Except as otherwise approved as part of a Specific Plan, Planned Development zoning, or Common Interest Subdivision, each lot shall have the minimum area and dimensions indicated in **Table 3** for the zone in which it is located.

16.18.040 LOCATION OF LOT LINES

- A. Side lot lines should generally be perpendicular to the street on straight streets, or radial to the street on curved streets, unless another angle would provide better building orientation for solar exposure or more lot area to the south of the likely building site.
- B. Lot lines shall be located within appropriate physical locations such as the top of creek banks, at appropriate topographical changes (top or bottom of slopes etc.) or at locations which clearly separate existing and proposed land uses. Lot lines shall not be configured to maximize development capacity at the cost of illogical lot patterns.
- C. Contiguous with existing zoning boundaries.
- D. On corner lots, the lot lines adjacent to streets shall be rounded in accordance with the radius approved at the street intersection to the satisfaction of the City Engineer.
- E. No lot shall be divided by a taxing district boundary. City, County, school, other district, or other taxing agency boundary lines may not divide a lot.

16.18.050 DEPTH-WIDTH RELATIONSHIP

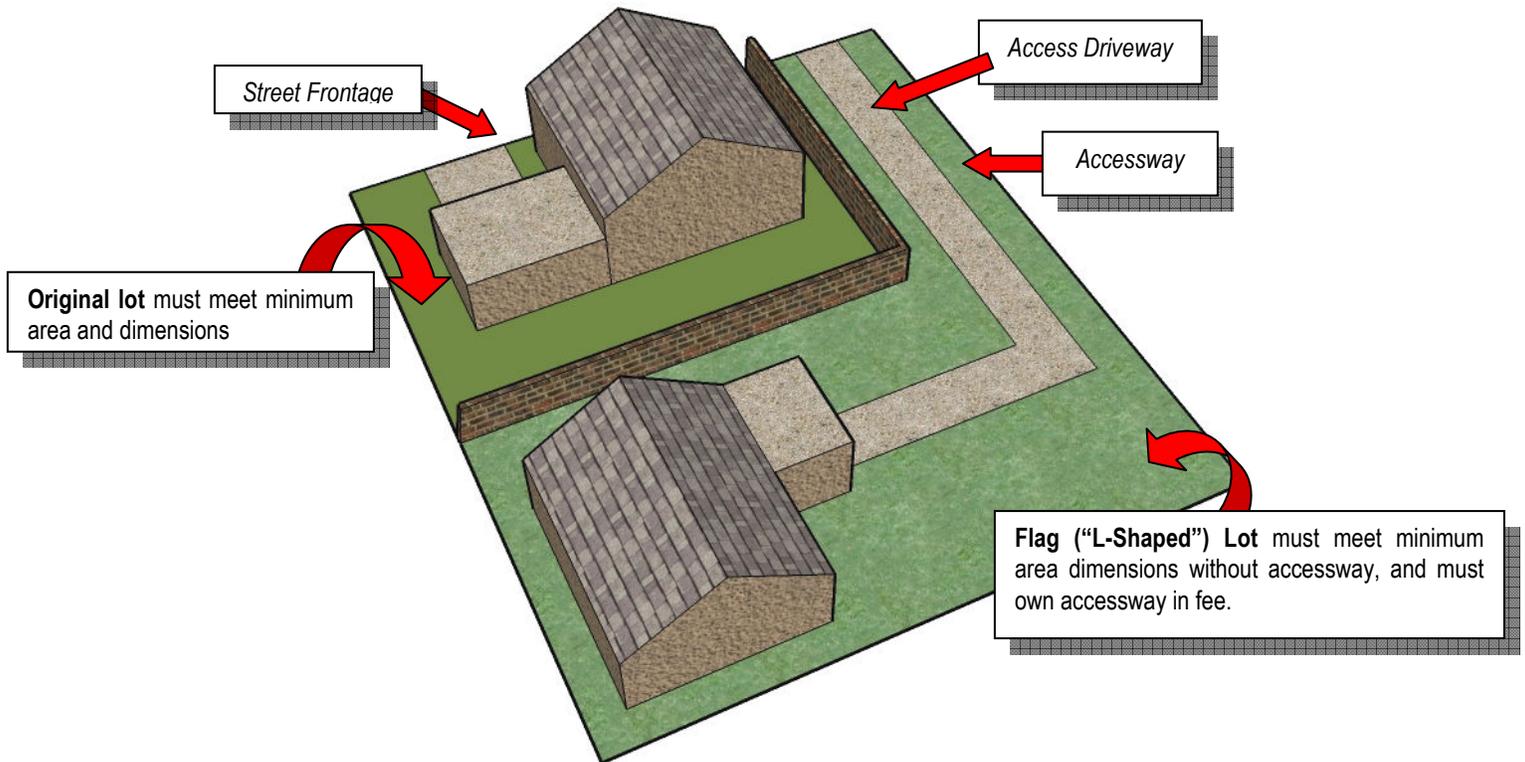
Lots with a ratio of depth to width greater than three shall not be permitted unless there is adequate assurance that a deep lot subdivision (a flag lot subdivision) will not occur or that deep lot subdivision and subsequent development will be accomplished without detriment to adjacent properties.

16.18.060 FLAG LOTS (DEEP LOT SUBDIVISION)

Flag lots may be approved for subdividing deep lots where development would not be feasible with the installation of a standard street, either alone or in conjunction with neighboring properties, or where justified by topographical conditions. Such subdivisions shall conform to the following:

- A. The accessway serving the flag lot(s) shall not be included in the determination of required lot area for any lot.

- B. The original lot shall have frontage on a dedicated street of at least the minimum dimensions required by these regulations (**Table 3, page 101**) for the zone in which it is located, separate from the access-way required to rear lots.
- C. The accessway (access lot, not driveway width) to the rear shall be at least **twenty feet (20')** wide for residential and conservation/open space zones, and 40 foot wide for commercial zones (except the C-D zone which is 15 feet). Driveway width and paving shall be determined by the City parking and driveway standards and is subject to approval of the Community Development Department Director based on use, distance, number of parking spaces and/or units served.
- D. Accessway driveways greater than 300 feet in length and driveways for most commercial subdivisions may be required to provide two way vehicle access and fire truck access and shall provide appropriate turn-around areas for standard vehicles to exit the driveway in a forward motion without performing more than two turning maneuvers.



- E. Each lot shall have yards as required by the zoning regulations. A landscape area with sufficient width to plant screening shrubs and trees (minimum of eight feet) shall be reserved between the access driveway (and any required turn-around areas) and existing or proposed residential structures.
- F. For each residence served by a flag lot driveway, one additional off street parking space shall be provided. The parking space may not be within the street yard or in tandem to other required parking spaces.
- G. Where surrounding residential development exists on adjacent parcels, new parcels served by flag lots may be declared as a "Sensitive Site" by the Community Development Department. A sensitive site shall require Architectural Review to review the proposed development design and protect adjacent properties from overlook, encroachment of solar access, and adequate noise protection and privacy.

- H. The lot farthest from the street shall own the accessway in fee. Other lots using the accessway shall have an access easement over it.

16.18.070 MULTIPLE FRONTAGES

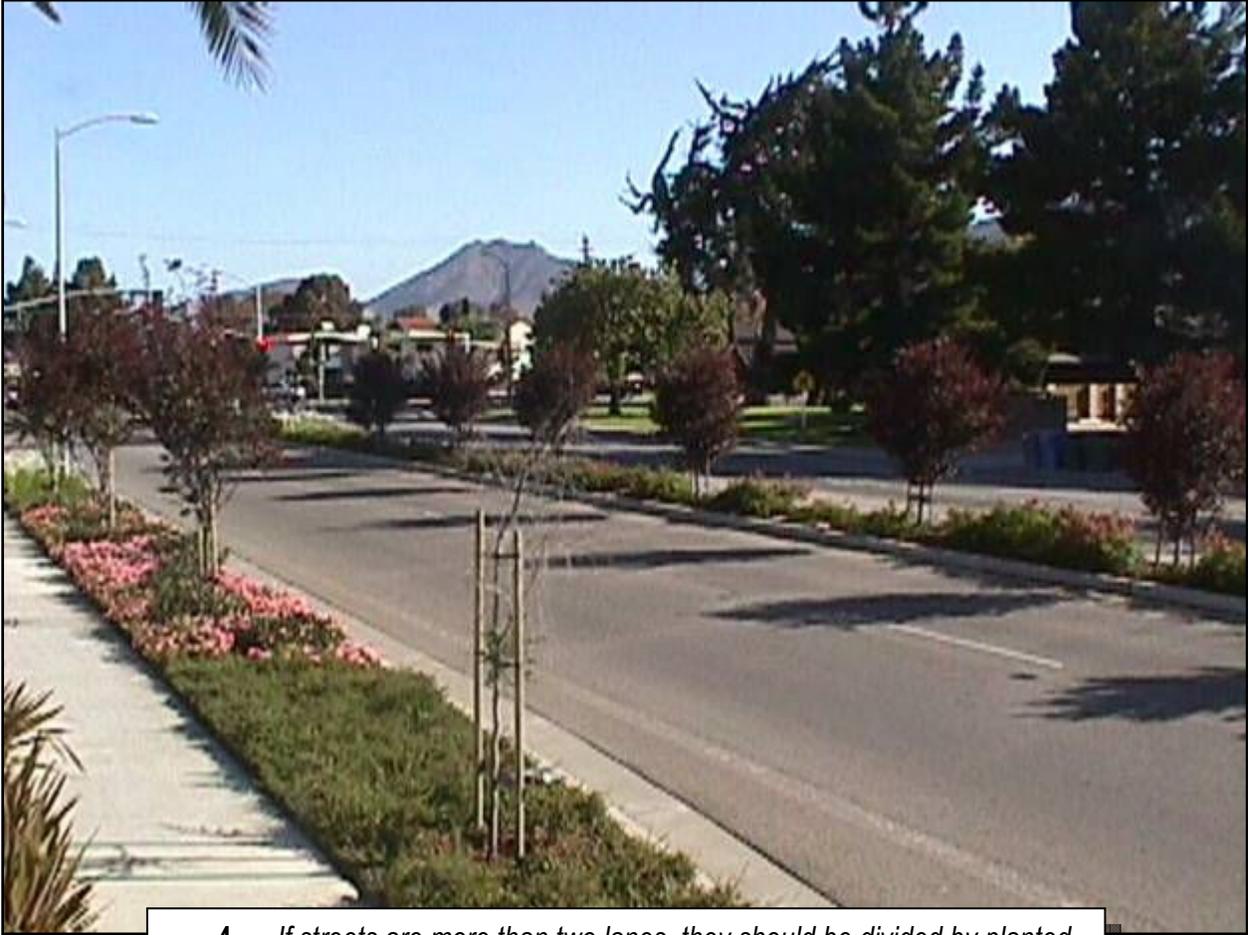
Single-family residential lots with frontage on more than one street, other than an alley, are discouraged, except for corner lots or where topography makes a single frontage impractical. The City may require the release of access rights on one frontage which shall be noted on the subdivision map.

16.18.080 STREET LAYOUT AND ALTERNATIVE DESIGN STANDARDS

Street construction specifications, dimensions, and alternative standards can be found in the City's Engineering Standards. The City encourages the use of alternative standards in order to reduce construction costs, provide flexibility and minimize right-of-way widths, pavement widths, turnaround dimensions and intersection curb radii. It is also the intent of this Code section to maintain safety standards, provide for more pedestrian-friendly street environments, afford appropriate access for bicyclists, and facilitate implementation of the General Plan.

The circulation and street pattern of the proposed subdivision shall conform to the Circulation Element of the General Plan, and shall:

- A. Logically relate to the existing streets in the area adjoining the proposed subdivision; and
- B. Enable access to future land division and use of adjoining undivided property; and
- C. Accommodate pedestrians and bicyclists, consistent with the City's Pedestrian Plan and the Bicycle Transportation Plan: and
- D. Accommodate public transit facilities; and
- E. Be designed to meet City Engineering Standards to the satisfaction of the Public Works Director, with regard to street cross sections, length, corner radii, intersection offset, turning space, slope, sight triangles, lighting, signalization etc.
- F. In order to implement General Plan Policy, streets should be designed with the following considerations:
 - 1. *Streets shall be no wider than the minimum width needed to accommodate the typical and usual vehicular mix that the street will serve (including necessary fire access).*
 - 2. *Residential streets may be built at a variety of widths, depending on their function and hierarchy in the street system.*
 - 3. *The street design shall facilitate the use of alternative transportation modes: riding transit, biking, or walking. Streets should be designed with all users in mind, including bicyclists and pedestrians (non-motorized travel).*

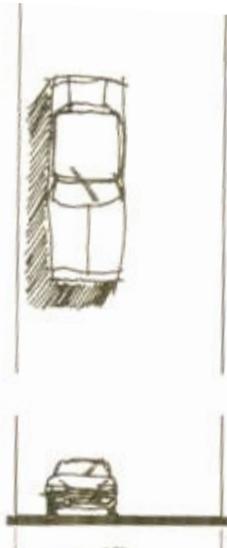


4. *If streets are more than two lanes, they should be divided by planted medians to appear more like two one-way streets.*

5. *Where Cul-de-sacs and other dead-end streets hinder connectivity they should be avoided. Short loops and cul-de-sacs are acceptable as long as higher-order streets (arterials, collectors) offer many interconnections and direct routing.*
6. *All streets, except for alleys and roads in rural areas or adjacent to natural settings such as parks, should have vertical curbs. A vertical curb clearly distinguishes the space allocated for the automobile from the space provided for pedestrians and people in wheelchairs.*

16.18.090 SAMPLE STREET LAYOUTS FOR ALTERNATIVE CONSIDERATION

The following graphics are intended to serve as alternative scenarios for street layouts. These standards do not represent adopted street standards and the City Engineering Standards describe specific dimension requirements; however the following alternatives are encouraged and may be utilized upon approval by the Public Works Director on a case by case basis.



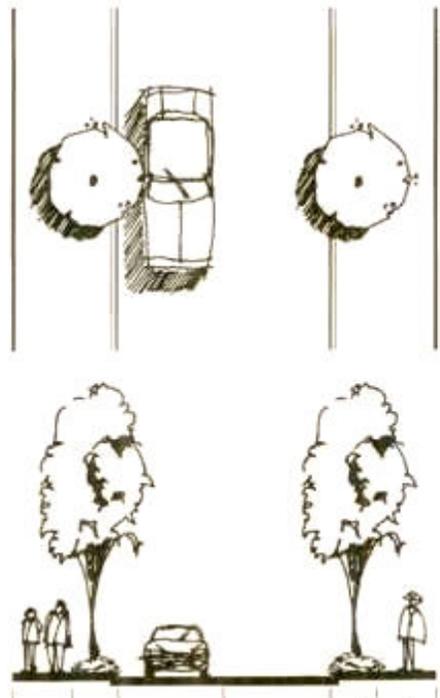
residential alley

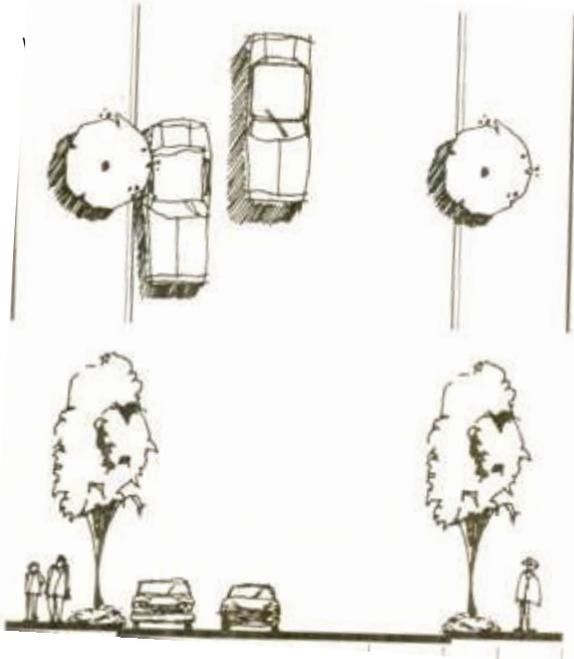
The alley is intended to serve as access to accessory dwellings, garages and parking areas, and rear yard access. An alley has inverted crowns with centerline drainage. The width allows vehicles to pass each other but only moving very slowly. Any new alleys within the City shall be privately owned and maintained.

residential lane

This street is somewhat like a wide alley, but with residential structures fronting on it. It is very narrow and does not contain on-street parking. There may or may not be street trees. It is intended for limited application within common interest subdivisions with small lots. This street may also be configured in a loop or "u" form where it returns to the principal through street.

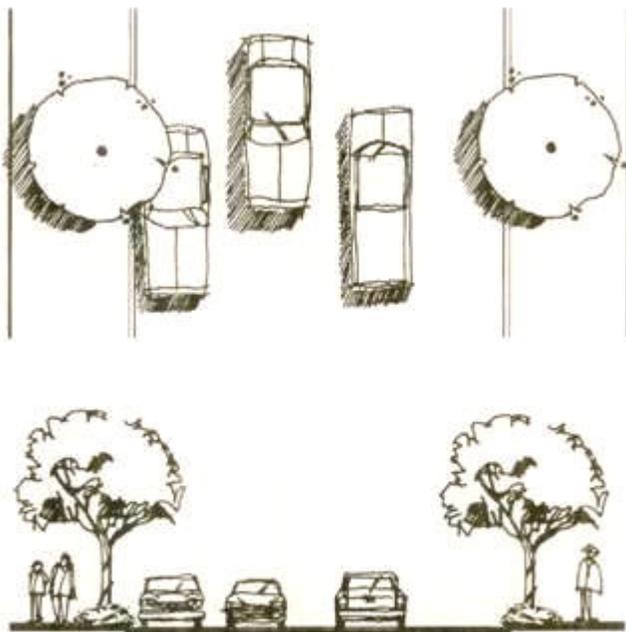
There are two drive lanes, and a sidewalk with a landscape planter on each side.





residential parking street

This street allows parking on one or both sides and allows for passage of emergency vehicles but does not permit the free flow of cars and trucks in both directions without slowing to negotiate. The intent is to create an environment in which pedestrian movement is emphasized and vehicles are moving relatively slowly. Large street trees, green planting strips and sidewalks provide the character. A two way drive lane is provided in addition to two parking lanes. A sidewalk is separated from the street by a landscape planter.



residential minor street

This street is similar to a standard residential street and allows for free flowing, two way traffic with on street parallel parking. This alternative has narrower driving and narrower parking lanes compared to the standard minor street. Traffic calming can also be enhanced through the use of curb bulbouts at intersections. Large street trees, green planting strips, and sidewalks should provide the dominant character of this type of street.

16.18.100 ACCESS RESTRICTIONS

Dedication of access rights may be required by the City to control access from adjoining property to public streets. Access restrictions shall be clearly shown on the final map.

16.18.110 ALLEYS

The City may require dedication and improvement of alleys to serve as rear access to parcels in industrial, commercial, and residential subdivisions.

16.18.120 STREET NAMES

Streets which are continuations of the existing streets shall have the same names. Streets which are not continuations or which have significantly changed alignments shall have names that do not duplicate or closely resemble any other street names.

16.18.130 HILLSIDE SUBDIVISIONS

- A. Slope-density reduction:** In sloping terrain, the overall residential density of a subdivision shall be reduced with increasing slope as provided in the Zoning Regulations Chapter 17.16.010. This shall be done by increasing the size of the lots or by designating a sufficient area for permanent open space. On lots sloped 16% or greater, the lot size shall provide the density for at least one unit value according to the Zoning Regulations, Chapter 17.16.010, Table 1. As an option, an area equal to the area required to meet the density requirements may be dedicated as open space in order to reduce the minimum lot size. The open space area shall be either dedicated to the City or protected by a perpetual open space agreement at the option of the City.
- B. Hillside lot configuration:** Increasing lot sizes is the preferred approach in areas of uniform topography. In areas of variable topography the preferred approach is to have substantially larger lots or open space use for the steepest areas, drainage swales, rock outcrops, or shallow soils. Approval of the scheme of lot sizes and open areas shall be at the sole discretion of the City. Open space areas to be maintained for density reduction shall not be counted towards fulfillment of parkland requirements, nor shall the City or subdivider be obligated to provide or maintain any recreational facilities in such areas.
- C. Hillside grading:** Subdivisions shall be designed to keep grading and terracing of hillsides to an absolute minimum, consistent with hillside protection policies in the Land Use and Open Space Elements of the General Plan.
- D. Grading Design:** The design and approach to grading on hillside areas shall be consistent with the Open Space Element of the General Plan and utilize the following techniques:
 1. *Keep a low profile and conform to the natural slopes;*
 2. *Minimize grading on individual lots; generally, locate houses close to the street; minimize the grading of visible driveways;*
 3. *Include planting which is compatible with native hillside vegetation and which provides a visual transition from developed to open areas;*

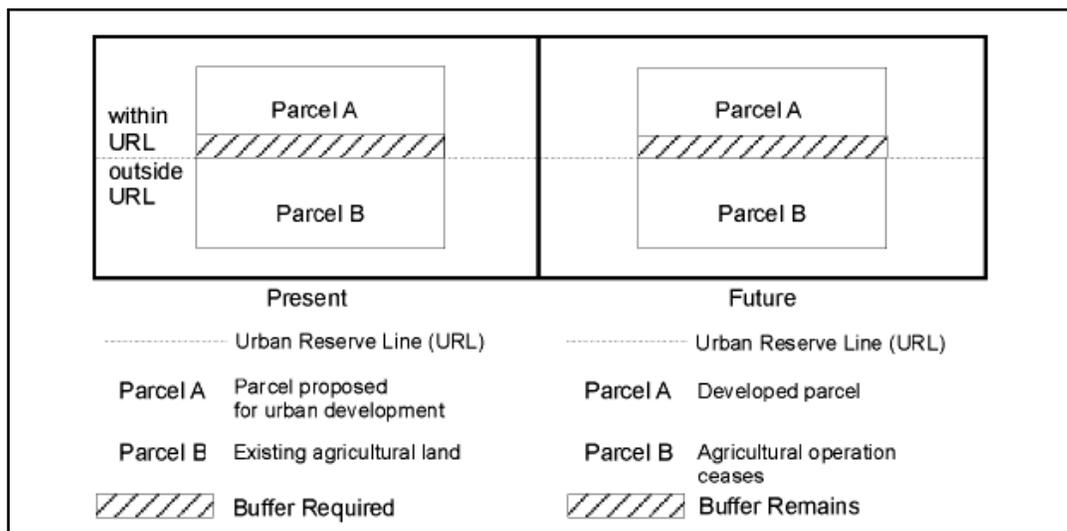
4. *The grading plan shall ensure that development near or on portions of a hill or mountain do not cause, or make worse, natural hazards (such as erosion, sedimentation, fire, or water quality concerns);*
5. *Plans shall include erosion and sediment control practices including temporary vegetation sufficient to stabilize disturbed areas;*
6. *The grading plan shall maintain the character and visual quality of the adjacent hill or mountain resource.*
7. *Land alterations should be minimized by: keeping cuts and fills to a minimum; limiting grading to the smallest practical area of land; limiting land exposure to the shortest practical amount of time; replanting graded areas to insure establishment of plant cover before the next rainy season; and creating grading contours that blend with the natural contours on site or look like contours that would naturally occur.*

16.18.140 LOCATION OF DEVELOPMENT

Subdivisions shall be designed so that development:

- A. Is prohibited within areas with natural and cultural resources and provides buffers for these areas as identified in the Open Space Element of the General Plan.
- B. Is appropriately planned around hazardous areas with a high potential for flooding, seismic risks, land instability, air traffic, excessive exposure to electromagnetic fields, and fire.
- C. Is prohibited within areas beyond the urban reserve or development limit line.

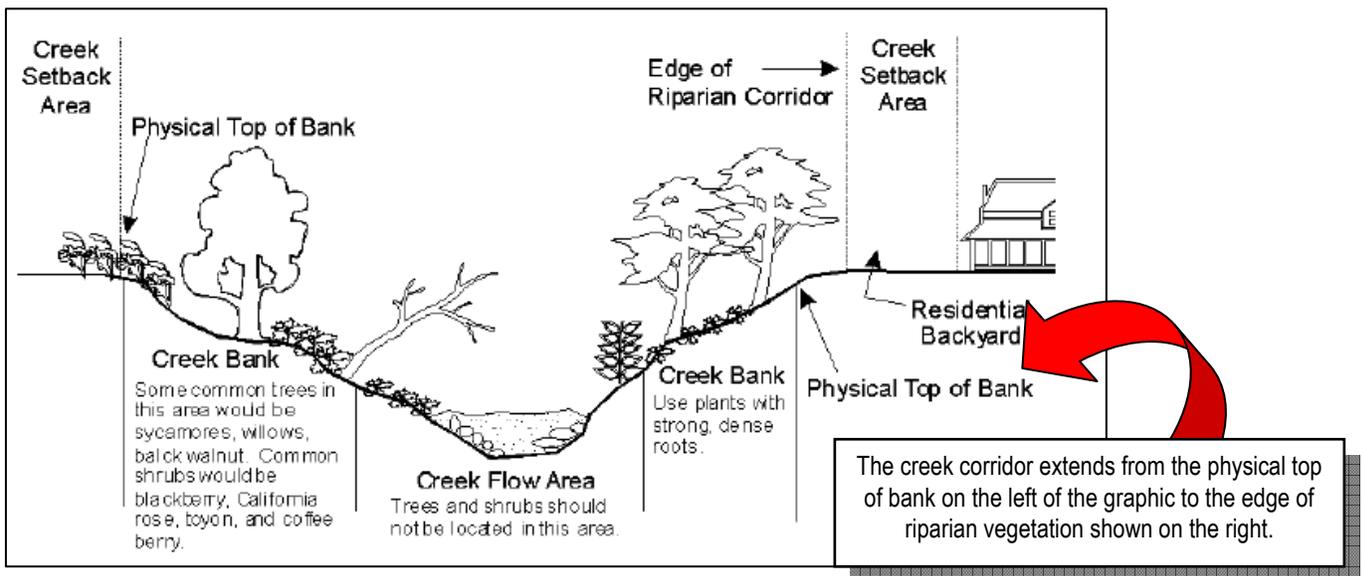
16.18.150 AGRICULTURAL BUFFERS



16.18.155 NATURAL RESOURCE PRESERVATION, CREEKS, WETLANDS AND NATIVE HABITATS

Consistent with General Plan Policy within the City's Land Use and Open Space Elements, New public or private developments adjacent to the lake, creeks, and wetlands must respect the natural environment and incorporate the natural features as project amenities. The following guidelines shall be incorporated into all residential and commercial subdivisions:

1. *Creeks and their corridors are to be preserved as open space, and creek corridors are to be maintained in essentially a natural state to protect the community's water quality, wildlife diversity, and aesthetic value.*
2. *Developments along creeks should include public access across the development site to the creek and along the creek, provided that wildlife habitat, public safety, and reasonable privacy and security of the development can be maintained.*
3. *Sensitive habitat, creek corridors and creek setback areas should be protected by preserving such resource areas and associated habitat buffers through easements. Subdivision parcel lines or easements shall be located to optimize resource protection. If the resource area is within a proposed open space parcel or easement, allowed uses and maintenance responsibilities within that parcel or easement should be clearly defined prior to map approval.*



16.18.160 ENERGY CONSERVATION

All subdivisions shall provide opportunities for passive or natural heating and cooling opportunities to each of the proposed lots, where determined by the reviewing body to be feasible, except for condominium conversion of existing structures where no new structures are added. Such opportunities may include, but are not limited to:

- A. Siting of structures or building envelopes to take optimum advantage of passive cooling and heating opportunities.
- B. Adjusting building setback lines to promote the optimum spacing of structures to create adequate solar

access.

- C. Orienting the longest dimension of each lot within thirty degrees of south, unless the subdivider demonstrates that for certain lots:
1. *The lots are large enough to allow proper building orientation and maximum feasible control of solar exposure by the lot owner, regardless of lot orientation. Properly oriented building envelopes shall be established for lots smaller than **one acre**;*
 2. *Buildings will be constructed as part of the subdivision project (as in condominium or planned development) and the buildings themselves will be properly oriented with adequate solar exposure;*
 3. *Topography makes variations from the prescribed orientation desirable to reduce grading or tree removal or to take advantage of a setting which favors early morning or late afternoon exposure, or where topographical conditions make solar energy infeasible;*
 4. *The size of the subdivision in relation to surrounding streets and lots precludes desirable lot orientation.*

16.18.170 EASEMENTS FOR SOLAR ACCESS

- A. In order to provide for the maximum feasible use of solar energy within subdivisions, the City may require establishment of easements for some or all of the lots to protect access to sunlight. Such easements shall be established on each parcel for the benefit of neighboring parcels within the subdivision. Such easements will not be required when:
1. *a plan for building construction and landscaping is approved in conjunction with the subdivision approval, and the plan will provide an acceptable level of solar exposure, as provided in the Energy Element of the General Plan; or*
 2. *the size and shape of the parcels together with the yard and height restrictions of the zoning regulations will allow subsequent development of each parcel in a way which will not eliminate acceptable solar exposure for neighboring parcels within the subdivision; or*
 3. *the subdivision is a condominium conversion.*
- B. Where required, solar access easements shall protect solar exposure during the period from ten a.m. to two p.m. Pacific standard time on the winter solstice, unless topographical conditions or other overriding design considerations make protection of some other, equivalent time interval more desirable. They shall be recorded concurrent with recordation of the subdivision map.
1. *The burdens and benefits of the solar easement shall be transferable and run with the land to subsequent grantees of the original grantor(s) and grantee(s).*
 2. *The description of the easement shall include:*
 - a. a plan and orthographic view of the easement area in relation to lot lines, together with nota-

tions on the maximum height of structures or vegetation which may occupy the easement area;

- b. a written description specifying the easement as a plane limiting the height of structures or vegetation, such plane beginning at a line clearly defined in relation to ground elevation and lot line location, and extending upward at a specific angle (altitude) in a specific direction (azimuth);
 - c. The restrictions placed on vegetation, structures or other objects which would impair or obstruct passage of sunlight through the easement; and
 - d. Any terms or conditions under which the easement may be revised or terminated.
3. *The establishment of solar easements is not intended to result in reducing allowable densities or the percentage of a lot which may be occupied by structures under zoning in force at the time the easement is established.*

Chapter 16.20 PHYSICAL IMPROVEMENT STANDARDS AND PROCEDURES

Sections:

- 16.20.010 *General Requirements*
- 16.20.020 *Required Improvements*
- 16.20.030 *Preparation and Form of Improvement Plans*
- 16.20.040 *Grading Plan*
- 16.20.050 *Plan Check Fees*
- 16.20.060 *Commencement of Improvements*
- 16.20.070 *Inspection of Improvement Work*
- 16.20.080 *Coordination of Improvement Work*
- 16.20.090 *Improvements Waived*
- 16.20.100 *Over-sizing Improvements*
- 16.20.110 *Reimbursement*
- 16.20.120 *Improvement Agreement*
- 16.20.130 *Form, Filing, and Terms of Improvement Agreement*
- 16.20.140 *Minimum Agreement Provisions*
- 16.20.150 *Additional Agreement Provisions*
- 16.20.160 *Improvement Security Required*
- 16.20.170 *Form, Filing, and Term of Improvement Security*
- 16.20.180 *Labor and Materials*
- 16.20.190 *Liability for Alterations or Changes*
- 16.20.200 *Release of Improvement Security: Assessment District Proceedings*
- 16.20.210 *Release of Improvement Security: Completion of Work*
- 16.20.220 *Withholding Building permits*
- 16.20.230 *Acceptance of Improvements*
- 16.20.240 *Deferral of Improvements for Parcel Maps*

16.20.010 GENERAL REQUIREMENTS

All improvements shall conform to these regulations and the subdivision standards. Improvement plans shall be completed by the subdivider prior to the acceptance of the final map for filing. Improvement work, including grading, shall not be commenced until plans for all such work have been approved by the City Community Development Department in conjunction with the Public Works Department. All improvements shall be constructed under the inspection of and to the satisfaction of the City. Improvements not completed shall be guaranteed or bonded for, prior to filing the final subdivision map.

For remainder parcels, the timing of the payment of fees associated with any deferred improvements are to be treated in the same way as the current law on improvements. However, the deferral of fees does not apply if the designated remainder or omitted parcel is included within the boundaries of a benefit assessment district or community facilities district.

16.20.020 REQUIRED IMPROVEMENTS

Improvements to be installed by the subdivider, in accordance with the subdivision standards codified in this title, are listed in the City's engineering standards within the City's Uniform Design Criteria.

Required improvements may include, but are not limited to:

- A. Full width street improvements by grading, base preparation and paving including curb, gutter, sidewalk, bike or pedestrian paths and associated landscaping (street trees, parkways and medians). The City may require such improvements on both sides of the street.
- B. Bus stops and benches.
- C. Storm drainage, erosion and flood-control facilities.
- D. Street names signs and other traffic control signs.
- E. A water system for domestic service and fire protection shall be provided to each lot of the proposed subdivision. The water system shall include all facilities necessary for the conveyance of water from the nearest point of adequate supply to a meter vault at the front of each lot. For condominium projects, a separate meter shall be provided to each condominium unit, unless an alternative system is approved by the utilities director in conjunction with the community development director, and shall be subject to the following requirements:
 - 1. *Each building shall have a separate city water meter.*
 - 2. *The condominium owners' association shall be the responsible entity for receiving and paying the city water and sewer bill. The condominium owners shall be jointly and severally responsible for the payment of the city water and sewer bill.*
 - 3. *Each condominium unit shall have a separate sub-meter, which will be the property and responsibility of the condominium owners' association. The condominium owners' association agreement shall include provisions for the reading of the sub-meters and the proper division of the city water and sewer bill among the condominium owners.*

EXCEPTION: Non-residential air-space condominiums that have no potential for water use or water using fixtures within the air-space, will not be required to have a sub-meter.

- F. A sanitary sewer system shall be provided, including sewer laterals extended to each lot. Condominium units may be allowed to share a common sewer lateral, provided that it meets City standards and Plumbing Code requirements. Sewer laterals need not be provided to lots which will be solely in perpetual open space use. All public sewer mains shall be located within a dedicated City street or within a recorded easement of adequate width, as determined by the Utilities Engineer, and in consideration of the sewer size and depth.
- G. Recycled water mains and services may be required, when it is determined that the amount of water needed for irrigation and the project's proximity to the recycled water distribution system justifies its

use. The Utilities Director has the authority to require the use of recycled water for irrigation and other uses within a development. A project may be required to include recycled water main extensions along and/or through the development when such main line extensions are consistent with the adopted Recycled Water Master Plan.

- H. Electric power, gas, cable television and telephone services for each lot or condominium unit.
- I. Fire Hydrants.
- J. Street lights.

16.20.030 PREPARATION AND FORM OF IMPROVEMENT PLANS

- A. Improvement plans shall be prepared by a registered civil engineer and shall show full details of all improvements required to be installed by the provisions of these regulations, and of all other improvements proposed to be installed by the subdivider within any street, alley, pedestrian way, easement or other public area or right-of-way. Full details shall include cross sections, profiles, estimated costs and specifications. Preliminary plans may be submitted prior to the final plans to allow time for checking and correction.
- B. The form, layout, scale and other particulars of the plans, and the number of copies to be provided, shall be in accordance with the requirements of the City Public Works Department. Defined requirements can be found within the City Engineering Standards, Uniform Design Criteria.

16.20.040 GRADING PLAN

A grading plan and specifications prepared substantially in accordance with the preliminary grading plan approved as part of the approved or conditionally approved tentative map shall be submitted as part of the improvement plans. A permit must be obtained in accordance with the provisions of the grading regulations, as set forth in Chapter 70 in the Appendix of the Uniform Building Code as adopted by the City.

16.20.050 PLAN CHECK FEES

At the time of the submission of the final improvement plans, the subdivider shall pay a fee for plan checking, in an amount established by resolution of the Council.

16.20.060 COMMENCEMENT OF IMPROVEMENTS

Prior to the commencement of construction or installation of any improvements within any street, alley, path, easement or other public area or right-of-way, improvement plans shall have been approved by the Public Works Director or designee.

16.20.070 INSPECTION OF IMPROVEMENT WORK

All improvements shall be constructed under the inspection of the City Public Works Department and the subdivider shall cause all such improvement work to be inspected at all times as the City Public Works Department may establish. The subdivider shall pay an inspection fee in an amount equal to that established by Council resolution.

16.20.080 COORDINATION OF IMPROVEMENT WORK

All work and improvements contemplated by and performed under the provisions of these regulations shall be accomplished so as to coordinate and minimize interference with other private or public development and to minimize its threat to public safety.

16.20.090 IMPROVEMENTS WAIVED

The Council may waive all or a portion of the improvements which would otherwise be required if the subdivision map is for the purpose of consolidating existing lots and unsubdivided parcels, eliminating abandoned streets or alleys, or adjusting boundaries, when there is not public need for such improvements.

16.20.100 OVER-SIZING IMPROVEMENTS

As a condition of approval of a tentative map, it may be required that improvements installed by the subdivider for the benefit of the subdivision be of a supplemental size, capacity, or number for the benefit of property not within the subdivision, and that the improvement be dedicated to the public. If such condition is imposed, provision for reimbursement to the subdivider, in the manner provided by the Subdivision Map Act, shall be contained in the subdivision improvement agreement entered into pursuant to these regulations, prior to any work being undertaken.

16.20.110 REIMBURSEMENT

A. Eligibility. Whenever improvements are required to be installed adjacent to property other than that being developed or in greater size or capacity than that required for the development of the property under consideration, the developer of the improvements may be eligible for reimbursement if the following conditions are satisfied:

1. *The City and developer agree that the improvements significantly benefit and serve property that is not within the subdivision or site development area;*
2. *The City and developer enter into a reimbursement agreement in a form approved by the City Attorney; and*
3. *The developer submits evidence of the actual costs of the improvements described in the reimbursement agreement.*
 - a. Evidence shall be provided in the form receipted bills, canceled checks, or contracts.
 - b. Evidence shall be submitted within sixty days of the City's acceptance of the improvements. Failure to timely submit evidence shall void the reimbursement agreement.

B. Conditions of Reimbursement Payments. Whenever property develops where:

1. *Improvements have been installed by the developer of an adjoining or nearby property;*
2. *The improvements directly benefit the property currently being developed;*

3. *An agreement for reimbursement has been entered into by the City and developer who installed these improvements;*
4. *Not more than fifteen years have elapsed since the execution of the reimbursement agreement; and*
5. *The original developer has submitted satisfactory documentation, the City will attempt to collect from the benefiting party, prior to the issuance of the development permits, a prorated share of the documented cost of improvements described in the reimbursement agreement. Reimbursement will be in accordance with Section 66485 et seq. of the Subdivision Map Act as amended from time to time.*

C. Payment of Reimbursement.

1. *When prorated shares of the cost of improvements are collected from the developers of new projects, the money collected shall be paid in accordance with the terms of the agreement. The City shall not be required to reimburse more money than it actually collects.*
2. *Reimbursements shall be made only when the City collects money from the developers of new projects, notwithstanding any provision of any law, this code or the reimbursement agreement. Failure or error by the City resulting in funds not being collected will not subject the City to any liability, obligation or debt owed the original developer. (Ord. 1133 § 6, 1989)*

16.20.120 IMPROVEMENT AGREEMENT

If the required improvements are not satisfactorily completed before a final map is filed, the subdivider shall enter into an agreement with the City to make all improvements as may be required upon approval of such map.

16.20.130 FORM, FILING, AND TERMS OF IMPROVEMENT AGREEMENT

- A. The improvement agreement shall be in writing, shall be approved as to form by the City Attorney, and shall be secured and conditioned as provided in this chapter. The agreement shall be recorded simultaneously with the final map.
- B. The improvement agreement shall be complete, subject to council approval, and on file with the City Public Works Department before the final map is filed for recording. The term of each improvement agreement filed pursuant to the provisions of this section shall begin on the date of recording and end upon the date of completion of fulfillment of all terms and conditions contained therein to the satisfaction of the council.

16.20.140 MINIMUM AGREEMENT PROVISIONS

The agreement shall include the following provisions as minimum terms and conditions:

- A. Mutually agreeable terms to complete all required improvements at the subdivider's expense;
- B. A provision that the subdivider shall comply with all requirements of these regulations, of this code, and of other applicable laws, and with all terms and conditions of required improvement permits;
- C. A statement indicating a period of time within which the subdivider shall complete all improvement work;
- D. A provision that, if the subdivider fails to complete the work within the specified period of time. or any extended period of time that may have lawfully been granted to the subdivider, the City may, at its option, completed the required improvement work and the subdivider and his surety shall be firmly bound, under a continuing obligation, for payment of the full cost and expense incurred or expended by the City in completing such work;
- E. Provision for the repair and replacement of defective material and workmanship of the improvements by the subdivider for a period of twelve months after the improvements have been accepted by the council; and
- F. A provision guaranteeing payment to the City for all engineering and inspection costs and costs not previously paid and all other incidental costs incurred by the City in enforcing the agreement.

16.20.150 ADDITIONAL AGREEMENT PROVISIONS

The improvement agreement may also include the following provisions and such other additional terms and conditions as may be required upon approval of the tentative map, or as are determined necessary by the council to carry out the intent and purposes of these regulations:

- A. Provision for the repair, at the subdivider's expense, of any damage to public streets or property which may reasonably be expected to result from operations necessary for subdivision improvements required by these regulations, including the importing or exporting of earth for grading purposes;
- B. Mutually agreeable terms to acquire public easements which are outside the boundaries of the subdivision, at the subdivider's expense,
- C. Mutually agreeable terms to improve, at some undetermined future date, easements offered and reserved for future public use at the subdivider's expense: and providing that such improvements shall be secured by separate security in the manner prescribed in Section 16.20.170 and further providing that the requirements of this provision shall not delay the release of any other improvement security provided pursuant to Section 16.20.210;
- D. Provision for reimbursement to be paid the subdivider under the provisions of the Subdivision Map Act; and
- E. A provision that the subdivider shall provide to the City, prior to the filing of the final map, letters from each utility company indicating that such companies have agreed to install, and will so install, the public utilities necessary to serve the subdivision.

16.20.160 IMPROVEMENT SECURITY REQUIRED

The subdivider shall secure the foregoing improvement agreement in an amount determined by the City engineer to be one hundred percent of the total estimated cost of the improvements and any additional act to be performed by the subdivider under the agreement, and such additional amounts as the council may determine necessary to cover the costs, reasonable expenses and fees including reasonable attorneys' fees which may be incurred by the City in successfully enforcing the agreement. The requirement of the improvement security shall not be waived under any circumstances.

16.20.170 FORM, FILING, AND TERM OF IMPROVEMENT SECURITY

- A. The improvement security shall be conditioned upon the faithful performance of the improvement agreement and shall be in one of the forms provided in the Subdivision Map Act. The form shall be the choice of the City in each improvement agreement. (Improvement security for public utility improvements may be in the form of a letter of assurance from the utility.)
- B. Improvement security shall be filed with the City Public Works Department, together with the improvement agreement, before the City accepts the final map for filing. The form of the improvement security shall be subject to the approval of the City Attorney.
- C. The term of the improvement security, filed pursuant to the provisions of this section to secure the faithful performance of the agreement, shall begin on the date of filing and end upon the date of completion or fulfillment of all terms and conditions of the improvement agreement, to the satisfaction of the council.

16.20.180 LABOR AND MATERIALS

When the improvement security provided pursuant to Section 16.20.170 is a surety bond, it shall be accompanied by a bond for the security of laborers and materials in an amount not less than fifty percent of the estimated cost of the improvements. When the improvement security is a cash deposit or instrument of credit, such security shall include an additional amount necessary for the protection of laborers and material men but in no event less than fifty percent of the estimated cost of the improvements. Security for one hundred percent of the estimated costs, including a factor for inflationary cost increases, may be required.

16.20.190 LIABILITY FOR ALTERATIONS OR CHANGES

The liability upon the security given for the faithful performance of the agreement shall include the performance of any changes or alterations in the work, provided, however, that all such changes or alterations do not exceed ten percent of the original estimated cost of the improvement.

16.20.200 RELEASE OF IMPROVEMENT SECURITY: ASSESSMENT DISTRICT PROCEEDINGS

If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing of the contractor of the faithful performance and payment bond required by the special assessment act being used, the improvement security of the subdivider may be reduced by the

council by an amount corresponding to the amount of such bonds furnished by the contractor.

16.20.210 RELEASE OF IMPROVEMENT SECURITY: COMPLETION OF WORK

- A.** Improvement security may be released upon the final completion and acceptance of the work, provided, however, such release shall not apply to the amount of security deemed necessary by the City Public Works Department for the guarantee and warranty period, nor to costs and reasonable expense fees, including reasonable attorney's fees incurred by the City in enforcing the improvement agreement.
- B.** The council shall accept and certify the satisfactory completion of improvement work prior to any release of improvement security covering such work.

16.20.220 WITHHOLDING BUILDING PERMITS

No building permit or similar entitlement of use shall be issued for the development of any lot within a subdivision until all required improvements are substantially completed to the satisfaction of the community development director; provided, however, building permits and entitlements may be issued for the development of a lot designated as a model home site when the community development director determines:

- A.** The construction of all required improvements has progressed to the extent that completion of and acceptance of the work seems assured to occur within a reasonable period of time; and
- B.** The development of the model home sites will not conflict with work in progress on the construction of the requirement improvements.

16.20.230 ACCEPTANCE OF IMPROVEMENTS

After the final parcel map or final map has been recorded, all subdivision improvements properly installed in accordance with previously approved plans and specifications shall be accepted by the Council and the subdivider and any other person having an interest in such completion shall be notified in writing by the City clerk of acceptance by the Council. At the time of acceptance, the City shall assume maintenance of the improvements except as otherwise provided in this chapter, and the City's standard specifications.

16.20.240 DEFERRAL OF IMPROVEMENTS FOR PARCEL MAPS

Improvements required for parcel maps need not be completed until a building permit or other entitlement for development of the parcel(s) is granted by the City, unless the community development director finds that completion of improvements is necessary to protect the public health and safety or is a necessary prerequisite to the orderly development of the surrounding area. If these findings are made, the City may require completion of the improvement requirements within a reasonable time following approval of the parcel map and prior to the issuance of permits for development.

Chapter 16.22 DEDICATIONS

Sections:

- 16.22.010 *General Requirements*
- 16.22.020 *Offer to Dedicate Easements to Remain Open*
- 16.22.030 *Waiver of Direct Street Access*
- 16.22.040 *Parkland Dedication-Requirement*
- 16.22.050 *Parkland Dedication-General Standards*
- 16.22.060 *Parkland Dedication-Exceptions and In-lieu Fees*
- 16.22.070 *Parkland Dedication-Partial Credit for School Sites and Private Open Space*
- 16.22.080 *Parkland Dedication-Fees in Lieu of Land Dedication*
- 16.22.090 *Parkland Dedication-Procedures*
- 16.22.100 *Parkland Dedication-Specific Plan Provisions*
- 16.22.110 *Title Insurance for Dedication*

16.22.010 GENERAL REQUIREMENTS

The subdivider, as a condition of approval of a tentative map, in conjunction with approval of a parcel or final map, shall grant whatever land or easements the City determines are necessary to fulfill the purposes of these regulations, in accordance with the Subdivision Map Act, the General Plan, and adopted standards. Such dedication of parcels or easements and improvements may be required for the following uses:

- A. Streets and alleys, including future streets;
- B. Private streets (conditional dedication);
- C. Pedestrian and bicycle paths;
- D. Bus stops;
- E. Public utilities;
- F. Natural watercourses together with a riparian buffer zone, storm drains and flood-control channels, Open Space and Agricultural Resources;
- G. Public access, including access for maintenance or fire protection;
- H. Protection of scenic and environmentally sensitive lands;
- I. Street trees;
- J. Parks and recreation facilities;
- K. Protection of slope banks, areas subject to flooding, and other potentially hazardous areas;
- L. School sites as may be necessary in accordance with the Subdivision Map Act;
- M. Sites to be preserved for public use as provided in the Subdivision Map Act;
- N. Such other public purposes as the City may deem necessary, provided the amount of property required to be dedicated bears a reasonable relationship to the increased need for public facilities created by the subdivision;
- O. Cultural Resources.

16.22.020 OFFER TO DEDICATE EASEMENTS TO REMAIN OPEN

If, at the time the parcel or final map is approved, any of the easements set out in Section 66477.2 of the California Government Code are rejected, the offers of dedication shall be irrevocable and the council may

by resolution at any later date and without further action by the subdivider, rescind its action and accept and open any of those easements for public use. The acceptance shall be recorded in the office of the county recorder.

16.22.030 WAIVER OF DIRECT STREET ACCESS

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

16.22.040 PARKLAND DEDICATION-REQUIREMENT

As a condition of approval for a residential subdivision, the subdivider shall dedicate land, pay a fee in lieu of dedication, or both, at the option of the City, for park purposes as prescribed in the standards set forth in Sections 16.22.050 through 16.22.100.

16.22.050 PARKLAND DEDICATION-GENERAL STANDARDS

- A. In order to implement the Park and Recreation Element of the General Plan and provide a reasonable amount of space for outdoor public recreation use, each new subdivision shall dedicate land equivalent to five (5) acres for each one thousand (1,000) residents expected to reside within the subdivision, except as provided in Sections 16.22.060, 16.22.070 and 16.22.100. In some subdivisions additional parkland dedication may be required as a discretionary action if a nexus between the subdivision and the need for additional parkland is justified. In no case shall the requirement exceed 10 acres per 1,000 residents.
- B. The land to be dedicated shall be of sufficient size and suitable topography to meet the local park needs of the immediate and future residents of the subdivision. The expected population of the subdivision shall be determined by the City using the most recent census results for the type and size of dwellings proposed for the subdivision.

16.22.060 PARKLAND DEDICATION-EXCEPTIONS AND IN-LIEU FEES

The requirement to dedicate land may be waived when the City determines that:

- A. The size of the subdivision, in terms of the number of proposed or potential dwellings, would result in the dedication of a land area less than the minimum area for neighborhood parks recommended in the General Plan: or
- B. The local park needs of the area to be subdivided have been satisfied, according to the park size and location criteria of the General Plan, and further land area would not benefit present and future users of previously established parks; or
- C. The subdivision contains fifty or fewer parcels. Units within condominium or cooperative projects shall be considered parcels. In these cases, the subdivider shall pay in-lieu fees as provided in Section 16.22.080.

16.22.070 PARKLAND DEDICATION-PARTIAL CREDIT FOR SCHOOL SITES AND PRIVATE OPEN SPACE

- A. When the City determines that either a school site dedicated by the subdivider or a private recreation facility approved as part of the subdivision would provide permanent open space and facilities comparable to those customarily found in local parks, up to one-half the parkland dedication or in-lieu fees otherwise required may be waived.
- B. The remaining part of the requirement shall be satisfied by the land dedication, in-lieu fees, or both.
- C. The City shall determine the extent to which dedicated school sites or private open space fulfills the usual functions of public local parks.

16.22.080 PARKLAND DEDICATION-FEES IN LIEU OF LAND DEDICATION

- A. When the dedication of land is not required or when land dedication partially fulfills the required contribution of the subdivider to meeting additional local park demand resulting from the subdivision, in-lieu fees shall be paid. The amount of such in-lieu fee shall be the fair market value of the land which otherwise would be required to be dedicated according to Section 16.22.050.
- B. The fair market value shall be determined by a qualified, independent appraiser. It shall be based on the portion of the land proposed to be subdivided which is intended for development and shall reflect the market value at the time the tentative map is approved.
- C. Fees collected in lieu of land dedication shall be used for creating new parks or enlarging or improving local parks within the City.
- D. The requirement for in-lieu fees may be satisfied by the subdivider making improvements to a park, with the approval of the Council, when (1) the value of the improvements is equal to the required in-lieu fee, (2) the park is within a reasonable distance of the proposed subdivision and will serve the residents of the proposed subdivision, and (3) the improvements are consistent with the parks and recreation element of the General Plan. Such improvements may, but need not be made within a park area dedicated by the subdivider.
- E. The Council may, by resolution establish additional criteria for determination and procedures for collection and use of in-lieu fees, including a maximum fee per dwelling, to the extent such additional requirements do not conflict with these regulations or the Subdivision Map Act.

16.22.090 PARKLAND DEDICATION-PROCEDURES

- A. At the time of approval of the tentative map, the council shall determine the amount of land to be dedicated and/or fees to be paid by the subdivider.
- B. The land shall be dedicated and the fees shall be paid at the time the final subdivision map is filed with

the City unless the body which approved the application approves a schedule for deferred dedication, payment of in-lieu fees, or improvement.

- C. Open space covenants for private park or recreation facilities shall be submitted to the City prior to approval of the final subdivision map and shall be recorded at the same time as the final map. Any agreement between the City and school district concerning joint use of school sites for local park purposes, in accordance with Section 16.22.070, shall be executed prior to approval of the final subdivision map.
- D. When the council approves the final subdivision map, it shall specify when development of the local park will begin.

16.22.100 PARKLAND DEDICATION-SPECIFIC PLAN PROVISIONS

Notwithstanding any other provisions of this section and Sections 16.22.040 through 16.22.090, the City may require dedication of an entire local park area in conjunction with approval of a single subdivision map when the subdivision and the parkland implement a specific plan with a definite phasing program relating increments of development and provision of public facilities, including parks. In such cases both the subdivision and parkland dedication shall be in accordance with the specific plan.

16.22.110 TITLE INSURANCE FOR DEDICATION

Before the final subdivision map is recorded, or if dedication and offers of dedication are supplemented by separate instrument, before such instrument or instruments are recorded, a policy of title insurance shall be issued for the benefit and protection of the City. Any expense involved in complying with the provisions of this section shall be borne by the subdivider.

Chapter 16.23 EXCEPTIONS, APPEALS, AND APPLICATION RESUBMITTAL



This chapter explains the provisions for requesting exceptions to the standards and requirements of the subdivision regulations, and for appealing decisions by the Director, the City Engineer, or the Planning Commission to the City Council.

Sections:

- 16.23.010 *Exception Authority*
- 16.23.020 *Required Findings and Conditions for Exceptions*
- 16.23.030 *Exceptions Considered with Tentative Map*
- 16.23.040 *Appeal Procedures*
- 16.23.050 *Re-submittal of Similar Applications*
- 16.23.060 *Other Maps Required*

16.23.010 EXCEPTION AUTHORITY

The Planning Commission or City Council may authorize exceptions to the requirements or standards imposed by these regulations, provided, however, that no exceptions may be made to any requirements imposed by the Subdivision Map Act; and further provided that nothing in this chapter shall be construed as altering or conflicting with the powers and duties of the City to approve variances or exceptions from the zoning regulations.

16.23.020 REQUIRED FINDINGS AND CONDITIONS FOR EXCEPTIONS

A. Before any exception is authorized, all of the following findings shall be made:

1. *That the property to be divided is of such size or shape, or is affected by such topographic conditions, that it is impossible, impractical or undesirable, in the particular case, to conform to the strict application of the regulations codified in this title; and*
2. *That the cost to the subdivider of strict or literal compliance with the regulations is not the sole reason for granting the modification; and*
3. *That the modification will not be detrimental to the public health, safety and welfare, or be injurious to other properties in the vicinity; and*
4. *That granting the modification is in accord with the intent and purposes of these regulations, and is consistent with the General Plan and with all applicable specific plans or other plans of the City.*

B. In granting any exception, the Commission or Council shall impose such conditions as are necessary to protect the public health, safety and welfare, and assure compliance with the General Plan, with all applicable specific plans, and with the intent and purposes of these regulations.

16.23.030 EXCEPTIONS CONSIDERED WITH TENTATIVE MAP

- A. Exception requests shall be filed with the tentative map and shall be processed with the map and acted upon concurrently. Each application shall state fully the nature and extent of the exception requested, the specific reasons for, and the facts relied upon to reach those conclusions.
- B. The Commission or Council shall consider any request for exceptions, and the recommendation on such request, at the same time as it considers the tentative map and shall grant, conditionally grant, or deny the request.

16.23.040 APPEAL PROCEDURES

Any discretionary decision, determination, or requirement of the Community Development or Public Works Director, or the Planning Commission made pursuant to these regulations may be appealed to the City Council as provided in this chapter. The decision of the Council shall be final.

1. **Who may appeal.** *An appeal may be filed by the subdivider or any interested person(s) adversely affected by the action being appealed.*
2. **Time and place for filing.** *An appeal shall be filed in writing within 10 calendar days of the decision that is the subject of the appeal, except where the decision to deny an extension of time pursuant to Section 16.14.030 Time Extension for Submitting Parcel and Final Maps, such an appeal shall be filed within 15 calendar days after the decision. If the last applicable calendar day falls on a Saturday, Sunday or Holiday, the last day to appeal shall be on the next business day that City Hall is open. Appeals to the City Council shall be filed with the City Clerk.*
3. **Form of appeal.** *Appeals shall describe the actions or decisions being appealed, and explain the reason for the appeal. Appeal forms for discretionary decisions of the Director are available in the Community Development Department. Appeal forms for discretionary decisions of the Planning Commission are available in the City Clerks office. Fees for filing appeals shall be in accordance with the City Council adopted fee schedule.*
4. **Report and hearing.** *When an appeal has been filed, staff in the responsible department will prepare a report on the matter and schedule the item for a public hearing before the applicable hearing body within 30 days of the date the appeal was filed.*
5. **Action and findings.** *After holding a public hearing, the hearing body shall declare its findings within 7 days based on the testimony and documents presented at the hearing. The hearing body may sustain, modify, reject, or overrule any part of the decision being appealed, based on findings that are consistent with these regulations and the Subdivision Map Act.*

16.23.050 RE-SUBMITTAL OF SIMILAR APPLICATIONS

When any application made pursuant to these regulations has been denied, no new application which is substantially the same shall be filed within one year of the date of the previous denial unless the City Council, for good cause, shall grant permission to do so.

Chapter 16.24 VIOLATIONS AND ENFORCEMENT

Sections:

16.24.010 *Generally*

16.24.020 *Illegal Subdivisions-Notification of Community Development Director Required*

16.24.060 *Illegal Subdivisions-Permit Issuance Prohibited*

16.24.010 GENERALLY

Except as otherwise provided in this title, the Community Development Director is authorized and directed to enforce the regulations set out in this title and the Subdivision Map Act for subdivisions within the City.

16.24.020 ILLEGAL SUBDIVISIONS-NOTIFICATION OF COMMUNITY DEVELOPMENT DIRECTOR REQUIRED

Any officer or employee of the City who has knowledge that real property has been divided in violation of the Subdivision Map Act or the regulations set out in this title, shall immediately so notify the Community Development Director. Upon receipt of the information, the Community Development Director shall file the notices required by the Subdivision Map Act.

16.24.030 ILLEGAL SUBDIVISIONS-PERMIT ISSUANCE PROHIBITED

No board, commission, officer or employee of the City shall issue any permit, or grant any approval necessary to develop any real property within the City which has been divided, or which resulted from a division, in violation of the provisions of the Subdivision Map Act (Section 66499.34) or of this title, if it finds that development of such real property is contrary to the public health or public safety.

Chapter 16.26 DEFINITIONS

Sections:

- 16.26.010 *Generally*
- 16.26.020 *Advisory Agency*
- 16.26.030 *Alley*
- 16.26.035 *Airspace subdivision*
- 16.26.040 *Applicant*
- 16.26.050 *Association*
- 16.26.060 *Average Cross Slope*
- 16.26.070 *Common Interest Subdivision / Condominium*
- 16.26.080 *Condominium Conversion*
- 16.26.090 *Day*
- 16.26.100 *Distance*
- 16.26.110 *Environmental Impact Report*
- 16.26.120 *Final Map*
- 16.26.130 *Flag Lot*
- 16.26.140 *Flood Hazard*
- 16.26.150 *Future Street*
- 16.26.160 *General Plan*
- 16.26.170 *Geologic Hazard*
- 16.26.180 *Lot*
- 16.26.190 *Lot Line Adjustment*
- 16.26.200 *Lot Width*
- 16.26.210 *Lot Depth*
- 16.26.220 *Lot Line, Front*
- 16.26.230 *Lot Line, Rear*
- 16.26.240 *Lot Line, Side*
- 16.26.250 *Merger*
- 16.26.260 *Minor Subdivision*
- 16.26.270 *Nonresidential Subdivision*
- 16.26.280 *Path*
- 16.26.290 *Parcel Map*
- 16.26.300 *Private Road Easement*
- 16.26.310 *Remainder*
- 16.26.320 *Reversion to Acreage*
- 16.26.330 *Right-of-Way*
- 16.26.340 *Roadway*
- 16.26.350 *Slope*
- 16.26.360 *Specific Plan*
- 16.26.370 *Stock Cooperative*
- 16.26.380 *Street*
- 16.26.390 *Street Tree*
- 16.26.400 *Subdivider*
- 16.26.410 *Subdivision*
- 16.26.420 *Subdivision Map Act*
- 16.26.430 *Tentative Map*

16.26.440 *Vesting Tentative Map*

16.26.010 GENERALLY

For the purposes of the regulations codified in this title, and to supplement the definition in the Subdivision Map Act, the following words and phrases shall be construed as defined in this chapter.

16.26.020 ADVISORY AGENCY

"Advisory agency" means the Community Development Director, City Engineer, or Planning Commission, as the case may be, which recommends to the Council, action on certain types of map applications.

16.26.030 ALLEY

"Alley" means a public or private way which provides vehicular access to the side or rear of properties whose principal frontage is on a street.

16.26.035 AIRSPACE SUBDIVISION

An Airspace Subdivision for the purposes of these regulations is the three-dimensional subdivision of a commercial zoned property. Because there are no common areas, an airspace subdivision is not a condominium project for purposes of the Subdivision Map Act. Legal agreements recorded with the subdivision define how the lots and uses will function once individual components are sold. Air space lots are defined as a division of the space above or below a lot, or partially above and below a lot, having finite width, length, and upper and lower elevations, occupied by a building or portion thereof. An air space lot shall have access to appropriate public rights-of-way by means of one or more easements. Minimum lot sizes, lot dimensions, and lot area requirements shall not apply to air space lots. Parking requirements, setback requirements, building density, floor area ratio, and associated property development standards shall apply and shall be determined as if all lots, buildings or structures in the airspace subdivision were merged into the same lot.

16.26.040 APPLICANT

"Applicant" means the subdivider or his authorized representative.

16.26.050 ASSOCIATION

"Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

16.26.060 AVERAGE CROSS SLOPE

"Average cross slope" means the ratio, expressed as a percentage, of the difference in elevation to the horizontal distance between two points on the perimeter of the area whose slope is being determined, with the line along which the slope is being measured running essentially perpendicular to the contours be-

tween the points.

16.26.070 COMMON INTEREST SUBDIVISION / CONDOMINIUM

"Common interest subdivision" includes subdivided lands which include a separate interest in real property combined with an interest in common with other owners. The following types of common interest subdivisions are recognized by the City of San Luis Obispo, consistent with the Davis Sterling Common Interest Development Act:

A. "Condominium project" consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. Generally, condominiums are recognized as airspace ownership.

B. "Planned development" means a development (other than a community apartment project, a condominium project, or a stock cooperative) with individual lots having land ownership with either or both of the following features:

(1) The common area is owned either by the association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.

(2) A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests in accordance with Section 1367.

For the purposes of these regulations, Planned Developments will be subject to condominium requirements and property development standards including lot coverage, density, setbacks etc. unless accompanied by a Planned Development rezoning application consistent with Chapter 17.62 of the Zoning Regulations.

C. "Community apartment project" means a development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon. For the purposes of these regulations, community apartments will be subject to the same requirements as condominiums.

D. "Stock cooperative" means a development in which a corporation is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. The owners' interest in the corporation, whether evidenced by a share of stock, a certificate of membership, or otherwise, shall be deemed to be an interest in a common interest development and real estate development for purposes of subdivision (f) of Section 25100 of the Corporations Code. A "stock cooperative" includes a limited equity housing cooperative which is a stock cooperative that meets the criteria of Section 33007.5 of the Health and Safety Code.

16.26.080 CONDOMINIUM CONVERSION

"Condominium conversion" means the conversion of property occupied under tenancies or estates other than condominium to occupancy as condominiums. (See Chapter 17.82 of the San Luis Obispo Municipal Code, Condominium Development and Conversion.)

16.26.090 DAY

"Day" means calendar day. If the end of an interval specified in days falls on a weekend or holiday, the interval shall be deemed to end on the next business day.

16.26.100 DISTANCE

"Distance" means all distances are measured horizontally unless noted otherwise.

16.26.110 ENVIRONMENTAL IMPACT REPORT

A detailed statement under the California Environmental Quality Act (CEQA) describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. The contents of the EIR are described in Article 9 Section 15120 of the State CEQA Guidelines.

16.26.120 FINAL MAP

The recording instrument for a tract map involving five or more parcel or as otherwise defined within the Subdivision Map Act. A final map shall require the components as listed in section 16.14.050 of this ordinance.

16.26.130 FLAG LOT

"Flag lot" means a lot predominantly situated behind another lot and having access to a street by means of a narrow portion of the flag lot extending out to the street.

16.26.140 FLOOD HAZARD

"Flood hazard" means a potential danger to life, property or natural resources due to storm water runoff or inundation, including deposition of silt and debris, erosion, or the presence of standing water.

16.26.150 FUTURE STREET

"Future Street" means real property subject to a yet unaccepted offer of dedication, all or part of which may later be accepted for a street by Council resolution and without further action by the owner.

16.26.160 GENERAL PLAN

"General Plan" means the adopted General Plan of the City of San Luis Obispo.

16.26.170 GEOLOGIC HAZARD

"Geologic hazard" means a condition in the earth's surface, either natural or artificially created which is potentially hazardous to life, property or natural resources due to possible movement of rock or soil.

16.26.180 LOT

"Lot" means a parcel of land which is identified by a distinct number or letter on a final map or parcel map recorded in the office of the county recorder, or such parcel shown on a map or survey record complying with approval requirements in effect when it was recorded.

16.26.190 LOT LINE ADJUSTMENT

"Lot Line Adjustment" involves the adjustment or relocation of existing, legally established, lot lines between two or more directly adjacent parcels where a greater number of parcels than originally existed is not created.

16.26.200 LOT WIDTH

"Lot width" means the sum of the lengths of the front and rear lot lines, divided by two. For irregularly shaped lot or lots having more than two side lot lines, lot width shall be determined by drawing two lines perpendicular to one side lot line, one at the narrowest and one at the widest parts of the lot; adding the lengths of the two lines; and dividing by two.

16.26.210 LOT DEPTH

"Lot depth" means the distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

16.26.220 LOT LINE, FRONT

"Front lot line" means the line which separates the lot from the street. For a corner lot, the line at the shortest street frontage will be the front lot line, unless the latest tract deed restrictions specify another line.

16.26.230 LOT LINE, REAR

"Rear lot line" means the lot line opposite and most distant from the front lot line. In the case of an irregular or triangular lot, the rear lot line is a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of at least ten feet.

16.26.240 LOT LINE, SIDE

"Side lot line" means any lot line other than a front or rear lot line.

16.26.250 MERGER

"Merger" means the joining of two or more contiguous parcels of land under one ownership into one parcel.

16.26.260 MINOR SUBDIVISION

"Minor Subdivision" means a subdivision of four or fewer parcels.

16.26.270 NONRESIDENTIAL SUBDIVISION

"Nonresidential subdivision" means a subdivision whose intended use is other than residential. Such subdivision shall comply with applicable provisions of these regulations. Subdivisions incorporating both residential and nonresidential uses, either upon the same land area or within different portions of the subdivision, shall comply with applicable provisions of these regulations.

16.26.280 PATH

"Path" means a way designed for use by pedestrians, bicycles or animals and not designed or intended for use by motor vehicles.

16.26.290 PARCEL MAP

The recording instrument for a minor subdivision involving four or fewer parcels. A parcel map shall require the components as described in Section 16.14.050 of this ordinance.

16.26.300 PRIVATE ROAD EASEMENT

"Private road easement" means an easement, recorded in the office of the county recorder, granted to owners of property adjacent to the parcel covered by the easement, for access to the adjacent properties.

16.26.310 REMAINDER

"Remainder" means that portion of an existing parcel which is not included as part of the subdivided land. The remainder is not considered as part of the subdivision but must be shown on the required maps as part of the area surrounding subdivision development.

16.26.320 REVERSION TO ACREAGE

"Reversion to acreage" means the combining of two or more recorded, contiguous lots into a single parcel.

16.26.330 RIGHT-OF-WAY

"Right-of-way" means a parcel of land occupied or intended to be occupied by a street, path, railroad, electric transmission line, oil or gas pipeline, water main, sewer main, storm drain or similar utility or special use. Use of the term "right-of-way," distinguished from "easement," shall mean that the area dedicated to the use shall be separate from adjoining lots and shall not be included in the area or dimensions of such lots. Rights-of-way intended for a use involving maintenance by a public agency shall be dedicated to public use by the owner of the parcel(s) on which the right-of-way is established.

16.26.340 ROADWAY

"Roadway" means that portion of a street or alley used or intended to accommodate the movement of vehicles.

16.26.350 SLOPE

See Section 16.08.050, Average cross slope.

16.26.360 SPECIFIC PLAN

"Specific plan" means a plan for a designated area of the City, based on the General Plan but containing more detailed regulations and programs, as provided in Section 65450 and following of the California Government Code.

16.26.370 STOCK COOPERATIVE

"Stock cooperative" means an apartment development in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment in the development. For the purposes of these regulations, stock cooperatives will be subject to the same requirements as condominiums.

16.26.380 STREET

"Street" means a way for vehicular traffic, whether designated as a street, highway, road, avenue, boulevard, lane, place, way or other name. "Street" does not include a path or alley.

16.26.390 STREET TREE

"Street tree" means a tree in a public place, street, special easement or right-of-way adjoining a street.

16.26.400 SUBDIVIDER

"Subdivider" means a person, firm, corporation, partnership or association which proposes to divide, causes to be divided or divides real property for itself or for others, except employees or representatives of such persons or entities, acting in such capacity, are not subdividers.

16.26.410 SUBDIVISION

"Subdivision" shall have the meaning as defined in the Subdivision Map Act, including any division for gift or token consideration. According to the Subdivision Map Act:

"Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. "Subdivision" includes a condominium project as defined in Section 1350 of the Civil Code, a community apartment

project as defined in Section 11004 of the Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. Any conveyance of land to a government agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels. As used in this section "agricultural purposes" means the cultivation of food or fiber, or the grazing or pasturing of livestock.

16.26.420 SUBDIVISION MAP ACT

"Subdivision Map Act" means the Subdivision Map Act of the State of California and such revisions as may be made by the California legislature.

16.26.430 TENTATIVE MAP

"Tentative Map" refers to a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property. Unlike a "Parcel Map" defined above, a tentative map is not required to be drawn by a registered civil engineer.

16.26.440 VESTING TENTATIVE MAP

"Vesting Tentative Map" refers to a map made which meets the requirements of a Tentative Map and Chapter 16.12, and has the words "Vesting Tentative Map" printed on it. The vesting tentative map conveys development rights for subdivisions according to Chapter 16.12.

table 3 minimum lot area and dimensions

Zone	Min. Lot Area (sq. ft.)	Min. Width (feet)	Min. Depth (feet)	Min. Street Frontage (feet)
C/OS	5 acres or more as required by zone	200	200	20
R-1	6,000	50	90	20
R-2	5,000	50	80	20
R-3	5,000	50	80	20
R-4	5,000	50	80	20
O	5,000	50	80	20
PF	6,000	60	90	40
C-N	6,000	60	90	40
C-R	9,000	60	100	40
C-T	9,000	60	100	40
C-C	6,000	60	90	40
C-D	3,000	25	50	15
C-S	9,000	60	100	40
M	9,000	60	100	40

Exceptions:

1. Lots within common interest subdivisions, as defined in Chapter 16.17, may have any size or shape, except in the R-1 zone where subdivisions must meet the lot size and shape standards described in the table above. In the R-1 zone, variable lot sizes may be allowed through Planned Development Zoning, consistent with SLOMC 17.50 and 17.62.
2. In residential subdivisions, corner lots shall have a minimum area fifteen percent (15%) greater than otherwise required, and shall be ten feet wider than otherwise required.
3. See specific requirements for flag lots in Section 16.18.060.
4. Minimum lot area calculations shall not include the area between creek banks as described in the Open Space Element and Zoning Regulations.
5. Residential Lots sloped 16% or greater must be increased in size to meet minimum density requirements to allow at least one density unit per lot in accordance with Zoning Regulations Chapter 17.16.010.