

Chapter 16.02. General Provisions

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16.02.010 Title, Authority, Interpretation

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

- A. The provisions of Title 16 of the City of San Luis Obispo Municipal Code shall be known and cited as the "City of San Luis Obispo Subdivision Regulations" or "Subdivision Regulations".
- B. Nothing in this title 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. (Ord. 1490 § 3 (part), 2006)
- D. When interpreting and applying Subdivision Regulations, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

16.02.020 Purpose.

The Subdivision 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 Subdivision 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 City of San Luis Obispo 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. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

16.02.040 Projects Subject to City Subdivision Regulations.

These regulations shall apply to any division of land within the city and shall control the preparation, processing and approval of all tentative maps, vesting tentative, final maps, parcel maps, certificates of compliance, lot line adjustments, lot mergers and to other actions provided for by the Subdivision Map Act. Except as noted in this section, 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. (Ord. 1490 § 3 (part), 2006)

16.02.050 Excluded and Exempt projects.

Projects Not Subject to the Map Act or the Subdivision Regulations. Pursuant to Gov't Code Section 66412, the Subdivision Map Act and the Subdivision Regulations do not apply to the following:

- A. The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks.
- B. Mineral, oil, or gas leases.

- C. Land dedicated for cemetery purposes under the State [Health and Safety Code](#).
- D. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- E. The construction, financing or leasing of second residential units pursuant to the zoning regulations.
- F. Leasing for agricultural purposes, cultivation of food or fiber, and grazing or pasturing of livestock.
- G. 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. (Ord. 1490 § 3 (part), 2006)

Projects Exempt from the Mapping Requirements. The following are generally subject to these Subdivision Regulations, but are exempt from the tentative, parcel and final map requirements of these Subdivision Regulations and the Subdivision Map Act pursuant to Gov't Code Section 66412:

- A. 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.
- B. Any separate assessment under Section [2188.7](#) of the State Revenue and Taxation Code for community apartment or cooperative housing projects.
- C. 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.
- D. 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.

16.02.060 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. (Ord. 1490 § 3 (part), 2006)

16.02.070 Withdrawal of Tentative Map Applications and Applications Deemed Inactive.

Requests for withdrawal of tentative map subdivision applications 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 public hearing. (Ord. 1490 § 3 (part), 2006). Applications will be deemed inactive when the applicant has not responded within 180 days to submit any information required by staff to complete the application or any other needed information deemed necessary for environmental review. The applicant shall have the ability to otherwise demonstrate to the satisfaction of the Director of Community Development that progress is being made toward compliance. The Director shall determine when an application is in an "inactive status" and deemed to be withdrawn.

16.02.080 Effect of Annexation.

Any subdivision subject to annexation to the city shall comply with the Subdivision Map Act and City Subdivision Regulations. (Ord. 1490 § 3 (part), 2006)

16.02.090 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. (Ord. 1490 § 3 (part), 2006)

16.02.100 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 thereunder, then such private provisions shall be operative and supplemental to these regulations. (Ord. 1490 § 3 (part), 2006)

16.02.110 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 therefor and designated so to act by the City Council. (Ord. 1490 § 3 (part), 2006)

16.02.120 Prior Rights and Violations

The enactment of the Subdivision Regulations shall not terminate nor otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any prior ordinance or resolution, nor shall violation of any prior ordinance or resolution be excused by the adoption of the Subdivision Regulations.

16.02.130 – Severability, Partial Invalidation of the Subdivision Regulations

If any portion of the Subdivision Regulations is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity, constitutionality, or enforceability of the remaining portions of this Title. The Council hereby declares that this Chapter and each division, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof is adopted without regard to the fact that one or more portions of this Chapter may be declared invalid, unconstitutional, or unenforceable.

Chapter 16.04 Review Authority

Sections:

16.04.005	Purpose of provisions.
16.04.006	Concurrent Application Processing
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.

16.04.005 Purpose of Provisions.

This chapter describes the duties and responsibilities of those authorized to review and act on subdivisions governed by these regulations. (Ord. 1490 § 3 (part), 2006)

16.04.006 Concurrent Application Processing.

- A. Subdivision applications subject to discretionary review that also include an associated development review entitlement shall be reviewed concurrently, consistent with review procedures identified in Zoning Regulations Chapter 17.106 and Subdivision Regulations Sections 16.04.010 – 16.04.070. Multiple applications for the same project shall be processed concurrently and shall be reviewed and acted upon by the highest review authority designated by the Subdivision Regulations or Zoning Regulations for any of the applications. For example, a project for which applications for Major Development Review project and a Tentative Parcel Map are filed shall have both applications decided by the Planning Commission, instead of the Director being the final decision-making authority for the Tentative Parcel Map application.

16.04.010 City Council.

- A. The City Council shall review and have final authority to approve, conditionally approve or deny:
 1. Subdivision applications that result in or include concurrent review of any legislative action.
 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.
 4. Condominium conversion approvals.
 5. Approval of final maps pursuant to 16.14.090
- B. Any appeals of action taken by the Planning Commission on subdivisions governed by these regulations. (Ord. 1490 § 3 (part), 2006)

16.04.020 Planning Commission.

- A. The Planning Commission shall review and make recommendations for approval, conditional approval or denial to City Council on:
1. Tentative map applications (tentative parcel maps and tentative tract maps) that also include concurrent processing of a rezoning, an amendment to the zoning regulations or the general plan, or any other legislative action.
 2. Condominium Conversion Requests.
 3. Any subdivision application which includes final review authority by the City Council, as identified in 16.04.010 (City Council).
- B. The Planning Commission shall review and have the final review authority to approve, conditionally approve, or deny:
1. Tentative map applications (Tentative Parcel and Tentative Tract Map) where the Planning Commission is the final review authority for related development review entitlements consistent with the Zoning Regulations (Multiple Permit Applications – SLOMC 17.102.E.)
 2. Tentative map applications (Tentative Parcel and Tentative Tract Map) with requested exceptions to subdivision standards, providing they are not in conjunction with items requiring Council approval as listed in 16.04.010.
 3. Appeals of actions taken by the Community Development Director governed by these regulations.

16.04.030 Community Development Director/subdivision hearing officer.

- A. The Community Development Director [hereinafter, “the Director”](or designee) shall review and have the authority to act on:
1. Tentative Parcel maps submitted concurrent with projects subject to the Minor and Moderate levels of review described in Zoning Regulations Section 17.106.030 B. & C. which are 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 and which do not require Planning Commission or City Council approval.
 2. Tentative Parcel Maps for projects which have already obtained Development review approval, and which have already obtained or do not require condominium conversion approval and do not require final map approval per 16.08.050.
 3. Parcel Maps
 4. Lot line adjustments ([16.08.040](#))
 5. Lot combinations (voluntary mergers -16.08.030).
 6. Certificates of compliance and Conditional Certificates of Compliance (16.08.10).

7. Commercial condominium conversions together with a tentative map for projects eligible to record a parcel rather than a final map, pursuant to 16.08.050 and Section 66426(c) of the Subdivision Map Act.
 8. Parcel map waivers (16.08.110)
 9. Time extension requests for filing parcel or final maps (16.10.155).
 10. Minor amendments to tentative maps (see Section [16.10.160](#)).
 11. Urban Lot Splits (16.15)
- 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. (Ord. 1490 § 3 (part), 2006)
 - E. Review of substantial compliance with approved or conditionally approved tentative maps and certification of such by signature on the corresponding parcel map or, upon approval by the City Council, final maps to be filed with the County recorder.

16.04.040 Public Works Director.

- A. The City's 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. Recommend to the Community Development Director on whether to certify parcel and final maps, and reversion to acreage maps.
 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. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

16.04.060 City Clerk.

The City Clerk shall certify actions taken by the City Council by signature on: (A) all resolutions approving subdivisions acted on by the City Council; and (B) the title sheet of the parcel or final maps. (Ord. 1490 § 3 (part), 2006)

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.

Chapter 16.08. Types of Maps Required

Sections:

16.08.005	Purpose of provisions.
16.08.010	Certificate of Compliance.
16.08.020	Lot Combinations – Voluntary Mergers.
16.08.030	Lot Line Adjustments.
16.08.040	Tentative Tract Maps.
16.08.050	Tentative Parcel Maps.
16.08.060	Vesting Tentative Maps.
16.08.070	Final Maps.
16.08.080	Parcel Maps.
16.08.090	Waiver of Map Requirements
16.08.100	Overview of Required Maps

16.08.005 Purpose of provisions.

This chapter describes the Subdivision Map Act requirement for types of maps to be submitted as part of various subdivision project applications. (Ord. 1490 § 3 (part), 2006)

16.08.010 Certificate of Compliance

A. Application Type. Pursuant to Section 16.16.010 (Certificates of Compliance), any person owning real property or a vendee of that person pursuant to a contract of sale of the real property may request a determination of whether the real property complies with the provisions of the Subdivision Regulations and the Subdivision Map Act.

16.08.020 Lot Combinations – Voluntary Mergers

A. Application Type. Pursuant to Section 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, Subject to Section 16.16.030 (Lot Combinations / Voluntary Mergers).

16.08.030 Lot Line Adjustments

Application Type. Tentative maps and final maps are 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, subject to Section 16.16.020 (Lot Line Adjustments), and the Subdivision Map Act Section 66412(d).

16.08.040 Tentative Tract Maps

Application Type. Pursuant to Chapter 16.10 (Tentative Maps), a Tentative Tract Map shall be required for all subdivisions, including Flexible Lot Design Subdivisions, Airspace Subdivisions, Condominium projects, Community Apartment Projects, and Condominium Conversions, that result in the creation of five or more lots or parcels unless a Tentative Parcel Map is required pursuant to Section 16.08.050 (Tentative Parcel Maps).

16.08.050 Tentative Parcel Maps

A. Application Type. Pursuant to Chapter 16.10 (Tentative Maps) a Tentative Parcel Map shall be required under the following circumstances:

1. For all land divisions resulting in the creation of four or fewer lots or parcels
2. Projects to construct a Condominium or Community Apartment Project on a single parcel for which the Tentative Tract Map and Final Map requirement has been waived pursuant to Chapter 16.14.
3. All subdivisions, including Flexible Lot Design Subdivisions, Airspace Subdivisions, Condominium projects, Community Apartment Projects, and Condominium Conversions, that result in five or more parcels or lots if one of the following circumstances exists:
 - a. The land before the division contains less than five acres, each parcel created by the division abuts a maintained public street, highway, and no dedications or improvements are required by City Council; or
 - b. Each parcel created by the division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway; or
 - c. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of City Council as to street alignments and widths; or
 - d. Each parcel created by the division has a gross area of forty acres or more or is not less than a quarter of a quarter section; or
 - e. 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 Vesting Tentative Maps

Application Type. Pursuant to Chapter 16.12 (Vesting Tentative Maps), a Vesting Tentative Map (inclusive of either a vesting tentative tract map or a vesting tentative parcel map) may be filed for residential, commercial, or industrial developments.

16.08.070 Final Maps

Application Type. Following approval of a tentative tract map, a subdivider may cause a final map to be prepared pursuant to Chapter 16.14 (Parcel and Final Maps).

16.08.090 Waiver of Map requirements.

Parcel Maps and final maps for projects to construct a Condominium or Community Apartment Project on a single parcel may be waived pursuant to Chapter 16.14.

16.08.100 Overview of Required maps.

Map requirements for different types of subdivision projects are summarized in Table 2—Maps Required for Various Subdivision Projects.

Table 1. Maps Required for Various Subdivision Projects

Project Type	Maps Required	Notes
Subdivisions creating four or fewer lots or any subdivision type not requiring a final map	Tentative Parcel map or vesting tentative map and parcel map	See 16.18.040-050 to determine if a Tentative Parcel map or Tentative Tract map is required.
Subdivisions creating five or more lots or subdivision types requiring a final map	Tentative Tract map or vesting tentative map and final map	See 16.18.040-050 to determine if a Tentative Parcel map or Tentative Tract map is required
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 Tract map or vesting tentative Tract map and final map	See 16.18.040-050 to determine if a Tentative Parcel map or Tentative Tract map is required
Lot combinations (voluntary)	Map exhibit, drawn to scale,	Tentative map or record of survey may be submitted with the

mergers)	and suitable for recording	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 16.08.050

Chapter 16.10. Tentative Maps

Sections:

16.10.005	Purpose of Provisions.
16.10.010	Application Requirement.
16.10.020	Form and Contents.
16.10.030	Submittal to Community Development Department.
16.10.040	Time limits for City Review.
16.10.050	Environmental review.
16.10.060	Notice of public hearing on tentative map.
16.10.070	Staff reports and recommendations.
16.10.080	Public hearings.
16.10.090	Tentative map action—Extension of time.
16.10.100	Submission of revised tentative map.
16.10.110	Required findings for tentative map approval.
16.10.120	Appeal of Director's or Planning Commission's action on a tentative map.
16.10.130	Expiration of approved tentative maps.
16.10.135	Time extension for parcel or final maps.
16.10.140	Correction and amendment of approved tentative maps.

16.10.005 Purpose of Provisions.

This chapter describes tentative map application requirements, review procedures, and required findings for approval or denial. The term “tentative” or “vesting tentative” map is inclusive of tentative parcel maps and tentative tract maps. Tentative maps are maps initially reviewed for either a “final parcel” or “final tract” map subdivision. (Ord. 1490 § 3 (part), 2006). See Chapter 16.12 for additional review requirements that apply to vesting tentative maps.

16.10.010 Application Requirement.

The subdivider shall provide the Community Development Department with a completed application form and all required application checklist items on file in the Community Development Department for either a Tentative Parcel Map or Tentative Tract Map submittal.

16.10.020 Form and Contents.

Unless exempted by the Community Development Director, the tentative map shall be prepared by, or under the direction of, a licensed land surveyor or a state-registered civil engineer authorized to practice land surveying. The map submittal shall include all necessary information on the applicable Tentative Parcel Map, Tentative Tract Map, or Vesting Tentative Map application checklists, and all required submittal information for any related concurrent entitlement reviews.

16.10.030 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.* Pursuant to Government Code Section 65943, the Community Development Department shall determine whether the application is complete within thirty 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. (Ord. 1490 § 3 (part), 2006)

16.10.040 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 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 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 days of the adoption of the environmental document.

Note: Subsections [\(A\)\(1\)](#) and [\(3\)](#) or [\(A\)\(2\)](#) and [\(3\)](#) of this section 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. (Ord. 1490 § 3 (part), 2006)

16.10.050 Environmental review.

- A. *Environmental Impact Analysis.* After determination that a tentative map application is complete, the Community Development Department shall comply with the provisions of the California Environmental Quality Act (CEQA) in accordance with the time periods specified in this Section 16.10.060.B. 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. *Time Period for Review.* Consistent with Public Resources Code Section 21151.5 and subject to extension by mutual consent of the subdivider and the City:
1. If an environmental impact report (EIR) is required, the EIR shall be adopted within one year of the project application being accepted as complete.
- C. If a negative declaration is required, the negative declaration shall be adopted within one hundred five days of the project application being accepted as complete.
- D. *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 map or parcel 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. (Ord. 1490 § 3 (part), 2006)

16.10.060 Notice of public hearing on tentative map.

- A. At least ten calendar days before the public hearing, a notice shall be given in the following manner:
 - 1. Publication, at least once, in a newspaper of general circulation published and circulated in the city;
 - 2. First class mail to
 - a. the applicant
 - b. all owners and occupants of property shown on the latest county assessment roll as being located within three hundred feet of the subject property;
 - c. Owners of other property and local agencies expected to provide essential facilities or services pursuant to Section [66451.4](#) of the Government Code;
 - d. in the case of a proposed conversion of residential real property to a condominium, community apartment or stock cooperative project, to each tenant of the subject property as required by Section [66451.3](#)(b) of the Government Code;
 - 3. 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;
 - 4. 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 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 school district 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-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. (Ord. 1490 § 3 (part), 2006)

16.10.070 Staff reports and recommendations.

Any staff report or recommendation 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. (Ord. 1490 § 3 (part), 2006)

16.10.080 Public hearings and Timeframes for Action on Tentative Maps.

- A. The director, Planning Commission or City Council shall hold a public hearing and approve, conditionally approve or disapprove the tentative map in writing, within the timeframes established by Government Code Section 66452.1 and 66452.2, which action shall then be reported to the subdivider or applicant in writing.
- B. In addition, except for applications with a concurrent legislative action, the director, planning commission or City Council, as applicable pursuant to Chapter 16.04, shall approve, conditionally approve, or deny the tentative map application within the timeframes set forth by the Permit Streamlining Act, including Government Code Section 65950, 65950.1, 65951, 65952.
- C. 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.

16.10.090 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, pursuant to Subdivision Map Act Section [66451.1](#) and [Public Resources Code Section 21151.5](#). To do so, the subdivider must expressly agree, in writing or in the record at a public hearing, to the extension of time. Notwithstanding the foregoing, pursuant to Government Code Section 65957, the time limit in Section 16.10.080.B may only be extended upon mutual written agreement of the applicant and the City once for period not to exceed 90 days from the date of the extension.

16.10.100 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. (Ord. 1490 § 3 (part), 2006)

16.10.110 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, Government Code Section [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, Government Code Section [66473.1](#)).
- C. That the site is physically suitable for the proposed type of development.
- D. That the site is physically suitable for the proposed density of development.
- E. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially injure fish or wildlife or their habitat or 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 not likely to cause serious public health or safety problems.
- G. That the design of the proposed subdivision or the type of proposed improvements will not 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 Government Code. The 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 jurisdiction 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. The effect of its action on the housing needs of the region has been considered and 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 Government Code
- I. 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.

16.10.120 Appeal of Director's or Planning Commission's action on a tentative map.

- A. *Appeal of Director Decisions.* 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 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 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. *Appeal of Planning Commission Decisions.* 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 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 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 anew 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. (Ord. 1490 § 3 (part), 2006)

16.10.130 Expiration of approved tentative maps.

Pursuant to Government Code Section 6452.6, the approval or conditional approval of a tentative map or phases of a tentative map shall expire twenty-four 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 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 [16.10.155](#). (Ord. 1490 § 3 (part), 2006)

16.10.135 Time extension for parcel or final maps.

- A. The director may extend the time for filing the final subdivision map or parcel map after an approved tentative map as provided by Government Code Section 66452.6.
- 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 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.
- 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 days of the director's action. (Ord. 1490 § 3 (part), 2006)

16.10.140 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; 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. (Ord. 1490 § 3 (part), 2006)

Chapter 16.12. Vesting Tentative Maps

Sections:

16.12.005	Purpose of provisions.
16.12.010	Applicability.
16.12.020	Application procedures and requirements.
16.12.025	Consistency requirements and conditional approval of inconsistent development approval.
16.12.030	Failure to obtain Development Review approval.
16.12.040	Approval of vesting tentative map.
16.12.045	Development rights.
16.12.050	Duration of vested rights.

16.12.005 Purpose of provisions.

This chapter describes the application and processing requirements for “vesting” tentative maps and implements the Government Code provisions related to vesting tentative maps as defined in Government Code Section 66424.5 and 66452 and these Subdivision Regulations.

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 66498.1 of the Government Code. (Ord. 1490 § 3 (part), 2006)

16.12.020 Application procedures and requirements.

- A. A vesting tentative map application shall not be accepted for processing unless Development Review approval has been granted, or a complete application for Development Review approval and plans have been filed for processing concurrently with the vesting tentative map for all development on lots within the boundary of the vesting tentative map. When processing Development Review and a vesting tentative map concurrently, the subdivider may request that the city defer action on the vesting tentative map application until after final action has been taken on the Development Review application; provided, that, to the extent allowed by law, 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.
- B. A statement that the intended development of the vesting tentative map is consistent with the current zoning, or that an application has been filed for rezoning or prezoning the land which will be processed concurrently with the vesting tentative map, or, if the intended development is inconsistent with the current zoning and no concurrent rezoning or prezoning application has been filed, a statement on the map noting that inconsistency.
- C. If a planned development (PD) is required, the PD shall be processed prior to or concurrently with the vesting tentative map. (Ord. 1507 § 3(6), 2007)

16.12.025 Consistency Requirements and Conditional Approval of Inconsistent Development.

A. *Consistency Required.* A vesting tentative map shall be consistent with Zoning Regulations, the General Plan, applicable specific plan or any other applicable City standards in effect at the time of the vesting tentative map application was deemed complete.

B. *Conditional Approval of Inconsistent Development.* Notwithstanding Section 16.12.025.A, if a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with City zoning or planned development zoning, in effect at the time the application is deemed complete, the City may deny the vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance or issuance of a planned development rezoning to eliminate the inconsistency. If a change in the zoning or issuance of a planned development rezoning is obtained that subsequently cures the noted inconsistency, the conditionally approved vesting tentative map shall, notwithstanding Section 16.12.045, confer the vested right to proceed with the development in substantial compliance with the change in the zoning or planned development zoning and the map as approved. (Ord. 1507 § 3(8), 2007)

16.12.030 Failure to obtain Development review approval.

Unless exempted as described in Section 16.12.020(A), approval of a vesting tentative map is contingent upon Development 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 Development 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 Development 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. (Ord. 1507 § 3(10), 2007)

16.12.040 Expiration of Vesting Tentative Map.

- 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 [16.10.150](#)).
- B. The approval or conditional approval of a vesting tentative map may be extended under the provisions of Section 16.10.155, except that the time extension for a vesting tentative map shall be reviewed for conformance with the city standards in effect at the time the vesting tentative map application was deemed complete.

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 vesting tentative map application was deemed complete, consistent with the Subdivision Map Act, Government Code Sections 66498.1 and [66474.2](#).

- B. Notwithstanding subsection (A) of this section, 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. (Ord. 1507 § 3(14), 2007)

16.12.050 Duration of vested rights.

- A. If a final map or parcel map is approved, the rights conferred by the vested tentative map shall remain in effect for the following time periods beyond the recording of the final map or parcel map:
1. An initial time period of one 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-year extension of the initial time period in subsection (B)(1) of this section, pursuant to the provisions in Section 16.10.155. The subdivider may appeal the director's denial of an extension within fifteen days pursuant to Section 66452.6(g) of the Government Code.
 3. Upon submittal of a complete application for a building permit during the time periods specified in subsections (B)(1) and (2) of this section, the rights referred to herein shall continue until the expiration of that permit, or any approved extension of that permit. (Ord. 1490 § 3 (part), 2006)

Chapter 16.14. Parcel and Final Maps

Sections:

- 16.14.005 Purpose of provisions.
- 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 Recommendation of Public Works Director and action of the Community Development Director.
- 16.14.090 Council action on final subdivision maps.
- 16.14.100 Community Development Director Action on Parcel Maps.
- 16.14.110 Filing with the County Recorder
- 16.14.120 Multiple parcel or final maps filed for one tentative map.
- 16.14.130 Corrections or amendments.
- 16.14.140 Waiver of Map Requirements.

16.14.005 Purpose of provisions.

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 tentative parcel map and a “final map” is generally the recording instrument for tentative tract maps. (Ord. 1490 § 3 (part), 2006)

16.14.010 Application submittal.

The subdivider shall submit the original form of the final map or parcel map, prepared in accordance with the provisions of this title and the Subdivision Map Act, to the city public works department before expiration of the tentative map pursuant to 16.10.150, 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. (Ord. 1490 § 3 (part), 2006)

16.14.020 Failure to file in time.

Failure to file a map before expiration of tentative map pursuant to Section 10.10.150, 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. (Ord. 1490 § 3 (part), 2006)

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. Provided the requirements of Article 2 (Final Maps) and Article 3 (Parcel Maps) of Chapter 2, Division 2, Title 7 of the Government Code are met, 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; or 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). (Ord. 1490 § 3 (part), 2006)

16.14.040 Final Map form and contents.

Final maps shall include all of the following deemed necessary for map submittal by the Engineering Division of the Community Development Department in addition to all required Final map submittal checklist items.

- 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 eighteen inches by 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, and with all lettering a minimum of one-eighth 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 lines, 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 lengths or chord bearings and lengths 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.

- 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 letters and numbers 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 Rights-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.* The names for streets and highways within the subdivision shall be shown on the final map spelled out in full and including suffixes such as “road,” “street,” “avenue,” “place,” “court” or other designations.
- 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 watercourses 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 Section 670.2 or 670.5, Title 14, California Administrative Code, or in Title [50](#) Code of Federal Regulations Section 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. (Ord. 1490 § 3 (part), 2006)

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 shall be eighteen inches by twenty-six inches, with a marginal line drawn on all sides, leaving a one-inch blank margin. The scale 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 parcel map, 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. If such easement cannot be definitively ~~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 by fine dotted lines.
- G. *Monuments*. The map shall show monuments found or set in the manner described in subsection [E](#) of this section.
- 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 letters and numbers shall be used. Each lot shall be shown entirely on one sheet. Each street shall be named or otherwise designated. (Ord. 1490 § 3 (part), 2006)

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 City 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 City 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 a 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. (Ord. 1490 § 3 (part), 2006)

16.14.070 Statements, documents and other data to accompany parcel and final map.

Note: 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 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 is 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 public 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 one 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&Rs*. 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 electronic files 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. (Ord. 1490 § 3 (part), 2006)

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. For final maps, transmit the map to the City Clerk for placement on the next available City Council agenda.
2. Recommend the Community Development Director (or designee) certify approval of the parcel map or final map by signature on the title sheet and forward it to the County 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 Department need not recommend the Community Development Director certify the parcel or final map. In such instances, the City Public Works Department shall forward the parcel or final map to the City Council for further consideration.
- D. If the City Public Works Department recommends and the Community Development Director certify a parcel or final map, the city shall accept, accept subject to improvements, or reject any offer of dedication and shall so certify on the map.
- E. City Council (Ord. 1490 § 3 (part), 2006)

16.14.090 Council action on final maps.

- A. At the meeting at which the City Council receives the final map, or at the first regular meeting thereafter, the City Council shall approve the map if it is in substantial compliance 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 City Council shall disapprove it.
- B. If the City 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 City 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. (Ord. 1490 § 3 (part), 2006)

16.14.100 Community Development Director Action on Parcel Maps

The Community Development Director or designee is authorized to approve parcel maps. The Director shall not deny approval of a parcel map if there is a previously approved a tentative map for the proposed subdivision and if the Director finds that the parcel map is in compliance with the requirements of the Subdivision Map Act, this title, and the approved tentative map.

16.14.110 Filing with the county recorder.

After the City Council approves a final map, or the Community Development Director approves the parcel map, the City Engineer or designee is authorized to transmit the map to the county recorder. (Ord. 1490 § 3 (part), 2006)

16.14.120 Multiple parcel or final maps filed from one tentative map.

- A. Multiple parcel or final maps relating to an approved tentative map may be filed pursuant to Subdivision Map Act Sections 66463.1 and 66456.1. (Ord. 1490 § 3 (part), 2006)

16.14.130 Corrections or amendments.

- 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
 6. Correct any additional information filed or recorded pursuant to Government Code Section 66434.2, if the correction does not impose any additional burden on the present fee owners of the real property and does not alter any right, title, or interest in the real property reflected on the recorded map; or
 7. 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 Government Code if a final map, or Section 66445(a) through

(d) inclusive and (f) through (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 subsection [A](#) of this section, 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 subsection [A](#) of this section, 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 subsection [F](#) of this section, 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. (Ord. 1490 § 3 (part), 2006)

16.14.140. Waiver of Map Requirements

- A. Waiver of Parcel Map Requirement.
 - 1. Parcel maps may be waived pursuant to Section [66428](#) of the Subdivision Map Act for the following:
 - a. Divisions of real property or interests therein created by probate, eminent domain procedures, partition, or other civil judgments or decrees.
 - b. 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 rights-of-way or easements for streets, sewers, utilities, drainage, or other public facilities.

2. 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.
- B. Waiver of Tentative Tract Map and Final Map Requirement for Certain Condominium and Condominium Apartment Projects
1. The final map and tentative tract map requirement for a project to construct a Condominium or Community Apartment Project on a single parcel may be waived pursuant to pursuant to Section [66428\(b\)](#) of the Government Code.
 2. The decision to waive the tentative tract map and final map requirement for a project to construct a Condominium or Community Apartment Project on a single parcel shall be made as part of the action taken on the tentative parcel map application 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.
 3. Projects to construct a Condominium or Community Apartment Project on a single parcel for which the tentative tract map and final map requirement has been so waived shall be subject to the requirements for a tentative parcel map and parcel map.
- C. General Waiver Provisions
1. The provisions of this section do not apply if the approval of the subdivision requires discretionary action, rezoning or other legislative action.
 2. A subdivider wishing to request a waiver under this section shall include such request with his or her application for tentative map approval.
 3. A parcel map or final map waiver may be conditioned to provide for the payment of park land dedication and any other fees generally applied to subdivision projects.
 4. 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 or final map requirement has been waived, the director shall, within ninety days and without further application and proceedings, file the certificate of compliance and a map exhibit showing the land division with the county recorder. (Ord. 1490 § 3 (part), 2006)

Chapter 16.15. Urban Lot Splits

Sections:

- 16.15.005 Purpose and applicability.
- 16.15.010 Permit application and review procedures.
- 16.15.020 Qualifying requirements.
- 16.15.025 Property Improvement Standards.
- 16.15.030 Exceptions to Objective Standards.
- 16.15.035 Separate Conveyance.

16.15.005 Purpose and applicability.

The purpose of this chapter is to appropriately regulate qualifying “urban lot splits” within qualifying locations in Low-Density Residential (R-1) zones in accordance with California Government Code Section 66411.7.

- A. Applicability.** The standards and limitations set forth in this chapter shall apply to urban lot splits under California Senate Bill 9 of 2021 (“SB 9”) within R-1 residential zones in the City, notwithstanding any other conflicting provisions of this code. In the event of a conflict between the provisions of this Chapter and any other provision of this code, the provisions of this chapter shall prevail.
- B. Interpretation.** The provisions of this chapter shall be interpreted to be consistent with the provisions of California Government Code Sections 66411.7 and shall be applied in a manner consistent with state law. The City shall not apply any requirement or development standard provided for in this chapter to the extent prohibited by any provision of state law.
- C. Permitted Locations.** A lot on which an urban lot split is proposed must be located within an R-1 zone and meet all qualifying requirements of 16.15.020 below.

16.15.010 Permit Application and Review Procedures

- A. Application.** An applicant for an SB 9 urban lot split shall submit all required items from the tentative map application on file at the Community Development Department. The application shall be accepted if it is completed as prescribed and accompanied by payment for all applicable fees. In addition to all required submittal checklist items for a tentative map, sufficient information shall be provided in the application to demonstrate, through objective review, the following: (1) the lots will accommodate development that complies with development standards and City codes, (2) information is provided to justify any proposed exceptions to objective standards, (3) sufficient access to the public right-of-way is provided or preserved, (4) the lots accommodate needed easements, infrastructure, and emergency access, and (5) any information deemed necessary by the Director for objective review as needed evidence that the proposal will not result in any specific adverse impacts.
- B. Review.** Consistent with state law, the Director will review and determine compliance of a complete application for an SB 9 urban lot split ministerially, without discretionary review or public hearing.

- C. Effectiveness of Approval.** The ministerial approval of a final parcel map for an urban lot split does not take effect until the City has confirmed that all required documents have been recorded at the County Clerk-Recorder.
- D. Specific, Adverse Impacts.** Notwithstanding anything else in this section, the Director shall deem an application for a tentative parcel map non-compliant upon written findings, based on a preponderance of the evidence, that the project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

16.15.020 Qualifying Requirements

A proposed urban lot split must meet all of the following requirements in order to be an eligible urban lot split under Government Code 66411.7 (Urban Lot Split). It shall be the responsibility of the applicant to demonstrate to the satisfaction of the Director that each of these requirements is satisfied. The applicant and/or owner of the property shall provide a sworn statement, in a form approved by the Director, attesting to all facts necessary to establish that each requirement is met.

- A. Maximum Number of Dwellings.** An urban lot split shall not result in more than two (2) dwelling units of any kind on the resulting parcels. As described by Government Code Sections 66411.7(j), the two-unit limitation applies to any combination of primary dwelling units, ADUs, or JADUs.
- B. Hazardous Areas.** The proposed lot split shall not be located on any site identified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of California Government Code Section 65913.4, unless the development satisfies the requirements specified therein. Such sites include, but are not limited to, prime farmland, wetlands, high or very high fire hazard severity zones, special flood hazard areas, regulatory floodways, and lands identified for conservation or habitat preservation as specifically defined in Government Code Section 65913.4.
- C. Historic Properties.** The proposed lot split shall not be located within a historic district or on property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the California Public Resources Code, or within a site that is designated or listed as a Historic Resource pursuant to the City's Historic Preservation Ordinance.
- D. Affordable Housing.** The proposed urban lot split shall not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
- E. Subsequent Urban Lot Splits.** In the case of an urban lot split, the lot proposed to be subdivided shall not have been established through a prior urban lot split.
- F. Adjacent Urban Lot Splits.** In the case of an urban lot split, the lot proposed to be subdivided ("subject lot") shall not be adjacent to any lot that was established through an urban lot split by the owner of the subject lot or by any person acting in concert with with the owner of the subject lot.
- G. Subdivision Map Act.** An urban lot split must conform to all applicable objective requirements of the Subdivision Map Act, including implementing requirements in this code, except as otherwise provided

in this Chapter. Notwithstanding the foregoing, no dedication of rights-of-way or construction of offsite improvements is required solely for an urban lot split.

- H. Lot Size.** An urban lot split application may subdivide an existing lot to create no more than two new lots of approximately equal lot area, provided that one lot shall not be smaller than forty (40) percent of the lot area of the original lot proposed for subdivision. Both newly created lots must each be no smaller than one thousand two hundred (1,200) square feet.
- I. Easements.** The owner must enter into an easement agreement with each utility/public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
1. Each easement must be shown on the tentative parcel map and the final parcel map.
 2. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final parcel map may be approved.
- J. Required Affidavit.** The applicant for a final parcel map for an urban lot split must sign an affidavit provided by the City stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years from the date of approval of the urban lot split, or in the case of a vacant property a minimum of three years from the date of issuance of occupancy certification of any new residential dwellings on either of the resulting lot.
- K. Rental Term.** Rental of any unit created pursuant to this section shall be for a term longer than 30 days.

16.15.025 Property Improvement Standards

- A. Objective Standards.** Any lot created through an urban lot split shall be subject to the standards and criteria set forth in this section. In addition, except as modified or provided by this Section or State Law, any lot created through an urban lot split shall conform to all objective standards applicable to the lot as set forth in this title and/or in an applicable specific plan or planned unit development ordinance or resolution, along with all applicable objective standards and criteria contained in standard plans and specifications, policies, codes, regulations, and/or standard conditions duly promulgated and/or adopted by the City.
- B. Lot Access.** Each resulting lot must have frontage on the public right-of-way of at least twenty feet or be served by an access easement serving no more than two lots. Access shall be provided in compliance with these standards:
1. Vehicle access easements serving a maximum of two parcels shall meet the following standards:
 - i. Easement width shall be a minimum of twenty (20) feet and shall comply with Engineering Standard 2120 for driveway ramp improvements and widths.
 - ii. The minimum length for a vehicle access easement is twenty (20) feet. No maximum easement length shall be set. If easement length is more than seventy-five (75) feet, a vehicle turnaround shall be provided.

- iii. No residential structure shall be closer than three feet to the easement.
 - iv. Vehicle access easements shall not be located closer than twenty-five (25) feet to an intersection.
2. Where a lot does not abut a public street, and where no automobile parking spaces are required under 16.025.D, a vehicle access easement is not required. An easement providing pedestrian access to a street from each lot shall be provided meeting the following standards:
 - i. Easement width shall be a minimum of ten (10) feet;
 - ii. Pedestrian access easements shall not exceed two hundred (200) feet in length.
 3. Access and provisions for fire protection consistent with the California Fire Code shall be provided for all structures served by an access easement.
 4. Surfacing of easements, pedestrian walkways required within easements, and turnaround dimensions shall meet the requirements of the California Fire Code and the City's Engineering Standards.
 5. Lots taking access by an easement must record a shared maintenance agreement for the driveway/accessway. The agreement shall be recorded prior to or concurrently with the final parcel map.
- C. Lot Line Configurations.** The location of property lines associated with an urban lot split application shall comply with all objective standards as identified in Section 16.18.040 (Location of Lot Lines), and as described below:
1. No portion of an urban lot split may result in a lot width or depth of less than 20 feet for any portion of the subdivision.
 2. A lot line shall not bisect or be located within four feet of any existing or proposed structure.
- D. Parking Required.** Off-street parking of up to one space per unit shall be provided and comply with the City's Parking and Driveway Design and Development Standards Section 17.72.090 except when:
1. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.
 2. There is a car share vehicle located within one block of the parcel. Owner shall enter into an agreement with the City to ensure that a car share vehicle will remain within one block of the parcel in perpetuity, unless and until Owner provides off-street parking or development occurs such that note (1) above applies.

16.15.030 Exceptions to Objective Standards.

- A.** All proposed lots and development proposed pursuant to this Chapter shall comply with all City Zoning, codes, objective policies, and guidelines unless an exception is granted. No exception shall be granted

for any of the of the Qualifying Requirements as outlined in Section 16.15.020. Any proposed exception to any relevant objective standards, policies, guidelines, or codes shall not be granted unless the Community Development Director can affirmatively determine the application meets all of the below requirements. For the purpose of these requirements, existing improvements or development is not considered a physical constraint.

- B. The necessity to grant the exception(s) is based on site development feasibility where there are no options for other design alternatives such as modifying the footprint, moving lot lines, adding stories, or reducing floor area (to min 800 sq ft) and where the applicant has demonstrated it is physically not possible to redesign the project to avoid the necessity of exceptions.
- C. The requested exceptions represent the minimum deviation necessary to allow the construction of two units on each resulting parcel and which would not require any of the units to be less than 800 square feet.

16.15.035 Separate Conveyance

- A. Separate conveyance of the two lots resulting from an urban lot split is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, or if the two lots share a driveway, appropriate covenants, easements or similar documentation allocating legal and financial rights and responsibilities between the owners of the two lots (“CC&Rs”) for construction, reconstruction, use, maintenance, and improvement of the attached structures and any related shared drive aisles, parking areas, or other portions of the lot must be recorded before the city will approve a final parcel map for the urban lot split. Notwithstanding the provision of such CC&Rs, however, where attached structures and/or related shared facilities span a lot line resulting from an urban lot split, all owners of both lots shall be jointly and severally responsible for the use and maintenance of such structures and/or shared facilities in compliance with all provisions of this Code.
 - 1. Primary dwelling units located on the same lot may not be owned or conveyed separately from one another. All fee interest in a lot and all dwellings must be held equally and undivided by all individual owners of the lot.
 - 2. Except as provided in Government Code Section 65852.26, Accessory Dwelling Units (ADU) may not be sold or otherwise conveyed separate from the primary residence.
 - 3. Junior Accessory Dwelling Units (JADU) may not be sold or otherwise conveyed separate from the primary residence.
- B. A lot created by a final parcel map under this Section shall not be further subdivided. Condominium airspace division or common interest subdivisions are not permitted on a lot created through an urban lot split.

Chapter 16.16. Certificates, Adjustments and Mergers

Sections:

16.16.005	Purpose of provisions.
16.16.010	Certificates of compliance.
16.16.020	Lot line adjustments.
16.16.030	Lot combinations/voluntary mergers.
16.16.040	Reversions to acreage.
16.16.050	Merger and resubdivision.

16.16.005 Purpose of provisions.

This chapter explains the application requirements and review procedures for lot line adjustments, certificates of compliance, lot mergers and reversions to acreage. (Ord. 1490 § 3 (part), 2006)

16.16.010 Certificates of compliance.

A. *Purpose.*

Any person owning real property or a vendee of that person pursuant to a contract of sale of the real property may request a certificate of compliance establishing whether the real property complies with the provisions of the Subdivision Regulations and the Subdivision Map Act. 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 city subdivision standards or with the Subdivision Map Act, the City may issue a conditional certificate of compliance (also see Chapter [16.24](#), Violations and Enforcement). In such cases, all conditions of the certificate of compliance imposed pursuant to subdivision E of this section must be satisfied prior to the city's issuance of any permit or other grant of approval for development of the affected property.

1. A certificate of compliance does not ensure that a parcel is developable.. 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.* Each separate parcel for which a certificate is requested shall require a separate application. The application form provided by the City 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 fifty 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. If the director determines that the parcel complies with the provisions of the Subdivision Map Act and this title, the Director shall file a certificate of compliance for record with the office of the county recorder. The certificate of compliance shall identify the real property and shall

state that the division thereof complies with the provisions of the Subdivision Map Act and this title. No Public Notice or Hearing. Public notice and public hearings are not required for certificates of compliance.

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, the Director may impose conditions currently applicable to subdivisions if the current owner was the owner at the time of the illegal subdivision. If the current owner is not the same as the owner of record at the time of the illegal subdivision, the director may impose conditions to bring the lot or parcel into compliance with the City's standards that were in effect at the time of the current owner's acquisition of the property.. ().

Appeal. The conditions imposed by the director may be appealed to the Planning Commission within ten calendar days of the action taken.

2. *Recordation and Compliance with Conditions.* Upon payment by the applicant of the appropriate recording fee, and following the expiration of the ten-day appeal period or the City 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.

- F. *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. (Ord. 1490 § 3 (part), 2006)

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 map as described in Section 16.10.010. Lot line adjustments involving four or fewer existing adjoining 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 ten 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 streetlights.
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 eighteen-inch by twenty-six-inch copies, folded, and one eight-and-one-half-inch by eleven-inch 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 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.
 4. The modified lot lines do not alter an existing right-of-way, except with written approval of the city public works director.
 5. 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 cannot 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.
- G. *Recorded Deeds.* The Subdivision Map Act requires that lot line adjustments be reflected in a recorded deed (Section 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 landowners), 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. (Ord. 1490 § 3 (part), 2006)

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 is 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. (Ord. 1490 § 3 (part), 2006)

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 after a public hearing.

- A. *Initiation of Proceedings* (Section [66499.12](#) of the Subdivision Map Act). 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* (Section [66499.13](#) of the Subdivision Map Act). 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 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 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 of 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* (Section [66499.16](#) of the Subdivision Map Act). Subdivided real property may be reverted to acreage only if the City Council 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 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 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 [C](#) of this section. (Ord. 1490 § 3 (part), 2006)

16.16.050 Merger and resubdivision.

Subdivided lands may be merged and resubdivided 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 resubdivision. Any streets or easements to be left in effect after the resubdivision 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 resubdivision of such parcel and shall also constitute abandonment of all streets and easements not shown on the map. (Ord. 1490 § 3 (part), 2006)

Chapter 16.17. Airspace and Common Interest Subdivisions, Flexible Lot Design Subdivisions, and Condominium Conversions

Sections:

- 16.17.010 Purpose.
- 16.17.020 Airspace Subdivisions, Common Interest Subdivisions, and Flexible Lot Design Subdivisions.
- 16.17.030 Flexible Lot Design Subdivisions in the R-1 zone.
- 16.17.040 Condominium Conversions.
- 16.17.050 Exceptions to Condominium Conversion Requirements.

16.17.010 Purpose.

The purpose of this Chapter is to prescribe subdivision regulations that apply to the following development types:

- Airspace Subdivisions (16.26.035)
- Common Interest Subdivisions (16.26.070)
- Flexible Lot Design Subdivisions (16.26.135)
- Condominium Conversions (16.26.080)

16.17.020 Airspace Subdivisions, Common Interest Subdivisions, and Flexible Lot Design Subdivisions.

- A. Applicability and Intent.** This Section explains the review process and standards that apply to subdivision types that differ from the lot area minimums and dimensions in 16.18.030 (Table 2). This Section covers projects (where allowed in subsection B. below) that propose ownership boundaries or separate unit ownership within buildings or on parcels where property development standards such as lot coverage and density are determined by using the exterior boundaries of the property and where standards apply to the project as a whole instead of requiring conformance with all property development standards on each of the proposed parcels/units in the subdivision. These types of subdivisions can rely on shared ownerships as is the case with subdivisions with common interests (i.e. condominiums) or may also rely solely or in part with easements for common areas such as recreation facilities, open space, parking, driveways, etc. (i.e. flexible lot subdivisions, and Airspace subdivisions).
- B. Zones allowed.** This Chapter applies to the Subdivision types listed above in 16.17.010 (defined in Chapter 16.26) and can be allowed in multi-family and non-residential zones with the exception of the AG and OS zones. In the R-1 zone, only Flexible Lot Subdivisions are allowed consistent with 16.17.030.
- C. Application and Review Requirements.** Subdivisions subject to this Chapter shall be consistent with development projects which have already received Development Review approval or shall be processed concurrently with a separate Development Review application. Subdivisions subject to this Chapter shall not be approved without Development Review approval pursuant to Section 17.106.030.

Tentative Parcel map or Tentative Tract map application requirements are determined based on the number of lots or units and criteria of 16.08.040 & 050.

- D. Property Development Standards:** Property development standards (SLOMC 17.70), including (but not limited to) density, setbacks, floor area ratios, and lot coverage limitations, shall apply with respect to the exterior boundary lines (property lines) of the proposed subdivision and not to individual units or lots within the project. Interior setback standards for each newly created lot within the subdivision are dictated by minimum separation requirements of the Building and Fire codes and standard minimum setbacks of the Zoning code are required at the exterior boundaries of the project.
1. **Lot Dimensions.** Subdivisions subject to this Section may be any size or shape and shall not be subject to the minimum lot sizes, lot dimensions, and lot area requirements as described in Table 2 (Minimum Lot Area and Dimensions).
 2. **Access and driveways.** Driveway and pedestrian access shall be provided by direct access to the public right-of-way or may be served by an easement or be within a separate lot that is commonly owned and managed by an association or agreement, subject to the approval of the Public Works Director.
 3. **Easements.** Subdivisions subject to this Section shall provide for use easements or a commonly owned separate lot for any facilities such as driveways or open space and must provide for a method of common area maintenance by means of association or agreement.
- E. Separate Conveyance.** Separate conveyance of the lots resulting from an airspace or common interest subdivision is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the subdivision boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, or if the lots share a driveway, appropriate covenants, easements or similar documentation allocating legal and financial rights and responsibilities between the owners of the lots (“CC&Rs”) for construction, reconstruction, use, maintenance, and improvement of the attached structures and any related shared drive aisles, parking areas, or other portions of the lot must be recorded before the city will approve a final map for the common interest subdivision. Notwithstanding the provision of such CC&Rs, however, where attached structures and/or related shared facilities span a lot line resulting from a common interest subdivision, all owners of the lots shall be jointly and severally responsible for the use and maintenance of such structures and/or shared facilities in compliance with all provisions of this Code.
4. Except as provided in Government Code Section 65852.26, Accessory Dwelling Units may not be sold or otherwise conveyed separate from the primary residence.

16.17.030. Flexible Lot Design Subdivisions in the R-1 zone.

- A. Purpose.** Flexible lot projects in the R-1 zone may be any size or shape and may provide shared access via easement or via a commonly owned lot subject to the below requirements.

1. Minimum Area and maximum project size. Flexible lot projects in the R-1 zone shall consist of the minimum size area to create a parcel division as identified in Table 2 of these regulations. The maximum number of lots allowed for R-1 zone Flexible Lot Projects is four (parcel map).
2. Development Standards. R-1 zoned Flexible Lot Projects shall provide the minimum area in each lot required in Table 2 (minimum lot area and dimensions) and Zoning Regulations Table 3-1 (Maximum Density by cross slope) in order to support a residential dwelling unit. Each lot shall support required development standards of SLOMC 17.16.020 (Low Density Residential Zone) for each lot including but not limited to: setbacks, parking, lot coverage, and floor area ratio.
3. Access and driveways. Driveway and pedestrian access may be served by an easement or be within a separate lot that is commonly owned and managed by a homeowner's association.
4. Neighborhood compatibility. R-1 zoned flexible lot projects shall be found consistent with Community Design Guidelines for Infill Development and Single-Family Housing Design.
5. Review authority. Flexible Lot Projects in the R-1 zone require review at the moderate review level described in Zoning Regulations section 17.106.030.C. with a recommendation from the Architectural Review Commission to the Community Development Director for approval or denial.

16.17.040 Condominium Conversions.

Condominium conversions include converting existing residential rental units, which are leased by the occupants, into condominium units, which may be owned by the occupants, through the application of a tentative map. Condominium conversions are not required to comply with existing setback and density standards if the development met all zoning and building standards in effect at the time of its construction. Nothing in this Section shall be construed to prohibit the imposition of more restrictive requirements as a condition of approval by the Planning Commission or City Council when necessary to protect the public health, safety, or general welfare, based upon appropriate findings.

- A. Purpose and Intent.** The purpose of this section is to establish standards and special conditions for the protection of renters of converted residential apartment structures into condominiums. All residential condominium conversions shall conform to the provisions of this section in addition to any and all requirements for preparation, review and approval of a tentative map application (Chapter 16.10).
- B. Review Process.** The Planning Commission's evaluation shall be provided as a recommendation to the City Council, which may act on conversion projects based on its own findings, within the numerical limits established under subsection D of this section.
 1. The results of the Planning Commission's evaluation should be transmitted to the City Council for consideration. The City Council shall approve, approve subject to conditions, or deny each conversion application within the calendar year which the application was filed.

- C. Qualifying Requirements.** The tentative map application for a condominium conversion 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 an attached, updated property condition report.
1. **Minimum Project Size.** Condominium conversion shall not be allowed for projects consisting of less than five residential units.
 2. **Building Conditions.** The structural, electrical, fire and life safety systems of the applicable structures either are or are proposed to be prior to the sale of the units, in a condition of good repair and maintenance, including such alterations or repairs as are required by the Chief Building Official and Fire Chief.
 3. **Utilities and Devices.** The applicable residential and/or common structures presently have, or are intended to have plumbing in sound condition, insulation of all water heaters, and where feasible, pipes for circulated hot water, individual gas and electrical meters, except in such cases where individual metering is clearly inadvisable or impractical, adequate and protected trash areas, smoke and fire detectors, and such other requirements as may be imposed as a condition of approval.
 4. **Access and Driveways.** Driveway and pedestrian access shall be provided by direct access to the public right-of-way or may be served by an easement or be within a separate lot that is commonly owned and managed by an association or agreement, subject to the approval of the Public Works Director.
 5. **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.
 6. **Tenant Protections.** A person renting a unit within a property that includes a proposed condominium conversion shall be entitled at the time of conversion to all tenant rights in state or local law, including, but not limited to, rights respecting first refusal, notice, and displacement and relocation benefits.
 7. **Noticing.** Tenants and prospective tenants have been given a tenant's notice of intent to convert pursuant to the provisions of California Government Code Section 66427.1 (Subdivision Map Act) sixty (60) days prior to filing applications for tentative map or any associated development review application with the Community Development Department. Such notice shall be given by the applicant and shall contain information as to tenant's rights under state and local regulations.
 8. **Subdivision Map Act.** The applicant has complied with all applicable provisions of the Subdivision Map Act, including but not limited to Government Code Section 66427.1 and 66452.18.

D. Process and Procedure.

1. **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 multifamily rental dwellings added to the city's housing stock during the preceding year. The number of multifamily rental units added in one year shall be determined as follows: From January 1st through December 31st, the total number of multifamily rental units given a final building inspection and occupancy permit minus the number of such units demolished, removed from the city, or converted to nonresidential use.
2. **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 May 31st. Applications not deemed complete by May 31st shall be rejected and are not eligible for consideration until the following year if allocations for conversion are available.
3. **Project Ranking.** 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 one 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: ten points for every unit that exceeds minimum square feet of qualifying private open space (by at least twenty-five square feet) for a maximum of fifty points. Deduct ten points for every unit that falls below (by at least twenty-five square feet) the minimum private open space standards. No points for projects that meet standards. Minimum private open space: R-2 zone -250 sq ft, R-3 & R-4 zones- 100 square feet with 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. Project meets or exceeds current parking standards: five points deducted for every parking space below minimum standards, five points added for every parking space above minimum requirements up to twenty-five points.
 - d. Provision of common open space that meets or exceeds criteria: ten points for every additional one hundred square feet of qualifying and usable common open space above minimum requirements, for a maximum of fifty points). Minimum common open space: one hundred square feet for each units in the R-3 and R-4 zones, and 150 square feet for each unit in the R-2 zone, and shall have a minimum dimension in every direction of ten feet for open space provided at the 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.
 - e. Provision of common recreation amenities that meet or exceed criteria: ten points for high-quality recreation amenities that exceed minimum size requirements by at least two hundred square feet per project. Recreation amenities criteria: 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. Provision of units which low-income and moderate-income families can afford: twenty points given for each moderate deed-restricted affordable unit proposed in the project; twenty-five points for each low-income unit for a maximum of one hundred points.
- g. Provision for energy savings: projects that contain significant solar energy installations capable of supplying at least fifty percent of the project's energy demand shall receive twenty points.
- h. Age of existing apartments: one 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 fifty points.
- a. The Planning Commission's evaluation shall be a recommendation to the City Council, which may act on conversion projects based on its own findings, within the numerical limits established under subsection [A](#) of this section.

16.17.050. Exceptions to Condominium Conversion Requirements. 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 subsection [C](#) of this section. Exceptions may only be granted to the property improvement standards and not the affordable housing requirements or tenant notification provisions.

- 1. City Council Findings for Exceptions.
 - a. 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.
 - b. 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 nine hundred square feet while a reasonable floor area for a two-bedroom unit is considered to be one thousand two hundred square feet.)

- c. 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.
- d. No feasible alternative to authorizing the exception would satisfy the intent of the city policies and regulations. (Ord. 1490 § 3 (part), 2006)

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.
16.18.045	Remainder parcels
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 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.
16.18.140	Agricultural buffers.
16.18.145	Natural resource preservation—Creeks, wetlands and native habitats.
16.18.150	Energy conservation.
16.18.160	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. (Ord. 1490 § 3 (part), 2006)

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 three 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 2.1.4, 2.1.5 and 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. (Ord. 1490 § 3 (part), 2006)

16.18.030 Lot dimensions.

Except as otherwise approved as part of a specific plan, planned development zoning, or pursuant to subdivision types described in Chapter 16.17 including common interest /airspace subdivision, urban lot splits, or flexible lot design subdivision, each lot shall have the minimum area and dimensions indicated in Table 3 for the zone in which it is located.

Table 2. 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

Zone	Min. Lot Area (sq. ft.)	Min. Width (feet)	Min. Depth (feet)	Min. Street Frontage (feet)
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
BP	9,000	60	100	40

Exceptions/Additional standards:

1. Lots within common interest/airspace subdivisions or flexible lot design projects, as defined in Chapter [16.17](#), may have any size or shape. In the R-1 zone, variable lot sizes may be allowed through planned development zoning, consistent with Chapters 17.50 and 17.62 or as provided in section 16.17.030.B. consistent with standards for flexible lot design projects in the R-1 zone.
2. In residential subdivisions, corner lots shall have a minimum area fifteen percent 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 sixteen percent 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, Section 17.70.040.2 including average cross slope categories of Table 3-1 of the Zoning Regulations.
6. In order to qualify for a density bonus or other benefits afforded under state Density Bonus Law, the subdivision shall provide for a minimum of five residential units prior to the application of any density bonus incentives as calculated in note 5 above regardless of the number of accessory/junior accessory dwelling units proposed.

16.18.045 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.) (Ord. 1490 § 3 (part), 2006)

16.18.040 Location of lot lines.

Notwithstanding subdivision layouts approved under provisions of Chapter 16.17, or as allowed by Planned Development (PD) rezoning, or by approved exceptions consistent with this title or Title 17 (Zoning Regulations), the location of lot lines shall conform to the following standards:

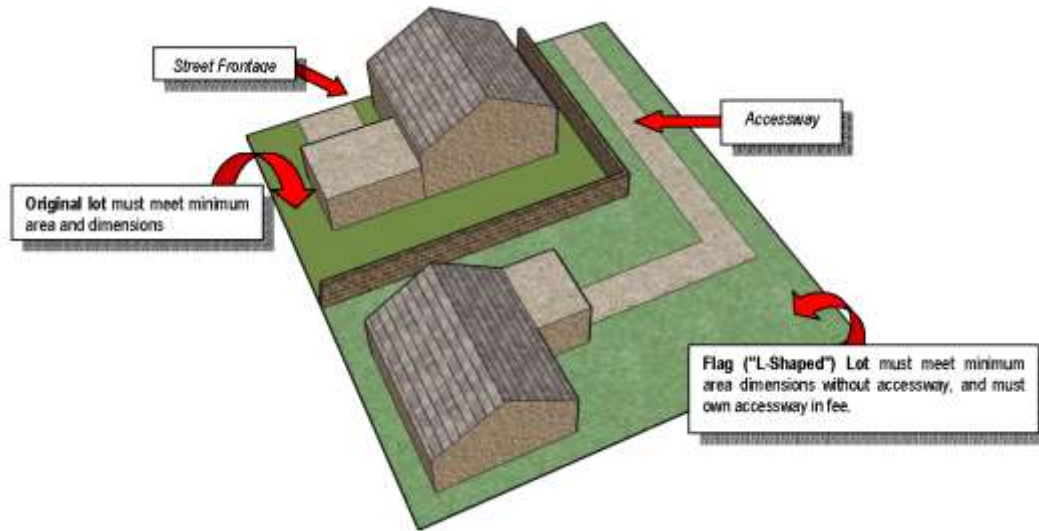
- A. Interior lot lines shall be perpendicular to the street on straight streets, or radial to the street on curved streets, unless another angle would provide better building orientation for solar exposure or more lot area to the south of the likely building site.
- B. New lot lines must be straight lines that are consistent with the prevailing pattern of the neighborhood, unless there is a conflict with existing improvements or the natural environment in which case the line may not be straight but shall follow the appropriate course.
 1. No portion of a subdivision shall result in a lot width or depth of less than 20 feet for any portion of the subdivision.
 2. A lot line shall not bisect or be located within four feet of any existing or proposed structure.
 3. The placement of lot lines shall not result in an accessory building or accessory use on a lot without a main building or primary use on the same lot, as defined in the Section 17.70.010 (Accessory Structures).
- C. 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.
- D. Lot lines shall not be configured to maximize development capacity that results in undevelopable area (aside from accommodating site access).
- E. Lot lines shall be contiguous with existing zoning boundaries.
- F. Lot lines shall not render an existing structure as nonconforming in any respect (e.g., setbacks, floor area ratio, parking), nor increase the nonconformity of an existing nonconforming structure.
- G. 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. (Ord. 1490 § 3 (part), 2006)

16.18.050 Depth-width relationship.

Lots with a ratio of depth-to-width greater than three shall not be permitted except as otherwise provided in this title. (Ord. 1490 § 3 (part), 2006)

16.18.060 Deep Lot Subdivision.

- A. **Purpose.** Deep Lot Subdivisions (also referred to as flag lot subdivisions) 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.
- B. **Application and Review.** An applicant for deep lot subdivision shall submit a tentative map application on a form prepared by the city, along with all information and materials prescribed by such form (see Chapter 16.10).
- a. Where surrounding residential development exists on adjacent parcels, new parcels served by deep lot subdivisions shall be declared as “sensitive sites” by the Community Development Department. A sensitive site shall require Minor Development Review, as described in Zoning Regulations Section 17.106.030.B, to review the proposed development design for consistency with the Community Design Guidelines and for potential impacts to adjacent properties from overlook, encroachment of solar access, and adequate noise protection and privacy.
- C. **Deep Lot Subdivisions.** Subdivisions subject to this Section shall conform to the following:
1. The accessway serving the resulting lot(s) shall not be included in the determination of required lot area for the purposes of minimum lot area requirements, or average cross slope calculations (except as described in subsection D of this Section).
 2. The original lot shall have frontage on a dedicated street of at least the minimum dimensions required by these regulations (Table 3, Section [16.18.030](#)) for the zone in which it is located, separate from the accessway required to rear lots. The lot farthest from the street shall own the accessway in fee. Other lots using the accessway shall have an access easement over it.
 3. The accessway (access lot, not driveway width) to the rear lots(s) shall be at least twenty (20) feet wide for residential and conservation/open space zones, and forty (40) feet wide for commercial zones (except the C-D zone, which is fifteen 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.
 4. Accessway driveways greater than three hundred 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 turnaround areas for standard vehicles to exit the driveway in a forward motion without performing more than two turning maneuvers.



- A. 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 turnaround areas) and existing or proposed residential structures.
- B. 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.
- C. The lot farthest from the street shall own the accessway in fee. Other lots using the accessway shall have an access easement over it. (Ord. 1490 § 3 (part), 2006)

16.18.070 Multiple frontages.

Residential lots in the R-1 zone 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. (Ord. 1490 § 3 (part), 2006)

16.18.080 Street Layout and Design Standards.

Street construction specifications, dimensions, and design standards can be found in the city’s engineering standards. The city encourages the use of context-sensitive designs where appropriate 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 Active 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 (nonmotorized travel).
 - 4. If streets are more than two lanes, they should be divided by planted medians to appear more like two one-way streets and to manage left-turn access per City Engineering Standards.
 - 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. Where cul-de-sacs or dead-end streets are proposed, connectivity to nearby streets should be provided for bicycles and pedestrians where feasible.
 - 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. (Ord. 1490 § 3 (part), 2006)

16.18.090 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. (Ord. 1490 § 3 (part), 2006)

16.18.100 Alleys.

The city may require dedication and improvement of alleys to serve as rear access to parcels in industrial, commercial, and residential subdivisions. (Ord. 1490 § 3 (part), 2006)

16.18.110 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. (Ord. 1490 § 3 (part), 2006)

16.18.120 Hillside subdivisions.

A. *Applicability.* Hillside subdivision standards apply where any portion of the proposed subdivision boundaries is within all or a portion of Hillside Planning areas identified in the General Plan Land Use Element, or where any existing or proposed lots exceed 16 percent slope as calculated in Zoning Regulations Section 17.70.090 – Hillside Development Standards.

Where prohibited.

(a) No parcel(s) shall be created with an average slope of 30 percent or more.

B. No parcel(s) shall be created without at least one building site of at least 5,000 square feet with a natural slope of 10 percent or less.

C. *Review.* Moderate Level review pursuant to Zoning Code section 17.106.030.C. is required in order to determine the proposed subdivision satisfies all required standards, guidelines, and policies applicable to Hillside Subdivisions.

D. *Findings required.* In addition to the below subdivision design requirements, the approving body shall, prior to approval, make findings that the project is consistent with Hillside Development Standards of the Zoning Regulations (17.70.090), Hillside Development Guidelines of the Community Design Guidelines (CDG 7.2 Hillside Development), policies of the Land Use Element (LUE 6.4, Hillside Policies) and view protection policies of the Open Space Element (COSE Chapter 9) of the General Plan.

E. *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, Section 17.70.040. This shall be done by increasing the size of the lots or by designating a sufficient area for permanent open space. On lots sloped sixteen percent or greater, the lot size shall provide the density for at least one unit value according to the zoning regulations, Section 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.

F. *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.

G. *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.

H. *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:

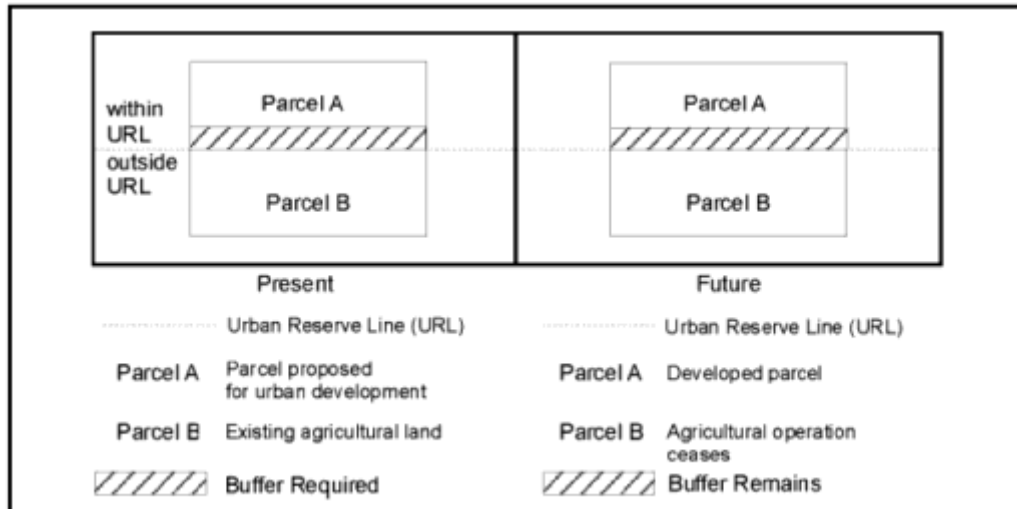
1. Keep a low profile and conform to the natural slopes;
2. Minimize grading on individual lots; generally, locate houses close to the street; minimize the grading of visible driveways;
3. Include planting which is compatible with native hillside vegetation and which provides a visual transition from 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 ensure 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. (Ord. 1490 § 3 (part), 2006)

16.18.130 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. (Ord. 1490 § 3 (part), 2006)

16.18.140 Agricultural buffers.

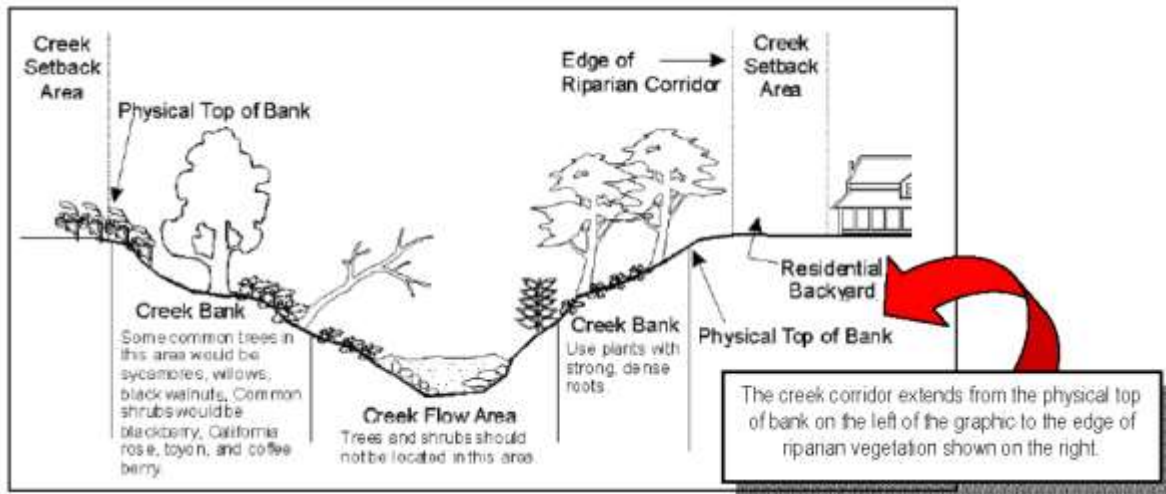


(Ord. 1490 § 3 (part), 2006)

16.18.145 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:

- A. 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.
- B. 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.
- C. 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.



(Ord. 1490 § 3 (part), 2006)

16.18.150 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. (Ord. 1490 § 3 (part), 2006)

16.18.160 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 notations 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. (Ord. 1490 § 3 (part), 2006)

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	Oversizing 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.
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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 is 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. (Ord. 1490 § 3 (part), 2006)

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 curbs, gutters, sidewalks, 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. Transit stops and benches.
 - C. Storm drainage, erosion and flood-control facilities.
 - D. Street name 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 submeter, 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 submeters and the proper division of the city water and sewer bill among the condominium owners.
- EXCEPTION: Nonresidential 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 submeter.
- 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, cable television and telephone services for each lot or condominium unit.
 - I. Fire hydrants.
 - J. Streetlights. (Ord. 1501 § 2, 2007)

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. (Ord. 1490 § 3 (part), 2006)

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 the Uniform Building Code as adopted by the city. (Ord. 1490 § 3 (part), 2006)

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 City Council. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

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 City Council resolution. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490

16.20.090 Improvements waived.

The City 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. (Ord. 1490 § 3 (part), 2006)

16.20.100 Oversizing 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. (Ord. 1490 § 3 (part), 2006)

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 of 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 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. 1490 § 3 (part), 2006)

16.20.120 Improvement agreement required.

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. (Ord. 1490 § 3 (part), 2006)

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.
- B. The improvement agreement shall be complete, subject to City 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 final map recording and end upon the date of completion of fulfillment of all terms and conditions contained therein to the satisfaction of the City Council. (Ord. 1490 § 3 (part), 2006)

16.20.140 Minimum improvement agreement provisions.

The improvement 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, complete 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 City 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. (Ord. 1490 § 3 (part), 2006)

16.20.150 Additional improvement 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 City 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 to 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. (Ord. 1490 § 3 (part), 2006)

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, plus ten percent contingency, and such additional amounts as the City 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. (Ord. 1490 § 3 (part), 2006)

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 City Council. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

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 City Council by an amount corresponding to the amount of such bonds furnished by the contractor. (Ord. 1490 § 3 (part), 2006)

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 attorneys' fees, incurred by the city in enforcing the improvement agreement.

- B. The City Council shall accept and certify the satisfactory completion of improvement work prior to any release of improvement security covering such work. (Ord. 1490 § 3 (part), 2006)

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 and certified by the City Council; 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. (Ord. 1490 § 3 (part), 2006)

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 City 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. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

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. Transit facilities
- 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. (Ord. 1490 § 3 (part), 2006)

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 City 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. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

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](#). (Ord. 1490 § 3 (part), 2006)

16.22.050 Parkland dedication—General standards.

- A. In order to implement the parks 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 acres for each one thousand 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 ten acres per one thousand 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. (Ord. 1490 § 3 (part), 2006)

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 additional 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 stock cooperative projects shall be considered parcels.

In these cases, the subdivider shall pay in-lieu fees as provided in Section [16.22.080](#). (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

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 City 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 City 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. (Ord. 1490 § 3 (part), 2006)

16.22.090 Parkland dedication—Procedures.

- A. At the time of approval of the tentative map, the City 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 City Council approves the final subdivision map, it shall specify when development of the local park will begin. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

16.22.110 Title insurance for dedication.

Before the final subdivision map is recorded, or if dedication and offers of dedication are supplemented by a 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. (Ord. 1490 § 3 (part), 2006)

Chapter 16.23. Requests for Exceptions, Appeals, and Application Resubmittal

Sections:

- 16.23.005 Purpose of provisions.
- 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 Resubmittal of similar applications.

16.23.005 Purpose of provisions.

This chapter explains the provisions for requesting discretionary 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. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

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 Planning Commission or 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. (Ord. 1490 § 3 (part), 2006)

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 Planning Commission 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. (Ord. 1490 § 3 (part), 2006)

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 Title. The decision of the Council shall be final.

- A. *Who May Appeal.* An appeal may be filed by the subdivider or any interested person(s) adversely affected by the action being appealed.
- B. *Time and Place for Filing.* An appeal shall be filed in writing within ten 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 [16.10.155](#), Time extension for parcel or final maps; such an appeal shall be filed within fifteen 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.
- C. *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 clerk's office. Fees for filing appeals shall be in accordance with the City Council's adopted fee schedule.
- D. *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 thirty days of the date the appeal was filed.
- E. *Action and Findings.* After holding a public hearing, the hearing body shall declare its findings within seven 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. (Ord. 1490 § 3 (part), 2006)

16.23.050 Resubmittal 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 denial unless the City Council, for good cause, grants permission to do so. (Ord. 1490 § 3 (part), 2006)

Chapter 16.24. Violations and Enforcement

Sections:

- 16.24.010 Generally.
- 16.24.020 Illegal subdivisions—Notification of community development director required.
- 16.24.030 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. (Ord. 1490 § 3 (part), 2006)

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, pursuant to Government Code Section 66499.36. (Ord. 1490 § 3 (part), 2006)

16.24.030 Illegal subdivisions—Permit issuance prohibited.

Pursuant to consistent with Government Code Section 66499.34, 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 or of this title, if it finds that development of such real property is contrary to the public health or public safety. (Ord. 1490 § 3 (part), 2006)

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.
16.26.136	Flexible Lot Design Subdivision
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	Nonresidential subdivision.
16.26.270	Path.
16.26.280	Parcel map.
16.26.290	Private road easement.
16.26.300	Remainder.
16.26.310	Reversion to acreage.
16.26.320	Right-of-way.
16.26.330	Roadway.
16.26.340	Slope.
16.26.350	Specific plan.
16.26.360	Stock cooperative.
16.26.370	Street.
16.26.380	Street tree.
16.26.390	Subdivider.
16.26.400	Subdivision.

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- 16.26.410 Subdivision Map Act.
- 16.26.420 Tentative map.
- 16.26.421 Tentative Parcel Map.
- 16.26.422 Tentative Tract 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 definitions in the Subdivision Map Act, the following words and phrases shall be construed as defined in this chapter. (Ord. 1490 § 3 (part), 2006)

- 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 City Council action on certain types of map applications. (Ord. 1490 § 3 (part), 2006)

- 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. (Ord. 1490 § 3 (part), 2006)

- 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. “Airspace 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 airspace 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 airspace 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. (Ord. 1507 § 3(26), 2007)

- 16.26.040 Applicant.

“Applicant” means the subdivider or their authorized representative. (Ord. 1490 § 3 (part), 2006)

- 16.26.050 Association.

“Association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development. (Ord. 1490 § 3 (part), 2006)

- 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 between the points. (Ord. 1490 § 3 (part), 2006)

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. “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.
- C. “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, the 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. (Ord. 1490 § 3 (part), 2006)

16.26.080 Condominium conversion.

“Condominium conversion” means the conversion of property occupied under tenancies or estates other than condominiums to occupancy as condominiums. (See Chapter [16.17](#) of the San Luis Obispo Municipal Code, Common Interest Subdivisions and Condominium Conversions.)

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. (Ord. 1490 § 3 (part), 2006)

16.26.100 Distance.

All distances are measured horizontally unless noted otherwise. (Ord. 1490 § 3 (part), 2006)

16.26.110 Environmental impact report.

“Environmental impact report” means 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. (Ord. 1490 § 3 (part), 2006)

16.26.120 Final map.

“Final map” means the recording instrument for a tentative tract map involving five or more parcels or as otherwise defined within the Subdivision Map Act. A final map shall require the components as listed in Section [16.14.050](#). (Ord. 1490 § 3 (part), 2006)

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. “Flag lot subdivisions” are referred to in these regulations as “deep lot subdivisions.” (Ord. 1490 § 3 (part), 2006)

16.26.135 Flexible Lot Design Subdivision.

“Flexible Lot Design Subdivision” means projects which consist of small lot subdivisions where each unit is within its own lot. In the R-2, R-3 and R-4 zones and commercial districts, development standards such as density, setbacks, and lot coverage are based on the exterior boundaries of the project site to provide for innovative designs and options for flexible development of site. In the R-1 zone, Flexible Lot Design Subdivisions have separate standards described in Section 16.17.030.

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. (Ord. 1490 § 3 (part), 2006)

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 City Council resolution and without further action by the owner. (Ord. 1490 § 3 (part), 2006)

16.26.160 General plan.

“General plan” means the adopted general plan of the City of San Luis Obispo. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

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 part of the lot, adding the lengths of the two lines, and dividing by two. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

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. (Ord. 1490 § 3 (part), 2006)

16.26.240 Lot line, side.

“Side lot line” means any lot line other than a front or rear lot line. (Ord. 1490 § 3 (part), 2006)

16.26.250 Merger.

“Merger” means the joining of two or more contiguous parcels of land under one ownership into one parcel. (Ord. 1490 § 3 (part), 2006)

16.26.260 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. (Ord. 1490 § 3 (part), 2006)

16.26.270 Path.

“Path” means a way designed for use by pedestrians, bicycles or animals and not designed or intended for use by motor vehicles. (Ord. 1490 § 3 (part), 2006)

16.26.280 Parcel map.

“Parcel map” means the recording instrument for a subdivision involving four or fewer parcels or meeting the criteria of Section 16.08.050. A parcel map shall require the components as described in Section [16.14.050](#). (Ord. 1490 § 3 (part), 2006)

16.26.290 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. (Ord. 1490 § 3 (part), 2006)

16.26.300 Remainder.

“Remainder” means that portion of an existing parcel which is not included as part of the subdivided land. The remainder is not considered part of the subdivision but must be shown on the required maps as part of the area surrounding subdivision development. (Ord. 1490 § 3 (part), 2006)

16.26.310 Reversion to acreage.

“Reversion to acreage” means the voiding of a previous subdivision in order to revert the platted lots contained therein back to the original parcel or parcels which existed prior to the subdivision. (Ord. 1490 § 3 (part), 2006)

16.26.320 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. (Ord. 1490 § 3 (part), 2006)

16.26.330 Roadway.

“Roadway” means that portion of a street or alley used or intended to accommodate the movement of vehicles. (Ord. 1490 § 3 (part), 2006)

16.26.340 Slope.

See Section [16.26.060](#), Average cross slope. (Ord. 1490 § 3 (part), 2006)

16.26.350 Specific plan.

“Specific plan” means a plan for a designated area of the city. Specific plans are designed to implement the General Plan and contain more detailed regulations and programs, as set forth in Sections [65450](#) - 65457 of the California Government Code. (Ord. 1490 § 3 (part), 2006)

16.26.360 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. (Ord. 1490 § 3 (part), 2006)

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16.26.370 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. (Ord. 1490 § 3 (part), 2006)

16.26.380 Street tree.

“Street tree” means a tree in a public place, street, special easement or right-of-way adjoining a street. (Ord. 1490 § 3 (part), 2006)

16.26.390 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. (Ord. 1490 § 3 (part), 2006)

16.26.400 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.. 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 [4125 or 6542](#) of the Civil Code, a community apartment project as defined in Section 4105 of the Civil Code or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 4190 or 6566 of the Civil Code.

(Ord. 1490 § 3 (part), 2006)

16.26.410 Subdivision Map Act.

“Subdivision Map Act” means the Subdivision Map Act of the state of California (Division 2 of Title 7 of the California Government Code) and such revisions as may be made by the California Legislature. (Ord. 1490 § 3 (part), 2006)

16.26.420 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 as defined in Government Code Section 66424.5. Tentative maps are the map category that includes Tentative Parcel Maps, Tentative Tract Maps, and Vesting Tentative Maps. (Ord. 1490 § 3 (part), 2006)

16.26.430 Tentative Parcel Map.

A “Tentative Parcel Map” is the tentative map type required for all subdivisions with four or fewer lots or if greater than four lots if consistent with 16.08.060.A. A Parcel map is the recording mechanism for Tentative Parcel Maps.

16.26.431 Tentative Tract Map.

A “Tentative Tract Map” is the tentative map type required for all subdivisions with five or more lots and which do not meet criteria of 16.08.060.A. A Final Map is the recording mechanism for Tentative Tract Maps.

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 as defined in Government Code Section 66424.5 and 66452. The vesting tentative map conveys development rights for subdivisions according to Chapter [16.12](#). (Ord. 1490 § 3 (part), 2006)