Subdivision Ordinance
Title 10

City of Avenal

2024 Zoning Ordinance

Enacted December 9, 2024

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Chapter 10.02
ESTABLISHMENT AND PURPOSE

Sections:

10.02.010 Title.
10.02.020 General Purpose.
10.02.030 Applicability.

10.02.010 Title.

This Title shall be known as, and may be cited and referred to as, the "Subdivision Ordinance of the City of Avenal".

10.02.020 General Purpose.

A. This Title is adopted pursuant to article XI, Section 7 of the California Constitution and to supplement and implement Government Code Section 66410 et seq., the Subdivision Map Act.

B. It is the purpose of this Title to regulate and control the division of land within the city and to supplement the provisions of the Subdivision Map Act concerning the design, improvement, and survey data of subdivisions, the form and content of all required maps provided by the Subdivision Map Act, and the procedure to be followed in securing the official approval of the city regarding the maps. To accomplish this purpose, the regulations contained in this Title are determined to be necessary to:

   1. Preserve public health, safety, and general welfare.
   2. Promote orderly growth and development through implementation of the City of Avenal General Plan.
   3. Ensure that properly designed infrastructure necessary to support public service needs, including, but not limited to, transportation and utility infrastructure, is provided in conjunction with subdivisions.

10.02.030 Applicability.

A. Applicability: Each subdivision of land or any other parcel modification within the city shall be in compliance with the provisions of this Subdivision Ordinance.

B. Relationship to Prior Ordinance: The provisions of the "Land Division Ordinance" of the City of Avenal as it existed prior to the effective date of the ordinance enacting this Title, ordinance 81-03, 87-01, 93-02 are repealed and superseded.

C. Prior Rights and Violations: The enactment of this Title shall not terminate or otherwise affect vested land division approvals or agreements authorized under the provisions of any ordinance, nor shall violation of prior ordinance be excused by the adoption of this Title.

D. Effect of Subdivision Ordinance Changes on Pending Applications: Following the effective date of this Title, or any amendment of this Title, regulations of this Title are applicable to all pending entitlement applications that have not been deemed complete, unless prohibited by state law.

E. Conflicting Requirements:

1. Subdivision Ordinance and Municipal Code Provisions: If conflicts occur between this subdivision ordinance, the Municipal Code, or other plans and policies adopted by the city, the subdivision ordinance shall govern.

2. Development Agreements: If conflicts occur between the requirements of this subdivision ordinance and standards adopted as part of any development agreement, the requirements of the development agreement shall govern.

F. Other Requirements/Permits: Nothing in this subdivision ordinance eliminates the need for obtaining any other permits required by the city, or any permit, approval, or entitlement required by the regulations of any regional, state, or federal agency.

G. Public Nuisance: Neither the provisions of this Title nor the approval of any permit authorized by this Title shall authorize the maintenance of any public nuisance as defined in the Municipal Code.

H. Severability, Partial Invalidation of Subdivision Ordinance: If any portion of this Title is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determinations shall not affect the validity of the remaining portions of this Title. The city council hereby declares that this Title and each chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof is adopted without regard to the fact that one or more portions of this Title may be declared invalid, unconstitutional, or unenforceable.

Chapter 10.04
ADMINISTRATION

Sections:

10.04.010 Purpose.
10.04.020 Responsibilities.
10.04.030 Procedures.
10.04.040 Application Processing.
10.04.050 Interpretation.
10.04.060 Enforcement.
10.04.070 Certificate of Compliance.
10.04.080 Definitions of Specific Terms.

10.04.010 Purpose.

The purpose of this Chapter is to establish the administration of this Title and to set forth the basic responsibilities of the officials and bodies charged with its administration. Further, this Chapter specifies the authority and procedures for clarifying any ambiguity in the regulations of this Chapter in order to ensure consistent interpretation and application of this Chapter.

10.04.020 Responsibilities.

Except as expressly provided otherwise in this Chapter, the responsibility for actions taken under this Chapter shall be as stated below and summarized in Table 10.04.020-1, "Approving Authority", of this Section.

A. City Council: The city council shall be responsible for:

1. The approval or denial of final maps and parcel maps.
2. The acceptance, acceptance subject to improvement, or rejection of offers of dedications shown on final and parcel maps.
3. The approval, conditional approval, or denial of reversions to acreage.
4. Acting as the appeal board for hearing appeals of the planning director and planning commission actions as provided in this Chapter.

B. Planning Commission: The planning commission shall be responsible for:

1. The approval, conditional approval, or denial of tentative maps and subdivision modifications for all subdivisions resulting in divisions of land into five (5) or more parcels (tentative subdivision maps).
2. The approval, conditional approval, or denial of tentative maps and subdivision modifications for all subdivisions resulting in divisions of land into four (4) or fewer parcels (tentative parcel maps) where a tentative map is required by this Chapter.

3. The approval or denial of requests for extensions of time for tentative maps subject to the provisions of Subdivision Map Act Section 66452.6.
4. Acting as the appeal board for hearing appeals of planning director actions as provided in this Chapter.

C. Planning Director: The planning director shall be responsible for:

1. The approval, conditional approval, or denial of lot line adjustments and certificates of compliance.
2. The approval or denial of mergers of contiguous parcels under common ownership without reversion under Chapter 10.18, "Voluntary Parcel Merger".
3. The waiver of the requirement to file a parcel map.
4. The ministerial approval or denial of urban lot split parcel maps under Chapter 10.22, "Urban Lot Split Parcel Map".
5. In conjunction with the public works director and city engineer, recommending approval, conditional approval, or disapproval of the design of proposed subdivisions, and the kinds, nature, and extent of on-site and off-site improvements required in connection therewith to the planning commission and/or the city council.
6. Reporting on land use matters related to proposed subdivisions to the planning commission and/or city council, including, but not limited to, consistency with the city general plan and the zoning ordinance (Title 9 of the Municipal Code).
7. Recommending approval, conditional approval, or denial of tentative maps of all proposed subdivisions of land to the planning commission and/or the city council.
8. Reviewing and making recommendations concerning proposed subdivisions in the unincorporated territory of the County of Kings that are within the City of Avenal's sphere of influence in accordance with Subdivision Map Act Section 66453 when the planning director has elected to do so.

D. Public Works Director: The public works director shall be responsible for:

1. Conducting investigations and reporting on the design and improvement of all proposed subdivisions and making recommendations thereon to the planning director, the planning commission, and the city council.
2. Recommending approval, conditional approval, or denial of tentative maps of all proposed subdivisions of land, and requests for extensions of time for tentative maps based upon the requirements of this Chapter, the Subdivision Map Act, Title 9 of the Municipal Code, the general plan, or the standards, rules, or regulations adopted by the city pursuant to this Chapter.
3. Such additional powers and duties as prescribed by law and by this Chapter.

E. City Engineer: The city engineer (or, as required by law, the city surveyor) shall be responsible for:

1. Reviewing tentative, final, and parcel maps for compliance with the standards of this Chapter, the Subdivision Map Act, and other local or state laws and providing a recommendation on such matters to the public works director and planning director.
2. Investigating requests for and recommending action on certificates of compliance as provided in Section 66499.35 of the Subdivision Map Act.
3. Completing those certificates on final and parcel maps as required by this Chapter and the Subdivision Map Act.
4. All other duties as prescribed by the Subdivision Map Act, including, but not limited to, Section 66416.5.

TABLE 10.04.020-1
APPROVING AUTHORITY

R	Symbolizes the "recommending body"
F	Symbolizes the "decision-making body"
A	Symbolizes the "appeal authority"

Type of Decision	**Designated Approval Authority**				
	City Engineer/ Surveyor	**Public Works Director**	**Planning Director**	**Planning Commission**	**City Council**
Administrative decisions:					
Urban lot split parcel map	F	-	R	A[1]	
Certificates of compliance	R	-	F	A	A
Subdivision permits:					
Voluntary parcel merger	R	R	F	A	A
Lot line adjustment	R	R	F	A	A

[1]

Type of Decision	Designated Approval Authority				
	City Engineer/ Surveyor	Public Works Director	Planning Director	Planning Commission	City Council
Waiver of parcel map	R	R	F	A	A
Tentative subdivision map	R	R	R	F	A
Tentative parcel map	R	R	R	F	A
Vesting tentative subdivision map	R	R	R	F	A
Requests for extension of tentative maps[1]	R	R	R	F	A
Requests for amendment to conditions of approval[1]	R	R	R	F	A
Reversion to acreage	R	R	R	-	F
Offers and recordation:					
Offers of dedication	R	R	-	-	F
Parcel map	R	R	R	-	F
Final map	R	R	R	-	F

Note:

1. Ministerial actions can only appeal statements of fact and not merits of the proposed subdivision

2. Requests for extension of tentative maps and amendments to conditions of approval shall be decided by the same authority that originally approved the permit.

10.04.030 Procedures.

A. Application: Application for subdivision permits and map approvals under this Chapter shall be submitted to the city as follows:

1. Applications for subdivision permits shall be made to the planning director. The application shall be made on a form provided by the planning department and accompanied by those materials specified by this Chapter or as otherwise required by the city. The application shall also be accompanied by a fee as established by the city council.

2. Applications for final map, parcel map, and certificate of compliance shall be made to the planning director. The application shall be made on a form provided by the planning department and accompanied by those materials specified by this Chapter or as otherwise required by the city. The application shall also be accompanied by a fee as established by the city council.

B. Concurrent Application with Planning Permits: Application for subdivision permits (lot line adjustment(s), tentative subdivision map(s), tentative parcel map(s), and vesting tentative map(s)) may be submitted concurrently with applications for planning permits as provided in Title 9, "Zoning Ordinance", of the Municipal Code. When a proposed project requires more than one permit with more than one approving authority as identified in this Chapter or in Title 9, "Zoning Ordinance", of the Municipal Code, all project permits shall be processed concurrently, and final action shall be taken by the highest level designated approving authority for all such requested permits.

10.04.040 Application Processing.

Unless otherwise provided for in this Chapter, applications for subdivision permits and decisions shall be processed as follows:

A. Application and Fee: Applications for subdivision permits and decisions shall be made to the city on a form provided by the city, accompanied by those materials specified in this Chapter or as otherwise required by the city, along with a filing fee as established by resolution of the city council.

B. Determination of Completeness: Applications for subdivision permits and decisions shall be reviewed for completeness as follows.

1. Application Completeness with Notification: Within 30 days of application submittal to the planning department, the planning director shall determine whether or not the application is complete. The planning director shall notify the applicant of the determination either that:

   a. All the submittal requirements have been satisfied and the application has been accepted as complete.

   b. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with city standards and requirements.

2. Application Completeness without Notification: If the written determination is not made within 30 days after receipt of the application and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this Chapter.

3. Resubmittal: Upon receipt and resubmittal of any incomplete application, a new 30-day period shall begin during which the planning director shall determine the completeness of the application. Application completeness shall be determined and noticed as specified in subsection B1 of this Section.

4. Incomplete Application: If additional information or submittals are required and the application is not made complete within six (6) months of the completeness determination letter, the application shall be deemed by the city to have been withdrawn, and no action will be taken on the application. Unexpended fees, as determined by the city, will be returned to the applicant. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits, and other materials, must then be filed in compliance with this Chapter.
5. Right to Appeal: The applicant may appeal the determination in accordance with subsection E, "Appeals", of this Section.

C. Application Review and Report: Unless otherwise provided for in this Chapter, applications for subdivision permits and decisions shall be reviewed, and a report prepared, as follows.

1. Project Routing: Upon acceptance of the application, the planning director shall forward copies of the application to affected agencies within five (5) days asking them to provide their input or comments within 15 working days.
2. Environmental Review: After determination of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) to determine whether the project is exempt from the requirements of CEQA or is not a project as defined by CEQA, whether a negative declaration or mitigated negative declaration may be issued, or whether an environmental impact report (EIR) shall be required.
3. Application Review: The planning director, in conjunction with the public works director, city engineer, and other agencies, shall review all applications to determine compliance with provisions of this Chapter and other applicable city regulations (e.g., zoning ordinance, general plan). The project review will include any required environmental review as required by CEQA. Pursuant to Section 66452.1 of the Subdivision Map Act, and unless extended by mutual consent of the subdivider and the city, the designated approving authority shall make a decision on the tentative map within 50 days of adopting or certifying the environmental determination for the project.
4. Staff Report: When this Chapter requires planning commission or city council action, the planning director shall provide a written recommendation to the designated approving authority to either approve, conditionally approve, or deny the application. The staff report may be amended as necessary at any time prior to the hearing to address issues or information not reasonably known at the time the report is due.
5. Report Distribution: Each staff report shall be furnished to the applicant and property owner at the same time as it is provided to the designated approving authority prior to consideration of the requested approval. In the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, pursuant to Section 66452.3 of the Subdivision Map Act, the report shall also be provided to the tenants of the subject property at least three (3) days prior to any hearing or action on such map.

D. Public Hearing and Public Notice: Where this Chapter or the Subdivision Map Act requires a public hearing by the designated approving authority prior to making a decision on an

application for a subdivision permit or decision, a public hearing shall be held, and public notice provided, as described below.

1. Notice of Hearing: Pursuant to California Government Code Section 65091, not less than 10 days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The notice shall state the date, time, and place of hearing, identify the hearing body, and include a general explanation of the matter to be considered and a general description of the real property (text or diagram), if any, which is the subject of the hearing.
    a. Notice of the public hearing shall be published in at least one newspaper of general circulation in the city.
    b. Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners of property within a radius of 300 feet of the exterior boundaries of the property involved in the application, using for this purpose that last known name and address of such owners as shown upon the current tax assessor's records. If the number of owners exceeds 1,000, the city may, in lieu of mailed notice, provide notice by placing notice of at least one-eighth (1/8) page in one newspaper of general circulation within the city.
    c. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent.
    d. Notice of the public hearing shall be provided to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential functions or services to the project whose ability to provide those facilities and services may be significantly affected.
    e. Notice of the public hearing shall be posted at city hall.
2. Requests for Notification: Any person who requests to be on a mailing list for notice of hearing for a development project or projects shall submit such request in writing to the city clerk. The city may impose a reasonable fee for the purpose of recovering the cost of such notification.
3. Failure to Receive Notice: Failure of any person or entity to receive any properly issued notice required by law for any hearing required by this Chapter shall not constitute grounds for any court to invalidate the actions of a designated approving authority for which the notice was given.
4. Hearing Procedure: Hearings as provided for in this Chapter shall be held at the date, time, and place for which notice has been given as required in this Chapter. The designated approving authority shall conduct the public hearing and hear testimony. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued. If the hearing is not continued to a specific date/time, then the hearing shall be noticed again.

E. Appeals: Decisions of the designated approving authority may be appealed as provided below.

1. Appeal Applicability and Authority: Any person dissatisfied with a determination or action of the planning director or planning commission made pursuant to this Chapter may appeal such action to the designated appeal authority listed in table 10.04.020-1, "Approving Authority", of this Section, within 10 days from the date of the action, or as otherwise provided by this Chapter or the Subdivision Map Act. Actions by the city council are final, and no further administrative appeals are available.
2. Filing an Appeal: All appeals shall be submitted in writing, identifying the determination or action being appealed and specifically stating the basis or grounds of the appeal. Appeals shall be filed within 10 days following the date of determination or action for which an appeal is made, or as otherwise provided by this Chapter or the Subdivision Map Act. The appeal shall be accompanied by a filing fee established by resolution of the city council. The appeal shall be submitted to the city clerk. The filing of an appeal shall stay the issuance of any necessary subsequent permit(s) associated with any right or entitlement that will be subject of the appeal (e.g., building permits).
3. Notice and Schedule of Appeal Hearings: Unless otherwise agreed upon by the person filing the appeal and the applicant, appeal hearings should be conducted within 45 days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of subsection D, "Public Hearing And Public Notice", of this Section.
4. Appeal Hearing and Action: Each appeal shall be considered a de novo (new) hearing, and the appeal authority may reverse, modify, or affirm the decision of the approving authority in whole or in part. In taking its action on an appeal, the appeal authority shall state the basis for its action. The appeal authority may modify, delete, or add such conditions as it deems necessary. The appeal authority may also refer the matter back to the approving authority for further action. The action of the appeal authority is final on the date of decision and, unless expressly provided by this Title, may not be further appealed. A person may seek judicial review of a final decision of the City in accordance with applicable sections of the California Government Code or Code of Civil Procedures.

F. Effective Date: Decisions on subdivision permits shall become effective on the 11th day after the date of action, immediately following expiration of the 10-day appeal period. All other decisions shall become effective upon approval.

10.04.050 Interpretation.

If ambiguity arises concerning the meaning or applicability of the provisions of this Chapter, it shall be the responsibility of the planning director to review pertinent facts, determine the intent of the provision, and issue an administrative interpretation of said provision(s) as specified in this Section.

A. Rules of Interpretation:

1. Terminology: When used in this Chapter, the following rules apply to all provisions of this Title:

a. Language: The words “shall”, “must”, “will”, “is to”, and “are to” are always mandatory. “Should” is not mandatory but is strongly recommended, and “may” is permissive.

b. Tense and Number: The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural number, and the plural the singular unless the natural construction of the words indicates otherwise.

c. Conjunctions: “And” indicates that all connected items or provisions shall apply. “Or” indicates that the connected items or provisions may apply singly or in any combination. “Either...or” indicates that the connected items and provisions shall apply singly but not in combination. “Includes” and “including” shall mean “including, but not limited to”.

2. Number of Days: Whenever the number of days is specified in this Chapter, or in any permit, condition of approval, or notice issued or given as provided in this Chapter, the number of days shall be construed as calendar days unless otherwise noted. When the last of the specified number of days falls on a weekend or city holiday, time limits shall extend to the end of the next working day.

3. Minimum Requirements: When interpreting and applying the regulations of this Chapter, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

B. Record of Interpretation: Whenever the planning director determines that an ambiguity in a subdivision regulation exists or when an applicant requests an interpretation based on his or her judgment or understanding of this Chapter, the planning director shall issue an official interpretation.

C. Appeals: Interpretations made by the planning director and/or City Engineer may be appealed to the Planning Commission pursuant to Section 10.04.040.E.

10.04.060 Enforcement.

A. Generally: Except as otherwise provided herein, the planning director, public works director, and city engineer are authorized and directed to enforce the provisions of this Title and the Subdivision Map Act for subdivisions within the city. The city attorney is authorized on behalf of the City of Avenal to file a suit in a superior court of competent jurisdiction to restrain or enjoin any attempted or proposed subdivision or sale, lease, or financing in violation of the Subdivision Map Act, this Title, or the conditions and term of approvals granted thereunder.

B. Illegal Subdivisions: No board, commission, officer, or employee of the city shall issue any certificate or permit or grant any approval necessary to develop any real property within the city that has been divided, or which resulted from a division, in violation of the provisions of the Subdivision Map Act or of this Title.

C. Whenever the city has knowledge that real property has been divided in violation of the Subdivision Map Act or this Title, the city engineer shall, upon receipt of information of such violation, file the notices required by Section 66499.36 of the Subdivision Map Act and thereafter follow the procedures set forth in that Section.

10.04.070 Certificate of Compliance.

A. Purpose: This Section describes the procedures and processing for certificates of compliance, consistent with the requirements of Section 66499.35 of the Subdivision Map Act.

B. Applicability: A certificate of compliance is a document, recorded by the county recorder, which acknowledges that a parcel or lot of real property (hereinafter parcel) is considered by the city to be a legal parcel or lot of record. Any person owning real property, or a purchaser of the property in a contract of sale of the property, may request a certificate of compliance from the city.

C. Application: A certificate of compliance application shall be made on a form provided by the planning department and submitted to the department. The form shall be accompanied by an application deposit or fee as established by resolution of the city council. The application shall also include a chain of title, consisting of copies of deeds beginning before the division of the property and running through to the time of application for the certificate of compliance unless the parcel(s) in question was created through a recorded subdivision map.

D. City Review and Action: The application for certificate of compliance shall be reviewed and acted upon as provided below.

1. Planning Director Review: The planning director, in consultation with the city engineer, shall review the request and make a determination on the application as follows:

    a. If the planning director makes a determination that the parcel(s) complies with the Subdivision Map Act and this Title, the planning director shall cause a certificate of compliance to be filed for record with the county recorder. The form of the certificate shall be as described below.

    b. If the planning director determines that the parcel(s) does not comply with the provisions of the Subdivision Map Act or this Title, the planning director shall issue a conditional certificate of compliance. The city may, as a condition to granting a conditional certificate of compliance, impose any conditions that would have been applicable to the division of the property at the time the applicant acquired their interest in the property and that had been established at that time by the Subdivision Map Act and this Title. Upon making a determination and establishing conditions, the planning director shall file a conditional certificate of compliance for record with the county recorder. The certificate shall serve as notice to the property owner who has applied for the certificate, a grantee of the property owner, or any subsequent transferee to assignee of the property, that the fulfillment and implementation of the conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with the conditions shall not be required until the time that a permit or other grant of approval for development of the property is issued by the city.

2. Form of Certificate: The certificate of compliance shall identify the property, shall state that the division complies with the provisions of the Subdivision Map Act and this Title, and shall include all information required under Section 66499.35 of the Subdivision Map Act.

3. Effective Date: A certificate of compliance shall not become final until the document has been recorded by the county recorder.
4. Recorded Final Map or Parcel Map: A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described in the final or parcel map.

Chapter 10.06
DIVISION OF LAND - REQUIRED MAPS

Sections:

10.06.010 Purpose.
10.06.020 Required Maps.

10.06.010 Purpose.

The purpose of this Chapter is to establish the types of maps that are required for the division of land in the city.

10.06.020 Required Maps.

A. General Requirements: Generally, a division of land creating five (5) or more parcels requires the preparation and approval of a tentative map (referred to as a tentative subdivision map) and the subsequent preparation, approval, and recordation of a final map as described in this Title. Those specific types of land division requiring a tentative subdivision map and final map are described in subsection B of this Section.

When a division of land does not require the preparation of a tentative subdivision map and a subsequent final map pursuant to Section 66426 of the Subdivision Map Act, a parcel map shall instead be required (e.g., the creation of four (4) or fewer parcels). The process for preparation, approval, and recordation of parcel map shall be as described in this Title. In certain circumstances, as provided in subsection C of this Section, a tentative parcel map shall be prepared and approved prior to the parcel map. Additionally, and separate from the tentative parcel map process and as provided under Section 66428(b) of the Subdivision Map Act, the requirement for a parcel map may be waived by the city pursuant to the provisions of Section 10.14.120, “Waiver of Parcel Map”.

Lastly, there is, as provided in the Subdivision Map Act, a class of subdivisions that are exempt entirely from the requirements of a tentative map, final map, or parcel map. Those classes of subdivisions are described in subsection D of this Section.

B. Divisions of Land Requiring a Tentative Subdivision Map and Final Map and Exemptions Thereto: As provided in Section 66426 of the Subdivision Map Act, a tentative subdivision map and a final map shall be required for all divisions of land where the land will be divided into five (5) or more parcels, five (5) or more condominiums, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units except where:

1. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body.

2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway.
3. 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 the governing body as to street alignments and widths.
4. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than one-quarter of a one-quarter section.
5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

C. Divisions of Land Requiring a Parcel Map and Those Specific Divisions also Requiring a Tentative Parcel Map: The division of land in a manner that does not require a tentative subdivision map and final map as provided in subsection B of this Section shall require the preparation of a parcel map. This specifically includes the division of land into four (4) or fewer parcels and those divisions of land described in subsections B1 through B5 of this Section. Generally, only a parcel map shall be required, and the preparation of a tentative parcel map shall be prepared at the option of the subdivider per Section 66428(c) of the Subdivision Map Act; however, if the proposed division of land meets any of the following qualifications, a tentative parcel map shall also be prepared and approved prior to the preparation, approval, and recordation of the final parcel map. This Section shall not limit the subdivider, upon their own decision, to elect to submit for a tentative parcel map prior to a parcel map where a tentative parcel map is not required by this Title.

1. The proposed subdivision is greater than 20 acres.
2. The proposed subdivision involves the relocation or abandonment of existing easements or rights of way held by the city or another public agency.
3. The parcel map, as presented, cannot be approved by the city for recording without the imposition of conditions of approval to ensure consistency with the general plan, this ordinance, the city's improvement standards, or address other issues of public safety.

D. Projects Exempt from Map Requirements: As provided by state law, the following divisions of land are specifically exempt from the requirements of a tentative map, final map, or parcel map:

1. Lot line adjustments between four (4) or fewer existing adjoining parcels and where a greater number of parcels than originally existed is not being created. The lot line adjustment shall be reflected in a recorded deed. No record of survey shall be required unless otherwise required by Section 8762 of the Business And Professions Code. The procedure for a lot line adjustment shall be as provided in Chapter 10.16, "Lot Line Adjustments", of this Title.
2. Subdivisions of a portion of the operating right of way of a railroad corporation, defined by Section 230 of the state Public Utilities Code, are created by short-term leases terminable by either party on not more than 30 days' notice in writing.

3. Land conveyed to or from a governmental agency, public entity, or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights of way unless a showing is made by the department in individual cases, upon substantial evidence, that public policy necessitates a parcel map.
4. Any other actions specifically excluded from Section 66412 et seq. of the Subdivision Map Act.

Chapter 10.10
TENTATIVE MAPS

Sections:

10.10.010 Purpose.
10.10.020 Tentative Map Required.
10.10.030 Preliminary Design Evaluation.
10.10.040 Tentative Map Application.
10.10.050 Tentative Map Process and Procedures.
10.10.060 Withdrawal of Tentative Map.
10.10.070 Resubmittal of Application.
10.10.080 Tentative Map Revision or Amendment.
10.10.090 Expiration of Tentative Map Approval.
10.10.100 Time Extension.

10.10.010 Purpose.

The purpose of this Chapter is to establish the city's regulations, standards, and procedures for consideration of tentative subdivision map and tentative parcel map application.

10.10.020 Tentative Map Required.

For every subdivision for which a tentative map is required pursuant to Chapter 10.06, "Division of Land; Required Maps", (e.g., tentative subdivision map, tentative parcel map), the subdivider shall file with the city a tentative map prepared in accordance with the provisions of this Chapter.

10.10.030 Preliminary Evaluation.

Prior to submitting a tentative map application, the subdivider may schedule a pre-application meeting with the planning director, or his or her designated representative, with any applicable fees, to discuss the proposed subdivision. At the pre-application meeting, the subdivider shall have an opportunity to discuss physical conditions, facts, and policies affecting the proposed subdivision. The subdivider may also present for review a preliminary map showing approximate lot lines, proposed street alignments, or other features of the proposed subdivision. The planning director or representative shall inform the subdivider of the city's policies, general plan, zoning, fees, and infrastructure and development standards that may pertain to the proposed subdivision and may make recommendations concerning modifying improvements and/or design of the proposed division of land.

10.10.040 Tentative Map Application.

A. Application Components: A subdivider seeking approval of a tentative subdivision map or tentative parcel map (as required by this Title) shall file an application for tentative map approval consistent with the requirements of this Chapter. The application shall consist of the following components:

1. A completed application form, of which the blank form shall be provided by the planning department.
2. Three (3) copies of the tentative map, consistent with the requirements of subsections B, C, and D of this Section.
3. One reduced copy of the tentative map measuring 8 ½ inches by 11 inches.
4. One reduced copy of the map measuring 11 inches by 17 inches.
5. A filing fee as established by resolution of the city council.
6. A preliminary title report, showing the legal owners at the time of the filing of the tentative map and prepared not more than 90 days prior to the submittal of the application.
7. All items referenced within the preliminary title report shall be submitted for review (i.e., deeds, easements, and record maps) when submitting an application.
8. The following drawings, statements, and other data, and as many additional copies thereof as may be required, shall be filed on or with the tentative map:
    a. A vicinity or key map of appropriate scale and covering sufficient adjoining territory so as to clearly indicate nearby street patterns, major access streets, property lines, other adjacent properties in the subdivider's ownership, and other significant features which will have a bearing upon the proposed subdivision and its location and relationship to surrounding areas.
    b. A statement of existing and proposed zoning and existing and proposed uses of the property with the approximate areas of the proposed uses by type and the total area of the subdivision.
    c. When specifically requested by the city due to questionable site-specific soil conditions, a preliminary soils report, prepared by a civil or geotechnical engineer registered in the state and based on adequate test borings or excavations. At least three (3) test borings shall be done for subdivisions of up to three (3) acres, and thereafter at least one test boring shall be done for each additional three (3) acres or fraction thereof. If the preliminary soils report indicates the presence of critically expansive soils, or other soil problems which, if not corrected, could lead to structural defects, the soils report accompanying the final subdivision map shall contain an investigation of each lot within the subdivision. If the preliminary soils report indicates the presence of rocks or liquids containing deleterious chemicals which, if not corrected, could cause construction materials to corrode or deteriorate, a soils investigation of each potentially affected lot in the subdivision may be required. The city engineer may require additional information or reject the report if he determines it to be incomplete, inaccurate, or unsatisfactory. Percolation test(s) shall be conducted for each lot on which a private sewer system is proposed. A soils map showing lots and location of test bores and percolation tests shall be submitted with the soils report. The soils report shall include a recommendation by the civil engineer on any corrective action(s) likely to prevent structural damage to each structure proposed to be constructed in the area where the soil problem exists.

d. A preliminary grading plan. Submission of the preliminary grading plan may be waived by the city engineer when he or she determines that the submission of said plan is not required for proper grading, flood hazard mitigation, and erosion control of the proposed subdivision.

e. All other data required as a prerequisite to approval of the tentative map, including plans, reports, fees, or other requirements.

B. Preparation and Form of Tentative Map:

1. The tentative map shall be clearly and legibly drawn and shall be drawn to scale by or under the direction of a licensed land surveyor and/or registered civil engineer authorized to practice land surveying. The scale of the map shall be at least one inch equals one hundred feet (1" = 100'). If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each. No single sheet shall exceed eighteen inches (18") in length and twenty-six inches (26") in width. The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the tentative map along with his/her seal or stamp and the expiration date of license/registration per the Professional Land Surveyor's Act, Section 8761.

2. The city engineer may, in his or her sole discretion, waive the requirements that the tentative map be prepared by a licensed land surveyor and/or registered civil engineer authorized to practice land surveying if the tentative map submitted is clearly and legibly drawn, drawn to scale, and satisfies the requirements of subsections C and D of this Section. The decision to waive or not waive the foregoing requirement shall be final and not subject to appeal.

C. Information on Tentative Map: The tentative map shall contain the following information in addition to such information as is required by the Subdivision Map Act:

1. Proposed subdivision name and county tract number.

2. Names, addresses, and telephone numbers of the record owner(s) and subdivider(s) of the land.

3. Name, address, and telephone number of the person, firm, or organization that prepared the map, and the applicable registration or license number.

4. Date of preparation, north point, and scale of the map. If based on a survey, the date of the survey.

5. Boundaries of the subdivision with sufficient information to locate the property.

6. Name of adjacent subdivisions, if any, and property lines sufficient to show their relationship to the proposed subdivision. Identify adjoining properties with owner name, assessor parcel number, and deed document reference.

7. Contour lines at intervals of not more than one (1) foot unless waived prior to submission by the city engineer. Topographic information shall be sufficient to fully show the configuration of the land and any and all depressions that present drainage problems and shall extend beyond the tract boundaries where necessary to show drainage conditions on

surrounding property that may affect the subdivision. A topographic survey shall not be waived in areas within the 100-year flood hazard boundary as shown on the most current flood insurance rate map prepared by the federal emergency management agency, along with any approved revisions thereto.

8. The approximate location and general description of any trees and shrubs, and their drip lines if known, with notations as to their retention or destruction; and any vernal pools or wetlands located on the property to be subdivided. The general description of trees and shrubs should include an indication as to their size (diameter) and type if known.
9. The location of all railroad rights of way and grade crossings; approximate locations of all existing wells, abandoned wells, and sumps; and an indication of any physical restrictions or conditions in the subdivision which affect the use of the property.
10. The location of all structures on the site or on adjacent properties; the distances between structures to be retained and existing or proposed street and lot lines; and notations concerning all structures which are to be removed.
11. The location and width of proposed building setbacks.
12. The locations shown by hatched lines of existing utilities in and adjacent to the subdivision; the size and location of sanitary and storm sewers; the size of water mains; and, if sewers and water mains are not in or adjacent to the subdivision, the direction and distance to the nearest sewer and water main with size and invert elevation of sewer and size of main, and the proposed method of providing sewage disposal.
13. The location of all potentially dangerous areas, including geologically hazardous areas and areas subject to inundation or flood hazard; the location, width, and directions of flow of all watercourses and flood control channels within and adjacent to the property involved; and the proposed method of providing stormwater, drainage, and erosion control. In areas subject to 100-year flood hazard, base flood elevation and floodway boundary shall be indicated. The location and statement of FEMA flood zone information.
14. The locations, widths, and names or designations of all existing or proposed streets, alleys, pedestrian ways, and other rights of way, whether public or private, within and adjacent to the subdivision; the radius of each centerline curve; and any planned line for street widening or for any other public project in and adjacent to the subdivision.
15. The lines and approximate dimensions of all lots, the number assigned to each lot; the total number of lots; and the approximate area of the average lot.
16. The total area in square footage or acreage to the nearest one-tenth (1/10) acre of each lot proposed to be utilized for other than single-family or two-family housing.
17. The boundaries of existing and proposed public areas in and adjacent to the subdivision, with the nature of each, indicated thereon with the acreage thereof. If land is to be offered for dedication for park or recreation or landscape perimeter purposes it shall be designated and labeled as outlots (e.g., outlot A, outlot B, outlot C).
18. All street rights of way and public easements proposed for abandonment with the final map pursuant to Section 66477.2(c) of the Subdivision Map Act shall be clearly shown, or

clearly listed on the map in cases where the specific location of the easement cannot be determined. Such abandonments shall be listed in the public notice required under subsection 10.04.040.D, "Public Hearing and Public Notice", of this Title and following proper abandonment proceedings under Chapter 3 of Division 9 of the Streets and Highways Code commencing with Section 8320.

19. If separate final or parcel maps are to be filed on portions of the property shown on the tentative map, the subdivider shall provide notice to the city at either: a) the time the tentative map application is filed, or b) after the filing of the tentative map. The right of the subdivider to file multiple final maps shall not limit the ability of the city to impose reasonable conditions relating to the filing of multiple final maps.

D. Additional Information to be Provided for Condominium Conversions: When a tentative map includes a condominium conversion, the application for tentative map shall also include all of the following information:

1. The following information shall be shown on the tentative map, in a separate document, or in one or more separate map sheets:

   a. The entire site with dimensions.

   b. Footprints of all units with dimensions, a block number, and a letter identifying each unit.

   c. The right of way and roadway width of all public and private streets within or adjacent to the site.

   d. The dimensions of commercial driveways within the site.

   e. All existing and proposed parking spaces, together with dimensions.

   f. Existing and proposed landscaping with names of existing trees.

   g. Location and type of existing and proposed outdoor lighting.

   h. Sidewalks within and adjacent to the site together with dimensions.

   i. Location, height, and material of any existing and proposed walls, fences, and hedges.

2. The following documents and information shall be submitted with the tentative map application for a condominium conversion:

   a. A statement of repairs and improvements to be made by the subdivider to refurbish and restore the building and other structures to achieve compliance with applicable codes.

   b. A copy of the declaration of covenants, conditions, and restrictions required by state law, which will apply to all owners of the proposed condominium units.

   c. Square footage and the number of rooms in each unit.

   d. Evidence that all written notifications required by Section 66427.1 of the Subdivision Map Act have been delivered to the existing tenants of the property.

10.10.050 Tentative Map Process and Procedures.

A. General Application Review And Processing: The designated approving authority shall approve, conditionally approve, or deny the tentative map within 50 days of the date of certification of the EIR, adoption of a negative declaration, or a determination that the project is exempt from the requirements of CEQA. The planning director shall thereafter report the decision of the approving authority to the subdivider. Pursuant to Section 66412.3 of the Subdivision Map Act, in reaching a decision upon the tentative map, the approving authority shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources. Except as provided otherwise by the Subdivision Map Act, failure to act within the above specified time limits shall be deemed or considered approval of the tentative map.

B. Approval and Application of Conditions: The tentative map may be approved or conditionally approved by the approving authority if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, any applicable specific plan, and all applicable provisions of this Title. The approving authority may require that, as a condition of approval, the subdivider pay all required development impact fees at the rate for such fees in effect at the time such fees would normally be levied (e.g., building permit issuance). The approving authority may modify or delete any of the conditions of approval recommended in the planning director's report. The approving authority may add additional requirements as a condition of its approval.

C. Findings for Denial: Except as otherwise required by state or federal law, the approving authority shall deny approval of the tentative map if it makes any of the following findings:

   1. That the proposed map, together with the provisions for its design and improvement, is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this ordinance.

   2. That the site is not physically suitable for the proposed type of development.

   3. That the site is not physically suitable for the proposed density of development.

   4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the designated approving authority may approve such a tentative map if any environmental impact report was prepared with respect to the project and a finding was made pursuant to Section 21081(c) of CEQA that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

   5. That the design of the subdivision or the type of improvements are likely to cause serious public health problems.

   6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the designated approving authority may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to 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 granted to the planning commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

7. Subject to Section 66474.4 of the Subdivision Map Act, the land is subject to a contract entered into pursuant to the California land conservation act of 1965 (commencing with Section 51200 of the Government Code) and the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use.

D. Appeal: The decision of the designated approving authority may be appealed as provided in subsection 10.04.040.E, "Appeals", of this Title.

10.10.060 Withdrawal of Tentative Map.

Requests for withdrawal of any application for tentative map shall be submitted to the planning director in writing unless made at a public hearing on the tentative map.

10.10.070 Resubmittal of Application.

No application for a tentative map approval shall be accepted, nor any hearings held thereon, for an application for the same or substantially same tentative map that has been previously denied until a period of one year has elapsed from the date of the final denial of the application by the body having final jurisdiction of the matter.

10.10.080 Tentative Map Revision or Amendment.

A. Revisions or Amendments Generally: Unless deemed by the city engineer to be in substantial compliance with the approved tentative map, any request to revise or amend an approved or conditionally approved tentative map shall be deemed an application for a new tentative map. Such new tentative map shall be processed in conformance with the requirements of this Chapter in effect at the time such revised map is filed, including any changes in street standards which have become effective since the original tentative map was filed. The approval or conditional approval of any revised tentative map shall void all prior approved tentative maps.

B. Amendment of Conditions of Approval: A subdivider may apply for a revision or amendment to the conditions of approval for a conditionally approved tentative map, provided there is no proposed change to the layout or design of the subdivision or modifications in the proposed lot sizes. Modification of the conditions on a conditionally approved tentative map shall not extend the time limits imposed by this Title or the Subdivision Map Act.

10.10.090 Expiration of Tentative Map Approval.

A. Initial Life: Except as provided in Section 10.10.100, "Time Extension", the approval or conditional approval of a tentative map shall expire 24 months after the date of approval by the designated approving authority. This 24-month period shall be referred to as the "initial life".

B. Effect of Expiration: Expiration of an approved or conditionally approved tentative map (including any extensions) shall terminate all proceedings, and no final map of all or any portion of real property included within the tentative map shall be filed without first processing a new tentative map application.

10.10.100 Time Extension.

The initial life of an approved or conditionally approved tentative map may be extended in any of the following ways, or as otherwise provided by the Subdivision Map Act:

A. Discretionary Extension: Prior to the expiration of an approved or conditionally approved tentative map, the subdivider may file a written application for an extension of the expiration date. The process for submission, review, and consideration of the request for extension shall be as follows:

1. The application shall be filed with the planning director. The application shall include the following information:
    a. A completed application form, of which the blank form shall be provided by the planning department.
    b. Tentative map number and county tract number of the subject subdivision and/or other unique information used to reference the approved tentative map.
    c. Requested period of extension.
    d. Reasons for seeking extension, including facts showing why the requirements for recording a final map cannot be completed within the period provided.
    e. A description of all efforts made to date to record the final map and the current status of the project.
    f. A description of what remains to be done to record the final map and what steps the subdivider proposes to complete the required subdivision improvements.
2. Upon receipt of this application, the approval of the tentative map shall automatically be extended for 60 days or until the application for the extension is approved or denied, whichever occurs first.
3. The designated approving authority for requests for extension of a tentative map shall be the planning commission. In accordance with the Subdivision Map Act and case law, the designated approving authority may not impose additional conditions on the tentative map as part of the approval of a discretionary extension. However, the designated approving authority may add or amend conditions based on any changed circumstances or new city policies with the consent of the applicant.
4. The process for review and processing the request for extension shall be the same as provided in Section 10.10.050, “Tentative Map Process And Procedures”.
5. The tentative map may be extended for a period or periods not exceeding a total of six (6) years as provided in Section 66452.6 of the Subdivision Map Act.
6. The designated approving authority shall deny the request for extension if the approving authority makes a finding that the granting of the extension will create a negative impact to public health, safety, or welfare.

7. If the designated approving authority denies a subdivider's application for an extension, the subdivider may appeal the decision within fifteen (15) days in accordance with the provisions of subsection 10.04.040.E, "Appeals", of this Title.

B. Filing of Multiple (Phased) Final Maps: If multiple final maps are to be filed for the subdivision pursuant to the Subdivision Map Act, and if the subdivider is required to spend more than two hundred thirty-six thousand seven hundred ninety dollars ($236,790.00) or any greater amount pursuant to Section 66452.6 of the Subdivision Map Act, to construct, improve, or finance (e.g., payment of impact fees) the construction of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights of way which abut the property to be subdivided and which are reasonably related to the development of the property, each filing of a final map shall extend the expiration of the approved or conditionally approved tentative map by forty-eight (48) months from the date of its expiration, or the date of the previously filed (recorded) final map, whichever is later but in no event more than ten (10) years from such approval or conditional approval.

   As provided in Section 66452.6(a)(3), "public improvement" shall include traffic controls, streets, roads, highways, freeways, bridges, overcrossing, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities. Examples include, but are not limited to, roadway improvement projects that are conditioned as part of project approval but do not occur within the boundaries or along the perimeter of the project.

C. Development Agreement: In accordance with Section 66452.6(a)(1) of the Subdivision Map Act, a tentative map on a property subject to a statutory development agreement between the city and the subdivider (or any successor in interest) may extend the life of the tentative map for a period of time as specified in the development agreement, which period shall not exceed the term of the development agreement itself.

D. Development Moratorium: In accordance with Section 66452.6(b)(1) of the Subdivision Map Act, the initial life of an approved or conditionally approved tentative map shall not include any time during which a development moratorium, imposed after approval or conditional approval of the tentative map, is in effect. However, the length of the moratorium will not exceed five (5) years.

E. Litigation: In accordance with Section 66452.6(c) of the Subdivision Map Act, upon approval by the city, a pending lawsuit involving the approval or conditional approval of a tentative map shall stay the life of a tentative map for up to five (5) years. The subdivider may submit an application to the city requesting the stay. The procedures for considering and taking action upon the request for the stay shall be as provided in subsection A, "Discretionary Extension", of this Section. The city shall take action on the request to deny the stay within forty (40) days of receipt of the subdivider's application. The city shall not impose conditions upon the approval of a request for stay.

F. Special Legislative Extensions: On occasion, the California legislature has adopted statutory extensions to tentative maps. Examples include, but are not limited to, the following specific references. Any additional extensions that are adopted by the legislature in the future are hereby incorporated into this ordinance by reference. The city shall honor any applicable extension provided by the legislature.

1. Section 66452.21 of the Subdivision Map Act, providing a twelve (12) month extension to all tentative maps that have not expired as of July 15, 2008, and would expire before January 1, 2011.
2. Section 66452.22 of the Subdivision Map Act, providing a twenty-four (24) month extension to all tentative maps that have not expired as of July 15, 2009, and would expire before January 1, 2012.
3. Section 66452.23 of the Subdivision Map Act, providing a twenty-four (24) month extension to all tentative maps that have not expired as of July 15, 2011, and would expire before January 1, 2014. (Ord. 2012-01, 4-17-2012)
4. Section 66452.24 of the Subdivision Map Act, providing a twenty-four (24) month extension to all tentative maps that were approved on or after January 1, 2000, and would expire before July 11, 2013.
5. Section 66452.25 of the Subdivision Map Act, providing a twenty-four (24) month extension to all tentative maps that were approved on or after January 1, 2002, and not later than July 11, 2013, and would expire October 10, 2015.
6. Section 66452.26 of the Subdivision Map Act, providing a twenty-four (24) month extension to all tentative maps that were approved on or after January 1, 2006, and not later than July 11, 2013, and would expire on January 1, 2021.

Chapter 10.12
VESTING TENTATIVE MAPS

Sections:

10.12.010 Purpose.
10.12.020 Right to File a Vesting Tentative Map.
10.12.030 Application for Vesting Tentative Map.
10.12.040 Processing and Approving Authority.
10.12.050 Development Rights Upon Approval.
10.12.060 Filing and Processing of Final Vesting Map.
10.12.070 Administration of Vested Rights.

10.12.010 Purpose.

The purpose of this Chapter is to establish the procedures for the submission, review, and action by the city of vesting tentative maps. These provisions supplement the standard of the Subdivision Map Act. The intent of vesting tentative maps is to provide greater protection earlier in the development process by "locking in place" the ordinances, policies, and standards of the city at the time the application is deemed complete.

10.12.020 Right to File a Vesting Tentative Map.

Whenever a provision of the Subdivision Map Act or this Title requires the filing of a tentative map (e.g., a tentative subdivision map, tentative parcel map), a vesting tentative map may instead be filed. Such vesting tentative map shall be in accordance with the provisions of this Chapter. If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

10.12.030 Application for Vesting Tentative Map.

This Section describes the required content and process for filing a vesting tentative map.

A. Form and Content Consistent with Tentative Map Requirement: A vesting tentative map shall be filed in the same form and have the same content as required by this title for tentative maps. The application shall be filed in the same manner as tentative maps.

B. Titled Vesting Tentative Map: At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map".

C. Additional Submittal Requirements: At the time a vesting tentative subdivision map is filed, the subdivider shall also supply the following information to the city:

   1. Plans and studies for all public works improvements to be constructed as a condition of the subdivision, prepared by a registered civil engineer in accordance with city standards and

approved by the city engineer, including, but not limited to, sewer, water, storm drainage, dry utilities (e.g., electrical, gas, and roads).

2. Plans for all site development, including, but not limited to, grading, drainage facilities, and miscellaneous structures, prepared by a registered civil engineer in accordance with city standards and approved by the city engineer.
3. Geological studies in such form as acceptable to the city engineer and the building official, which shall include detailed soils reports, seismic analysis, bank stabilization, and other factors pertinent to the particular site location.
4. Specific information on the uses to which the proposed buildings will be put.
5. The height, size, and location of all buildings, building setbacks, number of stories, and driveway locations.
6. Architectural plans satisfactory for review by the city, including site plans, floor plans, exterior elevations, and other information necessary for building permit plan checks.
7. Landscape plans, including planting and irrigation details, and drawings and specifications as prepared by a licensed landscape architect or contractor satisfactory for review by the city.
8. Traffic reports and analysis, in a form approved by the city engineer, if required.
9. Acoustical report, prepared by a licensed engineer in a form acceptable to the city, if in an area anticipated to be greater than sixty-five decibels (65 dB) CNEL.
10. Flood control information and statements showing compliance with flood hazard regulations.
11. Such other exhibits, studies, and information that fully depict features of the development which the developer desires review for the purpose of approval concurrently with the vesting tentative map.

D. Other Land Use Permits: If other discretionary land use approvals are required in connection with development under the vesting tentative map, the subdivider shall process them concurrently with the filing of the vesting tentative map and final action shall be taken by the highest level designated approving authority for all such requested permits. For purposes of this Section, "discretionary land use approvals" shall include, but not be limited to, general plan amendments, zone district amendments, conditional use permits, and variances.

10.12.040 Processing and Approving Authority.

The processing of a vesting tentative map shall be the same as provided in this title for tentative maps. The designated approving authority for vesting tentative maps shall be the planning commission. Review and action on a vesting tentative map shall be limited to those ordinances, policies, and standards in effect at the date the city has determined the application to be complete.

10.12.050 Development Rights Upon Approval.

A. Generally: The approval of a vesting tentative map by the city shall confer a vested right to apply for permits needed to proceed with development and have the city exercise its discretion

to approve, disapprove, or approve such permits with conditions, on the basis of ordinances, policies, and standards in effect at the time the application was determined to be complete pursuant to Section 65943 of the Government Code.

B. Disclaimers:

1. This Chapter does not enlarge, diminish, or alter the power of the city to deny approval of the requested project or any part thereof, or to impose conditions on the approval of a project.
2. Nothing in this Chapter removes, diminishes, or affects the obligation of any subdivider or local agency to comply with the conditions and requirements of any state or federal laws, regulations, or policies.
3. In the event that Section 66474.2 of the Subdivision Map Act is repealed, any subsequent approvals of vested maps shall confer a vested right to proceed with development in substantial compliance with ordinances, policies, and standards in effect at the time the vesting map is approved or conditionally approved, rather than at the time the application was determined to be complete.
4. Notwithstanding this Chapter, the City may condition or deny a permit, extension, or entitlement, including, but not limited to, final maps and building permits, if it determines any of the following:
    a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
    b. The condition or denial is required in order to comply with state or federal law.

10.12.060 Filing and Processing of Final Vesting Map.

A final vesting map shall be filed and processed in the same manner, form, and content, and shall be subject to the same fees prescribed for final maps and parcel maps as required by this Title. The "initial life" for vesting tentative maps shall be the same as for tentative maps as provided in this Title, and the life of a vesting tentative map may be extended as provided by this Title.

10.12.070 Administration of Vested Rights.

A. Concurrent Approvals: Approval of a vesting tentative map applies only to actions considered and approved by the designated approving authority. If the vesting tentative map was approved with conditions, the approval is subject to those conditions. If related applications for discretionary permits were approved in conjunction with the vesting tentative map, the approvals are subject to applicable ordinances, policies, and standards granting those entitlements, including any conditions thereof.

B. Initial Life of Vested Rights: The rights conferred by a vesting tentative map as provided by this Chapter shall last for an initial period of one year after recording of the final map. This period may be extended as provided below.

C. Extension of Vested Rights Through Recording of a Final Map: Where several final maps or final parcel maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map or final

parcel map for that phase is recorded. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, the initial vesting period shall begin for each phase on the date the final map for that phase is recorded.

D. Extension of Vested Rights Through Period For Subsequent Approvals: The initial time period shall be automatically extended by any time used by the local agency for processing a complete application for a grading permit or for design or architectural review if the time used by the local agency to process the application exceeds thirty (30) days from the date that a complete application is filed.

E. Extension of Vested Rights By Moratorium Or Stay: Vesting rights shall automatically be extended at any time during which a development moratorium or stay on the project is in effect.

F. Automatic Extension of Vested Rights: Vesting rights shall automatically be extended by any time used by a city department for processing a complete application for a grading permit or for design or architectural review if the time used by the city exceeds thirty (30) days from the date a complete application is filed.

G. Extension of Vested Rights Through Building Permit: If the subdivider submits a complete application for a building permit during the periods of time specified above, the rights conferred by this Chapter shall continue until the expiration of that permit or any extension of that permit granted by the City.

H. Termination of Vested Rights: Vested rights that have been conferred shall end on the occurrence of the following, whichever comes first:

1. A final map is not recorded within the initial life of the vesting tentative map unless a longer period is provided by state law or an extension is granted as provided by this Chapter.
2. If a final map is recorded, the vesting rights shall end one year after the date of final map recordation as provided in subsection B of this Section.
3. The expiration of a building permit, including extension, issued pursuant to a vesting tentative map, and issued during the time vesting rights are valid.

Chapter 10.14
FINAL MAPS AND PARCEL MAPS

Sections:

10.14.010 Purpose.
10.14.020 Timing.
10.14.030 Preparation and Form of Final Map or Parcel Map.
10.14.040 Certificates and Statements of Final Map or Parcel Map.
10.14.050 Survey of Final Map or Parcel Map.
10.14.060 Filing of Final Map or Parcel Map.
10.14.070 City Engineer's Review.
10.14.080 Planning Director's Review.
10.14.090 Approval of Final Map or Parcel Map, Execution of Subdivision Agreement, and Acceptance of Dedication.
10.14.100 Multiple Final Maps or Parcel Maps.
10.14.110 Separate Dedications.
10.14.120 Waiver of Parcel Map.

10.14.010 Purpose.

The purpose of this Chapter is to establish the process for preparing, reviewing, and approving final maps and parcel maps.

10.14.020 Timing.

Within 24 months of the date of approval or conditional approval of the tentative map, or within any further time period for which an extension has been granted or made as a matter of law, the subdivider may cause the proposed subdivision or any part thereof to be surveyed and a final map or parcel map to be prepared and recorded in accordance with the provisions of this Title and the Subdivision Map Act.

10.14.030 Preparation and Form of Final Map or Parcel Map.

A. Preparation of Final Map or Parcel Map: The final map or parcel map shall be prepared by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying, shall be based upon a survey, in the manner required by this Chapter and the Subdivision Map Act.

   Three (3) draft copies shall be submitted to the city for review by the planning director, public works director, and city engineer for their accuracy prior to calling for final mylar versions for recording.

B. Final Map or Parcel Map Description and Contents:

   1. Description:

a. The final map or parcel map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on mylar. Certificates, affidavits, and acknowledgments may be legibly stamped or printed on the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

b. The size of each sheet shall be 18 inches by 26 inches or 460 millimeters by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch or 25 millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of each sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. Affidavits, certificates, acknowledgments, endorsements, acceptances of dedication, and seals required by law and by this Chapter shall appear on the first sheet and may be combined where appropriate.

2. Information Required:

a. Index and Location Map:

(1) If more than two (2) sheets are used to show the actual layout of the streets and lots, an index map shall be used showing the relationship of the sheets.

(2) A location map shall appear on the map, showing the relative position of the land to be subdivided with the surrounding existing subdivisions with their recorded map reference, including their names and tract numbers. The location map shall show city boundaries crossing or adjoining the subdivision.

b. Subdivision Name; Exterior Boundaries: The subdivision name, if one is used, and the tract number shall conspicuously appear on each sheet of the final map or parcel map. On the first sheet, there shall be a full legal description of the exterior boundaries of the area subdivided and an abbreviated legal description shall be shown below the name of the final map or parcel map. The exterior boundary of the land to be divided shall be indicated by a border one-eighth (1/8) of an inch in width.

c. Lots And Blocks: Each lot shall be numbered or lettered consecutively beginning with lot number 1; except that when the final map or parcel map is an additional phase of an existing subdivision, the lot numbers shall commence with the next number higher than in the preceding phase. The area of each lot shall be shown on the final map or parcel map.

Blocks, if used, shall be consecutively lettered or numbered. Each block and each parcel shall be shown completely on one sheet.

d. Public Dedications: The final map or parcel map shall show the width, location, and proper reference to record information shall be stated and named without abbreviation or other sufficient designation of the following:

(1) New streets.

(2) Public areas and easements.

(3) Adjoining streets.

(4) All other existing streets, easements, rights of way, and other real property interests to be dedicated for public purposes.

e. Technical Information:

(1) The dimensions of all lot lines, subdivision perimeter, and centerline of streets shall be in feet and decimals thereof to the nearest one-hundredth (1/100) of a foot and bearings to the nearest second. If a course is a curve, the radius, length of curve or bearing and length of chord, and central angle shall be shown. If the ends of a curve are not tangent to the preceding or following courses and the chord along with its bearing and length are not shown, the radial of the end of the curve, with its bearing, shall be shown.

(2) All required information shall be shown in full for all portions of the map. No ditto marks shall be used with respect to any required information.

(3) The width of each street right of way shall be shown indicating the widths on each side of the centerline. If additional right of way for an existing street is offered for dedication, the original right of way and the additional right of way width offered for dedication shall be shown along with the total width of the new right of way.

f. Record of Easements: The final map or parcel map shall show the location, width, and sidelines of all easements to which the lots are subject. Easements for storm drains, sewers, and other purposes shall be denoted by broken lines. Each easement shall be clearly labeled and identified, and if already of record, proper reference to the record information shall be stated. Easements being offered for dedication shall be indicated in the statement of dedication.

g. Abandonment of Public Streets and Easements: The final map or parcel map shall adequately delineate any public streets or public easements to be left in effect after the subdivision. The filing of the final map or parcel map shall constitute abandonment of all public streets and public easements not shown on the final map or parcel map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the city clerk. Before a public easement vested in another public entity may be abandoned pursuant to this subsection, the city shall notify that public entity of the proposed abandonment. The city shall submit with the final map or parcel map written verification that the public entity has received the notice. No public easement vested in another public entity shall be abandoned pursuant to this subsection if that public entity objects to the proposed abandonment. Off-site abandonments shall follow the procedures for abandonment established in Chapter 3 of Division 9 of the Streets And Highways Code, commencing with Section 8320.

10.14.040 Certificates and Statements on Final Map or Parcel Map.

The title sheet of the final map or parcel map shall contain those certificates required by the Subdivision Map Act. It shall also contain any other certificates and statements as outlined below.

A. Owner's Statement: Subject to Section 66436 of the Subdivision Map Act, a statement signed by all parties having record title interest in the land subdivided, consenting to the preparation and recordation of the map and dedication to the public, subject to Section 66439(d), of specific parcels or easements in a format determined by the City Engineer or City Surveyor and the Planning Director.

B. Engineer's or Surveyor's Statement: A statement signed by the engineer or surveyor responsible for preparation of the final map or parcel map, as provided in Section 66441 of the Subdivision Map Act in a format determined by the City Engineer or City Surveyor and the Planning Director.

C. City Engineer's and City Surveyor's Statements: A statement, signed and sealed by the city engineer and city surveyor (as required by Section 66442 of the Subdivision Map Act), that the map was examined by him and the subdivision as shown is substantially the same as it appeared on the approved tentative map and, if required, any approved alterations thereof, and that all the provisions of the Subdivision Map Act and any local ordinance applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct, in a format determined by the City Engineer or City Surveyor and the Planning Director.

D. Tax Collector's Statement: A statement signed by the county tax collector, stating that all due taxes and special assessments collected as taxes have been paid or that a bond or other security assuring the payment of all taxes or special assessments collected as taxes which are liens but are not yet payable, has been filed with the county, in a format determined by the City Engineer or City Surveyor and the Planning Director.

E. Approving Authority's Statement: A statement signed by the secretary or clerk of the designated approving authority, indicating the date of the meeting on which the tentative map was approved and a reference to the resolution approving the tentative map, in a format determined by the City Engineer or City Surveyor and the Planning Director.

F. City Clerk's Statement: If any real property is offered for dedication for public use on the final map or parcel map or by a separate instrument, a statement signed by the city clerk shall be provided on the final map or parcel map stating that the city council approved the map and accepted, accepted subject to improvement, or rejected on behalf of the public the real property offered for dedication, in a format determined by the City Engineer or City Surveyor and the Planning Director.

G. Recorder's Certificate: The following certificate shall be located in the lower right corner of the first certificate sheet and shall be completed by the county recorder upon recordation of the final map or parcel map in a format determined by the City Engineer or City Surveyor and the Planning Director.

H. Restrictions Statement: Any previously existing nonstandard easements or documents that restrict the use of the land recorded previously or concurrently with the map must be listed in the restrictions section of the cover page with recording date, document number, and county of record. Pursuant to Section 66411.1 of the Subdivision Map Act, any requirements for the construction of off-site and on-site improvements shall be noticed on the face of the map.

I. Owners of Interest Statement: If necessary, a statement shall be included on final maps and parcel maps if the owners will not have an interest that may ripen into a fee title in a format determined by the City Engineer or City Surveyor and the Planning Director.

J. Notary Public Certificate: Where certificates or statements required by this Section or the Subdivision Map Act require a notary public certificate per Civil Code 1189, the following certificate shall be used in a format determined by the City Engineer or City Surveyor and the Planning Director.

10.14.050 Survey of Final Map or Parcel Map.

A complete and accurate survey of the land to be subdivided shall be made by a licensed land surveyor or registered civil engineer authorized to practice land surveying in accordance with the provisions of Chapter 10.32, "Survey and Monuments", of this Title.

10.14.060 Filing of Final Map or Parcel Map

The subdivider shall cause all certificates and statements to be executed except those to be executed by the city engineer, city surveyor, city clerk, planning commission, tax collector, and county recorder, and shall file the following with the planning director:

A. Four (4) copies of the final map or parcel map, each conforming to the requirements of Section 10.14.030, "Preparation And Form of Final Map Or Parcel Map", of this Title.

B. Copy of approved tentative map and conditions of approval.

C. Closure calculations and other survey information.

D. A current preliminary title report pertaining to the real property proposed to be subdivided. The title report shall be dated not more than ninety (90) days prior to the submittal of the final map or parcel map application.

E. A title guarantee by a qualified title company, for the benefit of the city, certifying that the signatures of all persons whose consent is necessary to pass clear title to the land and all acknowledgments appear on the proper certificates and are correctly shown on the map and affidavits to dedication.

F. Copies of record maps and record documents used as reference map submitted.

G. Draft copies of any off-site easements or rights of way required.

H. Improvement plans, and engineer's cost estimate for such, when applicable as outlined in Section 10.36.020, "Improvement Requirements And Plans", of this Title.

I. The application review fee as established by resolution of the city council.

10.14.070 City Engineer's Review.

Upon submittal of the final map or parcel map and accompanying documents, offers of dedication, offers of deed, offers of easement, fees, and materials for filing, the city engineer shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications, and provisions made or required by the designated approving authority, and if found to be complete, technically correct, in conformity with improvement plans and specifications, and in compliance with the requirements of these

regulations, planned street lines, and other applicable specific plans and ordinance, shall forward the same to the planning director for review and further action.

Should the map or other accompanying documents, fees, or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified. If the defect is the result of a technical and inadvertent error which, in the opinion of the city engineer, does not materially affect the validity of the map, the city engineer may waive the defect and forward it to the city council.

The city engineer may recommend against approval of the recording a portion of a final map or parcel map when, in the process of checking the final map or parcel map, he determines that said portion does not by itself provide adequate or satisfactory access, design, or improvements and therefore does not conform to the design and improvement of the subdivision as indicated by the approved tentative map, if applicable.

10.14.080 Planning Director's Review.

The planning director shall review the final map or parcel map to determine its compliance with the approved tentative map and the conditions of approval imposed by the designated approving authority. If the director determines that the final map or parcel map is in compliance with the approved tentative map, that all conditions of approval have been met or performed, and that the final map or parcel map has been recommended for approval by the city engineer, the director shall present it to the council with his or her recommendation. If a subdivision improvement agreement is proposed, it shall be presented to the council in the same meeting as the final map or parcel map.

10.14.090 Approval of Final Map or Parcel Map, Execution of Subdivision Agreement, and Acceptance of Dedication.

A. Generally: The city engineer shall execute the city engineer's certificate on the final map or parcel map before forwarding it to the city council for their acceptance.

   The city council shall consider the final map or parcel map and any associated offers of dedication, deed, and easement at the meeting at which it receives the final map or parcel map or at its next regular meeting after the meeting at which it receives the final map or parcel map. The city council shall review the final map or parcel map and approve it if it conforms to the approved or conditionally approved tentative map and if all requirements and conditions imposed on the subdivision pursuant to this Title or the Subdivision Map Act have been met or performed. If the final map or parcel map does not conform, the city council shall disapprove the map. The city council shall also accept, accept subject to improvement, or reject any or all offers of dedication in conformance with the approvals for the tentative map and the provisions of this Title and the Subdivision Map Act.

   If improvements required under the terms of this Title or as a condition of approval have not been completed, the city council shall provide for such improvements by approving a subdivision improvement agreement. No final map or parcel map shall be certified until the required improvements have been installed or agreed to be installed in accordance with Chapter 10.36, "Improvements", of this Title, and appropriate surety has been provided to the satisfaction of the city. The city manager is authorized to execute subdivision improvement

agreements, as permitted by Section 66462(d) of the Subdivision Map Act, in accordance with the city's standard subdivision agreement.

No public hearing shall be required, and no public notice shall be required for review, consideration, and action by the city council on a final map or parcel map, offers of dedication, deed, easement, or improvement agreement.

As permitted by Section 66458(d) of the Subdivision Map Act, the city may accept, accept subject to improvement, or reject dedications and offers of dedications that are made by a statement on the map.

B. Determinations for Condominium Conversions: No final map or final parcel map for a condominium conversion shall be approved unless all the following determinations are made:

1. Each existing tenant has received notification of intent to convert, pursuant to subsection 10.10.040.D of this Title and Section 66452.9 of the Subdivision Map Act, at least 60 days prior to the filing of the tentative map or tentative parcel map.
2. Each existing tenant and each person applying for rental of a unit in the project has or will have, received all applicable notices and rights required by Chapter 2 or 3 of the Subdivision Map Act.
3. Each tenant has or will have received 10 days' written notice that an application for a public report will be, or has been, submitted to the California department of real estate and that such report will be available on request.
4. Each tenant of the proposed condominium conversion has been or will be, given written notification within 10 days of approval of a final map.
5. Each tenant has been or will be, given at least 180 days' written notice of intention to convert before tenancy is terminated due to the conversion or proposed conversion.
6. Each tenant has been or will be, given notice of an exclusive right, pursuant to Section 66427.1(d) of the Subdivision Map Act, to contract for the purchase of such tenant's unit on the same terms and conditions that the unit will be initially offered to the general public or terms more favorable to the tenant.

10.14.100 Multiple Final Maps or Parcel Maps.

Multiple final maps or parcel maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if: a) the subdivider, at the time the tentative map is filed, informs the planning director of the subdivider's intention to file multiple final maps or parcel maps on such tentative map, or b) after filing of the tentative map, the city and the subdivider concur in the filing of multiple final maps or parcel maps. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps or parcel maps.

The filing of a final map or parcel map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. Each final map or parcel map which constitutes a part, or unit, of the approved or conditionally approved tentative map shall have a separate subdivision phase number. Unless specific timing thresholds are set forth in the

conditions of approval, the city engineer and planning director shall determine the improvements required and conditions that must be satisfied in conjunction with a given final map or parcel map phase to ensure a logical and orderly development of the whole subdivision. The subdivision improvement agreement executed by the subdivider for that map phase shall provide for the design and construction of all such required improvements.

10.14.110 Separate Dedications.

When completed outside of a dedication on a map, dedications may be required to be made by separate instrument with fees paid to cover the cost of processing. After receiving the instrument of dedication and accompanying title report, the city engineer shall approve or disapprove the instrument of dedication as to its suitability for recordation, specifically including a cover sheet, legal description, and map in eight-and-one-half-inch by eleven-inch (81/2" x 11") format. After approving an offer to dedicate, the city engineer shall notify the planning director to request original signed and notarized document(s) with the applicant's land surveyor's or registered civil engineer authorized to practice land surveying original seal.

Offer of dedication shall be brought to the city council for consideration of acceptance or acknowledgment for later acceptance.

10.14.120 Waiver of Parcel Map

Where a parcel map is required by the Subdivision Map Act or this Title, but the subdivider seeks to waive this requirement, the following procedures shall apply:

A. Waiver of Parcel Maps Generally: The planning director shall be the designated approving authority for the waiver of the requirements for the recordation of a parcel map. Such a waiver may be provided in any case when the land being divided consists of a lot or parcels shown on a recorded parcel map or final subdivision map and the full street improvements have been constructed or monumentation is evident, or where each of the lots has a gross acreage of forty (40) acres or more or each of which is a quarter-quarter section or larger. The designated approving authority may grant the waiver and will issue a certificate of compliance if:

    1. The subdivider files an application with the planning director, including any fees required, verifying the existence of monumentation in the installation of street improvements.

    2. The application contains a legal description for each of the lots to be created.

    3. The designated approving authority finds that the proposed division of land complies with requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this title.

B. Waiver of Parcel Maps for Condominiums:

    1. The planning director may waive the requirements for a final parcel map imposed by the Subdivision Map Act for the construction of a condominium project on a single lawful parcel.

    2. The procedure for determining whether such a waiver for a condominium is appropriate shall be initiated by an application for waiver filed with the planning director.

3. The application shall contain a legal description for the single lawful parcel and a description of the proposed condominium project.
4. The designated approving authority shall make a determination on the waiver request after review and recommendation by the public works director and city engineer.
5. If an application for waiver on a residential condominium project is filed contemporaneously with an application to adopt or amend a specific plan, then the application for waiver shall be first considered by the planning commission at a public hearing. After this hearing, the planning commission shall provide a written recommendation to the city council, which shall make the final determination on the application.
6. No applications for a waiver of the requirement for a tentative or parcel map for the construction of a condominium project on a single lawful parcel shall be granted unless it is found that the proposed division of land complies with the requirements of the Subdivision Map Act and this ordinance as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act and this ordinance.

Chapter 10.16
LOT LINE ADJUSTMENTS

Sections:

10.16.010 Purpose.
10.16.020 General Provisions.
10.16.030 Process for Reviewing Lot Line Adjustments.
10.16.040 Appeals.
10.16.050 Recording.
10.16.060 Record of Survey.

10.16.010 Purpose.

The purpose of this Chapter is to establish the procedures for application, processing, and deciding applications for lot line adjustments between four (4) or fewer existing, adjoining parcels and where a greater number of parcels than originally existed is not being created.

10.16.020 General Provisions.

The designated approving authority for lot line adjustments shall be the planning director. The procedure provided by this Chapter is an alternative to the procedures provided by Chapter 10.10, "Tentative Maps", and Chapter 10.14, "Final Maps And Parcel Maps", of this Title. Nothing stated herein shall be construed to prevent an applicant from filing a tentative map, a final map, or a parcel map for any lot line adjustment.

10.16.030 Process for Reviewing Lot Line Adjustments.

A. Application: An application for a lot line adjustment may be made by owner(s) of all affected parcels or individuals authorized by the owner(s) to make an application. Such application shall be filed with the planning department and shall include the following information, materials, and documents to the satisfaction of the city:

   1. A completed application form, of which the blank form shall be provided by the planning department.

   2. A preliminary title report dated not more than 90 days prior to submittal of application. All items referenced within the title report shall be submitted for review (i.e., deeds, easements, and record maps) when submitting application.

   3. A filing fee as established by resolution of the city council.

   4. The legal descriptions of the original parcels, with a title as Exhibit A, Lot Line Adjustment No. 20xx-xx, Existing Legal Descriptions. The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the exhibit along with his/her seal or stamp and expiration date of license/registration per the Professional Land Surveyor's

Act, Section 8761; Upon filing the application the planning department will assign the application a Lot Line Adjustment number.

5. The legal descriptions of the proposed parcels, with a title as Exhibit B, Lot Line Adjustment No. 20xx-xx, Adjusted Legal Descriptions on its own sheet. The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the exhibit along with his/her seal or stamp and expiration date of license/registration per the Professional Land Surveyor's Act Section 8761.
6. One (1) copy of a map, legibly drawn on a sheet(s) eight and one half (8½) inches by 11 inches, with a title as Exhibit C, Lot Line Adjustment No. 202x-xx. The map exhibit shall contain all of the following:
    a. An Owner's Statement signed by all parties having record title interest in the land, consenting to the preparation and recordation of the map in a format determined by the City Engineer or City Surveyor and the Planning Director.
    b. If the property is held in a trust, this statement must be signed by the trustee(s) of the trust. Include the name of the trust and call out the individuals signing the statement as trustees.
    c. If the property is held by a corporation or LLC, call out the name of the corporation or LLC and the state of incorporation, and include the title(s) of the person(s) authorized to sign the map.
    d. The entire existing boundary line of all affected parcels conforming with existing record data, with essential information as to bearings and dimensions.
    e. The proposed boundary lines with dimensions and curve radii of the proposed parcels.
    f. Each parcel identified with a letter, assessor parcel number, deed document number, and area of each existing parcel (Existing Parcel A, Existing Parcel B, etc.).
    g. Each parcel identified with a letter and area of each proposed parcel (Adjusted Parcel A, Adjusted Parcel B, etc.).
    h. Identification, location, and dimensions of all existing and proposed improvements.
    i. The names, widths, and locations of the existing and proposed public and private streets.
    j. The location, width, purpose, and owners of existing easements or rights of way and all easements located to the boundary, if applicable.
    k. The date of application, the north arrow, scale of drawing, assessor's parcel number(s) of the area to be adjusted, and a legend, if applicable.
    l. The owner's name, assessor parcel number, and deed document number of all adjoining parcels.
    m. The location and width of watercourses and areas potentially subject to flooding, and methods of floodwater drainage control.
    n. The location of existing wells and septic systems.

o. The location of structures, irrigation ditches, and railroad rights of way, if any.

p. The location and width of proposed building setbacks.

q. A small-scale vicinity map portraying and orienting the boundaries of the proposed lot line adjustment with respect to surrounding areas and roads.

r. The existing use and existing zoning designation of the property.

s. The proposed use and proposed zoning designation of the property.

t. The method of sewage disposal, storm drainage, and source of water.

u. The approximate location and general description of any trees and shrubs, and their drip lines if known, with notations as to their retention or destruction; and any vernal pools or wetlands located on the property to be adjusted. The general description of trees and shrubs should include an indication as to their size (diameter) and type if known.

v. The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the exhibit along with his/her seal or stamp and expiration date of license/registration per the Professional Land Surveyor's Act, Section 8761.

7. Submit perfecting deed for review and after acceptance, that will record when the Lot Line Adjustment is approved.

B. Application Review: Applications for lot line adjustments shall be reviewed as provided in subsections 10.04.040.B, "Determination of Completeness", and 10.04.040.C, "Application Review And Report", of this Title.

C. Timely Processing: Applications for lot line adjustments shall be processed by the applicant in a timely manner. If the applicant fails to process the application to completion within one year from the date the application was first submitted, due to the applicant's failure to respond to requests for additional information, to pay processing fees, or for any other reason, and upon written notice of the city, the application shall be deemed withdrawn. Thereafter, a new application, including the filing fee, will be needed to process the lot line adjustment.

D. Decision by the Approving Authority: A decision on the application for lot line adjustment shall be made by the designated approving authority after review and recommendation by the public works director and city engineer. The application shall be decided within the time limits described in this Title and the Subdivision Map Act.

E. Conditions of Approval: In deciding applications for lot line adjustments, the designated approving authority may impose conditions on the approval of the application. In accordance with Section 66412(d) of the Subdivision Map Act, the conditions imposed shall be limited to:

1. Ensuring conformity to the city's general plan, any applicable specific plan, the zoning ordinance, and the city's adopted building code.

2. Requiring the prepayment of real property taxes.

3. The relocation of existing utilities, infrastructure, or easements.

F. Findings: The designated approving authority shall approve a lot line adjustment sought pursuant to this article if the designated approving authority finds:

1. That the lot line adjustment will not result in the abandonment of any street or utility easement of record, and that, if the lot line adjustment will result in the transfer of property from one owner to another owner, the deed to the subsequent owner expressly reserves any street or utility easement of record.
2. That the lot line adjustment will not result in the elimination or reduction in size of the accessway to any resulting parcel, or that the application is accompanied by new easements to provide access that meet all the city requirements regarding access to parcels in the location and of the size as those proposed to be created.
3. That the resulting parcels conform to the requirements of the city's general plan, any applicable specific plan, the city's adopted building code, and the city's zoning ordinance.

10.16.040 Appeals.

The applicant or any interested person adversely affected by any action of the designated approving authority on a lot line adjustment may, within 10 days after the decision, appeal the decision consistent with subsection 10.04.040.E, "Appeals".

10.16.050 Recording.

Pursuant to Section 66412(d) of the Subdivision Map Act, the lot line adjustment shall be reflected in a perfecting deed. The perfecting deed shall be in a form satisfactory to the county recorder. It shall be submitted to the planning department for a determination that the perfecting deed complies with the approved lot line adjustment. The approved perfecting deed shall thereafter be forwarded by the planning department to the county recorder's office for recording. The planning department shall issue a certificate of compliance to be issued and signed by the City Planner and the City Surveyor; thereafter be forwarded by the planning department to the county recorder's office for recording. The applicant shall pay all recording fees.

10.16.060 Record of Survey.

If a field survey was conducted or if monuments are set at the new parcel lines, a record of survey shall be required pursuant per the Professional Land Surveyor's Act, Section 8762 of the Business and Professions Code, unless the boundary is monumented as part of a land division with a recorded map.

Chapter 10.18
VOLUNTARY PARCEL MERGER

Sections:

10.18.010 Purpose.
10.18.020 Voluntary Parcel Merger Authorized.
10.18.030 Process for Reviewing a Voluntary Parcel Merger.
10.18.040 Appeals.
10.18.050 Recording.

10.18.010 Purpose.

The purpose of this Chapter is to provide a simplified procedure to allow for the removal of previously approved parcel lines and the merger of contiguous parcels under common ownership at the request of the property owner, pursuant to Section 66451.10/11 of the Subdivision Map Act. The procedure provided by this article is an alternative to the procedures provided by Chapter 10.10, "Tentative Maps" and Chapter 10.14, "Final Maps And Parcel Maps", of this Title. Nothing stated herein shall be construed to prevent an applicant from filing a tentative map and a final map or parcel map for any merger.

10.18.020 Voluntary Parcel Merger Authorized.

Pursuant to Section 66451.10/11 of the Subdivision Map Act, the planning commission is authorized to approve the merger requested by the property owner of contiguous parcels under common ownership without reversion to acreage, upon making the findings and utilizing the procedures set forth in this Chapter. The city clerk shall cause an instrument to be recorded as evidence of a merger approved under this Chapter.

10.18.030 Process for Reviewing a Voluntary Parcel Merger.

A. Application: An application for a merger pursuant to this Chapter may be made by owners of all affected parcels or individuals authorized by the owner(s) to make an application. Such application shall be filed with the planning department and shall include the following information, materials, and documents to the satisfaction of the city:

   1. A completed application form, of which the blank form shall be provided by the planning department.
   2. A filing fee as established by resolution of the city council.
   3. A preliminary title report that is shall be current and dated not more than 90 days prior to submittal of application. All items referenced within the title report shall be submitted for review (i.e., deeds, easements, and record maps) when submitting application.
   4. Upon filing the application, the planning department will assign the application a Voluntary Parcel Merger number.

5. The legal descriptions of the existing parcels, add title as Exhibit A, Voluntary Parcel Merger No. 20xx-xx, Existing Legal Descriptions on its own sheet. The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the exhibit along with his/her seal or stamp and expiration date of license/registration per the Professional Land Surveyor's Act, Section 8761.
6. The legal description of the merged parcel, add title as Exhibit B, Voluntary Parcel Merger No. 20xx-xx, Merged Parcel Legal Description on its own sheet. The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the exhibit along with his/her seal or stamp and expiration date of license/registration per the Professional Land Surveyor's Act, Section 8761.
7. One (1) copy of a map, legibly drawn on a sheet(s)eight and a half inches by eleven inches (8 1/2" x 11"), that includes all of the following information:
    a. The entire existing boundary line of all affected parcels conforming with existing record data, with essential information as to bearings and dimensions.
    b. The proposed merged boundary lines with dimensions and curve radii and area of the merged parcel.
    c. Each existing parcel identified with a letter, assessor parcel number, deed document number, and area of each parcel.
    d. The names, widths, and locations of the existing public and private streets.
    e. The location, width, purpose, and owners of existing easements or rights of way with all easements located to boundary, if applicable.
    f. The north arrow, scale of drawing, and a legend.
    g. The owner's name, assessor parcel number, and deed document number of all adjoining parcels.
    h. The location of building structures with ties to the merged parcel boundary.
    i. A small-scale vicinity map portraying and orienting the boundaries of the voluntary parcel merger boundary with respect to surrounding areas and roads.
    j. The licensed land surveyor or registered civil engineer authorized to practice land surveying shall sign the exhibit along with his/her seal or stamp and expiration date of license/registration per the Professional Land Surveyor's Act, Section 8761.
8. Applicant to submit perfecting deed with application for review and after acceptance, that will record when the Voluntary Parcel Merger is approved.

B. Application Review: Applications for voluntary parcel mergers shall be reviewed as provided in subsections 10.04.040.B, "Determination of Completeness", and 10.04.040.C, "Application Review And Report".

C. Timely Processing: Applications for voluntary parcel mergers shall be processed by the applicant in a timely manner. If the applicant fails to process the application to completion within one year from the date the application was first submitted, due to the applicant's failure

to respond to requests for additional information, to pay processing fees, or for any other reason, and upon written notice of the city, the application shall be deemed withdrawn. Thereafter, a new application, including the filing fee, will be needed to process voluntary parcel merger.

D. Decision By the Approving Authority: A decision on the application for voluntary parcel merger shall be made by the designated approving authority after review and recommendation by the public works director and city engineer. The application shall be decided within the time limits described in this Title and the Subdivision Map Act.

E. Findings: The designated approving authority shall not approve any Voluntary Parcel Merger pursuant to this Chapter unless it makes all of the following findings:

1. That all required street, access, and utility easements are in place.
2. That the resulting parcel conforms to the requirements of the City of Avenal Subdivision Ordinance, the City of Avenal General Plan, any applicable specific plan, the City of Avenal Zoning Ordinance, and the City's Building Code.

10.18.040 Appeals.

The applicant or any interested person adversely affected by any action of the designated approving authority on a merger may, within 10 days after the decision, appeal the decision consistent with subsection 10.04.040.E, "Appeals".

10.18.050 Recording.

The merger of contiguous parcels under common ownership shall be recorded in a Notice of Voluntary Merger form satisfactory to the county recorder. It shall be submitted to the planning department for a determination that the final documentation complies with the approved merger. The perfecting deed shall be submitted to the planning department for a determination that the final documentation complies with the approved merger. The approved final documentation shall thereafter be forwarded by the planning department to the county recorder's office for recording. The applicant shall pay all recording fees.

Chapter 10.20
REVERSIONS

Sections:

10.20.010 Purpose.
10.20.020 Initiation of Reversion Proceedings.
10.20.030 Review of Petition.
10.20.040 Findings of Reversion.
10.20.050 Conditions for Reversion
10.20.060 Filing with County Recorder.
10.20.070 Merging and Resubdividing without Reversion.
10.20.080 Requirements for Parcel Mergers and Unmergers.

10.20.010 Purpose.

The purpose of this Chapter is to describe how subdivided property may be reverted to acreage and merged and unmerged, pursuant to the provisions of the Subdivision Map Act.

10.20.020 Initiation of Reversion Proceedings.

Proceedings to revert subdivided property to acreage may be initiated by petition of all owners of record of the real property or by the city council on its own motion.

A. By Owners: In the case of initiation by the owners, the petition shall be submitted to the planning division and shall contain the following information:

   1. Evidence of title to the real property within the subdivision.

   2. A final map or parcel map consistent with the requirements of Chapter 10.14, "Final Maps And Parcel Maps", of this Title, and which delineates dedications that will not be vacated, and dedications required as a condition to reversion. Final or parcel maps shall be conspicuously designated with the title, "The purpose of this map is a reversion to acreage".

   3. Such other additional data as required by the city.

   4. Each petition for reversion to acreage shall be accompanied by a nonrefundable filing fee as established by resolution of the city council.

B. By City Council: The city council may, by resolution, initiate proceedings to revert property to acreage. The city council shall direct the planning director to obtain the necessary information to initiate and conduct the proceedings.

10.20.030 Review of Petition.

The notice, hearing, and procedural requirements for review of a tentative map requiring city council approval shall be followed in connection with the review of a proposed reversion to

acreage, provided that, upon the conclusion of the hearing before the city council, the city council may approve the reversion to acreage and take final action on the final map or parcel map.

10.20.040 Findings of Reversion.

Subdivided property may be reverted to acreage only if the city council finds that:

A. Dedications or offers of dedication to be vacated or abandoned by the reversions to acreage are unnecessary for present or prospective public purposes; and

B. Either:

1. All owners of an interest in the real property within the subdivision have consented to reversion.

2. None of the improvements required to be made have been made within two (2) years from the date the final map or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later.

3. No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

10.20.050 Conditions for Reversion.

The city council may require the following as conditions of the reversion:

A. The owners dedicate or offer to dedicate streets, public rights of way, or easements.

B. The retention of all or a portion of previously paid subdivision fees, deposits, or improvement securities if the same are necessary to accomplish any of the purposes or provisions of the Subdivision Map Act or this Title.

C. Such other conditions of reversion as are necessary to accomplish the purposes or provisions of the Subdivision Map Act or this Title or necessary to protect the public health, safety, or welfare.

10.20.060 Filing with County Recorder.

Upon approval of the reversion to acreage, the city clerk shall transmit the final map or parcel map, together with the city council resolution approving the reversion, to the county recorder for recordation. Reversion shall be effective upon the final map or parcel map being filed for record by the county recorder.

10.20.070 Merging and Resubdividing without Reversion.

Except as provided in Chapter 10.18, "Voluntary Parcel Merger", of this Title for merger of contiguous parcels under common ownership, subdivided lands may be merged and resubdivided without reverting to acreage by complying with the applicable requirements for the subdivision of land as provided by this Title and the Subdivision Map Act.

10.20.080 Requirements for Parcel Mergers and Unmergers.

Except as provided otherwise in this Chapter, the requirements for the merger and unmerger of parcels shall be as set forth in the Subdivision Map Act.

Chapter 10.22
URBAN LOT SPLIT PARCEL MAP

Sections:

10.22.010 Purpose and Scope.
10.22.020 Application.
10.22.030 Approval.
10.22.040 Location requirements.
10.22.050 Design and improvement requirements.
10.22.060 Access standards.
10.22.070 Map requirements.
10.22.080 Concurrent processing with other permits.
10.22.090 Prohibition of further subdivision.

10.22.010 Purpose and Scope.

A. This Chapter implements Government Code Section 66411.7 to provide an alternative method to subdivide a parcel located within a single-family residential zoning district for the purpose of housing development.

B. Urban lot split means the subdivision of an existing legal parcel within the Single-family Residential district (R-1) under Chapter 9.10 of Title 9 "Zoning Ordinance", to create no more than two new parcels.

10.22.020 Application.

A. A completed application form, of which the blank form shall be provided by the planning department.

B. One (1) copy of the urban lot split parcel map, consistent with the requirements of Section 10.22.070 and Sections 66444 through 66450 of the Subdivision Map Act. The urban lot split parcel map must be prepared and signed by a licensed land surveyor or registered civil engineer authorized to practice land surveying.

C. A fee in an amount established by resolution of the city council must be paid concurrently with the submission of the urban lot split parcel map.

D. A preliminary title report, showing the legal owners at the time of the filing of the urban lot split parcel map, and prepared not more than 90 days prior to the submittal of the application.

E. All items referenced within the preliminary title report shall be submitted for review (i.e., deeds, easements, and record maps) when submitting application.

F. A title guarantee by a qualified title company, for the benefit of the city, certifying that the signatures of all persons whose consent is necessary to pass clear title to the land and all

acknowledgments appear on the proper certificates and are correctly shown on the map and affidavits to dedication.

G. Closure calculations for each individual lot and overall boundary prepared by and signed by a licensed land surveyor or registered civil engineer authorized to practice land surveying.

H. A preliminary drainage plan.

I. An urban lot split affidavit, in a form provided by the planning department, signed, notarized, and submitted with the application for an urban lot split parcel map, under penalty of perjury under the laws of California, that declares all of the following:

1. The proposed urban lot split will not require or authorize demolition or alteration of any of the following types of housing:
    a. A residential unit that is a deed-restricted below-market-rate residential unit.
    b. A residential unit that is subject to any form of rent or price control.
    c. A residential unit that has been occupied by a tenant in the last three (3) years.
    d. A residential unit on property subject to Government Code Section 7060 (Ellis Act), whereby the property owner has withdrawn the property from rent within the past 15 years.
2. The parcel was not established through any prior exercise of an urban lot split under this Chapter.
3. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel under the provisions of this Chapter.
4. The owner intends to occupy one of the residential units located on a lot created by the parcel map as their principal residence for a minimum of three (3) years after the date the parcel map was recorded.
5. No residential unit on any lot created by the subdivision will be rented or offered for rent for a term of less than 30 days.
6. The uses allowed on a lot created by the parcel map will be limited to residential uses.

J. Any other information as required by standards that are published by the planning department.

10.22.030 Approval.

A parcel map for an urban lot split will be approved ministerially without discretionary review or public hearing by the City Engineer if the parcel map meets all of the requirements of this Chapter and Government Code Section 66411.7. A tentative parcel map is not required for an urban lot split.

10.22.040 Location requirements.

A parcel proposed for subdivision under this Chapter shall meet the following location requirements to be approved:

A. The parcel is located in a single-family residential zoning district (R-1) for single-family uses.

B. The parcel is located within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

C. The parcel meets the requirements of Government Codes Section 65913.4(a)(6)(B)-(K).

D. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined by Public Resources Code Section 5020.1, or in the City Historic Resources Inventory, as designated by the City of Avenal.

10.22.050 Design and improvement requirements.

A. A parcel map may subdivide an existing legal parcel to create no more than two new lots of approximately equal lot area. Each resulting lot may not be smaller than 40% of the area of the original parcel proposed for subdivision, and neither resulting lot may be smaller than 1,200 square feet.

B. Each lot must be served by a separate water service meter and a separate sewer connection.

C. Each lot must collect and convey all stormwater entering or originating on the lot, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an adequate natural watercourse, in accordance with applicable city standards and master plans. All storm drainage facilities must be designed and constructed in compliance with this Title and the City's development standards.

D. The applicant shall comply with all applicable rules, regulations, and standards of the City's National Pollutant Discharge Elimination System (NPDES) permit.

E. On-site frontage improvements, including curbs and sidewalks, and dedications for road widening shall be provided as required by the Municipal Code. No off-site frontage improvements shall be required.

F. Rights-of-way and development rights shall be dedicated or conveyed as required by the Municipal Code.

G. The placement of lot lines may not result in an accessory building on a lot without a primary building on the same lot.

H. Lot lines may not render an existing structure as nonconforming in any respect (e.g., setbacks, yard, lot coverage, parking), nor increase the nonconformity of an existing nonconforming structure.

10.22.060 Access standards.

Each lot must front upon or have access to a public street or be served by an access easement serving no more than two lots. Access shall be provided in compliance with these standards:

A. Vehicle access easements serving a maximum of two residential units must have a minimum width of 12 feet unless a wider driveway is required by the California Fire Code.

B. Vehicle access easements serving three to four residential units must have a minimum width of 25 feet.

C. Vehicle access easements may not be located closer than 25 feet to an intersection.

D. If a vehicle access easement length is more than 75 feet, a vehicle turnaround must be provided.

E. The surfacing of easements and turnaround dimensions must meet the requirements of the California Fire Code and this ordinance.

10.22.070 Map requirements.

The following content and information must be shown on the urban lot split parcel map:

A. A parcel map for an urban lot split must be prepared by a licensed land surveyor or registered civil engineer authorized to practice land surveying and meet all the requirements in Sections 66444 through 66450 of the Subdivision Map Act and this Title.

B. The size of each sheet shall be eighteen inches by twenty-six inches (18” x 26”) and to scale not less than 1:100 with a scale bar, north arrow, date of application, assessor’s parcel number of the area to be adjusted, and a legend, if applicable.

C. The owner’s name, assessor parcel number, and deed document number of all adjoining parcels.

D. Title Sheet with the relevant statements and certifications for a parcel map per Section 10.14.040 of this Title.

E. A location map shall appear on the map, showing the relative position of the land to be subdivided with the surrounding existing subdivisions with their recorded map reference, including their names and tract numbers. The location map shall show city boundaries crossing or adjoining the subdivision.

F. Total area (in acreage and square feet) of each proposed lot.

G. The bearings and distances of existing and proposed property lines.

H. Zoning district.

I. The location and use of all existing and proposed structures.

J. All required zoning setbacks for the existing and proposed lots.

K. The location of all existing water, sewer, electricity, storm drain, or gas service lines, pipes, systems, or easements.

L. The location of all proposed new water, sewer, electricity, storm drain, or gas service lines, pipes, or systems.

M. The parcel map must show all easements for public utilities necessary to serve each lot created by the subdivision.

N. The parcel map must show all easements necessary to provide each lot with access as required by this Title.

O. The location of any proposed easements for access or public utilities to serve a lot created by the subdivision.

P. The location of any existing trees larger than 4" in diameter measure at 4'-6" above the base and any such trees proposed for removal.

Q. Area of the parcel that has a slope of 25% or greater by way of contours at 5-foot intervals.

R. Any area of the parcel that is a watercourse by delineating the flow line and top of the bank of the watercourse.

S. The name and dimensions, including right-of-way and improved area, of public and private streets adjoining the parcel.

T. Curb, gutter, sidewalk, parkway, and street trees: type, location, and dimensions.

U. The location of existing or proposed driveway dimensions, materials, and slope (including cross slope).

V. The location of existing or proposed pedestrian pathway access to the public right-of-way.

W. The parcel map shall contain a declaration of each of the following:

1. Each lot created by the parcel map must be used solely for residential dwellings.
2. No more than two residential dwelling units may be permitted on each lot.
3. Neither an accessory dwelling unit nor a junior accessory dwelling unit is permitted on a lot that includes two single-family dwellings.
4. No residential unit on a lot created by the parcel map may be rented or offered for rent for a term of less than 30 days.

10.22.080 Concurrent processing with other permits.

A. No development, including grading or vegetation removal, may commence on either lot, concurrent with or subsequent to an urban lot split, unless the development is approved with a valid building permit for the construction of a housing development and complies with all the objective development and design standards adopted and in effect, at the time a complete application is submitted.

B. A building permit for development on a lot created by an urban lot split cannot be issued until the parcel map is recorded.

C. The City Engineer shall deny an urban lot split if the building official has made a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

10.22.090 Prohibition of further subdivision.

A lot created by a parcel map under this Chapter may not be further subdivided.

Chapter 10.30
SUBDIVISION DESIGN STANDARDS

Sections:

10.30.010 Purpose.
10.30.020 Applicability of Standards and Review.
10.30.030 General Lot and Block Design.
10.30.040 Roadways and Access.
10.30.050 Utilities and Services.
10.30.060 Grading and Drainage.

10.30.010 Purpose.

The purpose of this Chapter is to establish specific design standards and requirements for the subdivision of land in the city, consistent with the goals and policies set forth in the general plan.

10.30.020 Applicability of Standards and Review.

The provisions of this Chapter shall apply to all subdivisions, in addition to other standards of this ordinance, including Title 9, "Zoning Ordinance", of the Municipal Code. The design of proposed subdivisions shall be reviewed for consistency with these standards as part of the review and consideration of the tentative map.

10.30.030 General Lot and Block Design.

A. Lot Area: Proposed lots shall comply with the minimum lot area requirements, where applicable, for the underlying property as described in the general plan and zoning ordinance.

B. Lot Orientation: Subdivision design shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision as provided in Section 66473.1 of the Subdivision Map Act as follows:

   1. Passive or natural heating opportunities, such as lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.

   2. Passive or natural cooling opportunities, such as lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.

C. Frontage, Width, And Depth:

   1. All lots shall have frontage on a public or private street.

   2. Proposed lots shall comply with the minimum frontage requirements, lot widths, and lot depths, as applicable, described in Title 9, "Zoning Ordinance", of the Municipal Code, for the property.

   3. Double-frontage lots shall be avoided.

D. Block Configuration: Blocks shall be designed to allow for adequate building sites for the type of use proposed; to allow for convenient pedestrian and vehicular circulation, access, traffic control, and safety; and with regard to limitations created by topography.

1. Generally, maximum block length shall be 500 feet.
2. Blocks with single-family residential uses may be up to 600 feet long, or up to 750 feet long when mid-block pedestrian connections are provided.

E. Development Density: The density of the proposed development shall be consistent with the allowable density as described in the city's general plan and consistent zoning.

10.30.040 Roadways and Access.

A. Lot Access:

1. Each local street providing access to lots within a subdivision shall connect directly to or by way of one or more local streets to a collector street or arterial street.
2. Each route of access to collector streets or arterial streets and its point of connection therewith shall be adequate to safely accommodate the composition and volume of vehicular traffic generated by the land uses that it serves. However, residential subdivisions shall be designed to encourage vehicle speeds less than 25 miles per hour and traffic volumes less than 500 average daily traffic (ADT).
3. In determining the adequacy of a route of access, the deployment of fire equipment or other services under emergency conditions shall be considered.
4. A tentative map that makes use of a local street that passes through a predominantly residential neighborhood as a route of access to industrial, commercial, or other subdivisions generating traffic that would conflict with the residential character of the neighborhood may be denied.
5. A frontage road, through or side-on lots, or other types of limited access layout may be required where a subdivision adjoins or contains an existing or proposed freeway or arterial street. To accomplish the purpose of this Section, waivers of vehicular and pedestrian access rights to the freeway or arterial street will be required.

B. Roadway Network Design: The alignment of streets shown on a tentative map shall be consistent with the general plan and any applicable specific plan, and as follows:

1. Streets shall be laid out to conform to the alignment of existing streets in adjoining subdivisions and to the logical continuation of existing streets where the adjoining land is not subdivided.
2. The realignment of streets in contemplation of the development, or use of adjoining property, and the provision of streets or dead-end street extensions to facilitate the subdivision of adjoining property may be required.
3. Permanently dead-ended streets (except cul-de-sacs as defined in these regulations) are prohibited. When a street is temporarily dead-ended, a barricade or temporary turning area, or temporary connection to another street may be required. Permanent turnarounds may be required at the end of dead-end streets where the future extension of the street is remote.

4. The combined length of cul-de-sacs (and all dead end streets) shall not exceed 10% of the total length of all streets in a subdivision..
5. The use of loop-out streets is encouraged over cul-de-sacs.
6. All streets shall intersect or intercept each other so that for a distance of at least 100 feet back from the intersection all streets are approximately at right angles to each other.
7. Street alignment shall provide for streets entering opposite each other to have their centerlines directly opposite. Where this is not possible, street jogs shall have a minimum centerline offset of 120 feet. No jogs shall interrupt the continuity of a major or collector street.
8. A subdivision of 40 or more lots shall have at least two (2) points of ingress/egress unless otherwise allowed by the designated approving authority.
9. All street cross sections shall be consistent with those specified in the general plan.

C. Roadway Design to Conform to City Improvement Standards: The design of public roads within subdivisions (e.g., roadway cross sections) shall conform to the City's adopted improvement standards and to the satisfaction of the City, unless expressly deviated at the time of approval of the tentative map, or where a special cross-section is required to conform to an adopted planned street line, an applicable specific plan, an existing street, or cross sections in the general plan depending on surrounding conditions.

D. Sidewalks: All new residential subdivisions on public streets shall have sidewalks that conform to the City's adopted improvement standards.

E. Street Landscaping: Streets shall be provided within landscaping consistent with the City's adopted improvement standards and to the satisfaction of the City.

10.30.050 Utilities and Services.

A. Availability of Service: All public utilities, including water, sewer, storm drainage, telecommunication, power, and gas, shall be of adequate capacity to meet the demand of the subdivision.

B. Location of Utilities: All public utilities shall be located either in the public right of way or in public utility easements of sufficient width as determined by the city engineer.

C. Utilities to Be Undergrounded: All proposed utilities within or adjacent to the subdivision shall be provided underground. Any existing utility located within or adjacent to the site which is to be relocated because of the subdivision shall also be made underground except transmission lines of 70 kilovolts- ampere or larger.

D. Centralized Mail Service: Where necessary, easements shall be provided for centralized postal service facilities within subdivisions.

10.30.060 Grading and Drainage.

A. Grading: Grades of all streets shall be consistent with adequate surface drainage requirements and the approved grading plan of the proposed subdivision.

B. Drainage: All lots shall be graded to provide adequate, positive drainage in accordance with the city's adopted improvement standards. Drainage across property lines will not be allowed unless the city engineer determines that there is no practical alternative and appropriate easements are provided to the satisfaction of the city engineer. Provisions shall be made during construction for proper erosion control, including the prevention of sedimentation or damage to off-site property.

Chapter 10.32
SURVEY AND MONUMENTS

Sections:

10.32.010 Purpose.
10.32.020 Survey Procedure and Practice.
10.32.030 Survey and Monumentation Standards.

10.32.010 Purpose.

The purpose of this Chapter is to provide the requirements and standards for survey work of, and placement of monumentation within, subdivisions at the time of final map or parcel map recordation.

10.32.020 Survey Procedure and Practice.

The procedure and practice for the survey of any land subject to a final map or parcel map shall conform to the standard practices and principles of land surveying, Section 8771 of the Business and Professions Code of the Professional Land Surveyors' Act, and the requirements of this Chapter.

A. Preparation of Survey and Documentation: All documents related to the survey shall be signed by a California-licensed land surveyor or registered civil engineer authorized to practice land surveying.

B. Survey Monuments: Whenever the City has established a system of coordinates that is within a reasonable distance of the proposed subdivision, as determined by the City, the field survey shall be tied to the established monumentation system.

C. Traverse: The traverse of the exterior boundaries of the subdivision computed from field measurements of the ground must close within a limit of error of one (1) foot to 10,000 feet of the perimeter before balancing the survey.

D. Field Documentation: When required by the City, the land surveyor or registered civil engineer authorized to practice land surveying preparing the survey shall prepare and submit to the city complete field notes, in a form satisfactory to the city engineer, showing references, ties, locations, elevations, and other necessary data relating to monuments.

10.32.030 Survey and Monumentation Standards.

In surveying the subdivision, the land surveyor or registered civil engineer authorized to practice land surveying shall set sufficient monuments so that any part of the survey may be readily retraced. Survey monuments shall be set by the land surveyor or registered civil engineer authorized to practice land surveying for all new subdivisions requiring a final map or parcel map, unless waived by the city engineer, in compliance with this Section.

A. Boundary Monuments:

1. Boundary monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, beginnings, and ends of curves. The locations of inaccessible points may be established by ties and shall be noted on the final map or parcel map.
2. All exterior boundary monuments shall be set prior to recordation of the final map or parcel map, or as certified on the final map or parcel map.

B. Interior Monuments: Whenever interior monuments are required, the monuments shall be set at:

1. All block and lot corners and angle points.
2. The beginnings and ends of curves.
3. Points of intersection with centerlines of other existing and proposed streets and alleys.
4. The points of intersection with the exterior boundary lines.

C. Monument Type and Position: All monuments set in the course of the survey shall be as specified by the city engineer and shall be set to the depth and in the manner prescribed by the city engineer.

D. Identification of Monuments: All monuments shall be permanently and visibly marked or tagged with the registration or license number of the land surveyor or registered civil engineer's authorized to practice land surveying who signs the engineer's or surveyor's certificate and under whose supervision the survey is made.

E. Replacement of Damaged or Destroyed Monuments: Any monument which is damaged or destroyed before acceptance of all improvements by the city shall be replaced by the land surveyor or registered civil engineer authorized to practice land surveying of record.

F. Timing of Monument Installation: The timing of the installation of a monument shall be in compliance with Sections 66495 and 66496 of the Subdivision Map Act.

G. Notice of Completion: Within five (5) days after the final setting of all monuments have been completed, the engineer or surveyor shall give written notice to the subdivider and the city engineer that the final monuments have been set. Verification of payment to the land surveyor or registered civil engineer authorized to practice land surveying shall be filed as required by Section 66497 of the Subdivision Map Act. The cost of setting monuments shall be included in the engineer's estimate for improvements in compliance with subsection 10.36.020.C of this Title. If security is provided for monumentation, it may be released upon verification by the city of the setting of the monuments.

H. Inspection And Approval: All monuments shall be subject to the inspection and approval of the city engineer.

I. Survey Information to be Shown on Final Map or Parcel Map: The following survey information shall be shown on each final map or parcel map for which a field survey was made in compliance with this Title:

1. Monuments (together with their precise position and description), or other evidence found on the ground, to determine the boundaries of the subdivision.

2. Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers and pages of record, or by section, township, and range, or other proper designation.
3. The location and description of any required monuments to be set after recordation of the final map, and the statement that they are “to be set”.
4. Bearing and length of each lot line, block line, and boundary line and each required bearing and distance.
5. Length, radius, and angle of each curve and tangent and the bearing of each radial line to each lot corner on each curve.
6. The centerlines of any street or alley in or adjoining the subdivision which have been established by the city, together with reference to a field book or map showing the centerline and the monuments which determine its position. If determined by ties, that fact shall be so stated.
7. Any other survey data or information required to be shown by the city or by the provisions of this Title.

Chapter 10.34
DEDICATIONS AND RESERVATIONS

Sections:

10.34.010 Purpose.
10.34.020 Dedications.
10.34.030 Reservations.
10.34.040 Dedications Made Outside of a Map.

10.34.010 Purpose.

The purpose of this Chapter is to identify a process for the city to require and accept, or reserve, dedications of land for public purposes, including streets, highways, drainage courses, public utility easements, other public easements, public school sites, and local transit facilities consistent with the Subdivision Map Act.

10.34.020 Dedications.

A. Overview: As a condition of approval of a tentative subdivision map or tentative parcel map, the city may require, to the extent permitted by applicable law, dedication, or irrevocable offer of dedication of real property within a subdivision for public use. For purposes of this Chapter, dedications include, but are not limited to, streets, bikeways, parks, landscaping, recreation facilities, irrigation ditches, school sites, alleys, including access and abutter's rights, drainage, public utility easements, and other public easements.

   The city may also require the design of a subdivision for which a tentative subdivision map or tentative parcel map is required to provide one or more cable television systems, duly franchised by the city, an opportunity to construct, install, and maintain on land identified on the map as dedicated or to be dedicated to public utility use any equipment necessary to extend cable television service to each residential parcel in the subdivision.

B. Form of Dedication: The form of dedications (easement or fee in title) shall be specified on the final or parcel map and be to the satisfaction of the city engineer in compliance with Section 66439 of the Subdivision Map Act.

   1. If the dedication is required to be in fee for public purposes, the subdivider shall include the following language in the dedication clause on the final map or parcel map or any separate instrument:

      The real property described below is dedicated in fee for public purposes: (here insert a general description of the dedicated property that is adequate to convey the property).

   2. If the dedication is required to be an easement for public purposes, the subdivider shall include the following language in the dedication clause on the final map or parcel map or any separate instrument:

The real property described below is dedicated as an easement for public purposes: (here insert a general description of the easement that is adequate to convey the dedicated property).

C. Acceptance or Rejection of Dedications: At the time the city council approves a final map or parcel map, it shall also accept, accept subject to improvement, or reject any offers of dedication. The city clerk shall certify or state on the final map or parcel map the action of the city council. Acceptance of offers of dedication on a final map or parcel map shall not be effective until the final map or parcel map is filed in the county recorder's office.

D. Certificate for Dedications and Reconveyance:

1. The city shall record a certificate with the county recorder for all property that has been dedicated in fee for public purposes other than for open space, park, or schools. This certificate shall be attached to the final map or final parcel map and shall include:

   a. Name and address of subdivider dedicating the property.

   b. Legal description of the dedicated property.

   c. A statement that the city shall reconvey the property to the subdivider if the city council determines that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities.

2. The subdivider may request the city to determine whether the same public purpose for which a dedication was required still exists. The city may charge the subdivider a fee in the amount reasonably required to make such a determination.

3. If the council determines that the same purpose for which a dedication was required does not exist, the city shall reconvey the property to the subdivider or his successor in interest, except any portion of the property required for that same public purpose or for public utilities.

10.34.030 Reservations.

A. Overview of Reservations: As a condition of approval of a tentative map or tentative parcel map, the city may require, to the extent permitted by law, that areas of real property within a subdivision be reserved for public use. For the purposes of this Chapter, such reservations include, but are not limited to, sites appropriate for parks, recreational facilities, fire stations, libraries, and other public uses.

B. Standards for Reservations: Reservations required in connection with subdivision shall be subject to the following conditions:

1. The required reservation(s) shall be based on and in accordance with policies and standards for such public uses contained in the adopted general plan or any adopted specific plan.

2. The reserved area(s) shall be of such size and shape as to permit the balance of the property within which the reservation(s) are located to develop in an orderly manner.

3. The amount of land reserved shall not make development of the remaining land held by the subdivider economically unfeasible.

4. Each reserved area shall conform to the adopted general plan or any adopted specific plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event the city or other public agency does not acquire it within the time prescribed by subsection C1 of this Section.

C. Reservation Procedures:

1. The public agency for whose benefit an area has been reserved shall, at the time of final map or final parcel map approval, enter into a binding agreement to acquire such reserved area within two (2) years after the completion and acceptance of all improvements. Such a period of time may be extended by mutual agreement.

   The purchase price for the reserved area shall be the market value thereof at the time of the filing of the tentative map or tentative parcel map, plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of the reserved area, including interest costs on any loan covering the reserved area.

2. If the public agency for whose benefit an area has been reserved does not enter into a binding agreement as described in subsection C1 of this Section, the reservation shall automatically terminate.

10.34.040 Dedications Made Outside of a Map.

When a dedication of easement or fee is made to the city and is not included as part of a final map or parcel map (e.g., off-site improvements), such dedications shall be offered through perfecting deed, exhibit map, and legal description with the original land surveyor or registered civil engineer's authorized to practice land surveying stamp and notarized signatures. If the dedication(s) are needed for immediate use, the city council will consider accepting, then recording. If dedications are needed for future use, the city council will consider acknowledging, then recording documents. Fees shall be paid by the applicant to cover the cost of reviewing and processing all documents.

Chapter 10.36
IMPROVEMENTS

Sections:

10.36.010 Purpose.
10.36.020 Improvement Requirements and Plans.
10.36.030 Oversizing Improvements.
10.36.040 Improvement Deferral.

10.36.010 Purpose.

The purpose of this Chapter is to establish a review and permit process for the construction of physical improvements to land such as streets, sewers, and other utilities. The intent is also to establish a process for allowing a final map or parcel map to be recorded prior to the completion of required improvements upon execution of certain agreements and/or security.

10.36.020 Improvement Requirements and Plans.

A. Applicability: After the approval of the final map or parcel map, or a land use permit or building permit requiring the installation of improvements, the subdivider shall construct or install all improvements in streets, alleys, pedestrian ways, bike paths and trails, channels, easements, and other rights of way as are necessary for the general use of the subdivision, to meet local traffic and drainage needs in accordance with the provisions of this Chapter, and to satisfy the conditions of approval of the tentative map.

B. Improvement Design: The construction of public improvements, including materials and methods, shall conform to the standard plans and specifications of the city as adopted by resolution of the city council.

C. Review and Processing of Improvement Plans: Before the construction of any improvements, the subdivider or developer shall submit plans to the city as follows:

1. Preparation and Content: Improvement plans shall be prepared by a registered civil engineer licensed to practice in the State of California. Improvement plan submittals shall include the following information:

   a. Any drawings, specifications, calculations, design reports, and other information required by the city engineer in compliance with the city's standard specifications and plans.

   b. Utility master plans (water, sewer, and storm drainage) as approved by the public works director.

   c. Grading, drainage, erosion and sediment control, and a stormwater pollution prevention plan (SWPPP) for the entire subdivision for review and approval by the public works director.

d. Soils report, if not previously submitted.

e. A mylar copy of the approved landscape and irrigation plans for the city record for any landscaping installed along streets or in public areas.

f. The improvement plan/specification checking and construction inspection fees as required by resolution of the city council.

g. A detailed engineer's cost estimate of all improvements upon:

(1) The submittal of initial improvement plans.

(2) The approval of improvement plans.

2. Submittal of Plans: Three (3) sets of improvement plans shall be submitted to the planning department, along with the application deposit as established by resolution of the city council.

3. Review and Approval: Improvement plans shall be reviewed and approved, conditionally approved, or denied by the planning director, public works director, and city engineer within the time limits provided by Section 66456.2 of the Subdivision Map Act. The city engineer will review the plans based on sound engineering practices, design standards, and applicable city policies. The public works director will review the plans to ensure conformance with the city's public works standards. The planning director will review the plans to determine compliance with the approved tentative map, conditions of approval, and the city's general plan and any applicable specific plans. Comments, if any, shall be forwarded to the subdivider in a timely manner.

4. Effect of Approval: The final approval of improvement plans shall generally be required before approval of a final map or parcel. The approval of improvement plans shall not bind the city to accept the improvements nor waive any defects in the improvements as installed.

5. Changes to Approved Plans: Any changes to approved plans shall be reviewed and acted upon consistent with subsection G of this Section.

D. Timing of Improvements: Except as listed below, required improvements shall be constructed or otherwise installed after approval of the improvement plans and before the approval of the final map or parcel map, or before final building inspection or any certificate of occupancy.

1. Improvements are deferred in compliance with Section 10.36.040, "Improvement Deferral".

2. Improvements are required as a condition of approval of a subdivision of four (4) or fewer lots, in which case improvements shall be as required under Section 66411.1 of the Subdivision Map Act.

E. Inspection of Improvements: The city engineer shall make any inspections deemed necessary to ensure that all construction complies with the approved improvement plans. Where required by the city engineer, the developer shall enter into an agreement with the city to pay the full cost of any contract inspection services determined to be necessary by the city engineer.

F. Correction of Deficiencies: The developer shall be responsible for correcting any deficiencies identified during the construction process.

G. Revisions to Approved Plans: Revisions to approved improvement plans may be proposed, and shall be reviewed and approved or disapproved by the city engineer as follows:

1. Requests by the subdivider or project engineer for revisions to the approved plans shall be submitted in writing to the city engineer and shall be accompanied by revised drawing(s) showing the proposed revision. If the revision is acceptable, the original shall be returned to the subdivider and project engineer for revising. The revised plans shall be immediately transmitted to the city engineer for initialing. Construction of any proposed revision will not be permitted to commence until revised plans have been initialed by the city engineer.
2. When revisions are deemed necessary by the city engineer to protect public health and safety, or as field conditions may require, a request in writing shall be made to the subdivider and project engineer. The subdivider's engineer shall revise the plans and transmit the original to the city engineer for initialing within the time specified by the city engineer.

H. Acceptance of Improvements:

1. Verification: Before acceptance for maintenance or final approval by the city council of development improvements, the city engineer shall verify that the improvement work has been completed in substantial compliance with the approved plans and specifications, and the developer shall provide deeds for dedication of easements or rights of way.
2. Acceptance: After all items are completed and all items on the deficiency list have been corrected and as-built improvement plans received, the city council shall accept the subdivision improvements.
3. Notice of Completion: If the subdivision is accepted by the city, the city clerk shall file a notice of completion with the county recorder.)

10.36.030 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 said improvement be dedicated to the public. If such a condition is imposed, provision for reimbursement to the subdivider in the manner provided by Section 66486 of the Subdivision Map Act will be contained in the subdivision improvement agreement or in a separate reimbursement agreement between the city and the subdivider.

10.36.040 Improvement Deferral.

A. Right to Defer Improvements and Requirement to Enter into Improvement Agreement: Prior to approval of the final map, all public improvements shall be completed in accordance with approved improvement plans to the satisfaction of the city engineer or, as a condition of the final map, the subdivider shall enter into a subdivision improvement agreement with the city, in the form prepared by and approved by the city, to ensure timely completion of the improvements at his expense. All public improvements required by the agreement shall be completed to the satisfaction of the city engineer prior to the occupancy of any structures in the subdivision.

B. Form, Filing, and Term of Improvement Agreement:

1. 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 Section. An acknowledged abstract of said agreement shall be recorded simultaneously with the final map or the parcel map.
2. The recorded improvement agreement shall be on file with the city clerk prior to recordation of the final map or parcel map.
3. The term of the improvement agreement shall begin on the date of filing of the final map or parcel map and end upon the date of completion or fulfillment of all terms and conditions contained therein to the satisfaction of the city engineer.

C. Minimum Requirements For Improvement Agreement: The improvement agreement shall include all of the following provisions as minimum terms and conditions of the agreement:

1. Mutually agreeable terms to complete all required improvements at the subdivider's expense.
2. A provision that the subdivider shall comply with all requirements of these regulations, of this ordinance, and of other applicable laws, and with all terms and conditions of required improvement permits.
3. A statement indicating a period of time, satisfactory to the city engineer, within which the subdivider shall complete all improvement work.
4. 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 or her 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.
5. Provision for the repair and replacement of defective material and workmanship of said improvements by the subdivider for a period of 12 months after the improvements have been accepted by the city engineer.
6. Provision for the inspection of all improvements of the subdivision by the city engineer for a period of 12 months after said improvement acceptance date.
7. A provision guaranteeing payment to the city for all engineering and inspection costs and fees and all other incidental expenses incurred by the city.
8. A description of all lands within the exterior boundaries of the subdivision.

D. Optional Components for Improvement Agreement: The improvement agreement may also include the following provisions and other additional items, terms, and conditions as may be determined necessary by the city to carry out the intent and purposes of these regulations:

1. Provision for the repair, at the subdivider's expense, of any damage to public streets that may reasonably be expected to result from hauling operations necessary for subdivision improvements required by these regulations, including the importing or exporting of earth for grading purposes.

2. Mutually agreeable terms to acquire public easements or dedications that are outside the boundaries of the subdivision at the subdivider's expense.
3. Mutually agreeable terms to improve, at some undetermined future date, easements or dedications offered and reserved for future public use at the subdivider's expense; providing that such improvements shall be secured by separate cash bond in the manner prescribed by subsection E of this Section, and further providing that only the requirements of this provision shall not delay the release of any other improvement security provided pursuant to this Chapter.
4. Provision for reimbursement to be paid to the subdivider under the provisions of Section 66486 of the Subdivision Map Act.
5. Provision for the setting of required monuments after the recordation of the final map or parcel map.
6. Provision for the method of payment of any fees imposed by this Chapter.

E. Improvement Security: Where an improvement agreement is entered into prior to the recordation of a final map or parcel map, the improvements shall be secured by the subdivider as part of the improvement agreement. Improvement security shall be provided and released consistent with the requirements below.

1. Form of Security: Security shall be provided in one or more of the following forms, consistent with Section 66499 of the Subdivision Map Act and in a form satisfactory to the city:
   a. Bond or bonds by one or more duly authorized corporate sureties.
   b. A deposit, either with the city or a responsible escrow agent or trust company, at the opinion of the city, of money or negotiable bonds of the kind approved for securing deposits of public monies.
   c. An instrument of credit from an agency of the state, federal, or local government when any agency of the state, federal, or local government provides at least twenty percent (20%) of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution.
   d. Any form of security, including security interests in real property, which is acceptable to the city and specifically identified in this ordinance.
2. Amount of Security: Security shall be provided in the following amounts:
   a. Performance security (performance): An amount of 100% of the total city engineer-approved estimated cost of the construction or installation of the improvements or of the acts to be performed, securing the faithful performance and completion of the improvements or acts to be performed.

b. Payment security (labor and materials): An amount of 50% of the total city engineer-approved estimated cost of the improvement or required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials, or equipment for the construction or installation of the improvements or the performance of the required acts.

c. Warranty security: An amount of 10% of the total city engineer-approved estimated cost of the improvement to be necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials or equipment furnished.

3. Changes in Approved Improvements: When the approved improvement plans are changed and are to be approved by the city after surety is provided, the approval of the changes shall be conditioned, and shall not be fully exercised, until the surety is modified consistently. No increase in surety shall be required if the changes do not exceed ten percent (10%) of the original estimated costs of the improvements.

4. Nonprofit California Corporations: Pursuant to Section 66499.3 of the Subdivision Map Act, entities that are California nonprofit corporations, funded by the United States of America or one of its agencies, or funded by the State of California or one of its agencies, are exempt from the requirements of subsections E1a and E1b of this Section, provided they meet and fulfill the alternative security requirements specified in Section 66499.3(c) of the Subdivision Map Act.

5. Release of Improvement Security Generally: Improvement security shall be released upon completion of the improvements as follows:

a. Performance Security: The performance security shall be released only upon completion or fulfillment of all terms and conditions of the improvement agreement and acceptance by the city engineer. Such acceptance shall occur when the certificate of completion is signed by the city engineer. If a warranty security is not submitted, performance security shall be released 12 months after acceptance of improvements and correction of all warranty deficiencies.

b. Payment Security: Security given to secure payment to the contractor, subcontractors, and persons furnishing labor, materials, or equipment may, six (6) months after the completion and acceptance of the improvements by the city, be reduced to an amount equal to the amount of all claims filed and of which notice has been given to the city. The balance of the security shall be released upon the settlement of all claims and obligations for which the security was given.

c. Warranty Security: The warranty security shall be released upon satisfactory completion of the warranty period, provided that all warranty deficiencies have been corrected.

d. Release Not Applicable To: Pursuant to Sections 66499.7 and 66499.9 of the Subdivision Map Act, the release of improvement security as set forth above shall not apply to any costs, reasonable expenses, or fees, including reasonable attorney fees.

6. Release of Security Through Assessment District Proceedings: If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by 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 by the amount corresponding to the amount of such bonds furnished by the contractor.

Chapter 10.40
DEFINITION OF TERMS

Sections:

10.40.010 Applicability.
10.40.020 Definition of terms.

10.40.010 Applicability.

The terms, words, and phrases defined in this Chapter shall apply to this Title.

10.40.020 Definitions of terms.

"Alley" means a public or private way providing a secondary means of vehicular access to abutting property.

"Building Site" means the ground area of a building together with all open spaces required in Title 9, "Zoning Ordinance", of the Municipal Code.

"CEQA" means Refers to the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and the state CEQA guidelines.

"City Engineer" means the engineer of the City of Avenal, or his or her designee.

"City Surveyor" means the land surveyor of the City of Avenal, or his or her designee.

"County" means the County of Kings.

"Designated Remainder" means any unit or units of improved or unimproved land not divided for the purpose of sale, lease, or finance and designated as remainder by a subdivider for purposes of Section 66424.6 of the Subdivision Map Act.

"Drip Line" means a line that may be drawn on the ground around a tree directly under its outermost branch tips and which identifies the location where rainwater tends to drip from the tree.

"Dwelling Unit" means a room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), which constitutes an independent housekeeping unit, occupied, or intended for occupancy by one household on a long-term basis. A dwelling unit shall have interior access between all habitable spaces, except that a junior accessory dwelling unit containing all facilities necessary for living, sleeping, eating, food preparation, and sanitation need not maintain interior access to the remainder of the dwelling unit.

“Easement” means a right of way offered or dedicated to the city or other public entity or a public utility for purposes of providing access to a division of land, for placing utilities, or for any other specific purpose.

“Final Map” means a map showing a subdivision of five (5) or more parcels for which a tentative and final map are required by the Subdivision Map Act and this Title, prepared in accordance with the provisions of the Subdivision Map Act and this Title, and designed to be filed for recordation in the office of the county recorder.

“Fire Protection” means such fire hydrants and other protective measures as may be reasonably required by the city fire marshal for protection of property to be located within a subdivision.

“Flood Hazard” means a hazard to land or improvements due to seasonal inundation or to overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses.

“Frontage Road” means a street lying adjacent and approximately parallel to and separated from a freeway or other public street, and which affords access to abutting property.

“General Plan” means a document adopted by the City Council containing statement of policies, including text and diagrams, setting forth objectives, principles, standards, and plan proposals, for the future physical development of the City of Avenal.

“Geological Hazard” means a hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, failure, or shifting of earth.

“Highway” means A roadway defined as a freeway in Section 23.5 of the California Streets And Highways Code.

“Improvement Plans” means the plans, profiles, cross sections, and specifications for all proposed improvements. Improvement plans are often referred to as civil plans.

“Improvement Standards” means the requirements for design and construction of improvements established by the city council as set forth in the city’s Standard Specifications for Public Works Improvements.

“Inundation” means ponded water or water in motion of sufficient depth to damage property due to the presence of the water or to deposits of alluvium.

“Loop Out Street” means a street formed by the intersection of two (2) streets where one street curves into another to form a two-way intersection. The outside curb flares out, or loops out, to provide sufficient turning space for larger vehicles, such as fire and solid waste.

“Lot” means a parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. The classifications of lots are:

1. “Corner” means a lot located at the intersection of two or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an interior lot.
2. “Flag” means a lot having access or an easement to a public or private street by a narrow, private right-of-way.

3. “Interior” means a lot abutting only one street.
4. “Key” means a lot with a side lot line that abuts the rear lot line of any one or more adjoining lots.
5. “Reverse corner” means a corner lot, the rear of which abuts the side of another lot.
6. “Through” means a lot having frontage on two generally parallel streets, with only one primary access.

“Lot area” means the net horizontal area within bounding lot lines after dedication.

“Lot Line Adjustment” means the relocation of an interior lot line between four (4) or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.

“Lot, Through” means a “lot” having frontage on two (2) parallel or approximately parallel streets, as defined in Title 9, “Zoning Ordinance”, of the Municipal Code.

“Mobilehome Space” means any space designated, designed, or usable for the occupancy of one mobilehome on a temporary, semi-permanent, or permanent basis.

“Multiple-Family Dwelling” means a building or portion thereof designed for occupancy by three (3) or more families living independently of each other, but under one roof. See “dwelling, multi-family” as defined in Title 9, “Zoning Ordinance”, of the Municipal Code.

“Parcel Map” means a map showing a subdivision of four (4) or fewer parcels, as required by the Subdivision Map Act and this Title, prepared in accordance with the provisions of the Subdivision Map Act and this Title, and designed to be filed for recordation in the office of the county recorder. This excludes a remainder parcel and may be greater than four (4) parcels if certain exceptions apply.

“Planned Development” means a real property development other than a condominium project, or a stork cooperative, having either or both of the following features: (a) Common area that is owned either by an association or in common by the owners of the separate interest who possess appurtenant rights to the beneficial use and enjoyment of the common area. (b) Common area and an association that maintains the common area with the power to levy assessments that may become a lien upon the separate interests in accordance with Article 2 (commencing with Section 6808) of Chapter 7 of Civil Code.

“Planning Director” means the planning director of the City of Avenal, or his or her designee.

“Private Road Easement” means a parcel of land not dedicated as a public street, over which a private easement for road purposes is proposed to be or has been granted to the owners of property contiguous or adjacent thereto which intersects or connects with a public street, or a private street; in each instance the instrument creating such easement shall be or shall have been duly recorded or filed in the office of the county recorder.

“Public right-of-way” means a strip of land acquired by reservation, dedication, prescription, voluntary purchase and sale, or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or any other public uses.

"Public Works Director" means the public works director of the City of Avenal, or his or her designee.

"Roadway" means that portion of a right of way for a street, highway, or alley designed or used predominately to accommodate the movement of motor vehicles.

"Single-Family Dwelling Unit" means a detached building designed exclusively for occupancy by one family. See "dwelling, single-family" as defined in Title 9, "Zoning Ordinance", of the Municipal Code.

"Specific plan" means a plan consisting of text, maps and other documents and exhibits regulating development within a defined area of the city, consistent with the General Plan and the provisions of Government Code Section 65450 et seq.

"Street" means any public or private thoroughfare with a width of twenty feet (20') or more which affords a primary means of access to abutting property.

"Street, Arterial" means a street that is used or is intended to be used as the principal route of traffic flow, connecting areas of major traffic generation to highways and county roads.

"Street, Collector" means a street that is used or is intended to be used for the principal purpose of collecting traffic from local streets and transferring it to arterial streets or highways.

"Street, Cul-De-Sac" means a street that terminates in a permanent turnaround and which by design is not intended to continue beyond its terminal point.

"Street, Dedicated" means a right of way dedicated to the city and legally accepted by the city council for public use as a street.

"Street, Local" means any street other than a collector street, arterial, or freeway that provides direct access to abutting properties and serves local versus through traffic. Also used to mean a street that is used or is intended to be used for the principal purpose of serving as access to abutting properties.

"Street, private" means a street in private ownership, not dedicated as a public street, which provides the principal means of vehicular access to a property and not to be construed to mean driveways, alleys, or parking areas.

"Street, public" is a street owned and maintained by the City, the County, or the State. The term includes streets offered for dedication which have been improved or for which a bonded improvement agreement is in effect.

"Street, Stub" means a street that terminates at the boundary line of a subdivision but is intended and designed to be extended at a later date to provide access to abutting parcels or lots.

"Subdivider" means a person, firm, corporation, partnership, or association, as defined in Section 66423 of the Subdivision Map Act, who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or for others, except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers".

"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 as defined in Section 66424 of the Subdivision Map Act.

"Subdivision Map Act" means the Subdivision Map Act of the State of California, Government Code Section 66410 et seq., inclusive, city as that act currently provides or is subsequently amended.

"Temporary Turnaround" means a paved area for turning vehicles at the end of a dead end street, which is constructed either within the dedicated right of way or upon a temporary easement and which is intended to be replaced or removed after a period of time.

"Tentative Map" means a map made for the purpose of showing the design improvements of the proposed subdivision and the existing conditions in or around it. See Chapter 10.10, "Tentative Maps".

"Two-Family Dwelling Unit" means a detached building designed exclusively for occupancy by two (2) families living independently of each other, but under one roof.

"Urban Lot Split" means an urban lot split means a subdivision of an existing lot within a single-family residential zoning district into no more than two new parcels that meet all of the requirements set forth in Government Code Section 66411.7 and Chapter 10.22, "Urban Lot Split Parcel Map".

"Vehicular Access Rights" means the right of vehicular access of owners or occupants of abutting lands to a public way.

"Vesting Tentative Map" means a tentative map which shall have printed conspicuously on its face the words "vesting tentative map" at the time it is filed, in accordance with Chapter 10.12, "Vesting Tentative Maps", of this Title. Consistent with Sections 66498.1(b) and 66474.2(a) of the Subdivision Map Act, approval of a vesting tentative map confers a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map application is complete.

"Voluntary Parcel Merger" means the joining of two (2) or more contiguous parcels of land under one ownership into one parcel.

"Water Supply" means such water supply and distribution facilities as are necessary to provide a reliable and adequate water supply for appropriate residential, commercial, and industrial use and for public and private fire protection purposes.

"Zoning Ordinance" means the zoning ordinance of the City of Avenal, Title 9 of the Municipal Code, and revisions thereto.