

# **Title 17**

## **SUBDIVISIONS**

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### **Chapter 17.04**

#### **GENERAL PROVISIONS**

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**17.04.010 Authority.** The provisions of this title are enacted pursuant to the

Subdivision Map Act of the state as the same is or may be amended. The provisions of this title are in addition to the regulations contained in the Subdivision Map Act and supplemental thereto. The enactment of the ordinance codified in this title in conformity with the provisions of said Act does not, nor should it be construed to, in any way limit the authority of the city, a general law city under the Constitution of the state, to legislate with regard to its municipal affairs, including all aspects of land subdivision within its boundaries. (Ord. 84-4 Div. A Part 1 §1, 1984)

**17.04.020 Purpose, intent and scope.**

A. For the purpose of promoting the public health, safety, convenience and the general welfare, the design, improvement and survey data of any subdivision of real property, the form and content of tentative, final and parcel maps thereof, and the procedures to be followed in review and official action thereupon, shall be governed by the provisions of this title, the zoning ordinance and the general plan.

B. The ordinance codified in this title is primarily intended to regulate the design and improvement of subdivisions and to establish procedures and responsibilities for the processing and approval of the various types of subdivision maps and related requirements. (Ord. 84-4 Div. A Part 1 §2, 1984)

**17.04.030 Short title.** The ordinance codified in this title is adopted to supplement and implement the Subdivision Map Act and shall be known and may be cited as "the subdivision ordinance of the city." (Ord. 84-4 Div. A Part 1 §3, 1984)

**17.04.040 Conformance with the State Subdivision Map Act.** It is the intent of the ordinance codified in this title to carry out the policy and direction of the State Subdivision Map Act. In any case where any provision of this title may be found to be inconsistent with the State Subdivision Map Act, the Map Act shall prevail. (Ord. 84-4 Div. D Part 2 §1, 1984)

## **Chapter 17.08**

### **DEFINITIONS**

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**17.08.010 Generally.** Whenever any words or phrases used in this title are not defined in this chapter, but are defined in the Subdivision Map Act as last amended, such definitions shall apply as though set forth in this chapter in full, unless the context clearly indicates a contrary intention. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.020 Access, lateral.** "Lateral access" is an access easement along the beach parallel to the mean high tide line. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.030 Access strip.** "Access strip" means a narrow strip of land which is designed primarily to prove access between the main building or use area of a tandem lot and a street, and which is a part of the lot. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.040 Access, vertical.** "Vertical access" is an access easement perpendicular from the nearest public road parallel to the ocean. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.050 Agency.** "Agency" means an individual person, public or private corporate body, official or department, including but not limited to city officials, utility companies, special districts and the like, which are charged with the responsibility of reviewing, acting upon, or providing services in connection with, a subdivision or the occupants thereof. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.060 Block.** "Block" means an area of land within a subdivision entirely bounded by streets (other than alleys or private drives), highways, natural barriers or the boundaries of the subdivision. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.070 City council.** "City council" means the city council of the city of Sand City. (Ord. 84-4 Div. A, Part 1 §5(part), 1984)

**17.08.080 City engineer.** "City engineer" means the city engineer of the city of Sand City. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.090 Condominium.** "Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store. A condominium may also include a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be either an estate or inheritance or a perpetual estate, an estate for life, or an estate for years. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.100 Continuous unit.** "Continuous unit" means real property shown on the latest county assessment roll as a unit, even if it is separated by streets or other ways or easements. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.110 Curb return.** "Curb return" means the circular section of curbing connecting two intersecting streets. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.120 Deep lot.** "Deep lot" means a lot which has an average depth which is more than two and one-half times greater than its average width, i.e., twenty-five feet by seventy-five feet. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.130 Design.** "Design" means the overall layout of the proposed subdivision, including but not limited to, the arrangement, width, grade and alignment of streets and intersections; the layout and the size of lots; the installation of improvements; the width and the location of easements and rights-of-way for utilities; drainage structures and sewers; the location of public and semi-public facilities; and the program for the preservation of natural features. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.140 Dwelling unit.** "Dwelling unit" means one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family, with facilities for living, sleeping, cooking and dining, and which may be located in a single or in a multiple dwelling unit building. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.150 Easements, dedicated.** "Dedicated easements" means an easement dedicated to the city and/or public utility, to be used for streets, alleys, other public ways or places, sanitary sewers, drainage, utilities, open space or scenic easements or other public purposes. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.160 Engineer.** "Engineer" means a registered civil engineer, licensed by the state. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.170 Final map.** "Final map" means a map prepared in accordance with the provisions of the Map Act and of the ordinance codified in this title and which is designed and intended to be placed on record in the office of the Monterey County recorder. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.180 General plan.** "General plan" means the general plan of the city and any amendments or additions thereto. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.190 Improvements.** "Improvements" means such street work, drainage, sanitary sewers, structures, utilities, landscaping, parks or other such facilities as are proposed or required to be installed on the land or appurtenant thereto as necessary for the use or benefit of the lot owners in the subdivision, the surrounding area or for general

community needs; but not including principal or accessory buildings intended for private occupancy. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.200 Intersection.** "Intersection" means the place at which two or more streets meet.

A. T Intersection. A "T intersection" is an intersection where one street terminates at another street, generally at a right angle.

B. X Intersection. A "X intersection" is an intersection at which one street crosses another street, generally at a right angle.

C. Y Intersection. A "Y intersection" is an intersection at which one street intersects another street at an acute angle. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.210 Landform.** "Landform" means terrain features formed by natural processes, which have a definable combination and range of physical and visual characteristics; i.e., soil characteristics, groundwater conditions, vegetation, topography and the like. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.220 Local coastal plan.** "Local coastal plan" means and refers to the local coastal land use and implementation plan as adopted by the city and certified by the California Coastal Commission. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.230 Lot.** "Lot" means a parcel or portion of land, established for the purposes of sale, lease, finance, division of interest, gift, inheritance, or separate use, separated from other lands by description on a subdivision map, parcel map, deed or other title transfer instrument, or by metes and bounds. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.240 Lot depth.** "Lot depth" means the horizontal distance between the front and rear lot lines or between the front lot line and intersection of the two side lines if there should be no rear lot line, measured along a line from the mid-point of the front lot line to the mid-point of the rear lot line. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.250 Lot depth, average.** "Average lot depth" means the sum of the length of the two side lines of the lot divided by two. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.260 Lot, irregular shaped.** "Irregular shaped lot" means any lot, not including tandem lots, with more than four sides. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.270 Lot line, front.** "Front lot line" means, in the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest recorded tract deed restrictions, approved as part of subdivision approval, specify another line as the front lot line. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.280 Lot line, rear.** "Rear lot line" means a lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular or gore-shaped lot, a line within the lot most nearly parallel to and at the maximum distance from the front lot line. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.290 Lot line, side.** "Side lot line" means any lot boundary line not a front line or a rear lot line. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.300 Lot width.** "Lot width" means the mean width of the lot measured at right angles to the lot depth at a point midway between front and rear lot lines. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.310 Map Act.** "Map Act" means the Subdivision Map Act of the state of California. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.320 Minor subdivision.** "Minor subdivision" means any real property, improved or unimproved, including condominiums, planned development, and resubdivisions, shown on the latest adopted Monterey County property tax roles as a unit or contiguous units, divided or to be divided immediately or in the future into four or fewer lots, by combining parcels, establishing new lot lines or by altering existing lot lines, for the purpose of sale, lease, financing, transfer of title, division of interest, gift, inheritance, or separate use. Any such division made solely for street widening purposes, or for the purpose of financing, or leasing apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building or trailer park, shall not be considered a minor subdivision. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.330 Multiple family dwelling project.** "Multiple family dwelling project" means the development of five or more dwelling units. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.340 Neighborhood.** "Neighborhood" means a geographical unit bounded by arterial streets, by substantial nonresidential land uses, or by natural barriers; in which residents may all share the common services and facilities required in the vicinity of the dwellings; and which possesses a certain degree of physical, social and economic homogeneity. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.350 Nonaccess strip.** "Nonaccess strip" means a strip of land, not less than one foot wide, deeded or dedicated to the city, for the purpose of regulating access to thoroughfares from adjacent property. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.360 Open space, usable.** "Usable open space" means any portion of a lot, including decks, balconies or the roof of a garage or carport not over twelve feet above grade, which is landscaped and/or developed for recreational use or outdoor activities.

Usable open space shall not include parking areas, driveways or service areas. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.370 Owner.** "Owner" means the individual, firm, partnership, corporation, or other business or legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under the law of the state and this title. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.380 Parcel map.** "Parcel map" means a map showing a division of real property into four or fewer parcels prepared under the provisions of the Subdivision Map Act and this title. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.390 Parkway.** "Parkway" means the area between the curb line and the property line. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.400 Planned unit developments.** "Planned unit developments" mean residential, commercial, or industrial developments which utilize the advantages of large scale site planning to provide diversity in the relationships of buildings, structures and open spaces. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.410 Preliminary map.** "Preliminary map" means a map drawn at a scale and in sufficient detail to show the essential characteristics of the site and the proposed subdivision, but not as detailed as the tentative map. The purpose of the preliminary map is to provide a means of early review by the city council to make the sub-divider aware of any special policies or programs concerning the land to be subdivided and to make the city aware of proposals which may affect plans for public services and facilities. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.420 Small lot subdivision.** "Small lot subdivision" means a subdivision, except for a condominium subdivision, resulting in parcels less than three thousand seven hundred fifty square feet in size. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.430 Standard specifications.** "Standard specifications" means all the standard specifications and standard detailed drawings for public improvements as adopted by resolution of the city council. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.440 Street.** "Street" means a way, the entire width of which is within a publicly owned right-of-way, and which contains pedestrian, vehicular, and utility improvements, facilities and appurtenances. The term shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term. Types of streets include:

A "Alley" means a street of less than normal width and/or improvement standards which is designed primarily for the purpose of providing secondary access to abutting property.

B. "Arterial" means a street designed to serve high volume inter- and intra-city traffic and to act as a distributor between freeways, other thoroughfares and major traffic generators.

C. "Collector street" means a street designed to collect and distribute traffic between local streets and thoroughfares.

D. "Cul-de-sac" means a local street open at one end only, which has a turnaround for vehicles at the closed end.

E. "Freeway" means an arterial highway designed for through traffic, having restricted or full control of access, and grade separated intersections.

F. "Frontage road" means a street adjacent and auxiliary to a freeway, thoroughfare or parkway, and separated there from a divided strip which provides access to abutting property.

G. "Industrial street" means a street which serves an industrial area.

H. "Local street" means a street which provides direct access to abutting properties, primarily in residential districts.

I. "Loop street" means a local street, both ends of which intersect the same through street, and which has no intermediate intersections with other through streets.

J. "Scenic drive" means a street designated as a scenic highway by the state or the city and designed to special standards or to serve special purposes or places in the community. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.450 Street, private.** "Private street" means a way designed primarily for the purpose of providing vehicular access to abutting property, the entire width thereof being privately owned, and the improvements therein are or may be privately owned and/or maintained. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.460 Subdivider.** "Subdivider" means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings to effect a subdivision of land for himself or another, under the terms of this title. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.470 Subdivision.**

A. "Subdivision" means the division of any improved or unimproved land, shown on the latest equalized county assessment roll as a unit or as continuous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad

rights-of-way. "Subdivision" includes a condominium project, as defined herein or in Section 783 of the Civil Code or a community apartment project, as defined in Section 11004 of the Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels. The most common types of subdivisions are:

1. Condominium subdivision: a division of real property in which the airspace within a building is subdivided; and is accompanied by an undivided interest in appurtenant real property held in common with other owners within the subdivision.
2. Minor subdivision: a division of real property which creates four or fewer subdivided parcels.
3. Nonresidential subdivision: a subdivision of real property for the purpose of creating parcels designed for commercial or industrial or other nonresidential land use activity.
4. Residential conversion: a subdivision shall include the conversion of a residential development to a condominium, community apartment project or planned development.
5. Standard subdivision: those divisions of real property into five or more contiguous parcels and which are processed under the provisions of this title as preliminary maps, tentative maps and final maps.
6. Tandem lot subdivision: a division of land involving one or more tandem lots.

B. "Subdivision" does not include:

1. Buildings divided into apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks for the purpose of lease or financing;
2. Land divided by mineral leases. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.480 Surveyor.** "Surveyor" means a land surveyor licensed by the state. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.490 Tandem lot.** "Tandem lot" means a lot, the main use or building area of which does not abut a public street, but is connected thereto by a narrow strip of land which is a part of the lot. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.500 Tentative map.** "Tentative map" means a map showing the design of a proposed subdivision, and the existing conditions in and around the subdivision. It need not be based upon an accurate or detailed final survey of the property, except as

otherwise provided in this title. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.510 Utility company.** "Utility company" means any person or agency, public or private, which supplies electricity, communications, water, natural gas or similar services to consumers. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.520 Zone of influence.** "Zone of influence" means an area comprised of those properties lying within a specified radius of or distance from a proposed subdivision; and within which landowners are given notice of a proposed subdivision. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

**17.08.530 Zoning ordinance.** "Zoning ordinance" means the zoning ordinance of the city codified in Title 18 of this code. (Ord. 84-4 Div. A, Part 1 §5 (part), 1984)

## **Chapter 17.12**

### **ADMINISTRATIVE PROVISIONS**

#### **Sections:**

**17.12.010 Conformance with the general plan and the zoning ordinance.**

**17.12.020 Responsibilities of agencies.**

**17.12.030 Revocation of approvals.**

**17.12.010 Conformance with the general plan and the zoning ordinance.** The city council shall deny approval of a tentative or final map if it makes any of the following findings that:

A. The design or improvement of the proposed subdivision is not consistent with the objectives, policies, general land uses and programs of the city's adopted general plan, local coastal program and applicable specific plans;

B. The site is not physically suitable for either the type or density of the proposed development;

C. The design or improvements of the proposed subdivision are likely to cause substantial environmental damage;

D. The design of the subdivision or the type of improvements is likely to cause serious public health problems;

E. 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 city council may approve a map if it finds that alternate easements for accessory use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This section shall apply only to easements of record or easements established by judgment of a court of competent jurisdiction; and/or

F. The proposed subdivision creates small lots in the coastal zone. (Ord. 84-4 Div. A, Part 1 §4, 1984)

**17.12.020 Responsibilities of agencies.**

A. Subdivider. The subdivider shall prepare maps and shall design improvements consistent with the standards of the city. The subdivider shall process the maps in accordance with the regulations set forth in this title.

B. Planning Director. The planning director shall be responsible for the design analysis and the expeditious processing of subdivision maps and reports, as provided in this title; and for coordinating the processing of all subdivision maps.

C. City Engineer. The city engineer shall be responsible for determining whether the proposed subdivision improvements are consistent with the Standard Specifications for Improvements and with good engineering practice. The city engineer shall be responsible for the supervision of the design and the installation of such improvements and, upon finding them acceptable, shall recommend their final approval to the city council. Further, he shall be responsible for certifying parcel maps and final maps as to their form and content, and conformance with the action of the city council.

D. City Council. The city council, being the legislative body, has final jurisdiction in the approval of tentative and final subdivision maps; the establishment of standards of design; and the acceptance of lands and improvements that may be proposed for subdivision development, except as may be otherwise provided.

E. City Clerk. The city clerk shall schedule the processing of subdivision maps before the city council and shall be responsible for the filing of final subdivision maps and parcel maps with the county recorder.

F. Other Agencies. All agencies which the planning director determines may be affected by a proposed subdivision shall, upon receiving copies of such proposed subdivision, expeditiously review it and report to the city council the manner and extent to which the proposal affects such agency. Failure to so report within a reasonable time as specified by the planning director shall be deemed approval of the proposal by the agency. (Ord. 84-4 Div. A, Part 2 §§1--6, 1984)

**17.12.030 Revocation of approvals.** If no lots in a subdivision for which a final map has been approved and recorded have been sold within five years of the effective date of the ordinance codified in this title; or if none of the improvements required to have been made have been installed within two years of the date of recordation, the city council may, after a public hearing, revoke the final approval of the subdivision and the land shall return to its former undivided state. Such revocation of final approval shall be made without prejudice to the filing of another subdivision map. (Ord. 84-4 Div. A, Part 5 §6, 1984)

## **Chapter 17.16**

### **TYPES OF SUBDIVISIONS**

#### **Sections:**

**17.16.010 Condominium subdivisions.**

**17.16.020 Minor subdivisions.**

**17.16.030 Nonresidential subdivisions.**

**17.16.040 Standard subdivisions.**

**17.16.010 Condominium subdivisions.**

A. General Requirements. In addition to all other applicable requirements of this title, subdivisions which consist of condominiums or other similar legal vehicles to convert multiple family housing to individual ownership shall meet the requirements of this chapter and any and all development standards formulated in conjunction herewith.

B. Development Standards. Standards to be used in the conversion of existing structures to condominiums shall be established by resolution of the city council upon the recommendation of the city council when they are needed.

C. Definitions. The terms "condominium," "condominium project," "community apartment," "stock cooperative" and "planned development" shall be defined in accord with the law of the state as the same may from time to time be amended. For purposes of this title, the term "condominium," wherever herein expressed, shall include all of the above terms. (Ord. 84-4 Div. A, Part 3 §1, 1984)

**17.16.020 Minor subdivisions.** All applicable provisions of the State Map Act and of the ordinance codified in this title shall apply to subdivisions of four or fewer lots and such minor subdivisions shall be considered a subdivision of real property in all respects.

Dedication of streets, in-lieu fees, underground utilities and other such requirements which may be made in connection with the processing of a standard subdivision may similarly be required in connection with the approval of a minor subdivision. Lots created by minor subdivisions should be in keeping with the size and arrangement of existing lots in the immediate area, even though this may require a greater than minimum lot size. (Ord. 84-4 Div. A, Part 3 §2, 1984)

**17.16.030 Nonresidential subdivisions.** In addition to the principles and standards in this title which are appropriate to the planning of all subdivisions, the subdivider of nonresidential subdivisions shall demonstrate to the satisfaction of the city council that the street, lot, and block patterns proposed are specifically adapted to the uses anticipated and take into account other uses in the vicinity. The following principles and standards shall be observed:

A. Street rights-of-way and improvements shall be adequate to accommodate the type and the volume of traffic anticipated;

B. Special requirements may be imposed for the design and construction of streets, curbs, gutter and sidewalks and for the installation of all public utilities;

C. Every effort should be made to protect adjacent residential areas from potential nuisance of the proposed nonresidential subdivisions;

D. Access to nonresidential subdivisions shall not be provided through or from residential subdivisions;

E. Tentative maps of nonresidential subdivisions shall designate all areas proposed for structures, vehicular circulation and parking, pedestrian circulation, buffer strips and other landscaping, service areas and other site usage. (Ord. 84-4 Div. A, Part 3 §3, 1984)

**17.16.040 Standard subdivisions.** Standard subdivisions shall be processed in accord with each of the provisions of the State Map Act and of the ordinance codified in this title. (Ord. 84-4 Div. A, Part 3 §4, 1984)

## **Chapter 17.20**

### **BASIC DESIGN OBJECTIVES AND REQUIREMENTS**

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**17.20.080 Lot criteria.**

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**17.20.100 Streets and arterials.**

**17.20.110 Curbs, gutters and sidewalks.**

**17.20.120 Existing vegetation.**

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**17.20.140 General improvements.**

**17.20.150 Public access to public resources.**

**17.20.010 Purpose.** Basic criteria for the design of new subdivisions, particularly those related to the development of new residential areas, are established for the purpose of protecting and enhancing the quality of life of the citizens of the city through the provision of well designed, located and arranged facilities for family life, employment and recreation, privacy, amenity and freedom of choice, in addition to security, health, safety and convenience. (Ord. 84-4 Div. A, Part 4 §1, 1984)

**17.20.020 Existing environmental conditions.** Existing conditions of the natural and manmade environment shall be considered in the design of new subdivisions. In addition to the landform, features of climate, light and air surrounding existing land uses shall be respected. The subdivision shall be designed to prevent excessive grading and scarring of the landscape. The design of new subdivision streets shall consider and relate to existing and planned widths and alignments. (Ord. 84-4 Div. A, Part 4 §2, 1984)

**17.20.030 Community facilities.** This chapter establishes procedures for the referral of proposed subdivision data to interested agencies, both public and private, so that the provision or extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of the subdivision. (Ord. 84-4 Div. A, Part 4 §3, 1984)

**17.20.040 Relationship to surrounding lands.** The subdivision and any proposed future additions shall be related to the adjacent land uses. When considered necessary to demonstrate that the proposed subdivision will not preclude or inhibit appropriate uses of adjoining lands, the city council may require the subdivider to prepare a preliminary sketch plan for any or all such adjacent lands. (Ord. 84-4 Div. A, Part 4 §4, 1984)

**17.20.050 Subdivision of a part.** Whenever a subdivider submits a proposed subdivision of a parcel which is a part of a larger parcel of land in the same ownership, the city council may require the subdivider to submit a preliminary sketch of the manner in which the relationship of the proposed subdivision to the remainder and demonstrating the provision, facility and continuity of streets, utilities, drainage, sewerage, land use and

the like. (Ord. 84-4 Div. A, Part 4 §5, 1984)

**17.20.060 Buildable lots.** All lots created by a subdivision shall be developable for the intended use. No subdivision shall include lots which are impractical to improve for the intended use due to slopes of terrain, unstable soils, geologic and seismic hazards, easements for future or existing utilities, or other physical conditions. (Ord. 84-4 Div. A, Part 4 §6, 1984)

**17.20.070 Access to public streets.** All lots created by a subdivision should have access to public streets. In those cases where developments are approved with lots abutting upon private drives or streets, said private drive or street shall be located, designed and constructed to city street standards, or approved modifications thereof. (Ord. 84-4 Div. A, Part 4 §7, 1984)

**17.20.080 Lot criteria.** The size, shape, and orientation of lots shall be appropriate to the proposed subdivision location and to the type of development contemplated. The following principles and standards shall be observed:

A. The minimum area and dimensions of all lots shall conform to the requirements of the zoning ordinance codified in Title 18 of this code for the district in which the subdivision is located.

B. The side lines of lots shall generally be parallel to each other when located along straight streets or approximately radial to the centerline of curved streets. Side lines of lots shall be approximately radial to the adjacent right-of-way of a turnaround.

C. Lot frontage shall be adequate to accommodate a driveway of normal width plus at least one on-street parking space, except as may be approved in planned communities, planned development, condominiums and cluster housing developments.

D. Corner lots for residential use shall be platted wider than interior lots, in order to permit conformance with the required street side yard requirements of the zoning ordinance codified in Title 18.

E. No property remnant which does not conform to the requirements of this title shall be allowed in the subdivision, unless it is required for a public utility or facility. (Ord. 84-4 Div. A, Part 4 §8, 1984)

**17.20.090 Block criteria.** The subdivision design should avoid either excessively large or short block lengths. The city council may require that a crosswalk, pedestrian way, bicycle path or other separation be established near the center of long blocks; and through other blocks where necessary to provide access to schools, parks, scenic easements, shoreline or other community facilities. (Ord. 84-4 Div. A, Part 4 §9, 1984)

**17.20.100 Streets and arterials.** The street design of the subdivision shall relate to the pattern of thoroughfares designated in the general plan, and to any other existing or proposed street designs recommended by the planning staff and approved by the city council. Whenever a proposed thoroughfare abuts or traverses a subdivision, such thoroughfare shall be included in the subdivision street design. The street pattern of the subdivision shall provide for the most advantageous development of adjoining lots, the neighborhood, and the community, and shall be designed to carry the ultimate traffic of the subdivision and of any other lands it may serve. (Ord. 84-4 Div. A, Part 4 §10, 1984)

**17.20.110 Curbs, gutters and sidewalks.** The following principles and standards shall apply to the design and the installation of curbs, sidewalks and pedestrian ways:

A. Vertical-type curbs and gutters on both sides of the streets shall be required in all subdivisions.

B. Sidewalks normally shall be required on both sides of the street in any subdivision and shall be located within the street right-of-way, except as otherwise approved. (Ord. 84-4 Div. A, Part 4 §11, 1984)

**17.20.120 Existing vegetation.** The subdivision shall be designed to preserve the greatest amount of existing vegetation. (Ord. 84-4 Div. A, Part 4 §12, 1984)

**17.20.130 Reservations.**

A. Requirements. As a condition of approval of a map, the subdivider shall reserve sites, appropriate in area and location, for public uses according to the standards and formulae contained in this section.

B. Standards and Formulae for Reservation of Land. Where a public use is shown on the adopted general plan, the subdivider may be required by the city to reserve sites as so determined by the city or county in accordance with the defined principles and standards contained in the above specific plan or general plan. The reserved area must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible.

C. Procedure. The public agency for whose benefit an area has been reserved shall at the time of approval of the final map or parcel map enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement. (Ord. 84-4 Div. A, Part 4 §13, 1984)

**17.20.140 General improvements.** Unless otherwise provided, it shall be the responsibility of the subdivider to install all on-site and off-site improvements, facilities and utilities in order that the city, upon acceptance of the subdivision, will benefit from the addition and that there will be no undue burden upon the, city or future occupants of the subdivision. Improvements to be installed by the subdivider shall include but not be limited to the following:

- A. Curb, gutter, sidewalk and pathway;
- B. Water lines, gas and other utility services to serve each lot and stubbed to property line prior to paving;
- C. Water mains of the proper size to give the required fire flow as approved by the fire department. Fire hydrants of a type and size approved by the fire department. Every subdivider shall dedicate, as a condition of subdivision approval, any and all fire hydrants and their connections, pipes, or other appurtenances, from the point they join the water main to the point where they join the hydrant;
- D. Fire alarm boxes, including design and layout, connecting to a fire alarm system when required, and as approved, by the chief of the fire department. All equipment necessary to connect the above system at the central alarm control of the county fire department;
- E. Sanitary sewers and laterals to serve each lot and stubbed to property line prior to paving;
- F. Storm sewers, drains and channel improvements;
- G. Basins or other forms of erosion control as required;
- H. Paved streets;
- I. Ornamental street lights;
- J. Approved street name signs at all intersections, all block number changes and at other locations required and approved by the city engineer;
- K. Street barricades where required;
- L. Architecturally designed walls, fencing or screen planting where required;
- M. Stop, yield and other traffic signs as required by the city engineer;
- N. Utility distribution lines and facilities, including but not limited to electric,

communications, street lighting and cable television and transformers, all to be placed underground. The subdivider is responsible for complying with the requirements of this section, and he shall make the necessary arrangements with the utility companies for the installation of such facilities. (Ord. 84-4 Div. A, Part 4 §14, 1984)

**17.20.150 Public access to public resources.**

A. The city shall not approve either the tentative or final map if:

1. Any subdivision fronting upon the coastline or shoreline which subdivision does not provide or have available reasonable public access by fee or easement from public highways to land below the ordinary highwater marks on any ocean coastline or bay shoreline within or at a reasonable distance from the subdivision;
2. Vertical beach accessways shall be provided in accordance with the provisions of the local coastal land use plan; the widths of the accessway easement shall be a minimum of ten feet and shall extend from the nearest public roadway to the sandy beach frontage. Improvements to be made shall be as prescribed in the local coastal land use plan and by the city council;
3. Lateral beach accessway shall be provided by an easement with a minimum of twenty-five feet dry sandy beach or the entire sandy beach if the width of the beach is less than twenty-five feet;
4. Bluff top access shall be provided by easement, run along the edge of the bluff, and be of a width adequate to provide safe public access.

B. Any public access route or routes provided by the subdivider shall be expressly designated on the tentative or final map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication.

C. Reasonable access, as used in this section, shall be determined by the city council. In making the determination of what shall be reasonable access, the city council shall consider:

1. That access may be by highway, foot trail, bike trail or any other means of travel;
2. The size of the subdivision;
3. The type of coastline or shoreline and the various appropriate recreational, educational and scientific uses;
4. The likelihood of trespass on private property and reasonable means of avoiding such

trespass.

D. Nothing in this section shall require the city to deny either a tentative or final map solely on the basis that the reasonable access otherwise required by this section is not provided through or across the subdivision itself, if the city council makes a finding that such reasonable access is otherwise available within a reasonable distance from the subdivision consistent with the local coastal program. Any such finding shall be set forth on the face of the tentative or final map.

E. Nothing in this section shall be construed as requiring the subdivider to improve any route or routes which are primarily for the benefit of nonresidents of the subdivision area. (Ord. 84-4 Div. A, Part 4 §15, 1984)

## **Chapter 17.24**

### **MAPS--GENERALLY**

#### **Sections:**

#### **17.24.010 Purpose.**

#### **17.24.020 Extension of time limits.**

#### **17.24.030 Additional requirements.**

**17.24.010 Purpose.** The purpose of the provisions set out in Chapters 17.28, 17.32 and 17.40 is to establish procedures for the processing of preliminary, tentative and final maps of proposed divisions of real property in which five or more lots are proposed to be created. All applicable provisions of the State Map Act and related regulations of the city shall apply to the preparation and processing of maps and to the development of real property thereunder. (Ord. 84-4 Div. B (part), 1984)

**17.24.020 Extension of time limits.** The time limits for action on subdivision maps by the responsible officers or agents of the city, as established by the ordinance codified in this title, may be extended by mutual written agreement between the subdivider and the city council, who shall represent the city for this purpose. (Ord. 84-4 Div. A, Part 5 §3, 1984)

**17.24.030 Additional requirements.** When required by the city council or by other regulations of the city, the subdivider shall be required to submit additional materials in connection with the proposed subdivision including, but not limited to, the following:

- A. A development plan for the proposed subdivision;
- B. A draft environmental impact report prepared to the standards and in accord with the procedures of the city and the California Environmental Quality Act. (Ord. 84-4 Div. A, Part 5 §4, 1984)

## **Chapter 17.28**

### **PRELIMINARY MAPS**

#### **Sections:**

**17.28.010 Purpose.**

**17.28.020 Filing.**

**17.28.030 Form and content.**

**17.28.040 Action on preliminary maps.**

**17.28.050 Timing.**

**17.28.010 Purpose.** The purpose of the preparation and consideration of a preliminary map is to provide a means of early review of a proposed subdivision by the planning director in conjunction with the developer and/or his planner or engineer. From this preliminary review it is expected that the applicant will be made aware of any special policies or programs concerning the use of the land to be subdivided, or for needed or planned on-site or off-site improvements for the general area; and, further, so that the city planning director will be made aware of proposals for the subdivision of land which may require preparation, modification or provisions for expansion of public services and facilities prior to or in conjunction with the proposed use of the land within a subdivision. It is not intended that a preliminary map be as detailed as the tentative map, but it should be prepared in such manner and form as to provide pertinent facts and information. (Ord. 84-4 Div. B, Part 1 §1, 1984)

**17.28.020 Filing.** Prior to submitting a tentative map of any proposed standard subdivision, the subdivider shall submit to the planning director three copies of a preliminary map for review, along with such additional materials, data, reports or the like as the planning director may require. (Ord. 84-4 Div. B, Part 1 §2, 1984)

**17.28.030 Form and content.** The preliminary map shall be drawn at a scale and be in sufficient detail to show the essential characteristics of the site and the proposed subdivision. The preliminary map shall include at least the following:

- A. The number, size and design of lots;
- B. The location and the width of streets;

C. The location and the nature of any reservations or easements. If a coastal frontage parcel, the approximate location of vertical and lateral accessway easements;

D. The general nature and extent of grading;

E. The relation of the subdivision to all surrounding lands;

F. Significant environmental features;

G. An indication of the proposed use of each of the lots to be created. (Ord. 84-4 Div. B, Part 1 §3, 1984)

**17.28.040 Action on preliminary maps.** The planning director shall review the preliminary map and shall schedule a meeting with the city council, subdivider and/or his engineer to make general recommendations with respect to the proposed subdivision; and to recommend consultations with other public or private agencies as may be necessary or advisable. Within ten days after such recommendations, consultations and meetings, the planning director by direction of the city council shall notify the subdivider in writing of the final determination as to the preliminary map and whether or not an EIR is required on the tentative map. (Ord. 84-4 Div. B, Part 1 §4, 1984)

**17.28.050 Timing.** Within ninety days of the date of the city council's action of the preliminary map, the subdivider shall prepare and file a tentative map of the proposed subdivision. If an EIR is required, an EIR will be completed by the planning staff prior to the tentative map application being deemed complete. (Ord. 84-4 Div. B, Part 1 §5, 1984)

## **Chapter 17.32**

### **TENTATIVE MAPS**

#### **Sections:**

**17.32.010 Purpose.**

**17.32.020 Filing.**

**17.32.030 Form and content.**

**17.32.040 Information required on tentative map.**

**17.32.050 Accompanying statements.**

**17.32.060 Soils report.**

**17.32.070 Geological report.**

**17.32.080 Covenants, conditions and restrictions.**

**17.32.090 Additional information.**

**17.32.100 Requirements for an EIR.**

**17.32.110 Action on tentative maps.**

**17.32.120 Expiration of map approval.**

**17.32.130 Compliance with City requirements.**

**17.32.140 Fees.**

**17.32.010 Purpose.** The purpose of the tentative map is to inform the city council and other affected agencies of the proposed subdivision; to allow an opportunity for each to examine the manner and extent to which they may be affected and to respond to the proposed development accordingly; to identify any further official action on matters of zoning, acquisition of access or rights-of-way, and clearly define steps to be taken by the subdivider, his engineer and others for final approval of the development. The map need not include detailed design of streets, utilities or building sites, but, through this title and any conditions imposed with the tentative map, should give clear direction on remaining engineering, surveying and legal matters. (Ord. 84-4 Div. B, Part 2 §1, 1984)

**17.32.020 Filing.** The subdivider shall submit to the planning director twenty copies of the tentative map of the proposed subdivision. (Ord. 84-4 Div. B, Part 2 §2, 1984)

**17.32.030 Form and content.**

A. Preparation. The subdivider shall cause the tentative map of the land proposed to be subdivided to be clearly and legibly prepared by a civil engineer or licensed land surveyor.

B. Scale. The tentative map shall be drawn according to the engineer's scale at a scale between one inch equals one hundred feet and one inch equals forty feet.

C. Sheet Size and Number. The tentative map shall be prepared in such a manner as to be shown on a single sheet measuring twenty-four inches by thirty-six inches unless otherwise approved by the planning director.

D. Vicinity Sketch. A vicinity sketch shall be drawn on the tentative map. It shall show the nearby streets, boundary lines and names of abutting subdivisions. It shall also show the outline of large parcels of land which are adjacent to the proposed subdivision. (Ord. 84-4 Div. B, Part 2 §3 (1) -- (4), 1984)

**17.32.040 Information required on tentative map.** The following information will be shown on the tentative map:

A. The names, addresses and telephone numbers of the owners of record of the land proposed to be subdivided, and of the person or firm preparing the tentative map;

B. The date, the northpoint, and the graphic scale. The scale may also be indicated in

letters and numbers;

C. The tract number, as secured from the county planning director or other appropriate county official;

D. The tract name, which shall not duplicate, or nearly duplicate, the name of an existing tract within the city, or within three miles of the city limits, unless it is another unit of the same tract;

E. The names, numbers and intersecting boundary lines of adjacent subdivisions and tracts, and the names of owners of adjacent unplotted land;

F. A sufficient description to define the location and boundaries of the proposed subdivision;

G. If it is contemplated that development will proceed by units, the boundaries of such units shall be shown on the tentative map;

H. Contours at two-foot intervals for ground slope areas between level and five percent; and five-foot interval contours for ground slope areas over five percent. Such contours shall extend onto contiguous lands for a distance of two hundred feet and shall relate to the benchmark system by the city engineer. A grading plan may also be required;

I. The outline of any existing building and its future disposition or use;

J. The approximate boundaries of areas subject to inundation by storm water; and the location, size and direction of proposed major storm drain facilities;

K. The approximate widths, locations and uses of all existing or proposed drainage, sewage and public utility easements within and adjacent to the proposed subdivision; including proposed locations of all such utilities within said easements;

L. The location, names, widths and grades of existing streets, highways and other public ways, in and near the subdivision;

M. The location, names, widths, approximate grades, direction of drainage and typical cross sections of all proposed streets (public or private), access easements and other ways; and the approximate elevations of street intersections;

N. The approximate radius of all designed curves;

O. Any proposed public or semi-public use;

P. An indication of the total number of lots proposed, with all lots numbered consecutively throughout the subdivision or each proposed unit thereof;

Q. The approximate layout and dimensions of each lot; and the areas of the smallest and the largest lots in the tract. Approximate lot areas shall be shown for all lots not rectangular in shape;

R. Proposed building setback lines;

S. The location of any of the foregoing improvements, which may be required to be constructed beyond the boundaries of the subdivision and vicinity maps;

T. The location of surface and underground features such as fences, ditches, wells, utilities, drains and the like;

U. The location of any natural resources such as sand, gravel, ponds and the like, within the proposed subdivision or within two hundred feet thereof;

V. The line of high water when adjoining any pond or the ocean shall be indicated on the map;

W. The gross area of the subdivision, open space and recreation areas to be shown to the nearest 0.1 of an acre;

X. The location of vertical and/or lateral beach access easements by metes and bounds or other description sufficient in detail to show designation width and designation of area as access easement. (Ord. 84-4 Div. B, Part 2 §3(5), 1984)

**17.32.050 Accompanying state- ments.** Accompanying the tentative map, or on said map, shall be statements by the subdivider as follows:

A. A statement as to existing zoning and land use and as to proposed land use;

B. A statement as to the proposed source of water supply and method of sewage disposal;

C. A statement as to the intention of the subdivider in regard to erosion control;

D. A statement as to the proposed timing and phasing of the development of the subdivision or each unit thereof, including the installation of improvements and facilities and the construction of the buildings;

E. A preliminary title report prepared by a state licensed Title Company. (Ord. 84-4 Div. B, Part 2 §3(6), 1984)

**17.32.060 Soils report.** A preliminary soils report shall be prepared by a registered civil engineer. Such reports shall be based on adequate test borings or excavations and shall

indicate the suitability of the land for the proposed development. The preliminary soils report may be waived if the city engineer determines that, due to the knowledge his department has as to the qualities of the soil within the subdivision or lot, no preliminary analysis is necessary. If the preliminary soils report indicates the presence of critically expansive soils, slope stability, or other soils problems which, if not corrected, would lead to structural problems, a soil investigation of each lot so affected in the subdivision may be required to be made by a registered civil engineer. This engineer shall recommend the corrective action needed to prevent structural damage in the area where such soils problems exist. The city council may approve the subdivision or portion thereof where such soil problems exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed and a condition to the issuance of any building permit may require that the approved recommended action be incorporated in the construction of each structure. (Ord. 84-4 Div. B, Part 2 §3(7), 1984)

**17.32.070 Geological report.** A geological report may be required for any area where there are known geological hazards if determined to be necessary by the city council. (Ord. 84-4 Div. B, Part 2 §3(8), 1984)

**17.32.80 Covenants, conditions and restrictions.** References to all recorded easements, use restrictions, areas previously vacated or abandoned and three copies of any existing or proposed deed restrictions shall be submitted with the tentative map. (Ord. 84-4 Div. B, Part 2 §3(9), 1984)

**17.32.090 Additional information.** Any additional information, data, reports or the like which the city council deems necessary or desirable for the review and analysis of the proposed subdivision shall be further provided. (Ord. 84-4 Div. B, Part 2 §3(11), 1984)

**17.32.100 Requirements for an EIR.** When determined necessary by the planning director, a draft environmental impact report (EIR) shall be completed consistent with the city EIR resolution and filed with the tentative map. (Ord. 84-4 Div. B, Part 2 §4, 1984)

**17.32.110 Action on tentative maps.**

A. Planning Director Action. After the receipt of the map and other information required from the subdivider, the planning director shall consult with the city engineer and other concerned city officials to determine if the application is complete. If the application is not complete, the subdivider shall be notified what additional information is required. If the application is determined to be complete, the planning director shall date and file the tentative map. After the filing of a complete application, the planning director shall transmit copies of the map, together with accompanying data, to all concerned agencies and shall cause notice of the proposed tentative map to be made within the zone of influence in accord with standard procedures. One copy of the tentative map shall be forwarded to the Monterey County planning department, and to the planning director or other designated official of each city a portion of which lies within three miles of the city

limits and which has requested such referral for their review and recommendation.

B. Subdivision Conference. Within twenty days of the filing of the complete application, and prior to city council review, the planning director shall hold a subdivision conference with the subdivider and representatives of the concerned agencies, to discuss said subdivision. Failure of any concerned agency to participate in said conference or to report regarding the proposed subdivision shall be deemed to be approval of the map on their part.

C. Report and Recommendation. Following the subdivision conference, the planning director shall prepare a written report and recommendation for the consideration of the city council at its next regular meeting. Copies of the report and recommendation shall be sent to the subdivider or his designated agent. The planning director's report shall contain a statement with respect to the requirements and recommendations of each of the agencies which have responded to the proposal.

D. City Council Action. The city council shall set the public hearing date for consideration of the tentative map at their next regular meeting following the receipt of the report of the planning staff on the map. The council shall approve, conditionally approve or deny the tentative map and certify the final EIR, if required, within thirty days after this meeting date unless extended by mutual agreement between the subdivider and the city.

E. Notification. Within ten days of the action taken by the city council, the city clerk shall notify the subdivider or his designated agent, in writing, of the action taken by the council, attaching one copy of the map and one copy of the council resolution relating thereto. (Ord. 84-4 Div. B, Part 2 §5, 1984)

#### **17.32.120 Expiration of map approval.**

A. Within eighteen months after approval or conditional approval of the tentative map by the city council, the subdivider shall cause the subdivision, or a part thereof, to be surveyed and a final map to be filed with the city engineer in accordance with the tentative map as approved or conditionally approved.

B. The subdivider may request an extension of time on the expiration date of the tentative map by written application filed with the city planner. The planning director shall review the request and submit it for recommendation to the city council.

C. After reviewing the recommendation of the city planning staff, the city council shall approve, conditionally approve, or deny the request for extension of time. The approved extension of time shall not exceed twelve months.

D. Failure of the subdivider to file a final map with the city engineer within eighteen

months, or within an additional period of time approved by the city council, shall terminate all proceedings on the map. No further action shall be taken by the city without the filing of a new tentative map to be processed in accordance with the procedures of this title.

E. Final action approving, conditionally approving or denying the final map shall be taken by the city council within thirty months of the original approval of the tentative map by the council. (Ord. 84-4 Div. B, Part 2 §6, 1984)

**17.32.130 Compliance with city requirements.** Approval of the tentative map shall in no way relieve the subdivider of his responsibility to comply with all requirements of the city and to provide the improvements and easements necessary to meet all city standards, whether or not the same are set forth in the tentative map approval. (Ord. 84-4 Div. B, Part 2 §7, 1984)

**17.32.140 Fees.** A filing and report fee, in an amount set by resolution of the city council, shall be submitted at the time of filing of the tentative map. (Ord. 84-4 Div. B, Part 2 §8, 1984)

## **Chapter 17.36**

### **VESTING TENTATIVE MAPS**

#### **Sections:**

**17.36.010 Citation and authority.**

**17.36.020 Purpose and intent.**

**17.36.030 Consistency.**

**17.36.040 Definitions.**

**17.36.050 Application.**

**17.36.060 Filing and processing.**

**17.36.070 Fees.**

**17.36.080 Vesting on approval of vesting tentative map.**

**17.36.090 Expiration.**

**17.36.01 Citation and authority.** The ordinance codified in this chapter is enacted under the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the state (hereinafter referred to as the vesting tentative map statute), and may be cited as the vesting tentative map ordinance. (Ord. 86-1 §1.1, 1986)

**17.36.020 Purpose and intent.** It is the purpose of this chapter to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement

the provisions of the Subdivision Map Act (Gov. Code Sections 66410--66499.58) and the city subdivision ordinance codified in this title. Except as otherwise set forth in the provisions of the ordinance codified in this chapter, the provisions of the subdivision ordinance codified in this title shall apply to the vesting tentative map ordinance codified in this chapter. To accomplish this purpose, the regulations outlined in this chapter are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. (Ord. 86-1 §1.2, 1986)

**17.36.030 Consistency.** No land shall be subdivided and developed under a vesting tentative map for any purpose which is inconsistent with the Subdivision Map Act. (Ord. 86-1 §1.3, 1986)

**17.36.040 Definitions.**

A. A "vesting tentative map" means a "tentative map" for a residential subdivision, as defined in Section 17.08.500, that shall have printed conspicuously on its face the words "vesting tentative map" at the time it is filed in accordance with Section 17.36.060, and is thereafter processed in accordance with these provisions.

B. All other definitions set forth in Chapter 17.08 are applicable. (Ord. 86-1 §1.4, 1986)

**17.36.050 Application.**

A. The ordinance codified in this chapter shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the ordinance codified in this title, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with these provisions.

B. 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. (Ord. 86-1 §1.5, 1986)

**17.36.060 Filing and processing.** A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the ordinance codified in this title for a tentative map except as hereinafter provided:

A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "vesting tentative map."

B. At the time a vesting tentative map is filed, the subdivider may also supply the following information: building height (or building elevation above mean sea level);

building size and location of building (building envelope); sewer/storm drain detail; utilities detail; public access to beach or coastal bluff; road and transportation detail including streets, curbs, sidewalks, and bicycle paths; building or site uses; geological studies and soils engineering information; grading and excavation plans; architectural plans and elevations; view corridors and visual analysis (including vista point locations); biological field surveys and habitat protection plans, landscaping plans; archaeological surveys; open space or scenic easements; shoreline protective device location and marine erosion control plans; and shall provide any other information the city may require.

C. A vesting tentative map may not be approved prior to obtaining all discretionary land-use approvals necessary for the development subject of the vesting tentative map. Examples of such approvals include but are not limited to general plan amendments; local coastal program land use plan amendments; zoning changes; conditional use permits; coastal development permits; and design approval. (Ord. 86-1 §2.1, 1986)

**17.36.070 Fees.** On filing a vesting tentative map, the subdivider shall pay the fees required by resolution of the city council. (Ord. 86-1 §2.2, 1986)

**17.36.080 Vesting on approval of vesting tentative map.**

A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in compliance with the ordinances, policies and standards described in Gov. Code Section 66474.2. However, if Gov. Code Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

B. Notwithstanding subsection A, a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in an condition dangerous to their health or safety, or both;
2. The condition or denial is required, in order to comply with state or federal law.

C. The rights referred to herein shall expire if a final map is not approved before the expiration of the vesting tentative map as provided in Section 17.36.090. If the final map is approved, these rights shall last for the following periods of time:

1. An initial time period of one year from the date the final map is recorded. Where several final 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 for that phase is recorded;

2. A subdivider may apply to the city council for a one-year extension at any time before the initial time period set forth in subsection C.1 expires;

3. If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions 1 or 2 of this subsection, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit. (Ord. 86-1 §3.1, 1986)

**17.36.090 Expiration.** The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by the ordinance codified in this title for the expiration of the approval or conditional approval of a tentative map. (Ord. 86-1 §2.3, 1986)

## **Chapter 17.40**

### **FINAL MAPS**

#### **Sections:**

**17.40.010 Purpose.**

**17.40.020 Filing.**

**17.40.030 Preparation.**

**17.40.040 Size, material and scale.**

**17.40.050 Title.**

**17.40.060 Coordinate system.**

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**17.40.080 Subdivision boundary.**

**17.40.090 Dimensions, bearings and curve data.**

**17.40.100 Lots and blocks.**

**17.40.110 Streets.**

**17.40.120 Easements.**

**17.40.130 High-water line.**

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**17.40.150 Improvement plans.**

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**17.40.220 Drainage and sewer facilities--Fees.**

**17.40.230 Supplemental improvement reimbursement agreements.**

**17.40.240 Reversion to acreage.**

**17.40.010 Purpose.** The final map is the instrument which, upon approval by the city council and recordation with the county recorder, provides for the dedication of streets, ways and other public uses; establishes the legal descriptions by which real property interests within the subdivision may be conveyed; and indicates utilities, facilities and improvements required in connection with the development of the subdivision. (Ord. 84-4 Div. B, Part 3 §1, 1984)

**17.40.020 Filing.** A final map conforming to the tentative map as approved, or conditionally approved, shall be filed with the city engineer within eighteen months of the date of approval of the tentative map or as otherwise provided in accordance with the terms of the ordinance codified in this title. Neither the developer nor the city shall make, or cause to be made, any changes or requirements at the final map stage which are not in conformance with city standards or the conditions of approval of the tentative subdivision map. (Ord. 84-4 Div. B, Part 3 §2, 1984)

**17.40.030 Preparation.** A survey and final map of the entire subdivision, or of each unit of a segmented subdivision, shall be prepared by an engineer or surveyor, in accordance with the provisions of this title. (Ord. 84-4 Div. B, Part 3 §3 (1), 1984)

**17.40.040 Size, material and scale.** The final map shall be clearly and legibly drawn in black, waterproof, opaque, permanent ink on good quality tracing cloth or other material approved by the city engineer. The dimensions of each sheet of the map shall be eighteen inches by twenty-six inches. A margin line shall be drawn completely on each sheet, leaving an entirely black margin of one inch on all sides. The map shall be drawn according to an engineer's scale at a scale between one inch equals one hundred feet and one inch equals forty feet. The number of each sheet and the total number of sheets comprising the map shall be indicated on each of the sheets. The relationship of each sheet to the other shall be clearly shown by a key on each sheet. Each sheet of the map shall show the date of the survey, north point, and written and graphic scale. The map shall be so made and shall be in such condition when filed that good legible prints and negatives can be made therefrom. (Ord. 84-4 Div. B, Part 3 §3(2), 1984)

**17.40.050 Title.** Unless allowed elsewhere by the city engineer, the title block of each sheet of the final map shall contain the approved name, unit number and tract number of the subdivision conspicuously placed on the lower right hand corner of the sheet, and followed by the words, "City of Sand City." (Ord. 84-4 Div. B, Part 3 §3(3), 1984)

**17.40.060 Coordinate system.** Wherever the city engineer has established a system of coordinates, the survey shall be tied into such system as required. (Ord. 84-4 Div. B, Part 3 §3 (4), 1984)

**17.40.070 Certificates, acknowledgments and descriptions.** The certificate sheet of

the final map shall show the name of the engineer or surveyor, date of the survey, map scale and the number of attached sheets. The following certificates, acknowledgments and descriptions shall appear on the certificate sheet of the final map and may be combined where appropriate. Specific wording of certificates may be established by subsequent resolutions of the city council.

A. Certificates by parties holding title: a certificate signed and acknowledged by all parties having and recorded title interest in the subdivision, consenting to the preparation and recording of the final map. Signatures of parties who own the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:

1. Rights-of-way, easements or other interests, none of which can ripen into a fee,
2. Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse, or laches, appear to be no longer of practical use and where signatures are impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of such signatures shall also be set forth on the map,
3. Patent rights of the United States or of the state;

B. Dedication certificates: a signed and acknowledged dedication certificate of all land parcels shown on the final map intended for any public use. This shall not include parcels intended for the exclusive use of the owners of the subdivision lots, their licensees, visitors, tenants and employees;

C. Engineer's certificate: a certificate by the engineer of the surveyor responsible for the survey and the final map. The signature of each engineer or surveyor must be attested, unless it is accompanied by his seal;

D. Certificates for execution by each of the following:

1. City engineer,
2. Planning director,
3. City clerk,
4. County recorder;

E. Certificate restricting traffic: a certificate waiving access rights across the right-of-way lines of streets, or the freeway, where required as a condition of approval;

F. Description of property: a legal description of all property being subdivided shall be submitted. Property being subdivided, which has been previously recorded or filed, may be described by map or deed reference. The description of an area vacated and abandoned shall also include the number of the council resolution ordering its vacation and abandonment;

G. Other affidavits, etc.: Such other affidavits, certificates, acknowledgments, endorsements and notarial seals required by law and by this title. (Ord. 84-4 Div. B, Part 3 §3(5), 1984)

**17.40.080 Subdivision boundary.** An accurate and complete boundary survey shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground, must close within a limit of one foot to ten thousand feet of perimeter. The boundary of the subdivision shall be indicated on the final map by a colored line approximately one-sixteenth of an inch wide. All areas shown on the map which do not constitute a part of the subdivision, shall be labeled, "Not a part of this subdivision." All lines delineating such areas shall be dashed. (Ord. 84-4 Div. B, Part 3 §3(6), 1984)

**17.40.090 Dimensions, bearings and curve data.** The final map shall show all survey, mathematical and other data necessary to locate all monuments; and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, and complete curve data for all curves. (Ord. 84-4 Div. B, Part 3 §3(7), 1984)

**17.40.100 Lots and blocks.** Sufficient line, angle and curve data shall be shown so that the bearing and the length of boundary lines of every block, lot and parcel may be readily determined. Wherever practicable, blocks, lots and parcels shall be shown in their entirety on one sheet; when shown on two or more sheets, sufficient data shall be shown on each sheet so that the bearing and the length of the boundary lines may be readily determined. No ditto lines shall be used for lot dimensions. Lot numbers shall begin with the numeral "1" and shall continue consecutively throughout the tract, with no omissions or duplications. (Ord. 84-4 Div. B, Part 3 §3(8), 1984)

**17.40.110 Streets.** The map shall show the right-of-way lines, widths and locations of all existing and proposed public streets within and immediately adjacent to the property being subdivided. Wherever the centerline of a public street has been previously established or recorded, the recordation data shall be shown on the final map. (Ord. 84-4 Div. B, Part 3 §3 (9), 1984)

**17.40.120 Easements.** All easements shall be identified and clearly labeled. The side lines of all easements shall be shown by fine dotted lines. Distances and bearings of lot side lines cut by easements shall be shown so that the actual lengths of the lot lines shall be clearly indicated. The widths of all proposed easements, and sufficient ties to locate

them definitely in the subdivision, shall be shown. Wherever easements previously have been established or recorded, the recordation data shall be shown on the final map. If such easements cannot be definitely located, a statement of their existence, nature and recorded references shall be included in the owner's certificate of dedication. (Ord. 84-4 Div. B, Part 3 §3(10), 1984)

**17.40.130 High-water line.** The map shall show by a continuous, identified line the high-water line of any body of water within or adjacent to the subdivision; and of any area within the subdivision subject to inundation. (Ord. 84-4 Div. B, Part 3 §3(11), 1984)

**17.40.140 Monuments.** The engineer or surveyor preparing the final map shall be responsible for the setting of sufficient monuments to allow another engineer or surveyor to retrace the survey. The final map shall show the following:

A. Stakes, monuments or other evidence determining the boundaries of the subdivision where found on the ground. Adjoining subdivisions or portions thereof shall be shown by lot and block numbers, subdivision names, numbers and the place of record; by section, township and range; or by other proper designation;

B. All monuments placed in making the survey. If any points were reset by ties, that fact shall be stated;

C. Concrete monuments, set in accordance with the Standard Specifications. Such monuments shall be set at intersections of street centerline tangents, or offsets therefrom, as directed by the city engineer;

D. Permanent monuments, each not less substantial than a two-inch galvanized pipe thirty inches long, shall be set at all corners or the exterior boundary of the subdivision, at all block-corners and at the beginning and ending of all curves. However a one-half-inch galvanized pipe, thirty inches long, may be substituted for the two-inch pipe at the beginning and the ending of all curves within the subdivision, provided that centerline concrete monuments are set opposite all such points;

E. Permanent monuments, each not less substantial than a one-half-inch galvanized pipe, thirty inches long, shall be set at all lot corners. (Ord. 84-4 Div. B, Part 3 §3(12), 1984)

**17.40.150 Improvement plans.** Prior to or concurrently with the submission of the final map, but prior to the issuance of any permits, the subdivider shall submit detailed improvement plans, including final grading plans, crosssections, profiles, final soils report, estimated costs and specifications of the improvements installed, or proposed to be installed, as required by the provisions of this title and of all other improvements installed, or proposed to be installed in, on, over or under any street right-of-way, easement or parcel of land dedicated by the map or previously dedicated. All such plans shall be prepared on reproducible transparent materials by an engineer, in accordance

with the requirements of the city engineer. Sheets shall be twenty-four inches by thirty-six inches in size, with a two inch left margin and drawn to a horizontal scale of one inch equals forty feet and a vertical scale of one inch equals four feet or in accordance with such variations as may be allowed by the city engineer. (Ord. 84-4 Div. B, Part 3 §3(13), 1984)

**17.40.160 Documents to be filed with map.** The subdivider shall submit to the city engineer the following documents with the final map:

A. Electronic Closure Sheets. The originals of the electronically computed closure sheets for the entire subdivision area, as well as for the individual lots and blocks within the subdivision. Such sheets will not be required, if not more than five lots in the subdivision are irregular (not rectangular) in shape;

B. Design Data. Design data, assumptions and computations for proper analysis shall be in proper accord with sound engineering practice and approved by the, city engineer. Copies of computations shall be submitted to the city engineer for approval;

C. Report and Guarantee of Clear Title. The final map shall be accompanied by a report prepared by a state licensed title company, naming all persons necessary to give clear title to the subdivision. At the time the final map is recorded, the subdivider shall transmit to the county recorder a guarantee executed by such a title company as evidence that the parties consenting to the preparation and recordation of said map, and to those offering streets, easements, alleys and other public places shown thereon for dedication, are all parties having a record title interest in the land being subdivided;

D. Agreement and Bonds. The agreement and bonds specified in this title shall accompany the final map;

E. Deed Restrictions. Three copies of all proposed deed restrictions, if different from those submitted with the tentative map, shall accompany the final map;

F. Miscellaneous. All other data required by law shall accompany the final map. (Ord. 84-4 Div. B, Part 3 §3(14), 1984)

**17.40.170 Action on final maps.**

A. City Engineer and Planning Director Action.

1. The city engineer shall check and certify the final map for sufficiency of affidavits, offers of dedications, improvement plans and profiles, survey data, and other information required to insure compliance with this title.

2. The planning director shall check and certify the conformance of the final map to the approved tentative map, or to approved alterations.

3. If the final map and the required accompanying data are found to be in compliance with this title and the approved tentative map, the city engineer, within thirty days of the filing of said map shall so certify. If the map and data are not in compliance, the city engineer, before taking further action on the map, shall promptly notify the subdivider, who shall make all the necessary changes, additions or corrections.

B. City Council Action.

1. Approval. The city council, at its next regular scheduled meeting after receipt of the final map from the city engineer, shall consider said final map and, upon finding that the map conforms with all the requirements of this title, shall approve said final map. If no action is taken by the city council within such time limits, or within the time limit extended by mutual consent as set forth herein, the final map shall be deemed to be approved provided that said map conforms to all the requirements herein. If the map is found not to be in conformity, it shall be disapproved and the council shall promptly notify the subdivider the reasons therefor.

2. Conformance with Tentative Map.

a. The final map shall be denied by the city council only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the tentative map.

b. The city council shall not deny the final map if it has approved a tentative map for the proposed subdivision and it finds the map is in substantial compliance with the previously approved tentative map.

3. Acceptance of Dedication and Improvement Agreement. At the time of the approval of the final map, the city council also shall accept or reject any or all offers of dedication. As a condition precedent to recordation of the final map by the city clerk, the city council shall enter into an agreement with the subdivider requiring that he shall improve the streets, easements and dedications, unless such streets, easements and dedications already have been improved.

a. Said agreement shall include, but is not necessarily limited to:

i. Mutually agreeable terms to improve said dedications at the subdivider's expense;

ii. A statement indicating the period of time, satisfactory to the city engineer, within which the subdivider shall complete all improvement work;

iii. A provision that if the subdivider fails to complete the work within the said period of time, the city may complete the improvement work and recover the full cost and expense

thereof from him or his surety;

iv. Provisions for the repair and replacement of defective material and workmanship of said improvements by the subdivider, for a period of twelve months after the council improvement acceptance date;

v. Provisions for the inspection of all improvements of the subdivider for a period of twelve months after the council improvement acceptance date.

b. Said agreement may also provide for:

i. Construction of the improvements by units;

ii. Extension of time, under the conditions herein specified;

iii. Release or partial release of improvement security to the subdivider, for improvements installed. The total of any partial progress payments shall not exceed ninety percent of the value of the work installed.

c. City Clerk Action. At the time of the approval of the final map and the acceptance of the dedication and improvement agreement, the city clerk shall certify as to such approval thereon; and, upon receipt of the necessary recording fee from the subdivider, shall forward the approved original map in a reproducible form to the county recorder for recordation. The final map shall be forwarded to the county recorder by the city clerk within ten days of its approval or conditional approval by the city council. No final map shall have any force or effect and no title to any property described therein shall pass until the final map is recorded. (Ord. 84-4 Div. B, Part 3 §4, 1984)

#### **17.40.180 Improvement security.**

A. Required. Any improvement agreement, contract or act required or authorized by the Subdivision Map Act, for which security is required, shall be secured in the manner provided for in Section 66499 of the Subdivision Map Act.

B. Amount. The subdivider shall file with the improvement agreement an improvement security in the amount and for the following purposes:

1. An amount equal to one hundred percent of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the act or agreement;

2. An amount equal to one hundred percent of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, his subcontractors, and to persons furnishing labor, materials or equipment to them for

the improvement or the performance of the required act, or as otherwise provided in the subdivider's agreement;

3. An amount determined by the city council 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 furnished;

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

5. The improvement security shall also secure the faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed ten percent of the original estimated cost of the improvement.

C. Type. Improvement security as used in this section means one or more of the following:

1. A cash deposit made to the city;

2. A bond secured by one or more duly authorized corporate sureties;

3. An instrument of credit from a financial institution subject to state or federal regulations pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment for the purposes set forth in the instrument;

4. A lien upon the property to be divided, created by contract between the owner and the city, if the city finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map;

5. Any form of security, including security interests in real property, which is acceptable to the city.

Any written contract or security interest in real property entered into as security for performance shall be recorded with the county recorder. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment lien in an amount necessary to complete the agreed upon improvements. The recorded contract or security document shall be indexed in the Grantor Index to the names of all record owners of the real property as specified on the map in the Grantee Index to the city.

The city may at any time release all or any portion of the property subject to any lien or

security interest created by this subdivision or subordinate the lien or security interest to other liens or encumbrances if it determines that security for performance is sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the completion of agreed upon improvements.

D. Special Assessment Proceeding--Reduction. In the event the required subdivision improvements are financed and installed pursuant to special assessment proceedings, the subdivider may apply to the city council for a reduction in the amount of the improvement security required hereunder up to an amount corresponding to the amount of faithful performance and labor and material bonds required by the special assessment act being used. The city council may grant such reduction if it finds that such bonds have been in fact provided and that the obligations secured thereby are substantially equivalent to that required by this title.

E. Release. The improvement security required hereunder shall be released in the following manner:

1. Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work.

2. The city council may release a portion of the security in conjunction with the acceptance of the performance of the act or work as it progresses upon application therefore by the subdivider. In no event shall the city council authorize a release of the improvement security which would reduce such security to an amount below that required to guarantee the completion of the act or work and any other obligation imposed by this title, the Subdivision Map Act or the improvement agreement.

3. Security given to secure payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment, may, six months after the completion and acceptance of the act or work, be reduced to an amount equal to the amount of all claims therefore filed and of which notice has been given to the legislative body, plus an amount reasonably determined by the city council to be required to assure the performance of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.

4. No security given for the guaranty or warranty of work shall be released until the expiration of the period thereof.

F. Forfeiture. In the event that the subdivider fails to complete all improvement work agreed upon, or required in accordance with the provisions of this title, and the city must complete said work, the city shall call on the surety company for reimbursement, or shall appropriate funds for reimbursement from any cash deposits. If the amount of the surety bond or the cash deposit exceeds all costs and expenses incurred by said work, the city shall release the remainder of the bonds or of the cash deposit to the subdivider. If the

amount of the surety bond or of the cash deposit is less than the costs and expenses incurred by the city for the work, the subdivider shall be liable to the city for the difference. (Ord. 84-4 Div. B, Part 3 §5, 1984)

**17.40.190 Surety bonds.** The subdivider shall furnish the city a separate bond issued by a duly authorized corporate surety, or a cash deposit, in an amount equal to the estimated cost of the final survey and setting of monuments required herein. Upon payment to the engineer or the surveyor for setting the final monuments, the subdivider shall present to the city council evidence of such payment and receipt thereof signed by the engineer or the surveyor, together with a request that his bond be released, or that the cash deposit be returned. The bond shall be released, or said cash deposit shall be returned to the depositor, at the earliest possible date. (Ord. 84-4 Div. B, Part 3 §6, 1984)

**17.40.200 Fees.** Checking, recording and inspection fees in an amount or amounts set by resolution of the city council shall be submitted at the time of filing of the final map. (Ord. 84-4 Div. B, Part 3 §7, 1984)

**17.40.210 Dedication regulations for streets, alleys, drainage, public utility easements and other public easements.** Requirements. As a condition of approval of a map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets, alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements. Vertical and lateral access easements shall be dedicated or granted to the public unless otherwise specified in the local coastal program and in the approval of the tentative map. In addition, the subdivider shall improve or agree to improve all streets, alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements. (Ord. 84-4 Div. B, Part 3 §8, 1984)

**17.40.220 Drainage and sewer facilities--Fees.** Prior to filing of any final map or parcel map, the subdivider shall pay or cause to be paid any fees for defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas or sanitary sewer facilities for local sanitary sewer areas. (Ord. 84-4 Div. B, Part 3 §9, 1984)

**17.40.230 Supplemental improvements reimbursement agreements.**

A. Required. The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the public. However, the subdivider shall be reimbursed for the portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements pursuant to the provisions of the Subdivision Map Act.

B. Reimbursement Agreement--Funding Procedures. No charge, area of benefit or local benefit district shall be established unless and until a hearing is held thereon by the city council and the city council finds that the fee or charge and the area of benefit or local benefit district is reasonably related to the cost of such supplemental improvements and the actual ultimate beneficiaries thereof.

In addition to a hearing notice, written notice of the hearing shall be given to the subdivider and to those who own property within the proposed area of benefit as shown on the latest equalized assessment roll, and the potential users of the supplemental improvements insofar as they can be ascertained at the time. Such notices shall be mailed by the city clerk at least ten days prior to the date established for hearing.

C. Drainage, Sewerage, Bridges and Major Thoroughfares. If the city has adopted a local drainage or sanitary sewer plan or map as required for the imposition of fees therefore, or has established an area of benefit for bridges or major thoroughfares as provided in this title, the city may impose a reasonable charge on property within the area benefited and may provide for the collection of said charge as set forth in this title. The city may enter into reimbursement agreements with a subdivider who constructs said facilities, bridges or thoroughfares and the charges collected by the city therefore may be utilized to reimburse the subdivider as set forth herein. (Ord. 84-4 Div. B, Part 3 §10, 1984)

#### **17.40.240 Reversion to acreage.**

A. Reversions to Acreage by Final Map. Subdivided property may be reverted to acreage pursuant to provisions of this section.

B. Initiation of Proceedings by Owners. Proceedings to revert subdivided property to acreage may be initiated by petition of all the owners of record of the property. The petition shall be in a form prescribed by the planning director. The petition shall contain the information required by subsection D of this section and such other information as required by the planning director.

C. Initiation of Proceedings by City Council. The city council at the request of any person or on its own motion 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.

D. Data for Reversion to Acreage. Petitioners shall file the following:

1. Evidence of title to the real property;
2. Evidence of the consent of all of the owners of an interest(s) in the property; or

3. Evidence that none of the improvements required to be made have been made within two 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; or

4. Evidence that no lots shown on the final or parcel map have been sold within five years from the date such final or parcel map was filed for record;

5. A tentative map;

6. A final map which delineates dedications which will not be vacated and dedications required as a condition to reversion.

E. Fees. A filing fee, in an amount set by resolution of the city council, shall be submitted with a petition to revert property to acreage.

F. Proceedings Before the City Council. A public hearing shall be held before the city council on all petitions for initiations for reversions to acreage. Notice of the public hearing shall be given as provided in Section 66451.3 of the Government Code. The city council may give such other notice as deemed necessary or advisable.

The city council may approve a reversion to acreage only if it finds and records in writing that:

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

2. Either:

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

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

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

3. The city council may require as conditions of the reversion:

a. The owners dedicate or offer to dedicate streets 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 provisions of this title.

G. Return of Fees--Deposits--Release of Securities. Except as provided in subsection F of this section, upon filing of the final map for reversion of acreage with the county recorder, all fees and deposits shall be returned to the subdivider and all improvement securities shall be released by the city council.

H. Delivery of Final Map. After the hearing before the city council and approval of the reversion, the final map shall be delivered to the county recorder.

I. Effect of Filing Reversion Map with the County Recorder. Reversion shall be effective upon the final map being filed for record by the county recorder. Upon filing, all dedications and offers of dedication not shown on the final map for reversion shall be of no further force and effect. (Ord. 84-4 Div. B, Part 3 §11, 1984)

## **Chapter 17.44**

### **ENVIRONMENTAL IMPACT AND GRADING AND EROSION CONTROL**

#### **Sections:**

**17.44.010 Environmental impact.**

**17.44.020 Grading and erosion control.**

**17.44.010 Environmental impact.** No parcel or tentative map filed pursuant to the provisions of this title shall be approved until an environmental impact analysis is prepared, processed and considered in accordance with the provisions of the California Environmental Quality Act. The subdivider shall provide such additional data and information and deposit and pay such fees as may be required for the preparation and processing of environmental review documents. (Ord. 84-4 Div. B, Part 3 §12(1), 1984)

**17.44.020 Grading and erosion control.** Every map approved pursuant to this title shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property. (Ord. 84-4 Div. B, Part 3 §12(2), 1984)

## Chapter 17.48

### MINOR SUBDIVISIONS

#### Sections:

**17.48.010 Scope and intent.**

**17.48.020 Purpose.**

**17.48.030 Filing.**

**17.48.040 Requirement for an EIR.**

**17.48.050 Fees.**

**17.48.060 Action on minor subdivision map.**

**17.48.010 Scope and intent.** Minor subdivisions are designed and intended for the purpose of facilitating the processing of divisions of real property in which four or fewer lots are proposed to be created. All applicable provisions of the State Map Act and of this title relative to the subdivision of land shall apply to minor subdivisions with the following exception: minor subdivisions initiated by any public agency for purposes of street widening shall not be subject to the provisions of this title. (Ord. 84-4 Div. C, Part 1 (part), 1984)

**17.48.020 Purpose.** The minor subdivision map is intended to show the necessary basic information regarding the proposal in the most expeditious manner and form so as to provide the city council with the materials needed for complete review of the proposal and at the same time require only such outlay of resources by the proponent as is in proportion to the proposal. (Ord. 84-4 Div. C, Part 1 §1, 1984)

**17.48.030 Filing.**

A. The subdivider shall submit an original and ten copies of the minor subdivision map, drawn to scale and fully dimensioned, to the planning director, along with such application forms and additional materials as may be required by the city council. The map shall contain the following information:

1. Map number as supplied by the planning department;
2. Date, north point and scale;
3. Sufficient legal description of land to define boundaries or proposed division of land;
4. A key map indicating the location of the proposed division of land in relation to the surrounding area;

5. The name and address of the record owner, the subdivider and the civil engineer, licensed surveyor or other person under whose direction the map was prepared, including the registration number of the engineer or surveyor;

6. The approximate location and outline to scale of each building or structure on the property proposed for division. Buildings or structures on adjacent property shall also be shown if such buildings or structures affect the design of the proposed subdivision. Each building shown shall be identified by house number or other identifying feature, including a notation on each building or structure to be retained;

7. The approximate location of each area covered by trees, with a statement of the nature of the cover and the kind and approximate location of all trees standing within the boundaries of proposed public rights-of-way;

8. The location and width of all existing and proposed streets and highways within and adjacent to the proposed subdivision;

9. The width, purpose, and approximate location of all existing and proposed easements or rights-of-way, whether public or private, within and adjacent to the proposed subdivision;

10. The approximate lot layout and the approximate dimensions of each lot and of each building site;

11. Each street shown by its actual street name or by a temporary name or letter for purpose of identification until the proper name of such street is determined.

B. The following information may also be required when deemed appropriate by the planning director:

1. The existing topography of the land proposed to be divided using contour intervals of not more than five feet, and of not more than two feet where the grade of the land is less than five percent. Contours of adjacent land shall also be shown whenever the surface features of such land affect the design and/or improvement of the proposed division. The map shall contain a statement indicating the source of contours shown on the map;

2. The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each watercourse;

3. The location of all cut and fill slopes or a separate grading plan;

4. The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the map;

5. A geologic soils report prepared by a civil engineer who is registered by the state. If

the preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the person filing the tentative map shall submit a soils investigation of each lot in the subdivision, prepared by a civil engineer who is registered in the state, who shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil. The building official shall approve the soils investigation if it determines that the recommended action is likely to prevent structural damage to each dwelling to be constructed and shall require that the approved recommended action be incorporated in the construction of each dwelling as a condition to the building permit.

If the building inspector finds that a written geological report is necessary to determine whether the property to be divided is subject to an existing or potential geological hazard, the person filing the map shall submit such a report. The report shall be prepared by a registered engineering geologist.

The city council may waive any of the foregoing requirements whenever it finds that the type of subdivision is such that compliance is unnecessary or that other circumstances justify the waiver. The city council may require such drawings, data or other information as are deemed necessary. (Ord. 84-4 Div. C, Part 1 §2, 1984)

**17.48.040 Requirement for an EIR.** When determined necessary by the planning director, a draft environmental impact report (EIR) shall be completed consistent with the city environmental resolution and filed with the minor subdivision map. (Ord. 84-4 Div. C, Part 1 §3, 1984)

**17.48.050 Fees.** The subdivider shall pay a filing and processing fee, in an amount set by resolution of the city council, at the time of submitting the minor subdivision map. (Ord. 84-4 Div. C, Part 1 §4, 1984)

**17.48.060 Action on minor subdivision map.**

A. Planning Director Action. Upon receipt of an application for a minor subdivision, the planning director shall transmit copies of the map to each of the members of the city council and to the city attorney; and shall cause notice of the proposed division to be made in accordance with the requirements of this title.

B. City Council Action. Within twenty-one working days of filing the map, the city administrator shall call a study session meeting of the city council before a regularly scheduled city council meeting. The council shall approve, conditionally approve, or deny said map and certify the EIR (if required); and within five days of such action, the city administrator shall notify the subdivider, in writing, of the action taken by the committee. If the map is disapproved, the city administrator shall notify the subdivider, in writing, of the reasons for such action and of his right to appeal such action, as

provided in this title.

1. The city council shall have the authority to impose such conditions as are necessary to assure compliance with the provisions of this title and with the policies of the city, as well as those it deems necessary to protect the best interests of the surrounding property or neighborhood. The council may waive any requirements relating to improvements and design that it shall deem reasonable.
2. The city council shall determine whether the property enforcement of this title requires that the minor subdivision be processed as a standard subdivision. The council shall have the authority to require conformance to standard subdivision procedures when the subdivider has interests in lands adjacent to that being subdivided.
3. As a condition of final approval of the minor subdivision, the subdivider shall make all necessary assessment segregations. (Ord. 84-4 Div. C, Part 1 §5, 1984)

## **Chapter 17.52**

### **PARCEL MAPS**

#### **Sections:**

#### **17.52.010 Filing.**

#### **17.52.020 Waiver of requirements.**

#### **17.52.030 Dedications.**

#### **17.52.040 Procedures.**

#### **17.52.050 Recordation.**

**17.52.010 Filing.** Within one year of the approval or conditional approval of the minor subdivision, the subdivider shall cause a parcel map of the proposed division to be prepared by a registered civil engineer, filed with the city administrator, and recorded by the county recorder. Such maps shall meet all the requirements of the Subdivision Map Act and of this title and shall show all dedications or offers of dedication thereon. The subdivider may request an extension of time on the expiration date of the approval or conditional approval of the minor subdivision by written application filed with the city administrator. The city council shall approve, conditionally approve, or deny the request for extension of time. The approved extension of time shall not exceed one year. Failure to record a parcel map within the time period, or any extension thereof which has been granted, shall terminate all proceedings; and any action taken with respect to the proposed division shall be null and void. (Ord. 84-4 Div. C, Part 2 §1, 1984)

**17.52.020 Waiver of requirements.** The city council may waive the requirement for a parcel map for the following:

- A. Whenever the proposed division of land meets all city requirements as to:
1. Lot area,
  2. Improvement and design,
  3. Appropriate improved public roads,
  4. Sanitary disposal facilities,
  5. Water supply availability,
  6. Environmental protection,
  7. All other requirements of the Subdivision Map Act and any applicable provisions of this title;
- B. The division of real property, or interests therein, is created by probate, eminent domain procedures, partition, or other civil judgments or decrees;
- C. The division of property results from the conveyance of land, or interests therein, to a public agency for a public purpose, such as school sites, public building sites, or rights-of-way for streets, sewers, utilities, drainage, etc.;
- D. The division is only for lot line adjustments, provided:
1. No additional parcels or building sites have been created,
  2. The adjustment does not create the potential to further divide either of the two parcels into more parcels than would have been otherwise possible.

Where the city council waives the requirement for a parcel map, the city engineer shall cause a "Certificate of Compliance" to be filed for record with the county recorder certifying that the proposed division complies with all provisions of this title and the Subdivision Map Act. (Ord. 84-4 Div. C, Part 2 §2, 1984)

**17.52.030 Dedications.** In any case where a dedication of land for street widening or other public purpose is required as a condition of approval of a minor subdivision, the dedication shall be made by certificate on the parcel map or the subdivider shall cause a separate legal description and quitclaim deed, grant deed, grant of easement or other legal instrument satisfactory to the city attorney to be prepared. Such documents shall be submitted to the city engineer with the parcel map and forwarded to the city clerk for action by the city council prior to the recordation of the parcel map. (Ord. 84-4 Div. C,

Part 2 §3, 1984)

**17.52.040 Procedures.**

A. The parcel map shall be submitted to the city engineer in a reproducible form on linen or polyester film along with a reproducible sepia and one opaque copy made therefrom; the parcel map shall further conform with the provisions of the State Map Act as to size, form and content.

B. A recording fee in an amount established by the county recorder shall accompany the submission of the parcel map.

C. One copy of the parcel map shall be forwarded to the planning director for checking as to conformity with the approved or conditionally approved minor subdivision map of the proposed division. (Ord. 84-4 Div. C, Part 2 §4, 1984)

**17.52.050 Recordation.** Upon determination that the parcel map is technically correct and upon receiving from the planning director a statement that the parcel map conforms in all respects with the minor subdivision map as approved or conditionally approved, the city engineer shall forward the parcel map, along with the recording fee, to the city clerk. The city clerk shall then cause the parcel map to be recorded with the county recorder. (Ord. 84-4 Div. C, Part 2 §5, 1984)

## **Chapter 17.54**

### **PROCEDURE FOR VOLUNTARY MERGER OF PARCELS**

**Sections:**

**17.54.010 Procedure for Voluntary Merger of Parcels**

**17.54.010 Procedure for Voluntary Merger of Parcels.** Any contiguous parcels under common ownership may be merged voluntarily without reversion to acreage by presentation of an instrument in a form acceptable to the Community Development Director and suitable for recordation to the Community Development Department, and by payment of such fees as are necessary to pay for recordation of the document with the County Recorder's Office. Upon receipt of the fees and the recordable instrument, the Community Development Department staff shall be responsible for recordation of the instrument with the County Recorder. (Ord. 99-07 §1, 1999)

## **Chapter 17.56**

### **EXCEPTIONS**

#### **Sections:**

#### **17.56.010 Optional design and improvement provisions.**

**17.56.010 Optional design and improvement provisions.** Where a subdivider, by written affirmation, signifies his intent to enhance the livability, appearance, health, safety, convenience or general welfare of his proposed subdivision by using new concepts in the arrangement, size or shape of lots, internal and external circulation facilities and patterns to serve the lots and the adjacent neighborhood, the standard design and improvement regulations may be modified by the city council upon making the finding and determination that the development as proposed will provide:

- A. Variety in the physical development patterns of the city;
- B. Maximum amounts of usable open space within the development;
- C. Standards equivalent to the land use and density requirements for the district in which located;
- D. Increased privacy and livability within residential properties and neighborhoods;
- E. A system of streets and ways which are suitable and adequate to serve the uses proposed;
- F. A development which is in harmony with the goals and policies of the general plan and local coastal program and which can be coordinated with the existing development of surrounding areas and any specific plans for the area. (Ord. 84-4 Div. A, Part 5 §1, 1984)

## **Chapter 17.60**

### **VARIANCES**

#### **Sections:**

#### **17.60.010 Variances based on hardship.**

#### **17.60.010 Variances based on hard- ship.**

A. There may be certain parcels of land of such dimensions, or which are subject to such title restrictions, or are so affected by physical conditions or devoted to such uses, or planned developments that it is impossible or in some cases undesirable for the subdivider to conform to all of the requirements of this title and related regulations when subdividing property.

B. The city council may grant deviations from the foregoing requirements when all the following conditions are found to apply:

1. That any deviation granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity;

2. That because of special circumstances applicable to the subject property, including size, shape, topography, location, surroundings or unusual title limitations of record, or applicable to particular densities or features of a planned community, the strict literal application of this title is found to be unreasonable or undesirable;

3. That under the circumstances of this particular case the deviation, rather than the sections at issue in this title, actually carries out the spirit and intent of this title and the goals and policies of the general plan for the city;

4. That adequate guarantees shall be provided to insure that any conditions imposed as a part of any approved deviation shall be carried out as specified.

Provided, however, that no such deviation may be granted by the city council if such is in conflict with the local coastal program, zoning ordinance, building, fire or other such codes or ordinances unless and until such variances or exceptions as are provided for therein have been approved under the procedures established by such code or ordinances. (Ord. 84-4 Div. A, Part 5 §2, 1984)

## **Chapter 17.64**

### **SCHOOL FACILITY DEDICATIONS**

#### **ARTICLE I.**

#### **GENERAL PROVISIONS**

##### **Sections:**

**17.64.010 Title and purpose.**

**17.64.020 Authority and conflict.**

**17.64.030 General plan.**

**17.64.040 Regulations established by resolution.**

**17.64.050 Definitions.**

**17.64.010 Title and purpose.** This chapter shall be known as the "school facilities dedication ordinance of the city." The purpose of this chapter is to provide a method for financing interim school facilities necessitated by new residential developments causing conditions of overcrowding. (Ord. 78-92 Ch. 1 §1, 1978)

**17.64.020 Authority and conflict.** This chapter is enacted pursuant to Chapter 4.7 (Gov. Code Section 65970 ff.) and constitutes the ordinance referred to in Sections 65972 and 65974 of Chapter 4.7. In the case of any conflict between the provisions of this chapter and those of Chapter 4.7, the latter shall prevail. (Ord. 78-92 Ch. 1 §2, 1978)

**17.64.030 General plan.** The city's general plan provides for the location of public schools. Interim school facilities to be constructed from fees or land required to be dedicated, or both, shall be consistent with the general plan. (Ord. 78-92 Ch. 1 §3, 1978)

**17.64.040 Regulations established by resolution.** The council may from time to time, by resolutions, issue regulations to establish administration, procedures, interpretation and policy direction for this chapter. (Ord. 78-92 Ch. 1 §4, 1978)

**17.64.050 Definitions.** Unless otherwise specifically provided, or required by the context, the following terms have the meanings set forth in this section for the purposes of this chapter.

A. "Chapter 4.7" means Chapter 4.7, commencing with Section 69570 of Division 1 of Title 7 of the Government Code as added by Chapter 955 of the Statutes of 1977, and any subsequent amendments thereto.

B. "Conditions of overcrowding" means that the total enrollment of a school, including enrollment from proposed development, exceeds the capacity of such school as determined by the governing body of the district.

C. "Dwelling unit" means a building or a portion thereof, or a mobile home, designed for residential occupancy by one person or a group of two or more persons living together as a domestic unit.

D. "Other methods for mitigating conditions of overcrowding" may include, but are not limited to the following:

1. The use of available annual revenue limit and bond revenue;
2. The use of funds which could be available from the sale of surplus school district real

property and funds available from any other sources.

E. "Reasonable methods for mitigating conditions of overcrowding" includes, but are not limited to, agreements between a subdivider and the affected school district whereby temporary-use buildings will be leased to the school district or temporary-use buildings owned by the school district will be used.

F. "Residential development" means a project containing residential dwellings, including mobile homes, of one or more units or a subdivision of land for the purpose of constructing one or more residential dwelling units. Residential development includes, but is not limited to, a preliminary or final development plan, a subdivision tentative of final map, a parcel map, conditional use permit, a building permit, and any other discretionary permit for new residential use. (Ord. 78-92 Ch. 2 §§1--7, 1978)

## **ARTICLE II.**

### **OVERCROWDED ATTENDANCE AREAS**

#### **Sections:**

**17.64.060 Findings and notice.**

**17.64.070 Notice of findings requirements.**

**17.64.080 City concurrence.**

**17.64.090 Findings for development approval.**

**17.64.100 School district schedule.**

**17.64.060 Findings and notice.**

A. Pursuant to Chapter 4.7 the governing body of a school district may make findings supported by clear and convincing evidence that:

1. Conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of educational programs including the reason for such conditions existing;

2. All reasonable methods of mitigating conditions of overcrowding have been evaluated;

3. No feasible method for reducing such conditions exist.

B. Upon making these findings, the school district must provide the city/county with notice of its findings.

(Ord. 78-92 Ch. 3 §1, 1978)

**17.64.070 Notice of findings requirements.** Any notice of findings sent by a school

district to the city shall specify:

- A. The findings listed in Section 17.64.060;
- B. The mitigation measures and methods, including those defined in Section 17.64.050 D and E considered by the school district and any determination made concerning them by the district;
- C. A description of the geographic boundaries of the overcrowded attendance area or areas;
- D. Such other information as may be required by board/council regulation. (Ord. 78-92 Ch. 3 §2, 1978)

**17.64.080 City concurrence.** After the receipt of any notice of findings complying with the requirement of Section 17.64.070 the council shall determine whether it concurs in such school district findings. If it concurs with such school district findings, it shall do so by resolution. (Ord. 78-92 Ch. 3 §3, 1978)

**17.64.090 Findings for development approval.** Within an attendance area where the council has concurred in a school district's notice of findings that conditions of overcrowding exist, no decision making body shall approve an ordinance rezoning property to a residential use, grant a discretionary permit for residential use, or approve a tentative subdivision map for residential purposes, within such area, unless the city council makes one of the following findings:

- A. That the ordinance codified in this chapter is an ordinance adopted pursuant to Section 65974 of Chapter 4.7;
- B. That there are specific overriding fiscal, economic, social or environmental factors which in the judgment of the city council would benefit the city thereby justifying the approval of a residential development otherwise subject to the interim school facilities dedication provisions of the chapter. (Ord. 78-92 Ch. 3 §4, 1978)

**17.64.100 School district schedule.** Following the concurrence and decision by the city to require the dedication of land or the payment of fees, or both, for an attendance area, the governing body of the involved school district shall submit a schedule specifying how it will use the land or fees, or both, to solve the conditions of overcrowding. The schedule shall include the school sites to be used, the classroom facilities to be made available, and the times when such facilities cannot meet the schedule, it shall submit modifications to the city council and the reasons for the modification. (Ord. 78-92 Ch. 3 §5, 1978)

## **ARTICLE III.**

### **RESIDENTIAL DEVELOPMENT REQUIREMENTS**

#### **Sections:**

**17.64.110 Proposed residential development--Dedication and/or fees.**

**17.64.120 Subdivision fee limit.**

**17.64.130 Exemptions.**

**17.64.110 Proposed residential development--Dedication and/or fees.** In an attendance area where the council has concurred as provided in Section 17.64.080 the owner of a proposed residential development as a condition of approval or the obtaining of a building permit shall dedicate land, pay fees in lieu thereof, or do a combination of both, for classroom and related facilities for elementary and/or high schools including all mandated education programs. (Ord. 78-92 Ch. 4 §1, 1978)

**17.64.120 Subdivision fee limit.** The payment of a fee is required for the approval of a subdivision map containing only fifty parcels or less. (Ord. 78-92 Ch. 4 §2, 1978)

**17.64.130 Exemptions.** Residential developments shall be exempt from the requirements of this chapter when they consist only of the following:

A. Any modification or remodel of an existing legally established dwelling unit that does not create an additional dwelling unit;

B. A condominium project converting an existing apartment building into a condominium where no new dwelling units are added;

C. Any rebuilding of a legally established dwelling unit destroyed or damaged by fire, explosion, act of God or other accident or catastrophe;

D. Any rebuilding of an historical building recognized, acknowledged and designated as such by the city council. (Ord. 78-92 Ch. 4 §3, 1978)

## **ARTICLE IV.**

### **DEDICATED LANDS AND FEES**

#### **Sections:**

**17.64.140 General standard.**

**17.64.150 Amount of land--Monetary value.**

**17.64.160 Fees.**

**17.64.140 General standard.** The location and amount of land to be dedicated or the amount of fees to be paid, or both, shall bear a reasonable relationship and will be limited to the needs of the community for interim elementary and/or high school facilities including all mandated educational programs and shall be reasonably related and limited to the need for schools caused by the development. (Ord. 78-92 Ch. 5 §1, 1978)

**17.64.150 Amount of land--Monetary value.** The total land area required by this chapter to be dedicated shall be at least equal in monetary value to the fees which would otherwise be required by Section 17.64.160. The planning agency shall determine and establish the monetary value of the land area for the purposes of this chapter. (Ord. 78-92 Ch. 5 §2, 1978)

**17.64.160 Fees.** When fees required by this chapter to be paid in lieu of land dedication or as a combination of both, such fee shall be, and paid, as follows:

A. Three hundred dollars per bedroom in excess of one bedroom per dwelling unit not exceeding nine hundred dollars. Any room designed for sleeping which has a closet is a bedroom for the purposes of this chapter.

B. Three hundred dollars for each dwelling unit space or lot in a mobile home park. (Ord. 78-92 Ch. 5 §3, 1978)

**ARTICLE V.**

**APPLICATIONS--FEES--  
REFUNDS**

**Sections:**

**17.64.170 Application filing.**

**17.64.180 Dedication decision factors.**

**17.64.190 Manner of land dedication.**

**17.64.200 Fee payment.**

**17.64.210 Land and fees to be held in trust.**

**17.64.220 City refunds.**

**17.64.170 Application filing.** At the time of filing an application for the issuance of a building permit or for the approval of a proposed residential development (rezoning, tentative subdivision map or discretionary permit) located in an attendance area where the

council has concurred as provided in Section 17.64.080, the applicant shall, as part of such filing, indicate whether he prefers to dedicate land for interim school facilities or to pay a fee in lieu thereof, or do a combination of these. If the applicant prefers to dedicate land, he shall suggest the specific land. (Ord. 78-92 Ch. 6 §1, 1978)

**17.64.180 Dedication decision factors.** At the time of initial residential development or building permit approval, the city council shall determine whether to require a dedication of land within the development, payment of a fee in lieu thereof, or a combination of both. In making this determination, the council shall consider the following factors:

- A. Whether lands offered for dedication will be consistent with the general plan;
- B. The topography, soils, soil stability, drainage, access, location, and general utility of land in the development available for dedication;
- C. Whether the location and amount of lands proposed to be dedicated or the amount of fees to be paid, or both, will bear a reasonable relationship and will be limited to the needs of the community for interim elementary and/or high school facilities including all mandated educational programs and will be reasonably related and limited to the need for schools caused by the development;
- D. Any recommendations made by affected school districts concerning the location and amount of lands to be dedicated;
- E. If only a subdivision is proposed, whether it will contain fifty parcels or less. (Ord. 78-92 Ch. 6 §2, 1978)

**17.64.190 Manner of land dedication.** When land is to be dedicated, it shall be offered for dedication in substantially the same manner as prescribed in the city subdivision ordinance for streets and public easements. (Ord. 78-92 Ch. 6 §3, 1978)

**17.64.200 Fee payment.** If the payment of a fee is required, such payment shall be made at the time the building permit is approved and issued. (Ord. 78-92 Ch. 6 §4, 1978)

**17.64.210 Land and fees to be held in trust.** Land and fees shall be held in trust by the city until transferred to the school district operating schools in the attendance area from which the land or fees were collected. (Ord. 78-92 Ch. 6 §5, 1978)

**17.64.220 City refunds.**

- A. If a final subdivision map, a parcel map, conditional use permit, development plan or building permit is vacated or voided and if the city still retains the land and/or fees collected for it, and if the applicant so requests, the council shall order returned to him

such land and/or fees.

B. If a final subdivision map, a parcel map, conditional use permit, development plan, or building permit is canceled or voided, and if the affected school district still retains the land and/or fees transferred to it by the city and if the applicant so requests, the school district shall return to him such land and/or fees. (Ord. 78-92 Ch. 6 §6, 1978)

#### **ARTICLE VI.**

### **LAND USE--FEE DISTRIBUTION-- RECORDS AND REPORTS**

#### **Sections:**

**17.64.230 Purpose of land and fees collected.**

**17.64.240 Agreement for fee distribution.**

**17.64.250 Separate account to be maintained--Records and reports.**

**17.64.260 Termination of dedication requirements.**

**17.64.230 Purpose of land and fees collected.** All land or fees, or both, collected pursuant to this chapter and transferred to a school district shall be used only for the purpose of providing interim elementary or high school classroom and related facilities including all mandated educational programs. (Ord. 78-92 Ch. 7 §1, 1978)

**17.64.240 Agreement for fee distribution.** Where two or more separate school districts operate schools in an attendance area where the council concurs that overcrowding conditions exist for both school districts, the council will enter into an agreement with the governing body of each school district for the purpose of determining the distribution of revenue from the fees levied pursuant to this chapter. (Ord. 78-92 Ch. 7 §2, 1978)

**17.64.250 Separate account to be maintained--Records and reports.** Any school district receiving funds or land pursuant to this chapter shall maintain a separate account for any fees paid and disposition of land received and shall file a report with the board/council on the balance in the account at the end of the previous fiscal year and the facilities leased, purchased or constructed during the previous fiscal year. In addition, the report shall specify which attendance areas will continue to be overcrowded when the fall term begins and where conditions of overcrowding will no longer exist. Such report shall be filed by August 1st of each year and shall be filed more frequently at the request of the council. (Ord. 78-92 Ch. 7 §3, 1978)

**17.64.260 Termination of dedication requirements.** When it is determined that overcrowding conditions no longer exist in an attendance area, the city shall cease levying any fee or requiring the dedication of any land pursuant to this chapter for the area. (Ord. 78-92 Ch. 7 §4, 1978)

## **Chapter 17.68**

### **PARK DEDICATIONS**

#### **Sections:**

- 17.68.010**    **Generally.**
- 17.68.020**    **Requirements.**
- 17.68.030**    **Dedication and fee schedule.**

**17.68.010**    **Generally.** This chapter is enacted pursuant to the authority granted by Article 3 of Chapter 4, Gov. Code 66475 et seq. of the Map Act. The park and recreational facilities, for which dedication of land and/or payment of a fee is required by this title, are in accordance with the open space element of the general plan, adopted by the city on July 15, 1980, and amended on January 17, 1984, and the local coastal land use plan, certified December, 1982. (Ord. 84-5 §1, 1984)

**17.68.020**    **Requirements.** As a condition of approval of a final subdivision map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city, for park or recreational purposes, at the time and according to the standards and formula contained in this section. The land, fees, or combinations thereof, are to be used only for the purpose of providing park or recreational facilities to serve the subdivision. Usable open space shall be composed of land that offers natural advantages for the type of facilities proposed to serve the area. Except in the case of condominium conversions, which shall be exempt from, dedication requirements, the subdivider shall provide one of the following:

- A.    Dedication or grant of easement of all lands to be provided for usable open space;
- B.    The dedication of any portion of proposed usable open space lying within the boundaries of the subdivision, plus a fee to fulfill the requirements of this section as herein described;
- C.    A fee in lieu of such dedication shall be required, when no portion of the proposed usable open space is planned to be located within the limits of the subdivision;
- D.    Only the payment of a fee may be required in the case of a subdivision of fifty or fewer parcels;
- E.    The reservation of permanently maintained private open spaces which meet the requirements of this section. (Ord. 84-5 §2, 1984)

### **17.68.030 Dedication and fee schedule.**

A. The subdivider shall dedicate usable open space, grant an easement, or pay a fee in lieu of such dedication or grant of easement, as specified by the city in conformance with an adopted fee schedule ordinance.

B. The fee schedule and dedication/ easement requirements shall be based upon the following:

1. Minimum standard of at least one hundred thirty square feet of park land per person;
2. Habitat areas are not considered as park land dedications;
3. Sandy beach dedication/easement available to the general public account for no more than seventy-five percent of park land dedication requirement;
4. In-lieu fees to be based on current fair market value of land and development costs in areas where park facilities are planned. The land, fees or combinations thereof are to be used only for the purpose of providing park and recreational facilities which will serve residents of the development and the local community, except for private park dedication for project residents.

C. Park dedication fees shall be applied as follows:

1. A minimum dedication of one hundred thirty square feet of land per person in the subdivision and/or an in-lieu fee consistent with subsection B4 of this section;
2. The land, fees, or combination thereof are to be used only for the purpose of developing new or rehabilitating existing park or recreational facilities to serve the subdivision and the local community;
3. The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision;
4. The land or fees conveyed or paid to the city shall be scheduled specifying how, when and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision. Any fees collected under this chapter shall be committed within five years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision;

5. Only the payment of fees may be required in subdivisions containing fifty parcels or less;

6. Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this chapter; provided, however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit;

7. If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by this chapter;

8. Land or fees required under this section shall be conveyed or paid directly to the city, which provides park and recreational services on a community-wide level and to the area within which the proposed development will be located, if such agency elects to accept the land or fee. The local agency accepting such land or funds shall develop the land or use the funds in the manner provided in this chapter;

9. In the event park and recreational services and facilities are provided by a public agency other than the city, the amount and location of land to be dedicated or fees to be paid shall, subject to this chapter, be jointly determined by the city having jurisdiction and such public agency;

10. The provisions of this chapter do not apply to commercial or industrial subdivisions; nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added;

11. Planned developments and real estate developments, as defined in Sections 11003 and 11003.1, respectively, of the Business and Professions Code, shall be eligible to receive a credit, as determined by the city, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to the ordinance codified in this chapter, for the value of private open space within the development which is usable for active recreational uses. (Ord. 84-5 §3, 1984)

## **Chapter 17.72**

### **APPEALS**

#### **Sections:**

### **17.72.010 Appeals.**

**17.72.010 Appeals.** Any order, requirement, decision, determination or ruling made by an agency in the administration or enforcement of this title may be appealed therefrom to the city council by any person considered to be aggrieved by such action in accordance with Section 66452.5 of the Subdivision Map Act. Such an appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency whose decision is appealed shall certify that a stay would, in the opinion of the agency, cause imminent peril to life or property. (Ord. 84-4 Div. A Part 5 §5, 1984)

## **Chapter 17.76**

### **ENFORCEMENT**

#### **Sections:**

#### **17.76.010 Compliance.**

#### **17.76.020 Voidability.**

#### **17.76.030 Penalty.**

**17.76.010 Compliance.** No building, electrical, plumbing, sewer or other permit shall be issued for the construction, reconstruction, alteration, or modification of any building or structure situated on any lot which was subdivided or conveyed contrary to the provisions of this title or of the Map Act; and any such permit issued prior to any subdivision or conveyance shall be automatically revoked thereby. (Ord. 84-4 Div. D, Part 1 §1, 1984)

**17.76.020 Voidability.** Any deed of conveyance, sale or contract to sell made contrary to the provisions of this title is voidable at the sole option of the grantee, buyer or person contractive to purchase, his heirs, personal representative, or trustee insolvency or bankruptcy within one year after the date of execution of the deed of conveyance, sale or contract to sell; however, the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase (other than those above enumerated), and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee. (Ord. 84-4 Div. D, Part 1 §2, 1984)

**17.76.030 Penalty.** Any offer to finance, lease, sell or contract all or any financing of a division of land, lease of sale contrary to the provisions of this title shall be an infraction, and any person, firm, corporation, partnership or co-partnership, upon conviction thereof, shall be punishable by a fine, as provided by the Government Code. Except that nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which the city or other political subdivision or agency may otherwise be entitled; and the city or any other political subdivision of agency may file an action in the Superior Court of the state, in and for the county to restrain or enjoin any attempted or proposed subdivision or sale in violation of this title. (Ord. 84-4 Div. D, Part 1 §3, 1984)