

# CHAPTER 8. SUBDIVISION REGULATIONS

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## 8.10 General Provisions

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### Sections:

- 8.10.010 - Title
- 8.10.020 - Purpose
- 8.10.030 - Adoption Authority – Conformance with other regulations
- 8.10.040 - Interpretation and application
- 8.10.050 - Conflict with public provisions
- 8.10.060 - Conflict with private provisions
- 8.10.070 - Actions by persons with interest
- 8.10.080 - Severability

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### 8.10.010 Title

This Chapter shall be known and cited as the “Grover Beach Subdivision Ordinance.”

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### 8.10.020 Purpose

The regulations codified in this Title are adopted for the following purposes:

- A.** To protect and provide for the public health, safety and general welfare;
- B.** To guide the development of the City in accordance with the general plan and specific plans;
- C.** To ensure that real property which is to be divided can be used without danger to inhabitants or property due to fire, flood, soil instability, noise or other hazard;
- D.** To ensure that proper provision will be made for traffic circulation, public utilities, facilities, and other improvements within the subdivided land and within the City as a whole;
- E.** To protect and enhance the value of land and improvements and to minimize conflicts among the uses of land and buildings;
- F.** To protect potential buyers and inhabitants by establishing standards of design, and by establishing procedures which ensure proper legal description and monumenting of subdivided land;
- G.** To protect the natural resources of the community, including topographic and geologic features, solar exposure, water courses, wildlife habitats and scenic vistas, and to increase reasonable public access to such resources;
- H.** To enable innovations in subdivision procedures which facilitate development that will best reflect the capability of the land to support a desirable living environment.

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### 8.10.030 Adoption authority – Conformance with other regulations

- A.** These regulations are adopted pursuant to the Subdivision Map Act, as a "local

ordinance" as that term is used in that act, and to supplement the provisions of that act. All provisions of the Subdivision Map Act and future amendments thereto not incorporated in these regulations shall apply to all subdivisions, subdivision maps and proceedings under these regulations.

- B. Nothing in this section shall be read to limit the rights of the City to enact additional provisions concerning the division of land as are deemed necessary to protect the public health, safety and general welfare.
- C. Approval or conditional approval of a subdivision map shall not excuse compliance with other applicable provisions of this code or other applicable ordinances, rules, regulations and policies adopted by the City.

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#### 8.10.040 Interpretation and application

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

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#### 8.10.050 Conflict with public provisions

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

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#### 8.10.060 Conflict with private provisions

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easements, covenants, or any other private agreement or restriction, the requirements of these regulations shall govern. When the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations or the determinations of the advisory agency or council in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

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#### 8.10.070 Actions by persons with interest

When any provisions of the Subdivision Map Act or of these regulations require the execution of any certificate or affidavit or the performance of any act of a person in his official capacity who is also a subdivider or an agent or employee thereof, such certificate

or affidavit shall be executed or such act shall be performed by some other person duly qualified therefore and designated so to act by the Council.

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#### 8.10.080 Severability

If any part or provisions of these regulations or application thereof to any person or circumstances are adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The council declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

## 8.20 General Requirements

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### Sections:

- 8.20.010 - Tract maps
- 8.20.020 - Parcel Maps
- 8.20.030 - Exclusions and exceptions
- 8.20.040 - Lot line adjustment
- 8.20.050 - Correcting or amending maps
- 8.20.060 - Lot merger
- 8.20.070 - Expansion of condominium projects

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### 8.20.010 Tract maps

Except as provided in Section 8.20.030, the division of real property into five or more parcels or creation of five or more condominiums or a stock cooperative or community apartment project having five or more parcels or units requires the filing, approval and recording of tentative and final tract maps as provided in these regulations and the Subdivision Map Act.

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### 8.20.020 Parcel maps

Except as provided in Section 8.20.030, the division of real property into four or fewer parcels, or creation of four or fewer condominiums or a stock cooperative or community apartment project having four or fewer parcels or units requires the filing, approval and recording of tentative and final parcel maps as provided in these regulations and the Subdivision Map Act.

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### 8.20.030 Exclusions and exceptions

- A.** No maps shall be required for divisions of property which are excepted from the definition of subdivision within the Subdivision Map Act.
- B.** Parcel maps, but not tentative and final tract maps, shall be required for those land divisions enumerated under Section 66426 of the Subdivision Map Act.
- C.** No maps shall be required for:
  - 1. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks;
  - 2. Mineral, oil or gas leases;
  - 3. Land dedicated for cemetery purposes under the Health and Safety Code of the State;
  - 4. Boundary line or exchange agreements to which the State Land Commission or a



local agency holding a trust grant of tide and submerged lands is a party;

5. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code;
  6. The financing or leasing of any parcel of land, or portion of parcel, in conjunction with the construction of commercial or industrial buildings on a single parcel, when the project is subject to a development permit approval pursuant to this Development Code;
  7. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- D.** Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for the purpose of determining the number of parcels within a subdivision.
- E.** In spite of the requirements in Section 8.20.020, the Council may waive the requirement for a parcel map. To waive the parcel map requirement, the Council must find that the proposed land division complies with all standards established by the City for design and improvements, utilities and environmental protection. (See Section 8.100, Subdivision Exceptions).
- F.** Parcel maps shall not be required for those conveyances involving government agencies or public utilities, as provided in the Subdivision Map Act (Section 66428).

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#### 8.20.040 Lot line adjustment

The adjustment of a boundary line between two or more adjacent parcels, which does not result in a greater number of buildable parcels than originally existed, does not require a tract or parcel map. However, the Public Works Director must approve the lot line adjustment as provided in Section 8.60.

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#### 8.20.050 Correcting or amending maps

Recorded final tract maps and recorded final parcel maps may be amended, corrected or modified, as provided in the Subdivision Map Act (Sections 66469 through 66472.1). Approved lot line adjustments may be amended as provided for tract and parcel maps, with amending or correcting documents to be filed with the Public Works Department and the County Recorder.

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#### 8.20.060 Lot merger

Contiguous parcels under common ownership may be merged (interior lot lines may be removed) by approval of a lot line adjustment, as provided in Section 8.20.040, together with recordation of a certificate of compliance for the new parcel, and compliance with Section 8.120 if deemed necessary by the Public Works Director.

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### 8.20.070 Expansion of condominium projects

Notwithstanding Section 8.20.040, the addition of floor area to a condominium project shall require approval of the type of map previously approved. If the Public Works Director finds such a map is not necessary for the purposes of these regulations, the Public Works Director may waive the requirement for such a map.

## 8.30 Tract Maps, Vesting Tentative Maps, and Parcel Maps: Procedures

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### Sections:

- 8.30.010 - Tentative and Final Tract Maps
- 8.30.020 - Vesting Tentative Maps
- 8.30.030 - Parcel Maps

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### 8.30.010 Tentative and Final Tract Maps

- A. Preliminary plans.** Subdividers are encouraged to consult with the Community Development and Public Works Departments (See Section 6.10.030.A).
- B. Identification of tentative tract map.** Before submitting a tentative tract map, the person preparing the map shall obtain a tract number from the San Luis Obispo County Surveyor. The number shall be placed upon each copy of the tentative tract map.
- C. Filing of tentative tract map – application.** The tentative tract map application shall be filed with the Community Development Department and shall be prepared in accordance with the provisions of Chapter 6 (Procedures).
- D. Examination of application.** Community Development and Engineering Department staff shall examine the map application upon presentation and shall not accept it unless it is a complete application in compliance with the Subdivision Map Act and these regulations.
- E. Notice of Commission hearing on tentative tract map.** Notice of the public hearing shall be provided in compliance with Section 7.10 (Public Hearings).
- F. Commission action on tentative tract map.** Within 50 days of the filing thereof, the Commission shall, after a hearing and consideration of the tentative tract map, accompanying reports of applicant and staff, and public testimony, approve, conditionally approve, or disapprove the map. Said fifty-day period shall commence after certification of the EIR, adoption of a negative declaration or an exemption determination.
- G. Withdrawal of tentative tract map.** Once a date for Commission consideration of the tentative tract map has been set, requests for withdrawal shall be submitted to the Commission in writing, or orally if made at the meeting when the map is being considered. No refund of the filing fee shall be made. Withdrawal of the map shall be an effective denial of the application.
- H. Minor modification of tentative tract map after approval.** Minor modifications of an approved or conditionally approved tentative tract map may be made. However, they must be approved by the Public Works Director before the final map is submitted.

- I. Extension of time to act.** Any of the time limits for acting on tentative tract maps specified in these regulations may be extended by mutual consent of the subdivider and the Commission or Council, as the case may be. To do so, the subdivider must expressly waive, in writing or in the record at a public hearing, his right to have the map considered within those time limits.
- J. Application after denial.** When any application for a tentative tract map filed pursuant to this Chapter has been denied, no new application which is substantially the same shall be filed within one year of the date of denial unless the facts upon which the decision was made, have changed. The Community Development Director shall determine whether facts have changed or when an application is substantially the same as the previous application.
- K. Filing of final tract map.** Within 24 months of the date of approval or conditional approval of the tentative tract map, the subdivider may cause the boundary of the proposed subdivision or any part thereof to be surveyed and the required final tract map to be prepared and filed in accordance with these regulations and the Subdivision Map Act. When the final map is filed, either all survey markers shall be in place, or a bond shall be posted guaranteeing that all survey corners shall be placed prior to the acceptance of the public improvements by the Council.
- L. Termination of proceedings.** Failure to file a final tract map within 24 months of the date of approval or conditional approval of a tentative tract map, or within any extended period of time granted in accordance with Section 6.30.060, immediately following, shall terminate all proceedings. Before a final map may thereafter be filed, a new tentative tract map shall be submitted and approved hereunder.
- M. Time extension.**

  - 1. The Commission may extend the time for filing the final tract map for a period or periods not exceeding a total of three years.
  - 2. Applications for extensions shall be made in writing prior to the date of tentative tract map expiration. Time extension may be granted subject to the condition that the final map shall be prepared and improvements shall be constructed and installed in compliance with requirements in effect at the time the request for extension is considered. Any other conditions may be imposed which may have been imposed at the time of tentative map approval and existing conditions may be revised or deleted or new conditions added.
- N. Final tract map compliance.** Final tract maps shall be prepared in accordance with the approved tentative tract map.
- O. Submission of final tract map.** When all the certificates appearing on the final tract map, except the approval certificates of the City Clerk, City Engineer, Community Development Director, the County Recorder's certificate, have been signed, and where necessary, acknowledged, the final tract map, along with copies of reference maps and other supporting data necessary to verify the survey, may be submitted to the City for examination and presentation to the Council for final approval, provided it complies with all other provisions of these regulations. The map shall be

accompanied by as many prints as the Community Development Director shall require.

**P. Action of City Engineer and Community Development Director.**

1. Upon receipt of a final tract map and accompanying documents, fees and materials for filing, the City Engineer and Community Development Director shall determine if they are in substantial conformity with the approved or conditionally approved tentative tract map and modifications and conditions made or required. If they are found to be complete and in conformance with these and other applicable regulations, the Community Development Director shall transmit the map to the City Engineer who shall transmit the map to the City Clerk after certification. No map shall be certified until the required improvements have been installed or an agreement or bond for installation has been secured in accordance with these regulations.
2. Should the map or accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the City Engineer or Community Development Director shall advise the subdivider by mail of the changes or additions that must be made before the map may be certified.
3. If the City Engineer or Community Development Director determines circumstances concerning the design and improvement of the subdivision in relation to the public health, safety and welfare have materially changed since the approval of the tentative tract map, they need not certify the final map. In such instances, the City Engineer and Community Development Director shall return the map to the Council for further consideration.
4. The final tract map shall not be considered filed for action by the Council until the City Engineer and Community Development Director have completed the actions required in subsections 1, 2 and 3 above.

**Q. Council action on final map.**

1. At the meeting at which it receives the map, or at the first regular meeting thereafter, the Council shall approve the map if it conforms with the approved tentative map and meets the requirements of the Subdivision Map Act, these regulations, and any rulings made pursuant to them. If the map does not conform, the Council shall disapprove it.
2. If the Council fails to act within the prescribed time, the final map shall be deemed approved to the extent it meets the requirements enumerated above. Upon approval by either action or inaction, the City Clerk shall certify approval of the final map.

**R. Council acceptance or rejection of offers of dedication.** Subject to exceptions in the Subdivision Map Act, at the time the Council approves a final tract map, it shall also accept, accept subject to improvement, reject without prejudice, or reject all offers of dedication. This action shall be certified on the map by the City Clerk.

**S. Disposition after approval.** After the Council approves a final tract map, the City Clerk shall transmit the map to the County Recorder.

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## 8.30.020 Vesting Tentative Maps

### A. Application.

1. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Subdivision Ordinance, requires the filing of a tentative tract map or tentative parcel map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.
2. 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.

**B. 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 subdivision ordinance for a tentative map except as provided in Section 8.40.030.

**C. Council action on tentative tract map.** Within thirty days of its receipt of the Commission's report, the Council shall consider and approve, conditionally approve, or disapprove the tentative tract map. If the map is disapproved, the grounds for disapproval shall be stated.

### D. Vesting on approval of vesting tentative map.

1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
2. Notwithstanding Subsection 1, a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:
  - a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
  - b. The condition or denial is required, in order to comply with state or federal law.
3. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Subsection G. If the final map is approved, these rights shall last for the following periods of time:
  - a. An initial time period of one year. 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.

- b. The initial time period set forth in Subsection (a) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days, from the date a complete application is filed.
- c. A subdivider may apply to the Community Development Director for a one year extension at any time before the initial time period set forth in Subsection (a) expires. If the extension is denied, the subdivider may appeal that denial in compliance with Section 7.20 (Appeals).
- d. If the subdivider submits a complete application for a building permit during the periods of time specified in this Subsection, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

**E. Development inconsistent with zoning - Denial or Conditional approval.**

1. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with this Development Code in existence at that time, that inconsistency shall be noted on the map. The City shall deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change to this Development Code to eliminate the inconsistency. If the change to this Development Code is obtained, the conditionally approved vesting tentative map shall, notwithstanding Section 8.30.020.D, confer the vested right to proceed with the development in substantial compliance with the change to this Development Code and the map, as approved.
2. The rights conferred by this section shall be for the time periods set forth in Section 8.30.020.D.3.

**F. Applications inconsistent with current policy.** Notwithstanding any provision of this ordinance, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Sections 8.30.020.D and E, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

**G. 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 Section 8.30.010.M for the expiration of the approval or conditional approval of a tentative map.

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## 8.30.030 Parcel Maps

**Filing - Processing - Appeals - Dedication acceptance.** The procedures for filing, processing, public notice and actions on tentative and final parcel maps shall be the same as provided in these regulations for tentative and final tract maps.

## 8.40 Tentative Tract, Tentative Parcel, and Vesting Tentative Map: Preparation, Form, and Other Requirements

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### Sections:

- 8.40.010 - Preparation and form of tentative map
- 8.40.020 - Information on tentative map
- 8.40.030 - Additional information on vesting tentative maps
- 8.40.040 - Other material to accompany tentative map
- 8.40.050 - Application requirement

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### 8.40.010 Preparation and form of tentative map

- A.** The tentative map shall be clearly and legibly drawn to an engineer's scale of not less than one inch equals one hundred feet. If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each. Each sheet shall be no larger than twenty-four inches by thirty-six inches. Sheets no larger than thirty-six inches by forty-two inches may be submitted with the prior approval of the Public Works Director.
- B.** Tentative tract maps shall be prepared by or under the supervision of a registered civil engineer, licensed land surveyor or architect. Tentative parcel maps may be prepared by anyone.

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### 8.40.020 Information on tentative map

The tentative map shall contain the following information, in addition to any other information which may be required by the Subdivision Map Act:

- A.** The map number, name if any, date of preparation, north point, scale, and if based on a survey, the date and official record of the survey;
- B.** Name and address of the person or entity which prepared the map and the applicable registration or license number and expiration date thereof;
- C.** Names and addresses of the subdivider and all parties having a record title interest in the property being subdivided;
- D.** The boundaries of the subdivision, defined by legal description, with sufficient information to locate the property and to determine its position with respect to adjacent named or numbered subdivisions, if any;
- E.** Topographic information with a reference to the source of the information. Contour lines shall have the following intervals:
  - 1. Two-foot contour interval for undeveloped areas and two-foot intervals for building sites within the Urban Services Line;
  - 2. Ten-foot contour interval for undeveloped areas and two-foot intervals for



building sites and paved or graded areas outside the Urban Services Line. Contours of adjacent land shall also be shown whenever the surface features of such land affect the design or development of the proposed subdivision;

- F.** The approximate location and general description of any oak two inches d.b.h. or greater or other native trees four inches d.b.h. or greater - or the general canopy cover of clusters of trees - with notations as to their proposed retention or destruction; notations as to general type of vegetation in areas not occupied by trees;
- G.** The location and outline to scale of all structures which are to be retained within the subdivision and all structures outside the subdivision and within ten feet of the boundary lines; the distances between structures to be retained, and existing or proposed street and lot lines, notations concerning all structures which are to be removed;
- H.** The locations, widths and purposes of all existing and proposed easements for utilities, drainage and other public purposes shown by dashed lines, within and adjacent to the subdivision (including proposed building setback lines, if known); all existing and proposed utilities including size of water lines and size and grade of sewer lines, locations of manholes, fire hydrants, street trees and street lights;
- I.** The location, width and directions of flow of all water courses and flood control areas within and adjacent to the property involved; the proposed method of providing storm water drainage and erosion control;
- J.** The location of all potentially dangerous areas, including areas subject to inundation, landslide, or settlement, or excessive noise, and the means of mitigating the hazards;
- K.** The locations, widths and names or designations of all existing or proposed streets, alleys, paths and other rights-of-way, whether public or private; private easements within and adjacent to the subdivision; the radius of each centerline curve; a cross section of each street; any planned line for street widening or for any other public project in and adjacent to the subdivision; private streets shall be clearly indicated;
- L.** The lines and approximate dimensions of all lots, and the number assigned to each lot; the total number of lots; the approximate areas of each lot; lots shall be numbered consecutively;
- M.** The boundaries, acreage and use of existing and proposed public areas in and adjacent to the subdivision. If land is to be offered for dedication for park or recreation purposes or for purpose of providing public access to any public waterway, river or stream, it shall be so designated;
- N.** Any exception being requested in accordance with the requirements of Section 8.100 (Subdivision Exceptions) of these regulations shall be clearly labeled and identified as to nature and purpose;
- O.** The location of all railroad rights-of-way and grade crossings;
- P.** The locations of any existing or abandoned wells, septic leaching fields, springs, water impoundment's and similar features to the extent they affect the proposed use of the property;

- Q.** When it is known that separate final maps are to be filed on portions of the property shown on the tentative map, the subdivision boundaries which will appear on the final maps and the sequence in which the final maps will be filed;
- R.** Maps for condominium projects shall indicate the address of the property and the number, size and location of proposed dwelling units, parking spaces and private or public open spaces. For all condominium projects, the floor area of each floor shall be shown in proper scale and location together with the plan view of each ownership unit.
- S.** The location of proposed building sites and septic system leach fields shall be shown for any proposed lot having an average cross slope of 10% or greater.

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#### 8.40.030 Additional information on vesting tentative maps

- 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, a subdivider shall also supply the following information:
  - 1. Site plans for each lot or parcel indicating proposed locations for all improvements (e.g., utilities, structures, septic systems, driveways, etc.)
  - 2. Preliminary floor plans for all structural uses;
  - 3. Architectural elevations of all structures identifying all exterior finish and roofing materials;
  - 4. Septic system design details including design of a replacement leach field located in the 100% expansion area;
  - 5. Detailed grading plans for each lot or parcel as provided in Article VIII Chapter 4 of the Municipal Code.
  - 6. Road improvement plans for all adjacent and interior roads.

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#### 8.40.040 Other material to accompany tentative map

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

- A.** A vicinity map of appropriate scale showing sufficient adjoining territory to clearly indicate surrounding streets, other land in the subdivider's ownership, and other features which have a bearing on the proposed subdivision;
- B.** A statement of existing and proposed zoning and land use;
- C.** A statement of proposed improvements and landscape modifications, including the estimated time of completion in relation to subdivision of the property;
- D.** A description of proposed public or commonly held areas and draft open space easement agreements, if applicable;

- E.** Draft covenants, conditions and restrictions if they are integral to the development concept or proposed atypical requirements;
- F.** A description of requested exceptions from the subdivision design standards for such items as dimensions, street sections or utility easements;
- G.** Proposed building setbacks and yards if different from those in the zoning regulations;
- H.** If required by the Public Works Director, a preliminary grading plan as provided in the grading ordinance as codified in Article VIII, Chapter 4 of the Municipal Code;
- I.** An engineering geology report, prepared by a register geologist, may be required in areas of moderate, high and very high landslide risks, and in areas of high and high+ liquefaction potential and subsidence potential as noted in the General Plan Safety Element. The engineering geology report shall include definite statements, conclusions and recommendations concerning the following, as applicable:
  - 1. Location of major geologic features;
  - 2. Topography and drainage in the subject areas;
  - 3. Distribution and general nature of rock and soils;
  - 4. A reasonable evaluation and prediction of the performance of any proposed cut or fill in relation to geologic conditions;
  - 5. An evaluation of existing and anticipated surface and subsurface water in relation to proposed development;
  - 6. Recommendations concerning future detailed subsurface sampling and testing that may be required prior to building;
  - 7. Capability of soils and substrata to support structures;
- J.** A soils engineering report, prepared by a civil engineer registered in the state and based upon adequate test borings, may be required for every subdivision. The City Engineer may determine that, due to existing information available on the soils of the subdivision, no analysis is necessary. If the soils engineering report indicates soil problems which, if not corrected, could lead to structural defects, a soils investigation of each lot in the subdivision may be required. The soils engineering report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, when necessary, and opinions and recommendations covering adequacy of sites for development;

A subdivision where soil or geologic problems exist may be approved if the City determines recommended corrective measures are sufficient to prevent damage to structures or public improvements within or adjacent to the area to be subdivided. Recommended corrective measures may be required conditions of improvement plans and building permits.
- K.** In potential noise problem areas identified in the Noise Element of the General Plan, specific site analysis by an acoustical engineer or other approved professional with

qualifications in acoustic design may be required by the Community Development Director. Such study shall define the noise exposure problems, conclusions and recommendations for corrective or mitigating measures, when necessary, and opinions and recommendations covering the suitability of the site for development,

- L. Preliminary title report (current within six months);
- M. An authorization consenting to the proposed subdivision signed by all parties having a fee title interest in the property to be subdivided;
- N. In areas where septic systems will be utilized for waste disposal, a representative set of percolation test(s) shall be required.
- O. Any other information which the Community Development or Public Works Director determines is necessary for full evaluation of the proposed subdivision.

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#### 8.40.050 Application requirement

The subdivider shall provide the Community Development Department with as many copies of the tentative map and supplementary material as requested by the Community Development Director..

## 8.50 Final Map Form, Preparation, and Other Requirements

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### Sections:

- 8.50.010 - General Preparation requirements
- 8.50.020 - Form and contents
- 8.50.030 - Title sheet of final tract map
- 8.50.040 - Statements, documents and other data to accompany final tract map
- 8.50.050 - Separated property
- 8.50.060 - Final parcel maps - Preparation

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### 8.50.010 General Preparation requirements

Final tract maps shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall be based on survey, and shall substantially conform to the approved or conditionally approved tentative tract map. They shall be prepared in accordance with the Subdivision Map Act and the provisions set forth in this Section.

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### 8.50.020 Form and contents

- A.** The final tract map shall be legibly drawn, printed or reproduced by a process assuring a permanent record in black on durable, transparent material. All lines, letters, figures, certificates, affidavits and acknowledgments shall be legibly stamped or printed upon the map with waterproof opaque ink. If ink is used on polyester base film, the ink surface shall be in such condition when filed so that legible prints may be made from it.
- B.** Each sheet of the final tract map shall be eighteen inches by twenty-six inches, with a marginal line drawn on all sides, leaving a one-inch blank margin. The map shall be to a minimum scale of one inch equals one hundred feet unless otherwise approved by the City Engineer. Drafting symbols shall be as shown in the standard details adopted by the City.
- C.** The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. A map containing more than four (4) sheets shall have a key map.
- D.** Each sheet of the final tract map shall state the number and name, if any, of the tract, the scale and north point.
- E.** The map shall show all survey data necessary to locate all monuments and to locate or retrace all interior and exterior boundary lines, lot lines, and block lines appearing on the final tract map, including bearings and distances, to the nearest one-hundredth foot, of straight lines, and radii and arc length or chord bearings and length for all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish subdivision boundaries. When bearings or lengths of lot lines in any series of lots are the same,

those bearings or lengths may be omitted from each interior parallel lot line of the series. Any non-tangent curve shall have either a bearing on the radial at the beginning of curve or end of curve or on the true tangent. Each required bearing and length shall be shown in full; no ditto marks or other designation of repetition shall be used.

- F.** The final tract map shall show monuments found or set in the manner described in subsection E of this section. If monument setting has been deferred, the map shall note which monuments are in place and which are to be set noting a specific date. Securities shall be posted with the City Engineer insuring the monuments will be set.
- G.** The final tract map shall show the definite location of the subdivision, particularly in relation to surrounding surveys.
- H.** Lots shall be numbered consecutively beginning with the numeral " 1 " and continuing without omission or duplication throughout the entire subdivision. No prefix or suffix or combination of letter and number shall be used. Each lot shall be shown entirely on one sheet.
- I.** Blocks shall not be designated by number or letter.
- J.** The area of each lot containing one acre or more shall be shown to the nearest one-hundredth acre; the area of each lot containing less than one acre shall be shown to the nearest square foot.
- K.** The boundary lines of the subdivision shall be clearly identified. The tract boundary shall be based on record data on file at the office of the County Recorder and must be reestablished by methods commonly accepted in the field of surveying and in accordance with state law. The method of survey and basis of bearing shall be clearly indicated on the final map.
- L.** The centerline or side lines of each easement to which the lots in the subdivision are subject shall be shown upon the final tract map. If such easement cannot be definitely located from the records, a statement showing the existence of such easement shall be placed on the title sheet of the final tract map and the approximate location shall be shown. All easements shall be designated on the final tract map by fine dashed lines. Distances and bearings on the side lines of lots which are cut by easements shall be so arrowed or shown that the final tract map will indicate clearly the actual length and bearing of each lot line. The width of such easement or the lengths and bearings of the side lines and sufficient ties thereto to locate it definitely with respect to the subdivision shall be shown. Each easement shall be clearly labeled, identified and marked as to nature and purpose, and if already of record, its record reference shall be shown, if not of record, a statement of such easement shall be placed on the title sheet of the final tract map. If such easement is being dedicated by the final tract map, it shall be properly set out in the owner's certificate and dedication on the title sheet of the map. All notes or figures pertaining to existing easements shall be smaller and lighter than those relating to the subdivision itself. Figures pertaining to easements shall be subordinated in form and appearance to those relating to the subdivision.

- M.** Each street, or other public way or public utility right-of-way within the boundaries of the subdivision shall be shown on the final tract map. The centerline and width of each street shall be shown; and, in the case of a proposed street or way, the width of that portion to be dedicated, if any, shall also be shown. On each centerline, the bearing and length of each tangent and radius, central angle and length of each curve shall be indicated.
- N.** In the event the City Engineer, State Highway Engineer, or County Engineer shall have established the centerline of any street in or adjoining the subdivision, such centerline shall be shown and the monuments which determine its position indicated with reference to a field book or map showing such centerline. If such position is determined by ties, that fact shall also be indicated on the map.
- O.** The location, width and extent of future streets and alleys shall be shown on the final tract map and shall be offered for dedication as public streets by a dedicatory clause conforming to the requirements of the Subdivision Map Act.
- P.** Any street or way which is intended to be kept physically closed to public travel or posted as a private street at all times may be shown as a private street. Sufficient data shall be shown on each private street to define its boundaries and to show clearly the portion of each lot within such street. In order to provide for utility service to individual lots, such streets may be offered and accepted as public utility easements.
- Q.** The names of all streets and highways within and/or adjacent to the subdivision shall be shown on the final map, spelled out in full and including suffixes such as "road", "street", "avenue", "place", "court" or other designation.
- R.** All watercourses, storm drains and areas subject to inundation during a one hundred year storm shall be outlined and marked on a separate document and be filed or recorded simultaneously with the final tract map and shall be covered by easements for access and maintenance. Elevations of floodwater based on City datum shall be noted on the separate document. All other natural watercourses or bodies of water shall also be delineated. The City Engineer may require that a benchmark monument or monuments be set and shown on the final map.
- S.** All areas shown on the final tract map which do not constitute a part of the subdivision shall be labeled "not a part". All lines delineating those areas shall be dashed.
- T.** Any City boundary crossing or adjoining the subdivision shall be shown on the final tract map.
- U.** The total acreage within the subdivision shall be stated on the final tract map.
- V.** When a subdivision is of a portion of any unit or units of improved or unimproved land, the map may designate as a remainder that portion which is not divided for the purpose of sale, lease or financing. Such designated remainder parcel need not be indicated as a manner of survey, but only by deed reference to existing boundaries of such remainder if such remainder has a gross area of five acres or more. If so designated, such remainder parcel shall be treated as set out in Section 66424.6 of

the California Government Code, or its successor section, as it may be amended from time to time.

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### 8.50.030 Title sheet of final tract map

The title sheet of each final tract map shall contain:

- A.** A title consisting of the number and name of the tract, if any, and the words "in the City of Grover Beach";
- B.** A description of all of the real property being subdivided, referring to such map(s) as have been previously recorded or filed with the County Recorder pursuant to a final judgment in any action in partition. When necessary for greater clarity or definiteness, supplemental reference may be made to any other map on file in the office of the County Recorder. Each reference to any tract or subdivision shall be so noted as to be a unique description and must show a complete reference to the book and page records of the county;
- C.** A statement signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the final tract map, subject to the exceptions and under the conditions set out in Section 66436 of the California Government Code.
- D.** In the case of final maps filed for reverting subdivided land to acreage, the title sheet shall carry a subtitle consisting of the words "a reversion to acreage of (description as required);"
- E.** A basis of bearing shall be shown on every map containing a field survey. A basis of bearing is a line or record which has been reestablished based on points found on the line. The points shall be the same points used to identify the line on the map of record which shows the line's bearing;
- F.** In case of dedication or offer of dedication, a statement signed and acknowledged by those parties having any record title interest in the real property subdivided, offering certain parcels of real property for dedication for certain specified public use, subject to such reservations as may be contained in any such offer, as required by the Subdivision Map Act. If the offer includes dedication for street or highway purposes, and the council has so required, the statement shall include a waiver of direct access rights from any property shown on the final map as abutting on the street or highway;

If any street shown on the final map is not offered for dedication, the map certificate shall contain a statement to that effect. If such a statement appears on a map approved by the Council, public use of such street shall be permissive only but shall include use by emergency vehicles. Map certificates shall state the extent to which any street not offered for dedication is offered as a public utility easement.

An offer of dedication for utility or street purposes shall be deemed not to include any public facilities located within the area being dedicated unless, and only to the extent, the intent to dedicate such facilities is expressly stated in the certificate;



**G.** The following certificates for execution as specified and as required by the State Subdivision Map Act.

**1. CITY COUNCIL'S STATEMENT**

I hereby certify that this subdivision was duly adopted and approved and (the dedication of all streets and easements shown hereon were accepted, accepted subject to improvement, rejected without prejudice) was accepted by the Council of the City of Grover Beach on \_\_\_\_\_, and that the City Clerk was duly authorized and directed to endorse hereon its approval of the same.

Dated: \_\_\_\_\_ City Clerk \_\_\_\_\_

**2. CITY COMMISSION STATEMENT**

This is to certify that I have examined this map and have determined that said map substantially conforms to the tentative map as approved \_\_\_\_\_, and the conditions thereon.

Dated: \_\_\_\_\_ Secretary of the Commission \_\_\_\_\_

**3. TRACT MAP NO. \_\_\_\_\_/OR PARCEL MAP AT \_\_\_\_\_**

Being a subdivision of (or: adjustment of the lines between) ... brief legal..... in the City of Grover Beach, County of San Luis Obispo, State of California.

**4. OWNER'S STATEMENT**

(I, We), the undersigned, hereby certify that (I, We) (are, am) (all) the owner(s) of, and all record holder(s) of security interest in, and all parties having any record title in the real property included within the subdivision and project shown on this map, and that each of us does hereby consent to the filing and/or recordation of this map. And we hereby (add dedications or easement reservations or relinquishment of access rights. Must be specific as to type of dedication/easement and whether public or private).

We hereby dedicate to the public for public use and the benefit of the several public utility companies which are authorized to serve in said subdivision, easements for public utility purposes, delineated on said map as "Public Utility Easement" or P.U.E. by the City of Grover Beach or imposed thereon.

\_\_\_\_\_  
(owner) (owner)

Dated: \_\_\_\_\_

State \_\_\_\_\_

County of \_\_\_\_\_

on \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned, a said state, personally appeared owner's name(s) personally known to me, or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) (is/are) subscribed to the within instrument and acknowledged to me that he, she, they) executed the same as owner (s). Witness my hand and official seal.

\_\_\_\_\_  
(notary signature) SEAL

5. ENGINEERS/SURVEYORS STATEMENT

This map was prepared by me or under my direction (and is based upon a field survey) (and was compiled from record data) in conformance with the Subdivision Map Act and local ordinances, at the request of (name) on (date). I hereby state that it conforms to the approved or conditionally approved tentative map, if any.

\_\_\_\_\_  
(name) R.C.E. (or L.S.) (expiration date) SEAL

6. MONUMENT STATEMENT

I, (engineer/surveyor's name) hereby state that all monuments are of the character and occupy the positions shown, (or that they will be set in such positions on or before date). The monuments shown hereon are (or will be) sufficient to enable the survey to be retraced.

\_\_\_\_\_  
Engineer/Surveyor signature SEAL

7. COUNTY RECORDER'S STATEMENT

Filed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ at \_\_\_\_\_. in Book \_\_\_\_ of (Parcel) \_\_\_\_ Maps, at page \_\_\_\_ at the request of \_\_\_\_\_. Document No.: \_\_\_\_\_

Fee: \_\_\_\_\_

By: \_\_\_\_\_

County Recorder Deputy

8. UNPLOTTABLE EASEMENTS

There are certain unplottable easements affecting this property.

\_\_\_\_\_  
(name) \_\_\_\_\_ document #1

9. CITY ENGINEER'S STATEMENT (TRACT MAPS ONLY)

I hereby certify that I have examined this Subdivision Map, that the subdivision as shown hereon is substantially the same as it appeared on the tentative map, that all provisions of the Subdivision Map Act and the Subdivision Ordinance of the City of Grover Beach have been complied with and that I am satisfied that this map is technically correct.

Date \_\_\_\_\_

\_\_\_\_\_  
 City Engineer R.C.E. (expiration date)

10. CITY ENGINEER'S STATEMENT (PARCEL MAPS)

This map conforms to the requirements of the Subdivision Map Act and local ordinances.

Date \_\_\_\_\_

\_\_\_\_\_  
 City Engineer R.C.E. (expiration date)

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8.50.040 Statements, documents and other data to accompany final tract map

- A. If any part of an area to be subdivided, lot or parcel, is subject to flood hazard, inundation, or geological hazard, it shall be clearly shown on a separate document to be filed or recorded simultaneously with the final tract map. Benchmark location shall be shown on the final map if required by the City Engineer.
- B. When a soils or geological report has been prepared, this fact shall be noted, together with the date of the report and the name and address of the soils engineer or geologist making the report and the name and address of the person making the report, on a separate document to be filed or recorded simultaneously with the final map. The note shall indicate any soil problems that exist.

The City shall keep those reports on file for public inspection in the Public Works Department.

- C. If a noise analysis has been prepared, as provided in these regulations, this fact shall be noted on the final tract map, together with the date of the report. The City shall keep these reports on file for public inspection in the office of the City Engineer.
- D. A copy of the required covenants, conditions and restrictions shall be submitted with the final tract map.

- E.** Copies of reference maps, deeds, traverses of the boundaries or of the parcels being created and whatever other information is required by the City Engineer to verify the accuracy of the survey.
- F.** If all required improvements have not been accepted by the City prior to filing of the final map, an agreement and bond, as provided by these regulations, shall be submitted.
- G.** No final tract map shall be accepted by the City Engineer unless it is accompanied by a certification of the county tax collector that there are no liens for unpaid state, county, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, against any of the land to be subdivided.
- H.** No final tract map shall be accepted unless it is accompanied by a preliminary title report issued by a title company authorized by the laws of the state to write such insurance, showing the names of all persons having any record title interest in the land to be subdivided and the nature of their respective interest. The title report shall be less than 10 days old.
- I.** A non-refundable filing fee in the amount prescribed by resolution of the Council shall accompany the final tract map.

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#### 8.50.050 Separated property

When property is separated or divided by any parcel of land other than a public right-of-way and when the property is not contiguous (exclusive of such rights-of-way), each portion of the property so separated or divided shall be divided as a separate parcel and shall be shown on a separate map.

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#### 8.50.060 Final parcel maps - Preparation

Final parcel maps shall be prepared by or under the direction of licensed land surveyor or registered civil engineer, shall substantially conform to the approved or conditionally approved tentative parcel map, shall be prepared in the manner required by the Subdivision Map Act and with the following exceptions, and shall comply with the requirements of this Section:

- A.** Normally, a final parcel map shall be labeled by number(s) only,
- B.** The certificate dedicating or offering dedication may be combined with the owner's certificate;
- C.** There shall be a certificate for execution by the Public Works Director instead of those of the City Clerk and Commission certifying to the information of the sort contained in those certificates;
- D.** The final parcel map shall be based upon a field survey made in conformity with the Land Surveyor's Act.

## 8.60 LOT LINE ADJUSTMENT

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### Sections:

- 8.60.010 - Application for lot line adjustment
- 8.60.020 - Criteria for lot line adjustment
- 8.60.030 - Procedures for lot line adjustment

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### 8.60.010 Application for lot line adjustment

Application for lot line adjustment shall be in the same form as prescribed for tentative parcel maps (see Section 8.40.010).

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### 8.60.020 Criteria for lot line adjustment

- A.** The following criteria must be met for a lot line adjustment:
- B.** Adjustment must be made between two or more existing adjacent parcels,
- C.** The land taken from one parcel is added to an adjacent parcel,
- D.** A greater number of parcels than originally existed cannot be created,
- E.** Lot line adjustment must be approved by the local agency or advisory agency.

The local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to local zoning and building ordinances. An advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to local zoning and building ordinances, or except to facilitate the relocation of existing utilities, infrastructure or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in the deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.

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### 8.60.030 Procedures for lot line adjustment

- A.** The procedures for review, and action on lot line adjustments shall be as provided in Section 8.30 for tentative parcel maps. Action of lot line adjustments shall be administrative and shall not require Commission action except where existing nonconforming lots are proposed to be reduced in size.
- B.** Upon a determination by the Community Development Director that the parcels resulting from the lot line adjustment will conform with this Development Code and the City's Building Codes, that the environmental protection measures established by the City will be complied with, and that the lot line adjustment will not result in a greater number of buildable parcels than originally existed, the lot line adjustment

shall be approved.

- C.** Conditions or exaction's imposed on the approval of a lot line adjustment shall be limited to those necessary to insure conformance with this Development Code and the City's Building Codes, facilitate the relocation of existing utilities, infrastructure, and/or easements. Monuments shall be set at each new property corner.
- D.** Upon acceptance of all statements, guarantees, and other documents which are required in conjunction with the lot line adjustment, the Public Works Director may file a certificate of compliance, which shall refer to the approved lot line adjustment map, for each parcel affected by the change and shall cause a record of survey, deed, or a final map to be recorded in the office of the County Recorder.
- E.** The Public Works Director's action may be appealed as provided in Section 7.20 (Appeals).

## **8.70 Subdivision Design and Improvements**

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### Sections:

- 8.70.010 - General considerations
- 8.70.020 - General requirements - Lots
- 8.70.030 - Lot dimensions
- 8.70.040 - Solar orientation
- 8.70.050 - Multiple frontages
- 8.70.060 - Depth-width relationship
- 8.70.070 - Lot lines
- 8.70.080 - Taxing district boundary
- 8.70.090 - Flag lots (deep lot subdivisions)
- 8.70.100 - General requirements – Streets
- 8.70.110 - Access restrictions
- 8.70.120 - Street names
- 8.70.130 - Slope easements
- 8.70.140 - Street types and requirements
- 8.70.150 - General requirement – Design Criteria and Improvement Standards
- 8.70.160 - Improvements

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### **8.70.010 General considerations**

The layout of streets and lots within a subdivision shall be consistent with the densities and types of uses authorized by the general plan, specific plans and zoning. The subdivision design shall also recognize the physical conditions of the site, such as slope, soil types, and adjacent land use, which may further limit uses of the property. The subdivider must simultaneously consider such factors as terrain, solar exposure, development objectives, and options available under these regulations in order to design a subdivision which best meets the needs of those who will occupy it as well as the community as a whole.

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### **8.70.020 General requirements-Lots**

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

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### **8.70.030 Lot dimensions**

Each lot shall have the minimum area and dimensions indicated in this Development Code for the zone in which it is located, unless otherwise increased by the provisions of this Chapter. Each lot shall front on a street, or approved ingress and egress easement.

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### 8.70.040 Solar orientation

The longest dimension of each lot should be oriented within thirty degrees of south, unless the subdivider demonstrates that for certain lots:

- A.** The lots are large enough to allow proper building orientation and maximum feasible control of solar exposure by the lot owner, regardless of lot orientation;
- B.** Buildings will be constructed as part of the subdivision project (as in condominium or planned development), and the buildings themselves will be properly oriented, with adequate solar exposure;
- C.** Topography makes variations from the prescribed orientation desirable to reduce grading or tree removal or to take advantage of a setting which favors early morning or late afternoon exposure, or where topographical conditions make solar energy unfeasible;
- D.** The size of the subdivision in relation to surrounding streets and lots precludes desirable lot orientation.

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### 8.70.050 Multiple frontages

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

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### 8.70.060 Depth-width relationship

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

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### 8.70.070 Lot lines

- A.** Lot lines should be at the top of slope banks.
- B.** Side lot lines should be perpendicular to the street on straight streets, or radial to the street on curved streets, unless another angle would provide better building orientation for solar exposure or more lot area to the south of the likely building site, or unless another lot configuration would better suit the site topography or planned design of the development.
- C.** On corner lots, the intersection lot lines adjacent to streets shall be rounded with a twenty-foot radius.



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**8.70.080 Taxing district boundary**

No lot shall be divided by a taxing district boundary.

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**8.70.090 Flag lots (deep lot subdivisions)**

- A.** Flag lots may be approved for subdividing deep lots subject to the following findings:
1. the subdivision is consistent with the character of the immediate neighborhood;
  2. the installation of a standard street, either alone or in conjunction with neighboring properties is not feasible; and
  3. the flag lot is justified by topographical conditions.
- B.** Such subdivisions shall conform with the following:
1. The access way serving the flag lot(s) shall not be included in the determination of required lot area for any lot.
  2. The original lot shall have frontage on a dedicated street of at least the minimum length required by these regulations for the zone in which it is located, plus the access way required to potential rear lots.
  3. The access way to the rear shall be at least 20 feet wide (developed to City standards) for residential zones, except where the access way is more than 150 feet long, it shall be at least 24 feet wide with 20 feet of pavement. For all other zones, the access way shall be at least 30 feet wide with a paved roadway at least 24 feet wide.
  4. Each lot shall have yards as required by this Development Code, including a 10 foot setback along any access way, whether easement or lot line.
  5. The lot farthest from the street shall own the access way in fee. Other lots using the access way shall have an access and utility easement over it.
  6. Lots utilizing the access way of a flag lot may be required to enter into a road maintenance agreement to insure perpetual maintenance and repair of the access way.
  7. A reflectorized house number master sign shall be located at the intersection of the street and access way and individual reflectorized address signs shall be placed on the right hand side of the driveway to each individual lot.

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**8.70.100 General requirements-Streets**

The design of a subdivision street system should result from an evaluation of topographical conditions, the traffic likely to be generated by the types and numbers of planned uses, and the purpose of each street. The street system must allow an acceptable pattern of lots.

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### 8.70.110 Access restrictions

Reserve strips of land to control access from adjoining property to public streets may be required by the City. Such reserve strips shall be at least one foot wide. They shall be shown and clearly labeled on the final map. Access restrictions may also be incorporated by note on the map.

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### 8.70.120 Street names

Streets which are continuations of existing streets shall have the same names. Streets which are not continuations or which have significantly changed alignments shall have names which do not duplicate or closely resemble any other street names. Names for proposed streets shall be submitted on the tentative map for approval by the City. Street names shall be of beach or resort origin or shall honor a non-living individual of historic significance to the community.

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### 8.70.130 Slope easements

Where excavation or fill slopes extend beyond the street right-of-way, easements for the slopes may be required by the City.

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### 8.70.140 Street types and requirements

Requirements (i.e., travel lane width, right-of-way width, etc.) for various types of streets shall be as established by the City Engineer and Director of Public Works.

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### 8.70.150 General requirement - Design Criteria and Improvement Standards

The design criteria for subdivisions and the required physical improvements for them shall be in compliance with this Development Code, the City's grading ordinance, and other applicable regulations or standards.

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### 8.70.160 Improvements

Improvement work, including grading, shall not be commenced until plans for all such work have been approved by the City Engineer. All improvements shall be constructed under the inspection of and to the satisfaction of the City. Improvements to be installed by the subdivider, in accordance with the subdivision standards established by the Public Works Department, include the following:

- A.** Streets, curb, gutters, and sidewalks as required by the City Engineer.
- B.** The subdivider shall make provisions for any railroad crossing necessary for the subdivision, including application to the California Public Utilities Commission.

- C. Separate bicycle paths or bicycle areas may be required.
- D. Storm drainage, erosion and flood-control facilities shall be constructed for the collection and transmission of storm water from the subdivision to the nearest point of disposal which is satisfactory to the City Engineer. The subdivider shall be responsible for proper drainage of all storm water which runs onto his property from adjacent properties.
- E. Durable boundary monuments shall be installed and shown on the final map.
- F. Street name signs and traffic control and warning signs shall be installed as specified by the City Engineer. Traffic signals and traffic signal control conduits may be required by the City Engineer.
- G. Utilities to be installed by the subdivider shall include those listed in this subsection. The development of these facilities may require financial contribution for previous improvements to the systems, as provided in the most recent Council resolution on utility connection charges, or in any agreement affecting a particular portion of a system, or applicable easement.

1. Sanitary sewer laterals shall be stubbed to the front property line of each lot if sanitary sewers are available. All facilities for the transmission of sewage from each of the lots to the nearest adequate point of connection to the City's sewer system shall be installed as acceptable to the City Engineer.

Sewer lines need not be provided to lots which will be in perpetual open space use.

All sewer mains shall be located within a dedicated City street or alley or within a recorded easement. (The City may make available its powers of condemnation, if needed, to acquire a sewer easement for development of a subdivision. All costs shall be borne by the subdivider.) All manholes not within a street or paved drive shall be within an easement to the City and accessible by an all-weather dust-free road.

2. A water system for domestic service and fire protection shall be provided, including all facilities necessary for the transmission of water to each lot of the proposed subdivision from the nearest point of adequate supply, satisfactory to the City Engineer and Fire Department. Water service shall be stubbed to a meter vault at the front of each lot. Fire hydrants shall be installed according to the City's Fire Code and to the satisfaction of the Fire Chief and City Engineer. Water lines need not be provided to lots which will be in perpetual open space use and which will not require irrigation or fire suppression. The Fire Chief may determine, however, that fire hydrants are required.
3. Electric power, gas and telephone services shall be stubbed to each lot and all facilities to distribute such services shall be provided according to the requirements of the responsible utility companies.
4. Cable television service shall be provided.
5. Fire alarm conduit may be required by the Fire Chief.

- H.** All new utility distribution facilities shall be placed underground, except accessory facilities such as terminal boxes, meter cabinets and transformers may be installed above ground. The subdivider shall make all necessary arrangements with the utility companies for these facilities. The subdivider shall carry out protective measures as required by the City to assure the proper functioning and maintenance of other required improvements and properties adjacent to the subdivision. Temporary protective improvements may be required prior to or concurrent with the construction of permanent improvements.

## 8.80 Dedications

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### Sections:

- 8.80.010 - General requirements
- 8.80.020 - Offer to dedicate easements to remain open
- 8.80.030 - Waiver of direct street access
- 8.80.040 - Title insurance for dedication

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### 8.80.010 General requirements

All parcels of land intended or needed for public use shall be offered for dedication to the City before any subdivision is approved - typically, when the final map is filed. The subdivider shall grant whatever land or easements the City determines are necessary to fulfill the purposes of these regulations. Such dedication of parcels or easements and improvements may be required for the following uses:

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

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### 8.80.020 Offer to dedicate easements to remain open

If, at the time the final tract map or parcel map is approved, any of the easements set out in Section 66477.2 of the California Government Code are rejected, subject to California Code of Civil Procedure section 771.010, the offers of dedication shall be irrevocable and

the Council may, by resolution at any later date and without further action by the subdivider, rescind its action and accept and open any of these easements for public use. The acceptance shall be recorded in the office of the County Recorder.

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#### 8.80.030 Waiver of direct street access

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

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#### 8.80.040 Title insurance for dedication

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

## 8.90 Subdivision Improvement Requirements

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### Sections:

- 8.90.010 - General requirements
- 8.90.020 - Preparation and form of improvement plans
- 8.90.030 - Grading plan
- 8.90.040 - Plan check fees
- 8.90.050 - Commencement of improvement work
- 8.90.060 - Inspection of improvement work
- 8.90.070 - Coordination of improvement work
- 8.90.080 - Improvements deferred or waived
- 8.90.090 - Over sizing improvements reimbursements
- 8.90.100 - Improvement agreement
- 8.90.110 - Form. Filing and term of improvement agreement
- 8.90.120 - Minimum agreement provisions
- 8.90.130 - Additional agreement provisions
- 8.90.140 - Improvement security required
- 8.90.150 – Form. Filing and term of improvement security
- 8.90.160 - Labor and Materials
- 8.90.170 - Liability for alterations or changes
- 8.90.180 - Release of improvement security—Assessment District proceedings
- 8.90.190 - Release of improvement security—Completion of work
- 8.90.200 - Withholding building permits
- 8.90.210 - Acceptance of improvements
- 8.90.220 - Deferral of improvements for parcel maps

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### 8.90.010 General requirements

All improvements shall conform to these regulations and the subdivision standards. Improvement plans shall be completed by the subdivider's engineer prior to the acceptance of the final map for filing. Improvements not completed shall be guaranteed or bonded for, at the option of the City, prior to filing the final map.

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### 8.90.020 Preparation and form of improvement plans

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

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**8.90.030 Grading plan**

A grading plan and specifications prepared substantially in accordance with the preliminary grading plan approved as part of the approved or conditionally approved tentative map shall be submitted as part of the improvement plans. A permit must be obtained in accordance with the provisions of the City's grading regulations.

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**8.90.040 Plan check fees**

At the time of the submission of the final improvement plans, the subdivider shall pay a fee for plan checking, in an amount established by the City's Master Fee Schedule.

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**8.90.050 Commencement of improvement work**

Prior to the commencement of construction or installation of any improvements within any street, alley, path, easement or other public area or right-of-way, improvement plans shall have been approved by the City Engineer and Encroachment Permits issued.

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**8.90.060 Inspection of improvement work**

All improvements shall be constructed under the inspection of the City Engineer and the subdivider shall cause all such improvement work to be inspected at all times as the City Engineer may establish. The subdivider shall obtain an encroachment permit, pay an inspection fee, in an amount established by resolution of the City Council, and enter into an Inspection Agreement, prior to the commencement of construction of the improvements as specified in the Encroachment Permit Ordinance.

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**8.90.070 Coordination of improvement work**

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

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**8.90.080 Improvements deferred or waived**

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



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### 8.90.090 Over sizing improvements reimbursements

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

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### 8.90.100 Improvement agreement

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

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### 8.90.110 Form. Filing and term of improvement agreement

- A.** The improvement agreement shall be in writing, shall be approved as to form by the City Attorney, and shall be secured and conditioned as provided in this Chapter. The agreement shall be recorded prior to or simultaneously with the final map.
- B.** The foregoing improvement agreement shall be complete and executed by the City Manager and on file with the city before the final map is filed for recording. The term of each improvement agreement filed pursuant to the provisions of this section shall begin on the date of recording and end upon the date of completion and fulfillment of all terms and conditions contained therein, to the satisfaction of the Council.

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### 8.90.120 Minimum agreement provisions

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

- A.** Mutually agreeable terms to complete all required improvements at the subdivider's expense;
- B.** A provision that the subdivider shall comply with all requirements of these regulations, of this code, and of other applicable laws, and with all terms and conditions of required improvement permits;
- C.** A statement indicating a period of time within which the subdivider shall complete all improvement work;
- D.** A provision that, if the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the City may, at its option, complete the required improvement work and the subdivider and his surety shall be firmly bound, under a continuing obligation, for payment of the full cost and expense incurred or expended by the City in completing

such work;

- E. Provision for the repair and replacement of defective material and workmanship of the improvements by the subdivider for a period of twelve months after the improvements have been accepted by the Council;
- F. A provision guaranteeing payment to the City for all engineering and inspection costs and fees not previously paid and all other incidental costs incurred by the City in enforcing the agreement.

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### 8.90.130 Additional agreement provisions

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

- A. Provision for the repair, at the subdivider's expense, of any damage to public streets which may reasonably be expected to result from hauling operations necessary for subdivision improvements required by these regulations, including the importing or exporting of earth for grading purposes;
- B. Mutually agreeable terms to acquire public easements which are outside the boundaries of the subdivision, at the subdivider's expense;
- C. Mutually agreeable terms to improve, at some undetermined future date, easements offered and reserved for future public use at the subdivider's expense; and providing that such improvements shall be secured by separate security in the manner prescribed in Section 8.90.140, and further providing that the requirements of this provision shall not delay the release of any other improvement security provided pursuant to Section 8.90.140;
- D. Provision for reimbursement to be paid the subdivider under the provisions of the Subdivision Map Act;
- E. A provision that the subdivider shall provide to the City, prior to the filing of the final map, letters from each utility company indicating that such companies have agreed to install, and will so install, the public utilities necessary to serve the subdivision.

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### 8.90.140 Improvement security required

The subdivider shall secure the foregoing improvement agreement in the amount of 100% of the amount determined by the City Engineer to be the total estimated cost of the improvements, including a factor for inflationary cost increases, and any additional act to be performed by the subdivider under the foregoing improvement agreement, including a factor for inflationary cost increases, plus such additional amounts as the City Manager may determine are necessary to cover costs, reasonable expenses and fees, including reasonable attorney's fees, which may be incurred by the City in successfully enforcing

the agreement. The requirement of the improvement security shall not be waived under any circumstances.

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#### 8.90.150 Form filing and term of improvement security

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

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#### 8.90.160 Labor and materials

When the improvement security provided pursuant to Section 8.90.140 is a surety bond, it shall be accompanied by a bond for the security of laborers and materialmen in an amount to be determined by the City Manager, but not less than 50 percent of the City Engineer's estimated cost of the improvements. When the improvement security is a cash deposit or an instrument of credit, such security shall include an additional amount necessary for the protection of laborers and materialmen, but in no event less than 50 percent of the City Engineer's estimated cost of the improvements.

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#### 8.90.170 Liability for alterations or changes

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

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#### 8.90.180 Release of improvement security – Assessment District proceedings

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

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**8.90.190 Release of improvement security – Completion of work**

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

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**8.90.200 Withholding building permits**

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

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

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**8.90.210 Acceptance of improvements**

After the final parcel map or final tract map has been recorded, all subdivision improvements properly installed in accordance with previously approved plans and specifications shall be accepted by the Council and the subdivider and any other person having an interest in such completion shall be notified in writing by the City Clerk of acceptance by the Council. At the time of acceptance, the City shall assume maintenance of the improvements except as otherwise provided in this Chapter. Parcel map improvements may be accepted by the Public Works Director; tract map improvements will be accepted by the Council.

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**8.90.220 Deferral of improvements for parcel maps**

Improvements required for parcel maps may be deferred until a building permit or other entitlement for development of the parcel(s) is granted by the City, unless the City Engineer and Community Development Director find that completion of improvements is necessary to protect the public health and safety or is a necessary prerequisite to the orderly development of the surrounding area. If these findings are made, the City may require completion of the improvement requirements within a reasonable time following

approval of the parcel map and prior to the issuance of permits for development.

## 8.100 Subdivision Exceptions

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### Sections:

- 8.100.010 - Exception authority
- 8.100.020 - Required findings and conditions
- 8.100.030 - Filing applications – Form and content
- 8.100.040 - Commission or Public Works Director action
- 8.100.050 - Council actions

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### 8.100.010 Exception authority

Upon the recommendation of the Commission or Public Works Director, or upon its sole determination, the Council may authorize exceptions to the requirements or standards imposed by these regulations; provided, however, that no exceptions may be made to any requirements imposed by the Subdivision Map Act; and further provided that nothing in this Chapter shall be construed as altering or conflicting with the powers and duties of the City to approve variances from this Development Code.

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### 8.100.020 Required findings and conditions

- A.** Before any exception is authorized, all of the following findings shall be made:
1. That the Property to be divided is of such size or shape, or is affected by such topographic conditions, that it is impossible, impractical or undesirable, in the particular case, to conform to the strict application of the regulations codified in this title; and
  2. That the cost to the subdivider of strict or literal compliance with the regulations is not the sole reason for granting the modification;
  3. That the modification will not be detrimental to the public health, safety and welfare, or be injurious to other properties in the vicinity; and
  4. That granting the modification is in accord with the intent and purposes of these regulations, and is consistent with the General Plan and with all applicable specific plans or other plans of the City.
- B.** In granting any exception, the Council shall impose such conditions as are necessary to protect the public health, safety and welfare, and assure compliance with the General Plan, with all applicable specific plans, and with the intent and purposes of these regulations.

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### 8.100.030 Filing applications - Form and content

- A.** Applications for exceptions shall be filed, in writing, by the subdivider with the Community Development Director, upon a form and in the number of copies required

for that purpose.

- B.** Each application shall state fully the nature and extent of the exception requested, the specific reasons for it, and the facts relied upon to reach those conclusions.

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**8.100.040 Commission or Public Works Director action**

The Commission (tract map) or Public Works Director (parcel map) shall separately consider any request for an exception and shall recommend approval or conditional approval only after determining that findings can be made which substantiate the criteria set out in Section 8.70.010.

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**8.100.050 Council action**

Within 30 days of its receipt of the Commission's recommendation, the City Council shall consider and approve, conditionally approve, or deny the request for exceptions.

## 8.110 Reversion to Acreage

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### Sections:

- 8.110.010 - Purpose
- 8.110.020 - Initiation of proceedings
- 8.110.030 - Public hearing
- 8.110.040 - Required findings
- 8.110.050 - Required conditions
- 8.110.060 - Delivery of reversion map to county recorder
- 8.110.070 - Effect of filing reversion map with the County Recorder
- 8.110.080 – Tax bond not required

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### 8.110.010 Purpose

This section is intended to enable the aggregation of subdivided real property.

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### 8.110.020 Initiation of Proceedings

Proceedings for reversion to acreage may be initiated by the Council on its own motion or by petition of all of the owners of record of the real property within the area to be reverted. The petition shall contain the following:

- A.** Adequate evidence of title to the real property within the subdivision;
- B.** A statement outlining the use, non-use, viability or lack of-necessity for existing easements, offers of dedication or similar attachments which are to be vacated or abandoned or maintained;
- C.** Sufficient data to enable the Council to make all of the determinations and findings required by this Chapter.
- D.** A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion, and the boundary of the area to be reverted to acreage.
- E.** Any other pertinent information as may be required by the Public Works Director.

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### 8.110.030 Public hearing

After giving notice as provided in Section 7.10 (Public Hearings), the Council shall hold a public hearing on the proposed reversion to acreage.

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### 8.110.040 Required findings

Before approving the map, the Council shall find that:

- A.** Dedications or offers of dedication to be vacated or abandoned by the reversion to



acreage are unnecessary to present or prospective public purposes; and

**B. Either:**

1. All owners having an interest in the real property to be reverted to acreage have consented to reversion; or
2. None of the improvements required to be made have been made within two years from the date the final tract or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
3. No lots shown on the final tract or parcel map have been sold within five years from the date such map was filed for record.

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**8.110.050 Required conditions**

As conditions of reversion, the Council shall require:

- A.** Dedications or offers of dedication necessary for the purposes specified by the regulations set out in this title;
- B.** Retention of all previously paid fees if necessary to accomplish the purposes of the regulations set out in this title;
- C.** Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this Chapter.

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**8.110.060 Delivery of reversion map to county recorder**

After the hearing and approval of the final reversion to acreage map by the Council, the City Clerk shall transmit the map to the County recorder for recordation.

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**8.110.070 Effect of filing reversion map with the County Recorder**

- A.** The filing of the map with the County Recorder shall constitute reversion to acreage of the real property affected, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.
- B.** When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to Section 8.110.050.

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**8.110.080 Tax bond not required**

A tax bond shall not be required in reversion proceedings.

## 8.120 Lot Merger

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### Sections:

- 8.120.010 - Purpose
- 8.120.020 - Application
- 8.120.030 - Procedures for lot merger

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### 8.120.010 Purpose

This section is intended to enable the merger of contiguous parcels where the Community Development Director and City Engineer have determined that requirements for on-site and off-site improvements have been satisfied or will be imposed as a condition of a future entitlement for use of the subject parcel(s).

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### 8.120.020 Application

Application for lot merger shall be made in a form prescribed by the Community Development Director.

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### 8.120.030 Procedures for lot merger

Upon a determination by the Community Development Director and City Engineer that the lots proposed for merger are legal lots, that the owners of the subject lots consent to the proposed merger, and that on-site and offsite improvements which were imposed as conditions of approval have either been installed and accepted or will be required as part of a future entitlement for use or development of the subject lot(s), a certificate of lot merger shall be prepared. Said certificate shall describe the new exterior boundary of the lot after merger and shall be recorded in the Office of the County Recorder.

## 8.130 Condominium Conversions

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### Sections:

- 8.130.010 - Purpose and intent
- 8.130.020 - Applicability of other laws
- 8.130.030 - Provisions to govern condominium conversion projects
- 8.130.040 - Application requirements

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### 8.130.010 Purpose and intent

Condominiums, community apartments and stock cooperatives provide for ownership of separate dwellings or equity coupled with a right of exclusive occupancy, as well as common areas within multiple-family housing normally managed and maintained by an owner's association. This mix of individual and common ownership and the potential problems of converting existing apartments make special regulations necessary.

The City has determined that condominiums differ from apartments in some respects and, for the benefit of public health, safety and welfare, the conversion of such projects should be treated differently from apartments.

These regulations are intended to:

- A. Establish requirements and procedures for the conversion of existing rental housing to residential condominiums and other forms of occupant housing.
- B. Provide for compliance with the Land Use Element and Housing Element of the City's General Plan.
- C. Assure purchasers of converted apartments are aware of the condition of the structure which is offered for purchase.
- D. Provide design and property improvement standards for condominium conversion projects.
- E. Maintain a healthy inventory of rental housing suitable for persons of low and moderate-income.

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### 8.130.020 Applicability of other laws

All condominium projects shall be subject to all applicable provisions of the Subdivision Map Act and this Development Code, and all other applicable state and local laws and ordinances.

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### 8.130.030 Provisions to govern condominium conversion projects

The procedures and standards contained in this Chapter shall govern condominium conversion projects.

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**8.130.040 Application requirements**

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

- A. Property Condition Report.** The application shall be accompanied by a Property Condition Report. This report shall be in addition to and shall not replace any public report required by Government Code Section 66427.1 (a) to be submitted to the Department of Real Estate. The Property Condition Report shall include at least the following:
1. A report detailing the condition of all elements of the property including foundations, ventilation, utilities, walls, roofs, windows, mechanical equipment, appliances which will be sold with the units, common facilities and parking areas. The report shall state, to the best knowledge of the applicant, and for each element: the date of construction, the condition, the expected useful life, the cost of replacement, and any variation from the zoning regulations in effect when the last building permit was issued for the subject structures. The report shall include evidence that the internal walls would meet current sound attenuation standards and that all current energy conservation standards are met. In the event the noise and energy standards are not currently met, the report shall explain proposed corrective measures to be used. The report shall identify all defective or unsafe elements or those which may impair use and enjoyment of the property, and explain the proposed corrective measures to be used. The report shall be prepared by or under the supervision of a registered civil or structural engineer, licensed general contractor, or architect;
  2. A report from a licensed pest-control operator describing in detail the presence and effects of any wood destroying organisms;
  3. A report of any known soil or geological problems. Reference shall be made to any previous soil reports for the site.
- B. Site Plan.** The application shall be accompanied by a site plan which shall include at least the following:
1. The location, number of stories, number of dwellings, and proposed use of each structure to remain and for each proposed new structure;
  2. The location, use and type of surfacing for all open storage areas;
  3. The location and type of surfacing for all driveways, pedestrian ways, vehicle parking areas and curb cuts;
  4. The location and number of all covered and uncovered parking spaces;
  5. The location of all existing and proposed utility lines and meters;
  6. The location, height and type of materials for walls and fences;
  7. The location of all landscaped areas, the type of landscaping, method of irrigation, and a statement specifying private or common maintenance;
  8. The location and description of all recreational facilities;

## 8.140 Fees

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### Sections:

8.140.010 - Council's Authority

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### 8.140.010 Council's Authority

The Council shall, by resolution, establish fees to be charged of subdividers, and procedures of collection and refunds for any activities authorized or required by this Chapter, including appeals and requests for continuance or time extension.

## 8.150 Enforcement

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### Sections:

8.150.010 - Generally

8.150.020 - Illegal subdivisions – Notification of Public Works Director required

8.150.030 - Certificate of compliance – Application – Fee

8.150.040 - Certificate of compliance – Application – Determination

8.150.050 - Certificate of compliance – Recordation

8.150.060 - Illegal subdivision – Permit issuance prohibited

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### 8.150.010 Generally

Except as otherwise provided in this Chapter, the Public Works Director is authorized and directed to enforce the regulations set out in this Chapter and the Subdivision Map Act for subdivision within the City.

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### 8.150.020 Illegal subdivisions - Notification of Public Works Director required

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

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### 8.150.030 Certificate of compliance - Application - Fee

- A.** Any person owning real property, or the agent or representative of such person, may file an application for a certificate of compliance to determine whether such real property complies with the provisions of the Subdivision Map Act and of this ordinance. Such applications shall be filed with the Public Works Director, who shall be responsible for the issuance and recordation of the same. The form of the application shall be prescribed by the Public Works Director.

- B.** A non-refundable fee in an amount specified by resolution of the Council for each lot or parcel for which a certificate is sought, shall accompany the application.

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**8.150.040 Certificate of compliance - Application - Determination**

- A.** Within fifteen days after the filing of the application for a certificate of compliance, the Public Works Director shall grant, conditionally grant, or deny such application.
- B.** If at any time during the processing of the application for a certificate of compliance, the Public Works Director determines that additional information or data is required, the applicant shall be promptly advised in writing, by mail, of the additional material to be supplied before further action will be taken on the application.
- C.** If the application for a certificate of compliance is to be conditionally granted, the Public Works Director shall impose all conditions reasonably necessary to protect the public health, safety and welfare.
- D.** The applicant shall be notified, in writing, of the action taken on the application and of the findings of fact supporting the decision.

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**8.150.050 Certificate of compliance - Recordation**

- A.** The certificate of compliance shall be filed for recording with the County Recorder by the Public Works Director. Such certificate shall identify the real property and shall state that the configuration thereof complies with applicable provisions of these regulations and all other provisions of this Code regulating the division of land within the City.
- B.** A certificate of compliance granted with conditions shall not be recorded until all conditions have been met, or until assurance that such conditions will be met, in a form approved by the City Attorney and accepted by the Public Works Director.
- C.** If the application for a certificate of compliance is to be conditionally granted, the Public Works Director shall impose all conditions reasonably necessary to protect the public health, safety and welfare.
- D.** The applicant shall be notified, in writing, of the action taken on the application and of the findings of fact supporting the decision.

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**8.150.060 Illegal subdivision - Permit issuance prohibited**

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