

CITY OF DORRIS

SUBDIVISION ORDINANCE

Title 16 of the Dorris Municipal Code

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Title 16
SUBDIVISIONS

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16.04.010 Title.

This title of the Dorris Municipal Code (DMC) is enacted pursuant of Chapter XI, Section 7 of the California Constitution and may be cited as the "Dorris Subdivision Ordinance" or "Subdivision Ordinance."

16.04.020 Purpose.

It is the purpose of this title to regulate and control the design and improvement of divisions of land within the city and to supplement the provisions of the Subdivision Map Act (Government Code Sections 66410 et seq.) concerning the design and improvement of subdivisions; the form and content of all maps provided for by the Subdivision Map Act; and the procedure to be followed in securing the official approval of the city regarding such maps. The regulations of this title are determined to be necessary for the preservation of the public health, safety, and general welfare; to promote orderly growth and development; to promote open space, conservation, environmental protection, and proper use of land; and to insure provision for adequate traffic circulation, utilities, and services.

16.04.030 Conformance with provisions of Subdivision Map Act.

In the event that this title is silent or does not address a specific subdivision issue, procedure, or requirement, the city shall defer to the provisions of the Subdivision Map Act.

16.04.040 Conformance with general plan and zoning code.

No land shall be subdivided and developed for any purpose which is not in conformity with the general plan, the zoning code, or other applicable provisions of this code. The design of the subdivision and the streets, roads, highways, utilities, public services, and other improvements that shall be provided by the subdivider shall be consistent with the type and intensity of land use as shown on the general plan.

16.04.050 Conflict with other regulations.

Where conflict occurs between the regulations of this title and any other provision of the Dorris Municipal Code or other ordinances or laws, including the Subdivision Map Act, the provisions that

are more restrictive or impose higher standards or requirements shall control unless otherwise specified in this title or preempted by the Subdivision Map Act.

16.04.060 Applicability.

The regulations set forth in this title shall apply to all or parts of subdivisions within the city and to the preparation of subdivision maps and to other maps provided for by this title and the Subdivision Map Act. Each subdivision and each part lying within the city shall be made, and each map shall be prepared and presented for approval, as required by this title.

Notwithstanding the above, all subdivisions shall be subject to only those regulations included in this title that are in effect on the date that the subdivision application is determined to be complete pursuant to DMC Section 16.12.020 (Review of applications for completeness).

16.04.070 Exclusions.

This title shall not apply to leases, conversions, transactions, conveyances, or other acts which are specifically designated as excluded by the Subdivision Map Act Section 66411 or Sections 66412 et seq., except that procedures for lot line adjustments shall be in accordance with DMC Chapter 16.32 (Lot Line Adjustments). In accordance with Section 66451.7 of the Subdivision Map Act, applications for exclusion pursuant to Section 66412 of the Subdivision Map Act shall be made within sixty (60) days of an application being deemed complete.

Notwithstanding the above, nothing in this title prevents the recording of a final or parcel map for a subdivision for which a final or parcel map is not required by this title, provided that any such map conforms to any requirements or procedures specified by this title.

16.04.080 Conveyances to and from governmental agencies and certain utilities.

The following special provisions apply to conveyances to and from governmental agencies and certain utilities:

- A. Number of parcels. For purposes of computing the number of parcels, any conveyance of land to or from a governmental agency, public entity, public utility, or subsidiary of a public utility for conveyance to that public utility for rights-of-way shall not be considered a division of land.
- B. Exemption from requirement for parcel map. A parcel map shall not be required for any conveyance of land to or from a governmental agency, public entity, public utility, or subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. If a parcel map is not required, the conveyance shall still:
 - 1. Be completed by a recorded document which describes the new parcels; and
 - 2. Comply with all other applicable provisions of this title for dedications and improvements.
- C. Nothing in this section shall be interpreted to provide any exemption from a tentative or final map.

16.04.090 Application to annexed areas.

The provisions of this title shall be applicable to areas annexed to, or proposed for annexation to, the city as follows:

- A. Final or parcel map approved and recorded prior to annexation. Pursuant to Subdivision Map Act Section 66413(a), when any area in a subdivision for which a final map or parcel map has been finally approved by the county board of supervisors and filed for record is thereafter annexed to the city, the final map or parcel map and any agreements relating to the subdivision shall continue to govern the subdivision.
- B. Tentative map filed prior to annexation. Pursuant to Subdivision Map Act Section 66413(b), when any area in a subdivision or proposed subdivision for which a tentative map or vesting tentative map has been filed but a final map has not been finally approved, or as to which a parcel map is required by this title, but the final act required to make the parcel map effective has not been taken, is annexed to the city, all procedures and regulations required by the Subdivision Map Act, this title, the zoning code, and the general plan shall be deemed to commence as of the effective date of the annexation. The map shall comply with all the requirements, including the payment of fees, of all applicable ordinances of the city.
- C. Filing of tentative map in territory proposed to be annexed. Any subdivider may file a tentative map or parcel map of a proposed subdivision in a territory adjacent to the city prior to annexation. If the map is approved, the approval shall be conditioned upon the annexation of the property to the city within a time specified, and the approval shall not be effective until annexation of the property to the city has been completed. If the annexation is not completed within the time specified or any extension, then the approval of the map shall be null and void. No final or parcel map may be filed under this provision unless annexation to the city has been completed.

16.04.100 Interpretation of language.

The following rules for interpretation shall apply:

- A. All references to "city" shall mean the City of Dorris.
- B. All references to the "city council" shall mean the City of Dorris City Council.
- C. The words "title," "chapter," "section", and "subsection" refer to this subdivision ordinance unless otherwise noted.
- D. All references to "state" shall mean the State of California. Any reference to a specific State of California regulation or law shall also mean "as the regulation or law may be subsequently amended by the State of California."
- E. All references to sections of the Subdivision Map Act include all successor sections.
- F. All references to "days" are to calendar days unless otherwise indicated. If a deadline falls on a Saturday, Sunday, or holiday, it shall be extended to the next full day in which the City of Dorris is open for business.
- G. All references to "county" shall mean the County of Siskiyou. All references to "county recorder" shall mean the Siskiyou County Recorder.
- H. All references to "code" or "municipal code" shall mean the Dorris Municipal Code. Any reference to a specific title, chapter, section, or subsection in the Dorris Municipal Code shall also mean "as the title, chapter, section, or subsection may be subsequently amended by the City of the Dorris."
- I. All references to "zoning code" shall mean Title 18 of the Dorris Municipal Code. Any reference to a specific chapter, section, or subsection in the zoning code shall also mean "as the chapter, section, or subsection may be subsequently amended by the City of Dorris."
- J. All references to "general plan" shall mean the City of Dorris General Plan. Any reference

shall also mean "as the general plan may be subsequently amended by the City of Dorris."

- K. All references to departments or other public agencies are those of the City of Dorris, unless otherwise indicated.
- L. Where uncertainty exists regarding the interpretation of any provision of this Subdivision Ordinance or its application to a specific site, the city planner with the concurrence of city engineer, shall determine the intent of that provision.

16.04.110 Requirements in effect.

Any specific state regulation or law, including but not limited to the Subdivision Map Act, or municipal code title, chapter, section, or subsection cited in this title may be amended or renumbered from time-to-time, and the regulation, law, title, chapter, section, or subsection in effect on the date that the subdivision application is determined to be complete pursuant to DMC Section 16.12.020 (Review of applications for completeness) shall control, unless otherwise required by state law or the applicant elects otherwise. Prior to the date that the subdivision application is determined to be complete, the amended or renumbered regulation or law shall apply if notice of a proposed change has been given as specified by Section 66474.2 of the Subdivision Map Act pursuant to DMC Section 16.12.030 (Conformance with city plans and ordinances).

16.04.120 Definitions.

"Block" means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, or any other barrier to the continuity of development.

"Building official" means the officially designated city employee, contract employee, or their designee charged with the responsibility to administer, implement, and enforce DMC Title 15 (Buildings and Construction).

"CC&Rs" means covenants, conditions, and restrictions recorded against real property.

"CEQA" means the California Environmental Quality Act, Public Resources Code Section 21000 et seq. and the California Environmental Quality Act Guidelines, as may be subsequently amended by the State of California.

"Certificate of compliance" means a certificate that is issued by the city stating that a specific property complies with applicable provisions of the Subdivision Map Act and this Subdivision Ordinance enacted pursuant thereto. This certificate can be issued with and without conditions, depending upon the status of the parcel.

"City engineer" means the officially designated city employee, contract employee, or their designee charged with making all surveys, inspections and approving public improvement designs/plans, plans, specifications and estimates required by the city council or with any other duties of the city engineer. The minimum qualifications of the city engineer are defined in Subdivision Map Act Section 66416.5.

"City planner" means the officially designated city employee, contract employee, or their designee charged with the responsibility for the interpretation and administration of the zoning code.

"Code enforcement" means the officially designated city employee, contract employee, or their designee charged with the responsibility of enforcing the Dorris Municipal Code.

"Common interest development" means as defined in Civil Code Section 4100 (including a residential condominium, planned development, stock cooperative, or community apartment project) or any other ownership type in which an undivided interest in common in a portion of a

parcel is held together with a separate interest in space. For the purposes of this title, common interest developments include all condominiums, community apartment projects, and stock cooperatives.

“Condominium” means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on the real property.

“Condominium conversion” means the conversion of any existing building into a common interest development as defined in Civil Code Section 4100, including a residential condominium, planned development, stock cooperative, or community apartment project, or into any other ownership type in which an undivided interest in common in a portion of a parcel is held together with a separate interest in space.

“County recorder” means the Recorder of the County of Siskiyou, State of California.

“Design” means street alignments, grades, and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; lot size and configuration; traffic access; grading; land to be dedicated for park or recreation purposes; and such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.

“Development” means the uses to which the land being subdivided shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto. For purposes of this title, "development" specifically includes the following terms: the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or grading; any use or extension of the use of land; any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures or modifications thereto, which affect the exterior dimensions of a structure, relocation of a building or structure, condominium conversions, mining, dredging, filling, grading, paving, excavation, or drilling operations.

“Final map” means a map showing a subdivision for which a tentative map or vesting tentative map and final map are required by the Subdivision Map Act or this title, prepared in accordance with the provisions of this title and the Subdivision Map Act and recorded in the office of the county recorder.

“Improvement” means any streets, storm drainage facilities, utilities, and landscaping to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of or to serve the lot owners in the subdivision, and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map or parcel map thereof. Includes any other specific improvements or type of improvements, including but not limited to infrastructure and all related appurtenances, utilities, pedestrian ways, bikeways, landscaping and irrigation, and related facilities, the installation of which, either by or by a combination thereof, the subdivider, public agencies, private utilities, or any other entity approved by the city, is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.

“Improvement agreement” means an agreement entered into by the city and the subdivider to ensure and provide security for the construction of required subdivision improvements or other improvements required by conditions of approval when those improvements have not been completed prior to approval of a final map or parcel map.

“Lot or parcel” means a parcel or portion of land separated from other parcels or portions by description, as on a subdivision, parcel, or record-of-survey map, or by metes and bounds, for purpose of the sale, lease, or separate use.

“Lot line adjustment” means a boundary adjustment between four (4) or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, with no more parcels being created than originally existed.

“Merger” means the joining of two or more contiguous parcels of land under the same ownership into one parcel pursuant to the procedure set forth in DMC Chapter 16.36 (Merger of Lots).

“Parcel map” means a map showing the design and improvement of a proposed subdivision for which a parcel map is required under the Subdivision Map Act or this title, prepared in accordance with the provisions of DMC Chapter 16.24 (Parcel Maps) and the Subdivision Map Act and recorded in the office of the county recorder.

“Peripheral street” means an existing street whose right-of-way is contiguous to the exterior boundary of the subdivision.

“Private street” means any street, access way, alley, or the like, lying in whole or in part within a subdivision, which is privately owned, operated, and maintained, and which is utilized as access to a development.

“Remainder” means that portion of an existing parcel which is not included as part of the subdivided land for purpose of sale, lease, or financing. The remainder is not considered as part of the subdivision and shall not be counted as a parcel for purposes of determining whether a parcel or final map is required but must be shown on required maps.

“Reversion to acreage” means the filing of a map for the purpose of abandoning a recorded subdivision which was created by either a final map or parcel map.

“Street” means a public or private right-of-way, usually designed for pedestrian, bicycle, and vehicular travel, which provides a primary means of access to abutting property. The term shall include, but not be limited to, avenue, drive, circle, court, road, parkway, boulevard, highway, thoroughfare, or any similar term. For purposes of this title, streets include alleys.

“Subdivider” means any person, property owner, firm, corporation, partnership, association, or any other legal entity, or combination of entities, who proposes to divide, divides, or causes real property to be divided into a subdivision, except that employees and consultants of such persons or entities are not considered subdividers.

“Subdivision” means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements, or railroad rights-of-way. "Subdivision" includes a condominium project, as defined herein or in Section 4125 or 6542 of the Civil Code; a community apartment project, as defined in Section 4105 of the Civil Code; or the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Section 4190 or 6566 of the Civil Code. Subdivision includes any division of land by gift, inheritance, or court-ordered partitioning.

“Subdivision Map Act” means State of California Government Code Sections 66410 to 66499.58. All references to sections of the Subdivision Map Act include all successor sections.

“Tentative map” means a map prepared for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around the proposed subdivision for

which a tentative and final map are required pursuant to DMC Chapter 16.16 (Tentative and Final Maps) and need not be based upon an accurate or detailed final survey of the property.

“Vesting tentative map” means a tentative map which additionally meets the requirements of DMC Chapter 16.20 (Vesting Tentative Maps), and which, upon approval or conditional approval, is granted certain development rights that are vested within a time period, as described in DMC Chapter 16.20.

Chapter 16.08
RESPONSIBILITIES

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16.08.010	Authority.
16.08.020	City attorney.
16.08.030	City engineer.
16.08.040	City planner.
16.08.050	Building official.
16.08.060	City council.

16.08.010 Authority.

For the purposes of this title, authority shall lie with the officials and official bodies in accordance with this chapter.

16.08.020 City attorney.

The city attorney has the authority for approving as to form all subdivision improvement agreements, all conditions, covenants, and restrictions, and for performing all other acts authorized by this title and by the Dorris Municipal Code.

16.08.030 City engineer.

The city engineer has the authority for:

- A. Determining the applicability of this title to any proposed division of land.
- B. Establishing design and construction details, standards, and specifications for subdivision improvements and design.
- C. Determining if proposed subdivision improvements and designs comply with the provisions of this title and the Subdivision Map Act and reporting the findings together with any recommendations for approval, conditional approval, or denial of any tentative map or parcel map to the city planner.
- D. Reviewing and approving subdivision improvement plans, inspecting and approving subdivision improvements, and preparing subdivision improvement agreements.
- E. Processing and reviewing final maps and examining and certifying whether final maps are in substantial conformance with the approved tentative map.
- F. Processing and reviewing parcel maps.
- G. Reviewing and approving certificates of correction and amending maps pursuant to Subdivision Map Act Sections 66469 – 66472.1.
- H. Certifying the completion of private improvements not to be maintained by the city.
- I. Performing all other acts authorized by this title or by the Dorris Municipal Code.

16.08.040 City planner.

The city planner has the authority for:

- A. Undertaking environmental review in accordance with DMC Section 16.12.040 (Environmental review).

- B. Interpreting all provisions of this title and Title 18 (Zoning).
- C. Approving, conditionally approving, or denying applications for certificates of compliance.
- D. For all other subdivisions, investigating their conformity to the general plan, applicable specific plans, and the zoning code, and reporting those findings together with the city engineer's report, with recommendations for approval, conditional approval, or denial to the city council, including any recommended conditions of approval.
- E. Performing all other acts authorized by this title and Title 18 (Zoning).

16.08.050 Building official.

The building official has the authority for interpreting all provisions of DMC Title 15 (Buildings and Construction) and applying them to subdivisions governed by this title, approving data, plans, reports, and documents as required by this title, and performing all other acts authorized by this title or by the Dorris Municipal Code, including, without limitation, overseeing residential condominium conversions described in DMC Section 16.28.090 (Specific physical standards for residential condominium conversions).

16.08.060 City council.

The city council has the authority to approve, conditionally approve, or deny parcel maps, tentative maps, and exceptions. The city council also has the authority to approve or deny final maps, lot line adjustments, mergers, or reversion to acreages, extensions of tentative maps, and improvement agreements; to accept, accept subject to improvements, or reject any offers of dedication for subdivisions; and to accept public improvements for subdivisions. The city council is the appeal body for all decisions of city staff and for other decisions as specified in this title and may perform all other acts authorized by this title.

Chapter 16.12
APPLICATION PROCEDURES

Sections

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- 16.12.020 Review of applications for completeness.
- 16.12.030 Conformance with city plans and ordinances.
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- 16.12.140 Exceptions.
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16.12.010 Application required.

- A. Applications for all approvals authorized by this title shall be required on forms provided by the city clerk and accompanied by an application fee in an amount established by the city council.
- B. Applications shall be signed by the subdivider and by the property owner(s) or their authorized agent(s).
- C. If an application involves more than one property with different ownerships, a map identifying the ownership of those properties shall be submitted with the application.

16.12.020 Review of applications for completeness.

- A. All applications shall be submitted to the city clerk except as otherwise provided in this title. The application shall be deemed received upon receipt of the application and any required fee and/or deposit.
- B. Not later than thirty (30) calendar days after an application has been received, the city planner and/or city engineer shall determine whether the submitted application materials are complete and shall notify the applicant of the decision in writing and identify in writing any additional information required to complete the application, as required by Government Code Section 65943(a). No application shall be considered complete until all information required by the city is received and all application fees and/or deposits are paid.
- C. Upon receipt of any application resubmittal, a new thirty (30)-day period shall begin, during which the city planner and/or city engineer shall determine the completeness of the resubmittal.
- D. If the applicant makes a material modification to the application following the filing of the application and prior to the expiration of the thirty (30)-period for determining completeness, the application shall be considered to have been resubmitted, and the thirty (30)-period for

determining completeness shall commence on the date that the application was resubmitted.

- E. The accuracy of all information, maps, and other submittals shall be the responsibility of the applicant. The city planner and/or city engineer may reject as incomplete an application that includes inaccurate or incomplete information.
- F. If the application, together with the submitted materials, is determined not to be complete, the applicant may appeal city staff's determination of completeness to the city council in accordance with DMC Section 16.12.090 (Appeals of administrative decisions). The applicant shall be responsible for submitting the appeal on forms required by city clerk or their designee and the payment of any associated appeal fees.
- G. Applications that have been deemed incomplete by the city and for which there has been no resubmittal of the required materials by the applicant within one hundred eighty (180) days from the date of the incompleteness letter shall be considered withdrawn, and a new application and fees shall be required to be submitted to further process the project.
- H. An applicant and the city may mutually agree to an extension of any time limit provided by this section.
- I. A determination that the application is complete shall not constitute a determination that the application complies with the regulations of this title.

16.12.030 Conformance with city plans and ordinances.

In determining whether to approve or disapprove an application pursuant to this title, the city shall apply only those plans, policies, standards, and ordinances that are adopted and in effect on the date that the application is determined to be complete, unless, prior to the determination of completeness, the city has initiated, by adoption of resolution or ordinance or by motion, an amendment to any plan or ordinance and has published notice as required by Section 66474.2 of the Subdivision Map Act.

16.12.040 Environmental review.

After an application made pursuant to this title has been determined to be complete:

- A. The city planner shall determine whether the application is statutorily or categorically exempt from the California Environmental Quality Act (CEQA) or otherwise not subject to CEQA review. The city planner shall make this determination prior to, or concurrently with, the issuance of any public notice required for the application.
- B. If the project is not exempt and is subject to CEQA, the city shall prepare an initial study and determine, based upon the information contained in the initial study, whether a negative declaration, a mitigated negative declaration, or an environmental impact report shall be prepared and may, at the city administrator's discretion, select a consultant to prepare the appropriate environmental document at the applicant's expense. If the city planner can determine that an environmental impact report will be clearly required for the project, by mutual agreement with the subdivider, the city may skip further initial review of the project and begin work directly on the environmental impact report.
- C. All CEQA review shall be completed prior to approval of any application made pursuant to this title.

16.12.050 Public hearings.

- A. If a public hearing is required, the city planner shall set the date, time, and place for the public hearing.
- B. Notice of any public hearing required under the terms of this title shall be given at least ten (10) days prior to the first hearing by at least one publication in a newspaper of general circulation within the city and by the U.S. Mail, postage prepaid, to all persons whose name and address appear on the latest adopted tax roll as owning property within a distance of not less than three hundred (300) feet from the exterior boundaries of the real property subject to the hearing.
- C. Any defect or error appearing in such notice, or the failure of any person or entity to receive notice given pursuant to this section, shall not divest the city council of jurisdiction nor invalidate any proceedings.
- D. Any public hearing conducted pursuant to this title may be continued from time to time, if consistent with the provisions of the Permit Streamlining Act (Government Code Section 65920 et seq.) and shall not require additional notification.

16.12.060 Application processing timelines.

- A. Tentative Maps and Parcel Maps. Within thirty (30) days of determining the application to be complete, the city planner and/or city engineer shall submit the tentative map or parcel map application, together with a report, to the city council at a public hearing with a recommendation for approval or denial. The city council shall act on the map application within the thirty (30)-day period. However, the thirty (30)-day period shall not commence until the city has certified an environmental impact report, negative declaration, or mitigated negative declaration regarding the proposed map; or determined that the map application is statutorily or categorically exempt from CEQA or otherwise not subject to CEQA review, in accordance with the Subdivision Map Act, CEQA, and Permit Streamlining Act.
- B. Subdivision Exemptions and Parcel Map Waivers. In accordance with Section 66451.7 of the Subdivision Map Act, decisions regarding applications for exemptions pursuant to Section 66412 and applications for parcel map waivers pursuant to Section 66428 shall be made within sixty (60) days of the application being deemed complete.
- C. Copies of Staff Reports. Any report on a tentative map or parcel map prepared by city staff and submitted to the city council shall be in writing, and a copy shall be served on the subdivider at least three (3) days prior to the city council meeting.
- D. Approval if No Action. If required by the Subdivision Map Act, a tentative map or parcel map shall be deemed approved insofar as it complies with other applicable requirements of this chapter, the zoning code, building code, and other local ordinances, if no action is taken upon the tentative map or parcel map within the time limits required by this chapter. No advisory agency or legislative body shall disapprove an application for tentative, final, or parcel map in order to comply with the time limits specified unless there are reasons for disapproval other than failure to timely act in accordance with the limits specified.
- E. Extension of Time Limits. An extension of the time limits for processing and acting on an application may be granted by mutual consent of the city and the applicant, as provided in the Subdivision Map Act Section 66451.1, so long as such extensions are consistent with the provisions of the Permit Streamlining Act (Government Code Section 65920 et seq.).
- F. Exceptions. The deadlines and time limits established by this section do not apply to administrative appeals authorized by this chapter.

16.12.070 Concurrent applications.

When one or more discretionary actions are required for a single project under any provision of the municipal code, all required applications may be filed concurrently. When filed concurrently, the applications will be reviewed and processed concurrently and will be subject to the processing requirements of the application requiring the most stringent review.

16.12.080 Withdrawal of applications.

- A. Any application made pursuant to this title may be withdrawn at any time prior to approval by filing a written request for withdrawal with the city administrator.
- B. The request for withdrawal shall be signed by all persons who signed the original application, or their designated agents or successors.
- C. With a request for withdrawal, the applicant may request a refund of fees; however, the refund of fees shall be reduced by any costs incurred by the city up to the time of withdrawal request. No refund shall be made after the application has been noticed for hearing.

16.12.090 Appeals of administrative decisions.

- A. Any decision of the city planner and/or city engineer pursuant to this title may be appealed to the city council, except as otherwise provided in this title.
- B. An appeal may be initiated by an applicant or other interested party adversely affected by a decision of staff by submitting an application to the city clerk accompanied by any required fee and/or deposit. The appeal application shall state, as appropriate, any of the following supported by sufficient detail to understand the nature of the appeal:
 - 1. There was an error or abuse of discretion;
 - 2. The record includes inaccurate information; or
 - 3. The decision is not supported by the record.
- C. Appeals of decisions shall be initiated within ten (10) days of the decision, except where otherwise provided by this title. When the appeal period ends on a weekend, the time limits shall be extended to the next business day. The city administrator may be considered an interested party on behalf of the city.
- D. Decisions that are appealed shall not become effective until the appeal is resolved.
- E. An appeal of a decision of the city planner and/or city engineer shall be scheduled for a public hearing before the city council, which shall be held within forty-five (45) days of the date of the filing of the appeal. If there is no regular meeting of the city council within the next forty-five (45) days for which adequate notice can be given, the appeal may be heard at the next regular meeting for which notice can be given, or within sixty (60) days from the date of filing, whichever period is shorter.
- F. At the appeal hearing, the city council shall review the record of the decision and hear testimony of the appellant, applicant, and any other interested party. The city council shall affirm, affirm with conditions, modify, or reverse the original decision. When a decision is modified or reversed, the city council shall state the specific reasons and make findings as necessary to support its decision.
- G. The city council shall issue a written decision on the merits of the appeal based on evidence in the record within ten (10) days following the conclusion of the hearing. The city council's action on the appeal shall be final.

16.12.100 Notice to applicant of action on tentative map or parcel map.

Within thirty (30) days following the expiration of all appeal periods, the city shall notify the subdivider, the subdivider's engineer or surveyor, any appellant, and any other party requesting such notice of its action on any tentative map or parcel map, including all conditions of approval, the amount of all fees that can be determined, and a description of the dedications, reservations, requirements for construction of improvements and facilities, and other exactions imposed on the map.

16.12.110 Expiration of tentative map approval.

- A. The approval or conditional approval of a tentative map shall expire twenty-four (24) months from the date of the initial approval or conditional approval of the map. The subdivider may request an extension to the expiration date as provided in DMC Section 16.12.120 (Time extensions). The subdivider may also be entitled to an extension of the expiration date as provided in DMC Section 16.12.130 (Statutory extensions of tentative map approval).
- B. Expiration of an approved or conditionally approved tentative map shall terminate all proceedings, and no final map for all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map.
- C. Once a timely filing is made, subsequent actions of the city, including, but not limited to, processing, approving, and recording the final map, may lawfully occur after the date of expiration of the tentative map. Delivery to the city engineer of a signed final map in substantial conformance with the approved tentative map, necessary improvement plans, and all required fees and deposits shall be deemed as "timely filing" for purposes of this section.

16.12.120 Time extensions.

- A. Time limits. The expiration date for the tentative map may be extended if the applicant requests, and the city approves, a request for an extension of up to thirty-six (36) months. More than one extension may be approved; however, the approved new expiration date shall not extend more than six (6) years beyond the date of the resolution adopted by the city council approving or conditionally approving the tentative map.
- B. Request by subdivider. The subdivider or authorized agent may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the city clerk. The application shall be filed prior to the expiration of the approved or conditionally approved map and shall state the reasons for requesting the extension and include the required fee or deposit. Upon an application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved or denied, whichever occurs first.
- C. Action on request for extension of tentative map. The city planner and city engineer shall review the request. Within thirty (30) days of determining the application to be complete, the city planner shall submit the application for the extension, together with a report, to the city council at a public hearing with a recommendation for approval or denial. A copy of the staff report shall be forwarded to the subdivider prior to the city council meeting on the extension. The city council may approve or deny the request for an extension to the expiration of the tentative map. The city may impose only those conditions of approval that were imposed for the initial map approval unless the developer consents to the imposition of additional conditions. In approving the request for an extension of the tentative map, the city council shall specify the new expiration date of the map.

- D. Findings. The city council may approve a request for a time extension if it finds that the map is consistent with the city's general plan and zoning.

16.12.130 Statutory extensions of tentative map approval.

In addition to the extensions provided for in DMC Section 16.12.120 (Time extensions), tentative maps shall be extended in the following cases pursuant to the detailed provisions of Sections 66452.6 and 66463.5 of the Subdivision Map Act:

- A. Phased Final Maps and Public Improvements. A tentative map shall be extended pursuant to Section 66452.6 of the Subdivision Map Act if:
1. The city has approved the filing of multiple phased final maps as part of its approval of the tentative map; and
 2. The subdivider is required to provide certain off-site public improvements above the dollar amount specified in Section 66452.6 that was in effect at the time the tentative map application was determined or deemed to be complete.
 3. This provision is applicable only to tentative maps and not to parcel maps. The number of phased final maps that may be filed shall be determined by the city council at the time of the approval of the tentative map. Pursuant to Section 66452.6, each filing of a phased map extends the expiration of the approved tentative map by thirty-six (36) months from the date of expiration or from the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than ten (10) years from the date of the resolution adopted by the city council approving or conditionally approving the tentative map.
- B. Development Agreements. A tentative map on property subject to a development agreement may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement.
- C. Moratoria. The twenty-four (24)-month period of time specified in subsection A of DMC Section 16.12.110 (Expiration of tentative map approval), including any extensions granted pursuant to DMC Section 16.12.120 (Times extensions), shall not include any period of time, not to exceed five (5) years, during which a development moratorium, as specified in Sections 66452.6 and 66463.5 and imposed after approval of the tentative map, is in existence.
- D. Lawsuits. The twenty-four (24)-month period of time specified in subsection A of DMC Section 16.12.110 (Expiration of tentative map approval), including any extensions granted pursuant to DMC Section 16.12.120 (Time extensions), shall not include any period of time during which a lawsuit involving the approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the city council. Within ten (10) days of the service of the initial petition or complaint upon the city, the subdivider shall, in writing addressed to the city clerk, request a stay of the time period for expiration of the tentative map. Within forty (40) days after receiving the request, the city council shall either stay the time period for up to five (5) years or deny the requested stay. The request for the stay shall be considered at a hearing with notice to the subdivider and to all other parties in the lawsuit. Upon conclusion of the hearing, the city council shall, within ten (10) days, declare its findings.
- E. Other Statutory Extensions. Tentative maps may be additionally extended through other provisions of the Subdivision Map Act.

16.12.140 Exceptions.

A subdivider may request an exception to any regulation or requirement included in this title, consistent with the following application procedures and findings. This exception procedure shall not apply to modifications of zoning code requirements.

- A. Application. An application for an exception to the regulations or requirements of this title shall be filed by the subdivider concurrent with the application for a tentative map, vesting tentative map, parcel map, or other application authorized by this title. The application shall be accompanied by a written statement identifying the special grounds or circumstances that will enable the required findings to be made.
- B. Review. An application for an exception shall be considered concurrently with the application for a tentative map, vesting tentative map, parcel map, or other application. The requested exceptions shall be described in the required public notice given pursuant to DMC Section 16.12.050 (Public hearings). An exception for any subdivision may be approved, conditionally approved, or denied by the city council.
- C. Required findings for approval. In approving or conditionally approving an exception to the regulations or requirements included in this title, the city council, shall make the following findings:
 - 1. Because the land involved in the subdivision is of a size or shape, or is subject to title limitations of record, or is affected by topographical location or conditions, or is otherwise restricted, it is impossible or impracticable for the subdivider to conform fully to the regulations contained in this title.
 - 2. The subdivision is in conformity with the Subdivision Map Act, the general plan, any applicable specific plan, the zoning code, and other plans and policies adopted by the city council.

16.12.150 Indemnification and hold harmless.

All subdividers and applicants for any entitlement included in this title shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action, or proceeding against the city, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of any use, permit, or entitlement provided for in this title. The city shall promptly notify the subdivider or applicant of any such claim, action, or proceeding. Nothing contained in this section shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.

Chapter 16.16
TENTATIVE AND FINAL MAPS

Sections

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16.16.010 Tentative and vesting tentative maps.

The submittal, form and contents, and approval of tentative or vesting tentative maps shall be governed by the provisions of this chapter and the Subdivision Map Act Sections 66452-66452.24. All provisions applicable to tentative maps shall also be applicable to vesting tentative maps. Vesting tentative maps shall additionally comply with all provisions of DMC Chapter 16.20 (Vesting Tentative Maps).

16.16.020 Applicability.

A tentative or vesting tentative map and final map shall be required for all subdivisions creating five (5) or more lots, five (5) or more condominiums as defined in Section 783 of the California Civil Code, a community apartment project, as defined in Section 4105 of the Civil Code, containing five or more dwelling units, or the conversion of a dwelling to a stock cooperative, as defined in Section 4190 or 6566 of the Civil Code, containing five (5) or more dwelling units, except that a parcel map in accordance with the requirements of DMC Chapter 16.24 (Parcel Maps) shall be required for those subdivisions listed in Section 66426 of the Subdivision Map Act.

16.16.030 Application submittal.

An application for a tentative map shall be initiated by submitting an application in accordance with DMC Chapter 16.12 (Application Procedures). The application shall be reviewed in accordance with the requirements and procedures established in this chapter and the Subdivision Map Act.

16.16.040 Form and contents of tentative maps.

The tentative map shall be prepared by a registered civil engineer authorized to practice land surveying or licensed land surveyor in a manner acceptable to the city and in accordance with this title and the Subdivision Map Act. It shall be based upon a survey and shall conform to all of the following provisions:

- A. It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black ink on a sheet form approved by the city engineer. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink.
- B. The minimum size of each sheet shall be eighteen inches by twenty-six inches (18" x 26"). A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly, and enough sheets shall be used to accomplish this end. The particular sheet number 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. Date, north arrow, and subdivision boundaries shall be clearly marked, dimensioned, and labeled as shall property corner and street centerline monuments. Street centerline monuments shall conform to city standards. Property corner monuments shall be of a metallic non-decaying substance.
- C. All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown including bearings and distances of straight lines, radii and arc length or chord bearings and length for all curves, and ties to existing monuments used to establish the subdivision boundaries.
- D. Each lot shall be numbered and each block may be numbered or lettered. Each street shall be named or otherwise designated, as approved by the city council.
- E. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys. If the map includes a "designated remainder" parcel, and the gross area of the "designated remainder" parcel or similar parcel is five (5) acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel. A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this section. A designated remainder shall be of sufficient size and geometry to be viably developed in accordance with the standards of the zoning district in which the property is located.
- F. A title which shall contain the subdivision name, type of subdivision, and tract number.
- G. Name and mailing address of legal owner, subdivider, and person preparing the map, including registration or license number.
- H. Sufficient legal description to define the boundary of the proposed subdivision.
- I. Existing and proposed use or uses of the property.
- J. A location map showing the general location of the subdivision project in relation to the surrounding community.
- K. Existing topography and physical setting of the proposed site and at least one hundred (100) feet beyond its boundary, including but not limited to:
 - 1. Existing contours at two (2)-foot intervals if the existing ground slope is less than ten

(10) percent and at not less than five (5)-foot intervals for existing ground slopes equal to or greater than ten (10) percent. Existing contours shall be represented by dashed lines or by screened lines and labelled at ten (10)-foot intervals.

2. Type and circumference of existing trees. Any trees proposed to be removed shall be so indicated.
 3. The location and outline of existing structures identified by type. Structures to be removed shall be so marked.
 4. The approximate location of all areas subject to inundation or stormwater overflow and the location, width, and direction of flow of each water course, including top of bank, the centerline of water course, and any 100-year floodplain.
 5. The location, names, and right-of-way width of adjoining streets or highways.
 6. The widths, location, and purpose of all existing easements with record references and proposed easements if known.
 7. The location and size of existing sanitary sewers, water mains, and storm drains.
 8. The approximate location of existing overhead and/or underground utility lines and street lighting on peripheral streets.
- L. Proposed improvements to be shown shall include, but are not limited to:
1. The location, grade, centerline radius, and arc length of curves, pavement, right-of-way width, and name of all streets. Typical pavement structural sections and typical street sections of all streets shall be shown.
 2. The location and radius of all curb returns and cul-de-sacs.
 3. The location, width, and purpose of all easements.
 4. The approximate layout, area, and dimensions of each lot and of each building site. The map shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale, retaining walls as required, and the number of each lot and the general layout of post construction best practice management features to address storm water development standards with applicable easements; the development also requires a preliminary storm water control plan.
 5. In the case of zero lot line, common interest development, and similar developments, the map shall show the location of all existing and proposed building footprints and the number of dwelling units being constructed. The city planner may require other developments to show the location of existing and proposed building footprints where needed to evaluate the map.
 6. In the case of commercial development, the map shall designate all areas proposed for vehicular circulation and parking, for pedestrian circulation (including pedestrian access, circulation, and accessibility to on site buildings/features), bicycle circulation and parking, and for buffer strips and other landscaping.
 7. If the site is to be graded, proposed contours shall be shown or an approved grading plan shall be submitted.
 8. Proposed recreation sites, trails, and parks for private or public use, including gross acreage for all areas proposed for public or private parkland or other primary recreational purposes.

9. Proposed common areas and areas to be dedicated to public open space.
 10. The location and size of sanitary sewers, water mains, and storm drains including manholes and connection points. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.
- M. The name or names of any geologist or soils engineer whose services were utilized in the preparation of the design of the tentative map.
- N. All lettering size shall be one-eighth inch minimum height.
- O. If the subdivider plans to develop the site in phases, the proposed phases and their proposed sequence of construction shall be shown.
- P. An applicant may, upon formal application, request the waiver of one or more tentative map requirements which are determined by the city planner and city engineer not to be essential to the application. The city planner and/or city engineer may, as a part of the determination of completeness, approve or deny the requested waiver.
- Q. The city planner and/or city engineer may also require other drawings, data, or information as deemed necessary to evaluate the requested subdivision.

16.16.050 Accompanying data and reports.

The tentative map shall be accompanied by the following data or reports:

- A. Street Names. A list of potential street names for any unnamed street or alley.
- B. Soils Report. A preliminary soils report prepared in accordance with the city standards shall be submitted to the city engineer.
1. The preliminary soil report shall be prepared by a civil geotechnical engineer who is registered by the state and shall be based upon adequate test borings or excavations. The preliminary soil report may be waived if the city engineer determines that, due to the knowledge of the city as to the soil qualities of the subdivision, no preliminary analysis is necessary. The city engineer may require additional information or reject the report if it is found to be incomplete, inaccurate, or unsatisfactory.
 2. The city engineer may require additional soils reports for the tentative map if the city engineer determines that additional soils information is required to evaluate the proposed design and improvement of the subdivision.
- C. Title Report. A preliminary title report, showing all parties with a legal or equitable interest and all easements, covenants, and other encumbrances and interests in the property at the time of filing the tentative map.
- D. Environmental Review Information. The subdivider shall provide additional data, information, and reports, and deposit and pay fees as may be required to comply with CEQA and for the preparation and processing of environmental review documents, including any special studies deemed necessary by the city planner or city engineer.
- E. Hazardous Materials and Air Pollution. For subdivisions that include nonresidential development, the subdivider shall provide information regarding hazardous materials and hazardous air emissions as required by Section 65850.2(b) of the Government Code.
- F. Hazardous Waste and Substances Statement. The subdivider shall submit a signed statement indicating whether the subdivision is located on a site that is included on a list

compiled pursuant to Section 65962.5 of the Government Code and, if the project is included on such a list, specifying the list.

- G. Common Interest Development Projects. Any tentative map for a common interest development shall be accompanied by site plans and elevations showing the size, height, and location of all proposed buildings, driveways, parking, landscaping, open space, and walls, number of existing and proposed dwelling units, and other pertinent information in sufficient detail to determine the height and square footage of each structure and its conformance with existing plans, regulations, and ordinances.
- H. Preliminary Stormwater Control Plan. A conceptual stormwater control plan in accordance with the city's stormwater development standards.
- I. Other Reports. Any other data or reports deemed necessary by the city planner or city engineer.
- J. Subsections A, B, D, and E of this section shall not apply to condominium conversions.

16.16.060 Water supply assessments.

This section is applicable to any subdivision that includes a proposed residential development of more than five hundred (500) dwelling units. For any such subdivision, the city council shall require that a sufficient water supply be available, based on written verification from the applicable public water system purveyor, and pursuant to the procedures, definitions, and provisions of Section 66473.7 of the Subdivision Map Act. Any subdivider subject to this subsection shall provide such reports and data as deemed necessary by the city planner and city engineer to enable the required findings to be made.

16.16.070 Review by public agencies and utilities.

Within five (5) days after the tentative map application has been determined to be complete, the city planner shall forward copies of the tentative map and its proposed improvements to affected public agencies and utilities, including any public agency that has filed a map with the city pursuant to the Subdivision Map Act indicating the territory in which it wishes to make recommendations. The city planner shall request recommendations for improvements to serve the proposed subdivision. Within fifteen (15) days after receiving the notice, the affected public agencies and utilities may review the map and may make recommendations to the city regarding the effect of the proposed subdivision upon the public agency or utility. The city council shall consider the recommendations from the public agency or utility before acting on the map.

16.16.080 Review by school districts.

Within five (5) days after the tentative map application has been determined to be complete, the city planner shall send a notice of this determination to the governing board of any elementary, high school, or unified school district within the boundaries of which the subdivision is proposed to be located. The notice shall also contain information about the location of the proposed subdivision, the number of units and any other information which would be relevant to the affected school district. Within fifteen (15) days after receiving the notice, the school district may review the map and may make recommendations to the city regarding the effect of the proposed subdivision upon the school district. The city council shall consider the recommendations from the school district(s) before acting on the map. The failure of any school district to respond within fifteen (15) days shall be deemed acceptance of the proposed subdivision.

16.16.090 City planner review.

The city planner shall review the application for completeness in accordance with DMC Section 16.12.020 (Review of applications for completeness), shall complete environmental review in accordance with DMC Section 16.12.040 (Environmental review), and shall also review the application for compliance with all applicable general and specific plans, zoning, and other city ordinances, this title, and the Subdivision Map Act consistent with DMC Section 16.12.030 (Conformance with city plans and ordinances). After the application and environmental review are complete, the city planner shall set the time, date, and place of the public hearing before the city council, which shall be held within thirty (30) days thereafter. Notice of the hearing shall be given as in accordance with DMC Section 16.12.050 (Public hearings).

16.16.100 Action by city council on tentative maps.

- A. Following a public hearing, the city council shall, by resolution, approve, conditionally approve, or disapprove the tentative map and shall make written findings in support of its decision in accordance with DMC Section 16.16.110 (Required findings).
- B. If the tentative map is approved, a notice shall be sent to the subdivider, the subdivider's engineer or surveyor, and any other party requesting such notice consistent with the requirements of DMC Section 16.12.100 (Notice to applicant of action on tentative map). If the tentative map is denied, the subdivider, the subdivider's engineer or surveyor, and any other party requesting such notice shall be so notified in writing.

16.16.110 Required findings.

- A. A staff recommendation for approval or conditional approval of a tentative map and city council approval or conditional approval of a tentative map shall be supported by all of the following findings:
 - 1. The proposed map is consistent with the general plan or any applicable specific plan, the zoning code, this title, the Subdivision Map Act, and other applicable provisions of this code.
 - 2. The design or improvement of the proposed subdivision is consistent with the general plan, standard specifications, design standards, standard plans, development regulations, and any applicable specific plan.
 - 3. The site is physically suitable for the proposed type of development.
 - 4. The site is physically suitable for the proposed density of development.
 - 5. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. However, the city council may approve a tentative map even if it is unable to make this finding if an environmental impact report was prepared for the project, and a finding was made that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report that would mitigate damage to the environment or to fish and wildlife and their habitat.
 - 6. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.
 - 7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within

the proposed subdivision. In this connection the city council may approve the map if it finds that alternative easements for access through or for use of the property will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

8. The waste discharge from the proposed subdivision into a municipal separated sewer system will not result in or add to violations of existing requirements prescribed by the Regional Water Quality Control Board.
 9. Storm drainage system meets the city's NPDES permit at the time of Council consideration.
 10. If the land is subject to any of the development restrictions included in Section 66474.4(a) of the Subdivision Map Act, including but not limited to, Williamson Act contracts, open-space easements, and conservation easements, then the findings required by Section 66474.4 must be made to approve or conditionally approve the tentative map.
 11. If the tentative map is subject to the water supply requirements included in Section 66473.7 of the Subdivision Map Act, then the findings required by Section 66473.7 must be made to approve or conditionally approve the tentative map.
- B. In the event that one or more of the findings included in this section cannot be made to support approval or conditional approval of the tentative map, the map shall be denied.

16.16.120 Amendments to approved tentative maps.

- A. Minor amendments to an approved tentative map may be administratively approved by the city engineer upon application by the subdivider, provided:
1. No lots, units, or building sites are added.
 2. The revised tentative map substantially conforms to the approved tentative map.
 3. All findings required by DMC Section 16.16.110 (Required findings) can be made.
 4. No significant environmental impacts will result from the change, and no additional environmental review is required by CEQA.
 5. The amendment is consistent with the requirements of this title and the zoning code.
- B. The amendment shall be indicated on the approved tentative map and certified by the city engineer.
- C. Amendments of the tentative map other than minor amendments shall be presented to the city council for approval in accordance with the provisions for processing a new tentative map. Any approved amendment shall not alter the expiration date of the tentative map, nor relieve the burden of responsibility by the subdivider or the subdivider's successor in interest to complete all conditions of the tentative map.

16.16.130 Final maps.

The submittal, form, contents, accompanying data, and filing of the final map shall conform to the provisions of this section. The final map shall be timely filed prior to the expiration of tentative map approval pursuant to DMC Section 16.12.110 (Expiration of tentative map approval). The final map shall be prepared by or under the direction of a registered civil engineer authorized to practice surveying or licensed land surveyor, shall show the location of streets and property lines bounding

the property, and shall substantially conform with the approved or conditionally approved tentative map and the requirements of the zoning code in effect at the time the tentative map application was determined or deemed to be complete.

16.16.140 Submittal of final maps to city engineer.

Final maps shall be submitted to the city engineer for review. The number of prints of the final map and other documentation required shall be determined by the city engineer at the time of final map submittal.

16.16.150 Submittal of final maps by phases.

- A. Multiple final maps relating to an approved or conditionally approved tentative map may be filed with the city engineer prior to the expiration of the tentative map if:
 - 1. The subdivider, when the tentative map was submitted to the city, informed the city council of the subdivider's intention to file multiple final maps on such tentative map; or
 - 2. When the tentative map was submitted to the city, the city and the subdivider concurred in the filing of multiple final maps.
- B. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. The right of the subdivider to file multiple final maps shall not limit the authority of the city to impose reasonable conditions relating to the filing of multiple final maps.
- C. The city may reasonably consider the sequence of final map approvals in order that any improvement agreement executed by the subdivider shall provide for the construction of improvements as required for the logical and orderly development of the entire subdivision.

16.16.160 Survey required.

An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer authorized to practice land surveying, or a licensed land surveyor. All monuments, property lines, centerlines of streets, alleys, and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the final map shall not exceed one ten thousandth (1/10,000) for field closures and one twenty-thousandth (1/20,000) for calculated closures.

At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments per subsection L of DMC Section 16.16.170 (Form and contents of tentative maps) to conform to the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. The engineer or surveyor shall also set additional monuments as required by the city engineer. At least one exterior boundary line of the land being subdivided shall be adequately monumented or referenced prior to recording the final map. All property corners shall be monumented prior to acceptance of the subdivision improvements by the city council. Other monuments shall be set as required by the city engineer. The subdivider shall comply with Subdivision Map Act Chapter 4, Chapter 9, Monuments, sections 66495-66498 in its entirety.

16.16.170 Form and contents of final maps.

The final map shall be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or a licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

- A. It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on polyester base film such as vellum, mylar, or other form as approved by the city engineer. Certificates, affidavits, and acknowledgements may be legibly stamped or printed upon the map with opaque ink. The ink surface shall be coated with a suitable substance to assure permanent legibility. In addition to polyester base film, four (4) sets of paper prints shall be submitted.
- B. The size of each sheet shall be eighteen by twenty-six inches (18" x 26"). A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of one inch. The scale of the map shall be not less than one inch equals one hundred feet (100) or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end. The particular sheet number 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.
- C. All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown, including bearings and distances of straight lines, radii and arc length or chord bearings and length for all curves, and any information which may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.
- D. Each lot shall be numbered and each block shall be numbered or lettered. Each street shall be named or otherwise designated. Space for the subdivision number shall be provided together with the description of the real property being subdivided.
- E. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The exterior boundary of the land included within the subdivision shall not include a designated remainder or omitted parcel that is designated or omitted under Section 66424.6 of the Subdivision Map Act. The designated remainder or omitted parcel shall be labeled as a designated remainder parcel or omitted parcel. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys. If the map includes a "designated remainder" parcel, and the gross area of the "designated remainder" parcel or similar parcel is five (5) acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel. A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this section.
- F. All printing or lettering on the map shall be of one-eighth (1/8) inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.
- G. The boundary of the subdivision shall be designated by a heavy black line in such a manner as not to obliterate figures or other data.
- H. Each sheet shall have a title showing the subdivision tract number and name and the location of the property being subdivided with reference to maps which have been previously

recorded, or by reference to the plat of a United States Survey. The following words shall appear in the title, "City of Dorris, Siskiyou County."

- I. The following certificates shall appear only once on the cover sheet:
 1. Owner's Statement. A statement, signed and acknowledged by all parties having record title interest in the land subdivided, consenting to the preparation and recordation of the map, offering for dedication to the public all parcels of land shown on the final map and intended for any public use, and indicating that development shall comply with the specific land use entitlements (e.g., specific plan, conditional use permit, planned unit development, etc.). Exceptions to this requirement shall be as provided in Section 66436(a) of the Subdivision Map Act.
 2. Trustee's Certificate. A certificate, signed and acknowledged by either the holder of beneficial interests under trust deeds or the trustee and/or trustees under trust deeds at the time of the city council approval of the final map, consenting to the recording of the map and any offers of dedications.
 3. Engineer's or Surveyor's Statement. A statement by the engineer or surveyor responsible for the survey and final map in accordance with Section 66441 of the Subdivision Map Act. The statement shall give the date of the survey, state that the survey and final map were made by or under the direction of the engineer or surveyor, and that the survey is true and complete as shown. The statement shall also state that all the monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before acceptance of the public improvements. The statement shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.
 4. Soils and Geologic Report. When a soils report, a geologic report, or soils and geologic reports have been prepared specifically for the subdivision, it shall be noted on the final map, together with the date of the report or reports and the name of the engineer making the soils report and geologist making the geologic report and where the reports are to be kept on file for public inspection and for inspection by the city.
 5. City Engineer's Statement or Certificate. A certificate for execution by the city engineer, or the city surveyor if the city engineer is unable to sign, in accordance with the requirements of Section 66442 and Section 66442.5 of the Subdivision Map Act.
 6. City Surveyor's Certificate. A certificate for execution by the city engineer.
 7. City Clerk's Certificate. A certificate for execution by the city clerk stating the date of the resolution adopted by the city council approving the final map and stating that the city council accepted, subject to improvement, or rejected on behalf of the public, any real property offered for the dedication for public use in conformity with the terms of the offer of dedication.
 8. Tax Letters. Letters from county assessor's office and/or tax collector's office stating that all taxes due have been paid or that a tax bond assuring the payment of all taxes which are a lien but not yet payable has been filed with the county.
 9. County Recorder's Statement. A statement to be executed by the county recorder stating that the map has been accepted for filing, that the map has been examined, and that it complies with the provisions of state laws and local ordinances governing the filing of final maps. The statement shall show who requested the filing of the map, the time and date the map was filed, and the book and page where the map was filed.

- J. There must appear on each map sheet the scale, the north arrow, and the basis of bearing defined in terms of one of the following:
1. A line on an existing map of record. The reference line shall be a line between any two existing monuments which have been made a part of the current survey and have been shown on the map. The bearing and distance of the reference line shall be shown on the map with a description of found monuments to justify the basis of bearing use for the map, and if the distance is also on record, it shall be so stated. The map shall identify and describe found monuments and used to tie the survey into other maps and adjacent development. Maps acceptable for reference purposes are final maps, parcel maps, records of survey maps, city or county surveyor or engineer maps, and State Highway Department Coordinate Control maps.
 2. The California Coordinate System. When this system is used, the map shall show the line or lines connecting the survey to the control stations used, showing the grid bearings between them, and the relationship between grid north and astronomic north (theta angle). Should coordinates be shown for points established on the map, the control scheme by means of which the coordinates were determined must also be shown on the map. The map perimeter shall show at least four widely spaced corner points. (Refer to Section 8813 of the Public Resources Code. Section 8817 of the Public Resources Code required NAD 83 on all new surveys and new mapping projects effective January 1, 1995.)
- K. Sufficient linear, angular, and radial data shall be shown to determine the bearings and lengths of monument lines, street centerlines, the boundary lines of the subdivision, the boundary lines on every lot and parcel which is a part of the subdivision, and ties to existing monuments used to establish the boundary. Arc length, radius, total central angle, and radial bearings of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the map.
- L. Monuments. The location and description of all existing and proposed monuments shall be shown. All monuments shown as "found" on the map shall be described as to type, material, height relative to the ground surface, stamping/tagging, with reference to a record map, appropriate recorded document or field book where the monument was shown as having been set or accepted for use as the corner cited. If no record can be found to substantiate the monument, indicate same by stating "No Reference." The untagged monuments used for control or accepted as corners should be tagged by the preparer. Standard city monuments shall be set at the following locations or at city engineer-approved offsets to these locations:
1. The intersection of street centerlines.
 2. Beginning and end of curves or intersection of tangents or centerlines.
 3. At other locations as may be required by the city engineer.
- M. All lots and, wherever practicable, blocks in their entirety shall be shown on one sheet. Lot numbers shall begin with the number one (1) in each block of the subdivision and shall continue consecutively within each block and with no omissions or duplications except where contiguous lands, under the same ownership, are being subdivided in successive units, in which even lot numbers may begin with the next consecutive number following the last number in the preceding unit. Block numbers shall begin with the number one (1) in each subdivision and continue consecutively throughout all tracts, with no omissions or duplications. Each lot shall be shown entirely on one sheet of the final map, unless approved by the city engineer.

- N. The adjoining corners of all adjoining subdivisions shall be identified by subdivision number, or name when not identified by official number, and reference to the book and page of the filed map showing such subdivision; and if no subdivision is adjacent, then by the name of the owner and reference to the recorded deed by book and page number for the last record owner.
- O. City boundaries which cross or join the subdivision shall be clearly designated.
- P. The names of all streets, alleys, or highways within or adjoining the subdivision shall be shown.
- Q. All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance, such as recorder's serial number and date, or book and page of official records. The sidelines of all easements of record shall be shown by dashed lines on the final map with the widths, lengths, and bearings of record.
- R. Easements not disclosed by the records in the office of the county recorder and found by the surveyor or engineer to be existing, shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.
- S. A written notation of any abandonment of a public street or public easement, certified to on the map by the city clerk, in conformance with Section 66434(g) of the Subdivision Map Act.
- T. Dedications of, and offers to dedicate interests in, real property for specific uses by the city or other public agency, signed and acknowledged by all parties having any record title interest in the real property and meeting the requirements of Section 66439 of the Subdivision Map Act, subject to the exclusions in Section 66436 of the Subdivision Map Act.
- U. Notation or reference to additional information required by this title (e.g., owner's statement), and as required by Section 66434(f) of the Subdivision Map Act.
- V. All other data that is or may be required by law.

16.16.180 Other required submittals.

The final map shall be accompanied by the following data, plans, reports, and documents in a form as approved by the city engineer. The city engineer may waive requirements for the final map if the location of the property and the nature of the proposed subdivision or other documentation demonstrate that compliance with the requirements is not necessary.

- A. Improvement Plans. Improvement plans as required by DMC Chapter 16.52 (Improvement Plans and Improvement Security).
- B. Soils Report.
 - 1. Soil investigation. If the preliminary soil report prepared for the tentative map indicated the presence of critically expansive soils or other soil problems, rocks, or liquids containing deleterious chemicals, as described in subsection B of DMC Section 16.16.050 (Accompanying data and reports), the soil investigation shall recommend corrective action which is likely to prevent structural damage to dwellings proposed to be constructed on the expansive soil. Two copies of the report shall be filed with the city engineer. Additionally, any other soils report required by the conditions of tentative map approval shall be provided.
 - 2. Approval of soil investigation. The city engineer, upon the concurrence of the building official, shall approve the soil investigation if it determines that the recommended corrective action is likely to prevent structural damage to each dwelling to be

constructed on each lot in the subdivision and requires that the corrective actions be incorporated into the construction of each structure. The city engineer and/or building official may require additional corrective action if required to prevent damage to structures.

- C. Improvement Agreement. Proposed improvement agreement in conformance with the requirements of DMC Chapter 16.52 (Improvement Plans and Improvement Security) for any subdivision improvements or improvements required by other conditions of approval that will not be completed prior to recordation of the final map or parcel map.
- D. Title Report. A preliminary title report in the name of the owner of record showing all parties with a legal or equitable interest and all easements, covenants, and other encumbrances and interests in the property at the time of filing the final map.
- E. Improvement Bond Estimate. The improvement bond estimate shall include all improvements within public rights-of-way, easements, or private common areas, and utility trench backfill as provided by the developer, except for those utility facilities installed by a utility company under the jurisdiction of the California Public Utilities Commission. Letters from utility companies stating that all costs for facility installations have been paid shall be submitted to the city for their records.
- F. Deeds for Easements or Rights-of-Way. Deeds for off-site easements or rights-of-way required for road, drainage, or other purposes which have not been dedicated on the final map; and written evidence acceptable to the city in the form of rights-of-entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the improvements.
- G. Traverse Closures. Traverse closures for the boundary, blocks, lots, easements, street centerlines, and monument lines.
- H. Hydrology and Hydraulic Calculations. Complete hydrology and hydraulic calculations of all storm drains.
- I. Organizational Documents. Any proposed Declaration of Covenants, Conditions, and Restrictions, and all other organizational documents for the subdivision in a form as prescribed by Section 4200 et seq. of the Civil Code. All documents shall be subject to review by the city engineer, city planner, and city attorney.
- J. Additional Information. Any additional data, reports, or information as required by the city engineer or city planner to ensure compliance with conditions of tentative map approval, this title, or the Subdivision Map Act.
- K. Filing Fee. Payment of all fees as required by the city for the processing and plan check/map check costs necessary to complete and record the final map.

16.16.190 Review of final maps and improvement plans by city engineer.

- A. Concurrent with review of the final map, the subdivider shall also submit any proposed improvement agreement so that the city engineer may determine its conformance with the requirements of DMC Chapter 16.52 (Improvement Plans and Improvement Security).
- B. Upon receipt of the final map application, the city engineer shall have sixty (60) working days to review all supporting improvement plans and documentation, except that the city engineer shall have at least fifteen (15) working days to review any resubmitted plan. Following initial review, the city engineer shall provide comments and corrections to the subdivider's

engineer, who shall in turn make corrections until the map and all supporting documents are acceptable to the city engineer. The sixty (60) working days shall not include any days in which plans have been returned to the subdivider's engineer for correction or those days for which the plans are subject to review by agencies other than the city. The time limits specified in this section for acting on improvement plans may be extended by mutual consent of the subdivider and the city engineer.

- C. The city engineer shall approve the final map and deem it as "filed" only after it has been determined that the map and supporting documents substantially comply with the approved tentative map and all conditions of approval and comply with the provisions of this title and the Subdivision Map Act.
- D. Once deemed acceptable by the city engineer, the subdivider's engineer or surveyor shall submit the original tracings of the map, corrected to the final form and signed by all parties required to execute the certificates on the map, to the city engineer. A suitable electronic file of the map compatible with Computer Aided Design (CAD) shall also be submitted.
- E. The city engineer shall sign the appropriate certificates and transmit the original to the city clerk to be placed on the next available city council agenda.

16.16.200 Action by city council on final maps.

- A. After the city engineer finds that the final map conforms to the approved or conditionally approved tentative map, and all required certificates or statements on the final map have been signed and, where necessary, acknowledged, the city engineer shall file the final map with the city clerk for city council approval.
- B. At its next regular meeting following the filing of the map with the city clerk, the city council shall consider the final map and improvement agreements along with all offers of dedication. If the city council determines that the final map is in substantial conformance with the approved tentative map, all conditions of approval, the Subdivision Map Act, and the provisions of the municipal code that were applicable to the subdivision at the time of the approval of the tentative map, it shall approve the final map. If the final map does not so conform, the city council shall disapprove the map, accompanied by a finding identifying the requirements that are not met. The council may waive the provisions of this section when the final map fails as a result of technical and inadvertent error which, as determined by the city council, does not materially affect the validity of the map.
- C. The city council may accept, accept subject to improvements, or reject any or all offers of dedication, including offers of dedication lying outside the subdivision boundary which require a separate grant deed. The city council may also accept, accept subject to modifications, or reject all improvement agreements. If the improvement agreements and the final map are approved by the city council, it shall instruct the mayor to execute the improvement agreements on behalf of the city.
- D. If at the time the final map is approved, any offers of dedication are rejected by the city council, the offer of dedication shall remain open and the city council may, by resolution at any later date, rescind its action and accept the dedication for public use. This acceptance shall be recorded in the office of the county recorder. However, certain offers of dedication providing public access to public resources must be accepted within the time limits required by Section 66477.2 of the Subdivision Map Act.
- E. If at the time the final map is approved, the city council accepts property dedicated to the city in fee, the city engineer shall record any certificates required by Section 66477.5 of the

Subdivision Map Act and as described in DMC Section 16.44.060 (Acceptance of dedications).

16.16.210 Recordation of final map.

Upon approval of the final map by the city council, the city clerk shall execute the appropriate certificate on the certificate sheet, and the city engineer shall forward the map and all other required documents (as determined by the city engineer) to the county recorder for recordation. Acceptance of the final map by the county recorder shall be certified on the face of the map.

Chapter 16.20
VESTING TENTATIVE MAPS

Sections

- 16.20.010 Purpose and applicability.
- 16.20.020 Application required.
- 16.20.030 Expiration of vesting tentative map approval.
- 16.20.040 Development rights.
- 16.20.050 Proposed development inconsistent with zoning.
- 16.20.060 Applications inconsistent with current policies.
- 16.20.070 Building codes.
- 16.20.080 Development-related fees.
- 16.20.090 Amendments to vesting tentative maps.
- 16.20.100 State and federal requirements.

16.20.010 Purpose and applicability.

This chapter is enacted to implement Chapter 4.5 of the Subdivision Map Act (Section 66498.1 et seq.). Whenever a provision of this title requires the filing of a tentative map, a vesting tentative map may be filed instead. However, the filing of a vesting tentative map shall not be a prerequisite to any approval of a proposed subdivision, construction permit, or work preparatory to construction.

16.20.020 Application required.

An application for a vesting tentative map shall be filed in the same form and have the same contents, accompanying data, reports, and fees, and shall be processed in the same manner as a tentative map except for the following:

- A. A vesting tentative map shall have the words "Vesting Tentative Map" printed conspicuously on its face.
- B. Additional supporting materials. At the time a vesting tentative map is filed, the subdivider shall supply the following information in addition to that required of other tentative maps per DMC Chapter 16.16 (Tentative and Final Maps):
 - 1. Height, size, and location of proposed structures.
 - 2. Sewer, water, storm drain and road details.
 - 3. Information on the uses to which each proposed structure will be put.
 - 4. Geological studies.
 - 5. Grading plans.
 - 6. Flood control information.
 - 7. Any information which may be currently required by this title.
- C. An application for all discretionary approvals required by the project, including but not limited to site plan review, conditional use permit, planned unit development, or any other required discretionary permit along with payment of any associated fees.

16.20.030 Expiration of vesting tentative map approval.

Approved and conditionally approved vesting tentative maps shall expire twenty-four (24) months after their approval and may be extended pursuant to Section 16.12.110 (Expiration of tentative map approval), DMC Section 16.12.120 (Time extensions), and DMC Section 16.12.130 (Statutory extensions of tentative map approval).

16.20.040 Development rights.

- A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the city's ordinances, policies, and standards pursuant to Subdivision Map Act Section 66474.2. However, if Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is deemed complete per Subdivision Map Act Section 66474.2.
- B. The rights conferred by this section shall expire if a final map is not approved prior to the expiration of the vesting tentative map. If the final map is approved, these rights shall last for the following periods of time:
 - 1. An initial time period of one (1) year from the date of recordation of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, the one (1)-year initial time period shall begin for each phase when the final map for that phase is recorded.
 - 2. At any time before the initial time period expires, the subdivider may apply to the city council for a one (1)-year extension.
 - 3. The initial time period shall be automatically extended by any time used for processing a complete application for a grading permit or for design review, if such processing exceeds thirty (30) days from the date a complete application is filed.
 - 4. If the subdivider submits a complete application for a building permit prior to expiration of the initial time period or an extension, the rights conferred by this chapter shall continue until the expiration of the building permit, or any extension of the building permit.
- C. Notwithstanding subsection A of this section, the city may deny or condition a permit, approval, extension, or entitlement if it determines any of the following:
 - 1. 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.
 - 2. The condition or denial is required in order to comply with state or federal law.
- D. An approved or conditionally approved vesting tentative map does not limit the city from imposing reasonable conditions on subsequent required approvals or permits necessary for the development and authorized by the plans, ordinances, policies, and standards described in Subdivision Map Act Section 66474.2. This chapter does not enlarge, diminish, or alter the types of conditions which may be imposed by the city on a development, nor in any way diminish or alter the power of the city to protect against a condition that is dangerous to public health or safety.

16.20.050 Proposed development inconsistent with zoning.

Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning code in existence at that time, that inconsistency shall be noted on the map. The developer shall apply for a zoning code amendment concurrently with the application for a vesting tentative map. The city may deny such a vesting tentative map or may approve it concurrently with the required zoning code amendment. If the change in the zoning code is obtained, the approved or conditionally approved vesting tentative map shall confer the vested right to proceed with the development in substantial compliance with the change in the zoning code, as approved, within the time periods specified in DMC Section 16.20.030 (Expiration of vesting tentative map approval).

16.20.060 Applications inconsistent with current policies.

Notwithstanding any provision of this chapter, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards in effect on the date the vesting tentative map is deemed complete, and the city may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

16.20.070 Building codes.

This chapter shall not be construed to prevent changes in the building codes if those code changes do not prevent use of the property for purposes permitted at the time rights vested under this chapter, subject to the qualifications noted in DMC Section 16.20.100 (State and federal requirements).

16.20.080 Development-related fees.

If a development-related fee has been adopted at the time the application for a vesting tentative map is deemed complete, and that adopted fee includes a formula for periodic increases based on a set formula, such as increases in the construction cost index, the amount of the fee may be increased from the date of approval of the vesting tentative map until the fee is paid, based on the formula adopted at the time the vesting tentative map application was deemed complete.

16.20.090 Amendments to vesting tentative maps.

If the ordinance, policies, or standards described in DMC Section 16.20.040 (Development rights) are changed subsequent to the approval or conditional approval of a vesting tentative map, the subdivider, or their assignee, at any time prior to the expiration of the vesting tentative map may apply for an amendment to the vesting tentative map to secure a vested right to proceed with the changed ordinances, policies, or standards. The application shall clearly specify the changed ordinances, policies, or standards for which an amendment is sought. Any proposed amendment to a vesting tentative map shall be filed and processed in the same manner as for a new vesting tentative map application, and any approval of an amendment shall not alter the map's expiration date. Modifications to conditions or revision of an approved vesting tentative map may be considered by the appropriate decision-making body upon application in writing by the subdivider provided:

- A. No lots, units, or building sites are added.
- B. The revised vesting tentative map substantially conforms to the approved vesting tentative map.
- C. All findings required by DMC Section 16.16.110 (Required findings) can be made.

- D. No significant environmental impacts will result from the change, and no additional environmental review is required by CEQA.
- E. The amendment is consistent with the requirements of the general plan, this title, the zoning code, and other applicable standards and regulations.

16.20.100 State and federal requirements.

The rights conferred by this chapter shall relate only to the imposition by the city of conditions or requirements created and imposed by the city's ordinances. Nothing in this chapter removes, diminishes, or affects the obligation of any subdivider to comply with the conditions and requirements of any state or federal laws, regulations, or policies, nor does this chapter grant the city the option to disregard any state or federal laws, regulations, or policies.

Chapter 16.24 PARCEL MAPS

Sections

- 16.24.010 Applicability.
- 16.24.020 Application required.
- 16.24.030 Form and contents of parcel maps.
- 16.24.040 Additional information.
- 16.24.050 Survey required.
- 16.24.060 Vesting tentative map.
- 16.24.070 Review of parcel maps.
- 16.24.080 Action by city council on parcel maps.
- 16.24.090 Conditions of approval.
- 16.24.100 Dedications and offers of dedication.
- 16.24.110 Improvement agreements.
- 16.24.120 Amendments to approved parcel maps.
- 16.24.130 Expiration of parcel map approval.
- 16.24.140 Recordation of parcel maps.
- 16.24.150 Waiver of parcel map requirements.

16.24.010 Applicability.

A parcel map shall be required for all subdivisions creating four (4) or fewer lots or four (4) or fewer condominiums as defined in Section 783 of the California Civil Code; for a community apartment project, as defined in Section 4105 of the Civil Code, containing four (4) or fewer dwelling units; for the conversion of a dwelling to a stock cooperative, as defined in Section 4190 or 6566 of the Civil Code, containing (4) four or fewer dwelling units; and for the subdivisions listed in Section 66426 of the Subdivision Map Act.

A subdivider may elect to submit a tentative map pursuant to DMC Chapter 16.16 (Tentative and Final Maps) where a parcel map would otherwise be required.

16.24.020 Application required.

An application for a parcel map shall be initiated by submitting an application to the city clerk in accordance with DMC Chapter 16.12 (Application Procedures). The application shall be reviewed in accordance with the requirements and procedures established in this chapter.

16.24.030 Form and contents of parcel maps.

The parcel map shall be prepared by, or under the direction of, a registered civil engineer authorized to practice land surveying in the state of California or a licensed land surveyor, shall show the location of streets and property lines bounding the property, and shall conform to all of the following provisions:

- A. It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black ink on a sheet form approved by the city engineer. Certificates or statements, affidavits, and acknowledgements may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

- B. The size of each sheet shall be eighteen inches by twenty-six inches (18" x 26") or as otherwise approved by the city engineer. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular sheet number 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.
- C. Each parcel shall be numbered and each block may be numbered or lettered. Each street shall be named or otherwise designated.
- D. Subdivision boundaries and parcel details shall be indicated by:
 - 1. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The exterior boundary of the land included within the subdivision shall not include a designated remainder or omitted parcel that is designated or omitted under Section 66424.6 of the Subdivision Map Act. The designated remainder or omitted parcel shall be labeled as a designated remainder parcel or omitted parcel.
 - 2. The map shall show the location of each parcel and its relation to surrounding surveys. If the map includes a "designated remainder" parcel or similar parcel, and the gross area of the "designated remainder" parcel or similar parcel is five (5) acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel. A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this section. A designated remainder shall be of sufficient size and geometry to be viably developed in accordance with the standards of the zoning district in which the property is located.
- E. Subject to the provisions of Section 66436 of the Subdivision Map Act, 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 parcel map is required except as follows:
 - 1. With respect to a division of land into four (4) or fewer parcels, where dedications or offers of dedications are not required, the statement shall only be required to be signed and acknowledged by the subdivider. If the subdivider does not have a record title ownership interest in the property to be divided, the city planner shall require that the subdivider provide the city with satisfactory evidence that the persons with record title ownership have consented to the proposed division.
 - 2. For purposes of this subsection, "record title ownership" shall mean fee title of record unless a leasehold interest is to be divided, in which case "record title ownership" shall mean ownership of record of the leasehold interest. "Record title ownership" does not include ownership of mineral rights or other subsurface interests which have been severed from ownership of the surface.
- F. Notwithstanding any other provision of this section, the city engineer may require that those statements and acknowledgements required pursuant to subsection E of this section be made by separate instrument to be recorded concurrently with the parcel map being filed for record. Whenever a certificate or acknowledgement is made by separate instrument, there shall appear on the parcel map a reference to the separately recorded document. This reference shall be completed by the county recorder pursuant to Section 66468.1 of the Subdivision Map Act.

- G. If a field survey was performed, the parcel map shall contain a statement by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey to be retraced.
- H. Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the parcel map shall constitute abandonment of all public streets and public easements not shown on the map provided that a written notation of each abandonment is listed by reference to the recording data or other official records that created these streets or easements and certified to on the map by the city clerk. No public easement vested in another public entity may be abandoned before that public entity receives notice of the proposed abandonment, nor may that public easement be abandoned if the public entity objects to the proposed abandonment.

16.24.040 Additional information.

Unless the city engineer provides a written waiver of the following requirements, any of which the city engineer may deem unnecessary in the city engineer's sole discretion, an application for a parcel map shall be accompanied by a separate document or additional map sheet for information purposes illustrating the following:

- A. Name and address of legal owner, subdivider, and person preparing the map, including registration number or license number.
- B. Assessor's parcel number.
- C. Date prepared, north arrow, scale, contour interval, and date and source of existing contours.
- D. Existing and proposed land uses.
- E. A location map showing the general location of the subdivision project in relation to the surrounding community.
- F. Existing topography and physical setting of the site and at least one hundred (100) feet from its boundary, including but not limited to:
 - 1. Existing contours at two (2)-foot intervals, if the existing ground slope is less than ten (10) percent and at not less than five (5)-foot intervals for existing ground slopes of ten (10) percent or more. Existing contours shall be represented by dashed lines or by screened lines and labelled at ten (10)-foot intervals.
 - 2. Type and circumference of existing trees. Any trees proposed to be removed shall be so indicated.
 - 3. The location and outline of existing structures identified by the type. Structures to be removed shall be so marked.
 - 4. The approximate location of all areas subject to inundation or stormwater overflow and the location, width, and direction of flow of each water course, including top of bank, the centerline of water course, and any 100-year floodplain.
 - 5. The location, names, and right-of-way width of adjoining streets or highways.
 - 6. The location and size of existing sanitary sewers, water mains, and storm drains.
 - 7. The location of existing overhead utility lines on peripheral streets.

8. The location, width, and identity of existing easements.
- G. Any improvements proposed by the subdivider shall be shown.
- H. If the site is to be graded, proposed contours shall be shown or an approved grading plan shall be submitted.
- I. The proposed lot layout and lot areas.
- J. Proposed easements or rights-of-way.
- K. A preliminary title report, showing all parties with a legal or equitable interest and all easements, covenants, and other encumbrances and interests in the property at the time of filing the parcel map.
- L. A soils and/or engineering geology report may be required by the city engineer.
- M. Additional data and information and deposit and payment of fees as may be required for the preparation and processing of environmental review documents.
- N. For subdivisions that include nonresidential development, information regarding hazardous materials and hazardous air emissions required by Section 65850.2(b) of the Government Code.
- O. A signed hazardous waste and substances statement indicating whether the subdivision is located on a site that is included on a list compiled pursuant to Section 65962.5 of the Government Code and, if the project is included on a list, specifying the list.
- P. Any parcel map for a common interest development shall be accompanied by site plans and elevations showing the size, height, and location of all proposed buildings, driveways, parking, landscaping, open space, and walls, number of existing and proposed dwelling units, and other pertinent information in sufficient detail to determine the height and square footage of each structure and its conformance with existing plans, regulations, and ordinances.
- Q. Any other data or reports deemed necessary by the city planner or city engineer.

16.24.050 Survey required.

An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer authorized to practice land surveying or land surveyor licensed in the State of California. All monuments, property lines, centerlines of streets, alleys, and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the parcel map shall not exceed one ten-thousandth (1/10,000) for field closures and one twenty-thousandth (1/20,000) for calculated closures.

16.24.060 Vesting tentative map.

If the subdivider desires to obtain the rights conferred by Government Code Section 66498.1 et seq. and DMC Chapter 16.20 (Vesting Tentative Maps), the subdivider shall submit a vesting tentative map in accordance with the provisions of DMC Chapter 16.20.

16.24.070 Review of parcel maps.

- A. The city planner shall review the application for completeness in accordance with DMC Section 16.12.020 (Review of applications for completeness), shall complete environmental review in accordance with DMC Section 16.12.040 (Environmental review), and shall also review the application for compliance with all applicable general and specific plans, zoning,

and other city ordinances, this title, and the Subdivision Map Act consistent with DMC Section 16.12.030 (Conformance with city plans and ordinances).

- B. The city engineer shall review the parcel map for compliance with the following requirements and advise the subdivider and the subdivider's engineer or surveyor of any needed corrections or additions:
 - 1. The form of the parcel map shall conform to the form requirements as specified by DMC Section 16.24.030 (Form and contents of parcel maps).
 - 2. Certificates shall be provided in accordance with Section 66449 of the Subdivision Map Act.
 - 3. All dedications and offers of dedications shall be made by a statement on the parcel map under the Owner's Statement.
 - 4. Requirements for the construction of on-site and off-site improvements shall be noticed by a statement on the parcel map or by separate instrument, recorded concurrently with, or prior to, the parcel map.
- C. The subdivider's engineer or surveyor shall make corrections and/or additions until the parcel map is acceptable to the city engineer. When the city engineer is satisfied that the map is technically correct, and in compliance with the provisions of this title and other provisions of law, the city planner shall submit the map to the city council for consideration at a public hearing in accordance with DMC Section 16.12.050 (Public hearings).

16.24.080 Action by city council on parcel maps.

- A. Applications for parcel maps shall be heard by the city council at a public hearing within the deadlines for action provided in DMC Section 16.12.060 (Application processing timelines). Notice of the hearing shall be given as provided in DMC Section 16.12.050 (Public hearings).
- B. Following the public hearing and review of the parcel map application, the city council shall approve, conditionally approve, or disapprove the parcel map and shall make written findings in support of its decision in accordance with DMC Section 16.16.110 (Required findings).
- C. The city council may modify or delete any of the conditions of approval recommended by the city planner, except conditions required by city ordinance or by the city engineer relating to public health and safety or by city-approved policies and standards. The city council may add additional requirements as a condition of approval consistent with DMC Section 16.24.090 (Conditions of approval).
- D. If the parcel map is approved, notice shall be provided in accordance with DMC Section 16.12.100 (Notice to applicant of action taken on tentative map or parcel map). If the parcel map is denied, the subdivider and the subdivider's engineer or surveyor shall be so notified in writing with a statement for the reasons of denial.

16.24.090 Conditions of approval.

- A. In approving the parcel map, the city council may impose conditions of approval that may include, but shall not be limited to:
 - 1. Frontage improvements.
 - 2. On-site improvements.
 - 3. Off-site improvements.

4. Dedications.
 5. Applicable fees.
 6. A soils and/or engineering geology report.
 7. Undergrounding utility lines on peripheral streets.
- B. An improvement agreement and improvement security in accordance with provisions of DMC Chapter 16.52 (Improvement Plans and Improvement Security) may be required for all parcel maps that, as determined by the city engineer, require public improvements.
- C. Consistent with Section 66411.1 of the Subdivision Map Act, if a map contains four (4) parcels or less, conditions of approval requiring improvements shall be limited to the dedication of rights-of-way, easements, and the construction of required off-site and on-site improvements for the parcels being created, and construction of improvements shall not be required until a permit or other grant of approval for development of the created lots or parcels is issued, or pursuant to the terms of an improvement agreement. An earlier time frame for construction of improvements may be required if the findings required by Section 66411.1 of the Subdivision Map Act are made by the approval authority. The limitations on improvements imposed by this subsection are inapplicable to any map with more than four (4) parcels.

16.24.100 Dedications and offers of dedication.

The city council shall accept, accept subject to improvement, or reject any or all dedications and offers of dedication made by a statement on the parcel map.

- A. If at the time the parcel map is approved, any offers of dedication are rejected by the city council, the offer of dedication shall remain open and the city council may, at any later date, rescind the action and accept the dedication for public use. This acceptance shall be recorded in the office of the county recorder. However, certain offers of dedication providing public access to public resources must be accepted within the time limits required by Section 66477.2 of the Subdivision Map Act.
- B. If the city council accepts any property dedicated in fee, the map shall meet the requirements of Section 66447 of the Subdivision Map Act and shall contain any certificates required by Section 66477.5 of the Subdivision Map Act and as described in Section 16.44.060 (Acceptance of dedications).

16.24.110 Improvement agreements.

The city council shall enter into improvement agreements with the subdivider in accordance with DMC Section 16.52.080 (Deferred improvement agreements for subdivisions of four or fewer parcels) and as authorized by Subdivision Map Act Section 66462.

16.24.120 Amendments to approved parcel maps.

- A. Minor amendments to an approved parcel map may be administratively approved by the city engineer upon application by the subdivider, provided:
1. No lots, units, or building sites are added.
 2. The revised parcel map substantially conforms to the approved parcel map.
 3. All findings required by DMC Section 16.16.110 (Required findings) can be made.
 4. No significant environmental impacts will result from the change, and no additional environmental review is required by CEQA.

5. The amendment is consistent with the requirements of this chapter, the zoning code, and other applicable standards and regulations.
- B. The amendment shall be indicated on the approved parcel map and/or in writing to the subdivider, as appropriate, and certified by the city engineer.
- C. Amendments of the parcel map other than minor amendments shall require a new parcel map and shall be approved in accordance with the provisions for processing a new parcel map. Any approved amendment shall not alter the expiration date of the parcel map.

16.24.130 Expiration of parcel map approval.

Approved and conditionally approved parcel maps shall expire and may be extended in the same manner as tentative maps pursuant to DMC Section 16.12.110 (Expiration of tentative map approval), DMC Section 16.12.120 (Time extensions), and DMC Section 16.12.130 (Statutory extensions of tentative map approval). This section is declaratory of existing law with respect to the expiration date and extension procedures for parcel maps and applies both to parcel maps approved prior to the effective date of this ordinance and those approved subsequent to the effective date.

16.24.140 Recordation of parcel maps.

- A. Upon approval of the parcel map for recordation, the subdivider's engineer or surveyor shall submit the original tracing of the map, corrected to its final form and signed by all parties required to execute the certificates or statements on the map, to the city engineer. All signatures and stamps/seals shall be in black ink. A suitable electronic file of the parcel map and applicable improvement plans compatible with CAD shall also be submitted.
- B. The city engineer shall recommend the parcel map be approved for recordation only after it is determined that the map and supporting documents comply with the approved parcel map, all conditions of approval, and the Subdivision Map Act. The city engineer shall execute the appropriate certification on the map in accordance with Section 66450 of the Subdivision Map Act and shall forward the map and all other required documents to the county recorder's office for recording.

16.24.150 Waiver of parcel map requirements.

- A. The city council, upon recommendation of the city engineer, may waive the parcel map for the following:
 1. Division of real property or interests therein created by probate, eminent domain procedures, partition, or other civil judgments or decrees.
 2. A division of property resulting from the conveyance of land or interest to or from the city, public entity, or public utility for a public purpose, such as school sites, public building sites, or rights-of-way or easements for streets, sewers, utilities, drainage, etc., unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map.
 3. Upon making a finding that the proposed division of land complies with requirements as to area, improvement, design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this title, the municipal code, the general plan and any applicable specific plans, and the Subdivision Map Act, pursuant to a valid request for a certificate of compliance as set forth in DMC Chapter 16.60 (Certificates of Compliance).

- B. Upon waiving the parcel map requirement, the city shall cause to be filed with the county recorder a certificate of compliance for the land to be divided and a plat map showing the division. Requirements for the construction of off-site and on-site improvements shall be noticed by a statement on the instrument evidencing the waiver of the parcel map, or by a separate instrument and shall be recorded prior to, or concurrently with, the instrument of waiver of a parcel map.
- C. A certificate of compliance issued upon waiver of the parcel map requirement may be conditioned to provide for payment of park land dedication, drainage, and other development fees by a method approved by the city.

Chapter 16.28
CONDOMINIUM AND MOBILE HOME PARK CONVERSIONS

Sections

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16.28.010 Purpose.

- A. To establish criteria for the conversion of existing multifamily rental housing to condominiums, community apartments, and stock cooperatives; for the conversion of mobile home parks; and for any other subdivision, which is a conversion of existing rental housing.
- B. To reduce the impact of such conversions on residents in rental housing who may be required to relocate by establishing procedures for notification and adequate time and assistance for such relocation.
- C. To ensure that purchasers of converted housing have been properly informed as to the physical condition of the structure which is offered for purchase.
- D. To ensure that converted housing and converted non-residential structures achieve a high level of design quality and safety, meet zoning regulations and building standards, and are consistent with the goals of the city.
- E. To provide a reasonable balance of ownership and rental housing in Dorris and a variety of choices of tenure, type, price, and location of housing.
- F. To maintain a supply of rental housing for low- and moderate-income households.

- G. To reduce the potential impacts of mobile home park conversions on mobile home park residents.

16.28.020 Submittal requirements and procedures – residential and non-residential condominium conversions.

An application for a residential or non-residential condominium conversion shall be accompanied by an application for a tentative map or parcel map, as appropriate, and shall be reviewed in accordance with the requirements and procedures established in this title and the Subdivision Map Act in effect at the time of application submittal.

16.28.030 Physical elements report.

- A. A physical elements report prepared by a registered engineer, architect, or licensed contractor describing the physical elements of all structures and facilities shall be submitted with the tentative map or parcel map. The report shall include, but not be limited to, the following:

1. A report detailing the structural condition of all elements of the property including foundations and other structural elements, electrical and mechanical systems and equipment, plumbing, utilities, walls, roofs, ceilings, windows, recreational facilities, sound transmission, parking facilities and other paved surfaces, exterior paint, interior and exterior sprinkler systems, and appliances.

Regarding each such element, the report shall state, to the best knowledge or estimate of the preparer, when such element was built; the condition of that element; when that element was replaced; the approximate date upon which the element will require replacement; the cost of replacing the element; and any variation of the physical condition of the element from the current zoning code and from the city housing code, if applicable, and from the city building code in effect on the date that the last building permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.

2. A report from a licensed structural pest control operator on each structure and each unit within the structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.
3. A report on soil and geological conditions, including soil deposits, rock formations, faults, groundwater, and landslides in the vicinity of the project, and a statement regarding any known evidence of soils problems relating to the structures. Reference shall be made to any previous soils reports for the site, and a copy shall be submitted with the report.
4. A statement of repairs and improvements to be made by the subdivider for any element, as defined in subdivision 1 of subsection A of this section, with a useful life of less than two (2) years, and as necessary to refurbish and restore the project to achieve a high degree of appearance and safety. Elements with a remaining useful life of less than two (2) years shall be repaired or replaced.

- B. An overall assessment of building condition shall be performed by the city's building inspector prior to tentative map or parcel map approval, and a report of any building, housing, zoning, or other code violations specified in the staff report to the approving body.

16.28.040 Additional submittal requirements for residential condominium conversions.

The subdivider shall submit the following additional materials as part of an application for a residential condominium conversion:

- A. A housing impact report concerning the demographic characteristics of the project, including, but not limited to the following:
 - 1. Square footage and number of bedrooms in each unit.
 - 2. Rental rate history for each type of unit for previous two (2) years.
 - 3. Monthly vacancy rate for each month during preceding two (2) years.
 - 4. Makeup of existing tenant households, including family size, length of residence, age of tenants, and whether receiving federal or state rent subsidies.
 - 5. Proposed sale price of units.
 - 6. Proposed homeowners' association fee.
 - 7. Financing available.
 - 8. Names and addresses of all tenants.

When the subdivider can demonstrate that such information is not available, this requirement may be modified by the city planner.

- B. Signed copies from each tenant acknowledging receipt of the Notice of Intent to Convert specified in subsection A of DMC Section 16.28.070 (Special noticing requirements for residential condominium conversions); or, for each tenant for whom a signed acknowledgment is not submitted, satisfactory evidence that the Notice of Intent to Convert was sent to each tenant in compliance with the legal requirements for service by mail and was sent by U.S. certified mail, return receipt requested.
- C. Evidence to the satisfaction of the city planner that all tenants of the proposed condominium conversion have been, or will be, given all written notices required by this title and by the Subdivision Map Act, and that such notices have, or will, comply with the legal requirements for service by mail. The subdivider shall provide the city with copies of all affidavits prepared in compliance with Code of Civil Procedure Section 1013a (i.e., proof of service by mail).
- D. A Tenant Relocation Plan including, but not limited to, the following information:
 - 1. An overview of the condominium conversion process including a summary of the notices that the tenants have or will receive pursuant to the Subdivision Map Act or this title.
 - 2. A description of tenant assistance to be provided pursuant to DMC Section 16.28.140 (Tenant assistance for residential condominium conversions), including an explanation of when specific benefits will be made available to tenants.
 - 3. A list of at least five (5) similarly priced or equipped residential rental facilities located within fifteen (15) mile radius of the city limits, including contact information. The city council may approve a reduction in the number of facilities on the list or an increase in the distance from city limits if fewer than five (5) such facilities can be identified. Priority shall be given to assisting tenants in locating housing in the city. Transportation shall be provided to assist elderly or disabled nonpurchasing residents in seeking alternative housing.

4. A list of local non-profit and/or governmental agencies that provide relevant housing assistance, including a brief description of the assistance provided.
- E. Evidence demonstrating whether any rental agreement has been negotiated in another language.
- F. Any other information which, in the opinion of the city planner, will assist in determining whether the proposed project will be consistent with the purposes of this chapter.

16.28.050 Acceptance of reports.

The final form of the physical elements report and other documents shall be as approved by the city. The reports in their acceptable form shall remain on file with the city administrator for review by any interested persons. The reports shall be referenced in the staff report to the approving body.

16.28.060 Copy to buyers.

The subdivider shall provide each purchaser, for both residential and non-residential conversions, with a copy of the physical elements report and approved conditions of approval prior to the purchaser executing any purchase agreement or other contract to purchase a unit in the project, and shall provide the purchaser sufficient time to review said information. Copies of the submittals shall be made available at all times at the sales office and shall be posted at various locations, as approved by the city, at the project site. Copies shall be provided to the owners' or homeowner's association, as applicable, upon its formation.

16.28.070 Special noticing requirements for residential condominium conversions.

In addition to any public notice required for a tentative map or parcel map, additional notices shall be given as required by Chapter 2 or Chapter 3 (commencing with Section 66451) of the Subdivision Map Act and all other provisions of the Subdivision Map Act for residential condominium conversions. Notice shall comply with the legal requirements for service by mail contained in Code of Civil Procedure Sections 1012, 1013, and 1013a or as otherwise required by law, or shall be made by personal delivery to each tenant or other person entitled to receive notice, confirmed by written acknowledgement of receipt of the notice. If a rental agreement was negotiated in another language, all required notices to that tenant shall be issued in that language. The subdivider shall also provide any additional notice required by the Subdivision Map Act or other state or federal law. All notices shall be submitted to and approved by the city planner prior to delivery to the tenants.

- A. Notice of Intent to file a Tentative Map or Parcel Map. The subdivider shall give a written Notice of Intent to File a Tentative Map or Parcel Map, in the form prescribed by the Subdivision Map Act, to each tenant at least sixty (60) days prior to submittal of the tentative map or parcel map application for the condominium conversion.
- B. Notice of Application for a Public Report. The subdivider shall provide a Notice of Application for a Public Report to each tenant within ten (10) days of the submittal of an application for a public report to the California Department of Real Estate, in the form prescribed by the Subdivision Map Act. The notice shall indicate that the public report will be available to the tenant upon request and that the tenant's exclusive right to purchase commences no earlier than the date of issuance of the final public report.
- C. Notice of Final Map or Parcel Map Approval. The subdivider shall provide a Notice of Final Map or Parcel Map Approval to each tenant within ten (10) days of any approval of the final

map or parcel map for the condominium conversion, in the form prescribed by the Subdivision Map Act.

- D. Notice of Receipt of Public Report and Tenant's Right to Purchase. Within five (5) days after the date that the subdivider receives the public report from the California Department of Real Estate (DRE), the subdivider shall provide each tenant with a Notice of Receipt of Public Report and Tenant's Right to Purchase notifying them of receipt of the public report from the DRE, and the tenant's exclusive right to purchase the unit they reside in for a period of ninety (90) days upon the same terms that the unit will initially be offered to the general public, or on more favorable terms. The exclusive right to purchase shall commence on the date that the subdivision public report is issued. The Notice of Receipt of Public Report and Tenant's Right to Purchase shall state the date that the ninety (90)-day period has commenced, describe the terms on which the unit is being offered, include the price of the unit being offered for sale, comply with the requirements of the Subdivision Map Act and include the information for buyers specified in DMC Section 16.28.060 (Copy to buyers) and the subdivision public report.
- E. Notice of Continued Right of Occupancy and Intention to Convert. After city approval of the tentative map or parcel map, the subdivider shall provide each tenant with a Notice of Continued Right of Occupancy and Intention to Convert stating that each tenant will be given a minimum period of one hundred eighty (180) days to vacate the unit. This notice is not a notice to terminate the tenancy as required by Civil Code Section 1946.1. The notice shall comply with the requirements of the Subdivision Map Act and shall include an explanation of available tenant assistance as provided in DMC Section 16.28.140 (Tenant assistance for residential condominium conversions) and state the date upon which the one hundred eighty (180)-day period will expire.
- F. Notices of Public Hearing and Staff Reports. As required by the Subdivision Map Act, the city shall provide each tenant with a copy of any hearing notice and any staff report on the condominium conversion at least three (3) days prior to any public hearing on the proposed condominium conversion. Costs for the provision of these documents shall be borne by the subdivider.
- G. Notice to Prospective Tenants.
 - 1. Commencing not less than sixty (60) days prior to submittal of the tentative map or parcel map application for the condominium conversion, the subdivider shall, immediately prior to accepting any rent or deposit from any prospective tenant, provide the prospective tenant with a notice of the subdivider's intent to convert in the form required by the Subdivision Map Act.
 - 2. Beginning on the date of final map or parcel map approval, the subdivider or successor in interest shall give notice of such approval in the form provided by the Subdivision Map Act immediately prior to accepting any rent or deposit from any prospective tenant.
 - 3. If the subdivider or successor in interest fails to give notice as provided in this subsection and the Subdivision Map Act, the tenant shall be entitled to moving expenses and rent in accordance with the Subdivision Map Act and DMC Section 16.28.140 (Tenant assistance for residential condominium conversions).

16.28.080 Physical standards for residential and non-residential condominium conversions.

All provisions of the following sections must be met and violations corrected prior to the approval of the final map or parcel map. The city council shall require conformance with the standards of this chapter in approving a tentative map or parcel map for a residential or non-residential condominium conversion, as applicable.

16.28.090 Specific physical standards for residential condominium conversions.

- A. Building Regulations. The project shall conform to the applicable currently adopted building codes and shall be found to be in compliance with the building regulations in DMC Title 15 (Buildings and Construction) in effect on the date that the last building permit was issued for the subject structure or structures except as herein provided. Prior to final map or parcel map approval, the city shall receive a physical inspection report, by a qualified person(s), as determined by the building official, of every unit to verify compliance with this condition.
- B. Health and Safety - Ground-Fault Circuit Interrupters. In accordance with currently adopted building codes, ground-fault circuit interrupters shall be provided.
- C. Fire Prevention.
 - 1. Smoke and Carbon Monoxide Detectors. Each living unit shall be provided with the required number and location(s) of approved smoke and carbon monoxide detectors conforming to the latest California Building and Fire Code.
 - 2. Maintenance of Fire Protection Systems. All fire hydrants, fire alarm systems, portable fire extinguishers, exiting signs, panic hardware, and other fire protective appliances shall be retained in an operable condition at all times.
- D. Sound Transmission.
 - 1. Shock Mounting of Mechanical Equipment. All permanent mechanical equipment such as motors, compressors, pumps, and compactors which is determined by the building official to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the building official.
 - 2. Noise Standards.
 - a. The structure shall conform to all interior sound-transmission standards of the California Building Code in a manner approved by the building official.
 - b. The structure and site shall conform to all exterior noise standards prescribed by the general plan.
 - c. In cases where present standards cannot reasonably be met by conditions of subdivision approval, the subdivider shall be required to notify potential buyers of the noise deficiency currently existing within these units.
- E. Utility Metering. Each dwelling unit shall be separately metered for gas, water, and electricity. A plan for equitable sharing of common area utility metering shall be developed prior to final map or parcel map approval and included in the covenants, conditions, and restrictions (CC&Rs) prepared for the condominium conversion.
- F. Private Storage Space. Each unit shall have at least two hundred (200) cubic feet of enclosed, weather-proofed, and lockable private storage space in addition to guest, linen, pantry, and clothes closets customarily provided. Such space may be provided in any

location approved by the city planner but shall not be divided into two (2) or more locations. In such cases where the subdivider can demonstrate that this standard cannot or should not reasonably be met, this standard may be modified by the city council upon approval of the tentative map or parcel map.

- G. **Laundry Facilities.** A laundry area shall be provided in each unit; or if common laundry areas are provided, such facilities shall consist of at least one automatic washer and one dryer of equivalent capacity for every five (5) units of three (3) or more bedrooms; for every seven (7) two-bedroom units, and for every ten (10) one-bedroom units. In such cases where the subdivider can demonstrate that this standard cannot or should not reasonably be met, this standard may be modified by the city council upon approval of the tentative map or parcel map.
- H. **Landscape Maintenance.** All landscaping shall be restored as necessary and maintained to achieve a high degree of appearance and quality. If a significant amount of new landscaping is required, the landscape plan shall be subject to the city planner's and city engineer's approval conforming to water conservation ordinance and water efficient landscape ordinance.
- I. **Condition of Equipment and Appliances.** The subdivider shall provide a warranty to the buyer of each unit at the close of escrow that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, and air conditioners that are provided have a useful life of one year. At such time as the homeowner's association takes over management of the development, the subdivider shall provide a warranty to the association that any pool and pool equipment (filter, pumps, and chlorinator) and any appliances and mechanical equipment to be owned in common by the association have a useful life of one (1) year. Prior to final map or parcel map approval, the subdivider shall provide the city with a copy of warranty insurance covering equipment and appliances pursuant to this subsection.
- J. **Refurbishing and Restoration.** As a condition of the tentative map or parcel map approval, all main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, and additional elements, as required, shall be refurbished and restored as necessary to achieve a high level of design quality, appearance, and safety. These improvements shall occur prior to the approval of the final map. The subdivider shall provide to the homeowners' association and/or purchaser a one (1)-year warranty on all physical improvements required under this section. If substantial restoration is required, the design plans shall be subject to the city engineer's approval.
- K. **Zoning Regulations.** The project shall conform to the currently adopted zoning code.

16.28.100 Specific physical standards for non-residential condominium conversions.

- A. **Building Regulations.** The project shall conform to the currently adopted building codes and shall be found to be in compliance with the city's building regulations in effect on the date that the last building permit was issued for the subject structure or structures except as herein provided. Prior to final map or parcel map approval, the city shall receive a complete physical inspection report, by a qualified person(s), as determined by the building official of every unit to verify compliance with this condition.
- B. **Accessibility.** The project shall comply with all applicable accessibility requirements as determined by the building official and city engineer or other official acting as ADA coordinator.

- C. Fire Prevention.
 - 1. Comply with all applicable Fire Department requirements; and
 - 2. Maintenance of Fire Protection Systems. All fire hydrants, fire alarm systems, fire sprinklers, portable fire extinguishers, exiting signs, panic hardware, and other fire protective appliances shall be retained in an operable condition at all times.
- D. Utility Metering. Each condominium unit shall be separately metered for gas, water, and electricity. A plan for equitable sharing of common area utility metering shall be developed prior to final map or parcel map approval and included in the covenants, conditions, and restrictions (CC&Rs) prepared for the condominium conversion.
- E. Landscape Maintenance. All landscaping shall be restored as necessary and maintained to achieve a high degree of appearance and quality in accordance with zoning code requirements and the city's water conservation ordinance. If a significant amount of new landscaping is required, the landscape plan shall be subject to the city planner's and city engineer's approval. All landscaping shall be privately owned and maintained; and funded through an owner's association or other legal means as approved by the city engineer.
- F. Refurbishing and Restoration. As a condition of the tentative map or parcel map approval, all main buildings, structures, fences/walls, accessory buildings, sidewalks, driveways, parking lots, landscaped areas, and additional elements, as required, shall be refurbished and restored as necessary to achieve a high level of design, appearance, and safety. These improvements shall occur prior to the approval of the final map. The subdivider shall provide to the purchaser or owner's association a one (1)-year warranty on all physical improvements required under this section. If substantial restoration is required, the design plans shall be subject to the city engineer's approval.
- G. Zoning Regulations. The project shall conform to the currently adopted zoning code.

16.28.110 Standards for covenants, conditions, and restrictions.

A copy of the proposed CC&Rs, chapters of incorporation, and bylaws for all residential or non-residential condominium conversion projects shall be submitted to the city planner, city engineer, and city attorney for review and approval prior to approval of the final map or parcel map. The city council shall require conformance with the standards of this section in approving a tentative map or parcel map for a residential or non-residential condominium conversion, as follows:

The CC&Rs shall provide all of the following:

- A. Ongoing Maintenance. There shall be adequate provision for ongoing maintenance of buildings, landscaping, and other common area facilities. When warranted by the size (sixteen units or more) or nature of the project, the CC&Rs shall provide for responsible on-site representation of the owners' or homeowners' association.
- B. Capital Reserves. There shall be adequate provision for long-term capital replacement reserves for roofing, painting, streets, fire sprinklers and alarm systems, and the like.
- C. Power of Enforcement. The CC&Rs shall provide unit owners with an enforceable right to have the owners' or homeowners' association, as applicable, maintain adequate reserve for capital replacement, adequate maintenance, and adequate performance of other association duties specified in the CC&Rs. The CC&Rs shall provide the owners' or homeowners' association with explicit powers to control and correct nuisances and to make and enforce rules, and the association may delegate responsibility for enforcement of same to an officer of the association or to a professional manager.

- D. **Assessment Restrictions.** Restrictions on assessment levels which may impair the ability of the owners' or homeowners' association to carry out needed capital replacement or ongoing maintenance shall not be permitted.
- E. **Lease Restriction.** The CC&Rs shall provide that the owners' or homeowners' association be given notice of any rental or lease of any unit, and the name(s) of the tenant(s) or lessee(s). Notice shall be given prior to occupancy by non-owner. The CC&Rs shall provide that tenants shall agree, by terms of the lease or otherwise, to comply with owners' or homeowner's association rules, and that the absentee owner shall be liable for any damages or penalties resulting from action by a tenant or lessee of that owner's unit.
- F. **Fire Access.** The CC&Rs shall impose a duty upon the board of directors of the owners' or homeowners' association to make and enforce rules against obstruction of designated fire access lanes.
- G. **Public Service Easements.** When not otherwise provided for, the CC&Rs shall provide the owners' or homeowners' association with the power to convey utility easements through the common area to third parties as necessary to service the project unless alternate arrangements are approved by the city engineer.
- H. **City Approval for Certain Amendments.** The CC&Rs shall provide that provisions required to comply with this title or any conditions of approval shall not be modified without the city's consent. The city shall have the right, but not the obligation, to enforce the provisions of the CC&Rs.

16.28.120 Additional covenants, conditions, and restrictions for residential condominium conversions.

- A. **Insurance.** The CC&Rs shall require that all units be subject to a policy of fire insurance. It is preferred that the CC&Rs authorize the homeowners' association, at its discretion, to obtain a blanket fire insurance policy for all units and pay for such policy through the monthly assessments.
- B. **Flood Insurance.** Flood insurance must be maintained if located within a floodplain/floodway identified on a Flood Insurance Rate Map (FIRM) of the U.S. Federal Emergency Management Association (FEMA), or, the development must be removed from the FEMA floodplain/floodway.
- C. A copy of the CC&Rs, as approved by the State Department of Real Estate, shall be provided to the city planner within ten (10) days of their recordation.

16.28.130 Budget and long-term reserves required for residential condominium conversions

Prior to final map or parcel map approval for any residential condominium conversion, the subdivider shall provide the city with a copy of the proposed budget for maintenance and operation of common facilities including needed long-time reserves. The budget shall show estimated monthly costs to the owner of each unit, projected over a five (5)-year period, or such time as is required by the Department of Real Estate. Such budget shall be prepared or reviewed and analyzed by a professional management firm experienced with management of condominium complexes. The management firm shall submit a statement of professional qualifications.

The subdivider shall also provide evidence to the city that a long-term reserve fund exists for replacement of common area capital facilities prior to the final map or parcel map approval. Such fund shall equal two (2) times the estimated monthly owner's assessment for each dwelling unit.

16.28.140 Tenant assistance for residential condominium conversions.

- A. The subdivider shall provide moving expenses of two (2) times the monthly rent of any tenant household living in any unit prior to the delivery of the Notice of Intent to File a Tentative Map or Parcel Map in accordance with subsection A of DMC Section 16.28.070 (Special noticing requirements for residential condominium conversions) unless the tenant chooses to voluntarily vacate the building prior to the issuance of the Continued Right of Occupancy and Intention to Convert Notice. This sum shall be in addition to and shall not affect or be affected by any other monetary amounts due to or by the tenant that are payable as a result of the termination of tenancy, including security deposits. Eligible tenants shall be paid relocation assistance at least fourteen (14) days before the tenant is scheduled to vacate the unit. Tenants who have given notice of their intent to vacate prior to receipt of the Notice of Intent to File a Tentative Map or Parcel Map shall not be eligible for relocation assistance.
- B. A tenant will not be required to be provided with relocation assistance if, prior to initial occupancy of the unit, they received a copy of the Notice to Prospective Tenants specified in Section 66452.17(b) of the Subdivision Map Act and subsection G of DMC Section 16.28.070 (Special noticing requirements for residential condominium conversions) prior to initial occupancy of the unit.
- C. The subdivider or successor in interest shall provide a copy of an approved Tenant Relocation Plan in accordance with subsection D of DMC Section 16.28.040 (Additional submittal requirements for residential condominium conversions) to all existing tenants within ten (10) days of approval of the tentative map or parcel map to assist tenants in identifying comparable rental housing. In addition, a copy of the tenant relocation plan shall be provided to each person applying after such date for rental of a unit prior to acceptance of any rent or deposit. The tenant relocation plan shall be approved by the city council as a condition of tentative map or parcel map approval.
- D. For conversions of sixteen (16) or more units, an agent of the subdivider shall be available to tenants for relocation counseling from the time of the service of the Notice of Continuing Right of Occupancy and Intention to Convert Notice until each tenant relocates or decides to purchase a unit. If desired, the subdivider may form partnerships with local non-profit organizations to meet this requirement.
- E. In conformance with the Subdivision Map Act, the subdivider shall provide each tenant with an exclusive right for a period of ninety (90) days to contract for the purchase of the tenant's unit upon the same terms that the unit will initially be offered to the general public, or on more favorable terms.

16.28.150 Findings for approval for condominium conversions.

In addition to the findings required for approval of tentative map and parcel maps by DMC Section 16.16.110 (Required findings), the approving body shall not approve an application for a residential or non-residential condominium conversion unless the approving body finds that:

- A. All provisions of this title and the zoning code have been met.
- B. The overall design and physical condition of the condominium conversion achieves a high level of design, appearance, and safety. The elements identified in the physical elements report with a remaining useful life of less than two (2) years shall be repaired or replaced.

16.28.160 Additional findings for residential condominium conversions.

- A. Vacancies in the project have not been intentionally increased for the purpose of preparing the project for conversion.
- B. Prior to the approval of the final map or parcel map, the applicant will have provided, or will have made adequate provision to provide, all notices required by this title and by the Subdivision Map Act.

16.28.170 Mobile home park conversions.

In addition to the requirements and procedures for tentative, final, and parcel maps set forth elsewhere in this title, an application for a subdivision involving either the conversion of a mobile home park to another use or the conversion of a rental mobile home park to resident ownership shall be subject to the requirements of DMC Sections 16.28.180 (Approval of parcel map for mobile home park conversion) through 16.28.230 (Findings for approval of mobile home park conversions).

16.28.180 Approval of parcel map for mobile home park conversion.

The city council shall hold a public hearing consistent with the provisions of DMC Section 16.16.100 (Action by city council on tentative maps) and shall have the authority to approve, conditionally approve, or deny all applications for parcel maps involving either the conversion of a mobile home park to another use, or the conversion of a rental mobile home park to resident ownership. Tentative map applications for all mobile home park conversions shall be heard as provided in DMC Chapter 16.16 (Tentative and Final Maps).

16.28.190 Additional submittal requirements for mobile home park conversion to another use.

The requirements of this section are applicable to an application for a subdivision involving the conversion of a mobile home park to another use.

- A. As required by Section 66427.4 of the Subdivision Map Act, the subdivider shall file a Conversion Impact Report with the city on the impact of the conversion upon the displaced residents of the mobile home park to be converted. In determining the impact of the conversion on displaced mobile home park residents, the report shall address the availability of adequate and comparably priced replacement space in mobile home parks. The city planner shall specify the form and contents of the report as reasonably required to determine the impact of the conversion on displaced residents.
- B. The subdivider shall make a copy of the Conversion Impact Report available to each resident of the mobile home park at least thirty (30) days prior to the hearing on the tentative map or parcel map by the city council.
- C. The approving body may require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobile home park residents to find adequate space in a mobile home park.
- D. This section establishes a minimum standard for local regulation of conversions of mobile home parks into other uses and shall not prevent a local agency from enacting more stringent measures.
- E. This section shall not be applicable to a subdivision that is created from the conversion of rental mobile home park to resident ownership.

16.28.200 Mobile home park conversion to resident ownership.

The requirements of Sections 16.28.210 (Application requirements) through 16.28.230 (Findings for approval of mobile home park conversions) are applicable to an application for a subdivision to convert a rental mobile home park to resident ownership, pursuant to Section 66427.5 of the Subdivision Map Act.

16.28.210 Application requirements.

- A. The subdivider shall file a Conversion Impact Report with the city on the impact of the conversion upon residents of the mobile home park to be converted to resident ownership. The city planner shall specify the form and contents of the report as reasonably required to determine the impact of the conversion on existing residents.
- B. The subdivider shall obtain a Resident Survey regarding whether or not the residents of the mobile home park support the proposed conversion consistent with the requirements of Section 66427.5(d) of the Subdivision Map Act and shall submit the results of the survey to the city as part of the subdivider's application for a tentative map or parcel map.
- C. The subdivider shall make a copy of the Conversion Impact Report and Resident Survey available to each resident of the mobile home park at least thirty (30) days prior to the hearing on the tentative map or parcel map by the city council.

16.28.220 Tenant assistance.

The approving body shall require conformance with the following conditions in approving a tentative map or parcel map for a mobile home park conversion to resident ownership:

- A. The subdivider shall offer each existing tenant an option either to purchase their condominium unit to be created by the conversion of the park into condominium interests or to continue residency as a tenant.
- B. The subdivider shall avoid the economic displacement of all nonpurchasing residents in accordance with the provisions of Section 66427.5(f) of the Subdivision Map Act. The city may attach conditions as appropriate to ensure compliance with this section.

16.28.230 Findings for approval of mobile home park conversions.

In addition to the findings required for approval of tentative map and parcel maps by DMC Section 16.16.110 (Required findings) the approving body shall not approve an application for the conversion of a mobile home park to another use, or the conversion of a rental mobile home park to resident ownership unless the approving body finds that:

- A. All provisions of this title have been met.
- B. The Conversion Impact Report and Resident Survey, if applicable, are adequate, and all of the requirements of Government Code Section 66427.4 or 66427.5, as applicable, have been met.
- C. The proposed conversion is consistent with the objectives, policies, general land uses, housing policies, and programs specified in the general plan and applicable specific plans.
- D. The overall design and physical condition of the conversion achieves a high degree of appearance, quality, and safety.
- E. If the subdivision is for a conversion to resident ownership, the project is a bona fide resident conversion.

Chapter 16.32
LOT LINE ADJUSTMENTS

Sections

- 16.32.010 General.
- 16.32.020 Application
- 16.32.030 Authority for approval or denial.
- 16.32.040 Findings for approval.
- 16.32.050 Recording.

16.32.010 General.

The purpose of this chapter is to provide criteria for processing, approving, and recording lot line adjustments in accordance with Subdivision Map Act Section 66412(d).

16.32.020 Application.

An application for a lot line adjustment shall be filed on a form prescribed by the city clerk and accompanied by the following items:

- A. A plot map showing the existing lot lines proposed to be merged, the location of any existing structures, easements, prominent trees, access to public streets, any adjoining property owned by any of the property owners, and any other data as required by the city planner.
- B. A preliminary title report, showing all parties with a legal or equitable interest and all easements, covenants, and other encumbrances and interests in the affected property at the time of filing the lot line adjustment.
- C. Other information and documentation as determined necessary by the city planner for a particular project. This may include evidence that the properties proposed for adjustment were legally created.
- D. Application processing fee.

16.32.030 Authority for approval or denial.

Consideration for approval or denial of a lot line adjustment is by the city council, as established under DMC Section 16.08.060 (City council).

16.32.040 Findings for approval.

In accordance with Subdivision Map Act Section 66412(d), approval of a lot line adjustment shall be based upon a determination by the city council that the following criteria are in evidence:

- A. The adjustment involves four or fewer adjoining parcels that were legally created and will not result in the creation of more parcels than originally existed.
- B. Each resulting parcel is viable in supporting existing and/or planned land uses based on applicable general plan and specific plan policies.
- C. The resulting parcels and any structure(s) located thereon will comply with the requirements of the zoning district in which the parcel is located and with applicable building regulations, except that where an existing parcel(s) or structure(s) is nonconforming with respect to zoning regulations, a property-line adjustment may be approved if the degree of nonconformance is not increased.

- D. The adjustment will not impair any existing public-street or private-access easement or create parcels without legal access to a public street.
- E. The adjustment will not require substantial alteration of any existing public easements or improvements.
- F. The adjustment will not result in a utility service line being located on any property other than the lot being served, unless the service line is contained in a recorded utility easement.
- G. Each resulting parcel has been, or can be, provided with city water and wastewater service.

16.32.050 Recordation.

Following approval of the lot line adjustment by the city council, the applicant and/or applicant's representative shall prepare legal descriptions and a map that describe and illustrate the resulting parcels. Upon submittal of this information to the city, the city clerk or their designee shall place a copy of the submitted materials in the subject property file and deliver the original materials to the applicant's title company for processing along with a notice of approval of the lot line adjustment for recordation.

Chapter 16.36
MERGER OF LOTS

Sections:

- 16.36.010 Merger of lots.
- 16.36.020 Initiation of proceedings by owner.
- 16.36.030 Fees.
- 16.36.040 Procedure.
- 16.36.050 Recording.
- 16.36.060 Initiation of merger proceedings by city.
- 16.36.070 Notice of intention to determine status—Hearing and determination.

16.36.010 Merger of lots.

Contiguous parcels under common ownership may be merged without reversion to acreage pursuant to this chapter.

16.36.020 Initiation of proceedings by owner.

Proceedings to merge contiguous parcels under common ownership may be initiated by petition of the owners of record of the property. The petition shall contain the following information and such further information as may be required for a proper determination of the petition by the city council:

- A. Evidence of title (e.g., grant deeds and title report) to all parcels of real property involved in the merger.
- B. Notarized written consent of all owners of an interest or a lien in and to said properties.
- C. An exhibit, drawn to scale, delineating the existing parcel boundaries and the location of any existing structures and easements, and delineating the boundaries of the parcel after the merger.

16.36.030 Fees.

Petitions to merge property shall be accompanied by a fee to cover the costs of processing in an amount to be set from time to time by resolution of the city council. Said fees shall not be refundable. If no fee has been established by resolution, applicants shall be responsible for actual costs incurred by the city to process the merger.

16.36.040 Procedure.

The city council may approve a merger of contiguous parcels only if it finds and determines the following:

- A. The resulting parcel is viable in supporting existing and/or planned land uses based on applicable general plan policies.
- B. The resulting parcel and/or any structures located thereon will comply with the requirements of the zoning district in which the parcel is located and with applicable building regulations, except that where an existing parcel or structure is nonconforming with respect to zoning regulations, a merger may be approved if the degree of nonconformance is not increased.
- C. The merger will not impair any existing public or private easements.

16.36.050 Recording.

Following approval of the merger by the city council, the applicant and/or applicant's representative shall prepare a legal description and map that describe and illustrate the resulting parcel. Upon submittal of this information to the city, the city clerk or their designee shall place a copy of the submitted materials in the subject property file and deliver the original materials to the applicant's title company for processing along with a notice of approval of merger. Upon receipt of notice of recordation from the county recorder, said contiguous parcels shall be deemed to be merged.

16.36.060 Initiation of merger proceedings by city.

Proceedings to merge contiguous parcels under common ownership may be initiated by the city if any one of the contiguous parcels held by the same owner does not conform to standards for minimum parcel size and all of the following requirements are satisfied:

- A. At least one of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the city or county, or which was built prior to the time such permits were required by the city or county;
- B. With respect to any affected parcel, one of the following conditions exist:
 - 1. The parcel comprises less than five thousand (5,000) square feet in area at the time of the determination of merger.
 - 2. The parcel was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - 3. The parcel does not meet current standards for sewage disposal and domestic water supply.
 - 4. The parcel does not meet slope stability standards established by the city.
 - 5. The parcel has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
 - 6. Development of the parcel would create substantial health and/or safety hazards.
 - 7. The parcel is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.
- C. For the purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded pursuant to DMC Section 16.36.070 (Notice of intent to determine status—Hearing and determination).

16.36.070 Notice of intention to determine status—Hearing and determination.

- A. Prior to making a determination of merger and recording a notice of merger initiated by the city, the city shall cause to be mailed by certified mail to the then current record owner of the property a Notice of Intention to Determine Status, notifying the owner that the effective parcels may be merged pursuant to the criteria set forth in DMC Section 16.36.060 (Initiation of merger proceedings by city), and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the county recorder on the date that notice is mailed to the property owner.

- B. At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the city council a request for a hearing on determination of status.
- C. On receiving a request for hearing on determination of status, the city council shall fix a time, date, and place for a hearing to be conducted by the city council and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the city council's receipt of the owner's request but may be postponed or continued by the mutual consent of the city council and the property owner.
- D. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in DMC Section 16.36.060 (Initiation of merger proceedings by city). At the conclusion of the hearing, the city council shall make a determination that the affected parcels are to be merged or are not to be merged and shall notify the owner of its determination. A determination of non-merger may be made whether or not the affected property meets the standards and criteria for merger specified in DMC Section 16.36.060 (Initiation of merger proceedings by city). A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing with the county recorder and such merger shall be effective upon recordation. The notice of merger shall specify the names of the record owners and particularly describe the real property.
- E. If, within the thirty (30)-day period specified in subsection B of this section, the owner does not file a request for hearing, the city council may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded in accordance with subsection D of this section no later than ninety (90) days following the mailing of notice required by subsection A of this section.
- F. If, in accordance with subsections D and E of this section, the city council determines that the subject property shall not be merged, it shall cause to be recorded with the county recorder a release of the Notice of Intention to Determine Status previously recorded, and shall mail a clearance letter to the then current owner of record.

Chapter 16.40
REVERSIONS TO ACREAGE

Sections

- 16.40.010 General.
- 16.40.020 Applicability.
- 16.40.030 Initiation of proceedings by owners.
- 16.40.040 Initiation of proceedings by city.
- 16.40.050 Contents of petition.
- 16.40.060 Submittal of petition to the city engineer.
- 16.40.070 City council approval.
- 16.40.080 Filing with county recorder.

16.40.010 General.

Subdivided property may be reverted to acreage pursuant to the provisions of this chapter and the Subdivision Map Act. This chapter shall apply to final maps and parcel maps.

16.40.020 Applicability.

- A. An owner(s) of subdivided property, where the parcels are contiguous and are to be used as one building site, shall file a petition for reversion to acreage prior to construction.
- B. An owner(s) of subdivided property, which is developed and where a main building straddles a parcel boundary, shall:
 - 1. File a tentative map or a parcel map in compliance with Section 66499.20.2 (Subdivision lands merged and resubdivided without reverting) of the Subdivision Map Act; or
 - 2. File a petition for reversion to acreage in the event it is not possible to resubdivide in conformity with the zoning ordinance.

16.40.030 Initiation of proceedings by owners.

Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the city engineer. The petition shall contain the information required by Section 16.40.050 (Contents of petition) and such other information as required by the city engineer.

16.40.040 Initiation of proceedings by city.

The city council, at the request of any person or on its own motion may, by resolution, initiate proceedings to revert property to acreage. The city council shall direct the city engineer to obtain the necessary information to initiate and conduct the proceedings.

16.40.050 Contents of petition.

The petition shall contain but not be limited to the following:

- A. Evidence of title to the real property.
- B. Evidence of either:
 - 1. The consent of all of the owners of an interest in the property; or

2. That none of the improvements required to be made have been made within two (2) years from the date the final map or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
 3. That no lots shown on the final map or parcel map have been sold within five (5) years from the date such final or parcel map was filed for record.
- C. A tentative map in the form prescribed by DMC Section 16.16.040 (Form and contents of tentative maps).
- D. A final map or parcel map in the form prescribed by DMC Section 16.16.170 (Form and contents of final maps) or DMC Section 16.24.030 (Form and contents of parcel maps) which delineated dedications that will not be vacated and dedications required as a condition to revision. Final or parcel maps shall be conspicuously designated with the title, "The Purpose of the Map is a Reversion to Acreage."
- E. A deposit as required by the city engineer towards processing and plan checking costs in accordance with the city's current master fee schedule.

16.40.060 Submittal of petition to the city engineer.

The final map or parcel map for the reversion, together with all other data as required by this chapter shall be submitted to the city engineer for their review.

Upon finding that the petition meets with all requirements of this title and the Subdivision Map Act, the city engineer shall submit the final map or parcel map together with their report and recommendations of approval or conditional approval of the reversion to acreage to the city council for their consideration.

16.40.070 City council approval.

A public hearing shall be held by the city council on all petitions for initiations for reversions to acreage. Notice of the public hearing shall be given as provided in Section 66451.3 of the Subdivision Map Act. The city may give such other notice as it deems necessary or advisable.

- A. The city council may approve a reversion to acreage only if it finds and records by resolution that:
1. Dedications or offers of dedication to be vacated or abandoned by the reversions to acreage are unnecessary for present or prospective public purposes; and
 2. Either:
 - a. All owners of an interest in the real property within the subdivision have consented to reversion; or
 - b. None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
 - c. No lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.
- B. The city council may require as conditions of the reversion:
1. The owners dedicate or offer to dedicate streets, public rights-of way, or easements.

2. The retention of all or a portion of previously paid subdivision fees, deposits, or improvement securities if the same are necessary to accomplish any of the provisions of this title.

16.40.080 Filing with county recorder.

Upon approving the reversion to acreage, the city clerk shall transmit the final map or parcel map, together with the city council resolution approving the reversion, to the county recorder for recordation. Reversion shall be effective upon the final map being filed for record by the county recorder. Upon filing, all dedications and offers of dedication not shown on the final map for reversion shall be of no further force and effect.

Chapter 16.44
DEDICATIONS AND RESERVATIONS

Sections

- 16.44.010 Dedication of streets, alleys, and other public rights-of-way or easements.
- 16.44.020 Bikeways.
- 16.44.030 Local transit facilities.
- 16.44.040 Waiver of direct street access.
- 16.44.050 Public access to public resources.
- 16.44.060 Acceptance of dedications.
- 16.44.070 Park land dedication.
- 16.44.080 Requirements.
- 16.44.090 Standards and formula for dedication of land.
- 16.44.100 Persons per dwelling unit.
- 16.44.110 Computation of land area to be dedicated.
- 16.44.120 Reservation of additional park land.
- 16.44.130 Formula for fees in lieu of park land dedication.
- 16.44.140 Use of in-lieu fees.
- 16.44.150 Procedure for determination of requirement for land or fee for tentative maps.
- 16.44.160 Land dedication or reservation.
- 16.44.170 Criteria for land dedicated for park purposes.
- 16.44.180 Fee in lieu of dedication.
- 16.44.190 Land dedication and fee in lieu of dedication.
- 16.44.200 Improvements to dedicated park land.
- 16.44.210 Commencement of development.
- 16.44.220 Non-applicable subdivisions.
- 16.44.230 School site dedication and reservation.
- 16.44.240 Dedication of elementary school sites.
- 16.44.250 Use of "dedication."
- 16.44.260 Procedure for school site dedication.
- 16.44.270 Limitation on dedication.
- 16.44.280 Payments to subdivider for school site dedication.
- 16.44.290 Fees and dedications for interim classroom facilities.
- 16.44.300 Reservation for high school sites.
- 16.44.310 Reservations.
- 16.44.320 Standards for reservation of land.
- 16.44.330 Procedure for reservations.
- 16.44.340 Payment to subdivider.
- 16.44.350 Termination.

16.44.010 Dedication of streets, alleys, and other public rights-of-way or easements.

As a condition of approval of a tentative map or parcel map, the city may require the subdivider to dedicate or make an irrevocable offer to dedicate to the public all real property within the subdivision that is needed for public use or benefit, including, but not limited to, streets and alleys, including access rights and abutters' rights; drainage and stormwater facilities; public greenways, and scenic or open space easements; trails; public utility easements, including but not limited to water, sewer, electricity, gas, telephone, cable television, dark fiber conduit/high speed internet/telecommunications facilities, and other communication systems; buffer easements, avigation easements, agrarian easements, and other public easements. The city may require

improvements to property that is to be dedicated in accordance with this chapter. Rights-of-way shall be of sufficient size to accommodate the required improvements to be added/upgraded.

Where parcels front on a city-maintained road of insufficient width, or when the existing right-of-way is not deeded, the subdivider shall dedicate right-of-way sufficient for the ultimate improvement of the facility. Dedications shall include the construction of public street improvements along the property's street frontage(s).

16.44.020 Bikeways.

Whenever a subdivider is required to dedicate roadways to the public, the subdivider may also be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths, lanes, or related facilities for the use and safety of the residents of the subdivision.

16.44.030 Local transit facilities.

The city may require the subdivider to dedicate, or make an irrevocable offer of dedication, of land within the subdivision for local transit facilities such as shelters, benches, bus turnouts, park-and-ride facilities, and similar items that directly benefit residents or employees of the subdivision.

16.44.040 Waiver of direct street access.

As a condition of approval of a tentative or parcel map, the city may require that dedications or offers of dedication of streets include a waiver of direct access (non-access) rights to any such street from any property within or abutting the subdivision, provided sufficient emergency response access exists.

16.44.050 Public access to public resources.

Pursuant to Sections 66478.1 through 66478.14 of the Subdivision Map Act, public access shall be provided to a public resource, such as a public waterway, when a lot or parcel created by a subdivision is proposed contiguous to such resource. The nature, extent, and design of such public access or the need to provide such access shall be based on site conditions and constraints, the presence and proximity of other similar access to the public resources in the area, and the nexus established between any required access and the proposed subdivision.

16.44.060 Acceptance of dedications.

Acceptance, rejection, and termination of offers of dedication shall be in accordance with Sections 66477.1 through 66477.5 of the Subdivision Map Act. If offers of dedication are rejected, the offer of dedication shall remain open as described in DMC Section 16.16.200 (Action by city council on final maps) and DMC Section 16.24.100 (Dedications and offers of dedication).

A. The city engineer shall record a certificate with the county recorder for all property dedicated in fee for public purposes, or for public improvements, or for constructing public facilities, other than open space, parks, or schools. The certificate shall be attached to the map and shall contain all of the following information required by Section 66477.5 of the Subdivision Map Act:

1. The name and address of the subdivider dedicating the property.
2. A legal description of the real property dedicated.
3. A statement that the city shall reconvey the property to the subdivider if the city makes a determination pursuant to this section that the same public purpose for which the

property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities, as specified in subsection C of this section.

- B. The subdivider may request that the city make the determination that the same public purpose for which the dedication was required still exists. The determination may be made by reference to a capital improvement plan, an applicable general or specific plan requirement, the subdivision map, or other public documents that identify the need for the dedication.
- C. If the city has determined that the same public purpose for which the dedication was required does not exist, it shall reconvey the property to the subdivider or the successor in interest, as specified in subsection A of this section, except for all or any portion of the property that is required for that same public purpose or for public utilities.
- D. If the city decides to vacate, lease, sell, or otherwise dispose of the dedicated property, the city shall give at least sixty (60) days' notice to the subdivider whose name appears on the certificate before vacating, leasing, selling, or otherwise disposing of the dedicated property. This notice is not required if the dedicated property will be used for the same public purpose for which it was dedicated.

16.44.070 Park land dedication.

This section is intended to provide for the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park and recreational purposes in conjunction with the approval of residential development. These provisions implement the conservation and open space element of the general plan and are adopted pursuant to Section 66477 of the Subdivision Map Act (known as the Quimby Act).

16.44.080 Requirements.

As a condition of approval of a tentative map or parcel map for a residential subdivision, the approving body shall determine the land required to be dedicated, or the amount of in-lieu fees to be paid, according to the standards and formula contained in this chapter. At the time of final map or parcel map approval for recordation, the subdivider shall dedicate land, pay an in-lieu fee, or both, in compliance with this chapter and the conditions of approval.

16.44.090 Standards and formula for dedication of land.

It is hereby found and determined that the public interest, convenience, health, welfare, and safety require that five (5) acres of land for each one thousand (1,000) persons residing within the city be devoted to small, neighborhood, and community parks for recreational purposes in accordance with the conservation/open space element of the general plan, which has adopted a park land goal of five (5) acres of land for each one thousand (1,000) persons. The amount of land to be dedicated is based on the additional population within each subdivision and shall be computed in accordance with this chapter.

16.44.100 Persons per dwelling unit.

The city shall determine the average number of persons based upon the average household size in the city as reported by the most recent U.S. Census Bureau decennial census. According to the 2020 United State census, the average household size in the city is 2.70 persons per dwelling unit.

16.44.110 Computation of land area to be dedicated.

The number of persons that will occupy the new subdivision shall be computed by multiplying the average number of persons per dwelling unit by the number of dwelling units. The park land to be dedicated shall then be determined by multiplying the number of persons by five (5) acres/one thousand (1000) persons. (As an example, based on the 2020 census, a single-family subdivision with one hundred (100) dwelling unit would be estimated to have two hundred seventy (270) residents. Park land to be dedicated would equal $270 \times 5/1000 = 1.35$ acres of land to be dedicated.)

16.44.120 Reservation of additional park land.

Based upon the size and location criteria for small, neighborhood, and community parks as set forth in the general plan, there may not be a direct relationship between park land requirements of a given subdivision and the amount of land that will be required for park purposes within that subdivision. In the event park facilities are to be located in whole or in part within a given subdivision, the subdivider shall only be responsible for dedicating the amount of land that would be equivalent to that calculated pursuant to DMC Section 16.44.110 (Computation of land area to be dedicated). The city may require that the subdivider reserve the balance of land designated for park purposes pursuant to the procedures in DMC Section 16.44.310 (Reservations).

16.44.130 Formula for fees in lieu of park land dedication.

When a fee is required to be paid in lieu of park land dedication, the amount of the fee will be based upon the amount of land required to be dedicated pursuant to DMC Section 16.44.110 (Computation of land area to be dedicated). The city shall establish a fee amount per acre of land required to be dedicated based on the estimated fair market value to acquire park land and the estimated value of improvements to achieve five (5) acres per one thousand (1,000) people of developed neighborhood and community park land. The specific fee amount will be established in the city's development fee ordinance, which is adjusted periodically to reflect changing costs and fair market value, and will bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants of subdivisions.

16.44.140 Use of in-lieu fees.

The following rules shall apply to the use of in lieu fees:

- A. The money collected shall be used only for the purpose of developing new or rehabilitating existing small, neighborhood or community parks or recreational facilities to serve the residents of the subdivision, except as provided in subsection B of this section.
- B. Notwithstanding subsection A of this section, fees may be used for the purpose of developing new or rehabilitating existing park or recreational facilities in a neighborhood other than the neighborhood in which the subdivision for which fees were paid as a condition to the approval of a tentative map or parcel map is located, if all of the following requirements are met:
 - 1. The neighborhood in which the fees are to be expended has fewer than five (5) acres of park area per one thousand (1,000) members of the neighborhood population.
 - 2. The neighborhood in which the subdivision for which the fees were paid has a park area per one thousand (1,000) members of the neighborhood population ratio that meets or exceeds the ratio calculated pursuant to DMC Section 16.44.090 (Standards and formula for dedication of land), but in no event is less than five (5) acres per one thousand (1,000) persons.

3. The city council holds a public hearing before using the fees pursuant to this subparagraph.
 4. The city council makes a finding supported by substantial evidence that it is reasonably foreseeable that future inhabitants of the subdivision for which the fee is imposed will use the proposed park and recreational facilities in the neighborhood where the fees are used.
 5. If the subdivision is located within a specific plan area, the fees are used within the same specific plan area as the subdivision and are consistent with specified radius consistent with the adopted general plan or any applicable specific plan. If the subdivision is located outside of a specific plan area, the fee is used for park and recreational facilities that would serve the subdivision based on the service area standards by park type defined in the general plan.
- C. The city shall develop a schedule specifying how, when, and where it will use the fees to develop park or recreational facilities to serve the residents of the subdivision. The money shall be committed within five (5) years after payment or after issuance of building permits on one-half (1/2) of the lots created by the subdivision, whichever is later. Money not committed shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.
- D. The city may enter into a joint or shared use agreement with one or more other public districts in the jurisdiction, including, but not limited to, a school district, in order to provide access to park or recreational facilities to residents of subdivisions with fewer than five (5) acres of park area per one thousand (1,000) members of the population.

16.44.150 Procedure for determination of requirement for land or fee for tentative maps.

Prior to the approval of any tentative map with fifty (50) or more units, any common interest development project with fifty (50) or more dwelling units, or any tentative map or parcel map where park land dedication is proposed or improvements to dedicated park land are proposed, the city council shall consider, after a report and recommendation from the city administrator or the city administrator's designee, whether land should be dedicated or reserved, whether in-lieu fees should be paid by the subdivider, or whether improvements should be made to dedicated park land, or any combination thereof in accordance with the criteria listed in this chapter. The city council may adopt park and sports facility standards by resolution to determine the suitability of land for park and recreational use and to determine the facilities to be included in each park.

16.44.160 Land dedication or reservation.

The city shall determine the suitability of land proposed for park land dedication based on:

- A. The goals and policies of the general plan, any applicable specific plan, and any park and sports facility standards adopted pursuant to this chapter;
- B. The physical attributes, constraints and location of the proposed park land, and the location of existing park sites and trails; and
- C. The criteria otherwise specifically set forth in DMC Section 16.44.170 (Criteria for land dedicated for park purposes).

16.44.170 Criteria for land dedicated for park purposes.

- A. Land to be dedicated for park purposes shall meet the following additional criteria:

1. For full park land dedication credit, all land within the park site shall be contiguous, and developable pursuant to the park and sports facility standards adopted pursuant to this chapter;
 2. All land dedicated for parks must be of a sufficient size and shape suitable for the type of park being developed. A proposed park must be located on land able to support year-round active recreational use (such as formal sports fields, tennis or basketball courts, or playgrounds), or other uses consistent with the park and sports facility standards adopted pursuant to this chapter; and
 3. The land shall have, at a minimum, frontage on and access to a public street, including all required public street improvements along the site's public street frontage.
- B. The following limitations shall apply to land dedicated for park purposes:
1. No park land dedication credit shall be given for land dedicated for parks with slopes over ten percent (10%); required development areas or other environmental mitigation areas; or land which is not graded to create a sufficiently flat area of less than three percent (3%) grade in any direction unless otherwise determined by the city administrator or city administrator's designee. Drainage courses, creeks or wetlands/biological habitats are generally unacceptable for park land dedication credit, although partial park land dedication credit may be given if the city administrator or the city administrator's designee determines that these areas are contiguous to a community, neighborhood or small park and will be incorporated into and improved as an integral part of that park. Such areas shall be eligible for a maximum park land dedication credit of twenty-five percent (25%) of the actual square footage of the area dedicated and improved as park land.
 2. Proposed park sites whose irregular shape or insufficient size will not support recreational uses will not be considered acceptable for park land dedication credit.
 3. Land containing overhead utilities, high pressure underground utilities, contamination, or other factors that restrict the usability of the land or pose safety concerns for patrons for recreational purposes shall not generally be considered acceptable for park land dedication credit. However, land with an overhead utility line easement that is high enough to allow park activities and contiguous to a neighborhood park facility of two (2) net acres or more in size, exclusive of the powerline easement, may be eligible for a partial park land dedication credit if the city council, based on the recommendation of the city administrator or the city administrator's designee, determines that such land can be designed for recreation use and improved as a cohesive and integral part of the park. Such areas shall be eligible for a maximum park land dedication credit of twenty-five (25) percent of the actual square footage of the utility easement that is dedicated and improved as park land.
 4. The designation and development of land for trails, bikeways, and parkways are considered dedications of public rights-of-way similar to streets and shall not be considered for park land dedication credit.
 5. Stormwater detention basins will not be considered acceptable for park land dedication credit.

16.44.180 Fee in lieu of dedication.

If the dedication of park land does not meet the standards set forth in this chapter, the city council may require that the subdivider pay a fee in lieu of land dedication. The fee amount shall be

determined in accordance with DMC Section 16.44.130 (Formula for fees in lieu of park land dedication).

16.44.190 Land dedication and fee in lieu of dedication.

The city council may require that the subdivider both dedicate land and pay a fee in lieu thereof in accordance with the following criteria:

- A. When a park site or combination of park sites shown within a proposed subdivision is smaller in area than the total acreage which is required for dedication pursuant to DMC Section 16.44.110 (Computation of land area to be dedicated), such park site or sites shall be dedicated for park purposes and a fee, computed pursuant to DMC Section 16.44.130 (Formula for fees in lieu of park land dedication), shall be paid for the remaining acreage which would have been required to be dedicated.
- B. When a major part of a park or recreational site has already been acquired by the city and only a small portion of land is needed from the subdivision to complete the site, such remaining portion shall be dedicated and a fee, computed pursuant to DMC Section 16.44.130 (Formula for fees in lieu of park land dedication), shall be paid for the remaining acreage which would have been required to be dedicated.

16.44.200 Improvements to dedicated park land.

Where the subdivider proposes to provide improvements and equipment on dedicated park land, the city administrator or city administrator's designee shall recommend to the city council whether the proposed improvements are consistent with the general plan, any applicable specific plan, park and sports facility standards adopted pursuant to this chapter, and any other applicable standards adopted by the city council. If the city administrator recommends that the improvements and equipment be provided, the value of the improvements and equipment shall be determined in consultation with the city engineer, and any in-lieu fee to be paid shall be reduced by the value of the proposed improvements. For the purposes of this section, the value of the proposed improvements shall equal their construction cost.

16.44.210 Commencement of development.

Improvements to park and recreational facilities shall be coordinated with the development of the subdivision to the extent feasible to assure the availability of recreational facilities to serve the residents of the area.

16.44.220 Non-applicable subdivisions.

The provisions of DMC Sections 16.44.070 (Park land dedication) through 16.44.210 (Commencement of development) do not apply to commercial or industrial subdivisions or condominium projects or stock cooperatives that consist of the subdivision of airspace in an existing apartment building that is more than five (5) years old so long as no new dwelling units are added. However, in that event, a condition may be placed on the approval of a tentative map or parcel map stating that, if a building permit is requested for the creation of any dwelling unit, a fee in lieu of dedication of park land may be imposed as a condition of issuance of the building permit for the dwelling unit.

16.44.230 School site dedication and reservation.

The city may require the subdivider to dedicate or reserve elementary and high school sites under certain circumstances pursuant to the provisions of this chapter.

16.44.240 Dedication of elementary school sites.

In accordance with Section 66478 of the Subdivision Map Act, as a condition of approval of a final map, a subdivider may be required to dedicate to the school district such lands as the city council shall deem to be necessary for the purpose of constructing thereon elementary schools necessary to assure the residents of the subdivision adequate elementary school service. An "elementary school" is any public school providing instruction in any grade from kindergarten through eighth grade.

16.44.250 Use of "dedication."

For the purposes of Sections 16.44.240 (Dedication of elementary school sites) through 16.44.280 (Payments to subdivider for school site dedication) only, the term "dedication" is used to retain consistency with Section 66478 of the Subdivision Map Act and means the setting aside of land within a subdivision for purchase by a public agency in order to provide for future construction of a public elementary school or schools.

16.44.260 Procedure for school site dedication.

The requirement of school site dedication shall be imposed at the time of approval of the tentative map or parcel map. If, within thirty (30) days after the requirement of dedication is imposed by the city, the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to sixty (60) days after the filing of the final map on any portion of the subdivision.

16.44.270 Limitations on dedication.

In no case shall the city require the dedication of an amount of land that would make development of the remaining land held by the subdivider economically infeasible or which would exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board. The city may require a pro forma which demonstrates that the proposed dedication will make the development of any remaining land held by the subdivider economically infeasible based upon appropriate financial analysis and documentation. The pro forma shall be reviewed by a third party as selected by the city and costs paid for by the subdivider unless the city administrator waives the requirement for such a review.

16.44.280 Payments to subdivider for school site dedication.

The school district shall, if it accepts the dedication, repay to the subdivider or their successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

- A. The cost of any improvements to the dedicated land since acquisition.
- B. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication.
- C. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

16.44.290 Fees and dedications for interim classroom facilities.

In accordance with Government Code Section 65974, the city may impose fees or dedication requirements on new residential subdivisions for the purpose of providing interim school

classroom facilities to alleviate conditions of overcrowding which may be caused by new residential development. Fee and dedication procedures shall be in accordance with Title 7, Division 1, Chapters 4.7 and 4.9 of the Government Code.

16.44.300 Reservation for high school sites.

In addition to the provisions of this chapter regarding elementary school sites, the city may require the reservation of land for public high schools in accordance with DMC Section 16.34.310 (Reservations).

16.44.310 Reservations.

As a condition of approval of a tentative map or parcel map, the subdivider may be required to reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries, or other public uses according to the standards contained in this chapter.

16.44.320 Standards for reservation of land.

The reservation shall be subject to the following conditions and standards:

- A. The requirement is based on an adopted specific plan or the general plan's policies and standards for parks, recreational facilities, fire stations, libraries, or other public uses, and the required reservations are in accordance with those policies and standards.
- B. The reserved area must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.
- C. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically infeasible. The city may require a pro forma which demonstrates that the proposed dedication will make the development of any remaining land held by the subdivider economically infeasible based upon appropriate financial analysis and documentation. The pro forma shall be reviewed by a third party as selected by the city and costs paid for by the subdivider unless the city administrator waives the requirement for such a review.
- D. The reserved area shall conform to the adopted specific plan or general plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.

16.44.330 Procedure for reservations.

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

16.44.340 Payment to subdivider.

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

16.44.350 Termination.

If the public agency for whose benefit an area has been reserved does not enter into a binding agreement, the reservation of the area shall automatically terminate.

Chapter 16.48
IMPROVEMENT AND DESIGN STANDARDS

Sections

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- 16.48.240 Residential lot and block design.
- 16.48.250 Block standards.
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16.48.010 General.

The subdivider shall construct all required improvements both on-site and off-site according to approved standards and applicable mitigation measures identified in the subdivision's approved CEQA documentation. No final map or parcel map shall be presented to the city council for approval until the subdivider either completes the required improvements or enters into an agreement with the city agreeing to complete the work pursuant to DMC Chapter 16.52 (Improvement Plans and Improvement Security).

16.48.020 Improvements required

- A. As conditions of approval of a tentative map, the improvements set forth in this chapter shall be the minimum required of all subdivisions.
- B. Consistent with Section 66411.1 of the Subdivision Map Act, the required improvements for a division of land which is not a subdivision of five (5) or more lots, shall be limited to the dedication of rights-of-way, easements, and the construction of reasonable off-site and on-site improvements for the parcels being created, as further described in DMC Section 16.24.090 (Conditions of approval).

16.48.030 Frontage improvements.

The frontage of each lot shall be improved to its ultimate adopted street section, including, but not limited to, street structural section, curbs, gutters, sidewalks, driveway approaches, pedestrian access ramps, streetlights, street trees, and transitions. Dedication of full width of streets and street paving is required.

16.48.040 Bikeways, parkways, and trails.

As a condition of approval of a tentative map or parcel map, the city may require improvements to public bikeways, greenways, parkways, scenic or open space easements, and trails. All such improvements shall conform with the requirements set forth under the general plan, any applicable specific plan, or other adopted city plans or standards, and to the extent feasible and appropriate shall be landscaped in a manner approved by the city engineer and/or city planner.

16.48.050 Stormwater drainage.

Stormwater runoff from the subdivision shall be managed in accordance with applicable city standards. If approved by the city, stormwater basins may be designed to incorporate sports field facilities that meet park and sports facility standards adopted pursuant to DMC Section 16.44.010 (Procedure for determination of requirement for land or fee for tentative maps). Stormwater basins that are not developed as sport field facilities shall be designed and landscaped to appear as a natural or other aesthetically interesting feature as approved by the city engineer. Fencing shall be generally avoided in conjunction with such basins, except where the city engineer determines it is necessary to restrict access due to concerns regarding public health and safety or to provide security for facilities appurtenant to the basin. The fencing shall be of a type consistent with the zoning district in which it is located. Steel picket fencing or a city-approved equivalent/alternate shall be utilized for all zoning districts except industrial zoning districts where chain link fencing or a city-approved equivalent/alternate may be utilized. Stormwater facilities shall be maintained and repaired by the subdivider or in the alternative, dedicated to the city subject to the city's acceptance of such dedication. If dedicated and accepted by the city, a funding source shall be in place to reimburse the city for inspection, maintenance, repair, and replacement costs of the basin. The city shall approve the amount of funding and form of the funding source prior to dedication to the city.

16.48.060 Sanitary sewers.

Each unit or lot within the subdivision shall be served by the city's wastewater collection and treatment system. No privy, vault, septic tank, cesspool, or similar on-site treatment facility shall be permitted.

16.48.070 Water supply.

A water system of efficient design and capacity to furnish an adequate water supply for each unit or lot in the subdivision and for adequate fire protection to the area through mains and hydrants shall be provided. Connection to the city's municipal water supply system is required. No private wells shall be permitted.

16.48.080 Utilities.

Each unit or lot within the subdivision shall be served by electric power, appropriate communications facilities, and gas, if available. Services from all utilities for each lot or unit shall be made in such manner as will obviate the necessity for disturbing completed street improvements.

16.48.090 Street signs.

Street signs, traffic warning devices, or other such features as may be required in the particular subdivision shall be of a type approved by the director of public works and installed in locations approved by same.

16.48.100 Underground utilities.

- A. Subdivisions of five (5) or more parcels. All utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by public utilities commission regulations. Undergrounding shall be required for overhead lines on either side of the peripheral street.
- B. Subdivisions of four (4) or fewer parcels. All utilities within the subdivision shall be placed underground except those facilities exempted by public utilities commission regulations. The subdivider shall be required to underground overhead utility lines along peripheral streets adjacent to the subdivisions. If the city engineer finds that undergrounding of such utilities is likely to occur within the ten (10)-year period following approval of the parcel map, the subdivider shall be required as a condition of parcel map approval to pay a fee in-lieu of undergrounding such utilities on the opposite side of the peripheral street. The amount of the fee shall be determined by the city engineer (based on utility company cost estimates) and shall be one-half (1/2) the normal cost of undergrounding of existing utilities along streets. Payment of the in-lieu fee shall be made a condition of approval of the parcel map.
- C. In-lieu fees shall be deposited in a special undergrounding account to be used as approved by the city for future undergrounding of utilities throughout the city; provided, however, that in-lieu fees collected as a condition of approval of subdivisions of four (4) or fewer parcels shall be used only for the undergrounding of utilities along streets peripheral to the subdivision from which the fees were collected.
- D. If the in-lieu fee is not used to underground utilities along peripheral streets within the ten (10)-year period, the subdivider who paid the fee may, within the eleventh year following approval of the parcel map, request that the in-lieu fee be refunded, and the city shall do so with interest at the then legal rate. If no demand for refund is made by the end of the eleventh year, the fee shall be placed in the city's general undergrounding account for use anywhere that the city deems appropriate.

16.48.110 Supplemental improvement capacity.

In accordance with Section 66485 of the Subdivision Map Act, the subdivider may be required to install improvements for the benefit of the subdivision which may be of supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and that these improvements be dedicated to the public. When such supplemental size, capacity, number, or length is provided, the city shall, subject to the provisions of Sections 66486 and 66487 of the Subdivision Map Act, enter into an agreement with the subdivider to reimburse the subdivider for the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements, including interest.

16.48.120 Design of improvements.

The design and layout of all required improvements both on-site and off-site, private and public, shall conform to generally acceptable engineering standards and to the standards approved by the city engineer.

16.48.130 Conformity required.

- A. Except where modified in accordance with DMC 16.12.140 (Exceptions), each subdivision and the map thereof shall be in conformity with the standards as set forth or referred to in this title.
- B. The subdivision design shall conform to all applicable development design standards in the general plan and any applicable specific plan, the zoning code, and all other standards adopted by the city.

16.48.140 Buildable lots.

All subdivisions shall result in the creation of lots which are developable and capable of being built upon and are in accordance with the applicable zoning district standards. No subdivision shall create lots which are impractical for improvement or development due to steepness of terrain, location of watercourses, or other natural physical conditions.

16.48.150 Access to streets.

- A. All subdivisions, lots, or parcels created shall abut or have approved access to a public street improved to city standards. Private streets shall not normally be permitted. However, if the city council determines that the most logical development of the land requires that lots be created with access to private streets, such a development may be approved. If private streets are proposed, the subdivider shall submit, as part of an application for a tentative map or parcel map, a development plan showing the alignment, width, grade, and material specifications of any proposed private street; the topography and means of access to each lot; and the drainage and sewerage of the lots served by such private street. Construction of the private street, as may be approved by the city engineer, shall be completed prior to occupancy of the lots. The subdivider shall be required to provide a permanent maintenance agreement or means of ensuring long-term maintenance thereof (e.g., maintenance district, owners' association, CC&Rs) for the maintenance of such private streets.
- B. Street layouts shall be designed to provide for future access to, and not impose undue hardship upon, property adjoining the subdivision.
- C. Reserve strips, or nonaccess strips at the end of streets or at the boundaries of subdivisions, shall be dedicated to the city when required by the city engineer.

16.48.160 Streets Minimum standards.

- A. All streets and arterials, other than those within approved planned developments and specific plan areas, shall be platted according to city standards. Variations to widths may be required by the city engineer where streets are to serve commercial property, provide greenways/parkways, or where probable traffic conditions warrant such increased widths.
- B. Streets and arterials located in any planned development or specific plan areas shall have standards for roadways subject to approval by the city engineer.

16.48.170 Street pattern.

Street design shall emphasize complete streets that accommodate all transportation modes. The street pattern in the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood or district. The following principles shall be observed:

- A. Streets shall be continuous and in alignment with existing, planned, or platted streets with which they are to connect. The centerlines of streets not in alignment shall be offset at least one hundred fifty (150) feet.
- B. Streets shall be designed in a grid pattern to the extent feasible.
- C. Streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the city engineer, such extension is not necessary for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- D. In the case of stub-end streets extending to the boundary of the property, a one (1)-foot nonaccess strip shall be provided at the end of such stub-end street. This strip shall be shown on the final map or parcel map. Where required by the city engineer and fire chief, a temporary turnaround or a temporary connection to another street shall be provided by the subdivider.
- E. Streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit.
- F. Excessively long straight residential streets with no traffic calming measures shall be avoided. Local residential streets shall be designed for volumes of eight hundred (800) vehicles or less per day and residential collector streets for volumes of less than three thousand (3,000) vehicles per day.
- G. Local streets will form an interconnected network, including automobile, bicycle, and pedestrian routes, that provide direct connections to local destinations. Local streets will provide for both intra- and inter-neighborhood connections and thus knit neighborhoods together, not form barriers between them. Gated entryways in new developments or neighborhoods are prohibited.
- H. Local and connector streets should be considered to be both public ways and neighborhood amenities. They shall have continuous sidewalks and street trees on both sides. Individual residential dwelling units should provide entries, gates, porches, or other inviting features that face local streets to help create a sense of community, improve safety, and reflect traditional neighborhood design principles. In the limited circumstances where cul-de-sac streets are appropriate due to natural or other mitigating site factors as determined by the city engineer, the cul-de-sac shall be open at the end to create pedestrian and bicycle access.
- I. Natural features including creeks, significant trees, sloping topography, and wetlands shall be protected, where reasonably feasible and accentuated through sensitive site planning, landscaping, building placement, and other measures to ensure that these features are assets benefiting the entire community. Dwelling units shall not back up to or prohibit access to these natural features; however, cul-de-sac streets may extend to the natural features provided the cul-de-sac is open at the end and provides access to trails and/or activity areas.
- J. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic.

16.48.180 Subdivision design adjacent to arterials.

The following policies and standards shall be observed in the design of subdivisions adjacent to arterials:

- A. Street designs shall have the purpose of making adjacent lots, if intended for residential use, desirable for such use by cushioning the impact of heavy traffic and minimizing interference with traffic on such arterials.
- B. The number of intersecting streets and encroachments along arterials shall be held to a minimum. Wherever practicable, such intersections shall be set apart not less than one thousand (1,000) feet on center and serve fifty (50) or more housing units.
- C. Frontage roads, if required, shall be separated from the arterial by a strip of parkway normally not less than ten (10) feet in width. Frontage roads shall enter arterials by means of bulb-type intersections capable of stacking at least two (2) cars between the frontage road and the arterial (i.e., forty (40)-foot separation).
- D. Where frontage roads are not required, residential lots adjacent to the arterial normally will be required to be served by a minor residential street paralleling the arterial at a generous lot depth, or a series of loop streets extending towards such arterials from a collector street some five hundred (500) feet from the arterial street.
- E. When any lot borders any arterial, the subdivider shall be required to provide a nonaccess strip, and may, in addition, be required to execute and deliver to the city an instrument, deemed sufficient by the city attorney, prohibiting the right of ingress and egress from the arterial to such lot. In such cases a wall, fence, or other means approved by the city engineer shall be required within the right-of-way of properties adjacent to the arterial. The design of these improvements shall be subject to the approval of the city engineer.
- F. Driveways serving small parcels should be combined, and adequate distances between driveways and intersections shall be maintained to permit safe merging.

16.48.190 Grades, curves, and sight distances.

Grades, curves, and sight distances shall be subject to approval by the city engineer to ensure proper drainage and safety for vehicles and pedestrians. The following policies and minimum standards shall be observed:

- A. Grades of streets shall be as approved by the city engineer and designed per city standards.
- B. At street intersections, property line corners shall be rounded by an arc, the radius of which shall be ten (10) feet minimum or as directed by the city engineer.
- C. The radii of curvature shall not normally be less than six hundred (600) feet on the centerline of arterials, or less than two hundred (200) feet on the centerline of collector or minor residential streets, or as otherwise approved by the city engineer.

16.48.200 Curbs and walkways.

- A. The following policies and standards shall apply to the design and installation of curbs and walkways:
 - 1. Curbs and gutters shall be required in all subdivisions, unless otherwise approved by city engineer.
 - 2. Sidewalks shall be required on both sides of the street, excluding alleys. A walkway that meets applicable accessibility requirements in an adjoining greenway or parkway may substitute for the required sidewalk so long as the walkway meets the requirements of DMC Section 16.48.040 (Bikeways, parkways, and trails) and is ADA-compliant.

3. When required for access to schools, playgrounds, shopping centers, transportation facilities, and other community facilities, the city engineer may require walkways in excess of six (6) feet in width.
 4. Sidewalks shall be located within the street right-of-way in accordance with the city's standard plans. Locations, widths, and grades shall be approved by the city engineer.
- B. For purposes of this section, walkways are prepared exterior routes designed to provide ADA-compliant pedestrian accessibility. Walkways are general pedestrian routes, including plazas and courts. Sidewalks are walkways that parallel a vehicular roadway. This includes paths and trails that connect neighborhoods with each other and with community destinations such as schools, retail uses, and other services.

16.48.210 Fire hydrants.

Fire hydrants shall be designed, located, and installed in subdivisions in compliance with the requirements of the fire chief and city engineer.

16.48.220 Trees.

Street trees shall be selected, installed, and maintained by the city.

16.48.230 Easements.

Utility easements, not less than ten (10) feet in overall width, shall be provided within the subdivision where required for public utility purposes. Modification of the easement width requirement may be granted only when approved by both the city engineer and the public utility or utilities concerned. Utility structures will be permitted aboveground only when underground construction is determined infeasible by the city engineer and approved by the city engineer and city administrator. Whenever feasible and appropriate, utility easements required under this section shall be designed and landscaped as a natural feature, as approved by the city engineer.

16.48.240 Residential lot and block design.

Blocks shall generally have sufficient width for an ultimate layout of two (2) tiers of lots of the size required by the zoning district, planned development, or specific plan, unless the surrounding layout, presence of environmental or topographical constraints, or lines of ownership justify or require a variation from this requirement.

16.48.250 Block standards.

Blocks shall not normally exceed the following length between streets:

- A. Residential. Six hundred (600) feet.
- B. Commercial. One thousand (1,000) feet.
- C. Industrial. One thousand five hundred (1,500) feet.

16.48.260 Lot standards.

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

- A. The minimum area and dimensions of all lots shall conform to the requirements of the zoning code, the general plan, and any applicable specific plan.

- B. New residential subdivisions shall generally be designed with a variety of lot sizes and for a variety of housing types in the interest of offering a greater number of choices across the broad range of housing prices. Several lot sizes are encouraged within each block to provide variety and texture within the block, as well as throughout the neighborhood. Clustering a large group of similar lot sizes in several blocks or throughout neighborhood should be avoided.
- C. The side lines of all lots, so far as possible, shall be at right angles to the street upon which the lot faces, or approximately radial to the center of curvature if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces.
- D. Lots shall not be divided by a city boundary line.
- E. Remnants of property shall not be left in the subdivision, which do not conform to the lot requirements for the applicable zoning district or are not required for a private or public utility purpose.
- F. To promote pedestrian-oriented residential developments, lots shall be designed so that backyard fences/walls will not be located along local or collector/connector streets except where required for noise attenuation.
- G. Every effort shall be made to protect adjacent residential areas from potential nuisances from any proposed industrial or commercial subdivision, including the provision of extra depth in parcels backing up to existing or potential residential development and provisions for a permanently landscaped buffer strip and masonry wall.
- H. All lots shall have permanent vehicular access, represented by a document recorded in the county recorder's office, to or frontage on a dedicated street. Said access to be of such width, condition, and location as the city council shall approve and of such form as the city attorney shall approve. Access easements over adjacent legal lots to serve lots to serve individual properties shall be avoided.

16.48.270 Energy conservation.

The design of a subdivision for which a tentative map is required shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision as described in Section 66473.1 of the Subdivision Map Act, the zoning code, and other policies and standards adopted by the city.

Chapter 16.52
IMPROVEMENT PLANS AND IMPROVEMENT SECURITY

Sections

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- 16.52.020 Form and content.
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- 16.52.200 Extensions of completion deadlines.
- 16.52.210 Acceptance of improvements.
- 16.52.220 Full acceptance of the improvements.
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16.52.010 Improvement plans.

- A. No permanent improvement work shall be commenced until improvement plans and profiles, showing all improvements to be made and utilities to be installed, have been approved by the city engineer, unless prior exceptions have been approved in writing by the city engineer. Improvements shall be installed to permanent line and grade in accordance with the approved plans and specifications, city design standards, and standard specifications as adopted by the city council.
- B. All improvement plans shall be prepared by a registered civil engineer licensed by the State of California.

16.52.020 Form and content.

- A. The improvement plans shall show complete plans, profiles and details for all required improvements to be constructed, including both public and private improvements and off-site and on-site improvements. The plans shall be legibly drawn, printed, or reproduced on twenty-four (24) inch by thirty-six (36) inch sheets. A border shall be made on each sheet providing one-half inch at top, bottom, and right side and one and one-half (1.5) inch binding strip on the left side. A suitable title block shall be placed in the lower right corner or along the bottom or right edge and provide adequate space for signature and stamp approval by the city engineer and for approval of plan revisions. Signature blocks shall be provided to

include the Fire Chief's approval of water system and hydrant locations and director overseeing maintenance operations.

- B. Plan and profiles shall be drawn to the scale of one inch equals forty feet (1"=40') or larger unless otherwise approved by the city engineer. Details shall be drawn and dimensioned to such scale that clearly shows the facility being constructed. The scales for various portions of the plans shall be shown on each sheet. Graphical scales shall be furnished on plan drawings. All lettering heights shall be one-eighth (1/8) inch minimum.
- C. A north arrow shall be shown on each sheet when applicable. Plans shall be laid out to orient north to the top or toward the left edge unless otherwise approved by the city engineer.
- D. A vicinity map shall be shown on the first sheet of all sets of plans. If the plans include three (3) or more sheets, a plan drawing reflecting the overall layout of streets, lots, easements, storm drains, an index of sheets and vicinity map shall be included. A composite sheet will also be required for all subdivisions having twenty (20) or more units or lots.
- E. The form and contents of all plans shall conform to additional requirements as may be established by the city engineer. The final form of all plans shall be approved by the city engineer.
- F. Improvement plans shall include, but not be limited to: site grading (with existing and new contour lines, key ground elevations, and control points); drainage and sanitary sewer lines; structures and appurtenant facilities; street designs with typical structural sections, signing, channelization, parking layouts, striping, street lighting plans, utilities, and traffic signalization plans, as applicable.
- G. Hydrology, hydraulic, and NPDES compliance plans and calculations, engineer's estimate, bond estimates, and any structural and hydraulic calculations as may be required shall be submitted with the improvement plans to the city engineer. All calculations shall be legible, systematic, and signed/stamped/sealed and dated by a registered civil engineer licensed by the state of California and in a form approved by the city engineer.
- H. All such improvement plans and designs shall be supplemented with all necessary drawings, tables, schedules, notes and specifications, regarding labor, equipment, tools, materials, and methods for the construction of all improvements to city standards. Reference may be made to specific city standard plans or, as applicable, State Standard Plans in lieu of duplicating the drawings, which is not desired.
- I. A title block that provides adequate space for approval by the responsible department and for approval of plan revisions.
- J. The design for all improvements shall conform to standard civil engineering practice and particularly shall comply with the specific requirements in effect at the time of the approval of the tentative map.
- K. The final form of all plans shall specifically include typical cross sections and proposed final finished grades of all roads, and streets in the subdivision together with a profile showing the relation between finished grade and existing elevations; proposed length, size, slope and type of any drainage pipes and culverts or structures necessary for drainage, erosion control or to insure public safety; elevations which shall be referenced to United States Geological Survey or other method approved by the city.

16.52.030 Review by the city engineer.

- A. The subdivider shall submit a minimum of three (3) sets of the improvement plans, specifications, and all computations to the city engineer for review. The city engineer shall review the improvement plans in conformance with procedures, definitions, and time limits of Section 66456.2 of the Subdivision Map Act. Upon completion of the review, one set of the preliminary plans, with the required revisions indicated, will be returned to the subdivider's engineer. After completing all required revisions to the satisfaction of the city engineer, the subdivider's engineer shall transmit the originals of the improvement plans to the city engineer for signature.
- B. Upon finding that all required revisions have been made and that the plans conform to all applicable city ordinances, and conditions of approval of the tentative and parcel map, the city engineer shall sign and date the plans. The originals will be returned to the subdivider's engineer, who shall provide the city engineer with three (3) sets/copies of said plans.
- C. Approval of the improvement plans shall not be construed as approval of public utilities, including, but not limited to, telephone, cable television, water, gas, dark fiber conduit, or electric service construction plans.
- D. Approval by the city engineer shall in no way relieve the subdivider or the subdivider's engineer from responsibility for the design of the improvements, for any deficiencies resulting from the design, or from compliance with any required conditions of approval of the tentative or parcel map.

16.52.040 Revisions to approved improvement plans.

- A. By Subdivider. Requests by the subdivider or the subdivider's engineer for revisions to the approved plans during construction shall be submitted in writing to the city engineer and shall be accompanied by revised drawings showing the proposed revision and reason for the change. The city engineer may approve the revisions to the plan if the proposed revisions: substantially conform with the approved tentative and final map, or approved parcel and parcel map, as applicable; conform to all city codes and standards; and will not have a detrimental effect on public health and safety. The subdivider's engineer shall revise the plans and transmit the originals to the city engineer for initialing within the time specified by the city engineer. Upon receipt of the initialed originals, the subdivider's engineer shall immediately transmit revised drawings to the city engineer. Construction of any proposed revision will not be permitted to commence until revised plans have been received and forwarded to the development and engineering services department.
- B. By City Engineer. When revisions are deemed necessary by the city engineer to protect public health and safety, or as field conditions may require, a notice in writing shall be made to the subdivider and subdivider's engineer. The subdivider's engineer shall revise the plans and transmit the originals to the city engineer for initialing within the time specified by the city engineer. Upon receipt of the initialed originals, the subdivider's engineer shall immediately transmit revised drawings to the city engineer. Construction of all or any portion of the improvements may be stopped by the city engineer until revised drawings have been submitted.
- C. Following the completion of approved final plans, complete with revisions, the subdivider shall furnish to the city engineer a complete set of reproducible plans (mylar, vellum, or other formed approved by the city engineer) for permanent file. The subdivider shall also provide a suitable electronic file, compatible with CAD, of the subdivision and improvement plan information.

- D. If the subdivider disagrees with any action of the city engineer regarding revisions to approved plans, the city engineer's decision may be appealed to the city council pursuant to procedures for administrative appeals contained in DMC Section 16.12.090 (Appeals of administrative decisions).

16.52.050 Plan checking and inspection costs for revisions.

Costs incurred by the city for the checking of plans or calculations or inspection as a result of revisions to the approved improvement plans shall be borne by the subdivider at actual cost. The city may require a deposit, which shall be submitted with the revised prints and shall be applied toward the actual costs of the city's review.

16.52.060 Improvement agreements.

Where required improvements have not been completed and accepted before final map or parcel map approval, the subdivider shall commit to complete those improvements by agreement with the city. The agreement shall be prepared and signed by the city engineer and shall be approved as to form by the city attorney. The city council may, upon approval of the city attorney, enter into improvement agreements for subdivisions of five (5) or more lots pursuant to Section 16.16.200 (Action by city council on final maps), and enter into improvement agreements for subdivisions of four (4) or fewer lots pursuant to DMC Section 16.24.110 (Improvement agreements).

The improvement agreement shall include provisions for all of the following:

- A. Construction of all improvements according to the approved improvement plans and specifications on file with the city engineer.
- B. Completion of improvements within the time specified by DMC Sections 16.52.180 (Completion deadline - Subdivisions of five (5) or more parcels) and 16.52.190 (Completion deadline - Subdivisions of four (4) or fewer parcels and remainder parcels).
- C. Installation of all property corner points and city monuments.
- D. Right of city to modify plans and specifications pursuant to DMC Section 16.52.030 (Revisions to approved improvement plans).
- E. Warranty by subdivider that construction will not adversely affect any portion of adjacent properties.
- F. Payment of inspection fees in accordance with the city's resolution establishing fees and charges.
- G. Payment of in-lieu fees for undergrounding of utilities on peripheral streets where appropriate.
- H. Payment of in-lieu fees for parkland dedication where appropriate.
- I. Payment of drainage district or area fees.
- J. Improvement security as required by this chapter.
- K. Maintenance and repair of any defects or failures and their causes.
- L. Release of the city from all liability incurred by the development and payment of all reasonable attorney's fees that the city may incur because of any legal action arising from the development.

- M. Any other deposits, fees, or conditions as required by city ordinance or resolution and as may be required by the city engineer.
- N. Dedication and transfer of title.
- O. Surety bond descriptions.
- P. Provisions as to right-of-way acquisitions.
- Q. Indemnification of City.
- R. Liability insurance requirements.

16.52.070 Agreements for city purchase of land for off-site improvements.

If a subdivider is required to construct off-site improvements on land in which neither the subdivider nor the city has sufficient title or interest to allow construction, acquisition of land or right-of-way for such improvements shall be carried out in accordance with Section 66462.5 of the Subdivision Map Act. The subdivider shall reimburse the city for the cost of acquiring the interest in the land required to construct the off-site improvements, including but not limited to reimbursement for land cost, appraisals, attorneys' fees, interest, relocation, environmental review, and all other costs incurred to enable the city to purchase the property.

16.52.080 Deferred improvement agreements for subdivisions of four (4) or fewer parcels.

- A. The frontage improvements along existing peripheral streets may be deferred as deemed necessary by the city council. Deferral may be allowed when the city council finds that construction is impractical due to physical constraints or similar improvements are absent from the surrounding neighborhood. When improvements are deferred, the subdivider shall enter into an agreement with the city for the installation of all frontage improvements at a future time as specified by the city council. The agreement shall provide:
 - 1. Construction of improvements shall commence within ninety (90) days of the receipt of the notice to proceed from the city.
 - 2. In the event of default by the owner, successors or assigns, the city is authorized to cause construction to be done and to charge the entire cost and expense to the owner, successors or assigns, including interest from the date notice is given until construction is complete, and all city expenses are paid. In the event that any costs charged against the owner and any successors or assigns of the thereto remains unpaid, the same may become a lien or, in the alternative, a special assessment against the real property upon which the construction was completed.
 - 3. The city shall file the agreement for recordation with the county recorder's office at the expense of the owner and shall constitute notice to all successors and assigns of the title to the real property of the obligation set forth, and, at the option of the city, may be in the form of a deed of trust, so that the property may be subject to foreclosure in event of default.
 - 4. In the event of litigation occasioned by any default of the owner, successors or assigns, the owner, successors, or assigns agree to pay all costs involved, including reasonable attorney's fees, and all costs shall become a part of the lien against the real property.

5. The term "owner" shall include not only the present owner but also heirs, successors, executors, administrators, and assigns, it being the intent of the parties that obligations undertaken shall run with the real property and constitutes a lien against it.
- B. The agreement shall not relieve the owner from any other specific requirements. The construction of deferred improvements shall conform to the provisions of this title and all applicable provisions of this code in effect at the time of construction.

16.52.090 Improvement security.

Any improvement agreement, contract, or act required or authorized by the Subdivision Map Act, for which security is required, shall be secured in accordance with Section 66499 of the Subdivision Map Act and as provided below. No final map or parcel map shall be approved or recorded until all improvement securities required by this section have been received and approved.

16.52.100 Form of security.

- A. Securities shall be required for all improvement agreements. Such securities shall be guaranteed and posted prior to the approval or recordation of the final map or parcel map. Securities shall be in the form of cash, performance bond or letter of credit, as follows:
1. Faithful performance bond. The subdivider may file a bond to cover the cost of construction of the improvements and incidental expenses and to cover replacements damaged in the development of the subdivision. Such bond shall be executed by a surety company authorized to transact a surety business in the state of California and must be satisfactory to and be approved by the city attorney as to form and by the city engineer as to sufficiency. The form of the bond or bonds shall be in accordance with Sections 66499.1 and 66499.2 of the Subdivision Map Act.
 2. Letter of credit. The subdivider may file an instrument of credit or a certificate of deposit from one or more financial institutions subject to regulation by the state or federal government. This instrument or certificate shall be deposited in the name of the City of Dorris and held for the purpose of carrying out the terms of the improvement agreement.
 3. Cash. In lieu of a performance bond or letter of credit, the subdivider may deposit with the city cash money in an amount determined by the city engineer.
- B. Security required from California nonprofit corporations shall be made consistent with the procedures, definitions, and provisions of Section 66499.3(c) of the Subdivision Map Act.

16.52.110 Amount of security.

- A. The minimum amount of security that is posted shall be as follows:
1. A performance bond or security in the amount of one hundred twenty-five percent (125%) of the estimated construction cost to guarantee the construction or installation of all improvements as well as the cost of exercising the bond instrument. If the performance security is a cash deposit with the city, the amount of the security may be reduced to an amount below one hundred percent (100%), but to no less than seventy-five percent (75%) of the estimated construction costs.
 2. A performance bond or security in the amount of one hundred twenty-five percent (125%) of the estimated construction cost shall be required to guarantee the payment to the subdivider's contractor, subcontractors, and to persons furnishing labor,

materials, or equipment for the construction or installation of improvements, as well as the cost of exercising the bond instrument.

3. An amount to cover final survey and monumentation of the subdivision. Amount shall not be less than the number of monuments shown to be set times one thousand dollars (\$1,000) per monument.
 4. An amount determined by the city engineer, but not less than ten percent (10%) of the construction cost, necessary for the warranty of the work for a period of one (1) year following the completion and acceptance thereof against defective labor and materials.
- B. The estimate of improvement costs shall be as approved by the city engineer and shall provide for:
1. Not less than ten percent (10%) of the total construction cost for contingencies.
 2. Increase for projected inflation computed to the estimated midpoint of construction.
 3. All utility installation costs or a certification acceptable to the city engineer from the utility company that adequate security has been deposited to insure installation.
 4. Pursuant to Section 66499.4 of the Subdivision Map Act, enforcement costs shall be included in the amount of the security, including costs, reasonable expenses, and fees, including attorney's fees.

16.52.120 Cash deposit.

The estimate of improvement costs shall be as approved by the city engineer and shall provide for:

- A. Not less than ten percent of the total construction cost for contingencies.
- B. Increase for projected inflation computed to the estimated midpoint of construction.
- C. All utility installation costs or a certification acceptable to the city engineer from the utility company that adequate security has been deposited to ensure installation.
- D. Pursuant to Section 66499.4 of the Subdivision Map Act, enforcement costs shall be included in the amount of the security, including costs, reasonable expenses, and fees, including attorney's fees.

16.52.130 Warranty security.

After acceptance of the subdivision improvements by the city, the subdivider shall provide security as the city engineer deems necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished. The amount of the warranty security shall not be less than ten percent (10%) of the cost of the construction of the improvements, which shall be retained for the one-year warranty period. In areas with slopes greater than ten percent (10%), the warranty security shall be not less than fifty percent (50%) of the construction cost of improvements.

16.52.140 Release of security.

All security that has been posted to guarantee completion of the subdivisions improvements shall be released upon completion of the improvements and final inspection and approval by the city engineer. The release of securities shall be implemented pursuant to the provisions of Section 66499.7 of the Subdivision Map Act. This release may not apply to any and all securities that are posted pursuant to DMC Section 16.52.130 (Warranty security).

16.52.150 Construction and completion of subdivision improvements.

- A. The construction methods and materials for all improvements shall conform to the standard plans and specifications of the city. The general provisions of the city's standard specifications shall apply to the subdivider where applicable.
- B. Construction shall not commence until required improvement plans have been approved by the city engineer.
- C. Prior to commencing any construction, the subdivider shall arrange for a preconstruction conference with the city engineer, representatives from utility companies, and the subdivider's contractors.

16.52.160 Construction inspection.

All improvements are subject to inspection by the city engineer or authorized personnel in accordance with the city's standard specifications and the approved improvement plans.

16.52.170 Final inspection and deficiency list.

- A. Upon completion of the subdivision improvements, the subdivider shall apply in writing to the city engineer for a preliminary inspection prior to final inspection. The city engineer or authorized representative shall schedule a preliminary inspection.
- B. A deficiency list shall be compiled during the inspection, noting all corrections or any additional work required. If the number of items is excessive or the subdivision appears incomplete, the preliminary inspection may be halted and rescheduled on a date as determined by the city engineer or authorized representative.
- C. When the preliminary inspection has been completed, a copy of the deficiency list shall be transmitted to the subdivider for correction.
- D. After completing all corrections or additional work as outlined by the deficiency list, the subdivider shall certify in writing that all corrections have been completed satisfactorily and request a final inspection. The city engineer or authorized representative shall then make a final inspection.
- E. After finding that all items on the deficiency list have been corrected and upon receipt of as-built improvement plans, the public improvements shall be placed on the city council agenda for acceptance as complete and dedicated for public use.
- F. The completion of items shown on the deficiency list shall not relieve the subdivider from responsibility for correcting any deficiency not shown on the list that may be subsequently discovered.

16.52.180 Completion deadline - Subdivisions of five (5) or more parcels.

All subdivision improvements shall be completed by the subdivider and inspected and approved by the city engineer within twelve (12) months from the date of recording of the final map, unless the city council approves an extension of time, not to exceed thirty-six (36) months from the date of recording of the final map. The subdivider may request a further extension from the city council pursuant to DMC Section 16.52.200 (Extensions of completion deadlines).

Should the subdivider fail to complete the improvements within the specified time, the city may, by resolution of council and at its option, cause any or all uncompleted improvements to be completed and the parties executing the surety or sureties shall be firmly bound for the payment of all necessary costs.

16.52.190 Completion deadline - Subdivisions of four (4) or fewer parcels and remainder parcels.

- A. For subdivisions of four (4) or fewer parcels and for a designated remainder parcel, construction of improvements shall not be required until a permit or other development approval for the remainder parcel is issued by the city, or until the construction of the improvements is required pursuant to an improvement agreement. In the absence of an improvement agreement, the city may require construction of improvements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other development approval for the remainder parcel upon a finding by the city council that the improvements are necessary because of:
 - 1. The public health and safety.
 - 2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.
- B. The specified date for completion of the improvements, when required, shall be stated in the improvement agreement. Improvements shall be completed prior to final building inspection or occupancy of any unit within the subdivision or on the remainder parcel.

16.52.200 Extensions of completion deadlines.

- A. The completion date may be extended by the city council upon written request by the subdivider, provided that the extension request is filed at least thirty (30) days before the expiration of the improvement agreement, and substantial evidence is submitted to justify the extension.
- B. Prior to consideration of the request by the city council, the subdivider shall sign an improvement agreement extension with the city. The agreement shall be prepared and signed by the city engineer, approved as to form by the city attorney, executed by the subdivider and surety, and transmitted to the city council for their consideration. If approved by the city council, the mayor shall execute the agreement on behalf of the city.
- C. In consideration of extending the improvement agreement, the city council may require the following:
 - 1. Revision of improvement plans to provide for current designs and construction standards when required by the city engineer.
 - 2. Revised improvement construction estimates to reflect current improvement costs as approved by the city engineer.
 - 3. Increase of improvement securities in accordance with revised construction estimates.
 - 4. Increase in inspection fees to reflect current construction costs. However, in no case shall inspection fees be decreased or refunded.
- D. The city council upon recommendation of the city engineer may impose additional requirements to ensure that the improvements are completed in a timely fashion.
- E. The costs incurred by the city in processing the agreement shall be paid by the subdivider per adopted fee schedules.

16.52.210 Acceptance of improvements.

The following procedure will apply to the acceptance of improvements:

- A. When all improvement deficiencies have been corrected and as-built improvement plans submitted, the subdivision improvements shall be considered by the city council for acceptance.
- B. Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that public improvements have been accepted for public use.

16.52.220 Full acceptance of the improvements.

If the improvements have been accepted by the city and public improvements have been dedicated on a final map, the city clerk shall file an acceptance of public improvements with the county recorder. The city engineer shall accept dedications on parcel maps and the city clerk shall then file the parcel map with the county recorder.

16.52.230 Acceptance of portion of the improvements.

- A. When requested by the subdivider in writing, the city may consider acceptance of a portion of the improvements as recommended by the city engineer. The improvements will be accepted by the city only if it finds that it is in the public interest and such improvements are for the use of the general public.
- B. Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements imposed by this chapter.

Chapter 16.56
CORRECTION AND AMENDMENTS

Sections

- 16.56.010 Application.
- 16.56.020 Form and contents.
- 16.56.030 Submittal to and approval by city engineer.
- 16.56.040 City council action on modifications.

16.56.010 Application.

- A. After a final map or parcel map is filed in the office of the county recorder, it may be amended by recordation of a certificate of correction or recordation of an amending final map or parcel map for any of the purposes listed in Section 66469 of the Subdivision Map Act.
- B. A recorded final map or parcel map may also be modified by a certificate of correction or amending map if the city council finds all of the following:
 - 1. There are changes in circumstances which make any or all of the conditions of the map no longer appropriate or necessary.
 - 2. The modifications do not impose any additional burden on the present fee owners of the property.
 - 3. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map.
 - 4. All required findings for approval can be made as listed in DMC Section 16.16.110 (Required findings).
 - 5. No subsequent or supplemental environmental review is required.
 - 6. No lots, units, or buildings sites are added.
 - 7. The changes are consistent with the general plan.
 - 8. There are no resulting violations of the municipal code.

16.56.020 Form and contents.

The amending map or certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor and shall be accompanied by the required fee or deposit. The form and contents of any amending map shall conform to the requirements of Section 16.16.130 (Final maps) if a final map, or Section 16.24.030 (Form and contents of parcel maps) if a parcel map. The amending map or certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction and shall otherwise conform with the requirements of Section 66470 of the Subdivision Map Act.

16.56.030 Submittal to and approval by the city engineer.

The amending map or certificate of correction shall be submitted to the city engineer for review and approval. The city engineer shall examine the amending map or certificate of correction. If the only changes made are those listed in Section 66469 of the Subdivision Map Act, this fact shall be certified on the amending map or certificate of correction, and the city engineer shall file the map for recordation with the county recorder's office after the map complies with Sections 66469 and Section 66470 of the Subdivision Map Act.

16.56.040 City council action on modifications.

The city engineer shall review any application for modifications pursuant to Section 16.56.010 (Application) for completeness in accordance with Section 16.12.020, (Review of applications for completeness). After the application is complete, the city engineer shall set the time, date, and place of the public hearing before the city council. Notice of the hearing shall be given as provided in Section 16.12.050 (Public hearings). The city council shall confine the hearing to consideration of and action on the proposed modifications. The city council shall approve, conditionally approve, or disapprove the amending map or certificate of correction and shall make written findings in support of its decision in accordance with those required findings listed in Section 16.56.010 (Application).

Chapter 16.60
CERTIFICATES OF COMPLIANCE

Sections

- 16.60.010 Certificates of compliance.
- 16.60.020 Request for determination of compliance.
- 16.60.030 Criteria for determining legal lots and parcels.
- 16.60.040 Conditional approval of certificate of compliance.
- 16.60.050 Illegally created lots or parcels.
- 16.60.060 Recording of certificate of compliance.

16.60.010 Certificates of compliance.

This chapter establishes provisions by which a property owner may request a determination as to whether a parcel or lot complies with the provisions of this title and the Subdivision Map Act.

16.60.020 Request for determination of compliance.

Any person owning real property may request that the city planner determine whether a parcel or lot complies with the provisions of this title and the Subdivision Map Act. Such a request shall consist of a letter addressed to the city planner that includes the names of all current owners of record, assessor parcel number, assessor's parcel map with boundaries highlighted of any parcel in question, and any evidence supporting the legality of the parcel at the time of the parcel's creation. The request shall also include:

- A. A copy of the most current title report and a chain of title prepared by a bonafide title company, and any other supportive, historic data, which may be beneficial in determining the status and origin of the subject lot or parcel.
- B. A copy of the instrument used to create the parcel or lot, showing the date.
- C. A written statement disclosing whether the subject parcel and any contiguous parcel or lot is undeveloped or developed. If the parcel or any contiguous parcel is undeveloped, the written statement shall disclose if the subject parcel and any contiguous parcel were under common ownership at any time since March 4, 1972.
- D. A list of any building permits or other city approvals granted to the property and the dates these permits and approvals were issued.
- E. All required fees and deposits.

16.60.030 Criteria for determining legal lots and parcels.

After a complete application is filed, the city planner shall review the application materials and determine if the lot or parcel for which a certificate of compliance is being requested was legally created for land development purposes. This determination shall be based on the following criteria:

- A. A recorded final map or parcel map constitutes a certificate of compliance with respect to the parcels of real property described therein.
- B. Any lot or parcel not created as a result of a recorded final map or parcel map may be presumed to be lawfully created based on compliance with the provisions of Section 66412.6 of the Subdivision Map Act. Owners of these parcels shall obtain a certificate of compliance

or conditional certificate of compliance before obtaining any permit or other approval for development of the parcel.

16.60.040 Conditional approval of certificate of compliance.

- A. If the city planner determines that a parcel or lot was legally created, a certificate of compliance may be issued but no conditions can be applied to the issuance of the certificate.
- B. If the city planner determines that a parcel or lot was not legally created for development purposes, a conditional certificate of compliance can be granted with conditions requiring improvements, subject to the following:
 - 1. Only those improvements or conditions may be applied that would have been applicable to the division of the property at the time the current property owner of record acquired interest in the property, and which had been established at such time by the Subdivision Map Act or a city ordinance. The city may also impose those improvements or conditions as would be applicable to a current division of the property if it is determined that the applicant was the owner of record at the time of the initial creation of the subject parcel or lot.
 - 2. Any improvement required as a condition of the certificate must be constructed or installed at the time a permit or other grant of approval for development of the parcel or lot is issued by the city. The property owner shall not be required to construct or install such improvements at the time of certificate recordation.

16.60.050 Illegally created lots or parcels.

If the city planner determines that a parcel or lot was created in violation of this title or the Subdivision Map Act, the city planner may issue and record a certificate or conditional certificate of compliance but has cause to proceed with the filing of a notice of intent to file a notice of violation pursuant to DMC Section 16.64.030 (Notice of violation).

16.60.060 Recording of certificates of compliance.

After making a determination of the legal status of the parcel, the city planner shall file the certificate of compliance or conditional certificate of compliance with the county recorder's office consistent with the requirements of Section 66499.35 of the Subdivision Map Act. A certificate of compliance does not entitle the owner of said parcel(s) to a building permit or other grant of development approval absent compliance with other requirements for such building permit or development approval, or any applicable conditions imposed.

Chapter 16.64 ENFORCEMENT

Sections

- 16.64.070 Enforcement.
- 16.64.080 Remedies.
- 16.64.090 Notice of violation.
- 16.64.100 Enforcement by city attorney.
- 16.64.110 Penalties assigned.

16.64.010 Enforcement.

It shall be unlawful for any person to divide any parcel of land or lot without first complying with this title and the Subdivision Map Act.

16.64.020 Remedies

- A. Any deed of conveyance, sale, or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of this title or Subdivision Map Act, is voidable at the sole option of the grantee, buyer, or person contracting to purchase, any heir, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation. The deed of conveyance, sale, or contract to sell is binding upon any successor in interest of the grantee, buyer, or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or any assignee, heir, or devisee.
- B. This section does not bar any legal, equitable, or summary remedy to which the city or other public agency, or any person, firm, or corporation may otherwise be entitled, and the city or other public agency, or any person, firm, or corporation may file a suit in the superior court of the county to restrain or enjoin any attempted or proposed subdivision for sale, lease, or financing in violation of this title or the Subdivision Map Act.
- C. The city shall not issue a permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this title or the Subdivision Map Act if it finds that development of the real property is contrary to the public health or the public safety. The authority to deny a permit or approval shall apply whether the applicant was the owner of the real property at the time of the violation or whether the applicant is the current owner of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of interest in the real property.

16.64.030 Notice of violation.

If the city planner or city engineer has knowledge that real property has been divided in violation of the provisions of this title or the Subdivision Map Act, a notice of intention to record a notice of violation shall be mailed by certified mail to the then current owner of record. The notice shall describe the property in detail, name the owner, describe the violation, and explain why the parcel is not lawful under Section 66412.6(a) or (b), and state that the owner will be given an opportunity to present evidence. The notice shall specify the date, time, and place for a meeting at which the owner may present evidence to the city planner or city engineer why a notice of violation should not be recorded.

The meeting shall take place no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing. If, within fifteen (15) days of receipt of the notice, the owner of the real property fails to inform the city of their objection to recording the notice of violation, the city shall record the notice of violation with the county recorder. If, after the owner has presented evidence, it is determined that there has been no violation, the city shall mail a clearance letter to the current owner of record. If, however, after the owner has presented evidence, the city planner or city engineer determines that the property has in fact been illegally divided, the city planner or city engineer shall record the notice of violation with the county recorder. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. The county recorder shall index the names of the fee owners in the general index.

16.64.040 Enforcement by city attorney.

- A. The city attorney shall be authorized to enforce the provisions of this title and all related agreements, covenants, improvement agreements, conditions, and other requirements placed on project approvals, by civil action and any other proceeding or method permitted by law. The city may, at its discretion, take such enforcement action as is authorized under the municipal code and/or any other action authorized by law or by any covenant or agreement executed pursuant to this title.
- B. Failure of any official or agency to comply with the requirements of this title shall not excuse any applicant or owner from compliance with the requirements of this title.
- C. No map, approval, or other entitlement shall be approved until all applicable requirements of this title and the Subdivision Map Act have been satisfied.

16.64.050 Penalties assigned.

Except as otherwise provided, any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing, or maintaining the violation of any of the provisions of this title shall be guilty of a misdemeanor or an infraction, as charged. Each person convicted may be deemed guilty of a separate offense for every day during any portion of which any violation of this title is committed or permitted. The remedies provided herein shall be cumulative and not exclusive and shall not preclude the city from any other remedy or relief to which it otherwise would be entitled under law or equity including administrative remedies available under the zoning code. Any violation of this title, agreement, or entitlement granted in accordance with this title, may also be redressed in accordance with Section 66499.31 of the Subdivision Map Act.