

CHAPTER 3. LAND DIVISIONS

ARTICLE 1. GENERAL

Sec. 9-3.101. Purpose and Scope.

This chapter regulates the division of land, the merger of lots and reversion of land to acreage. This chapter may be cited as the City's "Land Division Regulations."

The Subdivision Map Act regulates the local control of the design and improvement of subdivision and authorizes the City to enact local ordinances for the control of the design and improvement of land divisions which do not constitute subdivisions. This chapter incorporates by reference those provisions of the Subdivision Map Act mandated by state law and adopts additional provisions governing land divisions in those areas where the Subdivision Map Act allows the City to exercise discretion.

Sec. 9-3.102. Definitions.

- (a) The following definitions apply to this chapter:
- (1) "Advisory Agency" means the Planning Commission of the City.
 - (2) "Governing Body" or "Legislative Body" means the Council.
 - (3) "Local agency" means the City.
 - (4) "Local ordinance" means this chapter.
 - (5) "Subdivision Map Act" or "Map Act" refers to Division 2 of Title 7 (commencing with §66410) of the Government Code.
- (b) Except as provided herein, the definitions now or hereinafter set forth in the Subdivision Map Act are hereby incorporated by this reference and made a part hereof.

ARTICLE 2. MAPS REQUIRED

Sec. 9-3.201. Application. 84

The production of tentative and final subdivision maps and tentative and final parcel maps shall be governed by the Map Act and this chapter.

Sec. 9-3.202. Tentative and Final Subdivision Maps. 85

- (a) A tentative and final subdivision map shall be proposed for subdivisions in conformance with the Map Act.
- (b) Final subdivision maps shall contain the information and be in the form specified by the Map Act and shall also satisfy the additional requirements of this chapter.

Sec. 9-3.203. Parcel Maps. 86

611 _____
84 Amended by Ord 06-641 on 4/4/06.
85 Amended by Ord 06-641 on 4/4/06.

- (a) A tentative parcel map and final parcel map shall be filed for each division of land which does not constitute a subdivision unless the parcel map is waived as set forth in this chapter.
- (b) Parcel maps shall contain the information and be in the form specified by the Map Act and shall also satisfy requirements of this chapter.
- (c) The Planning Commission may require the certificates and acknowledgments required for parcel maps be recorded concurrently with the final parcel map.

ARTICLE 3. PROCEDURE

Sec. 9-3.301. Application.87

The procedures set forth in this article govern the processing of tentative and final subdivision and tentative and final parcel maps.

Sec. 9-3.302. Tentative Maps. 88

- (a) The project proponent shall file the tentative subdivision or a tentative parcel map with the Planning Commission which shall conduct a public hearing to determine whether the tentative map be approved, conditionally approved or disapproved. The decision of the Commission shall be final unless appealed to the Council by any interested party within 30 days of the Commission's action or failure to act. The appeal shall be filed with the City Clerk within ten months of the Commission's action or failure to act, if an environmental impact report is required, or within four months, if a negative declaration is required.
- (b) If the Commission's decision is appealed to the Council, the City Clerk shall provide notice of appeal to interested parties by publication at least once in a newspaper of general circulation at least ten (10) days prior to the date of hearing and by mail to the owners of property within 300 feet of the proposed land division as shown on the last equalized assessment rolls.
- (c) On appeal, the Council shall review the decision of the Planning Commission and approve, conditionally approve or disapprove the tentative map. In the case of an appeal, the Council's decision shall be final.

Section 9-3.303. Final Maps. 89

86 Amended by Ord 06-641 on 4/4/06.
 87 Amended by Ord 06-641 on 4/4/06.
 88 Amended by Ord 06-641 on 4/4/06.
 89 Amended by Ord 06-641 on 4/4/06.

- (a) Multiple final subdivision or parcel maps relating to an approved or conditionally approved tentative subdivision or parcel map may be filed prior to the expiration of the tentative map if the requirements of the Map Act and this chapter are met, and if the Planning Commission finds:
 - (1) The property which is described in the final map will be adequately served by required on-site and off-site improvement even if the property not covered by the proposed final map is not developed;
 - (2) Dedications required to serve the property described in the final map have been completed even though such dedications also benefit the remaining property; and
 - (3) The inhabitants and the property owners of the City and the future inhabitants and property owners of the property described in the final map will be prejudiced by failure of the project proponent to develop the remaining property not covered by the proposed final map.
- (b) The Planning Commission may approve the modification of a recorded final subdivision map or parcel map by a certificate of correction or an amending map. Such modifications shall be considered at a public hearing conducted by the Commission. The modifications shall conform with the Map Act. Any interested party may appeal such decision of the Commission to the Council within 30 days of the Commission's decision.

Sec. 9-3.304. Parcel Maps. 90

- (a) Except as provided in this chapter, the procedure for processing approval, conditional approval or disapproval and filing of parcel maps and modifications thereof, shall be the same as the procedures for tentative and final subdivision maps.
- (b) A parcel map shall be based on a field survey in accordance with the Land Surveyors Act if street, water, sewer or storm drain easements are required to be dedicated by the map or by a separate instrument. When such dedications are not required, the map can be compiled from recorded or filed data when sufficient information exists on filed maps to locate and retrace the boundaries of the map and at least one boundary can be established from an existing monument line.

Sec. 9-3.305. Parcel Map Waiver: Criteria and Application.91

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90 Amended by Ord 06-641 on 4/4/06.
91 Amended by Ord 07-646 on 4/17/07.

- (a) The filing of a tentative or final parcel map may be waived at the discretion of the Planning Director if Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.
- (b) The application for a waiver of parcel map shall include the following information on the form more specifically required by the Planning Director:
 - (1) A completed City of California City Subdivision Application, grant deed, legal description and map of the parcel;
 - (2) Legal description of each of the proposed parcels prepared by a licensed land surveyor or registered civil engineer, authorized to perform land surveying, containing original signature and seal;
 - (3) Two copies of a preliminary title report for the affected property;
 - (4) Hazardous Waste Verification Statement; and.
 - (5) A legible, recordable map showing the proposed land division. The map shall be submitted on a minimum 8½" x 11" sheet and shall contain the following statement: "This map is provided for illustrative purposes only."
- (c) The application shall be accompanied by the fee established by resolution of the Council.
- (d) The request for the waiver shall be denied if:
 - (1) The proposed waiver is inconsistent with the General Plan, applicable specific plan, or applicable provisions of the Municipal Code;
 - (2) The site is not physically suitable for the proposed type of development;
 - (3) The site is not physically suitable for the proposed density of development;
 - (4) The design of the project or the proposed improvements are likely to cause serious public health problems; and
 - (5) The design of the project or the proposed improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, but the Planning Director may approve a request for waiver if the Planning Director finds alternate easements for access or for use will be provided which are substantially equivalent to the easements previously acquired by the public. This section shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Planning Director to determine the public at large has acquired easements for access through or use of property within the proposed project.
- (e) The Planning Director shall report to the applicant and the Planning Commission on the application at least fifteen days prior to the proposed effective date of the Planning Director's decision. The decision of the Planning Director may be appealed to the Planning Commission by a written appeal filed with the Planning Secretary during the fifteen-day period.
- (f) When the decision is final, the City Planning Director shall record a Certificate of Compliance and appropriate attachments reflecting the approved waiver if the following conditions have been met:
 - (1) The applicant has submitted grant deed or deeds for the land proposed to be conveyed for the waiver, in recordable form, and the Planning Director has determined the grant deed or deeds are in substantial compliance with the approved waiver, and the grant deed or deeds contain the words "FOR PURPOSES OF PARCEL MAP WAIVER NO. _____." In lieu of submitting the grant deed or deeds, the applicant's title company may

- issue a "Letter of Intent" to arrange simultaneous recording of deeds with the Certificate of Compliance.
- (2) The grant deed or deeds, and beneficiary consent, if applicable, shall be recorded concurrently and shall constitute constructive notice of the parcel map waiver.
 - (3) A guarantee of title or a preliminary title report dated ten or less days prior to concurrent recording of deeds and Certificate of Compliance, has been issued by a title company authorized to do business in California, showing all parties having record title interest in the land to be subdivided, or any part thereof, including, but not confined to, leaseholders, lien holders, and owners of rights-of-way, showing the nature of each respective interest and reference thereto in the Official Records, by book and page, as of the date the waiver of parcel map is filed with the County for recording. The liability of such guarantee of title, if one is issued, shall be not less than \$1,000.00. In lieu of an updated preliminary title report, the title company may submit a written statement (letter of continuation) which certifies that no changes affecting the title of the subject property have occurred since the original issuance of the preliminary title report.
 - (4) Applicable recording fees have been paid, or arrangements have been made for all documents to be recorded by the title company.
 - (5) Other conditions of approval for the parcel map waiver have been satisfied.
- (g) An approval or conditional approval of a waiver shall expire one year from the date of approval of the waiver. The property owner may request an extension of the expiration date of the approved parcel map waiver by written application to the Planning Director. The application shall be filed prior to the expiration date and shall state the reasons for requesting the extension and the amount of time requested. The Planning Director shall approve or deny the request for extension. The maximum amount of time for each extension request shall not exceed one year. Not more than three extensions shall be approved for a parcel map waiver, and the total period of all extensions shall not exceed thirty-six months.
- (h) Minor revisions to an approved waiver of parcel map may be approved by the Planning Director upon application by the property owner or authorized agent, provided: such changes are consistent with the intent of the original approval; the original conditions need not be modified; and there are no resulting violations of the Municipal Code. Approved revisions shall be denoted on the approved waiver map and/or in writing to the property owner, whichever is appropriate. No revision shall affect the original expiration date of the approved waiver. The Planning Director may require a new application in lieu of the above procedure when, in the Planning Director's opinion, requested changes are substantial enough to warrant refiling and reprocessing.

Sec. 9-3.306. Parcel Map Waiver: Appeal. 92

- (a) The decision of the Planning Director may be appealed to the Planning Commission. A public hearing shall be conducted by the Commission within sixty days from the date the application is approved by the Planning Director. At least ten days' notice of the public hearing shall be given by publication and by mail to: the property owner, the applicant, each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services, the

owners of property within three hundred feet of the exterior boundaries of the subject property, and any person who has filed a written request for such notice. In lieu of mailed notice, notice may be posted not more than three hundred feet apart along each street upon which the subject property abuts for a distance of not less than three hundred feet in each direction from the exterior limits of the subject property.

- (b) The applicant or authorized representative and interested persons may appear at the hearing and be heard. The hearing may be continued, if, prior to adjournment or recess, the Planning Director or designated representative, announces the time and place to which the hearing will be continued.
- (c) The Planning Commission may approve, conditionally approve, or deny the application following the close of the public hearing. The decision shall be final ten days after notice unless appealed to the council. Written notice of the decision shall be given by mail within seven calendar days after the date of the decision to the applicant and persons filing a written request for notice of the decision.
- (d) The applicant or other aggrieved person may appeal to the Council from the decision of the Commission by filing a written notice of appeal with the Planning Director within ten days of notice of the decision. The Planning Director shall forward the appeal to the Clerk of the City Council who shall set the matter for hearing within thirty days after the date of filing the appeal. Notice of the hearing on the appeal shall be given in the same manner as notice for the hearing before the Commission. The City Council may reverse, affirm wholly or partly, modify, or attach other or additional conditions to the decision appealed from. The decision of the City Council shall be final upon adoption of a resolution containing its determination, and no further notice need be given.

Sec. 9-3.307. Procedure for Amending Map.

- (a) A person who desires to file an amending map after a final subdivision map or final parcel map has been filed shall present the proposed amending map and the established fee to the Planning Secretary. The Secretary shall obtain the comments of the Planning Director and the Director of Public Works as to whether the proposed map conforms with the criteria set forth below. The comments of the Planning Director and Director of Public Works shall be presented to the applicant who shall make recommended corrections, if any, or request the matter be placed before the Planning Commission for action.

- (b) If no corrections are required or when required corrections are made, the Planning Secretary shall schedule a public hearing on the proposed map upon the giving of such notice as required for the underlying map.
- (c) The Planning Commission shall approve the proposed map if the Commission makes the findings set forth in the criteria listed below. The decision of the Planning Commission shall be final unless the decision is appealed to the City Council in the same manner as tentative parcel maps.

Sec. 9-3.308. Criteria for Amending Map.

- (a) An amending map may be approved for filing if the Planning Commission finds the following conditions exist:
 - (1) The proposed map addresses changes in circumstances which make the conditions of the prior map no longer appropriate or necessary;
 - (2) The modifications do not alter rights, titles or interests in the real property reflected on the recorded map; and
 - (3) The modified map conforms with the Map Act.
- (b) An amending map shall conform to requirements concerning content and form of a final subdivision map or a final parcel map, as the case may be.

Sec. 9-3.309. Expiration of Tentative Maps and Extension of Time to File Final Maps.

- (a) Approved or conditionally approved tentative subdivision or tentative parcel maps expire 24 months after approval or conditional approval. The expiration of a tentative map terminates proceedings and no final map or parcel map shall be filed without first processing a new tentative map. Delivery to the City Engineer shall be deemed a timely filing. Once a timely filing is made, subsequent acts of the City, including, but not limited to processing, approving and recording, may occur after expiration date of the tentative map.
- (b) Upon written application by the property owner filed before a tentative map expires, the Planning Director may extend the time for filing a final subdivision or parcel map by up to 12 months. The director must find the extension is in the best interests of the City. The refusal of the Director to permit an extension may be appealed by the property owner to the Planning Commission within 15 days after the Director's action. The decision of the Commission is final.
- (c) The Planning Commission may extend the expiration date of the tentative map by up to 36 months in addition to the period of extension described above. If the subdivider applies for an extension prior to the expiration of the tentative map, the map shall be automatically extended for 60 days or until the application for extension is acted upon, whichever occurs first. If the Commission denies the application, the subdivider may appeal to the City Council within 15 days after the Commission's action.
- (d) If the subdivider is required to expend \$125,000 or more for the construction of public improvements related to the development of the property but outside the boundaries of the tentative map, excluding right-of-way improvements that abut the boundary of the property, each filing of a phased final map shall extend the date of expiration of the tentative map by 36 months but in no event more than

120 months from the approval or conditional approval of the tentative map. The value of improvements that will trigger this subsection will be changed from time-to-time by the State Allocation Board to reflect changes in the statewide cost index.

- (e) The time for filing the final map shall be extended for up to 5 years during the pendency of a development moratorium imposed after the approval of the tentative map. When the development moratorium expires, the map shall be valid for the same period of time that was left to run at the time the moratorium was imposed, but in no event less than 120 days.

ARTICLE 4. REQUIREMENTS

Sec. 9-3.401. General.

The City shall disapprove a map for failure to meet the requirements imposed by the Map Act or by this chapter. The Planning Commission may recommend, and the City Council may approve, a waiver of the requirements of this chapter when the failure is the result of a technical or inadvertent error which, in determination of the Planning Commission, does not materially affect the validity of the map.

Sec. 9-3.402. Dedications: Certain Public Improvements.

The property owners shall dedicate or provide an irrevocable offer of dedication of real property within the subdivision for streets, alleys, including access rights and abutter's rights, drainage, public utility easements and other public easements. The Planning Commission may recommend, and the Council may require, the dedication of irrevocable offer of dedication of land within the subdivision for local transit facilities if the requirements of the Map Act are met. Dedications or offers of dedications of streets shall include a waiver of direct access rights to any such street from any property shown on a final or parcel map as abutting thereon and if the dedication is accepted, any such waiver shall become effective in accordance with its provisions.

Section 9-3.403. Dedications: Park and Recreational Purposes.

The project proponent shall dedicate land or pay fees in lieu thereof, or a combination of both, for neighborhood and community park or recreational purposes as a condition to the approval of a tentative map or parcel map, provided the amount of land dedicated or fees paid shall be based upon the criteria set forth in the Map Act and the following:

- (a) The amount of land required to be dedicated for park or recreational purposes pursuant to this article shall be based on the gross area included in the subdivision determined by the following formula:

Percentage of the Gross

<u>Maximum Area Per Dwelling Unit</u>	<u>Area of the Land Required to be Dedicated</u>
1 unit per acre or less	2%
30,000 square feet	3%
20,000 square feet	4%
10,000 square feet	6%
9,000 square feet	7%
6,000 square feet	8%
4,000 square feet	15%
3,000 square feet	20%

- (b) The Commission may require fees to be paid for the development of park or recreational facilities in lieu of or in combination with the dedication of land for such purposes. If the Commission requires fees to be paid in combination with the dedication of land, the total obligation imposed shall not exceed the fees which would have been required by the preceding paragraph.
- (c) Where a fee is required to be paid in lieu of land dedication, the amount of the fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to this article. The amount of such fee shall be a sum equal to the fair market value of the amount of land required in accordance with the following formula:

<u>Minimum Lot Size</u>	<u>Square Feet of Land Required Per Gross Acre of Subdivision</u>
1 unit per acre or less	871 square feet
30,000 square feet	1,316 square feet
20,000 square feet	1,760 square feet
10,000 square feet	2,631 square feet
9,000 square feet	3,101 square feet
6,000 square feet	3,659 square feet
4,000 square feet	6,586 square feet
3,000 square feet	8,782 square feet

The fair market value of the land shall be determined by a written report prepared by a qualified appraiser acceptable to the City. The cost of the appraisal shall be borne by the developer. The appraisal shall be made immediately prior to the filing of the final map.

- (d) The money collected as fees in lieu of land dedication shall be placed in a special fund and used to acquire park lands or enhancing the recreational potential of existing parks for the benefit of new residents.
- (e) The dedication of land for park or recreational purposes, or the payment of fees in lieu thereof, shall be a condition to the approval of a final subdivision map or final parcel map provided: only the payment of fees shall be required in subdivisions containing fifty (50) parcels or less in divisions not defined as a subdivision;
- (f) This article relating to dedications does not apply to:
 - (1) Subdivisions containing less than five (5) parcels and not used for residential purposes;
 - (2) Industrial subdivisions;
 - (3) Condominium projects which consists of the subdivision of airspace in an

- existing apartment building which is more than five (5) years old when no new dwelling units are added;
- (4) Parcel maps for a subdivision containing fewer than five (5) parcels for a shopping center containing more than 300,000 square feet of gross leaseable area and no residential development or uses.
- (g) The development of the park or recreational facilities in a subdivision on property dedicated to the City pursuant to this article shall commence within sixty (60) days after fifty (50%) percent of the lots or parcels within the subdivision are occupied. If such property is, or may be, further divided, such development shall not be commenced until fifty (50%) percent of the maximum number of lots which may be created within the parcel in conformity with the City's general plan or zoning laws have been occupied.
- (i) The development of land for park and recreational purposes within a parcel of land not defined as a subdivision shall commence within sixty (60) days after the lots or parcels within such area are fifty (50%) percent occupied. If such property may be further divided, such development shall not be commenced until fifty (50%) percent of the maximum number of lots which may be created within the parcel in conformity with the City's general plan or zoning laws have been occupied.
- (i) Development of park or recreational facilities shall be deemed to have commenced when the Council decides to develop such facilities. The development of such land for park or recreational facilities shall be completed within a reasonable time following commencement, having due regard for the extent and nature of the proposed development; provided however, in no event shall the substantial completion of such facilities occur more than twelve (12) months after the commencement thereof.

Sec. 9-3.404. Dedications: Schools.

A subdivider who develops or completes the development of one or more subdivisions in one or more school districts maintaining an elementary school shall dedicate to the school district or districts within which such subdivisions are to be located, such land as the Council shall deem to be necessary for the purpose of constructing thereon such elementary schools as are necessary to assure the residents of the subdivision adequate public school service.

Sec. 9-3.405. Street Dedication and Improvement.

- (a) A person applying for a tentative subdivision or parcel map approval shall dedicate and improve a right-of-way to the City for public road purposes if such dedication is necessary for access to the affected property. The right-of-way

shall be improved with curb, gutter, sidewalk, grading and paving in accordance with the City's standards for street construction. The right-of-way shall extend across the frontage of the property and shall be in accordance with the standards for street right-of-way as set forth in the Circulation Element of the City's General Plan.

- (b) When the area in the vicinity of the applicant's property is without existing improved streets, the Planning Director may defer the dedication or improvement of the applicant's easement. If the Planning Director defers the dedication or improvement, the applicant shall provide an offer of dedication for future public street purposes or surety bond to guarantee the improvements. The offer or surety bond will remain in effect and binding on the applicant and successors in interest until the City Council accepts the offer and requests the improvements or by resolution determines the dedication and improvements are no longer necessary for public use.

Sec. 9-3.406. Reservations.

Areas of real property within the subdivision shall be reserved for parks and recreational facilities, fire stations, libraries, and other public uses subject to the conditions of the Map Act.

Sec. 9-3.407. Fees: Drainage and Sewer Facilities.

Whenever a drainage or sanitary sewer plan has been adopted for a particular drainage or sanitary sewer area, and such plan contains an estimate of the total cost of constructing the local drainage or sanitary sewer facilities required by the plan, including a map of such area showing its boundaries, and location of such facilities has been adopted, the Planning Commission may recommend, and the City Council may require, the payment of fees for the purpose of defraying the actual or estimated cost of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas and of constructing planned sanitary sewer facilities for local sanitary sewer areas.

Sec. 9-3.408. Fees: Bridges or Major Thoroughfares.

- (a) The Planning Commission may require the payment of a fee as a condition for the approval of a final subdivision or parcel map or as a condition of issuing a building permit for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways and canyons or constructing major thoroughfares. A public hearing shall be first conducted in accordance with the Map Act for each area benefited.
- (b) At such public hearing, the boundaries of the area benefited, the cost, whether actual or estimated, and a fair method of allocation of the costs to the area of benefit and fee apportionment shall be established. The payment of fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit. Payment of fees shall not be required

unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit.

- (c) If protests are not filed prior to the conclusion of the public hearing with the City Clerk by owners of more than one-half of the area of the property to be benefited by the improvement and if sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed procedure shall be abandoned and the Commission shall not for one year from the filing of written protest commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section. Consideration other than the payment of fees may be accepted.

Sec. 9-3.409. Fees: Groundwater Recharge Facilities.

- (a) The Planning Commission may require the payment of a fee as a condition of approval of a final subdivision map or final parcel map or as a condition of issuing a building permit to an area of benefit under a groundwater recharge facility plan to construct recharge facilities for the replenishment of the underground water supply in such area of benefit. Before a groundwater recharge facility plan is adopted, a public hearing will be conducted by the Commission for the proposed area of benefit and, if approved, the groundwater recharge facilities plan shall be established at such public hearing.
- (b) If, prior to the conclusion of such hearing, there is written protest filed with the City Clerk by the owners of more than one-half of the area of the property to be benefited by the improvement and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of the property to be benefited, the proceedings shall be abandoned and the Council shall not, for one year from the filing of that written protest, commence or carry on proceedings for the same improvement or acquisition under this article.

Sec. 9-3.4010. Reimbursement.

The Planning Commission may require the improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity or number for the benefit of property not within the subdivision and that such improvements be dedicated to the public. The subdivider shall be reimbursed for the costs of such facilities in accordance with the Map Act.

Sec. 9-3.411. Soils Reports.

- (a) The Planning Commission may waive the preliminary soils report if the Commission determines that, due to the knowledge it has as to the qualities of the soils of the subdivision, no preliminary analysis is necessary.
- (b) If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soil

investigation of each lot in the subdivision may be recommended by the Planning Commission.

Sec. 9-3.412. Monuments.

At the time of making the survey for the final map or parcel map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards of the Map Act and the requirements of this chapter.

Sec. 9-3.413. Standards.

The Commission shall from time to time adopt regulations by resolution setting forth the minimum standards for the scope and quality of public improvements.

ARTICLE 5. IMPROVEMENT SECURITY

Sec. 9-3.501. General.

The project proponent may furnish security in connection with the performance of acts or agreements required by this chapter. Such security shall be one of the types of securities specified in the Map Act at the option of and subject to the approval of the Commission.

Sec. 9-3.502. Reduction of Security.

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

ARTICLE 6. REVERSIONS

Sec. 9-3.601. Reversions.

A parcel map may be filed to revert to acreage land previously subdivided consisting of four or fewer contiguous parcels under the same ownership.

Sec. 9-3.602. Mergers.

A parcel or unit may be merged with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimal parcel size and the following requirements are satisfied:

- (a) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed with only an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit; and
- (b) With respect to an affected parcel, one or more of the following conditions exist:
 - (1) Comprises less than 5,000 square feet in area at the time of the determination of merger;
 - (2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
 - (3) Does not meet current standards for sewage disposal and domestic water supply;
 - (4) Does not meet slope stability standards;
 - (5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability;
 - (6) Its development would create health or safety hazards; or
 - (7) Is consistent with applicable general plan and applicable specific plans other than minimum lot size and density standards.

ARTICLE 7. ENFORCEMENT

Sec. 9-3.701. Notice of Violation.

- (a) The Planning Director may serve and record a notice of intention to record a notice of violation on the owners of the offending property by describing the violation and stating an opportunity will be given to the owners to present evidence.
- (b) The City shall mail a copy of such notice to the owner of the real property. The notice shall specify the time, date and place at which the owner may present evidence to the Planning Commission why such notice should not be recorded.
- (c) If the Commission determines there has been no violation, the City shall record a Release of the Notice of Intention to Record Notice of Violation with the County Recorder. If the Planning Commission determines the property has been illegally

divided, or within 60 days after receipt of the notice of intention, the owner of the real property fails to inform the Planning Commission of objection to the recording of the Notice of Violation, the Planning Commission shall cause the recordation of the Notice of Violation.

- (d) The Notice of Intention to Record a Notice of Violation and the Notice of Violation when recorded shall be deemed constructive notice of violation to successors in interest.

Sec. 9-3.702. Certificate of Compliance.

- (a) A person owning real property or the vendee of such person pursuant to a contract of sale, may request the City to determine whether the real property complies with the Map Act and this Chapter. The person requesting the Certificate of Compliance shall pay the City the cost of issuing and recording the Certificate.
- (b) The City Engineer shall issue an unconditional Certificate of Compliance if the City Engineer determines:
 - (1) The parcel was created by a land division which complies with the Map Act and this Chapter; or
 - (2) The parcel was created by a land division prior to March 4, 1972, and the conditions of Government Code section 66412.6 is satisfied; or
 - (3) The parcel was created by a land division occurring on or after March 4, 1972, and the City Engineer determines a person creating the parcel did so without intent to violate the provisions of the Map Act or this Chapter and the rights of third parties have since intervened.
- (c) If the City Engineer is unable to issue an unconditional Certificate of Compliance, the City Engineer shall issue a conditional Certificate of Compliance after a report to and recommendation by the Planning Commission as to such conditions. Such conditions shall be limited to conditions applicable to the division of the property at the time the applicant acquired an interest therein unless the applicant was the owner of the property at the time of an illegal land division, in which event the conditions include those which can be imposed under current land division regulations.
- (d) A person applying for a certificate of compliance shall dedicate and improve a right-of-way to the City for public road purposes if such dedication is necessary for access to the affected property. The right-of-way shall be improved with curb, gutter, sidewalk, grading and paving in accordance with the City's standards for street construction. The right-of-way shall extend across the frontage of the property and shall be in accordance with the standards for street right-of-way as set forth in the Circulation Element of the General Plan.
- (e) When the area in the vicinity of the applicant's property is without existing improved streets, the Planning Director may defer the dedication or improvement of the applicant's easement. If the Planning Director defers the dedication or improvement, the applicant shall provide an offer of dedication for future public street purposes or surety bond to guarantee the improvements. The offer or surety bond will remain in effect and binding on the applicant and successors in interest until the City Council accepts the offer and requests the improvements or by resolution determines the dedication and improvements are no longer necessary for public use.