

TITLE 17  
SUBDIVISION ORDINANCE

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## Chapter 17.000

### SUBDIVISION TITLE AND PURPOSE

#### Sections:

- 17.000.000 Title**
- 17.000.010 Purpose and Scope**
- 17.000.020 Inapplicability**
- 17.000.030 Planning Commission Authority**
- 17.000.040 Separate Maps Required for Physically-Separated Parcels**
- 17.000.050 Parcel Map Requirements Same as Tract Map**
- 17.000.060e Editor's Note to Title 17**

*Note: Numbers included in titles within parentheses refer to the applicable sections of the state Subdivision Map Act or other portions of the California Government Code and are not adopted as part of this Ordinance.*

#### **17.000.000 TITLE**

Title 17 of the Municipal Code shall be known as the "Subdivision Ordinance of the City of Claremont". All reference in this Title to articles, parts, chapters, subsections, or paragraphs, shall, unless otherwise specified, mean text in Titles 16, 17, and 18. Similarly, all references to codes shall, unless otherwise specified, mean Titles 16, 17, and 18. (08-05)

#### **17.000.010 PURPOSE AND SCOPE (66411)**

##### A. Purpose

This Title is enacted for the purpose of adopting local tract and parcel map regulations in accordance with the Subdivision Map Act (Division 2 of Title 7 of the California Government Code) and repeals all other regulations of the City of Claremont in conflict with this Title; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder.

##### B. Scope

The provisions of the Title shall apply to all tract maps and parcel maps or portions of tract or parcel maps entirely or partially within the City of Claremont. (08-05)

#### **17.000.020 INAPPLICABILITY (66412)**

This Title does not apply to leases, conversions, transactions, conveyances, or other acts which are specifically designated as exempted from the Subdivision Map Act. (08-05)

#### **17.000.030 PLANNING COMMISSION AUTHORITY (66415)**

The Planning Commission is hereby designated as the Advisory Agency with respect to review of tract maps and the final decision-making body with respect to review of parcel maps. (08-05)

#### **17.000.040 SEPARATE MAPS REQUIRED FOR PHYSICALLY-SEPARATED PARCELS**

Where land is physically separated from other land in a proposed subdivision by other than a street, highway, alley, railroad right-of-way, flood control right-of-way, or public utility right-of-way, a separate subdivision map shall be prepared for each portion of land so separated and each of the maps shall comply with the provisions of this Title. (08-05)

#### **17.000.050 PARCEL MAP REQUIREMENTS SAME AS TRACT MAP (66411.1, 66428)**

A tentative parcel map and final parcel map shall be required for any division of land which does not require a tentative and final tract map pursuant to the California Subdivision Map Act. Subject to the limitations on improvements associated with parcel maps set forth in Chapter 17.016, form, content, design, and other requirements for parcel maps shall be the same as set forth in this Title for tract maps.

Further, as used in this Title, the term “tentative map” shall encompass both tentative tract and tentative parcel maps, and the term “final map” shall encompass both final tract and final parcel maps. (08-05)

**17.000.060e EDITOR’S NOTE TO TITLE 17**

\*Prior history: Included in the Claremont Land and Use Development Code, Ordinance No. 599, adopted April 1958, and amended through January 9, 2007, and codified as part of the Claremont Municipal Code, Ordinance No. 2008-05, May 8, 2008. (08-05)

## Chapter 17.010

### TENTATIVE MAP PREPARATION

#### Sections:

- 17.010.000 Tract Maps Required**
- 17.010.010 Parcel Maps Required**
- 17.010.020 Preparation and Filing**
- 17.010.030 Tentative Map Form and Content**
- 17.010.040 Completeness of Application**
- 17.010.050 Notification of Intent to File Multiple Final Maps**
- 17.010.060 Technical Reports**

#### **17.010.000 TRACT MAPS REQUIRED (66426)**

Approval of a tentative and final tract map shall be required in accordance with this Title for any subdivision creating 5 or more parcels, 5 or more condominiums as defined in Section 783 of the California Civil Code, a community apartment project containing 5 or more parcels, or for the conversion of a dwelling to a stock cooperative containing 5 or more dwelling units, except where:

- A. The land before division contains less than 5 acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the City Council; or
- B. Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway; or
- C. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the City Council as to street alignments and widths; or
- D. 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.

A tentative and final parcel map shall be required for those subdivisions described in (A) through (D), preceding. (08-05)

#### **17.010.010 PARCEL MAPS REQUIRED (66426, 66428)**

Approval of a tentative and final parcel map shall be required in accordance with this Title for any subdivision creating 4 or fewer parcels and for any subdivision which requires a parcel map pursuant to Chapter 17.010, except that parcel maps shall not be required for:

- A. Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the California Public Utilities Code, which are created by short-term leases terminable by either party on not more than 30 days notice in writing; or
- B. Land conveyed to or from a governmental agency, public entity, or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the City in individual cases, upon substantial evidence, that public policy necessitates a parcel map; or
- C. Lot line adjustments which are exempt from parcel map requirements in accordance with the criteria of Chapter 17.256.

In addition to the preceding situations, the City Council may waive the requirement for a parcel map in accordance with the provisions of Chapter 17.261. (08-05)

#### **17.010.020 PREPARATION AND FILING**

Tentative maps shall be filed with the Department of Community Development by a record owner or owners of the property to be divided or by their authorized agents. The number of copies of the tentative map to be submitted to support the application shall be as determined by the Director. The tentative map shall be accompanied by the required application fee(s). (08-05)

**17.010.030 TENTATIVE MAP FORM AND CONTENT**

Tentative tract and tentative parcel maps shall be prepared by a civil engineer registered by the State of California in accordance with the Subdivision Map Act and this Title. Tentative maps shall be in map form and shall contain all information required by the Director of Community Development, and shall be accompanied by other reports, exhibits, information, and materials as required by the Director. The Director shall provide application forms and a list of required tentative map information on request. (08-05)

**17.010.040 COMPLETENESS OF APPLICATION (65943)**

Not later than 30 calendar days after receipt of a tentative map application, the Department of Community Development shall determine in writing whether the application is complete and shall immediately transmit the determination to the subdivider. Tentative maps shall not be deemed complete until any necessary general plan amendment and/or zone change is adopted by the City Council.

If the written determination of completeness is not made within 30 days after receipt of the application and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this Title. If an application is determined to be not complete, the notification to the subdivider shall identify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete. (08-05)

**17.010.050 NOTIFICATION OF INTENT TO FILE MULTIPLE FINAL MAPS (66456.1)**

Multiple final maps within a subdivision may be filed prior to the expiration of a tentative map if:

- A. The subdivider, at the time the tentative map is filed, informs the City of the subdivider's intention to file multiple final maps on the tentative map; or
- B. After filing of the tentative map, the City and the subdivider concur in the filing of multiple final maps.

In providing such notice of multiple final maps, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps, and the filing of a final map on a portion of an approved tentative map shall not invalidate any part of such tentative map. The right of a 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. (08-05)

**17.010.060 TECHNICAL REPORTS (66490)**

A preliminary soils report and/or other such data and design plans as the Director determines to be necessary shall be submitted with all tentative maps unless the Director determines that, due to existing information on the soil and geological qualities and topography of the property to be subdivided, no such report or reports are necessary. (08-05)

## Chapter 17.013

### SUBDIVISION DESIGN

#### Sections:

- 17.013.000 Lot Design**
- 17.013.010 Compatibility with Adjacent Properties**
- 17.013.020 Slopes and Grading**
- 17.013.030 Energy Conservation and Solar Access**

#### **17.013.000 LOT DESIGN**

##### A. Lot Lines

Lots shall be designed so that side lot lines are approximately at right angles or radial to the street centerline. Unless determined infeasible or undesirable by the City, lot lines shall be placed at the top of slopes.

##### B. Access to Lots

Subdivisions shall be designed so that all lots or parcels shall have access to a public or private street improved to City standards.

##### C. Building Pad Locations

The City may require that building pad locations or buildable area within any lot or parcel be shown on tentative maps and filed and/or recorded on an additional map.

##### D. Lot Size

Lot area, width, dimensions, and other lot characteristics shall conform to the applicable zoning district regulations set forth in Title 16. Lot area, width, depth, and other dimensions shall be measured in accordance with the Glossary of Title 16, Chapter 16.900. (08-05)

#### **17.013.010 COMPATIBILITY WITH ADJACENT PROPERTIES**

In order to minimize conflicts with adjacent properties, the following subdivision design and other requirements shall be met.

A. Grading and other subdivision design features shall ensure blending with surrounding properties along the subdivision's boundaries.

B. Significant vegetation existing within the property prior to development shall be maintained by the subdivider until the assumption of responsibility by the lot buyers or homeowners association.

C. Dead-end streets shall be barricaded or cul-de-saced as required by the City.

D. Drainage facilities shall be installed along subdivision boundaries to prevent erosion.

E. Boundary areas for phased subdivisions shall not be left unfinished in anticipation of the resumption of work on future phases.

F. Construction materials shall not be stockpiled adjacent to subdivision boundaries.

G. Construction or other areas within the subdivision shall be fenced off as determined necessary by the City. (08-05)

#### **17.013.020 SLOPES AND GRADING**

##### A. Grading Plans

Preliminary grading plans shall be reviewed in conjunction with subdivision review unless waived by the City. Final grading plans shall conform to the General Plan, any applicable specific plan, Titles 16 and 17 of this Code, Chapter 70 of the Uniform Building Code, and any applicable tentative map conditions of approval. Final grading plans shall be submitted with improvement plans or, if improvement plans are not required, at the time that improvement plans would be submitted. All grading plans shall be prepared by a civil engineer registered in California.

##### B. Slope Ratio

Manufactured slopes shall be no steeper than that allowed by the Uniform Building Code or by City code.

##### C. Slope Landscaping

All manufactured slopes shall be provided with erosion-control landscaping and irrigation, installed per plan approved by the City, immediately upon completion of rough grading operations. The subdivider shall ensure effective maintenance of all slope plantings and irrigation systems until such time as the lots or parcels containing the slope are occupied, or a homeowners association accepts slope maintenance responsibility, or one year, whichever is greater. (08-05)

**17.013.030 ENERGY CONSERVATION AND SOLAR ACCESS**

**A. General**

Subdivisions of 5 or more lots shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

**B. Solar Access Easement Required**

The City may require the dedication of solar access easements for the purpose of assuring that no building, wall, fence, or other structure shall be constructed and no vegetation allowed to grow on individual lots so as to prevent unobstructed sunlight from reaching the south face of a structure constructed within the buildable area on any other lot between the hours of 10 a.m. and 2 p.m. Pacific Standard Time on December 21, except that deciduous trees on adjacent property may shade a south-facing wall if it leaves such structure's roof area unobstructed between the hours of 10 a.m. and 2 p.m. Pacific Daylight Time on June 21. All solar easements shall be offered in form and content sufficient to satisfy the preceding requirements to the satisfaction of the Director and shall be recorded with the Los Angeles County Recorder concurrent with recordation of the final map.

**C. Solar Access Exemptions**

**1. Modification or Waiver by Decision-Making Body**

The decision-making body may modify or waive the requirements of Section 17.013.030.B for one or more lots in a subdivision if it determines that the dedication of such solar easement would not be feasible or would cause results inconsistent with the intent of providing unobstructed solar access because of the contour and/or configuration of the land to be subdivided, existing vegetation on or near the property, the need for new vegetation to moderate wind or temperatures, the effect of allowing permitted land uses on properties to the north of the subdivision, or similar considerations. Further, in no event shall the subdivider be required to:

- a. Reduce allowable densities; or
- b. Reduce the percentage of a lot which may be occupied by a building under the applicable zoning in force at the time the tentative map is filed; or
- c. Remove existing vegetation either on or off of the property to be subdivided.

**2. Airspace Conversion Projects Exempted**

The requirements of this Section are not applicable to condominium projects, which consist of the subdivision of airspace in an existing building where no new buildings are added. (08-05)

## Chapter 17.016

### REQUIRED SUBDIVISION IMPROVEMENTS

#### Sections:

- 17.016.000 General Improvement Requirements**
- 17.016.010 Limitation on Parcel Map Improvements**
- 17.016.020 Streets, Highways, and Related Improvements**
- 17.016.030 Water Supply**
- 17.016.040 Sanitary Sewers**
- 17.016.050 Storm Drains**
- 17.016.060 Utilities**
- 17.016.070 Walls and Fences**
- 17.016.080 Other Improvements**
- 17.016.090 Improvement Oversizing**

#### **17.016.000 GENERAL IMPROVEMENT REQUIREMENTS**

The subdivider shall design and construct all required on-site and off-site improvements to permanent line and grade in accordance with the requirements of the city engineer and applicable tentative map conditions of approval. Improvements shall also be consistent with the General Plan, any applicable specific plan, and with the applicable zoning and subdivision regulations set forth in Title 16 and Title 17 of this Code. No final tract 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, pursuant to Chapter 17.212 to complete the improvements. (08-05)

#### **17.016.010 LIMITATION ON PARCEL MAP IMPROVEMENTS (66411.1)**

##### A. Limitation

Parcel map improvement requirements shall be limited to the dedication of rights-of-way, easements, and the construction of off-site and on-site improvements for the parcels being created. Requirements for the construction of such off-site and on-site improvements shall be noticed by a statement on the parcel map, on the instrument evidencing the waiver of the parcel map, or by a separate instrument. Such improvement requirements shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record.

##### B. Timing of Improvements

Fulfillment of parcel map construction requirements shall not be required until the time a permit or other grant of approval for development of the parcel is issued by the City or until the time the construction of the improvements is required pursuant to an agreement between the subdivider and the City, except that in the absence of such an agreement, the City may require fulfillment of the construction requirements within a reasonable time following approval of the tentative parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the City that fulfillment of the construction requirements is necessary for either of the following reasons: (1) The public health and safety; or (2) The required construction is a necessary prerequisite to the orderly development of the surrounding area. (08-05)

#### **17.016.020 STREETS, HIGHWAYS, AND RELATED IMPROVEMENTS**

##### A. Streets, Highways, and Alleys

Arterial highways and collector streets shall be constructed in accordance with the locations and alignments shown on the General Plan. Local streets and alleys shall be constructed as shown on the approved tentative map and/or as required by the tentative map conditions of approval.

##### B. Design and Construction

Right-of-way and roadway widths, street sections, sidewalks, bikeways, trails, medians, parkways, street trees, driveways, and related street facilities shall be designed, constructed, and dedicated in accordance

with: (1) the General Plan; (2) the conditions of approval imposed on the tentative tract or parcel map; (3) City design standards.

C. Private Streets

Private streets shall be designed and constructed to the same standards as public streets unless modified street designs are approved by the decision-making body. The subdivider shall provide for permanent maintenance of all private streets. (08-05)

**17.016.030 WATER SUPPLY**

Each unit or lot within the subdivision shall be served by a domestic water system approved by the city engineer. On-site water facilities shall be designed and constructed in accordance with the latest revision of the Uniform Plumbing Code. Fire hydrants and fire flow capacity shall be approved by the Los Angeles County Fire Department. (08-05)

**17.016.040 SANITARY SEWERS**

A. Public Sewer Connection

Each unit or lot within the subdivision shall be served by a sanitary sewer system approved for connection to the City's sewer system by the city engineer, except where alternative systems are approved pursuant to Title 13 of the Municipal Code. Sewer facilities shall be designed and constructed in accordance with City standards and the latest revision of the Uniform Plumbing Code.

B. Septic Tanks

Septic tanks and other private sanitation systems are prohibited unless an exemption is approved by the City in accordance with Title 13 of the Municipal Code.

C. Sewer Easements

Sewer easements shall be provided as required by the city engineer. No structure shall be placed on any part of such an easement except those structures directly related to the purpose of the easement. (08-05)

**17.016.050 STORM DRAINS**

A. Drainage Improvements

The subdivider shall design and construct to the satisfaction of the city engineer and in accordance with the City Master Drainage Plan as last amended, all drainage facilities, including open and closed channels, catch basins, manholes, junction structures, desilting basins, and similar facilities necessary for the removal of surface water from the subdivision and protection of off-site properties. In addition, interim drainage improvements for removal of surface water during construction may be required by the city engineer.

B. Drainage Capacity

The storm drain system shall be designed for the ultimate development of the subdivision and its watershed and shall be capable of collecting and conveying runoff in accordance with the standards of the Los Angeles County Flood Control District.

C. Drainage Fees

In addition to the improvements required by this Chapter, the subdivider shall pay storm drainage fees for master plan facilities in accordance with Chapter 17.162.

D. Drainage Easements

Easements for underground storm drains and surface drainage shall be provided as required by the city engineer. No structure shall be placed on any part of such an easement except those structures directly related to the purpose of the easement. (08-05)

**17.016.060 UTILITIES**

A. On-site Utilities

The subdivider shall, as provided in Chapter 16.151 of Title 16, place underground: (1) All utility lines to serve the subdivision, such as electric, communications, street lighting, cable television, and similar lines, beginning at the first point of connection to existing off-site utility lines; and (2) all such on-site utility lines.

B. Off-site Utilities

1. Utility Improvement Fees

The subdivider shall pay a utility improvement fee, as set forth in Chapter 16.206 of Title 16, for those properties in the RR Districts and the Hillside, as shown in the "Area of Benefit" in Chapter 16.151 of Title 16.

2. Off-Site Lines Abutting the Property

The subdivider shall, at the subdivider's own expense, place underground all off-site utility lines located in the dedicated public right-of-way abutting the property on the project side of the street unless the Planning Commission determines that placing off-site utilities underground is impractical pursuant to Chapter 16.151 of Title 16. The subdivider shall satisfy the requirements of this Section prior to the recordation of a final tract or parcel map for the project except as provided in Chapter 16.151 of Title 16. As used in this Section, the "dedicated public right-of-way" means that corridor upon which a public right-of-way has been recorded.

3. In-Lieu Fees for 66KV and Larger

Notwithstanding anything else in this Section, utility lines that are on poles with 66KV or larger lines shall not be required to be placed underground, but an in-lieu fee for lines less than 66KV shall be paid for the full amount shown in Chapter 16.151 of Title 16 prior to the recordation of a final tract or parcel map for the project of the issuance of a building permit for which the in-lieu fee has been paid, except as provided in as provided in Chapter 16.151 of Title 16.

C. Exemptions

Those exemptions listed in Chapter 16.151 of Title 16 shall apply to the provisions of this Section.

(08-05)

**17.016.070 WALLS AND FENCES**

When the rear of any lot abuts any drainage channel, railroad right-of-way, or freeway, a fence shall be erected along the rear lot line by the subdivider to conform to the standards of the City. Where lots back up to a street or highway and where it is intended that there shall be no access from said lots to said street or highway, a masonry wall of a height approved by the Planning Commission shall be erected on the rear property line within the street right-of-way as a physical separation between the lots and the street or highway.

Where required walls are located between a residential subdivision and a major or secondary highway and there is more than one lot either backing or siding on said major or secondary street, dedication of additional right-of-way and installation of landscaping and automatic irrigation systems shall be provided pursuant to the guidelines on file at the City's Department of Community Development. In the case of side-on lots facing an extended cul-de-sac where pedestrian access may be intended, the preceding requirements shall apply except that in the area between the major or secondary highway and the end of the cul-de-sac, the masonry wall may be omitted.

Variation and originality in the design of the preceding improvements are encouraged. The Architectural Commission shall approve the details of such design, including colors, textures, fencing, and materials prior to the recordation of a final map. (08-05)

**17.016.080 OTHER IMPROVEMENTS**

Other subdivision-related improvements, such as but not limited to, grading, street lights, traffic signals, pavement markings, landscaping, monumentation, walkways, bikeways and other bicycle facilities, equestrian trails, or fees in lieu of any of the foregoing, shall also be required as determined by the City in accordance with Title 16 and Title 17 of this Code, the General Plan, the tentative map conditions of approval, and City standards and specifications. (08-05)

**17.016.090 IMPROVEMENT OVERSIZING (66585)**

The subdivider may be required to install and dedicate to the public improvements for the benefit of the subdivision, which may be of supplemental size, capacity, or number as will benefit property not within the subdivision. Such improvements may be a condition precedent to the approval of a tentative tract or tentative parcel map. (08-05)

## Chapter 17.050

### TENTATIVE MAP REVIEW AND TIME PERIODS

#### Sections:

- 17.050.000 Prefiling Conference**
- 17.050.010 Review of Tentative Maps by Other Agencies**
- 17.050.020 Environmental Review**
- 17.050.030 Extension and/or Waiver of Time Limits for Map Review**
- 17.050.040 Tentative Map Review Authority**
- 17.050.050 Planning Commission Review**
- 17.050.060 City Council Review**
- 17.050.070 Required Findings for Tentative Map Approval**
- 17.050.080 Use of Regulations in Effect at Time of Map Filing**

#### **17.050.000 PREFILING CONFERENCE**

Prior to the filing of a development application, the subdivider may submit to the Department of Community Development maps, plans, and other information concerning the proposed subdivision. The Department shall thereupon schedule a conference with the subdivider to provide information and recommendations regarding the subdivision design, grading, required improvements, and related matters. Such a prefiling conference is optional to the subdivider and shall not be a prerequisite to filing a tentative map. (08-05)

#### **17.050.010 REVIEW OF TENTATIVE MAPS BY OTHER AGENCIES (66453)**

Within 5 days of the filing of a tentative map, copies of the map shall be sent to all agencies as required by law for the opportunity to comment on such maps. In addition, copies of the tentative map shall be sent for comment to all utilities and similar service entities, which the Director deems may be affected by the proposed subdivision. (08-05)

#### **17.050.020 ENVIRONMENTAL REVIEW (66453.1)**

##### **A. Submission of Information and Fees**

The subdivider shall submit information as required by the Director sufficient to permit environmental review of the project in accordance with the California Environmental Quality Act and local guidelines. The subdivider shall also pay all fees necessary for the completion of environmental review, including but not limited to, the preparation of an environmental impact report if required.

##### **B. Mitigation Measures**

As part of a proposed negative declaration, the City may, with the subdivider's consent, impose mitigation measures as conditions of approval on a tentative tract or parcel map in order to mitigate a project's environmental impacts to a level of insignificance. (08-05)

#### **17.050.030 EXTENSION AND/OR WAIVER OF TIME LIMITS FOR MAP REVIEW (66451.1)**

##### **A. Extension by Mutual Consent**

The time limits specified in this Chapter for reporting and acting on maps may be extended by mutual consent of the subdivider and the Director for good cause.

##### **B. Use of Outside Consultant to Meet Time Limits**

At the time the subdivider makes an application pursuant to this Article, the Director shall determine whether or not the City is able to meet the time limits specified in this Chapter for reporting and action on maps. If the Director determines that such time limits cannot be met, the Director, upon request of the subdivider and for the purpose of meeting such limits, shall contract or employ a private consultant, person, or entity on a temporary basis to perform such services as necessary to permit the agency to meet such time limits.

C. Effects of Legislative Acts on Time Limits

When a tentative map is predicated on approval of other land use applications, including but not limited to general plan amendments, zone changes, conditional use permits, or variances, the subdivider shall agree to a waiver of the time frames. If a waiver is not forthcoming, the tentative map application may not be deemed complete until the necessary other land use applications are approved. (08-05)

**17.050.040 TENTATIVE MAP REVIEW AUTHORITY**

The Planning Commission shall have the authority to approve, conditionally approve, or deny tentative parcel maps. The City Council shall have the authority to approve, conditionally approve, or deny tentative tract maps. (08-05)

**17.050.050 PLANNING COMMISSION REVIEW**

A. Staff Report (66452.3)

After review and analysis of a tentative parcel or tract map, the Director shall forward a report, together with a recommendation of approval, approval subject to conditions, or denial, to the Planning Commission. Also, at least three days prior to any hearing or action on the tentative map, the staff report shall be sent to the subdivider, to each owner of the subject property if other than the subdivider, and, in the case of a proposed conversion of residential real property to a condominium, community apartment, or stock cooperative project, to each tenant of the subject property.

B. Tentative Parcel Map Action (66452.1, 66452.4, 66452.5, 66463)

1. Review Time Limits When No EIR is Required

If the City determines that no environmental impact report (EIR) is required for review of a tentative parcel map, within 50 days of the adoption of a negative declaration or other determination that no EIR is required, the Planning Commission shall hold a public hearing to receive testimony and thereafter shall approve, conditionally approve, or deny the tentative parcel map unless a time extension is mutually agreed upon pursuant to this Chapter.

2. Review Time Limits When an EIR is Required

If an environmental impact report is prepared for the tentative parcel map, the preceding 50-day time period shall not commence to run until the date of certification of the environmental impact report as complete.

3. Public Hearings

Public hearings shall be noticed and held in accordance with the Subdivision Map Act and this Code.

4. Required Findings

In approving a tentative parcel map, the Planning Commission shall make all of the findings set forth in this Chapter.

5. Approval by Inaction

If no action is taken upon a tentative parcel map by the Planning Commission within the time limits specified in this Chapter or any authorized extension thereof and appropriate notice has been given by the subdivider or the City, the tentative parcel map as filed shall be deemed to be approved insofar as it complies with other applicable requirements of the Subdivision Map Act, this Code, and the General Plan. It shall be the duty of the City Clerk to certify said approval.

6. Appeal of Planning Commission Action

In accordance with the Subdivision Map Act, the subdivider or any other interested person may appeal any action of the Planning Commission with respect to a tentative parcel map to the City Council. Such appeal shall be filed with the City Clerk within 10 days after the action of the Planning Commission. Upon the filing of an appeal, the City Council shall set the matter for public hearing. The hearing shall be noticed in accordance with the Subdivision Map Act and this Code and shall be held within 30 days after filing of the appeal. Within 7 days following the conclusion of the hearing, the City Council shall render its decision on the appeal. If no decision is forthcoming within the time limits specified, then the last action taken shall stand.

C. Tentative Tract Map Recommendation (66452.1)

1. Review Time Limits When No EIR is Required

If the City determines that no environmental impact report (EIR) is required for review of a tentative tract map, within 50 days of the adoption of a negative declaration or other determination that no EIR is

required, the Planning Commission shall hold a public hearing to receive testimony, and thereafter shall forward a written report and recommendation on the tentative tract map to the City Council within such 50-day period unless a time extension is mutually agreed upon pursuant to this Chapter.

2. Review Time Limits When an EIR is Required

If an environmental impact report is prepared for the tentative parcel map, the preceding 50-day time period shall not commence to run until the date of certification of the environmental impact report as complete.

3. Public Hearings

Public hearings shall be noticed and held in accordance with the Subdivision Map Act and this Code. (08-05)

**17.050.060 CITY COUNCIL REVIEW**

A. Tentative Tract Map Action (66451.3, 66452.2)

Within 30 days after receipt of Planning Commission recommendations on a tentative tract map, the City Council shall hold a public hearing to receive testimony on the project. The Council shall then take final action to approve, conditionally approve, or deny the tentative tract map within such 30-day period unless a time extension is mutually agreed upon pursuant to this Chapter. Public hearings shall be noticed and held in accordance with the Subdivision Map Act and this Code.

B. Required Findings

In approving a tentative tract map, the City Council shall make all of the findings set forth in this Chapter.

C. Approval by Inaction (66452.4)

If no action is taken upon a tentative tract map by the City Council within the time limits specified in the Subdivision Map Act or any authorized extension thereof and appropriate notice has been given by the subdivider or the City, the tentative parcel map as filed shall be deemed to be approved insofar as it complies with other applicable requirements of the Subdivision Map Act, this Code, and the General Plan. It shall be the duty of the City Clerk to certify said approval. (08-05)

**17.050.070 REQUIRED FINDINGS FOR TENTATIVE MAP APPROVAL (66473 et seq)**

In approving a tentative parcel map or tentative tract map, the decision-making body shall make all of the following findings:

A. That the proposed map or the design or improvement of the subdivision is consistent with the General Plan or any applicable specific plan, and with other applicable provisions of this Code.

B. That the site is physically suitable for the type and density of development.

C. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if a tentative map 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.

D. That the design of the subdivision or the type of improvements is not likely to cause serious public health or safety problems.

E. That 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 decision-making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

F. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Chapter 17.013.

G. That the subdivision balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.

H. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements of the Los Angeles Regional Water Quality Control Board. (08-05)

**17.050.080 USE OF REGULATIONS IN EFFECT AT TIME OF MAP FILING (66474.2)**

A. Regulations in Effect at Time Application Determined Complete

Except as otherwise provided in Sections 17.050.080.B and 17.050.080.C, the decision-making body, in determining to approve or deny a tentative map application, shall apply only those ordinances, policies, and standards in effect on the date that the City determined that the application was complete pursuant to Chapter 17.010.

B. New Regulations Initiated Before Application Determined Complete

Section 17.050.080.A shall not apply if the City, prior to determining a tentative map application to be complete, has done both of the following:

1. Initiated proceedings by way of ordinance, resolution, or motion to amend this Title, the General Plan, any applicable specific plan(s), or other City regulations; and
2. Published a public hearing notice containing a description sufficient to notify the public of the nature of the proposed change(s) to this Code, the General Plan, any applicable specific plan(s), or other City regulations.

If both conditions (1) and (2) preceding have been met, the City may apply any ordinances, policies, or standards enacted or instituted as a result of those proceedings which are in effect on the date the City approves or denies the tentative map.

C. Changes to Regulations Requested by the Subdivider

If the subdivision applicant requests changes to applicable ordinances, policies, or standards in connection with the same development project, any ordinances, policies, or standards adopted pursuant to the applicant's request shall apply. (08-05)

## Chapter 17.053

### VESTING TENTATIVE MAPS

#### Sections:

- 17.053.000 General Vesting Map Provisions**
- 17.053.010 Consistency of Vesting Tentative Map with Zoning and General Plan**
- 17.053.020 Filing and Review**
- 17.053.030 Findings Affecting Vesting Tentative Map Projects**
- 17.053.040 Effects of Vesting Tentative Maps on Conditions Imposed**
- 17.053.050 Amendments to Vesting Tentative Maps**
- 17.053.060 Expiration of Map and of Right to Proceed**
- 17.053.070 Vesting Map Filing Not a Prerequisite to Development Approval**

#### **17.053.000 GENERAL VESTING MAP PROVISIONS**

##### A. Purpose

Whenever a provision of Title 17 requires that a tentative map be filed, a vesting tentative map may instead be filed.

##### B. Vested Right to Proceed

Subject to the requirements of this Chapter, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2. (08-05)

#### **17.053.010 CONSISTENCY OF VESTING TENTATIVE MAP WITH ZONING AND GENERAL PLAN (66473.5, 66498.3)**

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan or which is not permitted by applicable provisions of Title 16. A vesting tentative map shall not be approved unless it is consistent with the existing zoning and General Plan designation on the property proposed to be subdivided at the time the application is filed. (08-05)

#### **17.053.020 FILING AND REVIEW**

##### A. Map Title

A vesting tentative map shall have the words "Vesting Tentative Map" printed conspicuously on its face.

##### B. Submittal and Design Requirements

Vesting tentative maps shall be accompanied by the same supporting materials and shall conform to the same design and other requirements as Residential Unit Developments as set forth in Chapter 16.030 of Title 16.

##### C. Review of Vesting Tentative Maps

###### 1. Procedures and Required Findings

Vesting tentative maps shall be subject to the same review procedures as set forth for other tentative maps in Chapter 17.050. No vesting tentative map shall be approved unless the decision-making body makes all of the findings required for tentative map approval as set forth in Chapter 17.050.

###### 2. Same Requirements as Residential Unit Developments

Prior to review by the City Council, vesting tentative maps shall be subject to the same review requirements as Residential Unit Developments per Chapter 16.030 of Title 16. Approval of a vesting tentative map shall not become effective until the general development plan for the project is approved by the Architectural Commission in accordance with Chapter 16.030. (08-05)

#### **17.053.030 FINDINGS AFFECTING VESTING TENTATIVE MAP PROJECTS (66498.1)**

Notwithstanding this Chapter, the City may condition or deny a permit, approval, extension, or entitlement for a project under a vesting tentative map if it finds any of the following:

- A. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

B. The condition or denial is required in order to comply with state or federal law. (08-05)

**17.053.040 EFFECTS OF VESTING TENTATIVE MAPS ON CONDITIONS IMPOSED (66498.6)**

A. Conditions of Approval During Subsequent Review Phases not Limited

An approved or conditionally-approved vesting tentative map shall not limit the City from imposing reasonable conditions on subsequent required approvals or permits necessary for the development and authorized by the General Plan, this Code, and other applicable ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

B. Obligation to Comply with State and Federal Laws

The rights conferred by this Chapter shall relate only to the imposition by the City of conditions or requirements created and imposed by City 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 and does not grant the City the option to disregard any state or federal laws, regulations, or policies. (08-05)

**17.053.050 AMENDMENTS TO VESTING TENTATIVE MAPS (66498.2)**

A. Amendments in Response to Changes in City Policies or Standards

If the General Plan, this Code, or other applicable policies or standards of the City are changed subsequent to the approval or conditional approval of a vesting tentative map, the subdivider or the subdivider's assignee, at any time prior to the expiration of the vesting tentative map pursuant to Section 17.053.060 may apply for an amendment to the vesting tentative map to secure a vested right to proceed with development in accordance with said changes. The application for map amendment submitted by the subdivider shall clearly specify the change in the General Plan, this Code, or other policies or standards for which the amendment is sought.

B. Amendment Filing Procedure

Proposed amendments to approved or conditionally-approved vesting tentative maps, whether in response to changes in City policies or standards or for any other reason, shall be filed and processed pursuant to Chapter 17.059. (08-05)

**17.053.060 EXPIRATION OF MAP AND OF RIGHT TO PROCEED (66498.1)**

A. Expiration of Map

Approved vesting tentative maps shall expire at the end of the same time period and shall be subject to the same time extensions as established for other tentative maps in Chapter 17.056.

B. Effect of Vesting Map Expiration

The rights conferred by this Chapter shall expire if a final map is not approved prior to the expiration of a vesting tentative map.

C. Expiration of Right to Proceed

If the final map is approved, the right to proceed with development conferred by this Chapter shall expire one 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-year initial time period shall begin for each phase when the final map for that phase is recorded.

D. Time Extensions for Right to Proceed

The one-year initial time period to proceed with development shall be automatically extended by any time used by the City for processing a complete application for a grading permit or for design or architectural review if the time used by the City to process the application exceeds 30 days from the date a complete application is filed. At any time prior to expiration of the initial one-year time period provided by this Chapter, the subdivider may apply to the City Council for a one-year extension.

E. Extension Via Application for Building Permit

If the subdivider submits a complete application for a building permit during the time periods for proceeding with development provided in this Chapter, the right to proceed with development shall continue until the expiration of that permit or extension thereof granted by the City. (08-05)

**17.053.070 VESTING MAP FILING NOT A PREREQUISITE TO DEVELOPMENT APPROVAL (66498.5)**

If a subdivider does not seek the rights conferred by this Chapter, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction. (08-05)

## Chapter 17.056

### EXPIRATION OF TENTATIVE MAPS

#### Sections:

- 17.056.000 Map Expiration**
- 17.056.010 Extension of Tentative Maps**
- 17.056.020 Stay of Time Periods**

#### **17.056.000 MAP EXPIRATION**

Tentative tract maps and tentative parcel maps shall expire 36 months after the date of approval or conditional approval. This Chapter shall apply to all tentative maps in existence on or after September 26, 1995. (08-05)

#### **17.056.010 EXTENSION OF TENTATIVE MAPS**

##### A. Granting of Extensions

Upon application by the subdivider filed before expiration of a tentative map, the decision-making body may extend the life of the map for a period or periods not exceeding a total of five years. The timely filing of a request for extension shall automatically extend the map until City action on the request or for 60 days, whichever occurs first. If the Planning Commission denies a request to extend a tentative parcel map, the subdivider may appeal the denial to the City Council within 10 calendar days after the denial.

##### B. Imposition of New Conditions

A timely request for a tentative map extension shall be presented to the decision-making body within 60 days after it is deemed complete by the Director of Community Development. In granting an extension, the decision-making body shall not add new conditions to the map without the subdivider's written consent. If the decision-making body determines that the map as previously approved would be injurious to the public health, safety, or welfare, then no extension shall be granted unless conditions are identified by the City, which would alleviate the problem(s), and the subdivider agrees to such new conditions.

##### C. Automatic Extensions Related to Off-site Improvements

For subdivisions with multiple final maps, each filing of a final map shall extend the expiration of the tentative map by 36 months from the date of its expiration or the date of the previously filed map, whichever is later, subject to the following:

1. The subdivider is required to expend in excess of a specific amount determined annually by the State Allocation Board pursuant to Government Code Section 66452.6(a)(2), to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public right-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of the property.
2. The extensions shall not extend the tentative map more than 10 years from the date of its approval or conditional approval.
3. The number of phased final maps, which may be filed for each tentative map, shall be determined by the City Council at the time of the approval or conditional approval of the tentative tract or tentative parcel map.
4. The term "public improvements," as used in this Chapter, includes, but shall not be limited to, traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, water facilities, and lighting facilities.

##### D. Extensions Related to Development Agreements

A tentative map on property subject to a development agreement authorized by state law may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. (08-05)

**17.056.020 STAY OF TIME PERIODS**

A. The 36-month map expiration period specified in this Chapter shall not include any period of time during which a development moratorium, imposed after approval of a tentative map, is in existence. However, the length of the moratorium shall not exceed 5 years. Once a moratorium is terminated, the tentative map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

B. **Litigation**

The City Council may approve a stay of the map expiration period specified in this Chapter, including any extension thereof, for the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is, or was, pending in a court of competent jurisdiction. After service of the initial petition or complaint upon the City, but before expiration of the tentative map, the subdivider may apply to the City Council for a stay of the time period. Within 40 days after receiving the application, the City Council shall either stay the time period for up to 5 years or deny the stay.  
(08-05)

## Chapter 17.059

### AMENDMENTS TO APPROVED TENTATIVE MAPS

#### Sections:

**17.059.000 Minor Amendments**

**17.059.010 Major Amendments**

#### **17.059.000 MINOR AMENDMENTS**

Minor amendments to approved tentative tract or tentative parcel maps or to any condition of approval thereon may be approved by the Director, provided the Director determines that all of the following criteria are met:

- A. No lots, units, building sites, or structures are added to the project.
- B. Such changes are consistent with the intent of the original tentative map approval.
- C. The change involves no substantial change in lot configuration, street layout, improvements, or conditions of approval.
- D. The resulting tentative map remains in conformity with this Title and with the Subdivision Map Act. (08-05)

#### **17.059.010 MAJOR AMENDMENTS**

If the Director determines that a proposed amendment to an approved tentative map or to any condition of approval thereon does not meet the criteria for a minor amendment set forth in this Chapter, the Director shall require the filing of a map amendment application and fee. Such major tentative map amendments shall thereupon be reviewed in the same manner as a tentative map application. Any such approved amendment shall not alter the expiration date of the tentative map unless an extension is also approved in accordance with Chapter 17.056. (08-05)

## Chapter 17.062

### ADDITIONAL INFORMATION TO BE RECORDED

#### Sections:

#### **17.062.000 Additional Information to be Recorded**

#### **17.062.000 ADDITIONAL INFORMATION TO BE RECORDED**

The City may require additional information to be filed with the City or recorded with the county simultaneously with a final tract or parcel map. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final tract or parcel map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing and is not intended to affect record title interest.

The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet. Additional survey and map information may include, but need not be limited to building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, and archaeological sites. (08-05)

## Chapter 17.100

### RENTAL HOUSING CONVERSION

#### Sections:

- 17.100.000 Applicability**
- 17.100.010 Requirements for Rental Housing Conversion Approval**
- 17.100.020 Notice of Conversion to Prospective Tenants**
- 17.100.030 Notice of Conversion to Existing Tenants**
- 17.100.040 Agreement to Retain New Rental Housing**
- 17.100.050 Conversion of Airspace in Existing Buildings**
- 17.100.060 Conversion of Community Housing Projects**

#### **17.100.000 APPLICABILITY**

The subdivision regulations of this Title and the specific requirements of this Chapter shall apply to all subdivisions proposed to convert rental housing into a condominium, community apartment, or stock cooperative project, and the conversion of commercial lease spaces to ownership. (08-05)

#### **17.100.010 REQUIREMENTS FOR RENTAL HOUSING CONVERSION APPROVAL (66427.1)**

A final map for a subdivision to be created from the conversion of rental or lease property shall only be approved if:

- A. The City Council makes all of the findings set forth in the Subdivision Map Act regarding notification of tenants and other matters; and
- B. In the case of residential developments, all of the requirements of Chapter 16.030 of Title 16 are met. (08-05)

#### **17.100.020 NOTICE OF CONVERSION TO PROSPECTIVE TENANTS (66452.8)**

Commencing on a date not less than 60 days prior to the filing of a tentative map for conversion of rental or lease property, the subdivider or the subdivider's agent shall give notice of such tentative map filing in the form set forth in the Subdivision Map Act (SMA) to each person applying after such date for rental or lease of a unit of the subject property immediately prior to the acceptance of any rent or deposit from the prospective tenant by the subdivider. Failure of a subdivider to provide such notice shall not be grounds to deny the conversion, but shall make the subdivider subject to the penalties specified in the SMA. (08-05)

#### **17.100.030 NOTICE OF CONVERSION TO EXISTING TENANTS (66452.9)**

At least 60 days prior to the filing of a tentative map for conversion of rental or lease property, the subdivider or the subdivider's agent shall give notice of such tentative map filing in the form set forth in the Subdivision Map Act to each tenant of the subject property. (08-05)

#### **17.100.040 AGREEMENT TO RETAIN NEW RENTAL HOUSING (66452.50)**

The City may, in connection with the approval of a tentative or final map for a residential condominium project requiring approval of a tentative or final map pursuant to this Title, enter into a binding agreement with the subdivider mandating that the units be first made available for rental housing for a period of not less than 10 years from the date a certificate of occupancy has been issued for the units within the development subject to the provisions of the Subdivision Map Act. (08-05)

#### **17.100.050 CONVERSION OF AIRSPACE IN EXISTING BUILDINGS (66427.2)**

Applications to convert airspace in existing buildings where no new units are to be constructed or added shall be approved or denied in accordance with the criteria set forth for review of proposed conversions of community housing projects set forth in Chapter 16.030 of Title 16. The City shall take action on such airspace conversions in accordance with the time frames specified in the Subdivision Map Act. (08-05)

**17.100.060 CONVERSION OF COMMUNITY HOUSING PROJECTS**

Applications to convert community housing projects shall be reviewed in accordance with Chapter 16.030 of Title 16. (08-05)

## Chapter 17.150

### GENERAL DEDICATION REQUIREMENTS

#### Sections:

- 17.150.000 Dedication of Streets and Other Facilities (66475)**
- 17.150.010 Waiver of Access Rights (66476)**
- 17.150.020 Certificates of Dedication and Reconveyance (66477.5)**

#### **17.150.000 DEDICATION OF STREETS AND OTHER FACILITIES (66475)**

As a condition of approval of a tentative map, the City may require the subdivider to dedicate or make an irrevocable offer to dedicate to the public, to the City, or to such other public agency as the City may deem appropriate all real property, both on-site and off-site, required for public use or benefit, including but not limited to streets, highways, alleys, access rights, bikeways, walkways, equestrian trails, rights-of-way for drainage and erosion control facilities, open space and other public easements, and public utility easements. In addition, the City may require dedications and reservations of park sites, school sites, and sites for other public facilities in accordance with the provisions of Chapter 17.150 through Chapter 17.168. (08-05)

#### **17.150.010 WAIVER OF ACCESS RIGHTS (66476)**

As a condition of approval of a tentative map, the City may require that dedications or offers of dedication of streets include a waiver of direct access rights to any such street from any property within or abutting the subdivision. (08-05)

#### **17.150.020 CERTIFICATES OF DEDICATION AND RECONVEYANCE (66477.5)**

##### **A. Certificate to be Recorded**

The City shall record a certificate with the County Recorder regarding property to be dedicated in fee for public purposes or for making public improvements or for construction of public facilities, other than for open space, parks, or schools. The certificate shall be attached to the final map and shall contain all of the following information:

1. The name and address of the subdivider dedicating the property.
2. A legal description of the real property being 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 that the property or any portion thereof is not needed for public utilities as specified in 17.150.020.C.

##### **B. Determination Whether Public Need for Dedication Still Exists**

The subdivider may request that the City make the determination that the same public purpose for which the dedication was required still exists after payment of a fee which shall not exceed the amount reasonably required to make the determination. The determination may be made by reference to a capital improvement plan as specified in the Government Code, to an applicable general or specific plan requirement, to the subdivision map, or to other public documents that identify the need for the dedication.

##### **C. Reconveyance Upon Determination that Need No Longer Exists**

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 specified in 17.150.020.A or to the subdivider's successor in interest, except for all or any portion of the property that is required for that same public purpose or for public utilities.

##### **D. Notice to Subdivider Before Disposition of Dedicated Property**

If the City decides to vacate, lease, sell, or otherwise dispose of the dedicated property, the local agency shall give at least 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.

E. Applicability

This Chapter is applicable only to property required to be dedicated on or after January 1, 1990. (08-05)

## Chapter 17.153

### RESERVATION OF LAND FOR PUBLIC FACILITIES

#### Sections:

- 17.153.000 Reservation Requirements**
- 17.153.010 Standards for Reservation of Land**
- 17.153.020 Acquisition of Reserved Land**
- 17.153.030 Termination of Reservation**

#### **17.153.000 RESERVATION REQUIREMENTS (66479)**

As a condition of approval of a tentative map, the subdivider may be required to reserve sites, appropriate in area and location for parks, recreation facilities, fire stations, libraries, or other public uses according to the standards contained in this Chapter. (08-05)

#### **17.153.010 STANDARDS FOR RESERVATION OF LAND (66479)**

Where a park, recreation facility, fire station, library or other public use is shown on the General Plan or an adopted specific plan, the City may require the subdivider to reserve such sites as the City may determine to be in accordance with the standards and policies contained in the General Plan or adopted specific plan, subject to the following conditions:

- A. The reserved area shall be of such size and shape as to permit the balance of property within which the reserved land is located to develop in an orderly and efficient manner.
- B. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible.
- C. The reserved area shall conform to the General Plan or applicable adopted specific plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period specified in this Chapter. (08-05)

#### **17.153.020 ACQUISITION OF RESERVED LAND (66480)**

##### A. Acquisition Procedure

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

##### B. Payment to Subdivider

The purchase price of the reserved land shall be the market value thereof at the time of the filing of the tentative map, plus the taxes against the reserved land from the date of the reservation and any other costs incurred by the subdivider in the maintenance of the reserved land, including interest costs incurred on any loan covering the reserved land. (08-05)

#### **17.153.030 TERMINATION OF RESERVATION (66481)**

If the public agency for whose benefit an area has been reserved does not enter into such a binding agreement, the reservation of such area shall automatically terminate. (08-05)

## Chapter 17.156

### SCHOOL SITES AND FEES

#### Sections:

- 17.156.000 Dedication of Elementary School Sites**
- 17.156.010 Interim Classroom Facilities**
- 17.156.020 Permanent School Facilities**

#### **17.156.000 DEDICATION OF ELEMENTARY SCHOOL SITES**

##### A. Dedication Requirement

As a condition of approval of a tentative tract or parcel map, a subdivider who develops or completes the development of one or more subdivisions within the Claremont Unified School District 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 schools necessary to assure the residents of the subdivision adequate elementary school service.

##### B. Dedication Procedure

The requirements of the school site dedication shall be imposed at the time of approval of the tentative map. If within 30 days after the dedication requirement 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 anytime before, concurrently with, or up to 60 days after the filing of the final tract or parcel map on any portion of the subdivision.

##### C. Payments to Subdivider for Dedication

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

1. The cost of any improvements to the dedicated land since acquisition by the subdivider;
2. 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;
3. Any other costs incurred by the subdivider in the maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

##### D. Exemptions from Dedication Requirement

The provisions of this Chapter shall not be applicable to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative map(s). (08-05)

#### **17.156.010 INTERIM CLASSROOM FACILITIES (65974, 65995)**

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. (08-05)

#### **17.156.020 PERMANENT SCHOOL FACILITIES**

In addition to the requirements for interim facilities set forth in this Chapter, the Claremont Unified School District may impose fees on new residential development to pay for permanent school facilities. (08-05)

## Chapter 17.159

### PARK REQUIREMENTS

#### Sections:

- 17.159.000 Intent**
- 17.159.010 Applicability**
- 17.159.020 Park and Recreation Facilities Fund**
- 17.159.030 Park Fees Set by Ordinance**
- 17.159.040 Use of Park Fees**
- 17.159.050 Land Dedication Instead of Fees**
- 17.159.060 Credit for Private Park or Recreation Facilities**
- 17.159.070 Exemptions From Park Dedication Requirements**

#### **17.159.000 INTENT**

It is the intent of this Chapter to require the payment of fees in conjunction with any residential development for the purpose of acquisition and/or development of land to be used for public recreation use. The City Council has determined that:

- A. The public interest, convenience, health, welfare, and safety require that four acres of land for each 1000 persons residing within the City be devoted to park and recreational purposes.
- B. 1.5 acres of the preceding 4 acres/1000 standard may be satisfied by cooperative arrangements between the City and the local school districts.
- C. The park fees established in this Chapter are commensurate with the costs for both acquisition and development of the required parkland in accordance with the preceding standards. (08-05)

#### **17.159.010 APPLICABILITY**

The provisions of this Chapter shall apply to the construction of any residential unit except for those dwelling units that are located in a subdivision which previously dedicated land or paid park fees under City requirements. (08-05)

#### **17.159.020 PARK AND RECREATION FACILITIES FUND**

All fees collected pursuant to this Chapter shall be deposited in a special fund, to be known as the "Park Dedication Fund." Said fund shall be administered by the City and shall be used for the acquisition of land, the provision of improvements, or the purchase of capital equipment for the recreational use of the public. (08-05)

#### **17.159.030 PARK FEES SET BY ORDINANCE**

Park fees shall be set by separate ordinance, as amended from time to time. (08-05)

#### **17.159.040 USE OF PARK FEES**

The City shall utilize the park fees collected under this Chapter for the acquisition and development of either neighborhood or community park facilities which are planned to serve the development(s) from which the fees were collected. Priority for expenditure of the funds shall be given to the applicable neighborhood park unless the minimal development of said neighborhood park, e.g. off-site improvements, turf and irrigation system, are already substantially completed. (08-05)

#### **17.159.050 LAND DEDICATION INSTEAD OF FEES**

##### **A. City Council Authority**

Land may be dedicated to the City to satisfy the parks and recreation requirements of this Chapter in lieu of the park fees required under this Chapter if the City Council determines that such dedication is consistent with the General Plan and with other City goals and policies. The City Council decision regarding such land dedication shall be final and conclusive.

##### **B. Criteria for Council Determination**

In considering whether land may be dedicated in lieu of fee payment, the City Council shall consider the following:

1. The General Plan.
2. The topography, geology, access, and location of the land available for dedication.
3. The size and shape of the land available for dedication.
- C. Valuation of Land to be Dedicated

The percentage of credit toward satisfaction of the park fee requirement by land dedication shall be determined by the "fair market value" of the land to be dedicated. "Fair market value" may be determined by either of the following methods:

1. The value as determined by the City Council based upon the then-assessed value modified to equal market value in accordance with current practice of the County Assessor; or
2. The value as mutually agreed upon by the City and the developer.
- D. Timing of Land Dedication

The developer shall transfer title to the land to be dedicated to the City at the time of final map approval. However, the City shall not record the transfer of title until after the building permit is issued. (08-05)

### **17.159.060 CREDIT FOR PRIVATE PARK OR RECREATION FACILITIES**

#### **A. Amount of Credit**

Where private open space for recreation purposes is provided by a residential development, such areas in excess of the minimum required pursuant to Title 16 may be credited toward the fees required. The amount of such credit shall be determined by the City Council. For the purposes of this Chapter, "open space" shall include turfed and landscaped areas, recreation buildings, and other recreation facilities such as swimming pools and recreational courts.

#### **B. Standards for Granting Credit**

In approving credit for private open space against required park fees, the City Council shall find that all of the following standards are met:

1. That yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building regulations shall not be included in the computation of private open space.
2. That the private ownership and maintenance of the open space is adequately provided for by written agreement.
3. That the use of the private open space is restricted to park and recreation purposes only by recorded covenants which run with the land and which cannot be defeated or eliminated without the consent of the City Council.
4. That the proposed private open space is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, and location of the open space.

#### **C. Amount of Credit to be Granted**

In considering the amount of credit to be granted against park fees for private open space, the City Council shall make an assessment of the relationship between the proposed private open space and the total community recreation needs as set forth in the General Plan. In cases where credit is granted for 50 percent or more of the required park fees, the council shall find that the private open space provides exceptional park or recreational facilities which will substantially offset the need for the public neighborhood facilities for which the credited fees would otherwise be used. (08-05)

### **17.159.070 EXEMPTIONS FROM PARK DEDICATION REQUIREMENTS**

#### **A. On-Campus Undergraduate Housing**

Park fee or land dedication requirements shall not be required for any on-campus undergraduate housing projects.

#### **B. On-Campus Graduate Student Housing**

All or part of the park fee or land dedication requirements for graduate student housing projects may be waived by the City Council where the college provides open space for recreational purposes in excess of what is required in Chapter 16.013 for multiple-family development projects. In determining the amount of park fee or land dedication requirements to be waived, the council shall make an assessment of how the college's open space for recreational purposes will meet the recreational needs of the residents of the housing project, paying particular attention to the needs of children and families.

All open space for which credit is given shall be restricted to recreation purposes, and improved and maintained as such as a condition of approval for the project. The open space shall be shown as restricted to recreational purposes. Such open space for recreational purposes shall not be eliminated without the approval of the City Council and payment of park fees in effect at the time approval is given to eliminate the open space.

C. Senior Citizen Housing

Park fee or land dedication requirements shall not be required for any senior citizen housing projects having at least 25 percent of the dwelling units set aside and affordable for low-income households.

D. Affordable Senior Citizen Housing

Park fee or land dedication requirements may be waived by the City Council for any senior citizen housing project having at least 25 percent of the dwelling units set aside and affordable for moderate-income households if the council finds that such a waiver will further the implementation of the General Plan.

E. Affordable Housing Projects

Park fee or land dedication requirements may be waived by the City Council for housing projects with at least 25 percent of the dwelling units set aside and affordable for low- and/or moderate-income households if the council finds that such a waiver will further the implementation of the General Plan.  
(08-05)

## Chapter 17.162

### STORM DRAINAGE FEES

#### Sections:

- 17.162.000 Drainage Fees Established by Zoning District**
- 17.162.010 Drainage Facilities Fund**
- 17.162.020 Drainage Fee Payment**
- 17.162.030 Drainage Fees Set By Ordinance**
- 17.162.040 Effect of Zone Changes**

#### **17.162.000 DRAINAGE FEES ESTABLISHED BY ZONING DISTRICT**

##### A. Establishment of Fees

In addition to the on-site drainage facilities required to be constructed under Chapter 17.016, drainage fees shall be paid in conjunction with subdivision or development in order to help defray the cost of off-site drainage facilities required to accommodate the additional water runoff created by development. Such fees shall be placed in the drainage fund account and used to implement the City's drainage construction plan or reimburse the City for expenditures previously made.

##### B. Fees by Zoning District

Such fees shall be apportioned by zoning districts, as shown on the City's Official Zoning Map. The fees established for each zoning district are based on the estimated contribution of storm flows created by the improvement of property within each such district.

##### C. Basis of Fee Structure

The fee structure adopted by the City shall be computed so that the drainage fee for the development of any property will not exceed the pro-rata share of the total cost of all needed drainage facilities within the City, were such costs apportioned uniformly on a contributory basis. In addition, a discount from the standard drainage fee is offered for the reduction of runoff, by means of on-site retention measures, which would otherwise occur from the development. (08-05)

#### **17.162.010 DRAINAGE FACILITIES FUND**

All fees collected pursuant to this Chapter shall be deposited in a special fund, to be known as the "Drainage Facilities Fund." Monies in said fund shall be administered by the City and shall be expended solely for design and construction, or reimbursement for construction, of drainage facilities designated in the Drainage Master Plan. (08-05)

#### **17.162.020 DRAINAGE FEE PAYMENT**

No final tract or parcel map or final record of survey shall be approved until the fee provided per this Chapter for the applicable zoning district has been paid in cash. However, the City reserves the right to waive payment of drainage fees for the dedication of rights-of-way, low income housing, or RDA economic benefits. (08-05)

#### **17.162.030 DRAINAGE FEES SET BY ORDINANCE**

The drainage fee to be paid for any land being subdivided or developed in each of the zoning districts shall be determined by formulas established by separate ordinance. The formulas to be used for the computation of drainage fees shall be based on the acreage of development, the applicable zoning district, and the cost-per-unit drainage outflow figures specified in said ordinance, and amended from time to time. (08-05)

#### **17.162.040 EFFECT OF ZONE CHANGES**

When a zone change is adopted to change the current zoning of an area, expand a zoning area, or create a new zone district and such amendment has been in effect for a period of 60 days in the case of residential development or 30 days in the case of all other types of development, all of the provisions of this Chapter shall apply to said area as though it was in the new zoning district when this Chapter first became effective. (08-05)

## Chapter 17.165

### TRANSPORTATION IMPROVEMENT REQUIREMENTS

#### Sections:

**17.165.000 Transportation Impact Fee**

**17.165.010 Payment of Fees**

#### **17.165.000 TRANSPORTATION IMPACT FEE**

As a condition of approval of a tentative tract or parcel map for new residential dwelling(s), the subdivider shall pay a transportation impact fee pursuant to Chapter 16.200 of Title 16. (08-05)

#### **17.165.010 PAYMENT OF FEES**

The subdivider shall, as provided in Chapter 16.200, pay transportation impact fees prior to the recordation of a residential parcel or tract map. (08-05)

## Chapter 17.168

### GENERAL FEES AND DEPOSITS

#### Sections:

- 17.168.000 Fees Set by Council**
- 17.168.010 Payment of Inspection Fees**
- 17.168.020 Cash Deposits**

#### **17.168.000 FEES SET BY COUNCIL**

The following fees and deposits shall be set by ordinance or resolution of the City Council:

- A. Tentative and final map filing and review fees.
- B. Plan check fees.
- C. Inspection fees.
- D. Cash deposits and other sureties to insure completion of monumentation, street trees, and subdivision improvements.
- E. Pavement cut fee.
- F. Street sign installation fee.
- G. Merger of existing lots filing fee.
- H. Reversion to acreage filing fee.
- I. Lot line adjustments filing fee.
- J. Certificate of compliance filing fee.
- K. Waiver of parcel map filing fee.
- L. Environmental review fees.
- M. Other fees determined by the City Council as required to defray costs associated with the processing and improvement of subdivisions. (08-05)

#### **17.168.010 PAYMENT OF INSPECTION FEES**

At the time of filing of the final map for a subdivision requiring improvements or before commencement of improvement construction, the subdivider shall pay fees for the inspection of the required improvements as established by resolution of the City Council. Such fees shall be based on reasonable improvement cost estimates as determined by the city engineer. (08-05)

#### **17.168.020 CASH DEPOSITS (66495)**

- A. Monuments

When required by the City, the subdivider shall submit a cash deposit with the City to cover the cost of installation of monuments. Deposit amounts shall be based on cost estimates of monument installation as determined by the city engineer. Such deposits shall be refunded upon installation of the monuments to the satisfaction of the city engineer.

- B. When required by the City, the subdivider shall submit a deposit for the installation of street trees. Deposit amounts shall be based on cost estimates of street tree installation as determined by the Director of Community Services. Street tree deposits shall be refunded if street trees are installed by the subdivider and accepted by the City. However, street tree deposits shall not be refunded if the City elects to install the street trees. (08-05)

## Chapter 17.200

### APPLICATION FOR FINAL MAP APPROVAL

#### Sections:

- 17.200.000 Final Tract Map Filing**
- 17.200.010 Final Parcel Map Filing**
- 17.200.020 Final Map Content and Form**
- 17.200.030 Final Map Application**
- 17.200.040 Multiple Final Maps**

#### **17.200.000 FINAL TRACT MAP FILING**

After the approval or conditional approval of a tentative tract map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a final tract map thereof prepared and filed with the city engineer in accordance with the approved or conditionally-approved tentative tract map. (08-05)

#### **17.200.010 FINAL PARCEL MAP FILING**

The procedures for filing and processing of final parcel maps shall be the same as those set forth in this Chapter for a final tract map. As used in this Title, the term "final map" shall encompass both final tract maps and final parcel maps. (08-05)

#### **17.200.020 FINAL MAP CONTENT AND FORM**

The content and form of final maps shall be as specified in the Subdivision Map Act, as administered and interpreted by the city engineer. The filing of maps compiled from record data is prohibited and all maps shall represent a survey of the land being subdivided. (08-05)

#### **17.200.030 FINAL MAP APPLICATION**

Prior to submittal of the original final map for City Council consideration, a complete final map application must be filed and accepted. A complete application shall include, but not be limited to: approved improvement plans, signed improvement agreement, proof of tax clearance, security deposit(s), statements from applicable utilities of ability to serve the subdivision, and proof of compliance with conditions specified in the tentative map approval resolution. In accordance with Chapter 17.010, the Department of Community Development shall determine whether the application is complete within 30 days of filing, and shall transmit said determination in writing to the subdivider. If the application is determined to be incomplete, the department's notification shall indicate the manner in which it can be made complete. (08-05)

#### **17.200.040 MULTIPLE FINAL MAPS**

Multiple final maps within a subdivision may be filed prior to the expiration of a tentative map subject to the provisions of Chapter 17.010. (08-05)

## Chapter 17.203

### IMPROVEMENT PLANS

#### Sections:

- 17.203.000 Preparation and Submission of Improvement Plans**
- 17.203.010 Review and Approval of Improvement Plans**
- 17.203.020 Subdivider's Responsibility**

#### **17.203.000 PREPARATION AND SUBMISSION OF IMPROVEMENT PLANS**

Plans, profiles, and details for proposed subdivision improvements shall be prepared under the direction and signed by a civil engineer registered in the State of California. Such improvement plans shall contain information and shall be in a format as specified by the city engineer. A written listing of required improvement plan information and format shall be provided by the city engineer on request.

Improvement plans shall be submitted to the city engineer at least 60 days prior to submission of a final map. Plan check, inspection, and other improvement plan fees shall be paid as required in Chapter 17.150 through Chapter 17.168. (08-05)

#### **17.203.010 REVIEW AND APPROVAL OF IMPROVEMENT PLANS**

The city engineer shall review and act upon improvement plans in accordance with the time limits specified in the Subdivision Map Act. After review of submitted improvement plans, the city engineer shall indicate any required revisions to the plans. Subsequently, upon finding that all required revisions have been completed and that the improvement plans are consistent with all tentative map conditions of approval, the General Plan, any applicable specific plans, and this Code, the city engineer shall sign and date the plans. (08-05)

#### **17.203.020 SUBDIVIDER'S RESPONSIBILITY**

Approval of improvement plans shall in no way relieve the subdivider or the subdivider's engineer of responsibility for the design of the improvements or from any deficiencies resulting from the design, nor from compliance with any tentative map condition of approval. (08-05)

## Chapter 17.206

### FINAL MAP REVIEW AND RECORDATION

#### Sections:

- 17.206.000 Prefiling Review of Final Maps**
- 17.206.010 City Council Action on Final Maps**
- 17.206.020 No Recordation Without Payment of Taxes and Assessments**
- 17.206.030 Subdivision of Final Maps**
- 17.206.040 Recordation of Final Maps**
- 17.206.050 Additional Information to be Recorded With Final Map**

#### **17.206.000 PREFILING REVIEW OF FINAL MAPS (66457)**

The subdivider shall submit preliminary prints of the final map to the city engineer prior to review by the City Council. Said preliminary prints shall be accompanied by such reports, technical data, documents, and other information as may be required by the city engineer for determination of conformance with the tentative map, the tentative map conditions of approval, and the requirements of this Code and the Subdivision Map Act. (08-05)

#### **17.206.010 CITY COUNCIL ACTION ON FINAL MAPS (66458, 66463)**

##### **A. Council Determination**

If the city engineer determines that the final map conforms to the applicable tentative map and its conditions of approval, the final map shall be forwarded to the City Council. Upon receipt of the final map, the council shall determine if the final map conforms to all requirements of the Subdivision Map Act and City subdivision regulations applicable at the time of approval or conditional approval of the tentative map. If the council determines that the final map does so conform, the council shall approve the map. If the council determines that the final map does not conform, it shall disapprove the map. Such final map disapproval shall be accompanied by a finding identifying the requirements that have not been met.

##### **B. Approval of Final Map by Inaction**

If the City Council does not approve or disapprove the final map within the prescribed time or any authorized extension thereof and the map conforms to all requirements and rulings, it shall be deemed approved and the City Clerk shall certify or state its approval thereon. The meeting at which the City Council receives the map shall be the date on which the City Clerk receives the map. (08-05)

#### **17.206.020 NO RECORDATION WITHOUT PAYMENT OF TAXES AND ASSESSMENTS (66493, 66494)**

Whenever any part of a subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final tract or parcel map shall not be recorded until the owner or subdivider complies with the Subdivision Map Act (SMA). If such taxes or special assessments are allowed to become delinquent, the county shall recover same from the security required in accordance with the provisions of the SMA. (08-05)

#### **17.206.030 SUBDIVISION GUARANTEE FROM TITLE COMPANY**

Prior to the recordation of a final map, the subdivider shall provide the City with a subdivision guarantee, issued by a title company authorized to write such guarantees by California law, issued for the benefit and protection of the City and covering all lands to be dedicated for public use. Said guarantee shall be in the amount of at least \$1000. (08-05)

#### **17.206.040 RECORDATION OF FINAL MAPS (66464, 66493)**

Upon City Council approval of a final map, the proper signatures and certificates shall be affixed thereto and the map shall be transmitted to the County Recorder. After recordation, the subdivider shall supply originals and prints of the map to the City as required by the city engineer. (08-05)

#### **17.206.050 ADDITIONAL INFORMATION TO BE RECORDED WITH FINAL MAP (66434.2)**

The City may require additional information to be filed or recorded simultaneously with a final map. The

additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet. (08-05)

## Chapter 17.209

### DEDICATION, IMPROVEMENT, AND SURVEY REQUIREMENT

#### Sections:

- 17.209.000 Dedication Requirements**
- 17.209.010 Improvement Requirements**
- 17.209.020 Modification of Design or Improvement Requirements**
- 17.209.030 Survey Requirements**

#### **17.209.000 DEDICATION REQUIREMENTS (66439, 66447)**

All streets, highways, rights-of-way, easements, or land shown on the final map for public use shall be offered for dedication to the City or to other appropriate public agencies. Streets or portions of streets may be offered for future dedication where the immediate opening and/or improvement is not required but where the City determines it is necessary to provide for future street dedication to serve further development of the area or adjacent areas. (08-05)

#### **17.209.010 IMPROVEMENT REQUIREMENTS**

Subdivision improvements shall be completed in accordance with Chapter 17.212. (08-05)

#### **17.209.020 MODIFICATION OF DESIGN OR IMPROVEMENT REQUIREMENTS**

Prior to approval of a final map and upon written request by the subdivider and payment of the required review fee, the City Council, after a public hearing may determine that, due to unusual circumstances and imposition of a design or improvement requirement required by this Chapter would be infeasible, would create results contrary to the purposes of subdivision design or improvement requirements, or would impose a burden on the subdivider not imposed on comparable subdivisions. The council may then waive such requirement for an individual subdivision. In so doing, the council shall find that the resulting subdivision design and improvements are consistent with the General Plan, and any applicable specific plan would conform to the Subdivision Map Act and all other provisions of this Code, and would not be detrimental to public health or safety. (08-05)

#### **17.209.030 SURVEY REQUIREMENTS (66434, 66495 et seq)**

Survey and monumentation for final tract and parcel maps shall be carried out in accordance with the Subdivision Map Act and the requirements of the city engineer. (08-05)

## Chapter 17.212

### COMPLETION OF IMPROVEMENTS

#### Sections:

- 17.212.000 Improvement Agreements**
- 17.212.010 Acquisition of Land for Off-Site Improvements**
- 17.212.020 Improvement Security**
- 17.212.030 Reduction of Security With Special Assessment Proceedings**
- 17.212.040 Inspection and Acceptance of Improvements**
- 17.212.050 Release of Security**
- 17.212.060 Forfeiture of Security**

#### **17.212.000 IMPROVEMENT AGREEMENTS (66462)**

No final map shall be signed by the city engineer or recorded until required improvements are completed or an improvement agreement is executed and all required securities are received and approved by the City in accordance with this Chapter. (08-05)

#### **17.212.010 ACQUISITION OF LAND FOR OFF-SITE IMPROVEMENTS (66462.5)**

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 the Subdivision Map Act. (08-05)

#### **17.212.020 IMPROVEMENT SECURITY (66499, 66499.3, 66499.4)**

Improvement security shall be in a form as prescribed by the Subdivision Map Act. The amount of security shall include all of the following:

- A. One hundred percent of the total estimated improvement construction cost to guarantee the construction or installation of all improvements.
- B. An additional amount of 100 percent of the total estimated improvement construction cost to guarantee payment to the subdivider's contractor, subcontractors, and persons supplying material, labor, or equipment for the construction or installation of improvements.
- C. An additional amount as determined by the City Council necessary to warranty the improvement construction for a period of one-year following City acceptance thereof against any defective work or materials.
- D. If the improvement security is other than a bond or bonds furnished by a duly-authorized corporate surety, an additional security amount shall be provided as determined by the City Council necessary to cover the cost and reasonable expenses and fees, including reasonable attorneys' fees, which may be incurred by the City in successfully enforcing the obligation secured. (08-05)

#### **17.212.030 REDUCTION OF SECURITY WITH SPECIAL ASSESSMENT PROCEEDINGS (66499.5)**

In the event that the required subdivision improvements are financed and installed pursuant to special assessment proceedings, the subdivider may apply to the City Council for a reduction in the amount of the improvement security required by this Chapter up to an amount corresponding to the amount of faithful performance and labor and material bonds required by the special assessment act being used. The City Council may grant such reduction if it finds that such bonds have been in fact provided and that the obligations secured thereby are substantially equivalent to that required by this Chapter. (08-05)

#### **17.212.040 INSPECTION AND ACCEPTANCE OF IMPROVEMENTS**

##### **A. Construction Commencement and Inspection**

Improvement construction shall not commence until all required improvement plans have been approved by the city engineer and all required permits have been issued. All improvements are subject to inspection by the city engineer or other authorized City personnel. Construction methods and materials

for all improvements shall conform to accepted engineering practice and the City's standard engineering specifications.

**B. Acceptance of Improvements**

Subdivision improvements shall be accepted by the City only upon the city engineer's determination that such improvements have been constructed satisfactorily in accordance with approved plans. When requested by the subdivider in writing, the city engineer may consider acceptance of a portion of the subdivision improvements. Such improvements shall be accepted only if the city engineer finds that such improvements are necessary for public use. Acceptance of a portion of improvements shall not relieve the subdivider from completing the full subdivision improvements nor from satisfying any other requirements of this Chapter. (08-05)

**17.212.050 RELEASE OF SECURITY (66499.7)**

**A. Performance Security**

Performance security shall be released upon acceptance of improvements by the City and acceptance of a warranty security by the city engineer.

**B. Material and Labor Security**

After acceptance of subdivision improvements by the City, the city engineer may reduce the security submitted to secure payments to contractors, subcontractors, and suppliers to an amount equal to the amount of all claims therefor filed and for which notice has been given to the City Council.

**C. Warranty Security**

Warranty security shall be released upon completion of the 12-month warranty period provided all deficiencies identified by the City have been corrected to the satisfaction of the city engineer. (08-05)

**17.212.060 FORFEITURE OF SECURITY**

Upon the failure of a subdivider to complete all improvements within the time specified in an improvement agreement or extension thereof, the City Council may, upon notice in writing of not less than 20 days served by registered or certified mail, determine that the subdivider is in default. The Council may then determine that the improvement security or such portion thereof necessary to complete the work or any other obligation of the subdivider shall be forfeited to the City. (08-05)

## Chapter 17.250

### VOLUNTARY MERGER AND CONTIGUOUS PARCELS

#### Sections:

- 17.250.000 Applicability**
- 17.250.010 Conditions for Parcel Merger**
- 17.250.020 Filing Requirements**
- 17.250.030 Review Process and Findings**

#### **17.250.000 APPLICABILITY**

Parcel merger is the formal combination of contiguous parcels under common ownership in order to conform to minimum zoning standards, for tax purposes, for construction purposes, or for similar reasons. (08-05)

#### **17.250.010 CONDITIONS FOR PARCEL MERGER**

A parcel may be merged with one or more contiguous parcels held by the same owner if any of the following conditions exists and the merger is approved by the Director of Community Development:

- A. Any one of the contiguous parcels does not conform to minimum parcel size or dimension standards specified in the applicable zone district; or
- B. The parcel contains less than 5000 square feet in area at the time of the determination of merger; or
- C. The parcel was not created in compliance with applicable laws and ordinances in effect at the time of its creation; or
- D. The parcel does not meet current standards for sewage disposal and domestic water supply; or
- E. The parcel does not meet slope stability and/or slope density standards as specified in the General Plan or this Code; or
- F. The parcel has no legal access adequate for vehicular and/or safety equipment entry, exit, or maneuverability; or
- G. The development of the parcel would create a health or safety hazard; or
- H. The parcel is not consistent with the General Plan or any applicable specific plan other than minimum parcel size or density standards; or
- I. The consolidation of contiguous parcels would aid orderly development. (08-05)

#### **17.250.020 FILING REQUIREMENTS**

Application for voluntary merger of contiguous parcels shall be made on forms provided by the Director of Community Development and shall include such items as may reasonably be required to make the necessary findings. A filing fee shall be paid as established by resolution of the City Council. (08-05)

#### **17.250.030 REVIEW PROCESS AND FINDINGS**

- A. Approval by Director of Community Development

Parcel mergers shall be approved by the Director of Community Development.

- B. Required Findings

All of the following findings shall be made prior to approval of any parcel merger:

- 1. The parcels to be merged are under common ownership at the time of the merger.
  - 2. The parcels as merged will be consistent with or will be more closely compatible with the applicable zone district regulations, other requirements of this Title, and applicable planning policies relating to the subject property and parcel configuration.
  - 3. The parcels as merged will not be deprived of legal access as a result of the merger, and access to the adjoining parcels will not be restricted by the merger.
  - 4. All current and delinquent taxes have been paid on all affected parcels.
- C. No Parcel Map Requirement for Elimination of One Parcel
- No parcel map shall be required for parcel mergers in cases where no more than one parcel is eliminated

provided the Director finds that the parcel merger complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act, this Title, and the General Plan.

D. Certificate of Compliance for Elimination of One Parcel

For a merger involving the elimination of one parcel, the applicant shall file a certificate of compliance with a site map for recordation with the County Recorder. The documents necessary to reflect the merger's ownership changes, such as grant deeds and similar documents arising from the boundary changes, shall be recorded concurrently with the legal description of the merged parcel.

E. Parcel Map for Elimination of More than One Parcel

If a merger involves the elimination of more than one parcel, a final parcel map shall be approved by the City Council reflecting the consolidation of parcels. The final parcel map shall then be filed by the applicant for recordation by the County Recorder. In approving the final parcel map, the City Council may impose such conditions as it deems necessary regarding dedications, improvements, utility undergrounding, and similar items. (08-05)

## Chapter 17.253

### REVERSIONS TO ACREAGE

#### Sections:

- 17.253.000 Applicability**
- 17.253.010 Initiation and Filing Requirements**
- 17.253.020 Review Process and Findings**
- 17.253.030 Conditions Imposed on Reversions to Acreage**
- 17.253.040 Recordation of Reversions to Acreage**

#### **17.253.000 APPLICABILITY**

A reversion to acreage is the abandonment of a recorded subdivision, which was created by either a final tract or a final parcel map. This action constitutes a merger of the separate parcels within the subdivision into a single parcel, excluding any dedications, easements, or rights-of-way necessary for present or prospective public road purposes. (08-05)

#### **17-253.010 INITIATION AND FILING REQUIREMENTS**

##### A. Initiation

Reversions to acreage may be initiated by the City Council on its own motion or by petition of all of the parcel owners within the subdivision.

##### B. Filing Procedures

Application for a reversion to acreage shall be made on forms provided by the Director of Community Development and shall include such items as may reasonably be required to make the necessary findings. A filing fee shall be paid as established by resolution of the City Council. (08-05)

#### **17.253.020 REVIEW PROCESS AND FINDINGS**

The City Council shall review reversions to acreage at a noticed public hearing. In approving a reversion to acreage, the council shall make the following findings:

- A. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and
- B. One or more of the following conditions exist:
  - 1. All owners of an interest in the real property within the subdivision have consented to the reversion; or
  - 2. None of the improvements required to be made have been completed within two years from the date the final tract or parcel map was recorded or within the time allowed by agreement for completion of the improvements, whichever is the latter; or
  - 3. No parcels shown on the final tract or parcel map have been sold within five years from the date such map was recorded. (08-05)

#### **17.253.030 CONDITIONS IMPOSED ON REVERSIONS TO ACREAGE**

As conditions of approval of a reversion to acreage, the City Council shall require:

- A. Any dedications or offers of dedication deemed necessary by the council for present and/or prospective future public purposes; and
- B. Retention of all previously-paid fees deemed necessary by the council to accomplish the purpose of the provisions of this Chapter; and
- C. Retention of any portion of required improvement security or deposits deemed necessary by the council to accomplish the purposes of this Chapter. (08-05)

#### **17.253.040 RECORDATION OF REVERSIONS TO ACREAGE**

##### A. Dedications

If dedications are required that are not shown on the original final tract or parcel map, the final map shall

be corrected prior to recordation of the reversion to acreage to accurately reflect the required change. This change shall be confirmed by the City Council and the County Surveyor prior to release for recordation.

B. Tax Bonds

No tax bond shall be required for reversions to acreage.

C. Reversions Effective Upon Recordation

Reversions to acreage shall become effective upon recordation of the reversion final map. All dedications, offers of dedication, and easements not shown on said final map shall no longer be in force or effect. Upon the recordation of the reversion final map, all fees and deposits shall be returned and all improvement securities released except those retained pursuant to this Chapter. (08-05)

## Chapter 17.256

### LOT LINE ADJUSTMENTS

#### Sections:

- 17.256.000**    **Applicability**
- 17.256.010**   **Filing and Title Report Requirements**
- 17.256.020**   **Review Process and Findings**

#### **17.256.000**    **APPLICABILITY**

A lot line adjustment is a minor boundary adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created. (08-05)

#### **17-256.010**    **FILING AND TITLE REPORT REQUIREMENTS**

##### A.        Filing Requirements

Application for a lot line adjustment shall be made on forms provided by the Director of Community Development and shall include such items as may reasonably be required to make the necessary findings. A filing fee shall be paid as established by resolution by the City Council.

##### B.        Title Report

In conjunction with a lot line adjustment application, the applicant shall submit a preliminary title report to ensure that the subject parcels are not encumbered with liens, delinquent taxes, trust deeds, and/or utility easements which would conflict with the requested lot line adjustment. If the Director of Community Development determines that the boundaries described within the encumbering document conflict with the boundaries described in the requested lot line adjustment, the Director shall require that such conflict be resolved prior to action on the adjustment application. (08-05)

#### **17.256.020**    **REVIEW PROCESS AND FINDINGS**

##### A.        City Council Findings

The City Council shall review and approve lot line adjustments. In approving a lot line adjustment, the council shall make the following findings:

1.        The lot line adjustment is consistent with the General Plan, any applicable specific plans, this Title, the building codes of the City, and the Subdivision Map Act.

##### B.        Relocation of Infrastructure or Easements

Approval of a lot line adjustment may be conditioned so as to facilitate the relocation of existing utilities, infrastructure, or easements.

##### C.        No Maps or Records of Survey Required

No tentative map, parcel map, final map, or record of survey shall be required as a condition of approval of a lot line adjustment by the City Council.

##### D.        Recordation

After City Council approval, the applicant shall file for recordation the new legal descriptions along with the site map prepared by a registered civil engineer and/or licensed land surveyor. All documents necessary to identify and reflect the ownership changes, such as grant or reconveyance deeds arising from the boundary change(s), shall be recorded concurrently with the legal descriptions.

E.        The City Council may require on its approval of a lot line adjustment the payment of real property taxes (Gov. Code 66412). (08-05)

## Chapter 17.259

### CERTIFICATES OF COMPLIANCE

#### Sections:

- 17.259.000**    **Applicability**
- 17.259.010**   **Filing Requirements**
- 17.259.020**   **Review Process and Findings**
- 17.259.030**   **Conditions Imposed on Certificates of Compliance**
- 17.259.040**   **Recordation of Certificates of Compliance**

#### **17.259.000    APPLICABILITY**

A certificate of compliance may be obtained for those parcels whose boundaries of record are not documented by a recorded final map, parcel map, official map, or certificate of exception. (08-05)

#### **17-259.010    FILING REQUIREMENTS**

Application for a certificate of compliance shall be made on forms provided by the Director of Community Development and shall include such items as may reasonably be required to make the necessary findings. A filing fee shall be paid as established by resolution of the City Council. (08-05)

#### **17.259.020    REVIEW PROCESS AND FINDINGS**

The Director of Community Development shall review certificates of compliance. Prior to approval of a certificate of compliance, the Director shall make both of the following findings:

- A.     The parcel is consistent with the zoning and General Plan requirements which were in effect at the time the lot was created.
- B.     The proposed certificate of compliance conforms with applicable provisions of the Subdivision Map Act and this Title. (08-05)

#### **17.259.030    CONDITIONS IMPOSED ON CERTIFICATES OF COMPLIANCE**

The conditions that were in effect at the time of creation of a parcel shall be imposed with approval of a certificate of compliance and shall be met prior to recordation of the certificate. If the parcel was created lawfully within City boundaries prior to May 1, 1958, no requirements shall be applied. If the parcel was created lawfully within Los Angeles County prior to September 22, 1967, no requirements shall be applied. (08-05)

#### **17.259.040    RECORDATION OF CERTIFICATES OF COMPLIANCE**

Upon approval of a certificate of compliance and completion of any conditions imposed, the applicant shall file for recordation the certificate of compliance, which identifies the real property and state that the parcel complies with the applicable provisions of this Title, the Subdivision Map Act, and the associated site map. (08-05)

## Chapter 17.261

### WAIVER OF PARCEL MAP REQUIREMENT (66428)

#### Sections:

- 17.261.000 Applicability**
- 17.261.010 Filing Requirements**
- 17.261.020 Required Findings**
- 17.261.030 Conditions on Parcel Map Waiver**
- 17.261.040 Certificate of Compliance Upon Parcel Map Waiver**

#### **17.261.000 APPLICABILITY**

The City Council may waive all or part of the requirement for a tentative and final parcel map in the following cases:

- A. Division of real property or interests therein created by probate, eminent domain procedures, partition, or other civil judgments or decrees; or
- B. Division of real property resulting from the conveyance of land or any interest therein to or from the City or other public entity for public purposes, such as school sites, public building sites, or rights-of-way or easements for streets, sewers, utilities, drainage, and similar facilities.
- C. Construction of a condominium project with four or fewer dwelling units on a single parcel.
- D. Voluntary mergers resulting in the net elimination of no more than one parcel. (08-05)

#### **17-261.010 FILING REQUIREMENTS**

Application for a parcel map waiver shall be made on forms provided by the Director of Community Development and shall include such items as may reasonably be required to make the necessary findings. A filing fee shall be paid as established by resolution of the City Council. (08-05)

#### **17.261.020 REQUIRED FINDINGS**

In waiving a parcel map requirement, the City Council shall make findings that the proposed division of land complies with requirements as to area, improvements and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act, this Title, and the General Plan. (08-05)

#### **17.261.030 CONDITIONS ON PARCEL MAP WAIVER**

The City Council may condition the waiver of parcel map requirements to provide for, among other things, payment of parkland, drainage, and other fees required for subdivisions by this Title. (08-05)

#### **17.261.040 CERTIFICATE OF COMPLIANCE UPON PARCEL MAP WAIVER**

Upon City Council waiver of the parcel map requirement, the applicant shall file a certificate of compliance with a site map for recordation with the County Recorder. (08-05)