City of
LEMOORE
CALIFORNIA

Title 8: Building and Development Regulations

Public Draft Dated
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Chapter 7: Land Division

This chapter regulates and controls the division of land within the city and supplements the provisions of the Subdivision Map Act concerning the design, improvement, and approval of subdivisions.

City of Lemoore
Zoning and Development Codes

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Chapter 7: Land Division
Article A: Establishment and Purpose

Sections:

8-7A-1 Title
8-7A-2 General Purpose
8-7A-3 Applicability

Draft Zoning Code Changes:

- *The purpose and objectives of this chapter have been updated consistent with the Subdivision Map Act and the new General Plan.*

8-7A-1 Title

This chapter shall be known as the land division code of the city of Lemoore.

8-7A-2 General Purpose

This chapter is adopted pursuant to Article XI, §7 of the California Constitution and to supplement and implement the Subdivision Map Act (Government Code §66410, et seq.).

It is the purpose of this chapter to regulate and control the division of land within the city and to supplement the provisions of the Subdivision Map Act concerning the design, improvement, and survey data of subdivisions, the form and content of all required maps provided by the Subdivision Map Act, and the procedure to be followed in securing the official approval of the city regarding the maps. To accomplish this purpose, the regulations contained in this chapter are determined to be necessary to:

1. Preserve the public health, safety, and general welfare;
2. Promote orderly growth and development through implementation of the city's general plan; and
3. Ensure that properly designed infrastructure necessary to support public service needs, including but not limited to transportation and utility infrastructure, is provided in conjunction with subdivisions.

8-7A-3 Applicability

A. Relationship to Prior Ordinance

The provisions of this chapter, as it existed prior to the effective date of the ordinance enacting this chapter, ordinance number _____, are repealed and superseded as provided in ordinance number _____.

B. Prior Rights and Violations

The enactment of this chapter shall not terminate or otherwise affect vested land division approvals or agreements authorized under the provisions of any ordinance, nor shall violation of prior ordinance be excused by the adoption of this chapter.

C. Effect of Land Division Code Changes on Pending Applications

Following the effective date of this chapter, or any amendment of this chapter, regulations of this chapter are applicable to all pending entitlement applications that have not been deemed complete, unless prohibited by state law.

D. Conflicting Requirements

1. Subdivision Code and Municipal Code Provisions. If conflicts occur between this subdivision code, the municipal code, or other plans and policies adopted by the city, the subdivision code shall govern.

2. Development Agreements. If conflicts occur between the requirements of this subdivision code and standards adopted as part of any development agreement, the requirements of the development agreement shall govern.

E. Other Requirements/Permits

Nothing in this subdivision code eliminates the need for obtaining any other permits required by the city, or any permit, approval, or entitlement required by the regulations of any regional, state, or federal agency.

F. Public Nuisance

Neither the provisions of this title nor the approval of any permit authorized by this title shall authorize the maintenance of any public nuisance as defined in this municipal code.

G. Severability, Partial Invalidation of Subdivision Code

If any portion of this title is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determinations shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that this chapter and each article, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof is adopted without regard to the fact that one or more portions of this chapter may be declared invalid, unconstitutional, or unenforceable.

Chapter 7: Land Division
Article B: Administration

Sections:

8-7B-1 Purpose
8-7B-2 Responsibilities
8-7B-3 Procedures
8-7B-4 Application Processing
8-7B-5 Interpretation
8-7B-6 Enforcement
8-7B-7 Certificate of Compliance
8-7B-8 Definitions of Specific Terms

Draft Zoning Code Changes:

- *The discussion of the functions and roles of the various city departments in administering subdivision regulations has been expanded and updated.*
- *Application processing has generally been streamlined and consolidated into this article, rather than spread throughout the chapter.*
- *Definitions have been updated.*

8-7B-1 Purpose

The purpose of this article is to establish the administration of this chapter and to set forth the basic responsibilities of the officials and bodies charged with its administration. Further, this article specifies the authority and procedures for clarifying any ambiguity in the regulations of this chapter in order to ensure consistent interpretation and application of this chapter.

8-7B-2 Responsibilities

Except as expressly provided otherwise in this chapter, the responsibility for actions taken under this chapter shall be as stated below and summarized in table 8-7B-2-1 (approving authority).

A. City Council

The city council shall be responsible for:

1. The approval or denial of final maps and parcel maps;
2. The acceptance, acceptance subject to improvement, or rejection of offers of dedications shown on final and parcel maps;
3. The approval, conditional approval, or denial of reversions to acreage; and
4. Acting as the appeal board for hearing appeals of planning commission actions as provided in this chapter.

B. Planning Commission

The planning commission shall be responsible for:

1. The approval, conditional approval, or denial of tentative maps and subdivision modifications for all subdivisions resulting in divisions of land into five or more parcels (tentative subdivision maps);
2. The approval, conditional approval or denial of tentative maps and subdivision modifications for all subdivisions resulting in divisions of land into four or fewer parcels (tentative parcel maps) where a tentative map is required by this chapter;
3. The approval or denial of requests for extensions of time for tentative maps subject to the provisions of the Subdivision Map Act (§66452.6);
4. Acting as the appeal board for hearing appeals of planning director actions as provided in this chapter.

C. Planning Director

The planning director shall be responsible for:

1. The approval, conditional approval, or denial of lot line adjustments;
2. The approval ordenial of mergers of contiguous parcels under common ownership without reversion under article 8-7E (merger of parcels);
3. The waiver of the requirement to file a parcel map;
4. In conjunction with the public works director and city engineer, recommending approval, conditional approval, or disapproval of the design of proposed subdivisions, and the kinds, nature, and extent of on-site and off-site improvements required in connection therewith to the planning commission and/or the city council;
5. Reporting on land use matters related to proposed subdivisions to the planning commission and/or city council, including but not limited to consistency with the city general plan and the zoning code (title 9 of this municipal code);
6. Recommending approval, conditional approval, or denial of tentative maps of all proposed subdivisions of land to the planning commission and/or the city council; and
7. Reviewing and making recommendations concerning proposed subdivisions in the unincorporated territory of the county of Kings in accordance with Subdivision Map Act § 66453 when the planning director has elected to do so.

D. Public Works Director

The public works director shall be responsible for:

1. Conducting investigations and reporting on the design and improvement of all proposed subdivisions and making recommendations thereon to the planning director, the planning commission, and the city council;
2. Recommending approval, conditional approval, or denial of tentative maps of all proposed subdivisions of land, and requests for extensions of time for tentative maps based upon the requirements of this chapter, the Subdivision Map Act, title 9 of this municipal code, the

general plan, or the standards, rules, or regulations adopted by the city pursuant to this chapter;

3. Such additional powers and duties as prescribed by law and by this chapter.

E. City Engineer

The city engineer (or, as required by law, the city surveyor) shall be responsible for:

1. Reviewing tentative, final, and parcel maps for compliance with the standards of this chapter, the Subdivision Map Act, and other local or state law and providing a recommendation on such matters to the Public Works Director and Planning Director;
2. Investigating requests for and taking action on certificates of compliance as provided in §66499.35 of the Subdivision Map Act;
3. Completing those certificates on final and parcel maps as required by this chapter and the Subdivision Map Act; and
4. All other duties as prescribed by the Subdivision Map Act, including, but not limited to, §66416.5.

TABLE 8-7B-2-1 – APPROVING AUTHORITY

Type of Subdivision Permit or Decision	Designated Approval Authority "R" symbolizes the "Recommending Body" "F" symbolizes the "Final Decision-Making Body"				
	City Engineer	Public Works Director	Planning Director	Planning Commission	City Council
Administrative Decisions					
Certificates of Compliance	F	-	-	-	-
Subdivision Permits					
Merger	R	R	F	-	-
Lot Line Adjustment	R	R	F	-	-
Waiver of Parcel Map	R	R	F	-	-
Tentative Subdivision Map	R	R	R	F	-
Tentative Parcel Map (when required by this chapter)	R	R	R	F	-
Vesting Tentative Subdivision Map	R	R	R	F	-
Requests for Extension of Tentative Maps[1]	R	R	R	F	-
Requests for Amendment to Conditions of Approval[1]	R	R	R	F	-
Reversion to Acreage	R	R	R	-	F

TABLE 8-7B-2-1 – APPROVING AUTHORITY					
	Designated Approval Authority "R" symbolizes the "Recommending Body" "F" symbolizes the "Final Decision-Making Body"				
Type of Subdivision Permit or Decision	City Engineer	Public Works Director	Planning Director	Planning Commission	City Council
Offers and Recordation					
Offers of Dedication	R	R		-	F
Parcel Map	R	R	R	-	F
Final Map	R	R	R	-	F
Notes					

1. Requests for extension of tentative maps and amendments to conditions of approval shall be decided by the same authority that originally approved the permit.

8-7B-3 Procedures

A. Application

Application for subdivision permits and map approvals under this chapter shall be submitted to the city as follows:

1. Applications for subdivision permits shall be made to the planning director. The application shall be made on a form provided by the planning department and accompanied by those materials specified by this chapter or as otherwise required by the planning director. The application shall also be accompanied by a fee as established by the city council.
2. Applications for final map, parcel map, and certificate of compliance shall be made to the planning director. The application shall be made on a form provided by the planning department and accompanied by those materials specified by this chapter or as otherwise required by the city. The application shall also be accompanied by a fee as established by the city council.

B. Concurrent Application with Planning Permits

Application for subdivision permits (lot line adjustment(s), tentative subdivision map(s), tentative parcel map(s), and vesting tentative map(s)) may be submitted concurrently with applications for planning permits as provided in title 9 (zoning code). When a proposed project requires more than one permit with more than one approving authority as identified in this chapter or in title 9 (zoning code), all project permits shall be processed concurrently and final action shall be taken by the highest-level designated approving authority for all such requested permits.

8-7B-4 Application Processing

Unless otherwise provided for in this chapter, applications for subdivision permits and decisions shall be processed as follows:

A. Application and Fee

Applications for subdivision permits and decisions shall be made to the city on a form provided by the city, accompanied by those materials specified in this chapter or as otherwise required by the city, along with a filing fee as established by resolution of the city council.

B. Determination of Completeness

Applications for subdivision permits and decisions shall be reviewed for completeness as follows. These provisions are consistent with the process provided under section 9-2A-5 (determination of application completeness) of this code.

1. Within thirty (30) days of application submittal to the planning department, the planning director shall determine whether or not the application is complete. The planning director shall notify the applicant of the determination either that:
    a. All the submittal requirements have been satisfied and the application has been accepted as complete; or
    b. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with city standards and requirements.
2. **Application Completeness without Notification.** If the written determination is not made within thirty (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 chapter.
3. **Resubmittal.** Upon receipt and resubmittal of any incomplete application, a new thirty (30) day period shall begin during which the planning director shall determine the completeness of the application. Application completeness shall be determined and noticed as specified in subsection 1 above.
4. **Incomplete Application.** If additional information or submittals are required and the application is not made complete within six (6) months of the completeness determination letter, the application shall be deemed by the city to have been withdrawn, and no action will be taken on the application. Unexpended fees, as determined by the planning director, will be returned to the applicant. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits, and other materials, must then be filed in compliance with this chapter.
5. **Right to Appeal.** The applicant may appeal the determination in accordance with subsection 8-7B-4-E (appeals).

C. Application Review and Report

Unless otherwise provided for in this chapter, applications for subdivision permits and decisions shall be reviewed, and a report prepared, as follows. These provisions are consistent with the process provided for under subsection 9-2A-5-E (application review, report, determination, and conditions) of this code.

1. **Project Routing.** Upon acceptance of the application and either prior to or after it is deemed complete, the planning director shall forward copies of the application to affected agencies within five (5) days asking them to provide their input or comments within fifteen (15) working days.
2. **Environmental Review.** After determination of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) to determine whether the project is exempt from the requirements of CEQA or is not a project as defined by CEQA, whether a negative declaration or mitigated negative declaration may be issued, or whether an environmental impact report (EIR) shall be required.

3. **Application Review.** The planning director, in conjunction with the public works director, city engineer, and other agencies, shall review all applications to determine compliance with provisions of this chapter and other applicable city regulations (e.g., zoning code, general plan). The project review will include any required environmental review as required by CEQA. Pursuant to §66452.1 of the Subdivision Map Act, and unless extended by mutual consent of the subdivider and the city, the designated approving authority shall make a decision on the tentative map within fifty (50) days of adopting or certifying the environmental determination for the project.

4. **Staff Report.** When this chapter requires planning commission or city council action, the planning director shall provide a written recommendation to the designated approving authority to either approve, conditionally approve, or deny the application. The staff report may be amended as necessary at any time prior to the hearing to address issues or information not reasonably known at the time the report is due.

5. **Report Distribution.** Each staff report shall be furnished to the applicant and property owner at the same time as it is provided to the designated approving authority prior to consideration of the requested approval. In the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, pursuant to §66452.3 of the Subdivision Map Act, the report shall also be provided to the tenants of the subject property at least three (3) days prior to any hearing or action on such map.

D. Public Hearing and Public Notice

Where this chapter or the Subdivision Map Act requires a public hearing by the designated approving authority prior to making a decision on an application for a subdivision permit or decision, a public hearing shall be held, and public notice provided, as described below. These requirements are consistent with those provided in section 9-2A-6 (public notice, hearings, and decisions) of this code.

1. **Notice of Hearing.** Pursuant to California Government Code § 65091, not less than ten (10) days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The notice shall state the date, time, and place of hearing, identify the hearing body, and include a general explanation of the matter to be considered and a general description of the real property (text or diagram), if any, which is the subject of the hearing.

    a. Notice of the public hearing shall be published in at least one newspaper of general circulation in the city.

    b. Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners of property within a radius of three hundred feet (300') of the exterior boundaries of the property involved in the application, using for this purpose that last known name and address of such owners as shown upon the current tax assessors records. If the number of owners exceeds one thousand (1,000), the city may, in lieu of mailed notice, provide notice by placing notice of at least one-eight (⅛) page in one newspaper of general circulation within the city.

2. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent, and to each local agency expected to provide water, sewer, streets, roads, schools, or other essential facilities or services to the proposed project.

3. Notice of the public hearing shall be provided to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential functions or services to the project whose ability to provide those facilities and services may be significantly affected.
4. Notice of the public hearing shall be posted at city hall and in at least two (2) other public places within the boundaries of the city, including one place in the area directly affected by the proceeding.
5. **Requests for Notification.** Any person who requests to be on a mailing list for notice of hearing for a development project or projects shall submit such request in writing to the city clerk. The city may impose a reasonable fee for the purpose of recovering the cost of such notification.
6. **Failure to Receive Notice.** Failure of any person or entity to receive any properly issued notice required by law for any hearing required by this chapter shall not constitute grounds for any court to invalidate the actions of a designated approving authority for which the notice was given.
7. **Hearing Procedure.** Hearings as provided for in this chapter shall be held at the date, time, and place for which notice has been given as required in this chapter. The designated approving authority shall conduct the public hearing and hear testimony. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued. If the hearing is not continued to a specific date/time, then the hearing shall be re-noticed.

E. Appeals

Decisions of the designated approving authority may be appealed as provided below. These provisions are consistent with the procedures provided in section 9-2A-8 (appeals) of this code.

1. **Appeal Applicability and Authority.** Any person dissatisfied with a determination or action of the planning director or planning commission made pursuant to this chapter, may appeal such action to the designated appeal authority listed in table 8-7B-4-1 (appeal authority) below, within ten (10) days from the date of the action, or as otherwise provided by this chapter or the Subdivision Map Act. Actions by the city council are final, and no further administrative appeals are available.

TABLE 8-7B-4-1 – APPEAL AUTHORITY

Approving Authority for Action Being Appealed	Appeal Authority: Planning Commission	Appeal Authority: City Council
Planning Director	x	
Planning Commission		x

2. **Filing an Appeal.** All appeals shall be submitted in writing, identifying the determination or action being appealed and specifically stating the basis or grounds of the appeal. Appeals shall be filed within ten (10) days following the date of determination or action for which an appeal is made, or as otherwise provided by this chapter or the Subdivision Map Act. The appeal shall be accompanied by a filing fee established by resolution of the city council. The appeal shall be submitted to the city clerk. The filing of an appeal shall stay the issuance of any necessary subsequent permit(s) associated with any right or entitlement that will be subject of the appeal (e.g., building permits).

3. **Notice and Schedule of Appeal Hearings.** Unless otherwise agreed upon by the person filing the appeal and the applicant, appeal hearings should be conducted within forty-five (45) days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of subsection 8-7B-4-D (public hearing and public notice).

4. **Appeal Hearing and Action.** Each appeal shall be considered a de novo (new) hearing and the appeal authority may reverse, modify, or affirm the decision of the approving authority in whole or in part. In taking its action on an appeal, the appeal authority shall state the basis for its action. The appeal authority may modify, delete, or add such conditions as it deems necessary. The appeal authority may also refer the matter back to the approving authority for further action. The action of the appeal authority is final on the date of decision and, unless expressly provided by the chapter, may not be further appealed. A person may seek judicial review of a final decision of the city in accordance with applicable sections of the California Government Code or Code of Civil Procedures.

F. Effective Date

Decisions on subdivision permits shall become effective on the eleventh (11th) day after the date of action, immediately following expiration of the ten (10) day appeal period. This is consistent with the procedures provided in section 9-2A-6-E (action /determination procedures). All other decisions shall become effective upon approval.

8-7B-5 Interpretation

If ambiguity arises concerning the meaning or applicability of the provisions of this chapter, it shall be the responsibility of the planning director to review pertinent facts, determine the intent of the provision, and issue an administrative interpretation of said provision(s) as specified in this section.

A. Rules of Interpretation.

1. **Terminology.** When used in this chapter, the following rules apply to all provisions of this title.

   a. Language. The words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.

   b. Tense and number. The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.

   c. Conjunctions. "And" indicates that all connected items or provisions shall apply. "Nor" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to..."

2. **Number of Days.** Whenever the number of days is specified in this chapter, or in any permit, condition of approval, or notice issued or given as provided in this chapter, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or city holiday, time limits shall extend to the end of the next working day.

3. **Minimum Requirements.** When interpreting and applying the regulations of this chapter, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

B. Record of Interpretation

Whenever the planning director determines that an ambiguity in a subdivision regulation exists or when an applicant requests an interpretation based on his or her judgment or understanding of this chapter, the planning director shall issue an official interpretation. The procedure for preparation, content, procedure, and keeping of official interpretations shall be as provided for official zoning interpretations in section 9-2B-8 of this code.

C. Appeals

Interpretations may be appealed as specified in subsection 8-7B-4-E (appeals) of this code.

8-7B-6 Enforcement

A. Generally

Except as otherwise provided herein, the planning director, public works director, and city engineer are authorized and directed to enforce the provisions of this title and the Subdivision Map Act for subdivisions within the city. The city attorney is authorized on behalf of the city of Lemoore to file a suit in a superior court of competent jurisdiction to restrain or enjoin any attempted or proposed subdivision or sale, lease, or financing in violation of the Subdivision Map Act, this chapter, or the conditions and term of approvals granted thereunder.

B. Certificates of Compliance

Applications for certificates of compliance shall be filed with the planning department. The city engineer shall be responsible for their issuance and recordation. The form of the application and requirements for a certificate of compliance shall be prescribed by the city. A nonrefundable fee in the amount established by resolution of the city council for each lot or parcel for which a certificate is sought shall accompany the application.

C. Illegal Subdivisions

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

Whenever the city has knowledge that real property has been divided in violation of the Subdivision Map Act or this chapter, the city engineer shall, upon receipt of information of such violation, file the notices required by §66499.36 of the Subdivision Map Act and thereafter follow the procedures set forth in that section.

8-7B-7 Certificate of Compliance

A. Purpose

This section describes the procedures and processing for certificates of compliance, consistent with the requirements of §66499.35 the Subdivision Map Act.

B. Applicability

A certificate of compliance is a document, recorded by the county recorder, which acknowledges that a parcel or lot of real property (hereinafter parcel) is considered by the city to be a legal lot of record. Any

person owning real property, or a purchaser of the property in a contract of sale of the property, may request a certificate of compliance from the city.

C. Application

A certificate of compliance application shall be made on a form provided by the planning department and submitted to the department. The form shall be accompanied by an application deposit or fee as established by resolution of the city council. The application shall also include a chain of title, consisting of copies of deeds beginning before the division of the property and running through to the time of application for the certificate of compliance, unless the parcel(s) in question was created through a recorded subdivision map.

D. City Review and Action

The application for certificate of compliance shall be reviewed and acted upon as provided below.

1. **Planning Director Review.** The planning director, in consultation with the city engineer, shall review the request and make a determination on the application as follows:
    a. If the planning director makes a determination that the parcel(s) complies with the Subdivision Map Act and this chapter, the planning director shall cause a certificate of compliance to the filed for record with the county recorder. The form of the certificate shall be as described below.
    b. If the planning director determines that the parcel(s) does not comply with the provisions of the Subdivision Map Act or this chapter, the planning director shall issue a conditional certificate of compliance. The city may, as a condition to granting a conditional certificate of compliance, impose any conditions that would have been applicable to the division of the property at the time the applicant acquired their interest in the property and that had been established at that time by the Subdivision Map Act and this chapter. Upon making a determination and establishing conditions, the planning director shall file a conditional certificate of compliance for record with the county recorder. The certificate shall serve as notice to the property owner who has applied for the certificate, a grantee of the property owner, or any subsequent transferee to assignee of the property, that the fulfillment and implementation of the conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with the conditions shall not be required until a permit or other grant of approval for development of the property is issued.
2. **Form of Certificate.** The certificate of compliance shall identify the property, shall state that the division complies with the provisions of the Subdivision Map Act and this chapter, and shall include all information required under §66499.35 of the Subdivision Map Act.
3. **Effective Date.** A certificate of compliance shall not become final until the document has been recorded by the county recorder.
4. **Recorded Final Map or Parcel Map.** A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described in the final or parcel map.

8-7B-8 Definition of Specific Terms

For the purposes of this chapter, the following terms, phrases, and words shall have the following definitions:

A. "A" Definitions

Alley. Alley means a public or private way providing a secondary means of vehicular access to abutting property.

B. "B" Definitions

Building Site. Building site means the same as "lot," as defined in title 9 (zoning).

C. "C" Definitions

CEQA. Refers to the California Environmental Quality Act, Public Resources Code §21000, et seq., and the state CEQA guidelines.

City Engineer. City engineer means the engineer of the city of Lemoore, or his or her designee.

County. County means the county of Kings.

D. "D" Definitions

Designated Remainder. Designated remainder shall mean any unit or units of improved or unimproved land not divided for the purpose of sale, lease, or finance and designated as remainder by a subdivider for purposes of §66424.6 of the Subdivision Map Act.

Drip Line. Drip line means a line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

Dwelling Unit. Dwelling unit means a group of rooms or a single room with kitchen facilities occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone, irrespective of the age of the occupant or occupants. See title 9 (zoning).

E. "E" Definitions

Easement. Easement shall mean a right-of-way offered or dedicated to the city or other public entity or a public utility for purposes of providing access to a division of land, for placing utilities, or for any other specific purpose.

F. "F" Definitions

Final Map. A final map is a map showing a subdivision of five (5) or more parcels for which a tentative and final map are required by the Subdivision Map Act and this title, prepared in accordance with the provisions of the Subdivision Map Act and this title, and designed to be filed for recordation in the office of the county recorder.

Fire Protection. Fire protection means such fire hydrants and other protective measures as may be reasonably required by the city fire marshal for protection of property to be located within a subdivision.

Flood Hazard. Flood hazard means a hazard to land or improvements due to seasonal inundation or to overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

Frontage Road. Frontage road means a street lying adjacent and approximately parallel to and separated from a freeway or other public street and which affords access to abutting property.

G. "G" Definitions

General Plan. General plan means the general plan of the city of Lemoore.

Geological Hazard. Geological hazard means a hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements due to the movement, failure, or shifting of earth.

H. "H" Definitions

Highway. Highway means a roadway defined as a freeway in §23.5 of the Streets and Highways Code of the state of California.

I. "I" Definitions

Improvement Plans. Improvement plans means the plans, profiles, cross sections, and specifications for all proposed improvements. Improvement plans are often referred to as civil plans.

Improvement Standards. Improvement standards shall mean the requirements for design and construction of improvements established by the city council as set forth in the city's "Standard Specifications for Public Works Improvements."

Inundation. Inundation means ponded water or water in motion of sufficient depth to damage property due to the presence of the water or to deposits of alluvium.

J. "J" Definitions

Reserved for future use.

K. "K" Definitions

Reserved for future use.

L. "L" Definitions

Lot. Lot means a parcel of land which is identified on a final map or parcel map recorded in the office of the county recorder of Kings County with a separate and distinct number or letter. See "lot" as defined in title 9 (zoning).

Lot, Flag. A flag Lot means a parcel of land shaped like a flag as defined in title 9 (zoning).

Lot Line Adjustment. A lot line adjustment means a division of land consisting of the relocation of an interior lot line between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.

Lot, Through. A through lot means a lot having frontage on two parallel or approximately parallel streets, as defined in title 9 (zoning).

M. "M" Definitions

Merger. A merger is the joining of two (2) or more contiguous parcels of land under one ownership into one parcel.

Mobile Home Lot. A mobile home lot is any area designated, designed, or usable for the occupancy of one mobile home on a temporary, semi-permanent, or permanent basis.

Multiple-Family Dwelling. A multi-family dwelling unit means a building or portion thereof designed for occupancy by three (3) or more families living independently of each other, but under one roof. See "dwelling, multi-family" defined in title 9 (zoning).

N. "N" Definitions
Reserved for future use.

O. "O" Definitions
Reserved for future use.

P. "P" Definitions
Parcel Map. Parcel map means a map showing a subdivision of four (4) or fewer parcels, as required by the Subdivision Map Act and this chapter, prepared in accordance with the provisions of the Subdivision Map Act and this chapter, and designed to be filed for recordation in the office of the county recorder.

Planned Development. Planned development is a subdivision consisting of one or more planned developments as said term is defined in Business and Professions Code §11003.

Planning Director. Planning director means the planning director of the city of Lemoore, or his or her designee.

Private Road Easement. Private road easement means a parcel of land not dedicated as a public street, over which a private easement for road purposes is proposed to be or has been granted to the owners of property contiguous or adjacent thereto which intersects or connects with a public street, or a private street; in each instance the instrument creating such easement shall be or shall have been duly recorded or filed in the office of the county recorder.

Public Way. Public way is any street, highway, alley, pedestrian way, equestrian or hiking trail, biking path, channel, viaduct, subway, tunnel, bridge, easement, right-of-way, or other way in which the public use has a right of use.

Public Works Director. Public works director means the public works director of the city of Lemoore, or his or her designee.

Q. "Q" Definitions
Reserved for future use.

R. "R" Definitions
Roadway. A roadway means that portion of a right-of-way for a street, highway or alley designed or used to accommodate the movement of motor vehicles.

S. "S" Definitions
Single-Family Dwelling Unit. Single-family dwelling unit is a detached building designed exclusively for occupancy by one family. See "dwelling, single-family" as defined in title 9 (zoning).

Specific Plan. Specific plan means a plan for a specific plan as described in title 9 (zoning).

Street, Arterial. Arterial street means a street that is used or is intended to be used as the principal route of traffic flow, connecting areas of major traffic generation to highways and county roads.

Street, Collector. Collector street means a street that is used or is intended to be used for the principal purpose of collecting traffic from local streets and transferring it to arterial streets or highways.

Street, Cul-de-sac. Cul-de-sac street means a street that terminates in a permanent turnaround and which by design is not intended to continue beyond its terminal point.

Street, Dedicated. Dedicated street means a right-of-way dedicated to the city and legally accepted by the city council for public use as a street.

Street, Local. Local street means any street other than a collector street, arterial, or freeway that provides direct access to abutting properties and serves local versus through traffic. Also used to mean a street that is used or is intended to be used for the principal purpose of serving as access to abutting properties.

Street, Private. Private street means a street privately owned and maintained (e.g., by a home owners association) and approved by the city council for street purposes, which has not been dedicated or accepted as a public street and which connects parcels or lots with a public street.

Street, Public. Public street means any street which is dedicated or proposed to be dedicated for public use and is maintained or proposed to be maintained by the city or the county or the state.

Street, Stub. Stub street means a street that terminates at the boundary line of a subdivision but is intended and designed to be extended at a later date to provide access to abutting parcels or lots.

Subdivider. Subdivider means a person, firm, corporation, partnership, or association, as defined in §66423 of the Subdivision Map Act, who proposes to divide, divides, or causes to be divided real property into a subdivision for himself and/or for others.

Subdivision. Subdivision means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, as defined in §66424 of the Subdivision Map Act.

Subdivision Map Act. Subdivision Map Act refers to the Subdivision Map Act of the state of California, Government Code §66410 et seq., inclusive, as that act currently provides or is subsequently amended.

T. "T" Definitions

Temporary Turnaround. Temporary turnaround means a paved area for turning vehicles at the end of a dead-end street, which is constructed either within the dedicated right-of-way or upon a temporary easement and which is intended to be replaced or removed after a period of time.

Tentative Map. Tentative map is a map made for the purpose of showing the design improvements of the proposed subdivision and the existing conditions in or around it. See article 8-7F (tentative maps) of this chapter.

Two-Family Dwelling Unit. Two-family dwelling unit means a detached building designed exclusively for occupancy by two families living independently of each other, but under one roof. See "dwelling, two-family" as defined in title 9 (zoning).

U. "U" Definitions

Reserved for future use.

V. "V" Definitions

Vehicular Access Rights. Vehicular access rights means the right of vehicular access of owners or occupants of abutting lands to a public way.

Vesting Tentative Map. Vesting tentative map means a tentative map which shall have printed conspicuously on its face the words "vesting tentative map" at the time it is filed, in accordance with article 8-7H (vesting tentative maps) of this chapter. Consistent with §§66498.1(b) and 66474.2(a) of the Subdivision Map Act, approval of a vesting tentative map confers a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map application is complete.

W. "W" Definitions

Water Supply. Water supply means such water supply and distribution facilities as are necessary to provide a reliable and adequate water supply for appropriate residential, commercial, and industrial use and for public and private fire protection purposes.

X. "X" Definitions

Reserved for future use.

Y. "Y" Definitions

Reserved for future use.

Z. "Z" Definitions

Zoning Code. Zoning code means the zoning code of the city of Lemoore, title 9 of the municipal code, and revisions thereto.

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Chapter 7: Land Division
Article C: Division of Land – Required Maps

Sections:

8-7C-1 Purpose
8-7C-2 Required Maps

Draft Zoning Code Changes:

- *This article consolidates the triggers for tentative maps, final maps, and parcel maps.*
- *Exemptions have been updated consistent with the Subdivision Map Act.*

8-7C-1 Purpose

The purpose of this article is to establish the types of maps that are required for the division of land in the city.

8-7C-2 Required Maps

A. General Requirements

Generally, the division of land creating five (5) or more parcels requires the preparation and approval of a tentative map (referred to as a tentative subdivision map) and the subsequent preparation, approval, and recordation of a final map as described in this chapter. Those specific types of land division requiring a tentative subdivision map and final map are described below in section B.

When the division of land does not require the preparation of a tentative subdivision map and a subsequent final map, a parcel map shall instead be required (e.g., the creation of four (4) or fewer parcels). The process for preparation, approval, and recordation of parcel map shall be as described in this chapter. In certain circumstances, as provided in section C below, a tentative parcel map shall be prepared and approved prior to the parcel map. Additionally, and separate from the tentative parcel map process and as provided under §66428(b) of the Subdivision Map Act, the requirement for a parcel map may be waived by the city pursuant to the provisions of section 8-7G-12 (waiver of parcel map).

Lastly, there are, as provided in the Subdivision Map Act, a class of subdivisions that are exempt entirely from the requirements of a tentative map, final map, or parcel map. Those classes of subdivisions are described in section D below.

B. Divisions of Land Requiring a Tentative Subdivision Map and Final Map and Exemptions Thereto

As provided in §66426 of the Subdivision Map Act, a tentative subdivision map and a final map shall be required for all divisions of land where the land will be divided into five (5) or more parcels, five (5) or more condominiums, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units except where:

1. The land before division contains less than five (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 legislative body; or
2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or
3. 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 governing body as to street alignments and widths; or
4. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than one-quarter of a one-quarter section; or
5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to §66418.2 of the Subdivision Map Act.

C. Divisions of Land Requiring a Parcel Map and Those Specific Divisions Also Requiring a Tentative Parcel Map

The division of land in a manner that does not require a tentative subdivision map and final map as provided in section B above shall require the preparation of a parcel map. This specifically includes the division of land into four or fewer parcels and those divisions of land described in subsections B-1 through B-5 above. Generally, only a parcel map shall be required and the preparation of a tentative parcel map shall be prepared at the option of the subdivider (§66428(c) of the Subdivision Map Act); however, if the proposed division of land meets any of the following qualifications, a tentative parcel map shall also be prepared and approved prior to the preparation, approval, and recordation of the parcel map:

1. The proposed subdivision is greater than twenty (20) acres.
2. The proposed subdivision involves the relocation or abandonment of existing easements or rights-of-way held by the city or another public agency.

D. Projects Exempt from Map Requirements

As provided by state law, the following divisions of land are specifically exempt from the requirements of a tentative map, final map, or parcel map:

1. Lot line adjustments between four or fewer existing adjoining parcels and where a greater number of parcels than originally existed is not being created. The lot line adjustment shall be reflected in a recorded deed. No record of survey shall be required unless otherwise required by §8762 of the Business and Professional Code. The procedure for a lot line adjustment shall be as provided in article 8-7D (lot line adjustments).
2. Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by §230 of the state Public Utilities Code, which are created by short-term leases terminable by either party on not more than thirty (30) days notice in writing.
3. 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 department in individual cases, upon substantial evidence, that public policy necessitates a parcel map.

4. Any other actions specifically excluded from §66412, et seq. of the Subdivision Map Act.

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Chapter 7: Land Division
Article D: Lot Line Adjustments

Sections:

8-7D-1 Purpose
8-7D-2 General Provisions
8-7D-3 Process for Reviewing Lot Line Adjustments
8-7D-4 Appeals
8-7D-5 Recording

Draft Zoning Code Changes:

- *This article has been updated consistent with state law.*

8-7D-1 Purpose

The purpose of this article is to establish the procedures for application, processing, and deciding applications for lot line adjustments between four or fewer existing adjoining parcels and where a greater number of parcels than originally existed is not being created.

8-7D-2 General Provisions

The designated approving authority for lot line adjustments shall be the planning director. The procedure provided by this article is an alternative to the procedures provided by articles 8-7F (tentative maps) and 8-7G (final maps and parcel maps) of this chapter. Nothing stated herein shall be construed to prevent an applicant from filing a tentative map, a final map, or a parcel map for any lot line adjustment.

8-7D-3 Process for Reviewing Lot Line Adjustments

A. Application

An application for a lot line adjustment may be made by owner(s) of all affected parcels or individuals authorized by the owner(s) to make an application. Such application shall be filed with the planning department and shall include the following information, materials, and documents to the satisfaction of the planning director:

1. A completed application form, of which the blank form shall be provided by the planning department.
2. A filing fee as established by resolution of the city council.
3. A preliminary title report.
4. Three (3) copies of a map, legibly drawn on sheets eighteen inches by twenty-four inches (18" x 24"), that includes all of the following information:
    a. The name and address of owner(s) of record of the affected real property;

b. The name and address of the applicant, if other than the owner;

c. The entire existing boundary line of all affected parcels as they currently exist on assessor parcel maps;

d. The proposed boundary lines with dimensions and curve radii of the proposed parcels;

e. Each parcel identified with a letter or number and area of each parcel;

f. Identification, location, and dimensions of all existing and proposed improvements;

g. The names, widths, and locations of the existing and proposed public and private streets;

h. The location, width, purpose, and owners of existing and proposed easements or rights-of-way;

i. The date of application, the north arrow, scale of drawing, and assessor's parcel number(s) of the area to be adjusted;

j. The location and width of watercourses and areas potentially subject to flooding, and methods of floodwater drainage control;

k. The location of structures, irrigation ditches, and railroad rights-of-way, if any;

l. The location and width of proposed building setbacks;

m. Location map showing the land to be adjusted and its vicinity, drawn to an appropriate scale (may be shown on a separate sheet measuring eight and one-half inches by eleven inches (8½" x 11"));

n. The legal descriptions of the original and the proposed parcels;

o. The existing use and zone designation of the property;

p. The method of sewage disposal, storm drainage, and source of water; and

q. The approximate location and general description of any trees and shrubs, and their drip lines if known, with notations as to their retention or destruction; and any vernal pools or wetlands located on the property to be adjusted. The general description of trees and shrubs should include an indication as to their size (diameter) and type, if known.

5. One reduced copy of the map measuring eight and one-half inches by eleven inches (8½" x 11").

6. One reduced copy of the map measuring e eleven inches by seventeen inches (11" x 17").

B. Application Review

Applications for lot line adjustments shall be reviewed as provided in subsections 8-7B-4-B (determination of completeness) and 8-7B-4-C (application review and report).

C. Timely Processing

Applications for lot line adjustments shall be processed by the applicant in a timely manner. If the applicant fails to process the application to completion within one (1) year from the date the application was first submitted, due to the applicant's failure to respond to requests for additional information, to pay processing fees, or for any other reason, and upon written notice of the planning director, the application shall be deemed withdrawn. Thereafter, a new application, including the filing fee, will be needed to process the lot line adjustment.

D. Decision by the Approving Authority

A decision on the application for lot line adjustment shall be made by the designated approving authority after review and recommendation by the public works director and city engineer. The application shall be decided within the time limits described in this chapter and the Subdivision Map Act.

E. Conditions of Approval

In deciding applications for lot line adjustments, the designated approving authority may impose conditions on the approval of the application. In accordance with the §66412(d) of the Subdivision Map Act, the conditions imposed shall be limited to:

1. Ensuring conformity to the city's general plan, any applicable specific plan, the zoning code, the city adopted building code;
2. Requiring the prepayment of real property taxes; and
3. The relocation of existing utilities, infrastructure, or easements.

F. Findings

The designated approving authority shall approve a lot line adjustment sought pursuant to this article if the designated approving authority finds:

1. That the lot line adjustment will not result in the abandonment of any street or utility easement of record, and that, if the lot line adjustment will result in the transfer of property from one owner to another owner, the deed to the subsequent owner expressly reserves any street or utility easement of record;
2. That the lot line adjustment will not result in the elimination or reduction in size of the access way to any resulting parcel, or that the application is accompanied by new easements to provide access which meet all the city requirements regarding access to parcels in the location and of the size as those proposed to be created; and
3. That the resulting parcels conform to the requirements of the city's general plan, any applicable specific plan, the city's adopted building code, and the city's zoning code.

8-7D-4 Appeals

The applicant or any interested person adversely affected by any action of the designated approving authority on a lot line adjustment may, within ten (10) days after the decision, appeal the decision consistent with subsection 8-7B-4-E (appeals).

8-7D-5 Recording

Pursuant to §66412(d) of the Subdivision Map Act, the lot line adjustment shall be reflected in a deed. The deed shall be in a form satisfactory to the county recorder. It shall be submitted to the planning department for a determination that the final deed complies with the approved lot line adjustment. The approved final deed shall thereafter be forwarded by the planning department to the county recorder's office for recording. The applicant shall pay the recording fee.

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Chapter 7: Land Division
Article E: Merger of Parcels

Sections:

8-7E-1 Purpose
8-7E-2 Merger of Parcels Authorized
8-7E-3 Process for Reviewing Mergers
8-7E-4 Appeals

Draft Zoning Code Changes:

- *This new article describes the process for merging parcels. It has been prepared consistent with state law.*

8-7E-1 Purpose

The purpose of this article is to provide a simplified procedure to allow for the removal of previously approved parcel lines and the merger of contiguous parcels under common ownership at the request of the property owner, pursuant to §66499.20¾ of the Subdivision Map Act. The procedure provided by this article is an alternative to the procedures provided by articles 8-7F (tentative maps) and 8-7G (final maps and parcel maps) of this chapter. Nothing stated herein shall be construed to prevent an applicant from filing a tentative map and a final map or parcel map for any merger.

8-7E-2 Merger of Parcels Authorized

Pursuant to §66499.20¾ of the Subdivision Map Act, the planning commission is authorized to approve the merger requested by the property owner of contiguous parcels under common ownership without reversion to acreage, upon making the findings and utilizing the procedures set forth in this chapter. The city clerk shall cause an instrument to be recorded as evidence of a merger approved under this article.

8-7E-3 Process for Reviewing Mergers

A. Application

An application for a merger pursuant to this article may be made by owners of all affected parcels or individuals authorized by the owner(s) to make an application. Such application shall be filed with the planning department and shall include the following information, materials, and documents to the satisfaction of the planning director:

1. A completed application form, of which the blank form shall be provided by the planning department.
2. A filing fee as established by resolution of the city council.
3. Three (3) copies of a map, legibly drawn on sheets eighteen inches by twenty-four inches (18" x 24"), that includes all of the following information:
    a. The name and address of owner(s) of record of the affected real property;

b. The name and address of the applicant, if other than the owner;

c. The entire existing boundary line of all affected parcels as they currently exist on assessor parcel maps;

d. The proposed boundary lines with dimensions and curve radii of the proposed parcels;

e. Each parcel identified with a letter or number and area of each parcel;

f. Identification, location, and dimensions of all existing and proposed improvements;

g. The names, widths, and locations of the existing and proposed public and private streets;

h. The location, width, purpose, and owners of existing and proposed easements or rights-of-way;

i. The date of application, the north arrow, scale of drawing, and assessor's parcel number(s) of the area to be merged;

j. The location and width of watercourses and areas potentially subject to flooding, and methods of floodwater drainage control;

k. The location of structures, irrigation ditches, and railroad rights-of-way, if any;

l. The location and width of proposed building setbacks;

m. Location map showing the land to be merged and its vicinity, drawn to an appropriate scale (may be shown on a separate sheet measuring eight and one-half inches by eleven inches (8½" x 11"));

n. The legal descriptions of the original and the proposed parcels;

o. The existing use and zone designation of the property;

p. The method of sewage disposal, storm drainage, and source of water; and

q. The approximate location and general description of any trees and shrubs, and their drip lines if known, with notations as to their retention or destruction; and any vernal pools or wetlands located on the property to be merged. The general description of trees and shrubs should include an indication as to their size (diameter) and type, if known.

4. One reduced copy of the map measuring eight and one-half inches by eleven inches (8 ½" x 11").

5. One reduced copy of the map measuring e eleven inches by seventeen inches (11" x 17").

B. Procedures

The procedures for reviewing and deciding mergers of contiguous parcels under common ownership shall be the same as for lot line adjustments.

C. Findings

The designated approving authority shall not approve any merger of parcels pursuant to this article unless it makes all of the following findings:

1. That all required street, access, and utility easements are in place; and

2. That the resulting parcel conforms to the requirements of this chapter, the city's general plan, any applicable specific plan, the city's zoning code, and the city's building code.

8-7E-4 Appeals

The applicant or any interested person adversely affected by any action of the designated approving authority on a merger may, within ten (10) days after the decision, appeal the decision consistent with subsection 8-7B-4-E (appeals).

8-7E-5 Recording

The merger of contiguous parcels under common ownership shall be recorded in a form satisfactory to the county recorder. It shall be submitted to the planning department for a determination that the final documentation complies with the approved merger. The approved final documentation shall thereafter be forwarded by the planning department to the county recorder's office for recording. The applicant shall pay the recording fee.

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Chapter 7: Land Division
Article F: Tentative Maps

Sections:

8-7F-1 Purpose
8-7F-2 Tentative Map Required
8-7F-3 Preliminary Design Evaluation
8-7F-4 Tentative Map Application
8-7F-5 Tentative Map Process and Procedures
8-7F-6 Withdrawal of Tentative Map
8-7F-7 Resubmittal of Application
8-7F-8 Tentative Map Revision or Amendment
8-7F-9 Expiration of Tentative Map Approval
8-7F-10 Time Extension

Draft Zoning Code Changes:

- *This article combines the requirements and processing for tentative maps when required by this chapter.*
- *The discussion of life of tentative maps has been expanded based upon allowances in state law.*

8-7F-1 Purpose

The purpose of this article is to establish the city's regulations, standards, and procedures for consideration of tentative subdivision map and tentative parcel map application.

8-7F-2 Tentative Map Required

For every subdivision for which a tentative map is required pursuant to article 8-7C (division of land – required maps) of this chapter (e.g., tentative subdivision map, tentative parcel map), the subdivider shall file with the city a tentative map prepared in accordance with the provisions of this article.

8-7F-3 Preliminary Design Evaluation

Prior to submitting a tentative map application, the subdivider may schedule a pre-application meeting with the planning director, or his or her designated representative, to discuss the proposed subdivision. At the pre-application meeting, the subdivider shall have an opportunity to discuss physical conditions, facts, and policies affecting the proposed subdivision. The subdivider may also present for review a preliminary map showing approximate lot lines, proposed street alignments, or other features of the proposed subdivision. The planning director or representative shall inform the subdivider of the city's policies, general plan, zoning, fees, and infrastructure and development standards that may pertain to the proposed subdivision and may make recommendations concerning modifying improvements and/or design of the proposed division of land.

8-7F-4 Tentative Map Application

A. Application Components

A subdivider seeking approval of a tentative map for a subdivision shall file an application for tentative map approval consistent with the requirements of this chapter. The application shall consist of the following components:

1. A completed application form, of which the blank form shall be provided by the planning department.
2. Twenty (20) copies of the tentative map, consistent with the requirements of subsections B, C, and D below;
3. One (1) reduced copy of the tentative map measuring eight and one-half inches by eleven inches (8½" x 11").
4. One reduced copy of the map measuring eleven inches by seventeen inches (11" x 17").
5. A filing fee as established by resolution of the city council.
6. A preliminary title report, showing the legal owners at the time of the filing of the tentative map and prepared not more than ninety (90) days prior to the submittal of the application.
7. The following drawings, statements, and other data, and as many additional copies thereof as may be required, shall be filed on or with the tentative map:
    a. A vicinity or key map of appropriate scale and covering sufficient adjoining territory so as to clearly indicate nearby street patterns, major access streets, property lines, other adjacent properties in the subdivider's ownership, and other significant features which will have a bearing upon the proposed subdivision and its location and relationship to surrounding areas.
    b. A statement of existing and proposed zoning and existing and proposed uses of the property with the approximate areas of the proposed uses by type and the total area of the subdivision.
    c. A soils report and map. Three (3) copies of a preliminary soils report, prepared by a civil engineer registered in the state and based on adequate test borings or excavations. At least three (3) test borings shall be done for subdivisions of up to three (3) acres, and thereafter at least one test boring shall be done for each additional three (3) acres or fraction thereof. If the preliminary soils report indicates the presence of critically expansive soils, or other soil problems which, if not corrected, could lead to structural defects, the soils report accompanying the final subdivision map shall contain an investigation of each lot within the subdivision. If the preliminary soils report indicates the presence of rocks or liquids containing deleterious chemicals which, if not corrected, could cause construction materials to corrode or deteriorate, a soils investigation of each potentially affected lot in the subdivision may be required. The city engineer may require additional information or reject the report if he determines it to be incomplete, inaccurate or unsatisfactory. Percolation test(s) shall be conducted for each lot on which a private sewer system is proposed. A soils map showing lots and location of test bores and percolation tests shall be submitted with the soils report. The soils report shall include recommendation by the civil engineer on any corrective action(s) likely to

prevent structural damage to each structure proposed to be constructed in the area where soil problem exists.

d. A preliminary grading plan. Submission of the preliminary grading plan may be waived by the city engineer when he or she determines that the submission of said plan is not required for proper grading, flood hazard mitigation, and erosion control of the proposed subdivision.

e. All other data required as a prerequisite to approval of the tentative map, including plans, reports, fees, or other requirement.

B. Preparation and Form of Tentative Map

1. The tentative map shall be clearly and legibly drawn and shall be drawn to scale by or under the direction of a registered civil engineer or licensed land surveyor. The scale of the map shall be at least one inch equals one hundred feet (1" = 100'). If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each. No single sheet shall exceed seventy-two inches in length and fifty-four inches in width (72" x 54").

2. The city engineer may, in his or her sole discretion, waive the requirements that the tentative map be prepared by a registered civil engineer or licensed land surveyor if the tentative map submitted is clearly and legibly drawn, drawn to scale, and satisfies the requirements of subsections C and D below. The decision to waive or not waive the foregoing requirement shall be final and not subject to appeal.

C. Information on Tentative Map

The tentative map shall contain the following information in addition to such information as is required by the Subdivision Map Act:

1. Proposed subdivision name and county tract number, if any.

2. Names, addresses, and telephone numbers of the record owner(s) and subdivider(s) of the land.

3. Name, address, and telephone number of the person, firm, or organization that prepared the map, and the applicable registration or license number.

4. Date of preparation, north point, and scale of the map. If based on a survey, the date of the survey.

5. Boundaries of the subdivision with sufficient information to locate the property.

6. Name of adjacent subdivisions, if any, and property lines sufficient to show their relationship to the proposed subdivision.

7. Contour lines at intervals of not more than one foot (1') unless waived prior to submission by the city engineer. Topographic information shall be sufficient to fully show the configuration of the land and any and all depressions that present drainage problems, and shall extend beyond the tract boundaries where necessary to show drainage conditions on surrounding property which may affect the subdivision. Topographic survey shall not be waived in areas within the one hundred (100) year flood hazard boundary as shown on the most current Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, along with any approved revisions thereto.

8. The approximate location and general description of any trees and shrubs, and their drip lines if known, with notations as to their retention or destruction; and any vernal pools or wetlands located on the property to be subdivided. The general description of trees and shrubs should include an indication as to their size (diameter) and type, if known.
9. The location of all railroad rights-of-way and grade crossings; approximate locations of all existing wells, abandoned wells, and sumps; and an indication of any physical restrictions or conditions in the subdivision which affects the use of the property.
10. The location of all structures on the site or on adjacent properties; the distances between structures to be retained and existing or proposed street and lot lines; and notations concerning all structures which are to be removed.
11. The location and width of proposed building setbacks.
12. The locations shown by hatched lines of existing utilities in and adjacent to the subdivision; the size and location of sanitary and storm sewers; the size of water mains; and, if sewers and water mains are not in or adjacent to the subdivision, the direction and distance to the nearest sewer and water main with size and invert elevation of sewer and size of main, and the proposed method of providing sewage disposal.
13. The location of all potentially dangerous areas, including geologically hazardous areas and areas subject to inundation or flood hazard; the location, width, and directions of flow of all watercourses and flood control channels within and adjacent to the property involved; and the proposed method of providing stormwater, drainage, and erosion control. In areas subject to one hundred (100) year flood hazard, base flood elevation and floodway boundary shall be indicated.
14. The locations, widths, and names or designations of all existing or proposed streets, alleys, pedestrian ways, and other rights-of-way, whether public or private, within and adjacent to the subdivision; the radius of each center line curve; and any planned line for street widening or for any other public project in and adjacent to the subdivision.
15. The lines and approximate dimensions of all lots, and the number assigned to each lot; the total number of lots; and the approximate area of the average lot,
16. The total area in square footage or acreage to the nearest one-tenth acre of each lot proposed to be utilized for other than single-family or two-family housing.
17. The boundaries of existing and proposed public areas in and adjacent to the subdivision, with the nature of each indicated thereon with the acreage thereof. If land is to be offered for dedication for park or recreation or landscape perimeter purposes it shall be so designated and labeled as outlots (e.g., Outlot A, Outlot B, Outlot C).
18. All street rights-of-way and public easements proposed for abandonment with the final map pursuant to §66499.20½ of the Subdivision Map Act shall be clearly shown, or clearly listed on the map in cases where the specific location of the easement cannot be determined. Such abandonments shall be listed in the public notice required under section 8-7B-4-D (public hearings and public notice) of this chapter and following proper abandonment proceedings under Chapter 3 of Division 9 of the Streets and Highways Code commencing with §8320.
19. If separate final maps are to be filed on portions of the property shown on the tentative map, the subdivider shall provide notice to the city at either (a) the time the tentative map application is filed, or (b) after the filing of the tentative map. The right of the subdivider to file

multiple final maps shall not limit the ability of the city to impose reasonable conditions relating to the filing of multiple final maps.

D. Additional Information to Be Provided for Condominium Conversions

When a tentative map includes a condominium conversion, the application for tentative map shall also include all of the following information:

1. The following information shall be shown on the tentative map, or in a separate document, or one or more separate map sheets:
    a. The entire site with dimensions.
    b. Footprints of all units with dimensions, and a block number and letter identifying each unit.
    c. The right-of-way and roadway width of all public and private streets within or adjacent to the site.
    d. The dimensions of commercial driveways within the site.
    e. All existing and proposed parking spaces, together with dimensions.
    f. Existing and proposed landscaping with names of the trees and plants.
    g. Location and type of existing and proposed outdoor lighting.
    h. Sidewalks within and adjacent to the site together with dimensions.
    i. Location, height, and material of any existing and proposed walls, fences, and hedges.
2. The following documents and information shall be submitted with the tentative map application for a condominium conversion:
    a. A statement of repairs and improvements to be made by the subdivider to refurbish and restore the building and other structures to achieve compliance with applicable codes.
    b. A copy of the declaration of covenants, conditions, and restrictions required by state law, which will apply to all owners of the proposed condominium units.
    c. Square footage and number of rooms in each unit.
    d. Proposed homeowners association dues.
    e. Financing available for prospective buyers.
    f. Evidence that written notification of intent to convert the units into condominiums was sent to and received by each of the existing tenants at least sixty (60) days prior to filing of the tentative map and to each person applying for rental of a unit commencing at a date not less than sixty (60) days prior to the filing of a tentative map, in accordance with §§66452.8 and 66452.9 of the Subdivision Map Act.

8-7F-5 Tentative Map Process and Procedures

A. General Application Review and Processing

The designated approving authority shall approve, conditionally approve, or deny the tentative map within fifty (50) days of the date of certification of the EIR, adoption of a negative declaration, or a determination that the project is exempt from the requirements of CEQA. The planning director shall

thereafter report the decision of the approving authority to the subdivider. Pursuant to §66412.3 of the Subdivision Map Act, in reaching a decision upon the tentative map, the approving authority shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources. Except as provided otherwise by the Subdivision Map Act, failure to act within the above-specified time limits shall not be deemed or considered approval of the tentative map.

B. Approval and Application of Conditions

The tentative map may be approved or conditionally approved by the approving authority if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, any applicable specific plan, and all applicable provisions of this chapter. The approving authority may require that, as a condition of approval, the subdivider pay all required development impact fees at the rate for such fees in effect at the time such fees would normally be levied (e.g., building permit issuance). The approving authority may modify or delete any of the conditions of approval recommended in the planning director's report. The approving authority may add additional requirements as a condition of its approval.

C. Findings for Denial

Except as otherwise required by state or federal law, the approving authority shall deny approval of the tentative map if it makes any of the following findings:

1. That the proposed map, together with the provisions for its design and improvement, is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this code.
2. That the site is not physically suitable for the type of development.
3. That the site is not physically suitable for the proposed density of development.
4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the designated approving authority may approve such a tentative map if any environmental impact report was prepared with respect to the project and a finding was made pursuant to §21081(c) of CEQA that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.
5. That the design of the subdivision or the type of improvements are likely to cause serious public health problems.
6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the designated approving authority may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to the planning commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
7. Subject to §66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with §51200 of the

Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use.

D. Appeal

The decision of the designated approving authority may be appealed as provided in subsection 8-7B-4-E (appeals).

8-7F-6 Withdrawal of Tentative Map

Requests for withdrawal of any application for tentative map shall be submitted to the planning director in writing unless made at a public hearing on the tentative map.

8-7F-7 Resubmittal of Application

No application for a tentative map approval shall be accepted, nor any hearings held thereon, for an application for the same or substantially same tentative map that has been previously denied until a period of one (1) year has elapsed from the date of the final denial of the application by the body having final jurisdiction of the matter.

8-7F-8 Tentative Map Revision or Amendment

A. Revisions or Amendments Generally

Unless deemed by the city engineer to be in substantial compliance with the approved tentative map, any request to revise or amend an approved or conditionally approved tentative map shall be deemed an application for a new tentative map. Such new tentative map shall be processed in conformance with the requirements of this chapter in effect at the time such revised map is filed, including any changes in street standards which have become effective since the original tentative map was filed. The approval or conditional approval of any revised tentative map shall void all prior approved tentative maps.

B. Amendment of Conditions of Approval

A subdivider may apply for a revision or amendment to the conditions of approval for a conditionally approved tentative map, provided there is no proposed change to the layout or design of the subdivision or modifications in the proposed lot sizes. Modification of the conditions on a conditionally approved tentative map shall not extend the time limits imposed by this chapter or the Subdivision Map Act.

8-7F-9 Expiration of Tentative Map Approval

A. Initial Life

Except as provided in section 8-7F-10 (time extension), the approval or conditional approval of a tentative map shall expire twenty-four (24) months after the date of approval by the designated approving authority. This twenty-four (24) month period shall be referred to as the "initial life."

B. Effect of Expiration

Expiration of an approved or conditionally approved tentative map (including any extensions) shall terminate all proceedings, and no final map of all or any portion of real property included within the tentative map shall be filed without first processing a new tentative map application

8-7F-10 Time Extension

The initial life of an approved or conditionally approved tentative map may be extended in any of the following ways, or as otherwise provided by the Subdivision Map Act.

A. Discretionary Extension

Prior to the expiration of an approved or conditionally approved tentative map, the subdivider may file a written application for an extension of the expiration date. The process for submission, review, and consideration of the request for extension shall be as follows:

1. The application shall be filed with the planning director. The application shall include the following information:
    a. A completed application form, of which the blank form shall be provided by the planning department;
    b. Tentative map number and county tract number of the subject subdivision and/or other unique information used to reference the approved tentative map;
    c. Requested period of extension;
    d. Reasons for seeking extension including facts showing why the requirements for recording a final map cannot be completed within the period provided;
    e. A description of all efforts made to date to record the final map and the current status of the project; and
    f. A description of what remains to be done to record the final map and what steps the subdivider proposes to complete the required subdivision improvements.
2. Upon receipt of this application, the approval of the tentative map shall automatically be extended for sixty (60) days or until the application for the extension is approved or denied, whichever occurs first.
3. The designated approving authority for requests for extension of a tentative map shall be the planning commission. In accordance with the Subdivision Map Act and case law, the designated approving authority may not impose additional conditions on the tentative map as part of the approval of a discretionary extension. However, the designated approving authority may add or amend conditions based on any changed circumstances or new city policies with the consent of the applicant.
4. The process for review and processing the request for extension shall be the same as provided in section 8-7F-5 (tentative map process and procedures).
5. The tentative map may be extended for a period or periods not exceeding a total of six (6) years as provided in §66452.6 of the Subdivision Map Act.
6. The designated approving authority shall deny the request for extension if the approving authority makes a finding that the granting of the extension will create a negative impact to the public health, safety, or welfare.
7. If the designated approving authority denies a subdivider's application for an extension, the subdivider may appeal the decision within fifteen (15) days in accordance with the provisions of subsection 8-7B-4-E (appeals).

B. Filing of Multiple (Phased) Final Maps

If multiple final maps are to be filed for the subdivision pursuant to the Subdivision Map Act, and if the subdivider is required to spend more than one hundred seventy eight thousand dollars ($178,000.00) or any greater amount pursuant to §66452.6 of the Subdivision Map Act, to construct, improve, or finance (e.g., payment of impact fees) the construction of public improvements outside the property boundaries

of the tentative map, excluding improvements of public rights-of-way which abut the property to be subdivided and which are reasonably related to the development of the property, each filing of a final map shall extend the expiration of the approved or conditionally approved tentative map by thirty-six (36) months from the date of its expiration, or the date of the previously filed (recorded) final map, whichever is later but in no event more than ten (10) years from such approval or conditional approval.

As provided in §66452.6(a), "public improvement" shall include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities. Examples include, but are not limited to, roadway improvement projects that are conditioned as part of project approval but do not occur within the boundaries or along the perimeter of the project.

C. Development Agreement

In accordance with §66452.6(a)(1) of the Subdivision Map Act, a tentative map on a property subject to a statutory development agreement between the city and the subdivider (or any successor in interest) may extend the life of the tentative map for a period of time as specified in the development agreement, which period shall not exceed the term of the development agreement itself.

D. Development Moratorium

In accordance with §66452.6(b) of the Subdivision Map Act, the initial life of an approved or conditionally approved tentative map shall not include any time during which a development moratorium, imposed after approval or conditional approval of the tentative map, is in effect. However, the length of the moratorium will not exceed five (5) years.

E. Litigation

In accordance with §66452.6(c) of the Subdivision Map Act, upon approval by the city, a pending lawsuit involving the approval or conditional approval of a tentative map shall stay the life of a tentative map for up to five (5) years. The subdivider may submit an application to the city requesting the stay. The procedures for considering and taking action upon the request for the stay shall be as provided in subsection 8-7F-10-A (discretionary extension). The city shall take action on the request to deny the stay within forty (40) days of receipt of the subdivider's application. The city shall not impose conditions upon the approval of a request for stay.

F. Special Legislative Extensions

On occasion, the California legislature has adopted statutory extensions to tentative maps. Examples include, but are not limited to, the following specific references. Any additional extensions that are adopted by the legislature in the future are hereby incorporated into this code by reference. The city shall honor any applicable extension provided by the legislature.

1. Section 66452.21 of the Subdivision Map Act, providing a twelve (12) month extension to all tentative maps that have not expired as of July 15, 2008, and would expire before January 1, 2011.
2. Section 66452.22 of the Subdivision Map Act, providing a twenty-four (24) month extension to all tentative maps that have not expired as of July 15, 2009, and would expire before January 1, 2012.
3. Section 66452.23 of the Subdivision Map Act, providing a twenty-four (24) month extension to all tentative maps that have not expired as of July 13, 2011, and would expire before January 1, 2014.

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Chapter 7: Land Division
Article G: Final Maps and Parcel Maps

Sections:

8-7G-1 Purpose
8-7G-2 Timing
8-7G-3 Preparation and Form of Final Map or Parcel Map
8-7G-4 Certificates and Statements on Final Map or Parcel Map
8-7G-5 Survey of Final Map or Parcel Map
8-7G-6 Filing of Final Map or Parcel Map
8-7G-7 City Engineer's Review
8-7G-8 Planning Director's Review
8-7G-9 Approval of Final Maps or Parcel Maps, Execution of Subdivision Agreements, and Acceptance of Dedications
8-7G-10 Multiple Final Maps or Parcel Maps
8-7G-11 Separate Dedications
8-7G-12 Waiver of Parcel Map

Draft Zoning Code Changes:

- *This article consolidates the provisions for review, approval, and recordation of final maps and parcel maps, along with waiver requirements.*
- *Required certificates and statements have been incorporated into the article.*

8-7G-1 Purpose

The purpose of this article is to establish the process for preparing, reviewing, and approving final maps and parcel maps.

8-7G-2 Timing

Within twenty-four (24) months of the date of approval or conditional approval of the tentative map, or within any further time period for which an extension has been granted or made as a matter of law, the subdivider may cause the proposed subdivision or any part thereof to be surveyed and a final map or parcel map to be prepared and recorded in accordance with the provisions of this article and the Subdivision Map Act.

8-7G-3 Preparation and Form of Final Map or Parcel Map

A. Preparation of Final Map or Parcel Map

The final map or parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor in the manner required by this article and the Subdivision Map Act.

Three (3) draft copies shall be submitted to the city for review by the planning director, public works director, and city engineer for their accuracy prior to calling for final mylar versions for recording.

B. Final Map or Parcel Map Description and Contents

1. Description

    a. The final map or parcel map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on mylar. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

    b. The size of each sheet shall be eighteen inches by twenty-six inches (18" x 26") or four hundred sixty millimeters by six hundred sixty millimeters (460 mm x 660 mm). A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch (1") or twenty-five millimeters (25 mm). The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. Affidavits, certificates, acknowledgements, endorsements, acceptances of dedication, and seals required by law and by this chapter shall appear on the first sheet, and may be combined where appropriate.

2. Information Required

    a. Index and location map

        i. If more than two (2) sheets are used to show the actual layout of the streets and lots, an index shall be used showing the relationship of the sheets.

        ii. A location map shall appear on the map, showing the relative position of the land to be subdivided with the surrounding existing subdivisions with their recorded map reference, including their names and tract numbers. The location map shall show city boundaries crossing or adjoining the subdivision.

        iii. Affidavits, certificates, acknowledgements, endorsements, acceptance of dedication, and seals required by law and by this chapter shall appear on the first sheet.

    b. Subdivision name; exterior boundaries: The subdivision name, if one is used, and the tract number shall conspicuously appear on each sheet of the final map or parcel map. On one of the sheets, there shall be a legal description of the exterior boundaries of the area subdivided. The exterior boundary of the land to be divided shall be indicated by a blue colored border one-eighth of an inch (1/8") in width.

    c. Lots and blocks: Each lot shall be numbered or lettered consecutively beginning with lot number one (1); except, that when the final map or parcel map is an additional phase of an existing subdivision, the lot numbers shall commence with the next number higher than in the preceding phase. The area of each lot shall be shown on the final map or parcel map.

        Blocks, if used, shall be consecutively lettered or numbered. Each block and each parcel shall be shown completely on one sheet.

    d. Public dedications: The final map or parcel map shall show the width, location, and names without abbreviation or other sufficient designation of the following:

i. New streets.

ii. Public areas and easements.

iii. Adjoining streets.

iv. All other existing streets, easements, rights-of-way and other real property interests to be dedicated for public purposes.

e. Technical information:

i. Dimensions of all lot lines, subdivision perimeter, and centerline of streets shall be in feet and decimals thereof to the nearest one-hundredth of a foot (1/100') and bearings to the nearest second. If a course is a curve, the radius, length of curve or bearing and length of chord, and central angle shall be shown. If the ends of a curve are not tangent to the preceding or following courses and the chord along with its bearing and length are not shown, the radial of the end of the curve, with its bearing, shall be shown.

ii. All required information shall be shown in full for all portions of the map. No ditto marks shall be used with respect to any required information.

iii. The width of each street right-of-way shall be shown indicating the widths on each side of the centerline. If additional right-of-way for an existing street is offered for dedication, the original right-of-way and the additional right-of-way width offered for dedication shall be shown along with the total width of the new right-of-way.

f. Record of easements: The final map or parcel map shall show the location, width, and sidelines of all easements to which the lots are subject. Easements for storm drains, sewers, and other purposes shall be denoted by broken lines. Each easement shall be clearly labeled and identified, and if already of record, proper reference to the records shall be given. Easements being offered for dedication shall be so indicated in the statement of dedication.

g. Abandonment of public streets and easements: The final map or parcel map shall adequately delineate any public streets or public easements to be left in effect after the subdivision. The filing of the final map or parcel map shall constitute abandonment of all public streets and public easements not shown on the final map or parcel map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the city clerk. Before a public easement vested in another public entity may be abandoned pursuant to this subsection, the applicant shall notify that public entity of the proposed abandonment. The applicant shall submit with the final map or parcel map written verification that the public entity has received the notice. No public easement vested in another public entity shall be abandoned pursuant to this subsection if that public entity objects to the proposed abandonment. Procedures for abandonment shall follow those procedures established in chapter 3 of division 9 of the Streets and Highways Code, commencing with §8320.

8-7G-4 Certificates and Statements on Final Map or Parcel Map

The title sheet of the final map or parcel map shall contain those certificates required by the Subdivision Map Act. It shall also contain any other certificates and statements as outlined below.

A. Owner's Statement

Subject to §66436 of the Subdivision Map Act, a statement signed by all parties having record title interest in the land subdivided, consenting to the preparation and recordation of the map and dedication to the public of specific parcels or easements as follows:

Owner's Statement

(I/ We) hereby state that (I/ we) are the owners of and have the right, title, and interest in and to the real property included within the subdivision boundary shown upon this map, and (am/ are) the only person(s) whose consent is necessary to pass clear title to said property, and (I/ we) consent to the making and filing of said map of the subdivision shown within the border lines, and hereby irrevocably dedicate to the city of Lemoore free of encumbrance the following:

- (Avenues, Courts, Drives, Roads, Streets) in fee and title for road, public facility, and public utility purposes.
- Parcel(s) (A, B, etc.) in fee and title for (park, landscaping, open space, etc.) .
- Public Utility Easements for the construction, improvement, maintenance, repairs, operation, and replacement of, including but not limited to, water, electrical, gas, telephone, and cable television facilities together with any and all appurtenances pertaining thereto on, over, upon, across, through, and beneath those strips of land designated as "PUE"
- Easements for (sewer, water, recycled water, storm drain, access, etc.).
- An easement for the purpose of constructing, maintaining, and improving public improvements as required by the city.

Owner's Name	Date
Owner's Name	Date

Notes for this certificate:

- The information shown within the parentheses will vary with each map.
- In some circumstances the city may require dedication of easement rather than fee and title.
- Call out all avenues, courts, drives, roads, and streets by name.
- Call out each individual parcel by letter designation along with its use.
- If the property is held in a trust, this statement must be signed by the trustee(s) of the trust. Include the name of the trust and call out the individuals signing the statement as trustees.
- If the property is held by a corporation or LLC, call out the name of the corporation or LLC and the state of incorporation, and include the title(s) of the person(s) authorized to sign the map.
- Requires notary public certificate.

Trustee's Statement

_____, a _____ corporation, Trustee under a Deed of Trust recorded as Document No. _____, Official Records of Kings County, against the land herein shown, consents to the making and filing of this map.

In witness whereof, said corporation has caused its name to be affixed this _____ day of _ _____, 20____.

By: _____ By: _____

Title _____ Title _____

Notes for this certificate:

- Requires notary public certificate.

B. Engineer's or Surveyor's Statement

A statement signed by the engineer or surveyor responsible for preparation of the final map or parcel map, as provided in §66441 of the Subdivision Map Act as follows:

Surveyor's or Engineer's Statement

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of (name of person authorizing map) on _____, 20___. I hereby state that this (final/parcel) map substantially conforms to the approved or conditionally approved tentative map, if any, and monuments shown hereon will be set within one year from the date of filing on this map and that said monuments are or will be sufficient to enable the survey to be retraced.

_____ _____

(Engineer's or Surveyor's Name) Date

(L.S. or R.C.E. No.)

Notes for this certificate:

- The information shown within the parentheses will vary with each map.

C. City Engineer's and City Surveyor's Statements

A statement, signed and sealed by the city engineer and/or city surveyor (as required by §66442 of the Subdivision Map Act) , that the map was examined by him and the subdivision as shown is substantially the same as it appeared on the approved tentative map and, if required, any approved alterations thereof, and that all the provisions of the Subdivision Map Act and any local ordinance applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct, as follows:

City Engineer's and City Surveyor's Statements

I do hereby state that this Subdivision Map, consisting of _____ sheets, this statement being on sheet one thereof, has been examined by me and that the subdivision, as shown upon said map, is substantially the same as said subdivision appeared on the approved or conditionally approved tentative map and any approved amendments thereof. I further state that this final map complies with the provisions of the Subdivision Map Act of the State of California and the Municipal Code of the City of Lemoore and any amendments thereto, applicable at the time of approval of the tentative map.

_____ _____

City Engineer Date

I do hereby state that I have examined this Subdivision Map on behalf of the City of Lemoore, and I am satisfied that this map is technically correct.

_____ _____

City Surveyor Date

D. Tax Collector's Statement

A statement signed by the county tax collector, stating that all due taxes and special assessments collected as taxes have been paid or that a bond or other security assuring the payment of all taxes or special assessments collected as taxes which are liens but are not yet payable, has been filed with the county, as follows:

Tax Collector's Statement

According to the records in the office of the undersigned, there are no liens against this Subdivision, or any part hereof, for unpaid state, county, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments collected as taxes not yet payable. My estimate of taxes and special assessments collected as taxes and not yet payable is $ _____. The land in said subdivision is not subject to a special assessment or bond which may be paid in full, except special assessments for bonds payable in full for which I estimate that the amount required for full payment is $ _____ _____. Security required pursuant to Government Code Sections 66493(a) and 66493(c) is hereby accepted and approved.

_____ _____

Tax Collector Date
County of Kings, State of California

E. Approving Authority's Statement

A statement signed by the secretary or clerk of the designated approving authority, indicating the date of the meeting on which the tentative map was approved and a reference to the resolution approving the tentative map, as follows:

Approving Authority's Statement

I hereby state that I am the (City Clerk/Planning Commission Secretary) of the City of Lemoore, State of California, and that the (City Council / Planning Commission) being the proper body, has approved the tentative map entitled (Insert Map Name) by Resolution Number _____ on _____, 20___.

_____ _____

(City Clerk / Planning Commission Secretary) Date
City of Lemoore, State of California

Notes for this certificate:

- The information shown within the parentheses will vary with each map.

F. City Clerk's Statement

If any real property is offered for dedication for public use on the final map or parcel map or by a separate instrument, a statement signed by the city clerk shall be provided on the final map or parcel map stating that the city council approved the map and accepted, accepted subject to improvement, or rejected on behalf of the public the real property offered for dedication, as follows:

City Clerk's Statement

I hereby state that I am the Clerk of the City Council of the City of Lemoore, State of California, and that the Council being the proper body, has approved this map entitled, (Insert Map Name) by motion on _____, 20___, and did accept, subject to improvement, all offers of dedication as shown on said map, within said subdivision.

_____ _____

City Clerk Date
City of Lemoore, State of California

Notes for this certificate:

- The information shown within the parentheses will vary with each map.

G. Recorder's Certificate

The following certificate shall be located in the upper right corner of the first certificate sheet and shall be completed by the county recorder upon recordation of the final map or parcel map:

Recorder's Certificate

Filed this _____ day of _____, 20 ___, at _____, _____ m. in Book ____ _____ of Maps at Page(s) _____, at the request of the City of Lemoore.

Fee paid: $ _____

_____ _____

County Recorder Deputy
County of Kings, State of California

H. Public Utility Easement Statement

The following statement shall be included on final maps and parcel maps when roads and/or public utility easements are dedicated to the city:

Public Utility Easement Statement

A public utility easement is an easement to construct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, including but not necessarily be limited to the following:

Curb, gutter and sidewalk, installation of transmission and distribution facilities such as electrical, telephone, cable television, gas, water, sewer, recycled water, street lighting, drainage, roadway, landscaping; also uses for pedestrian, equestrian, and non-powered vehicle purposes. Said easement shall also include the right to excavate or fill the easement for the full width and to a reasonable depth thereof.

I. Owners of Interest Statement

If necessary, the following statement shall be included on final maps and parcel maps if the owners will not have an interest that may ripen into a fee title.

Owners of Interest

Signatures of owners of the following easements have been omitted under the provisions of §66436 of the Subdivision Map Act; their interest is such that it cannot ripen into a fee title and such signatures are not required by the governing body:

NAME	RECORDED	NATURE OF EASEMENT
_____	Bk.____ Pg.____	_____
_____	Doc._____	_____

J. Certificate of Dedication

Where a final map or parcel map makes dedications in fee and title, the following certificate shall be included:

Certificate of Dedication

Name and Address of Owner	Description of Property Dedicated
_____	_____
_____	_____
_____	_____

The City of Lemoore shall re-convey the above-described property to the above-named owner, or successor in interest, if the City determines pursuant to §66477.5 of the Subdivision Map Act that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities.

K. Notary Public Certificate

Where certificates or statements required by this section or the Subdivision Map Act require notary public certificate, the following certificate shall be used:

NOTARY PUBLIC CERTIFICATE

STATE OF _____

COUNTY OF _____

On _____ before me, _____, a Notary Public, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the persons, of the entity upon behalf of which the person(s) acted, executed the instruments.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

_____ _____

Notary Public Date

8-7G-5 Survey of Final Map or Parcel Map

A complete and accurate survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor in accordance with the provisions of article 8-7K (surveys and monuments) of this chapter.

8-7G-6 Filing of Final Map or Parcel Map

The subdivider shall cause all certificates and statements to be executed except those to be executed by the city engineer, the city clerk and/or planning commission secretary, and the county recorder, and shall file the following with the planning director:

1. Four (4) copies of the final map or parcel map, each conforming to the requirements of section 8-7G-3 of this article.
2. Closure calculations and other survey information.
3. A current preliminary title report pertaining to the real property proposed to be subdivided. The title report shall be dated not more than ninety (90) days prior to the submittal of the final map or parcel map application.
4. A title guarantee by a qualified title company, for the benefit of the city, certifying that the signatures of all persons whose consent is necessary to pass clear title to the land and all

acknowledgements appear on the proper certificates and are correctly shown on the map and affidavits to dedication.

5. The application review fee as established by resolution of the city council.

8-7G-7 City Engineer's Review

Upon submittal of the final map or parcel map and accompanying documents, offers of dedication, offers of deed, offers of easement, fees, and materials for filing, the city engineer shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications, and provisions made or required by the designated approving authority, and if found to be complete, technically correct, in conformity with improvement plans and specifications, and in compliance with the requirements of these regulations, planned street lines, and other applicable specific plans and ordinance, shall forward the same to the planning director for review and further action.

Should the map or other accompanying documents, fees, or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified. If the defect is the result of a technical and inadvertent error which, in the opinion of the city engineer, does not materially affect the validity of the map, the city engineer may waive the defect and forward to the city council.

The city engineer may recommend against approval of the recording a portion of a final map or parcel map when, in the process of checking the final map or parcel map, he determines that said portion does not by itself provide adequate or satisfactory access, design, or improvements and therefore does not conform to the design and improvement of the subdivision as indicated by the approved tentative map, if applicable.

8-7G-8 Planning Director's Review

The planning director shall review the final map or parcel map to determine its compliance with the approved tentative map and the conditions of approval imposed by the designated approving authority. If the director determines that the final map or parcel map is in compliance with the approved tentative map, that all conditions of approval have been met or performed, and that the final map or parcel map has been recommended for approval by the city engineer, the director shall present it to the council with his or her recommendation. If a subdivision improvement agreement is proposed, it shall be presented to the council in the same meeting as the final map or parcel map.

8-7G-9 Approval of Final Map or Parcel Maps, Execution of Subdivision Agreements, and Acceptance of Dedications

A. Generally

The city engineer shall execute the city engineer's certificate on the final map or parcel map before forwarding to the city council for their acceptance.

The city council shall consider the final map or parcel map and any associated offers of dedication, deed, and easement at the meeting at which it receives the final map or parcel map or at its next regular meeting after the meeting at which it receives the final map or parcel map. The city council shall review the final map or parcel map and approve it if it conforms to the approved or conditionally approved tentative map and if all requirements and conditions imposed on the subdivision pursuant to this chapter or the Subdivision Map Act have been met or performed. If the final map or parcel map does

not conform, the city council shall disapprove the map. The city council shall also accept, accept subject to improvement, or reject any or all offers of dedication in conformance with the approvals for the tentative map and the provisions of this chapter and the Subdivision Map Act.

If improvements required under the terms of this chapter or as a condition of approval have not been completed, the city council shall provide for such improvements by approving a subdivision improvement agreement. No final map or parcel map shall be certified until the required improvements have been installed or agreed to be installed in accordance with article 8-7M (improvements) of this chapter and appropriate surety has been provided to the satisfaction of the city. The city manager is authorized to execute subdivision improvement agreements, as permitted by §66462(d) of the Subdivision Map Act, in accordance with the city's standard subdivision agreement.

No public hearing shall be required and no public notice shall be required for review, consideration, and action by the city council on a final map or parcel map, offers of dedication, deed, and easement, or improvement agreement.

As permitted by §66458(d) of the Subdivision Map Act, the city may accept, accept subject to improvement, or reject dedications and offers of dedications that are made by a statement on the map.

B. Determinations for Condominium Conversions

No final map or final parcel map for a condominium conversion shall be approved unless all the following determinations are made:

1. Each existing tenant has received notification of intent to convert, pursuant to subsection 8-7F-4-D of this article and §66452.9 of the Subdivision Map Act, at least sixty (60) days prior to the filing of the tentative map or tentative parcel map.
2. Each existing tenant and each person applying for rental of a unit in the project has, or will have, received all applicable notices and rights required by chapter 2 or 3 of the Subdivision Map Act.
3. Each tenant has, or will have, received ten (10) days written notice that an application for a public report will be, or has been, submitted to the California Department of Real Estate and that such report will be available on request.
4. Each tenant of the proposed condominium conversion has been, or will be, given written notification within ten (10) days of approval of a final map.
5. Each tenant has been, or will be, given at least one hundred eighty (180) days written notice of intention to convert before tenancy is terminated due to the conversion or proposed conversion.
6. Each tenant has been, or will be, given notice of an exclusive right, pursuant to subdivision 66427.1(d) of the Subdivision Map Act, to contract for the purchase of such tenant's unit on the same terms and conditions that the unit will be initially offered to the general public or terms more favorable to the tenant.

8-7G-10 Multiple Final Maps or Parcel Maps

Multiple final maps or parcel maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if: (a) the subdivider, at the time the tentative map is filed, informs the planning director of the subdivider's intention to file multiple final map or parcel maps on such tentative map, or (b) after filing of the tentative map, the city and the subdivider concur in

the filing of multiple final map or parcel maps. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps or parcel maps.

The filing of a final map or parcel map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. Each final map or parcel map which constitutes a part, or unit, of the approved or conditionally approved tentative map shall have a separate subdivision phase number. Unless specific timing thresholds are set forth in the conditions of approval, the city engineer and planning director shall determine the improvements required and conditions that must be satisfied in conjunction with a given final map or parcel map phase to ensure a logical and orderly development of the whole subdivision, the subdivision improvement agreement executed by the subdivider for that map phase shall provide for the design and construction of all such required improvements.

8-7G-11 Separate Dedications

When completed outside of a dedication on a map, dedications may be required to be made by separate instrument with fees paid to cover the cost of processing. After receiving the instrument of dedication and accompanying title report, the city engineer shall approve or disapprove the instrument of dedication as to its suitability for recordation, specifically including a cover sheet, legal description, and map in eight and one-half inch by eleven inch (8½" x 11") format. After approving an offer to dedicate, the city engineer shall notify the planning director to request original signed and notarized document(s) with applicant's engineer original seal.

Offer of dedication shall be brought to the city council for consideration of acceptance or acknowledgment for later acceptance.

8-7G-12 Waiver of Parcel Map

Where a parcel map is required by the Subdivision Map Act or this chapter, but the subdivider seeks to waive this requirement, the following procedures shall apply.

A. Waiver of Parcel Maps Generally

The planning director shall be the designated approving authority for the waiver of the requirements for the recordation of a parcel map. Such a waiver may be provided in any case when the land being divided consists of a lot or parcels shown on a recorded parcel map or final subdivision map and the full street improvements have been constructed or monumentation is evident, or where each of the lots has a gross acreage of forty (40) acres or more or each of which is a quarter-quarter section or larger. The designated approving authority may grant the waiver and will issue a certificate of compliance if:

1. The subdivider files an application with the planning director, including any fees required, verifying the existence of monumentation in the installation of street improvements;
2. The application contains a legal description for each of the lots to be created; and
3. The designated approving authority finds that the proposed division of land complies with requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this title.

B. Waiver of Parcel Maps for Condominiums

1. The planning director may waive the requirements for a parcel map imposed by the Subdivision Map Act for the construction of a condominium project on a single lawful parcel. .

2. The procedure for determining whether such a waiver for a condominium is appropriate shall be initiated by an application for waiver filed with the planning director.
3. The application shall contain a legal description for the single lawful parcel and a description of the proposed condominium project.
4. The designated approving authority shall make a determination on the waiver request after review and recommendation by the public works director and city engineer.
5. If an application for waiver on a residential condominium project is filed contemporaneously with an application to adopt or amend a specific plan, then the application for waiver shall be first considered by the planning commission at a public hearing. After this hearing, the planning commission shall provide a written recommendation to the city council which shall make the final determination on the application.
6. No applications for a waiver of the requirement for a tentative or parcel map for the construction of a condominium project on a single lawful parcel shall be granted unless it is found that the proposed division of land complies with the requirements of the Subdivision Map Act and the city's municipal code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act and the city's municipal code.

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Chapter 7: Land Division
Article H: Vesting Tentative Maps

Sections:

8-7H-1 Purpose
8-7H-2 Right to File a Vesting Tentative Map
8-7H-3 Application for Vesting Tentative Maps
8-7H-4 Processing and Approving Authority
8-7H-5 Development Rights Upon Approval
8-7H-6 Filing and Processing of Final Vesting Maps
8-7H-7 Administration of Vested Rights

Draft Zoning Code Changes:

- *This article has been updated consistent with state law.*

8-7H-1 Purpose

The purpose of this article is to establish the procedures for the submission, review, and action by the city of vesting tentative maps. These provisions supplement the standard of the Subdivision Map Act. The intent of vesting tentative maps is to provide a greater protection earlier in the development process by "locking in place" the ordinances, policies, and standards of the city at the time the application is deemed complete.

8-7H-2 Right to File a Vesting Tentative Map

Whenever a provision of the Subdivision Map Act or this chapter requires the filing of a tentative map (e.g., a tentative subdivision map, tentative parcel map), a vesting tentative map may instead be filed. Such vesting tentative map shall be in accordance with the provisions of this article. If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

8-7H-3 Application for Vesting Tentative Map

This section describes the required content and process for filing a vesting tentative map.

A. Form and Content Consistent with Tentative Map Requirement

A vesting tentative map shall be filed in the same form and have the same content as required by this chapter for tentative maps. The application shall be filed in the same manner as tentative maps.

B. Titled Vesting Tentative Map

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

C. Additional Submittal Requirements

At the time a vesting tentative subdivision map is filed, the subdivider shall also supply the following information to the city:

1. Plans and studies for all public works improvements to be constructed as a condition of the subdivision, prepared by a registered civil engineer in accordance with city standards and approved by the city engineer, including, but not limited to, sewer, water, storm drainage, dry utilities (e.g., electrical, gas, and roads);
2. Plans for all site development, including, but not limited to, grading, drainage facilities, and miscellaneous structures, prepared by a registered civil engineer in accordance with city standards and approved by the city engineer;
3. Geological studies in such form as acceptable to the city engineer and the building official, which shall include detailed soils reports, seismic analysis, bank stabilization, and other factors pertinent to the particular site location;
4. Specific information on the uses to which the proposed buildings will be put;
5. The height, size, and location of all buildings, building setbacks, number of stories, and driveway locations;
6. Architectural plans satisfactory for review by the planning director, including site plans, floor plans, exterior elevations, and other information necessary for building permit plan checks;
7. Landscape plans, including planting and irrigation details, and drawings and specifications as prepared by a licensed landscape architect or contractor satisfactory for review by the planning director;
8. Traffic reports and analysis, in a form approved by the city engineer, if required;
9. Acoustical report, prepared by a licensed engineer in a form acceptable to the planning director, if in an area anticipated to be greater than sixty five decibels (65dB) CNEL;
10. Flood control information and statements showing compliance with flood hazard regulations; and
11. Such other exhibits, studies, and information that fully depict features of the development which the developer desires review for the purpose of approval concurrently with the vesting tentative map.

The planning director or city engineer may request, and the applicant shall promptly furnish, information as may reasonably be necessary to enable the city to evaluate the vesting effect that would follow from approval of the map.

D. Other Land Use Permits

If other discretionary land use approvals are required in connection with development under the vesting tentative map, the subdivider shall obtain such approval prior to, or process them concurrently with, the filing of the vesting tentative map. For purposes of this section, "discretionary land use approvals" shall include, but not be limited to, plan amendments, zone district amendments, conditional use permits, and variances.

8-7H-4 Processing and Approving Authority

The processing of a vesting tentative map shall be the same as provided in this chapter for tentative maps. The designated approving authority for vesting tentative maps shall be the planning commission. Review and action on a vesting tentative map shall be limited to those ordinances, policies, and standards in effect at the date the city has determined the application to be complete.

8-7H-5 Development Rights Upon Approval

A. Generally

The approval of a vesting tentative map by the city shall confer a vested right to apply for permits needed to proceed with development and have the city exercise its discretion to approve, disapprove, or approve such permits with conditions, on the basis of ordinances, policies, and standards in effect at the time the application was determined to be complete pursuant to §65943 of the Subdivision Map Act.

B. Disclaimers

1. This article does not enlarge, diminish, or alter the power of the city to deny approval of the requested project or any part thereof, or to impose conditions on the approval of a project.
2. Nothing in this article removes, diminishes, or affects the obligation of any subdivider or local agency to comply with the conditions and requirements of any state or federal laws, regulations, or policies.
3. In the event that §66474.2 of the Subdivision Map Act is repealed, any subsequent approvals of vested maps shall confer a vested right to proceed with development in substantial compliance with ordinances, policies, and standards in effect at the time the vesting map is approved or conditionally approved, rather than at the time the application was determined to be complete.
4. Notwithstanding this article, the city may condition or deny a permit, extension, or entitlement, including, but not limited to, final maps and building permits, if it determines 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.

8-7H-6 Filing and Processing of Final Vesting Maps

A final vesting map shall be filed and processed in the same manner, form, and content, and shall be subject to the same fees prescribed for final maps and parcel maps as required by this chapter. The "initial life" for vesting tentative maps shall be the same as for tentative maps as provided in this chapter, and the life of a vesting tentative map may be extended as provided by this chapter.

8-7H-7 Administration of Vested Rights

A. Concurrent Approvals

Approval of a vesting tentative map applies only to actions considered and approved by the designated approving authority. If the vesting tentative map was approved with conditions, the approval is subject to those conditions. If related applications for discretionary permits were approved in conjunction with the vesting tentative map, the approvals are subject to applicable ordinances, policies, and standards granting those entitlements, including any conditions thereof.

B. Initial Life of Vested Rights

The rights conferred by a vesting tentative map as provided by this article shall last for an initial period of one (1) year after recording of the final map. This period may be extended as provided below.

C. Extension of Vested Rights through Recording of a Final Map

Where several final maps or final parcel maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map or final parcel map for that phase is recorded. When several final maps are recorded on various phases of a project covered by a single vesting tentative map, the initial vesting period shall begin for each phase on the date the final map for that phase is recorded.

D. Extension of Vested Rights through Period for Subsequent Approvals

The initial time period shall be automatically extended by any time used by the local agency for processing a complete application for a grading permit or for design or architectural review, if the time used by the local agency to process the application exceeds 30 days from the date that a complete application is filed.

E. Extension of Vested Rights by Moratorium or Stay

Vesting rights shall automatically be extended by any time during which a development moratorium or stay is imposed on the project is in effect.

F. Automatic Extension of Vested Rights

Vesting rights shall automatically be extended by any time used by a city department for processing a complete application for a grading permit or for design or architectural review, if the time used by the city exceeds thirty (30) days from the date a complete application is filed.

G. Extension of Vested Rights through Building Permit

If the subdivider submits a complete application for a building permit during the periods of time specified above, the rights conferred by this article shall continue until the expiration of that permit, or any extension of that permit granted by the city.

H. Termination of Vested Rights

Vested rights that have been conferred shall end on the occurrence of the following, whichever comes first:

1. A final map is not recorded within the initial life of the vesting tentative map unless a longer period is provided by state law or an extension is granted as provided by this chapter.
2. If a final map is recorded, the vesting rights shall end one (1) year after the date of final map recordation as provided in section B above.
3. The expiration of a building permit, including extension, issued pursuant to a vesting tentative map, and issued during the time vesting rights are valid.

Chapter 7: Land Division
Article I: Reversions

Sections:

8-7I-1 Purpose
8-7I-2 Initiation of Reversion Proceedings
8-7I-3 Review of Petition
8-7I-4 Findings of Reversion
8-7I-5 Conditions for Reversion
8-7I-6 Filing with County Recorder
8-7I-7 Merging and Resubdividing without Reversion
8-7I-8 Requirements for Parcel Mergers and Unmergers

Draft Zoning Code Changes:

- *This article has been updated consistent with state law.*

8-7I-1 Purpose

The purpose of this article is to describe how subdivided property may be reverted to acreage, and merged and unmerged, pursuant to the provisions of the Subdivision Map Act.

8-7I-2 Initiation of Reversion Proceedings

Proceedings to revert subdivided property to acreage may be initiated by petition of all owners of record of the property or by the city council.

A. By Owners

In the case of initiation by the owners, the petition shall be submitted to the planning division and shall contain the following information:

1. Evidence of title to the real property.
2. A final map or parcel map consistent with the requirements of article 8-7G (final maps and parcel maps) of this chapter, and which delineates dedications which will not be vacated and dedications required as a condition to reversion. Final or parcel maps shall be conspicuously designated with the title, "The purpose of this map is a reversion to acreage.;
3. Such other additional data as required by the planning director or the city engineer.
4. Each petition for reversion to acreage shall be accompanied by a nonrefundable filing fee as established by resolution of the city council.

B. By City Council

The city council may, by resolution, initiate proceedings to revert property to acreage. The city council shall direct the planning director to obtain the necessary information to initiate and conduct the proceedings.

8-7I-3 Review of Petition

The notice, hearing, and procedural requirements for review of a tentative map requiring city council approval shall be followed in connection with the review of a proposed reversion to acreage, provided that, upon the conclusion of the hearing before the city council, the city council may approve the reversion to acreage and take final action on the final map or parcel map.

8-7I-4 Findings of Reversion

Subdivided property may be reverted to acreage only if the city council finds that:

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

B. Either:

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

   2. None of the improvements required to be made have been made within two (2) years from the date the final map or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later, or

   3. No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

8-7I-5 Conditions for Reversion

The city council may require the following as conditions of the reversion:

A. The owners dedicate or offer to dedicate streets, public rights-of–way, or easements;

B. The retention of all or a portion of previously paid subdivision fees, deposits, or improvement securities if the same are necessary to accomplish any of the purposes or provisions of the Subdivision Map Act or this chapter;

C. Such other conditions of reversion as are necessary to accomplish the purposes or provisions of the Subdivision Map Act or this chapter or necessary to protect the public health, safety, or welfare.

8-7I-6 Filing with County Recorder

Upon approval of the reversion to acreage, the city clerk shall transmit the final map or parcel map, together with the city council resolution approving the reversion, to the county recorder for recordation. Reversion shall be effective upon the final map or parcel map being filed for record by the county recorder.

8-7I-7 Merging and Resubdividing without Reversion

Except as provided in article 8-7E (merger of parcels) of this chapter for merger of contiguous parcels under common ownership, subdivided lands may be merged and resubdivided without reverting to acreage by complying with the applicable requirements for the subdivision of land as provided by this chapter and the Subdivision Map Act.

8-7I-8 Requirements for Parcel Mergers and Unmergers

Except as provided otherwise in this article, the requirements for the merger and unmerger of parcels shall be as set forth in the Subdivision Map Act.

Chapter 7: Land Division
Article J: Subdivision Design Standards

Sections:

8-7J-1 Purpose
8-7J-2 Applicability of Standards and Review
8-7J-3 General Lot and Block Design
8-7J-4 Roadways and Access
8-7J-5 Utilities and Services
8-7J-6 Grading and Drainage

Draft Zoning Code Changes:

- *This article reorganized and expanded subdivision design standards based upon policy direction from the general plan.*

8-7J-1 Purpose

The purpose of this article is to establish specific design standards and requirements for the subdivision of land in the city, consistent with the goals and policies set forth in the general plan.

8-7J-2 Applicability of Standards and Review

The provisions of this article shall apply to all subdivisions, in addition to other standards of the municipal code, including title 9 (zoning). The design of proposed subdivisions shall be reviewed for consistency with these standards as part of the review and consideration of the tentative map.

8-7J-3 General Lot and Block Design

A. Lot Area

Proposed lots shall comply with the minimum lot area requirements, where applicable, for the underlying property as described in the general plan and zoning code.

B. Lot Orientation

Subdivision design shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision as provided in §66473.1 of the Subdivision Map Act as follows:

1. Passive or natural heating opportunities, such as lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure; and
2. Passive or natural cooling opportunities, such as lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.

C. Frontage, Width, and Depth

1. All lots shall have frontage on a public or private street.

2. Proposed lots shall comply with the minimum frontage requirements, lot widths, and lot depths, as applicable, described in title 9 (zoning) for the property.
3. Double frontage lots shall be avoided.

D. Block Configuration

Blocks shall be designed to allow for adequate building sites for the type of use proposed; to allow for convenient pedestrian and vehicular circulation, access, traffic control and safety; and with regard to limitations created by topography.

1. Generally, maximum block length shall be five hundred feet (500'); except
2. Blocks with single-family residential uses may be up to six hundred feet (600') long, or up to seven hundred feet (700') long when mid-block pedestrian connections are provided.

E. Development Density

The density of proposed development shall be consistent with the allowable density as described in the city's general plan and consistent zoning.

8-7J-4 Roadways and Access

A. Lot Access

1. Each local street providing access to lots within a subdivision shall connect directly to or by way of one or more local streets to a collector street or arterial street.
2. Each route of access to collector streets or arterial streets and its point of connection therewith shall be adequate to safely accommodate the composition and volume of vehicular traffic generated by the land uses that it serves. However, residential subdivisions shall be designed to encourage vehicle speeds less than twenty-five miles per hour (25 mph) and traffic volumes less than five hundred average daily traffic (500 ADT).
3. In determining the adequacy of a route of access, the deployment of fire equipment or other services under emergency conditions shall be considered.
4. A tentative map that makes use of a local street that passes through a predominantly residential neighborhood as a route of access to industrial, commercial, or other subdivisions generating traffic that would conflict with the residential character of the neighborhood may be denied.
5. A frontage road, or through or side-on lots, or other types of limited access layout may be required where a subdivision adjoins or contains an existing or proposed freeway or arterial street. To accomplish the purpose of this section, waivers of vehicular and pedestrian access rights to the freeway or arterial street will be required.

B. Roadway Network Design

The alignment of streets shown on a tentative map shall be consistent with the general plan and any applicable specific plan, and as follows:

1. Streets shall be laid out to conform to the alignment of existing streets in adjoining subdivisions and to the logical continuation of existing streets where the adjoining land is not subdivided.
2. The realignment of streets in contemplation of the development, or use of adjoining property, and the provision of streets or dead-end street extensions to facilitate the subdivision of adjoining property may be required.

3. Permanently dead-ended streets (except cul-de-sacs as defined in these regulations) are prohibited. When a street is temporarily dead-ended, a barricade or temporary turning area or temporary connection to another street may be required. Permanent turnarounds may be required at the end of dead-end streets where the future extension of the street is remote.
4. The use of cul-de-sacs shall be limited to no more than ten percent (10%) of the length of all streets in a subdivision.
5. The use of loop-out streets is encouraged over cul-de-sacs.
6. All streets shall intersect or intercept each other so that for a distance of at least one hundred feet (100') back from the intersection all streets are approximately at right angles to each other.
7. Street alignment shall provide for streets entering opposite each other to have their centerlines directly opposite. Where this is not possible, street jogs shall have a minimum centerline offset of one hundred twenty feet (120 '). No jogs shall interrupt the continuity of a major or collector street.
8. A subdivision of forty (40) or more lots shall have at least two (2) points of ingress/egress, unless otherwise allowed by the designated approving authority.
9. All street cross sections shall be consistent with those specified in the general plan.

C. Roadway Design to Conform to City Improvement Standards

The design of public roads within subdivisions (e.g., roadway cross sections) shall conform to the city's adopted improvement standards and to the satisfaction of the planning director and city engineer, unless expressly deviated at the time of approval of the tentative map, or where a special cross section is required to conform to an adopted planned street line, an applicable specific plan, an existing street, or cross sections in the general plan depending on surrounding conditions.

D. Sidewalks

All new residential subdivisions shall have parkway-style sidewalks (e.g., sidewalks separated from the curb by a landscaped area) consistent with the city's adopted improvement standards. Infill development may be exempted from this requirement and be allowed to provide "monolithic," or attached, sidewalks when site conditions, property size, and ability to effectively transition between the two sidewalk types, as determined by the approving authority, warrant.

E. Street Landscaping

Streets shall be provided within landscaping consistent with the city's adopted improvement standards and to the satisfaction of the planning director. Street trees (trees within the public right-of-way) shall be planted adjacent to the curb between the street and sidewalk.

F. Roadway Naming

Street names within a proposed subdivision shall comply with the following standards:

1. Street names shall be such that they do not duplicate or confuse with any other street names in Lemoore and its vicinity (e.g., the sphere of influence, Lemoore Naval Air Station). Examples of such duplication are "Washington Street" and "Washington Avenue."
2. Street names that sound very similar shall be avoided. This is to limit diction problems when people are reporting under stress. Examples of such confusing names are "Beach" and "Peach," or "Pinewood" and "Pinwood."

3. A street that is proposed to be extended without any significant change in direction, either now or in the future, shall have the same name as the existing street.
4. A new street that is aligned to an existing street but otherwise is not intended to be connected to the existing street, either now or in the future, will have a different name. This is to make it convenient for strangers to town to locate addresses and prevent unnecessary delay in response time in emergency situations.
5. The street name will not change if a street changes direction by curving gradually over a sufficient distance.
6. The streets shall not be named after people's first names and shall have not more than two words. Exceptions may be granted in a case where the street name is to honor a person of national, state, or local importance (e.g., Martin Luther King Avenue, George Washington Street).
7. Except for county avenues, the street names shall not be numerals.
8. When an existing street name consists of a fractional number (e.g., 18½ Avenue, 18¾ Avenue, and 19½ Avenue), those may be changed to new names upon annexation.
9. The combined number of letters in a street name (excluding the suffix) shall not exceed fifteen (15).
10. Street suffixes in any subdivision or development may be:
    a. The same for all streets;
    b. The same for all streets except cul-de-sac streets;
    c. North-south streets as "avenue" and east-west streets as "streets;"
    d. Curvilnear streets as "drive" or "trail;" or
    e. Short streets (less than 500') as "way."
11. The name of cul-de-sac streets shall be different from the main street from which it originates. The suffix of cul-de-sac streets shall be as follows:
    a. "Court " if it is generally east of the street it originates from;
    b. "Circle " if it is generally west of the street it originates from;
    c. "Lane " if it is generally north of the street it originates from;
    d. "Place" if it is generally south of the street it originates from.
12. Where a cul-de-sac street crosses another street, the portion of the cul-de-sac street on either side of the other street will have the same name except for suffix.
13. Street names in an area or subdivision shall be from one single theme except for any existing street to be extended into the area or subdivision. Theme on which the streets are named may include, but are not limited to, trees, flowers, fruits, birds, presidents, and states.
14. The planning commission is hereby charged with the responsibility to process all instances wherein street names on the same alignment are different and to recommend one name for said street to the city council or the board of supervisors of the county of Kings if the said streets are in the county and metropolitan area.

Prior to recording Street Names, the Public Works, Police, Fire, and Planning Departments shall review for potential conflicts and modify where appropriate.

This section moving from 7-3 of municipal code

G. House and Building Numbering

There is hereby established a uniform system for numbering buildings fronting on all streets, avenues and public ways in the city and the metropolitan area surrounding the city as hereinafter provided, and all houses and other buildings shall be numbered in accordance with the provisions of this section.

1. **Building and Space Numbering Requirements**

   a. City Core Area. All buildings fronting on all streets, avenues and public ways in the "City Core Area" which is bounded by Lemoore Avenue, Bush Street, Martin Street and ~~Hume~~ Cinnamon Drive Avenue shall be made to conform to the provisions of this subsection and in accordance with the building and space numbering map on file in the office of the city clerk which is hereby made a part of this section.

   Except as otherwise provided in this subsection and insofar as it shall be possible to do so, each unit of building number shall represent a frontage or space of twelve and one-half feet (12½'), and each unit of block tier number shall successively be increased by one hundred (100) for each successive tier. For the purpose of this subsection, the term "tier" or "block tier" as used in this subsection shall mean all blocks between two (2) parallel adjacent streets in any direction; all blocks in said tier having the same number.

   For the purpose of this subsection, the base or reference point from which block tier numbers shall be consecutively assigned is hereby designated as the intersection of Lemoore Avenue with Bush Street.

   In numbering spaces and buildings, the number shall increase in the direction of increased tiers and proceeding along a street in this direction, the odd numbers shall be on the south and west side, as the case may be, and the even numbers shall be on the north and east side, as the case may be.

   b. All other Areas of the City and the Metropolitan Building Number Area. All buildings fronting on all streets, avenues and public ways in the city except for the buildings fronting on all streets, avenues and public ways as described in subsection a of this section and all streets, avenues and public ways in the metropolitan building number area, as hereinafter described, shall be numbered in accordance with the provisions of this subsection.

      i. Metropolitan Building Numbering Area Described. The metropolitan building numbering area is that area bounded as follows: 17 th Avenue on the East; Iona Avenue on the south to the right-of-way of ~~the New Freeway (~~Highway 198~~)~~ and along said freeway to Highway No. 41; Highway No. 41 on the west to a point 330 feet north of Hanford-Armona Road; thence easterly parallel to the Hanford-Armona Road to 18¾th Avenue; thence northerly along 18¾th Avenue to a point 330 feet north of the center section line; thence easterly parallel to Glendale Avenue to 17 th Avenue, the East Boundary Road.

      ii. Base Lines. Lemoore Avenue is hereby designated as the north-south base line and Bush Street is hereby designated as the east-west base line.

      iii. Building Numbers. Building numbers shall be assigned beginning at Lemoore Avenue base line at one hundred (100) numbers per three hundred thirty feet (330') (1/16th of a mile) east and west of the line and building numbers shall be

assigned beginning at Bush Street base line at one hundred (100) numbers per three hundred thirty feet (330') north and south of the Bush Street base line.

iv. Frontage. There shall be assigned approximately six and six-tenths feet (6.6') of frontage per number adjusted to conform with the actual distance in any section within the area subject to the provisions of this section, including the metropolitan building numbering area.

v. Odd and Even Numbers. Even numbers shall be assigned on the north and east sides of streets; odd numbers shall be assigned on the south and west sides of streets.

vi. Street Orientation. Streets oriented north of the Bush Street base line shall have a prefix "north", and streets oriented south of the Bush Street base line shall have a prefix "south". Streets oriented east of the Lemoore Avenue base line shall have a prefix "east", and streets oriented west of the Lemoore Avenue base line shall have a prefix of "west".

Clarify only needed when streets fall in both directional areas

vii. Diagonal Streets. The numbering of diagonal streets shall be progressive in the same direction at the same rate of one hundred (100) numbers per three hundred thirty feet (330'), with an adjustment being made in the frontage per number depending on the degree of the diagonal.

viii. Curved Streets. Curved streets shall be assigned the numbers assigned from the grid system at that point and progress according to the alignment of the streets. Such curve streets and the assignment of numbers therefore shall receive special consideration in the integration of the system into this Chapter as and when they shall hereafter occur.

ix. Official House Numbering Map Adopted. That certain map entitled "Detailed House Numbering System for the Lemoore Area, bounded by, but not including ~~19½~~ 21st Avenue, ~~Iona~~ Jackson Avenue, 17th Avenue, and a line measured three hundred thirty feet (330') north of the Glendale Avenue alignment", is hereby established as the Official Building Numbering Map for all of the streets, avenues and public ways in the city, save and except those streets within the "Core Area" as covered by subsection a of this section.

2. **Issuance of House Numbers.** The Planning Department, city building inspector, or other official designated by the city council, shall be authorized to issue building numbers in the city and metropolitan area as hereinabove described. Numbers assigned shall be recorded and plotted on the House Numbering System Map which is hereby adopted and he shall maintain an index file method of keeping proper records to avoid duplication of numbers or error in assignment.

Add apartment bldg assignments

Address height of single family bldgs

Need to add who is notified of new addresses.

3. **Specifications for Numbers.**

a. Building numbers shall be not less than three inches (3") high, shall be legible, of durable material and be placed so same can be seen from the street.

b. All owners or persons in charge of buildings shall cause the proper numbers to be so placed upon the same in accordance herewith or on some conspicuous place visible from the street in the front thereof in conformity with the numbers assigned by the building inspector in accordance with the provisions of this section.

8-7J-5 Utilities and Services

A. Availability of Service

All public utilities, including water, sewer, storm drainage, telecommunication, power, and gas, shall be of adequate capacity to meet the demand of the subdivision.

B. Location of Utilities

All public utilities shall be located either in the public right-of-way or in public utility easements of sufficient width as determined by the city engineer.

C. Utilities to Be Undergrounded

All proposed utilities within or adjacent to the subdivision shall be provided underground. Any existing utility located within or adjacent to the site which is to be relocated because of the subdivision shall also be made underground except transmission lines of seventy kilovolts-ampere (70 kVA) or larger.

D. Centralized Mail Service

Where necessary, easements shall be provided for centralized postal service facilities within subdivisions.

8-7J-6 Grading and Drainage

A. Grading

Grades of all streets shall be consistent with adequate surface drainage requirements and the approved grading plan of the proposed subdivision.

B. Drainage

All lots shall be graded to provide adequate, positive drainage in accordance with the city's adopted improvement standards. Drainage across property lines will not be allowed unless the city engineer determines that there is no practical alternative and appropriate easements are provided to the satisfaction of the city engineer. Provisions shall be made during construction for proper erosion control, including the prevention of sedimentation or damage to off-site property.

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Chapter 7: Land Division
Article K: Survey and Monuments

Sections:

8-7K-1 Purpose
8-7K-2 Survey Procedure and Practice
8-7K-3 Survey and Monumentation Standards

Draft Zoning Code Changes:

- *This new article describes the process for surveying the subdivision and setting monuments consistent with state law.*

8-7K-1 Purpose

The purpose of this article is to provide the requirements and standards for survey work of, and placement of monumentation within, subdivisions at the time of final map or parcel map recordation.

8-7K-2 Survey Procedure and Practice

The procedure and practice for the survey of any land subject to a final map or parcel map shall conform to the standard practices and principles of land surveying, the California Land Surveyor's Act, and the requirements listed below.

A. Preparation of Survey and Documentation

All documents related to the survey shall be signed by a California-registered civil engineer or licensed land surveyor.

B. Survey Monuments

Whenever the city has established a system of coordinates that is within a reasonable distance of the proposed subdivision, as determined by the city, the field survey shall be tied to the established monumentation system.

C. Transverse

The traverse of the exterior boundaries of the subdivision computed from field measurements of the ground must close within a limit of error of one foot to ten thousand feet (1' to 10,000') of perimeter before balancing the survey.

D. Field Documentation

When required by the city, the project engineer or surveyor preparing the survey shall prepare and submit to the city complete field notes, in a form satisfactory to the city engineer, showing references, ties, locations, elevations, and other necessary data relating to monuments.

8-7K-3 Survey and Monumentation Standards

In surveying the subdivision, the engineer or surveyor shall set sufficient monuments so that any part of the survey may be readily retraced. Survey monuments shall be set by the engineer or surveyor for all

new subdivisions requiring a final map or parcel map, unless waived by the city engineer, in compliance with this section.

A. Boundary Monuments

1. Boundary monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, beginnings and ends of curves and at intermediate points approximately one thousand feet (1,000') apart. The locations of inaccessible points may be established by ties and shall be so noted on the final map or parcel map.
2. All exterior boundary monuments shall be set prior to recordation of the final map or parcel map, or as certified on the final map or parcel map.

B. Interior Monuments

Whenever interior monuments are required, the monuments shall be set at:

1. All block and lot corners and angle points;
2. The beginnings and ends of curves;
3. Points of intersection with centerlines of other existing and proposed streets and alleys; and
4. The points of intersection with the exterior boundary lines.

C. Monument Type and Position

All monuments set in the course of the survey shall be as specified by the city engineer and shall be set to the depth and in the manner prescribed by the city engineer.

D. Identification of Monuments

All monuments shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor who signs the engineer's or surveyor's certificate and under whose supervision the survey is made.

E. Replacement of Damaged or Destroyed Monuments

Any monument which is damaged or destroyed before acceptance of all improvements by the city shall be replaced by the developer.

F. Timing of Monument Installation

The timing of the installation of a monument shall be in compliance with the §66496 of the Subdivision Map Act.

G. Notice of Completion

Within five (5) days after all monuments have been set, the engineer or surveyor shall give written notice to the developer and the city engineer that the final monuments have been set. Verification of payment to the engineer or surveyor shall be filed as required by §66497 of the Subdivision Map Act. The cost of setting monuments shall be included in the engineer's estimate for improvements in compliance with subsection 8-7M-2-C of this chapter. If security is provided for monumentation, this amount of the security may be released upon verification of the setting of the monuments by the city.

H. Inspection and Approval

All monuments shall be subject to the inspection and approval of the city engineer.

I. Survey Information to Be Shown on Final Map or Parcel Map

The following survey information shall be shown on each final map or parcel map for which a field survey was made in compliance with this chapter.

1. Stakes, monuments (together with their precise position and description), or other evidence found on the ground, to determine the boundaries of the subdivision.
2. Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers and pages of record, or by section, township, and range, or other proper designation.
3. The location and description of any required monuments to be set after recordation of the final map, and the statement that they are "to be set."
4. Bearing and length of each lot line, block line, and boundary line and each required bearing and distance.
5. Length, radius, and angle of each curve and the bearing of each radial line to each lot corner on each curve.
6. The centerlines of any street or alley in or adjoining the subdivision which have been established by the city, together with reference to a field book or map showing the centerline and the monuments which determine its position. If determined by ties, that fact shall be so stated.
7. Any other survey data or information as may be required to be shown by the city or by the provisions of this chapter.

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Chapter 7: Land Division
Article L: Dedications and Reservations

Sections:

8-7L-1 Purpose
8-7L-2 Dedications
8-7L-3 Reservations
8-7L-4 Dedications Made Outside of a Map

Draft Zoning Code Changes:

- *Relevant changes from Senate Bill 113 have been incorporated regarding dedication requirements and notes on final and parcel maps.*

8-7L-1 Purpose

The purpose of this article is to identify a process for the city to require and accept, or reserve, dedications of land for public purposes, including streets, highways, drainage courses, public utility easements, other public easements, public school sites, and local transit facilities consistent with the Subdivision Map Act.

8-7L-2 Dedications

A. Overview

As a condition of approval of a tentative map or tentative parcel map, the city may require, to the extent permitted by applicable law, dedication or irrevocable offer of dedication of real property within a subdivision for public use. For purposes of this article, dedications include, but are not limited to, streets, bikeways, parks, landscaping, recreation facilities, irrigation ditches, school sites, alleys, including access and abutter's rights, drainage, public utility easements, and other public easements.

The city may also require the design of a subdivision for which a tentative map or tentative parcel map is required to provide one or more cable television systems, duly franchised by the city, an opportunity to construct, install, and maintain on land identified on the map as dedicated or to be dedicated to public utility use any equipment necessary to extend cable television service to each residential parcel in the subdivision.

B. Form of Dedication

The form of dedications (easement or fee in title) shall be specified on the final or parcel map and be to the satisfaction of the city engineer.

1. If the dedication is required to be in fee for public purposes, the subdivider shall include the following language in the dedication clause on the final map or parcel map, or any separate instrument: "The real property described below is dedicated in fee for public purposes: (here insert a general description of the dedicated property that is adequate to convey the property)."

2. If the dedication is required to be an easement for public purposes, the subdivider shall include the following language in the dedication clause on the final map or parcel map, or any separate instrument: "The real property described below is dedicated as an easement for public purposes: (here insert a general description of the easement that is adequate to convey the dedicated property)."

C. Acceptance or Rejection of Dedications

At the time the city council approves a final map or parcel map, it shall also accept, accept subject to improvement, or reject any offers of dedication. The city clerk shall certify or state on the final map or parcel map the action of the city council. Acceptance of offers of dedication on a final map or parcel map shall not be effective until the final map or parcel map is filed in the county recorder's office.

D. Certificate for Dedications and Reconveyance

1. The city shall record a certificate with the county recorder for all property which has been dedicated in fee for public purposes other than for open space, park, or schools. This certificate shall be attached to the final map or final parcel map and shall include:
    a. Name and address of subdivider dedicating the property.
    b. Legal description of the dedicated property.
    c. A statement that the city shall reconvey the property to the subdivider if the city council determines that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities.
2. The subdivider may request the city to determine whether the same public purpose for which a dedication was required still exists. The city may charge the subdivider a fee in the amount reasonably required to make such determination.
3. If the council determines that the same purpose for which a dedication was required does not exist, the city shall reconvey the property to the subdivider or his successor in interest, except any portion of the property required for that same public purpose or for public utilities.

8-7L-3 Reservations

A. Overview of Reservations

As a condition of approval of a tentative map or tentative parcel map, the city may require, to the extent permitted by law, that areas of real property within a subdivision be reserved for public use. For purposes of this article such reservations include, but are not limited to, sites appropriate for recreational facilities, fire stations, libraries, and other public uses.

B. Standards for Reservations

Reservations required in connection with subdivision shall be subject to the following conditions:

1. The required reservation(s) shall be based on and in accordance with policies and standards for such public uses contained in the adopted general plan or any adopted specific plan.
2. The reserved area(s) shall be of such size and shape as to permit the balance of the property within which the reservation(s) are located to develop in an orderly manner.
3. The amount of land reserved shall not make development of the remaining land held by the subdivider economically unfeasible.

4. Each reserved area shall conform to the adopted general plan or any 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 the city or other public agency does not acquire it within the time prescribed by subsection 8-7I-3-C.1 below.

C. Reservation Procedures

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

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

2. If the public agency for whose benefit an area has been reserved does not enter into a binding agreement as described in subsection 8-7I-3-A of this section, the reservation shall automatically terminate.

8-7L-4 Dedications Made Outside of a Map

When a dedication of easement or fee is made to the city and is not included as part of a final map or parcel map (e.g., off-site improvements), such dedications shall be offered through deed, map, and legal description with original engineer's stamp and notarized signatures. If the dedication(s) are needed for immediate use, the city council will consider accepting then recording. If dedications are needed for future use, the city council will consider acknowledging then recording documents. Fees shall be paid by the applicant to cover the cost of reviewing and processing all documents.

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Chapter 7: Land Division
Article M: Improvements

Sections:

8-7M-1 Purpose
8-7M-2 Improvement Requirements and Plans
8-7M-3 Oversizing Improvements
8-7M-4 Improvement Deferral

Draft Zoning Code Changes:

- *This article consolidates Improvement requirements from multiple code sections.*
- *The process for preparation, review, and approval of improvement plans has been enhanced.*
- *Rights to defer improvements and provide surety prior to map recordation have been expanded consistent with state law and existing city practice.*

8-7M-1 Purpose

The purpose of this article is to establish a review and permit process for the construction of physical improvements to land such as streets, sewers, and other utilities. The intent is also to establish a process for allowing a final map or parcel map to be recorded prior to the completion of required improvements upon execution of certain agreements and/or security.

8-7M-2 Improvement Requirements and Plans

A. Applicability

After the approval of the final map or parcel map, or a land use permit or building permit requiring the installation of improvements, the subdivider shall construct or install all improvements in streets, alleys, pedestrian ways, bike paths and trails, channels, easements, and other rights-of-way as are necessary for the general use of the subdivision, to meet local traffic and drainage needs in accordance with the provisions of this article, and to satisfy the conditions of approval of the tentative map.

B. Improvement Design

The construction of public improvements, including materials and methods, shall conform to the standard plans and specifications of the city as adopted by resolution of the city council.

C. Review and Processing of Improvement Plans

Before the construction of any improvements, the subdivider or developer shall submit plans to the city as follows:

1. Preparation and Content. Improvement plans shall be prepared by a registered civil engineer licensed to practice in the state of California. Improvement plan submittals shall include the following information:
    a. Any drawings, specifications, calculations, design reports, and other information required by the city engineer in compliance with the city's standard specifications and plans;
    b. Utility master plans (water, sewer, and storm drainage) as approved by the public works director;
    c. Grading, drainage, erosion and sediment control, and a stormwater pollution prevention plan (SWPPP) for the entire subdivision for review and approval by the public works director;
    d. A mylar copy of the approved landscape and irrigation plans for the city record shall be provided for any landscaping installed along streets or in public areas.
    e. The improvement plan/specification checking and construction inspection fees as required by resolution of the city council; and
    f. A detailed engineer's cost estimate of all improvements upon:
        i. The submittal of initial improvement plans; and
        ii. The approval of improvement plans.
2. Submittal of Plans. Three (3) sets of improvement plans shall be submitted to the planning department, along with the application deposit as established by resolution of the city council.
3. Review and Approval. Improvement plans shall be reviewed and approved, conditionally approved, or denied by the planning director, public works director, and city engineer within the time limits provided by §66456.2 of the Subdivision Map Act. The city engineer will review the plans based on sound engineering practices, design standards, and applicable city policies. The public works director will review the plans to ensure conformance with the city's public works standards. The planning director will review the plans to determine compliance with the approved tentative map, conditions of approval, and the city's general plan and any applicable specific plans. Comments, if any, shall be forwarded to the subdivider in a timely manner.
4. Effect of Approval. The final approval of improvement plans shall generally be required before approval of a final map or parcel. The approval of improvement plans shall not bind the city to accept the improvements nor waive any defects in the improvements as installed.
5. Changes to Approved Plans. Any changes to approved plans shall be reviewed and action upon consistent with subsection 8-7M-3-G below.

D. Timing of Improvements

Except as listed below, required improvements shall be constructed or otherwise installed after approval of the improvement plans and before the approval of the final map or parcel map, or before final building inspection or any certificate of occupancy:

1. Improvements are deferred in compliance with section 8-7M-4 (improvement deferral); or
2. Improvements are required as a condition of approval of a subdivision of four or fewer lots, in which case improvements shall be as required under §66411.1 of the Subdivision Map Act.

E. Inspection of Improvements

The city engineer shall make any inspections deemed necessary to ensure that all construction complies with the approved improvement plans. Where required by the city engineer, the developer shall enter into an agreement with the city to pay the full cost of any contract inspection services determined to be necessary by the city engineer.

F. Correction of Deficiencies

The developer shall be responsible for correcting any deficiencies identified during the construction process.

G. Revisions to Approved Plans

Revisions to approved improvement plans may be proposed, and shall be reviewed and approved or disapproved by the city engineer as follows:

1. Requests by the subdivider or project engineer for revisions to the approved plans shall be submitted in writing to the city engineer and shall be accompanied by revised drawing(s) showing the proposed revision. If the revision is acceptable, the original shall be returned to the subdivider and project engineer for revising. The revised plans shall be immediately transmitted to the city engineer for initialing. Construction of any proposed revision will not be permitted to commence until revised plans have been initialed by the city engineer.
2. When revisions are deemed necessary by the city engineer to protect public health and safety, or as field conditions may require, a request in writing shall be made to the subdivider and project engineer. The subdivider's engineer shall revise the plans and transmit the original to the city engineer for initialing within the time specified by the city engineer.

H. Acceptance of Improvements

1. Verification. Before acceptance for maintenance or final approval by the city council of development improvements, the city engineer shall verify that the improvement work has been completed in substantial compliance with the approved plans and specifications, and the developer shall provide deeds for dedication of easements or rights-of-way.
2. Acceptance. After all items are completed and all items on the deficiency list have been corrected and as-built improvement plans received, the city council shall accept the subdivision improvements.
3. Acceptance of a Portion of the Improvements. When requested by the subdivider in writing, the city may consider acceptance of a portion of the improvements as recommended by the city engineer. The improvements shall be accepted by the city only if it finds that it is in the public interest and such improvements are for the use of the general public. Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements of the municipal code.
4. Notice of Completion. If the subdivision is accepted by the city, the city clerk shall file a notice of completion with the county recorder.

8-7M-3 Oversizing Improvements

As a condition of approval of a tentative map, it may be required that improvements installed by the subdivider for the benefit of the subdivision be of a supplemental size, capacity, or number for the benefit of property not within the subdivision, and that said improvement be dedicated to the public. If such a condition is imposed, provision for reimbursement to the subdivider in the manner provided by

§66486 of the Subdivision Map Act will be contained in the subdivision improvement agreement or in a separate reimbursement agreement between the city and the subdivider.

8-7M-4 Improvement Deferral

A. Right to Defer Improvements and Requirement to Enter Into Improvement Agreement

Prior to approval of the final map, all public improvements shall be completed in accordance with approved improvement plans to the satisfaction of the city engineer or, as a condition of the final map, the subdivider shall enter into a subdivision improvement agreement with the city, in the form prepared by and approved by the city, to ensure timely completion of the improvements at his expense. All public improvements required by the agreement shall be completed to the satisfaction of the city engineer prior to the occupancy of any structures in the subdivision.

B. Form, Filing, and Term of Improvement Agreement

1. The improvement agreement shall be in writing, shall be approved as to form by the city attorney, and shall be secured and conditioned as provided in this section. An acknowledged abstract of said agreement shall be recorded simultaneously with the final map or the parcel map.
2. The recorded improvement agreement shall be on file with the city clerk prior to recordation of the final map or parcel map.
3. The term of the improvement agreement shall begin on the date of filing of the final map or parcel map and end upon the date of completion or fulfillment of all terms and conditions contained therein to the satisfaction of the city engineer.

C. Minimum Requirements for Improvement Agreement

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

1. Mutually agreeable terms to complete all required improvements at the subdivider's expense;
2. A provision that the subdivider shall comply with all requirements of these regulations, of the city's municipal code, and of other applicable laws, and with all terms and conditions of required improvement permits;
3. A statement indicating a period of time, satisfactory to the city engineer, within which the subdivider shall complete all improvement work;
4. A provision that if the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the city may, at its option, complete the required improvement work and the subdivider and his or her surety shall be firmly bound under a continuing obligation for payment of the full cost and expense incurred or expended by the city in completing such work;
5. Provision for the repair and replacement of defective material and workmanship of said improvements by the subdivider for a period of twelve (12) months after the improvements have been accepted by the city engineer;
6. Provision for the inspection of all improvements of the subdivision by the city engineer for a period of twelve (12) months after said improvement acceptance date;

7. A provision guaranteeing payment to the city for all engineering and inspection costs and fees and all other incidental expenses incurred by the city; and
8. A description of all lands within the exterior boundaries of the subdivision.

D. Optional Components for Improvement Agreement

The improvement agreement may also include the following provisions and other additional items, terms, and conditions as may be determined necessary by the city to carry out the intent and purposes of these regulations:

1. Provision for the repair, at the subdivider's expense, of any damage to public streets that may reasonably be expected to result from hauling operations necessary for subdivision improvements required by these regulations, including the importing or exporting of earth for grading purposes;
2. Mutually agreeable terms to acquire public easements or dedications that are outside the boundaries of the subdivision at the subdivider's expense;
3. Mutually agreeable terms to improve, at some undetermined future date, easements or dedications offered and reserved for future public use at the subdivider's expense; and providing that such improvements shall be secured by separate cash bond in the manner prescribed by subsection 8-7M-2-G below; and further providing that only the requirements of this provision shall not delay the release of any other improvement security provided pursuant to this article;
4. Provision for reimbursement to be paid to the subdivider under the provisions of §66486 of the Subdivision Map Act;
5. Provision for the setting of required monuments after the recordation of the final map or parcel map; and
6. Provision for the method of payment of any fees imposed by this article.

E. Improvement Security

Where an improvement agreement is entered into prior to the recordation of a final map or parcel map, the improvements shall be secured by the subdivider as part of the improvement agreement. Improvement security shall be provided and released consistent with the requirements below:

1. Form of Security. Security shall be provided in one or more of the following forms, consistent with §66499 of the Subdivision Map Act and in a form satisfactory to the city:
    a. Bond or bonds by one or more duly authorized corporate sureties;
    b. A deposit, either with the city or a responsible escrow agent or trust company, at the opinion of the city, of money or negotiable bonds of the kind approved for securing deposits of public moneys;
    c. An instrument of credit from an agency of the state, federal, or local government when any agency of the state, federal, or local government provides at least twenty percent (20%) of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement

are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution;

d. A lien upon the property to be divided, created by contract between the owner and the city, if the city finds that it would not be in the public interest to require the installation of the required improvement(s) sooner than two (2) years after the recordation of the final map or parcel map; or

e. Any form of security, including security interests in real property, which is acceptable to the city and specifically identified in the municipal code.

2. Amount of Security. Security shall be provided in the following amounts:

   a. Performance security (performance). An amount of one hundred percent (100%) of the total city engineer-approved estimated cost of the construction or installation of the improvements or of the acts to be performed, securing the faithful performance and completion of the improvements or acts to be performed; and

   b. Payment security (labor and materials). An amount of fifty percent (50%) of the total city engineer-approved estimated cost of the improvement or required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of the improvements or the performance of the required acts; and

   c. Warranty security. An amount of ten percent (10%) of the total city engineer-approved estimated cost of the improvement to be necessary for the guarantee and warranty of the work for a period of one (1) year following the completion and acceptance thereof against any defective work or labor done, or defective materials or equipment furnished.

3. Changes in Approved Improvements. When the approved improvement plans are changed and are to be approved by the city after surety is provided, the approval of the changes shall be conditioned, and shall not be fully exercised, until the surety is modified consistently. No increase in surety shall be required the changes do not exceed ten percent (10%) of the original estimated costs of the improvements.

4. Nonprofit California Corporations. Pursuant to §66499.3 of the Subdivision Map Act, entities that are California nonprofit corporations, funded by the United States of America or one of its agencies, or funded by the state of California or one of its agencies, are exempt from the requirements of subsections 1.a and 1.b of this section, provided they meet and fulfill the alternative security requirements specified in §66499.3(c) of the Subdivision Map Act.

5. Release of Improvement Security Generally. Improvement security shall be released upon completion of the improvements as follows:

   a. Performance security. The performance security shall be released only upon completion or fulfillment of all terms and conditions of the improvement agreement and acceptance by the city engineer. Such acceptance shall occur when the certificate of completion is signed by the city engineer. If a warranty security is not submitted, performance security shall be released twelve (12) months after acceptance of improvements and correction of all warranty deficiencies.

   b. Payment security. Security given to secure payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment may, six (6) months after the

completion and acceptance of the improvements by the city, be reduced to an amount equal to the amount of all claims filed and of which notice has been given to the city. The balance of the security shall be released upon the settlement of all claims and obligations for which the security was given.

c. Warranty security. The warranty security shall be released upon satisfactory completion of the warranty period, provided that all warranty deficiencies have been corrected.

d. Pursuant to §§66499.7 and 66499.9 of the Subdivision Map Act, the release of improvement security as set forth above shall not apply to any costs, reasonable expenses or fees, including reasonable attorneys' fees.

6. Release of Security through Assessment District Proceedings. If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and payment bond required by the special assessment act being used, the improvement security of the subdivider may be reduced by the city by the amount corresponding to the amount of such bonds furnished by the contractor.

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Chapter 7: Land Division
Article N: Dedications of Land for Parks and Recreation Facilities

Sections:

8-7N-1 Purpose
8-7N-2 Requirements and Exemptions
8-7N-3 Standards and Formulas for Dedication of Parkland
8-7N-4 Fees In Lieu of New Development Parkland Dedication
8-7N-5 Fees for Citywide Parkland
8-7N-6 Time Schedule for Use of Land and Fees
8-7N-7 Credit for Private Open Space
8-7N-8 Sale of Dedicated Land
8-7N-9 Phased Final Maps and Parcel Maps
8-7N-10 Off-Site Dedication

Draft Zoning Code Changes:

- *The general plan parkland dedication requirements for 5 acres of park land per 1,000 persons in new development and 1 acre of parkland per 1,000 persons for citywide parkland have been incorporated.*
- *Calculation factors have been incorporated based upon the 2000 Census and can be updated when the 2010 Census is available.*
- *In-lieu fees, credits, and phased maps have been expanded.*

8-7N-1 Purpose

This article is enacted pursuant to the authority granted by §66477 of the Subdivision Map Act. The park and recreational facilities for which dedication of land and/or payment of fee is required shall be in accordance with the parks, schools, and community facilities element of the general plan. Land dedication under this article shall conform to the city general plan, to any adopted specific plan, and to the applicable provisions of §66477 of the Subdivision Map Act.

8-7N-2 Requirements and Exemptions

A. Parkland Required

As a condition of approval of a final map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city, for park or recreational purposes at the time and according to the standards and formula contained in this article.

This requirement for land dedication and/or in-lieu fee shall be separate from any park impact fee established by resolution of the city council to address improvements to existing parks and construction of new parks as is necessary to support the increase in population provided through new development.

B. Exemptions

The provisions of this article shall not apply to subdivisions:

1. Not used for residential purposes, provided, however, that a condition shall be placed on the approval of such subdivision that if a building permit is requested for construction of a residential structure or structure on one or more of the parcels within four (4) years of the filing of the map, the owner of each such parcel shall be required to pay an in lieu fee pursuant to this article, calculated as of the date the building permit is issued, as a condition to the issuance of a building permit; a note to this effect shall be placed on the final map.
2. To permit separate ownership of two (2) or more existing residential dwelling units when all such units are more than five (5) years old and no new units are added.

8-7B-3 Standards and Formulas for Dedication of Parkland

A. Dedication Standards

It is found and determined that the public interest, convenience, health, welfare, and safety require that no less than six (6) acres of property for each one thousand (1,000) persons residing within the city be devoted to local recreation and park purposes. This standard shall be broken down as follows:

1. New Development Parkland. A standard of five (5) acres per each one thousand (1,000) persons for landscaped open spaces, parks, trail systems, and/or special community service facilities in new residential developments; and
2. Citywide Parkland. A standard of one (1) acre per each one thousand (1,000) persons, to be met with an impact fee, for city-owned and operated parks and special recreation areas that serve all residents.

B. When Parkland Dedication Is Required

Where a recreational or park facility has been designated in the general plan or a specific plan, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local recreation or park facility sufficient in size and topography to serve the residents of the subdivision.

C. Calculation of Required Parkland Dedication for New Development

1. The amount of land to be dedicated shall be determined according to the formula D x F = A in which:

   D = the number of dwelling units
   F = a "factor" herein described
   A = the buildable acres to be dedicated

2. A buildable acre is a typical acre of the subdivision, with a slope less than ten percent (10%), and located in other than an area on which building is excluded because of flooding, public rights-of-way, easements, or other restrictions.
3. The factors below are constants that, when multiplied by the number of dwelling units permitted in the subject area, will produce five (5) acres of new development parkland per one thousand (1,000) population:

   FS = .0154 relating to single-family dwelling units
   FT = .0148 relating to two-family dwelling units

FM = .0116 relating to multiple-family dwelling units
Fmh = .0145 relating to mobile home dwelling units

D. Determination of the Number of Dwelling Units on Multi-Family Parcels

Unless the subdivider enters into an agreement with the city for a lower density, the number of dwelling units on multi-family parcels shall be based on the maximum development potential allowed by right based upon the general plan land use map and the gross acreage of the parcel.

E. Required Improvements on Dedicated Land

The subdivider shall provide all of the following prior to the city accepting the parkland dedication:

1. Provide full street improvements, including but not limited to, curbs, gutters, street paving, traffic control devices, streetlights, and sidewalks, to land which is dedicated pursuant to this chapter;
2. Provide improved surface drainage through the site; and
3. Provide other improvements which the designated approving authority determines to be essential to the acceptance of the land for recreational purposes.

8-7N-4 Fees In Lieu of New Development Parkland Dedication

A. Ability to Pay Fee

A new development may pay a fee in lieu of dedicating land for parkland if:

1. There is no park or recreational facility designated in the city's general plan to be located in whole or in part within the proposed subdivision to serve the needs of the residents of the subdivision, and/or where the designed approving authority requires the payment of in-lieu fees; or
2. The proposed subdivision contains fifty (50) parcels or less.

B. Formula for Fees

When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value as described below, plus twenty percent (20%) for off-site improvements such as utility line extensions, curb, gutter, and pavement, and streetlights.

For purposes of calculating the in-lieu fee under this section, the fair market value shall be determined in the following manner:

1. The subdivider shall request that an appraisal be prepared pursuant to the procedures set forth below, and shall pay the in-lieu fee based upon the fair market value established in that appraisal.
2. Upon request of the subdivider, the city shall cause an appraisal to be made. The appraisal shall be made at the subdivider's expense, payable to the city in advance, by a person on the city's list of approved appraisers, who will be qualified as a certified general real estate appraiser by the California Office of Real Estate Appraisers, and shall meet the standards specified in the Uniform Standards of Professional Appraisal Practice. The appraiser shall appraise the property at its unencumbered (free and clear) value, as if at the approved tentative map stage of development and as if any assessments or other encumbrances to which the property is subject had been paid

off in full prior to the date of appraisal. Factors to be considered during the evaluation shall include the following:

a. Conditions of the tentative map;

b. The general plan;

c. Zoning and density;

d. Property location;

e. Off-site improvements facilitating use of the property;

f. Site characteristics of the property;

g. Existing public improvements.

The appraisal shall value the property as of a date no earlier than ninety (90) days prior to the recording of the final map, or the payment of the fee, whichever occurs later. The appraisal shall clearly state the fair market value of the property.

C. Use of Fees

Fees collected pursuant to this section shall be used and expended solely for the acquisition, improvement, and expansion of the public parks, playgrounds, and recreational facilities reasonably related to serve the needs of the residents of the proposed subdivision.

8-7N-5 Fees for Citywide Parkland

The city has, through its general plan, established a goal of providing one (1) acre for each one thousand (1,000) persons for city-owned and -operated parks and special recreation areas that serve all residents. This requirement shall be satisfied through the payment of a fee in lieu of any dedication requirement. The fee shall be as established by resolution of the city council.

8-7N-6 Time Schedule for Use of Land and Fees

Any fee collected under this article shall be committed within five (5) years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed and paid to the then-record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

8-7N-7 Credit for Private Open Space

The city may grant credits for privately owned and maintained open space or local recreation facilities, or both, in planned developments as defined in §11003 of the Business and Professions Code, condominiums as defined in §783 of the Civil Code, and other common interest developments, as provided in this section.

A. Amount of Credit

Credit shall not exceed twenty-five percent (25%) of the total required dedication or fee, or both, otherwise required by this article for the subdivision, and shall be deducted from the dedication or fees, or both, otherwise required.

B. Qualifying Credits

The city allows all of the following land or facilities as private open space credit, provided such land or facilities are held in a recorded easement by the city.

1. Open spaces, which are generally defined as parks, extensive areas with tree coverage, when such areas are extensive and have natural features worthy of scenic preservation, golf courses, or open areas on the site in excess of twenty thousand (20,000) square feet;
2. Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts, or similar hard-surfaced areas especially designed and exclusively used for court games;
3. Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving, or both, including decks, lawn area, bathhouse, or other facilities developed and used exclusively for swimming and diving;
4. Recreation buildings, designed and primarily used for the recreational needs of the residents of the development; and
5. Special areas, which are generally defined as areas of scenic or natural beauty, historic sites, hiking, riding or motorcycle/bicycle trails, including pedestrian walkways separated from public roads, planting strips, improved access or right-of-way in excess of requirements, and similar type open space or recreational facilities which, in the sole judgment of the city, qualifies for a credit.

C. Procedure for Allowing Credit

Credit under this section may be allowed at the discretion of the designated approving authority for the subdivision at the time of tentative map approval if it can be shown that the allowance of the credit is consistent with the policies of the general plan.

8-7N-8 Sale of Dedicated Land

If, during the period between dedication of land for park purposes and the commencement of first-stage development, circumstances arise that indicate that another site would be more suitable for park or recreational purposes serving the subdivision, by mutual agreement of the subdivider or owner and the city council, the land may be sold upon the approval of the city council, with the resultant funds being used for the purchase of a more suitable site.

8-7N-9 Phased Final Maps and Parcel Maps

If the proposed subdivision is recorded through the use of phased final maps or parcel maps, as provided by this chapter, requirement for dedication of lands for public parks and recreation facilities or in-lieu payment shall be required on a proportional share of the area subject to the phased map versus the overall approved project. The planning director shall, at the time of filing of each phased map, recalculate the amount of land required to be dedicated in accordance with this article, based on the land area and units included in the proposed final map or parcel map. Nothing in this section shall preclude the subdivider from satisfying the requirements of this article as part of the first phased map. However, in no instance shall the dedication accepted by the city or in-lieu fees collected by the city for the subdivision be less than the proportional requirement that has been recorded.

8-7N-10 Off-Site Dedication

Dedication of land outside of the subdivision may be authorized by the city by action on the tentative map and be credited toward the developer's parkland dedication requirement pursuant to this article.

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