CHAPTER 39.

SUBDIVISIONS AND OTHER DIVISIONS OF LAND.[1]

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Article I. In General.

Sec. 39-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Advisory agency. Planning commission or director of planning as the case may be.

Article. An article of this chapter, unless otherwise specified.

Boundary line adjustment. The adjustment of lot boundary lines or legal parcel boundary lines of record; but which adjustment does not create an increase in the number of lots or parcels, and may include the elimination of record lot lines or parcel lines for the purpose of consolidating or combining two or more lots of record into one lot or parcel. Such boundary line adjustment shall be deemed constituted upon the filing of an approved parcel map or a grant of waiver and certificate of compliance.

Dedication. The offer of real property for public use.

Design. The minimum area, width, grading and general layout of lots and the alignment, grades and widths of alleys, streets, highways, easements and rights of way for drainage facilities, water mains, sanitary sewers and other public purposes.

Design unit. A parcel of land shown on a tentative map for which the subdivider requests approval of design.

Division of land. Any parcel or contiguous parcels of land, improved or unimproved, which are divided for the purpose of transfer of title, sale, lease or financing, whether immediate or future, into two or more parcels, except that the term "division of land" shall not refer to:

(a) Land dedicated for cemetery purposes under the Health and Safety Code of the state.

(b) The leasing or financing of apartments, offices, stores or similar space within an apartment building, industrial building, commercial building or trailer park.

(c) Division by mineral, oil or gas leases.

The term "division of land" shall also refer to a condominium project, as defined in the Civil Code of the state, section 1350, containing five or more condominiums, and a community apartment project, as defined in the Business and Professional Code of the state, section 11004, containing two or more parcels.

Drainage facility. Any drainage device or structure which may be used to control the flow of water or alleviate flood hazard, including but not limited to berms, channels, culverts, curbs, ditches, gutters, pavement and pipes.

Final map. A map of a proposed division of land prepared in accordance with the provisions of this chapter and the Subdivision Map Act which is prepared in a manner to be filed in the office of the county recorder.

Flood hazard. A potential danger to life, land or improvements due to inundation or storm water runoff having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings or erode the banks of watercourses.

Frontage. That portion of a lot or parcel which abuts a public or private street or highway to which the lot or parcel has the right of vehicular access.

Future street or alley. A street or alley which is necessary for the future division of lots within a division of land or for the development of adjacent properties and which is offered for public use at an indeterminate future time when the city council determines that the acceptance and construction of such street or alley is warranted.

Geological hazard. A hazard inherent in 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.

General plan. A comprehensive long term plan, including the elements thereof, adopted by the city pursuant to the provisions of chapter 3, title 7, Government Code of the state.

Highway. A thoroughfare of primary importance in the city or state highway system, other than a freeway, which is shown on the circulation element of the general plan.

Improvements. Such structures or facilities to be installed or agreed to be installed by a subdivider on land to be used for public or private alleys, streets, highways or other easements as a condition precedent to the approval or acceptance of a final map or parcel map, including but not limited to street surfacing, curbs, gutters, sidewalks, street trees, street lights, street signs, sanitary sewers, water mains and drainage facilities.

Lease. An oral or written agreement or contract, tenancy at will, month-to-month or other similar tenancy.

Lot. A unit of land identified on a final map or parcel map, filed in the office of the county recorder, with a separate or distinct number.

Parcel map. A map showing the division of land prepared in accordance with the provisions of this chapter and the Subdivision Map Act which is prepared in a manner to be filed in the office of the county recorder.

Person. Any individual, corporation, company, firm, association, partnership, copartnership, joint venture, joint stock company, receiver, syndicate, club, estate, business trust, organization or any other entity or the authorized agent thereof.

Section. A section of this chapter, unless otherwise specified.

Street. A right-of-way designed to provide access to abutting properties.

Subdivider. A person who causes real property to be divided into a division of land for himself or for others or who submits a tentative, final or parcel map for approval.

Subdivision Map Act. Title 7, Planning and Land Use, of the Government Code of the state.

Tentative map. A preliminary plan of a proposed design unit prepared in accordance with the provisions of this chapter and the Subdivision Map Act. (Ord. Nos. 268, 391, 419)

Sec. 39-2. Short title.

This chapter may be cited as the division of land regulations. (Ord. No. 268)

Sec. 39-3. Purpose of chapter.

This chapter is intended to promote the conservation, stabilization and protection of property values through orderly growth and development, the provision of necessary public and private facilities and generally, the public health, safety and general welfare within the city. (Ord. No. 268)

Sec. 39-4. Authority.

The provisions of this chapter derive their authority from title 7, division 2 of the Government Code of the state. (Ord. Nos. 268, 391)

Sec. 39-5. References to other laws.

Whenever reference is made to an ordinance of this city or to a statute of the state, such reference applies to the requirements of the ordinance or statute applicable on the date of final action on a tentative map and to the provisions of variances and permits granted pursuant to such ordinances or statutes. (Ord. No. 268)

Sec. 39-6. Compliance with chapter.

A person shall not sell, lease, finance or transfer title to a portion of a division of land, or offer to do so, or contract to do so, until a final map thereof, in full compliance with the provisions of this chapter and of the Subdivision Map Act, has been filed in the office of the county recorder; except, that a person, at his sole option, may elect to file a parcel map to satisfy the provisions of this section when at least one of the following applies:

(a) The division or redivision of land contains an area of less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required.

(b) All of the land shown on the parcel map is zoned for industrial or commercial development.

(c) The division results in the creation of four or less parcels.

No building shall be constructed, nor shall a permit for the construction of a building be issued, nor shall a portion of any parcel be used, when not conforming to the provisions of this chapter. (Ord. No. 268)

Sec. 39-7. Division of land for lease generally.

The filing of a final map or parcel map on which appears the words "DIVISION OF LAND FOR LEASE ONLY" authorizes the leasing of any lot shown on such map. A person shall not sell, finance or transfer title to any lot shown on such maps, or offer to do so, or contract to do so, unless the transaction would be in full compliance with the provisions of this chapter and the Subdivision Map Act had such final map or parcel map not been filed. (Ord. No. 268)

Sec. 39-8. Exemptions.

The provisions of this chapter do not apply to any portion of a division of land offered for sale, lease, financing or transfer of title, contracted for sale, lease, financing or transfer of title, or sold, leased, financed or transferred in full compliance with or exempt from any law regulating the design and improvement of divisions of land which was in effect at the time the division was established. (Ord. No. 268)

Sec. 39-9. Voidable transactions.

Any deed of conveyance, mortgage, deed of trust or other lien, lease, sale or contract to sell, mortgage, lien or lease made contrary to the provisions of this chapter is voidable at the sole option of the grantee, buyer, tenant, mortgagee, beneficiary or person contracting to purchase or to accept a lien or mortgage or to lease as a tenant, his heirs, personal representatives or trustee in insolvency or bankruptcy within one year after the date of the execution of the deed of conveyance, mortgage, deed of trust, other lien, lease, sale or contract agreeing thereto, but such deed of conveyance, sale, mortgage, deed of trust, lien, lease or contract, is binding upon any assignee or transferee of the grantee, mortgagee, beneficiary, tenant, buyer or person contracting therefor, other than those above enumerated, and upon the grantor, vendor, mortgagor, trustor, landlord or person so contracting, his assignee, heir or devisee. (Ord. No. 268)

Sec. 39-10. Remedies for violation of chapter not exclusive.

The provisions of this chapter are not intended to prohibit any legal, equitable or summary remedy to which the city or other political subdivision or any person may otherwise be entitled, and the city or other political subdivision or person may file suit in a court of competent jurisdiction, to restrain or enjoin any attempted or proposed division of land in violation of the Subdivision Map Act or of this chapter. (Ord. No. 268)

Sec. 39-11. Fraud.

Fraudulent misrepresentation of pertinent information shall be sufficient reason to invalidate an approval obtained pursuant to this chapter. (Ord. No. 268)

Sec. 39-12. Division of land committee created; chairman of division of land committee designated.

There is hereby created a division of land committee consisting of the following officers or their duly authorized representatives:

(a) The director of planning.
(b) The city engineer.
(c) The fire chief.
(d) The superintendent of streets.
(e) The health officer of the city.
(f) The chief engineer of the county flood control district.
(g) The director of parks and recreation.
(h) Such other city officers or representatives of other agencies which in the opinion of the director of planning have an interest in a proposed division of land.

The director of planning shall be the chairman of the division of land committee. (Ord. No. 268)

Sec. 39-13. Planning commission designated advisory agency.

The city planning commission is designated as the advisory agency, as that term is used in the Subdivision Map Act, and shall have all of the powers and duties granted or imposed upon the advisory agency by the provisions of this chapter. (Ord. No. 268)

Sec. 39-14. City manager designated director of planning.

The city manager or his authorized representative is designated as the director of planning for the purposes of this chapter. (Ord. No. 268)

Secs. 39-15 to 39-49. Reserved.

Article II. Tentative Maps.

Sec. 39-50. Compliance with Subdivision Map Act and article.

Tentative maps shall be prepared and processed in accordance with the provisions of the Subdivision Map Act and with the provisions of this article. (Ord. No. 268)

Sec. 39-51. Map number.

The subdivider shall apply for a map number prior to submission of a tentative map. Map numbers shall be assigned by the county engineer. (Ord. No. 268)

Sec. 39-52. Preparation.

Each tentative map shall be prepared in accordance with the following requirements:

(a) Tentative maps shall be prepared by or under the direction of a registered civil engineer or a licensed surveyor.

(b) Each tentative map shall clearly show the details of the plan thereon. Whenever practicable, map sheets should be no less than eighteen by twenty-six inches. In no case shall the scale be less than one inch to two hundred feet.

(c) The director of planning shall determine the number of copies of a tentative map which a subdivider shall submit. One copy shall be a reproducible print of a type approved by the city engineer. (Ord. No. 268)

Sec. 39-53. Contents generally.

Each tentative map shall show and contain the following information:

(a) The assigned map number.

(b) The date of preparation, north point and scale.

(c) The boundary of the division of land and of the design unit, if not identical to the boundary of the division of land, shown to scale and tied to a known point.

(d) A key map indicating the location of the proposed division of land in relation to the surrounding area.

(e) The approximate contours showing existing topography.

(f) The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each watercourse.

(g) The approximate location of all trees standing within the boundaries of proposed rights of way.

(h) The location, width, approximate grade and center line radius of existing and proposed streets, alleys, highways, ways and easements which are within or adjacent to the proposed design unit.

(i) The existing street improvements, including drainage structures.

(j) Actual names for existing streets or highways and an identifying letter for proposed streets or highways.

(k) A label or identifying note for existing or proposed easements other than streets or highways.

(l) The approximate layout of lots, including approximate dimensions and lot numbers, and where pads are proposed for building sites, the approximate finish grade.

(m) The approximate location of existing structures, shown to scale, within or immediately adjacent to the design unit. Show house numbers, and label each structure with the proposed disposition.

(n) The general location of all proposed buildings and structures which are to be divided into units of air space and the means of access thereto where the design unit consists of a condominium or community apartment project.

(o) If necessary, a generalized plan of proposed development adjacent to the design unit showing the compatibility of the design unit with existing and future development in the neighborhood. (Ord. No. 268)

Sec. 39-54. Written statements to accompany map.

Each tentative map shall be submitted with written statements containing the following information and acknowledgments:

(a) The name and address of the subdivider.

(b) The name, address and license or registration number of the person who prepared the tentative map or who directed the preparation of the tentative map.

(c) A statement by a person holding a proprietary interest in the parcel or parcels comprising the design unit, consenting to the submission of the tentative map, except that a public agency, after initiating a Resolution of Necessity may authorize the submission of the tentative map without the consent of person(s) holding proprietary interests.

(d) The proposed use of parcels shown on the tentative map.

(e) The interest which the subdivider proposes to convey in parcels shown on the tentative map.

(f) A copy of conditions, covenants and restrictions proposed by the subdivider, if any.

(g) A statement detailing the arrangements which the subdivider proposes to make for the operation and maintenance of common parcels and easements, if any.

(h) The source of water supply, if any, and the proposed method of sewage disposal.

(i) The results of percolation tests, if required, performed in accordance with the standards of the health officer, where a private system of sewage disposal is proposed.

(j) A geological or soils report or both, if required by the city engineer, prepared by a geologist qualified by the county geological qualifications board, stating the effect of geological or soil conditions on the proposed development.

Any of the information required by subsections (a), (b), (c), (d) and (h) may be shown on the tentative map. The written statements required by this section shall become a part of the tentative map upon submission to the director of planning. (Ord. Nos. 268, 558, 559)

Sec. 39-55. Required for reversion to acreage.

Prior to the submission of a final map for the purpose of reverting to acreage land previously subdivided, a tentative map shall be prepared and processed in accordance with the provisions of the Subdivision Map Act and with the provisions of this article. (Ord. No. 268)

Sec. 39-56. Submission to director of planning; distribution.

Tentative maps and required written statements shall be submitted to the director of planning. The director of planning shall distribute copies of tentative maps and, where appropriate, required written statements to the following:

(a) Each member of the division of land committee.

(b) A city requesting extraterritorial review of tentative maps pursuant to section 11528 of the Subdivision Map Act. (Ord. No. 268)

Sec. 39-57. Review by division of land committee.

The division of land committee shall meet to confer and make recommendations on tentative maps within thirty days subsequent to the date of submission thereof. Division of land committee meetings shall be open to the public and the subdivider, his authorized agent or any other interested party who may appear to present any matters relevant to the proceedings. (Ord. No. 268)

Sec. 39-58. Submission of director's report to advisory agency and subdivider.

The director of planning shall prepare a written report, setting forth the recommendations of the division of land committee and the contents of departmental reports submitted to the director at or prior to division of land committee meetings by city officers or departments or other interested agencies. The director shall transmit his report together with a copy of the tentative map to the advisory agency.

The director of planning shall provide the subdivider with a copy of the director's report prior to final action on the tentative map by the advisory agency. If the subdivider or his authorized representative does not receive the report in person, this provision shall be deemed accomplished when the director's report is placed in the mail, bearing the proper postage, and directed to the subdivider at his designated address. (Ord. No. 268)

Sec. 39-59. Action of advisory agency.

The advisory agency shall approve, conditionally approve, or disapprove tentative maps within fifty days of the date of their submission and shall report such action directly to the subdivider. Action on tentative maps shall be taken at a public meeting at which the subdivider, his authorized representative or any other interested party may appear and present any matters relevant to the proposed division of land. (Ord. No. 268)

Sec. 39-60. Reserved.

Sec. 39-61. Variances granted by advisory agency.

The advisory agency may grant variances to the provisions of this chapter which it determines are warranted because of the size or shape of the division of land, unusual physical conditions, title restrictions, the proposed use of one or more parcels or the nature of the interest to be conveyed in parcels created by the proposed division of land. The advisory agency shall report its findings on all variances in writing, stating the grounds for each variance. The report shall be attached to the advisory agency's report on the tentative map and shall become a part thereof. No variance shall be granted which has the effect of negating the provisions of an ordinance of this city other than this chapter or that which is inconsistent with the provisions of state law. (Ord. No. 268)

Sec. 39-62. Reserved.

Sec. 39-63. Appeal of advisory agency action to city council; procedure.

The subdivider, or any interested person adversely affected by a decision of the advisory agency with respect to a tentative map, may appeal such action to the legislative body.

Any such appeal shall be filed with the clerk of the legislative body within fifteen days after the action of the advisory agency from which the appeal is being taken.

Upon the filing of an appeal, the legislative body shall set the matter for hearing. Such hearing shall be held within thirty days after the date of filing the appeal. Within ten days following the conclusion of the hearing, the legislative body shall render its decision on the appeal.

If the legislative body fails to act upon an appeal within the time limit specified in this chapter, the tentative map, insofar as it complies with applicable requirements of this chapter, shall be deemed to be approved or conditionally approved as last approved or conditionally approved, and it shall be the duty of the clerk of the legislative body to certify such approval. (Ord. Nos. 268, 391, 419)

Sec. 39-64. Extension of time limits by advisory agency or city council.

The time limits for acting and reporting on tentative maps and appeals as specified in this article and by the Subdivision Map Act may be extended by mutual consent of the subdivider and the advisory agency or the city council as the case may be. (Ord. No. 268)

Sec. 39-65. Grounds for rejection by city council or advisory agency.

The advisory agency or the city council shall deny approval of a final or tentative subdivision map if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) 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.

(f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(g) 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 governing body 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 hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. Nos. 268, 391)

Sec. 39-66. Notification of state real estate commissioner.

If a division of land contains five or more lots, the advisory agency shall forward a copy of the conditions of approval of the tentative map to the state real estate commissioner. (Ord. No. 268)

Sec. 39-67. Boundary line adjustment applications; processing of applications.

For every application for a boundary line adjustment, the subdivider shall submit the designated number of copies of a tentative parcel map and required written statements to the director of planning. The director of planning shall distribute copies of the tentative parcel maps and, where appropriate, require written statement to the city, requesting extraterritorial review of tentative parcel maps pursuant to article 3, chapter 3 of the Subdivision Map Act and other agencies or school districts who, in the opinion of the director of planning, would have an interest in said proposed map. Boundary line adjustments shall be processed in the following manner:

(a) Review. The director of planning shall review, approve, conditionally approve or deny the tentative parcel map within thirty days subsequent to submission thereof. The director of planning may approve or conditionally approve the proposed lot line adjustment if he finds that it conforms to all of the following requirements:

(1) Does not create any new parcel;

(2) Does not reduce the area or width of any lot in any zone below the minimum requirement of the zone;

(3) Does not cut off any lot or parcel from frontage on a public utility easement or create a need for utility easements;

(4) Does not cut off any lot or parcel from any utility service available immediately prior to the division of land;

(5) Does not cause an existing building to be in violation of the existing zoning ordinance, building code or State Housing Law by reason of its proximity to or encroachment on a proposed new lot line;

(6) Does not create a new key lot or parcel in any zone;

(7) No new public street or easement or extension of any existing public street or easement is required.

(b) Report required. The director of planning shall set forth his findings and decisions by formal notice to the subdivider not more than five days after rendering his decision. The subdivider upon receipt of the director of planning's decision may, within ten days after the date of the decision so rendered, appeal the director of planning's decision to the planning commission. In this event, the director of planning shall refer the matter to the planning commission and shall process such appeal in accordance with section 66452.5, article 2, chapter 3, of the Subdivision Map Act. The planning commission shall render their decisions within seven days after conclusion of their respective hearings. (Ord. No. 391)

Sec. 39-68. Notice of public hearing.

Whenever a public hearing is held pursuant to this chapter notice of the time and place thereof, including a general description of the location of the subdivision or proposed subdivision, shall be given at least ten days before the hearing. Such notice shall be given by publication once in a newspaper of general circulation published and circulated in the local agency, or if there is none, by posting the notice in at least three public places in the local agency, or if the subdivision lies within a city, published in a newspaper of general circulation printed and published in the county and circulated in the city. In addition to notice by publication, a local agency may give notice of the hearing in such manner as it may deem necessary or desirable, as provided by local ordinance. Any interested person may appear at such a hearing and shall be heard. (Ord. No. 391)

Secs. 39-69 to 39-99. Reserved.

Article III. Design Standards.

Sec. 39-100. Access to design unit.

Access to a design unit or to any lesser unit thereof, if more than one parcel map or final map is to be filed on a design unit, shall be by means of an improved public street or highway. (Ord. No. 268)

Sec. 39-101. Highways--Conformity with general plan.[2]

If the circulation element of the general plan shows a highway so located that any portion thereof lies within a design unit, that portion of the highway which is within the design unit shall be included in the design of the division unless the advisory agency determines that there is a reasonable probability that the general plan will be amended to remove or relocate the highway so that it is no longer within the design unit.

If the advisory agency determines that the present acceptance and construction of a highway or portion thereof is not warranted, the highway or portion thereof shall be included in the design of the division of land as a future street. (Ord. No. 268)

Sec. 39-102. Same--Alignment.

If a center line has been established for a highway, the alignment of the highway shall conform to the established center line. If no center line has been established, the alignment shall conform to the following requirements:

(a) The alignment shall be substantially as shown on the circulation element of the general plan.

(b) The center line curve radius of a major highway shall be not less than one thousand five hundred feet.

(c) The center line curve radius of a secondary highway shall be not less than one thousand feet.

(d) Highways shall intersect with streets and other highways as nearly at a right angle as is practical. (Ord. No. 268)

[2]As to streets and sidewalks generally, see Ch. 38 of this Code.

Sec. 39-103. Same--Grade.

No highway shall have a grade of more than six percent nor less than four-tenths of one percent. (Ord. No. 268)

Sec. 39-104. Same--Width.

Major highways shall have a width of one hundred feet and secondary highways shall have a width of eighty feet, unless a different width is indicated on the circulation element of the general plan. (Ord. No. 268)

Sec. 39-105. Streets--Alignment.

The alignment of streets shall be such as to provide at least thirty-five feet of frontage for each lot in the design unit not having frontage on a highway and, where necessary, to provide for the future development of adjacent properties. Lots which abut a major or secondary highway, to which access rights are to be relinquished, shall be provided with frontage on a service road or other local street.

(a) Center line jogs of one hundred fifty feet or less shall be avoided wherever practicable.

(b) On any street no center line curve radius of less than two hundred feet shall be provided. A center line having an arc length of less than one hundred feet shall not be permitted unless the center line radius is greater than three thousand feet.

(c) Streets shall intersect with other streets and highways as nearly at a right angle as practicable. (Ord. No. 268)

Sec. 39-106. Same--Grade.

No street shall have a grade of less than four-tenths of one percent. (Ord. No. 268)

Sec. 39-107. Right-of-way and roadway widths of streets and alleys.

Streets and alleys shall have right-of-way and roadway widths as shown in the following cross sections:

(a) Residential entrance streets from general plan highways, collector streets, streets adjacent to schools and multiple residential use streets;

(b) Interior local streets for one-family or two-family residences;

(c) Service road serving as a collector street or for multiple residences;

(d) Service road serving one-family and two-family residences;

(e) Industrial and commercial streets as an entrance or collector;

(f) Industrial and commercial as a cul-de-sac or loop;

(g) Alley.

(Ord. No. 268)

Sec. 39-108. Future streets and alleys generally.

The advisory agency may require that future streets and alleys be provided for the future division of lots shown on the tentative map and for the development of adjoining property. (Ord. No. 268)

Sec. 39-109. Alleys generally.

The advisory agency may require that an alley be provided at the rear of lots which are intended for multiple residential (not including two-family use), commercial or industrial use. (Ord. No. 268)

Sec. 39-110. Grade separation; lots abutting grade; lots divided by grade.

Wherever any highway within a division of land intersects a railroad right-of-way, and such highway is shown as a major or secondary highway upon the circulation element of the general plan and provision is made in such plan of highways for the location of a separation of grades at such intersection, the street layout of the division of land shall be such as to conform to the plan of such separation.

Each lot abutting upon a proposed cut or fill necessary for the approach to such grade separation shall be given suitable access elsewhere.

Wherever it is proposed to divide property abutting an approach to an existing or proposed bridge, the division shall be arranged so that any lot abutting such approach has suitable access elsewhere and the street layout adequately provides for such approach. (Ord. No. 268)

Sec. 39-111. Turning areas in cul-de-sac streets and dead-end alleys.

An adequate turning area, conforming to the specifications of the superintendent of streets, shall be provided at the end of cul-de-sac streets and dead-end alleys. (Ord. No. 268)

Sec. 39-112. Road intersections.

Intersections of road right-of-way lines, where one or both streets are local residential, shall be rounded with a curve having a radius of thirteen feet, unless otherwise determined by the superintendent of streets.

Intersections of road right-of-way lines, where both streets are highways or one of the streets serves a commercial or industrial development shall be rounded with a curve having a radius of twenty-seven feet, unless otherwise determined by the superintendent of streets. (Ord. No. 268)

Sec. 39-113. Alley intersections.

Where two alleys intersect, a cutoff of not less than ten feet at the intersection of right-of-way lines shall be provided. (Ord. No. 268)

Secs. 39-114 to 39-119. Reserved.

Sec. 39-120. Lots.

(a) Each lot in a division of land shall have an area of not less than the required area for the zone in which the lot is located. Each lot shall have an average width of not less than the required width. Strips of land intended for use as vehicular access shall not be included in calculating average width or required area. The required area and the required width shall be the same as those terms are defined in chapter 44 of this Code. Where chapter 44 of this Code does not establish a required width in a particular zone, the required area shall be five thousand square feet and the required width shall be fifty feet.

(b) If a lot is in more than one zone, then the area and width thereof shall be not less than the area and width requirements, respectively, in that zone in which any part of the lot is located which has the largest area requirement and in that zone in which any part of the lot is located which has the greatest width requirement.

(c) This section does not apply to any lot which the subdivider offers to deed or dedicate to the public.

(d) Where public sewers are not available and private sewage disposal is to be used, every lot or parcel or building site shall be of sufficient size to provide for satisfactory sewage disposal for the land use intended.

(e) In all cases where practical, the sidelines of lots shall be at an approximate right angle to the street upon which such lots front.

(f) Wherever practical, divisions of property abutting rights of way for freeways, highways, railroads, transmission lines and flood control channels shall be designed so as to create lots which back up to such rights of way. (Ord. No. 268)

Sec. 39-121. Zone changes as prerequisite to tentative map compliance.

The advisory agency may approve a tentative map contingent upon the enactment of an amendment to chapter 44 of this Code reducing required area or required width, or both, provided that it finds that there is a reasonable probability that the amendment reducing required width or required area, or both, will become effective within eighteen months of the date action is taken on the tentative map. Approval of the tentative map shall not become effective unless and until an ordinance, reducing required area or width, or both, has been enacted by the city council and has become effective, so that each lot shown on the tentative map complies with the area and width requirement of the zone in which it is situated. (Ord. No. 268, Sec. 1.)

Sec. 39-122. City boundary as lot line.

No lot shall be divided by a city boundary line. Each such boundary line shall be made a lot line. (Ord. No. 268)

Secs. 39-123 to 39-149. Reserved.

Article IV. Required Improvements.

Sec. 39-150. Compliance with article.

Improvements required to be installed or agreed to be installed by a subdivider as a condition precedent to the filing of a final map or parcel map shall comply with the requirements of this article. Such improvements shall be provided and developed in accordance with the conditions imposed as a condition of approval of the tentative map, in accordance with any agreement or bond made or entered into by the subdivider for that purpose, and in accordance with the standards and specifications set by administrative regulations and ordinances of the city applicable at the time of approval of the tentative map. (Ord. No. 268)

Sec. 39-151. Filing site development plans for approval of city engineer.

Plans, profiles and specifications for improvements other than street and highway improvements shall be submitted to the city engineer not later than the time a final map or parcel map is submitted for checking and certification. Such plans shall show all details of the proposed improvements needed for approval of the plans by the city engineer. Such details may include requirements of other governmental bodies whose jurisdiction some portion of the plan may encompass. Final plans must be approved before a final map is transmitted to the city council for approval or a parcel map is certified for filing by the city engineer if:

(a) The subdivider applies for a reimbursement agreement.

(b) Another governmental agency, whose approval of plans is necessary, will not approve preliminary plans.

Preliminary plans may be approved by the city engineer when sufficient engineering data is furnished by the subdivider to demonstrate that the preliminary design meets the city's standards and specifications, is practicable from a maintenance standpoint and is consistent with sound engineering practices and that the final plans will conform to the preliminary plans with only minor changes. (Ord. No. 268)

Sec. 39-152. Filing street and highway plans for approval of superintendent of streets.

Plans, profiles and specifications for all street and highway improvements shall be subject to the approval of the superintendent of streets. Such plans shall be furnished to the superintendent of streets not later than the time of submitting the final map or parcel map to the city engineer for checking and shall be subject to the approval of the superintendent of streets before any such map shall be certified by the city engineer. Such plans, profiles and specifications shall show full details of the proposed improvements and shall be in accordance with the standards and specifications of the city as adopted by the city council. Such plans shall also include the design grade for an existing highway or for a future street, provided the superintendent of streets determines that such grade is necessary to properly locate slope and drainage easements, if any. (Ord. No. 268)

Sec. 39-153. Filing map delineating structures with highway improvement plans.

If streets, highways or other public ways are to be dedicated on a final map or by separate instrument prior to filing a parcel map and the subdivider is required to grade, pave or install curbs, gutters or sidewalks within such easements, the subdivider shall provide a copy of the final map or parcel map, as the case may be, which delineates all structures within such easements, except publicly owned storm drains, water lines, sewers and other drainage or sanitary facilities. Such maps shall be submitted to the superintendent of streets when highway improvement plans are submitted for approval. (Ord. No. 268)

Sec. 39-154. Highways generally.

Each highway shall be improved with full width grading, cement concrete curbs and gutters, full width roadway paving, installation of drainage facilities incidental thereto, street signs and such other improvements for traffic and drainage needs as are required for the appropriate development of the division of land. (Ord. No. 268)

Sec. 39-155. Streets generally.

Each street, whether public or private, shall be improved with full width grading, cement concrete curbs and gutters, full width roadway paving, drainage facilities incidental thereto and street signs. (Ord. No. 268)

Sec. 39-156. Existing streets and highways--Adjacent to division of land.

If a portion of an existing street or highway constitutes any portion of the boundary of the division of land and such street or highway is unimproved, or the advisory agency determines that the improvements are insufficient for the general use of the lot owners in the division of land and for local neighborhood traffic and drainage needs, the advisory agency may require the subdivider to improve or agree to improve such street or highway as specified in sections 39-154, 39-155 and 39-166. (Ord. No. 268)

Sec. 39-157. Same--Within the division of land.

The advisory agency may require the remodeling of an existing street or highway. Such remodeling shall be in accordance with the improvement requirements specified in sections 39-154, 39-155 and 39-166. (Ord. No. 268)

Sec. 39-158. Future streets.

Except for full width grading, the subdivider shall not be required to improve streets or highways shown on a final map or a parcel map as future streets. (Ord. No. 268)

Sec. 39-159. Temporary improvements.

Temporary improvements may be required prior to, or concurrent with, permanent improvements. In such instances, the temporary improvements shall be installed in a manner approved by the city engineer or superintendent of streets, whichever is appropriate. (Ord. No. 268)

Sec. 39-160. Protection of property.

The advisory agency may require such structures to be installed as are necessary for the proper functioning and maintenance of the improvements required to remove a flood or geological hazard and as are necessary for the protection of property adjacent to the division of land. (Ord. No. 268)

Sec. 39-161. Drainage facilities.

The subdivider shall provide such drainage facilities as are considered necessary by the advisory agency for the drainage requirements of the division of land and for local neighborhood needs. Such facilities shall be constructed in accordance with standards and specifications approved by the city engineer. (Ord. No. 268)

Sec. 39-162. Walls adjacent to highways.

If lots in a division of land abut a highway and the advisory agency requires the subdivider to relinquish vehicular access rights to such highway, a masonry wall not less than five feet high shall be required along the property line of the lots contiguous to the highway. (Ord. No. 268)

Sec. 39-163. Fencing watercourse or drainage facility.

The subdivider shall provide a chain link fence or equivalent, not less than five feet high, along each side of any portion of a dedicated right of way for any watercourse or drainage facility within a proposed division of land if the advisory agency finds that the location, shape, slope, width, velocity of water therein or other characteristics of the watercourse or drainage facility makes the fencing of the right-of-way necessary for the protection of the general public. Such fencing shall have an adequate number of gates to facilitate cleaning and maintenance and shall not contain apertures below the fence in excess of four inches vertical. (Ord. No. 268)

Sec. 39-164. Underground utilities.[3]

Utility lines, including, but not limited to, electric, communications, street lighting and cable television shall be required to be placed underground. The subdivider is responsible for complying with the requirements of this section, and he shall make the necessary arrangements with the utility companies for the installation of such facilities. For the purposes of this section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets and concealed ducts in an underground system may be placed above ground. The advisory agency may waive the requirements of this section if topographical, soil or any other conditions make such underground installations unreasonable or impractical. (Ord. No. 268)

Sec. 39-165. Sanitary sewers.[4]

The advisory agency may require the subdivider to install sanitary sewers to serve each lot in a division of land. Such sewers shall be designed in accordance with the requirements of the city engineer and the outlet to be used for the sewers shall be designated by the city engineer. (Ord. No. 268)

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[3]As to underground utilities districts generally, see Ch. 42 of this Code.

[4]As to sewers and sewage disposal generally, see Ch. 35 of this Code.

Sec. 39-166. Sidewalks.

The subdivider shall install concrete sidewalks not less than four feet wide when adjacent to the property line or not less than five feet when adjacent to the curb along that side of all service roads upon which lots abut and on both sides of all other streets and highways. Sidewalks shall be installed adjacent to the curb only if the advisory agency so specifies. (Ord. No. 268)

Sec. 39-167. Street lighting.

The subdivider shall provide a street lighting system in each division of land. Plans for the installation of the system shall be submitted to the superintendent of streets for approval. (Ord. No. 268)

Sec. 39-168. Street trees and plants.

The subdivider shall plant trees in the parkway panels of streets and highways within or adjacent to a division of land. The type or species and location of such trees shall be subject to the approval of the parks and recreation department. (Ord. No. 268)

Sec. 39-169. Water mains, fire hydrants and fire flows.

The subdivider shall install or agree to install mains and fire hydrants in the division of land for the general use of the lot owners and for fire protection. The installation of such water mains and fire hydrants shall comply in all respects with all statutes, ordinances, rules and regulations applicable to water mains and fire hydrants. In the absence of such statutes, ordinances, rules and regulations, required domestic water flows shall be determined by the city engineer and required fire flows, duration of required fire flows and fire hydrant type and location shall be determined by the fire chief.

Water mains and fire hydrants may be required on existing streets or highways adjacent to or within the division of land, provided the existing improvements are insufficient for the general use, fire protection, or both, of the lot owners. (Ord. No. 268)

Sec. 39-170. Improvement agreement with city.

If a required improvement is not completed before a final map or parcel map is filed, the subdivider shall enter as contractor into an agreement with the city to complete the improvement within the time specified in the agreement. (Ord. No. 268)

Sec. 39-171. Costs borne by subdivider; exceptions.

Improvements required by this article shall be installed and constructed by the subdivider at his expense, and shall not be paid for by any special assessment, lien, tax, bonded indebtedness or other charge against the land or real property within the division, except:

(a) The cost of installing pipes and other facilities for the transmission of water may be paid for in whole or in part from revenues collected from the customers served at regular established water rates for the water company, pursuant to regulations of the public utilities commission where applicable, or by a public agency (as defined in section 4401 of the State Government Code) from the net operating income only, as payment for the sale of water thereto.

(b) As provided in sections 11543, 11543.5, 11543.6, 11544 and 11545 (sewer and drainage reimbursement contracts) of the Subdivision Map Act or other reimbursement enabling acts. All outstanding or remaining assessments on the land of the division established for improvements constructed under special assessment district proceedings shall be paid by the subdivider. (Ord. No. 268)

Secs. 39-172 to 39-199. Reserved.

Article V. Final and Parcel Maps.

Sec. 39-200. Time limit for filing--Final maps.

Within twenty-four months after the approval or the conditional approval of a tentative map, a subdivider shall cause the proposed division of land to be accurately surveyed and a final map prepared and filed in the office of the county recorder. The time limit for such filing may be extended by the planning commission for a period not to exceed two years. (Ord. Nos. 268, 532)

Sec. 39-201. Same--Parcel maps.

Within two years after the approval or the conditional approval of a tentative map, a subdivider shall cause the proposed division of land to be accurately surveyed, if necessary, and a parcel map prepared and filed in the office of the county recorder. The time limit for such filing may be extended by the planning commission for a period not to exceed two years. (Ord. Nos. 268, 532)

Sec. 39-202. Conformity with tentative map.

The final map or parcel map shall conform to the approved tentative map and to the requirements and conditions contained on the report approving the tentative map. No final map or parcel map shall be accepted by the city engineer unless a tentative map has been approved by the advisory agency. (Ord. No. 268)

Sec. 39-203. Submission to city engineer; distribution to city officers and departments.

Final maps or parcel maps shall be submitted to the city engineer. A subdivider shall submit sufficient copies of the final map or parcel map to permit the city engineer to furnish copies to city officers and departments and to other public agencies which in the opinion of the city engineer may have an interest in the map. (Ord. No. 268)

Sec. 39-204. Reports of city officers and departments filed with city engineer.

Each officer or department, within fifteen days after the receipt of a print of a final map or parcel map, shall report in writing to the city engineer as to the compliance or noncompliance of the map with the approved or conditionally approved tentative map. (Ord. No. 268)

Sec. 39-205. Dedication requirements.

As a condition of approval of a map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets, alleys, including access rights and abutters. rights, drainage, public utility easements and other public easements. In addition, the subdivider shall improve or agree to improve all streets, alleys, including access rights and abutters. rights, drainage, public utility easements, and other public easements. (Ord. No. 391)

Secs. 39-206 to 39-209. Reserved.

Sec. 39-210. Dedications or grants of easements--Recording.

Dedications or grants of easements required as a condition precedent to filing a final map shall be made on the final map. Dedications or grants of easements required as a condition precedent to filing a parcel map shall be offered by separate instrument, accepted and recorded prior to or concurrently with the filing of the parcel map. (Ord. No. 268)

Sec. 39-211. Same--As prerequisite to reversion to acreage.

The advisory agency may require dedications as a condition precedent to filing a final map for the purpose of reverting to acreage land previously subdivided. (Ord. No. 268)

Sec. 39-212. Same--Streets, highways, alleys, etc.

Except as otherwise provided by this section, streets, highways, alleys and other vehicular and pedestrian rights of way or portions thereof which are required as a condition precedent to filing a final map or parcel map shall be offered for public use. With the approval of the advisory agency, a street or alley which is intended to be kept physically closed to public travel or posted as a private right-of-way may be shown as a private street or alley. Private streets and alleys shall be conditionally dedicated, which offer may be accepted by the city council, if the street or alley ceases to remain physically closed or posted and is open to public travel for a period of three months or more. (Ord. No. 268)

Sec. 39-213. Same--Future streets and alleys.

Future streets and alleys shall be offered for public use, which offer shall remain open for an indeterminate period of time until the city council determines that the opening of the street or alley is warranted. The owners of the underlying fee to any portion of a future street or alley shall retain the right to any and all ordinary uses of such land, except the erection or construction thereon of any structure not ordinarily placed in public streets or alleys, until such time as the city council opens the street or alley for public use. (Ord. No. 268)

Sec. 39-214. Same--Access rights to highways and streets.

Access rights to major and secondary highways and to one street for double frontage lots, except corner lots, shall be dedicated unless abutting lots are to be used for commercial or industrial development. (Ord No. 268)

Sec. 39-215. Same--Restricted use areas.

The right to restrict the erection of buildings or other structures within those portions of lots which are shown as being subject to flood hazard, inundation or geological hazard on a final map or parcel map shall be dedicated. (Ord. No. 268)

Sec. 39-216. Same--Sewers and drains.

If sewers or drains or both are required for the general use of lot owners in a division of land and such sewers or drains are not to be installed within public highways, streets or alleys, the necessary easements shall be granted. (Ord. No. 268)

Sec. 39-217. Same--Storm drainage right-of-way.

In the event that a division of land is traversed by a major watercourse, channel, stream, swale or creek, the advisory agency may require that an adequate right-of-way be dedicated for storm drainage purposes. (Ord. No. 268)

Secs. 39-218, 39-219. Reserved.

Sec. 39-220. Compliance with Subdivision Map Act and chapter; preparation; parcels not abutting to be shown on separate maps.

(a) Final maps and parcel maps shall be prepared in accordance with the requirements of the Subdivision Map Act and of this chapter.

(b) Final maps and parcel maps shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.

(c) The division of parcels which are not abutting shall be shown on separate maps, unless such parcels are separated because of the interposition of a highway, street, alley or railroad, public utility or flood control right-of-way. (Ord. No. 268)

Sec. 39-221. Title sheet.

(a) The title sheet of each map shall contain a title, consisting of the words "Tract No." and the map number on a final map or the words "Parcel Map No." and the map number on a parcel map. The title shall also contain the words "In the City of Paramount" or "partly in the City of Paramount and partly in (here insert the name for the political division involved)."

(b) The title sheet shall also contain a subtitle consisting of a description of all of the property being divided by reference to maps previously filed or recorded in the office of the county recorder or previously filed with the county clerk pursuant to a final judgment in any action in partition or by reference to the plat of a United States survey. Upon the title sheet of each map filed for the purpose of reverting subdivided land to acreage, the subtitle shall consist of the words "A Reversion to Acreage of ..." (insert a legal description of the land being reverted). Each reference in these subtitles must be spelled out and worded identically to the original record thereof. A complete reference to the book and page of the cited record must be included.

(c) The title sheet for a parcel map shall contain the certificate of the surveyor or engineer referred to in section 11579 of the Subdivision Map Act. The title sheet for a final map shall contain the certificate of the surveyor or engineer referred to in section 11592 of the Subdivision Map Act. The title sheet or at least one map sheet shall contain a basis of bearings, making reference to a filed tract map, county surveyor's map or other record acceptable to the city engineer.

(d) Required certificates, affidavits and acknowledgments may be legibly stamped or printed on the title sheet of a final or parcel map with opaque ink. All required signatures shall be written with opaque ink. All such entries shall be readily reproducible by any normal method of reproduction. (Ord. No. 268)

Sec. 39-222. Map sheet format.

Each map sheet of a final map or a parcel map shall conform to the following format:

(a) Each map sheet and the lettering thereon shall be oriented so that, with the north point directed away from the reader, the map may be read most conveniently from lower right hand corner of the sheet.

(b) Each map sheet shall bear the main title of the map, the scale, north point and sheet number and designation of the relation, if any, between the sheet and each other sheet comprising the final map or parcel map. (Ord. No. 268)

Sec. 39-223. Division of land for lease noted on map.

If the advisory agency approves a variance pursuant to section 39-61 because a division of land is for lease only, there shall appear on a final map or parcel map of the division in letters not less than one-fourth inch in height the words: "DIVISION OF LAND FOR PURPOSE OF LEASE ONLY." (Ord. No. 268)

Sec. 39-224. Lot numbers; area destination.

(a) All lots shall be numbered. Lot numbers shall begin with the numeral "1" and continue consecutively without omission or duplication throughout the entire map. No prefix or suffix or combination of letter and number shall be used. Each lot shall be shown entirely on one sheet.

(b) Upon each lot containing an area of three-fourths of an acre or more shall be designated the acreage of the lot to the nearest one-hundredth of an acre. (Ord. No. 268)

Sec. 39-225. Lot, block and boundary lines.

(a) The bearing and length of each lot, block and boundary line shall be shown on a final map or parcel map; except, when bearings and lengths of lot lines in a series of lots are the same, the bearings or lengths may be omitted from each interior, parallel lot line of the series. Each required bearing or length shall be shown in full and no ditto mark or other designation of repetition shall be used.

(b) The length, radius and total central angle or bearings of terminal radii of each curve and the bearing of each radial line to each lot corner on each curve, or the central angle of each segment within each lot, shall be shown. (Ord. No. 268)

Sec. 39-226. Blue border denotes map boundary.

The exterior boundary of a final map or parcel map shall be indicated by a border of light blue ink approximately one-eighth of an inch in width, applied on the reverse side of the tracing and inside the boundary line. The ink shall have a density which will permit the border to be clearly transferred to a blue line print without obliterating any line, figure or other data appearing on the map. (Ord. No. 268)

Sec. 39-227. Survey data--Streets, highways, alleys, etc.

(a) Each final map or parcel map shall show the center line, the total width and the width on each side of the center line of each street, highway, alley or other way appearing on the map. The bearing and length of each tangent and the radius, central angle and length of each curve shall be shown on each center line.

(b) Final maps shall also show the width of right-of-way to be dedicated on the map when only a portion of a street, highway, alley or way is within the map boundary. (Ord. No. 268)

Sec. 39-228. Same--Private and future streets and alleys.

(a) Final and parcel maps shall show sufficient mathematical data to clearly indicate the portion of each lot which is within private or future streets or alleys in addition to the width and center line detail required by section 39-227.

(b) Right-of-way lines for private or future streets or alleys shall be dashed.

(c) Each private or future street or alley shall be clearly identified as such. If the street or alley is of record or in the case of a parcel map is to be recorded on a separate instrument at the time the map is filed, the record reference shall also be shown. (Ord. No. 268)

Sec. 39-229. Street and highway names; approval by city engineer.

(a) Final maps and parcel maps shall show the name of each highway or street, other than a future street, appearing on the map. Street and highway names shall be shown in or arrowed to the right-of-way.

(b) If only a portion of a street or highway is to be dedicated on a final map, the street or highway name shall be shown or arrowed into both the portion to be dedicated and the existing portion of the street or highway.

(c) Street and highway names shall be subject to the approval of the city engineer.

(d) The words "Avenue," "Street," "Place" or other street or highway designation shall be spelled out in full. (Ord. No. 268)

Sec. 39-230. Railroad, transmission line and flood control rights-of-way designated.

Final maps and parcel maps shall show the width and location of each railroad or transmission line right-of-way, flood control channel or other similar rights-of-way, appearing on the map. Rights-of-way which appear on a map as a lot or a series of lots shall be shown as provided in sections 39-224 and 39-225. (Ord. No. 268)

Sec. 39-231. Easements to be designated.

(a) Final maps shall show all easements which are a burden upon lots in the division or reversion or which are required as a condition precedent to filing the map.

(b) Parcel maps shall show each easement which is required as a condition precedent to filing the map. (Ord. No. 268)

Sec. 39-232. Procedure for designating easements.

Easements appearing on a final map or parcel map shall conform to the following requirements:

(a) The sidelines of each easement shall be shown. Widths, center lines, center line or sideline date and ties shall be shown as necessary to definitely locate each easement.

(b) Easement sidelines shall be shown as fine dashed lines.

(c) Distances and bearings on the side lines of lots which are cut by easements shall be arrowed or otherwise shown so as to clearly indicate the actual length of each lot line.

(d) Each easement shall be clearly labeled and identified and, if of record, the record reference shall be shown thereon. If an easement is to be granted by separate instrument, the record reference shall be shown on the map at or prior to the time of filing.

(e) Notes or figures pertaining to easements shall be subordinated in form and appearance to other notes or figures on the map. (Ord. No. 268)

Sec. 39-233. City boundary lines to be designated.

Final maps and parcel maps shall show each city boundary line crossing or adjoining a division or reversion. Each such line shall be clearly designated and tied. (Ord. No. 268)

Sec. 39-234. Hazard areas to be designated.

If any portion of a lot shown on a final map or parcel map is subject to flood hazard, inundation or geological hazard, and the hazard is not to be removed as a condition precedent to filing the map, the hazard area and a prominent note identifying the hazard shall be shown on the map. (Ord. No. 2680

Sec. 39-235. Natural watercourses to be designated.

In the event that dedication of right-of-way for storm drainage purposes is not required, the advisory agency may require that a final map or parcel map show the location of any natural watercourse, stream, channel, swale or creek which traverses the map. (Ord. No. 268)

Sec. 39-236. Parcel maps compiled from record data.

If a parcel map is compiled from record data, the source of information used shall be contained in a note on one sheet of the map. (Ord. No. 268)

Sec. 39-237. Maps requiring survey data.

Each final map and each parcel map for which a survey is required shall show evidence found on the ground of sufficient corners of prior surveys or such other evidence as may be suitable to precisely locate the boundaries of the division or reversion shown on the map. Each stake, monument or other object found shall be fully described and referenced. The method used to establish each point or line shall be clearly shown and explained on the map. (Ord. No. 268)

Sec. 39-238. Survey procedure.

The procedure and practice for all survey work done for preparation of a final map or parcel map shall conform to the standards and details set forth in chapter 15, division 3, of the Business and Professions Code of the state, the Land Surveyor's Act. The allowable error of closure on any portion of a final map or parcel map shall be 1/10,000.

In the event that the county engineer, the county road commissioner, the state highway engineer or the city engineer shall have established the center line of any highway, street or alley shown on a final map or parcel map, the map shall show such center line, together with a reference to a field book or map showing such center line and the monuments which determine its position. If determined by ties, that fact shall be stated upon the final map or parcel map. (Ord. No. 268)

Sec. 39-239. Monuments to be designated.

(a) Each final map and each parcel map for which a survey is required shall show durable monuments found or set at or near each boundary corner and at intermediate points, approximately one thousand feet apart, or at such lesser distances as may be made necessary by topography or culture to insure accuracy in the re-establishment of any point or line without unreasonable difficulty. The precise position and the character of each such monument shall be shown on the map. Such durable monument shall be not less substantial than an iron pipe of a two inch outside diameter, not less than two and one-half feet in length, with plug and tack, and set at least two feet into the ground or of such other character and stability as may be approved by the city engineer. For the purposes of this chapter a lead and tack set in permanent concrete or masonry shall be considered as a durable monument. The approximate elevation of the top of each such monument with respect to the surface of the ground shall be shown on such map.

(b) Whenever necessary in the opinion of the city engineer, center line monuments shall be set to mark intersections of streets or intersections of streets with the map boundary or to mark either the beginning and end of curves or the points of intersection of tangents thereof or other intermediate points. Each such monument shall be not less durable and substantial than:

(1) In asphaltic concrete or cement pavements, a lead and tack.

(2) In unsurfaced graveled or oiled surfaces, a two inch iron pipe set not less than twelve inches below the surface, or at such depth as may be approved by the city engineer.

(3) In bituminous macadam pavements, a spike not less than six inches long.

For each center line intersection monument set, the engineer or surveyor under whose supervision the survey has been made shall furnish to the city engineer a set of notes clearly showing the ties between the monument and a sufficient number (normally four) of durable, distinctive reference points of monuments. Such reference points or monuments may be leads and tacks in sidewalks, or two inch by two inch stakes set back of the curbline and below the surface of the ground, or a substitute therefor which appears to be not more likely to be disturbed. Each set of notes submitted shall conform in all respects to the standardized office records of the city engineer. All such notes shall be indexed and filed by the city engineer as a part of the permanent public records of his office.

(c) All monuments set as required herein shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor under whose supervision the survey was made.

(d) All boundary monuments shall be set prior to filing the final map or parcel map unless extensive grading operations or improvement work makes it impractical to set monuments. The city engineer shall determine the validity of all requests to defer the setting of permanent monuments until after the final map or parcel map is filed. If the setting of boundary monuments is deferred, field notes showing the boundary survey shall be presented to the city engineer at the time the final map or parcel map is submitted for checking. Interior street center line monuments may be set subsequent to filing of the final map or parcel map. The final map or parcel map shall show which monuments are in place and which are to be set, prior to certification of the final map or parcel map by the city engineer, the subdivider shall submit a written agreement in which he agrees that monuments deferred will be set within a specified time and that the notes required by subsection (b) of this section will be furnished within a specified time.

(e) All monuments shall be subject to inspection and approval of the city engineer. (Ord. No. 268)

Sec. 39-240. Evidence of title.

The evidence of title required for final maps by the provisions of section 11625 of the Subdivision Map Act shall be a certificate of title or a policy of title insurance issued by a title company authorized by the laws of the state to write the same, showing the names of all persons having any record title interest in the land to be subdivided, together with the nature of their respective interests therein. In the event that land in the city is to be dedicated, the certificate of title or policy of title insurance shall be issued for the benefit and protection of the city. The certificate or policy shall be dated and delivered upon request of the city engineer when the final map is ready for filing. (Ord. No. 268)

Sec. 39-241. Waiver of signature of easement owner.

If the owner of an easement in a right-of-way offered for public use on a final map, who has no other interest whatever in any part of the lands included within the division or reversion, refuses to make his easement subject to the right-of-way offered to the public, but the final map in all other respects complies with this chapter, with the Subdivision Map Act and with other applicable statutes and ordinances and the city council finds that the subdivider has in good faith attempted to obtain the necessary signature from the owner and has been unable to do so and that a refusal to accept the final map for filing would work an undue hardship on the subdivider, then by a majority vote of all its members, the city council may accept the map. (Ord. No. 268)

Sec. 39-242. Easement certificate.

Final maps on which easements are offered for public use shall have written thereon, in addition to or as a part of any other certificate required, a certificate signed by all persons claiming an interest in the lands included within the division or reversion shown on the map, other than an interest which cannot ripen into a fee, in substantially the following form:

"We hereby certify that except as shown on a copy of this map on file in the office of the city superintendent of streets, we know of no easement or structure existing within the easements hereby offered for dedication to the public, other than publicly owned water lines, sewers or storm drains; that we will grant no right or interest within the boundaries of such easements offered to the public except where such right or interest is expressly made subject to the easements." (Ord. No. 268)_

Sec. 39-243. Preparation and recordation of separate instruments.

Separate instruments shall be prepared by a title company or by the city engineer. When dedicating by separate instrument, the subdivider shall submit a title report, prepared in favor of the city, which indicates who is required to sign the separate instrument to pass a clear title to the city. This title report shall be kept up-to-date and the city shall be notified of any change until such time as the separate instrument is recorded. (Ord. No. 268)

Sec. 39-244. Record title interest on parcel maps; signatures.

The signatures of all parties having any record title interest in real property being subdivided shall not be required on any final parcel map unless dedications or offers of dedications are made by certificate on the parcel map. (Ord. No. 394)

Secs. 39-245 to 39-249. Reserved.

Article VI. Fees, Deposits and Bonds.

Sec. 39-250. Filing fee--Tentative map.

(a) Upon submission of a tentative map, the subdivider shall pay a fee of one hundred dollars. If the map contains more than five lots, an additional fee of five dollars per lot shall be paid.

(b) If additional lots are added to a tentative map prior to approval by the advisory agency, the subdivider shall pay the additional fee according to the above schedule. A lot required by the provisions of section 39-122 shall be omitted in calculating the amount of the filing fee.

(c) If a subdivider submits a revised tentative map subsequent to the approval of a tentative map by the advisory agency as a substitute for the approved tentative map, he shall pay a fee of fifty dollars. (Ord. No. 268)

Sec. 39-251. Same--Final and parcel maps.

Upon the submission of a final map or parcel map, the subdivider shall deposit with the city engineer a sum of money equal to the amount required by law for filing the map, which money shall be deposited in a trust fund for that purpose until the map is filed. If the subdivider abandons his intention to cause the map to be filed, and so notifies the city engineer in writing, the deposit shall be returned to the subdivider. (Ord. No. 268)

Sec. 39-252. Checking fee--Final map.

Upon submission of a final map for checking, the subdivider shall pay a map checking fee to the city engineer in addition to all other fees and charges required by law. This fee shall be equal to the fee established by the county for checking final maps. (Ord. No. 268)

Sec. 39-253. Same--Parcel maps.

Upon submission of a parcel map for checking, the subdivider shall pay a map checking fee to the city engineer in addition to all other fees and charges required by law. This fee shall be equal to the fee established by the county for checking parcel maps. (Ord. No. 268, Sec. 1.)

Sec. 39-254. Same--Improvement plans.

A subdivider shall pay to the city the following fees for checking improvement plans:

(a) For plans for sewers and appurtenant facilities, the fee required by chapter 35 of this Code.

(b) For other improvement plans, a fee equal to the cost of checking the plans. Upon submission of plans to the city, the subdivider shall deposit an amount estimated by the appropriate city officer to be adequate to cover the cost of checking the plans. If at any time subsequent to making the deposit the actual funds expended exceed the amount of the deposit, the subdivider shall make an additional payment equal to the deficiency. Excess deposits, if any, shall be returned to the subdivider after completion of plan checking. (Ord. No. 268)

Sec. 39-255. Inspection of deposits--Required generally.

Before commencing construction or installation of a required improvement, the subdivider shall deposit with the city:

(a) For inspection of sewers and appurtenant facilities, the sum required by chapter 35 of this Code.

(b) For inspection of other improvements, a sum estimated by the appropriate city officers to be adequate to cover the actual cost of inspection. (Ord. No. 268)

Sec. 39-256. Same--Substituting general deposit.

In lieu of making the special deposits required by section 39-255, the subdivider may make and maintain with the city a general deposit in an amount determined by the officer with whom the deposit is made, to be sufficient to protect the city's interest. Such deposits shall not be less than one thousand dollars. The general deposit shall be held and used for the same purposes as a special deposit. (Ord. No. 268)

Sec. 39-257. Same--Payment of deficiency.

If a deposit made pursuant to section 39-255(a) or section 39-256 is insufficient to pay all of the costs of inspection, the subdivider, upon demand of the city, shall pay to the city an amount equal to the deficiency. Until such deficiency is paid in full, the improvement for which the insufficient deposit was made shall be considered uncompleted. (Ord. No. 268)

Sec. 39-258. Same--Refunds.

The city shall refund unused deposits for inspection of sewers and appurtenant facilities as provided in chapter 35 of this Code. In the case of other deposits, if the actual cost of inspection is less than the amount deposited, the city shall refund to the applicant any amount still remaining. (Ord. No. 268)

Sec. 39-259. Improvement security--Generally.

Except as provided in section 39-260, the improvement agreement required by section 39-170 shall be secured by an improvement security. (Ord. No. 268)

Sec. 39-260. Same--Water mains.

If a subdivider shows to the satisfaction of the city engineer that he has entered into a contract with a water utility to construct water mains, which contract makes the city a party thereto and provides that the contract may not be modified or rescinded without the consent of the city, except as required by the public utilities commission, and has deposited with the water utility security for the payment of the water utility which the city engineer finds adequate, the subdivider need not accompany an agreement to install water mains with an improvement security. (Ord. No. 268)

Sec. 39-261. Same--Amount.

An improvement security shall be for the following amounts:

(a) An amount estimated by the inspecting officer to be equal to the cost of improvements covered by the security, guaranteeing the faithful performance of the improvement work.

(b) An amount estimated by the inspecting officer to be equal to fifty percent of the cost of the improvements covered by the security, securing payment to contractors and subcontractors and to all persons renting equipment or furnishing labor or materials to them. (Ord. No. 268)

Sec. 39-262. Same--Form.

Improvement securities shall be:

(a) A bond or bonds issued by a surety company authorized to write the same in the state.

(b) A deposit with the city of cash, negotiable bonds, letters of credit or savings and loan certificates or shares. Savings and loan shares or certificates shall be assigned to the city. (Ord. No. 268)

Sec. 39-263. Same--Approval by city council.

Each improvement security shall be subject to approval and acceptance by the city council. (Ord. No. 268)

Sec. 39-264. Same--Reduction by inspecting officer.

When a portion of an improvement has been fully completed, the inspecting officer may in his discretion authorize a reduction in an improvement security given for faithful performance equal to the estimated cost of the completed portion of the improvement. (Ord. No. 268)

Sec. 39-265. Same--Forfeiture upon failure to complete work.

Upon the failure of a subdivider to complete an improvement within the time specified in an agreement, the city council may, upon notice in writing of not less than ten days served upon the person signing the contract or upon notice in writing of not less than twenty days served by registered mail, addressed to the last known address of the person signing the contract, determine that the improvement work or any part thereof is uncompleted and may cause to be forfeited to the city the portion of the sum of money or bonds given for the faithful performance of the work or may cash savings and loan certificates or shares deposited and assigned to assure the faithful performance of the work to complete the improvement work. (Ord. No. 268)

Sec. 39-266. Faithful performance bond for monument agreement.

The agreement referred to in section 39-239 shall be accompanied by a bond or cash deposit guaranteeing the faithful performance of the agreement in an amount estimated by the city engineer to be equal to the cost of setting monuments and furnishing notes. (Ord. No. 268)

Sec. 39-266.1. Regulations for payment of park fees for new residential dwelling units.

(a) Requirements. As a condition of approval of a building permit for a new residential dwelling unit in an R-M (Multiple Residential) zone or a PD-PS (Planned Development with Performance Standards) zone for multiple family dwellings, the subdivider or developer shall pay a fee for park or recreational purposes at the time and according to the standards and formula contained in this section. This section does not apply to stock cooperatives, which consist of the subdivision of air space in an existing apartment building which is more than five years old, when no new dwelling units are added.

(b) General standards. It is hereby found and determined that the public interest, convenience, health, welfare, and safety require that two acres of property for each one thousand persons residing within this city be devoted to local park and recreational purposes.

(c) Amount of fee. The fee to be paid shall not exceed, but can be less than the fee determined by the following formula:

(Cost of land/acre + Cost of park development/acre) x

$$\frac{\text{2 acres}}{\text{1,000 population}} \times \text{Average number of persons per unit} = \text{Fee to be paid}$$

(d) Fees. The subdivider shall pay a fee as described in subsection (c), or five hundred dollars from the first bedroom in each unit and two hundred fifty dollars for each bedroom in the unit in excess of one bedroom, whichever is less.

(e) Use of money. The money collected hereunder shall be used exclusively for the purposes of developing new or rehabilitating existing neighborhood or community park or recreational facilities. The interest earned on the accumulated in-lieu fees shall be used for the same purposes.

(f) Credit for private open space. Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, such areas shall be credited against the requirement of the payment of fees in lieu thereof in subsection (c), provided the city manager, or his designee, finds it is in the public interest to do so and that the following standards are met:

(1) That yards, court areas, setbacks and maintenance of the open space is adequately provided for by written agreement; and

(2) That the private ownership and maintenance of the open space is adequately provided for by written agreement; and

(3) That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be defeated or eliminated without the consent of the city council; and

(4) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into account such factors as size, shape, topography, geology, access, and location of the private open space land; and

(5) That facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the General Plan, and are approved by the city council. (Ord. Nos. 613, 616)

Article VII. Merger of Parcels.

Sec. 39-267. Requirements.

The merger of a parcel or unit with a contiguous parcel or unit held by the same owner if all the following requirements are satisfied:

(a) At least one of the affected parcels is not developed with a structure, other than an accessory structure, for which a building permit was issued by the local agency, or which was built prior to the time such permits were required by the local agency.

(b) With respect to any affected parcel, one or more of the following conditions exist:

(1) Comprises less than five thousand square feet in area at the time of the determination of merger.

(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.

(3) Does not meet current standards for sewage disposal and domestic water supply.

(4) Does not meet slope stability standards.

(5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

(6) Its development would create health or safety hazards.

(7) Is inconsistent with the applicable general plan and any specific plan, other than minimum lot size or density standards.

For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded. (Ord. No. 572)

Sec. 39-268. Effective date of mergers.

A merger of parcels shall become effective when the local agency causes to be filed for record with the recorder of the county in which the real property is located, a notice of merger specifying the names of the record owners and particularly describing the real property. (Ord. No. 572)

Sec. 39-269. Notification of intention to merger--Hearing.

Prior to recording a notice of merger, the local agency shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the recorder of the county in which the real property is located on the date that notice is mailed to the property owner. (Ord. No. 572)

Sec. 39-270. Request for hearing.

At any time within thirty days after recording of the notice of intention to determine status, the owner of the affected property may file with the local agency a request for a hearing on determination of status. (Ord. No. 572)

Sec. 39-271. Procedure for hearing.

Upon receiving a request for a hearing on determination of status, the local agency shall fix a time, date, and place for a hearing to be conducted by the planning commission, and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty days following the local agency's receipt of the property owner's request therefor, but may be postponed or continued with the mutual consent of the local agency and the property owner. (Ord. No. 572)

Sec. 39-272. Procedure for determination following hearing.

At the hearing the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance.

At the conclusion of the hearing, the planning commission shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of non-merger may be made whether or not the affected property meets the standards for merger specified in section 39-267. A determination of merger shall be recorded within thirty days after conclusion of the hearing as provided for in section 39-268. (Ord. No. 572)

Sec. 39-273. Appeals from decisions of planning commission--Generally.

Within ten days after the receipt by the owner of action by the planning commission, such owner may, if dissatisfied with or aggrieved by the action of the planning commission, appeal the action to the city council. The filing of such appeal within the stated time limit shall stay the effective date of the decision of the planning commission until such time as the city council has acted on the appeal as set forth in this article. In the absence of such appeal, the action of the planning commission shall be final. (Ord. No. 572)

Sec. 39-274. Same--Transmission of record to council--Notice and hearing by council generally.

Upon receipt of an appeal to the city council, the city clerk shall advise the secretary of the planning commission and such secretary shall transmit to the city clerk the planning commission's complete record of the case. Within a period, not to exceed sixty days, following receipt of the written appeal, the city council shall conduct a public hearing. Public notices of such public hearing shall be given as provided in Article XIV. (Ord. No. 572)

Sec. 39-275. Same--Adverse decision by council may be referred to planning commission.

If the city council proposes an action that is in any way contrary to the action taken by the planning commission, it may refer its findings to the planning commission and request a further report of the planning commission on the matter. Failure of the planning commission to report to the city council within forty days after reference may be deemed to be an approval by the planning commission of any proposed change. (Ord. No. 572)

Sec. 39-276. Same--Resolution of council--Generally--Action of council to be by majority vote and shall be final, etc.

The city council shall announce its findings and decision by formal resolution not more than twenty days following the termination of proceedings of the hearings, or not more than twenty days following the receipt of a report from the planning commission, and such resolution shall recite, among other things, the facts and reasons which, in the opinion of the city council, makes the granting or denial of the appeal necessary to carry out the general purpose of this section.

The action by the city council on the appeal shall be by a majority vote of the city council and shall be final and conclusive. (Ord. No. 572)

Sec. 39-277. Same--Copy to be mailed to applicant, etc.

Not later than seven days following the adoption of a resolution ordering that a parcel merger or non-merger take place, a copy of such resolution shall be mailed to the owner and to any other parties requesting a notice of the action, and one copy shall be attached to the planning commission's file of the case and such file returned to the planning commission for permanent filing. (Ord. No. 572)

Sec. 39-278. Determination when no hearing is requested.

If, within the thirty day period specified in section 39-270, the owner does not file a request for a hearing in accordance with section 39-270, the local agency may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded as provided for in section 39-268 no later than ninety days following the mailing of notice required by section 39-271. (Ord. No. 572)

Sec. 39-279. Notice of intention for non-merger.

If, in accordance with sections 39-272 or 39-278 the local agency determines that the subject property shall not be merged, it shall cause to be recorded in the manner specified in section 39-268 a release of the notice of intention to determine status, recorded pursuant to section 39-269, and shall mail a clearance letter to the then current owner of record. (Ord. No. 572)

Sec. 39-280. Merger of contiguous parcels by certificate of compliance.

Pursuant to Section 66499.20 3/4 of the map act, the owner of contiguous parcels may request a merger of the parcels, without reverting to acreage by recording a certificate of compliance approved by the city engineer as to form and content, properly describing the merged parcels.

(a) Initiation of proceedings. Proceedings for merger of contiguous parcels without reverting to acreage may be initiated by application submitted to the city engineer.

(1) Application requirements. Applications for requests as defined above shall include the following:

a. Adequate evidence of title to the real property involved.

b. A statement of the reasons for the proposed merger.

c. A description of any easements, dedications or rights-of-way to be abandoned, vacated or retained.

d. Any other pertinent information deemed necessary by the city engineer.

e. The appropriate filing fee, as established by city council resolution.

(b) Review and approval. Requests for merger by certificate of compliance as defined above, shall be reviewed by the planning commission in the same manner as prescribed for a merger of parcels, as stated in Chapter 39, Article VII of the Paramount Municipal Code.

(c) Filing with county recorder. Following approval, the owner or his authorized representative shall file a certificate of compliance, approved by the city engineer as to form and content, evidencing the merger, with the Los Angeles County Recorder. (Ord. No. 689)

Sec. 39-281. Certificate of compliance.

(a) Request. Pursuant to Section 66499.35 of the map act, any person owning real property or a vendee of such person pursuant to a contract of sale may request the issuance of a certificate of compliance, stating that such real property (or any division thereof) complies with the provisions of the subdivision map act and this title. Such request shall be filed with the city engineer upon such forms, and accompanied by a fee as adopted by resolution of the city council and such information as may be prescribed by the city engineer.

(b) Determination.

(1) Based upon the criteria set forth in Section 66499.35 of the map act, the city engineer shall approve, conditionally approve or deny a request for a certificate of compliance.

(2) The determination of the city engineer may be appealed by the applicant to the planning commission, within ten days of the determination by the city engineer. Such appeals shall be in writing and accompanied by the standard appeal fee, as established by resolution of the city council. (Ord. No. 689)

Article VIII. Vesting Tentative Maps.

Sec. 39-282. Citation and authority.

Sections 39-282 through 39-291 are enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the "Vesting Tentative Map Ordinance." (Ord. No. 695)

Sec. 39-283. Purpose and intent.

It is the purpose of sections 39-282 through 39-291 to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the subdivision map act and the subdivision ordinance. Except as otherwise set forth in the provision of such sections, the provisions of the subdivision ordinance shall apply to the vesting tentative map ordinance.

To accomplish this purpose, the regulations outlined in such sections are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. (Ord. No. 695)

Sec. 39-284. Consistency.

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the general plan and any applicable specific plan or not permitted by the zoning ordinance or other applicable provisions of the city code. (Ord. No. 695)

Sec. 39-285. Definitions.

(a) A "vesting tentative map" shall mean a "tentative map" for a residential subdivision, as defined in the subdivision ordinance, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at that time it is filed in accordance with section 39-287, and is thereafter processed in accordance with the provisions hereof.

(b) All other definitions set forth in the subdivision ordinance are applicable. (Ord. No. 695)

Sec. 39-286. Application.

(a) Whenever a provision of the subdivision map act, as implemented and supplemented by the subdivision ordinance, requires the filing of a tentative tract or parcel map for residential development, a vesting tentative may instead be filed, in accordance with the provisions hereof.

(b) 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. (Ord. No. 695)

Sec. 39-287. Filing and processing.

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the subdivision ordinance for a tentative map except as hereinafter provided:

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

(b) Each vesting tentative map shall be prepared in accordance with the requirements described in section 39-51 and section 39-52.

(c) Each vesting tentative map shall show and contain the following information:

(1) The assigned map number.

(2) The date of preparation, north point and scale.

(3) The boundary of the division of land and of the design unit, if not identical to the boundary of the division of land shown to scale and tied to a known point.

(4) A key map indicating the location of the proposed division of land in relation to the surrounding area.

(5) The approximate contours showing existing topography.

(6) The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each watercourse.

(7) The approximate location of all trees standing within the boundaries of proposed rights of way.

(8) The location, width, approximate grade and center line radius of existing and proposed streets, alleys, highways, ways and easements which are within or adjacent to the proposed design unit.

(9) The existing street improvements.

(10) Actual name for existing streets or highways and an identifying letter for a proposed street or highway.

(11) A label or identifying note for existing or proposed easements other than streets or highways.

(12) The approximate layout of lots, including approximate dimensions and lot numbers, and where pads are proposed for building sites, the approximate finish grade.

(13) The approximate location of existing structures, shown to scale, within or immediately adjacent to the design unit. Show house numbers, and label each structure with the proposed disposition.

(14) The general location of all proposed buildings and structures which are to be divided into units of air space and the means of access thereto when the design unit consists of a condominium or community apartment project.

(15) If necessary, a generalized plan of proposed development adjacent to the design unit showing the compatibility of the design unit with existing and future development in the neighborhood.

(16) The location and size of all utilities located within the public right-of-way and any easements across the subject property.

(d) Each vesting tentative map shall be submitted with written statements containing the following information and acknowledgments:

(1) The name and address of the subdivider.

(2) The name, address and license or registration number of the person who prepared the vesting tentative map or who directed the preparation of the vesting tentative map.

(3) A statement by a person holding a proprietary interest in the parcel or parcels comprising the design unit, consenting to the submission of the vesting tentative map, except that a public agency, after initiating a resolution of necessity may authorize the submission of the vesting tentative map without the consent of person(s) holding proprietary interests.

(4) The proposed use of parcels shown on the vesting tentative map.

(5) The interest which the subdivider proposed to convey in parcels shown on the vesting tentative map.

(6) A copy of conditions, covenants and restrictions proposed by the subdivider, if any.

(7) A statement detailing the arrangements which the subdivider proposes to make for the operation and maintenance of common parcels and easements, if any.

(8) The source of water supply, if any, and the proposed method of sewage disposal.

(9) The results of percolation tests, if required, performed in accordance with the standards of the health officer, where a private system of sewage disposal is proposed.

(10) A geological or soils report or both, if required by the city engineer, prepared by a geologist qualified by the county geological qualifications board, stating the effect of geological or soil conditions on the proposed development.

The director of community development may request, and the applicant shall promptly furnish, such further information as may reasonably be necessary to enable the director to evaluate on behalf of the city the vesting effect which would follow approval of the map.

(Ord. No. 695)

Sec. 39-288. Fees.

(a) Upon submission of vesting tentative tract or parcel map, the subdivider shall pay a fee of one hundred dollars. If the tract map contains more than five lots, an additional fee of five dollars per lot shall be paid.

(b) If additional lots are added to a tentative map prior to approval by the advisory agency, the subdivider shall pay the additional fee according to the above schedule. A lot required by the provisions of section 39-122 shall be omitted in calculating the amount of the filing fee.

(c) If a subdivider submits a revised tentative map subsequent to the approval of a vesting tentative map by the advisory agency as a substitute for the approved vesting tentative map, he shall pay a fee of fifty dollars. (Ord. No. 695)

Sec. 39-289. Expiration.

Within two years after the approval or the conditional approval of a vesting tentative map, a subdivider shall cause the proposed division of land to be accurately surveyed, if necessary, and a parcel map prepared and filed in the office of the county recorder. The approval or conditional approval of the vesting tentative map shall expire if an extension is not obtained in the event that the subdivider does not proceed with the aforementioned action within the twenty-four month period. The time limit for the filing of the parcel map may be extended by the planning commission for a period not to exceed two years. (Ord. No. 695)

Sec. 39-290. Vesting on approval of vesting tentative map.

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

However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(b) Notwithstanding paragraph (a), a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

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

(2) The condition or denial is required, in order to comply with state or federal law.

(c) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in section 39-289. If the final map is approved, these rights shall last for the following periods of time:

(1) An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

(2) The initial time period set forth in paragraph (c), (1) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty days, from the date a complete application is filed.

(3) A subdivider may apply to the planning commission for a one-year extension at any time before the initial time period set forth in paragraph (c), (1) expires. If the extension is denied, the subdivider may appeal that denial to the city council within fifteen days.

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in paragraphs (c), (1) through (c), (3), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit. (Ord. No. 695)

Sec. 39-291. Applications inconsistent with current policies.

Notwithstanding any provision of this chapter, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in section 39-290(a), and the city council may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. No. 695)

(Ord. Nos. 268, 391, 394, 419, 532, 558, 559, 572, 613, 616, 689, 695)