

ORDINANCE NO. 1562

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDLANDS AMENDING THE REDLANDS ORDINANCE CODE, DIVISION 9, BY RESCINDING A PORTION OF CHAPTER 92, SUBDIVISION ORDINANCE NO. 1548, AND ADOPTING REGULATIONS FROM THE GOVERNMENT CODE UNDER TITLE 7, PLANNING AND LAND USE

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

SECTION ONE. That the Redlands Ordinance Code be amended by substituting an entirely rewritten Subdivision Section of Chapter 92, reading as follows:

ORDINANCE NO. 1562
SUBDIVISION ORDINANCE
OF
CITY OF REDLANDS, CALIFORNIA

SECTION 1. AUTHORITY

The City Council of Redlands hereby assumes control of the design and improvement of land subdivisions of property, as such power is vested in the City by the provisions of the Subdivision Map Act of the State of California, and amendments thereto. It is hereby made unlawful for a subdivider, person, firm, corporation, partnership or association to sell, or offer to sell, or lease any lands within a subdivision until the subdivider, person, firm, corporation, partnership or association shall have first conformed to the requirements of said Subdivision Map Act and the provisions of this Ordinance.

SECTION 2. ADVISORY AGENCY

The Planning Commission of the City of Redlands is hereby made the Advisory Agency of the City Council and the power is hereby delegated to the Advisory Agency to approve, conditionally approve, or disapprove, and to report such actions on tentative subdivision maps directly to the subdivider. The Advisory Agency is hereby given full power and authority to investigate any and all matters pertaining to a proposed subdivision, and to make its findings of fact in relation thereto, which shall be communicated to the City Council.

SECTION 3. CONFORMITY TO GENERAL PLAN AND WAIVER

(a) A report as to conformity to the general plan, which is required pursuant to Section 65402 of the Government Code as the result of a proposed division of land, may be included as part of and at the same time as the action taken by the advisory agency on such division of land.

(b) Such report is not required for a proposed subdivision which involves 1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; 2) acquisitions, dispositions or abandonments for street widening; or 3) alignment projects, provided that the advisory agency expressly finds that any such disposition for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects is of a minor nature.

SECTION 4. CITATION

This Ordinance is adopted to supplement and implement the Subdivision Map Act and may be cited as the "Subdivision Ordinance of Redlands."

SECTION 5. DEFINITIONS

The following words and phrases shall have the meaning respectively ascribed to them:

- (a) "Advisory agency" means a designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps.
- (b) "Design" means (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the general plan or any specific plan.
- (c) "Improvement" refers to such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof.
- (d) "Improvement" also refers to such other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the general plan or any specific plan.
- (e) "Local agency" means a city, county, or city and county.
- (f) "Streets" includes highways.
- (g) "Subdivider" means a person, firm, corporation, partnership or associate who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others.
- (h) "Subdivision" means the division of any improved or unimproved land, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall

be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code or a community apartment project, as defined in Section 11004 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

SECTION 6. MAPS: GENERAL PROVISIONS

A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums, or a community apartment project containing five or more parcels.

A tentative and parcel map shall be required for all subdivisions creating less than five parcels.

SECTION 7. TENTATIVE MAP PROCESSING FEE

Every person submitting a tentative map shall pay a processing fee in an amount prescribed by resolution of the Council.

SECTION 8. FILING OF TENTATIVE MAP

Tentative maps shall be filed with the Planning Department and shall be processed in accordance with the Subdivision Map Act and the provisions of this Ordinance. The subdivider shall file as many copies of the tentative map as may be required by the Planning Department.

Typical requirements for filing such tentative maps are:

- (a) Tract or parcel map number.
- (b) Date, north point and scale.
- (c) Sufficient legal description of land to define boundaries of proposed division of land.
- (d) A key map indicating the location of the proposed division of land in relation to the surrounding area.
- (e) The name and address of the record owner, the subdivider and the civil engineer or licensed surveyor under whose direction the map was prepared, including the registration number of the engineer or surveyor.
- (f) The existing topography of the land proposed to be divided, using contour intervals of not more than five feet (5'),

and of not more than two feet (2') where the grade of the land is less than five per cent (5%). Contours of adjacent land shall also be shown whenever the surface features of such land affect the design and/or improvement of the proposed division. The tentative map shall contain a statement by the person preparing the map stating the source of contours shown on the map.

(g) The approximate location and outline to scale of each building or structure on the property proposed for division. Buildings or structures on adjacent property shall also be shown if such buildings or structures affect the design of the proposed subdivision. Each building shown shall be identified by house number or other identifying feature, including a notation on each building or structure to be retained.

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

(i) The approximate location of each area covered by trees with a statement of the nature of the cover and the kind and approximate location of all trees standing within the boundaries of proposed public rights-of-way.

(j) The location, width, approximate grade and curb radii of all existing and proposed streets and highways within and adjacent to the proposed subdivision.

(k) The width, purpose, and approximate location of all existing and proposed easements or rights-of-way, whether public or private, within and adjacent to the proposed subdivision.

(l) The approximate radius and arc length of each center line curve.

(m) The approximate lot layout and the approximate dimensions of each lot and of each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevations of proposed building pads, the top and toe of cut and fill slopes to scale, and the number of each lot; the proposed areas for public use; and the angle of intersecting streets or highways if such angle deviates from a right angle by more than 4 degrees.

(n) The location of all cut and fill slopes or a separate grading plan.

(o) Each street shown by its actual street name or by a temporary name or letter for purpose of identification until the proper name of such street is determined.

(p) The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map.

(q) A geologic soils report prepared by a civil engineer who is registered by the state, based upon adequate test borings or excavations, unless the Building Department shall determine that, due to the knowledge such department has as to the soil qualities of the soil of such subdivision or lot, no preliminary analysis is necessary. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the person filing the tentative map shall submit a soils investigation of each lot in the subdivision, prepared by a civil engineer who is registered in this state, which shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil. The Building Department shall approve the soils investigation if it determines that the recommended action is likely to prevent structural damage to each dwelling to be constructed and shall require that the approved recommended action be incorporated in the construction of each dwelling as a condition to the building permit. Appeal from such determination shall be to the Board of Building and Fire Code Appeals.

If the Director of the Building Department finds that a written geological report is necessary to determine whether the property to be divided is subject to an existing or potential geological hazard, the person filing the tentative map shall submit such a report to said Board. The report shall be prepared by a registered engineering geologist. Such information may be furnished separately from the map itself.

Procedure

(a) After noting the above, the subdivider should confer with the city staff before preparing the tentative map of any proposed subdivision.

(b) The tentative map shall be prepared in accordance with the Subdivision Map Act and the provisions of this Ordinance, and copies shall be filed with the City Planning Commission. Such filing should be prior to the completion of final surveys of streets and lots and before the start of any grading or construction work with the proposed subdivision or division of property.

(c) The tentative map shall be accompanied by reports and written statements from the subdivider giving essential information.

(d) Upon filing with the City Planning Commission the required number of copies of the tentative map, one copy thereof may be forwarded to the County Planning Commission of San Bernardino, and if a State Highway is involved, a copy of the map shall be forwarded to the District Engineer of the Division of Highways, Department of Public Works of the State of California. The City Planning Commission shall cause to be certified upon its official file copy of the tentative map a statement as to the above transmittals, giving the date in each case.

(e) Within 50 days after a tentative map has been filed, the Planning Commission shall report, in writing, to the subdivider the approval, conditional approval, or disapproval of the map and the conditions on which such action is based. On the official file copy of the tentative map a statement shall be made covering such action.

SECTION 9. PUBLIC HEARING

The Planning Commission shall hold a public hearing on the tentative map, and notice thereof shall be given as provided in Section 66451.3 of the Subdivision Map Act. Any interested person may appear at such a hearing and shall be heard.

SECTION 10. EXPIRATION OF TENTATIVE MAP APPROVAL

(a) Expiration. The approval or conditional approval of a tentative map shall expire twenty-four (24) months from the date the map was approved or conditionally approved.

(b) Extension. The person filing the tentative map may request an extension of the tentative map approval or conditional approval by written application to the Planning Department, such application to be filed at least five (5) days before the approval or conditional approval is due to expire. The application shall state the reasons for requesting the extension. In granting an extension, new conditions may be imposed and existing conditions may be revised.

(c) Time Limit on Extensions. An extension or extensions of tentative map approval or conditional approval shall not exceed an aggregate of two years.

(d) Effect of Map Modification on Extension. Modification of a tentative map after approval or conditional approval shall not extend the time limits imposed by this section.

SECTION 11. APPEALS

(a) The subdivider may appeal from any action of the Planning Commission with respect to a tentative map to the City Council. Such appeal and the hearing thereon shall be conducted in the manner provided by Government Code Section 66452.5(a) and this Ordinance.

(b) Any interested person adversely affected by a decision of the Planning Commission may file a complaint with the City Council concerning such decision. Any such complaint shall be filed with the City Clerk within fifteen (15) days after the action which is the subject of the complaint. The City Council may, in its discretion reject the complaint within fifteen (15) days or set the matter for public hearing. If the City Council rejects the complaint, the complainant shall be notified of such action. If the matter is set for hearing, the hearing shall be conducted and notice thereof given as provided by Government Code Section 66451.3 and by this Ordinance.

(c) Any interested person may appeal any decision of the Planning Commission relative to the provisions of Government Code Sections 66473.5, 66474, 66474.1 and 66474.6 to the City Council. Such appeal and the hearing thereon shall be conducted in the manner provided by Government Code Section 66452.5(a) and (b), and this Ordinance.

SECTION 12. WAIVER OF DIRECT ACCESS TO STREETS

The advisory agency may impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to such street from any property shown on a final map as abutting thereon, and that if the dedication is accepted such waiver shall become effective in accordance with the provisions of the waiver of direct access.

SECTION 13. DEDICATION REGULATIONS FOR STREETS, ALLEYS, DRAINAGE, PUBLIC UTILITY EASEMENTS, AND OTHER PUBLIC EASEMENTS

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.

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SECTION 14. DRAINAGE AND SEWER FACILITIES PAYMENT OF FEES
REQUIRED

Prior to filing of any final map or parcel map, the subdivider shall pay or cause to be paid any fees for defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas or sanitary sewer facilities for local sanitary sewer areas established pursuant to Section 66483 of the Government Code.

SECTION 15. SUPPLEMENTAL IMPROVEMENTS: REQUIRED

The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the public. However, the subdivider shall be reimbursed for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements pursuant to the provisions of the Subdivision Map Act.

SECTION 16. IMPROVEMENT SECURITY: REQUIRED

Any improvement agreement, contract or act required or authorized by the Subdivision Map Act, for which security is required, shall be secured in the manner provided for in Section 66499 of the Subdivision Map Act.

SECTION 17. IMPROVEMENT SECURITY: AMOUNT

The improvement security shall be in the amount set forth or authorized in Section 66499.3 of the Subdivision Map Act. If the improvement security is other than a bond or bonds furnished by duly authorized corporate surety, an additional amount shall be included as determined by the City Council as necessary to cover the cost and reasonable expenses and fees, including reasonable attorneys' fees, which may be incurred by the City in successfully enforcing the obligation secured.

The improvement security shall also secure the faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed ten (10) percent of the original estimated cost of the improvement.

SECTION 18. IMPROVEMENT SECURITY: RELEASE

The improvement security required hereunder shall be released in the following manner:

(a) Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work.

(b) Security given to secure payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment, may, six months after the completion and acceptance of the act or work, be reduced to an amount equal to the amount of all claims therefor filed and of which notice has been given to the legislative body, plus an amount reasonably determined by the Director of Public Works to be required to assure the performance of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.

(c) No security given for the guaranty or warranty of work shall be released until the expiration of the period thereof.

SECTION 19. SOIL REPORTS

(a) A preliminary soils report, prepared by a civil engineer registered in this state and based upon adequate test borings, shall be submitted to the Director of Building and Safety for every subdivision.

(b) A preliminary soils report may be waived by the Director of Building and Safety providing the Director finds that due to knowledge that the Building Department has as to the soils qualities of the soils in the subdivision, no preliminary analysis is necessary.

(c) If the Building Department has knowledge of, or the preliminary soils report indicates, the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the Director of Building and Safety. Such soils investigation shall be done by a civil engineer registered in this state, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area which such soils problem exists.

The Planning Commission may approve the subdivision, or portion thereof, where such soils problems exist if it determines that the recommended action is likely to prevent structural damage to each

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structure to be constructed and a condition to the issuance of any building permit may require that the approved recommended action be incorporated in the construction of each structure.

SECTION 20. REVERSIONS TO ACREAGE

Subdivided property may be reverted to acreage pursuant to provisions of the Subdivision Map Act.

SECTION 21. FINAL MAP: MONUMENTS

At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey.

SECTION 22. ENVIRONMENTAL IMPACT

No parcel or tentative map filed pursuant to the provisions of this Ordinance shall be approved until an environmental impact analysis is prepared, processed and considered in accordance with city provisions. The subdivider shall provide such additional data and information and deposit and pay such fees as may be required for the preparation and processing of environmental review documents.

SECTION 23. GRADING AND EROSION CONTROL

Every map approved pursuant to this Ordinance shall be conditioned on compliance with city requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property.

SECTION 24. LEGISLATIVE DENIAL

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.

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(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.

(h) That the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the governing body finds that the proposed waste discharge would result in or add to violation of requirements of such board, it may disapprove the tentative map or maps of the subdivision.

SECTION 25. FINAL MAP AND PARCEL MAP

The content and form of final maps and parcel maps shall be governed by the provisions of the Subdivision Map Act.

SECTION 26. STANDARDS OF DESIGN

The following shall be the standards of design except in those cases where the Redlands City Planning Commission determines that the size, or shape of the land, topographical conditions or proposed land use make compliance therewith impractical.

In reviewing tentative subdivision maps, preparatory to making a recommendation to the City Council, the Planning Commission will require:

(a) Dedications of land for streets, alleys, floodways and easements for:

1. Major streets and thoroughfares for opening or widening as shown on the general plan of the City of Redlands, at the widths shown on such plan; and for
2. Local streets, not less than 60 feet in width or to complete dedications to that width of previously dedicated portions of streets, and located to provide natural drainage with no drainage pockets and adjusted to the topography, minimum number of

intersections with major streets or thoroughfares, and blocks of not less than 600 feet in length.

3. Alleys, not less than 20 feet in width in all areas zoned or proposed for industrial, commercial, or multiple family use, with corner cut-off.
4. Easements (1) for flood channels at such widths as the County Flood Control Officer or City Engineer may indicate. (2) Utilities at the rear, or side, of lots as may be necessary to serve the property and in a form satisfactory to the public utility companies which are authorized to serve the area.
5. Pedestrian ways may be required near the middle of long blocks.
6. Small parks or other public areas as may be appropriate.
7. Bridle trails where, in the judgment of the Planning Commission, they may be necessary or desirable.

(b) Dead-end streets shall be terminated by a turn-around area not less than 80 feet in diameter and shall be so arranged that all parts of any dead-end street are visible from the through street from which it runs.

(c) Boundary line streets and half streets will be permitted only when such partial dedications are necessary for the carrying out of the circulation element of the general plan or when assurances are presented, in writing, by the owner of the adjoining property of intention to dedicate the remaining parts of the street when such adjoining property is subdivided.

(d) Curved streets in comparatively level locations shall have a center radius of 600 feet, or greater, and 100 feet, or greater, in steep hillside locations.

(e) Street corners shall have a minimum 25 foot curb radius with the property line designed so as not to reduce the parkway widths.

(f) All street connections shall be at approximate right angles.

(g) Street grades, between 6 per cent and 10 per cent, will be approved only for such distances as topographical conditions make a lesser grade impractical. A grade exceeding 10 per cent will be approved only when conclusive evidence shows a lesser grade is impractical.

(h) Lots and blocks with dimensions suitable to the land uses proposed.

1. Lot sizes in residential zones shall be not less than the number of square feet required by the Zoning Ordinance for the area in which the proposed lots are located, and in no case less than 60 feet wide and 100 feet deep with 65 foot minimum width for corner lots. When large lots are proposed the shapes and building locations may be required to be so established as to permit later practical re-subdivision with easements for future streets and alleys. No reserved lots or strips will be permitted.

2. Lot areas in Residential Estate Districts. Individual lots within a subdivision or property division in the R-E and R-A (Residential Estate) districts may be reduced in the area up to twenty (20) per cent of the required minimum upon a finding by the City Council that such reductions are in the public interest and promote the objectives of the Redlands Zoning Ordinance, and provided as follows:

a. That the average area of all lots within said subdivision or property division is equivalent to the required minimum for the zone district in which the property is located.

b. That the required minimum lot dimensions are retained. No individual parcel within such a subdivision or property division shall be approved which has a frontage dimension of 200 feet or more unless the lot area is equal to or greater than twice the minimum for the zone district. Such lots shall not be included in the average density calculations.

(i) Blocks shall ordinarily be two lot depths in width and not over 1300 feet in length. If shown at greater width, the Planning Commission may require easements or other assurances to permit later practical resubdivision.

(j) Throughout the community the Commission plans a general pattern of development, as shown on the map entitled General Plan, City of Redlands, on file in the office of the City Clerk of said City, to which reference is hereby made for further particulars. The principles controlling the proposed layout of local streets in future subdivisions are:

1. Long blocks parallel with major thoroughfares to minimize the number of intersections with such thoroughfares.
2. To adjust streets to the topography and drainage requirements - to consolidate in one right-of-way drainage and street structures.

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3. To assure to neighbors that subdivision of adjoining properties will not destroy the possibilities for future comparable subdivision of their own holdings.

SECTION 27. IMPROVEMENTS REQUIRED

The subdivider, person, firm, corporation, partnership or association shall improve, or agree to improve, as provided in this Ordinance, all streets, highways, alleys, ways or easements in the subdivision as a condition precedent to acceptance thereof and approval of the final map. All pipe lines, electrical conduit and other underground facilities shall be installed prior to street paving. All utilities, curbs, gutters and pavement shall be installed on such existing major and secondary streets and other streets as may be designated by the City Council within sixty (60) days after the issuance of the initial permit from Department of Building and Safety for all or a part of a subdivision. Such improvements shall be installed at lines and grades and in accordance with the standard specifications approved by the City Council. Failure to comply with any of the above requirements shall be a ground for the City Council or the City Manager to order cessation of all building construction. Final approval, excepting for a temporary approval of no more than three models for tract office and subdivision sales purposes, will not be granted for any building until all improvements have been installed and accepted by the City.

Improvements shall include:

- (a) Grading, drainage and drainage structures necessary to proper use and to the public safety.
- (b) Curbs and gutters.
- (c) Sidewalks of a width and quality as the Planning Commission may consider suitable for the local neighborhood use.
- (d) Pavement of a width and quality suitable for local neighborhood traffic.
- (e) Adequate domestic water supply with the City of Redlands having option to purchase, at going price, any and all water rights having been used on the premises.
- (f) Sanitary sewer facilities and connections for each lot in such manner as will obviate the necessity for disturbing the street pavement, gutter, curb and sidewalk when service connections are made.
- (g) Services from public utilities where provided.

(h) All trees shall be planted by the City Park Department in locations selected by said Department and the reasonable cost of the trees and planting thereof shall be paid by the subdivider.

(i) Street lights.

(j) Permanent subdivision survey monuments.

(k) In addition to the aforesaid minimum improvements, the Planning Commission shall recommend and the City Council shall require such additional improvements and facilities or such modifications in the standards of minimum improvements as special conditions may cause the Planning Commission to make a special finding of need.

(l) All water lines are to be laid pursuant to plans and specifications of the City of Redlands.

(m) 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 purpose 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 Planning Commission may recommend to the City Council that the requirements of this Section may be waived if topographical, soil or other conditions make such underground installations unreasonable or impractical.

This section shall not apply to utility lines which do not provide service to the area being subdivided.

If such improvement work be not completed satisfactorily before the final map is approved, the owner or owners of the subdivision shall, prior to approval of the final map, enter as contractor into an agreement with the City Council whereby, in consideration of the acceptance by the City Council of the streets and easements offered for dedication, to complete the work within the time specified in the agreement. To assure the City that this work will be completed, a bond shall be furnished guaranteeing the faithful performance of the work in the sum equal to the cost as estimated by the City Engineer. Ninety per cent of this bond may be furnished by a qualified surety company, except in cases where a cash deposit is required by the City Council. Ten per cent of the bond amount must be cash or a letter of credit payable upon demand of the City. This money may be used as directed by the City Manager or a person designated by him to pay the cost of maintaining barricades, correcting street hazards or repairing any street irrigation line or other utility causing a hazard, nuisance or inconvenience to the public.

Prior to final approval of a subdivision map by the City Council, the owner shall submit a construction schedule showing the beginning date of construction of each item to be built in the public right-of-way, together with the estimated time required for completion. Any unauthorized delay or variation from this schedule shall be cause for the City Council to authorize using the cash bond deposited by the owner to correct any condition causing public inconvenience.

SECTION 28. REGULATIONS GOVERNING TRACT DEVELOPMENTS

The following regulations shall apply to the development of all residential tracts:

(a) Definitions:

1. Tract Development: Shall mean the construction of a group of buildings on adjacent lots that are part of a subdivision tract.
2. Building Setback Line: Shall mean that line parallel to the front property line which establishes the minimum distance between the front property line and any building placed on the lot.
3. Elevation: Shall mean the architectural design of the building.

(b) Approval of Construction:

Prior to the issuance of a building permit for any structure in a residential tract development, the Architectural Advisory Commission shall review and approve the placement and elevations of all structures. Architectural Advisory Commission approval shall be based on the following criteria:

1. The building setback shall be not less than that established for the district in which the subject property is located except a variation in the setback of buildings is encouraged whenever practical to do so within the minimum side and rear yard requirements of the Zoning Ordinance.
2. Not more than two (2) adjacent structures in a tract development shall have the same garage location and driveway treatment.
3. A reasonable variation in the exterior treatment of front elevations in tract developments is required. Said variations shall include differences in exterior materials, including roofs, as well as the

location of entries and garages. There shall be a minimum of three elevation variations for tracts containing up to 10 units. For each 10 additional units, or fraction thereof, an additional elevation variation shall be provided.

(c) Subdividing of Land in Citrus and Fruit Groves:

Where the land or any portion thereof being subdivided contains a citrus or other fruit grove, the owner or his agent shall file an agreement with the city that said grove shall be removed or maintained in good condition in compliance with customary agricultural practices until the start of construction. A copy of said agreement shall be filed with the City Attorney and Planning Director and recorded prior to tentative approval of the subdivision by the City Council.

SECTION 29.

It is recognized that situations may arise where it may prove to be impractical or impossible, or unfair, and oppressive to the subdivider to require literal compliance with all of the foregoing requirements, and that a certain flexibility is necessary. It is accordingly hereby specifically provided that if the Advisory Agency, by the majority vote of all of its members present at any regular or special meeting, finds and determines that any of the foregoing provisions should be modified or omitted, thereupon the City Council is authorized and empowered to approve any such subdivision map in accordance with such specific findings of the Advisory Agency, but in no case shall the City Council so act save upon majority vote of its entire membership. Any such findings of fact recommending modifications or omissions of any of the requirements of this Ordinance shall be set forth in the permanent records of the Planning Commission and referred to or set forth in the minutes of the City Council.

SECTION 30.

Each separate sale or each separate attempt or offer to sell any land from a subdivision, or record of survey as herein defined, without first complying with the provisions of such Subdivision Map Act of the State of California and the provisions of this Ordinance, shall be deemed a separate offense.

SECTION 31.

Any violation of the provisions of this Ordinance shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$300.00 or imprisonment in the City Jail or the County Jail of the County of San Bernardino for a period of not more than thirty (30) days or by both such fine and imprisonment.

SECTION 32.

Other ordinances, or parts of ordinances, in conflict with or inconsistent with the provisions of this Ordinance, are hereby repealed.

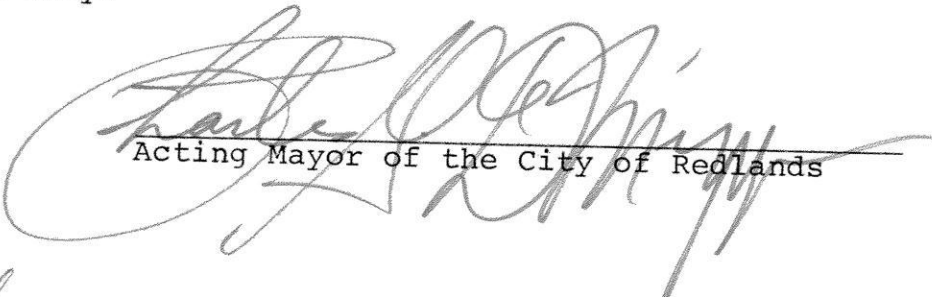
SECTION 33. VALIDITY

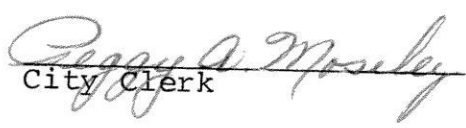
If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed each section, sub-section, sentence, clause and phrase of this Ordinance irrespective of the fact that one or more sections, sub-sections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

SECTION TWO. This ordinance shall be in force and take effect as provided by law.

SECTION THREE. The City Clerk shall certify to the adoption of this ordinance and cause the same to be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published in this city.

ATTEST:


Acting Mayor of the City of Redlands

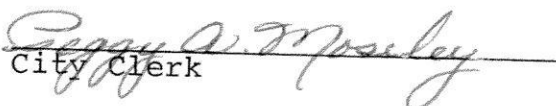

City Clerk

APPROVED FOR FORM:

s/ Edward F. Taylor
City Attorney

I, Peggy A. Moseley, City Clerk, City of Redlands, hereby certify that the foregoing ordinance was adopted by the City Council at a regular meeting thereof held on the 5th day of August, 1975, by the following vote:

AYES: Councilmembers Knudsen, Grace, Acting Mayor DeMirjyn
NOES: None
ABSENT: Mayor Cummings, Vice Mayor Miller


City Clerk