

ORDINANCE NO. 2481

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING TITLE 17 OF
THE REDLANDS MUNICIPAL CODE RELATING TO SUBDIVISIONS

The City Council of the City of Redlands does ordain as follows:

Section 1. Title 17 of the Redlands Municipal Code relating to Subdivisions is hereby deleted in its entirety and rewritten to read as follows:

“Title 17

SUBDIVISIONS

Chapters:

- 17.01 GENERAL PROVISIONS
- 17.03 DEFINITIONS AND RESPONSIBILITIES
- 17.05 MAPS REQUIRED
- 17.07 TENTATIVE SUBDIVISIONS MAPS--FIVE OR MORE PARCELS
- 17.09 FINAL SUBDIVISION MAPS--FIVE OR MORE PARCELS
- 17.11 SUBDIVISIONS OF FOUR OR LESS PARCELS
- 17.13 VESTING TENTATIVE MAPS
- 17.15 DEDICATIONS, RESERVATIONS AND DEVELOPMENT FEES
- 17.17 IMPROVEMENTS
- 17.19 REVERSIONS TO ACREAGE
- 17.21 PARCEL MERGERS AND UNMERGERS
- 17.23 CORRECTION AND AMENDMENT OF MAPS
- 17.25 CONDOMINIUM CONVERSIONS
- 17.27 ENFORCEMENT

Chapter 17.01

GENERAL PROVISIONS

Sections:

- 17.01.010 Citation and authority.
- 17.01.020 Purpose.
- 17.01.030 Consistency.
- 17.01.040 Application.
- 17.01.050 Exceptions.
- 17.01.060 Fees and deposits.

Section 17.01.010 Citation and authority.

This Title is adopted pursuant to Article XI, section 7 of the California Constitution, and to supplement and implement the Subdivision Map Act, sections 66410 et. seq. of the Government Code. This Title may be cited as the "Subdivision Ordinance" of the City of Redlands.

Section 17.01.020 Purpose.

It is the purpose of this Title to regulate and control the division of land within the City, and to implement and supplement the provisions of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, the form and content of all required maps provided by the Subdivision Map Act, and the procedure to be followed in securing the official approval of the City regarding the maps. To accomplish this purpose, the regulations contained in this Title are determined to be necessary to preserve the public health, safety and general welfare; to promote orderly growth and development and to promote open space, conservation, protection and proper use of land; and to ensure provision for adequate traffic circulation, utilities and other services in the City.

Section 17.01.030 Consistency.

No land shall be subdivided and developed for any purpose which is inconsistent with the General Plan or any applicable specific plan of the City, or which is not permitted by Title 18 or other applicable provisions of this Code. The type and intensity of land use as shown on the General

Plan and any applicable specific plan shall determine, together with the requirements of the Subdivision Map Act and this Title, the type of streets, roads, highways, utilities and other public services that shall be provided by the subdivider.

Section 17.01.040 Application.

The regulations set forth in this Title shall apply to all, or parts, of subdivisions within the City and to the preparation of subdivision maps and to other maps provided for by the Subdivision Map Act and this Title. All subdivisions and any parts thereof lying within the City shall be made, and all subdivision maps shall be prepared and presented for approval, as provided for in this Title.

Section 17.01.050 Exceptions.

This Title shall not apply to:

- A. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks.
- B. Mineral, oil or gas leases.
- C. Land dedicated for cemetery purposes under the State Health and Safety Code.
- D. A lot line adjustment among four or less existing adjacent parcels, where the land taken from one or more parcels is added to one or more adjacent parcels, and where a greater number of parcels than originally existed is not thereby created, provided that, subject to the provisions of section 66412(d) of the Subdivision Map Act, the lot line adjustment is approved by the Community Development Director.
- E. Any separate assessment under section 2188.7 of the State Revenue and Taxation Code.
- F. Subject to the requirements of sections 66412(g) and 66412(h) of the Subdivision Map Act, the conversion of a community apartment project or a stock cooperative to a condominium.
- G. The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection and sale or lease of a wind-powered electrical generation device on the land, if the project is subject to discretionary action by the City.
- H. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other City ordinances regulating design and improvements.
- I. The financing or leasing of existing separate commercial or industrial buildings on a

single parcel.

J. The construction, financing or leasing of dwelling units pursuant to section 65852.1, or second units pursuant to section 65852.2, of the Government Code; but this Title shall apply to the sale or transfer, but not leasing, of those units.

K. Leasing for agricultural purposes, cultivation of food or fiber, and grazing or pasturing of livestock.

L. Subdivisions of four parcels or less for the construction of removable commercial buildings having a floor area of less than one hundred square feet.

M. Any other mandatory exceptions as provided in the Subdivision Map Act.

Section 17.01.060 Fees and deposits.

All persons submitting applications for the approval of maps or for other approvals permitted by this Title shall pay all fees and/or deposits as required by this Title and this Code, and by the City Council's resolutions establishing applicable fees and deposits. The resolutions, as adopted and subsequently amended from time to time, are hereby incorporated by this reference as though fully set forth herein.

Chapter 17.03

DEFINITIONS AND RESPONSIBILITIES

Sections:

17.03.010 Definitions.

17.03.020 Responsibilities.

Section 17.03.010 Definitions.

For the purposes of this Title, unless otherwise apparent from the context, certain words and phrases used in this Title are defined as set forth below. All definitions provided in this Code, and all definitions provided in the Subdivision Map Act, shall also be applicable to this Title and the definitions are hereby incorporated by this reference as though fully set forth herein.

A. "Acreage" means any parcel of land which is not a lot, as defined in this Title, and those

areas where a legal subdivision has not been made previously, or where a legal subdivision has declared such parcel as acreage.

B. "Appeal body" means the advisory or legislative body with the authority to hear appeals on applications or actions pursuant to this Title.

C. "Approving body" means the advisory agency, legislative body or City staff person with the authority to approve an application or action pursuant to this Title.

D. "Block" means the area of land within a subdivision, which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.

E. "City street" means any duly dedicated street, avenue or the like which the City has accepted and regularly maintains, or which the county duly accepted and regularly maintained prior to the incorporation of the City, or upon which public funds have been expended for improvements or rights-of-way used by the public generally.

F. "Collector street" means a street, intermediate in importance between a local street and either a major or secondary thoroughfare, which has the purpose of collecting local traffic and carrying it to a thoroughfare.

G. "Community apartment project" shall be defined as provided in section 11004 of the Business and Professions Code.

H. "Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on the real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of the real property.

I. "Conversion" means the creation of separate ownership of existing real property together with a separate interest in space of residential, industrial or commercial buildings.

J. "Day" means a calendar day unless otherwise specified.

K. "Department" means the Community Development Department.

L. "Design" means:

1. Street alignments, grades and widths;
2. Drainage, water, sewer and sanitary facilities and utilities, including alignments and grades;
3. Location and size of all required easements and rights-of-way;

4. Fire roads and fire breaks;
5. Lot size and configuration;
6. Vehicular and bicycle traffic access;
7. Grading;
8. Land to be dedicated for park or recreational purposes; and
9. Such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan.

K. "Development" means the uses to which the land which is the subject of a map shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.

L. "Easement" means an easement dedicated to the City, which shall be continuing and irrevocable unless formally abandoned by the City, and any other easement whether owned by a public entity, public utility or private party.

M. "Final map" means a map showing a subdivision of five or more parcels for which a tentative and final map are required by, and prepared in accordance with, the Subdivision Map Act and this Title, and designated to be filed for recordation in the office of the county recorder.

N. "General Plan" means the General Plan of the City.

O. "Improvement" means streets, sidewalks, storm drainage facilities, water and sewer facilities, utilities, landscaping 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 acceptance of the final map thereof. "Improvement" also means other specific improvements or types of improvements, the installation of which, either by or by a combination of, the subdivider, public agencies, private utilities, or any other entity approved by the City, is necessary to ensure consistency with, or implementation of, the General Plan, or any applicable specific plan. Improvements shall be constructed in accordance with standard engineering specifications, where applicable.

P. "Lot" or "parcel" means a unit or portion of land separate from other units or portions by description, as on a final map or parcel map, or by such other map approved by the county or by the City under the provisions of the Subdivision Map Act and of City ordinances in effect at the time of such approval, for the purpose of sale, lease or financing.

Q. "Lot line adjustment" means a shift or rotation of an existing lot line or other adjustment among four parcels or less where a greater number of parcels than originally existed is not created, as approved by the Community Development Director.

R. "Merger" means the joining of two or more contiguous parcels of land under one ownership into one parcel.

S. "Parcel map" means a map showing a subdivision of four or less parcels as required by, and prepared in accordance with, the Subdivision Map Act and this Title, and designed to be filed for recordation in the office of the county recorder.

T. "Peripheral street" means an existing street whose right-of-way is contiguous to the exterior boundary of a subdivision.

U. "Private street" means any street, access way or the like, lying in whole or in part within a subdivision for which dedication and ownership is privately held and is utilized as access to a development. Private streets shall be constructed in accordance with standard engineering specifications.

V. "Remainder" means that portion of an existing parcel which is not designated on the required map as part of the subdivision. The remainder shall not be considered as part of the subdivision but shall be shown on the required map as part of the area surrounding the subdivision. A remainder of five acres or more need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder.

W. "Standard engineering specifications" means those standard subdivision improvement plans and specifications as prepared and/or approved by the City's Public Works Director.

X. "Stock cooperative" shall be defined as provided in section 11003.2 of the Business and Professions Code.

Y. "Subdivider" means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for oneself or for others. Employees and consultants of such persons or entities, acting in such capacity, are not "subdividers."

Z. "Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, 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

easements or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in section 1350 of the State Civil Code, a community apartment project, as defined in section 11004 of the Business and Professions Code, and the conversion of five or more existing dwelling units to a stock cooperative, as defined in section 11003.2 of the Business and Professions Code. "Subdivision" includes any division of land by gift or inheritance, but excludes a division for probate homestead. Any conveyance of land to a governmental agency, public entity, public utility, or subsidiary of a public utility for rights-of-way, shall not be considered a division of land for purposes of computing the number of parcels.

AA. "Subdivision Map Act" means Government Code sections 66410 et seq., inclusive.

BB. "Tentative Map" means a map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it. "Tentative map" includes a tentative map prepared in connection with a parcel map pursuant to the provisions of Chapter 17.11 (Subdivisions of Four or Less Parcels) of this Title.

CC. "Vesting tentative map" shall be defined as provided in section 17.13.030(A).

Section 17.03.020 Responsibilities.

A. City Attorney. The City Attorney's responsibilities shall include approving as to form all subdivision improvement agreements and security, and all governing documents for a common interest development.

B. City Council. The City Council shall have final jurisdiction in the approval, conditional approval or denial of final maps and in the approval of improvement agreements for subdivisions. The City Council shall also have final jurisdiction in the approval, conditional approval or denial of reversions to acreage. The City Council shall also act as the appeal board for hearing appeals of the approval, conditional approval or denial of tentative maps and vesting tentative maps. In instances when tentative maps or vesting tentative maps are processed concurrently with other land use applications requiring City Council action, the City Council shall have final jurisdiction in approval, conditional approval, or denial of the tentative map or vesting tentative map application.

C. Planning Commission. The Planning Commission's responsibilities shall include approving, conditionally approving, or denying the application for tentative map approval of subdivisions. In instances when tentative maps or vesting tentative maps are processed concurrently with other land use applications requiring City Council action, the Planning Commission shall make

a recommendation to the City Council for its determination.

D. City Engineer. The City Engineer's responsibilities shall include:

1. Establishing design and construction details, standards and specifications;
2. Determining if proposed subdivision improvements comply with the provisions of the Subdivision Map Act and this Title;
3. The processing and certification of final maps, parcel maps, reversion to acreage maps, and amended maps and the processing and approval of subdivision improvement plans;
4. Examining and certifying that final maps and parcel maps are in substantial compliance with the approved tentative map;
5. The approval of proposed street names;
6. Recommendation of the form of subdivision improvement agreements;
7. The inspection, approval and acceptance of subdivision improvements.

E. Community Development Department. The Community Development Department's responsibilities shall include:

1. The processing of tentative maps;
2. Recommending a map's conformity with general plan and zoning standards;
3. Ensuring a map's compatibility with surrounding lots, land uses and streets;

Chapter 17.05 MAPS REQUIRED

Sections:

17.05.020 Division of land--Five or more parcels.

17.05.030 Division of land--Four or less parcels.

Section 17.05.020 Division of land--Five or more parcels.

A tentative and final map shall be required for all divisions of land when determined by the Department that such land may be divided into five or more parcels, five or more condominiums, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:

A. The land before division contains less than five acres, each parcel created by the division

abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or

B. Each parcel created by the division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway; or

C. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or

D. Each parcel created by the division has a gross area of not less than forty acres or is not less than one quarter of a quarter section. A parcel map shall be required for those subdivisions described in subsections A, B, C and D above, unless waived by the City in accordance with the provisions of section 17.11.080 of this Title.

Section 17.05.030 Division of land--Four or less parcels.

A tentative and final parcel map shall be required for all divisions of land into four or less parcels, except that maps shall not be required for:

A. Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by section 230 of the State Public Utilities Code, which are created by short-term leases terminable by either party on not more than thirty days' notice in writing.

B. Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the Department in individual cases, upon substantial evidence, that public policy necessitates a parcel map.

C. Lot line adjustments, provided:

1. No additional parcels or building sites are created;
2. The resulting parcels conform to Title 18 of this Code;
3. The lot line adjustment is approved by the Community Development Director in accordance with the notice and public hearing provisions of section 17.07.070. The Community Development Director may impose conditions or exactions on the approval of a lot line adjustment to conform to Title 18 and Title 15 of this Code, or to facilitate the relocation of existing utilities, infrastructure or easements. Lot line adjustments which are being processed concurrently with land use applications requiring action by the Planning Commission or the City Council shall be scheduled

for review and action by the same approving body as the other application(s). The lot line adjustment shall be reflected in a deed, and a record of survey if required by State law, which shall be recorded. When parcels subject to lot line adjustments are encumbered by deeds of trust, mortgage liens or assessment liens, such deeds of trust and liens shall be modified by the parcel owners to correspond to the new lot lines of these parcels, to the satisfaction of the City, to ensure that foreclosure on such deeds or liens does not create illegal parcels.

Appeals of the Community Development Director's action with respect to lot line adjustments shall be made first to the Planning Commission and then to the City Council in accordance with the provisions of section 17.07.100. Appeals of the Planning Commission action on lot line adjustments shall be made to the City Council in accordance with the provisions of section 17.07.100.

If a lot line adjustment is approved or conditionally approved by the approving body, the appeal body shall have the right to call up such approval for appeal body review by a written request to the Community Development Director within ten days of the final action by the approving body. If the appeal body decides to review the lot line adjustment and conditions, it shall conduct a public hearing after giving notice pursuant to section 17.07.070(A). The public hearing shall be held within thirty days after the date of the request for review. The appeal body may add, modify or delete conditions if the appeal body determines that such changes are necessary to ensure that the lot line adjustment conforms to the Subdivision Map Act and this Code. Within ten days following the conclusion of the hearing, the appeal body shall render its decision. If the appeal body does not act within the time limits set forth in the section, the lot line adjustment shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the approving body insofar as it complies with all other applicable provisions of the Subdivision Map Act, this Title and this Code.

D. Parcel maps waived in accordance with the provisions of section 17.11.080.

Chapter 17.07

TENTATIVE SUBDIVISIONS MAPS--FIVE OR MORE PARCELS

Sections:

- 17.07.010 General.
- 17.07.020 Form and content.
- 17.07.030 Accompanying data and reports.
- 17.07.040 Geotechnical reports.
- 17.07.050 Street names.
- 17.07.060 Department review.
- 17.07.070 Planning Commission action.
- 17.07.080 City Council review.
- 17.07.090 Extension of time for Planning Commission or City Council action.
- 17.07.100 Appeal of Planning Commission action.
- 17.07.110 Expiration.
- 17.07.120 Extensions.
- 17.07.130 Amendments to approved or conditionally tentative map.

Section 17.07.010 General.

The form and contents, submittal, and approval of tentative maps for five or more parcels shall be governed by the provisions of this Title.

Section 17.07.020 Form and contents.

The tentative map shall be prepared in a manner acceptable to the Department and shall be prepared by a registered civil engineer or licensed land surveyor. The tentative map shall be clearly and legibly drawn and shall contain not less than the following:

- A. A title which shall contain the subdivision number, subdivision name and type of subdivision.
- B. Name and address of legal owner, subdivider and person preparing the map, including registration or license number.
- C. Sufficient legal description to define the boundary of the proposed subdivision.
- D. The names and numbers of adjacent subdivisions and names of owners of adjacent land.

E. Date, north arrow, scale, contour interval and source and date of existing contours.

F. A statement of present zoning and of existing and proposed uses of the property as well as any proposed zoning changes, whether immediate or future.

G. A vicinity map showing roads, adjoining subdivisions, creeks, railroads and other data sufficient to locate the proposed subdivision and show its relation to the community.

H. Existing topography of the proposed site and at least one hundred feet beyond its boundary, including but not limited to:

1. Existing contours at two-foot intervals if the existing ground slope is less than ten percent and at not less than five-foot intervals for existing ground slopes equal or greater than ten percent. Contour intervals shall not be spread more than one hundred fifty feet apart. Existing contours shall be represented by dashed lines or by screened lines.

2. Type, circumference and dripline of existing trees with a trunk diameter of four inches or more. Any trees proposed to be removed shall be so indicated.

3. The location and outline of existing structures identified by type. Structures to be removed shall be so marked.

4. The approximate location of all areas of potential stormwater overflow; the location, width and direction of flow of each watercourse; and the flood zone designation as indicated on the Flood Insurance Rate Map ("FIRM").

5. The location, pavement and right-of-way width, grade and name of existing streets or highways.

6. The widths, location and identity of all existing easements.

7. The location and size of existing sanitary sewers, fire hydrants, water mains and stormdrains. The approximate slope of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on peripheral streets shall be indicated.

8. Proposed improvements to be shown shall include but not be limited to:

a. The location, grade, centerline radius and arc length of curves, pavement, right-of-way width and name of all streets. Typical sections of all streets shall be shown. Proposed private streets shall be clearly indicated.

b. The location and radius of all curb returns and cul-de-sacs.

c. The location, width and purpose of all easements.

d. The angle of intersecting streets if such angle deviates from a right angle by

more than four degrees.

e. The approximate lot layout and the approximate dimensions of each lot and each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale, the number of each lot, and the elevation of adjacent parcels.

f. Proposed contours at two-foot intervals shall be shown if the proposed ground slope is less than ten percent and not at less than five-foot intervals for proposed ground slopes of ten percent or more. A separate grading plan may be submitted.

g. Proposed recreation sites, trails and parks for private or public use.

h. Proposed common areas and areas to be dedicated to public open space.

i. The location and size of sanitary sewers, fire hydrants, water mains and stormdrains. Proposed slopes and approximate elevations of sanitary sewers and stormdrains shall be indicated. The proposed routing of stormwater runoff generated by a one-hundred-year flood shall also be indicated.

j. A statement as to the intention of the subdivider in regard to slope planting and erosion control.

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

l. The size of each sheet shall be eighteen inches by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be not less than 1" = 100' or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. When four or more sheets including the certificate sheet are used, a key sheet shall be included. All printing or lettering on the map shall be of one-eighth-inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.

(l) If the subdivider plans to develop the site in units or phases, the proposed units or phases and their proposed sequence of construction shall be shown.

(m) The subdivider shall specify any deviation from City standards and the justification for such deviation.

(n) Upon the written request of the subdivider, the Department may waive any of the above tentative map requirements if the Department determines that the type of subdivision does not justify compliance with these requirements, or if the Department determines that other circumstances justify a waiver. The Department may require other drawings, data or information as deemed necessary by the Department to accomplish the purposes of the Subdivision Map Act and this Title.

Section 17.07.030 Accompanying data and reports.

The tentative map shall be accompanied by the following data and reports:

- A. **Street Names.** A list of proposed street names for any unnamed street or alley for review by the City Engineer; except in the case of tentative maps for condominium conversions.
- B. **Soils Report.** A preliminary soils report prepared in accordance with the provisions of the Uniform Building Code. 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 soils report accompanying the final map shall contain an investigation of each lot within the subdivision.
- C. **Title Report.** A preliminary title report, acceptable to the Department, showing the legal owners at the time of filing the tentative map.
- D. **Environmental Review.** Information shall be submitted as required by the Department to allow a determination on environmental review to be made in accordance with CEQA. The subdivider shall deposit and pay all fees as may be required for the preparation and processing of environmental review documents.
- E. **Preliminary Engineering Calculations.** Information shall be submitted as required by the standard engineering specifications to demonstrate the adequacy of the design of the proposed improvements. Such information shall include design parameters and engineering calculations.
- F. **Phasing.** If the subdivider plans to file multiple final maps on the tentative map, he shall submit a written notice to that effect to the Community Development Director.
- G. **Other Reports.** Any other data or reports deemed necessary by the Department.
- H. **Drainage Study.** Information shall be submitted prepared by a registered civil engineer showing the amount of water coming through, and generated by, the project and describing how these flows will be handled on site and downstream.

Section 17.07.040 Geotechnical reports.

A. Three copies of a preliminary engineering soils report and engineering geology report, prepared by a civil engineer and engineering geologist registered in the state and based upon adequate borings, shall be submitted to the City building official for subdivisions of five or more parcels. The City building official may require that such reports be submitted for subdivisions of four or less parcels.

B. A preliminary soils and/or geology report may be waived by the City building official provided the City building official finds that, due to the knowledge the City has as to the soil and geologic conditions in the subdivision, no preliminary analysis is necessary. Such knowledge would include the nature, distribution and strength of the existing soils, and the necessary grading procedures and design criteria for corrective measures, and the geology of the site and the effect of geologic conditions on the proposed development.

C. If the City has knowledge of, or the preliminary soils and geology reports indicate, the presence of soil or geologic conditions which, if corrective measures are not taken, could lead to structural defects, a soils and/or geologic investigation of each lot in the subdivision may be required by the City building official. Such soils and/or geologic investigation shall be done by a civil engineer and/or geologist registered in the state who shall recommend regarding the adequacy of the sites to be developed by the proposed grading and the effect of the soil or geologic conditions on the proposed development. The City may approve the subdivision, or portion thereof, where soils or geologic problems exist if the City determines that the recommended actions provide for procedures and design criteria for corrective measures as necessary covering the structures and adequacy of the sites to be developed by the proposed grading. A condition of the issuance of any building permit may require that the approved recommended action be incorporated in the grading plans and/or specifications and, if necessary, the plans and specifications for the construction of each structure.

D. Where preliminary soils and/or geology reports are prepared, final reports shall be submitted prior to the acceptance of the improvements or the release of occupancy permits indicating the specific actions taken pursuant to the preliminary report recommendations. Such reports shall have sufficient field data submitted to indicate full compliance with the preliminary or subsequent progress report recommendations as they were applied to specific areas or improvements.

E. Geotechnical reports must also comply with applicable City administrative policies and standards.

Section 17.07.050 Street names.

Each street which is to be dedicated which is a continuation of, or approximately the continuation of, any existing dedicated street shall be shown on the tentative map and shall be given the same name as such existing street. The proposed name of each other street shown on the tentative map shall be submitted to the City for approval in accordance with current City street-naming policies prepared by the Public Works Department. The approved street name shall be shown on the tentative map.

Section 17.07.060 Department review.

The tentative map application shall be filed with the Department. The application shall be determined by the Department to be complete only when the form and contents of the tentative map conform to the requirements of section 17.07.020 and when all accompanying data and reports, as required by section 17.07.030, and all fees and/or deposits as required by section 17.01.060, have been submitted and accepted by the Department. The subdivider shall file with the Department the number of tentative maps the Community Development Director may deem necessary. The Department shall forward copies of the tentative map to the affected public agencies and utilities which may, in turn, forward to the Department their findings and recommendations.

Section 17.07.070 Planning Commission action.

A. Notice of Public Hearings. Upon receipt of a complete tentative map application, the Department shall prepare a report with recommendations. The Department shall set the matter for public hearing before the Planning Commission. A copy of the Department report shall be forwarded to the subdivider at least three days prior to the public hearing. At least ten calendar days before the public hearing, a notice shall be given of the time, date and place of the hearing, including a general explanation of the matter to be considered, and a general description of the area affected, and the street address, if any, of the property involved. The notice shall be published at least once in a newspaper of general circulation, published and circulated in the City.

In addition to notice by publication, the Department shall give notice of the hearing by mail or delivery to the subdivider, the owner of the subject real property, if different from the subdivider, and to all persons, including businesses, corporations, or other public or private entities, shown on the last equalized assessment roll as owning real property within three hundred feet of the property

which is the subject to the proposed application. The Department shall also give notice of the hearing by mail or delivery to each agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the subdivision, whose ability to provide those facilities and services may be significantly affected. A proposed conversion of residential real property to a condominium, community apartment or stock cooperative project shall be noticed in accordance with section 66451.3 of the Subdivision Map Act.

In the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the City shall also give notice by mail or delivery to the owner of the property as shown on the last equalized assessment roll. In addition, notice shall be given by mail or personal delivery to any person who has filed a written request with the City. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year. The Department may give such other notice that it deems necessary or advisable. Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in this Title.

B. Action. The Planning Commission shall make its recommendation to the City Council, or shall approve, conditionally approve or deny the tentative map, and the Department shall report the decision of the Planning Commission to the City Council and the subdivider, within fifty days after the tentative map application has been determined to be complete. If an environmental impact report is prepared, the decision shall be made forty-five days after certification of the environmental impact report. If the approving body is the City Council, the City Council shall approve, conditionally approve, or disapprove the tentative map within 30 days after it receives the recommendation of the Planning Commission. In reaching a decision upon the tentative map, the approving body shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

C. Approval. The tentative map may be approved or conditionally approved by the approving body if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, and all applicable provisions of this Code. The approving body may require as a condition of its approval that the payment by the subdivider of all development fees required to be paid at the time of the application

for, or issuance of, a building permit or other similar permit shall be made at the rate for such fees in effect at the time of such application or issuance.

The approving body may modify or delete any of the conditions of approval recommended in the Department's report. The approving body may add additional requirements as a condition of its approval.

If no action is taken by the approving body within the time limits specified in this section, the tentative map, as filed, shall be deemed to be approved if it complies with all other applicable provisions of the Subdivision Map Act, this Title, this Code, and the General Plan.

D. Denial. The tentative map may be denied by the Planning Commission on any of the grounds provided by the Subdivision Map Act or this Code. The Planning Commission shall deny approval of the tentative map if it makes any of the following findings:

1. That the proposed map is inconsistent with the General Plan or any applicable specific plan, or other applicable provisions of this Code;
2. That the site is not physically suitable for the type of development.
3. That the site is not physically suitable for the proposed density of development;
4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the Planning Commission may approve such a tentative map if an environmental impact report was prepared with respect to the project and a finding was made pursuant to section 21081(c) of CEQA that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;
5. That the design of the subdivision or the type of improvements are likely to cause serious public health problems.
6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission 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 the Planning Commission to determine that the public at large has acquired easements for

access through or use of property within the proposed subdivision; or

7. Subject to section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use.

Section 17.07.080 City Council review.

If a tentative map is approved or conditionally approved, the Department shall forthwith make a written report thereof to the City Council. The City Council shall, by a majority vote, have the right to call up the tentative map for City Council review at a City Council meeting by a request to the Community Development Director, which must be made within twenty-one days of the final action by the Planning Commission or the date of the City Council's next regularly scheduled meeting after the Planning Commission's decision. If the Council decides to review the map, it shall conduct a public hearing after giving notice pursuant to section 17.07.070(A). In addition, notice shall be given to the Planning Commission. The public hearing shall be held within thirty days after the City Council decides to review the map. The City Council may add, modify or delete conditions if the City Council determines that such changes are necessary to ensure that the tentative map conforms to the Subdivision Map Act and this Code. The City Council may deny the tentative map on any of the grounds contained in section 17.07.070(D). Within ten days following the conclusion of the hearing, the City Council shall render its decision. If the City Council does not act within the time limits set forth in this section, the tentative map shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the Planning Commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this Title, this Code and the General Plan.

Section 17.07.090 Extension of time for Planning Commission or City Council action.

Any applicable time limits for acting on the tentative map application may be extended by mutual consent of the subdivider and the Planning Commission or the City Council in accordance with State law. A waiver of applicable time limits may be required to permit concurrent processing of related project approvals or environmental review on the same development project.

Section 17.07.100 Appeals of Planning Commission action.

The subdivider or any interested person adversely affected by any Planning Commission action, other than the City Council, with respect to the tentative map may, within ten days after the decision, file an appeal in writing with the City Clerk or the Community Development Director. The City Council shall consider the appeal within thirty days after the date of filing of the appeal, unless the appellant consents to a continuance. Within ten days following the conclusion of the hearing, the City Council shall render its decision. The appeal shall be a public hearing after notice has been given according to section 17.07.070(A). In addition, notice shall be given to the Planning Commission. The Council may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make any findings which are consistent with the provisions of the Subdivision Map Act or this Title.

If the City Council fails to act upon an appeal within the time limits set forth in this section, the tentative map shall be deemed to be approved or conditionally approved as last approved or conditionally approved by the Planning Commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this Title, this Code and the General Plan.

Section 17.07.110 Expiration.

A. The approval or conditional approval of a tentative map shall expire twenty-four months from its approval by either the Planning Commission or City Council, whichever occurs last. However, if in connection with a tentative map for which the filing of multiple final maps is authorized, the subdivider is made subject to a requirement of one hundred thousand dollars or more to construct or improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map, or if the tentative map is on property subject to a development agreement authorized by sections 65864 et seq. of the Government Code, then the expiration date shall be extended in accordance with section 66452.6(a) of the Subdivision Map Act. An extension to the expiration date may also be approved as provided in section 17.07.120.

B. The period of time specified in subsection (a) of this section shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map only if a stay of the time period is approved by the Planning Commission. After service of the initial petition or complaint upon the City, the subdivider shall, in writing, to the Community Development Director, request a stay in the

time period of the tentative map. Within forty days after receiving the request, the Planning Commission shall either stay the time period for up to five years or deny the requested stay. The request for the stay shall be a hearing with notice to the subdivider and to the appellant, and upon conclusion of the hearing, the Planning Commission shall, within ten days, render its decision. The subdivider or any interested person may appeal action of the Planning Commission on the stay to the City Council within ten days of such action in accordance with section 17.07.100.

C. The period of time specified in subsection (A) of this section shall not include any period of time during which a development moratorium is in effect according to section 66452.6 of the Subdivision Map Act.

Section 17.07.120 Extensions.

A. Request by Subdivider. The subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Department. The application shall be filed not less than thirty days before the map is to expire and shall state the reasons for requesting the extension.

B. Planning Commission Action. The Department shall review the request and submit the application for the extension, together with a report, to the Planning Commission for approval, conditional approval or denial at the next regularly scheduled Planning Commission meeting. A copy of the Department's report shall be forwarded to the subdivider prior to the Planning Commission meeting on the extension. In approving, conditionally approving or denying the request for extension, the Planning Commission shall make findings supporting its decision, including findings with respect to the potential impact of any increases in applicable development fees which have occurred since the date of the approval or conditional approval of the tentative map.

C. Time Limit of Extensions. The time at which the tentative map expires may be extended by the Planning Commission for a period not exceeding a total of five years.

D. Appeal of Extension. The subdivider or any interested person adversely affected may appeal any action of the Planning Commission on the extension to the City Council in accordance with section 17.07.100, except that any such appeal shall be filed within fifteen days after the action by the Planning Commission. If the Council does not act within the time limits set forth in section 17.07.100, the extension shall be deemed to have been approved or conditionally approved as approved by the Planning Commission, insofar as the tentative map complies with all other

applicable provisions of the Subdivision Map Act, this Title, this Code and the General Plan.

Section 17.07.130 Amendments to approved or conditionally tentative map.

Minor amendments to the approved or conditionally approved tentative map or conditions of approval may be approved by the Department upon application by the subdivider or on the Department's own initiative, provided:

- A. No lots, units or building sites or structures are added;
- B. Changes are consistent with the intent and spirit of the original tentative map approval;
- C. There are no resulting violations of the City's General Plan, this Code, the Subdivision Map Act or CEQA.

The amendment shall be indicated on the approved or conditionally approved tentative map and certified by the Community Development Director. Amendments to the tentative map conditions of approval which, in the opinion of the Department, are not minor, shall be presented to the Planning Commission for its approval. Processing shall be in accordance with the provisions for processing a tentative map as set forth in this Title. Any approved amendment shall not alter the expiration date of the tentative map.

Chapter 17.09

FINAL SUBDIVISION MAPS--FIVE OR MORE PARCELS

Sections:

- 17.09.010 General.
- 17.09.020 Phasing.
- 17.09.030 Survey required.
- 17.09.040 Form.
- 17.09.050 Contents.
- 17.09.060 Preliminary submittal for City approval.
- 17.09.070 Review by City Engineer.
- 17.09.080 Approval by City Engineer.
- 17.09.090 Approval by City Council.
- 17.09.100 Denial by City Council.
- 17.09.110 Filing with the county recorder.

Section 17.09.010 General.

The form, contents, accompanying data and filing of the final map shall conform to the provisions of the Subdivision Map Act and this Title. The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.

Section 17.09.020 Phasing.

Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if the subdivider, at the time the tentative map application is filed, notifies the Community Development Director in writing of the subdivider's intention to file multiple final maps on the tentative map in accordance with section 17.07.030(F). In providing the notice, the subdivider shall not be required to define the number or configuration of the proposed multiple maps. The Planning Commission shall approve the sequence of map approvals. After filing of the tentative map application, the Community Development Director, the City Engineer and the subdivider shall concur in the filing of multiple final maps.

The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the tentative map. Each final map which constitutes a part, or unit, of the approved or conditionally approved tentative map shall have a separate subdivision number.

The subdivision improvement agreement executed by the subdivider shall provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.

Section 17.09.030 Survey required.

An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the final map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

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. At least one exterior boundary line shall be monumented prior to recording the final map. Other monuments shall be set as required by the City Engineer.

Section 17.09.040 Form.

The form of the final map shall conform to the Subdivision Map Act and as follows:

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

The size of each sheet shall be eighteen inches by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be not less than 1" = 100' or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. When four or more sheets including the certificate sheet are used, a key sheet shall be included. All printing or lettering on the map shall be of one-eighth-inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings. The final form of the final map shall be as approved by the City

Engineer.

Section 17.09.050 Contents.

The contents of the final map shall conform to the Subdivision Map Act and as follows:

A. **Boundary.** The boundary of the subdivision shall be designated by a heavy black line in such a manner as not to obliterate figures or other data.

B. **Title.** Each sheet shall have a title showing the subdivision number and name and the location of the property being subdivided with reference to maps which have been previously recorded, or by reference to the plat of a United States Survey. The following words shall appear in the title, "City of Redlands, San Bernardino County."

C. **Certificates and Acknowledgments.** All certificates and acknowledgments shall be made as required by the Subdivision Map Act and shall appear only once on the cover sheet.

D. **Scale, North Point and Basis of Bearings.** There must appear on each map sheet the scale, the north point and the basis of bearings based on Zone II of the California Coordinates, and the equation of the bearing to true north. The basis of bearings shall be approved by the City Engineer.

E. **Linear, Angular and Radial Data.** Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of monument lines, street centerlines, the boundary lines of the subdivision, the boundary lines on every lot and parcel which is a part of the subdivision, and ties to existing monuments used to establish the boundary. Arc length, curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the map.

F. **Monuments.** The location and description of all existing and proposed monuments shall be shown. Standard City monuments shall be set at, or on City Engineer-approved offsets, the following locations:

1. The intersection of street centerlines;
2. Beginning and end of curves or intersection of tangents on centerlines;
3. At other locations as may be required by the City Engineer.

G. **Lot Numbers.** Lot numbers shall begin with the number one in each subdivision and shall continue consecutively with no omissions or duplications except where contiguous lands, under the same ownership, are being subdivided in successive units, in which event lot numbers may begin with the next consecutive number following the last number in the preceding unit. Each lot shall be shown entirely on one sheet of the final map, unless approved by the City Engineer.

H. **Adjoining Properties.** The adjoining corners of all adjoining subdivisions shall be identified by subdivision number, or name when not identified by official number, and reference to the book and page of the filed map, showing such subdivision; and if no subdivision is adjacent, then by the name of the owner and reference to the recorded deed by book and page number for the last record owner.

I. **City Boundaries.** City boundaries which cross or join the subdivision shall be clearly designated.

J. **Street Names.** The names of all streets, alleys or highways within or adjoining the subdivision shall be shown.

K. **Easements and Dedications.** Easements and dedications for roads or streets, paths, alleys, utilities, local transit facilities, stormwater drainage, sanitary sewers or other public use as may be required, shall be dedicated to the public for acceptance by the City or other public agency, and the use shall be specified on the map. All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance, e.g., recorder's serial number and date, or book and page of official records.

Easements not disclosed by the records in the office of the county recorder and found by the surveyor or engineer to be existing, shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.

The sidelines of all easements of record shall be shown by dashed lines on the final map with the widths, lengths and bearings of record. The width and location of all easements shall be approved by the City Engineer.

L. **Greenbelt Areas.** Greenbelt areas may be shown, subject to the approval of the City. Public greenbelt areas shall be dedicated in fee unless otherwise specified in the approval or conditional approval of the tentative map. Private greenbelt areas shall be dedicated as open space easements unless otherwise specified in the approval or conditional approval of the tentative map.

Section 17.09.060 Preliminary submittal for City approval.

The subdivider shall submit prints of the final map to the City Engineer, Community Development Director and Municipal Utilities Director for checking. The preliminary prints shall be accompanied by the following data, plans, reports and documents in a form as approved by the City Engineer and, where applicable the City Attorney:

- A. **Improvement Plans.** Improvement plans as required by section 17.17.060.
- B. **Soils Report.** A soils report prepared in accordance with the Uniform Building Code.
- C. **Title Report.** A title report showing the legal owners at the time of submittal of the final map.
- D. **Tax Certificate.** A certificate from the county tax collector stating that all taxes due have been paid or that a tax bond or other adequate form of security assuring payments of all taxes which are a lien but not yet payable has been filed with the county.
- E. **Deeds for Easements or Rights-of-Way.** Deeds for off-site easements or rights-of-way required for road or drainage purposes which have not been dedicated on the final map. Written evidence acceptable to the City in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility.
- F. **Traverse Closures.** Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines.
- G. **Hydrology and Hydraulic Calculations.** Complete hydrology and hydraulic calculations of all stormdrains and flood flow.
- H. **Governing Documents.** The submittal of the final map or parcel map for a common interest development within the meaning of sections 1350 et seq. of the State Civil Code shall include the proposed declaration of covenants, conditions and restrictions containing the provisions described in section 1353 of the Civil Code, and all other governing documents for the subdivision as are appropriate pursuant to section 1173 of the Civil Code. The submittal of the final map or parcel map for all subdivisions other than a common interest development shall include any declaration of covenants, conditions and restrictions proposed to connection therewith. All documents shall be subject to review and approval by the City Engineer and City Attorney.
- I. **Guarantee of Title.** A guarantee of title, in form acceptable to the City Engineer and City Attorney, shall be issued by a competent title company to and for the benefit and protection of the City and shall be continued complete up to the instant of recording of the final map, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all public easements being offered for dedication, and all acknowledgments thereto, appear on the proper certificates and are correctly shown on the map, both as to consents as to the making thereof and affidavits of dedication where necessary.

J. **Improvement Agreement.** In the event sewer, water, drainage, grading, paving or other improvements required pursuant to section 17.17.020 have not been completed prior to the presentation of the final map, an agreement in accordance with the requirements of section 17.17.070 shall be filed for the improvement thereof. The subdivider shall secure the performance of the agreement in accordance with the requirements of section 17.17.080.

K. **Liability Agreement and Insurance.** A defense, indemnity and hold-harmless agreement obligating the subdivider to defend, indemnify and hold the City and its officers, agents and employees harmless from any liability for damages or claims for damages for personal injury or death which arise from the operations of the sub-divider and/or the subdivider's subcontractors in connection with the subdivision. A certificate of insurance reporting to the City the amount of insurance the subdivider carries for the subdivider's own liability for damages or claims for damages for personal injury or death which arise from the operations of the subdivider or his subcontractors in connection with the subdivision. The certificate of insurance shall name the City as an additional insured. The agreement and certificate required by this subsection shall be subject to prior review and approval by the City Engineer and City Attorney.

L. **Any additional data, reports, or information as required by the City Engineer or City Attorney.**

Section 17.09.070 Review by City Engineer.

The City Engineer shall review the final map and any other required information and the subdivider shall make corrections and/or additions until acceptable to the City Engineer.

Section 17.09.080 Approval by City Engineer.

The subdivider shall submit to the City Engineer the original tracing of the map and any duplicates per county requirements, corrected to its final form and signed by all parties required to execute the certificates on the map. Original signatures shall appear on the original drawing and on the blue-line duplicate. Upon receipt of all required certificates and submittals, the City Engineer shall sign the appropriate certificates and transmit the original map to the City Clerk.

Section 17.09.090 Approval by City Council.

The final map approved by the City Engineer as complying with the approved or conditionally

approved tentative map shall be filed with the City Council for approval after all required certificates have been signed. The date the map shall be deemed filed with the City Council is the date on which the City Clerk receives the map. The City Council shall consider the final map for approval at its next regular meeting after the City Clerk receives the map. Before approving the final map, the City Council shall consider approval of the subdivision improvement agreement in accordance with the requirements of section 17.17.070.

If the subdivision improvement agreement and final map are approved by the City Council, it shall instruct the City Clerk to execute the agreement on behalf of the City. At the time the City Council approves the final map, it shall also accept, accept subject to improvement or reject any offer of dedication. The City Clerk shall certify on the final map the action by the City Council. If at the time the final map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities or storm drainage easements are not accepted by the City Council, the offer of dedication shall remain open and the City Council may, by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, rights-of-way for local transit facilities or storm drainage easements, which acceptance shall be recorded in the office of the county recorder.

The City may accept any dedications lying outside the subdivision boundary which require a separate grant deed. The acceptance shall be recorded in the office of the county recorder.

If the subdivision improvement agreement and/or final map is unacceptable, the City Council shall make its recommended correction's and instruct the City Engineer to draft a new agreement and/or revise the final map and defer approval until an acceptable agreement and/or final map has been re-submitted.

The City Council shall not postpone or refuse approval of a final map because the subdivider has failed to meet a tentative map condition requiring construction or installation of off-site improvements on land which neither the subdivider nor the City has sufficient title or interest to permit the improvements to be made. In such a case, the City shall follow the procedure according to section 17.17.020(J).

Section 17.09.100 Denial by City Council.

The City Council shall not deny approval of the final map if the City has previously approved a tentative map for the proposed subdivision and if the City Council finds that the final map is in

compliance with the requirements of the Subdivision Map Act, this Title, and the tentative map and all conditions thereof.

Section 17.09.110 Filing with the county recorder.

Upon approval of the final map by the City Council, the City Clerk shall execute the appropriate certificate on the certificate sheet and shall, subject to the provisions of section 66464 of the Subdivision Map Act, transmit the map, or have an authorized agent forward the map, to the county recorder.

Chapter 17.11

SUBDIVISIONS OF FOUR OR LESS PARCELS

Sections:

17.11.010 General.

17.11.020 Form and contents, accompanying data and reports.

17.11.030 Department review.

17.11.040 Action by Planning Commission.

17.11.050 Appeals of Planning Commission action.

17.11.060 Expiration and extensions.

17.11.070 Approvements to approved or conditionally approved tentative map.

17.11.080 Waiver of parcel map requirements and waiver of tentative and final maps.

17.11.090 Parcel maps.

Section 17.11.010 General.

The form and contents, submittal and approval of applications for tentative maps for four or less parcels shall be governed by the provisions of this Chapter.

Section 17.11.020 Form and contents, accompanying data and reports.

The tentative map shall be prepared in a manner acceptable to the Department and shall be prepared by a registered civil engineer or licensed land surveyor. The form and contents shall comply and be consistent with the requirements of section 17.07.020 and the accompanying data and reports

shall comply with and be consistent with sections 17.07.030 through 17.07.050, inclusive.

Section 17.11.030 Department review.

The tentative map application shall be filed with the Department for review in accordance with the provisions of section 17.07.060.

Section 17.11.040 Action by Planning Commission.

A. Upon receipt of a tentative map application that is determined by the Department to be complete, the Department shall prepare a report and set the matter for a public hearing before the Planning Commission in accordance with the provisions of section 17.07.070(A).

B. If the tentative map is being processed concurrently with an application requiring action by the City Council, the application shall be reviewed by the Planning Commission and forwarded to the City Council for action. The hearing shall be noticed and held in accordance with the provisions of section 17.07.070.

C. The tentative map may be approved, conditionally approved or denied by the approving body in accordance with the provisions and findings set forth in section 17.07.070B, C and D.

D. If a tentative map is approved or conditionally approved by the Planning Commission, the Department shall forthwith make a written report thereof to the City Council. The City Council shall have the right, by majority action, to call up the tentative map for City Council review at a City Council meeting, by a request to the Community Development Director, which must be within ten days of the final action by the Planning Commission. If the City Council decides to review the map, it shall conduct a public hearing after giving notice pursuant to section 17.07.070(A). In addition, notice shall be given to the Planning Commission. The public hearing shall be held within thirty days after the City Council decides to review the map. The City Council may add, modify or delete conditions if the City Council determines that such changes are necessary to ensure that the tentative map conforms to the Subdivision Map Act and this Code. The City Council may deny the tentative map on any of the grounds contained in section 17.07.070(D). Within ten days following the conclusion of the hearing, the City Council shall render its decision. If the City Council does not act within the time limits set forth in this section, the tentative map shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the Planning Commission insofar as it complies with all other applicable provisions of the Subdivision Map Act,

this Chapter, this Code and the City's General Plan.

Section 17.11.050 Appeal of Planning Commission action.

Appeal of the Planning Commission action with respect to the tentative map shall be made to the City Council in accordance with the provisions of section 17.07.100.

Section 17.11.060 Expiration and extensions.

The approval or conditional approval of a tentative map shall expire twenty-four months from its approval by the Planning Commission or City Council, whichever occurs last, unless the expiration date is extended in accordance with the provisions of section 17.07.110. The subdivider may request an extension of the expiration date for action in accordance with the provisions of section 17.07.120, except that the Planning Commission shall be responsible for the review of the request. The Planning Commission may approve, conditionally approve, or deny the request for an extension. The subdivider or any interested person adversely affected may appeal the action of the Planning Commission to the City Council in accordance with the provisions of section 17.07.120(D).

Section 17.11.070 Amendments to approved or conditionally approved tentative map.

Amendments to the approved or conditionally approved tentative map or conditions of approval shall be made in accordance with section 17.07.130; provided that amendments, which in the opinion of the Department are not minor, shall be presented to the Planning Commission for its approval. Processing shall be in accordance with the provisions for processing a tentative map as set forth in this Title. Any approved amendment shall not alter the expiration date of the tentative map.

Section 17.11.080 Waiver of parcel map requirements and waiver of tentative and final maps.

The approving body may, in its discretion, waive all or part of the requirements for a tentative and parcel map for the following:

- A. Division of real property or interests therein created by probate, eminent domain procedures, partition or other civil judgments or decrees;
- B. Division of real property resulting from the conveyance of land or any interest therein to or from the City, public entity or public utility for a public purpose, such as schools sites, public building sites, or rights-of-way or easements for streets, sewers, utilities and drainage;

C. Division of real property which has been merged pursuant to this Title, the Subdivision Map Act;

D. Construction of a condominium project on a single parcel. The approving body may also, in its discretion, waive the requirement for a tentative and final map for construction of a condominium project on a single parcel; or

E. Any other division of real property which would otherwise require a parcel map.

The approving body shall make a finding that the proposed division of land complies with requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act, this Title, this Code and the General Plan.

Upon the waiver of the parcel map requirement, or the tentative and final map requirement, pursuant to this section, the City Engineer shall file with the county recorder a certificate of compliance for the land to be divided, in accordance with section 17.27.030B, and a plat map showing the division. The certificate shall include a certificate by the county tax collector.

A waiver by the approving body may be conditioned to provide for, among other things, payment by the subdivider of parkland dedication, drainage and other fees that are permitted by law by a method approved by the approving body.

If any waiver is approved or conditionally approved pursuant to this section, the Department shall make a written report thereof to the appeal body. Any member of the appeal body shall have the right to call up that waiver approval for review by a written request to the Community Development Director within ten days of the final action by the approving body. If the appeal body decides to review the waiver and conditions, it shall conduct a public hearing after giving notice pursuant to section 17.07.070A. In addition notice shall be given to the approving body. The public hearing shall be held within thirty days after the date of request for review. The appeal body may add, modify or delete conditions if the appeal body determines that such changes are necessary to ensure that the waiver conforms to the Subdivision Map Act and this Code. The appeal body may deny the waiver on any of the grounds contained in this Title. Within ten days following the conclusion the appeal body shall render its decision. If the appeal body does not act on the hearing within the time limits set forth in this section, the waiver shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the approving body insofar as it complies with all other applicable provisions of the Subdivision Map Act, this Title, this Code and

the General Plan.

Section 17.11.090 Parcel maps.

The form and contents, submittal, approval and filing of parcel maps shall conform to the provisions of the Subdivision Map Act and this section.

A. **Survey Required.** An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the parcel map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

B. **Form and Contents.** The form and contents of the parcel map shall conform to the final map form and contents requirements of section 17.09.040 and section 17.09.050.

C. **Preliminary Submittal.** The subdivider shall submit prints of the parcel map to the City Engineer for checking. The preliminary prints shall be accompanied by copies of the data, plans, reports and documents as required for final maps by section 17.09.060.

The City Engineer may waive any of the requirements if the location and nature of the proposed subdivision does not justify compliance with the requirements of section 17.09.060.

D. **Review and Approval by Planning Commission.** The Planning Commission shall review the parcel map and the subdivider shall make corrections and/or additions until the map is acceptable to the Planning Commission. The subdivider shall submit the original tracing of the map, corrected to its final form and signed by all parties required to execute the certificates on the map, to the Planning Commission. The City Clerk or authorized agent shall, subject to the provisions of section 66464 of the Subdivision Map Act, transmit the approved parcel map to the county recorder. The Planning Commission shall approve the parcel map if it complies with the requirements of the Subdivision Map Act, this Title, the tentative map and all conditions thereof.

If a parcel map is approved, the Department shall make a written report thereof to the City Council. The City Council shall have the right, by majority vote, to call up the map for City Council review by a written request to the Community Development Director within ten days of the final action by the Planning Commission. If the City Council decides to review the map it shall conduct a public hearing after giving notice pursuant to section 17.07.070(A). In addition, notice shall be given to the Planning Commission. The public hearing shall be held within thirty days after the date

of the request for review. The City Council may deny the acceptance of the map on any of the grounds contained in this Title. Within ten days following the conclusion of the hearing, the City Council shall render its decision. If the City Council does not act within the time limits set forth in this section, the map shall be deemed to have been approved and accepted as last approved and accepted by the Planning Commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this Title, this Code and the General Plan.

Chapter 17.13
VESTING TENTATIVE MAPS

Sections:

- 17.13.010 Authority and purpose.
- 17.13.020 Consistency.
- 17.13.030 Definitions.
- 17.13.040 Application.
- 17.13.050 Filing and processing.
- 17.13.060 Fees.
- 17.13.070 Expiration.
- 17.13.080 Rights of a vesting tentative map.
- 17.13.090 Amendment to approved vesting tentative map.
- 17.13.100 Applications inconsistent with current policies.

Section 17.13.010 Authority and purpose.

This Chapter is enacted pursuant to the authority granted by Title 4.5 (commencing with section 66498.1) of the Subdivision Map Act (hereinafter referred to as the "vesting tentative map statute") and may be cited as the Redlands Vesting Tentative Map Ordinance. The purpose of this Chapter is to establish appropriate local procedures for the implementation of the vesting tentative map statute. To accomplish this purpose, the regulations contained in this Chapter 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.

Section 17.13.020 Consistency.

No land shall be submitted and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan or any applicable specific plan of the City or which is not permitted by Title 18 or other applicable provisions of this Code.

Section 17.13.030 Definitions.

A. "Vesting tentative map" means a "tentative map" for a residential subdivision, as defined in section 17.03.010, that shall have printed conspicuously on its face the words "Vesting Tentative

Map" at the time it is filed in accordance with section 17.07.050, and is thereafter processed in accordance with the provisions hereof. For purposes of this Chapter, "vesting tentative map" includes a vesting tentative map prepared in connection with a parcel map.

B. All other definitions set forth in this Title are applicable.

Section 17.13.040 Application.

A. This Chapter shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Title, requires the filing of a tentative map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions of this Chapter.

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.

Section 17.13.050 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 this Title 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. At the time a vesting tentative map is filed, the subdivider shall also provide the Community Development Department with the following information:

1. Architectural landscaping plans;
2. Detailed information regarding the height, size and location of buildings;
3. City-approved plans for all required site and off-site improvements, including but not limited to streets, storm drains, water, sewer and lighting;
4. Information on the uses to which the buildings will be put;
5. Detailed grading plans;
6. Geological studies, including soil reports for street design and building purposes;
7. Complete hydrological study, when required by City staff and all other necessary

flood-control information.

Section 17.13.060 Fees.

A. Upon filing a vesting tentative maps, the subdivider shall pay all fees and/or deposits in accordance with section 17.01.060.

B. The Planning Commission or City Council, as the case may be, may require as a condition of its approval that the payment by the subdivider of all development fees-required to be paid at the time of the application for, or issuance of, a building permit or other similar permit shall be made at the rate for such fees in effect at the time of such application or issuance.

Section 17.13.070 Expiration.

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by sections 17.07.110 and 17.11.060 for the expiration of the approval or conditional approval of a tentative map.

Section 17.13.080 Rights of a 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, polices and standards described in section 66474.2 of the Subdivision Map Act. However, if section 66474.2 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 subsection "A" of this section, a permit, approval, extension or entitlement may be conditioned 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 17.13.050. If the final map is approved, these rights shall last for the following periods of time:

1. An initial time period of one year beyond the recording of the final map or parcel

map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this one-year initial time period shall begin for each phase when the final map for that phase is recorded. All of such final maps or parcel maps must be recorded within the time period set forth in section 17.13.070 or the vesting tentative map approval shall expire for those parcels for which final maps or parcel maps are not timely recorded.

2. The one-year initial time period set forth in subsection C 1 of this section shall be automatically extended by any time used for processing a complete application for a grading permit, if one is required, or for any required 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 subsection C 1 expires. If the extension is denied, the subdivider may appeal that denial to the City Council within fifteen days in accordance with section 17.07.120 D

4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections C 1 through 3, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

D. Consistent with subsection "A," an approved or conditionally approved vesting tentative map shall not limit the City from imposing reasonable conditions on subsequent required approvals or permits necessary for the development.

Section 17.13.090 Amendment to approved vesting tentative map.

Amendments to the approved or conditionally approved vesting tentative map shall be made in accordance with section 17.13.090 or section 17.11.070, as the case may be.

Section 17.13.100 Applications inconsistent with current policies.

Notwithstanding any provisions of this Title to the contrary, a property owner or his or her designee may seek approvals or permits for the development which depart from the ordinances, policies and standards described in section 17.13.080 A, and the City may grant these approvals or issue these permits to the extent that the departures are authorized under this Chapter, this Code, the General Plan and other applicable law.

Chapter 17.15

DEDICATIONS, RESERVATIONS AND DEVELOPMENT FEES

Sections:

- 17.15.010 Dedication of streets, alleys and other public rights-of-way or easements.
- 17.15.020 Waiver of direct access rights.
- 17.15.030 Dedications.
- 17.15.040 Parkland dedication.
- 17.15.060 Reservations.
- 17.15.070 Local transit facilities.
- 17.15.080 Bridges and major thoroughfares.
- 17.15.090 Supplemental improvement capacity.
- 17.15.100 Drainage Fees. (Reserved).
- 17.15.110 Solar access easements.
- 17.15.140 Reimbursements to a telephone corporation or cable television system for undergrounding or relocation.

Section 17.15.010 Dedication of streets, alleys and other public rights-of-way or easements.

As a condition of approval of a tentative 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 and alleys, including access rights and abutters' rights, drainage, public greenways, bicycle paths, trails, scenic easements, public utility easements and other public easements. In addition, the subdivider shall improve or agree to improve all streets and alleys, including access rights and abutters' rights, drainage, public greenways, bicycle paths, trails, public utility easements and other public easements. Improvements shall be in accordance with Chapter 17.17 of this Title.

Section 17.15.020 Waiver of direct access rights.

The City may require as a condition of approval of a tentative map that **dedications** or offers of dedication of streets include a waiver of direct access rights to any such street from any property within or **abutting** the subdivision. Upon acceptance of the dedication, such waiver shall become effective in accordance with its provisions.

Section 17.15.030 Dedications.

All dedications of property to the City for public purposes shall be made in fee title, except that, in the City's discretion, a grant of an easement may be taken for the following purposes: Open space easements, scenic easements or public utility easements. All dedications in fee and grants of easements shall be free of liens and encumbrances except for those which the City, in its discretion, determines would not conflict with the intended ownership and use. The City may elect to accept an irrevocable offer of dedication in lieu of dedication of fee title.

Section 17.15.040 Parkland dedication.

A. General. This section is enacted pursuant to the authority granted by the Subdivision Map Act and the general police power of the City and is for the purpose of providing such additional park and recreational facilities and open space as appropriate pursuant to the City's General Plan. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this Chapter are in accordance with the policies, principles and standards for park and recreational facilities contained in the General Plan.

For purposes of this Chapter, park and recreational purposes shall include land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of such land, of plant material not for sale.

B. Requirements. As a condition of approval of a tentative map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City, for park or recreational purposes at the time and according to the standards and formula contained in this Chapter. The land dedicated or the fees paid, or both, shall be used for community and neighborhood parks and facilities in such a manner that the locations of such parks and facilities bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision generating such dedication or fees, or both.

C. General Standard. It is hereby found and determined that the public interest, convenience, health, safety and welfare require that five acres of property for each one thousand persons residing within the City be devoted to local park and recreational purposes.

D. Standards and Formula for Dedication of Land. Where a park or recreational facility has been designated in the General Plan and is to be located in whole or in part within the proposed subdivision and is reasonably related to serving the present and future needs of the residents of the

subdivision, the subdivider shall dedicate suitable land for park and recreation facilities sufficient in size and topography to meet that purpose. The amount of land to be provided shall be determined pursuant to the following standards and formula:

Formula: The formula for determining the amount of acreage to be dedicated shall be as follows:

$$\frac{\text{Average \# of Dwelling Units}}{\text{Acres of Parkland}} = \frac{.005 \text{ acres}^*}{\text{Person Dwelling Unit}} \times \text{Persons}$$

* (Based on five acres of parkland per one thousand population)

The following parkland dedication table, based on the above formula, is to be followed:

Parkland Dedication Table		
Dwelling Type of	Average No Persons/	Acres per Dwelling Unit
All dwelling units	2.46	.0123

For purposes of this section, the number of proposed dwelling units shall be determined as follows: In areas zoned for one dwelling unit per lot or parcel, the number of dwelling units shall equal the number of parcels indicated on the tentative map. When all or part of the subdivision is located in an area zoned for multiple dwelling units per parcel, the number of dwelling units in the area so zoned shall equal the maximum number of dwelling units allowed under that zone. For residential condominium projects, the number of dwelling units shall equal the number of condominium units indicated on the tentative map. For planned development projects, the number of dwelling units shall equal the number of dwelling units indicated on the approved final development plan. The term "new dwelling unit" does not include dwelling units lawfully in place prior to the date on which the tentative map is approved.

Lands to be dedicated or reserved for park and/or recreational purposes shall be suitable in the opinion of the Community Development Director and the Director of Public Works in location,

topography, environmental characteristics and development potential as related to the intended use. The primary intent of this section shall be construed to provide the land for functional recreation units of local or neighborhood service, including but not limited to: Tot lots, playlots, playgrounds, neighborhood parks, playfields, community or district parks, and other specialized recreational facilities that may serve the family group and also senior citizen and child-care activities. Principal consideration shall be given therefor to lands that offer:

- A variety of recreational potential for all age groups;
- Recreational opportunities within walking distance from residents' homes;
- Possibility for expansion or connection with school grounds;
- Integration with hiking, riding and bicycle trails, natural stream reserves and other open space;
- Coordination with all other park systems; and
- Access to at least one existing or proposed public street.

E. Formula for Fees in Lieu of Land Dedication.

1. General Formula. If there is no park or recreational facility designated in the General Plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in the City's discretion, either dedicate land in the amount provided in section 17.15.040 D or pay a fee in lieu of dedication equal to the value of the land prescribed for dedication in section 17.15.040 D and in an amount determined in accordance with the provisions of section 17.15.040 G.

2. Fees in Lieu of Land--Fifty Parcels or Less. Except as provided in section 17.15.040 F, if the proposed subdivision contains fifty parcels or less and has no park or recreational facility, the subdivider shall pay a fee equal to the land value of the portion of the park or recreational facilities required to serve the needs of the residents of the proposed subdivision as prescribed in section 17.15.040 D and in an amount determined in accordance with the provisions of section 17.15.040 G.

3. Use of Money. The money collected shall be used, in accordance with the schedule developed pursuant to section 17.15.040 K, for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities reasonably related to serving the subdivision, including the purchase of necessary land and/or improvement of such land for park or recreational purposes. The money shall be committed within five years after payment thereof or the

issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the money is not committed, it shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots in the subdivision.

F. **Criteria for Requiring Both Dedication and Fee.** If the proposed subdivision contains more than fifty parcels, or, in the case of a condominium project, stock cooperative or community apartment, if the proposed subdivision contains more than fifty dwelling units, although the actual number of parcels may be less than fifty, the subdivider shall both dedicate land and pay a fee in lieu of dedication in accordance with the following:

1. When only a-portion of the land to be subdivided is proposed in the General Plan as the site for a local park or recreational facility, such portion shall be dedicated for local park purposes and a fee computed pursuant to the provisions of section 17.15.040 G shall be paid for any additional land that would have been required to be dedicated pursuant to section 17.15.040 G.

2. When a major part of the local park or recreational site has already been acquired by the City and only a small portion of land is needed from the subdivision to complete the site, such portion shall be dedicated, and a fee, computed according to section 17.15.040 G shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated according to section 17.15.040 D. The fee shall be used for the improvement of the existing park or recreational facility or for the improvement of other neighborhood or community parks and recreational facilities reasonably related to serving the subdivision.

G. **Amount of Fee in Lieu of Parkland Dedication.** When a fee is required to be paid in lieu of parkland dedication, the amount of the fee shall be based upon the estimated fair market value of the land being subdivided and the estimated fair market value of the land which would otherwise be required to be dedicated according to section 17.15.040 G.

The fair market value shall be as determined by the Department at the time of final map or parcel map approval, if the subdivider objects to the fair market value determination, the subdivider may request the City to obtain an appraisal of the property by a qualified real estate appraiser mutually agreed upon by the City and the subdivider, which appraisal will be considered by the City in determining the fair market value. All costs required to obtain such appraisal shall be borne by the subdivider.

For purposes of determining fair market value pursuant to this subsection, the Department and any appraiser shall consider, among other things:

1. Conditions of approval of the tentative map;
2. The General Plan and zoning requirements for the area;
3. The location and site characteristics of the property; and
4. Off-site and on-site improvements facilitating use of the property.

H. Determination of Land or Fee. Whether the City accepts land dedication, or elects to require the payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

1. Policies, standards and principles for park and recreation facilities in the General Plan;
2. Topography, geology, access and location of land in the subdivision available for dedication;
3. Size and shape of the subdivision and land available for dedication;
4. Feasibility of dedication;
5. Compatibility of dedication with the General Plan;
6. Availability of previously acquired park property.

The determination by the City as to whether land shall be dedicated, or whether a fee shall be charged, or a combination, shall be final and conclusive.

I. Credit for Improvements and Private Open Space. If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by this section.

Planned developments, real estate developments, stock cooperatives, and community apartment projects, as defined in sections 11003, 11003.1, 11003.2, 11003.4, and 11004, respectively, of the Business and Professions Code, and condominiums shall be eligible to receive a credit, as determined by the City Council, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this section, for the value of private open space within the development which is usable for active recreational uses.

J. Procedure.

1. At the time of the approval or conditional approval of the tentative map, the

approving body shall determine, after a report and recommendation from the Community Development Director, whether land, in-lieu fees or a combination of land and fees, shall be dedicated and/or paid by the subdivider.

2. The approving body may approve, modify or disapprove the recommendation of the Community Development Director; provided, however, any modification of the proposed recommended condition not previously considered by the parks and community services director shall first be referred back to the Community Development Director for a report and further recommendation. The Community Development Director shall report back to the approving body within thirty days. After the receipt and consideration of the report, or after thirty days have passed in the event no report is received, the approving body may adopt the condition.

3. The recommendation of the Community Development Director shall include the following:

- a. The amount of land required; or
- b. That a fee be charged in lieu of land; or
- c. That a combination of land and a fee be required; and
- d. The location of the parkland and, where appropriate, the siting and conceptual design of the park facilities appurtenant thereto, to be dedicated or used in lieu of fees; and

4. The approximate time when the development of the park or recreation facility shall commence.

5. At the time of the recording of the final map or parcel map, the subdivider shall dedicate the land and/or pay the fees as determined by the City. At the discretion of the City, fees may be paid prior to issuance of any building permit for any structure in the subdivision.

6. Open space covenants, conditions and restrictions for private park or recreational facilities shall be submitted to the City prior to approval of the final map or parcel map and, if approved, shall be recorded concurrently with the final map of parcel map.

K. **Schedule of Use.** At the time of the approval of the final map or parcel map, the City shall develop a schedule specifying how, when and where it will use the land or fees, or both, to develop or rehabilitate park or recreational facilities to serve the residents of the subdivision.

L. **Not Applicable to Certain Subdivisions.** The provisions of this section shall not apply to the following:

1. Subdivisions containing four or less parcels and not used for residential purposes. However, a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee pursuant to this section may be required to be paid by the owner of such parcel as a condition to the issuance of such permit.

2. Commercial or industrial subdivisions.

3. Condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

Section 17.15.060 Reservations.

A. General. As a condition of approval of a tentative map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses according to the standards and formula contained in this section.

B. Standards for Reservation of Land. Where a park, recreational facility, fire station, library or other public use is shown on the General Plan or an adopted specific plan, the subdivider may be required by the City to reserve sites as so determined by the City in accordance with the policies and standards contained in the General Plan or the adopted specific plan. The reserved area must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically infeasible. The reserved area shall be consistent with the General Plan or the adopted specific plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.

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

D. Payment to Subdivider. The purchase price for the reserved area shall be the market value thereof at the time of the filing of the tentative map, plus the taxes against the reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of the

reserved area, including interest costs incurred on any loan covering the reserved area.

E. **Termination.** If the public agency for whose benefit an area has been reserved does not enter into a binding agreement in accordance with this section, the reservation of the area shall automatically terminate.

Section 17.15.070 Local transit facilities.

As a condition of approval of a tentative map, the subdivider shall dedicate, or make an irrevocable offer of dedication, of land within the subdivision for local transit facilities such as shelters, benches, bus turnouts, landing pads, park-and-ride facilities and similar items which directly benefit the residents of the subdivision, if:

A. The subdivision as shown on the tentative map has the potential for two hundred dwelling units or more if developed to the maximum density shown on the General Plan or contains one hundred acres or more, and

B. If the City finds that transit services are or will, within a reasonable time period, be made available to the subdivision.

The provisions of this section do not apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

Section 17.15.080 Bridges and major thoroughfares.

A. **Purpose.** The purpose of this section is to make provision for assessing and collecting fees as a condition of approval of a final map or as a condition of issuing a building permit for the purpose of defraying the actual or estimated cost of constructing bridges or major thoroughfares pursuant to section 66484 of the Subdivision Map Act, and in order to implement the Circulation-Transportation Element of the General Plan and, in the case of bridges, the transportation provisions thereof.

B. **Definitions.** For the purposes of this section, the following words and phrases shall have the following meanings:

1. "Construction" means design, acquisition of right-of-way, administration of construction contracts, actual construction and inspections.

2. "Major thoroughfare" means a roadway as shown on the Circulation-Transportation

Element of the General Plan whose primary purpose is to carry through traffic and provide a network connecting to the state highway system.

C. Payment of Fees Generally.

1. Prior to filing a final map which includes land within an area of benefit established pursuant to this section, the subdivider shall pay or cause to be paid any fees established and apportioned to such property pursuant to this section for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways or canyons or constructing major thoroughfares.

2. Prior to the issuance of a building permit for construction on any property within an area of benefit established pursuant to this section, the applicant for such permit shall pay or cause to be paid any fees established and apportioned pursuant to this section for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways or canyons or constructing major thoroughfares, unless such fees have been paid pursuant to subsection C 1 of this section.

3. Notwithstanding the provisions of subsections C 1 and C 2 of this section:

a. Payment of bridge fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility servicing the area at the time of adoption of the boundaries of the area of benefit.

b. Payment of major thoroughfare fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the area of benefit.

D. Consideration in Lieu of Fees. Upon application by the subdivider or applicant for a building permit, the City Council, in the case of subdivisions of five or more parcels, or the Planning Commission, in the case of subdivisions of four or less parcels, may accept consideration in lieu of the payment of fees required pursuant to this section; provided that the City Council or Planning Commission, as the case may be, first finds upon recommendation of the public works director, that the substitute consideration has a value equal to or greater than the fee; and provided further that the substitute consideration is in a form acceptable to the City Council or Planning Commission, as the case may be.

E. Public Hearing. Prior to establishing an area of benefit, a public hearing shall be held by

the City Council at which time the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment, and the fee to be collected, shall be established. Notice of the public hearing shall be given pursuant to section 17.07.070 A and shall include preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment.

F. Amount. The amount of the fees and the areas of benefit established pursuant to this section may be established by ordinance or resolution.

G. Exemptions. Notwithstanding the provisions of subsection F, payment of such fees shall not be required for:

1. The use, alteration or enlargement of an existing building or structure or the erection of one or more buildings or structures accessory thereto, or both, on the same lot or parcel of land; provided, that the total value, as determined by the building official, of all such alteration, enlargement or construction completed within any one-year period does not exceed one-half of the current market value, as determined by the building official, of all existing buildings on such lot or parcel of land, and the alteration or enlargement of the building is not such as to change its classification of occupancy as defined by the Uniform Building Code.

2. The following accessory buildings and structures: Private garages, children's playhouses, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, coops and other buildings which are accessory to one-family or two-family dwellings.

H. Protest.

1. At any time not later than the hour set for hearing objections to the proposed bridge facility or major thoroughfare, any owner of property to be benefitted by the improvement may file a protest against the proposed bridge facility or major thoroughfare or against the extent of the area to be benefitted by the improvements or against both of them. Such protests must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify such property, and, if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. All such protests shall be delivered to the City Clerk and no other protest or objections shall be considered. Any protest may be withdrawn, in writing, by the owners making such protests, at any time prior to the conclusion of the public hearing.

2. If there is a written protest filed with the City Clerk by the owners of more than one-

half of the area of the property to be benefitted by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefitted, then the proposed proceedings shall be abandoned and the City Council shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement, or that portion thereof so protested against, under the provisions of this section.

Section 17.15.090 Supplemental improvement capacity.

A. As a condition of approval of a tentative map, there may be imposed a requirement that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number or length for the benefit of property not within the subdivision and that those improvements be dedicated to the public. However, when such supplemental size, capacity, number or length is solely for the benefit of property not within the subdivision, the City shall, subject to the provisions of sections 66486 and 66487 of the Subdivision Map Act, enter into an agreement with the subdivider to reimburse the subdivider 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.

B. The City Council shall determine the method for payment of the costs required by a reimbursement agreement, which method may include, but shall not be limited to, the following:

1. The collection from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, a reasonable charge for such use.

2. The contribution to the subdivider of that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and the levy of a charge upon the real property benefitted to reimburse the City for such costs, together with interest thereon, if any, paid to the subdivider.

3. The establishment and maintenance of local benefit districts for the levy and collection of such charge or costs from the property benefitted.

C. No charge, area of benefit or local benefit district shall be established unless and until a public hearing is noticed and held thereon by the City Council in accordance with the provisions of section 17.15.080(E) and the City Council finds that the charge, area of benefit or local benefit district is reasonably related to the cost of such supplemental improvements and the actual ultimate

beneficiaries thereof.

D. In addition to the notice required by section 17.15.080 E, written notice of the hearing shall be given to those who own property within the proposed area of benefit as shown on the last equalized assessment roll, and the potential users of the supplemental improvements insofar as they be ascertained at the time. Such notices shall be mailed by the City Clerk at least ten days prior to the date established for the hearing.

Section 17.15.100 Drainage Fees. (Reserved).

Section 17.15.110 Solar access easements.

As a condition of approval of a tentative map, there may be imposed, in accordance with the provisions of section 66475.3 of the Subdivision Map Act, a requirement that the subdivider dedicate easements for the purpose of assuring that each parcel or unit in the subdivision shall have the right to receive sunlight across adjacent parcels or units in the subdivision for any solar energy system, as defined in section 801.5 of the State Civil Code. In establishing such easements, consideration shall be given to feasibility, contour, configuration of the parcel to be divided and cost. Required easements shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or a structure under applicable planning and zoning in force at the time such tentative map is filed.

At the time of tentative map approval, the Planning Commission, as the case may be, shall specify the following:

- A. The standards for determining the exact dimensions and locations of such easements.
- B. Any restrictions on vegetation, buildings and other objects which would obstruct the passage of sunlight through the easement.
- C. The terms for conditions, if any, under which an easement may be revised or terminated.

The foregoing provisions of this section do not apply to condominium projects which consists of the subdivision of airspace in an existing building where no new structures are added.

Section 17.15.120 Reimbursements to a telephone corporation or cable television system for undergrounding or relocation.

Whenever the City imposes as a condition to its approval of a tentative map or a parcel map

a requirement that necessitates replacing, undergrounding or permanently or temporarily relocating existing facilities of a telephone corporation or cable television system; the subdivider shall reimburse the telephone corporation or cable television system for all costs for the replacement, undergrounding or relocation. All these costs shall be billed to the subdivider directly by the telephone corporation or cable television system after they are incurred, and shall include a credit for any required advance payments and for the salvage value of any facilities replaced. In no event shall the telephone corporation or cable television system be reimbursed for costs incurred in excess of the cost to replace the facilities with substantially similar facilities. In no event shall the City be obligated for such reimbursement.

Chapter 17.17 IMPROVEMENTS

Sections:

- 17.17.010 General.
- 17.17.020 Required improvements.
- 17.17.030 Deferred improvement agreements.
- 17.17.040 Design.
- 17.17.050 Access.
- 17.17.060 Improvement plans.
- 17.17.070 Improvement Agreement.
- 17.17.080 Improvement Security.
- 17.17.090 Construction and inspection.
- 17.17.100 Completion of improvements.
- 17.17.110 Acceptance of improvements.

Section 17.17.010 General.

The subdivider shall construct all required improvements, both on-site and off-site, in accordance with the standard engineering specifications and other approved standards as provided by this Title and by the City Council's resolutions establishing such standards. No final map shall be presented to the Council, or parcel map to the Planning Commission, for approval until the subdivider either completes the required improvements, or enters into an agreement with the City

agreeing to do the work.

Section 17.17.020 Required improvements.

A. **General.** In addition to all improvements required as conditions of approval of the tentative map or by City ordinance or resolution, the improvements set forth below shall be required of all subdivisions. Requirements for construction of on-site and off-site improvements for subdivisions of four or less parcels shall be noted on the parcel map, or waiver of parcel map or the subdivision improvement agreement recorded prior to or concurrent with the parcel map. Completion of improvements shall be in accordance with section 17.17.100.

B. **Frontage Improvements.** The frontage of each lot shall be improved to its ultimate adopted geometric section, including street structural section, curbs, sidewalks, driveway approaches and transitions.

C. **Storm Drainage.** Stormwater runoff from the subdivision shall be collected and conveyed by an approved stormdrain system. The stormdrain system shall be designed for ultimate development of the watershed and shall be capable of collecting and conveying runoff generated by a one-hundred-year flood. The stormdrain system shall provide for ultimate development of the watershed and shall be capable of collecting and conveying runoff generated by a one-hundred-year flood. The stormdrain system shall provide for the protection of abutting and off-site properties that would be adversely affected by any increase in runoff attributed to the development. Off-site stormdrain improvements may be required to satisfy this requirement.

D. **Sanitary Sewers.** Each unit or lot within the subdivision shall be served by an approved sanitary sewer system in accordance with the provisions of this Code.

E. **Water Supply.** Each unit or lot within the subdivision shall be served by an approved domestic water system, in accordance with the provisions of this Code.

F. **Utilities.** Each unit or lot within the subdivision shall be served by gas, electric, telephone and cablevision facilities.

G. **Underground Utilities.**

1. All existing and proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by the Public Utilities Commission regulations. Undergrounding shall be required for overhead lines on either side of peripheral streets.

2. The developer may request that the undergrounding requirement along peripheral streets be waived by the approving body which may, at its discretion, accept a fee in lieu of the undergrounding. The amount of fee shall be determined by the City Engineer and shall be based upon the reasonable estimated cost of that portion of a future undergrounding project attributable to the subdivision. The requirement for undergrounding or payment of an in-lieu fee shall be a condition of approval of the tentative map.

3. Undergrounding requirements may be waived or modified by the approving body only upon finding:

a. The subdivision is within an area where existing utilities have not been undergrounded and that deferral will be allowed because undergrounding is impractical due to physical constraints, or the surrounding neighborhood is absent of similar improvements; and

b. Overhead utilities will have no significant visual impact.

4. If the undergrounding requirements are waived as allowed by the findings in subdivision 3 a and b of this subsection, the in-lieu fee as established by the City Engineer shall be made a condition of approval of the tentative map.

5. In-lieu fees shall be deposited in a special undergrounding account to be used as approved by the City Council for future undergrounding of utilities throughout the City.

6. The provisions of this subsection are in addition to, and not in substitution for or limitation of, the provisions of this Code.

H. Fencing. Each parcel or lot within the subdivision that is adjacent to property containing a public facility shall have an approved fence adequate to prevent unauthorized access between the properties.

I. Other Improvements. Other improvements including, but not limited to, grading, street lights, fire hydrants, signs, street lines and markings, street trees and shrubs, landscaping, monuments, bicycle facilities, fences and smoke detectors, or fees in lieu of any of the foregoing, shall also be required as determined by the City Engineer in accordance with this Code, the General Plan and City standards and specifications.

J. Off-site Improvements. If the subdivider is required to construct off-site improvements on land in which neither the subdivider nor the City has sufficient title or interest to allow construction, the City shall, within one hundred twenty days of recording the final map, acquire by negotiation or commence condemnation of the land. If the City fails to meet the one-hundred-twenty

day time limit, the condition for the construction shall be waived. Prior to approval of the final map, the City may require the sub-divider to enter into an agreement to complete the off-site improvements at the time the City acquires title or an interest in the land. The subdivider shall pay the cost of acquiring off-site land or an interest in the land required to construct the off-site improvements.

Section 17.17.030 Deferred improvement agreements.

A. Subdivisions of Four or Less Parcels. The frontage improvements along peripheral streets may be deferred when deemed necessary by the City Engineer. When improvements are deferred, the subdivider and/or owner of the real property shall enter into an agreement with the City, in form acceptable to the City Engineer and City Attorney, for the installation of all frontage improvements at a time in the future as specified by the City. The agreement shall provide for the following:

1. Construction of improvements shall commence within ninety days of the receipt of the notice to proceed from the City and shall be completed within the time specified by section 17.17.100.

2. That in the event of a default by the subdivider and/or owner, the City is authorized to cause construction to be done and charge the entire cost and expense to the subdivider and/or owner, including interest from the date of notice of said cost and expense until paid.

3. That the agreement shall be recorded with the county recorder at the expense of the subdivider and/or owner and shall constitute notice to all successors and assigns of title to the real property of the obligations set forth therein, and shall also constitute a lien in such amount necessary to fully reimburse the City, including interest as provided above, subject to foreclosure in the event of a default in payment.

4. That in event of litigation occasioned by any default of the subdivider and/or owner, the subdivider and/or owner agree to pay all costs involved, including reasonable attorney's fees, and that the same shall become a part of the lien against the real property.

5. That the terms "subdivider" and "owner" include, respectively, not only the subdivider and the present owner of the real property but also heirs, successors, executors, administrators and assigns thereof, it being the intent of the parties that the obligations undertaken shall run with the real property and constitute a lien against it.

6. Any other improvement security as required by section 17.17.080.

7. Any other provisions required by the City as reasonably necessary to effectuate the purposes and provisions of the Subdivision Map Act and this Code.

The agreement shall not relieve the subdivider or owner from any other specific requirements of the Subdivision Map Act, this Code or law. The construction of deferred improvements shall conform to the provisions of this Code in effect at the time of construction.

B. **Remainders.** Where a remainder is made part of a final or parcel map, the subdivider may enter into an agreement with the City to construct improvements within the remainder at some future date and prior to the issuance of a permit or other grant of approval for the development of a remainder. The improvements shall be at the subdivider's expense. In the absence of such an agreement, the City may require fulfillment of the construction requirements within a reasonable time following approval of the final or parcel map and prior to the issuance of a permit or other grant of approval for the development of the remainder, upon a finding that fulfillment of the construction requirements is necessary for reasons of:

1. The public health and safety, or
2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

Section 17.17.040 Design.

A. **General.** The design and layout of all required improvements, both on-site and off-site, private and public, shall conform to generally accepted engineering standards, standard engineering specifications, the Subdivision Map Act and applicable provisions of this Code.

B. **Energy Conservation.** The design of a subdivision for which a tentative map is required shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure and to permit orientation of a structure to take advantage of shade or prevailing breezes. In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, contour, configuration of the parcel to be divided and other design and improvement requirements. The provision shall not result in reducing allowable densities, or the percentage of a lot which may be occupied by a building or structure

under applicable planning and zoning in force at the time the tentative map is filed.

The requirements of this subsection do not apply to condominium projects which consist of the subdivision of air-space in an existing building when no new structures are added.

For the purpose of this subsection, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

C. **Cable Television Service.** The design of a subdivision for which a tentative map or parcel map is required shall provide one or more appropriate cable television systems an opportunity to construct, install and maintain, on land identified on the map as dedicated or to be dedicated to public utility use, any equipment necessary to extend cable television services to each residential parcel in the subdivision. For the purpose of this subsection, "appropriate cable television systems" means those franchised or licensed to serve the geographical area in which the subdivision is located. This subsection shall not apply to the conversion of existing dwelling units to condominiums, community apartments, or stock cooperatives.

Section 17.17.050 Access.

All lots or parcels shall have access to a public street improved to the standards set forth in this Title. Private streets shall not normally be permitted. However, if the approving body determines that the most logical development of the land requires that lots be developed with access to private streets such a development may be approved. The subdivider, shall submit a development plan showing the alignment, width, grade and material specifications of any proposed private street, the topography and means of access to each lot and the drainage, sewer and water service and fire protection for the lots served by such private street. The private street shall be constructed in accordance with standard engineering specifications of the City as approved by the City Engineer. Construction of the private street shall be completed prior to the completion of the construction and/or occupancy of the lots. The subdivider shall be required to provide a feasible method for the maintenance of such private streets, which method shall be subject to the prior approval of the City Engineer and City Attorney.

If flag lots are approved as part of the subdivision, the requirements, including the improvements to the stem of the flag lots, shall be as described for private streets in the preceding paragraph. Reserve strips, or non access at the end of streets or at the boundaries of subdivisions, shall be dedicated unconditionally to the City when required by the City.

Section 17.17.060 Improvement plans.

A. **General.** Improvement plans shall be prepared under the direction of and signed by a registered civil engineer licensed by the state. Improvement plans shall include, but shall not be limited to, all improvements required pursuant to section 17.17.020.

B. **Form.** Plans, profiles and details shall be legibly drawn, printed or reproduced on twenty-four-inch by thirty-six inch sheets. A border shall be made on each sheet providing one-half inch at top, bottom and right side and one and one-half inch on the left side. A suitable title block shall be placed in the lower right corner or along the right edge and provide adequate space for approval by the City Engineer and for approval of plan revisions.

Plans and profiles shall be drawn to the scale of 1" = 40' or larger unless approved otherwise by the City Engineer. Details shall be drawn to such scale that clearly shows the facility being constructed. The scales of various portions of the plans shall be shown on each sheet.

A vicinity map shall be shown on the first sheet of all sets of plans.

A north arrow shall be shown on each sheet when applicable.

Plans shall be laid out to orient north to the top or right edge of the sheet unless approved otherwise by the City Engineer.

All lettering shall be one-eighth inch minimum.

If the plans include three or more sheets, a cover sheet showing the streets, lots, easements, stormdrains, index and vicinity map shall be included.

The form of all plans shall conform to additional requirements as may be established by the City Engineer. The final form of all plans shall be approved by the City Engineer.

C. **Contents.** The improvement plans shall show complete plans, profiles and details for all required improvements to be constructed, both public and private, including common areas.

Reference may be made to the City of Redlands or state standard plans in lieu of duplicating the drawings.

D. **Supplementary Plans and Calculations.** Hydrology, hydraulic plans and calculations, bond or other security estimates and any structural calculations as may be required, shall be submitted with the improvement plans to the City Engineer. All calculations shall be legible, systematic and signed and dated by a registered civil engineer licensed by the state and in a form approved by the City Engineer.

E. **Review by the City Engineer.** The subdivider shall submit the improvement plans and

all computations to the City Engineer for review. Upon completion of the review, one set of the preliminary plans, with any required revisions indicated, will be returned to the subdivider.

F. **Approval by the City Engineer.** After completing any required revisions, the subdivider shall transmit the originals of the improvement plans to the City Engineer for signature.

Upon finding that any required revisions have been made and that the plans conform to all applicable City ordinances and plans, design requirements and conditions of the approval of the tentative map, the City Engineer shall sign and date the plans. The City Engineer may make a reproducible set of the plans for use by the City. The originals will be returned to the subdivider.

Approval of the improvement plans shall not be construed as approval of the gas, electric, telephone and cable television service construction plans.

Approval by the City Engineer shall in no way relieve the subdivider or the subdivider's engineer from responsibility for the design of the improvements and for any deficiencies resulting from the design or from any required conditions of approval of the tentative map.

G. **Revision to Approved Plans.**

1. **By Subdivider.** Requests by the subdivider for revisions to the approved plans appearing necessary or desirable during construction shall be submitted in writing to the City Engineer or authorized representative and shall be accompanied by revised drawings showing the proposed revision. If the revision is acceptable to the City Engineer and consistent with the tentative map, the originals shall be submitted to the City Engineer's office for initialing. The originals shall be returned to the subdivider and the revised plans shall be immediately transmitted to the City Engineer. Construction of any proposed revision will not be permitted to commence until revised plans have been received and approved by the City Engineer.

2. **By City Engineer.** When revisions are deemed necessary by the City Engineer to protect the public health and safety, or as field conditions may require, a request in writing shall be made to the subdivider. The subdivider shall revise the plans and transmit the originals to the City Engineer for initialing within the time specified by the City Engineer.

Upon receipt of the initialized originals, the sub-divider shall immediately transmit revised drawings to the City Engineer. Construction of all or any portion of the improvements may be stopped by the City Engineer until revised drawings have been submitted.

The subdivider may appeal revisions required by the City Engineer to the City Council by filing an appeal in writing with the City manager within fifteen days following receipt of the request to

revise the plans.

3. **Plan Checking and Inspection Costs for Revisions.** Costs incurred by the City for the checking of plans or calculations or inspection as a result of revisions to the approved plans shall be borne by the subdivider at actual cost. A deposit, when required, shall be submitted with the revised plans and applied toward the actual costs.

Section 17.17.070 Improvement Agreement.

The improvement agreement shall initially be prepared by the City Engineer and approved as to form and substance by the City Attorney. The agreement shall provide for:

- A. Construction of all improvements required pursuant to section 17.17.020, including any required off-site improvements, according to the approved plans and specifications on file with the City Engineer.
- B. Completion of improvements within the time specified by section 17.17.100.
- C. Right of the City to modify plans and specifications and to require the subdivider to pay for modifications.
- D. Warranty by the subdivider that construction will not adversely affect any portion of adjacent properties.
- E. Payment of inspection fees in accordance with the City's resolutions.
- F. Payment of in-lieu fees for undergrounding of utilities on peripheral streets.
- G. Payment of planned drainage facility fee.
- H. Improvement security as required by section 17.17.080.
- I. Maintenance and repair of any defects or failures and their causes.
- J. Release and indemnification of the City from all liability incurred in connection with the development and payment of all reasonable attorneys' fees that the City may incur because of any legal action or other proceeding arising from the development.
- K. Any other deposits, reimbursements, fees or conditions as required by City ordinance or resolution and as may be required by the City.
- L. Any other provisions required by the City as reasonably necessary to effectuate the purposes and provisions of the Subdivision Map Act and this Code.

Section 17.17.080 Improvement Security.

A. **General.** Any improvement agreement, contract or act required or authorized by the Subdivision Map Act or this Title, for which security is required, shall be secured in accordance with section 66499 et seq. of the Subdivision Map Act and as provided below. No final map or parcel map shall be signed by the City Engineer or recorded until all improvement securities required by this section have been received and approved.

B. **Form of Security.** The form of security shall be one or the combination of the following at the option and subject to the approval of the City:

1. **Bond or bonds by one or more duly authorized corporate sureties.** The form of the bond or bonds shall be in accordance with sections 66499.1, 66499.2, 66499.3 and 66499.4 of the Subdivision Map Act.

2. **A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, of money or negotiable bonds of the kind approved for securing deposits of public moneys.**

3. **An instrument of credit or letter of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.**

4. **Any other form of security as provided in section 66499 of the Subdivision Map Act.**

C. **Amount of Security.** A performance bond or other security in the amount of one hundred percent of the total estimated construction cost to guarantee the construction or installation of all improvements shall be required of all subdivisions. An additional amount of fifty percent of the estimated construction cost shall be required to guarantee payment to subdivider's contractor, subcontractors and to persons furnishing labor, materials or equipment for the construction or installation of improvements. As a part of the obligation guaranteed by the security and in addition to the full amount of the security, there shall be included costs and reasonable expenses and fees, including attorneys' fees, incurred by the City in enforcing the obligations secured.

The estimate of improvements costs shall be as approved by the City Engineer and shall provide for:

1. **Not less than five percent nor more than ten percent of the total construction cost for contingencies.**

2. **Increase for projected inflation computed to the estimated midpoint of construction.**

3. All utility installation costs or a certification acceptable to the City Engineer from the utility company that adequate security has been deposited to ensure installation.

D. **Cash Bond.** The subdivider shall deposit with the City not less than one thousand dollars cash for subdivisions of four or less parcels, and three thousand dollars for other subdivisions, or an additional amount as required by the City Engineer, not to exceed one percent of the total estimated construction cost. The deposit may be used at the discretion of the City to correct deficiencies and conditions caused by the subdivider, contractor or sub-contractors that may arise during or after the construction of the subdivision. Any unexpended amount will be returned to the subdivider at the time all bonds and other security are released.

E. **Warranty Security.** Upon acceptance of the subdivision improvements by the City, the subdivider shall provide security in the amount as required by the City Engineer to guarantee the improvements against any defective work or labor done or defective materials used in the performance of the improvements throughout the warranty period which shall be the period of one year following the completion and acceptance of the improvements. The amount of the warranty security shall not be less than ten percent of the cost of the construction of the improvements, including the cash bond which shall be retained for the one-year warranty period.

F. **Reduction in Performance Security.** The City Engineer may authorize in writing the release of a portion of the security in conjunction with the acceptance of the satisfactory completion of a part of the improvements as the work progresses upon application by the subdivider, but in no case shall the security be reduced to less than ten percent of the total improvement security given for faithful performance. The amount of reduction of the security shall be determined by the City Engineer; however, in no event shall the City Engineer authorize a release of the improvement security which would reduce security to an amount below that required to guarantee the completion of the improvements and any other obligation imposed by the Subdivision Map Act, this Code or the improvement agreement.

G. **Release of Improvement Security.**

1. **Performance Security.** The performance security shall be released only upon acceptance of the improvements by the City and when an approved warranty security has been filed with the City Engineer. If a warranty security is not submitted, performance security shall be released twelve months after acceptance of improvements and correction of all warranty deficiencies.

2. **Material and Labor Security.** Security given to secure payment to the contractor,

subcontractors and to persons furnishing labor, materials or equipment may, six months after the completion and acceptance of the improvements by the City, be reduced to an amount equal to the amount of all claims therefor filed and of which notice has been given to the City Council. The balance of the security shall be released upon the settlement of all claims and obligations for which the security was given.

3. Warranty Security. The warranty security shall be released upon satisfactory completion of the warranty period, provided:

a. All deficiencies appearing on the warranty deficiency list for the subdivision have been corrected.

b. Not less than twelve months have elapsed since the acceptance of the improvements by the City.

Section 17.17.090 Construction and inspection.

The construction methods and materials for all improvements shall conform to the standard engineering specifications and all other standard plans and specifications of the City. Construction shall not commence until all required improvement plans have been approved by the City Engineer. All improvements are subject to inspection by the City Engineer or authorized personnel in accordance with the City's approved specifications.

Section 17.17.100 Completion of improvements.

A. Subdivisions of Five or More Parcels. The improvements for subdivisions of five or more parcels shall be completed by the subdivider within twelve months, or such later time as approved by the City, not to exceed thirty-six months, from the recording of the final map, unless an extension is granted by the City Council. Should the subdivider fail to complete the improvements within the specified time, the City may, by resolution of the City Council and at its option, cause any or all uncompleted improvements to be completed and the parties executing the security or securities shall be firmly bound for the payment of all necessary costs.

B. Subdivisions of Four or Less Parcels. The completion of improvements for subdivisions of four or less parcels shall not be required until a permit or other grant of approval for the development of any parcel within the subdivision is applied for. The completion of the improvements may be required by a specified date by the City when the completion of the

improvements are found to be necessary for public health or safety or for the orderly development of the surrounding area. This finding shall be made by the City Engineer or authorized representative. The specified date, when required, shall be stated in the subdivision improvement agreement. Improvements shall be completed prior to final building inspection or occupancy of any unit within the subdivision.

C. Extensions. The completion date may be extended by the City Council, for subdivision of five or more parcels, or by the Planning Commission, for subdivision of four or less parcels, upon written request by the subdivider and the submittal of adequate evidence to justify the extension. The request shall be made not less than thirty days prior to expiration of the subdivision improvement agreement.

The subdivider shall enter into a subdivision improvement agreement extension with the City. For subdivisions of five or more parcels, the agreement shall be prepared by the City Engineer, approved by the City Attorney, executed by the subdivider and surety and transmitted to the City Council for its consideration. If approved by the City Council, the City Clerk shall execute the agreement on behalf of the City. For subdivisions of four or less parcels, the same procedure shall be followed, except that the agreement shall be considered by the Planning Commission, and if approved, executed by the Mayor on behalf of the City.

If an extension for a subdivision of four or less parcels is approved or conditionally approved, the Department shall make a written report thereof to the Planning Commission prior to the extension agreement being executed by the Mayor, and the Mayor shall not execute that agreement if it is called up by the Planning Commission until the Planning Commission has completed its review as set forth herein. Any member of the Planning Commission shall have the right to call up that agreement for Planning Commission review by a written request to the Community Development Director within ten days of the final action by the Planning Commission. If the commission decides to review the agreement and conditions, it shall conduct a public hearing after giving notice pursuant to section 17.07.070 A. In addition, notice shall be given to the Planning Commission. The public hearing shall be held within thirty days after the date of the request for review. The commission may add, modify or delete conditions if the commission determines that such changes are necessary to ensure that the agreement conforms to the Subdivision Map Act and this Code. The Planning Commission may deny the agreement on any of the grounds contained in this Title. Within ten days following the conclusion of the hearing, the commission shall render its

decision. If the Planning Commission does not act within the time limits set forth in this section, the agreement shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the Planning Commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this Title, this Code and the General Plan.

In consideration of a subdivision improvement agreement extension, the following may be required:

1. Revision of improvement plans to provide for current design and construction standards when required by the City Engineer;
2. Revised improvement construction estimates to reflect current improvement costs as approved by the City Engineer;
3. Increase of improvement securities in accordance with revised construction estimates;
4. Inspection fees may be increased to reflect current construction costs but shall not be subject to any decrease or refund.

The City Council or Planning Commission, as the case may be, may impose additional requirements as recommended by the City Engineer or as it may deem necessary as a condition to approving any time extension for the completion of improvements. The costs incurred by the City in processing the agreement shall be paid by the subdivider at actual cost plus twenty-five percent of such cost for overhead expenses.

D. **As-built Plans.** Upon completion of the improvements, the subdivider shall submit to the City Engineer a reproducible set of as-built improvement plans.

Section 17.17.110 Acceptance of improvements.

A. **General.** With respect to all subdivisions, when all improvement deficiencies have been corrected and as-built improvement plans submitted, the completed subdivision improvements shall be considered by the City Engineer for acceptance.

Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that public improvements have been accepted for public use.

B. **Acceptance.** If the subdivision improvements have been accepted by the City Engineer and public improvements have been dedicated on the final map or parcel map, the City Clerk shall file an acceptance of public improvements with the county recorder.

C. **Acceptance of a Portion of the Improvements.** When requested by the subdivider in

writing, the City Engineer may consider acceptance of a portion of the improvements. Such improvements will be accepted by the City Engineer only if the City Engineer finds that it is in the public interest to do so and such improvements are for the use of the general public.

Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements imposed by this Title.

Chapter 17.19
REVERSIONS TO ACREAGE

Sections:

- 17.19.010 General.
- 17.19.020 Initiation of proceedings.
- 17.19.030 Contents of petition.
- 17.19.040 Submittal of petition to the City Engineer.
- 17.19.050 City Council approval.
- 17.19.060 Filing with county recorder.

Section 17.19.010 General.

Subdivided property may be reverted to acreage pursuant to the provisions of the Subdivision Map Act and this Chapter. This Chapter shall apply to final maps and parcel maps. Subdivisions may also be merged and resubdivided without reverting to acreage pursuant to section 66499.20 1/2 of the of the Subdivision Map Act and this Chapter.

Section 17.19.020 Initiation of proceedings.

A. By Owners. Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the City Engineer. The petition shall contain the information required by Section 17.19.030 and any other information as required by the City.

B. By City Council. The City Council, at the request of any person or on its own motion may, by resolution, initiate proceedings to revert property to acreage. The City Council shall direct the Department to obtain the necessary information to initiate and conduct the proceedings.

Section 17.19.030 Contents of petition.

The petition shall contain, but not be limited to, the following:

- A. Evidence of title to the real property.
- B. Evidence of the consent of all of the owners of an interest in the property.
- C. Evidence that none of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later.

D. Evidence that no lots shown on the final or parcel map have been sold within five years from the date such final or parcel map was filed for record.

E. A final or parcel map in the form, and with the contents, prescribed by sections 17.09.040 and 17.09.050 or section 17.11.090, as the case may be, which delineates dedications which will not be vacated and dedications required as a condition to reversion. Final or parcel maps shall be conspicuously designated with the title, "The Purpose of this Map is a Reversion to Acreage."

F. Fees and/or deposits in accordance with section 17.01.060.

Section 17.19.040 Submittal of petition to the City Engineer.

The final or parcel map for the reversion, together with all other data as required by this Title, shall be submitted to the City Engineer for review. Upon finding that the petition meets with all the requirements of the Subdivision Map Act or this Title, the City Engineer shall submit the final or parcel map, together with a report and recommendations of approval or conditional approval of the reversion to acreage, to the City Council for its consideration.

Section 17.19.050 City Council approval.

A public hearing shall be held by the City Council on all proposed reversions to acreage. Notice of the public hearing shall be given by the City Engineer as provided in section 17.07.070 A. The City Engineer may give such other notice that the City Engineer deems necessary or advisable. The City Council may approve a reversion to acreage only if it finds and records by resolution that:

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

B. Either:

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

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

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

C. The City Council may require as conditions of the reversion:

1. The owners dedicate or offer to dedicate streets, public rights-of-way or easements.
2. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the purposes or provisions of the Subdivision Map Act or this Title.
3. Such other conditions of reversion as are necessary to accomplish the purposes or provisions of the Subdivision Map Act or this Title or necessary to protect the public health, safety or welfare.

Section 17.19.060 Filing with county recorder.

Upon approval of the reversion to acreage, the City Clerk shall transmit the final or parcel map, together with the City Council resolution approving the reversion, to the county recorder for recordation. Reversion shall be effective upon the final map being filed for record by the county recorder. Upon filing, all dedications and offers of dedication not shown on the final or parcel map for reversion shall be of no further force and effect.

Chapter 17.21

PARCEL MERGERS AND UNMERGERS

Sections:

- 17.21.010 Mergers required.
- 17.21.020 Notice of intention to determine status.
- 17.21.030 Hearing on determination of status.
- 17.21.040 Determination of merger.
- 17.21.050 Appeals and City Council review.
- 17.21.060 Determination when no hearing is requested.
- 17.21.070 Request to merge by property owner.
- 17.21.080 Unmerged parcels.
- 17.21.090 Request for determination by owner.
- 17.21.100 Fee for mergers and unmergers.

Section 17.21.010 Mergers required.

Two or more contiguous parcels or units held by the same owner shall be considered as merged

if one of the parcels or units does not conform to the minimum parcel or lot size required by Title 18 of this Code, and if all of the following requirements are satisfied:

A. At least one of the affected parcels is undeveloped by any structure for which a building permit was issued, or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

B. With respect to any affected parcel, one or more of the following conditions exists:

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 General Plan and any applicable specific plan, other than minimum lot size or density standards.

C. For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that the notice of intention to determine status is recorded pursuant to this Title.

D. Subsection "B" of this section shall not apply if any of the conditions stated in section 66451.11(b)(A), (B) , (C) or (D) of the Subdivision Map Act exist.

Section 17.21.020 Notice of intention to determine status.

Prior to recording a notice of merger, the Department shall mail, by certified mail, a notice of intention to determine status to the current record owner of the property. The notice shall state that the affected parcels may be merged pursuant to this Title and that, within thirty days from the date the notice of intention was recorded, the owner may request a hearing before the Planning Commission to present evidence that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the county recorder by the Department

on the same day that the notice is mailed to the property owner.

Section 17.21.030 Hearing on determination of status.

The owner of the affected property may file a written request for a hearing with the Department within thirty days after recording of the notice of intention to determine status. Upon receipt of the request, the Department shall set a time, date and place for a hearing before the Planning Commission and notify the owner by certified mail. The hearing shall be conducted within sixty days following the receipt of the owner's request, or may be postponed or continued by mutual consent of the Planning Commission and the property owner.

At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements for merger specified in this Chapter.

At the conclusion of the hearing, the Planning Commission shall determine whether the affected parcels are to be merged or are not to be merged and shall notify the owner of the determination. The notice of determination shall be mailed to the property owner by the Department within five days of the date of the hearing.

Section 17.21.040 Determination of merger.

If the Planning Commission makes a determination that the parcels are to be merged, a notice of merger shall be filed for record with the county recorder by the Department within thirty days of the conclusion of the hearing, unless the decision has been appealed pursuant to section 17.21.050. The notice of merger shall specify the name of the record owner and a description of the property. The notice of merger under this Title shall be in a form approved by the City Engineer and shall be approved by the City Engineer prior to being filed for record with the county recorder.

If the Planning Commission makes a determination that the parcels shall not be merged, a release of the notice of intent to determine status shall be filed for record with the county recorder by the Department within thirty days after the Planning Commission determination, and a clearance letter shall be mailed to the owner by the Department.

Section 17.21.050 Appeals and City Council review.

The determination of the Planning Commission may be appealed to the City Council in accordance with section 17.07.100; provided that the appeal shall be filed within fifteen days of the

date of the notice of determination and the City Council shall hear the appeal within sixty days from the date of appeal. If, after hearing, the City Council grants the appeal and determines that the affected property has not been merged pursuant to this Title, the Department shall, within thirty days after the City Council determination, file for record with the county recorder a release of the notice of intention to determine status and mail a clearance letter to the owner.

When the Planning Commission makes a determination to merge or not merge contiguous parcels or units, the Department shall make a written report thereof to the City Council. Any member of the City Council shall have the right to call up the determination for City Council review by a written request to the Community Development Director within ten days of the final action by the Planning Commission. If the City Council decides to review the determination, it shall conduct a public hearing after giving notice pursuant to section 17.07.070 A. In addition, notice shall be given to the Planning Commission. The public hearing shall be held within thirty days after the date of the request for review. The City Council may reverse or affirm the determination on any of the grounds contained in this Title. Within ten days following the conclusion of the hearing, the Council shall render its decision. If the City Council does not act within the time limits set forth in this section, the determination shall be deemed to have been affirmed as last determined by the Planning Commission insofar as it complies with all other applicable provisions of the Subdivisions Map Act, this Title, this Code and the General Plan.

Section 17.21.060 Determination when no hearing is requested.

If the owner does not file a request for a hearing within thirty days after the recording of the notice of intention to determine status, the Planning Commission may, at any time thereafter, make a determination that the parcels are or are not to be merged. If they are to be merged, a notice of merger shall be filed for record with the county recorder by the Department within ninety days after the mailing of the notice of intention to determine status pursuant to section 17.21.020.

Section 17.21.070 Request to merge by property owner.

If the merger of contiguous parcels or units is initiated by a record owner, the owner may waive in writing the right to a hearing before the Planning Commission and to all notices required by this Title. Upon receipt of such waiver, the Department shall simultaneously file for record with the county recorder a notice of intention to determine status, the waiver of right of hearing and notice,

and a notice of merger.

Section 17.21.080 Unmerged parcels.

Any parcel which has merged under the provisions of any law prior to January 1, 1984, and for which a notice of merger had not been recorded on or before that date, shall be unmerged if on that date:

A. The parcel meets each of the following criteria:

1. Contains at least five thousand square feet in area.
2. Was created in compliance with applicable laws and ordinances in effect at the time of its creation.
3. Meets current standards for sewage disposal and domestic water supply.
4. Meets slope density standards.
5. Has legal access which is adequate for vehicular and safety equipment access and maneuverability.
6. Its unmerger and development would create no health or safety hazards.
7. The unmerged parcel would be consistent with the General Plan and any applicable specific plan, other than minimum lot size or density standards.

B. And, with respect to the parcel, none of the conditions stated in section 66451.30(b)(1), (2), (3), (4) or (5) of the Subdivision Map Act exist.

Section 17.21.090 Request for determination by owner.

Upon written application made by the owner to the Department, the Planning Commission shall make a determination that the affected parcels have merged or are to be merged. If the Planning Commission determines that the parcels have not merged, the owner shall be so notified by the Department.

If the Planning Commission determines that the parcels have merged and that they meet the requirements for unmerger in section 17.21.080, a notice of status, as approved by the City Engineer, shall be issued to the owner and filed for record with the county recorder by the Department, which shall identify each parcel and declare that they are unmerged pursuant to this Title.

If the Planning Commission determines that the parcels have merged and do not meet the unmerger requirements in section 17.21.080, a notice of merger specifying the record owner and

description of the parcel shall be issued to the owner and filed for record with the county recorder by the Department. The owner may appeal the decision of the Planning Commission as provided in section 17.21.050. The City Council may review the Planning Commission's determination as provided in section 17.21.050.

Section 17.21.100 Fee for mergers and unmergers.

A fee and/or deposit for processing mergers and unmergers at the request of an owner shall be charged to the owner, in accordance with section 17.01.070.

Chapter 17.23

CORRECTION AND AMENDMENT OF MAPS

Sections:

17.23.010 Requirements.

17.23.020 Form and contents.

17.23.030 Submittal and approval by City Engineer.

17.23.040 Filing With the county recorder.

Section 17.23.010 Requirements.

After a final or parcel map is filed in the office of the county recorder, it may be amended by a certificate of correction or an amending map:

- A. To correct an error in any course or distance shown thereon;
- B. To show any course or distance that was omitted therefrom;
- C. To correct an error in the description of the real property shown on the map;
- D. To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;
- E. To show the proper location of any monument which has been changed in location, or character, or originally was shown at the wrong location or incorrectly as to its character.
- F. To correct any other type of map error or omission as approved by the City, which does not affect any property right. Errors and omissions may include, but are not limited to, lot numbers, acreage, street names and identification of adjacent record maps. Error does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or

parcel map.

G. To make modifications when there are changes which make any or all of the conditions of the map no longer appropriate or necessary and that the modifications do not impose any additional burden on the present fee owner of the property, and if the modifications do not alter any right, title or interest in the real property reflected on the recorded map. The modification shall be set for public hearing by the Planning Commission, in the case of a final map, or the Planning Commission, in the case of a parcel map, in accordance with section 17.07.070 or section 17.11.040 of this Title, as the case may be. The Planning Commission or Planning Commission shall confine the hearing to consideration of, and action on, the proposed modification.

Section 17.23.020 Form and contents.

The amending map or certificate of correction shall be prepared by a registered civil engineer or licensed land surveyor. The form and contents of the amending map shall conform to the requirements of sections 17.09.040 and 17.09.050 if a final map, and section 17.11.090 B if a parcel map. The certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.

Section 17.23.030 Submittal and approval by City Engineer.

The amending map or certificate of correction, complete as to final form, shall be submitted to the City Engineer for review and approval. The City Engineer shall examine the amending map or certificate of correction and if the only changes made are those set forth in section 17.23.010, this fact shall be certified by the City Engineer on the amending map or certificate of correction.

Section 17.23.040 Filing With the county recorder.

The amending map or certificate of correction certified by the City Engineer shall be filed in the office of the county recorder. Upon such filing, the county recorder shall index the names of the fee owners and the appropriate subdivision designation shown on the amending map or certificate of correction in the general index and map index, respectively. Thereupon, the original map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map.

Chapter 17.25
CONDOMINIUM CONVERSIONS

Sections:

- 17.25.010 Requirements.
- 17.25.020 Intent.
- 17.25.030 Purpose.
- 17.25.040 Application procedures.
- 17.25.050 Required reports and information.
- 17.25.060 Condominium conversion standards.
- 17.25.070 Tenant benefits and notification.
- 17.25.080 Variances.

Section 17.25.010 Requirements.

In addition to the applicable requirements and procedures set forth in this Title and the Subdivision Map Act, conversions of existing rental housing to condominiums, community apartments, stock cooperatives, and any other subdivision which is a conversion of existing rental housing shall be subject to the additional requirements of this Chapter. The provisions of this Chapter shall not apply to limited equity cooperatives, as defined in Health and Safety Code section 33007.5, the subdivision of which shall be governed by the procedures set forth in the Subdivision Map Act (Government Code section 66410 et seq.). At the time the tentative map application is filed, the subdivider shall submit concurrently a complete application for any required zoning approval. Nonresidential condominium conversions need not comply with the additional requirements of this Chapter.

Section 17.25.020 Intent.

A. The conversion of residential structures from one individual ownership to condominiums or any other form of multiple ownership interests creates special community problems, both social and economic. Conversions may significantly affect the balance between rental and ownership housing within the City and thereby reduce the variety of individual choices of tenure, type, price and location of housing; increase overall rents; decrease the supply of rental housing for all income groups; displace individuals and families; and disregard the needs of the prevailing consumer market.

The purpose of this Chapter is to provide guidelines to evaluate those problems, the impact any conversion application may have on the community, and to establish requirements which shall be included in any conversion approval.

B. The provisions of this Chapter shall apply to any conversion of a residential structure from one individual ownership to any form of multiple ownership, including, but not limited to, condominiums, stock cooperatives and community housing projects, but not including limited equity cooperatives, the subdivision of which shall be governed by the procedures set forth in the Subdivision Map Act.

Section 17.25.030 Purpose.

This Chapter is enacted for the following reasons:

A. To establish procedures and standards for the conversion of existing multiple-family rental housing to condominiums;

B. To reduce the impact of such conversions on tenants who may be required to relocate due to the conversion of apartments to condominiums by providing for procedures for notification and adequate time and assistance for relocation to comparable rental housing and rates;

C. To assure that purchasers of converted housing have been properly informed as to the physical condition of the structure which is offered for purchase;

D. To ensure that converted housing achieves a high standard of appearance, quality and safety, and is consistent with the goals of the City;

E. To ensure that the project sponsor provides for improvements or rehabilitation to result in a project which provides housing which is in good condition and without hidden needs for maintenance and repair;

F. To provide a desirable balance of rental and ownership housing and a variety of individual choice of tenure, type, price and location of housing;

G. To provide the opportunity for low and moderate income persons to participate in the ownership process, as well as to maintain a supply of rental housing for low and moderate income persons; and

H. To assure that adequate rental housing is available in the community.

Section 17.25.040 Application procedures.

The following procedures and regulations shall apply to condominium conversion tentative map applications:

A. **Tentative Maps.** Condominium conversions may be permitted in any residential district subject to the provisions as set forth in Title 18 of this Code, and subject to the approval of a tentative map. Such applications shall contain all the information required for a tentative map pursuant to this Code.

B. **Acceptance.** The Community Development Department shall accept applications for condominium conversions if any one of the following factors exists:

1. Conversions may be approved when the vacancy rate of multiple-family rental developments within the City, as determined by the Community Development Director, is equal to or more than five percent, unless the conversion will result in a decrease of the vacancy rate to less than four and nine-tenths percent (4.9%); or

2. Tenants lawfully in possession of seventy-five percent of the units indicate their desire (one vote per unit) to convert such units to condominium ownership in writing to the City. Tenants shall be provided with information on all estimated costs, including, but not limited to, the unit cost, down payment requirements, financing, estimated property management costs, and homeowner association fees. Specific estimates of such costs shall be acknowledged in writing by the City. If the conversion is approved, the developer shall provide information to the City on the number of tenants who actually purchased. If at any time during the conversion approval process a sufficient number of tenants decide not to purchase, or if misrepresentation is discovered, the commission shall have sufficient grounds for denial; or

3. The applicant agrees to sell or rent at affordable prices forty percent of the units to low- or moderate-income households, as defined in section 50093 of the California Health and Safety Code, with a minimum of twenty percent of the units affordable to lower-income households, as defined in section 50079.5 of the California Health and Safety Code. If the units are to be made available for purchase, the sales price of such units shall not exceed two and five-tenths (2.5) times the annual median income for low- or moderate-income households as defined by California Health and Safety Code section 50093. Resale controls shall be included as a deed restriction as specified by the Planning Commission. If the units are to be for rental, they shall either be included in the county-administered Section 8 Program, or the maximum rent allowed shall keep the units within

the low- or moderate-income housing stock.

Section 17.25.050 Required reports and information.

The project as a whole shall be in good repair on the interior and the exterior when offered for sale. As part of the material necessary for such determination and to aid the review of the proposal, the reports and/or information required by this section shall be submitted for review and action on the application. The cost of all reports shall be paid by the applicant, and the persons preparing the reports shall be approved by the City. The reports shall include information on what improvements, if any, shall be accomplished by the developer and at what point in the conversion proceedings such improvements shall be completed. All improvements cited in the reports, whether required or voluntary, shall be considered conditions of approval.

The applicant shall be responsible for the remedy of physical conditions within individual units or common areas noted by a prospective purchaser and/or tenant which have been missed by inspections or which occur subsequent to the inspections but prior to the close of escrow. In case of disagreement between the applicant and the prospective purchaser as to the actual condition, remedy, or cause of deterioration, the burden of proof shall be that of the applicant.

A. Physical Elements Reports. A report on the physical elements of all structures and facilities shall be submitted.

1. A report by a licensed structural or civil engineer detailing the structural condition of all elements of the property, including, but not limited to, foundations, electricity, plumbing, utilities, walls, ceilings, windows, frames, recreational facilities, sound transmissions of each building, mechanical equipment, and parking facilities. Such report shall also describe the condition of refuse disposal facilities; swimming pools, saunas and fountains; stone and brickwork; fireplaces; and exterior lighting. The report shall also describe the condition of all structures and facilities with respect to the extent of deferred maintenance, if any. Drainage facilities on the site and their adequacy shall be described. Such report or supplement thereto shall describe the present condition and useful life of all elements as deemed pertinent;

2. A report by a licensed appliance repair contractor detailing the following information which shall be submitted as part of the physical elements report: regarding each such element, the report shall state to the best knowledge or estimate of the applicant when such element was built or installed; the condition of each element; when such element was replaced; the

approximate date upon which such element will require replacement; the cost of replacing such element; and any variation of the physical condition of such element from the current building, housing, mechanical and fire codes in effect on the date of the tentative map application. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed;

3. A report by a licensed structural termite and pest control specialist certifying whether or not all attached or detached structures are free of infestation and structural damage caused by pests and dry rot. The report shall describe what procedures would be necessary to eliminate infestation or damage, if present. Such report shall be updated within six months prior to the close of escrow, and any infestation shall be remedied prior to sale;

4. Existing soils reports shall be submitted for review with a statement regarding any known evidence of soils, problems relating to the structures. As required by the City Engineer, a new or revised report shall be prepared by a licensed soils engineer on soil or geological conditions on-site or off-site which could adversely affect the project site or structures;

5. A report by a licensed painting contractor verifying the condition of the painting throughout the project, including building interior and exterior surfaces and an estimate of the remaining physical life of the paint. A statement that new paint will be applied on all building interior and exterior surfaces may take the place of such report. Such statement shall include the brand name of the paint and the exterior colors to be used;

6. A report by a licensed roofing contractor verifying the condition of the roofs of all structures and an estimate of the remaining physical life of the roofs. A statement that new roof material will be applied may take the place of such report. Such statement shall include the type, grade and color of the proposed roofing material;

7. A resale/retrofit inspection report issued through the Community Development Department, Building and Safety Division;

8. A declaration of the covenants, conditions, and restrictions and rules and regulations which would be applied on behalf of any and all owners of condominium units within the project. The declaration shall include, but not be limited to, the conveyance of units, the assignment of parking and storage areas, and an agreement for common area maintenance, together with an estimate of any initial assessment fees anticipated for such maintenance and an indication of appropriate responsibilities for the maintenance of all utility lines and services for each unit. Such

documents shall be approved by the City Attorney and recorded in the office of the county recorder;

9. Specific information concerning the demographic and financial characteristics of the project, including, but not limited to, the following:

- a. The square footage and number of rooms in each unit;
- b. The rental rate history for each type of unit for the previous three years;
- c. The monthly vacancy rate for each month during the preceding two years;
- d. A complete list of the number of tenants and tenant households in the project,

including the following information:

- (i) Households with persons sixty-two years of age and older;
- (ii) The family size of households, including a breakdown of households with children under five years of age and between five and eighteen years of age;
- (iii) Households with handicapped persons;
- (iv) The length of residence;
- (v) The age of tenants; and
- (vi) The designation of low-income and moderate-income households and whether receiving federal, state or local rent subsidies.

When the subdivider can demonstrate that demographic information is not available, this requirement may be modified by the Planning Commission;

- e. The proposed price range of the units;
- f. The proposed homeowners' association fees; and
- g. A statement of intent as to the types of financing programs to be made available, including any incentive programs for existing residents;

10. Signed copies from each tenant of the notice of intent to convert, as specified in this Title. The subdivider shall submit evidence that a certified letter of notification was sent to each tenant for whom a signed copy of such notice is not submitted.

B. **Acceptance of Reports.** The final form of the physical elements report and other documents shall be approved by the Planning Commission. The reports in their acceptable form shall remain on file with the Department for review by any interested person.

C. **Copies to Purchasers.** Prior to any purchaser executing any purchase agreement or other contract to purchase a unit in the project, the subdivider shall provide each purchaser with a copy of

all reports in their final form as accepted by the Planning Commission, except that the demographic information and copies of the notice to each tenant concerning conversion do not need to be distributed.

The developer shall give the purchaser sufficient time to review such reports. Copies of the reports shall be made available at all times at the Sales Office.

Section 17.25.060 Condominium conversion standards.

A. **Compliance with Zoning, Building, Housing, Mechanical, and Fire Codes.** All units, as well as the common ownership facilities, shall be brought into compliance with all applicable state and local zoning, building, housing, mechanical and fire codes adopted for use by the City at the time the conversion project shall be upgraded to conform with current codes. Where the above is not possible, the subdivider shall demonstrate to the Planning Commission that it is not feasible to meet current codes.

B. **Parking Requirements.** Regulations governing parking requirements shall reflect the current City parking standards for single-family dwellings.

C. **Handicapped Access Requirements.** Handicapped access requirements shall reflect current City or Title 24 standards for single-family dwellings.

D. **Sound Transmission Characteristics and Energy Conservation.** Condominiums present a unique problem in relation to sound transmission. The following methods shall be utilized to regulate noise transmission:

1. **Shock Mounting of Mechanical Equipment.** All permanent mechanical equipment, such as motors, compressors, pumps and compactors, which are determined by the building official to be a source of structural vibration or structure-borne noise, shall be shock-mounted in inertia blocks or bases and/or vibration isolators in a manner approved by the building official.

2. **Noise Mitigation and Energy Conservation.** Energy conservation insulation shall be installed in all heated or cooled buildings, including common ownership structures used for assembly purposes, in accordance with Title 24 of the California Administrative Code, as amended, or local code as applicable and in effect on the date building permits are issued for condominium conversion rework.

3. **Exception No. 1.** Common walls between dwelling units to be constructed of a two-inch by four-inch wall insulated with not less than R-11 rated insulation, or an equivalent form of

noise attenuation control acceptable to the Planning Commission.

4. Exception No. 2. Common floor ceilings between dwellings units and between dwellings and garages shall be insulated with not less than R-19 rated insulation.

E. Fire Protection.

1. Smoke Detectors. Every dwelling unit shall be provided with a smoke detector. Installations shall comply with National Fire Protection Association Pamphlet No. 74. The detector shall be approved by the State Fire Marshal. AC primary power source shall be utilized. The detector shall be mounted on the ceiling at a point centrally located in the corridor or areas giving access to rooms used for sleeping purposes. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway.

2. Sprinkler and Other Systems. A sprinkler system, fire alarm, and/or other fire protection devices shall be installed as required by the Uniform Fire Code adopted for use by the City at the time of the conversion application.

F. Utilities.

1. Location. Each dwelling unit shall be served by gas and electric services completely within the lot lines or ownership space of each separate unit. No common gas or electrical connection or service shall be allowed. Easements for gas and electric lines shall be provided in the common ownership area where lateral service connections shall take place.

2. Undergrounding. All new utilities, both on-site and off-site, across property frontage shall be underground.

3. Lockable Shutoff Valve. Developer agrees to furnish and install individual, lockable shutoff valve, of a type approved by the Municipal Utilities Director, on the water service for each dwelling unit within this condominium project. The location of the valve shall be approved by the Municipal Utilities Director. In addition, developer agrees to furnish to City a permanent right-of-entry for use and maintenance of the valve. Said right-of-entry shall be approved by the City Attorney and shall be executed prior to issuance of a certificate of occupancy for any unit within the condominium project.

4. Utility Costs. Each dwelling unit shall be separately metered for gas and electricity. Individual panelboards for electrical current shall be provided for each unit. A plan for the equitable sharing of water, sewer, drainage and other shared utility costs shall be included in the covenants, conditions and restrictions.

G. **Laundry Facilities.** A laundry area shall be provided in each unit, or, if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and dryer for each five units or fraction thereof.

H. **Condition of Equipment and Appliances.** The developer shall provide a minimum of one-year warranty to the buyer of each unit at the close of escrow on any dishwasher, garbage disposal, stove, range or oven, refrigerator, trash compactor, hot water tank, air-conditioning unit or heating system which is provided. At such time as the homeowners association takes over the management of the development, the developer shall provide a one-year warranty to the association that any pool and/or spa and pool and/or spa equipment (filter, pumps, and chlorinator) and any appliances and mechanical equipment to be owned in common by the association is in operable working condition. The plumbing and electrical systems in both the dwelling and the common ownership areas shall also be covered by a one-year warranty for proper and safe operation and installation in a safe and workmanlike manner. Such warrant shall be offered by an independent homeowner's warranty service licensed by the Insurance Commission of the state for such purpose, except that new appliances may be covered by the manufacturer's warranty. The developer shall provide options to prospective buyers for new appliances and equipment or, alternatively, acceptance of existing appliances with the warranty described in this subsection.

I. **Refurbishing and Restoration.** All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped area, and additional elements as required by the Planning Commission, shall be refurbished and restored as necessary to achieve a high standard of appearance, quality and safety.

J. **Contingency Fees.** The intent of the City in requiring the creation of a contingency or reserve fund for condominium conversions is to provide a surety for unexpected or emergency repairs to common areas in the interest of the economic, aesthetic and environmental maintenance of the community as well as to protect the general welfare, public health and safety of the community. Upon the close of escrow for each unit, the subdivider shall convey to the homeowners' association's contingency fund a minimum fee per dwelling unit as set forth in a Community Development Schedule of Fees and Charges adopted by resolution.

When forty-nine percent or more of the total units in the project have been sold, the subdivider, within thirty days, shall convey such fee for each of the unsold units. The amount of the fee, if conditions warrant, may be increased above the established fee by the Planning Commission. Such

funds shall be used solely and exclusively as a contingency fund for emergencies which may arise relating to open space areas, exterior portions of dwelling units, and such other restoration or repairs as may be assumed by the homeowners association.

Section 17.25.070 Tenant benefits and notification.

Applications for condominium conversions shall include the following procedures as they relate to tenant notifications:

A. Notices of Intent. A notice of intent to convert shall be delivered to each tenant at least ninety days prior to filing the tentative map. Evidence of the receipt of such notice shall be submitted with the application for conversion. The form of the notice shall be in the form outlined by section 66452.9 of the Subdivision Map Act, shall be approved by the Department, and shall contain not less than the following:

1. The name and address of the current owner;
2. The name and address of the proposed subdivider;
3. The approximate date on which the application and tentative map are proposed to be filed;
4. The approximate date on which the final map or parcel map is to be filed;
5. The approximate date on which the unit is to be vacated by nonpurchasing tenants;
6. The tenant's right to purchase;
7. The tenants right of notification to vacate;
8. The tenants right to termination of the lease;
9. A statement of no rent increase;
10. Provisions for special cases;
11. The provision of moving expenses and the tenant's right to claim any penalty imposed if timely payment is not made;
12. The anticipated price range of the units;
13. The proposed homeowner's association fees;
14. A statement of the types of financing programs to be made available, including any incentive programs for existing residents; and
15. A copy of the City conversion regulations shall be attached to the notice of intent.

B. Notification to Tenants.

1. Mailing. Two separate stamped, preaddressed envelopes for each resident of each unit shall be furnished to the Department by the subdivider at the time the sub-divider submits an application for a tentative map. The Department shall use one envelope to notify the residents by mailing a copy of the Planning Commission or public hearing notice to tenants not less than ten days prior to the proposed hearing date on the application. The notice shall include notification of the tenant's right to appear and be heard. The second envelope shall be used by the Department to notify the residents of the results of the public hearing by mailing notification of the decision of the Planning Commission not more than seven days following the Planning Commission action. Failure of the Department to mail such notice shall not invalidate any proceeding or action taken by the City in considering a conversion. The list of names and addresses of the residents of each unit in the conversion project shall be current as of the day of submittal and shall be certified as such by the subdivider.

2. Notices to Prospective Tenants. Commencing ninety days prior to the submittal of the application, any prospective tenants shall be notified in writing by the sub-divider of the intent to convert prior to leasing or renting any unit pursuant to Section 66452.8 of the Subdivision Map Act.

3. Posting Notices. The notice of intent shall be posted by the subdivider on-site in at least one location readily visible to tenants.

C. Tenants' Discounts. Any present tenant of any unit at the time of an application for conversion shall be given a nontransferable right of first refusal to purchase the unit occupied at a discount of the price offered to the general public. The amount of the discount shall be based on the longevity of each tenant.

D. Vacation of Units. Each nonpurchasing tenant, not in default under the obligations of the rental agreement or lease under which the subject unit is occupied, shall have not less than one hundred twenty days after the date of the tentative map approval by the City or until the expiration of the tenant's lease to find substitute housing and to relocate. Tenants shall be permitted to terminate leases or tenancy with one month's notice at any time after a conversion application.

E. No Increase in Rent. A tenant's rent shall not be increased within two months prior to a project application, nor shall the rent be increased for two years from the time of the filing of the project application or until relocation takes place. At the end of the two-year period, any increase in

rent shall first be approved by the Planning Commission. When reviewing applications for rent increases, the Planning Commission shall consider the University of California Housing Office Apartment Vacancy and Rental Rate Report or residential rent component of the San Bernardino Area Cost of Living Index of the United States Department of Labor, the condition of the unit, prevailing rents for similar units, and a reasonable rate of return on the owner's investment.

F. Special Cases.

1. All nonpurchasing tenants sixty-two years of age or older and all nonpurchasing medically proven permanently disabled tenants shall be offered a lifetime lease. Rents for such tenants shall not be increased for two years after the filing of the project application. At the end of the two-year period, any increase in rent shall first be approved by the Planning Commission. When reviewing applications for rent increases, the Planning Commission shall consider the residential rent component of the San Bernardino Area Cost of Living Index of the United States Department of Labor, the condition of the unit, prevailing rents for similar units, and a reasonable rate of return on the owner's investment.

2. The following nonpurchasing tenants shall receive a minimum of twelve months' relocation time, measured from the tentative map approval, to find replacement housing:

a. Tenants with low or moderate incomes as defined in California Health and Safety Code section 50093;

b. Tenants with minor children in school.

G. Moving Expenses. The subdivider shall provide moving expenses equal to three times the monthly rent to any tenant, in compliance with the terms of the subject lease, who relocates from the building to be converted after City approval of the tentative map. When the tenant has given notice of his intent to move prior to City approval of the tentative map, eligibility to receive moving expenses shall be forfeited.

H. Relocation Assistance. Relocation assistance shall be provided by the subdivider to nonpurchasing tenants for a minimum period of four months following the tentative map approval. Information on available rental units in the same general area with costs comparable to the preconverted apartments shall be provided regularly and updated. Copies of the list shall be posted on-site, dated, and provided to the Department.

I. Discrimination. No discrimination in the sale of any unit shall be based on age, and a statement to this effect shall be included in the covenants, conditions and restrictions. Projects

created exclusively for the purpose of providing senior citizen housing shall be exempted from this requirement.

J. **Certification of Occupancy.** A certificate of occupancy shall be issued by the building official prior to the occupancy of units after sales.

K. **Effect of Proposed Conversions on the City's Low-Income and Moderate-Income Housing Supply.** In reviewing requests for the conversion of existing apartments to condominiums, the Planning Commission shall also consider the following:

1. Whether or not the amount and impact of the displacement of tenants, if the conversion is approved, would be detrimental to the health, safety or general welfare of the community;

2. The role the apartment structure plays in the existing housing rental market. Particular emphasis will be placed on the evaluation of rental structures to determine if the existing apartment complex is serving low-income and moderate-income households. Standard definitions of low-income and moderate-income and low-income and moderate-income rents used by the federal and state governments shall be used in the evaluation;

3. The need and demand for lower-cost home ownership opportunities which are increased by the conversion of apartments to condominiums; and

4. If the Planning Commission determines that vacancies in the project have been increased for the purpose of preparing the project for conversion, the application may be disapproved. In the evaluation of the current vacancy level under this subsection, the increase in rental rates for each unit over the preceding three years and the average monthly vacancy rate for the project over the preceding two years shall be considered.

L. **Findings.** The Planning Commission shall not approve an application for a condominium conversion unless the Planning Commission finds that:

1. All the provisions of the Subdivision Map Act, this Title, and other applicable provisions of this Code are met;

2. The proposed conversion is consistent with the General Plan and the adopted housing element and any applicable specific plan;

3. The proposed conversion will conform to the provisions of this Code in effect at the time of the project approval, except as otherwise provided in this section;

4. The overall design and physical condition of the condominium conversion achieves

a high standard of appearance, quality and safety;

5. The proposed conversion will not displace a significant percentage of low-income or moderate-income, permanently or totally disabled, or senior citizen tenants, or delete a significant number of low-income and moderate-income rental units from the City's housing stock at the time when no equivalent housing is readily available in the Redlands area;

6. The application process has conformed to all the requirements of the Subdivision Map Act and this Title; and

7. The dwelling units to be converted have been constructed and used as rental units for at least five years prior to the application for conversion or have received an approved housing allocation.

Chapter 17.27 ENFORCEMENT

Sections:

17.27.010 Prohibition.

17.27.020 Remedies.

17.27.030 Certificate of compliance.

17.27.040 Notice of violation.

17.27.050 Violation as a misdemeanor.

Section 17.27.010 Prohibition.

A. No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a final map is required by the Subdivision Map Act or this Title, until such a map, in full compliance with the provisions of the Subdivision Map Act and this Title, has been filed for record by the county recorder.

B. No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a parcel map is required by the Subdivision Map Act or this Title, until

such a map, in full compliance with the provisions of the Subdivision Map Act and this Title has been filed for record by the county recorder.

C. Conveyances of any part of a division of real property for which a final or parcel map is required by the Subdivision Map Act or this Title shall not be made by parcel or block number, letter or other designation, unless and until such map has been filed for record by the county recorder.

D. This section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law, including this Title, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

E. Nothing contained in subsections (a) and (b) of this section shall be deemed to prohibit an offer or contract to sell, lease or finance real property or to construct improvements thereon where such sale, lease or financing, or the commencement of such construction, is expressly conditioned upon the approval and filing of a final map or parcel map, as required under Subdivision Map Act or this Title.

Section 17.27.020 Remedies.

A. Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of the Subdivision Map Act or this Title, is voidable at the sole option of the grantee, buyer or person contracting to purchase, any heirs, personal representative, or trustee in insolvency or bankruptcy thereof within one year after the date of discovery of such violation. The deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his or her assignee, heir or devisee.

B. Any grantee, or successor in interest thereof, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this Title or the Subdivision Map Act may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages suffered by reason of such division of property. The action may be brought against the person who so divided the property and against any successors in interest who have actual or constructive knowledge of such division of property.

C. The provisions of this section shall not apply to the conveyance of any parcel of real

property identified in a certificate of compliance filed pursuant to section 17.27.030 or identified in a recorded final map or parcel map, from and after the date of recording.

The provisions of this section shall not limit or affect in any way the rights of a grantee or successor in interest under any other provision of law.

D. This section does not bar any legal, equitable or summary remedy to which the City or other public agency, or any person, firm or corporation may otherwise be entitled, and the City or other public agency, or such person, firm or corporation may file a suit in the superior court to restrain or enjoin any attempted or proposed subdivision or sale, lease, or financing in violation of the Subdivision Map Act or this Title.

E. The City shall not issue a permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of the Subdivision Map Act or this Title if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or approval shall apply whether the applicant therefor was the owner of record at the time of such violation or whether the applicant therefor is either the current owner of record or a vendee thereof with, or without, actual or constructive knowledge of the violation at the time of the acquisition of an interest in such real property.

If the City issues a permit or grants approval for the development of any real property illegally subdivided, the City may impose those additional conditions which would have been applicable to the division of the property at the time the current owner of record acquired the property. If the property has the same owner of record as at the time of the initial violation, the City may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for record in accordance with the provisions of section 17.27.030, only those conditions stipulated in that certificate shall be applicable.

Section 17.27.030 Certificate of compliance.

A. Any person owning real property or a vendee of such person pursuant to a contract of sale of such real property may request the Planning Commission to determine whether the real property complies with the provisions of the Subdivision Map Act and this Title.

B. If the Planning Commission determines that the real property complies with the provisions of the Subdivision Map Act and this Title, the City Engineer shall file a certificate of

compliance for record with the county recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with the provisions of the Subdivision Map Act and this Title.

C. If the Planning Commission determines that the real property does not comply with the provisions of the Subdivision Map Act or this Title, the Planning Commission may, as a condition to granting a certificate of compliance, impose conditions in accordance with section 17.27.020 E. Upon the Planning Commission's making such a determination and establishing such conditions, the Department shall file a conditional certificate of compliance for record with the county recorder. Such certificate shall serve as notice to the property owner or vendee who has applied for the certificate, a grantee of the property owner or any subsequent transferee or assignee of the property, that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the City.

D. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of property described within.

E. Subject to the provisions of section 66499.35(e) of the Subdivision Map Act, an official map prepared pursuant to section 66499.52(b) of the Subdivision Map Act shall constitute a certificate of compliance with respect to the parcels of real property described therein.

F. A fee and/or deposit shall be charged to the applicant for making the determination and processing the certificate of compliance in accordance with section 17.01.060.

Section 17.27.040 Notice of violation.

If the Department has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act or this Title, a notice of intention to record a notice of violation shall be mailed by the Department by certified mail to the current owner of record. The notice shall describe the property in detail, name the owners, describe the violation and state that the owner will be given the opportunity to present evidence. The notice shall also contain an explanation as to why the subject parcel is not lawful under section 66412.6(a) and (b) of the Subdivision Map Act. The notice shall specify the date, time and place for a meeting at which the owner may present evidence to the Planning Commission why a notice of violation should not be recorded.

The meeting shall be held no sooner than thirty days and no later than sixty days from the date of mailing of the notice of intention to record a notice of violation. If, within fifteen days of receipt of the notice, the owner fails to file with the Department a written objection to recording the notice of violation, the Department shall file the notice of violation for record with the county recorder. If, after the owner has presented evidence, the Planning Commission determines that there has been no violation, the Department shall mail a clearance letter to the then current owner of record. If, however, after the owner has presented evidence, the Planning Commission determines that the property has in fact been illegally divided, the Department shall record the notice of violation for record with the county recorder. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property.

Section 17.27.050 Violation as a misdemeanor.

In addition to the remedies and procedures provided in this Title, any person violating any of the provisions, or failing to comply with any of the regulatory requirements, of this Title shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Title shall be punishable by imprisonment in the county jail not exceeding six months or by fine not exceeding one thousand dollars or by both. Except as otherwise provided in this Title, each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Title is committed, continued or permitted by such person and shall be punishable accordingly."

Section 2. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City, and thereafter, this ordinance shall take effect in accordance with law.



Mayor, City of Redlands

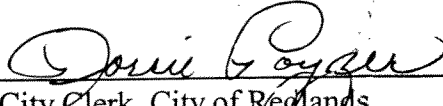
ATTEST:



City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 5th day of Feb., 2002 by the following vote:

AYES: Councilmembers Peppler, Gilbreath, George, Harrison, Mayor Haws
NOES: None
ABSTAIN: None
ABSENT: None



City Clerk, City of Redlands