

URGENCY ORDINANCE NO. 2385

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA AMENDING DIVISIONS 2 AND 5 OF CHAPTER 1, ARTICLE IX, OF THE ARCADIA MUNICIPAL CODE RELATED TO URBAN LOT SPLITS AND TWO-UNIT PROJECTS AND DETERMINING THE ORDINANCE TO BE STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Arcadia, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, in 2021, the California Legislature approved, and the Governor signed into law Senate Bill 9 (“SB 9”), which among other things, adds Government Code section 65852.21 and 66411.7 to impose new limits on local authority to regulate urban lot splits and two-unit projects; and

WHEREAS, SB 9 allows local agencies to adopt objective design, development, and subdivision standards for urban lot splits and two-unit projects; and

WHEREAS, SB 9 takes effect January 1, 2022, and preempts any conflicting city ordinance; and

WHEREAS, the City desires to amend its local regulatory scheme to comply with and implement Government Code sections 66411.7 and 65852.21 and to appropriately regulate projects under SB 9; and

WHEREAS, there is a current and immediate threat to the public health, safety, or welfare based on the passage of the new SB 9 Law because if the City does not adopt appropriate objective standards for urban lot splits and two-unit projects under SB 9 as of January 1, 2022, the City would thereafter be limited to applying only the objective standards that already in its code, which did not anticipate and were not enacted with urban lot splits and ministerial two-unit projects in mind; and

WHEREAS, the approval of urban lot splits and two-unit projects based solely on the City's default standards, without appropriate regulations governing lot configuration, unit size, height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety. These threats to public safety, health, and welfare justify adoption of this ordinance as an urgency ordinance to be effective immediately upon adoption by a four-fifths vote of the City Council; and

WHEREAS, to protect the public safety, health, and welfare, the City Council may adopt this ordinance as an urgency measure in accordance with Section 415 of the Charter of the City of Arcadia.

NOW, THEREFORE, the City Council of the City of Arcadia does ordain as follows:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. Under California Government Code sections 65852.21, subd. (j), and 66411.7, subd. (n), the adoption of an ordinance by a city or county implementing the provisions of Government Code sections 66411.7 and 65852.21 and regulating urban lot splits and two-unit projects is statutorily exempt from the requirements of the California Environmental Quality Act ("CEQA"). Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements these new laws enacted by SB 9.

Section 3. Divisions 2 and 5 of Chapter 1, Article IX of the Arcadia Municipal Code is hereby amended and restated as provided in Exhibit "A", attached hereto and incorporated herein by reference.

Section 4. This ordinance takes effect immediately upon its adoption.

Section 5. The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within 15 days after its adoption or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five days before its adoption and again within 15 days after its adoption.

Section 6. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

Section 7. The City Council hereby directs staff to prepare, execute, and file with the Los Angeles County Clerk a notice of exemption within five (5) working days of the adoption of this Ordinance.

Section 8. The Custodian of Records for this Ordinance is Linda Rodriguez, Assistant City Clerk and the records comprising the administrative record for this Ordinance are located at Arcadia City Hall, 240 W. Huntington Drive, Arcadia CA.

[SIGNATURES ON THE NEXT PAGE]

Passed, approved and adopted by the City Council this 21st day of December, 2021.

s/ Sho Tay
Mayor of the City of Arcadia

ATTEST:

/s/ Gene Glasco
City Clerk

APPROVED AS TO FORM:

/s/ Stephen P. Deitsch
Stephen P. Deitsch
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF ARCADIA)

I, GENE GLASCO, City Clerk of the City of Arcadia, hereby certifies that the foregoing Urgency Ordinance No. 2385 was passed and adopted by the City Council of the City of Arcadia, signed by the Mayor and attested to by the City Clerk at a regular meeting of said Council held on the 21st day of December, 2021 and that said Urgency Ordinance was adopted by the following vote, to wit:

AYES: Beck, Verlato, Cheng, and Tay

NOES: None

ABSENT: None

 /s/ Gene Glasco
City Clerk of the City of Arcadia

EXHIBIT A

Amendments to Municipal Code Divisions 2 and 5 of Chapter 1, Article IX

(follows this page)

Division 2: Zones, Allowable Uses, and Development Standards

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Section 9102.01.150 – Urban Lot Splits

Purpose. The purpose of this section is to implement the provisions of Government Code section 66411.7 for urban lot splits in single-family residentially zoned properties (R-M, R-0, and R-1).

Applicability. This section shall only apply to the extent that the City is required to ministerially approve urban lot splits under Government Code Section 66411.7. If Government Code section 66411.7 is repealed, determined to be unlawful or otherwise unenforceable, then this section shall only govern lots previously created through an urban lot split and no applicant for an urban lot split may claim any rights hereunder. The intent of this section is to only implement the requirements of Government Code Section 66411.7, and this section shall not be construed to allow any greater rights to an urban lot split than the City is required to grant under state law.

Definitions.

1. “City” means the City of Arcadia, California.
2. “Director” means the Development Services Director for the City or designee.
3. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
4. “Specific adverse impact” has the same meaning as in Government Code Section 65589.5(d)(2), which is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).
5. “Urban lot split” means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of Government Code Section 66411.7 and this section pursuant to a ministerial approval process.

A. Requirements and Approval Authority

1. Only individual property owners may apply for an urban lot split.
2. The Director shall ministerially approve all applications for urban lot splits that are subject to approval. Such applications shall be approved or denied in accordance with subsection (B) below. Notwithstanding Division 5 of this Code, the parcel map shall be approved by the Director, and these decisions shall be final. The Director shall not waive the requirement to submit a tentative parcel map for an urban lot split.
3. An application and tentative parcel map for an urban lot split must be submitted on the City’s approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted. The City’s application form shall, at a minimum, require the applicant to submit the following:
 - a. Evidence that the applicant is an individual property owner of the lot to be split.
 - b. A signed affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant’s principal residence for a minimum of three years after the urban lot split is approved.

- c. Proof that none of the circumstances set forth in Subsections (B)(3)(f) & (g) are present.
 - d. Proof that the lot to be split was not established through a prior urban lot split under this section.
 - e. Proof of any inspections required under Subsection (B)(3)(d).
 - f. If the lot would result in the demolition or alteration of existing housing, proof that no housing on the lot has been occupied by a tenant within the past three years.
4. The tentative parcel map may not be recorded until the final parcel map has been approved ministerially by the Director. The owner must demonstrate that the required documents have been recorded, such as deed restriction and easements. The tentative parcel map expires six months after the approval. No extension shall be granted.
 5. The application fee for an urban lot split will be the same as the City's Lot Line Adjustment fee within the approved Fee Schedule. This fee may be changed from time to time by the City Council, in accordance with applicable law.

B. Requirements; Grounds for Denial

1. **Objective Development Standards for Urban Lot Split.** An urban lot split, and any development of a parcel created from an urban lot split, shall comply with all requirements of this Chapter, all objective development standards set forth in this Code or otherwise established by the City, and all other City requirements that are not in conflict with Government Code Section 66411.7.
 - a. The new lot line must be at a straight line starting from the front property line to the rear property line, or side if it is a corner lot. There shall be no curve or angles when subdividing the lot.
2. **Subdivision Standards.**
 - a. Except as otherwise expressly provided in this section, an urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Government Code section 66410 *et. seq.*) and Division 5 of Article IX (Subdivisions) of this Code.
 - b. No dedication of rights-of-way or construction of offsite improvements shall be required for an urban lot split, except for those necessary to complete standard sidewalk, parkway, and/or drainage improvements directly associated with the subject property. To the extent that dedication of rights-of-way or construction of offsite improvements are necessary to avoid a specific adverse impact, the application shall be subject to denial.
3. **Denial.** The Director shall deny an application for an urban lot split if any of the following are true:
 - a. **Development and Subdivision Standards.** The lot to be split does not satisfy the requirements of subsections (B)(1) or (B)(2) above or (C) below.
 - b. **Zone.** The lot to be split is not zoned for single family residential uses.
 - c. **Lot Location.** The lot to be split does not satisfy the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Government Code Section 66411.7(a)(3)(C).)
 - d. **Inspection**

- i. For lots within a high fire hazard severity zone, the application does not include proof of an inspection confirming full compliance with all fire-hazard mitigation measures required by state statutes. The inspection shall be conducted by the City's fire marshal or person authorized by the City to perform building inspections.
 - ii. For lots within a delineated earthquake fault zone, the application does not include proof of full compliance with applicable seismic protection building code standards.
- e. **Historic**
 - i. The lot to be split is a historic property or within a historic district that is included on the State Historic Resources Inventory.
 - ii. The lot to be split is within a site that is designated by ordinance as a city landmark, is considered a local historic property or resource, or is located within a local historic district.
- f. **Prior Urban Lot Split.**
 - i. The lot to be split was established through a prior urban lot split.
 - ii. The lot to be split is adjacent to a lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.
- g. **Impact on Protected Housing.** The urban lot split requires or includes the demolition or alteration of any of the following types of housing:
 - i. Housing that is income-restricted for households of moderate, low, or very low income.
 - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - iii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - iv. Housing that has been occupied by a tenant in the last three years.
- h. **Lot Size**
 - i. The lot to be split is smaller than 2,400 square feet.
 - ii. Either or both of the resulting lots are less than 1,200 square feet.
 - iii. Either of the resulting lots is more than 60% or less than 40% of the original lot area.
- i. **Easements.** The applicant does not convey all easements required for the provision of public services and facilities.
- j. **Specific Adverse Impacts.** If the Director makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or

on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

- k. **No Legal Requirement.** If for any reason, including but not limited to repeal of Government Code Section 66411.7, initiative or referendum, court decision or any circumstance in which Section 66411.7 does not obligate the ministerial approval of an urban lot split or if for any reason the Director is not required to ministerially approve an urban lot split. To the extent that approval of an urban lot split is considered a municipal affair of a charter city, the intent of this section is that the Director shall deny an urban lot split notwithstanding any state statute to the contrary.

C. Standards Specific to Urban Lot Splits

The following development standards shall apply to urban lot splits approved under this section. In the event of a conflict between this subsection and any other development standard contained outside of the Development Code, this subsection shall govern.

1. **Lot Access.** Each resulting lot must adjoin the public right-of-way with no more than 60% of the original frontage and no less than 40% of the original frontage of the lot.
2. **Unit Quantity.** No more than two units of any kind are permitted on any lot created by an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to an ADU, or a JADU.
3. **Unit Size.** Notwithstanding Section 9102.01 for Single-Family Residential Zones:
 - a. The total floor area of each residential unit developed on a lot created by an urban lot split must be less than or equal to 800 square feet and at least 500 square feet.
 - b. A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet in floor area may remain as its lawful floor area and structural footprint at the time of the urban lot split.
 - c. A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet in floor area may be expanded to 800 square feet in floor area after the urban lot split.
 - d. The unit size shall comply with the setbacks, height, parking, and other applicable standards in Section 9102.01.160 for Two-Unit Units Projects approved under an urban lot split.
4. **Objective Development Standards and Other Regulations.** Units built following an Urban Lot Split shall comply with the setbacks, height, FAR and lot coverage, and parking requirements found in Section 9102.01.160(C), all objective development standards found in Section 9102.01.160(F), and the City’s Tree Ordinance as provided in Division 10 of this Code.
5. **Utilities.**
 - a. Each dwelling unit on the resulting lots must have its own direct utility connection to the utility service provider.

For each dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system, the applicant must: (1) demonstrate that each primary dwelling unit will have its own septic tank and leach line; (2) submit a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years. This section shall not be

interpreted to allow an onsite wastewater treatment system where connection to a sewer system is available or required.

D. Fire-Hazard Mitigation Measures. A site in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:

1. Emergency access and water supply requirements shall comply with the California Code of Regulations Title 14 and Title 24, Part 9.
2. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.

E. Separate Conveyance

1. **Within a resulting lot:**

- a. Dwelling units on a single lot that is created by an urban lot split may not be owned or conveyed separately from each other.
- b. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
- c. All fee interest in a lot must be held equally and undivided by all individual property owners.

2. **Between resulting lots.** Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate conditions, covenants, restrictions, easements or other documentation that is necessary to allocate risk and responsibility between the owners of the two lots.

F. Restriction of Uses.

1. **Residential-only.** No non-residential use is permitted on any lot created by urban lot split.
2. **No Short-Term Rentals.** No dwelling unit on a lot that is created by an urban lot split may be rented for a period of less than 30 days.
3. **Owner Occupancy Affidavit.** The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.

G. Deed Restriction.

1. The owner must record a deed restriction for the benefit of the City, in a form acceptable to the Director and the City Attorney, that does each of the following:
 - a. Gives notice that the parcel was created through an urban lot split.
 - b. Gives notice of any site limitations resulting from the urban lot split.
 - c. Expressly prohibits any development or construction on the parcel that would be inconsistent with this Chapter.

- d. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
- e. Expressly prohibits any non-residential use of the lots created by the urban lot split.
- f. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- g. Identifies the City as an intended third-party beneficiary with the right, but not the obligation, to enforce its terms and provisions.
- h. Provides a statement of intent to occupy a unit for a period of three years.

The Director shall not issue a building permit for development on any lot created through an urban lot split unless the applicant provides a recorded copy of a deed restriction that satisfies the provisions above.

Section 9102.01.160 Two-Unit Projects

Purpose. The purpose of this section is to allow and appropriately regulate two-unit projects in accordance with Government Code Section 65852.21.

Applicability. This section shall only apply to the extent that the City is required to ministerially approve urban two-unit projects under Government Code Section 65852.21. If Government Code Section 65852.21 is repealed, determined to be unlawful or otherwise unenforceable, then this section shall only govern then existing two-unit projects and no applicant for a two-unit project may claim any rights hereunder. The intent of this section is to only implement the requirements of Government Code Section 65852.21 and this section shall not be construed to allow any greater rights to a two-unit project than the City is required to grant under state law.

Definitions.

1. “City” means the City of Arcadia, California.
2. “Director” means the Development Services Director for the City, or designee.
3. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code section 214.15).
4. “Specific adverse impact” has the same meaning as in Government Code Section 65589.5(d)(2), which is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).
5. A “two-unit project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.

A. Applicants; Approving Authority.

1. Only individual property owners may apply for a two-unit project.
2. The Director shall ministerially approve all applications for two-unit projects that are subject to approval. Such applications shall be approved or denied in accordance with subsection (B) below. The Director’s decisions on applications shall be final.
3. An application for a two-unit project must be submitted on the City’s approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted. The City’s application form shall, at a minimum, require the applicant to submit the following:
 - a. Evidence that the applicant is an individual property owner.
 - b. Proof that none of the circumstances set forth in Subsection (B)(2)(f) are present.

- c. Proof of any inspections required under Subsection (B)(2)(e).
 - d. Proof that the requirements of Subsection (B)(2)(g) are satisfied.
 - e. In accordance with Subsection (D)(2), a signed acknowledgment stating the applicant understands that the City will not approve the application if all nonconforming zoning conditions are not corrected.
4. The application fee for a two-unit project shall be the same as the City’s Preliminary Plan Review fee for Multi-Family Residential projects, as may be modified by the City Council from time to time, in accordance with applicable law.

B. Requirements and Grounds for Denial

- 1. **Objective Development Standards.** A two-unit project shall comply with all requirements of this Chapter, all objective development standards set forth in this Code or otherwise established by the City, and all other requirements that are not in conflict with Government Code Section 65852.21.
- 2. **Denial.** The Director shall deny an application for a two-unit project if any of the following are true:
 - a. **Development Standards.** The two-unit project does not satisfy the requirements of Subsection (B)(1) above or (C) and (F) below.
 - b. **Lawful Subdivision.** The lot was not legally subdivided.
 - c. **Zone.** The lot is not zoned for single-family residential uses.
 - d. **Lot Location.** The lot does not satisfy the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Government Code Section 66411.7(a)(3)(C).)
 - e. **Inspection.**
 - i. For lots within a high fire hazard severity zone, the application does not include proof of an inspection confirming full compliance with all fire-hazard mitigation measures required by state statutes. The inspection shall be conducted by the City’s fire marshal or person authorized by the City to perform inspections.
 - ii. For lots within a delineated earthquake fault zone, the application does not include proof of full compliance with applicable seismic protection building code standards.
 - f. **Historic.**
 - i. The lot is a historic property or within a historic district that is included on the State Historic Resources Inventory.
 - ii. The lot is within a site that is designated by ordinance as a city landmark, is considered a local historic property or resource, or is located within a local historic district.
 - g. **Impact on Protected Housing.** The two-unit project requires or includes the demolition or alteration of any of the following types of housing:
 - i. Housing that is income-restricted for households of moderate, low, or very low income.

- ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
- iii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
- iv. Housing that has been occupied by a tenant in the last three years.
- h. **Specific Adverse Impacts.** If the Director makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- i. **No Legal Requirement.** If for any reason, including but not limited to repeal of Government Code Section 65852.21, initiative or referendum, court decision or any circumstance in which Section 65852.21 does not obligate the ministerial approval of a two-unit project, or if for any reason the Director is not required to ministerially approve a two-unit project. To the extent that approval of an urban lot split is considered a municipal affair of a charter city, the intent of this section is that the Director shall deny an urban lot split notwithstanding any state statute to the contrary.

C. Standards Specific to Two-Unit Projects.

The following development standards shall apply to two-unit projects approved under this section. In the event of a conflict between this subsection and any other development standard contained outside of this Code (Development Code), this subsection shall govern.

1. Unit Quantity

- a. No more than two units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an ADU, or a JADU.
- b. A lot that is not created by an urban lot split may have a two-unit project under this section.

2. Unit Size. Notwithstanding Section 9102.01 for Single-Family Zones:

- a. The total floor area of each residential unit developed must be less than or equal to 800 square feet and at least 500 square feet.
- b. A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet in floor area may remain as its lawful floor area and structural footprint at the time of the urban lot split.
- c. A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet in floor area may be expanded to 800 square feet in floor area after the urban lot split.

3. Maximum Height

- a. The dwelling unit may not exceed one story or 16 feet in height, measured to the top of the roof ridge.
 - b. No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an urban lot split or two-unit project.
4. **Setbacks**
- a. All setbacks must comply with the standards set forth in Section 9102.01 for Single-Family Residential Zones (R-M, R-0, and R-1), with the exception of those units that are subject to subsection c below.
 - b. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - c. A unit may encroach into the side or rear setback only if strict application of the setback standard would have the effect of physically precluding the construction of up to two units on the lot or that would result in a unit size of less than 800 square feet in floor area, in which case the encroachment into the setback shall be only as necessary to enable construction of the unit or units at a maximum size of 800 square feet in floor area. However, in no event may any unit be constructed without at least providing a four-foot setback from the side and rear lot lines.
 - d. Front Setback Area. The front yard setback for the new dwellings shall comply with the underlying zoning regulations or Homeowners Associations regulations set forth in Section 9102.01.030.
5. **FAR and Lot Coverage.** The floor area ratio (FAR) and lot coverage of the underlying zoning designation is applicable to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.
6. **Parking.** Subject to Government Code Section 65852.21(c)(1)(A)-(B), each new primary dwelling unit must provide at least one off-street parking space per unit. A driveway must lead to the parking space. An enclosed garage is allowed but shall be limited to two parking spaces with a minimum dimension of 10 feet by 20 feet (interior clearance) for each space and the garage will not be counted toward the unit size. The garage must comply with the setback standards set forth in Section 9103.07.050

D. Other Applicable Regulations

1. **Demolition Cap.** The two-unit project may not involve the demolition of more than 50% of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.
2. **Nonconforming Conditions.** A two-unit project may only be approved if all nonconforming zoning conditions are corrected.
3. **Utilities.**
 - a. Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider.

- b. Each primary dwelling unit on the lot that is or that is proposed to be connected to an onsite wastewater treatment system, the applicant must: (1) demonstrate that each primary dwelling unit will have its own septic tank and leach line; (2) submit a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
4. **Fire-Hazard Mitigation Measures.** A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:
 - a. Emergency access and water supply requirements shall comply with the California Code of Regulations, Title 14 and Title 24, Part 9.
 - b. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.
5. **Separate Conveyance**
 - a. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
 - b. Condominium airspace divisions and common interest developments are not permitted within the lot.
 - c. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.
6. **Restriction of Uses.**
 - a. **Residential-only.** No non-residential use is permitted on the lot.
 - b. **No Short-Term Rentals.** No dwelling unit on the lot may be rented for a period of less than 30 days.
 - c. **Owner Occupancy.** Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

E. Deed Restriction

The owner must record a deed restriction for the benefit of the City, in a form acceptable to the Director and the City Attorney, that does each of the following:

1. Gives notice that the two-unit project was created pursuant to this section.
2. Gives notice of any site limitations resulting from the two-unit project, including but not limited to restrictions on off-street parking, the size of units on the parcel and on the ability to obtain a standards modification for the parcel.
3. Expressly prohibits any development or construction on the parcel that would be inconsistent with this Chapter.
4. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
5. Expressly prohibits any non-residential use of the lot.

6. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
7. Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.
8. Identifies the City as an intended third-party beneficiary with the right, but not the obligation, to enforce its terms and provisions.
9. The Director shall not issue a building permit for any two-unit project unless the applicant provides a recorded copy of a deed restriction that satisfies the provisions in this Subsection.

F. Objective Development Standards

Architectural Standards and Site Layout

1. If there is no legal primary dwelling unit on the lot prior to the urban lot split, or if an existing unit is demolished to leave no units on the resulting lot, the dwelling units on the same lot must match in architectural style or design and this architectural style and design must be prevalent in the surrounding neighborhood. Examples of matching elements shall include materials of the exterior walls, roof, eaves, and windows and doors. Units must have the same roof pitch. Any second unit must be located behind the front unit.
2. If there are legal primary dwelling units on the lot that were approved prior to the urban lot split, any new dwelling unit must match the existing primary dwelling unit(s) in exterior materials, colors, and dominant roof pitch.
3. The roof slope shall not be less than 4 in 12. No flat roofs are permitted. No metal roofs are permitted, unless it is used as accent over a window.
4. The minimum distance between each detached dwelling unit shall be at least 6 feet.
5. No basements are allowed.
6. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
7. The units must have indentations and/or projections that are at least 8-inches in depth on at least two of the exterior walls to break-up flat wall planes. The interior wall height shall be at least seven feet.
8. All windows that are located 9-feet in height above the finished floor must be clerestory windows (no dormers), and must be frosted or obscure glass.
9. All windows shall be recessed at least two inches from the face of the wall.
10. One front entry covered porch may be allowed for each unit. Porches shall not exceed 12 feet, as measured from finished grade to the top of the porch ridge and the highest point of the porch must be at least 3 feet below the ridge of the unit. No flat roofs are permitted.
11. Each unit may have one covered patio or trellis and it shall not be visible from the public right-of-way. The covered patio shall not exceed 150 square feet in area. The covered patio shall maintain the same setbacks

of the new dwelling unit. If a new covered patio or trellis is added to an existing legal non-conforming house, then it shall not be located less than 6 feet from the side or rear property lines.

12. Chimney and roof-mounted vents shall be allowed to exceed height limits to the minimum extent required by Article VIII (Building Regulations). Chimneys shall not encroach more than 18-inches into the front yard setback and shall maintain a three foot setback from the side or rear property lines.
13. Garden and bay windows may only be allowed to encroach 6 inches into the side and rear yard setback area but in no case shall it be closer than four feet from the side or rear property lines.
14. A carport or detached garage must be located behind the dwelling unit or units. If an attached garage is proposed, it must be located behind the front elevation of the dwelling unit by at least two feet. Carports are not allowed in Homeowners Association Areas.

Landscape

15. Landscaping around the units must be drought-tolerant or low water-using plants that utilize a variety of drought tolerant resistant grasses, turf substitutes, or ground covers that maintain a living, continuous planting area, and provide screening between the units and adjacent parcels. Desert landscape or rock garden designs are not allowed.
16. At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall along the side and rear. Alternatively, at least one 24" box size plant shall be provided for every 10 linear feet of exterior wall.
17. All landscaping utilized must be taken from the City's approved planting materials listed in the City's Single-Family Design Guidelines.
18. The area between the street side property line and the fence, wall, or gate shall have an appropriate irrigation system and decorative landscaping (shrubs, ground cover, flowers, plants, etc.).

Fences, Walls and Gates

19. A new perimeter wall or fence is required along any new property lines. New walls shall be stuccoed with a decorative trim cap. The maximum size of a decorative cap is 30 inches by 30 inches.
20. New fences, walls and gates for all projects shall comply with the development standards and height provided in Section 9103.05.030 and Subsection 9103.01.070 (visibility standards).
21. No spears (apache, aristocrat with crushed spears, or any spear-like features) shall be allowed on a fence, wall, or gate.
22. Chain link, corrugated fiberglass, bamboo fencing, and wire type fencing shall not be allowed, except chain link fencing is allowed as a fencing material enclosing sports courts and temporary construction fencing.

Parking

23. Each parking space shall be at least 10 feet in width and 20 feet in length. When a parking space is adjacent to a solid wall or structure, the parking space shall be 11'-6" in width and 20 feet in length.

24. Each parking space that is provided in a garage shall be at least 20 feet wide and 20 feet long and have at least seven and a half feet vertical clearance.
25. The driveway must lead to the parking space and comply with regulations set forth in Section 9103.07.050.

Other Standards

26. On flag lots, the dwelling units must use the same driveway to access the street, unless otherwise required for fire-apparatus access.
27. Mechanical equipment shall not be visible from the City's public right-of-way.
28. Swimming Pools, Spas, Water Features, and Ornamental Features shall adhere to Section 9102.01.070.
29. Every unit must have clear addressing visible from the street. Addresses must be at least 4 inches high and shall be shown on the curb next to the primary address number.

Division 5: Subdivisions

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Section 9105.01 – General Provisions

Subsections:

- 9105.01.010 Purpose of Section
- 9105.01.020 Title
- 9105.01.030 Definitions
- 9105.01.040 Authority
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- 9105.01.060 Advisory Agency
- 9105.01.070 Type of Subdivision Approvals Required
- 9105.01.080 Enforcement of Subdivision Regulations
- 9105.01.090 Applications Deemed Approved
- 9105.01.100 Processing Fees
- 9105.01.110 Exceptions to Subdivision Standards

9105.01.010 Purpose of Section

- A. Supplement and Implement the Act.** The provisions of this Section are intended to supplement, implement, and coordinate with the State Subdivision Map Act, referred to in this Section as the Act, as specified in Government Code Sections 66410 et seq., for the purpose of regulating the design and improvement of divisions of land within the City, as those sections may be replaced or amended from time to time.
- B. Used in Conjunction with the Act.** This Section is not intended to replace the Act, but is expected to be used in conjunction with the Act in the preparation of subdivision applications, and the review, approval, and improvement of proposed subdivisions.
- C. Promote Public Safety.** The purpose of this Division, and any rules, regulations, and specifications adopted in compliance with this Division, is to regulate the division of land and to promote the conservation, stabilization, and protection of property values through orderly growth and development, the provision of necessary public and private facilities, and generally, to promote the public health, safety, and general welfare within the City and any lands as may be annexed or are proposed to be annexed to the City.
- D. References to Other Laws.** Whenever reference is made to an ordinance of this City or to a statute of the State, the reference applies to the requirements of the ordinance or statute applicable on the date of final action on a tentative map and to the provisions of approval of tentative maps, tentative parcel maps, vesting tentative maps, or vesting tentative parcel maps granted in compliance with the ordinances or statutes.

9105.01.020 Title

This Division shall be known as and referred to as "the City's Subdivision Ordinance."

9105.01.030 Definitions

For the purpose of this Division, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Additional definitions are contained in Division 9 (Definitions).

Act. California Government Code Sections 66410 et seq., also known as the Subdivision Map Act.

Advisory Agency. The City staff member or City policy-making or review authority responsible for acting on an application, as specified in Subsection 9105.01.060 (Advisory Agency).

Certificate of Compliance; Conditional Certificate of Compliance. A document issued by the City and recorded by the County Recorder certifying that a specified real property complies with the provisions of the Subdivision Map Act (Government Code Sections 66410 et seq.) and this Section. A Conditional Certificate of Compliance includes any conditions that the City may impose upon the granting of the certificate requiring that specified terms be complied with before the subsequent issuance of a permit or other grant of approval for development of the property.

Co-Operative Multifamily Building. Any multifamily dwelling, as defined in this Development Code, existing or proposed to be constructed where it is proposed that persons will possess an undivided equitable or legal right or interest, including but not limited to shares, stock, or beneficial interest in trust, in a multiple dwelling in the City coupled with an exclusive right or interest to possess, occupy, or use one or more dwelling units in the multiple dwelling, and shall also mean a condominium, as defined in California Civil Sec. 1350, and a community apartment project as defined in California Business and Professions Code Sec. 11004.

Dedication. The granting of real property for public use.

Design. (1) Street alignments, grades, and widths; (2) Drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) Location and size of all required easements and rights-of-way; (4) Fire roads and firebreaks; (5) Lot size and configuration; (6) Traffic access; (7) Grading; (8) Land to be dedicated for park or recreational purposes; and (9) Other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure compliance to or implementation of the General Plan or any specific plan.

Development Code. The Development Code of the City specified in Municipal Code Division 9.

Division of Land. Any lot or contiguous lots of land, improved or unimproved which are divided for the purpose of transfer of title, sale, lease, or financing, whether immediate or future, into two or more lots or the consolidation of separate lots of land or a co-operative multiple building, as defined above. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for the purposes of computing the number of lots under Development Code. "Division of Land" shall not mean land dedicated for cemetery purposes under the State Health and Safety Code or the leasing or financing of apartments, offices, stores, or similar space within an apartment building, a commercial building, an industrial building, mobile home park, or trailer park, or division of a gas, mineral, or oil lease.

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

Environmental Analysis. An analysis conducted in compliance with the provisions of the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq.

Final Map. A map showing a subdivision of lots prepared in compliance with the provisions of this Division and the Act (Government Code Sections 66410 et seq.) and in a manner to be filed in the office of the County Recorder. The map may be a final map, final parcel map, final vesting map, or final vesting parcel map.

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

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

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

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

Improvements. Street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the subject final map. Improvement also refers to other specific improvements or types of improvements, the installation of which, either by the

subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination, is necessary or convenient to ensure compliance with or implementation of the General Plan or any applicable specific plan.

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

Lot Line Adjustment. The adjustment of property lines between four or fewer legally created adjoining lots, where the land taken from one lot is added to an adjoining lot, and where a greater number of lots than originally existed is not created; approved by the Director in compliance with Subsection 9105.07.030 (Lot Line Adjustments).

Lot on Cul-De-Sac Terminus. A lot which has 50 percent of its front lot line coterminus with the required diameter turn around on a cul-de-sac.

Lot Width. The distances between the side lot lines measured in a horizontal plane, and as further explained in Division 3.

One Sided Cul-De-Sac. A cul-de-sac which is only half formed in that the centerline of the cul-de-sac establishes one side of the cul-de-sac and the otherwise entire bulb of the cul-de-sac is only half formed and not fully rounded as is customary for cul-de-sacs.

Ornamental Street Lighting. A system of street lighting composed of individual free-standing light standards.

Parkway. That portion of a public right-of-way located between the outermost curb-lane driving lane and the farthest edge of the right-of-way.

Special Study Zone. The area delineated on the Alquist-Priolo Special Studies Zones Map of the State Geologist adopted by the City in compliance with Municipal Code Article III, Chapter 7.

Streets. All alleys, avenues, courts, highways, lanes, places, streets, squares, sidewalks, parkways, curbs or other public ways in the City which have been or may hereafter be dedicated and open to public use, or other public property so designated in the General Plan and any law of the State, and as specified in the following descending order of pavement widths.

Principal Arterial Interstate. A freeway that is included as part of the interstate highway system. It is a controlled access, divided highway that is intended to accommodate high-speed regional travel. Freeways have grade-separated interchanges that provide access from freeway to freeway or between freeways and the arterial street system.

Major Arterial. An arterial roadway that has regional significance. It accommodates subregional and intercity travel and generally has eight travel lanes with a raised median and dedicated left turn lanes. Major Arterials accommodate regional traffic while also providing connection to primary arterials. The right-of-way width for Major Arterial roadways in the City is 220 feet, while the pavement widths range from 160 to 180 feet.

Primary Arterial. An arterial roadway that has less of a regional significance than Major Arterial roadways. It accommodates subregional and intercity travel and generally has four to six through travel lanes with a raised median and/or a center left-turn lane. Primary Arterials accommodate through traffic while also providing direct access to adjacent properties and intersecting streets. The right-of-way widths for Primary Arterial roadways in the City range from 100 to 108 feet, while the pavement width is 84 feet.

Secondary Arterial. An arterial roadway that has less of a regional significance than Primary Arterial roadways. It accommodates intercity travel and generally has four travel lanes with a painted median and/or a center left-turn lane. Secondary Arterials accommodate through traffic while also providing direct access to adjacent properties and intersecting Collector Streets. The right-of-way widths for Secondary Arterial roadways in the City range from 84 to 92 feet, while the pavement widths range from 60 to 68 feet.

Enhanced Collector. A street that is intended to serve as an intermediate route to accommodate travel between arterial roadways and to provide access to the abutting properties. Enhanced Collector streets generally have two travel lanes although four lanes may be provided at certain locations. The right-of-way widths for Enhanced Collector streets in the City range from 80 to 88 feet, while the pavement widths range from 54 to 64 feet.

Collector. A street that is intended to serve as an intermediate route to accommodate travel between local streets and arterial roadways and to provide access to the abutting properties. Collector streets have two travel lanes. The right-of-way widths for Collector streets in the City range from 64 to 72 feet, while the pavement widths range from 40 to 48 feet.

Subdivide. The act of dividing land or structures in compliance with Government Code Section 66410 et seq.

Subdivider. An association, corporation, firm, partnership, or person that proposes to divide, divides, or causes to be divided real property into a subdivision for that person/entity or others, except that employees and consultants of the person/entity, acting in the capacity, are not subdividers.

Subdivision. The division of a tract of land, shown on the latest equalized County assessment roll as a unit or as continuous units, into defined lots, either improved or unimproved, which can be separately conveyed by sale, lease, or financing, and which can be altered or developed. The process often includes setting aside land for streets, sidewalks, parks, public areas, and other infrastructure needs, including the designation of the location of utilities.

Subdivision Map Act (the Act). Government Code Sections 66410 et seq., as it may be replaced or amended from time to time, and referred to in this Division as the Act.

Tentative Map. A map prepared for the purpose of dividing a legal lot into five or more lots and prepared in compliance with the provisions of this Division, the Act (Government Code Sections 66410 et seq.), and in a manner to be recorded in the office of the County Recorder, filed in compliance with Section 9105.03 (Tentative Map Filing and Processing).

Tentative Parcel Map. A map prepared for the purpose of dividing a legal lot into four or fewer lots and prepared in compliance with the provisions of this Division, the Act (Government Code Sections 66410 et seq.), and in a manner to be recorded in the office of the County Recorder, filed in compliance with Section 9105.03 (Tentative Map Filing and Processing).

Vesting Tentative Map. A tentative map for any subdivision, which shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed and which meets all of the requirements for a vesting tentative map as specified in the Act (Government Code Sections 66452) and in compliance with Subsection 9105.03.100 (Vesting on Approval of Vesting Tentative Map).

9105.01.040 Authority

This Section is adopted in compliance with the Act as a "local ordinance," as the term is used in the Act. All provisions of the Act and future amendments to the Act not incorporated into this Section shall, nevertheless, apply to all subdivision maps and proceedings under this Section.

9105.01.050 Applicability

A. Applicability of Section

1. No person shall divide any real property for the purpose of sale, lease, or financing except in compliance with the provisions of this Division and/or the Act, Government Code Sections 66410 et seq.
2. This Division shall apply to all divisions of land, except those exempted by Government Code Sections 66412, 66412.1, 66412.2, and 66412.5.
3. In the event of divisions of land which are not subject to this Division and/or the Act, a certificate of compliance shall be issued on a form prescribed by the Director.

B. Subdivision Approval Required. Each division of land within the City shall be authorized through the approval of a map or other entitlement in compliance with this Division.

C. Conflicts with the Act. In the event of any conflicts between the provisions of this Division and the Act, the Act shall control.

D. Compliance with Other Regulations Required. The approval or conditional approval of a subdivision map shall not authorize an exception or deviation from any zoning regulation specified in this Development Code, or as an approval to proceed with any development in violation of other applicable provisions of the Municipal Code or other applicable ordinances or regulations of the City.

9105.01.060 Advisory Agency

A. Advisory Agency

1. The designated advisory agencies specified in this Subsection shall have the duty of making investigations and reports on the design and improvement of proposed applications for the division of real property and imposing requirements and conditions on these applications, and shall have the authority to act upon the applications as specified below.
2. Any advisory agency shall have the authority to refer an application to the Commission or Council for action, as indicated in Table 5-1 (Subdivision Review Authorities), below.
3. Notwithstanding the provisions of this Subsection, any application filed in compliance with this Section that has an associated permit application made in compliance with the provisions of this Development Code, and is subject to action by the Commission or Council, shall be subject to those same review and hearing requirements required for the associated permit application, in compliance with Table 7-1 (Review Authority), located within Division 7 (Permit Processing Procedures).

Table 5-1 Subdivision Review Authorities		Role of Review Authority⁽¹⁾			
Type of Decision	Applicable Section or Subsection	Director	City Engineer	Commission	Council⁽²⁾
Amendments to Approved Tentative Maps	9105.03.120	Decision		Appeal	Appeal
Certificates of Compliance	9105.07.020	Decision	Recommend	Appeal	Appeal
Correction and Amendments to Recorded Maps	9105.03.070		Decision	Appeal	Decision/ Appeal
Extensions of Time – Tentative Maps, in compliance with Section 9105.03.110 (Tentative Map Expiration and Extensions)	9105.03.110	Decision	Recommend	Appeal	Appeal
Final Parcel Maps, Without Dedications	9105.05	Recommend	Decision	Appeal	Appeal
Final Parcel Maps, With Dedications	9105.05	Recommend	Recommend		Decision
Final Tract Maps, Vesting Tract Maps	9105.03.100	Recommend	Recommend		Decision
Lot Line Adjustments	9105.07.030	Decision	Recommend	Appeal	Appeal
Lot Mergers	9105.07.040	Decision	Recommend	Appeal	Appeal
Modifications to Lot Area, Depth, and Width Requirements	9105.09.030			Decision	Appeal
Reversion to Acreage	9105.07.050			Recommend	Decision
Subdivision Improvement Plans	9105.09.060		Decision	Appeal	Appeal
Tentative Tract Maps, Vesting Tentative Maps	9105.03	Recommend		Decision	Appeal
Tentative Parcel Maps, Vesting Tentative Parcel Maps	9105.03	Recommend		Decision	Appeal
Tentative Parcel Maps, With Dedications	9105.05	Recommend		Decision	Appeal
Waiver of Parcel Maps	9105.05.020		Decision	Appeal	Appeal
Tentative & Final Parcel Map for Urban Lot Splits	9105.05.090	Decision			

Notes:

- (1) "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Section 9108.07 (Appeals); "Recommend" means that the review authority makes a recommendation to a higher decision-making review authority.
- (2) Decisions of the Council may not be appealed.

B. Appeal Authorities

1. The Commission shall be the review authority for any appeal of a decision of the City Engineer or Director, except when dealing with any maps containing dedications.
2. The Council shall be the review authority for any appeal of a decision of the Commission.

C. City Engineer. The City Engineer shall be responsible for all of the following:

1. Establishing subdivision and public improvement design and construction details, standards, and specifications.
2. Determining whether proposed subdivision improvements comply with the provisions of this Division and the Act.
3. Inspecting and approving subdivision improvements.
4. Review authority on amendments to recorded maps, extensions of time on tentative maps, final parcel maps without dedications, lot mergers, subdivision improvement plans, and waiver of parcel maps.
5. Providing assistance to the Director on the review of amendments to approved tentative maps, certificates of compliance, lot line adjustments, lot mergers, and tentative parcel maps without dedications.

D. Director. The Director shall be responsible for all of the following:

1. Accepting certificate of compliance, lot line adjustment, parcel map, reversion to acreage, tentative map, vesting tentative map, and similar applications for processing; and distributing the application materials to appropriate agencies and City departments for review.
2. Investigating tentative map applications for conformity to the General Plan, applicable specific plans, and this Development Code, and in consultation with other City departments, recommending action to the Commission.
3. Conducting environmental analyses related to proposed applications in compliance with the California Environmental Quality Act (CEQA) specified in Public Resources Code Section 21000 et seq.
4. Certifying amended maps, final maps, and reversion to acreage maps for substantial compliance with approved tentative maps.
5. Review authority on amendments to approved tentative maps, certificates of compliance, lot line adjustments, lot mergers, and tentative parcel maps without dedications.

E. Commission. The Commission shall be responsible for all of the following:

1. Taking action to recommend approval, conditional approval, or denial of condominiums/conversions, tentative tract map applications, and reversion to acreage maps to the Council.
2. Hearing appeals of decisions of the City Engineer and Director.
3. Reviewing and taking action to approve, conditionally approve, or deny commercial condominium and residential condominium conversion applications.

F. Council. The Council shall be responsible for all of the following:

1. Accepting offers of dedication and improvements for divisions of land resulting in five or more lots.
2. Review authority on amendments to recorded maps, condominiums/conversions, tentative and final parcel maps with dedications, tentative and final tract maps, and reversions to acreage maps.

3. Taking action to approve, conditionally approve, or deny any application referred by another review authority or by appeal, or any land division application with an associated permit application filed in compliance with the requirements of this Development Code.

9105.01.070 Type of Subdivision Approvals Required

Any subdivision of an existing lot into two or more lots shall require approval by the City in compliance with this Division and the Act. In general, the procedure for subdivision first requires the approval of a tentative map, and then the approval of a parcel map (for a subdivision that results in four or fewer lots) or a final map (for a subdivision that results in five or more lots) to complete the subdivision process. The City's review of a tentative map evaluates the compliance of the proposed subdivision with applicable City standards, this Division, the Act, and the appropriateness of the proposed subdivision design. Parcel and final maps are precise surveying documents that detail the location and dimensions of all lot boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

A. Tentative Map Requirements. The filing and approval of a tentative map is required for:

1. A subdivision or resubdivision of four or fewer lots, as authorized by Government Code Section 66428; and
2. A subdivision or resubdivision of five or more lots, and all other types of subdivisions required to have tentative map approval by Government Code Section 66426.

B. Final Map/Final Parcel Map Requirements. A final map/final parcel map (Section 9105.05) shall be required as follows.

1. **Final Map.** The filing and approval of a final map (Section 9105.05) shall be required for a subdivision of five or more lots, except a subdivision that is otherwise required to have a parcel map by Government Code Section 66426.
2. **Final Parcel Map.** The filing and approval of a final parcel map (Section 9105.05) shall be required for a subdivision creating four or fewer lots, with or without a designated remainder in compliance with Government Code Article 2, Chapter 1, except for the following subdivisions:
 - a. **Public Agency or Utility Conveyances.** Any conveyance of land, including a fee interest, an easement, or a license, to a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way, unless the Director determines, based on substantial evidence, that public policy necessitates a parcel map, in an individual case, in compliance with Government Code Section 66428;
 - b. **Cemeteries.** Land dedicated for cemetery purposes in compliance with the Health and Safety Code; and
 - c. **Waived Parcel Map.** A subdivision that has been granted a waiver of parcel map requirements in compliance with Subsection 9105.05.020 (Waiver of Parcel Map).

C. Co-Operative Multiple Buildings. A tentative map or tentative parcel map for a co-operative multiple building project shall not be approved unless at the time of approval it appears that the project complies or will comply with the then existing building codes and Development Code regulations and all other regulations of the Municipal Code, and unless a condition is imposed that a Building Permit shall not be issued and a final map or parcel map shall not be approved for the project unless it so complies; provided, that where minor variations from Development Code requirements exist with respect to the proposed conversion of an existing structure to a co-operative multiple building and full compliance with Development Code requirements presents practical difficulties, after report of the Commission, the Council may waive full compliance and approve the tentative map or tentative parcel map with the condition appropriately modified upon making a finding that the project is in substantial compliance with the applicable Development Code regulations and that the minor variations will not prevent compliance with the intent and purpose of the Development Code regulations.

D. Exemptions from Subdivision Approval Requirements. The types of subdivisions specified by Government Code Sections 66411, 66412, 66412.1, 66412.2, and 66426.5, or other applicable Act provision as not being subject to the requirements of the Act, and/or not being considered to be divisions of land for the purposes of the Act, shall be exempt from the subdivision approval requirements of this Division.

- E. Exceptions from Map Preparation Requirements.** The types of subdivisions specified by Government Code Section 66426, or other applicable Act provisions as not requiring the preparation of a tentative map, parcel map, and/or a final map shall comply with Government Code Section 66426.

9105.01.080 Enforcement of Subdivision Regulations

See Section 9105.13 (Enforcement) for specific subdivision related enforcement provisions and Section 9108.15 (Enforcement) for expanded enforcement provisions relating to this Development Code.

9105.01.090 Applications Deemed Approved

- A. Subdivisions Deemed Approved by Law.** A subdivision application deemed approved in compliance with Government Code Sections 65956 or 66452.1, 66452.2 or 66542.4, shall be subject to all applicable provisions of this Development Code, and any conditions imposed by the review authority, which shall be satisfied by the subdivider before a Building or grading Permit is issued.
- B. Subject to Mandatory Requirements.** Final maps filed for recordation after their tentative parcel or tract maps are deemed approved shall remain subject to all of the mandatory requirements of this Division and the Act, including Government Code Sections 66473, 66473.5, and 66474.

9105.01.100 Processing Fees

- A. Council Shall Set Fees.** The Council, by resolution, shall set reasonable fees in connection with this Division, including but not limited to fees and deposits for processing tentative tract and parcel maps and final and final parcel maps; fees for giving notice of public hearings; fees for copying and distributing written reports on tentative maps; fees for processing lot line adjustments, mergers, and reversions to acreage; and fees and deposits related to the other procedures and requirements specified in this Division.
- B. Fee Schedule.** This schedule of fees shall be referred to in this Development Code as the Fee Schedule.
- C. Payable to the City.** All required fees and deposits shall be payable to the City in compliance with the Fee Schedule established by resolution of the Council, as it may be revised from time to time.

9105.01.110 Exceptions to Subdivision Standards

- A. Exceptions to Standards.** An exception to a provision of Section 9105.09 (Subdivision Design and Improvements) may be requested by a subdivider in compliance with Section 9107.05 (Administrative Modifications) or Section 9107.25 (Variances).
- B. Not Used to Waive Act.** An exception shall not be used to waive or modify a provision of the Act, or a provision of this Division that is duplicated or paraphrased from the Act.

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Section 9105.03 – Tentative Map Filing and Processing

Subsections:

- 9105.03.010 Purpose
- 9105.03.020 Tentative Map Preparation, Application Contents
- 9105.03.030 Tentative Map Filing, Initial Processing
- 9105.03.040 Staff Report and Recommendation
- 9105.03.050 Tentative Map Public Hearing and Action
- 9105.03.060 Tentative Map Approval or Denial
- 9105.03.070 Conditions of Approval
- 9105.03.080 Effective Date of Tentative Map Approval
- 9105.03.090 Completion of Subdivision Process
- 9105.03.100 Vesting on Approval of Vesting Tentative Map
- 9105.03.110 Tentative Map Expiration and Extensions
- 9105.03.120 Amendments to Approved Tentative Maps and Conditions
- 9105.03.130 Post Decision Procedures

9105.03.010 Purpose

This Section establishes requirements for the preparation, filing, approval or denial of tentative maps (tentative parcel and tract map), consistent with the requirements of the Act.

9105.03.020 Tentative Map Preparation, Application Contents

A. When Required

1. A tentative map shall be submitted for a subdivision for which a tentative parcel or tract map is required by Government Code Sections 66410 et seq.
2. The requirements specified in this Section shall apply to all applications for tentative parcel and tract maps.

B. Application and Filing Fees Required

1. An application shall be filed on forms provided by the Department.
2. The application shall be accepted for filing only upon payment by the applicant of a filing and processing fee in compliance with the Fee Schedule.
3. An applicant may, in writing, withdraw the application at any time during the processing of the application.
4. In compliance with adopted City policy, any refund of any of the filing and processing fees paid in connection with the application may only occur on a pro-rated basis in compliance with Subsection 9107.03.050 (Filing Fees and Requirements).
5. Within 30 days of receiving an application and the application filing fee, the Director shall inform the applicant in writing whether the application is deemed complete for the purpose of complying with Government Code Chapter 4.5 and Subsection 9107.03.060 (Initial Application Completeness Review).

9105.03.030 Tentative Map Filing, Initial Processing

A. Submission of Tentative Maps

1. The subdivider is strongly encouraged to confer with the Director before preparing and submitting the tentative map.
2. Submission of a tentative map shall not constitute filing with the City until all attachments and required statements, instructions, environmental forms and clearances, and a completed application form with appropriate fees are deposited with the Department and a written receipt is provided to the applicant. Included with the application shall be a signed statement indicating whether the project site is located on a site included on any of the local lists prepared by the California Integrated Waste Management Board in compliance with Government Code Sections 65962.5(d) and (f).
 - a. In the event that the Director determines that additional information is required for the preparation of environmental documents which are required in compliance with the provisions of the California Environmental Quality Act (CEQA) and the State Guidelines, the tentative map shall not be deemed complete until the additional information has been provided.
 - b. In the event that the Director determines that an Environmental Impact Report (EIR) is required, the filing of the application for the tentative map shall not be deemed filed until the draft of the EIR has been prepared.
3. A tentative map shall be filed with the Director by one or more record owners of property or their authorized agents.
4. The subdivider shall file with the Director the number of tentative maps the Director shall deem necessary, together with evidence as to the ownership of the land proposed to be divided.
5. Failure to submit all materials and statements required by this Subsection shall constitute grounds for rejection of the application.
6. The tentative map may be for land located either within the City or within the unincorporated territory adjacent to the City. If a tentative map for land located within the unincorporated territory adjacent to the City is approved, the approval shall be conditioned upon annexation of the property to the City within a time specified and the approval shall not be effective until annexation of the property to the City has been completed.

B. Prepared by Civil Engineer or Surveyor. Tentative maps shall be prepared by or under the direction of a registered civil engineer or a licensed land surveyor.

C. Information, Data, and Reports Required. The application shall include all of the information and materials specified in the most up-to-date Department handout for tentative map applications, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9105.03.060 (Tentative Map Approval or Denial), below.

D. Referral to Affected Agencies

1. **Required Referrals.** The Director shall refer a tentative map application for review and comment to all agencies that will be expected to provide service to the proposed subdivision, including, as appropriate, City agencies and departments, local agencies, public utilities, special districts, and State agencies.
2. **Anticipated Type of Response.** The agencies that receive a tentative map application are expected to respond to the Director with an evaluation of the proposal, a list of items (e.g., hydrology study, title report, traffic study, etc.) that may need to be filed and considered during the evaluation phase, and a list of proposed conditions of tentative map approval.
3. **Required Action in the Case of Waste Discharge Violations.** The City Engineer shall advise the Director as to whether the discharge of waste from the proposed subdivision into an existing community sewer system will result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board in compliance with Water Code Section 13000 et seq.

4. Time Limits for Referral and Response

- a. As required by Government Code Sections 66453 through 66455.7, referral shall occur within five days of the tentative map application being determined to be complete in compliance with Section 19.112.070 (Initial Review of Application).
- b. An agency wishing to respond to a referral shall provide the Director with its recommendations within 15 days after receiving the tentative map application.

E. Environmental Review

1. The Director, upon receipt of a tentative map application, shall conduct an environmental analysis.
2. If a draft Environmental Impact Report is required, the application for tentative map approval shall not be considered completed until an Environmental Impact Report is ready for presentation to the Commission.

9105.03.040 Staff Report and Recommendation

A. Preparation of a Report

1. **Director Shall Prepare Report.** The Director shall prepare an evaluation in compliance with Government Code Section 66452.3 describing the conclusions of the tentative map application review.
2. **Mailing of Copies of Report.** Copies of the report shall be mailed to the subdivider (and each tenant of the subject property, in the case of a residential condominium conversion [Section 9105.23]) at least five days before any hearing or action on the tentative map by the review authority in compliance with Section 9108.13 (Public Notices and Hearings).

9105.03.050 Tentative Map Public Hearing and Action

- A. Applicable Review Authority.** The applicable review authority as specified in Table 5-1 (Designated Review Authorities) shall hold a noticed public hearing on a tentative parcel or tract map.
- B. Scheduling and Notice of the Public Hearing(s).** Not less than 10 days before the date of the public hearing, notice shall be given by publication once in a newspaper of general circulation published and circulated in the City and by mailing, postage prepaid, to the owners, as shown on the last available County maintained equalized assessment roll or ownership records for property located within 300 feet of all lots any portion of which is included within the boundaries of the proposed subdivision, and to each tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project in compliance with Government Code Sections 66410 et seq. and Section 9108.13 (Public Notices and Hearings). No error or omission or failure of any person to receive notice as provided in Section 9108.13 shall affect the validity of any action taken under this Division.
- C. Action of the Applicable Review Authority.** The action by the applicable review authority shall be taken within 50 days of determining the tentative parcel or tract map to be complete as defined in Subsection 9105.03.030 (Tentative Map Filing, Initial Processing), above, and reported to the subdivider within that time limit. This time limitation may be extended upon the mutual consent of the review authority and the subdivider.
- D. Review Authority's Action is Conclusive.** In the absence of a timely filed written appeal in compliance with Section 9108.07 (Appeals), the decision of the review authority shall be final and conclusive.

**9105.03.060 Tentative Map Approval or Denial
Amended by Ord. No. 2375**

In order to approve or recommend the approval of a tentative parcel or tract map and conditions of approval, or to deny the tentative parcel or tract map, the review authority, as designated in Table 5-1 (Designated Review Authorities), shall first make all of the findings required by this Subsection. In determining whether to approve a tentative parcel or tract map, the City shall apply only the ordinances, policies, and standards in effect on the date the Department determined that the application was complete in

compliance with Subsection 9105.03.030 (Tentative Map Filing, Initial Processing), except where the City has initiated General Plan, specific plan, or Development Code amendments, and provided public notice as required by Government Code Section 66474.2.

A. Required Findings for Approval

1. **Mandatory Findings Required.** The review authority shall approve a tentative parcel or tract map only after first making all of the following findings, as required by Government Code Sections 66474 and 66474.6. The findings shall apply to each proposed lot as well as the entire subdivision, including any lot specified as a designated remainder in compliance with Government Code Section 66424.6.
 - a. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable specific plan, and this Division;
 - b. The site is physically suitable for the type and proposed density of development;
 - c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - d. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;
 - e. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
 - (1) This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public.
 - (2) This finding 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 review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.
 - f. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements specified by the California Regional Water Quality Control Board; and
 - g. That the proposed design and site improvements of the subdivision conform to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.
2. **Additional Specific Findings Required.** If the proposed subdivision is a conversion of residential real property into a condominium, a community apartment project, or a stock cooperative, the review authority shall first make the additional finding that the proposed subdivision complies with the requirements of Government Code Sections 66427.1(a), 66451, and 66452 before approving the proposed subdivision. It is the responsibility of the applicant to comply with all of these requirements. The specific findings include all of the following:
 - a. Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has received written notification of intention to convert at least 60 days before the filing of a tentative map in compliance with Government Code Section 66452;
 - b. Each of the tenants, and each person applying for the rental of a unit in the residential real property, has, or will have, received all applicable notices and rights required in compliance with Government Code Sections 66451 and 66452; and
 - c. Each of the tenants received 10-day written notification that an application for a public report will be, or has been, submitted to the State Department of Real Estate, and that the report will be available on request.
3. **Findings under an EIR.** Notwithstanding the finding required by Subparagraph A.1.c., above, the review authority may approve a tentative map, or a parcel map for which a tentative map was not required, if an Environmental Impact Report

(EIR) was prepared for the project and a finding is made in compliance with Public Resources Code Section 21081 Subdivision (a) Paragraph (3), that specific economic, social, or other considerations make the mitigation measures or project alternatives specified in the EIR infeasible.

B. Supplemental Findings. In addition to the findings specified in Subparagraph A, above, the review authority shall not approve a tentative parcel or tract map unless it can also make the following findings, when they are applicable to the specific subdivision proposal.

1. **Construction of Improvements.** In the case of a tentative map for a subdivision that will require a subsequent parcel map, the construction of improvements for the subdivision within a specified time after the recordation of the parcel map is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area.
2. **Waiver of Parcel Map.** The findings required by Subsection 9105.05.020 (Waiver of Parcel Map), if waiver of a parcel map has been requested with the tentative map application.

C. Time Limits. The time limits for acting and reporting on tentative parcel or tract maps and appeals, as specified in this Division and by the Act, may be extended by mutual consent of the subdivider and the applicable review authority.

D. Appeals. The subdivider or any interested person adversely affected by a decision of the review authority with respect to a tentative parcel or tract map may appeal, in compliance with the applicable appeals procedures specified in Government Code Section 66452.5, Section 9108.07 (Appeals), and as follows:

1. If the Commission is the review authority, then the appeal shall be to the Council which is established as the appeals board.
2. If the review authority is not the Commission, then the first appeal shall be to the Commission. The Commission's decision may be appealed to the Council.
3. Any appeal shall be filed with the applicable review authority within 10 days after the action of the review authority from which the appeal is being taken.
4. Before accepting for filing of an appeal, the City shall charge and collect an appeal fee which shall be paid in compliance with the Fee Schedule.
5. Upon the filing of an appeal, the applicable review authority shall set the matter for a public hearing. The hearing shall be held within 30 days after the date of filing the appeal.
6. The hearing shall be noticed as specified in Subsection 9105.03.050 (Tentative Map Public Hearing and Action), above.
7. Within 10 days following the conclusion of the public hearing, the applicable review authority shall declare its findings based upon the testimony and documents produced before it. The review authority may sustain, modify, or overrule any recommendations or rulings of the previous review authority and may make the findings specified in Subsection 9105.03.060 (Tentative Map Approval or Denial), above.

E. Modifications to the Tentative Map

1. **Changes before Approval.** Modifications to the submitted tentative parcel or tract map may be made by the subdivider during the review and hearing process, and before subdivision approval, upon the approval of the Director or the applicable review authority. A tentative parcel or tract map modified before action by the applicable review authority need not be noticed for public hearing. If a tentative parcel or tract map has been appealed to the Council, that map shall not be modified and approved without first receiving a report and recommendation from the previous applicable review authority (i.e., Director, City Engineer, or the Commission), in compliance with Table 5-1 (Subdivision Review Authorities).

2. **Changes Following Approval.** Once a tentative parcel or tract map is approved, any changes shall be in compliance with Subsection 9105.03.120 (Amendments to Approved Tentative Maps and Conditions).

9105.03.070 Conditions of Approval

Along with the approval of a tentative parcel or tract map, the review authority may adopt any conditions of approval deemed reasonable and necessary to carry out the purposes of this Development Code, including conditions regarding the matters described in Subparagraph A. (Dedications and Improvements), below; provided, that all conditions shall be consistent with the requirements of the Act and this Division.

A. Dedications and Improvements

1. As a condition of approval of a tentative parcel or tract map, the City may require dedications and improvements as necessary to ensure that the lots to be created:
 - a. Are provided with adequate public services and utilities, including any appropriate cable television services, to meet the needs of future residents or users;
 - b. Are of adequate design in all respects in compliance with this Development Code;
 - c. Act to mitigate any potential environmental impacts specified in the Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), or by other means; and
 - d. Provide for proper grading and erosion control, including the prevention of sedimentation or damage to off-site property.
2. All improvements shall comply with adopted City standards.

B. Access

1. Except as provided below, lots created by a subdivision of land shall abut upon a recorded dedicated public right-of-way of a width as established by the City's Streets and Highways Manual, or shall be ensured of access to the City road system by an approved access which connects a lot(s) to a maintained public street or State highway.
2. Private road easements may be approved for access to each lot if it is determined that public street access cannot be provided due to certain title limitations or topographical conditions.
3. Road easements of record established before the effective date of this Division shall be recognized as legal access to each lot of the proposed subdivision.
4. Existing traveled roads for which a court has determined that a prescriptive right by users exists for public use shall be recognized as legal access to each lot of the proposed subdivision.

- C. Conditions Modifying Subdivision Design - Time for Compliance.** When modifications in design require a change in the conditions of approval of a tentative parcel or tract map, the subdivider shall, at least 30 days before the submission of a final map, submit the appropriate number of copies of the tentative map as modified to the Department for review for confirmation by the City Engineer.

9105.03.080 Effective Date of Tentative Map Approval

The approval of a tentative map shall become effective for the purposes of filing a final tract or parcel map, including compliance with the conditions of approval, 10 days following the date of decision by the applicable review authority in compliance with Government Code Section 66452.5, if no appeal is filed in compliance with Section 9108.07 (Appeals).

9105.03.090 Completion of Subdivision Process

- A. Effect of Approval on Prior Approvals.** The approval or conditional approval by the review authority of any revised or new parcel map or tentative map shall annul all previous subdivision designs and approvals for the same site.
- B. Compliance with Conditions, Improvement Plans.** After approval of a tentative parcel or tract map in compliance with this Division, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and the expiration of the map and, where applicable, shall prepare, file, and receive approval of improvement plans in compliance with Section 9105.09 (Subdivision Design and Improvements), before constructing any required improvements.
- C. Parcel or Final Map Preparation, Filing, and Recordation**
1. A parcel map for a subdivision of four or fewer lots shall be prepared, filed, processed, and recorded in compliance with Section 9105.05 (Parcel Maps and Final Maps), to complete the subdivision, unless a parcel map has been waived in compliance with Subsection 9105.05.020 (Waiver of Parcel Map).
 2. A final map for a subdivision of five or more lots shall be prepared, filed, processed, and recorded in compliance with Section 9105.05 (Parcel Maps and Final Maps), to complete the subdivision.
 3. Project phasing and the filing of multiple parcel or final maps shall be in compliance with this Division.

9105.03.100 Vesting on Approval of Vesting Tentative Map

- A. Purpose.** The purpose of this Subsection is to establish procedures necessary for the implementation of the provisions of Government Code Section 66452 relating to vesting tentative maps.
- B. Application Filing**
1. Whenever a provision of the Act or this Division requires the filing of a tentative parcel or tract map, a vesting tentative map may instead be filed.
 2. 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 is required of tentative maps in compliance with this Division, except as otherwise provided in this Subsection.
 3. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."
 4. The application shall include all of the information and materials specified in the most up-to-date Department handout for vesting tentative map applications, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9105.03.060 (Tentative Map Approval or Denial), above.
- C. 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 the Act and/or this Division for the expiration of approved or conditionally approved tentative maps.
- D. Vesting on Approval of Vesting Tentative Map**
1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in compliance with Government Code Section 66474.2.
 2. However, if Government Code Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall be deemed to have conferred 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 was approved or conditionally approved.

3. Notwithstanding Subparagraph 1, above, the review authority may condition or deny a permit, approval, extension, entitlement, or require an amendment to the map if it first determines any of the following:
 - a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or
 - b. The condition or denial is required in order to comply with State or Federal law.
4. The review authority may alter any condition(s) of a vesting tentative map through an amendment in compliance with Subsection 9105.03.120 (Amendments to Approved Tentative Maps and Conditions) in order to protect against conditions dangerous to public health and safety or to comply with State or Federal law.

E. Expiration of Vested Rights

1. The vested rights referred to in this Subsection shall expire if a final map is not approved before the expiration of the vesting tentative map, as provided in the Act.
2. If the final map is approved, the vested rights shall last for the following periods of time:
 - a. An initial time period of 12 months.
 - b. A subdivider may apply for a 12-month extension at least 60 working days before expiration in compliance with Subsection 9105.03.110 (Tentative Map Expiration and Extensions), below.
 - c. If the extension is denied, the subdivider may appeal that denial within 10 days after the denial, in compliance with Section 9108.07 (Appeals).

9105.03.110 Tentative Map Expiration and Extensions

A. Valid Timeframe. An approved tentative parcel or tract map is valid for 24 months after its effective date, except as otherwise provided by Government Code Section 66452.6, which, under specified circumstances, allows for a tentative map to be deemed valid for 36 months, unless otherwise extended in compliance with the provisions of this Division and the Act.

B. Expiration of an Approved Map

1. Expiration of an approved tentative parcel or tract map or vesting tentative map shall terminate all proceedings.
2. The application shall not be reactivated unless a new tentative parcel or tract map application is filed in compliance with this Division.

C. Filing of Extension Request

1. The time limits for acting on maps and associated appeals, as specified in this Division and Government Code Sections 66410 et seq., may be extended by mutual consent of the subdivider and the applicable review authority.
2. An extension request shall be in writing and shall be filed with the Director not less than 30 days before the date of expiration of the approval or previous extension, together with the required filing fee in compliance with the Fee Schedule.

D. Approval of First Extension — Director. The Director may grant one 12-month extension to the initial time limit, only after first finding all of the following:

1. There have been no changes to the provisions of the General Plan, any applicable specific plan, or this Development Code applicable to the project since the approval of the tentative parcel or tract map;

2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan, any applicable specific plan, or other standards of this Development Code apply to the project; and
3. There have been no changes to the capacities of community resources, including but not limited to roads, sewage treatment or disposal facilities, schools, or water supply so that there is no longer sufficient remaining capacity to serve the project.

E. Additional Extensions — Commission

1. The Commission may grant additional extensions to the initial time limit, only after first making all of the findings specified in Subparagraph D (Approval of First Extension - City Engineer), above.
2. The aggregate period of time for all extensions shall not exceed the maximum limits specified in Government Code Section 66452.6.

F. Appeal of Decision. If the tentative map extension request is denied, the subdivider may appeal the denial within 10 days after the effective date of the denial of the extension in compliance with Section 9108.07 (Appeals).

G. Filing of a Lawsuit

1. If a lawsuit has been filed and is pending in a court of competent jurisdiction affecting the validity of the approval or conditional approval of a tentative parcel or tract map, the subdivider may apply to the City within 10 days of the service of the initial petition or complaint upon the City for a stay of the time in which a tentative parcel or tract map will expire.
2. Within 40 days after receiving the request, the Director shall stay the map's expiration date until final conclusion of the action, if the Director determines that the action affects the validity of the tentative parcel or tract map approval.

9105.03.120 Amendments to Approved Tentative Maps and Conditions

A. Minor Changes to Approved Tentative Maps – Director. A subdivider may request minor changes or amendments to an approved tentative parcel or tract map or its conditions of approval before recordation of a final map in compliance with this Subsection. Changes to a parcel or final map after recordation are subject to Subsection 9105.05.070 (Correction and Amendment of Recorded Maps).

B. Minor Changes Defined. Minor changes or amendments to a tentative parcel or tract map that may be requested by a subdivider in compliance with this Subsection include minor adjustments to the location of proposed lot lines and improvements, and reductions in the number of approved lots (but no increase in the number of approved lots), and any changes to the conditions of approval, consistent with the findings required by Subparagraph G. (Required Findings for Approval), below.

C. Changes Other Than Minor Changes. All proposed changes or amendments not covered by this Subsection shall require the filing and processing of a new tentative parcel or tract map in compliance with this Division.

D. Application for Changes. The subdivider shall file an application and filing fee, in compliance with the Fee Schedule, with the Department, using the forms furnished by the Department, together with the following additional information:

1. A statement identifying the tentative parcel or tract map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and
2. Any additional information deemed appropriate by the Director.

E. Processing of Application. Proposed changes to a tentative parcel or tract map or conditions of approval shall be processed using the same procedures as the original tentative parcel or tract map, except as otherwise provided by this Subsection.

- F. Review Authority.** The Director shall be the review authority for reviewing and either approving or denying minor changes to approved tentative maps.
- G. Required Findings for Approval.** The Director may approve changes or amendments to an approved tentative parcel or tract map or its conditions of approval if the Director first finds all of the following findings to be true, and that all of the applicable findings for approval specified in Subsection 9105.03.060 (Tentative Map Approval or Denial), above, can still be made:
1. No lots are added, deleted, or substantially altered;
 2. No proposed structure locations are substantially altered;
 3. The changes are consistent with the intent and spirit of the original tentative parcel or tract map approval; and
 4. There are no resulting violations of this Division, the Act, or other applicable laws.
- H. Effect of Changes on Time Limits.** Approved changes to a tentative parcel or tract map or conditions of approval shall not be considered as approval of a new tentative map, and shall not extend the time limits specified in Subsection 9105.03.110 (Tentative Map Expiration and Extensions), above, nor extend any right(s) in compliance with a vesting tentative map.
- I. Recording of Amendments.** Minor changes or amendments shall be indicated on the approved map and certified by the City Engineer.

9105.03.130 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a tentative map application.

9105.03.140 Tentative Parcel Map for Urban Lot Splits

The tentative parcel map process shall adhere to the requirements and process in Section 9102.01.150 (Urban Lot Splits), Section 9105.03.020 (Forms and Contents), and Section 9105.05.090 (Final Parcel Map process).

Section 9105.05 – Parcel Maps and Final Maps

Subsections:

- 9105.05.010 Purpose
- 9105.05.020 Waiver of Parcel Map
- 9105.05.030 Final Tract and Parcel Map Form and Content
- 9105.05.040 Filing and Processing of Final Tract and Parcel Maps
- 9105.05.050 Final Tract or Parcel Map Approval and Recordation
- 9105.05.060 Supplemental Information Sheets
- 9105.05.070 Correction and Amendment of Recorded Maps
- 9105.05.080 Post Decision Procedures

9105.05.010 Purpose

This Section establishes requirements for the preparation, filing, processing, approval, conditional approval, or denial, and recordation of final parcel and final tract maps, following approval of a tentative parcel or tract map, consistent with the requirements of the Act and this Section.

9105.05.020 Waiver of Parcel Map

- A. Eligibility for Waiver.** The following subdivisions shall be eligible for waiver of the requirements that a parcel map be filed, except where the tentative map of the subdivision, the conditions of approval, or the requirements of the Act or of this Division provide for or require the provision of road, drainage, sewer, water, or other easements or the delineation of flood or geologic hazard, drainage ways, or building restrictions:
1. Lot line adjustments, or the distribution of all of an existing lot(s) between adjacent lots when approved by resolution;
 2. Those of a lease-project; or
 3. Those described in Government Code Section 66426.
- B. Requests for Waiver.** Waiver requests shall be in writing on a standard form provided by the Department. The request shall include:
1. A request for waiver, signed and acknowledged by all owners of record of the land comprising the minor land division;
 2. A description of each proposed lot;
 3. The submission of documentation (i.e., preliminary title report) as it deems necessary to verify the information presented in the request for waiver. All submissions shall be legible and readily reproducible. Before approval of a request for waiver, the subdivider shall complete or guarantee completion of the conditions of approval as if a parcel map were to be filed;
 4. The Commission may require the submission of a plat map, showing sufficient ties, dimensions, and bearings to adequately establish the boundaries of the minor land division and of each proposed lot. Record information, when available, may be utilized.
- C. Waiver of Parcel Map Fee.** Upon submission of a request for waiver the subdivider shall pay a filing fee in compliance with the Fee Schedule. The subdivider shall also pay a sum of money equal to the amount required by law for filing with the County Recorder a certificate of compliance for the lots comprising the division.

D. Eligibility for Waiver. Within 20 days following the acceptance of a request for waiver or within any additional time as may be necessary, the Commission may waive the requirement that a parcel map be filed as provided in Subsection 9105.03.030 (Tentative Map Filing, Initial Processing), if it first finds all of the following:

1. The design of each lot described in the request for waiver is in substantial compliance with the tentative map, as approved; and
2. The subdivision complies with all applicable requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Act, this Division, and the Municipal Code. When a waiver is granted in compliance with this Subsection, the Commission shall, within 60 working days, cause a certificate of compliance, describing each approved lot, to be filed for record with the County Recorder. The certificate of compliance shall state that the requirement that a parcel map of the division of land be filed has been waived and that the lots comprising the division may be sold, leased, financed, or transferred in full compliance with all applicable provisions of the Act and this Division.

9105.05.030 Final Tract and Parcel Map Form and Content

A. Form and Content. The form and content of final tract and parcel maps shall be as required by the Act and this Division. The map shall be considered submitted when it is complete and complies with all applicable provisions of the Act, this Development Code, this Division, and all conditions of approval.

B. Authorized Preparers

1. The final tract or parcel map shall be prepared by, or under the direction of, a registered civil engineer or licensed land surveyor.
2. A final tract or parcel map shall be based upon a field survey made in compliance with the Professional Land Surveyors Act and as required by this Division.

C. Certificates and Acknowledgments

1. Before filing, the certificates and acknowledgements required by the Act and this Section shall appear on the map and may be combined where appropriate.
2. The certificates and acknowledgments shall appear on the face of the map unless the City Engineer advises the subdivider that the certificates and acknowledgments are to be made by separate instrument.
3. If a certificate or acknowledgment is made by separate instrument, there shall appear on the map a reference to the separately recorded documents.

D. Monuments. The location, number, and type of monuments shall be as specified in the Act and this Subsection and shall be in compliance with the standards prescribed in the California Business & Professions Code Section 8771.

E. Documentation Required for City Review and Approval

1. The subdivider shall submit prints of the map to the City Engineer for checking, who will distribute the map to other City departments and agencies for review.
2. The preliminary prints shall be accompanied by documents, plans, and reports in a form approved by the City Engineer, including but not limited to all of the following.
 - a. Improvement Plans.** Improvement construction plans as required by the City Engineer.

b. Soils Report

- (1) A preliminary soils report, based upon test borings and prepared in compliance with the requirements of the Building Code, as it may be amended and as referenced in Municipal Code Article VIII (Building Regulations), shall be required for all tract maps and for those parcel maps which involve commercial or industrial development.
 - (a) The soils report shall be prepared by a State-registered civil or soils engineer.
 - (b) The requirement of a preliminary soils report may be waived or reduced in scope by the City Engineer if, in the City Engineer's opinion, the soil characteristics in the vicinity of the proposed subdivision have been established by previous analyses.
- (2) Parcel maps which propose the construction of single-family dwellings shall require the preparation of a report which includes the subsurface soil classification, as well as the results of an expansive index test.

c. Title Report. A title report prepared by a title insurer, with the title report required to be dated no older than within 90 days from the filing of the final map.

d. Improvement Cost Estimate. An improvement cost estimate, which shall include all improvements located within public or private rights-of-way, common areas, or easements, on-site and off-site drainage improvements, and utility trench backfill as provided by the subdivider, except for those utility facilities to be installed by a utility company under the jurisdiction of the Public Utilities Commission.

e. Deeds for Easements and Rights-of-way

- (1) Deeds for easements or rights-of-way required which are not proposed to be dedicated on the final map.
- (2) The subdivider shall provide written evidence acceptable to the City Engineer in the form of rights of entry or permanent easements across private property outside of the subdivision granting access to perform necessary construction work and allowing the maintenance of facilities, if required.

f. Traverse Closure Calculations. Traverse closure calculations for the boundary blocks, easements, monument lines, lots, and street centerlines.

g. Hydrology and Hydraulic Calculations. Complete hydrology and hydraulic calculations.

h. Organization Documents

- (1) Any proposed declaration of covenants, conditions, and restrictions (CC&Rs) and all other organization documents for the subdivision in a form prescribed by the Civil Code Section 1355.
- (2) All documents shall be subject to review and approval by the Director and the City Attorney.

i. Letter of Certification from Water Agencies. The subdivider shall submit written certification from the affected water provider that adequate domestic water facilities are or will be available to serve the proposed project and that all necessary financial arrangements have been made to ensure construction of the facilities.

j. Other Reports. Any additional calculations, data, reports, or information specified by the City Engineer.

9105.05.040 Filing and Processing of Final Tract and Parcel Maps

A. Official and Timely Filing of Map

1. The subdivider shall cause the map to be officially filed with the City Engineer at least 90 days before the expiration of the approved or conditionally approved tentative map or any approved extension of time granted in compliance with

Subsection 9105.03.110 (Tentative Map Expiration and Extensions), together with the filing fee(s) in compliance with the Fee Schedule.

2. The map shall not be considered officially filed until the engineer or surveyor has received notification from the City Engineer that all provisions of the tentative map approval, including all conditions of approval, the Act, the Municipal Code, this Development Code, this Division, and applicable City standards have been complied with.
3. The filing of the official copy of the map with the City Engineer shall constitute the timely filing of the map.

B. Review of Map

1. After the issuance of a receipt for the map, the City Engineer shall examine it as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations, and other matters which may require checking to ensure compliance with the provisions of the Act, this Subsection, and applicable City standards.
2. If the map is found to be in substantial compliance with the tentative map and is in correct form, the matters shown on the map are sufficient, and the City Engineer is satisfied that all of the conditions of approval have been met, the City Engineer shall endorse approval of the map.
3. The City Engineer shall combine with the map the agreements, easements, and securities as required by this Section.
4. The material shall be transmitted to the Council for its consideration of the map.

C. Time Limit for Filing Map. If the subdivider fails to file the map with the City Engineer and the required accompanying data with the appropriate City departments within 24 months, or other period of time specified in Government Code Section 66452.6 and Subsection 9105.03.110 (Tentative Map Expiration and Extensions), following the effective date of tentative map approval by the review authority, or within any authorized extension of time, the tentative map approval or conditional approval shall become void. In this case, a new filing fee shall be paid, in compliance with the Fee Schedule, and an application for a new tentative map shall be filed.

1. If 120 days before the submittal of a map, the subdivider has failed to comply with the tentative map conditions which require the subdivider to construct or install off-site improvements on land in which neither the subdivider nor the City has sufficient title or interest, including an easement or license, then at the time the map is filed with the local agency, to allow the improvements to be made, the subdivider shall enter into an agreement with the City through the Director to pay all costs of the City in acquiring the property.
2. The City shall have 120 days from the filing of the map, in compliance with Government Code Section 66457, to obtain interest in the land to allow the improvement(s) to be made by negotiation or proceedings in compliance with Code of Civil Procedure Title 7 (commencing with Section 1230.010) of Part 3, including proceedings for immediate possession of the property under Code of Civil Procedure Title 7 Article 3 (commencing with Section 1255.410).
3. In the event the City fails to meet the 120-day time limitation, the condition for construction of off-site improvements shall be conclusively deemed to be waived.
4. Before approval of the map, the City may require the subdivider to enter into an agreement to complete the improvements, in compliance with Subparagraph 9105.05.050.D (Map with Incomplete Improvements), below, at the time the City acquires an interest in the land which will allow the improvements to be made.
5. "Off-site improvements," as used in this Subsection, do not include improvements which are necessary to ensure replacement or construction of housing for persons and families of low or moderate income, as defined in Health and Safety Code Section 50093.

9105.05.050 Final Tract or Parcel Map Approval and Recordation

After determining that the map is in compliance with Subsection 9105.05.030 (Final Map and Parcel Map Form and Content), above, and is technically correct, the City Engineer shall execute the City Engineer's certificate on the map in compliance with Government Code Section 66442, and forward the map to the City Clerk for Council action in the following manner.

A. Applicable Review Authority. The applicable review authority is specified in Table 5-1 (Subdivision Review Authorities).

B. Review and Approval by the Review Authority

1. **Timing of Review Authority's Review.** The review authority shall approve or deny the map after it receives the map from the City Engineer or, in the case of the Council, at its regular meeting after the meeting at which it receives the map, unless that time limit is extended with the mutual consent of the Director and the subdivider.
2. **Criteria for Approval**
 - a. The review authority shall approve the map if it conforms to all of the requirements of the Act, all provisions of this Development Code that were applicable at the time that the tentative map was approved, and is in substantial compliance with the approved tentative map and all conditions of approval.
 - b. If the map does not conform, the review authority shall not approve the map.
 - c. Where a map does not include any offers for dedication or improvement, the Director shall review the map(s) and shall approve each map if the map conforms to the applicable requirements of the Act and this Section. If the map(s) does not conform, it shall not be approved.
3. **Applicable Ordinances, Policies, and Standards.** In determining whether to approve or deny a map, the review authority shall apply only those ordinances, policies, and standards in effect on the date the proposal for the subdivision was accepted as complete, in compliance with Government Code Section 66474.2.
4. **Action Not to Approve a Final Tract or Parcel Map**
 - a. If a map is not approved due to its failure to meet any of the requirements imposed by the Act or this Section, the denial shall be accompanied by findings identifying the requirements which have not been met or performed.
 - b. Approval of a map shall not be withheld when the failure of the map to comply is the result of a technical and inadvertent error which, in the determination of the Council or, in the case of a map not involving any offers of dedication or improvement, the Director, does not materially affect the validity of the map.

C. Map with Dedications

1. If a dedication or offer of dedication is required on the map, the Council shall accept, accept subject to improvement, or reject, on behalf of the public, of any real property offered for dedication to the public in compliance with the terms of the offer of dedication, at the same time as it takes action to approve the map.
2. If the Council rejects the offer of dedication, the offer shall remain open and may be accepted by the Council at a later date in compliance with Government Code Section 66477.2.
3. Any termination of an offer of dedication shall be processed in compliance with Government Code Section 66477.2 using the same procedures as specified by Streets and Highway Code Part 3 of Division 9.

D. Map with Incomplete Improvements. If improvements required by this Development Code, conditions of approval, or other applicable laws have not been completed at the time of approval of the map, the review authority shall require the subdivider to enter into an agreement with the City as specified in Government Code Section 66462, and Subsection 9105.09.070 (Improvement Agreement Required), as a condition precedent to the approval of the map.

E. Recording of Final Tract and Parcel Maps

1. After action by the review authority to approve the map, and after the required signatures and seals have been affixed, together with the filing fee(s) in compliance with the Fee Schedule, the City Clerk shall transmit the map back to the City Engineer.
2. The City Engineer shall establish an appointment with the County Recorder for filing.
3. The County Recorder shall oversee the recording of the map.

9105.05.060 Supplemental Information Sheets

In addition to the information required by this Section to be included in all final tract and parcel maps, additional information may be required to be submitted and recorded simultaneously with a final or parcel map as required by this Subsection.

A. Preparation and Form

1. The additional information required by this Subsection shall be presented in the form of an additional map sheet(s), unless the City Engineer determines that the type of information required would be more clearly and understandably presented in the form of a report or other document(s).
2. The additional map sheet(s) shall be prepared in the same manner and in substantially the same form as required for final tract and parcel maps by Subsection 9105.05.030 (Final Tract and Parcel Map Form and Content).

B. Content of Information Sheets. Supplemental information sheets shall contain the following statements and information:

1. **Title.** A title, including the number assigned to the accompanying final or parcel map by the City Engineer, the words "Supplemental Information Sheet;"
2. **Explanatory Statement.** A statement following the title that the supplemental information sheet is recorded along with the subject final or parcel map, and that the additional information being recorded with the final or parcel map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest;
3. **Location Map.** A location map, at a scale not to exceed one inch equals 1,200 feet. The map shall indicate the location of the subdivision within the City;
4. **Areas Subject to Flooding.** Identification of all lands within the subdivision subject to periodic inundation by water;
5. **Soils or Geologic Hazards Reports.** When a soils report or geological hazard report has been prepared, the existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and
6. **Information Required by Conditions of Approval.** Any information required by the review authority (e.g., areas subject to earthquakes and other similar environmental constraints) to be included on the supplemental information sheet(s) because of its importance to potential successor(s)-in-interest to the property, including any other easements or dedications.

9105.05.070 Correction and Amendment of Recorded Maps

A recorded final tract or parcel map (referred to as a map) may be amended by the City Engineer to correct errors in the recorded map or to change characteristics of the approved subdivision in compliance with Government Code Chapter 3, Article 7.

A. Type of Corrections Allowed in Compliance with Government Code Section 66469

1. **Filing of a Certificate of Correction or an Amending Map.** In the event that errors in a map are discovered after recordation, or that other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map, in compliance with Government Code Chapter 3, Article 7.
2. **Error Defined.** For the purposes of this Subsection, "errors" include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the City Engineer that does not affect any property right, including but not limited to acreage, lot numbers, street names, and identification of adjacent record maps.
3. **Other Corrections.** Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or showing the proper character or location of any monument that was incorrectly shown, or that has been changed.
4. **Review Authority.** The City Engineer shall be the review authority for reviewing and either approving or denying corrections to and amendments of recorded maps in compliance with Government Code Section 66469.
5. **Application and City Engineer's Review Process**
 - a. An application to amend a recorded map in compliance with Government Code Section 66469 shall be filed with the City Engineer.
 - b. The City Engineer shall determine if the changes requested may be approved with a certificate of correction or an amending map.
 - c. The City Engineer may request additional information based upon that determination and shall approve the certificate of correction or the amending map if all of the required findings specified in Subparagraph 6. (Required Findings), below can be made.
6. **Required Findings.** A map may be amended only if the City Engineer first finds all of the following to be true:
 - a. The change(s) requested only involves a minor map annotation correction(s);
 - b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
 - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
 - d. The map, as amended, is still in compliance with Government Code Section 66474.

B. Type of Corrections Allowed in Compliance with Government Code Section 66472.1. In the event that there are changes in circumstances which make any or all of the conditions of a recorded map no longer appropriate or necessary, the following procedures shall be followed to amend the map:

1. **Application and City's Review Process**
 - a. An application to amend a recorded map in compliance with Government Code Section 66472.1 shall be filed with the City Engineer.
 - b. Once approved by the City Engineer, the application shall be sent to the Council for approval of either a certificate of correction or an amending map.
 - c. The Council shall approve the application if all of the required findings specified in Subparagraph 3. (Required Findings), below can be made.

2. **Review Authority.** The Council shall be the review authority for reviewing and either approving or denying corrections to and amendments of recorded maps in compliance with Government Code Section 66472.1.
3. **Required Findings.** A map may be amended only if the Council first finds all of the following to be true:
 - a. There is a change(s) in circumstances that make any or all of the conditions of the map no longer appropriate or necessary;
 - b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
 - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
 - d. The map, as amended, is still in compliance with Government Code Section 66474.
- C. **Recordation.** After approval, the certificate of correction or amending map shall be submitted to the County Recorder for recordation.
- D. **Amendment of an Approved Subdivision.** In the event that a subdivider wishes to amend (e.g., change or modify) the characteristics of an approved subdivision (e.g., a recorded final tract or parcel map), including but not limited to the number or configuration of lots, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Subsection 9105.09.070 (Improvement Agreement Required), the subdivider shall file a new tentative, final, or parcel map in compliance with this Division or comply with the requirements of Government Code Section 66499.20.2.

9105.05.080 Post Decision Procedures

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a final tract or parcel map application.

9105.05.090 Final Parcel Map for Urban Lot Splits

The final parcel map process shall adhere to the requirements and process in Section 9102.01.150 (Urban Lot Splits), Section 9105.05.030 (Form and Content for Maps), and Section 9105.05.040 (Filing and Processing of Maps).

