

TITLE 16 – SUBDIVISION ORDINANCE

DIVISION 1 – GENERAL

Chapter 16.02 – General Provisions.

Chapter 16.04 – Responsibilities.

Chapter 16.06 – Definitions.

CHAPTER 16.02 – GENERAL PROVISIONS

16.02.010 – Citation and Authority.

- A. The City Council assumes control of all divisions of land and reversions to acreage, as such power is vested in the City by the provisions of Divisions 2 and 3 of Title 7 of the Government Code of the State of California and all amendments thereto (hereinafter referred to as "Subdivision Map Act" or "Map Act") or as otherwise established and set forth in this title.
- B. This Chapter is adopted to supplement and implement the Subdivision Map Act and may be cited as the "Subdivision Ordinance" of the City.

16.02.020 – Scope.

- A. The provisions of this title shall not apply to those items listed in Section 66412-66412.8 of the Map Act, except as specified herein for lot line adjustments. The following provisions shall not apply to any lot or lots forming a part of a subdivision legally created and recorded prior to the effective date of the ordinance codified in this title unless said lots are hereafter proposed for further subdivision or lot line adjustment.

Nor is it intended by this title to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this title, or in conflict herewith.

Nor is it intended by this title to repeal, abrogate, annul or in any way impair or interfere with private restrictions placed upon property by deed, covenant or other private agreements, or with restrictive covenants running with the land to which the City is a party. Where this title imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this title shall control.

- B. Any parcel of land that was created prior to March 4, 1972 shall be conclusively presumed to have been lawfully created, if at the time of creation of the parcel there was compliance with all applicable ordinances of the City.

16.02.030 – Purpose.

It is the purpose of this title to regulate and control the division of land within the City and to supplement the provisions of the Government Code of the State of California referred to as the Subdivision Map Act, the Public Resources Code, the Business and Professions Code, and to all other regulations provided by law, concerning the design, improvement and survey data of subdivisions, the form and content of maps provided for by the Subdivision Map Act and the procedure to be followed in securing official approval regarding such maps. To accomplish this purpose, the regulations outlined in this title are determined to be necessary for the preservation of the public health, safety, and general welfare, to promote orderly growth and development and to promote open space, conservation, protection, and proper use of land and to insure provision for adequate traffic circulation, utilities, and services.

16.02.040 – Severability Clause.

If a provision of this title or the application thereof to any person(s) or circumstance(s) is held invalid by a court of competent jurisdiction, the remainder of this title and the application of such provisions to other person(s) or circumstance(s) shall not be affected thereby.

16.02.050 – Compliance Required.

- A. No land shall be subdivided and developed for any purpose which is not in conformity with the City’s General Plan, any applicable specified plan, any applicable development plan, or specifically authorized by the City Zoning Ordinance.
- B. The type and intensity of land use(s) for which the subdivision is designed shall be consistent with the land use designations as shown on the City’s General Plan and permitted by the Zoning Ordinance and shall provide for the streets, roads, highways, utilities, and public services as determined by the City Engineer or by local ordinance to be necessary for such type and intensity of land use.

16.02.060 – Penalty for Noncompliance.

Pursuant to Section 66499.31 of the Map Act, each violation of this title by the subdivider or owner of record at the time of the violation, shall be punishable by imprisonment in the county jail or state prison for not more than one year, or by a fine not exceeding ten thousand dollars (\$10,000.00), or by both fine and imprisonment. Other violations shall be punishable as a misdemeanor offense.

16.02.070 – Falsification.

Fraudulent misrepresentation by the applicant of pertinent information necessary to an approval shall be sufficient reason to invalidate an approval obtained pursuant to this title.

16.02.080 – Inconsistent Provisions.

Where provisions of this title are inconsistent with existing provisions contained in other titles of this code, the provisions contained herein shall prevail.

CHAPTER 16.04 – RESPONSIBILITIES

16.04.010 – City Council.

The City Council shall be the "Appeal Board", as defined in Section 66416 of the Map Act.

16.04.020 - Planning Commission.

The Planning Commission is made the Advisory Agency of the City as such Advisory Agency is defined and established in Section 66416 of the Map Act, and the authority is delegated to the Advisory Agency to investigate any and all matters pertaining to approval, conditional approval or disapproval of, all proposed divisions of land and reversions to acreage.

16.04.030 – City Attorney.

The City Attorney shall be responsible for approving as to form all subdivision improvement agreements and for providing guidance with regard to land use law to the staff, the Planning Commission and the City Council.

16.04.040 – City Engineer.

The City Engineer shall be responsible for:

- A. Establishing design and construction details, standards, and specifications.
- B. Determining if the proposed improvements comply with the provisions of this title and the Map Act and for reporting the findings together with any recommendations for approval, conditional approval, or denial.
- C. The processing and certification of record documents, including but not limited to final maps, parcel maps and certificates of compliance.

16.04.050 – City Planner.

- A. The City Planner shall be responsible for the processing of all tentative land division or reversion to acreage maps, and processing requests for merger/unmerge of parcels and for the collection of all required fees and deposits.
- B. Specifically, the City Planner shall be responsible for:
 1. Investigating proposed subdivisions for conformity to the City's General Plan, specific plans, redevelopment plans and the Zoning Ordinance of the City and reporting such findings, together with recommendations for approval, conditional approval or denial to the Planning Commission.
 2. Certifying, as Secretary of the Planning Commission, that the Planning Commission has approved or conditionally approved the tentative map, parcel map or mergers as required in this title.

16.04.060 – Subdivision Committee.

- A. The Subdivision Committee shall consist of representatives from the following City Divisions: Planning, Building, Engineering and Los Angeles County Fire Department.

- B. The Committee shall review all proposed divisions of land, reversions to acreage or requests for merger/unmerge of parcels as required in this Title and shall provide a written report of such findings and recommendations to the Planning Commission.

CHAPTER 16.06 – DEFINITIONS

16.06.010 – Generally.

When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural, and the plural, the singular; words in any gender include the others; the word "shall" is mandatory; and the word "may" is permissive. Whenever any words or phrases used are not defined herein, but are defined in the Map Act or other state laws, such definitions are incorporated by reference.

16.06.020 – Certificate of Compliance.

"Certificate of compliance" means a document recorded by the County Recorder which identifies, by legal description, certain real property and states that the division thereof complies with applicable provisions of this title and the Map Act.

"Collector street" means a street lower in classification and physical size than the arterial, that performs an equally important function of collecting neighborhood traffic from local streets and transferring it to larger arterial streets or to the more local activity areas such as schools, shopping centers, and employment centers.

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

Such estate may, with respect to the duration of its enjoyment, be either:

- i. An estate of inheritance or perpetual estate;
- ii. An estate for life; or
- iii. An estate for years, such as a leasehold or subleasehold.

"Condominium conversion" means the conversion of existing developed real property into a condominium, a community apartment project, or a stock cooperative.

"Dedicated street" means a public thoroughfare or right of way dedicated or deeded to the City for road purposes, and formally accepted as such by the City or condemned for use as such, other than an alley which affords the principal means of access to abutting property, including avenues, places, ways, drives, lanes, boulevards, highways, roads and any other thoroughfare except as excluded in this paragraph.

Nothing herein shall preclude or stop the City from claiming a dedication by public use, but no dedication by public use may be asserted against the City, if the City does not elect to accept or treat the street or road as dedicated.

"Final map" means a map showing a subdivision for which a tentative and final map is required by the Map Act or this Chapter, prepared in accordance with the provisions of this title and the Map Act, designed to be recorded in the office of the County Recorder.

"General Plan" means the most recent General Plan of the City, adopted by City Council per Resolution, and any subsequent amendments thereto.

"Local street" means a street intended to provide access to homes and not intended to carry through traffic.

"Lot" means a parcel or portion of land separated from other portions by description, as on a subdivision or record of survey map, or by metes and bounds, for purpose of sale, lease, or separate use.

"Lot division" means a record map showing a division of land as required by Section 66426(a)—(d) of the Map Act. A lot division map is the same as a "parcel map."

"Lot line adjustment" means a shift or rotation of an existing lot line or other adjustments where a greater number of parcels than originally existed is not created.

"Major arterial" means streets and highways designed to move large volumes of traffic between freeway systems and between the freeway and local areas of traffic generation. They may also include streets that are designed to move large volumes of traffic between jurisdictions (refer to the Circulation Element of the General Plan).

"Merger" means the joining of two or more contiguous parcels of land under one ownership into one parcel, pursuant to Chapter 3, Article 1.5 of the Map Act.

"Owner" means the individual, firm, association, syndicate, partnership, or corporation holding legal title to an interest in real property.

"Parcel map." See Section 16.06.110, "lot division."

"Planned development" means a development where the structures are individually owned and the property owners association, through covenants, codes and restrictions, maintains the common areas, as further defined in Civil Code Section 1351(k). Maps for such projects shall be prepared in accordance with the provisions for tentative tract maps or parcel maps contained herein.

"Private street" means a parcel of land not dedicated as a public street held by a private owner or over which a private easement for road purposes has been granted to the owners of property receiving access therefrom, and the instrument creating the easement has been duly recorded or filed in the office of the Recorder of Los Angeles County.

"Redevelopment plan" means any plan adopted by the City Council and the El Monte Community Redevelopment Agency in conformance with California Community Redevelopment Law, Health and Safety Code Section 33000 et seq.

"Remainder" means that portion of an existing parcel or parcels of land which is not included as part of the subdivided land, pursuant to Section 66424.6 of the Map Act.

"Secondary arterial" means a street to distribute traffic from the major arterial to the business districts and other centers of community activity, and also to the collector streets.

"Specific plan" means a detailed and comprehensive land use and development plan for a defined area within the City, adopted pursuant to Sections 65450 through 65456, inclusive, of the California Government Code. A specific plan must be consistent with the City's General Plan and must contain regulations for the uses of land, including the conservation of open space, along with development standards and an implementation program to provide for all infrastructure and public services needed to support the land uses described in the plan.

"Subdivision improvement standard" means standard details, standard specifications, and other standards approved by the City Engineer that shall govern the improvements to be constructed pursuant to this title and the Map Act.

"Vesting map" means a special form of a tentative map, filed pursuant to Chapter 4.5 of the Map Act, which confers certain vested rights, for a specified period of time, to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting map is approved or conditionally approved.

"Zoning Ordinance" means Title 17 of this code, or any ordinance enacted under the zoning powers of the City.

DIVISION 2 – MAPS AND PROCEDURES

Chapter 16.08 – Maps Required.

Chapter 16.10 – Tentative Tract Map.

Chapter 16.12 – Parcel Maps.

Chapter 16.14 – Vesting Maps.

Chapter 16.16 – Final, Parcel and Reversion to Acreage Maps.

Chapter 16.18 – Lot Line Adjustment

Chapter 16.20 – Reversion to Acreage and Parcel Merger by Document Adjustments.

Chapter 16.22 – Certificate of Compliance.

Chapter 16.24 – Condominium Conversion.

CHAPTER 16.08 – MAPS REQUIRED

16.08.010 – Divisions of Land Requiring a Final Map.

Tentative and final maps shall be required for those projects specified in Section 66426 of the Map Act.

16.08.020 – Divisions of Land Requiring a Parcel Map.

Parcel maps shall be required for all proposed subdivisions which require a parcel map, as defined in Section 66426 of the Map Act, and for all land divisions creating four (4) or fewer parcels, unless expressly exempted by the Map Act or other provisions of this title.

16.08.030 – Fees and Deposits.

All persons submitting a tentative map a final map or a parcel map as required by this Chapter shall pay all fees and charges in accordance with Section 16.34.020 of this title.

16.08.040 – Designated Remainder Parcels.

A subdivider may designate as a remainder that portion of land within the subdivision which is not divided for the purpose of sale, lease or financing. The designated remainder parcel shall not be counted as a parcel for purposes of determining whether a parcel map or final map is required. This Section applies to a remainder as defined in Section 16.06.200 of this title and is enacted pursuant to Section 66424.6 of the Map Act.

CHAPTER 16.10 – TENTATIVE TRACT MAP

16.10.010 – General.

The form and contents, application requirements and approval of tentative maps for a proposed subdivision shall be in accordance with the Map Act and this title. The tentative tract map shall be prepared by a registered civil engineer or licensed land surveyor.

16.10.020 – Pre-filing Conference.

After reviewing the requirements of this Chapter, it is required that the subdivider confer with the City planning and engineering staff before preparing and filing a tentative map.

16.10.030 – Form and Content.

- A. The tentative map shall be prepared in a manner acceptable to the City Planner and the City Engineer and shall be prepared by a registered civil engineer or licensed land surveyor.
- B. The tentative map shall be clearly and legibly drawn on one sheet at a scale not less than one hundred (100) feet to the inch (1" = 20') and shall contain not less than the following:
 - 1. A title that shall contain the subdivision number assigned by the County Engineer, subdivision name, and type of subdivision;
 - 2. Name, address, and telephone number of legal owner, subdivider, and person preparing the map (including registration number);
 - 3. Sufficient legal description to define the boundary of the proposed subdivision;
 - 4. Date, north arrow, scale, and contour interval;
 - 5. Existing and proposed land use;
 - 6. A vicinity map showing roads, adjoining subdivisions, towns, flood control facilities, railroads, and other data sufficient to locate the proposed subdivision and show its relation to the community;
 - 7. Existing topography of the proposed site and at least one hundred (100) feet beyond its boundary, including but not limited to:
 - a. Existing contours at one-foot intervals if the existing ground slope is less than ten (10) percent and not less than two (2) foot intervals for existing ground slopes equal to or greater than ten (10) percent. Contour intervals shall not be spread more than one hundred fifty (150) feet apart. Existing contours shall be represented by dashed lines or by screened lines.
 - b. Type, circumference and dripline of existing trees and any trees proposed to be removed shall be so indicated.
 - c. The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked.
 - d. The approximate location and outline of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each watercourse.
 - e. The location, pavement and right-of-way width, grade and name of existing streets or highways.
 - f. The widths, location and identity of all existing easements.
 - g. The location and size of existing sanitary sewers, water drains. The approximate slope of existing sewers and storm drains shall be indicated.

- h. The location of existing overhead utility lines on peripheral streets.
 - i. The source and date of existing contours.
8. Proposed improvements to be shown shall include but not be limited to:
- a. The location, grade, centerline radius and arc length of curves, pavement, right-of-way width and name of all streets. Typical sections of all streets shall be shown.
 - b. The location and radius of all curb returns and cul-de-sacs.
 - c. The location, width and purpose of all easements, including the instrument number of the document recording the easement.
 - d. The angle of intersecting streets if such angle deviates from a right angle by more than four degrees.
 - e. The approximate lot layout and the approximate dimensions of each lot and of each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale and the number of each lot.
 - f. Proposed contours at two (2) foot intervals shall be shown if the existing ground slope is less than ten (10) percent and shall be shown at five (5) foot intervals for existing ground slopes of ten (10) percent or more. A separate grading plan may be submitted.
 - g. Proposed recreation sites, trails and parks for private or public use.
 - h. Proposed common areas and areas to be dedicated to public open space.
 - i. The location and size of sanitary sewers, water mains and storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.
 - j. The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map.
 - k. All lettering size shall be one-eighth inch minimum.
9. If the subdivider plans to develop the site in units, the proposed units and their proposed sequence of construction shall be shown.

The City Engineer or the City Planner may waive any of the above tentative map requirements if the type of subdivision does not need to comply with these requirements, or that other circumstances justify a waiver, such waivers shall be provided for in writing. The City Engineer or City Planner may require other drawings, data or information as deemed necessary.

16.10.040 – Accompanying Data and Reports.

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

- A. **Soils Report.** A preliminary soils report prepared in accordance with the City's Grading Ordinance shall be submitted. If the preliminary soils report indicates the presence of

critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot within the subdivision.

- B. **Engineering Geology and/or Seismic Safety Report.** A preliminary engineering geology and/or seismic safety report, prepared in accordance with City guidelines, is required if the subdivision lies within a "medium risk" or "high risk" geologic hazard area, as shown on maps on file contained within the Safety Element of the City's General Plan.
- C. **Title Report.** A preliminary title report, or other suitable evidence, showing the legal owners at the time of filing the tentative map.
- D. **Environmental Impact Study.** The time limits set forth in this Chapter for taking action on tentative maps shall not be deemed to commence until the subdivision is found exempt or an Initial Study is completed and a Negative Declaration or Environmental Impact Report, as appropriate, is prepared, processed, and a final environmental document, prepared in accordance with the provisions of the California Environmental Quality Act, is available for concurrent consideration with the tentative map. The subdivider shall provide such additional data and information and deposit and pay such fees as may be required for the preparation and processing of environmental review documents pursuant to the City's procedures for implementation of the California Environmental Quality Act.
- E. **Other Reports.** Any other data or reports deemed reasonably necessary by the City Planner or as required by the Condominium Conversion Division or other ordinances of the City.

16.10.050 – Filing of Tentative Map.

- A. The tentative map shall be considered for filing only when such map conforms to Section 16.10.030 "Form and Contents," when all accompanying data or reports, as required by Section 16.10.040, have been submitted and accepted by the City Planner and the City Engineer and all required application fees have been paid in full.
- B. The subdivider shall file with the City Planner the number of tentative maps as required in the City filing procedures.

16.10.060 – Distribution of Tentative Map.

- A. The City Planner shall forward copies of the tentative map to the following agencies which may, in turn, forward to the City Planner, such findings and recommendations. Public agencies and utilities shall certify that the subdivision can be adequately served. These agencies include: City Department of Public Works, Los Angeles County Fire Department, local school district, and other affected agencies or property owners as deemed necessary by the City Planner.
- B. Within ten (10) days of the filing of a tentative map, the City Planner shall send notice of the filing of the tentative map to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located. The notice shall also contain information about the location of the proposed

subdivision, the number of units, density, and any other information that would be relevant to the affected school district.

- C. The governing board may review the notice and may send a written report to the agency required by law to approve the tentative map. The report shall indicate the impact of the proposed subdivision on the affected school district and shall make recommendations as the governing board of the district deems appropriate. In the event the school district fails to respond within a fifteen (15) working day period from receipt of notice of the tentative map, the failure shall be deemed approval of the proposed subdivision by the school district. The Planning Commission shall consider the report from the school district in approving, conditionally approving or denying the tentative map.

16.10.070 – Subdivision Committee Review.

The Subdivision Committee shall meet to review and make recommendations and comments on the tentative map. A report containing their recommendations or comments concerning the tentative map and its impact on the community shall be submitted to the Planning Commission. Such reports shall be in writing and a copy shall be available to the subdivider, and on each tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project at least three (3) days prior to any hearing or action on such map by the Planning Commission.

Editor's note— Ord. No. 2937, § 3, adopted October 16, 2018, renamed § 16.10.070 from "Subdivision Committee conference" to "Subdivision Committee review."

16.10.080 – Notice of Public Hearing.

- A. Upon receipt of a valid application, the City Planner shall set the matter for public hearing before the Planning Commission. Noticing shall be pursuant to Government Code Section 65090 or 65091.
- B. In addition, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, notice shall be given as required by Government Code Section 66451.3. All costs of such notice shall be computed by the City and paid by the subdivider as part of the application fee for the condominium conversion.

16.10.090 – Action by Planning Commission.

At the public hearing, the Planning Commission shall hear all the evidence, and recommendations, and shall approve, conditionally approve, or disapprove the tentative map within fifty (50) days of the filing thereof, a completed application. If an Environmental Impact Report is prepared for the tentative map, the fifty (50) day period specified above shall not be applicable and the Planning Commission shall render its decision within forty-five (45) days after certification of the Environmental Impact Report. The decision of the Planning Commission may be recorded in the form of a resolution. If a resolution is prepared it shall contain the facts and reasons upon which the decision was based, and include the finding that said division is or is not consistent with the City's General Plan, or any applicable specific plans,

or other applicable ordinances or policies. The Secretary of the Planning Commission shall thereafter report the Commission's decision in writing to the applicant within ten (10) days of the action. Such action by the Planning Commission shall become final in the absence of any appeal. Time limits specified herein shall be modified only to the extent provided for in the Map Act.

16.10.100 – Approval.

- A. In determining whether to approve or disapprove an application for a tentative map, the Planning Commission shall apply only those ordinances, policies and standards in effect at the date the City Planner has determined that the application is complete, pursuant to Section 65943 of the Government Code, except in the following instances:
 - 1. The City has initiated proceedings to modify land use regulations by way of ordinance, resolution or motion.
 - 2. The City has published legal notice containing a description sufficient to notify the public of the nature of the proposed change in the applicable general or specific plans, and zoning or subdivision ordinances.
 - 3. Whenever the City has performed both Subsections (A)(1) and (A)(2) of this Section, it may apply any ordinances, policies or standards enacted or instituted as a result of those proceedings which are in effect on the date the Planning Commission approves or disapproves the tentative map.
 - 4. If the applicant requests changes in applicable ordinances, policies or standards in connection with the same development project, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply.
- B. The Planning Commission, (or on appeal, the City Council) may modify or delete any of the conditions of approval recommended in the Community Development Department's report. The Planning Commission and City Council may add additional requirements as a condition of their approval.

16.10.110 – Denial.

- A. The tentative map may be recommended for denial by the Planning Commission, or denied by the City Council on any of the grounds provided by City ordinances or the Map Act.
- B. The Planning Commission and/or City Council shall deny the tentative map if it makes any of the following findings:
 - 1. That the proposed map is not consistent with applicable general and specific plans;
 - 2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
 - 3. That the site is not physically suitable for the type of development;
 - 4. That the site is not physically suitable for the proposed density of development;
 - 5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife

or their habitat. However, if an environmental impact report was prepared for the project and a finding was made pursuant to Subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social and other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report, then the Planning Commission may still approve the tentative map;

6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This Subsection shall apply only to easements of record and to easements established by judgment of a court of competent jurisdiction. No authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

16.10.120 – Appeal of Planning Commission Action.

- A. If any interested party or the applicant who filed the tentative map is dissatisfied with any requirement, ruling, finding, or disapproval that was specifically considered by the Planning Commission with respect to the map or the kinds, nature, and extent of the improvements and conditions imposed, they shall within ten (10) days after such action appeal in writing to the City Council for relief. Said written appeal shall be filed with the City Clerk and shall set forth the grounds and reasons for such an appeal.
- B. The City Council may sustain, modify, or overrule any such requirements, ruling, findings, or disapproval of the Planning Commission, and may modify the kinds, nature, and extent of any improvements required. The City Council shall consider such appeal within thirty (30) days of its filing with the City Clerk. The appeal hearing shall be a public hearing with notice being given pursuant to Section 16.12.080 of this Chapter and with additional notices to be given to the subdivider and affected interested persons in a similar manner. The decision of the City Council shall be final, and upon making its decision the City Clerk shall, within ten (10) days, mail a written report of the outcome directly to the applicant or owner and to the various City Departments. Pursuant to Section 66451.2 of the Map Act, fees shall be collected from the subdivider or from persons appealing or filing a complaint, for expenses incurred in addressing the appeal or complaint. The specific fee shall be set in accordance with Section 16.36.020 of this title.

Editor's note— Ord. No. 2937, § 6, adopted October 16, 2018, renamed § 16.10.120 from "action by City Council" to "appeal of Planning Commission action."

16.10.130 – Extension of time for Planning Commission/City Council Action.

The time limits set forth above for acting on the tentative map may be extended by mutual consent of the subdivider and the Planning Commission/City Council in accordance with the provisions of Section 66451.1 of the Map Act.

16.10.140 – Expiration of Approved Tentative Map.

An approved or conditionally approved tentative map shall expire twenty-four (24) months following such approval by the Planning Commission, if the final map has not been approved by the City Engineer, unless permission to extend the expiration period is granted by the Planning Commission. Such extension of time shall not exceed an additional twelve (12) months. However, pursuant to Section 66452.6(a) of the Map Act, if the subdivider is subject to a requirement of two-hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map, each filing of a phase of a multiple final map authorized by Section 16.16.100 herein, shall extend the expiration of the approved tentative map thirty-six (36) months from the original or extended expiration date, or thirty-six (36) months from the date of recordation of the previous phase map. Such extensions shall not extend the tentative map more than ten (10) years beyond the original approval date. "Public improvements" include traffic control, streets, roads, highways, freeways, bridges, overcrossings, streets, interchanges, flood control or storm drain facilities, sewer facilities, water facilities and lighting facilities.

- A. A tentative map on property subject to a development agreement with the City may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement.
- B. The time periods specified in Subsection (A) of this Section shall not include any period of time during which a development moratorium or lawsuit affecting the property is in effect, pursuant to Sections 66452.6(b), (c), and (f) or Section 66456.6(f) of the Map Act.
- C. The subdivider shall file a request with the City Planner to extend the expiration of an approved tentative map no less than fifteen (15) days prior to the expiration date. Such filing shall automatically extend the expiration date for sixty (60) days, or until the request is acted upon by the Planning Commission.

16.10.150 – Map Checking Fees to City Engineer.

Applicants for final parcel maps shall deposit a fee with the City Engineer to cover the cost associated with the checking of the tentative map, preparation of conditions of approval, final and parcel map, grading plans and offsite improvement plans.

16.10.160 – Amendments to Approved Tentative Map.

- A. Amendments to an approved tentative map shall be submitted to the Planning and Engineering Divisions for their review. Applications for amendments shall conform to the requirements of the City Planner and the City Engineer, accompanied by the appropriate fee as established by resolution of the City Council.

- B. The City Planner shall determine whether the requested amendment(s) are minor or major. If the Director determines that such amendment(s) is minor, the matter shall be set for review by the Planning Commission and shall prepare a written report concerning such amendment for consideration by the Planning Commission.
- C. If the City Planner determines that an amendment is major, the matter shall set for a public hearing, and the amendment shall be processed as provided in Sections 16.10.060, 16.10.100, 16.10.110 and 16.10.120 of this title.
- D. Actions on requested amendments shall not alter or extend the expiration date of the originally approved tentative map.

CHAPTER 16.12 – PARCEL MAPS

16.12.010 – General.

The form and contents, submittal, and approval of tentative parcel maps shall conform to the provisions of this Section. The tentative parcel map shall be prepared by a registered civil engineer or licensed land surveyor.

16.12.020 – Pre-filing Conference.

After reviewing the requirements of this Division, it is required that the subdivider confer with the City planning and engineer staff before preparing and filing the parcel map.

16.12.030 – Form and Content.

The parcel map shall be clearly and legibly drawn on one sheet. The scale shall be approved by the City Engineer and all lettering shall be one-eighth inch minimum in height. The final form shall be as approved by the City Engineer and shall be prepared by a registered civil engineer or licensed land surveyor.

The map shall show the following information:

- A. A title which shall contain the subdivision number assigned by the County Engineer, subdivision name, and type of subdivision.
- B. Name, address, and telephone number of legal owner, subdivider, and person preparing the map (including registration number).
- C. Sufficient legal description to define the boundary of the proposed subdivision.
- D. Date, north arrow, scale, and contour interval.
- E. Existing and proposed land use.
- F. A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroad, and other data sufficient to locate the proposed subdivision and show its relation to the community.
- G. Existing topography of the proposed side and at least one hundred (100) feet beyond its boundary, including but not limited to:

1. Existing contours at one-foot intervals if the existing ground slope is less than ten (10) percent and at not less than two (2) foot intervals for existing ground slopes equal to or greater than ten (10) percent. Contour intervals shall not be spread more than one hundred fifty (150) feet apart. Existing contours shall be represented by dashed lines or by screened lines.
 2. Type, circumference and dripline of existing trees and any trees proposed to be removed shall be so indicated.
 3. The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked.
 4. The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each water course.
 5. The location, pavement and right-of-way width, grade and name of existing streets or highways.
 6. The widths, location and identity of all existing easements.
 7. The location and size of existing sanitary sewers, water mains and storm drains. The approximate slope of existing sewers and storm drains shall be indicated.
 8. The location of existing overhead utility lines on peripheral streets.
 9. The source and date of existing contours.
- H. Proposed improvements to be shown shall include but not be limited to:
1. The location, grade, centerline radius and arc length of curves, pavement, right-of-way width and name of all streets. Typical sections of all streets shall be shown.
 2. The location and radius of all curb returns and cul-de-sacs.
 3. The location, width and purpose of all easements, including the instrument number of the document recording the easement.
 4. The angle of intersecting streets if such angle deviates from a right angle by more than four (4) degrees.
 5. The approximate lot layout and the approximate dimensions of each lot and of each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of a grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale and the number of each lot.
 6. Proposed contours at one-foot intervals shall be shown if the existing ground slope is less than ten (10) percent and shall be shown at two (2) foot intervals for existing ground slopes of ten (10) percent or more. A separate grading plan may be submitted.
 7. Proposed recreation sites, trails and parks for private or public use.
 8. Proposed common areas and areas to be dedicated to public open space.

9. The location and size of sanitary sewers, water mains and storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.
10. The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map.
11. All lettering size shall be one-eighth inch minimum.

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

The City Engineer or City Planner may waive any of the above map requirements if the type of subdivision does not need to comply with these requirements, or that other circumstances justify a waiver, such waivers shall be in writing. The City Engineer or City Planner may require other drawings, data or information as deemed necessary.

16.12.040 – Environmental Impact Determination.

The time limits set forth in this Chapter for taking action on the parcel map shall not be deemed to commence until the land division is found exempt or an initial study is completed and a Negative Declaration or Environmental Impact Report, as appropriate, is prepared, processed, and a final environmental document, prepared in accordance with the provisions of the California Environmental Quality Act, is available for concurrent consideration with the parcel map. The subdivider shall provide such additional data and information and shall deposit and pay such fees as may be required for the preparation and processing of environmental review documents pursuant to the City's procedures for implementation of the California Environmental Quality Act.

16.12.050 – Filing of Parcel Map.

The parcel map shall be considered for filing only when such map conforms to Sections 16.12.030 and 16.12.040, and has been submitted and accepted by the City Planner and all application fees have been paid in full. The subdivider shall file with the Department of Planning and Community Development the number of maps as required in the City filing procedures.

16.12.060 – Subdivision Committee Review.

The Subdivision Committee shall meet to review and make recommendations and comments on the parcel map. A report containing such recommendations or comments concerning the tentative parcel map and its bearing on the community shall be submitted to the Planning Commission. Such reports shall be in writing and a copy shall be available to the subdivider, and each tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project at least three (3) days prior to any hearing or action on such map by the Planning Commission.

16.12.070 – Notice of Public Hearing.

- A. Upon receipt of a valid application, the City Planner shall set the matter for public hearing before the Planning Commission. Noticing shall be pursuant to the public hearing requirements in Government Code Section 65090 or 65091.
- B. In addition, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, notice shall be given as required by Government Code Section 66451.3(b). All costs of such notice shall be computed by the City and paid by the subdivider as part of the application fee for the condominium conversion.

16.12.080 – Action by the Planning Commission.

At the public hearing, the Planning Commission shall hear all the evidence, and recommendations, and shall approve, conditionally approve, or disapprove the parcel map within fifty (50) days of the filing thereof, a completed application. If an Environmental Impact Report is prepared for the parcel map, the fifty (50) day period specified above shall not be applicable and the Planning Commission shall render its decision within forty-five (45) days after certification of the Environmental Impact Report. The decision of the Planning Commission may be recorded in the form of a resolution. If a resolution is prepared it shall contain the facts and reasons upon which the decision was based, and include the finding that said division is or is not consistent with the City's General Plan, or any applicable specific plans, or other applicable ordinances or policies. The Secretary of the Planning Commission shall thereafter report the Commission's decision in writing to the applicant within ten (10) days of the action. Such action by the Planning Commission shall become final in the absence of any appeal. Time limits specified herein shall be modified only to the extent provided for in the Map Act.

16.12.090 – Approval.

- A. In determining whether to approve or disapprove an application for a parcel map, the Planning Commission shall apply only those ordinances, policies and standards in effect at the date the City Planner has determined that the application is complete, pursuant to Section 65943 of the Government Code, except in the following instances:
 - 1. The City has initiated proceedings to modify land use regulations by way of ordinance, resolution or motion.
 - 2. The City has published legal notice containing a description sufficient to notify the public of the nature of the proposed change in the applicable general or specific plans, and zoning or subdivision ordinances.
 - 3. Whenever the City has performed both Subsections (A)(1) and (A)(2) of this Section, it may apply any ordinances, policies or standards enacted or instituted as a result of those proceedings which are in effect on the date the Planning Commission approves or disapproves the parcel map.

4. If the applicant requests changes in applicable ordinances, policies or standards in connection with the same development project, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply.
- B. The Planning Commission, (or on appeal, the City Council) may modify or delete any of the conditions of approval recommended in the Community Development Department's report. The Planning Commission and City Council may add additional requirements as a condition of their approval.

16.12.100 – Denial.

- A. The parcel map may be denied by the Planning Commission on any of the grounds provided by City ordinances or the Subdivision Map Act.
- B. The Planning Commission shall deny the parcel map if it makes any of the follow findings:
1. That the proposed map is not consistent with applicable general and specific plans;
 2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
 3. That the site is not physically suitable for the type of development;
 4. That the site is not physically suitable for the proposed density of development;
 5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. However, if an environmental impact report was prepared for the project and a finding was made pursuant to Subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social and other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report, the Planning Commission may still approve the parcel map;
 6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
 7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This Subsection shall apply only to easements of record or easements established by judgment of a court of competent jurisdiction. No authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

16.12.110 – Appeal of Planning Commission Action.

- A. If any interested party or the applicant who filed the parcel map is dissatisfied with any requirement, ruling, finding, or disapproval that was specifically considered by the Planning

Commission with respect to the map or the kinds, nature, and extent of the improvements and conditions imposed, they shall within ten (10) days after such action appeal in writing to the City Council for relief. Said written appeal shall be filed with the City Clerk and shall set forth the grounds and reasons for such an appeal.

- B. The City Council may sustain, modify, or overrule any such requirements, ruling, findings, or disapproval of the Planning Commission, and may modify the kinds, nature, and extent of any improvements required. The City Council shall consider such appeal within thirty (30) days of its filing with the City Clerk. The appeal hearing shall be a public hearing with notice being given pursuant to Section 16.12.080 of this Chapter and with additional notices to be given to the subdivider and affected interested persons in a similar manner. The decision of the City Council shall be final, and upon making its decision the City Clerk shall, within ten (10) days, mail a written report of the outcome directly to the applicant or owner and to the various City Departments. Pursuant to Section 66451.2 of the Map Act, fees shall be collected from the subdivider or from persons appealing or filing a complaint, for expenses incurred in addressing the appeal or complaint. The specific fee shall be set in accordance with Section 16.36.020 of this title.

16.12.120 – Extension of Time for Planning Commission/City Council Action.

The time limits set forth above for acting on the tentative map may be extended by mutual consent of the subdivider and the Planning Commission in accordance with the provisions of the Map Act.

16.12.130 – Map Checking Fees to City Engineer.

Applicants for final parcel maps shall deposit a fee with the City Engineer to defray the cost associated with the checking of the tentative map, preparation of conditions of approval, final and parcel map, grading plans and offsite improvement plans.

16.12.140 – Expiration/Extension of Approved Parcel Map.

The expiration period, procedures for extension of time and other limitations specified in Section 16.10.140 herein, shall apply.

CHAPTER 16.14 – VESTING MAPS

16.14.010 – General.

The requirements for forms and content, submittal, review, and approval/denial of a tentative vesting map, whichever applies, in accordance with Chapters 16.10 and 16.12 of this title. In addition, the face sheet of a vesting map shall contain the words "vesting tentative tract map" or "vesting parcel map" in a conspicuous location and letter style. The filing of a vesting map is at the exclusion option of the subdivider and shall not be the prerequisite to any proposed subdivisions or an application for development.

16.14.020 – Expiration of Approved Vesting Tentative Tract or Parcel Map.

An approved vesting tentative tract or parcel map shall expire within twenty-four (24) months, unless extended by the Planning Commission, pursuant to the provisions of Section 16.10.140.

16.14.030 – Vesting Tentative Tract or Parcel Map Amendments.

If the ordinances, standards and policies in effect at the time of vesting tentative tract or parcel map approval are subsequently changed prior to expiration of the vesting tentative map, the applicant may apply for an amendment to that map, to secure a vested right to proceed with the changed ordinances, policies and standards. Such an application shall be reviewed by the Subdivision Committee and acted upon by the Planning Commission and/or City Council pursuant to the requirements for tentative tracts and parcel maps, specified in Chapters 16.10 and 16.12 of this title.

16.14.040 – Vesting Upon Approval of a Tentative Map.

The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the standards, policies and ordinances in effect at the time of such approval. However, the City may impose reasonable conditions or deny a request for a subsequent permit, approval, extension or other entitlement, if it determines that:

- A. Failure to do so could 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, to comply with state or federal laws.

16.14.050 – Time Period to Exercise Vested Rights.

- A. The rights conferred by an approved vesting tentative map shall last for an initial time period of one year beyond the recording of the final map, parcel map or waiver of parcel map. When multiple final maps are recorded, the one-year initial period shall begin for each phase when the final map for the phase is recorded.
- B. The initial time period shall be automatically extended if the City fails to complete its review of an application for a grading permit or for design or architectural review within thirty (30) days from the date that a complete application is received by the City.
- C. At any time prior to the expiration of the initial one-year time period, the subdivider may apply for a maximum, one-year time extension, to be considered by the Planning Commission. If such request is denied, the subdivider may appeal that denial to the City Council, within fifteen (15) days of the action.
- D. If the subdivider submits a complete application for a building permit within the initial one-year period specified above, the rights conferred by the vesting map shall continue until the expiration of that permit or any extension of such permit granted by the Building Official.

16.14.060 – Applications Inconsistent with Existing Regulations.

Pursuant to Section 66498.4 of the Map Act, a property owner may seek approval for a development within the subdivision for which a vesting tentative map was approved and subsequently recorded, which is not consistent with the ordinances, standards and policies in effect at the time of approval of the vesting tentative map, and the City may approve such request, only to the extent authorized under applicable law.

CHAPTER 16.16 - FINAL, PARCEL AND REVERSION TO ACREAGE MAPS

16.16.010 – General.

The subdivider shall file the required number of copies of the final map with the City Engineer. Such filing shall also include adequate evidence that the subdivider has filed the statement required by Section 66492 of the Map Act, with the Los Angeles County Recorder, indicating that there are no liens against the subdivision for unpaid taxes or special assessments.

16.16.020 – Title Sheets.

- A. The title sheet of each map shall contain a title consisting of "Tract No. _____" (insert map number) for final maps, "Parcel Map No. _____" (insert map number) for parcel maps, and a subtitle consisting of "A Reversion to Acreage of (insert legal description of land being reverted), for Reversion to Acreage Maps, along with the words "In the City of El Monte" or "Partly in the City of El Monte and partly in unincorporated territory" or "Partly in the City of El Monte and partly in the City of _____" (Insert the name of the adjacent city), whichever is applicable.

The title sheet shall also contain a subtitle consisting of a description of all the property in the division of land or reversion to acreage by reference to such map or maps of such property as shall have been previously recorded or filed in the Office of the County Recorder, or filed with the County Clerk pursuant to a final judgment in any action in partition, or filed in the Office of the County Recorder pursuant to the Code of Civil Procedure of the state or by reference to the plat of any United States survey. Each reference in such subtitle to any record maps shall be worded and spelled identically with, and contain a complete reference to, the book and page of the original record thereof.

- B. The certificate of the surveyor or engineer, as required by the Map Act, shall appear on the title sheet along with the date of any survey and the basis of hearings with a reference to a record satisfactory to the City Engineer, of a solar or polaris observation.
- C. If applicable, an acknowledgment of the owner's development lien shall be placed on the title sheet, pursuant to Section 66434.1 of the Map Act. The notary's official seal need not appear on the title sheet, provided that the notary's name, county of the notary's principal place of business and the notary's commission expiration date are typed or printed below the notary's signature of acknowledgment.

- D. Title sheets may be prepared in a horizontal or vertical format, as approved by the City Engineer.

16.16.030 – Certificates and Acknowledgments.

Those certificates and acknowledgments required by Chapter 2, Article 2 of the Map Act commencing with Section 66425, along with the following additional acknowledgments shall be made by separate instrument and filed concurrently with final maps:

- A. All of those certificates, acknowledgments, declarations and statements required by Chapter 2, Article 2, of the Map Act, along with the following additional certificates, may be combined and shall be made by separate instrument and filed concurrently with final maps and reversions to acreage maps.
 1. Special assessments certificate, signed by the Director of Finance;
 2. Planning commission Certificate, signed by the City Planner;
 3. All of those certificates, acknowledgments and statements required by Chapter 2, Article 3, of the Map Act shall be recorded by separate instrument, concurrently with the parcel map;
 4. Subdivider's and/or owner's statement consenting to recordation of the parcel map, as specified in Section 66445(e) of the Map Act;
 5. Dedications or offers of dedication, signed by the same parties and in the same manner as specified in Section 66439 of the Map Act for dedications by a final map.
- B. All required certificates, affidavits, acknowledgments, and signatures appearing on the title sheet shall be legibly stamped, printed, or signed with opaque ink and all such entries shall be readily reproducible by normal methods of reproduction.

16.16.040 – Map Sheets.

- A. General. Each map sheet shall bear the main title of the map, the scale, north point and sheet number and designation of the relation, if any, between that sheet and each other sheet comprising the map.
- B. Lot Numbers and Area. All lots shall be numbered and the numbers shall begin with the numeral "1" and continue consecutively without omission or duplication throughout the entire map. No prefix or suffix or combination of letter and number shall be used. Each lot shall be shown entirely on one map sheet. Upon each lot contain an area of three-fourths of an acre or more shall have designated on the map sheet, the acreage of the lot to the nearest one-hundredth of an acre.
- C. Lot, Block and Boundary Lines. The bearing and length of each lot, block, and boundary line shall be shown on the map provided, however, when bearings of lot lines in a series of lots are the same, the bearings may be omitted from each interior, parallel lot line of the series. Each required bearing or length shall be shown in full and no ditto mark or other designation of repetition shall be used.

- D. The arch length, radius and total central angle or bearings of terminal radii of each curve and the bearing of each radial line to each lot corner of each curve, or the central angle of each segment within each lot, shall be shown.
- E. Centerline and Widths of Streets, Alleys, and Other Ways. The centerline, the total width, and the total fractional widths on each side of the centerline of each street, alley or other way shall appear on the map sheets. The bearing and length of each tangent and the radius, central angle and arc length of each curve shall also be shown on each centerline.
- F. The map sheets shall also show the following widths and fractional widths or right-of-way when dedications are to be made on the map:
 - 1. The total width dedicated prior to the recording of such map; and
 - 2. The width of additional strips to be dedicated by such map.
- G. Street Names. The approved names including the word "Avenue", "Street", "Place" or other approved street designation shall be shown on the map sheet. Such names and designations shall be shown in, or arrowed into, both the newly dedicated portion and any existing portion of the street. No numerals or abbreviations shall be used in delineating street names.
- H. Rights-of-Way and Easements. All rights-of-way and easements which are a burden upon the land and lots within the division of land or reversion to acreage or which are required as a condition precedent to the filling of the map shall be shown on the map sheets and shall conform to the following:
 - 1. The centerline, sideline, width, and the length, bearing and sufficient ties thereto shall be shown, as necessary to definitely locate each right-of-way or easement. If the right-of-way or easement cannot be definitely located from the official records, a statement showing the existing of such right-of-way or easement shall be placed on the map.
 - 2. All rights-of-way or easements shall be delineated by a fine dashed line, excepting where such rights-of-way or easements are lots or series of lots, they shall be shown as such in conformance with the provisions of this Title.
 - 3. Distances, bearings, and all other indications of measurements on the lot lines which are crossed by rights-of-way or easements shall be arrowed or otherwise shown so as to clearly indicate the actual length, bearing or measurement, of each lot line.
 - 4. The rights-of-way or easements shall be clearly labeled and identified and, if of record, the record reference shall be shown thereon.
 - 5. Notes or figures pertaining to easements shall be subordinated in form and appearance to other notes or figures on the map sheets.
- I. City Boundary Lines. City boundary lines crossing or abutting the division of land or reversion to acreage shall be clearly designated and tied.

- J. Map Boundary Lines. The map boundary lines of the land included within the division of land or reversion to acreage shall be indicated by distinctive symbols and clearly so designated.
- K. Evidence Determining Boundary. In all cases where a survey is required for a map, each map sheet shall show fully and clearly evidence where there may be found on the ground the stakes, monuments, and other evidence used to determine the boundaries of the division of land or reversion to acreage.

Each stake, monument or other object found shall be fully described and referenced and the method used to establish each point or line shall be clearly shown and explained on the map sheet. It shall also show and identify each adjacent corner or each adjoining parcel of land or portion thereof by lot and block number, number or name, and place of record, or by section, township, and range, or, where no such identifying data is available, by another approved designation sufficient to establish the relation with such adjoining parcels of land. In those cases where a parcel map is compiled from record data, the source of the information used shall be contained in a note on the map sheet.

16.16.050 – Waiver of Parcel Map.

- A. Pursuant to Section 66428 of the Map Act, the Planning Commission may waive the filing of a parcel map for the following:
 - 1. Subdivision of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code, which are created by short term leases (terminable by either party on not more than thirty (30) days notice in writing); or
 - 2. Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates such a parcel map; or
 - 3. Construction of a condominium project on a single parcel of land.
- B. However, a tentative map shall still be required, except where waived by the City Engineer and City Planner.

16.16.060 – Waiver of Signature: Parcel Map.

The signatures of all parties having any record title interest in the real property being divided shall not be required on any parcel map unless dedications or offers of dedication are made by certificate on the parcel map.

16.16.070 – Additional Information.

Pursuant to Section 66434.2 of the Map Act, the City Engineer may require additional information to be filed or recorded simultaneously with the final map, parcel map or reversion to acreage map. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final map and shall contain a

statement that the additional information is for information purposes, describing conditions as the date of filing, and is not intended to affect record title interest.

16.16.080 – Approval of Final Map.

- A. Review by City Engineer. The City Engineer shall review the final map and all improvement agreements, and the subdivider's engineer or surveyor shall make corrections and/or additions until the map is acceptable to the City Engineer. The City Engineer shall also ensure that all required certificates and statements have been signed and, where required, acknowledged. The City Engineer shall ensure that all other conditions of the tentative map approval have been met.
- B. Prior to approval of the final map by the City Engineer, the subdivider shall provide sufficient evidence of compliance with the provisions of Chapter 4, Article 8, of the Map Act, with respect to required security for taxes and special assessments not yet payable.
- C. The final map shall be deemed filed, for the purpose of establishing the time limit for action on the final map by the City Council, as of the date the final map is approved and executed by both the City Engineer and the City Planner and filed with the City Clerk.
- D. Approval by City Council. Upon execution by the City Engineer and the City Planner, the final map, along with the Undertaking Agreement, shall be placed on the Council agenda for approval. The City Council shall consider the final map for approval within ten (10) days after filing with the City Clerk, or at its next regular meeting at which it receives the map, whichever is later. The City Council shall have approved the Undertaking Agreement before approving the final map.
- E. If the Undertaking Agreement and final map are approved by the City Council, it shall instruct the Mayor to execute the agreement on behalf of the City. If the undertaking agreement and/or final map is unacceptable, the Council shall recommend corrections, instruct the City Engineer to draft a new agreement and/or revise the final map and defer approval until after an acceptable agreement and/or final map are resubmitted.
- F. Offers of dedication shall be accepted, subject to improvement or rejected by the City Council, at the time of approval of the final map. The City Clerk shall certify or state on the map, the action of the City Council. The City Council may also designate an officer of the county to accept into the county road system, pursuant to Section 941 of the Streets and Highways Code, any road for which an offer of dedication has been accepted or accepted subject to improvements. Rejected offers shall remain open and shall terminate as specified in Section 66477.2 of the Map Act. Acceptance of offers of dedication on a final map shall not be effective until the final map is filed with the office of the County Recorder, or a resolution of acceptance by the City Council is filed with the County Recorder's office.
- G. Denial by City Council. The City Council may deny approval of the final map as provided for in the Map Act.
- H. Filing with the County Recorder. Upon approval of the final map by the City Council, the City Clerk shall execute the appropriate certificate on the certificate sheet and forward the

map, or have an authorized agent forward the map to the Clerk of the County Board of Supervisors for transmittal to the County Recorder.

16.16.090 – Approval of Parcel Map.

- A. Review by City Engineer. The provisions of Section 16.16.080 of this Chapter shall apply.
- B. Review by the City Planner. The provisions of Section 16.16.080 of this Chapter shall apply.
- C. Approval/Denial by the Planning Commission. If dedications or offers of dedication are not required, the Planning Commission shall approve or deny the parcel map as provided for in the Map Act.
- D. Approval/Denial by the City Council. If dedications or offers of dedication are required, the provisions of Section 16.16.080 of this Chapter shall apply.
- E. Filing with the County Recorder. Upon approval of the parcel map by the Planning Commission or City Council, the City Clerk shall execute the appropriate certificate on the certificate sheet and the subdivider(s) shall forward the map, or have an authorized agent forward the map to the County Recorder for recordation.

16.16.100 – Approval of Reversion to Acreage Map.

Reversion to Acreage Maps submitted for final approval prior to recordation, shall be subject to review and approval as specified above for final or Parcel Maps, as the case may be. In addition, except as provided in subdivision (e) of Section 66445 of the Map Act, a certificate shall accompany the parcel map, acknowledge by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map. The Planning Commission shall approve such requests, only upon making the following finding:

- A. That the proposed division of land complies with all City requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other applicable provisions of the City's General Plan, Zoning Ordinance or other applicable ordinances and regulations.

16.16.110 – Multiple Final Maps.

Pursuant to Section 66456.1 of the Map Act, multiple final maps may be filed prior to the expiration of the tentative map if:

- A. The subdivider informs the City at the time of filing of the tentative map of his or her intention to file multiple final maps; or
- B. After the filing of the tentative map, the subdivider and the City agree to the filing of multiple final maps. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed final maps. The city may impose reasonable conditions relating to the filing of multiple final maps.

CHAPTER 16.18 – LOT LINE ADJUSTMENT

16.18.010 – Definition.

A lot line adjustment pursuant to Section 66412(d) of the Subdivision Map Act is where the land, in total, taken from one parcel and added to an adjacent parcel, does not exceed fifty (50) percent of the gross area of the parcel from which it is taken and where the same number of parcels as originally existed are the resultant.

16.18.020 – Required Map and Information.

When the owner or owners of contiguous properties desire to obtain approval of a boundary line adjustment, the original and three (3) copies of an eight and one-half (8 ½) inch by eleven (11) inch map, prepared on vellum or drafting linen with a one-inch border, shall be prepared and submitted to the City Engineer and shall contain the following information:

- A. Name and address of owner(s) whose properties are shown on the map;
- B. North arrow;
- C. Scale of map;
- D. Date of preparation;
- E. Name, location and width of all streets and alleys abutting the property;
- F. Tract and lot identification, lot lines, bearings and dimensions of each of the two lots;
- G. Approximate location of existing improvements, buildings and permanent;
- H. Structures;
- I. Location and width of all easements upon or abutting the property;
- J. Location of the proposed lot boundary line adjustment, together with all
- K. Applicable dimensions and bearings;
- L. Signatures of all owners of lots involved in such boundary line adjustment; and
- M. A complete survey of both parcels involved.

16.18.030 – Fees.

Fees shall be paid in accordance with Section 16.36.020 of this Chapter.

16.18.040 – Review and Approval.

The City Engineer and City Planner shall review and approve a lot line adjustment map if the following conditions exist:

- A. No street or alley dedication or subdivision improvement is necessary to properly service the properties involved in the proposed boundary adjustment;
- B. The lots, as proposed by the boundary line adjustment, will conform in all respects to the provisions for minimum lot size established in Chapter 16.26.

- C. The lots, as proposed by the boundary line adjustment, are in accordance with established neighborhood lot design patterns and do not violate any statute, ordinance, regulation or good planning practice.

16.18.050 – Filing with County Recorder.

Upon approval of the lot line adjustment by the City Engineer and City Planner, the applicant shall cause to be filed record certificates of compliance, containing the descriptions of the parcel as they exist after adjustment pursuant to the applicable provisions of this title and the satisfaction of the City Engineer.

16.18.060 – Denial and Appeal.

If the City Engineer or City Planner denies a requested lot line adjustment, the applicant thereof shall be notified. Said notice shall be by United States mail, postage prepaid, addressed to the applicant at the last known address and shall contain reasons for denial. Within ten (10) days of receipt of notice of denial the applicant may appeal the decision to the Planning Commission.

**CHAPTER 16.20 – REVERSION TO ACREAGE AND
PARCEL MERGER BY DOCUMENT ADJUSTMENTS**

16.20.010 – General.

Subdivided property may be reverted to acreage pursuant to provisions of this title and Chapter 6, Article 1 of the Map Act.

16.20.020 – Initiation of Proceedings.

Proceedings for reversion to acreage may be initiated by the Planning Commission on its own motion or by petition of all of the owners of record of real property within the subdivision.

16.20.030 – Contents of Petition.

The petition shall be accompanied by the following:

- A. Evidence of title to the real property within the subdivision.
- B. A statement of the reasons for the proposed merger.
- C. Form and contents of such maps shall be specified for a final or parcel map, pursuant to Chapter 16.16 of this title.
- D. Other pertinent information as deemed necessary by the City Engineer and City Planner.
- E. The required filing fee, in accordance with the fees and charges pursuant to Section 16.36.020 of this title.

16.20.040 – Submittal of Petition to the City Planner.

- A. The final map or parcel map for the revision, together with all other data as required by this Chapter shall be submitted to the City Planner for review.

- B. Upon finding that the petition meets with all the requirements of this title and the Map Act, the City Planner shall submit the final map or parcel map, together with a report and recommendations of approval, conditional approval, or denial of the reversion to acreage, to the Planning Commission for their consideration.

16.20.050 – Approval by Planning Commission.

- A. A public hearing shall be held by the Planning Commission on all petitions for initiation for reversions to acreage. Notice of the public hearing shall be given as provided in Section 16.10.080 of this Chapter and Section 66451.3 of the Map Act. The City Planner may give such other notice deemed necessary or advisable.
- B. The Planning Commission may approve a reversion to acreage only if it finds and records by resolution that the provisions of Section 66499.16 of the Map Act have been satisfied.
- C. The Planning Commission shall require those conditions of reversion specified in Section 66499.17 of the Map Act.

16.20.060 – Filing with County Recorder.

- A. Following approval of a reversion to acreage by the Planning Commission, the petitioner(s) shall be responsible for submitting the final or parcel map, prepared in accordance with Chapter 16.16 of this title to the Los Angeles County Recorder for recordation.
- B. The reversion shall be effective only after recordation of the final or parcel map pursuant to Section 66499.18 of the Map Act.

16.20.070 – Merging and Resubdividing Without Reversion.

- A. Pursuant to Section 66499.20-½ of the Map Act, subdivided lands may be merged and resubdivided without reverting to acreage. Such merging and resubdividing may be accomplished upon completion of all standard requirements for approval of tentative and final maps or parcel maps, as stated herein.
- B. Any unused fees or deposits previously made pursuant to a request for merger and resubdivision pertaining to the property shall be credited pro rata towards any requirements for the same purposes which are applicable at the time of filing a new request.

16.20.080 – Merger without Reversion Application Requirements.

Requests for merger and resubdivision as defined above, must be submitted to the City Engineer and shall include the following:

- A. Evidence of title to the real property involved.
- B. A statement of the reasons for the proposed merger.
- C. A tentative tract or tentative parcel map, unless certain information requirements are waived by the City Engineer.
- D. Any other information deemed necessary by the City Engineer or the City Planner.

- E. The required filing fee, in accordance with the fees and charges pursuant to Section 16.36.020 of this title.

16.20.090 – Merger Without Reversion Review and Approval.

Requests for merger and resubdivision, as defined above, shall be reviewed by the Planning Commission in the same manner as prescribed for a tentative tract or parcel map as stated herein.

16.20.100 – Merger Without Reversion Filing With County Recorder.

Following approval, the owner or his or her authorized representative shall file a certificate of compliance, approved by the City Engineer as to form and content, evidencing the merger, with the Los Angeles County Recorder.

16.20.110 – Merger of Contiguous Parcel by Document.

- A. Pursuant to Section 66499.20-¾ of the Map Act, the owner of contiguous parcels may request a merger of the parcels, without reverting to acreage, to be recorded by a document approved by the City Engineer as to form and content properly describing the merged parcels.
- B. Prior to approval of a merger by document each parcel to be merged shall conform to the current minimum lot standards

16.20.120 – Merger by Document Application Requirements.

Applications for requests as defined above must be submitted to the City Engineer and shall include the following:

- A. Adequate evidence of title to the real property involved.
- B. A statement of the reasons for the proposed merger.
- C. The information required for a parcel map, as specified in Chapter 16.12 of this title, unless certain information requirements are waived by the City Engineer.
- D. Any other information deemed necessary by the City Engineer or City Planner.
- E. The required filing fee, as established pursuant to Section 16.36.020 of this title.

16.20.130 – Merger by Document Review and Approval.

Requests for merger by document, as defined above, shall be reviewed and approved by the City Engineer and the City Planner.

16.20.140 – Merger by Document Filing with County Recorder.

Following approval, the owner or an authorized representative shall file a certificate of compliance, approved by the City Engineer as to form and content, evidencing the merger, with the Los Angeles County Recorder.

16.20.150 – Appeals of Decision.

The owner of the affected parcels or any other directly affected party may file a written appeal of the City Engineer, City Planner, or Planning Commission action, to the appropriate

body within ten (10) days of receipt of the decision. The appeal procedure shall be as specified in this title.

CHAPTER 16.22 – CERTIFICATE OF COMPLIANCE

16.22.010 – Request.

Pursuant to Section 66499.35 of the Map Act, any person owning real property or a vendee of such person pursuant to a contract of sale may request the issuance of a certificate of compliance, stating that such real property (or any division thereof) complies with the provisions of the Subdivision Map Act and this title. Such request shall be filed with the City Engineer upon such forms, and accompanied by a fee in accordance with Section 16.36.020 of this title, and such information as may be prescribed by the City Engineer.

16.22.020 – Determination.

- A. Based upon the criteria set forth in Section 66499.35 of the Map Act, the City Engineer shall approve, conditionally approve or deny a request for a certificate of compliance.
- B. The determination of the City Engineer may be appealed by the applicant to the Planning Commission, within ten days of the determination by the City Engineer. Such appeals shall be in writing and accompanied by the standard appeal fee in accordance with Section 16.36.020 of this title.

16.22.030 – Recordation.

The certificate of compliance shall be filed with the County Recorder pursuant to the Map Act.

CHAPTER 16.24 – CONDOMINIUM CONVERSION

16.24.010 – General.

The requirements and procedures for tentative and parcel maps and final maps (Chapters 16.10, 16.12 and 16.16 of this title) regarding map format, contents, review and approval, shall apply to conversions of existing rental housing to condominiums, community apartments, stock cooperative and any other subdivision which is a conversion of existing rental housing.

16.24.020 – Notice to Existing Tenants.

Notice shall be provided in the manner required in Chapters 16.10 or 16.12 of this title. An additional notice shall be given to all tenants one hundred eighty (180) days prior to the filing of the tentative or parcel map, in the manner prescribed in 66452.9 (b) of the Map Act. Copies of the actual notice shall also be submitted to the City at the time of filing of the map.

16.24.030 – Notice of Prospective Tenants.

Upon serving notice to the tenants as required in Section 16.24.020, the subdivider or their agent shall also provide written notice as required in 66452.8 (b) of the Map Act to prospective

tenants prior to acceptance of any rent or deposit. Failure to provide the required notice shall subject the subdivider to the following:

- A. Actual moving expenses incurred by the tenant when moving to and from the subject property.
- B. The first's month rent on the tenant's new rental unit, if any, immediately after moving from the subject property.
- C. Cash payment in an amount equal to the above can also be made subject to the tenants concurrence.

16.24.040 – Reports Required.

- A. The applicant shall submit a property report describing the age and condition of each of the following elements of each structure situated within the project proposed for conversion: foundations, exterior walls, fire walls, roof, stairways and exits, interior insulation (sound and thermal), heating and air conditioning, fire and earthquake safety provisions, security provisions, interior common or public areas, landscaping and trash control. Such report shall be prepared by an appropriately licensed civil engineer or an architect registered in California, and shall contain recommendations for the correction or improvement of any deficiencies noted.
- B. The applicant shall submit a structural pest report. Such report shall be prepared by a licensed structural pest control operator pursuant to Section 8516 of the Business and Professions Code, relating to written reports on the absence or presence of wood-destroying pests or organisms.

16.24.050 – Improvements Required.

All residences proposed for conversion to a condominium, community apartment or stock cooperative shall comply with the following requirements:

- A. All current zoning and development requirements of Title 17 of this code.
- B. Wall and floor-ceiling assemblies shall conform to the sound insulation performance criteria promulgated in Uniform Building Code, 1997 Edition, or its successor, and Regulations Establishing Energy Conservation Standards promulgated by the California Energy Commission.
- C. The consumption of gas and electricity within each dwelling unit shall be separately metered. A water shut-off valve shall be provided for each unit. Each dwelling unit shall have a separate hot water heater.
- D. All ovens, ranges, dishwashers, garbage disposals, hot water heaters, heating and air-conditioning shall be in good working order and the developer shall provide a one year warranty for each item.
- E. Approval of a certificate of occupancy shall be required for any such conversion. Upon receipt of an application for a certificate of occupancy, the Building Official shall cause an inspection to be made of all buildings and structures in the proposed condominium,

community apartment project or stock cooperative. The Building Official shall prepare an inspection report identifying all items not in conformance with the current City building, electrical, mechanical, and plumbing codes, and any additional equipment and facilities the building official determines to be deteriorated or hazardous. The developer shall repair, replace or add any equipment or facilities determined to be in violation of any such City codes or to be deteriorated or hazardous.

- F. The applicant shall provide a schedule of proposed improvements which shall be made to the project prior to the sale of any of the units.

16.24.060 – Exceptions.

Recognizing that condominium conversions present unique problems with respect to meeting current requirements, the Planning Commission may recommend, and the City Council may grant, exceptions to Section 16.24.050 with regard to a particular conversion proposal upon finding that the exception will not contravene the intent and purpose of this Division.

DIVISION 3 – DESIGN, STANDARDS, IMPROVEMENTS & SECURITY

Chapter 16.26 – Design Standards.

Chapter 16.28 – Subdivision Improvements.

Chapter 16.30 – Survey and Monuments.

Chapter 16.32 – Improvement Security.

CHAPTER 16.26 – DESIGN STANDARDS

16.26.010 – Compliance Required.

- A. The standards and requirements specified in this title shall apply to all final maps.
- B. The requirements applicable to a parcel map, parcel map waiver, lot line adjustment, conditional certificate of compliance and parcel merger, shall be limited to the dedication of rights-of-way, easements and the construction of reasonable off-site and on-site improvements for the parcel being created.

16.26.020 – Design Standards.

- A. **Streets and Highways.** Street right-of-way, alignment and design specifications shall conform to the standards set by the City Engineer and Director of Public Works.
- B. **Alleys.** Alley alignment and design specifications shall conform to the standards set by the City Engineer, in accordance with the adopted studies, or other standards adopted by the City Council. In the event that standards have not been adopted, the Director of Public Works shall establish the standards which decision may be appealed to the City Council.
- C. **Traffic Control and Safety Devices.** The subdivider shall install all required traffic control and safety devices, in accordance with the standards and recommendations of the City Engineer, the Director of Public Works and Ordinance Number 2297.
- D. **City Blocks.** Blocks shall be two (2) lots deep and not less than two hundred (200) feet in depth, measured from the frontage on one street to the frontage on the closest parallel street. Where lots back up to a street or highway and where it is intended that there shall be no access from said lot to the street or highway against which they back, a six (6) foot high masonry wall shall be erected in accordance with the standards of the City Engineer on the rear property line as a physical separation between the lot and the street or highway.
- E. **Super Blocks.** Super blocks may be submitted to the Commission for approval when such blocks propose special design features which will provide for greater amenities than those set forth in the minimum standard provisions of this title and where no hardship is wrought on the community as a whole by the approval of such super block plans.
- F. **Walkways.** The subdivider may be required to dedicate and improve walkways to standards prescribed by the Planning Commission across blocks greater than nine hundred

(900) feet in length, in order to provide more convenient access to school, park or other public arm.

- G. **Lots.** Minimum frontage and depth. All lots, except those in a Planned Residential Development, shall have a minimum frontage of sixty (60) feet, on a dedicated public street, and a minimum depth of one hundred (100) feet and shall in all ways conform to the standards established in Title 17, (Zoning Regulations) of this code.
- H. **Minimum Area: Residentially Zoned Lots.** All residentially zoned lots, except those in a planned development, shall have a minimum area of six thousand (6,000) square feet. Easements over any such lot for public utility purposes shall not be considered as a reduction from the required lot area; provided, however, that said easements shall not cover more than one-sixth ($\frac{1}{6}$) of the total area of such lot. The provisions of this Section 16.26.020.H. shall not apply to a parcel of land subdivided for use or ownership by a public agency.
- I. **Minimum Area: Commercially Zoned Lots.** All commercially zoned lots shall have a minimum area of thirty thousand (30,000) square feet with a minimum frontage of one hundred fifty (150) feet and a minimum depth of two hundred (200) feet.

Smaller, individually owned parcels within these larger commercial subdivisions are permitted if the overall size of the project parcel is a minimum of five (5) acres (two hundred seventeen thousand eight hundred (217,800) square feet) and the size of the smaller parcel is no less than ten thousand (10,000) square feet and a minimum of one hundred (100) feet of frontage along a public street.

A maximum of three (3) individually owned parcels are permitted for those developments measuring between five (5) and ten (10) acres and an additional parcel is permitted for every five (5) additional acres thereafter.

Smaller parcels within a larger commercial development are subject to covenants, conditions and restrictions (CC&Rs) which tie them to the design and development standards of the larger development plan and/or subdivision and expressly address common or reciprocal access, parking, landscaping, maintenance, design, signage and other operational standards.

The provisions of this Section 16.26.020.I. shall not apply to a parcel of land subdivided for use or ownership by a public agency.

- J. **Industrially Zoned Lots.** All industrially zoned lots shall have a minimum area of forty thousand (40,000) square feet with a frontage of two hundred (200) feet and a depth of two hundred (200) feet. The provisions of this Section 16.26.020.J. shall not apply to a parcel of land subdivided for use or ownership by a public agency.
- K. **Determining Block Face to be Considered Frontage.** On major traffic, collector and local streets, all lots shall front upon the street that parallels the long dimension of the block. In the case of square blocks, the commission shall determine on the basis of the exiting uses which block face shall be considered as frontage.
- L. **Flag Lots.** Flag lots are prohibited.

- M. **Double Frontage.** Double frontage lots are prohibited.
- N. **Side Lot Lines.** Side lot lines of rectangular lots shall be as nearly perpendicular to the centerline of the street upon which the lot fronts as is practical; side lot lines of lots fronting on curved streets shall be as nearly radial as is practical.
- O. **Exceptions.** In cases where more than fifty (50) percent of the frontage on the same side of the street between intersecting streets is already subdivided into lots, which lots are already built upon, the Commission may approve the predominant width of the existing lots in this frontage as the minimum standard; provided, however, that in no case shall the Commission approve the creation of any lot with an average width less than forty-five (45) feet and with less than thirty-five (35) feet of frontage on a dedicated street.
- P. **Corner Lots.** Shall be at least ten (10) percent wider than the minimum requirements for interior lots in any zone, in order to maintain required building lines on both side and front streets.

CHAPTER 16.28 – SUBDIVISION IMPROVEMENTS

16.28.010 – General Requirements.

- A. The dedication, completion and/or upgrading of all abutting and/or affected public rights-of-way and on- and off-site public improvements shall be required as a condition of all proposed developments.
- B. The entire contiguous property ownership on which the proposed development is placed shall be considered unless there is a defined and definite separation and change in land use.
- C. The subdivider shall make all public improvements required in this Chapter or any other chapter, prior to approval of final, parcel, or reversion to acreage maps; lot line adjustments; or conditional certificates of compliance; except when an undertaking agreement has been approved pursuant to Section 16.32.010 of this title.
- D. Improvement work shall not be commenced until plans and specification therefor, prepared in accordance with approved standards, have been submitted to and approved by the City Engineer. Plans and specifications shall be required prior to approval of the final map and shall become the property of the City.
- E. Pursuant to Section 66456.2 of the Map Act, the City shall review and act upon improvement plans within sixty (60) working days of its submittal, except that at least fifteen (15) working days shall be provided for processing any resubmitted improvement plan. The sixty (60) working-day period shall not include any days during which the improvement plan has been returned to the applicant for correction, has been subject to review by agencies other than the City or, following that review, has been returned to the applicant for correction. These time limits may be extended by mutual consent of the subdivider and the City Engineer.

- F. The City may also contract with other private entities or persons to review the improvement plans, if it determines that it is unable to meet the above-specified time limits. The City may charge the subdivider for all costs directly attributable to employing or contracting with other entities to perform the improvement plan checking services.
- G. All required improvements shall be constructed to permanent line and grade under the inspection of and to the satisfaction of the City Engineer. The number and classification of inspectors and engineers necessary to adequately inspect and control the various phases of the work shall be determined by the City Engineer. The City Engineer shall keep a complete record of all inspections, laboratory, supervision and appurtenant costs which shall include overhead. The City Clerk shall submit monthly to the subdivider a detailed statement of such costs. The subdivider shall pay all such costs within fifteen (15) days after receipt of such detailed statement. The work will not be accepted by the City until all such costs have been paid. The subdivider shall agree to pay for all such costs.
- H. The subdivider shall provide all necessary field engineering for the purpose of establishing lines and trades during installation of all required improvements.
- I. The subdivider shall provide all monuments, ties, calculations, notes and other survey data required by Chapter 16.30 prior to approval of the final map, except as otherwise provided in Chapter 16.32.

16.28.020 – Streets.

All streets, highways, ways and alleys shall be graded and paved to widths, grades, and structural sections, as approved by the City Engineer. The subdivider shall improve the extension of all subdivision streets, highways, ways or alleys to the intercepting paving line of any City street or alley, country road or state highway.

16.28.030 – Underground Utilities.

All underground utilities, both public and private, sanitary sewers, and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such streets, service roads, alleys, or highways. Connections for all underground utilities and sanitary sewers shall be laid to such lengths as will obviate the necessity of disturbing the street or alley improvements when service connections thereto are made.

16.28.040 – Structures.

Structures shall be installed as deemed necessary by the City Engineer, for drainage, access, and/or public safety. Such structures shall be placed to grades and shall be of a design approved by the City Engineer.

16.28.050 – Curbs and Gutters, Storm Drains and Culverts.

Curbs and gutters, storm drains and culverts shall be installed to the specifications of the City Engineer.

16.28.060 – Sidewalks.

Sidewalks shall be installed to grades and widths approved by the City Engineer provided that exceptions to this provision may be granted by the City Engineer where topographical conditions make the installation of sidewalks impractical.

16.28.070 – Grade of Lots.

Lots shall be graded as required per Chapter 15.40 (Grading and Erosion Control) of the El Monte Municipal Code and approved by the City Engineer.

16.28.080 – Sewers.

Sanitary sewer facilities connecting with the existing City sewer system shall be installed to serve each lot in a land subdivision and each unit in a condominium project subdivision or community apartment project subdivision in accordance with the standards of the City Engineer.

16.28.090 – Drainage.

Adequate provision for drainage shall be made and storm drains and facilities shall be installed to grade and sizes approved by the City Engineer.

16.28.100 – Water.

Water mains and fire hydrants, connecting to the public water system serving the City, shall be installed as required by the City Engineer and shall be approved by the designated agent of the Los Angeles County Fire Department.

16.28.110 – Telephone and Electrical Services.

- A. Utility lines, including but not limited to electric, communications, and cable television, shall be required to be placed underground. Appurtenances and associated equipment such as, but not limited to surface-mounted terminal boxes and meter cabinets and concealed ducts in an underground system, may be placed above ground. The City Engineer or City Planner may recommend to the Planning Commission or City Council may waive the requirements of this Section if topographical, soil, or any other conditions make such underground installation unreasonable or impractical. This Section shall not apply, to overhead lines of a continuous lead crossing or abutting any portion of the subdivision boundaries, or to any other overhead lines which do not provide service to the area being subdivided or developed.
- B. The developer or subdivider shall reimburse the telephone corporation or cable television system for all costs incurred by such entities for replacement, underground or relocation of such facilities, caused by construction of the subdivision improvements, as specified in Section 66473.6 of the Map Act.

16.28.120 – Removal and/or Relocation of Utility Facilities.

When the approval of private property developments requires the improvement of public streets and such street improvements will result in the removal and/or relocation of facilities including, but not limited to electric, gas, water or telephone lines, the land developer shall

bear the cost of such removal or relocating of facilities and otherwise meet the requirements of the serving utilities. Prior to the final approval of the development plans, the owner/developer shall provide the City's Department of Public Works with a letter of compliance from the servicing utility.

16.28.130 – Gas.

Gas facilities connecting to gas mains serving the City shall be provided in a manner deemed appropriate by the City Engineer.

16.28.140 – Street Trees.

Street trees shall be installed per the type and size shown on the El Monte tree planting plan and planted in locations approved by the City Engineer.

16.28.150 – Planting of Cut and Fill Slopes.

Wherever land has been cut or filled as part of the development of hillside areas, slopes exceeding a grade of one foot in the vertical direction to three feet in the horizontal direction (3:1 slope) or which exceed three feet in height, shall be planted with approved landscape material and maintained for purposes of retaining the slope from erosion or movement.

16.28.160 – Street Name Signs.

Street name signs shall be installed in accordance with the standards of the City. Street names shall be provided by the City. In the case of private streets, there shall be installed at or near the entrance of each intersection of a private street with a dedicated public street, a sign posted to which is attached a sign having a minimum size of two (2) feet by three (3) feet, upon which is printed clearly and legibly in at least two and one-half (2 ½) inch high letters the following:

(NAME OF STREET)

PRIVATE STREET

NOT DEDICATED FOR PUBLIC USE

16.28.170 – Street Lighting.

Street lighting shall be required and shall be provided for by the subdivider. The street lighting system shall consist of a City-owned underground system. The installation of a street lighting system shall be in accordance with the standards and specifications of the City.

16.28.180 – Railroad Crossings.

Provision shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the State of California Public Utilities Commission for the establishment and improvement of the crossings. The subdivider may be required to bear the full cost of the crossing improvement.

16.28.190 – Safety Devices.

Safety devices such as traffic islands, street signs, reflectors, traffic signals and safety lighting shall be installed where deemed necessary by the City Engineer.

16.28.200 – Demolition, Moving, Altering or Conversion.

The subdivider shall perform all work required by the Commission and/or City Council in connection with the demolition, moving, alerting or conversion of any structure or facility either wholly or partially within the subdivision or affected thereby.

16.28.210 – Supplemental Size of Improvements.

The City may require that improvements installed by the subdivider for the benefit of the subdivision shall contain supplemental size, capacity, length, or number for the benefit of property not within the subdivision, and that such improvement be dedicated to the public, and the subdivider shall be reimbursed for the supplemental costs, pursuant to Sections 66485, 66486, and 66487 of the Subdivision Map Act.

16.28.220 – Other Improvements.

The subdivider shall make such other improvements where deemed necessary by the Commission and/or Council, for the public health, safety or welfare.

16.28.230 – Designated Remainder Parcel Improvements.

The subdivider or developer shall not be required to provide required improvements for a designated remainder parcel, except as specified in Section 66424.6 of the Map Act.

CHAPTER 16.30 – SURVEY AND MONUMENTS

16.30.010 – Survey Procedures.

The procedures and practices for all survey work done in conjunction with the preparation of the map shall conform to the provisions of Chapter 15 of the Business and Professions Code (the Land Surveyor's Act of the State of California), and shall have an allowable error of closure on any portion thereof not to exceed 1/10,000.

16.30.020 – Durable Monuments Required.

Pursuant to Section 66495 of the Map Act, durable monuments shall be set at the time of making the survey for the final map or parcel map. Such monuments shall be two (2) inches by two (2) inches O.P. & T.

16.30.030 – Subdivision Boundaries.

Durable monuments shall be set at all angle and curve points on the exterior boundary of subdivisions, and at points not more than one thousand (1,000) feet apart in cases where exterior boundaries between any two (2) angle or curve points exceed said distance. Monuments shall be set as follows:

- A. All monuments shall be tagged or marked with the registration or license number of the engineer or surveyor who signed the map.
- B. A boundary monument shall not be less substantial than an iron pipe of a two (2) inch outside diameter, not less than thirty (30) inches in length, with the concrete plug and tag, and set no higher than flush with the surface of the ground—two (2) inches I.P. & T. If the tag is not secured by the concrete, a brass tack shall secure the tag. In areas subject to dishing, pipes must be set no less than six (6) feet deep, and in areas subject to commercial cultivation, no less than twelve (12) inches deep.
- C. Acceptable substitute monuments are:
 - 1. A lead, brass tack and tag set in concrete—L.T. & T.;
 - 2. A six (6) inch spike, stamped washer and tin set in A.C.—S.W. & T.;
 - 3. Any other substitutes shall be approved in writing by the City Engineer before setting;
 - 4. State depth of all two (2) inch I.P. & T.'s set on the map or use a depth of monument note.

16.30.040 – Parcel/Lot Corners.

A durable monument shall be set at each angle and curve point in the boundary of each lot, which portion is not covered in Section 16.30.030. Monuments shall be set as follows:

- A. All monuments shall be tagged or marked with the registration or license number of the engineer or surveyor who signed the map.
- B. Each monument shall not be less substantial than a one inch I.P., eighteen (18) feet long set as described under Section 16.30.020.

16.30.050 – Street Centerline.

- A. Centerline monument shall be placed at the following locations:
 - 1. All points of intersection with the centerline of other streets or alleys;
 - 2. All points of beginning and end of curves, or at the points of intersection of tangents or semi-tangents of curves;
 - 3. All points of intersection with the subdivision boundary except where said subdivision boundary is a street sideline. In cases where a street terminates at the subdivision boundary and is planned for future extension, the terminal centerline monument shall be set on an offset no less than three (3) feet and no greater than five (5) feet along the centerline inside the subdivision boundary;
 - 4. All angle points.
- B. All monuments shall be tagged or marked with the registration or license number of the engineer or surveyor who signed the map.
- C. Each centerline monument shall be not less durable than:
 - 1. A six (6) inch monument spike, marked washer and tin in A.C.;

2. A lead, brass tack and tag in concrete or cement concrete;
 3. An iron pipe of a two (2) inch outside diameter, not less than thirty (30) inches in length, with concrete plug and tag no less than six (6) inches deep in unimproved, gaveled or oiled surface. If the tag is not secured by the concrete, a brass tack shall secure the tag;
 4. Any substitute monument shall be approved in writing by the City Engineer before setting.
- D. Centerline Ties:
1. If the intersection is improved with concrete curbs, set four L. & T.'s (using brass tacks) as tangent ties on curbs;
 2. If the intersection is not improved with concrete curbs, set four (4) tangent ties, no less than four (4) feet from the centerline monument.
 - a. If the ties fall on the pavement, they shall be set approximately two feet from the edge of pavement.
 - b. If in A.C., use six (6) inch monument spikes and tins.
 - c. If in concrete, use brass tacks set in lead.
 - d. If the ties must be set off of the pavement, use iron pipes of a two (2) inch outside diameter, thirty (30) inches in length, with concrete plugs and brass tacks, set in natural ground no closer than two feet from the edge of pavement, and no less than six (6) inches deep;
 3. Any substitute centerline tie should be approved in writing by the City Engineer before setting;
 4. If it is impractical to set tangent ties, the City Engineer may approve, in writing, deviation from tangent ties;
 5. Notes showing centerline ties are to be filed in the office of the City Engineer after inspection.

16.30.060 – Notification of Set Monuments.

Pursuant to Section 66497 of the Map Act, within five (5) days after the final setting of all monuments. The engineer or surveyor shall provide written notice to the subdivider and to the City Engineer that the final monuments have been set. The written notice shall contain information on the number and location of the monument set. The notice shall be signed by the engineer and surveyor and shall bear his/her stamp. This document shall be recorded. All monuments shall be set prior to obtaining a grading and building permit. If the applicant wishes to delay the establishment of the monument a five hundred dollar (\$500.00) deposit per monument shall be provided to the City.

CHAPTER 16.32 – IMPROVEMENT SECURITY

16.32.010 – Undertaking Agreement.

Any act or obligation (improvement) required as a condition of approval of a final or parcel map, reversion to acreage map, a parcel map waiver, parcel merger, lot line adjustment or a conditional certificate of compliance, which has not been completed prior to final approval, shall be guaranteed by an undertaking agreement, between the subdivider and the City, which satisfies the requirements of Section 66462 of the Map Act. The form of the undertaking agreement shall be approved by the City Attorney prior to consideration by the City Council, Planning Commission or City Engineer.

16.32.020 – Supplemental Improvement Reimbursement Agreement.

Where the subdivider is required to install supplemental improvements pursuant to Section 16.28.220 herein, the City shall enter into an agreement to reimburse the subdivider pursuant to Section 66486 of the Subdivision Map Act.

16.32.030 – Improvement Security.

- A. Any liability upon the security given for the faithful performance of any act or agreement shall be limited, as specified in Section 66499.9 of the Map Act.
- B. Pursuant to Section 66499, 66499.1 and 66499.2 of the Map Act, improvement securities shall be required to be posted by the subdivider as a guarantee of the performance of any act, improvement, or obligation required as a condition of approval of any final or parcel map, parcel map waiver, lot line adjustment, conditional certificate of compliance, or parcel merger. All such improvement securities shall be provided in a form subject to the approval of the City Engineer and the City Attorney.

16.32.040 – Amount of Security.

Security to guarantee the performance of any act or agreement shall be in the following amounts, pursuant to Section 66499.3 of the Subdivision Map Act:

- A. An amount determined by the City Engineer equal to one hundred (100) percent of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the act or agreement. The total estimated cost of the improvement shall provide for increase or projected inflation computed to the estimated midpoint of construction.
- B. An additional amount determined by the City Engineer equal to fifty (50) percent of the total estimated cost of the improvement, or the performance of the required act, securing payment to the contractor, his subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvement of the performance of the required act.
- C. An additional amount equal to ten (10) percent of the estimated cost of the improvements for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.

- D. Required security for subdividers who are California nonprofit corporations, funded by the United States of America or one of its agencies, or funded by the state or one of its agencies, shall be established in accordance with Section 66499.3 of the Map Act.

16.32.045 – Alternative Security for Certain Subdivisions.

- A. In lieu of executing an undertaking agreement as set forth in Section 16.32.010, the subdivider may deliver alternate improvement security in favor of the City as provided in this Section 16.32.045 guaranteeing the performance of any act, public improvement or obligation (collectively herein, the "work") which has been required by the City as a condition of approval for such subdivision, or a revision to acreage, parcel merger, lot line adjustment or a conditional certification of subdivision compliance.
- B. This Section 16.32.045 shall apply at the written request of the subdivider when the City Engineer has confirmed either:
 - 1. The estimated cost of completing the installation of any required work as set forth in Chapter 16.28 in connection with a subdivision, including any survey monument as set forth in Chapter 16.30, is less than twenty thousand dollars (\$20,000); or
 - 2. The estimated cost of completing the installation of any required work as set forth in Chapter 16.28 in connection with a subdivision, including any survey monument as set forth in Chapter 16.30, is between twenty thousand dollars (\$20,000) and one hundred thousand dollars (\$100,000).
- C. The subdivider/owner of the property may initiate the alternate security provisions authorized by this Section 16.032.045 prior to the recordation of a final tract map, parcel map, reversion to acreage map, parcel merger, lot line adjustment or conditional certificate of compliance upon the delivery to the City Engineer of a written application for approval of alternate security which references Section 16.32.045 and includes the following:
 - 1. A current title report for the subject property, which has been issued by a title insurance company within not more than sixty (60) days prior to the date of the subdivider's request to the City Engineer;
 - 2. Complete plans and specification for the proposed construction and installation of the work;
 - 3. A suitably detailed subdivider's estimate of the cost to complete the construction and installation of the work;
 - 4. A completed form of the Notice of Subdivision Security Agreement as provided in Section 6.32.045.G., signed in recordable form by the owner of the property in the event that the subdivider estimates that the cost of the work may exceed the sum of twenty thousand dollars (\$20,000.00.)

The City Engineer shall acknowledge the City's receipt of such written application within thirty (30) days of receipt from the subdivider and such acknowledgment shall confirm whether the provisions of 16.32.045.D., or 16.32.045.E., shall be applicable to the work. The City Engineer may determine that the alternate security provisions of this Section

16.32.045 do not apply to the subdivision in light of unusual or special conditions applicable to the work, in which case the City Engineer shall so inform the subdivider in writing that the undertaking agreement for the work shall conform to Section 16.32.010.

- D. If the City Engineer confirms that Section 16.32.045.B.1, applies to the Work, then the subdivider shall deliver cash to the City in the amount as so determined by the City Engineer; provided however, that the minimum amount of such a cash deposit regardless of the City Engineer's estimate of the cost of the work shall be five thousand dollars (\$5,000.00). The City shall deposit such sum with other funds of the City as a cash security for the completion of such work by the subdivider. The City Engineer is authorized to release the cash security upon completion of the Work as provided in Section 16.32.045.F., or cause such cash security to be forfeit to the City in the event that the work has not been completed within two (2) years following the date of the City's receipt of such cash security.
- E. If the City Engineer confirms that Section 16.32.045.B.2, applies to the work, then the subdivider shall deliver two thousand five hundred dollars (\$2,500.00) to the City together with a Notice of Security Agreement substantially in the form as provided in Section 16.32.045.G., in recordable form executed by the subdivider/owner of the subdivided lands. The City shall deposit such sum with other funds of the City as a partial cash security for the completion of such work by the subdivider. The City Engineer is authorized to release the partial cash security and record a release of the Notice of Security Agreement Work as provided in Section 16.32.045.F., or cause such partial cash security to be forfeit to the City in the event that the work has not been completed within two (2) years following the date of the City's receipt of such partial cash security.
- F. The City shall release the security for the work upon written request delivered to the City Engineer in which the subdivider certifies that the construction and installation of the work has been completed as evidenced by the recordation by the subdivider of a certificate of completion for the work as provided in Civil Code Section 8182(c)(1), and subject to the confirmation by the City Engineer that all of the other requirements of Section 16.32.090 with respect to the completion of the work have been satisfied, the City Engineer shall release the security for the work in favor of the subdivider.
- G. The general form of the Notice of Security Agreement as required under Section 16.32.095.B.2, shall be substantially as follows:

RECORDING REQUESTED BY
[insert name of subdivider]

AND WHEN RECORDED MAIL TO:
City of El Monte
City Hall — West
11333 Valley Boulevard
El Monte, California 91731
Attn: City Engineer

[Space above this line for Recorder's use]

NOTICE OF SECURITY AGREEMENT

(CITY OF EL MONTE)

(CITY OF EL MONTE>

TO ALL INTERESTED PERSONS

PLEASE TAKE NOTICE

_____ (the "Subdivider") is the owner of the land situated in the City of El Monte which is more particularly described in Exhibit "A" (the "Property").

The City of El Monte (the "City") has approved the subdivision and improvement of the Property as provided in El Monte Planning Commission Resolution No. _____, dated _____, subject to the satisfaction of certain conditions including a condition that the Subdivider design, construction, install and complete certain public improvements (the "Work") as part of the subdivision and improvement of the Property.

The Subdivider has requested the City accept certain alternate subdivision improvement security for the construction, installation and completion of the Work as authorized by El Monte Municipal Code Section 16.32.045.

PLEASE TAKE FURTHER NOTICE that the Subdivider covenants in favor of the City and agrees that until such time as the Work has been completed by the Subdivider and the City has accepted the Work as completed as provided in El Monte Municipal Code Section 16.32.090, that the City shall have no duty to approve or authorize the occupancy of any structure on the Property as otherwise provided in El Monte Municipal Code Section 17.16.

Upon the acceptance of the Work by the City as provided in El Monte Municipal Code Section 16.32.090, the City Engineer shall cause to be recorded a written release of this Notice of Security Agreement.

This Notice of Security Agreement has been executed by the Subdivider and the City as evidenced by the signatures of the officers of each of them whose signatures appear below.

SUBDIVIDER By: _____

ACCEPTED BY CITY OF EL MONTE

By: _____
City Manager
City of El Monte

By: _____
City Engineer
City of El Monte

APPROVED AS TO FORM

[FORM OF NOTICE OF SECURITY AGREEMENT]

16.32.050 – Reduction in Performance Security.

The City Engineer may authorize, in writing, the release of a portion of the security in conjunction with the acceptance of the satisfactory completion of a part of the improvements as the work progresses, upon application by the subdivider, but in no case shall the security be reduced to less than fifty (50) percent of the total improvement security given for faithful performance. The amount of reduction of the security shall be as determined by the City Engineer; however, in no event shall the City Engineer authorize a release of the improvement security which would reduce such security to an amount below that required to guarantee the completion of the improvements and any other obligation imposed by this title, the Map Act, or the improvement agreement.

16.32.060 – Release of Improvement Securities.

- A. **Performance Security.** The performance security shall be released only following acceptance of the improvement by the City and when an approved warranty security has been filed with the City.
- B. **Material, Labor and Equipment Security.** Any security for the payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment shall, after passage of the time within which claims of lien are required to be recorded pursuant to Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 of the Civil Code and after acceptance of the work, by the City Council, be reduced to an amount equal to the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the legislative body, and if no such claims have been recorded, the security shall be released in full.

The release shall not apply to any required guarantee and warranty period required by Section 66499.9 for the Map Act for the guarantee or warranty nor to the amount of the security deemed necessary by the local agency for such guarantee and warranty period nor to costs and reasonable expenses and fees, including reasonable attorneys fees.

16.32.070 – Forfeiture.

In addition to any other remedy provided by law, upon the failure of the subdivider to complete any improvement, acts, or obligations within the time specified in the improvement agreement, or upon failure of the subdivider to faithfully comply with the terms and provisions of this Chapter or any improvement security given thereby, the City Council may, upon notice in writing of not less than ten (10) days served upon the person responsible for the performance thereof or upon notice in writing of not less than twenty (20) days, served by registered mail addressed to the last known address of such person, determine that the foregoing have not been complied with or said work has not been completed, and may cause to be forfeited to the City such portion of said improvement security given for the performance of the foregoing.

16.32.080 – Default in Infrastructure Bonds Due to Initiative.

- A. If the City Council finds, based upon substantial evidence in the record, that any project for which a tentative map, parcel map or a vesting tentative map has been approved will be affected by a previously enacted initiative measure to the extent that there is likely to be a default on land-secured bonds issued to finance infrastructure on the project, the City Council shall allow that portion of the project served by the infrastructure to proceed in a manner consistent with the approved tentative map or vesting tentative map.
- B. For purposes of this Division, land-secured bond means any bond issued pursuant to the Improvement Act of 1911 (Division 7 [commencing with Section 5000] of the Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12 [commencing with Section 10000] of the Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10 [commencing with Section 85001 of the Streets and Highways Code), or the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 [commencing with Section 53311] of Part I of Division 2 of Title 5, so long as the bond was issued and sold at least ninety (90) days before the proposed initiative was adopted by either popular vote at an election or by ordinance adopted by the legislative body.
- C. Notwithstanding Subsection (A) of this Section, the City Council may condition or deny a permit, approval, extension, or entitlement if it determines any of the following:
 - 1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;
 - 2. The condition or denial is required, in order to comply with state or federal law.
- D. An approved or conditionally approved tentative or vesting tentative map shall be subject to the periods of time set forth in Section 66452.6 of the Map Act.
- E. The rights conferred by this Division shall expire if a final map is not approved prior to the expiration of the tentative map or of the vesting tentative map.
- F. An approved or conditionally approved tentative map or vesting tentative map shall not limit the Planning Commission from imposing reasonable conditions on subsequent required approvals or permits necessary for the development and authorized by the ordinances, policies and standards described in Section 66474.2 or 66498.1 or other applicable provisions of the Map Act.

16.32.090 – Acceptance of Improvements.

Construction of required improvements shall not commence until required improvement plans have been approved by the City Engineer.

- A. General. All improvements are subject to inspection and testing by the City Engineer or authorized personnel in accordance with the standards and specifications specified and required by this title.
- B. Pre-Construction Conference. Prior to commencing any construction, the developer shall arrange for a pre-construction conference with the City Engineer or the City Engineer's authorized personnel.

- C. The City Engineer and his or her authorized representatives shall have the right to stop any work, refuse to inspect any work, or reject any and all work and construction if it is found that the work is unauthorized, is unsafe in any way to the workmen or the public, is inferior in materials or workmanship, was performed without inspection, or does not meet or comply with the City standards, specifications, or City-approved construction plans.
- D. All work and improvements must be found to conform to the specified standards and specifications as a condition of the City's acceptance of them and the release of any improvement securities held therefore.

When all improvement deficiencies have been corrected and as-built improvement plans filed, the subdivision improvements shall be considered for acceptance by the City. The City Engineer shall be responsible for the acceptance of improvements for all divisions of land by tract map, divisions of land by parcel map, lot line adjustments, reversions to acreage or conditional certificates of compliance. Upon such acceptance, the City Engineer shall recommend that the City Council take final action to accept the improvements. The council shall take action on such matters within ten (10) days following recommendation by the City Engineer, or at the next available City Council meeting, whichever occurs later.

Acceptance of the improvements shall only imply that the improvements have been completed satisfactorily and that public improvements have been accepted for public use. When requested by the subdivider in writing, the City may consider acceptance of a portion of the improvements as recommended by the City Engineer. The improvements will be accepted by the City only if it finds that it is in the public interest and such improvements are for the use of the general public.

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

DIVISION 4 – DEDICATION & FEES

Chapter 16.34 – Dedication, Reservations and Fees.

Chapter 16.36 – Fees and Charges: Generally.

Chapter 16.38 – Fees: Modification and Amendment.

CHAPTER 16.34 – DEDICATIONS, RESERVATIONS AND FEES

16.34.010 – Dedications.

- A. As a condition of approval for a proposed subdivision for which a tentative tract or parcel map is required by this Chapter, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision, which are needed for vehicular, rail or bicycle transit; drainage casements; water, sewer, natural gas, electricity and cable television facility casements; sunlight, open space; scenic easements; and other public purpose easements of rights-of-way deemed necessary by the Planning Commission, upon recommendation by the City Engineer and/or City Planner.
- B. The Planning Commission may, pursuant to Section 66476 of the Map Act, impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to such street from any property shown on the map as abutting thereon, and that if the dedication is accepted such waiver shall become effective in accordance with the provisions of the waiver of direct access.

16.34.020 – Certificates.

- A. Dedications or offers to dedicate interests in real property as described above, shall be made by certificate of a final map, pursuant to Section 66439 of the Map Act, and by certificate on or separate instrument with a parcel map, pursuant to Section 66447 of the Map Act.
- B. In addition, pursuant to Section 66476 of the Map Act, the final or parcel map shall contain a certificate stating the approval or rejection of the dedications or offers of dedication, by the Planning Commission.

16.34.030 – Parkland Dedication.

Pursuant to Section 66477 of the California Government Code (hereinafter, the "Quimby Act"), the subdivider shall be required to dedicate land, pay fees in lieu thereof, or pay and dedicate a combination of both, for park and/or recreational purposes, including open space purposes. The standards for land dedication or in-lieu fees are established in City Council Ordinance No. 2663 copies of which can be obtained from the City Clerk as a public record.

16.34.040 – Elementary School Site Dedication.

Pursuant to Section 66478 of the Map Act, subdivider shall be required to dedicate land for an elementary school site. The standards and procedures for such dedication shall be established by the City Council.

16.34.050 – Public Use Site Dedication.

Pursuant to Section 66479 of the Map Act, and subject to conditions subdivider shall be required to reserve specific sites for a park, recreational facility, police or fire station, library or other public use. The standards and procedures for such dedication shall be established by the City Council.

16.34.060 – Fees for Storm Drainage and Sanitary Sewer Off-site Improvements.

- A. Pursuant to Section 66483 of the Map Act and subject to conditions, subdivider shall pay fees for required storm drainage and sewer improvements. The City Council shall establish procedures and standards for determining the appropriate fees.
- B. In addition, pursuant to Section 66488 of the Map Act, the City Council may establish benefit areas for drainage and sanitary sewer facilities and may impose a reasonable charge on properties within the benefit areas, which charges shall be paid to the City, or to the subdivider, through a reimbursement agreement.

16.34.070 – Fees for Bridges and Major Thoroughfares.

- A. Pursuant to Section 66484 of the Map Act and subject to conditions, subdivider shall pay fees for purposes of defraying the actual or estimated cost of constructing bridges or other major thoroughfares. The City Council shall establish procedures and standards for determining the appropriate fees.
- B. In addition, pursuant to Section 66489 of the Map Act, the City Council may establish benefit areas for bridges or major thoroughfares and may impose a reasonable charge on properties within the benefit areas, which charges shall be paid to the City, or to the subdivider, through a reimbursement agreement.

16.34.080 – Fees for Review of Covenants, Conditions and Restrictions.

Following approval of the tentative tract map or parcel map, the subdivider shall submit to the City for review and approval the covenants, conditions and restrictions as directed by the Planning Commission and prepared in accordance with the guidelines prepared by the City Attorney's office for such development projects. Each submission shall be accompanied by a review fee in accordance with Section 16.36.020 of this title. Covenants, conditions and restrictions that are returned by the City because they were not done in accordance with the guidelines, or do not contain all of the conditions of the Planning Commission shall pay a resubmittal fee based upon actual cost.

CHAPTER 16.36 – FEES AND CHARGES: GENERALLY

16.36.010 - General.

Fees shall be established for the purpose of defraying the expenditure incidental to the proceedings described in this Chapter.

16.36.020 - Fee Schedule.

- A. The City Council, from time to time, shall by resolution establish fees in accordance with Section 16.38.030 of this title. Such fees shall not be refunded whether or not the application is granted or denied.
- B. Fees shall be due and payable in advance to the City, and shall be collected by the Department of Planning and Community Development, unless otherwise noted, before accepting any such application for filing.

16.36.030 – Annual Report.

The City Planner and the Director of Public Works shall submit a joint written report annually to the City Council, at the close of the fiscal year, which identifies the amount of the fees, costs and charges as collected by the Planning Division and Public Works Department for their respective review of development permits and other land use entitlements. Such report shall also contain any recommendation for modifications, adjustments or additions to the fees, charges and costs as specified in this title.

CHAPTER 16.38 – FEES: MODIFICATION AND AMENDMENT

16.38.010 – General Purposes.

Various sections of this title provide for the payment by the applicant for a specific development or land use approval, entitlement or permit of certain fees, costs and charges of the City as may be associated with the review of an application for such development or land use approval, entitlement or permit. The purpose of this Chapter is to establish a procedure whereby the fees, costs and charges of the City as associated with the submission of an application for each development or land use approval, entitlement or permit may be created, modified or amended from time to time by resolution of the City Council upon receipt of a written recommendation of the City Planner.

16.38.020 – Fees Superseded by this Chapter.

All fees, costs and charges as associated with the submission of an application for each development of land use approval, entitlement or permit as specified in this title as of the effective date of the ordinance codified in this title are superseded by the fees, costs and charges as created, modified or amended from time to time by resolution of the City Council in accordance with this Chapter.

16.38.030 – Resolution of the City Council Creating, Modifying or Amending Fees.

- A. The City Council may from time to time adopt resolutions which create, modify or amend one or more of the fees, costs and charges associated with a development and land use approval, entitlement or permit as provided in this title as the same exists as of the effective date of the ordinance codified in this Chapter or as provided in this title as any provision thereof may hereafter be amended by ordinance of the City Council. The City Council shall conduct a public hearing prior to the adoption of any such resolution and shall

cause notice of such public hearing to be published in a newspaper of general circulation in accordance with Government Code Section 6062a.

- B. Prior to setting any proposal for the creation, modification or amendment of any fee, cost or charge as authorized under this title for public hearing, the City Planner shall prepare a written report which identifies the proposed fee, cost or charge and describes (1) the purpose of the fee; (2) the use to which the fee is to be put, and (3) the relationship between the amount of the fee and the estimated cost to the City of providing for the administration of the applicable development or land use regulation. During the public hearing, the City Council shall consider all relevant evidence as presented and shall receive and file the report of the City Planner together with any changes or modifications as may be appropriate. Upon the conclusion of the public hearing, the City Council shall adopt a resolution which refers to this Chapter as authority for procedures applicable to the creation, modification or amendment of the fee, cost or charge by the City Council.

16.38.040 – Annual Report of the City Planner.

The City Planner shall submit a written report to the City Council each year commencing on June 1, 1991, which identifies the amount of the fees, costs and charges as collected by the Planning Department for the review of applications for development and land use approvals, entitlements and permits as performed under this title during the twelve (12) months preceding the date of the report. Such report shall also contain any recommendations as the City Planner may deem appropriate regarding modifications, adjustments or additions to the fees, charges and costs as specified in this title.