

CITY OF EL MONTE



TITLE 16 (SUBDIVISION) EL MONTE MUNICIPAL CODE

ADOPTED MAY 2, 2023

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CITY OF EL MONTE MUNICIPAL CODE – TITLE 16

SUBDIVISION ORDINANCE

Adopted May 2, 2023

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CITY OF EL MONTE MUNICIPAL CODE – TITLE 16

SUBDIVISION ORDINANCE

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DIVISION 1 – GENERAL

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16.10.010 – 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 California Government Code 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.

16.10.020 – 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 California Government Code 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.

16.10.030 – Applicability.

- A. **Subdivision Approvals Required.** The regulations set forth in this Title apply to all parts of subdivisions within the City and to the preparation of subdivision maps and to other maps provided for by the Subdivision Map Act. Each subdivision and each part thereof lying within the City shall be made and each map shall be prepared and presented for approval as provided for and required by this Title.
- B. **Compliance Required.** The applicable standards and requirements specified in this Title shall apply to all Tentative Maps, Vesting Tentative Maps, Final Maps, Parcel Maps, Lot Line Adjustments, Lot Mergers, Reversion to Acreage Maps, Urban Lot Splits, Certificates of Compliance and Condominium Conversions.
- C. **Exceptions:**
 - 1. The provisions of this Title shall not apply to federal, state or local agencies.
 - 2. The provisions of this Title shall not apply to those items listed in Section 66412 to 66412.8 of the Subdivision Map Act, except as specified herein for Lot Line Adjustments.
 - 3. The provisions of his Title are not intended 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.

16.10.040 – Effective Date of This Title.

- A. **Projects Approved Prior to the Adoption of this Title:**
 - 1. Any building or structure for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications, and permits on which said Building Permit was granted, provided construction is diligently pursued and completed within 12 months of permit issuance. No extensions of time, except as provided for in Title 15 (Building and Construction) of the El Monte Municipal Code (EMMC), shall be granted for commencement of construction, unless the applicant has secured an allowed permit extension from the Building Official.
 - 2. Any previously approved permit, entitlement or subdivision map shall remain vested, subject to the requirements of the Title in effect on the effective date of approval, unless the approval expires.
- B. **Pending Projects.** Planning permit applications that are subject to the Permit Streamlining Act, that have been submitted to the City prior to the effective date of this Title, which do not require a plan amendment, rezone, or other legislative decision, shall be subject to the

Title under the rules in effect at the time the application was deemed complete. However, the applicant may choose to use the updated provisions of this Title in their entirety.

16.10.050 – Review Authorities.

- A. **City Council.** The powers and duties of the City Council as the legislative body under this Title include, but are not limited to the following:
 - 1. Consider and make decisions on Residential Condominium Conversions.
 - 2. Review Final Maps and Parcel Maps that include dedications, offers of dedication, easements or vacations.
 - 3. Hear and decide appeals from decisions of the Planning Commission.
- B. **Planning Commission.** The powers and duties of the Planning Commission under this Title include, but are not limited to the following:
 - 1. Consider and make decisions on Tentative Maps, Nonresidential Condominium Conversions and Lot Mergers initiated by the City.
 - 2. Make recommendations to the City Council on Residential Condominium Conversions.
- C. **City Attorney.** The City Attorney shall be responsible for approving Subdivision Improvement Agreements and for providing guidance with regard to land use law to the City Council, Planning Commission and City Engineering and Planning Division staff.
- D. **Community Development Director.** The Community Development Director shall be responsible for:
 - 1. Consider and make decisions on Certificates of Compliance.
 - 2. The processing of all Tentative Maps, Condominium Conversions, Reversion to Acreage Maps, Urban Lot Splits and Certificates of Compliance and the collection of all associated fees and deposits.
 - 3. The creation of all application forms and submittal requirements.
 - 4. Review all applications outlined in this Title for conformity to the City’s General Plan, Zoning Code, any applicable Specific Plan and make recommendations to the applicable review authority.
 - 5. The processing and certification of documents as Planning Commission Secretary, including and not limited to, Tentative Maps and Reversion to Acreage Maps.
- E. **City Engineer.** The City Engineer shall be responsible for:
 - 1. Consider and make decisions on Lot Line Adjustments and Lot Mergers initiated by property owners.
 - 2. The processing of all Final Maps, Parcel Maps, Lot Line Adjustments and Lot Mergers and the collection of all associated fees and deposits.
 - 3. Establishing design and construction details, standards and specifications for all applications outlined in this Title.

4. Review all applications outlined in this Title for conformity to the Subdivision Map Act and any development standards outlined in this Title and make recommendations to the applicable review authority.
 5. The processing and certification of documents, including but not limited to, Final Maps, Parcel Maps, Lot Line Adjustments and Lot Mergers.
- F. **Subdivision Committee.** The Subdivision Committee shall be responsible for:
1. The Subdivision Committee shall consist of representatives from the following City divisions: Planning, Building, Engineering, Utilities and Los Angeles County Fire Department.
 2. The Committee shall review all proposed Tentative Maps, Lot Line Adjustments, Lot Mergers and Reversions to Acreage and provide comments to the applicable review authority.

16.10.060 – Applicant Responsibilities.

- A. The applicant shall bear the burden of providing sufficient documents and exhibits to allow the Review Authority or Appeal Body to render a decision upon the application under consideration. The Review Authority or Appeal Body may request additional information before rendering a decision.
- B. It is the applicant’s responsibility to certify the information contained therein. The filing of an application also grants City Engineering and Planning Division staff the right to enter the property to make any inspections necessary to render a decision on the application. All inspections shall be conducted with the owner’s knowledge and advance notice shall be provided.
- C. For all calculations, it is the applicant’s responsible to supply drawings that illustrate the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Community Development Director, City Engineer and Planning Division staff.
- D. 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.

16.10.070 – Subdivision Permits and Actions.

Table 16.10-1 lists the different permits or actions under the authority of the Planning and Engineering Divisions. For information on extensions, refer to the listed Chapter:

Table 16.10-1 – Subdivision Permits and Actions			
Permit or Action	Review Authority	Appeal Body	Applicable Chapter
Certificate of Compliance (CC)	Director	Planning Commission	16.26
Condominium Conversion, Residential (RCC) or Nonresidential (NCC)	Planning Commission	City Council	16.24

Table 16.10-1 – Subdivision Permits and Actions (continued)			
Permit or Action	Review Authority	Appeal Body	Applicable Chapter
Final Map (or Final Tract Map) (FM) ¹	City Council	--	16.23
Lot Line Adjustment	City Engineer	Planning Commission	16.24
Lot Merger, City Initiated	Planning Commission	City Council	16.24
Lot Merger, Property Initiated (LM)	City Engineer	Planning Commission	16.24
Parcel Map (or Final Parcel Map) (PM) ¹	City Council	--	16.23
Reversion to Acreage Map (RAM)	Planning Commission	City Council	16.24
Tentative Parcel Map (TPM)	Planning Commission	City Council	16.21
Tentative Tract Map (TTM)	Planning Commission	City Council	16.21
Urban Lot Split (ULS)	Director	Planning Commission	16.25
Vesting Tentative Map (or Vesting Tentative Parcel and Vesting Tentative Tract Map) (VTPM and VTTM)	Planning Commission	City Council	16.22

16.10.080 – Projects with Multiple Applications or Actions.

- A. Concurrent Filing. An applicant for a project that requires the filing of more than one (1) application (e.g., Conditional Use Permit, Subdivision Map, etc.), shall file all related applications concurrently, together with all required application fees, unless these requirements for concurrent filing are waived by the Community Development Director.
- B. Concurrent Processing. Multiple applications for the same project shall be processed concurrently and shall be reviewed and acted upon by the highest review authority for which designated by this Title. For example, if a project included a Density Bonus and a Subdivision Map, instead of the Community Development Director being the review authority for Density Bonus, the reviewing authority for both entitlements shall be the Planning Commission. For an additional example, if a project included a Subdivision Map and a Zone Change, the advisory body shall be the Planning Commission and the review authority shall be the City Council.

¹ If no dedications, offers to dedicate, easements or vacations are required, then the Review Authority shall be the City Engineer and the Appeal Body shall be the City Council.

16.10.090 – Continuing Public Hearings.

The City Council or Planning Commission may continue a public hearing to a date certain without additional noticing, provided the date, time and place to which the hearing will be continued is announced before adjournment or recess of the hearing. Planning Division staff or the applicant may continue a public hearing a maximum of three (3) times to a date certain without additional noticing. If a public hearing is continued a fourth time, additional noticing shall be required.

16.10.100 – Ability to Appeal.

Any person may appeal a decision by the Planning Commission and Community Development Director, unless otherwise noted, as outlined below:

- A. **Appeals on Planning Commission Decisions.** If an applicant or any interested party is dissatisfied with any requirement, ruling, finding or disapproval by the Planning Commission, he or she may file an appeal with the City Clerk to have the case reviewed by the City Council.
- B. **Appeals on Community Development Director and City Engineering Decisions.** If an applicant is dissatisfied with any requirement, ruling, finding or disapproval by the Community Development Director or City Engineer, he or she may file an appeal with the Planning Commission Secretary to have the case reviewed by the Planning Commission, unless otherwise noted.
- C. **Submittal Requirements.** The appeal shall be made in writing and shall state the basis for disputing the determination. In addition, it should include any tangible evidence and/or authority supporting the appellant's position.
- D. **Time Limits and Effective Date.** The appeal must be submitted within ten (10) days following the date of the decision. If City Hall is closed on the tenth day, the deadline shall automatically extend to the next day City Hall is open to the public. For decisions that may be appealed by the public, the effective date of the decision shall not commence until the deadline to appeal has expired.
- E. **Public Noticing.** Notice shall be given in the same manner as that required for the original application. A public hearing shall also be required if one was required for the original application.
- F. **Permits.** An approval shall not be valid and no other permits dependent on its approval shall be issued until the appeal period has expired without the filing of an appeal. This shall not apply to approvals where only the applicant may appeal.

16.10.110 – Application Resubmittals.

When a discretionary land use permit, entitlement or amendment is denied or revoked, a new application for the same or substantially similar discretionary permit, entitlement or amendment for the same property shall not be filed for a minimum of 12 months. This requirement may be waived by the Community Development Director if he or she is presented

with compelling new evidence or proof of changed circumstances, or the application was denied without prejudice.

16.10.120 – Inactive Applications.

An incomplete application may be considered inactive if 90 or more days have passed since the application was deemed incomplete. The Community Development Director may, at his or her discretion, send the applicant a letter stating the application will be administratively withdrawn in 30 days, unless one (1) of the following occurs: (a) the applicant resubmits the application addressing all or substantially all of the corrections noted in the incomplete letter; or (b) the applicant requests the application be withdrawn, at which point the applicant may be eligible for a partial refund. However, if neither occurs, the application shall be administratively withdrawn and the applicant shall not be eligible for a refund.

16.10.130 – Rules and Interpretations.

A. Abbreviated Titles and Phrases:

1. The Building Official may be referred to as the "Chief Building Official." Any responsibility or task of the Building Official may be performed by his or her designee. However, if special qualifications or licenses are required, the designee must also have those special qualifications or licenses.
2. The City Engineer may be referred to as the "City of El Monte Engineer." Any responsibility or task of the City Engineer may be performed by his or her designee. However, if special qualifications or licenses are required, the designee must also have those special qualifications or licenses.
3. The California Subdivision Map Act may be referred to as the "Subdivision Map Act" or "Map Act."
4. The City of El Monte General Plan may be referred to as the "General Plan."
5. The City of El Monte Municipal Code may be referred to as the "Municipal Code" or the "EMMC."
6. The City of El Monte Subdivision Ordinance may be referred to as this "Subdivision Ordinance" or "Title 16" or "this Title."
7. The City of El Monte Zoning Ordinance may be referred to as this "Zoning Ordinance," "Zoning Code" or "Title 17."
8. The City of El Monte may be referred to as the "City."
9. The City of El Monte's City Council may be referred to as the "City Council."
10. The City of El Monte Planning Commission may be referred to as the "Planning Commission" or "Commission."
11. The Community and Economic Development Department may be referred to as the "Community Development Department" or "Department."

12. The Director of Community and Economic Development may be referred to as the "Community Development Director" or "Director." Any responsibility or task of the Community Development Director may be performed by his or her designee.

B. Terminology:

1. The particular controls the general.
2. The words "shall," "will," "is to," and "are to" are always mandatory; the word "should" is not mandatory but is strongly recommended; and the word "may" is permissive.
3. The present tense includes the past and future tenses and the future tense includes the present.
4. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.
5. The words "include," "includes," and "including," mean "including but not limited to."
6. The word "and" means that all connected words or provisions apply; and the word "or" means that the connected words or provisions shall apply singly or in any combination.
7. The words "either ... or" indicates that the connected words or provisions shall apply singly, but not in combination.

C. State Law Requirements. Where this Title references applicable provisions of state law (e.g., the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the reference shall be construed to be to the applicable state law provisions as they may be amended from time to time.

D. Conflicting Requirements. Any conflicts between different requirements of this Title or between this Title and other regulations, shall be resolved as follows:

1. Development agreements or specific plans. In the event of any conflict between the requirements of this Title and standards adopted as part of any development agreement or specific plan, the requirements of the development agreement or specific plan shall control.
2. EMMC provisions. In the event of any conflict between requirements of this Title and other regulations of the City, the Community Development Director shall determine which provision shall control.
3. Private agreements. It is not intended that the requirements of this Title shall interfere with, repeal, abrogate, or annul any easement, covenant, or other agreement that existed when this Title became effective. This Title applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than an applicable private agreement or restriction, without affecting the applicability of any agreement or

restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

4. City adopted guidelines. In the event of any conflict between the requirements of this Title and any City adopted guidelines, this Title shall control.
5. Where provisions of this Title are inconsistent with existing provisions contained in other titles of the EMMC, the provisions contained herein shall prevail.

16.10.140 – Procedures for Interpretations.

- A. The Community Development Director and City Engineer, in consultation with the City Attorney, shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Title.
- B. This Title and Other Laws and Ordinances. Where any provision of this Title imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other EMMC law or ordinance, the provisions of this Title shall govern.
- C. This Title and Development Agreements or Specific Plans. Where the requirements of this Title and standards adopted as part of any Development Agreement or Specific Plan are in conflict, the requirements of the Development Agreement or Specific Plan shall control.
- D. Requesting an Interpretation. An applicant may request an interpretation of a provision or requirement of this Title. The request shall be in writing and may include any supporting information. The Community Development Director or City Engineer shall make a Director's Determination in writing within 30 days of the request. The decision shall constitute the precedent for all future interpretations of the provision or requirement. The Community Development Director, City Engineer and City Attorney also has the authority to initiate interpretations without a request from an applicant.
- E. Decisions of the Community Development Director and City Engineer are appealable to the Planning Commission.

16.10.150 – Fees.

Before accepting an application for filing, the City Engineering and Planning Division staff shall collect a fee for the purpose of defraying the expenditures incidental to the proceedings prescribed in this Chapter. The amount of the fees collected shall be in accordance with the most recently adopted City Council Resolution, which shall be posted on the City Engineering or Planning Division webpages.

16.10.160 – 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.

16.10.170 – Compliance Required.

- A. No land shall be subdivided and developed for any purpose which is not in conformity with the City's General Plan, Zoning Code or any applicable Specified Plan.
- 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 Zoning Code 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.

16.10.180 – Penalty for Noncompliance.

Pursuant to Section 66499.31 of the Subdivision Map Act, each violation of this Title by the applicant 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 (1) year, or by a fine not exceeding \$10,000.00, or by both fine and imprisonment. Other violations shall be punishable as a misdemeanor offense.

DIVISION 2 –MAPS AND PROCEDURES

CHAPTER 16.20 – MAPS REQUIRED

Sections.

- 16.20.010 – Purpose.
- 16.20.020 – Tentative Parcel Maps and Parcel Maps.
- 16.20.030 – Tentative Tract Maps and Final Maps.
- 16.20.040 – Designated Remainder Parcels.

16.20.010 – Purpose.

The provisions of this Chapter shall determine the need for Tentative Maps, Final Maps and Parcel Maps.

16.20.020 – Tentative Parcel Maps and Parcel Maps.

Tentative Parcel Maps and Parcel Maps shall be required for the following:

- A. **Standard Divisions.** The Division of land into four (4) or fewer parcels, as authorized by Section 66248 of the Subdivision Map Act.
- B. **Other Divisions.** Division of land into five (5) or more parcels that meet any of the following criteria and are consistent with Section 66426 of the Subdivision Map Act:
 - 1. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required.
 - 2. Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a public street or highway.
 - 3. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the City as to street alignments and widths.
 - 4. Each parcel created by the division has a gross area of not less than 40 acres or is not less than one quarter of a quarter section.
 - 5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.
- C. **Exceptions.** Pursuant to the Sections 66411, 66412, 66412.1, 66412.2, and 66426.5 of the Subdivision Map Act, a Tentative Parcel Map and Parcel Map shall not be required for:
 - 1. Public/government agency or utility conveyances. Any conveyance of land, including a fee interest, an easement, or a license, to or from a governmental agency, public entity,

public utility, or a subsidiary of a public utility for rights-of-way, unless the Community Development Director determines, based on substantial evidence, that public policy necessitates a Map in an individual case;

2. Rail right-of-way leases. Subdivisions of a portion of the operating right-of-way of a railroad corporation as defined by Section 230 of the California Public Utilities Code, which are created by short-term leases (terminable by either party on not more than 30 days' notice in writing).

16.20.030 – Tentative Tract Maps and Final Maps.

Tentative Tract Maps and Final Maps shall be required for the division of land into five (5) or more parcels that do not meet the criteria of Tentative Parcel Maps and Parcel Maps outlined in Section 16.20.020 of this Chapter.

16.20.040 – Designated Remainder Parcels.

An applicant 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 Final Map or Parcel Map is required. This Section applies to a remainder as defined in Chapter 16.40 (Definition) of this Title and is enacted pursuant to Section 66424.6 of the Subdivision Map Act.

CHAPTER 16.21 – TENTATIVE MAPS

Sections.

- 16.21.010 – General Procedures.
- 16.21.020 – Findings.
- 16.21.030 – Time Periods.
- 16.21.040 – Appeals.
- 16.21.050 – Amendments to an Approved Tentative Map.

16.21.010 – General Procedures.

- A. **Preparation.** Applications for a Tentative Map shall be made on the appropriate form and in accordance with the Subdivision Map Act and this Title. The Tentative Map shall be prepared by a registered civil engineer or licensed land surveyor.
- B. **Applications.** The Community Development Director and City Engineer shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements. Refer to Section 16.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) entitlement or action is needed for the project (such as Design Review or a Conditional Use Permit).
- C. **Records.** Applications filed pursuant to this Chapter shall use the map number provided by Los Angeles County and shall be part of the permanent official records of the Planning Commission.
- D. **Public Notices:**
 - 1. Public notices shall be provided and processed in a manner consistent with the provisions of California Government Code Section 65090 and/or 65091 as required, and shall be given by the method specified as follows:
 - a. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and location of the property and the nature of the request.
 - b. Mail a notice, postage prepaid, to the applicant and to owners of all properties within a 500 foot radius. Such notice shall be mailed a minimum ten (10) days prior to each public hearing or director-level decision. The applicant shall use the last known name and address of such owners as shown upon the last assessment roll of the City.
 - c. Post the property. A minimum of one (1) notice shall be posted along each street frontage. The posting shall be placed in the ground or on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line.

2. In the case of a proposed Residential Condominium Conversion, notice shall also be given as required by Section 664510.3 of the California Government Code.
- E. **Subdivision Committee Review.** The Subdivision Committee shall meet to review and make recommendations and comments on the Tentative Map. A summary of their recommendations or comments concerning the Tentative Map and its impact on the community should be incorporated into the Planning Commission staff report and resolution.
- F. **Public Hearings and Decisions:**
1. 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 when the application is deemed complete, pursuant to Section 65943 of the California Government Code, except in the following instances:
 - a. The City has initiated proceedings to modify land use regulations by way of ordinance, resolution or motion.
 - b. The City has published legal notice containing a description sufficient to notify the public of the nature of the proposed change in the City's General Plan, Zoning Code, any applicable Specific Plan or Subdivision Ordinance.
 - c. Whenever the City has performed both Subsections (F)(1)(a) and (F)(1)(b) above of this Subsection, 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.
 - d. 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.
 2. A public hearing as provided for in this Chapter shall be held before the Planning Commission at the time and place for which public notice has been given as before required in this Chapter. The Planning Commission shall make its decision by Resolution within 50 days of the application being deemed complete. If an Environmental Impact Report (EIR) is required, the Planning Commission shall render its decision within 45 days after certification of the EIR.
 3. In the case of a proposed Residential Condominium Conversion, the Planning Commission shall make a recommendation and the City Council shall make the final decision.
- G. **Conditions of Approval.** In approving a Tentative Map, the Planning Commission may impose conditions necessary to meet the requirements of this Title.

16.21.020 – Findings.

A Tentative Map may be denied by the Planning Commission if any of the following findings can be made:

- A. That the Tentative Map is not consistent with the purpose, goals and policies of the City's General Plan, Zoning Code and any applicable Specific Plan;
- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- C. That the site is not physically suitable for the type of development;
- D. That the site is not physically suitable for the proposed density of development;
- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. However, if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081, Subdivision (c) 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;
- F. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This Subsection shall apply only to easements of record 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.

16.21.030 – Time Periods.

- A. The Tentative Map shall be valid for two (2) years from the effective date of approval by the Planning Commission.
- B. If the applicant has proceeded in good faith toward the implementation of the Final Map or Parcel Map, as determined by the Community Development Director, the applicant may request a 12-month extension. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request.
- C. The applicant may request additional extensions for up to the maximum period of time specified in the Subdivision Map Act.

16.21.040 – Appeals.

Planning Commission decisions regarding this Chapter are appealable to the City Council. Refer to Section 16.10.100 (General Regulations – Ability to Appeal) of this Title for additional information. The effective date of the decision shall not commence until the deadline to appeal has expired.

16.21.050 – Amendments to an Approved Tentative Map.

- A. **Procedure for Filing an Amendment.** The applicant shall file an application with the City, together with the following additional information:
 - 1. A statement identifying the features of the Tentative Map or particular conditions to be changed and the changes requested, the reasons why the amendment is requested, and any facts that justify the changes; and
 - 2. Any additional information deemed appropriate by the Community Development Director.
 - 3. The Community Development Director shall determine whether the amendment is considered a minor or major revision.
- B. **Minor Revision to Tentative Maps.** The Community Development Director may approve or deny the request. The minor revision may be considered as part of the Final Map or Parcel Map.
- C. **Major Revision to Tentative Maps.** The Community Development Director may approve, deny or refer the request to the Planning Commission. If approved, the major revision shall be incorporated as part of the Final Map or Parcel Map.

CHAPTER 16.22 – VESTING TENTATIVE MAPS

Sections.

16.22.010 – Applicability.

16.22.020 – General Procedures.

16.22.030 – Findings.

16.22.040 – Time Limits.

16.22.050 – Appeals.

16.22.060 – Amendments to an Approved Vesting Tentative Map.

16.22.070 – Development Rights of a Vested Tentative Map.

16.22.010 – Applicability.

- A. Whenever a Tentative Map must be filed, a Vesting Tentative Map may be filed instead, provided the Vesting Tentative Map is prepared, filed and processed in compliance with this Title and Section 66498.1 of the Subdivision Map Act.
- B. A Vesting Tentative Map may be filed for residential, commercial or industrial developments.
- C. If an applicant does not seek the rights conferred by a Vesting Tentative Map, the filing of a Vesting Tentative Map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction or work preparatory to construction.

16.22.020 – General Procedures.

A Vesting Tentative Map shall be submitted and reviewed in the same manner as outlined in Section 16.21.010 (Tentative Maps – General Procedures) of this Title, except that the plans shall include the wording “Vesting Tentative Tract Map” or “Vesting Tentative Parcel Map,” as outlined in Section 66452 of the Subdivision Map Act.

16.22.030 – Findings.

A Vesting Tentative Map may be denied by the Planning Commission using the same findings as outlined in Section 16.021.020 (Tentative Maps – Findings) of this Title, except that the findings shall reference “Vesting Tentative Tract Map” or “Vesting Tentative Parcel Map,” as outlined in Section 66452 of the Subdivision Map Act.

16.22.040 – Time Periods.

- A. The Vesting Tentative Map shall be valid for two (2) years from the effective date of approval by the Planning Commission.
- B. When a single Vesting Tentative Map includes several Final Maps or Parcel Maps for different phases of a project, the valid period of two (2) years shall begin for each phase when the Final Map or Parcel Map for the previous phase is recorded.
- C. If the applicant has proceeded in good faith toward the implementation of the Map or Parcel Map, as determined by the Community Development Director, the applicant may

request a 12-month extension. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request.

- D. The applicant may request additional extensions for up to the maximum period of time specified in the Subdivision Map Act.

16.22.050 – Appeals.

Planning Commission decisions regarding this Chapter are appealable to the City Council. Refer to Section 16.10.100 (General Regulations – Ability to Appeal) of this Title for additional information. The effective date of the decision shall not commence until the deadline to appeal has expired.

16.22.060 – Amendments to an Approved Vesting Tentative Map.

- A. **Procedure for Filing an Amendment.** The applicant shall file an application with the City, together with the following additional information:
 - 1. A statement identifying the features of the Vesting Tentative Map or particular conditions to be changed and the changes requested, the reasons why the amendment is requested, and any facts that justify the changes; and
 - 2. Any additional information deemed appropriate by the Community Development Director.
 - 3. The Community Development Director shall determine whether the amendment is considered a minor or major revision.
- B. **Minor Revision to Vesting Tentative Maps.** The Community Development Director may approve or deny the request. The minor revision may be considered as part of the Final Map or Parcel Map.
- C. **Major Revision to Vesting Tentative Maps.** The Community Development Director may approve, deny or refer the request to the Planning Commission. If approved, the major revision shall be incorporated as part of the Final Map or Parcel Map.

16.22.070 – Development Rights of a Vested Tentative Map.

- A. The approval of a Vesting Tentative Map shall confer a vested right to proceed with development of the subdivided parcels in substantial compliance with the ordinances, policies and standards as identified in Section 66498.1 of the Subdivision Map Act.
- B. Fees charged for building or land use permits, filed after the approval of a Vesting Tentative Map shall be as required at the time of subsequent permit applications are filed. Building or land use permit application contents shall comply with City requirements in effect at the time the subsequent application is filed.

CHAPTER 16.23 – FINAL MAPS AND PARCEL MAPS

Sections.

- 16.23.010 – General Procedures.
- 16.23.020 – Title Sheets.
- 16.23.030 – Certificates and Acknowledgements.
- 16.23.040 – Map Sheets.
- 16.23.050 – Waiver of Parcel Maps.
- 16.23.060 – Waiver of Signature – Parcel Maps.
- 16.23.070 – Additional Information.
- 16.23.080 – Approval of Final Map or Parcel Map.
- 16.23.090 – Multiple Final Maps.

16.23.010 – General Provisions.

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

16.23.020 – Title Sheets.

- A. The title sheet of each Final Map or Parcel Map shall contain a title consisting of "Tract No. _____" (insert map number) for Final Maps and "Parcel Map No. _____" (insert map number) for Parcel 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 by reference to such map or maps of such property as shall have been previously recorded or filed in the Office of the Los Angeles 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 Los Angeles County Recorder pursuant to the California Code of Civil Procedure 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 Subdivision 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 Subdivision 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.

16.23.030 – Certificates and Acknowledgments.

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

- A. All of those certificates, acknowledgments, declarations and statements required by Chapter 2, Article 2, of the Subdivision Map Act, along with the following additional certificates, may be combined and shall be made by separate instrument and filed concurrently with the Final Map or Parcel Map.
 - 1. Special assessments certificate, signed by the Director of Finance;
 - 2. Planning Commission Certificate, signed by the Community Development Director;
 - 3. All of those certificates, acknowledgments and statements required by Chapter 2, Article 3, of the Subdivision Map Act shall be recorded by separate instrument, concurrently with the Final Map or Parcel Map;
 - 4. Applicant's and/or owner's statement consenting to recordation of the Final Map or Parcel Map, as specified in Section 66445(e) of the Subdivision 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 Subdivision Map Act for dedications for a Final Map or Parcel 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.

16.23.040 – 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. **Curves and Radial Lines.** The arc 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. **Widths and Fractional Widths.** 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 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 shall be clearly designated and tied.

- J. **Map Boundary Lines.** The map boundary lines of the land included within the division of land 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.

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 Final Map or Parcel Map is compiled from record data, the source of the information used shall be contained in a note on the map sheet.

16.23.050 – Waiver of Parcel Map.

- A. Pursuant to Section 66428 of the Subdivision 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 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 when waived by the Community Development Director and City Engineer.

16.23.060 – 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.

16.23.070 – Additional Information.

Pursuant to Section 66434.2 of the Subdivision Map Act, the City Engineer may require additional information to be filed or recorded simultaneously with the Final Map or Parcel 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 or Parcel 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.

16.23.080 – Approval of Final Map or Parcel Map.

A. Review by Community Development Director and City Engineer:

1. The City shall review the Final Map or Parcel Map and all improvement agreements. The applicant's engineer or surveyor shall make corrections and/or additions until the Final Map or Parcel Map is acceptable to the City. The City shall also ensure that all required certificates and statements have been signed and, where required, acknowledged. The City shall also ensure that all other conditions of the Tentative Map's approval have been met.
2. Prior to approval of the Final Map or Parcel Map by the City, the applicant shall provide sufficient evidence of compliance with the provisions of Chapter 4, Article 8, of the Subdivision Map Act, with respect to required security for taxes and special assessments not yet payable.
3. If dedications, offers of dedication, easements and vacations are not required, the City may approve or deny the Final Map or Parcel Map as provided for in the Subdivision Map Act.
4. The Final Map or Parcel Map shall be deemed filed, for the purposes of establishing the time limit for action, on the date the Final Map or Parcel Map is approved and executed by the City and filed with the City Clerk.

B. Review by the City Council:

1. If dedications, offers of dedication, easement or vacations are required, the Final Map or Parcel Map, along with an Undertaking Agreement, shall be placed on the City Council agenda for approval.
2. The City Council shall consider the Final Map or Parcel Map for approval within ten (10) days after filing with the City Clerk, or at its next regular meeting at which it receives the Final Map or Parcel Map, whichever is later. The City Council shall have approved the Undertaking Agreement before approving the Final Map or Parcel Map.
3. If the Undertaking Agreement and Final Map or Parcel 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 or Parcel Map are unacceptable, the City Council shall deny the Final Map or Parcel Map or recommend corrections and/or instruct the City to draft a new agreement and defer approval until after an acceptable agreement and/or Final Map or Parcel Map are resubmitted.
4. Offers of dedication shall be accepted, subject to improvement, or rejected by the City Council, at the time of approval of the Final Map or Parcel Map. The City Clerk shall certify or state on the Final Map or Parcel Map, the action of the City Council. The City Council may also designate an officer of Los Angeles County to accept into the county road system, pursuant to Section 941 of the California 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 Subdivision Map Act. Acceptance of offers of dedication on a

Final Map or Parcel Map shall not be effective until the Final Map or Parcel Map is filed with the office of the Los Angeles County Recorder, or a resolution of acceptance by the City Council is filed with the Los Angeles County Recorder's office.

- C. **Recordation.** Upon approval of the Final Map or Parcel Map by the City, the City Clerk shall execute the appropriate certificate on the certificate sheet and forward the Final Map or Parcel Map, or have an authorized agent forward the map to the Clerk of the Los Angeles County Board of Supervisors for transmittal to the Los Angeles County Recorder.

16.23.090 – Multiple Final Maps.

Pursuant to Section 66456.1 of the Subdivision Map Act, multiple Final Maps may be filed prior to the expiration of the Tentative Map if:

- A. The applicant 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 applicant and the City agree to the filing of multiple Final Maps. In providing such notice, the applicant 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 16.24 – ADJUSTMENTS, LOT MERGERS AND REVERSIONS

Sections.

16.24.010 – Purpose.

16.24.020 – Lot Line Adjustments.

16.24.030 – Lot Mergers.

16.24.040 – Reversions to Acreage.

16.24.050 – Time Periods.

16.24.060 – Appeals.

16.24.010 – Purpose.

This Chapter provides for the adjustment of the size and configurations of lots through a Lot Line Adjustment or Lot Merger. This includes the procedures for the preparation, filing, processing and approval or denial of such applications, consistent with the policies of the City's General Plan and the Subdivision Map Act.

16.24.020 – Lot Line Adjustments.

- A. **Applicability.** The Community Development and City Engineer may review and approve a Lot Line Adjustment, provided all of the following criteria have been met:
1. The Lot Line Adjustment is for four (4) or fewer parcels and no additional parcels are created;
 2. No street or alley dedication or subdivision improvement is necessary to properly service the properties involved in the proposed Lot Line Adjustment;
 3. The resulting lots will comply with the provisions of the Subdivision Map Act and the City's General Plan, Zoning Code, Building Code and Chapter 16.30 (Design Standards) of this Title;
 4. The Lot Line Adjustment will reduce existing nonconformities and will not create any new nonconformities, including but not limited to, lot size, lot dimensions, signage, parking, walls/fences, landscaping, building setbacks, building separations, etc.; and
 5. The resulting lots will not interfere with existing utilities, infrastructure or easements.
- B. **General Procedures:**
1. Preparation. Applications for a Lot Line Adjustment shall be made on the appropriate form and in accordance with the Subdivision Map Act and this Title.
 2. Applications. The Community Development Director and City Engineer shall determine the minimum filing procedures, content and form of materials which must be submitted before the City can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements.

3. Records. Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Engineering Division.
 4. Decisions. The City Engineer shall issue a Decision Letter within 30 days of deeming the application complete.
- C. **Recording with the County Recorder.** Upon approval, a Lot Line Adjustment shall be filed with the Los Angeles County Recorder. The form and content of the notice shall be as required by the City Engineer.
- D. **Appeals.** Community Development Director and City Engineer decisions regarding this Section are appealable to the Planning Commission. Refer to Section 16.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

16.24.030 – Lot Mergers.

A. **Mergers Initiated by the Property Owner:**

1. Applicability. The legal owners of two (2) contiguous parcels may request a merger of the parcels in compliance with Section 66499.20 3/4 of the Subdivision Map Act.
2. Application. The Community Development Director and City Engineer shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements.
3. Records. Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Engineering Division.
4. Decisions. The City Engineer shall issue a Decision Letter within 30 days of deeming the application complete.
5. Recording with the County Recorder. Upon approval, a notice of the Lot Merger shall be filed with the Los Angeles County Recorder. The form and content of the notice shall be as required by the City Engineer.

B. **Mergers Initiated by the City:**

1. Applicability. The City may initiate the merger of two (2) or more contiguous parcels held by the same owner, in compliance with Section 66451.10 of the Subdivision Map Act, provided one (1) or more of the parcels do not conform to the minimum parcel or lot size requirements outlined in Chapter 16.30 (Design Standards) of this Title and subject to the requirements outlined in Section 66451.11 of the Subdivision Map Act.
2. Notice of Intention to determine status. The City Engineer shall mail, by certified mail, a Notice of Intention stating that the affected parcels may be merged, and the owner may request a hearing on the determination before the Planning Commission, to present evidence that the property does not meet the criteria for merger. The Notice

of Intent shall be filed with the Los Angeles County Recorder on the same day that the notice is mailed to the property owner.

3. Hearing on Determination of Status. The owner of the affected property may file a written request for a hearing within 30 days after receiving the Notice of Intention to determine status. Upon receipt of the request, the City Engineer shall set a time, date and place for a hearing with the Planning Commission. The hearing shall be conducted not more than 60 days following the receipt of the owner's request, or may be postponed or continued by mutual consent of the City Engineer and the property owner. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements of this Title.
 4. Determination of Merger. At the conclusion of the hearing, the Planning Commission shall determine whether the affected parcels shall be merged or not and shall notify the owner of the determination:
 - a. If the Planning Commission makes a determination that the parcels are to be merged, the City Engineer shall record a Determination of Merger within 30 days of the Planning Commission's decision unless the owner files an appeal.
 - b. If, within the 30 day period following the recording of the Notice of Intention to determine status, the property owner did not file a request for a hearing, the City Engineer shall make a determination that the affected parcels are to be merged or are not to be merged. If the City Engineer determine that the parcels shall be merged, the City Engineer shall record a Determination of Merger within 90 days following the mailing of the Notice of Intention to determine status if there is no hearing.
 - c. The Determination of Merger shall specify the name of the record owners and a description of the property.
 - d. If the City determines that the parcels shall not be merged, the City Engineer shall record a release of the notice of intention to determine status and shall mail a clearance letter to the owner of record.
- C. **Unmerged Parcels.** A property owner may apply to the City for a determination that any parcels or units of land for which a notice of merger had not been recorded on or before January 1, 1984 are deemed not to have been merged under Section 66451.30 of the subdivision Map Act. If the City Engineer determines that the parcels meet the standards specified in Section 66451.30 of the Subdivision Map Act, the City shall issue the owner, and record with the Los Angeles County Recorder, a notice of the status of the parcels and a declaration that the parcels are not merged.

16.24.040 – Reversions to Acreage Maps.

Subdivided property may be reverted to acreage in compliance with the procedures and requirements of Section 66499.11 of the Subdivision Map Act.

16.24.050 – Time Periods.

- A. The Lot Line Adjustment, Lot Merger or Revision to Acreage shall be valid for two (2) years from the effective date of approval by the Community Development Director or City Engineer.
- B. If the applicant has proceeded in good faith toward the implementation of the Lot Line Adjustment, Lot Merger or Revision to Acreage, as determined by the Community Development Director or City Engineer, the applicant may request a 12-month extension. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director or City Engineer within 30 days of the request.
- C. The applicant may request additional extensions for up to the maximum period of time specified in the Subdivision Map Act.

16.24.060 – Appeals.

Community Development Director and City Engineer decisions regarding this Chapter are appealable to the Planning Commission. The Planning Commission's decision shall be final. Refer to Section 16.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

CHAPTER 16.25 – URBAN LOT SPLITS

Sections.

16.25.010 – Purpose.

16.25.020 – General Procedures.

16.25.030 – Design Standards.

16.25.040 – Time Periods.

16.25.050 – Appeals.

16.25.010 – Purpose.

The urban dwelling regulations set forth in this Section are established to comply with the state standards and requirements set forth in Section 66411.7 of the California Government Code, as amended from time to time, and other applicable state laws. This Section is not intended to conflict with state law and shall be interpreted to be compatible with state enactments.

16.25.020 – General Procedures.

- A. **Preparation.** Applications for an Urban Lot Split shall be made on the appropriate form and in accordance with the Subdivision Map Act and this Title.
- B. **Applications:**
1. The Community Development Director and City Engineer shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements.
 2. Concurrent applications for an Urban Lot Split and one (1) or two (2) urban dwellings as outlined in Section 17.110.110 (Standards for Specific Residential Uses – Urban Dwellings) of Title 17 (Zoning Code). The City shall act on the Urban Lot Split at the same time or before acting on the application for the urban dwelling.
 3. Refer to Section 16.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) entitlement or action is needed for the project (such as a Variance or Minor Variance).
- C. **Decision.** An Urban Lot Split shall be subject to a Tentative Parcel Map as outlined in Chapter 16.12 (Subdivisions – Tentative Parcel Maps) of this Title and conform to all applicable objective requirements of the Subdivision Map Act. Notwithstanding the foregoing, the following shall not be required:
1. The City shall not require any dedication of right-of-way;
 2. The City shall not require the construction of any offsite improvements; and
 3. The Community Development Director shall ministerially, and without discretionary review or a hearing, act on the application for an Urban Lot Split, subject to the

requirements of this Chapter and the Subdivision Map Act. A Decision Letter shall be issued within 30 days of deeming the application complete.

- D. **Conditions of Approval.** The City shall not require, as a condition for approval to create an Urban Lot Split, the correction of a nonconforming zoning condition.

16.25.030 – Development and Design Standards.

- A. **Permitted Zoning Districts.** Urban lot splits shall only be permitted in One-Family Dwelling (R-1A and R-1B) zoning districts.

B. **Number and Lot Size:**

1. Number of urban lots. The Parcel Map subdividing an existing parcel shall create no more than two (2) parcels. Both parcels shall be considered new parcels.
2. Size of urban lots. One (1) parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.
3. Minimum urban lot size. Both newly created parcels shall have a minimum size of 1,200 square feet.

C. **Parcel Configuration:**

1. The lot split line shall be parallel (i.e. a straight line) to the street property line. If the street property line curves, the lot split line may have the same or similar curve radius or may be straight; and
2. An access easement shall be recorded providing street access for the rear parcel.

- D. **Owner Occupancy Requirements.** The applicant for an Urban Lot Split shall sign an affidavit stating they intend to occupy one (1) of the dwelling units as their principal residence for a minimum of three (3) years from the date of the approval of the Urban Lot Split. The property owner must provide for an inspection every six (6) months for the first three (3) years to ensure the property owner is living onsite.

E. **Limitations to Urban Lot Splits:**

1. Historic properties. Any proposed Urban Lot Split shall not be located within a historic district or property included on the State Historic Resources Inventory (per Section 5020.1 of the Public Resources Code), or within a property that is designated or listed as a federal, state or local landmark or historic property or district pursuant by ordinance.
2. Demolition:
 - a. The following types of housing shall not be demolished or altered to accommodate an Urban Lot Split:
 - i. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, lower or very low income;

- ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; and
 - iii. Housing that has been occupied by a tenant within the past three (3) years.
- b. A residential dwelling unit that has been vacant and/or owner occupied for the past three (3) years, may be fully demolished. It shall be the applicant's responsibility to provide compelling and substantial evidence to the satisfaction of the Community Development Director that the dwelling has been vacant and/or owner occupied over the past three (3) years.
- 3. Existing housing. An Urban Lot Split shall not be permitted for a property that is currently developed with four (4) or more housing units.
- 4. New construction. Any new dwelling constructed on either of the new parcels shall be limited to an urban dwelling as outlined in Section 17.110.110 (Standards for Specific Residential Uses – Urban Dwellings) of Title 17 (Zoning Code).
- 5. Development of adjacent parcels. Neither the owner or any person acting in concert with the owner of the parcel being subdivided may subdivide an adjacent parcel using an Urban Lot Split as provided for in this Section.
- 6. Only residential uses shall be allowed on a lot created by an Urban Lot Split.
- F. **Urban Dwelling Standards.** Refer to Section 17.110.110 (Standards for Specific Residential Uses – Urban Dwellings) of Title 17 (Zoning Code) for development standards to develop urban dwellings on the newly created urban lots.
- G. **Two (2) Unit Maximum, Including ADUs and Junior ADUs.** More than two (2) units are not permitted on a parcel created through an Urban Lot Split. In the context of an Urban Lot Split, "unit" means any dwelling unit, including, but not limited to: an urban dwelling created pursuant to Section 65852.21 of the California Government Code; a primary dwelling; an ADU as defined in Section 65852.2 of the California Government Code; or a Junior ADU as defined in Section 65852.22 of the California Government Code.

16.25.030 – Time Periods.

- A. The Urban Lot Split shall be valid for two (2) years from the effective date of approval by the Community Development Director.
- B. If the applicant has proceeded in good faith toward the implementation of the Urban Lot Split, as determined by the Community Development Director, the applicant may request a 12-month extension. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request.
- C. The applicant may request additional extensions for up to the maximum period of time specified in the Subdivision Map Act.

16.25.040 – Appeals.

Community Development Director decisions regarding this Chapter are appealable to the Planning Commission. The Planning Commission’s decision shall be final. Refer to Section 16.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

CHAPTER 16.26 – CERTIFICATES OF COMPLIANCE

Sections.

16.26.010 – Purpose.

16.26.020 – Applicability.

16.26.030 – General Procedures.

16.26.040 – Determining the Legality of Parcels.

16.26.050 – Recordation.

16.26.010 – Purpose.

The Chapter provides the process to request a Certificate of Compliance, which is a legal document that certifies that a parcel of land complies with this Title and Subdivision Map Act at the time the parcel was established. If a Certificate of Compliance is approved, a legal document is certified that the City accepts the fact that a particular parcel of real property has been legally created.

16.26.020 – Applicability.

Any person owning property or an authorized representative of such person who is under contract of sale may request a Certificate of Compliance, to determine whether such real property complies with the provisions of the Subdivision Map Act and this Title.

16.26.030 – General Procedures.

- A. **Applications.** The Community Development Director and City Engineer shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Engineering Division.
- C. **Decision.** The Community Development Director shall determine one (1) of the following within 30 days a Certificate of Compliance application is deemed complete:
 1. Denial. The property is found not to be in compliance with the provision of the Subdivision Map Act or this Title.
 2. Conditional approval. The property is not found to be in compliance with the provisions of the Subdivision Map Act or this Title. However, the Community Development Director may, as a condition to granting a Certificate of Compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property, and which have been established at such time by the Subdivision Map Act or this Title. Such conditions may include, but are

not limited to, requiring approval of a tentative map prior to development of the property. Upon making such a determination and establishing such conditions, the Community Development Director shall cause a Conditional Certificate of Compliance to be filed for record with the Los Angeles County Recorder.

- a. Such Certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.
- b. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the City.
- c. Compliance with the requirements of a Certificate of Compliance shall not constitute a determination of compliance with all applicable approved plans or zoning requirements.

3. Approval. The property is found to be in compliance with the provision of the Subdivision Map Act and this Title and a Certificate of Compliance may be issued.

16.26.040 – Determining the Legality of Parcels.

- A. Any parcel of land that was created prior to January 1, 1963 shall be conclusively presumed to have been lawfully created.
- B. Any parcel of land that was created from January 1, 1963 through March 4, 1972 shall be deemed to have been legally created if the parcel was created in compliance with the City’s Lot Division process in effect at that time.
- C. Any parcel of land that was created after March 4, 1972 shall be deemed to have been legally created if the parcel was created in compliance with the Subdivision Map Act.
- D. Notwithstanding Subsections (A), (B) and (C) above, any parcel of land that existed at the time annexation to the City shall be deemed to have been legally created.
- E. Substandard parcels shall not be deemed legal parcels unless evidence can be provided to the City that they were created pursuant to Subsections (A), (B), (C) and (D) above.

16.26.060 – Recordation.

The Certificate of Compliance shall be filed with the Los Angeles County Recorder pursuant to the Subdivision Map Act.

CHAPTER 16.27 – CONDOMINIUM CONVERSIONS

Sections.

16.27.010 – Purpose.

16.27.020 – General Procedures.

16.27.030 – Additional Submittal Requirements.

16.27.040 – Improvements Required.

16.27.050 – Additional Findings.

16.27.060 – Exceptions.

16.27.010 – Purpose.

This Chapter establish the requirements for the conversion of residential and nonresidential properties to common interest developments, including community apartment projects and stock cooperative projects, as provided in Section 66424 of the Subdivision Map Act.

16.27.020 – General Procedures.

A Condominium Conversion shall be submitted and reviewed in the same manner as outlined in Section 16.21.010 (Tentative Maps – General Procedures) of this Title, except that the plans shall include the word “Tentative Map for a Residential Condominium Conversion” or “Tentative Map for a Nonresidential Condominium Conversion.” Additional requirements are outlined in Section 16.27.030 of this Chapter.

16.27.030 – Additional Submittal Requirements.

- A. **Notification Requirements.** The applicant of a residential conversion shall also be responsible for the following additional noticing requirements as outlined in 66427.1(a)(2) of the Subdivision Map Act:
1. Sixty (60) days written notification to each tenant the intent to submit an application for a Tentative Map for a condominium conversion, pursuant to Section 66452.18 of the Subdivision Map Act.
 2. Ten (10) day written notice to each tenant that an application for a Property Report will be submitted to the California Bureau of Real Estate.
 3. Five (5) days written notice to each tenant that the Property Report from the California Bureau of Real Estate has been issued. The report shall be available for review on request.
 4. Ten (10) days written notice to each tenant that the Final Map or Parcel Map has been approved by the City.
 5. Written notice to each tenant shall be provided after the City has approved the Final Map or Parcel Map and a minimum 180 days prior to the termination of tenancy due to the conversion or pursuant to Section 66452.19 of the Subdivision Map Act, that the intention to conversion shall not alter or abridge the rights or obligations of the parties

in their performance of their covenants, including but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the California Civil Code.

6. Ninety (90) days written notice after the Property Report has been issued, of the tenant's exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that the unit will be initially offered to the general public or terms more favorable to the tenant pursuant to Section 66452.20 of the Subdivision Map Act. The notification period may be reduced if the tenant provides written notice of his or her intention not to exercise this right.
- B. Relocation Assistance.** When the dwelling units of a residential project are more than one (1) year old, the applicant shall prepare a Relocation Assistance Program (RAP). This RAP shall be in addition to any other relocation assistance required in the Subdivision Map Act. The RAP shall be prepared in a manner which is responsive to tenant composition, sales policy to tenants, length of tenancies and number of tenants willing to purchase a unit in the project. The program may include, but not be limited to, access to a relocation specialist, moving expenses and relocation fees.
- C. Special Reports:**
1. Inspection Report. The applicant shall submit an Inspection 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.
 2. Structural Pest Report. 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 California Business and Professions Code, relating to written reports on the absence or presence of wood-destroying pests or organisms.
 3. Tenant Information Report. The applicant shall submit a Tenant Information Report containing the following:
 - a. Residential conversions. Information may include, but not be limited to, household size, length of residence, ages of tenants, number of tenants estimated to be receiving public assistance and number of tenants with disabilities. In addition, information shall be provided about the rents collected and vacancy rates over the past three (3) years.
 - b. Nonresidential conversions. Information may include, but not be limited to, use types, number of employees, rents collected and vacancy rates over the past three (3) years.

- D. **Mobilehome Parks.** The applicant shall comply with Section 66427.5 of the Subdivision Map Act.

16.27.040 – Improvements Required.

A. Zoning Code Requirements:

1. Building architecture, building materials and colors. All structures shall be reviewed for compliance with the City’s Comprehensive Design Guidelines.
2. Parking. For projects constructed prior to 1980, the property shall meet a minimum 80 percent of the current number of parking spaces and parking lot landscaping requirements outlined in Title 17 (Zoning Code) of the EMMC. For projects constructed after January 1, 1980, the property shall meet a minimum 90 percent of the current number of parking spaces and parking lot landscaping requirements outlined in Title 17 (Zoning Code) of the EMMC. Regardless of construction date, for residential conversions, a minimum 70 percent of the proposed parking spaces shall be fully enclosed or covered.
3. Open space. For residential conversions, projects constructed prior to 1980, the property shall meet a minimum 80 percent of the current usable open space square foot requirements outlined in Title 17 (Zoning Code) of the EMMC. For projects constructed after January 1, 1980, the property shall comply with the current usable open space square foot requirements outlined in Title 17 (Zoning Code) of the EMMC.
4. Laundry facilities. For residential conversions, laundry facilities shall be provided for each unit, or if common laundry areas are provided, such facilities shall consist of a minimum one (1) automatic washer and dryer for each five (5) units or fraction thereof.
5. Additional development standards. The following items shall comply with all requirements as outlined in Title 17 (Zoning Code) of the EMMC:
 - a. Ground and roof mounted equipment screening;
 - b. Outdoor lighting;
 - c. Refuse storage facilities;
 - d. Walls and fences;
 - e. On-site loading spaces for nonresidential conversions;
 - f. Bicycle parking;
 - g. Landscaping requirements (i.e. planting requirements); and
 - h. Signage regulations.

B. Building and Safety Requirements:

1. Plumbing. Comply with all requirements of the California Plumbing Code as outlined in Title 15 (Building and Construction) of the EMMC. For residential conversions, each unit shall have a separate shut-off valve.

2. **Energy.** Comply with all requirements of the California Electrical Code as outlined in Title 15 (Building and Construction) of the EMMC. For residential conversions, this shall also include the following: installing R-11 wall and R-19 ceiling insulation for each unit; weather stripping all exterior doors and windows; sealing heating and cooling air duct joints with pressure-sensitive tape; and having heat pumps with electric resistance back-ups be controlled with a two-stage thermostat. For residential conversions, the consumption of gas and electricity of each unit shall be separately metered.
 3. **Mechanical.** All combustion air for water heaters, furnaces and clothes dryers shall be provided from the outside of the building. In addition, heating and cooling air ducts shall be insulated according to the requirements of the California Mechanical Code. For residential conversions, each unit shall have a separate hot water heater.
 4. **Attics.** Access shall be provided for the entire attic area and draft stops shall be provided as required.
 5. **Emergencies.** Comply with all requirements related to stairs, exits, occupancy load, smoke/carbon monoxide alarms, fire extinguishing systems as outlined in Title 15 (Building and Construction) of the EMMC. For residential conversions, each sleeping area shall also be provided with a window of a size and in a location which will allow its use as an emergency exit.
 6. **Noise.** For residential conversions, an interior noise level of no more than 45 dB CNEL attributable to exterior sources shall be allowable for any dwelling unit. In addition, wall and floor-ceiling assemblies shall conform to the sound insulation performance criteria outlined in Title 15 (Buildings and Construction) of the EMMC.
 7. **Appliances.** For residential conversions, all ovens, ranges, dishwashers, garbage disposals, hot water heaters, heating and air-conditioning shall be in good working order and the applicant shall provide a one (1) year warranty for each item.
 8. **Certificate of Occupancy.** Upon receipt of an application for a Certificate of Occupancy, the Building Division shall inspect the property and prepare an inspection report identifying all items not in conformance with the Title 15 (Building and Construction) of the EMMC.
- C. **Los Angeles County Fire Requirements.** For residential conversions, the installation of fire sprinklers shall be required in accordance with NFPA 13R. For buildings with existing fire sprinkler systems, all portions of the system shall be inspected, repaired as necessary, and certified as to be in full compliance with applicable standards by a licensed fire sprinkler contractor. For residential and nonresidential conversions, the applicant shall comply with all other requirements as outlined by the Los Angeles County Fire Department.
- D. **Compliance Schedule.** The applicant shall provide a schedule of all necessary inspections and improvements outlined in this Section. All items shall be fully addressed to the satisfaction of the City and Los Angeles County prior to the sale of any residential or nonresidential units.

16.27.050 – Additional Findings.

A Condominium Conversion may be denied by the Planning Commission using the same findings as outlined in Section 16.21.020 (Tentative Maps – Findings) of this Title, except that the findings shall reference “Tentative Map for a Residential Condominium Conversion” or “Tentative Map for a Nonresidential Condominium Conversion.” A Condominium Conversion may also be denied if any of the following additional findings can be made:

- A. For residential conversions, the applicant has failed to comply with the additional submittal requirements outlined in Section 16.27.030 of this Chapter;
- B. The applicant has failed to comply with the improvements required and compliance submittal as outlined in Section 16.27.050 of this Chapter; or
- C. For residential conversions, the cumulative effect of the proposed conversion will cause a significant percentage of affordable units to be removed from the City’s housing stock.

16.27.060 – 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 16.27.050 of this Chapter with regard to a particular conversion proposal upon finding that the exception will not contravene the intent and purpose of this Title.

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DIVISION 3 – DESIGN STANDARDS AND OTHER REQUIREMENTS

CHAPTER 16.30 – DESIGN STANDARDS

Sections.

- 16.30.010 – Purpose.
- 16.30.020 – Applicability.
- 16.30.030 – Roadways.
- 16.30.040 – Lot Specifications.
- 16.30.050 – Connectivity.

16.30.010 – Purpose.

This Chapter establishes standards for the design and layout of subdivisions, and the design of subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the purpose, goals and policies of the City’s General Plan, Zoning Code and any applicable Specific Plan.

16.30.020 – Applicability.

The design and improvement standards in this Chapter apply to all subdivisions and shall be imposed on an applicant as a condition of approval of a Tentative Map.

16.30.030 – Roadways.

- A. **Streets and Highways.** Street right-of-way, alignment and design specifications shall conform to the standards set by the City Engineer and Public Works Director.
- 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 Public Works Director 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.
- D. **Walkways.** The subdivider may be required to dedicate and improve walkways to standards prescribed by the Planning Commission across blocks greater than 900 feet in length, in order to provide more convenient access to schools, parks, public transit and other public spaces.

16.30.040 – Lot Specifications.

- A. **Residential Zoning Districts.** Table 16-30-1 prescribes the development standards for lots in residential zoning districts.

Table 16.30-1 – New Lot Specifications – Residential Zoning Districts			
Design Standard	R-1A & R-1B	R-1C	R-2, R-3 & R-4
Minimum lot area	7,260 sq. ft.	10,000 sq. ft.	6,000 sq. ft.
Minimum street frontage –			
Interior lot	60 ft.	60 ft.	60 ft.
Corner lot	70 ft.	70 ft.	70 ft.
Cul-de-sac	35 ft.	35 ft.	35 ft.
Minimum lot depth	100 ft.	100 ft.	80 ft.

B. **Multiuse, Commercial and Manufacturing Zoning Districts.** Table 16-30-2 prescribes the development standards for lots in multiuse, commercial and manufacturing zoning districts.

Table 16.30-2 – New Lot Specifications – Multiuse, Commercial & Manufacturing Zoning Districts				
Design Standard	Multiuse	C-1 & C-2	C-3	Manufacturing
Minimum lot area	20,000 sq. ft.	20,000 sq. ft.	30,000 sq. ft.	40,000 sq. ft.
Minimum street frontage –				
Interior lot	100 ft.	125 ft.	150 ft.	150 ft.
Corner lot	125 ft.	150 ft.	175 ft.	175 ft.
Cul-de-sac	60 ft.	60 ft.	70 ft.	70 ft.
Minimum lot depth	100 ft.	150 ft.	175 ft.	175 ft.

C. **Other Zoning Districts.** Lot specifications shall be established through the Tentative Map process, provided each lot has a minimum area of 6,000 square feet.

D. **Specific Plans.** Lot specifications shall be established as part of the Specific Plan, provided each lot has a minimum area of 6,000 square feet.

E. **Lot Lines.** Lot lines shall be nearly perpendicular and parallel to the centerline of streets and curved streets shall be as radial as is practical.

F. **Blocks:**

1. City blocks. Blocks shall be two (2) lots deep and not less than 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 minimum six (6) foot high masonry wall shall be erected in accordance with the standards of the Building Official on the rear property line as a physical separation between the lot and the street or highway.

2. 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.

3. Determining block face to be considered frontage. For square blocks, the Planning Commission shall determine which block face shall be considered as frontage for square blocks. For all other blocks, all lots shall front upon the street that parallels the long dimension of the block.
- G. **Lot Consolidations.** Lot consolidation is encouraged when such consolidation results in a superior subdivision that includes some of the elements of a complete neighborhood such as a range of housing opportunities, connectivity, open space, and a well landscaped streetscape. Lot consolidation that does not include such elements is discouraged.
- H. **Flag Lots.** The creation of new flag lots shall be prohibited.
- I. **Double Frontage Lots:**
1. Residential zoning districts. The creation of new double frontage lots shall be prohibited.
 2. Nonresidential zoning districts:
 - a. When one (1) of the parallel streets is a major or secondary arterial. The other street shall incorporate a minimum ten (10) foot wide landscape buffer. The review authority may require a greater landscape buffer and the incorporation of walls and other buffers as conditions of approval.
 - b. When both of the parallel streets are collector or local streets. The creation of new double frontage lots shall be prohibited.
- J. **Additional Development Standards.** Refer to other Sections of this Chapter and Title 17 (Zoning Code) for exceptions and additional design and development standards.
- K. **Adjustments and Exceptions:**
1. Lot specification adjustments.
 - a. The Planning Commission may approve an adjustment to reduce the minimum lot depth by up to 25 percent and the minimum lot width by up to ten (10) percent provided the minimum lot area is met and the following additional finding can be made:
 - i. An adjustment is necessary due to exceptional circumstances applicable to the property (e.g. location, shape, size surroundings and topography), is consistent with the lotting pattern of other properties in the vicinity and will not necessitate the need for any Variances or Minor Variances to develop the property in a way similar to other properties in the vicinity.
 - b. The Planning Commission may approve an adjustment in residential zoning districts to reduce the minimum lot width to equal the predominant width of a block when

more than 50 percent of the lots on the same side of the block are already subdivided and developed. However, in no case shall the lot have a width with a street frontage of less than 40 feet.

2. Condominiums in residential zoning districts. The individual units shall not be subject to this Section provided the overall existing project area complies with Table 16.30-1 above.
3. Condominiums with residential uses in nonresidential zoning districts:
 - a. Projects along major arterials (see General Plan Figure C-4). For existing lots, the individual units shall not be subject to this Section, provided the overall project has a minimum area of 15,000 square feet and street frontage of 100 feet. For all other lots, the individual units shall not be subject to this Section, provided the overall project complies with Table 16.30-2 above.
 - b. All other projects. For existing lots, the individual units shall not be subject to this Section, provided the overall project has a minimum area of 6,000 square feet. For new lots, the individual units shall not be subject to this Section provided the overall project complies with Table 16.30-2 above.
4. All other condominiums in nonresidential zoning districts. The individual units shall not be subject to this Section provided the overall existing project area complies with Table 16.30-2 above.
5. Shopping centers, office complexes, industrial parks and other similar campus settings. Projects with multiple lots shall not be subject to this Section provided the overall project has a minimum area of two (2) acres and each individual lot has a minimum area of 6,000 square feet.
6. Access and maintenance. Projects with three (3) or more residential units and all nonresidential projects under Subsections (K)(4) and (K)(5) above shall be subject to Covenants, Conditions and Restrictions (CC&Rs), to tie individual lots to the design and development standards of the larger subdivision and/or project, and expressly address common or reciprocal access (for vehicles, bicycles and pedestrians), parking, landscaping, open space, maintenance, design, signage and/or other operational standards.

16.30.050 – Connectivity.

- A. **Vehicular, Bicyclist and Pedestrian Access.** Residential subdivisions of five (5) or more dwelling units and nonresidential subdivisions greater than 40,000 square feet shall provide vehicular, transit, bicycle and pedestrian connectivity to all uses within the subdivision, to adjacent developments and to the surrounding street system.
- B. **Emergency Vehicles and Schools.** Emergency vehicle access and safe route to schools shall also be determined on a case-by-case basis.
- C. **Barriers.** Walls and fencing between residential and nonresidential uses shall provide openings or other mechanisms to allow bicycle, transit and pedestrian access between

uses. This may include City parks, the Rio Hondo River Trail and San Gabriel River Trail. For residential uses, such openings may be locked if all residents have a code, key or other means of access.

- D. **Easements and Open Space.** Easements for major utilities such as high-tension lines and utility trunk lines and river/flood control easements should be integrated into the proposed subdivisions as open space or recreation use. Such easements should not be blocked by fences, yards, gates or other similar barriers, unless required for safety reasons. The use and treatment of such easements are subject to the policies and restrictions of the utility provider and County of Los Angeles.

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CHAPTER 16.32 – DEDICATIONS AND RESERVATIONS

16.32.010 – Purpose.

16.32.020 – Dedications.

16.32.030 – Certificates.

16.32.040 – Parkland Dedication.

16.32.050 – Elementary School Site Dedication.

16.32.060 – Public Use Site Dedication.

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

16.32.080 – Fees for Bridges and Major Thoroughfares.

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

16.32.010 – Purpose.

The purpose of this Chapter is to establish the dedications and reservations that may be imposed as a condition for approval of a Tentative Map.

16.32.020 – 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 Community Development Director.
- B. The Planning Commission may, pursuant to Section 66476 of the Subdivision 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.

16.32.030 – Certificates.

- A. Dedications or offers to dedicate interests in real property as described above, shall be made by certificate on a Final Map, pursuant to Section 66439 of the Subdivision Map Act, by certificate on a Parcel Map or by separate instrument pursuant to Section 66447 of the Subdivision Map Act.
- B. In addition, pursuant to Section 66476 of the Subdivision 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.

16.32.040 – 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 per the most current ordinance, copies of which can be obtained from the City Clerk as a public record.

16.32.050 – Elementary School Site Dedication.

Pursuant to Section 66478 of the Subdivision 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.

16.32.060 – Public Use Site Dedication.

Pursuant to Section 66479 of the Subdivision 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.

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

- A. Pursuant to Section 66483 of the Subdivision 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 Subdivision 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.

16.32.080 – Fees for Bridges and Major Thoroughfares.

- A. Pursuant to Section 66484 of the Subdivision 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 Subdivision 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.

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

Following approval of the Tentative 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 16.34 – SUBDIVISION IMPROVEMENT REQUIREMENTS

Sections.

- 16.34.010 – Purpose.
- 16.34.020 – General Requirements.
- 16.34.030 – Demolition, Moving, Altering or Conversion.
- 16.34.040 – Designated Remainder Parcel Improvements.
- 16.34.050 – Grading and Drainage.
- 16.34.060 – Railroad Crossings.
- 16.34.070 – Roadways.
- 16.34.080 – Structures.
- 16.34.090 – Supplemental Size of Improvements.
- 16.34.100 – Utilities.
- 16.34.110 – Other Improvements.

16.34.010 – Purpose.

This Chapter establish the subdivision improvements an applicant may be required to complete as a condition of approval, for the benefit of property owners, residents, commercial tenants and other stakeholders of the subdivision.

16.34.020 – 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 applicant shall make all public improvements required in this or any other Chapter of this Title, prior to approval of Final Maps and Parcel Maps; Lot Line Adjustments, Lot Mergers and Reversion to Acreage Maps; or Certificates of Compliance; except when an undertaking agreement has been approved pursuant to Section 16.36.020 (Agreements and Security – Undertaking Agreements) 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 Final Maps and Parcel Maps; Lot Line Adjustments, Lot Mergers and Reversion to Acreage Maps; or Certificates of Compliance; and shall become the property of the City.
- E. Pursuant to Section 66456.2 of the Subdivision Map Act, the City shall review and act upon improvement plans within 60 working days of its submittal, except that at least 15 working days shall be provided for processing any resubmitted improvement plan. The 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 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 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 applicant shall provide all necessary field engineering for the purpose of establishing lines and trades during installation of all required improvements.
- I. The applicant shall provide all monuments, ties, calculations, notes and other survey data required by Chapter 16.38 (Survey and Monuments) of this Title prior to approval of the Final Map or Parcel Map, except as otherwise provided in Chapter 16.36 (Subdivision Improvements Security) of this Title.

16.34.030 – Demolition, Moving, Altering or Conversion.

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

16.34.040 – Designated Remainder Parcel Improvements.

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

16.34.050 – Grading and Drainage.

- A. **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.
- B. **Grading of Lots.** Lots shall be graded as required per Chapter 15.40 (Building and Construction – Grading and Erosion Control) of the EMMC and approved by the City Engineer.
- C. **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 (1) foot in the vertical direction to three (3) feet in the horizontal direction (3:1 slope) or which exceed three

feet (3) in height, shall be planted with approved landscape material and maintained for purposes of retaining the slope from erosion or movement.

16.34.060 – 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.

16.34.070 – Roadways.

- A. **Curb and Gutters.** Curbs and gutters, storm drains and culverts shall be installed to the specifications of the City Engineer.
- B. **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.
- C. **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.
- D. **Storm Drains and Culverts.** Curbs and gutters, storm drains and culverts shall be installed to the specifications of the City Engineer.
- E. **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 applicant 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.
- F. **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.
- G. **Street Trees.** Street trees shall be installed per the type and size shown on the City’s Tree Planting Plan and planted in locations approved by the City Engineer.
- H. **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 (2½) inch high letters the following:

(NAME OF STREET)

PRIVATE STREET

NOT DEDICATED FOR PUBLIC USE

16.34.080 – 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.

16.34.090 – Supplemental Size of Improvements.

The City may require that improvements installed by the applicant 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.

16.34.100 – Utilities.

- A. **Gas.** Gas facilities connecting to gas mains serving the City shall be provided in a manner deemed appropriate by the City Engineer and gas utility purveyor.
- B. **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 applicant 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 applicant shall provide the Public Works Department with a letter of compliance from the servicing utility.
- C. **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.
- D. **Telephone and Electrical Services:**
 1. 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 Planning Services Manager may recommend to the Planning Commission or City Council may waive the requirements of this section of 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.
 2. 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 Subdivision Map Act.

- E. **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.
- F. **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 water utility purveyor and shall be approved by the designated agent of the Los Angeles County Fire Department.

16.34.110 – Other Improvements.

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

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CHAPTER 16.36 – AGREEMENTS AND SECURITY

Sections.

- 16.36.010 – Purpose.
- 16.36.020 – Undertaking Agreements.
- 16.36.030 – Supplemental Improvement Reimbursement Agreement.
- 16.36.040 – Improvement Security.
- 16.36.050 – Amount of Security.
- 16.36.060 – Alternative Security for Certain Subdivisions.
- 16.36.070 – Reduction in Performance Security.
- 16.36.080 – Release of Improvement Securities.
- 16.36.090 – Forfeiture.
- 16.36.100 – Default in Infrastructure Bonds Due to Initiative.
- 16.36.110 – Acceptance of Improvements.

16.36.010 – Purpose.

This Chapter provides the requirements for necessary agreements or contracts between the City and the applicant, where the applicant agrees to complete the required public improvements outlined in Chapter 16.34 (Subdivision Improvement Requirements) of this Title. In addition, this Chapter outlines the security needed to guarantee the improvements will be completed to the satisfaction of the City Engineer.

16.36.020 – Undertaking Agreements.

Any act or obligation (improvement) required as a condition of approval of a Final Map, Parcel Map, Reversion to Acreage Map, a Parcel Map Waiver, Lot 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 applicant and the city, which satisfies the requirements of Section 66462 of the Subdivision 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.

16.36.030 – Supplemental Improvement Reimbursement Agreement.

Where the subdivider is required to install supplemental improvements pursuant to Chapter 16.34 (Subdivision Improvement Requirements) of this Title, the City shall enter into an agreement to reimburse the applicant pursuant to Section 66486 of the Subdivision Map Act.

16.36.040 – 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 Subdivision Map Act.
- B. Pursuant to Sections 66499, 66499.1 and 66499.2 of the Subdivision Map Act, improvement securities shall be required to be posted by the applicant as a guarantee of the performance of any act, improvement, or obligation required as a condition of approval

of any Final Map, Parcel Map, Reversion to Acreage Map, Parcel Map Waiver, Lot Merger, Lot Line Adjustment or Conditional Certificate of Compliance. All such improvement securities shall be provided in a form subject to the approval of the City Engineer and the City Attorney.

16.36.050 – 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 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 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 Subdivision Map Act.

16.36.060 – Alternative Security for Certain Subdivisions.

- A. In lieu of executing an Undertaking Agreement as set forth in Section 16.36.020 of this Chapter, the subdivider may deliver alternate improvement security in favor of the City as provided in this Section 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 a Final Map, Parcel Map, Reversion to Acreage Map, Parcel Map Waiver, Lot Merger, Lot Line Adjustment or Conditional Certificate of Compliance.
- B. This Section shall apply at the written request of the applicant when the City Engineer has confirmed either:
 - 1. The estimated cost of completing the installation of any required work as set forth in Chapter 16.30 (Subdivision Improvement Requirements) of this Title in connection with a subdivision, including any survey monument as set forth in Chapter 16.30 of this Title, is less than \$20,000.00; or
 - 2. The estimated cost of completing the installation of any required work as set forth in Chapter 16.30 (Subdivision Improvement Requirements) of this Title in connection with

a subdivision, including any survey monument as set forth in Chapter 16.38 (Survey and Monuments) of this Title, is between \$10,000.00 and \$20,000.00.

- C. The property owner may initiate the alternate security provisions authorized by this Section prior to the recordation of a Final Map, Parcel Map, Reversion to Acreage Map, Parcel Map Waiver, Lot Merger, Lot Line Adjustment or Conditional Certificate of Compliance.
1. A current title report for the subject property, which has been issued by a title insurance company within not more than 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 Subsection (G) below, 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 \$20,000.00.

The City Engineer shall acknowledge the city's receipt of such written application within 30 days of receipt from the subdivider and such acknowledgment shall confirm whether the provisions of Subsections (D) or (E) below, shall be applicable to the work. The City Engineer may determine that the alternate security provisions of this Subsection 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 Subsection 16.36.020 of this Chapter.

- D. If the City Engineer confirms that Subsection (B)(1) above, 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 \$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 Subsection (F) below, 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 Subsection (B)(2) above, applies to the work, then the subdivider shall deliver \$2,500.00 to the city together with a Notice of Security Agreement substantially in the form as provided in Subsection (G) below, 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 Subsection (F) below, 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 Notice of Completion for the work as provided in California Civil Code Section 8182(c)(1), and subject to the confirmation by the City Engineer that all of the other requirements of Section 16.36.110 of this Chapter 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 in this Chapter 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 Section 16.36.060 (Agreements and Security –16.36.110 – Acceptance of Improvements).

Alternative Security for Certain Subdivisions) of Title 16 (Subdivision Ordinance) OF the El Monte Municipal Code.

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 Section 16.32.090 of Title 16 (Subdivision Ordinance) of the El Monte Municipal Code, that the City shall have no duty to approve or authorize the occupancy of any structure on the Property as otherwise provided in Chapter 15.09 (Certificate of Occupancy) of Title 15 (Building and Construction) of the El Monte Municipal Code.

Upon the acceptance of the Work by the City as provided in Section 16.36.110 (Agreements and Security – Acceptance of Improvements) of Title 16 (Subdivision Ordinance) of the El Monte Municipal Code, 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

By: _____

City Attorney
City of El Monte

APPROVED AS TO FORM

[FORM OF NOTICE OF SECURITY AGREEMENT]

16.36.070 – 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 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 Subdivision Map Act, or the improvement agreement.

16.36.080 – 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 Subdivision 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 attorney fees.

16.36.090 – 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 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.

16.36.100 – 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 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 Subdivision 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 Subdivision Map Act.

16.36.110 – 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 Final Maps, Parcel Maps, Lot Line Adjustments, Lot Mergers, Reversions to Acreage Maps 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 City 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.

CHAPTER 16.38 – SURVEY AND MONUMENTS

Sections.

- 16.38.010 – General Procedures.
- 16.38.020 – Durable Monuments Required.
- 16.38.030 – Subdivision Boundaries.
- 16.38.040 – Parcel/Lot Corners.
- 16.38.050 – Street Centerline.
- 16.38.060 – Notification of Set Monuments.

16.38.010 – General 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 California 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.

16.38.020 – Durable Monuments Required.

Pursuant to Section 66495 of the Subdivision 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 L.P. & T.

16.38.30 – 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 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 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 L.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 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; and

4. State depth of all two (2) inch I.P. & T.'s set on the map or use a depth of monument note.

16.38.040 – 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 16.38.030 of this Chapter. 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 (1) inch I.P., 18 feet long set as described under Section 16.38.020 of this Chapter.

16.38.050 – Street Centerline.

- A. Centerline monuments 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; and
 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.

16.38.060 – Notification of Set Monuments.

Pursuant to Section 66497 of the Subdivision Map Act, within five (5) days after the final setting of all monuments, the engineer or surveyor shall provide written notice to the applicant 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 or 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 \$500.00 deposit per monument shall be provided to the City.

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DIVISION 4 – DEFINITIONS

CHAPTER 16.42 – DEFINITIONS

“Block” means an area of land within a subdivision entirely bounded by any streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision.

"Certificate of Compliance" means a document recorded by the Los Angeles 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 Subdivision Map Act.

“Community apartment” means an undivided interest in common in the land coupled with the right of exclusive occupancy of an apartment unit which is part of a community apartment project.

“Community apartment project” means a type of project as defined by Section 11004 of the California Business and Professions Code.

"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 sub-leasehold.

“Condominium project” means a development consisting of condominiums.

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

“Cul-de-sac” means a street which terminates in a permanent turn-around and which by design is not intended to continue beyond its terminal point.

"Dedicated street" means a public thoroughfare or right of way dedicated or deeded to the City or other government agency 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.

“Dedication” means private lands dedicated or deeded to the City of other government agency for public purposes including land for streets, sidewalks, sewer lines, water lines and other public purposes.

“Easement” means the legal right for a non-owner to use a specific part of another owner’s land for a specific purpose. This can include ingress, egress, utilities and drainage over a specific portion of another’s land. This may include easements for ingress and egress (e.g. for pedestrians and/or vehicles to access to and from a property), utilities (e.g. for electric power, telephone, internet, natural water, water, waste water and sewer services), open space/recreation and drainage.

“Final Map” or **“Final Tract Map”** means a map showing a subdivision of five (5) or more lots, prepared for filing with the office of the Los Angeles County Recorder in accordance with this Title and the provisions of the Subdivision Map Act, if deemed in substantial compliance with a previously approved Tentative Map and with any conditions to such approval.

“Frontage” means that portion of a parcel of property which abuts on a public street.

“Improvements” means any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the Final Map thereof. Improvements also refers to any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approval by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan.

“Improvement plans” means the plans, profiles, cross-sections, and specifications of all proposed improvements.

“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 Line Adjustment” means a shift or rotation of an existing lot line or other adjustment where a greater or lesser number of parcels than originally existed is not created.

“Lot 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” means a single unit of land separated from other units of land by legal description, the boundaries of which are shown on a parcel map or final map, described in a deed, or for which a certificate of compliance has been issued pursuant to the Subdivision Map Act. Parcel shall also include two or more parcels where the owner(s) have recorded a covenant with the office of the Los Angeles County Recorder that states the intention of the

owner(s) to combine and use the parcels as a single unit of land in compliance with City regulations. Also referred to as "lot."

"Parcel Map" or "Final Parcel Map" means a map prepared in accordance with the provisions of this Subdivision Ordinance, designed to be placed on record in the office of the Fresno County Recorder, and providing for the division of land which meets the exceptions set forth in Section 66426 of the Subdivision Map Act.

"Public improvement" means street work, utilities, and other facilities proposed or required to be installed within the subdivision for the general use of all the subdivision lot owners and for local neighborhood or community needs.

"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 Subdivision Map Act.

"Reversion to Acreage Map" means a map prepared in accordance with the Subdivision Map Act for purposes of reverting previously divided parcels to acreage.

"Roadway types" means one of the following (see General Plan Figure C-4 for a map illustration):

"Major arterials" means a street that carry traffic from one part of the City to another and connect to the highway system. Arterials carry the highest volumes of traffic at the highest speeds, with limited interference to traffic flow. Major arterials typically function as truck routes and emergency response routes. However, they are not exclusively auto dominated streets; they may serve as major transit corridors and need to accommodate convenient and safe pedestrian travel.

"Secondary arterials" means a street that carry traffic from one part of the community to another and connect to major arterials. Secondary arterials typically carry lower volumes, principally local traffic, and are used for shorter trips to activity centers, jobs, residences, schools and other local destinations.

"Collector streets" means an intermediate street that connects residential neighborhoods to each other and nonresidential districts. They collect traffic from local streets in residential neighborhoods and channel it onto arterials. Collector streets may also carry local transit service.

"Local streets" means a street that serves local land uses, typically residential neighborhoods, and provide direct access to individual parcels. Local streets typically carry the lowest volume of traffic, which is nearly exclusively local traffic. Local streets, being the primary means for residents to get around their neighborhood, should also accommodate bicycles and pedestrians. In some cases, however, local streets serve commercial and industrial uses.

"Street, private" means a paved vehicular way built to City or Los Angeles County standards at the time of construction. It may be a separate parcel jointly owned by multiply property owners or it may be owned in sections by the different property owners that abut the private street. The vehicular way is typically managed through a recorded Maintenance

Agreement, Covenants, Conditions and Restrictions (CC&Rs) and/or a series of access easements.

“Street, public” means a paved vehicular way built to City or Los Angeles County standards at the time of construction. A public street is under the jurisdiction of a public authority and maintained by a public authority. The majority of streets in most cities are public.

"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 Subdivision Map Act.

"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 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.

“Stock cooperative” means the same as defined by Section 11003.2 of the California Business and Professions Code.

“Subdivider” means a person, firm, corporation, partnership, or association who proposes to divide, divides, or causes to be divided real property into a subdivision for their self or for others.

“Subdivision” means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered contiguous units, even if it is separated by roads, streets, utility easement, or railroad rights-of-way. This definition shall specifically include Condominiums, Community Apartment Projects, or Stock Cooperative conversions.

“Tentative Map” means a map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it. The two (2) types of tentative maps include the following:

“Tentative Parcel Map” means the division of land into four (4) or fewer parcels, as authorized by Section 66248 of the Subdivision Map Act. In addition, a tentative parcel map may include the division of land into five (5) or more parcels subject to the criteria outlined in Section 66426 of the Subdivision Map Act.

“Tentative Tract Map” means the division of land into five (5) or more parcels that do not meet the criteria to qualify as a tentative parcel map.

“Urban Lot Split” means a ministerial subdivision of one (1) parcel in a one-family dwelling zoning district into two (2) approximately equally sized lots, with each lot capable of being developed with two (2) units.

"Vacation" means the abandonment of a public right-of-way or public service easement such as roads, streets, alleys, public utility easements (e.g. power and gas company equipment) and public service easements (e.g. traffic signals, street lights), subject to the requirements of the California Streets and Highways Code, Subdivision Map Act and EMMC.

"Vesting Tentative Map" means a special form of a tentative map, filed pursuant to Chapter 4.5 of the Subdivision 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.

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