

Williams Planning Commission Agenda

810 E Street / P.O. Box 310, Williams, CA 95987

REGULAR MEETING OF THE PLANNING COMMISSION
MONDAY, AUGUST 22, 2022, 6:00 P.M.
CITY HALL, 810 E STREET

NOTE

This meeting is being agendized to allow staff and the public to participate in the meeting via teleconference, pursuant to AB 361.

AB 361 authorizes local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically to all members of the public and staff in an effort to observe Social Distancing Recommendations.

Balancing the health risks associated with COVID-19, while appreciating the public's to conduct the peoples's business in transparent and open manner, the City wants you to know that you can submit your comments and questions in writing for Planning Commission consideration by sending them to the City at kramsaaur@cityofwilliams.org. To give the Planning Comission adequate time to review your questions and comments, please submit written comments prior to 4:00p.m. on Monday August 22, 2022. Live public comment will also be accepted.

Members of the public are encouraged to participate in the teleconference.

You can participate via Zoom: Join Zoom Meeting

<https://us06web.zoom.us/j/5304735389?pwd=cFdXM20vR3pmS2FwcWlNcUVUdVMzUT09>

Meeting ID: 530 473 5389

Passcode: 568634

Or you can listen to the meeting by dialing the teleconference number below:

888 788 0099 US Toll-free

Meeting ID: 530 473 5389

Passcode: 568634

1. Call to Order and Roll Call.
2. Pledge of Allegiance.

PUBLIC COMMENT

3. During the August 22, 2022 Planning Commission meeting, public comment will be accepted via email. If you would like to comment remotely, please follow the protocols below:
 - Send comments via email to the Assistant City Planner at kramsaur@cityofwilliams.org prior to the commencement of the Planning Commission meeting.
 - Identify the subject you wish to comment on in your email's subject line.
 - Each Public comment emailed to the Assistant City Planner will be read aloud by the Chair or a member of staff for up to three minutes.
 - Public comment email submissions which are received after the beginning of the meeting will not be included in the record.

APPROVAL OF MINUTES

4. Approval of Regular Meeting Minutes for May 24, 2021
5. Approval of Regular Meeting Minutes for July 25, 2022

PUBLIC HEARING

6. Subject: ZONING CODE UPDATE (ZOA 2022-01)
Action: Adopt Resolution 2022-01, a Resolution of the Planning Commission of the City of Williams recommending adoption of the Zoning Ordinance Amendment ZOA 2022-01.
7. Subject: Ordinance No. 22-02, Repealing and Replacing Title 16, "Subdivisions," of the Williams Municipal Code.
Action: Make a motion recommending to the City Council that it adopt Ordinance No.22-02,

ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk, Mariana Pineda, at (530) 235-3270, by fax at (530) 473-2445 or by email to cityclerk@cityofwilliams.org at least 48 hours prior to the meeting.

INFORMATION

DEPARTMENTAL GENERAL TELEPHONE NUMBERS

Building	(530) 235-3278
Code Enforcement	(530) 473-2533
Finance	(530) 235-3273
Planning	(530) 235-3279
Police	(530) 473-2661
Public Works	(530) 473-2519
Swimming Pool	(530) 473-2603
Utility Billing	(530) 235-3274

Compliance with Government Code Section 54957.5

Public records, including writings related to an agenda item for an open session of a regular meeting of the Planning Commission of the City of Williams that are distributed less than 72 hours before the meeting, are available for public inspection during normal business hours at Williams City Hall located at 810 E Street, Williams, California, 95987.

Certificate of Posting of Agenda

I, Katheryn Ramsaur, Assistant City Planner for the City of Williams, declare that the foregoing agenda for the August 22, 2022 Regular Meeting of the Williams Planning Commission was posted on August 11, 2022, at the office of the City of Williams, 810 E Street, Williams, California, 95987 and was available for public review at that location.

Signed this 10th day of August 2022, at Williams, California.

Katheryn Ramsaur, Assistant City Planner

City of Williams Planning Commission Minutes

810 E Street / P.O. Box 310, Williams, CA 95987

Regular Meeting of the Planning Commission
July 25, 2022
Minutes

The Planning Commission conducted this meeting in accordance with California Governor Newsom's Executive Order N-29-20.

The Planning Commission of the City of Williams meets this 25th day of July 2022 at the hour of 6:00 p.m.

1. ROLL CALL:

PRESENT: Commissioners Steven Jeet, Maria Leyva, and Theresa Baker

ABSENT: Commissioner Sahota

ALSO PRESENT: Katheryn Ramsaur, Assistant City Planner

2. Assistant City Planner, Katheryn Ramsaur lead the meeting calling to order at 6:00 p.m. opening with the Pledge of Allegiance.

3. Ms. Ramsaur declared time for a period of public comment. No public comment was heard. Ms. Ramsaur closed the period of public comment.

4. APPROVAL OF MINUTES OF MAY 24, 2021

Commissioner Leyva pointed out that she is the only present member that attended the May 24, 2021 meeting. The approval of the minutes was moved to a meeting where another attendant is present.

5. APPROVAL OF MINUTES OF MARCH 28, 2022

Commissioner Leyva made a motion, seconded by Commissioner Baker to approve the Minutes of the March 28, 2022 meeting. Motion carried by the following vote:

Ayes: Commissioners Leyva, Jeet, and Baker.
Noes: None.
Abstain: None.

PUBLIC HEARING:

5. Appointment of Chairperson

Commissioner Jeet stated that he would be willing to be the Chairperson. Commissioner Leyva made a motion to nominate commissioner Jeet as Chairperson. This motion was seconded by Commissioner Baker.

Ayes: Commissioners Baker, Leyva, and Jeet.
Noes: None
Abstain: None.

The meeting was adjourned at 6:15 p.m.

Approved: _____
Chairperson Steven Jeet

Attest: _____
Katheryn Ramsaur, Assistant City Planner

City of Williams Planning Commission Agenda Report

DATE: August 22, 2022

ITEM #: 1

CATEGORY: Public Hearing

SUBJECT: ZONING CODE UPDATE (ZOA 2022-01)

BACKGROUND

This amendment to the Zoning Code is a result of a recent inquiry regarding decibel allowance for a generator within the City Limits. It was brought to the attention of the Building and Planning Departments that the city standards for generator noise is far lower than any “quiet” generator on the market effectively prohibiting generator usage in the case of an emergency.

DISCUSSION

The State of California is currently in an energy crisis. For the 2022 year the local energy company, PG&E, has predicted that California may fall short of energy demands by about 1,700 megawatts. The shortfall is likeliest to occur in the summer after the sun sets, depriving energy providers of solar energy. With the threat of a power outage looming, it has been brought to the attention of the Planning Staff that the City’s noise ordinance does not allow for generator usage. The typical emergency generator runs between 50dBA and 80 dBA. The City’s current ordinance only allows for a maximum of 55 dBA during daytime hours preventing most generator usage in the event of an emergency. Planning Staff is recommending an amendment to the noise ordinance creating an exception in emergency situations. The proposed amendment would allow for up to 75dBA both morning and night, during a power outage situation as described in Exhibit A. The above-mentioned adjustments have been incorporated into section 17.03.150.1(E) of the General Environmental Standards

STAFF RECOMMENDED ACTION

Adopt Resolution No. PC 2022-01, a Resolution of the Planning Commission of the City of Williams Recommending to the City Council Adoption of Zoning Ordinance Amendment ZOA 2022-01. If the Planning Commission agrees with staff’s recommendation, the following motion is recommended:

I move that the Planning Commission adopt Resolution 2022-01, a Resolution of the Planning Commission of the City of Williams recommending adoption of the Zoning Ordinance Amendment ZOA 2022-01.

ATTACHMENTS:

1. Planning Commission Resolution 2022-01
2. Draft Ordinance of the City of Williams for Zoning Ordinance Amendment ZOA 2022-02.

Prepared and submitted by: Katheryn Ramsaur – Assistant City Planner

RESOLUTION NO. PC2022-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF WILLIAMS RECOMMENDING ADOPTION OF THE
AMENDMENT TO THE ZONING CODE INCREASING THE
ALLOWABLE DECIBEL LEVEL
(ZOA 2022-01)**

WHEREAS, the City of Williams has initiated Zoning Ordinance Application ZOA 2022-01 to update the Zoning Code and incorporate applicable provisions into the Williams Zoning Ordinance; and

WHEREAS, the City of Williams has prepared a Draft Ordinance to adopt an amendment to the Williams Zoning Ordinance (Chapter 17.03, Section 17.03.150, subsection 17.03.150.1(E)(6)), as shown in Exhibit A attached hereto and incorporated herein by reference

WHEREAS, the Planning Commission has duly called, advertised the opportunity to submit input, and conducted on August 22, 2022, a Public Hearing required by law concerning proposed amendments to the Zoning Ordinance

WHEREAS, the City of Williams Planning Commission has considered public comment and recommendations of the staff regarding Zoning Code Amendments; and

WHEREAS, the City of Williams Planning Commission wishes to recommend the creation of a new subsection of the existing code related to Maximum Noise Levels.

WHEREAS, the City of Williams Planning Commission conducted a public hearing on said matter on August 22, 2022, considered public comments and recommendations of the staff regarding a Zoning Code Amendment, and recommended to the City Council adoption of Zoning Ordinance Amendment ZOA 2022-01 based on the following Findings of Fact:

FINDINGS OF FACT

1. The proposed amendments to the City of Williams Municipal Code, Title 17 (Zoning) provide for the “public necessity and convenience and general welfare;”
2. The proposed amendments to the Zoning Ordinance, consisting of Zoning Ordinance Amendment ZOA 2022-01, Exhibit A, as attached hereto and incorporated herein by reference, are conducted in compliance with Section 17.01.050.2 Text Amendment, of the Zoning Ordinance.
3. The Project was duly noticed for public hearing before the City of Williams Planning Commission, and there were no comments or opposition to the proposed amendment.

THE PLANNING COMMISSION OF THE CITY OF WILLIAMS HEREBY RESOLVES AS FOLLOWS:

Section 1. In accordance with California Government Code Section 65855 and City Zoning Code Section 17.05.260.3 (c), the Planning Commission hereby recommends to the City Council adoption of Zoning Ordinance Amendment ZOA 2022-01; Exhibit A, as attached hereto and incorporated herein by reference.

Section 2. In the event that prior to its adoption the City Council desires to make any minor, technical, or clarifying changes to the Williams Zoning Ordinance, Amendment ZOA 2022-01, the Planning Commission hereby finds and determines that any such minor, technical, or clarifying changes need not be referred to it for further report and recommendation.

Section 3. The Planning Commission hereby authorizes and directs the Secretary of the Planning Commission to transmit a copy of this resolution to the City Council.

PASSED, APPROVED and ADOPTED this 22nd day of August 2022, by the following vote:

Chairperson, Planning Commission

Attest:

Katheryn Ramsaur
Secretary of the Planning Commission

ORDINANCE NO. 22-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLIAMS
AMENDING SECTION 17.03.150 OF THE WILLIAMS MUNICIPAL CODE
RELATING TO NOISE STANDARDS**

WHEREAS, on August 22, 2022, the Planning Commission of the City of Williams (“Planning Commission”) conducted a duly noticed public hearing and recommended that the City Council of the City of Williams (“City Council”) amend Section 17.03.150 of the Williams Municipal Code to add a noise standard which would permit the operation of generators during a power outage or other emergency;

WHEREAS, on September 21, 2022, the City Council held a duly noticed public hearing at which all persons wishing to testify in connection with the Sign Ordinance were heard and the Sign Ordinance was comprehensively reviewed; and

WHEREAS, the City Council wishes to clarify and update existing code sections related to signs to make these sections consistent with the goals of the City related to signs, State law and Federal law.

**THE CITY COUNCIL OF THE CITY OF WILLIAMS DOES ORDAIN AS
FOLLOWS:**

Section 1. Amendment. Section 17.03.150 of the City of Williams Municipal Code is hereby amended to read in its entirety as set forth in the attached Exhibit “A”, incorporated by this reference.

Section 2. Posting. Within fifteen (15) days from the date of passage of this Ordinance, the City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be posted in three public places within the City of Williams.

Section 3. Effective Date. This Ordinance shall take effect and be enforced commencing thirty (30) days following its adoption.

INTRODUCED to the City Council on the 21 day of September 2022. PASSED AND ADOPTED this 21 day of September 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Santos, Mayor

ATTEST:

Rex Greenbaum, Deputy City Clerk

APPROVED AS TO FORM:

Ann M. Siprelle, City Attorney

EXHIBIT A

17.03.150 - General environmental standards.

17.03.150.1 Noise.

A. Maximum noise level. No use shall exceed the noise level indicated in Table 17.03.150.1, Maximum Noise Levels, measured at any property line:

Table 17.03.150.1

Maximum Noise Levels

Adjoining Use or District	Max. dBA from
7:00 a.m. to 10:00 p.m.	Max. dBA from
10:00 p.m. to 7:00 a.m.	
1. AR R-E R-S R-U/ R-U HD NC 55 45	
2. C-S C C-D 65 55	
3. BP IN 70 60	

B. Illustrative noise levels. For illustrative purposes only, Figure 17.03.150.1, Illustrative Noise Levels, shows how the limitations relate to common noises:

Figure 17.03.150.1

Illustrative Noise Levels

Noise	Typical Noise Level (dBA) 1
Typical threshold of pain	140 dBA
Chainsaw	100 dBA
Diesel truck, listener 50 feet away	90 dBA
Shouting, listener 10 feet away	75 dBA
Typical threshold of discomfort	70 to 80 dBA
Car driving at 50 MPH, listener 50 feet away	65 dBA
Conversation	55 dBA
Quiet room	45 dBA
Threshold of human perception	0 dBA

TABLE NOTE:

1 Note that increases in noise levels are not linear. That is, 70 dBA is perceived as twice as loud as 60 dBA, and 80 dBA is perceived as twice as loud as 70 dBA.

C. Most restrictive standards apply. Where different uses or zoning adjoins the subject property, the most restrictive noise level standard shall apply. The standard must be met not only on abutting properties, but also where a district boundary is not also a property boundary.

D. Barriers and structures. Barriers or structures may be used to meet noise reduction. If used to meet these standards, they shall be certified by a registered acoustical engineer as meeting these standards. The actual elevation of noise sources on the property shall be used in the model.

E. Exceptions. The following are excepted from the standards of this section:

- 1. Noises emanating from construction activities between the hours of 7:00 a.m. and 7:00 p.m. that are temporary in nature.**
- 2. Transient noises from moving vehicles, such as trucks and automobiles or trains.**
- 3. Noise emanating from a site that is occasional and/or temporary in nature, such as lawn and landscaping maintenance, and loading and unloading, that takes place between the hours of 7:00 a.m. and 7:00 p.m.**
- 4. Agricultural equipment and operations.**
- 5. Emergency warning devices and equipment operated in conjunction with emergency situations, including the routine testing of such warning devices during daytime hours.**
- 6. Exceptions to the decibel limits during a power outage or emergency:**
 - a. Health/Medical Needs: For those with a health or medical need, a reasonable accommodations request shall be approved by, and filed with, the City for use of the generator to exceed this noise standard up to 75 decibels at the property line during any power outage period or emergency.**
 - b. Residential Uses: During a prolonged power outage period or emergency, generators for residential uses shall comply with setback standards of the underlying zoning district, are limited to 75 dB at the property line and be placed in an area that is reasonably practical for the homeowner that is least disruptive to neighbors. Generators supporting residential uses should be shut off when not critically needed in order to minimize the disturbance to neighbors and in particular, should not run during the hours of 10:00 p.m. to 7:00 a.m., except as required to manage food spoilage. Generators are to be shut off immediately upon restoration of power.**
 - c. Commercial Uses: During a prolonged power outage period or emergency, generators for commercial uses may be operational 24 hours per day, are limited to 75 dB at the property line and should be shut off when not critically needed to minimize the disturbance of neighbors. Generators are to be shut off immediately upon restoration of power.**

Exhibit A

ORDINANCE NO. 22-01

AN ORDINANCE OF THE CITY OF WILLIAMS ADDING A SECTION TO TITLE 17, ZONING, OF THE WILLIAMS MUNICIPAL CODE

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

SECTION 1. Title 17, Section 3 Environmental Standards, Subsection 150 General Environmental Standards of the Williams Municipal Code is hereby amended to read in its entirety as follows:

17.03.150 - General environmental standards.

17.03.150.1 Noise.

A. *Maximum noise level.* No use shall exceed the noise level indicated in Table 17.03.150.1, Maximum Noise Levels, measured at any property line:

Table 17.03.150.1 Maximum Noise Levels						
Adjoining Use or District					Max. dBA from 7:00 a.m. to 10:00 p.m.	Max. dBA from 10:00 p.m. to 7:00 a.m.
1. AR	R-E	R-S	R-U/ R-U HD	NC	55	45
2. C-S	C	C-D			65	55
3. BP	IN				70	60

B. *Illustrative noise levels.* For illustrative purposes only, Figure 17.03.150.1, Illustrative Noise Levels, shows how the limitations relate to common noises:

**Figure 17.03.150.1
Illustrative Noise Levels**

Noise	Typical Noise Level (dBA) ¹
Typical threshold of pain	140 dBA
Chainsaw	100 dBA
Diesel truck, listener 50 feet away	90 dBA
Shouting, listener 10 feet away	75 dBA
Typical threshold of discomfort	70 to 80 dBA
Car driving at 50 MPH, listener 50 feet away	65 dBA
Conversation	55 dBA
Quiet room	45 dBA
Threshold of human perception	0 dBA

TABLE NOTE:

¹ Note that increases in noise levels are not linear. That is, 70 dBA is perceived as twice as loud as 60 dBA, and 80 dBA is perceived as twice as loud as 70 dBA.

C. *Most restrictive standards apply.* Where different uses or zoning adjoins the subject property, the most restrictive noise level standard shall apply. The standard must be met not only on abutting properties, but also where a district boundary is not also a property boundary.

D. *Barriers and structures.* Barriers or structures may be used to meet noise reduction. If used to meet these standards, they shall be certified by a registered acoustical engineer as meeting these standards. The actual elevation of noise sources on the property shall be used in the model.

E. *Exceptions.* The following are excepted from the standards of this section:

1. Noises emanating from construction activities between the hours of 7:00 a.m. and 7:00 p.m. that are temporary in nature.

2. Transient noises from moving vehicles, such as trucks and automobiles or trains.

3. Noise emanating from a site that is occasional and/or temporary in nature, such as lawn and landscaping maintenance, and loading and unloading, that takes place between the hours of 7:00 a.m. and 7:00 p.m.

4. Agricultural equipment and operations.

5. Emergency warning devices and equipment operated in conjunction with emergency situations, including the routine testing of such warning devices during daytime hours.

6. Exceptions to the decibel limits during a power outage or emergency:

a. *Health/Medical Needs:* For those with a health or medical need, a reasonable accommodations request shall be approved by, and filed with, the City for use of the generator to exceed this noise standard up to 75 decibels at the property line during any power outage period or emergency.

b. *Residential Uses:* During a prolonged power outage period or emergency, generators for residential uses shall comply with setback standards of the underlying zoning district, are limited to 75 dB at the property line and be placed in an area that is reasonably practical for the homeowner that is least disruptive to neighbors. Generators supporting residential uses should be shut off when not critically needed in order to minimize the disturbance to neighbors and in particular, should not run during the hours of 10:00 p.m. to 7:00 a.m., except as required to manage food spoilage. Generators are to be shut off immediately upon restoration of power.

c. *Commercial Uses:* During a prolonged power outage period or emergency, generators for commercial uses may be operational 24 hours per day, are limited to 75 dB at the property line and should be shut off when not critically needed to minimize the disturbance of neighbors. Generators are to be shut off immediately upon restoration of power.

The foregoing Ordinance was introduced and adopted before the City Council of the City of Williams, County of Colusa, State of California, at the regular meeting of the September 21, 2022 and finally adopted at a regular meeting of said Council on the 21st of September 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ROBERTO MENDOZA, MAYOR

WITNESSED by my hand seal of the organization.

Selene Tapia, DEPUTY CITY CLERK

CITY OF WILLIAMS

Planning Commission

Agenda Report

DATE: August 22, 2022

ITEM #: 2

CATEGORY: New Business

SUBJECT: Ordinance No. 22-02, Repealing and Replacing Title 16, “Subdivisions,” of the Williams Municipal Code, and Finding the Action Exempt from the California Environmental Quality Act.

BACKGROUND AND DISCUSSION:

The City of Williams last adopted and amended its Subdivision Ordinance (Title 16 of the Williams Municipal Code, entitled “Subdivisions”) in 1975. City staff has drafted proposed amendments to the City’s Subdivision Ordinance that, if adopted, will do the following: address the latest requirements for compliance with the Subdivision Map Act and California Environmental Quality Act, add a provision defining off-site improvements, distinguish between tentative and final map requirements, provide for the waiver of some map requirements in certain instances (including conversion of a mobilehome park and lot line adjustment), set new form and content requirements for parcel map submittals, require removal of obstructions in certain instances, set new lot size, shape, and aesthetic requirements, establish a new framework for improvement and reimbursement agreements, require the payment of fees for drainage, sewer, water, and refuse facilities, set new requirements relating to completion bonds, add chapters covering the submission of plans and specifications, record drawings, surveys, and dedications, establish other procedural safeguards to guide the City’s processing of subdivision applications and related documentation, and make related non-substantive clarifying edits.

The amendments to the Subdivision Ordinance incorporate the goals of the City's General Plan because they support the General Plan’s Land Use policies of (1) growing contiguously to manage the efficiency of public services and municipal infrastructure provision, maintain a compact and well defined community form, and oblige its fiscal responsibility, (2) ensuring that infrastructure and public services will be brought to a sufficient, quality standard within the developed area, requisite with needs, (3) ensuring that adequate public facilities and services are required concurrent with annexation and development, and (4) ensuring that future development and redevelopment are planned and implemented with appreciation for the physical environment and natural features of the community and with recognition of potential physical constraints to ensure appropriate siting of various types of development.

This public hearing is an opportunity for the Planning Commission to consider and hear evidence on the proposed amendments to the Subdivision Ordinance, and make a recommendation to the City Council relating to the adoption of such amendments. The proposed amendments to the Subdivision Ordinance are attached hereto in both redline and clean versions for the Commission’s review.

FISCAL IMPACT:

Enactment of this ordinance could require a modest level of staff resources to train in processing the new and modified subdivision requirements. Staff expect that reviewing and beginning to enforce the proposed ordinance could be accommodated within existing staffing and budget authority.

RECOMMENDED ACTION:

It is recommended that the Planning Commission hold a public hearing to receive public comments and evidence, and make a motion recommending to the City Council that it adopt Ordinance No.22-02, an Ordinance of the City Council of the City of Williams Repealing and Replacing Title 16, “Subdivisions,” of the Williams Municipal Code, and Finding the Action Exempt from the California Environmental Quality Act.

ALTERNATIVES:

1. Follow staff recommendation and make a motion to recommend that the City Council adopt Ordinance No. 22-02.
2. Recommend modifications to Ordinance No. 22-02 and recommend adoption by the City Council as amended.
3. Decline to move forward with recommending adoption of the proposed ordinance at this time.

Prepared and Submitted by: Katheryn Ramsaur, Assistant City Planner

Attachment(s):

- Ordinance No. 22-02, Repealing and Replacing Title 16, “Subdivisions,” of the Williams Municipal Code, and Finding the Action Exempt from the California Environmental Quality Act
 - Exhibit “A” to Ordinance – Full Text of Amended Title 16 of Williams Municipal Code
 - Exhibit “B” to Ordinance – Track Changes Showing Amendments to Title 16 of Williams Municipal Code

ORDINANCE NO. 22-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLIAMS REPEALING AND REPLACING TITLE 16, “SUBDIVISIONS,” OF THE WILLIAMS MUNICIPAL CODE, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, California Government Code section 66411 (“Section 66411”), which is part of the Subdivision Map Act, Government Code section 66410 *et seq.* (“Act”), provides that the regulation and control of the design and improvement of subdivisions is vested in the City Council for the City of Williams (“City”). Section 66411 requires the City, by ordinance, to regulate and control the initial design and improvement of common interest developments and subdivisions that require a tentative and final or parcel map. In the development, adoption, revision, and application of such ordinance, Section 66411 requires the City to refrain from rendering infeasible development of housing for all economic segments of the community; consider the housing needs of the region; and not impose standards on public improvements that exceed the standards being applied in the City to its other publicly financed improvements. Section 66411 also requires the ordinance to specifically provide for proper grading and erosion control, including the prevention of sedimentation or damage to offsite property; and

WHEREAS, Title 16 of the Williams Municipal Code, titled “Subdivisions,” serves as the City’s “Subdivision Ordinance” and supplements the provisions of the Act, including Section 66411. The Subdivision Ordinance includes provisions concerning the design, improvement, and survey data of subdivisions, the form and content of all maps provided for by the Act, and the procedure to be followed in securing the official approval of the City regarding such maps; and

WHEREAS, City staff has reviewed the most recent version of the Subdivision Ordinance (last amended in 1975) and proposes certain amendments to the Subdivision Ordinance as further described and set forth in Exhibit “A” to this Ordinance, to do the following: address the latest requirements for compliance with the Subdivision Map Act and California Environmental Quality Act, add a provision defining off-site improvements, distinguish between tentative and final map requirements, provide for the waiver of some map requirements in certain instances (including conversion of a mobilehome park and lot line adjustment), set new form and content requirements for parcel map submittals, require removal of obstructions in certain instances, set new lot size, shape, and aesthetic requirements, establish a new framework for improvement and reimbursement agreements, require the payment of fees for drainage, sewer, water, and refuse facilities, set new requirements relating to completion bonds, add chapters covering the submission of plans and specifications, record drawings, surveys, and dedications, establish other procedural safeguards to guide the City’s processing of subdivision applications and related documentation, and make related non-substantive clarifying edits; and

WHEREAS, the Planning Commission, at a timely and properly noticed public hearing at its regularly scheduled meeting on August 22, 2022, studied, considered, and heard evidence on the proposed amendments to the Subdivision Ordinance as further described and set forth in Exhibit “A” to this Ordinance. As a result of such public hearing, the Planning Commission has recommended that the City Council for the City of Williams hold a public hearing and adopt this

Ordinance to (1) adopt the proposed amendments to the Subdivision Ordinance, based upon a finding that the amendments are in the best interest of the City and will enhance the quality of life and protect the health, safety, and welfare of the City's citizens by applying orderly development standards across the City, and (2) determine that the proposed text amendments to the Subdivision Ordinance are exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that there is no possibility that the text amendments would have a potentially significant effect on the environment, and direct the appropriate City official to file a Notice of Exemption with the County of Colusa. The Planning Commission has also determined that the amendments to the Subdivision Ordinance incorporate the goals of the City's General Plan by supporting the General Plan's Land Use policies of (1) growing contiguously to manage the efficiency of public services and municipal infrastructure provision, maintain a compact and well defined community form, and oblige its fiscal responsibility, (2) ensuring that infrastructure and public services will be brought to a sufficient, quality standard within the developed area, requisite with needs, (3) ensuring that adequate public facilities and services are required concurrent with annexation and development, and (4) ensuring that future development and redevelopment are planned and implemented with appreciation for the physical environment and natural features of the community and with recognition of potential physical constraints to ensure appropriate siting of various types of development; and

WHEREAS, the City Council has studied and considered the proposed amendments to the Subdivision Ordinance, recommended for adoption by the Planning Commission as set forth in Exhibit "A" of this Ordinance, attached hereto and made a part of this Ordinance as though fully set forth herein; and

WHEREAS, the laws and regulations relating to the preparation and adoption of environmental documents, as set forth in the Local Guidelines Implementing CEQA, have been adhered to.

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

Section 1. The above recitals are true and correct and are incorporated into this Ordinance by this reference.

Section 2. The City Council of the City of Williams hereby repeals and replaces the Title 16 of the Williams Municipal Code, which serves as the City of Williams's "Subdivision Ordinance" and supplements the provisions of the Subdivision Map Act, according to the amendments made to the Subdivision Ordinance as set forth in Exhibit "A" to this Ordinance.

Section 3. The City Council of the City of Williams hereby determines that the text amendments to the Williams Municipal Code made by this Ordinance are exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines in that there is no possibility that the text amendments would have a potential significant effect on the environment, and directs the appropriate City official to file a Notice of Exemption with the County of Colusa.

Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining

sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrased may be declared invalid or unconstitutional.

Section 5. This Ordinance shall take effect thirty (30) days after its final passage and adoption. A summary of this Ordinance shall be published and a certified copy of the full text of this proposed Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the City Council meeting at which this proposed Ordinance is to be adopted. Within fifteen (15) days after adoption of this Ordinance, the City Clerk is instructed to publish a summary of this Ordinance with the names of those City Council members voting for and against this Ordinance and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance along with the names of those City Council members voting for and against this Ordinance or amendment at least until the day of such publication.

PASSED AND ADOPTED this 21 day of September 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Roberto Mendoza, Mayor

ATTEST:

Mariana Pineda, City Clerk

APPROVED AS TO FORM:

Ann M. Siprelle
City Attorney

EXHIBIT "A"

Full Text of Amended Title 16 of Williams Municipal Code

(Attached behind this page)

EXHIBIT "B"

Track Changes Showing Amendments to Title 16 of Williams Municipal Code

(Attached behind this page)

Title 16 SUBDIVISIONS¹

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Chapter 16.04 GENERAL PROVISIONS

16.04.010 Short title.

This ~~title~~[Title](#) shall be known and may be cited as the "Williams Subdivision Ordinance."

(Ord. 171 § 1.07, 1975).

16.04.020 Purpose.

This ~~title~~[Title](#) is enacted for the purpose of adopting standards, regulations and procedures for the subdivision and other specified types of division and utilization of land in the incorporated area of the city, as authorized and directed by the Subdivision Map Act and other applicable provisions of law.

(Ord. 171 § 1.01, 1975).

16.04.030 Scope of provisions.

- A. This ~~title~~[Title](#) regulates and controls subdivisions for which the Subdivision Map Act requires a tentative and final or parcel map, and other divisions and subdivisions as authorized by the act.
- B. This ~~title~~[Title](#) also provides for the reversion to acreage of lands previously divided, and for exclusions from subdivisions.

(Ord. 171 §§ 1.02, 1.03, 1975).

16.04.040 Applicability of provisions.

This ~~title shall~~[Title does](#) not affect any agreement, contract or bond previously executed with respect to any subdivision or any rights of action accrued thereunder; or any previous action to approve a tentative, parcel or final map; except, that conditions of approval and time limitations imposed thereon ~~shall~~[will](#) prevail.

(Ord. 171 § 1.04, 1975).

16.04.050 Conformance with other provisions.

All divisions of land ~~which~~[that](#) are subject to the provisions of this ~~title shall~~[Title must](#) conform to the ~~general plan~~[General Plan](#), specific plans, and to adopted standards and provisions of law ~~which~~[that](#) are pertinent or applicable to such divisions.

(Ord. 171 § 1.05, 1975).

16.04.060 Compliance required.

It is unlawful for any individual, firm, association, syndicate, copartnership, trust, or any other legal entity, as a principal, agent or otherwise, to offer to sell, to contract to sell, or sell or lease, or transfer, or utilize, or otherwise assign, for financing or other purposes, any proposed subdivision or other division of land or any part thereof in the incorporated territory of the city, unless and until all the requirements hereinafter provided have been complied with.

(Ord. 171 § 1.06, 1975).

16.04.070 Conflict of provisions.

Whenever conflict occurs between any provision of this ~~title~~[Title](#) and any other provisions of law, the more restrictive of such provisions ~~shall~~[must](#) prevail.

(Ord. 171 § 13.02, 1975).

16.04.080 Changes in fees and charges.

Notwithstanding any other provision of this ~~title~~[Title](#), future increases or decreases in fees and charges provided for in this ~~title shall~~[Title must](#) be established by resolution of the city council.

(Ord. 13-85 (part), 1985).

Chapter 16.08 DEFINITIONS

Sections:

16.08.010 Generally.

As used in this ~~title~~[Title](#), the following words shall have the meaning respectively ascribed to them in the following sections.

(Ord. 171 § 2.00, 1975).

16.08.020 Advisory agency.

"Advisory agency" means the Williams planning commission, which is also referred to as the "planning commission" and as the "commission," and it is charged with the duty of making investigations and reports on the design and improvement of all proposed subdivisions and other divisions of land, and has map-processing and other duties with respect to such subdivisions and other divisions of land, and the procedures relating thereto, as are specified by law and by this ~~title~~[Title](#).

(Ord. 171 § 2.01, 1975).

16.08.030 Alley.

"Alley" means a way for secondary vehicular access to private property for on-site parking, freight handling and related purposes.

(Ord. 171 § 2.14(c), 1975).

16.08.040 Appeal board.

"Appeal board" means the city council of the city of Williams, which is also referred to as the "city council," and it ~~shall~~must hear and make determinations upon appeals from actions of the planning commission with respect to the provisions of this ~~title~~Title.

(Ord. 171 § 2.02, 1975).

16.08.050 Authorized representative.

"Authorized representative" means a qualified person who is authorized by a city official, as defined in this chapter, to act in the place of such official with respect to the operation or administration of this ~~title~~Title.

(Ord. 171 § 2.03, 1975).

16.08.060 Building official.

"Building official" means the person so designated by the city council.

(Ord. 171 § 2.04, 1975).

16.08.070 City engineer.

"City engineer" means the person so designated by the city council.

(Ord. 171 § 2.05, 1975).

16.08.080 City health officer.

"City health officer" or "health officer" means the person so designated by the city council.

(Ord. 171 § 2.06, 1975).

16.08.090 City planner.

"City planner" means the agent of the planning commission designated by the city council.

(Ord. 171 § 2.07, 1975).

16.08.100 Engineer, civil.

"Civil engineer" means a civil engineer competent to practice civil engineering, as defined in Section 6731 of the Business and Professions Code, and who is registered under the provisions of the Business and Professions Code of the State of California, who is retained to provide civil engineering services related to land subdivision.

(Ord. 171 § 2.08(a), 1975).

16.08.110 Engineer, soils.

"Soils engineer" means a civil engineer registered in the state of California with a specialty and experience in the investigation and analysis of soils.

(Ord. 171 § 2.08(b), 1975).

16.08.115 Improvements.

A. "Improvements" refers to any street work and utilities to be installed, or agreed to be installed, by a 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 map thereof.

B. "Improvements" may also refer to those works that are necessary or convenient to ensure consistency with, or implementation of, the General Plan and/or any applicable specific plan, and may be required to be installed either by a subdivider, by public agencies, by private utilities, by any other entity approved by the City, or by a combination thereof.

16.08.120 Lease.

"Lease" ~~shall be~~ subject to the provisions of Section 16.08.260.

(Ord. 171 § 2.09, 1975).

16.08.130 Map act.

"Map act" means the Subdivision Map Act of the state of California, as amended.

(Ord. 171 § 2.11, 1975).

16.08.140 Map, final.

"Final map" means a map supported by complete engineering data, prepared in accordance with the conditions of approval of a tentative map, and in acceptable form for processing and filing for record, as provided in this ~~title~~ Title.

(Ord. 171 § 2.10(c), 1975).

16.08.150 Map, parcel.

"Parcel map" means a map of a type of subdivision described in this [Title](#), containing complete engineering data, and prepared in accordance with the conditions of approval of a tentative map and in acceptable form for processing and filing for record, as provided in this [Title](#).

(Ord. 171 § 2.10(d), 1975).

16.08.160 Map, preliminary.

"Preliminary map" means a map prepared from existing records in sufficient detail to show clearly the development plan proposed for the total subdivision land area, which is intended to be developed progressively in two or more development units.

(Ord. 171 § 2.10(a), 1975).

16.08.170 Map, record of survey.

"Record of survey map" means a map prepared in accordance with provisions of the Land Surveyors Act to delineate land boundaries, property lines or other lines or points of survey.

(Ord. 171 § 2.10(e), 1975).

16.08.180 Map, reversion to acreage.

"Reversion to acreage map" means a map prepared in accordance with provisions of state law for purposes of reverting previously divided parcels to acreage, and as otherwise provided in this [Title](#).

(Ord. 171 § 2.10(f), 1975).

16.08.190 Map, tentative.

"Tentative map" means a map prepared from existing records and field data in sufficient detail to meet the requirements for filing as prescribed in this [Title](#), and to constitute an adequate basis for the preparation of a final or parcel map. [When the term "tentative parcel map" is used in this Title, it refers to the tentative map required for a division of land falling within Sections 16.12.040 of this Title and for divisions of land into four or fewer parcels.](#)

(Ord. 171 § 2.10(b), 1975).

16.08.195 Off-site improvements.

["Off-site improvements" means improvements as defined in Section 16.08.115 that are required for the orderly development of the surrounding area and that affect rights-of-way outside the boundary of the map.](#)

16.08.200 Owner.

"Owner" means any individual, firm, association, syndicate, copartnership, trust, or any other legal entity having a ~~proprietary~~[proprietary](#) interest in the land sought to be subdivided, divided or otherwise utilized, who commences and maintains proceedings to utilize the same under the provisions of this [Title](#).

(Ord. 171 § 2.12, 1975).

16.08.210 Plan, general.

"General plan" means any element thereof as set forth in the Planning and Zoning Law, Title 7 of the Government Code of the state of California, which has been adopted by the city council.

(Ord. 171 § 2.13(a), 1975).

16.08.220 Plan, specific.

"Specific plan" means any unit thereof, as set forth in the Planning and Zoning Law, Title 7 of the Government Code of the state of California, which has been adopted by the city council.

(Ord. 171 § 2.13(b), 1975).

16.08.230 Street, city.

"City street" means a way for vehicular traffic, however designated, which has been dedicated for public use and accepted by the city, or has been laid out and constructed as a city street, or has been made a public street or road pursuant to law. It includes public streets constructed by federal, state and county agencies, but not private streets or private alleys.

(Ord. 171 § 2.14(a), 1975).

16.08.240 Street, private.

"Private street" means a way for vehicular traffic, however designated, which is not intended or proposed to be accepted by the city, and for which any offer of dedication or other offer for acceptance by the city ~~shall~~must be rejected until such time as specified conditions for acceptance have been fully complied with.

(Ord. 171 § 2.14(b), 1975).

16.08.250 Subdivider.

"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 himself or for others; except that employees and consultants of such persons or entities acting in such capacity are not subdividers.

(Ord. 171 § 2.15, 1975).

16.08.260 Subdivision.

- A. "Subdivision" means the division of any improved or unimproved land, shown on the last 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~~must be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section ~~13504~~125 or 6542 of the Civil Code, or a community apartment project, as defined in ~~Section 11004 of the Business and~~

~~Professions 4105 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 4190 or 6566 of the Civil~~ Code. Any conveyance of land to a governmental agency, public entity ~~or~~, public utility ~~shall~~, or subsidiary of a public utility for conveyance to that public utility for right of way purposes will not be considered a division of land for purposes of computing the number of parcels. For purposes of this Title, any conveyance to or from a governmental agency includes fee interest, leasehold interest, an easement, or a license.

- B. "Subdivision" ~~shall~~does not include land dedicated for cemetery purposes under the Health and Safety Code; or the financing or leasing of apartments, offices, stores or similar space within apartment, industrial or commercial buildings; or mobilehome or trailer parks; or mineral, oil or gas leases; or exclusively agricultural use leases of parcels of ten or more acres; or "short-term" leases, as described in Section 66411 of the Subdivision Map Act.

(Ord. 171 § 2.16, 1975).

16.08.270 Subdivision standards.

"Subdivision standards" means a set of detailed standards adopted by resolution of the city council to set forth the regulations, standards and specifications for land development improvements; the type and nature of investigations, tests and reports; schedules for fees to be charged; and such other matters as the city council finds to be necessary to properly supplement the provisions of this ~~title~~Title in the processing of subdivisions and the improvements thereof. Reference to "this ordinance," ~~shall include~~includes the subdivision standards.

(Ord. 171 § 2.17, 1975).

16.08.280 Surveyor.

"Surveyor" means a land surveyor licensed under the Land Surveyors' Act of the state of California, or a civil engineer registered in the state of California and retained by the subdivider, owner, developer, or contractor to provide land-surveying services.

(Ord. 171 § 2.18, 1975).

16.08.290 Technical advisory committee.

"Technical advisory committee" means ~~the city clerk,~~ the city engineer or public works director, and the building official; ~~or their authorized representatives,~~ and ~~"committee~~ Committee" means the technical advisory committee. This committee may be expanded by a vote of the city council.

(Ord. 171 § 2.19, 1975).

16.08.300 Vesting tentative map.

"Vesting tentative map" means the vesting tentative map as required by Chapter 16.18 of this Title.

Chapter 16.12 PROCEDURES AND REQUIREMENTS—GENERAL

Sections:

16.12.010 Compliance required.

Any action to divide any land within the city into two or more parcels ~~shall~~is hereafter ~~be~~ subject to the provisions of this ~~title~~Title, and any such action ~~shall~~must be undertaken in accordance with the general procedures provided in this chapter.

(Ord. 171 § 3.01, 1975).

16.12.020 Preliminary map.

A preliminary map ~~shall~~must be prepared and submitted for processing and approval for any subdivision ~~which~~that will be developed in two or more development units.

(Ord. 171 § 3.02, 1975).

16.12.030 Tentative ~~map~~and final maps required; exceptions.

~~A tentative map shall be prepared and submitted for processing and approval for all subdivisions.~~

~~(Ord. 171 § 3.03, 1975).~~

~~16.12.040 Final map.~~

A ~~tentative and~~ final map ~~shall be prepared and submitted for processing, approval, and filing for record~~is required for all subdivisions creating five or more parcels or lots, five or more condominiums, as defined in Section 783 of the California Civil Code, ~~or~~ a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where any one of the following occurs:

- A. The land before division contains less than five acres, ~~;~~ each parcel created by the division abuts upon a maintained public street or highway, ~~;~~ and no dedications or improvements are required by the ~~city council~~City; or
- B. Each parcel created by the division has a gross area of ~~twenty~~20 acres or more and has an approved access to a maintained public street or highway, ~~and no dedications or improvements are required~~that has been improved to City standards; or
- C. The land consists of a parcel or parcels of land having approved access to a public street or highway ~~which~~, improved to City standards, that comprises part of a tract of land zoned for industrial or commercial development, and ~~which~~that has the approval of the city ~~council~~engineer as to ~~the~~ street alignments and widths, ~~and no dedications or improvements are required~~; or
- D. Each parcel created by the division has a gross area of ~~sixty~~40 acres or more. or is not less than a quarter of a quarter section; or

-
- E. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

(Ord. 171 § ~~3.04~~3.03, 1975).

~~16.12.050 Parcel map.~~

~~A parcel map shall be prepared and submitted for processing, approval and filing for record for all subdivisions for which a final map is not required.~~

~~(Ord. 171 § 3.05, 1975).~~

16.12.040 Preliminary parcel and parcel maps required.

A preliminary parcel map and parcel map are required for divisions of land into four or fewer parcels, which may be referred to as a minor land division.

16.12.050 Waiver of parcel map requirement.

- A. A parcel map may be waived in accordance with the procedures set forth in this Chapter and in accordance with Section 66428(b) of the Subdivision Map Act. A preliminary map is required in cases where a parcel map is waived.
- B. An application for waiver of the requirement of a parcel map must be filed with the city planner upon such forms and accompanied by a plot plan and such information as may be prescribed or requested by the city planner.
- C. The committee may waive the requirement for a parcel map provided the committee finds that the proposed land division complies with the following requirements of this Title:
 - 1. Required area;
 - 2. Required improvements;
 - 3. Flood water drainage control;
 - 4. Appropriate improved public roads;
 - 5. Sanitary disposal facilities;
 - 6. Water supply availability;
 - 7. Adequate existing survey control; and
 - 8. Any other provisions of this Title and other applicable ordinances, resolutions, and standards of the City.
- D. No requirement of a parcel map will be waived if the waiver would result in a lot that will be used for residential purposes with a net area or dimensions that do not meet the standards required the Zoning Ordinance, unless a request for a variance has been approved in accordance with the provisions of the Zoning Ordinance.
- E. An application for waiver of the requirement of a parcel map must be acted upon by the committee within 50 days after it is accepted for filing by the city planner, unless such time is extended by agreement with the applicant. The committee, or the planning commission on

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appeal, as provided in Section 16.28.050 of this Title, must by written decision deposited in the U.S. mail, approve or conditionally approve the application for waiver if a finding is made that the proposed division of land complies with, or upon satisfaction of one or more specific conditions, must comply with such requirements as may have been established by Section 66428(b) of the Subdivision Map Act, this Title, and other City ordinances, resolutions, or standards applicable to the proposed division of land.

- F. The approval of a parcel map waiver automatically constitutes approval for the issuance of a certificate of compliance pursuant to the provisions of Section 66499.35 of the Subdivision Map Act. When approval has been given to an application for waiver of the requirement of a parcel map, the city engineer must, provided each condition has been satisfied, issue a certificate of compliance or conditional certificate of compliance and must cause said certificate of compliance or conditional certificate of compliance to be filed for record with the County Recorder. A record of survey must also be recorded if required by Section 8762 of the Business and Professions Code.
- G. Upon approval of the parcel map waiver, the applicant, or the applicant's Title company or agent, must submit a grant deed or deeds for the land proposed to be conveyed for the waiver, in recordable form, and the city engineer must determine that the grant deed or deeds are in substantial compliance with the approved waiver.
- H. The grant deed or deeds, and beneficiary consent, if applicable, must be recorded concurrently and will constitute constructive notice of the parcel map waiver. The certificate of compliance, grant deed, and beneficiary consent, if applicable, must be recorded within two years of the date of approval by the city engineer. If not recorded within said period, the application will be deemed withdrawn by the applicant.
- I. The subdivider or Engineer may request an extension of the expiration date of the approved parcel map waiver by written application to the city engineer. The application must be filed prior to the expiration date and must state the reason for requesting the extension of time and the amount of additional time requested. The city engineer may require that the subdivider or Engineer provide an updated Title report for the property prior to completing the review of the extension request. The city engineer must approve or deny the request for extension.

16.12.060 Conversion of mobilehome park.

When at least two-thirds of the owners of mobilehomes, who are tenants in a mobilehome park, sign a petition indicating their intent to purchase the mobilehome park for purposes of converting it to resident ownership, and a field survey is performed, the requirement for a parcel map or a tentative and final map must be waived unless any of the following exist:

- A. There are design or improvement requirements necessitated by significant health or safety concerns.
- B. The city engineer determines that there is an exterior boundary discrepancy that requires recordation of a new parcel map or tentative and final map.
- C. The existing lots which exist prior to the proposed conversion were not created by a recorded parcel map or final map.
- D. The conversion would result in the creation of additional parcels.

Provided subsections A through D, above, are not applicable, sections 66428.1(b) and (d)-(h) of the Subdivision Map Act will apply.

16.12.070 Lot line adjustments.

- A. A lot line adjustment occurs between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.
- B. An application for a lot line adjustment must be filed with the city planner upon such forms and accompanied by a plot plan and such information as may be prescribed or requested by the city planner.
- C. An application for a lot line adjustment may be approved by the committee. The committee must limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the City's General Plan, and applicable specific plan and any zoning and building ordinances.
- D. No lot line adjustment may be approved if it would result in a lot that will be used for residential purposes with a net area or dimensions that do not meet the standards required in the Zoning Ordinance unless a request for a variance has been approved in accordance with the provisions of the Zoning Ordinance.
- E. Conditions or exactions must not be imposed on the lot line adjustment except to conform to the City's General Plan, applicable specific plan, and zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements.
- F. The lot line adjustment must be reflected in a deed, which must be recorded by the County Recorder. No record of survey is required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.
- G. Approval of a lot line adjustment automatically constitutes approval for the issuance of a certificate of compliance pursuant to the provisions of Section 66499.35 of the Subdivision Map Act. When approval has been given to an application for a lot line adjustment, the city engineer must, provided each condition has been satisfied and such lot line adjustment is reflected in a deed to be concurrently recorded with the County Recorder, issue a certificate of compliance or conditional certificate of compliance to be filed for record with the County Recorder. A record of survey must also be recorded if required by Section 8762 of the Business and Professions Code.
- H. The certificate of compliance and grant deed must be recorded within two years of the date of approval by the city engineer. If not recorded within said period, the application will be deemed withdrawn by the applicant.
- I. The subdivider or Engineer may request an extension of the expiration date of the approved lot line adjustment by written application to the city engineer. The application must be filed prior to the expiration date and must state the reason for requesting the extension of time and the amount of additional time requested. The city engineer may require that the subdivider or Engineer provide an updated Title report for the property prior to completing the review of the extension request. The city engineer must approve or deny the request for extension.

16.12.080 Certificates of compliance.

- A. An application for a certificate of compliance or a conditional certificate of compliance, as defined in Section 16.12.080 of this Title, must be filed with the Planning Director upon such forms and accompanied by a plot plan and such supporting documentation as may be prescribed or requested by the Planning Director; unless said application meets the requirements of

[16.12.070. A & B above, in which case issuance of the certificate of compliance or conditional certificate of compliance must be automatically given.](#)

[B. An application for a certificate of compliance or a conditional certificate of compliance may be approved by the committee and upon such form as provided by the city engineer.](#)

[C. The certificate of compliance, or conditional certificate of compliance, must be recorded within two years of the date of approval by the city engineer. If not recorded within said period, the application will be deemed withdrawn by the applicant.](#)

~~16.12.060~~**16.12.090 Map approval—Compliance with plans required.**

No tentative map, final map or parcel map ~~shall~~will be approved unless the planning commission and city council find that the proposed subdivision, together with the provisions for its design and improvements, is consistent with the ~~general plan~~General Plan or any specific plan adopted pursuant to the requirements of Articles 5 and 8 of Chapter 3, Division 1, Title 7 of the Government Code.

(Ord. 171 § 4.01, 1975).

~~16.12.070~~**16.12.100 Map approval—Tentative or final—Denial~~when~~.**

Approval of a tentative or final map ~~shall~~must be denied if any of the following findings are made~~that~~:

- A. The proposed map, or the design or improvement of the proposed subdivision, is not consistent with applicable general and specific plans;
- B. The site is not physically suitable for the type of development, or for the density of development proposed;
- C. 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, or they do not provide reasonable public access to public resources as per Article 3.5 of Chapter 4 of the Subdivision Map Act;
- D. The design of the subdivision or the type of improvements is likely to cause serious public health problems;
- E. 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. The city council 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~~applies only to easements of record or to easements established by judgement of a court of competent jurisdiction. The city does not have authority to determine that the public at large has acquired easements for access through or use of property within a proposed subdivision;
- F. The discharge of waste from the proposed subdivision into the city sewer system would result in violation, or add to a violation, of existing requirements prescribed by a California Regional Water Quality Control Board.

(Ord. 171 § 4.02, 1975).

~~16.12.080~~16.12.110 Map approval—Final—Prerequisites.

No final map ~~shall~~will be approved for any land project, as described in Section 11000.5 of the Business and Professions Code, unless the planning commission first finds that the proposed land project and provisions for its design and improvement are consistent with an adopted specific plan covering the area.

(Ord. 171 § 4.03, 1975).

~~16.12.090~~16.12.120 Map approval—Final—Previous approval of tentative map.

The planning commission and city council ~~shall~~must not deny approval of a final map, pursuant to Section 16.12.070, if they have previously approved a tentative map for the proposed subdivision and find that the final map is in substantial compliance with the previously approved tentative map.

(Ord. 171 § 4.04, 1975).

16.12.130 Exceptions to filing requirements.

This Title is inapplicable to those transactions and procedures exempted from the Subdivision Map Act by Article 1 thereof, provided that a lot line adjustment be reflected in a deed, and that a record of survey needs to be performed only if required by Section 8762 of the California Business and Professions Code.

16.12.140 Fees.

Fees for filing, checking and processing of any map or any other papers, maps, diagrams, or documents required under this Title, fees for preparation and filing of any certificate of compliance, and fees for any appeal authorized under this Title must be paid by the subdivider in the amounts prescribed by resolution of the city council.

16.12.150 Limitations on issuance of permits.

No permit will be granted for the construction, installation or replacement of any building for sale, lease or finance on any lot or parcel, except for model homes, or to allow occupancy thereof, for which a final map or parcel map is required by this Title, until such map thereof, in full compliance with the provisions of this Title has been filed for record by the County Recorder. Any permit issued contrary to the provisions of this section must be deemed null and void.

16.12.160 Voidability of certain transactions.

Any deed of conveyance, sale or contract to sell real property that has been divided, or that has resulted from a division, in violation of the provisions of this Title, is voidable to the extent and in the same manner provided in Section 66499.32 of the Subdivision Map Act.

16.12.170 Remedies not barred.

This Title does not bar any legal, equitable or summary remedy to which the City or any aggrieved public agency or person may otherwise be entitled and the City or any aggrieved public agency or person may file a suit in the

[superior court to restrain or enjoin any attempted or proposed division of land or other act that is in violation of this Title.](#)

Chapter 16.16 PROCEDURES AND REQUIREMENTS—SPECIFIC

Sections:

16.16.010 Compliance required.

The procedures found in the following sections ~~shall~~must be followed for all subdivisions.

(Ord. 171 § 5.01, 1975).

16.16.020 Preliminary map—Form—Content.

- A. A preliminary map ~~shall~~must be prepared for the total area of any proposed subdivision ~~which~~that will be developed in two or more development units.
- B. The dimensions, scale and content of the preliminary map ~~shall~~must show in reasonable detail the following:
 - 1. Street and lot pattern and land uses proposed;
 - 2. Topography and drainage, watercourses, drainage features, and areas subject to inundation or flooding;
 - 3. Geology, soil types and vegetation;
 - 4. Proposed water supply, sewerage and fire protection;
 - 5. Proposed street sections and improvements;
 - 6. Other features required to adequately represent the total plan of development.

(Ord. 171 §§ 5.02—5.04, 1975).

16.16.030 Preliminary map—Copies required.

Six prints of the preliminary map, in acceptable form, ~~shall~~must be submitted to the ~~city clerk~~ [city's Planning Department](#) for action by the committee.

(Ord. 171 § 5.05, 1975).

16.16.040 Preliminary map—Consideration—Copy transmittal.

Within ten days of submittal to the ~~city clerk~~ [city's Planning Department](#), the committee ~~shall~~must meet to consider the map. Within ten days of its meeting, the committee ~~shall~~must prepare a report on the map and transmit a copy to the subdivider and to the planning commission for action prior to or concurrently with the tentative map.

(Ord. 171 § 5.06, 1975).

16.16.050 Preliminary map—Tentative map substitution.

The committee may accept a tentative map as a preliminary map, subject to all other provisions of this chapter.
(Ord. 171 § 5.07, 1975).

16.16.060 Tentative map—Form.

Tentative maps ~~shall~~must be eighteen by twenty-six inches in size, with a one-inch clear border, and to a scale of not less than one inch equals one hundred feet, unless otherwise approved by the committee. [Tentative maps are required to be prepared by a registered civil Engineer or licensed land surveyor, pursuant to the Business and Professions Code.](#)

(Ord. 171 § 5.08, 1975).

16.16.070 Tentative map—Contents.

The following information ~~shall~~must be shown on each tentative map, except for any such information ~~which~~that the committee determines is not necessary for any particular tentative map:

- A. A site location sketch indicating the location of the property to be divided in relation to the surrounding area;
- B. A tract number issued by the county surveyor, date, north arrow, scale, [assessor's parcel number](#), and sufficient description to define the location and boundaries of the proposed tract;
- C. Name and address of record owner or owners of the property to be divided [and any mineral rights owner\(s\) and lessee\(s\) of record appearing on the title report](#);
- D. Name and address of the subdivider;
- E. Name, business address and registration number of the civil engineer or land surveyor who prepared the map;
- F. The locations, names or other approved identification, widths, approximate grade and curve radii of all streets, highways and ways within the property and immediate vicinity;
- G. Contour lines having an interval of two feet, supplemented by spot elevations when the distance between contour lines exceeds one hundred feet. Elevations ~~shall~~must be based upon city datum;
- H. The location, character and identification of all existing public utility facilities on the property or on adjoining properties and on contiguous streets, and the locations and widths of all existing and proposed easements;
- I. Arrangement and configuration of lots, with approximate dimensions of each lot. Each lot ~~shall~~must be numbered, and proposed setbacks ~~shall~~must be shown;
- J. A preliminary grading [and drainage](#) plan, designed to control erosion and prevent sedimentation or damage to off-site property;
- K. The outline of any existing buildings, identification of those to remain in place, and their locations relative to existing or proposed streets or lot boundaries;

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- L. Approximate location and species of trees or groups of trees on the property, and general identification of those to be removed;
 - M. Approximate location of existing and proposed drainage-control features and bodies of water, all areas ~~which~~that are subject to inundation of stormwater overflow, and the location, width and direction of flow of all watercourses;
 - N. Approximate locations of existing wells and sewage disposal systems, and of test wells, percolation test holes and staked or flagged reference points for use by appropriate public agencies for field-check purposes;
 - O. The location, identification and description of known or found survey monuments on or adjacent to the property;
 - P. The names of owners of adjacent properties.
 - Q. The location of all obstructions within existing or proposed rights-of-way;
 - R. Descriptive information concerning the proposed method of water supply, sewage disposal, and other utility supply, and any proposed street, surface drainage, grading, fire protection, or other improvements;
 - S. Existing and proposed zone district(s), including acreage of each, and existing and proposed General Plan land use and circulation designations;
 - T. Identification of the school district(s) serving any residential subdivision;
 - U. Demonstration of all dedications and irrevocable offers of dedication on the tentative map or by separate instrument;
 - V. Notation, location, proposed width, and proposed surfacing of private streets, if proposed; and
 - W. Proposed street landscaping.

(Ord. 171 § 5.09, 1975).

16.16.080 Tentative map—Statements required.

The following statements ~~shall~~must either appear on the tentative map or ~~shall~~must be submitted in written form with the map, except for any of such items ~~which~~that the committee determines are not necessary to be filed with any particular tentative map:

- A. A statement from all parties having any record title interest in the real property proposed to be subdivided, consenting to the proposed subdivision, together with positive verification of such interest. These statements ~~shall~~will be required without exception;
- B. The existing use or uses of the property;
- C. The proposed use of the property. If the property is proposed to be used for more than one purpose, the areas or lots proposed for each type of use ~~shall~~must be described in a statement and shown on the tentative map;
- D. Descriptive information on the following:
 - 1. Proposed drainage-channel changes and flood-control measures,
 - 2. Proposed domestic water supply and sewage disposal systems,

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3. Proposed street and surface drainage, grading, fire protection and other improvements, with descriptive drawings where appropriate,
 4. Proposed utility service for electrical, gas and communication systems, including the name and address of each service utility company or agency.

(Ord. 171 § 5.10, 1975).

16.16.090 Tentative map—Documents required.

The following documents ~~shall~~must be submitted with each tentative map, except for any ~~which~~that the committee determines are not necessary to be filed with any particular tentative map:

- A. A preliminary title report for the real property proposed for subdivision;
- B. A copy of any condition or any restrictive reservations or covenants, existing or proposed;
- C. A letter setting forth and describing the reasons for any requested exceptions to provisions of this ~~title~~Title, and an application for any requested rezoning, use permit or variance ~~which~~that may be necessary to permit proposed uses of land and structures.

(Ord. 171 § 5.11, 1975).

16.16.100 Preliminary soils report—Requirements.

- A. A preliminary soils report, prepared by a registered civil engineer and based upon adequate test borings, ~~shall~~must be submitted for each proposed subdivision, subject to the following provisions:
 1. The committee may waive the requirement for a preliminary soils report if it determines that sufficient knowledge of the soils in the proposed subdivision exists.
 2. If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the planning commission. Such soils investigation ~~shall~~must be done by a registered civil engineer, who ~~shall~~must recommend the corrective action ~~which~~that is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problem exists.
- B. The planning commission may approve the subdivision or portion thereof where such soils problems exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed, and as a condition to the issuance of any building permit may require that the approved recommended action be incorporated in the construction of each structure.

(Ord. 171 § 5.12, 1975).

16.16.105 Environmental analysis required for map approval.

- A. No tentative maps will be acted upon by the advisory agency unless the provisions of the California Environmental Quality Act and the Guidelines Implementing the California Environmental Quality Act (“Guidelines”) have been adhered to.

B. The subdivider must provide such data and information as may be required by CEQA or the Guidelines, that may in particular require an Initial Study. Based upon the conclusion drawn from the Initial Study, the subdivider may be required to provide for, under the direction of the City, a draft EIR in accordance with the provision of the Guidelines and deposit such fees with the City as may be required for the preparation and processing of any such required environmental document.

16.16.110 Tentative map—Submittal—Copies.

Twelve prints of the tentative map of a proposed subdivision and of the owners and subdivider's statements ~~shall~~must be submitted to the ~~city clerk~~city's Planning Department, together with other required documents and filing fee.

(Ord. 171 § 5.13, 1975).

16.16.120 Tentative map—Copy transmittal.

Upon the submittal of a tentative map and accompanying documents, the ~~city clerk~~city's Planning Department ~~shall~~must, within five days, transmit copies of the map and pertinent documents to the following: health department, recreation department, fire department, superintendent of schools, State Real Estate Commission, State Department of Transportation, State Office of Intergovernmental Management, utility companies, and such other officials or agencies as the ~~city clerk~~city's Planning Department may determine have an interest therein.

(Ord. 171 § 5.14, 1975).

16.16.130 Tentative map—Review.

Fifteen days ~~shall~~will be allowed for the various agencies, departments and officials to review the tentative map and related documents and report, in writing, through the committee to the planning commission, stating whether or not the map and documents are in conformity with the requirements of this ~~title~~Title and other applicable provisions of law and/or with the standards and requirements of such agency, or what measures will be necessary to accomplish such conformity.

(Ord. 171 § 5.15, 1975).

16.16.140 Tentative map—Committee meeting date setting.

Upon receipt of such reports, the ~~city clerk~~city's Planning Department ~~shall~~must, within five days, call a meeting of the committee to discuss the proposed subdivision with the subdivider and to indicate any actions necessary to make the map acceptable for filing, or to accept the map as being officially filed.

(Ord. 171 § 5.16, 1975).

16.16.150 Tentative map—Official filing—When.

A tentative map ~~shall~~must be considered officially filed, and ~~shall~~must be so endorsed and dated by the ~~city clerk~~city's Planning Department, at such time as the map and all related notations, statements and reports required by this ~~title~~Title have been submitted to, processed, and found to be in complete and proper form by the committee, all required fees have been paid, and the environmental impact review required by the California

Environmental Quality Act and the city guidelines has been completed. [The 50 day limitation for action after filing of a tentative map commences on the date the tentative map is considered officially filed as provided herein.](#)

(Ord. 171 § 5.17, 1975).

16.16.160 Tentative map—Committee report to planning commission.

Within fifteen days from the date of official filing of a tentative map, the committee ~~shall~~must prepare and submit a report thereon, including reports from interested agencies, to the planning commission. A copy of the report ~~shall~~must be made available to the subdivider not less than three days prior to planning commission action on the tentative map.

(Ord. 171 § 5.18, 1975).

16.16.170 Tentative map—Commission—Consideration.

- A. The planning commission ~~shall~~must consider each tentative map and accompanying statements and documents, and the committee report and related department and agency reports, to determine whether the map is in conformity with the provisions of law and this ~~title~~Title, with adopted ~~general plan~~General Plan and specific plan standards and proposals, and with good planning and engineering practice.
- B. The planning commission ~~shall~~must consider also such measures as will promote and protect the public health, safety, comfort, convenience and general welfare, and the environmental values and other assets and conditions making for excellence of residential, commercial, industrial, recreational and other developments.
- C. The planning commission may require that sites be dedicated or reserved, or fees be paid in lieu of such dedication or reservation, for parks, recreation areas, schools, libraries, fire stations, access to public resources or facilities, or other public uses, as permitted or required by the Subdivision Map Act. Standards for the foregoing ~~shall~~must be as provided in this ~~title~~Title, as adopted and included in the subdivision standards, or by amendment of this ~~title~~Title.
- D. The planning commission may require a waiver of rights of direct access to any existing or proposed street or highway.

(Ord. 171 §§ 5.19—5.22, 1975).

16.16.180 Tentative map—Commission—Approval, disapproval.

Within fifty days of the date on which a tentative map is officially filed and dated in the office of the ~~city clerk~~city's Planning Department, and unless said time limit has been extended by mutual consent of the subdivider and the planning commission, the planning commission ~~shall~~must, upon the basis of considerations and findings as set forth in this chapter, and with particular attention to the findings required by Sections 16.12.070 and 16.12.080, either approve, conditionally approve, or disapprove such tentative map. Such action ~~shall~~must, within five days, be reported, in writing, to the city council and the subdivider.

(Ord. 171 § 5.23, 1975).

16.16.190 Tentative map—Council action—Appeal.

Within fifteen days of receipt of [notice of](#) such planning commission action, the city council may confirm or modify the action, and the subdivider may appeal any such action as per Section 16.28.050.

(Ord. 171 § 5.24, 1975).

16.16.200 Tentative map—Final action.

Action on the tentative map by the planning commission ~~shall~~[will](#) be final unless modified by the city council, as appeal board or otherwise.

(Ord. 171 § 5.25, 1972).

16.16.210 Tentative map—Approval—Fulfillment of conditions.

Following approval of a tentative map, the subdivider ~~shall~~[must](#) proceed to fulfill all conditions to such approval, and ~~shall~~[must](#) cause to be prepared and submitted to the city engineer the plans, specifications and other information related to subdivision improvements in accordance with the subdivision standards.

(Ord. 171 § 5.26, 1975).

16.16.220 Commencement of work—Approval—Agreement with tentative map.

No work on any permanent structure, or on any subdivision improvements on any subdivision site ~~shall~~[can](#) be commenced without the approval and authorization of the city engineer, and no work on the site ~~which~~[that](#) is in conflict with the approved tentative map ~~shall~~[will](#) be permitted.

(Ord. 171 § 5.27, 1975).

16.16.230 Final map—Preparation.

Within ~~twenty-four~~[24](#) months after the approval or conditional approval of the tentative map or maps, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final map to be prepared in accordance with the tentative map, as approved, this ~~title~~[Title](#), and the Subdivision Map Act.

(Ord. 52-89 § 2, 1989; Ord. 171 § 5.28, 1975).

16.16.240 Extension—Limitation—Denial—Appeal.

Upon application of the subdivider prior to the expiration of the ~~twenty-four~~[24](#) month period, an extension not to exceed an additional ~~twelve~~[12](#) months may be granted by the planning commission. [The subdivider may apply in writing for this extension at least 30 days prior to the expiration date of the tentative map. Such written application must be directed to the Planning Director, be accompanied by the fee as set forth by resolution of the city council, and must state the reasons for requesting the extension. Once the applicant has submitted a written request to extend expiration of the tentative map, and unless the planning commission takes affirmative action to deny the application within 15 days, the tentative map is automatically extended an additional 60 days, or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.](#) In the event

the planning commission denies a subdivider's application for extension of time, the subdivider may appeal to the city council as provided in Section 16.28.050.

(Ord. 52-89 § 3, 1989; Ord. 171 § 5.29, 1975).

16.16.250 Final map—Failure to submit to terminate proceedings.

- A. Any failure to submit, process and record a final map within ~~twenty-four~~24 months from the date of approval or conditional approval of the tentative map, or any extension thereof granted by the planning commission, ~~shall~~will terminate all proceedings. Before a final map may thereafter be recorded, a new tentative map ~~shall~~will be required to be submitted, processed and approved.
- B. Modification of a tentative map after approval or conditional approval will not extend the time limits imposed by this Title.
- C. If the subdivider whose tentative map has been approved by the advisory agency for multiple, or phased, final maps is required to expend \$236,790, as annually adjusted according to Section 66452.6(a)(2) of the Subdivision Map Act, or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, then each filing of a final map authorized by Section 66456.1 of the Subdivision Map Act will extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration as provided in this Title, or the date of the previous final map, whichever is later. The extensions will not extend the tentative map more than ten years from its approval or conditional approval. "Public improvements," as used in this subsection, include traffic controls, streets, roads, highways, freeways, bridges, over-crossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities. Where the provisions of this subsection so apply, upon the recordation of a final map for any phase, the city engineer must conform the conditions applicable to all remaining phases to the requirements of the City in effect as of such date.
- D. A tentative map on property subject to a development agreement may be extended for the period of time provided for in the agreement, but not beyond the duration of that agreement.
- E. After approval of the tentative map, if changes deemed substantial by the city engineer are proposed, a filing of a revised tentative map will be required. The previously assigned tract number will be used with the word "Revised" added to the number. The procedure for filing a revised tentative map is the same as for the tentative map. A revised tentative map cannot be filed if the approval on the original map has expired. An approved revised tentative map supersedes the tentative map for which it was filed.
- F. Tentative maps subject to a development moratorium imposed after approval of the tentative map, or subject to a lawsuit involving the approval or conditional approval of the tentative map pending in a court of competent jurisdiction, are subject to the provisions of Sections 66452.6(3)(b)(1) through 66452.6(b)(3) or Section 66452.6(c) of the Subdivision Map Act, respectively.

(Ord. 52-89 § 4, 1989; Ord. 171 § 5.30, 1975).

16.16.260 Final map—Submittal.

A subdivider ~~shall~~must submit to the ~~city clerk~~city's Planning Department, in complete and accurate form, the following:

- A. Ten legible prints of the final map, together with the original tracing and a reproducible copy;
- B. Subdivision improvement plans, and plan, map and field-checking fees, as provided in the subdivision standards;
- C. Traverse sheets showing closures and computation of all distances, angles and courses shown on the final map, ties to existing and proposed monuments, and adjacent subdivisions, street centerlines and highway stations. The traverse of the exterior boundaries of the tract and of lots and blocks ~~shall~~must close within a limit of error of one in five thousand;
- D. Design calculations as required by the subdivision standards;
- E. A certificate from the county assessor regarding liens for unpaid taxes, a tax bond if required, and a guarantee of title issued by a title company for the benefit and protection of the city;
- F. An instrument restricting vehicular traffic over the side lines of any road or highway, when and if the same is required;
- G. A geologic and soil report or a soil investigation report by a soils engineer in the form prescribed by the city engineer, unless this requirement is waived, in writing, by the city engineer;
- H. Improvement bonds, subdivision agreements and such other documents as are required by this ~~title~~Title and the subdivision standards.
- I. A copy of the approved Conditions, Covenants, and Restrictions ("CC&Rs"), as applicable, that are to be recorded with the final map.

(Ord. 171 § 5.31, 1975).

16.16.270 Final map—Form and content.

The final map ~~shall~~must be prepared by or under the direction of a registered civil engineer or licensed land surveyor, ~~shall~~must be based upon a survey, and ~~shall~~must conform to all of the following provisions:

- A. It ~~shall~~must be legibly drawn, printed or reproduced by a process guaranteeing a permanent record, in black, on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface ~~shall~~must be coated with a suitable substance to assure permanent legibility.
- B. The size of each sheet ~~shall~~must be eighteen by twenty-six inches. A marginal line ~~shall~~must be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map ~~shall~~must be large enough to show all details clearly and enough sheets ~~shall~~must be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map ~~shall~~must be stated on each of the sheets, and its relation to each adjoining sheet ~~shall~~must be clearly shown.
- C. The tract designation, all drawings, certificates, acknowledgments, endorsements, offers, and acceptances of dedication, and notarial seals ~~shall~~must be within the marginal lines. The first sheet of the map ~~shall~~must contain all certificates, acknowledgments, endorsements, offers, and

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acceptances of dedication and notarial certificates, as required by the Subdivision Map Act and this ~~title~~Title, and no signed certificates ~~shall~~must appear on any other sheet. If a subdivider is required to make a dedication of land in fee for public purposes (other than for open space, schools, or parks), the City must record a certificate with the County Recorder identifying the name and address of the subdivider and the legal description of the land being dedicated. The certificate must state that the land must be reconveyed to the subdivider if the same public purpose for which it was dedicated no longer exists, or the land or a portion thereof is not needed for public utilities. The subdivider may request that the City make such a determination and reconvey the land to the subdivider as provided above. The City may assess a fee for making this determination, but said fee may not exceed the cost of making the determination. The City must give the subdivider whose name appears on the certificate 60 days' notice prior to vacating, leasing, selling, or otherwise disposing of the dedicated property, unless the dedicated property will be used for the same public purpose for which it was dedicated.

- D. The title sheet of the final map ~~shall~~must contain the tract number and designation, and such other descriptive matter as may be necessary. Below the tract designation ~~shall~~must appear a subtitle consisting of a general description of all the property being subdivided, by reference to recorded deeds or to maps ~~which~~that have been previously recorded or by reference to the plat of a United States Survey. Reference to tracts and subdivisions in the description must be worded identically with original records, and references to book and page-of-record must be complete. The basis of bearing for the survey ~~shall~~must be clearly noted.
- E. The final map ~~shall~~must particularly define and designate all lots or parcels, including those reserved for private purposes, all parcels offered for dedication for any purpose, with all dimensions, boundaries, and courses clearly shown and defined in every case. No ditto marks ~~shall~~can be used. Parcels offered for dedication but not accepted ~~shall~~must be designated by letter.
- F. The map ~~shall~~must show clearly what stakes, monuments or other evidences were found on the ground to determine the boundaries of the tract, and the names of owners of adjoining properties.
- G. The map ~~shall~~must show all information, data and monuments necessary to locate and retrace any and all exterior boundary lines, and lot and block lines. It ~~shall~~must also show bearings and distances of straight lines and radii, central angle and arc length for all curves, and such information as may be necessary to determine the location of the centers of curves, bearings and tangent distances, and radii, central angle and arc lengths of all lots. Where streets intersect on curves, centerline lengths, radii deltas, and centerline intersection points ~~shall~~must be shown.
- H. The map ~~shall~~must show chord length at the setback line on lots located on a curve or having side lines at angles other than ninety degrees.
- I. Wherever the city engineer has established the center of a street or alley, the data ~~shall~~must be shown on the final map, indicating all monuments found and making reference to a field book or map. If the points were reset by ties, the fact ~~shall~~must be stated.
- J. The map ~~shall~~must show the line of extreme high water in case the subdivision is adjacent to a stream or channel, or subject to periodic inundation by water.
- K. Each parcel ~~shall~~must be numbered and each block may be numbered or lettered. Each street, ~~shall~~ must be named.
- L. The exterior boundary of the land included within the subdivision ~~shall~~must be indicated by distinctive symbols and clearly so designated. The map ~~shall~~must show the definite location of the subdivision, and particularly its relation to surrounding surveys.

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- M. When a soils report has been prepared, this fact ~~shall~~must be noted on the final map, together with the date of the report and the name of the engineer making the report.
 - N. The total width of all street rights-of-way ~~shall~~must be shown, as well as the widths of rights-of-way for flood-control or drainage channels, and any other rights-of-way.
 - O. The map ~~shall~~must show all easements of record and easements to be recorded. If any easement, is not definitely located of record, a statement of such easement must appear on the title sheet. Easements for storm drains, sewers, public utilities and other purposes ~~shall~~must be clearly defined. Distances and bearings on the side lines of lots ~~which~~that are cut by an easement must be so shown that the map will indicate clearly the actual length of the lot lines. The width of the easement, the length and bearings of the lines thereof, and sufficient ties to definitely locate the easement with respect to the subdivision must be shown.
 - P. In order to avoid duplication, names to be used for new streets ~~shall~~will be subject to the approval of the planning commission. If any designations are numbers, they ~~shall~~must be spelled out completely, using hyphens, in such forms as "Twenty-third Street." The words "Avenue," "Boulevard," "Place," etc., ~~shall~~must be spelled out in full. Names of newly dedicated portions of streets ~~shall~~must be shown in or arrowed to the dedicated portion.

(Ord. 171 § 5.32, 1975).

16.16.280 Final map—Processing—Approval.

- A. When the city engineer finds that all requirements for submittal of a final subdivision map have been complied with, he ~~shall~~must date and sign his file copy to that effect, and notify the subdivider and/or his engineer and the committee that the map has been filed. Within five days of the date of filing, the committee may meet to review the map and submit comments thereon to the city engineer.
- B. Within twenty days of the date of filing, and when the map is complete and in order, the city engineer ~~shall~~must sign the certificate on the original tracing thereof and submit the map and all related bond and agreement forms and other documents, to the planning commission. If the planning commission finds that the final map is in substantial conformity with the previously approved tentative map, it ~~shall~~must approve the map and transmit it to the city council.
- C. Within ten days of final map filing, or at its next regular meeting after the meeting at which it received the map, the city council ~~shall~~must act to approve or disapprove the map and related documents, as per Section 66458 of the Subdivision Map Act. Following city council approval, the ~~city clerk~~city's Planning Department ~~shall~~must submit the map to the clerk of the board of supervisors for transmittal to the county recorder in accordance with the provisions of Section 66464 of the Subdivision Map Act.
- D. Before recording any final map, the subdivider must obtain a subdivision guarantee, providing assurance to the City that the parties consenting to the filing of the final map are all of the parties having a record title interest in the real property being subdivided whose signatures are required by this Chapter, as shown by the records in the office of the County Recorder.

(Ord. 171 § 5.33, 1975).

16.16.285 Final map—Improvements completed or agreement for improvements completed.

- A. If, at the time of approval of the final map by the city council, any public improvements required by the City pursuant to the provisions of this Title have not been completed and accepted in accordance with standards established in the Title applicable at the time of the approval or conditional approval of the tentative map, the city council, as a condition precedent to the approval of the final map, must require the subdivider to enter into an improvement agreement upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense.
- B. The City must require that performance of such agreement be guaranteed by one of the securities as specified in Section 16.24.080 of this Title.

16.16.290 Parcel map—Submittal.

- A. Within twenty-four months after the approval or conditional approval of the tentative map of a subdivision for which a final map is not required by this ~~title~~Title or the Subdivision Map Act, the subdivider may cause the subdivision to be surveyed and parcel map to be prepared in accordance with the tentative map, as approved, this ~~title~~Title, and the Subdivision Map Act.
- B. Upon application of the subdivider prior to the expiration of the twenty-four month period, an extension not to exceed an additional twelve months may be granted by the planning commission. In the event the planning commission denies a subdivider's application for extension, the subdivider may appeal to the city council as provided in Section 16.28.050.
- C. Any failure to submit, process and record a parcel map within twenty-four months from the date of approval or conditional approval of the tentative map, or any extension thereof granted by the planning commission, ~~shall~~will terminate all proceedings. Before a parcel map may thereafter be recorded, a new tentative map ~~shall~~will be required to be submitted, processed and approved.
- D. Upon timely completion of the parcel map, the subdivider ~~shall~~must submit to the ~~city clerk~~city's Planning Department, in complete and accurate form, the following:
 - 1. Three legible prints of the parcel map;
 - 2. Traverse sheets showing closures and computation of all distances, angles and courses shown on the parcel map, ties to existing and proposed survey monuments, and adjacent subdivisions, street centerlines and highway stations. The traverse of the exterior boundaries of the tract and of lots and blocks ~~shall~~must close within a limit of error of one in five thousand; and
 - 3. All applicable map checking and related fees.
 - 4. Evidence of title in the form of a Parcel Map Guarantee issued by a California title company, showing the names of persons having any record title interest in the land to be divided, together with the nature of their respective interests therein. In the event that any dedication is to be made for public use of any property shown on a parcel map, a subdivision guarantee must be issued by a California title company.

(Ord. 52-89 § 5, 1989; Ord. 171 § 5.34, 1975).

16.16.300 Parcel map—Form and content.

The parcel map ~~shall~~must be prepared by or under the direction of a registered civil engineer or licensed land surveyor, ~~shall~~must show the location of streets and property lines bounding the property, and ~~shall~~must conform to all of the following provisions:

- A. It ~~shall~~must be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface ~~shall~~must be coated with a suitable substance to assure permanent legibility.
- B. The size of each sheet ~~shall~~must be eighteen by twenty-six inches. A marginal line ~~shall~~must be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map ~~shall~~must be large enough to show all details clearly and enough sheets ~~shall~~must be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map ~~shall~~must be stated on each of the sheets and its relation to each adjoining sheet ~~shall~~must be clearly shown.
- C. Each parcel ~~shall~~must be numbered or otherwise designated.
- D. The exterior boundary of the land included within the subdivision ~~shall~~must be indicated by distinctive symbols and clearly so designated. The exterior boundary of the land included in the subdivision must not include a designated remainder that is designated under Section 66424.6 of the Subdivision Map Act. The designated remainder must be labeled as a designated remainder parcel.
- E. The map ~~shall~~must show the location of each parcel and its relation to the surrounding surveys. The location of any remainder of the original parcel ~~shall~~must be shown, but need not be shown as a matter of survey but only by reference to the existing record boundaries of such remainder if such remainder has a gross area of five acres or more.
- F. The map ~~shall~~must include a certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map.
- G. The map ~~shall~~must include certificates for signature by the engineer or surveyor, city engineer and county recorder, as required by the Subdivision Map Act and this ~~title~~Title, including:

1. An Engineer's (Surveyor's) Statement as follows:

This map was prepared by me or under my direction (and was compiled from record data) (and is based upon a field survey) in conformance with the requirements of the Subdivision Map Act and Title 16 of the Williams Municipal Code at the request of (name of person authorizing map) on the ___ day of ___, 20__ . I hereby state that this parcel map substantially conforms to the approved tentative map and the conditions of approval thereof.

(Signed) _____
R.C.E. (or L.S.) No. _____
Expires _____
Date _____

If a field survey was performed, the certificate must also state that all monuments are of the character and occupy the positions indicated on the parcel map, or that they will be

set in such positions on or before a specified date prior to issuance of a building permit, and that the monuments are, or will be, sufficient to enable the survey to be retraced.

2. Subject to the provisions of Section 66436 of the Subdivision Map Act, unless otherwise determined by the city engineer, a separate certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required; provided, however, that for good and sufficient cause shown by the subdivider, the city engineer may waive any or all such signatures and/or names and nature of the respective interests otherwise required by Section 66436 of the Subdivision Map Act at any time after the tentative map is submitted for approval. Such waiver must be certified by the city engineer. The provisions of Section 5.060.B. of this Title apply to the waiver of signatures of parties owning a record interest in, or right to, minerals, including, but not limited to, oil, gas or other hydrocarbon substances, except where the initial gross area of the parcel map is less than five acres in a residential zone or less than two acres in any zone other than a residential zone.

3. There must appear on the parcel map a Recorder's statement for execution by the Recorder, as follows:

Filed this _____ day of _____, 20____, at _____ a.m./p.m. in Book _____ of _____, at page _____, at the request of _____.

Signed, _____

County Recorder

4. The parcel map, and evidence of record of title interest, must be submitted to the city engineer for his examination prior to filing. Within 20 calendar days after receiving the parcel map, the city engineer must examine it for the survey information shown thereon and if satisfied that it complies with this Title and all required provisions of the Subdivision Map Act, and that such parcel map is technically correct, the following certificate must be executed on the map by the city engineer:

I, _____, hereby state that I have examined this map, and the subdivision hereon is substantially the same as it appeared on the tentative map in accordance with any conditions approved by the planning commission, and any approved alterations thereof; and all of the requirements of the Subdivision Map Act and local ordinances applicable at the time of the approved tentative map have been complied with.

(Signed) _____ Date: _____

(Name), city engineer, (License #) (Expiration Date)

5. City Surveyor's statement, as follows:

I, _____, hereby state that I have examined this map and that to the best of my knowledge and belief, I am satisfied that said map is technically correct.

(Signed) _____ Date: _____

(Name), City Surveyor, (License #) (Expiration Date)

6. City Planner's statement, as follows:

The planning commission of the City of Williams approved or conditionally approved the tentative map on _____ and the subdivision as shown on the map

is substantially the same as it appeared on the tentative map and in accordance with any conditions approved by the Commission.

(Signed) _____

Date: _____

(Name), City Planner, City of Williams

(Ord. 171 § 5.35, 1975).

16.16.305 Parcel map—Dedications.

- A. Dedications of or offers to dedicate interests in real property for specific public purposes must be made by a certificate on the parcel map or by separate instrument at the discretion of the city engineer.
- B. If a subdivider is required to make a dedication of land in fee for public purposes (other than for open space, schools or parks), the City must record a certificate with the County Recorder identifying the name and address of the subdivider and the legal description of the land being dedicated, and stating that the land must be reconveyed to the subdivider if the same public purpose for which it was dedicated no longer exists or the land or a portion thereof is not needed for public utilities. The subdivider may request that the City make such a determination and reconvey the land to the subdivider as provided above. The City may assess a fee for making the determination, however, that fee may not exceed the cost of making the determination. The City must give the subdivider 60 days' notice prior to vacating, leasing, selling or otherwise disposing of the dedicated property unless the dedicated property will be used for the same public purpose for which it was dedicated.

16.16.310 Parcel map—Processing.

- A. Within ~~twenty~~20 days after receiving the parcel map, including all required certificates, dedications, agreements, etc., or within such additional time as may be reasonably necessary, the city engineer ~~shall~~must determine whether the map is in proper form and that all conditions of tentative map approval and provisions of law have been complied with, and he ~~shall~~must examine it for survey information and other required information shown thereon.
- B. When the city engineer is satisfied that the map is technically correct, in compliance with the provisions of this ~~title~~Title and the Subdivision Map Act, and in substantial conformance with the tentative map, the city engineer ~~shall~~must advise the subdivider to provide the original tracing and a reproducible copy and ~~shall~~must advise the city administrator that the parcel map be certified as correct. After such action, the city engineer ~~shall~~must sign the city engineer certificate and, the ~~city clerk~~city's Planning Department ~~shall~~must transmit the parcel map to the county recorder. In connection with reviewing and approving the parcel map, the city administrator is hereby authorized to accept or reject dedications and offers of dedications that are made by a statement on the parcel map.

(Ord. 52-89 § 6, 1989; Ord. 171 § 5.36, 1975).

16.16.315 Parcel map—Improvements completed or agreement for improvements completed.

If, at the time of certification of the parcel map by the city engineer, any public improvements required by the city engineer under this Title have not been completed and accepted in accordance with standards established in this

[Title applicable at the time of the approval or conditional approval of the tentative map, the city engineer, as a condition precedent to approval of the parcel map, must require the subdivider to enter into an improvement agreement to thereafter complete such improvements at the subdivider's expense, upon terms mutually agreeable to the subdivider and the city council.](#)

16.16.320 Correction and amendment of maps.

After a final map or parcel map has been filed in the office of the county recorder, it may be amended by a certificate of correction or an amending map. Such certificates or maps ~~shall~~[must](#) be processed in accordance with the requirements of the Subdivision Map Act.

(Ord. 171 § 5.37, 1975).

16.16.330 Reversion to acreage and exclusions.

Subdivided real property may be reverted to acreage, and property may be excluded from recorded subdivisions, in accordance with the requirements and procedures specified in the Subdivision Map Act.

(Ord. 171 § 5.38, 1975).

Chapter 16.18 VESTING TENTATIVE MAPS

Sections:

ARTICLE I. GENERAL PROVISIONS

16.18.010 Citation and authority.

This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the California Government Code (hereinafter referred to as "Vesting Tentative Map Statute"), and may be cited as the vesting tentative map ordinance.

(Ord. 24-86 § 1(part), 1986).

16.18.020 Purpose and intent.

It is the purpose of this chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and the Williams Subdivision Ordinance (this ~~title~~[Title](#)). Except as otherwise set forth in the provisions of this chapter, the provisions of this ~~title shall~~[Title](#) apply to this chapter. To accomplish this purpose, the regulations outlined in this chapter are determined to be necessary for the preservation of the public health, safety, and general welfare, and for the promotion of orderly growth and development.

(Ord. 24-86 § 1(part), 1986).

16.18.030 Consistency.

No land ~~shall~~can be subdivided and developed pursuant to a vesting tentative map for any purpose ~~which~~that is inconsistent with the General Plan and any applicable specific plan or not permitted by the zoning ordinance or other applicable provisions of this code.

(Ord. 24-86 § 1(part), 1986).

16.18.040 Definitions.

- A. A "vesting tentative map" means a tentative map for a residential subdivision, as defined by Section 16.08.190 of this code, that has printed conspicuously on its face the words "vesting tentative map" at the time it is filed in accordance with Section 16.18.060, and is thereafter processed in accordance with the provisions of this chapter and the Vesting Tentative Map Statute.
- B. All other definitions set forth in this ~~title~~Title are applicable.

(Ord. 24-86 § 1(part), 1986).

16.18.050 Application.

- A. This chapter ~~shall apply~~applies only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this ~~title~~Title requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions of this chapter.
- B. If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map ~~shall~~must not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(Ord. 24-86 § 1(part), 1986).

ARTICLE II. PROCEDURES

16.18.060 Filing and processing.

A vesting tentative map ~~shall~~must be filed in the same format and have the same contents, accompanying data and reports and ~~shall~~must be processed in the same manner as set forth in this ~~title~~Title for a tentative map, except that at the time a vesting tentative map is filed it ~~shall~~must have printed conspicuously on its face the words "vesting tentative map."

(Ord. 24-86 § 1(part), 1986).

16.18.070 Fees.

Upon filing a vesting tentative map, the subdivider ~~shall~~must pay the fees required by this ~~title~~Title for the filing and processing of a tentative map.

(Ord. 24-86 § 1(part), 1986).

16.18.080 Expiration.

The approval or conditional approval of a vesting tentative map ~~shall~~must expire at the end of the same time period, and ~~shall~~must be subject to the same extensions, established by this ~~title~~Title for the expiration of the approval or conditional approval of a tentative map.

(Ord. 24-86 § 1(part), 1986).

ARTICLE III. DEVELOPMENT RIGHTS

16.18.090 Vesting on approval of vesting tentative map.

- A. The approval or conditional approval of a vesting tentative map ~~shall~~must confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in California Government Code Section 66474.2. However, if Section 66474.2 of the California Government Code is repealed, the approval or conditional approval of a vesting tentative map ~~shall~~must confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
- B. Notwithstanding subsection A of this section, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:
1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;
 2. The condition or denial is required, in order to comply with state or federal law.
- C. The rights referred to in this section ~~shall~~must expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 16.18.080. If the final map is approved, these rights ~~shall~~ last for the following periods of time:
1. An initial time period of one year from the date of recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period ~~shall~~will begin for each phase when the final map for that phase is recorded.
 2. The initial time period set forth in subdivision 1 of this subsection ~~shall~~will be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty days, from the date a complete application is filed.
 3. A subdivider may apply for a one-year extension at any time before the initial time period set forth in subdivision 1 of this subsection expires. The request for extension should be submitted in writing to the city council.
 4. If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions 1 through 3 of this subsection, the rights referred to in this section ~~shall~~will continue until the expiration of that permit, or any extension of that permit.

(Ord. 24-86 § 1(part), 1986).

16.18.100 Development inconsistent with zoning—Conditional approval.

- A. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency ~~shall~~must be noted on the map. The city may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map ~~shall~~must, notwithstanding Section 16.18.090A, confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.
- B. The rights conferred by this section ~~shall be~~are for the time periods set forth in Section 16.18.090.

(Ord. 24-86 § 1(part), 1986).

16.18.110 Applications inconsistent with current policies.

Notwithstanding any provision of this ~~title~~Title, a property owner or his or her designee may seek approvals or permits for development ~~which~~that depart from the ordinances, policies, and standards described in Sections 16.18.090A and 16.18.100, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

(Ord. 24-86 § 1(part), 1986).

Chapter 16.20 REGULATIONS AND STANDARDS

Sections:

16.20.010 Conformance required.

All subdivisions of land ~~which~~that are subject to the provisions of this ~~title~~~~shall~~Title must conform to the following regulations and ~~shall be~~are subject to the provisions of this chapter.

(Ord. 171 § 6.01, 1975).

16.20.020 Construction of provisions.

The regulations, standards and procedures provided in this chapter ~~shall~~must be construed to be the minimum necessary to promote and protect the public health, safety and general welfare, and they may be made more restrictive in cases where the planning commission finds such action is necessary to protect the public interest and to ensure sound planning standards and, on the advice of the city engineer, to ensure sound engineering standards.

(Ord. 171 § 6.02, 1975).

16.20.030 Streets and highways.

- A. The street and highway design ~~shall~~must conform both in width and alignment to any ~~general plan~~General Plan or specific plan adopted by the city council, and rights-of-way for any street or highway indicated on such plan ~~shall~~must be dedicated.
- B. The street and highway design ~~shall~~must conform to any proceedings affecting the subdivision ~~which~~that may have been initiated by the city council or approved by said council upon initiation by other legally constituted bodies of the city, county or state. If a parcel of land to be subdivided includes a portion of the right-of-way to be acquired for a highway, freeway or parkway, the subdivider may be required to either dedicate or withhold from subdivision all the area included in said right-of-way.
- C. All streets ~~shall~~must, so far as practicable, be in alignment with existing adjacent streets by continuations of the centerlines thereof or by adjustments by curves.
- D. Street centerlines ~~shall~~must be required to intersect one another at an angle as near to a right angle as is practicable, or by tangents not less than one hundred feet in length.
- E. Where necessary to give access to, or permit a satisfactory future subdivision of adjoining land, streets ~~shall~~must extend to the boundary of the property being divided, and the resulting dead-end or cul-de-sac streets may be approved without a turn-around. In all other cases a turn-around having a minimum right-of-way radius of forty feet ~~shall~~will be required. No cul-de-sac street ~~shall~~can exceed six hundred feet in length to center of turn-around.
- F. Intersection Corner Rounding. Whenever a major street or state highway intersects any other street or highway, the property lines at each block corner ~~shall~~must be rounded with a curve having a radius of not less than twenty feet. On all other street intersections the property line at each block corner ~~shall~~must be rounded with a curve having a radius of not less than ten feet. In either case, a greater curve radius may be required if streets intersect at other than right angles.
- G. Curve Radii. The centerline curve radii on all streets and highways ~~shall~~must conform to accepted engineering standards of design and ~~shall~~bear subject to approval by the city engineer.
- H. Grades. No major or secondary street ~~shall~~can have a grade of more than three percent, and no other street ~~shall~~can have a grade of more than five percent unless, because of topographical conditions or other exceptional conditions, the city council determines that a steeper grade is necessary. No street or highway ~~shall~~can have a grade of less than one-tenth of one percent.
- I. The width of city streets, parking lanes, sidewalks and total rights-of-way, and other standards and specifications regarding the design and construction of city streets not otherwise set forth in this code, ~~shall~~will be established by department of public works standard plans and specifications adopted from time to time by resolution of the city council. Such standard plans and specifications may establish different widths and other standards for different street classifications based on anticipated level of usage.
- J. Service Roads and Off-street Parking. When lots front on any major or secondary street or highway, the subdivider may be required to dedicate and improve a service road to provide ingress to and egress from such lots. The planning commission may require adequate off-street parking areas for all lots proposed for commercial or industrial use.
- K. Non-access and Planting Strips. When the rear or side lines of any lots border a street or highway, the subdivider may be required to execute and deliver to the city an instrument prohibiting the right of ingress and egress to such lots across the side lines of such street or

highway, and the subdivider may be required to dedicate and improve a planting strip or construct a fence adjacent thereto.

- L. Alleys. When lots are proposed for commercial or industrial uses, alleys at least twenty-four feet in width may be required at the rear thereof.
- M. Street Names. All street names must be as approved by the planning commission, and no duplication of street names ~~shall~~will be permitted.

(Ord. 77-92 § 2, 1992; Ord. 171 § 6.03, 1975).

16.20.040 Easements.

- A. The subdivider may be required to grant easements not less than six feet in width along lot lines for public utility, sanitary sewer and drainage purposes, provided easements of lesser width may be allowed when approved by the city engineer.
- B. Power and telephone facilities may be required to be installed underground.
- C. The sidelines of all easements must be shown by fine dotted lines. If any easement already of record cannot be definitely located, a statement of its existence, nature, and recorded reference must appear on the Title sheet. Distances and bearing on the sidelines of lots that are cut by an easement must be arrowed or so shown so that the map will indicate clearly the actual lengths of the lot lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision must be shown. All easements must be clearly labeled and identified; if an easement shown on the map is already of record, its recorded reference must be given. If an easement is being dedicated by the map, it must be set out in the owner's certificate of dedication. All notes and figures pertaining to easements must be considerably smaller and lighter than those relating to the subdivision itself.
- D. The City may require the subdivider to remove any trees, brush, or other obstructions lying within an easement or right-of-way. The subdivider will be required to remove or trim trees or brush lying within the easements or rights-of-way over which utilities are to be constructed, when such trees or brush interfere with the construction of such utility lines. Such work must be completed in a manner satisfactory to the city engineer.

(Ord. 171 § 6.04, 1975).

16.20.042 Removal of obstructions.

- A. The term "obstruction" as used in this section refers to any interference with the free use of the road right-of-way of whatever kind or nature and must include, but is not limited to, structures, electrical power, telephone or cable television poles, lines and appurtenances, pipe lines, conduits and canals. Obstructions must be relocated and/or removed as provided below. This includes, but is not limited to, the quitclaim or subordination of rights to the City by all interest and easement holders having the right to place facilities or otherwise obstruct the free use of the road right-of-way or alternative arrangement acceptable to the city engineer.
 - 1. All obstructions must be removed from the streets, roadways or rights-of-way dedicated in the final map of a subdivision or that are deeded to the City in connection therewith that in the determination of the city engineer interfere with the use thereof or constitute a dangerous or hazardous condition to the traveling public.

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2. [All obstructions must be removed that are located within existing County, State, or City streets or roadways lying immediately adjacent to streets, roadways or rights-of-way that are dedicated in the final subdivision map or that are deeded by the subdivider to the City in connection therewith and which obstructions, in the determination of the city engineer, interfere with the use of said existing County, State or City streets or roadways, or constitute a dangerous or hazardous condition to the traveling public.](#)
 3. [Said obstructions must be relocated without expense to the City to such locations as are specified by the city engineer or in the approved plans and profiles for the subdivision.](#)
 4. [It is the responsibility of the subdivider to contact the utility companies, including cable television companies, or other owners of said obstructions to advise them of proposed improvements, and make direct arrangements for the relocation of and compensation for the cost of relocating any conflicting obstructions. Evidence of such completed arrangements must be presented by the subdivider to the city engineer prior to the final approval of the subdivision plan by the City.](#)
- B. [Final acceptance of the map is contingent upon the subdivider providing, within and/or outside the boundaries of the subdivision, drainage disposal facilities, methods, or easements as required to receive or dispose of storm water. Said facilities, methods, or easements are subject to the approval of the city engineer. Unless diversion of water is required to conform to a comprehensive drainage plan, off-site water is allowed to flow through the subdivision and must be received and discharged at the locations that existed prior to development and as nearly as possible in the manner existing prior to development.](#)

16.20.044 Blocks—Length and width.

- A. [Block lengths. Blocks must not exceed 1,000 feet in length between street centerlines, except where otherwise approved by the advisory agency.](#)
- B. [Block widths. Except as otherwise approved by the advisory agency, the width of each block must be sufficient for an ultimate layout of two tiers of lots therein of a size required by the provisions of this Title.](#)
- C. [Cul-de-sacs, knuckle, and curved streets. In order to encourage deviation from grid development in subdivisions, the subdivider must be required to utilize a reasonable number of cul-de-sac streets, knuckle streets, and curved streets, if practical.](#)

16.20.050 Lots.

- A. The size and shapes of lots ~~shall~~[must](#) be in conformance with the requirements of the subdivision standards and with any additional requirements established by zoning regulations. Residential lots on curved or cul-de-sac streets ~~shall~~[must](#) have a minimum width of fifty feet at the front yard setback line.
- B. The side lines of all lots, so far as possible, ~~shall~~[must](#) be at right angles to streets or approximately radial to curved streets and to the center points of cul-de-sac turning circles.
- C. No lot ~~shall~~[can](#) be divided by a city boundary line.
- D. Interior lots having double frontage will not be approved, ~~except where, as determined by the advisory agency, conditions permit no other reasonable form of platting, or where the proposed double frontage lots abut an arterial or collector street(s) and the advisory agency deems it to be reasonable due to such controlling factors as traffic, safety, appearance, and setback. Each such lot must have a six-foot high masonry wall (the height must be measured from whichever side of~~

the wall the adjacent finished grade is higher) with landscaping on the exterior side of the wall installed by the subdivider adjacent to the property line that abuts the right-of-way of the arterial or collector street(s). The wall and associated landscaping are to be maintained by a homeowner's association, maintenance district, or some other mechanism approved by the advisory agency within the street right-of-way and any other landscape easement(s) or adjacent common lot(s). Alternate wall and landscape concepts may be approved in areas where, in the opinion of the advisory agency, topographic or other physical conditions make strict adherence to this criteria undesirable. Conceptual wall and landscaping plans must be reviewed and approved by the committee prior to filing of any final map or parcel map.

- E. Walls along side yards adjacent to collector or arterial streets: Where it is found to be necessary for orderly development, residential lots having side yards adjacent to collector or arterial streets will be required to install a six-foot high masonry wall (the height must be measured from whichever side of the wall the adjacent finished grade is higher) with landscaping on the exterior side of the wall installed by the subdivider adjacent to the street-side property line. The wall and landscaped areas are to be maintained by a homeowner's association, maintenance district, or some other mechanism approved by the advisory agency within the street right-of-way and any other landscape easement(s) or adjacent common lot(s). Conceptual wall and landscape plans must be reviewed and approved by the committee prior to filing of any final tract or final parcel map.
- F. Landscape walls, adjacent to public or private streets, must not exceed 40 inches in height within a front-yard setback.
- G. Lots abutting commercial uses: Residential lots that share a common property line with office, commercial, or industrial zoning or existing office, commercial, or industrial land uses must be separated by a masonry wall along said common property line a minimum of six feet in height, but not exceeding eight feet in height as measured from highest adjacent finished grade. The time permitted to complete the installation of said wall must be determined by the advisory agency.
- H. Lots abutting drilling islands, oil well sites, and canals: Any residential lot, or any commercial lot where it is found to be necessary for orderly development, that shares a common property line with a lot designed to serve as a drilling island, oil well site, or canal must be separated by a masonry wall along said common property line a minimum of six feet in height, but not exceeding eight feet in height as measured from highest adjacent finished grade. The time permitted to complete the installation of said wall must be determined by the advisory agency.

(Ord. 171 § 6.05, 1975).

16.20.060 Walkways.

The subdivider may be required to dedicate and improve walkways twelve feet wide through long blocks, or to provide access to schools, parks and other public areas.

(Ord. 171 § 6.06, 1975).

16.20.070 Watercourses.

The subdivider may be required to dedicate easements for watercourses or drainage ways in their original locations or in approved relocations. Widths and locations of such easements ~~shall be~~ are subject to approval by the city engineer.

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(Ord. 171 § 6.07, 1975).

16.20.080 Land subject to inundation.

If any portion of any land within the boundaries of the subdivision is subject to overflow, inundation or flooding by stormwaters, that portion of the subdivision ~~shall~~must be clearly indicated on the final map or parcel map.

(Ord. 171 § 6.08, 1975).

16.20.100 Design consistency.

The design and improvement (as defined at Government Code Sections 66418 and 66419) of the subdivision ~~shall~~must comply with the ~~city general plan~~City General Plan and any applicable specific plan. The approval of a tentative map may be conditioned on the satisfaction of conditions necessary or appropriate to assure that the design and improvement of the subdivision will be in compliance with the ~~city general plan~~City General Plan and any applicable specific plan.

(Ord. 68-91 § 4, 1991).

Chapter 16.24 IMPROVEMENTS

Sections:

16.24.010 Subdivider responsibility—Scope.

All subdivision improvements ~~shall beare~~ the responsibility of the subdivider, and ~~shall~~must be installed in accordance with provisions of this ~~title~~Title, the subdivision standards, and all applicable laws, rules or regulations of the state or agencies thereof. Such improvements ~~shall beare~~ subject to inspection by the city engineer, and approval by the city council. Such improvements ~~shall~~must include, but not be limited to, the following:

- A. Land grading and improvement;
- B. Street, alley, walkway and off-street parking, grading and paving;
- C. Curbs, gutters, sidewalks and landscaping in rights-of-way;
- D. Sanitary sewers, storm drains, and appurtenances;
- E. Street lighting systems;
- F. Fire hydrants;
- G. Electric, gas and water utility systems;
- H. Street signs, warning and safety devices~~;~~.

(Ord. 171 § 7.10, 1975).

16.24.020 Subdivision standards—Contents.

The subdivision standards ~~shall~~must contain any or all of the following ~~which~~that are not otherwise included in this ~~title~~Title: Standards for street and lot design; for street widths, grades and curves; for sewerage, water supply, and fire protection; for all improvements to be installed, including public utilities; for office and field checking of maps

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and survey data; for construction inspections, fee schedules, forms for bonds and agreements and such other matters as may be included therein by resolution of the city council.

(Ord. 171 § 7.02, 1975).

16.24.030 Documents required.

The planning commission may require that a subdivider provide such documents, including, but not restricted to, deeds, dedications, grants, restrictions, easements and rights-of-way, as it deems necessary to effect a sound and proper plan of land division.

(Ord. 171 § 7.03, 1975).

16.24.040 Request for zoning change.

The planning commission may require a request for change of zoning to insure compatibility of plans and regulations.

(Ord. 171 § 7.04, 1975).

16.24.050 Private streets permitted when.

The planning commission may permit private streets in subdivisions ~~which~~that are subject to the provisions of this ~~the~~Title in cases where the committee finds and reports that such streets provide local access to parcels to be created, and do not constitute elements of arterial or collector streets systems necessary to serve areas beyond the bounds of the subdivision site. Subdivisions in which private streets are permitted ~~shall~~must be subject to all provisions of this ~~the~~Title except as otherwise or as additionally provided below in this section:

- A. Private streets ~~shall~~must be constructed in conformity with the subdivision standards.
- B. Provisions for maintenance of private streets ~~shall~~must be required by the planning commission, and bonds or other guarantees of compliance with such provisions may be required.

(Ord. 171 § 7.05, 1975).

16.24.060 Special features permitted when.

The planning commission may recommend approval of subdivision plans ~~which~~that include the clustering of development sites in combination with the preservation of open space and plans ~~which~~that include airports, golf courses and other types of recreational facilities and other such special features intended for the common usage of owners and guests; provided, that such features are in conformity with zoning, lot area and density standards on an averaged overall lots plus open space basis, and other provisions of law. In such cases:

- A. The planning commission ~~shall~~must require provisions for proper construction of such special features.
- B. The planning commission ~~shall~~must require provisions for preservation of open spaces and adequate maintenance and operation of all such features, and may require bonds or other guarantees of compliance with such requirements.
- C. The planning commission may approve such division plans under existing "P-D" zoning, or may require "P-D" zoning or other appropriate zoning as a condition to approval of the division.

(Ord. 171 § 7.06, 1975).

16.24.070 Agreement for completion.

At the time the city council approves a final map, the subdivider ~~shall~~must enter into an agreement with the city council agreeing to have the improvements completed within the time clause guaranteeing the workmanship and materials provided in all improvements for a twelve-month period after acceptance of the improvements by the city council. Said agreement may provide for extension of time under specified conditions. The agreement may also provide for the termination of the agreement upon a reversion to acreage or revocation of all or part of the subdivision.

(Ord. 171 § 8.01, 1975).

16.24.080 Bond for completion.

- A. To assure that the improvements required by this ~~title~~Title are satisfactorily completed, adequate improvement security ~~shall~~must be furnished by the subdivider for the cost of the improvements according to the plans and specifications in a sum or amount equal to the estimate approved by the city engineer. Partial release of said improvement security may be made in accordance with the provision of the Subdivision Map Act. The improvement agreement, referred to in Section 16.24.070 of this Chapter, must be secured by one of the following securities upon approval of the advisory agency:
1. A bond or bonds by one or more duly authorized corporate sureties;
 2. A deposit, either with the City or a responsible escrow agent or trust company selected by the City, or money or negotiable bonds of the kind approved for securing deposits of public moneys;
 3. An instrument of credit from a state or federal agency, or the City when any such state or federal agency, or the City provides at least 20 percent of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment upon demand by the City, or an irrevocable letter of credit issued by one or more responsible financial institutions regulated by the state or federal government and pledging that the said funds are on deposit and guaranteed for payment upon demand by the City;
 4. A lien upon the property to be divided, created by contract between the owner and the advisory agency, if the advisory agency finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map; provided the form of contract is approved by the city engineer; or
 5. Any form of security, including security interests in real property, that is acceptable to the advisory agency and specified by ordinance thereof.
- B. Any contract or security interest in real property entered into as security for performance pursuant to paragraphs 4 or 5 of the preceding subsection must be recorded with the County Recorder. From the time of recordation of the written contract or document creating a security

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interest, a lien will attach to the real property particularly described therein and will have the priority of a judgment lien in an amount necessary to complete the agreed to improvements. The recorded contract or security document must be indexed in the Grantor Index to the names of all record owners of the real property as specified on the map and in the Grantee Index to the City.

C. The form of bond to secure the faithful performance of the improvement agreement, and the form of bond for the security of labor and materials, must be substantially in compliance with the forms set forth in Sections 66499.1 and 66499.2 of the Subdivision Map Act. Appropriate modifications must be made in such form if the bond is being furnished for the performance of an act not provided for by agreement.

D. Security to guarantee the performance of any act or agreement must be in the following amounts:

1. 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; and
2. 50 percent of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor to the subcontractors, and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act; provided however, that for the security referenced subdivisions A. 1-5 of this Section, an additional sum, not to exceed 100 percent of the estimated cost of the improvement or the performance of the required act, may be required, upon determination of the advisory agency, to guarantee payment provided the security instrument authorizes draws to pay for labor and materials and specifies that not more than 50 percent of the total must be released, except to the City to pay for completion of improvements, until after the 60 day lien period has expired;
3. Ten percent of the total estimated costs of the improvements, to be provided prior to City acceptance of completion, to guarantee or warranty the work for a period of one year following completion and acceptance thereof against any defective work or labor done, or defective materials furnished;
4. As part of the obligation guaranteed by the security and in addition to the face amount of the security, there must be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the City in successfully enforcing the obligation secured. Said additional fee must be in the amount of \$15,000 or 15 percent of the total estimated cost of improvements, whichever is less. The improvement security must also secure the faithful performance of any changes or alterations that do not exceed ten percent of the original estimated cost of the improvement.

BE. Said improvement security ~~shall~~must be released by the city engineer upon acceptance of the work or upon revocation or reversion to acreage of the subdivision and abandonment of all streets and easements; except, that the security in the amount specified by the city engineer to guarantee workmanship and materials ~~shall~~will remain in full force and effect for one year after acceptance of the improvements.

(Ord. 171 §§ 9.01—9.02, 1975).

16.24.090 Acceptance of improvements.

Work on public improvements will be deemed accepted upon final approval by the city engineer and accepted by order of the city council; provided, however, that the warranty period(s) must commence upon recordation of a

notice of completion. Work on private improvements will be deemed accepted, for purposes of satisfaction of the improvement only, upon receipt by the city engineer of a certificate signed by a registered Engineer stating that all such improvements have been constructed in accordance with the plans and specifications approved for the subdivision by the city engineer.

16.24.100 Supplemental improvements and reimbursement agreements.

- A. A subdivider who has submitted a tentative map for which a final map or parcel map is required may be required to install improvements for the benefit of the subdivision that may contain supplemental size, capacity or number, or length for the benefit of property not within the subdivision as a condition precedent to the approval of a tentative map and that those improvements be dedicated to the public. Supplemental length may include minimum sized off-site sewer lines necessary to reach a sewer outlet in existence at that time.
- B. In the event the installation of such supplemental improvements is required by the advisory agency or authorized representative, the advisory agency or authorized representative must enter into an agreement with the subdivider to reimburse the subdivider, upon collection of moneys from owners of other property benefitted thereby and within a specified time period, for that portion of the cost of those improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements.
- C. In order to pay the costs required by the reimbursement agreement, the City may:

 - 1. Collect from other persons, including public agencies using such improvements for the benefit of real property not within the subdivision, a reasonable charge for such use;
 - 2. Contribute to the subdivider that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and levy a charge upon the real property benefitted to reimburse the City for such cost, together with interest thereon, of any, paid to the subdivider;
 - 3. Establish and maintain local benefit districts for the levy and collection of such charge or costs from the property benefitted.

16.24.110 Drainage facilities—Payment of fees required.

Prior to filing any final map or parcel map, the subdivider must pay, or cause to be paid, any fees for defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local and neighborhood drainage areas required pursuant to drainage plans adopted by the city council in accordance with Section 66483 of the Subdivision Map Act.

16.24.120 Sewer facilities—Payment of fees required.

Prior to filing any final map or parcel map, the subdivider must pay, or cause to be paid, any fees for defraying the actual or estimated costs of constructing planned sanitary sewer facilities for local sanitary sewer areas required pursuant to sanitary sewer plans adopted by the city council in accordance with Section 66483 of the Subdivision Map Act.

16.24.130 Water facilities—Payment of fees required.

Prior to filing any final map or parcel map, the subdivider must pay or cause to be paid any fees for defraying the actual or estimated costs of construction of planned water facilities pursuant to the Water Master Plan adopted by the city council.

16.24.140 Refuse facilities—Payment of fees required.

Prior to filing any final map or parcel map, the subdivider must pay or cause to be paid any fees for defraying the actual or estimated costs of providing for local refuse services for the subdivision or parcel map as adopted by the city council.

Chapter 16.28 EXCEPTIONS

Sections:

16.28.010 Authority.

The committee may recommend that the planning commission authorize conditional exceptions to any of the requirements and regulations set forth in this chapter.

(Ord. 171 § 10.01, 1975).

16.28.020 Application—Petition.

Application for any such exception ~~shall~~must be made by written petition of the subdivider stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition ~~shall~~must be filed with the tentative map. In order for the property referred to in the petition to come within the provisions of this section, the committee must find that all of the following facts apply with respect to the subject property:

- A. That there are special circumstances or conditions of topography, size, shape or location affecting said property;
- B. That the exception recommended is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- C. That the granting of the exception will not adversely affect the ~~general plan~~General Plan;
- D. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated, and will not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity.

(Ord. 171 § 10.02, 1975).

16.28.030 Report—Consideration.

In recommending commission action on exceptions under this section, the committee ~~shall~~must prepare a report to the planning commission containing all facts and findings in connection therewith. The report ~~shall~~must set forth the exception as recommended and the conditions designated. Upon receipt of such report the planning commission ~~shall~~must consider and act on the tentative map with or without any exceptions and conditions recommended.

(Ord. 171 § 10.03, 1975).

16.28.040 Waiver—Approval when.

No request for exception to waive the requirement for a parcel map, as provided in Section 66428 of the Government Code, may be approved unless or until this chapter is amended to provide a procedure for such waiver.

(Ord. 171 § 10.04, 1975).

16.28.050 Appeal—Procedure.

- A. Appeal from an action by the committee may be made to the planning commission within fifteen days from such action. An appeal ~~shall~~must be submitted in written form to the secretary of the planning commission, and ~~shall~~must be placed on the agenda of the next commission meeting. The commission ~~shall~~must take action thereon within forty days from the date of submittal.
- B. Any person who is dissatisfied with an action of the planning commission may, within fifteen days after such action, appeal in writing to the city council for a public hearing. Within fifteen days of any such appeal, the planning commission ~~shall~~must forward the map or other documents to the city council for review. A public notice of said hearing ~~shall~~must be made by the city clerk or designee, and the hearing ~~shall~~must be held within the time limit required by the Subdivision Map Act. The city council may continue such hearing from time to time, not to exceed fifteen days from the date of first hearing without mutual consent.
- C. At the time fixed for the hearing, the city council ~~shall~~must hear testimony of representatives of the commission, of any witnesses on its behalf, of the petitioner, and of any other parties at interest.
- D. The city council ~~shall~~must consider the record and such additional evidence as may be offered, and may affirm, reverse or modify, in whole or in part, the order, requirement, decision, recommendation, interpretation or ruling appealed from, or make and substitute such other or additional decision or determination as it may find warranted under law and facts.
- ~~F~~E. The decision of the city council as a result of said hearing shall be expressed by a motion in writing, and the city council shall forthwith transmit a copy thereof to the subdivider and the commission within ten days of conclusion of the hearing.

(Ord. 171 §§ 11.01—11.05, 1975).

Chapter 16.32 ENFORCEMENT AND PENALTY

Sections:

16.32.010 Enforcement.

It ~~shall be~~is the duty of the building inspector to enforce the provisions of this ~~title~~Title. All departments, officials and public employees of the city vested with the duty or authority to issue permits ~~shall~~must conform to the provisions of this ~~title~~Title, and ~~shall~~must not ~~wilfully~~willfully issue any permit or license for use, construction or purpose in conflict with the provisions of this ~~title~~Title; and any such permit or license issued in conflict with the provisions of this ~~title shall be~~Title is null and void.

(Ord. 171 § 12.01(part), 1975).

16.32.020 Deed or contract—Voidable when.

Any deed of conveyance, sale or contract to sell, or assignment, allocation, division or grant of entities of usage made contrary to the provisions of this ~~title~~Title is voidable to the extent and in the manner provided in Section 66499.32 of the Government Code of the state of California.

(Ord. 171 § 12.02, 1975).

16.32.030 Violation—Penalty.

Any violation of this ~~title shall~~Title will constitute a misdemeanor and ~~shall be~~is punishable by a fine of not to exceed five hundred dollars, or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment. Each day a violation of this ~~title~~Title continues ~~shall~~will be considered a separate offense.

(Ord. 171 § 12.01(part), 1975).

Chapter 16.34 FEES

Sections:

16.34.010 Fees may be set by resolution.

The city council of the city may from time to time set fees, as provided for in Title 16, Subdivisions, by resolution.

(Ord. 12-84 (part), 1984).

Chapter 16.36 PARK AND RECREATION FACILITIES DEDICATION/FEE

Sections:

16.36.010 Purpose and authority.

This chapter is enacted pursuant to the authority granted by Section 66477 of the Government Code, and ~~shall~~must be implemented and construed in accordance with Section 66477. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this chapter are in accordance with the recreation land use goal and policy of the ~~general plan~~General Plan of the city. The continued increase in the development of residential dwelling units in the city, with the related increase in the population of the city, has created a need for updating the planning, acquisition, improvement and expansion of public parks, playgrounds and recreation facilities to serve the population of the city and the means of providing funds for such facilities.

(Ord. 51-89 § 1(part), 1989).

16.36.020 Requirements.

- A. As a condition of approval of a tentative subdivision map or parcel map, every residential developer or person who develops land for residential purposes ~~shall~~must dedicate a portion of such land, pay a fee in lieu thereof or a combination of both at the option of the city for the purpose of providing park and recreational facilities at the time and according to the standards and criteria contained in this chapter.
- B. This chapter ~~shall~~does not apply to alterations or additions to an existing residential dwelling unit, provided such alteration or addition does not create an additional dwelling unit.

(Ord. 139-05 § 2(part), 2005; Ord. 51-89 § 1(part), 1989).

16.36.030 General standard.

It is found and determined that the public interest, convenience, health, welfare and safety require that five acres of property for each one thousand persons residing within the city be devoted to neighborhood and community parks.

(Ord. 51-89 § 1(part), 1989).

16.36.040 Enforcement.

The city administrator or his or her duly authorized representative ~~shall be~~is charged with the enforcement and implementation of this chapter.

(Ord. 51-89 § 1(part), 1989).

16.36.050 Standards and formula for dedication of land.

Where a park or recreational facility has been designated in the element of the ~~general plan~~General Plan of the city, and is to be located in whole or in part within the proposed development to serve the immediate and future needs of the residents of the development, the developer ~~shall~~must dedicate land for a park and pay a fee for the development thereof. The amount of land to be provided ~~shall~~must be determined pursuant to the following standards and formula:

- A. Area = 5.0 (D.F. × No. D.U.)
1000
- B. Definition of Terms.
 - 1. "Area" means the area in acres required to be dedicated as park site.
 - 2. "5.0" means park acreage standard obtained from Section 16.36.030.
 - 3. "D.F." means population density factor obtained from Section 16.36.060.
 - 4. "No. D.U." means number of residential dwelling units proposed in the development.
- C. The developer ~~shall~~must, without credit, provide full street and utility improvements including, but not limited to, curbs, gutters, sidewalks, street paving, sewer, water and drainage improvements. The land to be dedicated and improvements to be made pursuant to this section ~~shall~~must be approved by the city.

(Ord. 139-05 § 2(part), 2005; Ord. 51-89 § 1(part), 1989).

16.36.060 Population density factor.

For purposes of this chapter, it is found and determined that the current density factor for the city is 3.03 persons per residential dwelling unit. As conditions in the city change over time, the city council by resolution may adjust the density factor to reflect such changes.

(Ord. 51-89 § 1(part), 1989).

16.36.070 Formula for fees in lieu of land dedication.

- A. General Formula. If there is no park and recreational facility designated in the ~~city's general plan~~City's General Plan to be located in whole or in part within the proposed development, or if the proposed development contains fifty parcels of land or less, or if there is no site suitable to the city for a recreation facility in the development, the developer ~~shall~~must, in lieu of dedicating land, pay a fee equal to acquisition cost. Such fee is to be used for a park ~~which~~that will serve the residents of the area being developed. However, nothing in this section ~~shall prohibit~~prohibits the dedication and acceptance of land for park and recreation purposes in developments of fifty parcels or less, where the developer proposed such dedication voluntarily and the land is acceptable to the city.
- B. Fee = $\frac{(5.0) (D.F.) (No. D.U.) \times Cost}{1000}$
- C. Definition of Terms.
1. "Fee" means the total amount of the fee for the development.
 2. "5.0" means the park acreage standard obtained from Section 16.36.030.
 3. "D.F." means the population density factor obtained from Section 16.36.060.
 4. "No. D.U." means the number of residential dwelling units proposed in the development.
 5. "Cost" means the park acquisition cost per acre obtained from Section 16.36.080.

(Ord. 139-05 § 2(part), 2005; Ord. 51-89 § 1(part), 1989).

16.36.080 Park acquisition cost.

For the purposes of this chapter, the park acquisition cost per acre ~~shall~~must be based on the fair market value as determined by the city administrator of land being dedicated, or for purposes of calculating a fee in lieu of dedication, the fair market value of land within the subdivision. The developer ~~shall~~must provide land sale information, a current appraisal, and/or other information on land value within the subdivision. The city administrator may consider the developer-provided information and/or other land value information in calculation of the fair market value.

(Ord. 139-05 § 2(part), 2005; Ord. 51-89 § 1(part), 1989).

16.36.090 Determination of land or fee.

- A. Whether the city accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, ~~shall~~will be determined by consideration of the following:
1. Compatibility of dedication with the ~~city's general plan~~City's General Plan;
 2. Topography, geology, access and location of land in the development available for dedication;
 3. Suitability for patrol, supervision and maintenance;
 4. Size and shape of the development and land available for dedication;
 5. The feasibility of dedication;
 6. Availability of previously acquired park property.
- B. The city administrator ~~shall~~must make the initial determination as to whether land ~~shall~~must be dedicated, a fee ~~shall~~must be charged, or whether a combination of both land dedication and fee ~~shall-be is~~ required. A determination by the city administrator that a fee ~~shall~~must be charged ~~shall-be is~~ final and conclusive, unless appealed to the planning commission of the city. A determination by the city administrator that land ~~shall~~must be dedicated ~~shall~~must be in the form of a recommendation to the planning commission.

(Ord. 51-89 § 1(part), 1989).

16.36.100 Procedure.

- A. At the time of approval of the tentative subdivision map or parcel map, the city administrator or a duly authorized representative ~~shall~~must determine the land to be dedicated and/or the fees to be paid by the developer and whether or not the subdivision is eligible to be referred to the planning commission and the city council to determine if credit ~~shall~~must be given for private open space under Section 16.36.150 of this chapter. The developer ~~shall~~must dedicate the land and/or pay the fee without credit at the time of the filing of the final subdivision map or parcel map.
- B. In the event credit is established, the amount of the credit ~~shall~~must be reimbursed upon a determination of the city administrator, or a duly authorized representative, that the open space and related facilities that qualified the subdivision or parcel map for credit have been completed per the approved plans.

(Ord. 139-05 § 2(part), 2005; Ord. 51-89 § 1(part), 1989).

16.36.110 Industrial and commercial developments.

The provisions of this chapter ~~shall~~do not apply to any industrial or commercial development or other development projects excluded under Government Code Section 66477.

(Ord. 51-89 § 1(part), 1989).

16.36.120 Schedule of development.

The city administrator ~~shall~~must develop a schedule specifying how, when, and where the city ~~shall~~must use the land or fees, or both, to develop park and recreation facilities to serve the residents.

(Ord. 51-89 § 1(part), 1989).

16.36.130 Use of fees and/or land.

The land, fees, or combination thereof ~~shall~~must be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities reasonably related to serving the subdivision.

(Ord. 139-05 § 2(part), 2005).

16.36.140 Other applicable fees.

Land dedication and/or fees required by this chapter are in addition to developer fees required by Chapter 17.86 of this code.

(Ord. 139-05 § 2(part), 2005).

16.36.150 Credit for private open space.

No credit ~~shall~~will be given for private open space in a subdivision except as follows:

- A. Whenever any subdivision is to be developed as a condominium project, stock cooperative, or community apartment project, and private open space for park and recreation purposes is provided in the proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, partial credit, not to exceed fifty percent, may be applied against the requirement of land dedication or payment of fees in lieu thereof at the discretion of the city council if, upon the recommendation of the planning commission, the city council finds that it is in the public interest to do so and that all of the following standards are met:
 1. That yards, court areas, setbacks, and other open areas required to be maintained by the city's zoning ordinances or building code ~~shall~~must not be included in the computation of such private open space;
 2. That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions;
 3. That the use of the private open space is restricted for park and recreational purposes by recorded covenant, ~~which~~that runs with the land in favor of the future owners of property and ~~which~~that cannot be defeated or eliminated without the consent of the city or its successor;
 4. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location; and
 5. That facilities proposed for the open space are in substantial accordance with the ~~general plan~~General Plan.

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- B. Before credit is given, the planning commission ~~shall~~must make written findings that the above standards are met.

(Ord. 139-05 § 2(part), 2005).

16.36.160 Credit for park improvements.

If the developer provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon ~~shall~~must be a credit against the payment of fees or dedication of land required by this chapter.

(Ord. 139-05 § 2(part), 2005).

Chapter 16.38 MERGER OF SUBSTANDARD LOTS

Sections:

16.38.010 Standards to merge lots.

Two or more contiguous parcels or units of land may be merged by the city council when held by the same owner if all of the following requirements are satisfied:

- A. At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially cited on a contiguous parcel or unit.
- B. With respect to any affected parcel, one or more of the following conditions exist:
 - 1. Comprises less than five thousand square feet in area at the time of the determination of merger;
 - 2. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
 - 3. Does not meet current standards for sewage disposal and domestic water supply;
 - 4. Does not meet slope stability standards;
 - 5. Has no legal access ~~which~~that is adequate for vehicular safety equipment access and maneuverability;
 - 6. Its development would create health or safety hazards;
 - 7. Is inconsistent with the applicable ~~general plan~~General Plan and any applicable specific plan, other than minimum lot size or density standards.

(Ord. 66-91 § 2(part), 1991).

16.38.020 Procedures.

The procedure for a merger of substandard lots pursuant to this chapter ~~shall be~~ is as set forth in Government Code Sections 66451.10 through 66451.21. Any hearing or determination required pursuant to these procedures ~~shall~~ must be made by the city council.

(Ord. 66-91 § 2(part), 1991).

Chapter 16.40 PLANS AND SPECIFICATIONS

Sections:

16.40.010 Filing.

- A. Plans and specifications, including profiles where required by the city engineer, of all improvements required under the provisions of this Title, as well as other improvements proposed to be installed and constructed by the subdivider in, over, or under any street or right-of-way, easement, lot or parcel of land where improvements are required or proposed, must, along with an estimated plan check and inspection fee, be filed with the city engineer. The City is not obligated to accept public improvements shown on any such plan or specification constructed before the plans and specifications therefor have been approved by the city engineer.
- B. If all detailed plans and specifications for improvements are not filed with the city engineer at the time of filing the parcel map, certificate of compliance, or final map, there must be included in the completion agreement a promise to file same within a specified reasonable time thereafter, and the faithful performance bond must include a guarantee that the remaining plans and specifications will be prepared in accordance with the requirements of the city engineer and filed with him.
- C. In all cases where topography controls the design, all detailed plans, specifications, and profiles of improvements required must be submitted at the time of the filing of the parcel map, certificate of compliance, or final map.

Chapter 16.42 RECORD DRAWINGS

Sections:

16.42.010 Filing.

Prior to the time of filing of the notice of completion and acceptance of improvements within any subdivision, the subdivider must file with the city engineer the record drawings approved and signed by an Engineer or surveyor in both printed and electronic format as directed by the city engineer. Record sewer drawings must show the location of all wye branches or house laterals.

Chapter 16.44 SURVEY REQUIREMENTS—MONUMENTS

Sections:

16.44.010 Setting Monuments.

- A. At the time of making the survey for the final map or parcel map, the Engineer or surveyor must set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another Engineer or surveyor may readily retrace the survey.
- B. Such Engineer or surveyor must set monuments as follows:
1. Set City standard monuments and encasements at all intersections of street centerlines, beginning and ending of all curves on streets within the subdivision and at the intersection of the centerline of the streets and the subdivision boundary. On all curved streets, a sufficient number of monuments must be set so that connecting chords must be wholly within the street roadway between curbing. The Engineer or surveyor must measure the vertical elevation based upon data approved by the city engineer, data for each City standard monument set and must provide a record of this data to the city engineer.
 2. Set two-inch iron pipe 24 inches long, filled with concrete and properly tagged, or with a two-inch by two-inch by twelve-inch redwood stake driven into the center and properly tagged or equal as approved by the city engineer, at all angle points and beginning and ending of all curves on the exterior boundary of the subdivision. All boundary monuments must be in place prior to recordation of the map. The city engineer may, by a field survey, satisfy himself that all monuments actually exist and that their positions are correctly drawn. Depth of boundary monuments must be not less than six inches or more than 30 inches.
 3. Set two-inch by two-inch by twelve-inch redwood stakes with tag, iron rod with cap or iron pipe with cap and properly tagged at all angle points and beginning and ending of all curves on the boundary of each lot, which angle point is not covered in subsection 1 or 2 above. For front lot corners, reference points, consisting of "penny" tags epoxied in place together with chisel marks on the top of curbs, may be substituted for the required redwood stake, iron rod or iron pipe. For rear lot corners of double-frontage lots, reference points, consisting of concrete nails and tags mounted on the rear masonry wall, on the lot side, at a visible elevation, may be substituted for the required redwood stake, iron rod or iron pipe.
 4. When any of the above-described boundary points fall in a concrete sidewalk, curb, wall, coping, etc., such points must be marked with a concrete nail and tag.
 5. All monuments in subsection 1 and 2 above must be so set as to ensure an unobstructed sight between adjacent monuments, whenever feasible, and in no case can the distance between monuments exceed 2,700 feet, unless prior approval is obtained from the city engineer.
 6. All monuments must be permanently marked with the license number of the Engineer or surveyor setting it, preceded by the letters "R.C.E." or "L.S." respectively, as the case may be.

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7. The character, type and position of all monuments and encasements must be noted on the final map. If a monument is replaced, indicate type and condition of monument found and the date of replacement.
 8. A traverse of the boundaries of the map and of all the lots and blocks must close within a limit of error not in excess of one foot in 20,000 feet.
 9. All distances must be expressed on the map to the nearest hundredth of a foot.
 10. Any monuments or stakes disturbed by the improvements must be reset. Where no streets are to be improved, the subdivider must post a faithful performance bond to guarantee the setting of all the above stakes and monuments.

Chapter 16.46 DEDICATIONS

Sections:

16.46.010 Requirements.

As a condition of approval of a tentative map, the subdivider must dedicate or make an irrevocable offer of dedication of all land within the subdivision that is needed for public streets, alleys, including access rights and abutter's rights, drainage, drainage basins, public utility easements and other public easements.

16.46.020 Waiver of direct street access.

The advisory agency may impose a requirement that any dedication or offer of dedication of a street or approval of a map abutting a previously dedicated street must include a waiver of direct access rights to such street from any property shown on a final map or parcel map as abutting thereon. If such dedication is accepted, or if no dedication is otherwise required, such waiver will become effective in accordance with its provisions. Such provisions must specify that a portion of the street as to which access is waived may, at the request of the property owner, be revised or relocated to another portion or portions of the same street frontage or of any adjoining street as to which direct access has been waived by recording a certificate therefor signed by the property owner and the city engineer.

16.46.030 On final maps.

- A. Dedications of or offers to dedicate interests in real property for specified public purposes must be made by a certificate on the final map, signed and acknowledged by those parties having any record title interest in the real property being subdivided, subject to the provisions of Section 66436 of the Subdivision Map Act.
- B. In the event any street shown on such map is not offered for dedication the certificate must contain a statement to this effect. If such statement appears on the map and if the map is approved by the city council, the use of any such street or streets by the public will be permissive only.
- C. An offer of dedication of real property for street or public utility easement purposes will be deemed not to include any public utility facilities located on or under such real property, unless and only to the extent and intent to dedicate such facilities is expressly stated in the certificate.

16.46.040 For subdivisions not requiring a final map.

- A. If dedications or offers of dedication are required by the advisory agency for subdivisions requiring a parcel map, they may be made either by a certificate on the parcel map, or by separate instrument to be recorded concurrently with, or prior to, the parcel map being filed for record.
- B. Such dedication or offers of dedication must be signed by the same parties and in the same manner as set forth in Section 66439 of the Subdivision Map Act for dedications by a final tract map.
- C. An offer of dedication must be in such terms as to be binding on the owner, his heirs or successors in interest and must continue until abandoned as specified in Section 66477.2 of the Subdivision Map Act.