

# ARTICLE 6

## Subdivisions

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## **CHAPTER 17.60 - APPLICABILITY AND ADMINISTRATION OF SUBDIVISION REGULATIONS**

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### **Sections:**

- 17.60.010 - Purpose of Article
- 17.60.020 - Authority
- 17.60.030 - Applicability
- 17.60.040 - Responsibility for Administration
- 17.60.050 - Advisory Agency
- 17.60.060 - Authority for Subdivision Decisions

### **17.60.010 - Purpose of Article**

The provisions of this Article constitute the City of Lodi Subdivision Regulations. These provisions are intended to supplement, implement, and work with the Subdivision Map Act, Sections 66410 et seq. of the California Government Code (hereafter referred to as the "Map Act"). This Article is not intended to replace the Map Act, and must be used in conjunction with the Map Act in the preparation of subdivision applications, and the review, approval, and improvement of proposed subdivisions.

### **17.60.020 - Authority**

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

### **17.60.030 - Applicability**

- A. Subdivision approval required.** All subdivisions within the City shall be authorized through a map or other approval in compliance with Chapter 17.62 (Subdivision Map Approval Requirements), and all other applicable provisions of this Article.
- B. Conflicts with Map Act.** In the event of any conflicts between the provisions of this Chapter and the Map Act, the Map Act shall control.
- C. Compliance with other regulations required.** The approval or conditional approval of a subdivision map shall not authorize or be deemed to authorize an exception or deviation from any zoning regulation in this Title, or as an approval to proceed with any development in violation of other applicable provisions of the Municipal Code or other applicable ordinances or regulations of the City.

**17.60.040 - Responsibility for Administration**

The Community Development Director and Public Works Director are authorized and directed to administer and enforce the provisions of this Article and applicable provisions of the Map Act for subdivisions within the City, except as otherwise provided by this Article.

**17.60.050 - Advisory Agency**

- A. Advisory agency established.** The advisory agency for subdivision review shall be the Planning Commission.
- B. Authority and duties.** The advisory agency shall perform the following duties, and as further detailed in Section 17.60.060 (Authority for Subdivision Decisions).
  - 1. Approve, conditionally approve, or disapprove all Tentative Maps;
  - 2. Recommend modifications of the requirements of this Article;
  - 3. Review and make recommendations concerning proposed subdivisions in adjacent cities, and in the unincorporated areas of San Joaquin County in compliance with the Map Act when the advisory agency has elected to do so;
  - 4. Perform additional duties and exercise additional authorities as prescribed by law and by this Article.

**17.60.060 - Authority for Subdivision Decisions**

Table 6-1 (Authority for Subdivision Decisions) identifies the City official or authority responsible for reviewing and making decisions on each type of subdivision application and other decision required by this Article.

**TABLE 6-1 - AUTHORITY FOR SUBDIVISION DECISIONS**

| Type of Subdivision Application or Decision | Role of Review Authority (1)   |                       |              |          |
|---|--------------------------------|-----------------------|--------------|----------|
|   | Community Development Director | Public Works Director | Commission   | Council  |
| Certificate of Compliance                   | Decision                       | Recommend             |              |          |
| Final Map                                   | Recommend                      | Recommend             |              | Decision |
| Final Parcel Map                            |                                | Decision              |              |          |
| Lot Line Adjustment                         | Decision                       | Recommend             | Decision (2) | Appeal   |
| Merger                                      | Decision                       | Recommend             | Decision (2) | Appeal   |
| Tentative Parcel Map                        |                                |                       |              |          |
| Tentative Map                               | Recommend                      | Recommend             | Decision     | Appeal   |
| Tentative Map Time Extension                | Recommend                      | Recommend             | Decision     | Appeal   |

**Notes:**

- (1) "Recommend means that the review authority makes a recommendation on the approval or disapproval of the request to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.84 (Appeals)
- (2) The Community Development Director may refer the matter to the Commission for review and decision.



## **CHAPTER 17.62 - SUBDIVISION MAP APPROVAL REQUIREMENTS**

### **Sections:**

- 17.62.010 - Purpose of Chapter
- 17.62.020 - Type of Subdivision Approval Required
- 17.62.030 - Applications Deemed Approved
- 17.62.040 - Exceptions to Subdivision Standards

### **17.62.010 - Purpose of Chapter**

This Chapter determines when City approval of a Tentative Map, Parcel or Final Map is required. In general, the procedure for subdivision first requires the approval of a Tentative Map, and then the approval of a Parcel Map (for four or fewer parcels) or a Final Map (for five or more parcels) to complete the subdivision process. The Tentative Map review process is used to evaluate the compliance of the proposed subdivision with the adopted City standards, and the appropriateness of the proposed subdivision design. Parcel and Final Maps are precise engineering documents that detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

### **17.62.020 - Type of Subdivision Approval Required**

Any subdivision of an existing parcel into two or more parcels shall require approval by the City in compliance with the provisions of this Article.

- A. Tentative Map requirements.** Any subdivision or resubdivision of land within the City shall require the filing and approval of a Tentative Map in compliance with Map Act Section 66426, except as otherwise provided by the Map Act.
- B. Parcel and Final Map requirements.** A Parcel or Final Map shall be required as follows.
  - 1. Parcel Map.** A Parcel Map shall be prepared and filed in compliance with Chapter 17.68 for a subdivision creating four or fewer parcels when required by the Map Act, except where Map Act Section 66426 exempts a subdivision from this requirement.
  - 2. Final Map.** The filing and approval of a Final Map (Chapter 17.68) shall be required for a subdivision of five or more parcels.

### **17.62.030 - Applications Deemed Approved**

Any subdivision application deemed approved in compliance with Government Code Section 65956 or Map Act Article 2, Chapter 3 (Government Code Sections 66452 et seq.), shall be subject to all applicable provisions of this Article which shall be satisfied by the subdivider before any Building Permits or land use permits are issued. Parcel or Final Maps filed for record after their Tentative Map is deemed approved shall remain subject to all the mandatory requirements of this Article and the Map Act, including Map Act Sections 66473, 66473.5 and 66474.

**17.62.040 - Exceptions to Subdivision Standards**

An exception to any of the provisions of this Article may be requested by a subdivider in compliance with this Section. An exception shall not be used to waive or modify provisions of the Map Act, or any provision of this Article that is duplicated or paraphrased from the Map Act.

- A. Application.** An application for an exception shall be submitted on forms provided by the Department together with the required filing fee. The application shall include a description of each standard and requirement for which an exception is requested, together with the reasons why the subdivider believes the exception is justified.
- B. Filing and processing.** A request for an exception may be filed with the Tentative Map application to which it applies, or after approval of the Tentative Map. An exception shall be processed and acted upon in the same manner as the Tentative Map, concurrently with the Tentative Map if the exception request was filed at the same time. The approval of an exception shall not constitute approval of the Tentative Map and shall not extend the time limits for the expiration of the map established by Section 17.66.130 (Tentative Map Time Limits).
- C. Approval of exception.** The Planning Commission shall have the authority to approve or deny exception requests in compliance with this Section. The Commission shall not grant an exception unless all the following findings are first made:
1. There are exceptional or extraordinary circumstances or conditions applicable to the proposed subdivision, including size, shape, topography, location, or surroundings;
  2. The exceptional or extraordinary circumstances or conditions are not due to any action of the subdivider subsequent to the enactment of this Article;
  3. The exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and zoning district and denied to the proposed subdivision;
  4. Granting the exception will not be materially detrimental to the public welfare nor injurious to the property or improvements in the vicinity and zoning district in which the property is located; and
  5. The exception will not affect the consistency of the proposed subdivision with the General Plan or any applicable Specific Plan.
- D. Conditions of approval.** In granting an exception, the Commission shall secure substantially the same objectives of the regulations for which the exception is requested and shall impose whatever conditions it deems necessary to protect the public health, safety, general welfare and convenience, and to mitigate any environmental impacts in compliance with CEQA.

## **CHAPTER 17.64 - SUBDIVISION DESIGN AND IMPROVEMENT REQUIREMENTS**

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### **Sections:**

- 17.64.010 - Purpose of Chapter
- 17.64.020 - Applicability of Design and Improvement Standards
- 17.64.030 - Access, Circulation, Streets
- 17.64.040 - Energy Conservation
- 17.64.050 - Fire Hydrants
- 17.64.060 - Grading
- 17.64.070 - Erosion and Sediment Control
- 17.64.080 - Landscaping
- 17.64.090 - Monuments
- 17.64.100 - Parcel and Block Design
- 17.64.110 - Public Utilities and Utility Easements
- 17.64.120 - Residential Density
- 17.64.130 - Sewers
- 17.64.140 - Storm Drains
- 17.64.150 - Street Lighting

### **17.64.010 - Purpose of Chapter**

This Chapter establishes standards for the design and layout of subdivisions, and the design, construction or installation of public improvements within subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan and any applicable Specific Plan.

### **17.64.020 - Applicability of Design and Improvement Standards**

The requirements of this Chapter apply to subdivisions, and applicable requirements of this Article, as follows:

- A. Extent of required improvements.** All subdivisions shall provide the improvements required by this Chapter, and any additional improvements required by conditions of approval.
- B. Applicable design standards, timing of installation.** The subdivider shall construct all on and off-site improvements according to standards approved by the Public Works Director. No Final Map shall be presented to the Council or Parcel Map to the Public Works Director for approval until the subdivider either completes the required improvements, or enters into an agreement with the City for the work.
- C. Subdivision improvement standards - Conditions of approval.** The applicable subdivision improvement and dedication requirements of this Chapter and any other improvements and dedications required by the review authority in compliance with Section 17.66.070 (Tentative Map Approval or Disapproval), shall be described in

## Subdivision Design and Improvement Requirements

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conditions of approval adopted for each approved Tentative Map (Section 17.66.080). The design, construction or installation of all subdivision improvements shall comply with the requirements of the Public Works Director.

- D. Conflicting provisions.** In the event of any conflict between the provisions of this Chapter and other provisions of this Ordinance, or other provisions of the Municipal Code, the most restrictive provisions shall control. In the event of any conflict between the provisions of this Chapter and the Map Act, the Map Act shall control.
- E. Extent of improvements required - Four or fewer parcels.** Improvements required for subdivision of four or fewer parcels shall be limited to those allowed by Map Act Section 66411.1.
- F. Oversizing of improvements.** The oversizing of the improvements required to be installed by the subdivider for the benefit of the subdivision may be required in compliance with the Map Act.
- G. City construction.** The City may install or construct certain improvements, such as street signs, water tie-ins, water and sewer taps, etc., which shall be at the expense of the subdivider as shown in the improvement agreement.
- H. Exceptions.** Exceptions to the provisions of this Chapter may be requested and considered in compliance with Section 17.62.040 (Exceptions to Subdivision Standards).

**17.64.030 - Access, Circulation, Streets**

Proposed subdivisions shall be designed to provide adequate access from each new parcel to a City street, in compliance with this Section.

**A. General access and circulation requirements.** The subdivider shall provide a comprehensive circulation system, designed and constructed in compliance with this Section the City's public improvement design standards and construction specifications, and with the Circulation Element of the General Plan.

1. Public streets shall be required when:
  - a. The street is shown as an arterial or collector in the Circulation Element of the General Plan, or any specific plan;
  - b. The street will be used by the general public as a through access route; or
  - c. A public street is necessary for special needs including but not limited to bus routes, public service access, bicycle routes and pedestrian access.
2. Private streets are allowed only in compliance with Subsection F., following.

**B. Alternative standards.** The review authority may consider and approve proposed access and street design solutions that differ from the provisions of this Section, and the City's improvement standards where deemed necessary to properly address the characteristics of adjacent land uses and/ or anticipated traffic volumes, or to maintain neighborhood character. The use of alternative standards shall be authorized through the exception procedure in Section 17.62.040.

**C. Access to subdivision.** Every subdivision shall be designed to have access to a City street. Access shall be provided by:

1. The subdivision abutting a City street, where the length of the subdivision along the street, the street right-of-way, and the width of the right-of-way will accommodate the construction of all road improvements required by this Section; or
2. The subdivision being connected to a City street by a non-exclusive right-of-way easement for street, utility, and appurtenant drainage facilities purposes, where the easement shall be:
  - a. Offered for dedication;
  - b. Unencumbered by any senior rights that might serve to restrict its proposed use; and

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- c. Of a width and location to accommodate the construction of all improvements required by this Section and the City's public improvement design standards and construction specifications.

**D. Access to new parcels.** Parcels within a proposed subdivision shall be provided access as follows.

- 1. **City street access required.** Each parcel within a proposed subdivision shall be provided access by being located on an existing City street or a new City street designed and improved in compliance with Subsection C., or to a private street if allowed by Subsection F.
- 2. **Frontage roads.** When lots are proposed to front on a major arterial or State highway, the review authority may require the subdivider to dedicate and improve a service or frontage road separate from the arterial or highway.

**Waiver of direct street access.** Whenever the review authority finds a safety hazard would be created as the result of direct access, the review authority may impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to the street from any property shown on a Final Map as abutting the street, and that if the dedication is accepted, the waiver shall become effective in compliance with the provisions of the waiver of direct access. The review authority may also require waivers of access to an existing, already dedicated street that abuts the subdivision.

**E. Design and improvement of proposed streets.** New streets proposed or required within a new subdivision or adjacent to a new subdivision shall be located and designed in compliance with adopted City policies, and in compliance with the City's public improvement design standards and construction specifications.

- 1. **Access to unsubdivided property.** When a proposed subdivision abuts vacant land that is designated by the General Plan for future subdivision and development, the review authority may require that streets to be constructed with the proposed subdivision be extended to the boundary of the property to provide access to the future development.
- 2. **Improvements to existing streets.**
  - a. The subdivider shall dedicate and improve all streets, including curbs, gutters, sidewalks and street pavement in accordance with adopted city policies.
  - b. If street improvements exist that do not meet existing city standards or are inadequate or a hazard to the general public, then these improvements shall be reconstructed to current city standards.
- 3. **Reimbursement for excess street width.** The subdivider or developer may be reimbursed for excess width street construction and right-of-way or for construction or permanent improvements which front adjacent property. Reimbursement shall be made in compliance with Chapter 17.76. For purposes of this Section excess width streets are defined as:

1. New streets over 68 feet in width;
2. Widening of existing street in excess of 34 on one side.

**F. Private roads.** Private roads are allowed as provided in this Section. Private roads shall not be permitted except where the Commission determines that a private street system will adequately serve the proposed subdivision, will not be a substantial detriment to adjoining properties and will not disrupt or prevent the establishment of an orderly circulation system in the vicinity of the subdivision.

- 1. Maintenance requirements.** Provisions satisfactory to the Public Works Director and City Attorney shall be made for lot owners association or other organization to assume responsibility for the maintenance of private roads and ownership of the street right-of-ways of any subdivision.
- 2. Security and conditions.** The Commission and/ or Council may require any guarantees and conditions it deems necessary to carry out the provisions of this Article pertaining to private roads. Private roads and easements providing access to parcels within a subdivision shall be located and shown on the Parcel or Final Map.

**G. Alternative circulation systems.** Proposed subdivisions shall be designed to provide rights-of-way for pedestrian paths, bikeways and multiple use trails consistent with the Circulation Element of the General Plan, and/ or other applicable General Plan provisions.

### **17.64.040 - Energy Conservation**

The design of a subdivision for which a Tentative and Final Map are required by this Article shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivisions, in compliance with Map Act Section 66473.1.

### **17.64.050 - Public Water System**

With the filing of the improvement plans for the first unit of any subdivision, the subdivider shall submit a master water plan conforming to the City's Master Water Plan for the entire area covered by the Tentative Map. The subdivider shall install fire hydrants in compliance with the requirements of the City Fire Chief. Hydrants may be required outside the limits of the subdivision for the purpose of serving the subdivision. If the subdivider is required to install water mains that may serve or benefit properties other than the proposed development, the City may enter into a reimbursement agreement with the subdivider as outlined in Chapter 17.76 (Reimbursements for Construction).

**17.64.060 - Grading**

Prior to the issuance of a building permit, a grading plan prepared and signed by a registered civil engineer shall be submitted to the Public Works Director. For subdivisions requiring a public improvement plan, a grading plan shall be provided with the improvement plan.

- A. Grading plan content.** Grading plans shall show: the elevations of the natural ground at all lot corners; the finished grade at corners; the finished pad elevation; finished floor elevations; rates and directions of all drainage swales; finished sidewalk elevations at all front lot lines; and existing topographic elevations and drainage direction a minimum of 100 feet outside the boundary of proposed project area and/ or map.
- B. Minimum slopes.** The minimum rate of grade of all drainage swales on lots shall be one-half of one percent.
- C. Pad elevation, residential.** The building pad elevation of residential lots shall be established at a minimum of 10 inches above the design sidewalk elevation at the low side of the lot. The finished floor elevation of slab floor houses shall be a minimum of 16 inches above the sidewalk elevation. The pad elevation of all residential lots shall be established at least one foot above the water surface in an adjacent storm drain channel or the ponded surface in an adjacent sump for collection of storm drain waters.
- D. Lot drainage.** No inter-lot or "cross drainage" shall be permitted. All lots shall drain their own water to the public street or public drainage facility without passing through or across an adjacent lot. No lot shall drain water over the bank of a flood control channel.
- E. Grading exceptions.** Specific exceptions to the above requirements may be authorized at the discretion of the Public Works Director. Exceptions are considered to be the case of an individual lot or at most a tier of lots and are not to be construed as extending to an entire subdivision.
- F. As-built grading plan.** Upon completion of grading operations the owner shall furnish to the Public Works Director two prints of an as-built grading plan prepared by the owner's engineer. In case no grading plan had been prepared and no grading permit had been granted, the subdivider shall furnish to the Public Works Director two prints of a map signed by the owner's engineer and certifying that no fills had been made on the lots or else two prints of a map prepared by the owner's engineer showing the location and depth of all compacted or uncompactd fills that had been made.

**17.64.070 - Erosion and Sediment Control**

New subdivisions shall be designed so that all proposed grading incorporates appropriate erosion and sediment control measures in compliance with the City's grading and water pollution control regulations.

**17.64.080 - Landscaping**

- A. Landscaping requirements.** Landscaping shall be provided as follows, and in compliance with Chapter 17.32 (Landscaping), where applicable.
- 1. Residential subdivisions.** Residential subdivisions shall be provided landscaping in the form of street trees on each proposed parcel that is not a flag lot, landscaping with irrigation facilities for any common areas or other open space areas within the subdivision, and any additional landscaping required by the review authority. Proposed street trees shall be as required by the Public Works Director, and the plantings shall comply with the City's standard specifications.
  - 2. Nonresidential subdivisions.** Nonresidential subdivisions shall be provided landscaping as required by the review authority.
- B. Plant materials, irrigation.** All proposed and/ or required trees, shrubs, ground covers, vines, turf, and other plant materials shall be of a type approved by the Community Development Director and, to the greatest extent practicable, shall be of drought-resistant and drought-tolerant types or varieties. Plant materials and irrigation systems shall comply with the requirements of Chapter 17.32 (Landscaping) of this Ordinance. The subdivider shall provide a mechanism or system for the permanent maintenance of any common area or open space landscaping.
- C. Deferral of installation.** The installation of required landscaping may be deferred until the development of the subdivided lots through the provisions of Section 17.74.040 (Improvement Agreements and Security), provided that interim erosion and sediment control measures are first installed in compliance with Section 17.64.060 above (Grading, Erosion and Sediment Control).

**17.64.090 - Monuments**

The subdivider shall install monuments in compliance with Chapter 17.78 (Surveys and Monuments), and the Map Act.

**17.64.100 - Parcel and Block Design**

The size, shape and arrangement of proposed parcels shall comply with this Section, or with any General Plan policy, applicable Specific Plan requirement, or other Municipal Code provisions applicable to a proposed subdivision.

- A. Parcel area.** The minimum area for new parcels shall be as required by Article 2 (Zoning Districts and Allowable Land Uses), except as otherwise provided by this Section.
- 1. Calculation of area.** When calculating the area of a parcel to determine compliance with this Section, Article 2, or the General Plan, the following shall be deducted from the gross area of any parcel, regardless of whether they may be used by the general public or are reserved for residents of the subdivision.
    - a. A vehicular or non-vehicular access easement through the parcel;
    - b. An easement for an open drainage course, whether a ditch, natural channel or floodway; or
    - c. The "flag pole" (access strip) of a flag lot.
  - 2. Minimum lot area requirements for common interest projects.** The minimum lot area requirements of Article II shall not apply to condominiums and condominium conversions, planned developments, townhouses, zero lot line, and similar projects, but shall apply to the creation of the original parcel or parcels that are the location of the common interest development.
- B. Dimensions.** The dimensions of new parcels shall comply with the applicable provisions of Article 2 (Zoning Districts and Allowable Land Uses), or as otherwise required by the review authority. Lots shall be measured at right angles to the street on straight street and shall be approximately radial on curved streets.
- C. Driveway standards.** Proposed parcels shall be designed to accommodate driveways designed in compliance with Section 17.34.080 (Driveways and Site Access) of this Ordinance.

**17.64.110 - Public Utilities and Utility Easements**

Each approved parcel shall be provided connections to public utilities, including electricity, gas, water, wastewater, and telecommunications services, which shall be installed as part of the subdivision improvements as provided by this Section, and by Section 17.64.130 (Sewers).

**A. Underground utilities required.** Utilities in new subdivisions shall be installed underground, as follows. These requirements do not apply to utility lines which do not serve the area being subdivided.

- 1. When undergrounding is required.** All existing and proposed utility distribution facilities (including electric, telecommunications and cable television lines) installed in and for the purpose of supplying service to any subdivision shall be installed underground. Equipment appurtenant to underground facilities, including transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts, shall also be located underground, unless otherwise approved by the review authority based on the recommendations of the Public Works Director and the Community Development Director.

The subdivider is responsible for complying with the requirements of this Section and shall make the necessary arrangements with the affected utility companies for facility installation. The review authority may waive the requirements of this Section if topographical, soil, or other site conditions make underground installation infeasible or impractical.

- 2. Location of installation.** Underground utility lines may be installed within street rights-of-way or along a lot line, subject to appropriate easements being provided if necessary. When installed within street rights-of-way, their location and method of installation, insofar as it affects other improvements within the street right-of-way, shall be subject to the approval of the Public Works Director.

**B. Overhead lines.** When overhead utility lines are approved by the review authority, easements shall be located at the rear of lots where practical, and along the side of lots where necessary.

**C. Timing of installation.** All underground utilities, water lines, sanitary sewers, and storm drains installed in streets, shall be constructed before the streets are surfaced. Connections to all underground utilities, water lines, and sanitary sewers shall be laid to sufficient lengths to avoid the need for disturbing the street improvements when service connections are made.

**17.64.120 - Residential Density**

The maximum number of dwelling units permitted within a proposed subdivision shall not exceed the density established by the General Plan for the site and the maximum number of dwelling units permitted by the applicable zoning district.

**17.64.130 - Wastewater**

With the filing of the improvement plans for the first unit of any subdivision, the subdivider shall submit a master sanitary sewer plan conforming to the City's design standards and Master Sanitary Sewer Plan for the entire area covered by the Tentative Map. If the subdivider is required to install sanitary sewers that may serve or benefit properties other than the proposed development, the City will enter into a reimbursement agreement with the subdivider as outlined in Chapter 17.76 (Reimbursements for Construction).

**17.64.140 - Storm Drains**

- A. With the filing of the improvement plans for the first unit of any subdivision, the subdivider shall submit a master storm drainage plan for the entire area covered by the tentative map. The drainage system shall be designed in compliance with City design standards and the City Master Storm Drainage Plan.
- B. All storm drains and drainage facilities not part of the City's master drainage program are the responsibility of the subdivider. The subdivider shall receive credits, as established by the Council from time-to-time by resolution, for all storm drain lines and manholes constructed by the subdivider.

**17.64.150 - Street Lighting**

The subdivider shall install electrical facilities and street lights in accordance with City policy. All plans shall be approved by the City Electric Utility Department.

## **CHAPTER 17.66 - TENTATIVE MAP FILING AND PROCESSING**

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### **Sections:**

- 17.66.010 - Purpose of Chapter
- 17.66.020 - Tentative Map Preparation, Application Contents
- 17.66.030 - Tentative Map Filing, Initial Processing
- 17.66.040 - Evaluation of Application
- 17.66.050 - Review and Decision
- 17.66.060 - Tentative Map Public Hearings
- 17.66.070 - Tentative Map Approval or Disapproval
- 17.66.080 - Conditions of Approval
- 17.66.090 - Effective Date of Tentative Map Approval
- 17.66.100 - Changes to Approved Tentative Map or Conditions
- 17.66.110 - Completion of Subdivision Process
- 17.66.120 - Vesting Tentative Maps
- 17.66.130 - Tentative Map Time Limits, Expiration, and Time Extensions

### **17.66.010 - Purpose of Chapter**

This Chapter establishes requirements for the preparation, filing, approval or disapproval of Tentative Maps, consistent with the requirements of the Map Act.

### **17.66.020 - Tentative Map Preparation, Application Contents**

Tentative Map submittal shall include the application forms, and all information and other materials prepared as required by the Community Development Department and the Public Works Director.

### **17.66.030 - Tentative Map Filing, Initial Processing**

- A. General filing and processing requirements.** Tentative Map applications shall be submitted to the Community Development Department for processing, be reviewed for completeness and accuracy, referred to affected agencies, reviewed in compliance with the California Environmental Quality Act (CEQA) where applicable, and evaluated in a staff report in compliance with Chapter 17.50 (Application Filing and Processing).

- B. Referral to affected agencies.** In addition to the procedures outlined in Chapter 17.50 (Application Filing and Processing), a Tentative Map application shall be referred to the agencies outlined in this Subsection as required by the Map Act, as well as any other City department, County, State or Federal agency, or other individual or group that the Community Development Director believes may be affected by the subdivision, or may have information useful to the City about issues raised by the proposed subdivision.
- 1. Time limits for referrals.** As required by Map Act Sections 66453 through 66455.7, referral shall occur within five days of the Tentative Map application being determined to be complete in compliance with Section 17.50.060 (Initial Application Review - Completeness Review) of this Ordinance. An agency wishing to respond to a referral shall provide the Department with its recommendations by the due date set by the Community Development Director after receiving the Tentative Map application.
  - 2. Required referrals.** The Community Development Director shall refer Tentative Map applications for review and comment to any of the following agencies that will be expected to provide service to the proposed subdivision.
    - a. City departments.
    - b. County agencies.
    - c. Other cities and local agencies.
    - d. Public utilities.
    - e. State agencies.

### **17.66.040 - Evaluation of Application**

After completion of the initial processing and the application being deemed complete in compliance with Section 17.50.060 of this Article, the Community Development Director shall:

- A. Review and evaluate each Tentative Map as to its compliance and consistency with applicable provisions of this Article, the General Plan, any applicable Specific Plan, and the Map Act;
- B. Determine the extent to which the proposed subdivision complies with the findings in Section 17.66.070 (Tentative Map Approval or Disapproval); and
- C. Prepare a staff report to the review authority in compliance with Section 17.66.060 (Tentative Map Public Hearings), describing the conclusions of the evaluations of the map, and recommending to the review authority the approval, conditional approval, or denial of the Tentative Map.

**17.66.050 - Review and Decision**

After review of a Tentative Map in compliance with Section 17.66.060, the Commission shall:

- A. Conduct a public hearing on a proposed Tentative Map in compliance with Section 17.66.060 (Tentative Map Public Hearings), and consider the recommendations of the Community Development Director, any agency comments on the map, and any public testimony; and
- B. Review and evaluate each Tentative Map as to its compliance and consistency with applicable provisions of this Article, the General Plan, any Specific Plan, and the Map Act. The review authority's evaluation shall be based on the staff report (Section 17.50.080), information provided by an initial study or environmental impact report (EIR), where applicable, and any public testimony received; and
- C. Within 30 days after the filing of the report and recommendation of the Community Development Director with the review authority, approve, conditionally approve or deny the Tentative Map.

Approval or conditional approval of a Tentative Map shall be granted only after the Commission has first made all findings required by Section 17.66.070 (Tentative Map Approval or Disapproval). The Commission may impose conditions of approval in compliance with Section 17.66.080 (Conditions of Approval).

**17.66.060 - Tentative Map Public Hearings**

When a public hearing is required by this Article for a Tentative Map, the hearing shall be scheduled and conducted in compliance with this Section, with public notice being provided in compliance with Chapter 17.88 (Public Hearings) of this Article.

- A. **Scheduling of hearing, action.** After a Tentative Map application has been deemed complete, a public hearing on the Tentative Map shall be scheduled, and action shall be taken, within the time limit specified by Map Act Section 66452.1.
- B. **Distribution of staff report.** The staff report on the Tentative Map shall be mailed to the subdivider (and each tenant of the subject property, in the case of a condominium conversion) at least three days before any hearing or action on the Tentative Map by the Commission.

**17.66.070 - Tentative Map Approval or Disapproval**

In order to approve a Tentative Map and conditions of approval, or to disapprove a Tentative Map, the Commission shall first make the findings required by this Section. In determining whether to approve a Tentative Map, the City shall apply only those ordinances, policies, and standards in effect at the date the Department determined that the application was complete in compliance with Section 17.66.030 (Tentative Map Filing, Initial Processing), except where the City has initiated changes to the General Plan, an applicable specific plan, or these Zoning & Subdivision Ordinance Regulations, and provided public notice as required by Map Act Section 66474.2.

- A. Required findings for approval.** The Commission may approve a Tentative Map only when it shall first find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable Specific Plan, and that none of the findings for denial in Subsection C. can be made. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Map Act Section 66424.6.
- B. Supplemental findings.** The Commission shall make the following findings, when they are applicable to the specific subdivision proposal.
- 1. Construction of improvements.** It is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of road improvements within a specified time after recordation of the Parcel Map, where road improvements are required.
  - 2. Condominiums.** Any applicable findings required by the Map Act for condominium conversions.
  - 3. Dedications or exactions.** Any applicable findings required by Section 17.72.030 (Findings Required for Dedications or Exactions), if dedications or exactions are required.
  - 4. Waiver of Parcel Map.** The findings required by Section 17.68.030 (Waiver of Parcel Map), if waiver of a Parcel Map has been requested with the Tentative Map application.
- C. Findings requiring denial.** A Tentative Map shall be denied if the Commission makes any of the following findings:
1. The proposed subdivision including design and improvements is not consistent with the General Plan or any applicable Specific Plan;
  2. The site is not physically suitable for the type or proposed density of development;
  3. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or injure fish or wildlife or their habitat;
  4. The design of the subdivision or type of improvements is likely to cause serious public health or safety problems;

5. 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. This finding may not be made if the Commission finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgement of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision;
6. The discharge of wastewater from the proposed subdivision into the community wastewater system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;
7. Information available to the City indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the Public Works Director or the Commission that the conditions can be corrected in the plan for the development; or
8. The proposed subdivision is not consistent with all applicable provisions of this Title, any other applicable provision of the Municipal Code, and the Subdivision Map Act.

**17.66.080 - Conditions of Approval**

Along with the approval of a Tentative Map, the adoption of conditions of approval shall occur in compliance with this Section, provided that all conditions shall be consistent with the requirements of the Map Act.

- A. Mandatory conditions.** The Commission shall adopt conditions of approval that will:
1. Require that parcels, easements or rights-of-way be provided for streets, water supply and distribution systems, wastewater facilities, solid waste disposal, and public utilities providing electric, gas and communications services, as may be required to properly serve the subdivision; and
  2. Mitigate or eliminate environmental problems identified through the environmental review process, except where a Statement of Overriding Considerations has been adopted in compliance with CEQA; and
  3. Carry out the specific requirements of this article and
  4. Secure compliance with the requirements of this Article and the General Plan; and
  5. Require that any designated remainder parcels not be subsequently sold or further subdivided unless a certificate or conditional certificate of compliance (Chapter 17.70) is obtained in compliance with this Article; and
  6. Require the dedication of additional land for bicycle paths, local transit facilities, (including bus turnouts, benches, shelters, etc.), sunlight easements, and school sites, in compliance with Map Act Chapter 4, Article 3, where required by the General Plan;

**B. Optional conditions.** The Commission may also require as conditions of approval:

1. The waiver of direct access rights to any existing or proposed streets;
2. The reservation of sites for public facilities, including schools, and fire stations, libraries, parks, and other public uses in compliance with Map Act Chapter 4, Article 4;
3. Time limits or phasing schedules for the completion of conditions of approval, when deemed appropriate; or
4. Any other conditions deemed necessary by the review authority to achieve compatibility between the proposed subdivision, its immediate surroundings, and the community, or to achieve consistency with City ordinances or state law.

### **17.66.090 - Effective Date of Tentative Map Approval**

The approval of a Tentative Map shall become effective for the purposes of filing a Parcel or Final Map, including compliance with conditions of approval, immediately after the adoption of the resolution of decision by the Commission.

**17.66.100 - Changes to Approved Tentative Map or Conditions**

A subdivider may request changes to an approved Tentative Map or its conditions of approval before recordation of a Parcel or Final Map in compliance with this Section. Changes to a Parcel or Final Map after recordation are subject to Section 17.68.120 (Amendments to Recorded Maps).

- A. Limitation on allowed changes.** Changes to a Tentative Map may be granted at the discretion of the Director in compliance with this Section and include major adjustments to the location of proposed lot lines and improvements, and reductions in the number of approved lots (but no increase in the number of approved lots), and any changes to the conditions of approval, consistent with the findings required by Subsection D. of this Section. Other changes shall require the filing and processing of a new Tentative Map.
- B. Application for changes.** The subdivider shall file an application and filing fee with the Department, using the forms furnished by the Department, together with the following additional information:
1. A statement identifying the Tentative Map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and
  2. Any additional information deemed appropriate by the Department.
- C. Processing.** Proposed changes to a Tentative Map or conditions of approval shall be processed in the same manner as the original Tentative Map, except as otherwise provided by this Section.
- D. Findings for approval.** The Commission shall not modify the approved Tentative Map or conditions of approval unless it shall first find that the change is necessary because of one or more of the following circumstances, and that all of the applicable findings for approval required by Sections 17.66.070.A and B. can still be made:
1. There was a material mistake of fact in the deliberations leading to the original approval;
  2. There has been a change of circumstances related to the original approval; and
  3. A serious and unforeseen hardship has occurred, not due to any action of the applicant subsequent to the enactment of this Article.
- E. Effect of changes on time limits.** Approved changes to a Tentative Map or conditions of approval shall not be considered as approval of a new Tentative Map, and shall not extend the time limits provided by Section 17.66.130 (Tentative Map Time Limits).

**17.66.110 - Completion of Subdivision Process**

- A. Compliance with conditions, improvement plans.** After approval of a Tentative Map pursuant to this Chapter, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and the expiration of the map and, where applicable, shall prepare, file and receive approval of improvement plans in compliance with Chapter 17.74 (Improvement Plans and Agreements), before constructing any required improvements.
- B. Parcel or Final Map preparation, filing and recordation.**
1. A Parcel Map for a subdivision of four or fewer parcels shall be prepared, filed, processed and recorded in compliance with Chapter 17.68 (Parcel Maps and Final Maps), to complete the subdivision, unless a Parcel Map has been waived in compliance with Section 17.68.030 (Waiver of Parcel Map).
  2. A Final Map for a subdivision of five or more parcels shall be prepared, filed, processed and recorded as set forth in Chapter 17.68 (Parcel Maps and Final Maps), to complete the subdivision.

**17.66.120 - Vesting Tentative Maps**

This Section establishes procedures to implement the Vesting Tentative Map requirements of state law, Sections 66498.1 et seq. of the Map Act.

- A. Applicability.** Whenever this Article requires that a Tentative Map be filed, a Vesting Tentative Map may instead be filed, provided that the Vesting Tentative Map is prepared, filed and processed in compliance with this Section. A Vesting Tentative Map may be filed for residential, commercial or industrial developments.
- B. Procedures for processing a Vesting Tentative Map.** A Vesting Tentative Map shall be filed in the same form, have the same contents and accompanying data and reports and, shall be processed in the same manner as set forth by this Chapter as a Tentative Map, except as follows.
1. **Application content.** In addition to the information required by Section 17.66.020 (Tentative Map Preparation, Application, Contents), a Vesting Tentative Map shall include accurately drawn, preliminary plot plans for all buildings and other structures to be constructed on the property after subdivision.
  2. **Findings for approval.** The approval of a Vesting Tentative Map shall not be granted unless the Commission first determines that the intended development of the subdivision is consistent with the zoning regulations applicable to the property at the time of filing, in addition to all other findings required for Tentative Map approval by Section 17.66.070 (Tentative Map Approval or Disapproval).
- C. Expiration of Vesting Tentative Map.** An approved Vesting Tentative Map shall be subject to the same time limits for expiration as are established for Tentative Maps by Sections 17.66.130 et seq. (Tentative Map Time Limits).

- D. Changes to approved map or conditions.** The subdivider may apply for an amendment to the Vesting Tentative Map or conditions of approval at any time before the expiration of the Vesting Tentative Map. An amendment request shall be considered and processed through the same procedures as a new application, in compliance with this Section and pursuant to the provisions of the Subdivision Map Act Section 66498.2.
- E. Development rights vested.** The approval of a Vesting Tentative Map shall confer the rights specified by Map Act Section 66498.1 et seq.
- F. Duration of vested rights.** The development rights vested by this Section shall be subject to the time limits specified in Map Act Section 66498.5.

**17.66.130 - Tentative Map Time Limits, Expiration, and Time Extensions**

The processing of a Tentative Map shall be completed, and an approved Tentative Map shall be subject to the time limits for expiration and procedures for extension as follows.

- A. Expiration of approved Tentative Map.** An approved Tentative Map is valid for 24 months after its effective date (Section 17.66.130), except as otherwise provided by Map Act Sections 66452.6, 66452.11, 66452.13, or 66463.5. At the end of 24 months, the approval shall expire and become void unless:
  - 1. A Parcel or Final Map has been filed with the Public Works Director in compliance with Chapter 17.68 (Parcel Maps and Final Maps); or
  - 2. An extension of time has been granted in compliance with Subsection B.

Expiration of an approved Tentative Map or vesting Tentative Map shall terminate all proceedings. The application shall not be reactivated unless a new Tentative Map application is filed.

- B. Extensions of time for a Tentative Map.** When a subdivider has not completed all Tentative Map conditions of approval and filed a Parcel or Final Map with the City within the time limits established by this Section, time extensions may be granted as follows. Extension requests shall be in writing and shall be filed with the Community Development Department on or before the date of expiration of the approval or previous extension, together with the required filing fee.
  - 1. Tentative Maps and Vesting Tentative Maps.** The Commission may grant extensions to the initial time limit up to a maximum total of three years, only after finding that:
    - a. There have been no changes to the provisions of the General Plan, any applicable Specific Plan or this Article applicable to the project since the approval of the Tentative Map;
    - b. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of this Article apply to the project; and

- c. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project.
- 2. Tentative Maps with multiple Final Maps.** Where a subdivider is required to expend more than the amount specified in Map Act Section 66452.6 and multiple Final Maps are filed covering portions of a single approved Tentative Map, each filing of a Final Map shall extend the expiration of the Tentative Map by an additional 36 months from the date of its expiration, or the date of the previously filed Final Map, whichever is later. Provided that the total of all extensions shall not extend the approval of the Tentative Map more than 10 years from its approval.

## **CHAPTER 17.68 - PARCEL MAPS AND FINAL MAPS**

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### **Sections:**

- 17.68.010 - Purpose of Chapter
- 17.68.020 - Parcel Maps
- 17.68.030 - Waiver of Parcel Map
- 17.68.040 - Parcel Map Form and Content
- 17.68.050 - Filing and Processing of Parcel Maps
- 17.68.060 - Parcel Map Approval
- 17.68.070 - Final Maps
- 17.68.080 - Final Map Form and Content
- 17.68.090 - Filing and Processing of Final Maps
- 17.68.100 - Final Map Approval
- 17.68.110 - Supplemental Information Sheets
- 17.68.120 - Amendments to Recorded Maps

### **17.68.010 - Purpose of Chapter**

This Chapter establishes requirements for the preparation, filing, approval and recordation of Parcel and Final Maps, consistent with the requirements of the Map Act.

### **17.68.020 - Parcel Maps**

As required by Sections 17.62.020 (Type of Subdivision Approval Required), and 17.66.110 (Completion of Subdivision Process), a Parcel Map shall be filed and approved to complete the subdivision process for a subdivision of four or fewer parcels, except when the requirement for a Parcel Map is waived as set forth in Section 17.68.030. A Parcel Map shall be prepared, filed and processed as set forth in Sections 17.68.040 through 17.68.060.

### **17.68.030 - Waiver of Parcel Map**

A subdivider may request waiver of a Parcel Map, and the waiver may be granted consistent with this Article, and in compliance with the Map Act.

### **17.68.040 - Parcel Map Form and Content**

A Parcel Map shall be prepared by or under the direction of a qualified, registered civil engineer or licensed land surveyor, registered or licensed by the State of California. Parcel Map submittal shall include the application forms, and all information and other materials prepared as required by the approved Tentative Map, Public Works Department, and City design standards.

**17.68.050 - Filing and Processing of Parcel Maps**

- A. Filing with the Public Works Department.** The Parcel Map, together with all data, information and materials required by Section 17.68.040 above shall be submitted to the Public Works Department. The Parcel Map shall be considered submitted when it is complete and complies with all applicable provisions of this Article and the Map Act.
  
- B. Review of Parcel Map.** The Public Works Director shall:
  - 1. Determine whether all applicable provisions of this Article and the Map Act have been complied with, that the map is technically correct, and that it is in substantial compliance with the approved Tentative Map; and
  - 2. Obtain verification from the Community Development Department that the Parcel Map conforms to the approved Tentative Map and that any conditions of approval for which that office is responsible have been completed.

If the Parcel Map does not conform as required above, the subdivider shall be notified, and given the opportunity to make necessary changes and resubmit the Parcel Map, together with all required data if the Tentative Map has not expired.

**17.68.060 - Parcel Map Approval**

After determining that a Parcel Map is technically correct in compliance with Section 17.68.040, the Public Works Director shall sign and forward the Parcel Map to the City Clerk for signing. After the signatures, the map shall be transmitted to the County Recorder for filing in compliance with Map Act Section 66450.

**17.68.070 - Final Maps**

As required by Section 17.62.020 (Type of Subdivision Approval Required), a Final Map shall be filed and approved to complete the subdivision process for a subdivision of five or more parcels. A Final Map shall be prepared, filed and processed as set forth in Sections 17.68.080 through 17.68.100, and in compliance with the City's design standards.

**17.68.080 - Final Map Form and Content**

A Final Map shall be prepared by or under the direction of a qualified registered civil engineer or licensed land surveyor, registered or licensed by the State of California. Final Map submittal shall include all information and other materials prepared as required by the Public Works Department and the City's design standards. A Final Map submittal shall also include a digital copy of the Final Map, prepared using computer software and standards specified by the Public Works Director.

**17.68.090 - Filing and Processing of Final Maps**

- A. Filing with Public Works Director.** The Final Map, together with all data, information and materials required by Section 17.68.080 above shall be submitted to the Public Works Director. The Final Map shall be considered submitted when it is complete and complies with all applicable provisions of this Article and the Map Act.
- B. Review of Final Map.** The Public Works Director shall review the Final Map and all accompanying materials, and shall:
1. Determine whether all applicable provisions of this Article and the Map Act have been complied with, that the map is technically correct, and that it is in substantial compliance with the approved Tentative Map; and
  2. Obtain verification from the Community Development Department that the Final Map conforms to the approved Tentative Map and that any conditions of approval for which that office is responsible have been completed.

If the Final Map does not conform as required above, the subdivider shall be notified, and given the opportunity to make necessary changes prior to Tentative Map expiration and resubmit the Final Map, together with all required data.

- C. Multiple Final Maps.** The subdivider may file multiple Final Maps on the approved Tentative Map if the subdivider either included a statement of intention with the Tentative Map or, if after the filing of the Tentative Map, the Community Development Director approved the request.

**17.68.100 - Final Map Approval**

After determining that the Final Map is in compliance and is technically correct in compliance with Section 17.68.080, the Public Works Director shall execute the Public Works Director's certificate on the map in compliance with Map Act Section 66442, and forward the Final Map to the Council for action, as follows.

- A. Review and approval by Council.** The Council shall approve or disapprove the Final Map at its next regular meeting after the City Clerk receives the map, or at its next regular meeting after the meeting at which it receives the map, unless that time limit is extended with the mutual consent of the Public Works Director and the subdivider.
- 1. Criteria for approval.** The Council shall approve the Final Map if it conforms to all the requirements of the Map Act, all provisions of this Article that were applicable at the time that the Tentative Map was approved, and is in substantial compliance with the approved Tentative Map.
  - 2. Waiver of errors.** The Council may approve a Final Map that fails to meet any of the requirements of this Article or the Map Act applicable at the time of approval of the Tentative Map, when the Council finds that the failure of the map is a technical or inadvertent error which, in the determination of the Council does not materially affect the validity of the map.
  - 3. Approval by inaction.** If the Council does not approve or disapprove the map within the prescribed time or any authorized extension, and the map conforms to all applicable requirements and rulings, it shall be deemed approved, and the City Clerk shall certify its approval on the map.
- B. Map with dedications.** If a dedication or offer of dedication is required on the Final Map, the Council shall accept, accept subject to improvement, or reject with or without prejudice any or all offers of dedication, at the same time as it takes action to approve the Final Map. If the City Council rejects the offer of dedication, the offer shall remain open and may be accepted by the City Council at a later date pursuant to Section 66477.2 of the Map Act. Any termination of an offer of dedication shall be processed in compliance with Section 66477.2 of the Map Act and the street vacation procedure.
- C. Map with incomplete improvements.** If improvements required by this Article, conditions of approval or by law have not been completed at the time of approval of the Final Map, the Council shall require the subdivider to enter into an agreement with the City as specified in Map Act Section 66462, and Section 17.74.040 (Improvement Agreements and Security), as a condition precedent to the approval of the Final Map.
- D. Transmittal to Recorder.** After action by the Council, and after the required signatures and seals have been affixed, the Final Map shall be transmitted to County Recorder for filing.

**17.68.110 - Supplemental Information Sheets**

In addition to the information required to be included in Parcel Maps and Final Maps (Sections 17.68.040 and 17.68.080, respectively), additional information may be required to be submitted and recorded simultaneously with a Final Map as required by this Section.

- A. Preparation and form.** The additional information required by this Section shall be presented in the form of additional map sheets, unless the Community Development Director determines that the type of information required would be more clearly and understandably presented in the form of a report or other document. The additional map sheet or sheets shall be prepared in the same manner and in substantially the same form as required for Parcel Maps by Section 17.68.040 (Parcel Map Form and Content).
- B. Content of information sheets.** Supplemental information sheets shall contain the following statements and information:
- 1. Title.** A title sheet, including the number assigned to the accompanying Parcel or Final Map by the Public Works Director, the words "Supplemental Information Sheet;"
  - 2. Explanatory statement.** A statement following the Title sheet that the supplemental information sheet is recorded along with the subject Parcel or Final Map, and that the additional information being recorded with the Parcel or Final Map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title of interest;
  - 3. Location map.** A location map, at a scale not to exceed one inch equals 2,000 feet. The map shall indicate the location of the subdivision within the City;
  - 4. Areas subject to flooding.** Identification of all lands within the subdivision subject to periodic inundation by water;
  - 5. Soils or geologic hazards reports.** When a soils report or geological hazard report has been prepared, the existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and
  - 6. Information required by conditions of approval.** Any information required by the approval body to be included on the supplemental information sheet(s) because of its importance to potential successors in interest to the property, including any other easements or dedications.

**17.68.120 - Amendments to Recorded Maps**

A recorded Parcel or Final Map shall be modified to correct errors in the recorded map or to change characteristics of the approved subdivision only as set forth in this Section.

- A. Corrections.** In the event that errors in a Parcel or Final Map are discovered after recordation, or that other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map, in compliance with Article 7, Chapter 3 of the Map Act. For the purposes of this Section, "errors" include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the Parcel or Final Map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the Public Works Director that does not affect any property right, including but not limited to lot numbers, acreage, street names, and identification of adjacent record maps. Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or showing the proper character or location of any monument that was incorrectly shown, or that has been changed.
- B. Changes to approved subdivision.** In the event that a subdivider wishes to change the characteristics of an approved subdivision, including but not limited to the number or configuration of parcels, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Section 17.74.040 (Improvement Agreements and Security), a new tentative and Parcel or Final Map shall be filed and approved as required by Section 17.62.020 (Type of Subdivision Approval Required).

## **CHAPTER 17.70 - ADDITIONAL SUBDIVISION PROCEDURES**

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### **Sections:**

- 17.70.010 - Purpose of Chapter
- 17.70.020 - Lot Line Adjustments
- 17.70.030 - Parcel Mergers
- 17.70.040 - Certificates of Compliance

### **17.70.010 - Purpose of Chapter**

This Chapter provides procedures Lot Line Adjustments, voluntary parcel mergers, and Certificates of Compliance.

### **17.70.020 - Lot Line Adjustments**

- A. Purpose.** This Section provides procedures for the preparation, filing, processing, and approval or denial of Lot Line Adjustment applications, consistent with the policies of the General Plan and the requirements of Map Act Section 66412(d).
- B. Applicability.**
1. As provided by Map Act Section 66412(d), the Lot Line Adjustment procedure is for the purpose of relocating lot lines between four or fewer existing adjacent parcels, where land taken from one parcel is added to an adjoining parcel and where no more parcels are created than originally existed. For the purposes of this Chapter, an "adjoining parcel" is one that directly touches at least one of the other parcels involved in the adjustment.
  2. Parcels combined by encumbrances or encroachments of existing structures shall be considered a single original parcel for purposes of an adjustment in compliance with this Chapter.
- C. Application and processing.** A Lot Line Adjustment application shall be prepared, filed and processed as follows.
1. **Application content.** A Lot Line Adjustment application shall include all information and other materials required by the Department, and the filing fee required by the City's Fee Resolution.
  2. **Processing.** Lot Line Adjustment applications shall be submitted to the Community Development Department and shall be processed in compliance with the procedures specified by Chapter 17.50 (Application Filing and Processing) of this Ordinance. An environmental review shall not be required, in compliance with the CEQA Guidelines.
  3. **Referral of application.** The Department shall distribute copies of the adjustment application to the Public Works Department and other departments and agencies as

is deemed advisable by the Community Development Director. Each of these entities shall submit to the Department a written report indicating its findings and recommendations.

**D. Approval or Denial of Lot Line Adjustment.** The Community Development Director shall determine whether the parcels resulting from the adjustment will comply with the applicable provisions of this Article. The Community Development Director may approve, conditionally approve, or deny the Lot Line Adjustment in compliance with this Section. The Community Development Director may also refer the matter to the Commission for review and decision.

**1. Findings requiring denial.** A proposed Lot Line Adjustment shall be denied if the Department finds any of the following:

- a. The adjustment will have the effect of creating a greater number of parcels than exist before adjustment;
- b. Any parcel resulting from the adjustment will conflict with any applicable regulations of this Ordinance; or
- c. The adjustment or any resulting parcel will conflict with the General Plan.

**2. Conditions of approval.** In approving a Lot Line Adjustment, the Department shall adopt conditions or exactions only as necessary to conform the adjustment and proposed parcels to the requirements of the General Plan, this Ordinance and Chapter 15 (Buildings and Construction) of the Municipal Code, to reduce the prepayment of rear property taxes prior to the approval of the Lot Line Adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements.

**E. Completion of Lot Line Adjustment.**

1. Upon receiving approval of a Lot Line Adjustment, the applicant shall submit for review new legal descriptions prepared, stamped and signed by a registered civil engineer, qualified to practice land surveying per Section 8731 of the Land Surveyors Act, or a licensed land surveyor, along with those items and information which may have been required by the Public Works Department or other City departments and agencies. The legal descriptions shall be approved by the Public Works Director or other designee of the Public Works Department.
2. Grant deeds containing the approved legal descriptions shall be prepared by the applicant's engineer or land surveyor and recorded with the County Recorder along with the certificate of Lot Line Adjustment issued by the Community Development Director.
3. Copies of the recorded grant deeds shall be provided by the applicant. When parcels involved are under separate owners, a combining agreement may be required.

**17.70.030 - Parcel Mergers**

- A. Merger not required.** Two or more contiguous parcels or units of land that have been subdivided under the provisions of this Article or the Map Act shall not merge by virtue of the fact that the contiguous parcels are held by the same ownership. No further proceedings under this Article shall be required for the purpose of sale, lease or financing, except as provided by this Article.
- B. Processing of requested merger.** Upon request of the legal owner of contiguous parcels, the City may approve the merger of the property in compliance with Map Act Section 66499.20 3/ 4.
- 1. Application requirements.** A request for merger shall include all information and materials required by the Department, and the filing fee required by the City's Fee Resolution. Notwithstanding other provisions of this Article, a Tentative Map or Parcel Map shall not be required for merger, unless required by the Community Development Director.
  - 2. Processing.** Merger applications shall be submitted to the Department and shall be processed in compliance with Chapter 17.50 (Application Filing and Processing).
  - 3. Referral of application.** The Community Development Department shall distribute copies of the merger application to the Public Works Department and other departments and agencies as is deemed advisable by the Community Development Director. Each of these entities shall submit to the Community Development Department a written report indicating its findings and recommendations.
  - 4. Review and decision.** The Community Development Director shall have the authority to approve, approve with conditions, or deny proposed parcel mergers, provided that the Community Development Director may refer any proposed merger to the Commission for review and decision.
  - 5. Completion of merger.** Upon receiving approval of a lot merger, the applicant shall submit for review new legal descriptions prepared, stamped and signed by a registered civil engineer, qualified to practice land surveying per Section 8731 of the Land Surveyors Act, or a licensed land surveyor, along with any other information and materials required by the Public Works Department or other City departments and agencies. The legal descriptions shall be approved by the Public Works Director or other designee of the Public Works Department. Grant deeds containing the approved legal descriptions shall be prepared by the applicant's engineer or land surveyor and recorded with the County Recorder along with a certificate of lot merger issued by the Community Development Director. Copies of the recorded grant deeds shall be provided by the applicant.

**17.70.040 - Certificates of Compliance**

- A. Purpose.** This Section provides procedures for the filing, processing, and approval or denial of Certificates of Compliance and Conditional Certificates of Compliance, consistent with the Map Act.

- B. Applicability.** A Certificate of Compliance is a recorded document acknowledging that the City considers the subject parcel to be a legal lot of record. A Conditional Certificate of Compliance is used instead of a Certificate of Compliance to validate a parcel that was not legally subdivided. Any person owning real property, or a purchaser of the property in a contract of sale of the property, may request a Certificate of Compliance.
  
- C. Application contents.** A Certificate of Compliance application shall include the form provided by the Department, the required filing fee, and a chain of title, consisting of copies of all deeds beginning before the division and thereafter, unless the parcels were created through a recorded subdivision map.
  
- D. Review and approval.**
  - 1. Public Works Director review.** The Public Works Director shall review all available information and make a determination whether the real property was divided in accordance with the Map Act, this Article, and other applicable provisions of the Municipal Code. Upon making the determination, the Public Works Director shall cause a Certificate of Compliance to be filed with the County Recorder. In the event that the Public Works Director determines that the real property does not comply with the provisions of this Article or the Map Act, the application shall instead be processed as a Conditional Certificate of Compliance (Subsection E.).
  
  - 2. Form of certificate.** The Certificate of Compliance shall identify the real property, shall state that the division complies with the provisions of the Map Act and this Article, and shall include all information required by Map Act Section 66499.35.
  
  - 3. Effective date of certificate.** A Certificate of Compliance shall not become final until the document has been recorded by the County Recorder.
  
- E. Conditional Certificates of Compliance.** A Conditional Certificate of Compliance is used to validate a parcel that was not legally divided. If the current owners are the original subdividers, conditions may be based on current standards. The preparation, filing and processing of a Conditional Certificate of Compliance application shall occur in compliance with this Section.
  - 1. Application.** An application for a Conditional Certificate of Compliance shall be prepared and include the same materials as a Certificate of Compliance.
  
  - 2. Review and approval.** Upon making a determination that the real property does not comply with the provisions of this Article or the Map Act, the Public Works Director shall grant a Conditional Certificate of Compliance, imposing conditions as provided by Subsection E.3 (Conditions of Approval).
  
  - 3. Conditions of approval.** If the owners of the property for which a certificate is requested are the original subdividers, the Public Works Director may impose any conditions that would be applicable to a current subdivision, as provided by the Map Act and this Article, regardless of when the property was divided. If the owners had no responsibility for the subdivision that created the parcel, the Public Works Director may only impose conditions that would have been applicable at the time the property was acquired by the current owners.

- 4. Appeal.** A decision to issue a Conditional Certificate of Compliance and/ or the conditions imposed by the Public Works Director may be appealed to the Commission in compliance with Chapter 17.84 (Appeals) of this Title.
- 5. Completion of process.** Following expiration of the 10-day appeal period after the determination and imposition of conditions by the Public Works Director, the Public Works Director shall file a Conditional Certificate of Compliance with the County Recorder. The certificate shall identify the property, and serve as notice to the property owner or purchaser who applied for the certificate, a grantee of the owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of the conditions shall be required before subsequent issuance of a permit or other approval for the development of the property.
- 6. Effective date of certificate.** A Conditional Certificate of Compliance shall not become effective until the document has been recorded by the County Recorder.



## **CHAPTER 17.72 - DEDICATIONS AND EXACTIONS**

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### **Sections:**

- 17.72.010 - Purpose of Chapter
- 17.72.020 - Applicability
- 17.72.030 - Findings Required for Dedications and Exactions
- 17.72.040 - School Site Dedications
- 17.72.050 - Reservations of Land for Public Facilities
- 17.72.060 - Right-of-Way Dedications

### **17.72.010 - Purpose of Chapter**

This Chapter establishes standards for subdivider dedications of land or payment of fees, in conjunction with subdivision approval.

### **17.72.020 - Applicability**

- A. Compliance required.** All proposed subdivisions shall comply with the requirements of this Chapter for dedications, reservations, or the payment of fees.
- B. Conditions of approval.** The requirements of this Chapter as they apply to a specific subdivision shall be described in conditions of approval adopted by the review authority for the Tentative Map.

### **17.72.030 - Findings Required for Dedications and Exactions**

The review authority may require any of the dedications or exactions described in this Chapter through conditions of approval of a proposed Tentative Map only after first making findings which:

- A.** Identify the purpose for the dedication or exaction; and
- B.** Demonstrate that there is a reasonable relationship between the need for the dedication or exaction and the characteristics and impacts of the subdivision from which the dedication or exaction is required.

**17.72.040 - School Site Dedications**

- A. Dedication requirement.** In compliance with Map Act Section 66478, a subdivider may be required to dedicate land as the review authority determines to be necessary for adequate elementary school facilities for the residents of the subdivision. Dedication may be required only if the subdivider and/ or successors in interest to the property:
1. Have owned the land being subdivided for less than 10 years before filing the Tentative Map; and
  2. Develop, or complete the development, of a subdivision of more than 400 dwelling units within a single school district, within a period of three years or less.
- B. Tentative Map approval.** If the Lodi school district, as applicable, responds to the referral of the Tentative Map application (Section 17.66.030) with a report to the City describing the land the district deems necessary and suitable to provide adequate elementary school service to residents of the proposed subdivision, the review authority shall require the dedication of land as a condition of approval of the Tentative Map. As required by Map Act Section 66478, the dedication requirement shall not make development of the remaining land held by the subdivider economically unfeasible, or substantially exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.
- C. Timing of dedication.** The required dedication may occur before, concurrently with, or up to 60 days after the filing of a Final Map on any portion of the subdivision. If the school district accepts the dedication, the district shall pay the subdivider the amounts required by Map Act Section 66478, and shall record the certificate required by Map Act Section 66478.
- D. Termination of dedication requirement.** The requirement of dedication shall automatically terminate unless, within 30 days after the requirement is imposed by the review authority, the school district makes a binding commitment to the subdivider agreeing to accept the dedication at any time before the construction of the first 400 dwelling units. Upon acceptance of the dedication, the school district shall repay to the subdivider and/ or successors the costs specified in Business and Professions Code Section 11525.2.
- E. Judicial review.** Any person who is aggrieved by or fails to agree to the reasonableness of any requirement imposed in compliance with this Section may bring a special proceeding in the Superior Court in compliance with Map Act Section 66499.37.
- F. Reversion of land - Repurchase.** Should the school district find itself unable to accept the dedication for reasons other than specified in the commitment with the subdivider, the dedicated land shall revert to the subdivider. If the dedication is accepted and the school district within 10 years from the date of acceptance offers the property or any substantial part thereof for public sale, the subdivider shall have the first option to repurchase the property for the price paid by the district, plus a sum equal to the amount of property taxes which would have been paid during the period of public ownership.

**17.72.050 - Reservations of Land for Public Facilities**

As a condition of approval of a Tentative Map, the City may require the subdivider to reserve sites appropriate in area and location for fire stations, libraries or other public uses, pay an in-lieu fee or both at the option of the City in compliance with this Section.

**A. Standards for reservation of land.**

- 1. Location of land.** Where a fire station, library, or other public use is shown in the General Plan or applicable Specific Plan, the subdivider may be required by the City to reserve sites as determined by the City in compliance with the standards in the applicable plan.
- 2. Configuration.** The reserved area shall be of a size and shape that will permit the balance of the property to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The land to be reserved shall be in multiples of streets and parcels that will permit an efficient division of the reserved area if it is not acquired within the period determined by Subsection B. following (Procedure for Reservation of Land).

**B. Procedure for reservation of land.** The public agency for whose benefit an area has been reserved shall at the time of approval of the Parcel or Final Map enter into a binding agreement with the subdivider to acquire the reserved area within two years after the completion and acceptance of all improvements, unless a longer time is authorized by mutual agreement.

**C. Purchase price of reserved land.** The purchase price shall be the market value of the land at the time the Tentative Map is filed, plus the property taxes against the reserved area from the date of the reservation, and any other costs incurred by the subdivider in maintaining the reserved area, including interest costs incurred on any loan covering the reserved area.

**D. Termination of reservation.** If the public agency for whose benefit an area has been reserved does not enter into a binding agreement as described in Subsection B. above (Procedure for Reservation of Land), the reservation shall automatically terminate.

**17.72.060 - Right-of-Way Dedications**

- A. Offers of dedication required.** As a condition of Tentative Map approval, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets, alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements. In addition, the subdivider shall improve or agree to improve all streets, alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements.
- B. Improvements.** The subdivider shall construct or agree to construct all improvements approved or required for the subdivision, including access rights and abutters' rights, in compliance with the City's improvement standards.
- C. Rights-of-way, generally.** Rights-of-way shall be of sufficient size to accommodate the required improvements. In addition, where parcels front on a City-maintained road of insufficient width, or when the existing right-of-way is not deeded, the subdivider shall dedicate right-of-way sufficient for the ultimate facility.
- D. Limited access designation.** Whenever the review authority finds a safety hazard would be created as the result of direct access, the review authority may impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to the street from any property shown on a Final Map as abutting the street, and that if the dedication is accepted, the waiver shall become effective in compliance with the provisions of the waiver of direct access. The review authority may also require waivers of access to an existing street already dedicated which abuts the subdivision.
- E. Transit facilities.** Dedications in fee simple or irrevocable offers of dedication of land within the subdivision may be required for local transit facilities including bus turnouts, benches, shelters, landing paths and similar items that directly benefit the residents of the subdivision if deemed necessary by the Public Works Director, and if, in compliance with Map Act Section 66475.2:
1. The subdivision as shown on the Tentative Map has the potential for 200 dwelling units or more if developed to the maximum density shown in the General Plan; and
  2. The review authority finds that transit services are or will, within a reasonable time period, be available to the subdivision.
- F. Alternative transportation systems.** Whenever the subdivision falls within an area designated for the development of bikeways, hiking or equestrian trails in the General Plan, Parks and Recreation or Bikeways Master Plans, applicable Specific Plan, or implementing legislation, the subdivider shall dedicate land as is necessary to provide for these ways.

## **CHAPTER 17.74 - IMPROVEMENT PLANS AND AGREEMENTS**

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### **Sections:**

- 17.74.010 - Purpose of Chapter
- 17.74.020 - Improvement Plans
- 17.74.030 - Installation of Improvements
- 17.74.040 - Improvement Agreements and Security
- 17.74.050 - Soils Reports

### **17.74.010 - Purpose of Chapter**

This Chapter establishes procedures and requirements for the review and approval of improvement plans, the installation of improvements, agreements and guarantees for their installation, and dedications.

### **17.74.020 - Improvement Plans**

After the approval of a Tentative Map, the subdivider shall diligently proceed to complete any improvements necessary to fulfill the conditions of approval. Improvement shall be defined as any infrastructure including streets, storm drains, sewers and the like. Before the construction of any improvements, the subdivider shall submit plans to the City as follows:

- A. Preparation and content.** Improvement plans shall be prepared by a California registered civil engineer. Improvement plan submittals shall include all items in compliance with the City's design standards and construction specifications.
- B. Submittal of plans.** Improvement plans shall be submitted to the Public Works Director for review and approval. Upon the approval of improvement plans in compliance with Subsection C. following, the subdivider shall also submit to the Public Works Director a detailed cost estimate of all improvements, based on guidelines provided by the City.
- C. Review and approval.** Improvement plans shall be reviewed and approved by the Public Works Director, within the time limits provided by Map Act Section 66456.2.
- D. Effect of approval.** The final approval of improvement plans shall generally be required before approval of a Final Map. The approval of improvement plans shall not bind the City to accept the improvements nor waive any defects in the improvements as installed.

**17.74.030 - Installation of Improvements**

Required improvements shall be constructed or otherwise installed:

- A. After the approval of improvement plans in compliance with Section 17.74.020; and
- B. Before the approval of a Parcel or Final Map in compliance with Sections 17.68.060 (Parcel Map Approval) or 17.68.100 (Final Map Approval), except where improvements are deferred in compliance with Section 17.74.040 (Improvement Agreements and Security).

**17.74.040 - Improvement Agreements and Security**

Any improvement agreement, contract or act required or authorized by the Map Act, for which security is required, shall be secured in one of the manners provided for in Section 66499 et seq. of the Subdivision Map Act.

**A. Amount of security.**

- 1. The improvement security shall be in the amount of one hundred percent of the total estimated cost of the improvements or of the act to be performed, conditioned upon the faithful performance of the act or agreement and an additional security for the security of labor and material in an amount not less than 50 percent of the total estimated cost of the improvement or the performance of the required act securing payment to the contractor, subcontractors and the persons furnishing labor and materials or equipment to them for the improvement or the performance of the required act.
- 2. If the improvement security is other than a bond or bonds furnished by duly authorized corporate surety, an additional amount shall be included as determined by the city council as necessary to cover the cost and reasonable expenses and fees, including reasonable attorneys' fees, which may be incurred by the city in successfully enforcing the obligation secured.
- 3. The improvement security shall also secure faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed ten percent of the original estimated cost of the improvement.

**B. Release of security.** The improvement security required by this Section shall be released as follows.

- 1. Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work; provided, however, that the Public Works Director may release a portion of the security in conjunction with the acceptance of the performance of the work as it progresses upon application therefor by the subdivider; provided, however, that no more than 90 percent of the value of the work and/ or materials actually furnished and installed may be released until final completion and compliance of the act or work.
- 2. Security securing the payment to the contractor, his or her subcontractors and to persons furnishing labor, materials or equipment may, after passage of the time

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within which claims of lien are required to be recorded pursuant to Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 of the Civil Code and after acceptance of the work, be reduced to an amount not less than the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the Council, and if no claims have been recorded, the security may be released in full.

3. No security given for the guarantee or warranty of work shall be released until the expiration of the period thereof.

**17.74.050 - Soils Reports**

- A. A preliminary soils report, prepared by a California-registered civil engineer and based upon adequate test borings, shall be submitted to the Public Works Director for every subdivision.
- B. A preliminary soils report may be waived by the Public Works Director provided that the Public Works Director finds that due to the knowledge the City has as to the soils qualities of the soils in the subdivision, no preliminary analysis is necessary.
- C. If the City has knowledge of, or 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 community development director. The soils investigation shall be done by a California-registered civil engineer, who shall recommend the corrective action that is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problem exists.
- D. The review authority may approve the subdivision or portion thereof where soils problems exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed; and a condition to the issuance of any Building Permit may require that the approved recommended action be incorporated in the construction of each structure.



## **CHAPTER 17.76 - REIMBURSEMENTS FOR CONSTRUCTION**

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### **Sections:**

- 17.76.010 - Findings and Purpose
- 17.76.020 - Improvements to be Reimbursed
- 17.76.030 - City Eligibility
- 17.76.040 - Application for Reimbursement
- 17.76.050 - Reimbursement Agreement
- 17.76.060 - Collection of Reimbursements
- 17.76.070 - Payment of Reimbursements

### **17.76.010 - Findings and Purpose**

The Council hereby finds and declares as follows:

- A. The construction of new streets and water, sewer and storm drains often benefits other properties. Benefits may occur through the provision of supplemental capacity (oversize lines) or installations across or opposite unserved property that would be required to make such improvements upon development or service connection.
- B. The state of California, in Government Code Sections 66485 through 66489 requires that the city either pay for or enter into an agreement to reimburse the installing party, including an amount attributable to interest for such installations. To pay the costs as required by the reimbursement agreement, the city may collect funds from the other properties which benefit from such installations.
- C. The City has adopted a development impact mitigation fee ordinance (Municipal Code Chapter 15.64) which provides for reimbursement and collection of funds under only a portion of the circumstances described in Subsection A.
- D. The purpose of Chapter 15.64 is to identify the improvements which are reimbursable under the development impact mitigation fee program and to provide a uniform reimbursement procedure for the cost of improvements which are to be reimbursed from other properties. For purposes of this Chapter, "applicant" means the owner of the property for which the improvements are being installed or are required to be installed per the Municipal Code.

### **17.76.020 - Improvements to be Reimbursed**

- A. The cost of the following improvements shall be reimbursed from the appropriate development impact mitigation fee fund. The terms of the reimbursement shall comply with Chapter 15.64.
  - 1. Oversize water mains and major crossings required per Chapter 13.08;

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2. Oversize sewers and storm drains required per Chapter 13.12;
  3. Excess width street construction and right-of-way required per Chapters 15.44 and 17.34;
  4. Any other construction identified in the city capital improvement program as a project to be funded with development impact mitigation fees.
- B. The cost of other improvements which benefit other property or would be required of that property upon development, shall be reimbursed in compliance with this Chapter.

**17.76.030 - City Eligibility**

Whenever the City constructs improvements meeting the requirements of this Chapter, the City shall be eligible for reimbursement in a like manner as other applicants.

**17.76.040 - Application for Reimbursement**

- A. Whenever an applicant constructs improvements eligible for reimbursement under this chapter, the applicant shall file a request with the Public Works Director. The request shall include:
1. A description of the improvements and the additional properties receiving the benefit, including drawings showing the items for reimbursements;
  2. Engineering calculations and data as described in the City's public improvement design standards;
  3. An itemized record of cost for the improvements; and
  4. Application fees as determined by the City's Fee Resolution.
- B. All applications for reimbursement shall be filed no later than one year after the acceptance of the improvements by the City. The City will make no effort to delay project approval or otherwise condition payment of reimbursements from other properties benefitting from the improvements prior to completion of a reimbursement agreement.

**17.76.050 - Reimbursement Agreement**

- A. Within 60 days of receipt of a completed application, the Public Works Director shall prepare a reimbursement agreement containing the following provisions:
1. The amount of reimbursable costs shall include construction costs less any applicable credits plus 10 percent for administrative and engineering costs. Applicable Public Works fees shall also be added. Costs of financing, bonds or other applicant costs shall not be included.

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2. The total reimbursable cost shall be apportioned to the benefitting properties as appropriate. Costs of transitions, utility stubs or other minor work shall not be apportioned to adjacent property.
3. The reimbursable amount shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record 20 Cities Construction Cost Index as of the end of the year. The reimbursable amount for subsequent years shall be the prior year reimbursable amount less any reimbursements made during the year, all multiplied by the percentage change in the Index over the year.
4. The agreement shall provide that the City will collect the appropriate charge from the properties identified in the agreement and reimburse the applicant or the applicant's heirs, successors or assigns, for a period of 15 years from the date of the agreement only. Reimbursement agreements to recover funds advanced by City for projects shall expire after 15 years; reimbursement charges will not be collected after that time.
5. Prior to approval of the reimbursement agreement, the Council shall conduct a public hearing. The hearing shall be conducted within 90 days of receipt of the completed application. The applicant and property owner of each parcel identified in the reimbursement agreement shall be notified of the hearing by registered mail at least 10 calendar days prior to the hearing.

B. The reimbursement agreement shall be numbered and filed by the Public Works Director.

**17.76.060 - Collection of Reimbursements**

- A. For any property on which the Council has approved a public improvement reimbursement agreement, the appropriate charge shall be collected by the city upon development. Development shall mean any of the following:
  1. Service connection to the utility covered by the reimbursement agreement;
  2. Filing of a Final Map;
  3. Filing of a Parcel Map unless the City requirement for installation of public improvements is waived or deferred; or
  4. Issuance of a Building Permit.
- B. In the event the activity described in Subsection A only occurs on a portion of the area covered by the reimbursement agreement, the reimbursement charge shall be apportioned by the Public Works Director and the appropriate charge made upon the developing portion.

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**17.76.070 - Payment of Reimbursements**

- A. Upon collection of reimbursement charges, the Public Works Director shall prepare a letter of entitlement stating the amount of the charge collected, reference the agreement number and administrative charge to be retained by the City. The letter shall be forwarded to the Finance Director for actual reimbursement.
- B. The administrative charge for collecting the charge and mailing the reimbursement shall be determined by the Council.
- C. The Finance Director shall mail the reimbursement amount to the last address of the applicant on file with the Finance Director.
- D. Any reimbursement amount returned or unclaimed after two years from the date of mailing shall be deposited in the appropriate development impact mitigation fee fund.

## **CHAPTER 17.78 - SURVEYS AND MONUMENTS**

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### **Sections:**

- 17.78.010 - Purpose of Chapter
- 17.78.020 - Survey Procedure and Practice
- 17.78.030 - Monuments
- 17.78.040 - Survey Information on Final or Parcel Map

### **17.78.010 - Purpose of Chapter**

This Chapter provides requirements for subdivision survey work and the placement of subdivision monuments.

### **17.78.020 - Survey Procedure and Practice**

The procedure and practice of all survey work done on any subdivision, whether for preparation of a Final Map or Parcel Map shall conform to the standard practices and principles of land surveying, the California Land Surveyor's Act, and the provisions of this Chapter. All related documents shall be executed by a registered civil engineer licensed to practice land surveying in California, or a California-licensed land surveyor.

- A. Traverse.** The traverse of the exterior boundaries of the subdivision computed from field measurements of the ground must close within a limit of error of one foot to 10,000 feet of perimeter before balancing the survey.
- B. Field notes.** When required by the Public Works Director, the engineer or surveyor making the survey shall prepare complete field notes, in a form satisfactory to the Public Works Director, showing references, ties, locations, elevations and other necessary data relating to monuments, set in compliance with these regulations, and shall submit the notes to the Public Works Director to be indexed and retained as a part of the permanent public record of his office.
- C. Geodetic monuments.** Whenever the Public Works Director has established a system of coordinates which is within a reasonable distance of the subdivision boundary, as determined by the Public Works Director, the field survey shall be tied into the City's monument system.

**17.78.030 - Monuments**

In surveying a subdivision, the engineer or surveyor shall set sufficient permanent monuments so that any part of the survey may be readily retraced. Survey monuments shall be set by the engineer or surveyor for all new subdivisions requiring a Parcel Map or Final Map (Division 16-122, Subdivision Map Approval Requirements), unless waived by the Public Works Director, in compliance with this Section.

**A. Boundary monuments.**

1. Boundary monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, beginnings and ends of curves and at intermediate points approximately 1,000 feet apart. The locations of inaccessible points may be established by ties and shall be so noted on the Final Map or Parcel Map.
2. All exterior boundary monuments shall be set prior to recordation of the Final Map or Parcel Map or as certified on the Final Map or Parcel Map.

**B. Interior monuments.** Whenever interior monuments are required, the monuments shall be set in compliance with the City of Lodi Public Works Department Public Improvement Design Standards, or as otherwise required by the Public Works Director.

**C. Monument type and positioning.** All monuments set in the course of the survey shall be as specified by the Public Works Director and shall be set to the depth and in the manner prescribed by the Public Works Director in the Public Improvement Design Standards.

**D. Identification marks.** All monuments shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor who signs the engineer's or surveyor's certificate and under whose supervision the survey is made.

**E. Replacement of destroyed monuments.** Any monument which is disturbed or destroyed before acceptance of all improvements by the City shall be replaced by the developer.

**F. Timing of monument installation.** The timing of the installation of a monument shall be in compliance with the Map Act (Section 66496).

**G. Notice of completion.** Within five days after all monuments have been set, the engineer or surveyor shall give written notice to the developer and the Public Works Director that the final monuments have been set. Verification of payment to the engineer or surveyor shall be filed as required by the Map Act (Article 9, Chapter 4). The cost of setting monuments shall be included in the engineer's estimate for improvements in compliance with Section 16-38.070 (Improvements (Plans, Agreements and Security). Director.

**H. Inspection and approval.** All monuments shall be subject to the inspection and approval of the Public Works Director.

**17.78.040 - Survey Information on Final or Parcel Map.**

The following survey information shall be shown on each Final Map or Parcel Map for which a field survey was made in compliance with this Article.

- A. Stakes, monuments (together with their precise position and description) or other evidence found on the ground, to determine the boundaries of the subdivision;
- B. Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers and pages of record, or by section, township and range, or other proper designation;
- C. The location and description of any required monuments to be set after recordation of the Final Map, and the statement that they are "to be set";
- D. Bearing and length of each lot line, block line and boundary line and each required bearing and distance;
- E. Length, radius, and angle of each curve and the bearing of each radial line to each lot corner on each curve;
- F. The centerlines of any street or alley in or adjoining the subdivision which have been established by the Public Works Director, together with reference to a field book or map showing the centerline and the monuments which determine its position. If determined by ties, that fact shall be so stated; and
- G. Any other survey data or information as may be required to be shown by the Public Works Director or by the provisions of this Chapter.

Surveys and Monuments

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