Title 16

SUBDIVISIONS*

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* Prior history: Prior code §§ 90.2.04, 90.4.04, 90.4.08, 90.4.12, 90.4.16, 90.4.20, 90.4.24, 90.4.28, 90.4.32, 90.4.36, 90.4.44, 100.2.04, 100.2.24, 100.4.04, 100.4.08, 100.4.12, 100.4.20, 100.4.28, 100.4.30, 100.4.32, 100.4.36, 100.4.40, 100.4.44, 100.4.48, 100.4.52, 100.4.56, 100.4.64, 100.4.68, 100.4.72, 100.4.76, 100.5.04, 100.5.08, 100.5.12 and 100.5.16 and Ords. 298, 348, 373, 375, 417, 431, 436, 516, 527, 529, 564, 608 and 618.

Chapter 16.04

GENERAL PROVISIONS

Sections:

16.04.010 Purpose.
16.04.020 City engineer designated as advisory agency.
16.04.030 Subdivision defined.
16.04.040 Control of the Subdivision Map Act.
16.04.050 NPDES best management practices.
16.04.060 Amendments to Title 16.
16.04.070 Meaning of street.

16.04.010 Purpose.

The purpose of this title is the establishment of standards for the design and improvement of private developments and the acceptance, dedication, and improvements of public lands. (Ord. 625 § 2, 2001)

16.04.020 City engineer designated as advisory agency.

The city engineer of the town is designated as the "advisory agency" as that term is used in the Subdivision Map Act (California Government Code Sections 66410 et seq.) ("Subdivision Map Act") and is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions. (Ord. 625 § 2, 2001)

16.04.030 Subdivision defined.

All changes to the size, area, and dimensions of any established lot, parcel, or acreage of land in the town, including dividing, splitting, and/or partitioning (but not including lot line adjustments, which are subject to Chapter 16.36) shall constitute a subdivision as the terms is used in this code. (Ord. 625 § 2, 2001)

16.04.040 Control of the Subdivision Map Act.

All subdivisions of land wholly or partially within the town, including, but not limited to, their design and improvement, the division of any lot into two or more lots or building sites, and the preparation of subdivision maps, shall be governed by the Subdivision Map Act, this code, all other applicable law, and the standards, specifications, regulations, and policies specified by the city engineer. (Ord. 625 § 2, 2001)

16.04.050 NPDES best management practices.

All activities undertaken pursuant to this title shall comply with the current NPDES (National Pollutant Discharge Elation System) permit under which the town operates (the terms of which permit are incorporated herein by reference) and with any amendment, revisions, or reissuance thereof. The current NPDES permit is on file in the office of the city clerk. Without limiting the generality of the foregoing, all subdividers shall follow the NPDES best management practices (as those are determined from time to time by the regional water quality control board) with respect to all work done in any subdivision. (Ord. 625 § 2, 2001)

16.04.060 Amendments to Title 16.

Any amendment made to this title shall not apply to any tentative map, final map, or any other subdivision application submitted and declared complete prior to the effective date of the amendment. (Ord. 625 § 2, 2001)

16.04.070 Meaning of street.

The word "street" is defined in Section 1.04.010 of this code. (Ord. 639 § 7, 2003: Ord. 625 § 2, 2001)

Chapter 16.08

MINIMUM LOT SIZE AND FRONTAGE

Sections:

16.08.010 Minimum lot size.
16.08.020 Minimum frontage.
16.08.030 Lot shape and width.
16.08.040 Legal nonconforming lots.

16.08.010 Minimum lot size.

The minimum net lot area for any lot in town is twenty-one thousand seven hundred eighty square feet, i.e., one-half acre, except as otherwise provided in Chapter 16.12. The net lot area means the gross lot area less the area occupied by any public street easement or private easement for driveway purposes. However, frontage and other requirements of this and other titles may increase the minimum lot size otherwise applicable to a given lot. Nothing in this chapter shall be deemed to make such other requirements inapplicable. (Ord. 625 § 2, 2001)

16.08.020 Minimum frontage.

A. Each lot shall have a minimum of one hundred fifty feet of continuous frontage on a public street except as set forth in subsections (B), (C), and (D) of this section.

B. For any lot located at the intersection of two or more public streets, the minimum continuous frontage on each public street shall be one hundred feet.

C. For any lot fronting entirely on the turnaround area of a cul-de-sac street (or the arc of a curve where one hundred fifty feet of frontage is impractical or difficult to create), the minimum continuous frontage on a public street shall be seventy-five feet if such reduced frontage is desirable to produce a satisfactory street pattern for subdivision purposes. The seventy-five feet shall not include any portion of the frontage encumbered by an easement for public or private driveway or roadway purposes for the benefit of a different property.

D. Lots meeting the minimum lot size requirements of Sections 16.08.010 and 16.12.050, but not meeting the minimum lot frontage requirements of Section 16.08.020A, may be approved by the city council if the council determines that the goals of the Housing Element of the General Plan, and specifically Housing Program 2-A1 of the Housing Element of 2002 or successor provision, would be thereby advanced. (Ord. 648 § 4 (part), 2003; Ord. 625 § 2, 2001)

16.08.030 Lot shape and width.

A. Every lot shall provide a satisfactory useable area upon which to erect a single-family dwelling in compliance with the requirements of this code.

B. The minimum width between any non-intersecting property lines of a lot shall be one hundred feet. That is, each point along a property line of a lot shall be at least one hundred feet away from each point along any other property line of the same lot; however, two property lines that meet are not required to be at least one hundred feet apart.

C. Flag lots (also known as key lots) shall not be approved. A flag lot is a lot whose buildable area is located to the rear of the lot and whose access to the abutting street is by means of a narrow corridor of land having a street frontage of less than one hundred fifty feet.

D. The side lines of lots shall run approximately at right angles to the street upon which the lot abuts. (Ord. 625 § 2, 2001)

16.08.040 Legal nonconforming lots.

A lot lawfully created in accordance with local and state law then in effect but not meeting the current requirements of this chapter shall not be required to meet them; provided, however, that if any such lot is proposed to be subdivided, the subdivision shall be required to meet the requirements of this chapter. (Ord. 625 § 2, 2001)

Chapter 16.12

HILLSIDE LOT SIZE

Sections:

16.12.010 Intent.
16.12.020 Definitions.
16.12.030 Conflict.
16.12.040 Average percent of slope.
16.12.050 Calculation of number and size of lots permitted.

16.12.010 Intent.

The intent of this chapter is to regulate land in hillside areas with an average slope of ten percent or greater in order to accomplish one or more of the following:

A. To substantially maintain essential natural features, vegetation, open space, and scenic qualities.

B. To minimize water run-off and soil erosion problems incurred in adjustment of the terrain in order to meet on-site and off-site development needs.

C. To achieve land use densities that are in keeping with the general plan.

D. To insure that the town does not incur any inordinate increase in the cost of providing or maintaining public services.

E. To encourage the use of development techniques and alternatives that will be compatible with the terrain.

F. To preserve riparian habitats by minimizing development in stream beds. (Ord. 625 § 2, 2001)

16.12.020 Definitions.

A. "Hillside land" means land having an average percent of slope equal to or exceeding ten percent, calculated pursuant to Section 16.12.040.

B. "Contour interval" means the difference in elevation between adjacent contour lines on a topographical map. (Ord. 625 § 2, 2001)

16.12.030 Conflict.

Notwithstanding any other provision of this code regarding minimum lot size, each lot on hillside land shall be no smaller than the minimum lot size determined pursuant to this chapter. (Ord. 625 § 2, 2001)

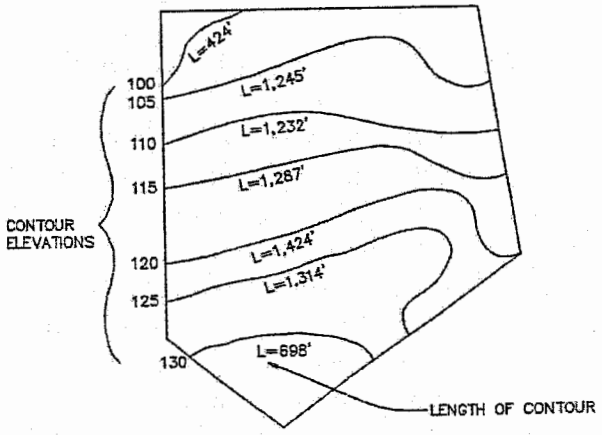
16.12.040 Average percent of slope.

A. For purposes of this title, the average percent of slope of a parcel being subdivided, or of a single lot, shall be determined by the formula:

$$S = \frac{100\,IL}{A}$$

where
S = Average percent of slope,
I = Contour interval in feet
L = Summation of existing contour length in feet
A = Area of lot (in square feet)

B. The application of this formula is as follows:



EXAMPLE TOPOGRAPHIC MAP

Percent Slope - Sample Calculations

Contour Interval (I) = 5′ (from the topographic map above)

Summation Length of Contours (L) (calculated in feet and measured from the topographic map above) = 7,624 feet

Contour Elevation	Contour Length
100	424
105	1,245
110	1,232

115	1,287
120	1,424
125	1,314
130	698
Summation length of Contours	7,624

Area (A) = 5 acres @ 43,560 sq. ft. = 217,800 sq. ft.

$$\textbf{Slope} = \frac{\textbf{100 IL}}{\textbf{A}} = \frac{\textbf{100 (5) 7,624}}{\textbf{217,800}} = \textbf{17.5\%}$$

C. A topographic map showing contours shall be prepared by a licensed land surveyor or civil engineer. The map shall indicate five foot vertical intervals at a minimum and shall be of a size adequate to allow the calculations required by this chapter to be done. (Ord. 625 § 2, 2001)

16.12.050 Calculation of number and size of lots permitted.

A. For proposed subdivisions of hillside land, the calculation of the number and size of lots shall be done in two steps: First, using the slope formula set forth in Section 16.12.040, calculate the average slope percent for the whole parcel proposed to be subdivided. Second, compare this calculated average slope percent to Column 1 of the Slope-Density Table below and determine the maximum number of lots per acre (Column 2 of the Slope-Density Table) and the minimum lot size for the subdivision (Column 3 of the Slope-Density Table). If the average slope percent falls between the numbers shown in Column 1, the numbers for all three columns shall be interpolated. For example, if the average slope percent in Column 1 is 17.5%, the density in Column 2 is 1.70 and the minimum lot size in Column 3 is .59.

Slope-Density Table

Column 1 Average Slope Percent (calculated per 16.12.040)	Column 2 Density (Lots Per Acre)	Column 3 Minimum Lot Size
Less than 10	2.00	.50
10	1.85	.54
15	1.75	.57
20	1.65	.61
25	1.50	.67
30	1.25	.80
35	1.00	1.00
40	0.75	1.33
More than 40	0.50	2.00

B. The maximum number of lots allowed for any proposed subdivision shall be calculated by multiplying the subdivision's total acreage by the density allowed by Column 2. If the resulting number of lots permitted is not a whole number, the number of lots permitted shall be rounded up to the next higher whole number if each resulting lot can individually satisfy the minimum lot size set forth in Column 3; otherwise, the number of lots permitted shall be rounded down to the next lower whole number. In other words, in all cases, the lot size for each lot in the proposed subdivision shall be no smaller than the minimum lot size allowed by Column 3.

C. The calculations required by this section are illustrated as follows:

Sample Lot Calculation

Assume a 5 acre parcel with 17.5% average slope.

This means that
Column 1 = 17.5
Column 2 = 1.70 (interpolated)
Column 3 = 0.59 (interpolated)

This means that

1.70 = density per acre of the proposed 5 acre subdivision

1.70 density x 5 acres = 8.5 lots maximum

8.5 lots rounds up to 9 lots

However, each individual lot must meet the requirements of Column 3, i.e., must be at least .59 acres in size. Nine lots at the minimum lot size (9 lots @ .59 acres = 5.31 acres total) exceed the size of the 5 acre site, so only 8 lots maximum (8 lots @ .59 acres = 4.72 acres total) may be allowed in the proposed subdivision.

D. Frontage and other requirements of this and other titles may also affect the maximum number of lots possible in a proposed subdivision and may increase the minimum lot size otherwise applicable to lots on hillside land. Nothing in this chapter shall be deemed to make such other requirements inapplicable. (Ord. 625 § 2, 2001)

Chapter 16.16

SUBDIVISION APPROVAL PROCESS

Sections:

16.16.010 Preliminary review.
16.16.020 Conceptual plan—Definition.
16.16.030 Preliminary environmental analysis—Definition.
16.16.040 When required.
16.16.050 Public hearing and city council response.
16.16.060 Outline of subdivision approval process.

16.16.010 Preliminary review.

In addition to the subdivision approval process required under the Subdivision Map Act and outlined in Section 16.16.060, the town of Hillsborough has created a preliminary review process for certain types of subdivisions that have historically been difficult or controversial. The preliminary review couples a review of a conceptual plan with a review of the environmental checklist and is designed to facilitate optimum subdivision design, reduce unproductive effort by all concerned, and bring about a better result for applicants, the town residents, and the city council. Being done at the beginning of the subdivision approval process, the preliminary review aids in the preparation of an environmental assessment and the preparation of an acceptable proposed tentative map. (Ord. 625 § 2, 2001)

16.16.020 Conceptual plan—Definition.

A conceptual plan consists of the applicant's proposals for potentially subdividing the property in question, indicating possible numbers and boundaries of lots, possible improvements on the lots (including, but not limited to, retaining walls and any other slope-related features), possible ways in which public services may be provided, possible access locations, and possible ways of dealing with the major physical characteristics of the property in question, all indicated in relatively preliminary conceptual terms. (Ord. 625 § 2, 2001)

16.16.030 Preliminary environmental analysis—Definition.

A preliminary environmental analysis is the town's preliminary review of the conceptual plan and of the potential for subdividing the property in question and of the environmental issues and concerns thus raised. (Ord. 625 § 2, 2001)

16.16.040 When required.

A. A conceptual plan shall be required for (i) all proposed subdivisions containing five or more lots and (ii) all proposed subdivisions, regardless of the number of lots, having an average percent of slope equal to or exceeding ten percent as calculated pursuant to Section 16.12.040.

B. A conceptual plan may be required for any other proposed subdivision if the city planner or city engineer determines that a preliminary review by the city council would assist in planning the proposed subdivision. (Ord. 625 § 2, 2001)

16.16.050 Public hearing and city council response.

A. The following documents and fee shall be filed with the planning department to begin the preliminary review process:

1. Completed and signed conceptual plan application on the proper form;
2. Conceptual plan application fee in the amount set from time to time by resolution of the city council;
3. Title guaranty report or letter by a title company verifying applicant's ownership as required by Section 16.20.020(E);
4. Completed environmental information form;
5. Completed conceptual plan, with the prescribed attachments, consistent with the application requirements.

B. The city council shall hold a public hearing, noticed per Chapter 1.20 Type A notice, and review the preliminary environmental analysis prepared and presented by the planning staff and the conceptual plan prepared and present by the applicant.

C. The city council may direct that the conceptual plan be referred by the city planner to the architecture and design review board (ADRB) for review and comment to the city council and may continue the public hearing to allow for that review and comment to be completed.

D. At the city council's request, the applicant shall include site planning and architectural features as part of the conceptual plan.

E. Upon conclusion of the public hearing, the city council shall provide preliminary feedback to the applicant regarding issues relating to the subdivision's design, including, but not necessarily limited to, the number, location, and configuration of the lots, the location of buildable sites on the lots, the access to the lots, the handling of any significant topographical or geologic features, the treatment of trees and other vegetation in the subdivision, concerns identified by the public, and any comments of the ADRB.

F. If the city council finds that a negative declaration or environmental impact report (EIR) may be indicated, the council shall instruct the city planner to prepare an initial study upon submittal by the applicant of a tentative map application. (Ord. 625 § 2, 2001)

16.16.060 Outline of subdivision approval process.

A. The subdivision approval process is outlined below in general terms. Of necessity, there are many details and requirements not listed here, the omission of which shall not be interpreted as making them inapplicable. The specific process for a particular subdivision may vary depending upon the facts of the situation. Nothing in this section shall be deemed to require or commit the city council or the town to approve any application, map, environmental assessment, or other document or to limit the city council or the town in any way except as otherwise required by law or to supersede or vary the requirements of the California Environmental Quality Act (CEQA) or any other applicable law.

B. The subdivision approval process in summary consists of the following steps:

Step 1: Preliminary review is conducted as set forth in Sections 16.16.010 through 16.16.050, if applicable.

Step 2: The applicant submits a tentative map application to the city engineer.

Step 3: The initial study and environmental assessment are prepared. If the subdivision requires a negative declaration, a draft negative declaration is prepared. If an EIR is required, a draft EIR is prepared and a public hearing is held on the draft EIR. Then a final EIR is prepared.

Step 4: The city council holds a public hearing and considers the environmental assessment (either a negative declaration or an EIR). The city council holds a public hearing and considers the tentative map application. These hearings may be noticed and held at the same time, but the actions of the council are separate. The tentative map application may not be considered without approval or certification of the environmental assessment.

Step 5: The applicant submits the final map application to the city engineer.

Step 6: The city council reviews the final map and the required subdivision improvements. (Ord. 625 § 2, 2001)

Chapter 16.20

TENTATIVE MAPS

Sections:

16.20.010	**When required.**
16.20.020	**Map specifications and information.**
16.20.030	**Filing.**
16.20.040	**City engineer's report and city council hearing.**
16.20.050	**Expiration.**
16.20.060	**Vesting tentative map.**

16.20.010 When required.

A tentative map (and a final map), as defined in the Subdivision Map Act, shall be required for all subdivisions. Pursuant to the authority of the Subdivision Map Act, the town has chosen not to use parcel maps. (Ord. 625 § 2, 2001)

16.20.020 Map specifications and information.

A. The tentative map shall be legibly drawn to the satisfaction of the city engineer and shall include all the formation set forth in the tentative map information policy prepared by the city engineer.

B. The proposed street name for each street to be dedicated to the town shall be indicated on the tentative map. Any street that is a continuation of or is in the line of prolongation of any existing dedicated street shall be given the same name as the existing, dedicated street. If, in the judgment of the city engineer, any proposed street name (i) duplicates, or is confusingly similar to, the name of any existing street in town or in the general community served by the same police, fire, and other emergency services, or (ii) is otherwise inappropriate, the city engineer shall direct the subdivider to choose a different proposed street name and indicate that on the tentative map. The final decision as to street names shall be made by the city council in conjunction with the tentative map approval process.

C. The width of existing rights-of-way shall be shown. If it is proposed to enlarge an existing right-of-way, the increased width of such right-of-way shall be shown.

D. If it is impossible or impractical to place upon the tentative map any matter required by this chapter, such matter or information shall be furnished in a written statement which shall be submitted with such map.

E. The tentative map shall be accompanied by a title guaranty report or letter by a title company qualified to do business in the state of California, showing all parties whose consent is necessary to pass clear title to the land being subdivided. All legal forms and notes used in certificates, acknowledgments, and the like shall be in a form acceptable to the city attorney.

F. The tentative map shall, when practical, contain town emergency access drives (as defined in Section 16.28.040A) and/or pedestrian pathways connecting to adjacent public streets as approved by the city council. (Ord. 625 § 2, 2001)

16.20.030 Filing.

A. The tentative map shall be filed with the city engineer, together with the appropriate filing fee and supporting documentation. The filing fee shall be set by resolution of the city council in an amount determined from time to time by the city council to be a reasonable fee for covering the costs of processing the tentative map.

B. Before accepting any tentative map for filing, the city engineer shall examine it as to its compliance with provisions of this chapter and all other applicable laws and policies and shall require such compliance before allowing the map to be filed.

C. Within five days of determining that the tentative map application is complete pursuant to government code Section 65943, the city engineer shall send a notice of this determination to the board of the Hillsborough city school district as set forth in government code Section 66455.7 or successor provision. (Ord. 625 § 2, 2001)

16.20.040 City engineer's report and city council hearing.

A. The city engineer, being the "advisory agency" pursuant to Section 16.04.020 of this chapter, and not being authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, shall make his or her written report on the tentative map to the city council within fifty days after the completed map application was filed with the city engineer as required by government code Section 66452.1 or successor provision of the Subdivision Map Act. Such report shall recommend approval, conditional approval, or disapproval of the map and shall state the reasons therefore, together, where applicable, with recommended changes or revisions or conditions that would result in approval. Where the health, safety, or welfare of the town would be adversely affected by adherence to the minimum subdivision requirements, the city engineer may recommend and the city council may direct that the lot size, setback, frontage, and/or other particulars of the subdivision be more than the minimum as reasonably necessary to avoid or mitigate the adverse effect.

B. At least three days prior to the city council's public hearing on the tentative map, the city engineer shall serve on the subdivider a copy of the city engineer's report or recommendation on the tentative map, pursuant to government code Section 66452.3 or successor provision.

C. The city council shall hold a public hearing and consider the tentative map either at the regular meeting at which the city engineer makes his or her written report on the map or at another meeting (the date of which shall be fixed by the city council at the regular meeting at which the city engineer's report was made) held within thirty days thereafter, as required by government code Section 66452.2 or successor provision. The city council shall approve, conditionally approve, or disapprove the tentative map either at the regular meeting at which the city engineer's report was made or at the subsequent meeting within thirty days thereafter. The city council may disapprove any one or more of the proposed street names, in which case the subdivider and the city council shall agree on a different street name (which does not duplicate, and is not confusingly similar to, the name of any existing street in town or in the general community served by the same police, fire, and other emergency services) in place of any disapproved one. If the city council takes no action with respect to the tentative map within the above time limits, the map shall be deemed approved.

D. The city engineer shall cause notice of the meeting at which the city council will hold the public hearing and consider the tentative map to be given as set forth in Chapter 1.20 for a Type A notice. (Ord. 625 § 2, 2001)

16.20.050 Expiration.

A. An approved or conditionally approved tentative map shall expire twenty-four months after its approval or conditional approval, as set forth in government code Section 66452.6(a)(1) or successor provision.

B. Upon the subdivider's application filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the city council for twelve additional months, as set forth in government code Section 66452.6(a) or successor provision, and may be further extended by the city council for five more years, as set forth in government code Section 66452.6(e) or successor provision.

C. As set forth in government code Section 66452.6(d), the expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map shall be filed for all or any portion of the subdivision without there first being filed a new tentative map. Delivery of an acceptable final map to the city engineer shall be deemed a timely filing for purposes of this paragraph. Following such delivery, subsequent actions of the town, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map.

D. In the event of subsequent amendments to the Subdivision Map Act, the then-current provisions of the Subdivision Map Act with respect to the subject

matter of this Section 16.20.050 shall govern. (Ord. 625 § 2, 2001)

16.20.060 Vesting tentative map.

A. As authorized by Chapter 4.5 of the Subdivision Map Act, whenever a provision of the Subdivision Map Act or this title requires that a tentative map be filed, a vesting tentative map may be filed instead. If a vesting tentative map is filed, it shall be subject to Chapter 4.5 of the Subdivision Map Act, as implemented by this Section 16.20.060. If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite for any proposed subdivision, permit for construction, or work preparatory to construction.

B. A vesting tentative map shall be filed in the same form and have the same accompanying data and reports and shall be processed in the same manner, including payment of fees, as set forth in this title for tentative maps, provided that:

(i) Any map filed as a vesting tentative map shall have printed conspicuously on its face the words "Vesting Tentative Map;"

(ii) If any discretionary approval, such as rezoning or annexation, is applicable to the proposed development, such approval shall be obtained prior to or simultaneously with the filing of the vesting tentative map.

C. The provisions of Section 16.20.050 regarding expiration of a tentative map shall likewise apply to a vesting tentative map. These provisions regarding map expiration are separate from the provisions set forth in subsection (E) of this section regarding the expiration of vested rights.

D. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the date that the city engineer determines (pursuant to Sections 16.20.020 and 16.20.030) that the vesting tentative map application is complete pursuant to government code Section 65943 or successor provision; provided, however, that this general rule is subject to the following exceptions or modifications:

(i) If, prior to determining that the map is complete, the town has initiated proceedings in accordance with government code Section 66464.2 or successor provision to amend applicable general or specific plans or zoning or subdivision ordinances, the town may apply any ordinances, policies, or standards enacted or instituted as a result of those proceedings which are in effect on the date that the local agency approves or disapproves the map.

(ii) The town may condition or deny a permit, approval, extension, or entitlement if the condition or denial is required in order to comply with state or federal law, or if the failure to so condition or deny would place the residents of the subdivision or the mediate community, or both, in a condition dangerous to their health or safety.

(iii) A property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in the general rule above, and the town may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

E. The rights conferred by a vesting tentative map shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in subsection (C) of this section. If the final map is approved, these rights shall last for an initial time period of one year beyond the recording of the final map, provided that the final map is promptly recorded following approval. The initial time period shall be automatically extended by any time used by the town for processing a complete application for a grading permit or for review by the architecture and design review board or both, if the time used by the town to process the application exceeds thirty days from the date that a complete application is filed. (Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, the initial time period shall begin for each phase when the final map for that phase is recorded.) At any time prior to the expiration of the initial time period, the subdivider may apply to the city engineer, as the advisory agency, for a single extension of one year. If the extension request is denied, the subdi-

vider may appeal the denial to the city council with fifteen days of the denial.

F. Upon the expiration of the initial time period and any applicable extension, the rights conferred by this section and Chapter 4.5 of the Subdivision Map Act shall expire, and the map shall thereafter be subject to the provisions applicable to the map not including the rights conferred by this section and Chapter 4.5 of the Subdivision Map Act.

G. If the subdivider submits a complete application for a building permit prior to the expiration of the vesting rights as set forth in subsection (E) of this section, the rights conferred by this section, as they apply to the property to which the building permit applies, shall continue until the expiration of that permit or any extension thereof granted by the town. (Ord. 625 § 2, 2001)

Chapter 16.24

FINAL MAPS

Sections:

16.24.010	**Surveys, monuments, and soils report.**
16.24.020	**Conformance with law.**
16.24.030	**Submission to the city council.**
16.24.040	**Data to accompany map.**
16.24.050	**Map specifications and information.**
16.24.060	**Watercourses.**
16.24.070	**Approval, disapproval, and recording.**
16.24.080	**Agreement with the town.**

16.24.010 Surveys, monuments, and soils report.

Following approval of a tentative map and prior to the submission of the final map, the subdivider shall comply with the following requirements:

A. Surveys shall comply with the following:

1. The subdivision shall be surveyed in accordance with the tentative map, including any alterations and changes to the tentative map;

2. The survey shall be of such accuracy that a traverse of the boundaries of the subdivision or of any block or lot therein shall close with a limit of error of one in ten thousand and shall conform to the accepted standards of the engineering profession;

3. Field ties to adjoining streets or subdivisions shall be included in the survey and shall be indicated on the final map.

B. Monuments shall comply with the following:

1. Sufficient monuments shall be set so that another surveyor or engineer can readily retrace the survey. Monuments shall be set at all boundary corners, and at least one other monument shall be visible from each monument that is set. A monument shall be set at each street intersection or as specified by the city engineer. On improved streets (curved or straight, through or cul-de-sac), the monuments shall be set on centerline at the point of intersection of centerlines where points occur in the pavement, and otherwise at the beginning and end of curves, or, in the case of a cul-de-sac, at the centroid of the cul-de-sac, or as specified by the city engineer;

2. Monuments shall be one inch or larger iron pipe filled with concrete. Monuments shall extend into the ground at least twenty-four inches below the surface. The exact points to be preserved shall be marked on the top. Where the monument is to be set in the street, a standard metal monument box, flush with the street surface and approved by the city engineer, is required.

C. Soils reports shall comply with the following:

1. The subdivider shall file with the city engineer and the building official a soils report, satisfactory to the city engineer. The requirement for a soils report shall not be waived;

2. The soils report shall (i) cover the entire subdivision site as well as adjacent areas that may affect the subdivision, (ii) be based upon adequate test borings or excavations within the site, (iii) adequately investigate the site and identify existing conditions, (iv) make recommendations and conclusions regarding the suitability of the site for the proposed development, (v) make recommendations and conclusions for mitigating potential geologic hazards so as to allow the proposed construction (including, but not necessarily limited to, regarding design criteria for necessary corrective measures, slope ratios, and erosion control), and (vi) be prepared by a soils or geotechnical engineer who is registered with the state of California;

3. The soils report for the entire subdivision site shall be separate from and shall not be deemed to be the soils report for any individual lot in the subdivision. As set forth in California government code Section 66491 or successor provision or as otherwise deemed necessary or advisable by the city engineer or the chief building official, a separate soils report may later be required in connection with the development of any individual lot;

4. The town, at its option, may retain a certified consultant soils engineer or geologist to assist the town in the evaluation of the submitted geotechnical and soils report. The cost for the study and review of

the report shall be paid by the subdivider. (Ord. 625 § 2, 2001)

16.24.020 Conformance with law.

The final map shall conform with all applicable requirements of the Subdivision Map Act (including, but not limited to, government code Sections 66433 through 66443 or successor provisions) and other federal, state and local law. (Ord. 625 § 2, 2001)

16.24.030 Submission to the city council.

After the approval or conditional approval of a tentative map and prior to the expiration of the tentative map, the subdivider may file for approval by the city council a final map, conforming to the approved or conditionally approved tentative map, after all required certificates on such map have been signed and, where necessary, acknowledged. The subdivider shall submit the final map to the city engineer, together with the appropriate filing fee and supporting documentation. The filing fee shall be set by resolution of the city council in an amount determined from time to time by the city council to be a reasonable fee for covering the costs of processing the final map. (This processing fee shall be in addition to the fee set forth in Section 16.28.010(C) for the city engineer's services under Chapter 16.28, which fee is also required to be paid prior to the approval of the final map.) The city engineer shall check all plans and maps for recording as required by this chapter and as required in the Subdivision Map Act and shall report his or her recommendation to the city council. (Ord. 625 § 2, 2001)

16.24.040 Data to accompany map.

The final map shall be accompanied by the following data and material:

A. Traverse sheets showing the mathematical closure of the exterior boundaries of the tract where the boundaries are irregular and of the exterior boundaries or irregular blocks and each lot. A statement shall be made of the method and amount of adjustments made in the field surveys.

B. Two blueline prints of the map.

C. A title guaranty report or letter meeting the requirements of Section 16.20.020 E.

D. All data required under Section 16.24.010 and any other data required by the city engineer to ascertain that the map is technically correct and in conformity with applicable laws and ordinances. (Ord. 625 § 2, 2001)

16.24.050 Map specifications and information.

The final map shall contain the following:

A. The actual area of each lot expressed in square footage and acreage.

B. All existing and proposed easements, including, but not limited to, right-of-way, flood, drainage, storm drain, sewer, water, and other easements. The width of each easement or the length and bearings of the lines of the easement, including sufficient ties to existing or proposed lot lines to locate such easements definitively, shall be indicated. Easement lines on the map shall be shown to the centerline or side lines of each easement. Each easement shall be clearly labeled and identified and, if already of record, its record reference shall be shown on the map. If not of record, a statement to that effect shall be placed on the title sheet of the final map.

C. All right-of-way and easement dedications and abandonments properly set out in the owner's certificate and dedicated or indicated, as the case may be, on the map; provided, however, that the town shall not be obligated to accept any offer of dedication.

D. All land intended for any public use. Such land shall be dedicated for public use; provided, however, that the town shall not be obligated to accept any such offer of dedication.

E. Boundary lines shown for each city boundary line crossing or adjoining the subdivision, each such line being clearly designated and tied in by survey to the subdivision or subdivisions shown on the map. (Ord. 625 § 2, 2001)

16.24.060 Watercourses.

The subdivider shall record covenants, conditions, and restrictions (CC&Rs) in a form approved by the town and acceptable to the city attorney, providing

that as to any lot in the subdivision on which a natural watercourse is located, all responsibility for maintenance and repair of the watercourse shall belong to the owner of the particular lot and that the watercourse shall not be part of the public drainage system and that the town shall have no responsibility for the maintenance and repair of the watercourse. (Ord. 625 § 2, 2001)

16.24.070 Approval, disapproval, and recording.

A. The city council shall, at the meeting at which the council receives the map or, at the council's next regular meeting after the meeting at which the council receives the map, approve the map if it conforms to all the requirements of the Subdivision Map Act, this title, and all other law, applicable at the time of approval or conditional approval of the tentative map. If the map does not conform, the legislative body shall disapprove the map.

B. At the same time as it approves the final map, the city council shall accept or reject each offer of dedication, if any, and each offer of abandonment, if any. The city council shall make the necessary finding of consistency with the town's general plan, as required by government code Section 65402 or successor provision, prior to accepting any offer of dedication or abandonment. Abandonments shall comply with the Subdivision Map Act or the Street Vacation Act of 1941 (streets and highways code Sections 8300 et seq.) or successor provision, as applicable.

C. If the city council does not approve or disapprove the map within the prescribed time limits, or any authorized extension thereof, as set forth in Section 16.20.050(B), and the map conforms to all requirements and rulings, it shall be deemed approved, and the city clerk shall certify or state its approval thereon, as set forth in government code Section 66458(b) or successor provision.

D. Upon approval of a final map, the city clerk shall transmit the map to the owner or subdivider for filing with the county recorder. (Ord. 625 § 2, 2001)

16.24.080 Agreement with the town.

If, at the time of approval of the final map by the city council, any required public improvements have not been completed and accepted in accordance with standards established by the town, the city council shall require, as a condition precedent to the approval of the final map, that the owners of the subdivision enter into one of the agreements set forth in Section 16.28.080. (Ord. 625 § 2, 2001)

Chapter 16.28

PUBLIC IMPROVEMENT STANDARDS

Sections:

16.28.010	Improvements generally.
16.28.020	Improvements specifically.
16.28.030	Utility easements and streets.
16.28.040	Cul-de-sacs.
16.28.050	Compatibility with lot requirements.
16.28.060	Special circumstances.
16.28.070	Entrance monuments.
16.28.080	Agreement with the town.

16.28.010 Improvements generally.

A. Streets and Easements. The subdivider shall improve all streets and easements in the subdivision. Such improvements shall include grading and surfacing of streets, domestic water supply as may be necessary to protect public health and provide fire protection, extension of sanitary sewer service to each lot, storm water drainage, street lighting systems, if required, street name and regulatory signs, underground electric and telephone systems and other public utilities, gutters, paving, curbs, concrete structures, culverts, bridges, drains, water storage tanks, and reservoirs, pumping stations, and removal of vegetation from street rights-of-way as may be necessary, and any other improvements necessary to the use of such public improvements or necessary for the public safety. All subdivision improvements, including the methods, materials, and design of the improvements, shall comply with the provisions of the chapter and conform with the standards and specifications of the town for the construction of public improvements as compiled by the city engineer. Such standards may be changed from time to time at the discretion of the city engineer consistent with sound engineering practice and with the other requirements of this code, town policy, and other applicable law.

B. Plans and Specifications.

1. Before public improvement work is commenced, detailed plans and specifications shall be provided to the city engineer.

2. When the city council has approved the tentative map and the city engineer has approved the plans and specifications, the subdivider may proceed with the work.

3. Inspection and approval of all work shall be done under the supervision of the city engineer.

4. No improvement shall be accepted by the city council for dedication to the town until such time as the completed work has been approved by the city engineer.

C. Costs. The subdivider shall pay to the town the actual costs of the city engineer's services under this chapter, as determined by the city engineer, before the final map is approved by the city council. The city engineer may require that the subdivider pay a deposit in the amount of estimated costs pending completion of the city engineer's services and calculation of the actual costs. If the deposit proves to be in excess of the actual costs, the town shall return the excess to the subdivider upon making such calculation. If the deposit proves to be less than the actual costs, the subdivider shall pay the balance of the actual costs before the final map is approved by the city council.

D. Conditions Precedent. The provisions set forth in subsections (B) and (C) of this section shall constitute conditions precedent to the issuance of a building permit (as set forth in Chapter 15.60) and the commencement of the design review process (as set forth in Chapter 2.12). (Ord. 625 § 2, 2001)

16.28.020 Improvements specifically.

A. Drainage. Sufficient storm drainage work shall be installed to prevent flooding or inundation of streets and adjoining property by storm waters and shall provide sufficient means to dispose of normal water flow and protect pavements against deterioration. Drainage work shall be designed for a twenty-five year storm with no damage from a one hundred year storm. Drainage works shall include adequate gutters, catch basins, culvert crossings, storm sewers, underdrains, head walls, bulkheads, trash racks, and other structures, where necessary, and shall incorporate best management practices as required by the water quality control board. Runoff factor, subject to