

CHAPTER 19.30

SUBDIVISION REGULATIONS

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19.30.010 GENERAL

The subdivider, as a condition of approval of the final or parcel map shall, consistent with Map Act Sections 66411.1 and 66462.5, improve or agree and guarantee to improve all land either within or outside the subdivision to be used for public or private streets, alleys, pedestrian ways, easements or other improvements in compliance with this Development Code.

19.30.020 REQUIRED IMPROVEMENTS

Completion of improvements outlined within this Chapter shall be in compliance with any agreement entered into by the subdivider and the City as well as plans and standard specifications applicable at the time of issuance of grading or building permits.

19.30.030 BLOCK STANDARDS

The lengths, widths and shapes of blocks shall comply with the following standards:

1. Convenient access, circulation, control and safety of street traffic, as outlined in the Circulation Element of the General Plan;
2. Lot specifications, as outlined in this Development Code; and
3. Limitations and opportunities of existing topography.

19.30.040 GRADING

Proper grading and erosion control, including the prevention of sedimentation or damage to off-site property shall be in compliance with the standards outlined in Chapter 15 of the Municipal Code, and Map Act Section 66411.

19.30.050 IMPROVEMENT STANDARDS

1. The subdivider shall provide and install all required streets and related improvements, either within or outside the subdivision, in compliance with the policies and procedures of the Department of Public Works/City Engineer, and the serving utility company. These improvement requirements shall be imposed as a condition of approval at the tentative map stage, and shall be completed or bonded for prior to recordation of the final map.
2. After final approval of the street lighting systems, it shall become the property of the City. The systems shall not be installed by a public utility or attached to poles or to a system owned by a public utility.
3. The subdivider shall pay to the City the cost of electrical energy for the street lighting system installed for his/her subdivision for a period of forty-eight months from the date of acceptance by the Director of Public Works/City Engineer. Payment shall be made to the City in one lump sum, prior to map recording, based on estimated rates approved by, and on file with the Director of Public Works/City Engineer.

19.30.060 LOT STANDARDS

The design, size, shape and orientation of each lot, which provides for a suitable building site, shall be appropriate to its location and type of development contemplated. The following standards shall apply:

1. The lot lines of all lots, so far as practical, shall be at approximately right angles to the fronting street, or approximately radial to the center of the curvature, if the street is curved. Sidelines of each lot shall be approximately radial to the center of the curvature of a cul-de-sac, where applicable;
2. No lot shall be divided by a City or special district boundary line. Division of the lot by a tax code boundary shall be avoided;
3. Corner lots for residential use shall have extra width pursuant to Section 19.04.030(1)(Table 04.02) to permit appropriate building setback from both streets;
4. Through lots and reverse corner lots shall be avoided;
5. All lots that abut on arterial streets or the freeway shall have an additional 10 feet of depth which shall be included as part of the landscape maintenance district;
6. No remnants of property, with the exception of 1 foot control lots and approved nonbuildable sites, shall be created which do not conform to lot requirements or which are not required by public or private utility purposes;
7. Lot lines between adjacent lots within a subdivision shall be located at the top of any graded slope; and
8. All lots shall conform to the requirements contained in this Development Code.

19.30.070 MEDIAN STANDARDS

Median islands shall be installed as a condition of approval of a tentative map at appropriate locations, and in compliance with City standards in effect at the time of issuance of a Construction Permit.

19.30.080 SANITARY SEWERS

The subdivider, as a condition of approval of a tentative map, shall provide and install adequate sanitary sewer facilities, either within and/or outside the subdivision, in compliance with the policies and procedures of the Department of Public Works/City Engineer.

19.30.090 STORM DRAINAGE RETENTION

The subdivider, as a condition of approval of the tentative map, shall provide and install storm drainage and/or retention improvements, either within and/or outside the subdivision, in compliance with the policies and procedures of the Department of Public Works/City Engineer.

19.30.100 STREET TREES

The subdivider, as a condition of approval of a tentative map, shall provide and install approved street trees within the street right-of-way, dedicated planting easement, or within a combination of both in compliance with City standards.

For street trees not installed at time of acceptance of the public improvements, the subdivider shall deposit funds in the amount established by the Council. These funds shall be deposited in the Street Tree Fund, and shall be used for the purchase and planting of street trees, as the lots become occupied. The subdivider shall provide a specified list of City approved trees for selection by the new lot owner.

19.30.110 UNDERGROUND UTILITIES

The subdivider, as a condition of approval of a tentative tract map, shall provide for the undergrounding of all existing and proposed utility distribution or transmission facilities (e.g., cable television, electric, gas, telephone and water), within the subdivision and along peripheral streets, in compliance with the following standards:

- 1.** Utility lines, including, but not limited to, electric, communications, streetlighting and cable television shall be required to be placed underground in compliance with the specifications of the public utility providing such services. The subdivider is responsible for complying with the requirements of this Section, and shall make the necessary arrangements with the utility companies for the granting of easements and installation of such facilities. Exceptions to the underground requirements are as follows:
 - A.** Transformers, pedestal-mounted terminal boxes, meter cabinets and concealed ducts may be placed above ground if within the subdivision and are used solely in connection with the underground transmission or distribution lines;
 - B.** Poles supporting street lights, and the electrical lines within the poles, may be situated above the surface of the ground;
 - C.** The Council may waive any requirement of this Section if topographical, soil or other similar physical conditions make such underground installation unreasonable or impractical;
 - D.** Any Parcel Map with a maximum of 4 residential parcels, no parcel of which has previously been exempted from this Section; and where at least 50% of the surrounding area within a radius of 500 feet has been previously developed without undergrounding utilities;
 - E.** That portion of a previously developed nonresidential Parcel Map; and
 - F.** The requirement to underground shall apply to all utility lines traversing a subdivision, or installed along either side of the streets and alleys adjoining the subdivision, except for electrical lines of 33 KVA or more. Where 1 line is exempt, all parallel lines on that same pole shall be exempt.

2. Subdividers shall make the necessary arrangements with cable television operators to comply with the following requirements with respect to cable television installation in residential subdivisions:
 - A. Pre-wire all residential structures;
 - B. Connect laterals to each residential structure with a minimum of 2 outlets wired in each structure; and
 - C. Install "flush mounts" or "pedestals" as required by the cable television operator which will service the subdivision.

3. Payment for costs of undergrounding shall be as follows:
 - A. Arrangements, including payment of costs, shall be made by the subdivider directly with the serving utility company(s). Undergrounding of utility structures may be done by the subdivider, with permission from the serving utility;
 - B. For subdivisions with frontages of less than 300 feet, the City Engineer may accept a cash payment from the subdivider, in lieu of immediate undergrounding of the lines. Payments will be based upon a written estimate of the short unit cost from the serving utility company(s), and will reflect the subdivision's proportionate share of the estimated cost for undergrounding the lines over the entire area adopted by the City Engineer. Determination may be made by the City Engineer at the time any application is made to pay fees pursuant to this Section;
 - C. A Subdivider with property frontage of any length may elect to enter into an agreement with the City to defer the undergrounding until the utility lines along the frontage of 1 or more of the adjoining parcels are undergrounded. The agreement shall require the cost of the undergrounding, as determined pursuant to subsection (3)(B) to be made in semi-annual payments over a period of 5 years. The agreement shall be secured by a bond, or security interest in the subject real property;
 - D. A subdivider with property frontage of any length may petition the City to establish an assessment district to fulfill the requirement for undergrounding utilities. Prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structure in the subject subdivision, subdivider shall have an assessment district in place or shall have made provision for undergrounding pursuant to Sections (3) (A) through (C);
 - E. In the event that property on the opposite side of any street or highway from the property line along which underground is required is vacant, and a single set of poles carry the overhead utility lines for both sides of the street or highway, the subdivider shall pay 50% of the estimated cost of undergrounding. When the vacant property is developed, the subdivider of the property shall, as a condition of the issuance of building permits, be required to pay the remaining 50% of the cost of such undergrounding. Where the property is not vacant, or more than 1 set of poles carry utility lines along the street or highway, the subdivider shall pay the full cost of required undergrounding; and

- F. Unless otherwise specified, any other provision herein notwithstanding the entire cost to underground street crossing utility lines shall be the responsibility of the subdivider of the property served by the utility lines.
4. Deposit of payments for costs of undergrounding shall be as follows:
- A. All payments collected pursuant to this Section shall be deposited into a City administered line item account for undergrounding utilities. Separate accounts shall be maintained for undergrounding in defined geographic areas throughout the City, as established by the City Engineer; and
 - B. In no event shall the payments from the subdividers on both sides of the street exceed the total estimated cost for undergrounding utilities along that section of street plus reasonable costs of administering this Section as approved by the Council.

19.30.120 WALLS

Each lot located on the exterior boundary of the subdivision shall have a wall adequate to prevent access between the lot and adjacent properties subject to the approval of the Director and in compliance with this Development Code.

19.30.130 WATER SUPPLY

The subdivider, as a condition of approval of a tentative map, shall provide and install adequate water supply facilities, either within and/or outside the subdivision, in compliance with the requirements of the applicable water district. Design and installation plans shall be subject to approval by the Water Department.

19.30.140 WELLS

Any water wells which are required to be abandoned by conditions of approval or state law shall be abandoned in a manner approved by the City Engineer and the State Department of Water Resources. The location of any well shall be delineated on the final or parcel map, and well logs, if available, shall be submitted to the City.

19.30.150 WIND EROSION

A subdivider, as a condition of approval of a tentative map, for a subdivision located within an area subject to high wind erosion shall comply with the following standards, consistent with the General Plan and this Development Code:

- 1. A solid masonry wall with a height of 6 feet and subject to design and materials approval by the Director shall be constructed on the peripheral boundary of the subdivision to protect it from the prevailing wind. Where the required wall extends over a future street opening, a fence, 6 feet in height, and subject to design and materials approval by the Director, may be substituted for the masonry wall;

2. Lots within and/or outside of the subdivision that have had soil disturbed during construction shall be covered with protective landscaping materials, subject to the approval of the City Engineer; and,
3. Prior to and during construction, streets and disturbed open areas within and/or outside of the subdivision shall be treated by watering or other approved method to prevent fugitive dust.

19.30.160 DEFERRED IMPROVEMENT AGREEMENTS

1. SUBDIVISIONS OF 4 OR LESS PARCELS

The frontage improvements may be deferred when deemed appropriate by the City Engineer. Deferral will be allowed when the City Engineer finds that construction is impractical due to physical constraints, or the surrounding neighborhood is absent similar improvements. When improvements are deferred, the subdivider shall enter into an agreement with the City for the installation of all frontage improvements at a future date as determined by the City. The agreement shall provide for the following:

- A. The agreement shall be acceptable to the City Engineer and City Attorney;
- B. Construction of required improvements shall begin within 90 days of the receipt of notice to proceed from the City;
- C. In the event of default by the owner or successors, the City is authorized to cause the construction to be done and charge the entire cost and expense to the owner or successors, including interest from the date of notice of the cost and expense until paid;
- D. This agreement shall be recorded in the office of the County Recorder at the expense of the owner and shall constitute notice to all successors of title to the real property of the obligation set forth, and also a lien in an amount to fully reimburse the City, including interest as above, subject to foreclosure in event of default in payment;
- E. In event of litigation caused by any default of the owner or successors, the owner or successors agree to pay all costs involved, including reasonable attorneys fees, which shall become a part of the lien against the real property;
- F. The term "owner" shall include not only the present owner, but also heirs, successors, executors, administrators and assigns, with the intent that the obligations undertaken shall run with the real property and constitute a lien against it; and
- G. Any other provisions deemed necessary by the City.

The agreement shall not relieve the owner from any other specific requirements of the Map Act or this Development Code.

2. REMAINDERS

Where remainders are made part of a final or parcel map, the subdivider may enter into any agreement with the City to construct improvements within, and along exterior boundaries of the remainder at a future date and prior to the issuance of a permit or other entitlement for development of a remainder parcel. The improvements shall be at the subdivider's expense. In absence of an agreement, the City may require completion of the construction improvements within a reasonable specified time following approval of the final or parcel map upon a finding that completion of the improvements is necessary for the following reasons:

- A. The public health and safety; or
- B. The required construction is a mandatory prerequisite to the orderly development of the area.

19.30.170 DESIGN

The design and layout of all required improvements, both on and off-site, public and private, shall conform to generally accepted engineering standards, the Map Act and applicable provisions of the Municipal Code.

1. STREETS

The design and layout of all required streets shall comply with the following standards/requirements:

- A. In compliance with the Circulation Element and all other related provisions of the General Plan;
- B. Direct driveway access shall be avoided when possible from arterials and collector streets as identified in the Circulation Element. Circular driveways or turnarounds shall be provided when direct access is unavoidable; and
- C. In compliance with standards established by the City Engineer including:
 - 1. Specific cross-section street standards, based upon and related to the use to be made of the street(s);
 - 2. Offset intersections shall be a minimum of 150 feet centerline to centerline for local streets. A greater distance shall be established for larger streets as determined by the City Engineer; and
 - 3. No cul-de-sac shall exceed 500 feet in length unless approved by the Planning Commission or as otherwise provided in Chapters 19.15 and 19.17.

2. SIDEWALKS

Except as provided in Chapter 19.15 and 19.17, sidewalks shall be provided for all lots included in the subdivision. The sidewalks shall be of such width as may be required by the Policies and Procedures of Public Works, but in no case less than 6 feet in width adjacent to the curb in a residential area, or less than 5 feet in a commercial or industrial area. Considerations in design are to be given for handicapped persons and senior citizens. In addition, the following shall apply:

- A. Required sidewalk widths may include street signs, lights, fire hydrants, etc. These sidewalks should be located adjacent to the curb. However, in no instance may the clear path of travel be reduced to less than 4 feet.
- B. Meandering sidewalks, where used, shall be 5 feet in width and shall not include street signs, lights, etc;
- C. Sidewalks constructed of alternative paving materials as approved by the City Engineer, shall have smooth surfaces to ensure pedestrian safety. Asphalt shall not be used as an alternative paving material; and
- D. Undulating sidewalks are not permitted.

3. ALLEYS

All alleys shall have a minimum width of 20 feet. Intersecting alleys shall have a corner cutoff or radius of not less than 20 feet.

4. CORNER TREATMENT

At all block corners there shall be a rounding at the curb to a minimum radius of 25 feet. There shall also be a rounding of the property lines or a corner cutoff as established by the City Engineer.

19.30.180 CABLE TELEVISION SERVICE

The design of a subdivision shall provide 1 or more appropriate cable television systems an opportunity to construct, install and maintain any necessary equipment, pursuant to Map Act Section 66473.3. Conduits and manvaults shall be dedicated to the City. This Section is not intended to require free access to a subdivision, but to allow a cable franchise the opportunity to negotiate for providing service.

19.30.190 ENERGY CONSERVATION

The design of a subdivision shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities, pursuant to Map Act Section 66473.1.

19.30.200 ACCESS

All subdivisions shall abut upon or have an approved access to a public street. In addition, the following standards shall apply:

1. Each lot or unit within the subdivision shall have approved direct access to a public or private street;
2. Street layout shall be designed to provide for future access to, and not impose undue hardship upon, property adjoining the subdivision;
3. No new direct driveway access from individual residential lots onto divided major arterials, major arterials or minor arterials shall be permitted, unless approved by the Director and City Engineer;
4. In the case of private streets, the subdivider shall provide an appropriate method for permanent maintenance subject to approval of the City Engineer and the City Attorney;
5. Reserve strips, or non-access at the end of any street or at the exterior boundary of the subdivision, shall be dedicated unconditionally to the City, when required; and
6. A tentative tract or parcel map shall provide for at least 2 different standard routes for ingress and egress, except as provided below. A standard route is a road which is dedicated to the City and has a minimum paved width of 24 feet. The different standard routes shall be designed to utilize separate roadways or streets, or a common street that provides access from opposite directions, provided that the access from each direction utilizes an independent street system. The purpose of these routes is to permit accessibility to fire fighting and other public equipment and to permit orderly evacuation in the event of flood, fire or other emergency. Prior to recordation of the final map, adequate security shall be provided to ensure construction of the required improvements before any certificate of occupancy is issued.

Exemptions. A tentative tract or parcel map may be exempted from providing 2 different standard routes of ingress and egress and provide only 1 standard route only if all of the following circumstances exist:

A. General

- (1) The Fire Chief, the Director, and the City Engineer determine that there is no feasible alternative to providing 2 different standard routes of access for the tentative subdivision map.
- (2) The determination is made by the City Traffic Engineer that a second standard route is not necessary for circulation purposes (this determination may require the submittal of a traffic study addressing the issue).
- (3) The Fire Chief specifically finds that the public health, safety, and welfare in the event of flood, fire, or other emergency do not require both such routes, under the circumstances of that particular tentative map, development agreement or specific plan application.

The Fire Chief shall provide written documentation of this finding to the Planning Commission and may recommend approval or denial of the request. The Planning Commission shall make its recommendation to the Mayor and Common Council for final decision of the tentative map with only 1 standard access route, based on the determination of the City Traffic Engineer and the findings and recommendation of the Fire Chief.

B. Tentative Maps Located within the Foothill Fire Zones

Where the subject property is located within a Foothill Fire Zone, as defined in Chapter 19.15, the Planning Commission, upon the recommendation of the Director, the Fire Chief and the City Engineer, may approve a tentative map with 1 standard and 1 non-standard access route. A non-standard access route is a road which is not constructed in full conformance with the requirements for a standard route set forth above. In no event may a tentative map be approved within a Foothill Fire Zone unless 2 access routes are provided, of which 1 shall be standard. One standard and 1 non-standard access route may be approved where it is found that with respect to the non-standard access route when all of the following conditions are met:

- (1) The public health, safety and welfare do not require that the secondary access be a standard route;
- (2) That such route shall be designed and maintained to support the imposed load of fire apparatus and shall have a surface sufficient to provide all-weather driving capabilities;
- (3) That such route is at least 20 feet in width to accommodate emergency vehicles, in accordance with Article 10 of the Uniform Fire Code;
- (4) A City-approved traffic analysis has been completed which documents that a second standard access is not needed for general traffic circulation.

C. Conditions for 1 Standard Access Route

Any tentative tract or parcel map approved with less than 2 standard routes of access shall be subject to all of the following:

- (1) All structures shall be provided with interior automatic sprinklers in order to help decrease the spread of fire. The design and installation shall be approved by the City Fire Department.
- (2) Cul-de-sacs to a maximum of 500 feet may be permitted with a maximum of 30 dwelling units, unless otherwise approved by the Planning Commission upon the recommendation of the Director, Fire Chief and City Engineer, or as otherwise provided in Chapters 19.15 and 19.17.

(For the purposes of this Development Code, a cul-de-sac is defined as a street or connection system of streets having only one outlet for vehicular traffic and ending in a turnaround. The length of the cul-de-sac is measured along its centerline from the centerpoint of the turnaround to the intersection of the centerlines of the cul-de-sac and the first street that has at least two outlets to a street system outside of the project boundaries; in situations where no secondary access route is provided, the access route is the cul-de-sac outlet.)

- (3) The Water Department General Manager shall determine if a looped system or similar mechanism shall be installed at the time of development to ensure adequate water service.
- (4) Any other recommended requirements the Fire Chief deems necessary to ensure public health, safety, and welfare, including, but not limited to structural design, and number and location of fire hydrants.

D. Conditions for a Non-Standard Access Route

- (1) Requirement of dedication and perpetual maintenance. Any non-standard access route shall be over a dedicated right-of-way or irrevocable easement; such route may be over an easement granted to any public entity when such easement includes provisions for the perpetual maintenance of the access routes in the manner approved by the City at the time of its approval of the tentative map.
- (2) Improvement of access route upon further development. At such time as further development occurs which would provide an access route to a subdivision over a non-standard route previously approved by the Mayor and Common Council pursuant to the provisions of this section, that route shall be dedicated and fully improved to a standard width for a street of its type, with curbs, gutters, sidewalks and such other street improvements as may be required under this code or any other ordinances or policy.
- (3) Fuel modification. A fire model of the site shall be developed for the purpose of determining the extent of the fuel modification zone, and if the minimum standards for a fuel modification plan as set forth in Section 19.15.020(6)(J) are adequate with a non-standard secondary access route.
- (4) Controlled access. The use of gates, or other forms of controlled access to and from the non-standard access route, shall be subject to approval of the Director, Fire Chief and City Engineer, and shall utilize a design subject to Fire Department approval.

E. Procedures for Exemption

A Variance application shall be submitted pursuant to Chapter 19.72 concurrently with any tentative map, development agreement or specific plan application under which an exemption from the requirement for a second standard access route is proposed.
(MC 902 4/18/94)

19.30.210 IMPROVEMENT PLANS

Improvement Plans shall be prepared by a registered civil engineer licensed by the State of California, and shall include, but not be limited to, all improvements required in this Chapter.

1. FORM AND CONTENT

The form, content and supporting data of an improvement plan shall conform to the requirements of the City Engineer.

2. REVIEW AND APPROVAL BY CITY ENGINEER

The subdivider shall submit the preliminary improvement plans and all supporting data to the City Engineer for review. The subdivider shall revise the improvement plans until in final form as deemed by the City Engineer. Upon completion of the improvement plans and satisfaction of all other requirements of this Development Code, the subdivider shall transmit the original set of improvement plans to the City Engineer for final review and signature. The originals shall be retained by the City.

Approval by the City Engineer shall in no way relieve the subdivider or the subdivider's engineer from responsibility for the design of the improvements and for any error, omission or any deficiency resulting from the design or from any required conditions of approval of the tentative map.

3. REVISIONS TO APPROVED PLANS

A. BY SUBDIVIDER

Requests by the subdivider for revisions to the approved plans, appearing necessary during construction, shall be submitted in writing to the City Engineer and shall be accompanied by revised drawings showing the proposed revision(s). If found acceptable and consistent with the approved tentative map, the amended originals shall be initialed by the City Engineer. Construction of any proposed revision(s) shall not proceed until the revised plans have been initialed by the City Engineer.

B. BY THE CITY ENGINEER

When revisions are deemed necessary by the City Engineer to protect the public health and safety, or as field conditions may require, a request shall be made to the subdivider. The subdivider shall revise the plans and transmit the original(s) to the City Engineer for initialing within the time specified by the Engineer. Construction of all, or any portion of, the improvements may be stopped by the City Engineer, in compliance with Chapter 12 of the Municipal Code, until the revised drawings have been submitted, approved and initialed.

19.30.220 IMPROVEMENT AGREEMENT

The improvement agreement shall be prepared and signed by the Mayor and approved as to form by the City Attorney. The agreement shall provide for the following:

1. Construction of all improvements according to approved plans and specifications on file with the City Engineer;
2. Completion of improvements within the time specified by Section 19.30.020 (Required Improvements);
3. Right by City to modify plans and specifications;
4. Warranty by subdivider that construction will not adversely affect any portion of adjacent properties;
5. Payment of fees in compliance with the City's "Schedule of Fees;"
6. Payment of in-lieu fees for undergrounding of utilities on peripheral streets as well as payment of in-lieu fees for parkland dedication as may be required;
7. Payment of Area of Benefit Fees, if applicable;
8. Improvement security as required by Section 19.30.020. Improvement security for subdivisions of 4 or less parcels shall be provided before performance of the work;
9. Maintenance and repair of any defects or failures and causes thereof;
10. Release of the City from all liability incurred by the subdivision and payment of all reasonable attorney's fees that the City may incur because of any legal action resulting from the subdivision; and
11. Any other deposits, fees or conditions required by this Development Code, and as may be required by the City Engineer.

19.30.230 IMPROVEMENT SECURITY

1. REQUIRED

Any improvement agreement, contract or act required or authorized by the Map Act, for which security is required, shall be secured pursuant to Map Act Section 66499.

2. GENERAL

A. IMPROVEMENT AGREEMENT

The subdivider shall enter into a contract with the City, acceptable to the City Attorney, to make, install and complete within the time fixed, but in no case more than 2 years from the date of execution of the contract, all improvements and land alteration(s) in compliance with approved plans.

B. SECURITY ARRANGEMENTS

1. The subdivider shall file security to guarantee completion of public and private improvements with the improvement agreement as follows:
 - a. A faithful performance security in an amount deemed sufficient by the City Engineer to cover up to 100% of the total estimated cost of all required improvements including bonding requirements for grading as outlined in Chapter 15.04 of the Municipal Code;
 - b. A labor and material security to cover up to 50% of the total estimated cost of all required improvements;
 - c. A grading security as required by Chapter 15.04 of the Municipal Code;
 - d. A monumentation security in an amount stipulated by the City Engineer to cover the cost of placing lot corners and other related monuments;
 - e. If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and labor and material security required by the special assessment act being used, the City may reduce the improvement security of the subdivider by an amount corresponding to the amount of the security furnished by the contractor; and
 - f. Notwithstanding the above, the subdivider may satisfy the requirement for security of certain improvements by providing proof that same has been posted with another public agency subject to the approval of the City Engineer.

2. Security may be 1 of the following types subject to the approval of the City Attorney as to form:
 - a. **Bonds.** All bonds shall be executed by a surety company authorized to transact business as a surety, and have an agent for service in California, together with an "A" policy holder's rating and a financial rating of at least "V" in compliance with the current "Best's" ratings. The bond(s) shall contain the nearest street address of the institution providing the bond(s).

 - b. **Cash Deposits.** In lieu of the faithful performance and labor and material bonds, the subdivider may submit cash deposits or negotiable bonds of a kind approved for securing deposits of public monies under the conditions hereinafter described.

Disbursements from cash deposits shall be made in compliance with a separate agreement between the subdivider and the City. A bookkeeping fee of 1% of the total amount deposited with the City for each cash deposit shall be submitted with each security. Disbursements from a cash deposit in any instance shall not be permitted unless and until authorized in writing by the Director.

c. **Letter of Credit.** In lieu of faithful performance and labor and material bonds or cash deposits, the subdivider may submit a letter of credit subject to the California Commercial Code and under the conditions hereinafter described. The letter of credit shall be issued by a financial institution organized and doing business in, and subject to regulation by, the State of California or federal government, in a form, content, and duration as approved by the City Attorney, and shall pledge that the funds necessary to meet the performance are on deposit and guaranteed for payment and agree that the funds designated by the instrument shall become secured trust funds for the purposes set forth in the instrument. The letter of credit shall contain the nearest street address of the institution providing the instrument.

3. The City Clerk shall not endorse or sign its certificate contained on the final map unless and until improvement security as hereinabove specified has been posted.
4. The requirements stipulated above are applicable to any parcel map for which the installation of any public improvements or grading is a condition of approval.
5. No final or parcel map shall be presented to the Council for acceptance until the requirements of this Section have been met and until all charges established by the Council and pertaining to the property being subdivided have been paid.

3. IMPROVEMENT AGREEMENT NOT REQUIRED WITH SPECIAL PERMIT

Should the subdivider desire to do certain work prior to entering into an agreement with the City to install and complete all subdivision improvements and alteration work, the subdivider may make an application to do so under a special permit. This application shall be accompanied by detailed plans, describing the work which is proposed. The Director and City Engineer may issue a special permit to the subdivider upon submittal of an application, provided security has been posted in an amount which would insure the rehabilitation of the land, including grading and planting, in the event the subdivision map does not record. The security and contractor's qualifications shall be in compliance with this section. When the special permit is for all work required in connection with the subdivision and the work has been completed and inspected prior to map recordation, an improvement agreement will not be required.

4. AGREEMENT BETWEEN DEVELOPMENT DEPARTMENT AND CITY IN LIEU OF BOND

An agreement between the Development Department of the City and the City, approved by the City Attorney and unconditionally providing and guaranteeing that said Development Department shall provide any or all required improvements and pay the costs thereof pursuant to the provisions of this Chapter, and which pledges the full faith and credit of said Development Department, may be filed with the City Engineer as security in lieu of bond, cash, or certificate of deposit whenever the project is located in a redevelopment project area or the project is covered by a disposition and joint development agreement of which the City or Development Department is a party. The guarantee agreement shall recite that the improvements will be in compliance with the redevelopment plan, if any, for the area and in furtherance of the public interest in promoting public or private development.

5. RELEASE OF SECURITY

Security provided may not be released. In the case of a letter of credit, the issuing bank or association will receive a copy of the Notice of Completion.

A. PROGRESS PAYMENTS

Progress payments may be made to the subdivider from any deposit money or letter of credit which the subdivider may have made in lieu of providing a security bond; provided, however, that no progress payment shall be made for more than 90% of the value of any installment of work. No progress payments from cash deposits shall be made except upon certification by the City Engineer, and the subdivider that work covered thereby has been completed.

B. RELEASE OF SECURITY

Improvement bonds given for faithful performance of the agreement shall be released upon final inspection and acceptance by the City Engineer. The labor and material bond shall be retained to secure payment to the contractor, the subcontractors, and to persons renting equipment or furnishing labor or materials for 6 months after completion and acceptance of the work. Following the 6-month period, the labor and material security may be reduced to an amount not less than the total of all claims on which an action has been filed and notice given in writing to the City.

C. MAINTENANCE GUARANTY

The subdivider shall guarantee all public improvements for a period of 1 year from the date of final acceptance and shall correct any and all defects or deficiencies arising during that period of limitation outlined in Code of Civil Procedure Sections 337 and 337.15, as a result of the acts or omissions of the subdivider, its agents, or employees. The subdivision guaranty shall be backed by a bond or cash deposit in the amount of 25% of the surety posted for improvements. The City shall provide written notice of the defect or deficiency.

In any instance where the subdivider fails to take action within the specified time, or when immediate action is required to protect the public health, safety and/or welfare, the City may cause the work to be performed and call on the surety for reimbursement. The maintenance security shall be submitted prior to final acceptance of the public improvements by the City.

D. FORFEITURE OF SURETY

In the event that subdivider fails to complete all improvement work in compliance with the provisions of this section and the improvement agreement, and the City shall have to complete the same, the City shall call on the security for funds necessary to complete the improvements as reimbursement or shall appropriate from any cash deposit funds for reimbursement. If the amount of any security shall be less than the cost and expense incurred by the City, the subdivider shall be liable to the City for such difference. Any cash remaining in the possession of the City after completion of the improvement, shall be returned to the originator minus normal administrative costs.

19.30.240 CONSTRUCTION AND INSPECTION

The construction methods and materials for all subdivision improvements shall conform to City requirements. Construction shall not commence until all required improvement plans have been approved by the City Engineer and all applicable City permits have been issued. All subdivision improvements are subject to inspection by the City Engineer and shall comply with City requirements.

19.30.250 COMPLETION OF IMPROVEMENTS

1. ALL SUBDIVISIONS

The subdivision improvements shall be completed by the subdivider within 12 months, or a later time as approved by the City Engineer, not to exceed a total of 24 months, from final map recordation, unless an extension is granted by the Council.

If the subdivider fails to complete the subdivision improvements within the specified time limits, the Council may, by resolution, cause any or all uncompleted improvements to be completed and the parties executing the security or securities shall be firmly bound for the payment of all necessary and appropriate costs.

2. EXTENSIONS

The completion date may be extended by the Council upon written request by the subdivider and submittal of adequate evidence to justify the extension. The request shall be made not less than 30 days prior to expiration of the subdivision improvement agreement. The subdivider shall enter into a subdivision improvement agreement extension with the City. The agreement shall be prepared by the City Engineer, approved as to form by the City Attorney, executed by the subdivider and surety and transmitted to the Council for consideration. If approved by the Council, the City Clerk shall execute the agreement on behalf of the City.

In consideration of a subdivision improvement agreement extension, the following adjustments may be required:

- A.** Revision of improvement plans to provide for current design and construction standards when required by the City Engineer;
- B.** Revised improvement construction estimates to reflect current improvement costs as approved by the City Engineer;
- C.** Increase of improvement securities in compliance with revised construction estimates;
- D.** Inspection fees may be increased to reflect current construction costs, but shall not be subject to any decrease or refund; and
- E.** Any fees then in effect.

The Council may impose additional requirements as recommended by the City Engineer or as it may deem necessary as a condition to approving any time extension for the completion of subdivision improvements.

19.30.260 ACCEPTANCE OF IMPROVEMENTS

1. GENERAL

After all improvement deficiencies have been corrected and "Drawings of Record" improvement plans filed, the completed subdivision improvements shall be considered by the City Engineer for acceptance. The developer shall be responsible for the cost of providing "as built" revisions to the approved original "drawings of record" on file in the office of the City Engineer. Redlined drawings shall not be accepted for "as built" revisions.

Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that public improvements have been accepted for public use.

2. ACCEPTANCE OF A PORTION OF IMPROVEMENTS

Upon written report of the subdivider, the City Engineer may accept a portion of the subdivision improvements. The improvements shall only be accepted if the City Engineer finds that it is in the public interest, and the improvements are for the use of the general public.

Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements imposed by this Development Code.

19.30.270 BICYCLE PATHS

As required by Map Act Section 66475, regarding dedication of roadways to the public, the subdivider shall also dedicate additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision, if the subdivision contains 200 or more parcels, pursuant to Map Act Section 66475.1.

19.30.280 BRIDGES AND MAJOR THOROUGHFARES

The purpose of this section is to provide for improvements or the payment of fees to defray the actual or estimated cost of the construction of bridges over waterways, railways, freeways and canyons and/or major thoroughfares as a condition of approval of a final map or as a condition of issuing a building permit, pursuant to Map Act Sections 66484 and 66489, consistent with the Circulation Element of the General Plan.

1. DEFINITIONS

The following definitions apply specifically to this section:

A. AREA OF BENEFIT

A specified area for which it has been determined that the real property located therein will benefit from the construction of a bridge and/or major thoroughfare.

B. BRIDGE FACILITIES

Those situations identified in the Circulation Element requiring construction of, or addition to, a bridge spanning a waterway, railway, freeway or canyon or that is part of a major thoroughfare.

C. CONSTRUCTION

Design, acquisition of right-of-way, administration of construction contracts, actual construction and inspection(s).

D. MAJOR THOROUGHFARES

A roadway designated as arterial, major or secondary highway, as identified in the Circulation Element, whose primary purpose is to carry through traffic and provide a network connecting to the state highway system.

2. ESTABLISHMENT PROCEDURES

Action to establish an area of benefit requiring the payment of fees outlined in this section shall be accomplished, pursuant to the provisions of Map Act Section 66484.

3. AMENDMENTS

Resolutions establishing areas of benefit may be amended by the Council to reflect modifications in either bridge and/or major thoroughfare facilities. These amendments shall be adopted in the same manner as the original resolution.

4. PAYMENT OF FEES

Fees required pursuant to this section shall be paid prior to the recordation of a final or parcel map. These fees shall be based on the City's Schedule of Fees in effect on the date of payment.

5. IN LIEU CONSIDERATION

The Council may approve the acceptance of consideration in lieu of payment of fees outlined in this section.

6. REIMBURSEMENT

If a subdivider, as a condition of approval of a tentative map, is required or desires to construct a bridge and/or major thoroughfare, the Council may enter into a reimbursement agreement with the subdivider, to provide for payments to the subdivider from the applicable fund.

19.30.290 DEDICATION OF STREETS, ALLEYS AND OTHER PUBLIC RIGHTS-OF-WAY OR EASEMENTS

The subdivider, as a condition of approval of a tentative map, shall dedicate, or make an irrevocable offer of dedication of, all parcels of land within the subdivision that are needed for streets and alleys, including access rights and abutter's rights, drainage, public open space, trails, scenic easements, public utility easements and other public easements, pursuant to Map Act Section 66475. In addition, the subdivider shall improve or agree to improve all the aforementioned dedications and easements.

19.30.300 DEDICATIONS

All dedications of property to the City for public purposes may be made in fee title, and that, at the City's discretion, a grant of an easement may be accepted for open space, scenic, trails, parks, and/or public utility easements. All dedications in fee and grants of easements shall be free of liens and encumbrances except for those which the City finds would not conflict with the intended use. The City may accept an irrevocable offer of dedication in lieu of dedication.

19.30.310 LOCAL TRANSIT FACILITIES

The subdivider, as a condition of approval of a tentative map, may be required to dedicate, or make an irrevocable offer of dedication, of land within the subdivision for local transit facilities (e.g., shelters, bus turn outs, etc.) pursuant to Map Act Section 66475.2.

19.30.320 PARKS AND RECREATION FACILITIES

1. GENERAL

The purpose of this section is to provide additional park and recreational facilities and open space. The park and recreational facilities for which payment of a fee and/or dedication of land is required by this section shall be in compliance with the policies, goals and standards contained in the Parks and Recreation Element of the General Plan.

2. REQUIREMENTS

The subdivider, as a condition of approval of a tentative map, shall pay a fee in lieu, dedicate land, or both, at the discretion of the Council for park and/or recreational purposes, pursuant to Map Act Section 66477.

3. PARK AREA STANDARD

It is hereby found and determined that the public interest, convenience, health, safety and welfare require that 5 acres of land for each 1000 persons residing within the City be devoted to park and recreational purposes. Lands held as public open space, for wildlife habitat, shall not be included in this formula.

4. PARK AND RECREATION CONSTRUCTION FEE

- A.** A park and recreation construction fee shall be assessed for any mobile home lot or residential dwelling unit constructed in the City. Any person securing a building permit to construct a residential dwelling unit, or to install electrical and/or plumbing equipment to provide service to a mobile home shall pay the following rates:
- 1.** One percent of the cost of the improvements for each single-family dwelling constructed, as determined by the building permit.
 - 2.** One percent of the cost of the improvements for each residential dwelling unit constructed in a multi-family dwelling containing 2 or more residential dwelling units, as determined by the building permit.
 - 3.** One percent of the cost of the improvements or \$650.00 for each mobile home lot constructed, whichever is greater, in a mobile home park or mobile home park subdivision, as determined by the building permit.
- B.** The fee imposed by this section shall be imposed regardless of whether the new dwelling unit is created by new construction or by modification of existing nonresidential structures. The fee imposed shall apply to new mobile home park sites regardless of whether they are part of a new mobile home park or an addition to an existing park.
- C.** For the construction of new single-family homes, the fee imposed by this Section may be deferred at the request of the owner of the property until the release of utilities is issued or eighteen (18) months from the issuance of the Building Permit, whichever is less. The owner of the property must personally guarantee payment of the fee, sign documents authorizing the City to place a lien on the property in the amount of the fee, agree to place the payment of the fee in any escrow for the sale of the property, authorize the City to demand payment in any such escrow, and pay an administrative fee set by resolution of the Mayor and Common Council. The amount of the fee due shall be the amount in effect at the time of collection of the fee. In no event shall utilities be released until the fees are paid. This Subdivision C shall expire and be of no further force and effect on and after April 1, 1997. (MC 961 3/18/96)

5. GENERAL PLAN

Where a public park or recreational facility has been designated in the General Plan and is to be located in whole or in part within the proposed subdivision and is reasonably related to serving the needs of the residents of that subdivision, the subdivider shall dedicate land for park and recreational facilities sufficient in size and physical characteristics to meet that purpose. The amount of land shall be determined pursuant to Section 19.30.320(6).

If there is no park or recreational facility designated in the General Plan to be located in whole or in part within the proposed subdivision to serve the needs of the residents of that subdivision, the subdivider shall, pursuant to Council determination, pay a fee in lieu of or dedicate land in compliance with Section 19.30.320(6).

6. DETERMINATION OF LAND OR FEE

The Council shall consider the following when evaluating the payment of fee in lieu of or the acceptance of land for dedication, or a combination of both:

- A. Parks and recreation Element, and any other applicable provision of the General Plan;
- B. Topography, geology, access and location of land in the subdivision suitable for dedication;
- C. Size and shape of the subdivision and land suitable for dedication;
- D. Feasibility of dedication; and
- E. Availability of previously acquired private property.

7. PAYMENT OF PARK AND RECREATION CONSTRUCTION FEE

The fee required by Section 19.30.320(4) shall be due and payable upon the issuance of a building permit for either construction of any residential dwelling unit, or installation of electrical and/or plumbing equipment to provide service to a mobile home. A refund of this fee may be made to the person who paid the fee in the event the building permit expires, pursuant to Section 302(d) of the Uniform Building Code.

8. USE OF FEES

All park and recreation construction fees collected pursuant to the provisions of this chapter shall be placed into a special fund which shall be known as the Park and Recreation Construction Fee Fund. The fund shall be composed of a separate revenue and expense account. Fees collected pursuant to this chapter shall be deposited in the revenue and expense account called Park and Recreation Construction Fee fund, and shall be used solely for the acquisition, improvement and expansion of the public park, playground and recreational facilities of the City, and for the installation and development of playground and recreational facilities owned by the elementary and high school districts.

9. CREDITS FOR LAND AND IMPROVEMENTS DEDICATION

In lieu of the payment of all or a portion of the park and recreation construction fee, the Council may grant credit for land and improvements which are dedicated in fee to public recreation and park purposes and accepted by the City. Dedicated land to be eligible for the credit shall be certified by the Commission as meeting the requirements of the Recreation Element. The amount of dedicated land eligible for the credit, the amount of credit to be given under this section, and the terms and conditions of the credit, if any, between the City and the dedicator shall be determined by mutual agreement.

10. SUBDIVISIONS NOT WITHIN CITY LIMITS

When the proposed subdivision lies within the Sphere of Influence of the City, and the subdivider intends to annex, the subdivider shall, pay a fee in lieu thereof, dedicate land, or both in compliance with adopted park and recreational principles and standards of the City's General Plan, and pursuant to the provisions of this section.

19.30.330 RESERVATIONS

The subdivider, as a condition of approval of a tentative map, may be required to reserve areas of real property for parks, recreational facilities, fire stations, libraries or other public uses, pursuant to the requirements of Map Act Sections 66479 and 66480.

19.30.340 SCHOOL SITE RESERVATIONS

The subdivider, as a condition of approval of a tentative map, may be required to dedicate real property for the construction of an elementary school to assure the residents of the subdivision adequate public school service. The dedication and subsequent repayment to the subdivider shall comply with the provisions of Map Act Section 66478.

19.30.350 SOLAR ACCESS EASEMENTS

(Reserved for future ordinance).

19.30.360 SUPPLEMENTAL IMPROVEMENTS

The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision map, and thereafter to dedicate such improvements to the public. However, the subdivider shall be reimbursed for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only, and the actual cost of such improvements pursuant to the provisions of Map Act Sections 66485, 66486 and 66487. The reimbursement shall be in conformance with an agreement approved by the Council. No improvements shall be constructed prior to approval of the agreement.

1. The owner of property serviced by a sewer main extended by the owner 300 feet or more beyond the existing sewer facilities as measured from the point of connection with such existing facilities to the point where the extension enters the lot, parcel or tract to be served by such line, may file with the City Engineer, 2 copies of an audited report of the costs incurred for the sewer line extension and manhole construction (except laterals) as an application for the reimbursement of the costs. The reports shall be filed within 90 days after written acceptance of such extension by the City. The City Engineer shall review such documentation and shall within 45 days after acceptance of same, make a recommendation to the City Administrator that:
 - A. All or a portion of the costs be accepted or denied;

- B. The City enter into a payback agreement with the owner or subdivider. The agreement shall provide that persons making connection to the line be assessed a fee on a pro rata basis as determined by the frontage of the lot, parcel, or tract serviced by the sewer line extension and, that all fees collected shall be paid to the original builder of the line. Any such agreement shall have a maximum term of 10 years and shall not pay interest; or
 - C. The owner receive immediate payment from the sewer construction fund of the allowed costs of the construction.
2. The recommendation of the City Engineer shall be based upon the following criteria:
- A. That the extension represents a logical and reasonable extension of the sewer line;
 - B. Properties along the extension have a reasonable probability of development within the ensuing 10 years;
 - C. There are sufficient unencumbered funds in the sewer line construction fund to finance the line;
 - D. The extension does not conflict with or delay the 5 year sewer line construction plan;
 - E. The extension is in compliance with the General Plan; and
 - F. The owner is not receiving any other form of government financing including, but not limited to, inducement, reimbursement, or fee waiver for such development.

Based on the above, the City Administrator shall submit a recommendation to the Council.

3. No reimbursement shall be made hereunder unless and until the City Administrator determines that the audited report and verified claim have been filed within the allotted time periods and are otherwise acceptable to the City.

19.30.370 WAIVER OF DIRECT ACCESS RIGHTS

The City shall require as a condition of approval of a tentative map dedication of streets designated as arterial highways, including waiver of direct access rights, except at approved access points. The City may require as a condition of approval of a tentative map that dedications or offers of dedication of streets include a waiver of direct access rights to any street from any property within or abutting the subdivision. The waiver shall become effective upon acceptance of the dedication, pursuant to Map Act Section 66476.

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