

CITY COUNCIL ORDINANCE NO. 09-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, ADOPTING A NEGATIVE DECLARATION AND AMENDING DIVISION 5 OF TITLE 5 OF THE IRVINE MUNICIPAL CODE RELATING TO SUBDIVISIONS (SUBDIVISION ORDINANCE)

WHEREAS, the California Government Code Sec. 66410 et. Seq. (Subdivision Map Act) authorizes local jurisdictions to implement procedures for processing applications for subdivisions of land; and

WHEREAS, Subdivision Map Act provides direction on how subdivision applications are processed and requires that each city adopt an ordinance outlining how subdivision applications are reviewed and approved; and

WHEREAS, the City of Irvine Subdivision Ordinance is included in the Municipal Code, Division 5, Title 5 and provides direction for subdivision activity within the City of Irvine; and

WHEREAS, in 1983, the City Council last approved a comprehensive update to the Irvine Subdivision Ordinance; and

WHEREAS, it is a City-initiated work effort to update the Subdivision Ordinance, to maintain consistency with state law and current City practice; and

WHEREAS, update to the Subdivision Ordinance constitutes an amendment to the Municipal Code Division 5 of Title 5 known as the Irvine Subdivision Ordinance; and

WHEREAS, amendment of the Irvine Municipal Code is considered a "project" pursuant to the terms of the California Environmental Quality Act (CEQA); and

WHEREAS, a Negative Declaration was prepared for the amendment to the Municipal Code, circulated for public review from September 11, 2008 to September 30, 2008 and is to be submitted to the City Council of the City of Irvine for its consideration and action; and

WHEREAS, the Subdivision Committee of the City of Irvine has considered information presented by the Community Development Department and other interested parties at a public meeting on January 14, 2009 and on a vote of 4-0 (1 absent) recommended adoption of the negative declaration and approval of the proposed amendments to the Municipal Code Division 5 of Title 5 (Irvine Subdivision Ordinance).

WHEREAS, the Planning Commission of the City of Irvine has considered information presented by the Community Development Department and other interested parties at a public hearing on March 5, 2009 and on a vote of 5-0 recommended adoption of the negative declaration and approval of the proposed amendments to the Municipal Code Division 5 of Title 5 (Irvine Subdivision Ordinance).

WHEREAS, the City Council of the City of Irvine has considered information presented by City staff, the applicant, and other interested parties at a public hearing held on April 14, 2009.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY ORDAIN as follows:


SECTION 1. Pursuant to Section 7 of the City of Irvine CEQA procedures and Section 15070 of the State Environmental Guidelines, it has been determined that the proposed project cannot or will not have a significant effect on the environment. Thus, a negative declaration has been prepared, processed and considered according to the California Environmental Quality Act.

SECTION 2. If any portion of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 3. Amendment of Division 5 of Title 5 of the Irvine Municipal Code (Irvine Subdivision Ordinance) is in the best interests of the public because the revisions will ensure the Ordinance maintains consistency with state law, the Irvine Subdivision Manual and current City practices.

SECTION 4. Division 5 of Title 5 of the Irvine Municipal Code is hereby amended to read in its entirety as set forth in Exhibit 1, attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED by the City Council of the City of Irvine at a special meeting held on the 28th day of April 2009.


MAYOR OF THE CITY OF IRVINE

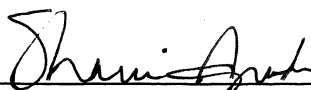
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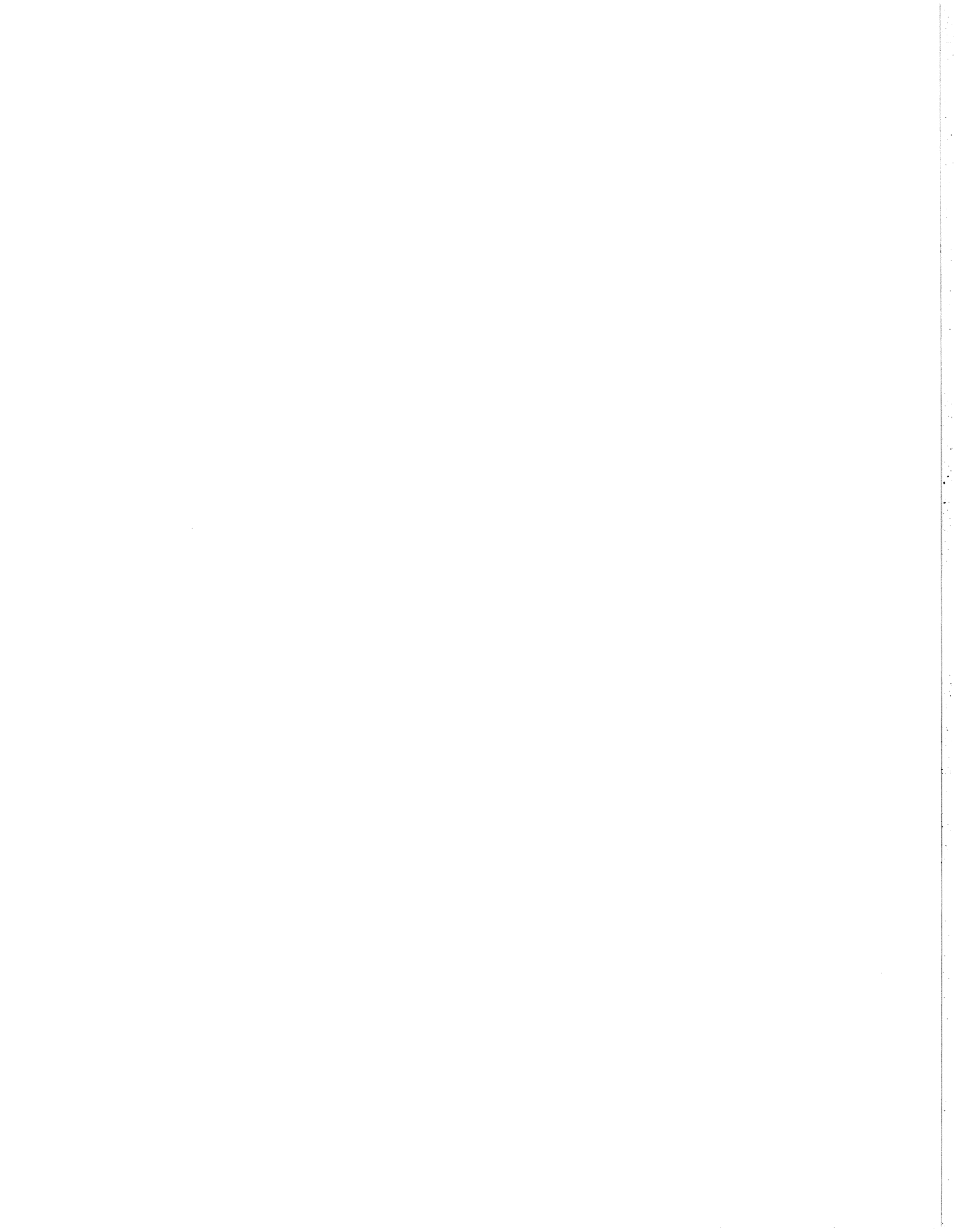

CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF IRVINE)

I, SHARIE APODACA, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was introduced for first reading on the 14th of April, 2009, and duly adopted at a special meeting of the City Council of the City of Irvine held on the 28th of April 2009, by the following vote:

AYES:	5	COUNCILMEMBERS:	Agran, Choi, Krom, Shea and Kang
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None


CITY CLERK OF THE CITY OF IRVINE



**EXHIBIT 1
IRVINE MUNICIPAL CODE**

“TITLE 5 – DIVISION 5 SUBDIVISIONS

Chapter 1. In General

- Sec. 5-5-101. Intent and purpose.**
- Sec. 5-5-102. Subdivision manual.**
- Sec. 5-5-103. Review and approval authority.**
- Sec. 5-5-104. Establishment of Subdivision Committee.**
- Sec. 5-5-105. Processing and filing costs.**
- Sec. 5-5-106. Reserved.**
- Sec. 5-5-107. Modification of requirements.**
- Sec. 5-5-108. Standards.**
- Sec. 5-5-109. Notice of public hearing; notice of public meeting.**
- Sec. 5-5-109.1 Findings**
- Sec. 5-5-110. Appeal procedure.**
- Sec. 5-5-111. Terms defined.**
- Sec. 5-5-112. Concurrent processing.**
- Sec. 5-5-113. Environmental review.**
- Sec. 5-5-114. Indemnification of city.**

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- Sec. 5-5-301. Applicability.**
- Sec. 5-5-302. Who may file.**
- Sec. 5-5-303. Form; contents; supplementary information.**
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Chapter 4. Tentative Maps: Processing Procedures

- Sec. 5-5-401. Requirements.**
- Sec. 5-5-402. Filing; acceptance thereof.**
- Sec. 5-5-403. Advisory agency actions.**
- Sec. 5-5-403.1. Consistency requirement.**
- Sec. 5-5-404. Withdrawal of tentative map.**
- Sec. 5-5-405. Expiration of tentative map approval; time limits for recording final map.**
- Sec. 5-5-406. Requirements for multiple tentative maps.**

Chapter 5. Vesting Tentative Maps: Filing Requirements

- Sec. 5-5-501. Applicability.**
- Sec. 5-5-502. Who may file.**
- Sec. 5-5-503. Form; contents; supplementary information.**

Chapter 6. Vesting Tentative Maps: Processing Procedures

- Sec. 5-5-601. Requirements.**
- Sec. 5-5-602. Filing; acceptance thereof.**
- Sec. 5-5-603. Processing.**
- Sec. 5-5-604. Vesting on approval of vesting tentative map; extensions; expiration.**
- Sec. 5-5-605. Expiration of tentative map approval; time limits for recording final map.**
- Sec. 5-5-606. Amendment to vesting tentative maps.**
- Sec. 5-5-607. Subsequent permits, licenses, and other entitlements for use.**

Chapter 7. Final Maps: Requirements and Procedures

- Sec. 5-5-701. Content and form.**
- Sec. 5-5-702. Requirements.**
- Sec. 5-5-703. Filing process.**
- Sec. 5-5-704. Certification and approval by city engineer.**
- Sec. 5-5-705. Copy of final map to City.**
- Sec. 5-5-706. Multiple maps.**
- Sec. 5-5-707. Special requirements for master maps.**

Chapter 8. [Reserved]

Chapter 9. Correction and Amendment of Subdivision Maps

- Sec. 5-5-901. Revision of tentative map prior to approval.**
- Sec. 5-5-902. Revision of tentative map after approval.**
- Sec. 5-5-903. Changes in information on tentative map after approval.**
- Sec. 5-5-904. Changes in conditions of approval of tentative map.**
- Sec. 5-5-905. Amendment of final map.**

Chapter 10. Dedications; Reservations

- Sec. 5-5-1001. General dedication requirements for public use or benefit.**
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- Sec. 5-5-1004. Park dedication.**
- Sec. 5-5-1005. Elementary school site dedications.**
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- Sec. 5-5-1008. Individual household telephone service.**

Chapter 11. Fees in Lieu of Dedication or Improvement

- Sec. 5-5-1101. Flood control.**
- Sec. 5-5-1102. Drainage fees.**
- Sec. 5-5-1103. Bridge crossing and major thoroughfares.**
- Sec. 5-5-1104. Major thoroughfare and bridge fee.**

Chapter 12. Improvement Agreements; Improvement Security

- Sec. 5-5-1201. Required.**
- Sec. 5-5-1202. Amount.**
- Sec. 5-5-1203. Special assessment proceeding; reduction.**
- Sec. 5-5-1204. Release.**
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Chapter 13. Supplemental Improvements; Reimbursement Agreements

- Sec. 5-5-1301. Supplemental improvements--Required.**
- Sec. 5-5-1302. Same--Reimbursement agreement, funding procedures.**
- Sec. 5-5-1303. Same--Drainage, sewerage, bridges and major thoroughfares.**

Chapter 14. Lot Line Adjustments

- Sec. 5-5-1401. Applicability.**
- Sec. 5-5-1402. Requirements.**
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Chapter 15. Reversions to Acreage

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- Sec. 5-5-1502. Content and form.**
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Chapter 16. Mergers

- Sec. 5-5-1601. Purpose.**
- Sec. 5-5-1602. Mergers, general.**
- Sec. 5-5-1603. Mergers initiated by city.**
- Sec. 5-5-1604. Mergers initiated by property owner.**
- Sec. 5-5-1605. Compliance with minimum requirements.**
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- Sec. 5-5-1701. General.**
- Sec. 5-5-1702. Certificate of compliance.**
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Chapter 1. In General

Sec. 5-5-101. Intent and purpose.

This division is adopted to supplement and implement the provisions of Government Code § 66410 et seq., hereinafter referred to as the Subdivision Map Act, and any successor statutes, and may be cited as the 'Subdivision Ordinance of the City of Irvine.' The regulations contained hereinafter in this division shall apply to all subdivisions hereafter made, entirely or partially within the incorporated territory of the City of Irvine.

Sec. 5-5-102. Subdivision manual.

The Director of Community Development or designee shall formulate such rules, procedures and interpretations as may be necessary or convenient to administer this division. Such rules, procedures and interpretations shall be referred to as the 'City of Irvine Subdivision Manual' or the 'subdivision manual.' The subdivision manual shall be initially adopted by resolution of the City Council. The Director of Community Development or designee is hereby authorized to incorporate further amendments into the subdivision manual; provided such amendments are consistent with the Subdivision Map Act and this division; and further provided that the Subdivision Map Act does not require that such amendments be adopted by formal action of the City Council. Copies of the current subdivision manual shall be on file in the office of the City Clerk and be made available to the public at a cost sufficient to pay for printing.

Sec. 5-5-103. Review and approval authority.

A. Advisory agencies. The following advisory agencies are hereby authorized to approve, conditionally approve or disapprove tentative maps of subdivisions prepared, filed and considered by them according to the provisions of this division and the Subdivision Map Act; to prescribe the kinds, nature and extent of improvements required to be installed in subdivisions; and to report directly to the subdivider or owner the action taken on the tentative map subject to the right of appeal to the City Council as set forth in section 5-5-110 of this division:

1. City Engineer. The City Engineer is hereby designated as an advisory agency, as that term is used in the Subdivision Map Act, and is charged with the duties set forth in subparagraph B of this section.
2. Subdivision Committee. The Subdivision Committee is hereby designated as an advisory agency, as that term is used in the Subdivision Map Act, and is charged with the duties set forth in subparagraph B of this section.
3. Planning Commission. The Planning Commission is hereby designated as an advisory agency, as that term is used in the Subdivision Map Act, and is charged with the duties set forth in subparagraph B of this section.

B. Local agency review and approval functions.

1. City Engineer:

- a. Review and approve, conditionally approve, or disapprove lot line adjustments.
- b. Review and approve or disapprove final parcel and tract maps.
- c. Review and approve or disapprove certificates of compliance.
- d. Review and approve, conditionally approve, or disapprove mergers.
- e. Accept dedications and conveyances of real property and interests in real property offered at no cost to the City.
- f. Approve improvement agreements.

2. Subdivision Committee:

- a. Review and approve, conditionally approve, or disapprove tentative parcel maps and conditional certificates of compliance.
- b. Review and make recommendations to the Planning Commission regarding applications for tentative tract maps.
- c. Review and make recommendations to the City Council to regarding petitions for reversion to acreage involving parcel maps.

3. Planning Commission:

- a. Review and approve, conditionally approve, or disapprove tentative tract maps.
- b. Review and make recommendations to the City Council regarding petitions for reversion to acreage involving tentative tract maps.

4. City Council:

- a. Review and approve, conditionally approve, or disapprove petitions for reversion to acreage.
- b. Review and uphold or deny appeals from actions of the City Engineer, Subdivision Committee and Planning Commission.

C. The City Council shall periodically review the delegation of authority to the various advisory agencies.

Sec. 5-5-104. Establishment of Subdivision Committee.

A. Membership. There is hereby established a Subdivision Committee consisting of one (1) representative from each of the following city departments:

1. Engineering Services.
2. Planning and Development.

3. Transportation Services.
4. Building and Safety.
5. Community Services (Manager or designee).

B. General. The operation and procedures of the Subdivision Committee shall be governed by the resolution of the Subdivision Committee and the provisions of division 4 of title 1 of this code pertaining to commissions and committees.

C. Notification to Subdivision Committee. All material relating to matters to come before the Subdivision Committee shall be forwarded to each Committee member prior to the Subdivision Committee meeting. An agenda shall accompany such material indicating the date, time and place for the Subdivision Committee's meeting.

D. Meetings open to the public. Subdivision Committee meetings shall be open to the public; and any officer, person, subdivider, owner or other interested person may attend any such meetings and present any appropriate matters to the Committee.

Sec. 5-5-105. Processing and filing costs.

At the time an application for a tentative map is filed, funds sufficient to cover costs incurred by the City in processing maps, plans and requests filed pursuant to the provisions of the Subdivision Map Act and this division shall be paid to the City of Irvine in compliance with the fees and deposits resolution adopted by the City Council, as amended from time to time.

Sec. 5-5-106. Reserved.

Sec. 5-5-107. Modification of requirements.

Whenever special circumstances applicable to the land involved in the proposed subdivision make it impractical in the particular case to conform to the strict application of the requirements of this division, the subdivider may request a modification of the provisions of this division. The advisory agency, in its sole discretion, may make such modifications with respect to the application of this division as it determines are reasonably necessary or expedient to accommodate the special circumstances. For the purposes of this section, 'special circumstances' means any of the following:

- (1) the land involved is of unusual size or shape; *or*
- (2) the land involved is subject to recorded title limitations that affect or limit its development; *or*
- (3) the topographical location or condition of land involved affect its development; *or*
- (4) the use to which the land involved will be devoted requires the modification(s).

In order to grant a modification, the advisory agency must make the additional findings set forth in Section 5-5-109.1, item (11), of this chapter.

Sec. 5-5-108. Standards.

All improvements to be installed or agreed to be installed in a subdivision shall conform to the 'City of Irvine Street Design Manual and Standard Plans,' which is hereby adopted by reference by the City Council. The Director of Public Works or designee is hereby authorized to amend the City of Irvine Street Design Manual and Standard Plans provided such amendments are consistent with this division and further provided that the Subdivision Map Act does not require that such amendments be adopted by ordinance of the City Council. A copy of the City of Irvine Street Design Manual and Standard Plans is on file in the office of the City Clerk.

Sec. 5-5-109. Notice of public hearing; notice of public meeting.

A. Whenever a public hearing is held pursuant to this division, notice of the time and place thereof, including a general description of the location of the proposed subdivision, shall be given at least ten days before the hearing in accordance with the provisions of Government Code §§ 65090 and 65091, or any successor statutes, in the following manner:

- (i) Notice shall be published once in an adjudicated newspaper of general circulation; and
- (ii) Notice shall be mailed to all homeowners associations, property owners and apartment and commercial tenants within 500 feet of the boundary lines of the proposed subdivision and to any other persons required by law. For the purposes of this section, the 500-foot measurement shall be measured from the exterior property lines of the proposed subdivision. Apartment tenants shall receive notice anytime they reside within 500 feet of the proposed subdivision. Noticing of commercial tenants shall occur in only two instances: (1) a residential development is proposed within 1,000 feet of where businesses use, store, transport, and/or manufacture hazardous chemicals and/or waste; or (2) a heavy manufacturing use where the subject of the application is or relates to, the use, storage, transportation, and/or manufacturing of hazardous chemicals and/or waste; and
- (iii) Notice shall be posted in at least three public places within the City as designated by the City Council and the project site.

Notwithstanding the foregoing, it should be noted that the Subdivision Map Act may require additional notice for certain applications. Pursuant to the requirements set forth in Government Code §§ 66451.2 and 66451.3, and any successor statutes thereto, the subdivider shall be responsible for reimbursing the City for expenses incurred under this provision.

B. Whenever a public meeting is held pursuant to this division, notice of the time and place thereof, including a general description of the location of the proposed subdivision, shall be given at least ten days before the hearing in accordance with the provisions of Government Code §§ 65090 and 65091, or any successor statutes, in the following manner:

- (i) Notice shall be published once in an adjudicated newspaper of general circulation; and
- (ii) Notice shall be posted in at least three public places within the City as designated by the City Council and the project site.

Sec. 5-5-109.1 Findings.

A. In order for the designated advisory agency to approve or conditionally approve a tentative parcel map, tentative tract map, or vesting tentative map, it shall make all of the following findings:

- (1) The proposed map is consistent with the general plan, applicable specific plans, and the zoning ordinance; and
- (2) The design or improvement of the proposed subdivision is consistent with the general plan, applicable specific plans, and the zoning ordinance; and
- (3) The site is physically suitable for the type of development proposed; and
- (4) The site is physically suitable for the proposed density of development; and
- (5) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat; and
- (6) The design of the subdivision or type of improvements is not likely to cause serious public health problems; and
- (7) The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision; and
- (8) Any discharge of waste from the proposed subdivision into an existing sewer system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board, Santa Ana Region, pursuant to Division 7 of the Water Code of the State of California; and
- (9) The requirements of the California Environmental Quality Act have been satisfied; and
- (10) For subdivisions of 500 or more units, sufficient water supply will be available to serve the proposed subdivision.
- (11) For any subdivision for which a modification is granted pursuant to Section 5-5-107 of this Chapter, all of the following additional findings:
 - a. Due to special circumstances applicable to the proposed subdivision, including the size, shape, topography, use to which the subdivision is to be devoted, or surrounding land uses, strict application of the requirements of this division would impose a hardship on the subdivider and deprive him/her of the rights enjoyed by others in the vicinity.
 - b. Granting the modification sought by the subdivider will not result in undue detriment to surrounding property or residents;
 - c. Granting the modification sought by the subdivider will not constitute the grant of a special privilege.

B. Additional finding for vesting tentative maps. In addition to the findings set forth in subsection (A) of this section, a vesting tentative map shall be approved or conditionally approved only if the advisory agency can make the following additional finding:

- (1) The proposed vesting tentative map is consistent with all applicable plans, ordinances, and policies in effect at the time the map is approved or conditionally approved, or the subdivider is concurrently processing an application to eliminate the inconsistency.

Sec. 5-5-110. Appeal procedure.

The subdivider, a member of the City Council or any interested person adversely affected by any action of the City Engineer, Subdivision Committee or Planning Commission may appeal said action to the City Council. The appeal shall be filed in writing with the City Clerk within 15 days after the action. The City Council shall hold a hearing on the appeal within 30 days after the date of filing the appeal. The hearing on the appeal shall be noticed in accordance with the provisions of section 5-5-109 and all applicable provisions of Government Code § 66452.5 or any successor statute.

Sec. 5-5-111. Terms defined.

The definitions in the Subdivision Map Act shall govern the meaning of words in this division unless from the context in which the word is used, a different meaning is clearly intended.

Advisory Agency: Any official or official body designated by the City Council to discharge the duties set forth in Section 66415 of the Subdivision Map Act.

A Maps or Master Maps: The initial map in a multiple tentative map series covering the same parcel or parcels of land, or a subset of said parcel or parcels of land (i.e., *A Map* and *B Map*) as more fully discussed in section 5-5-406 of this division.

Amending Map: Map filed in accordance with section 5-5-905 of this division to correct or amend a recorded final map.

B Maps: Subsequent tentative maps in a multiple tentative map series as discussed more fully in section 5-5-406 of this division relating to same parcel or parcels of land (or a subset of said parcel or parcels of land) covered by an *A map*.

City Engineer: The Manager of Engineering Services.

City Surveyor: The City Engineer or his or her representative.

Clerk of the advisory agency: The Director of Community Development or designee.

Commission: The City Planning Commission:

Committee: The City Subdivision Committee.

Condominium: A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan (as defined in Civil Code section 1351(f) or any successor statute) in sufficient detail to locate all boundaries thereof, as provided in Civil Code section 1351(f) or any successor statute.

Final map: A final tract or parcel map conforming to the requirements of chapter 7 of this division and the applicable provisions of the Subdivision Map Act.

Finance and Conveyance Map: A map used to parcelize undivided land, parcel maps, or tract maps for non-build reasons as more fully described in the Subdivision Manual.

Lot Line Adjustment: Any adjustment between two (2) or more existing adjacent parcels where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created in accordance with the provisions of Chapter 14 of this Division.

Park/Public Facility Standards Manual: City of Irvine Park/Public Facility Standards Manual.

Subdivision Manual: City of Irvine Subdivision Manual.

Subdivision Map Act: The Subdivision Map Act of the State of California (Government Code §§ 66410 to 66499.58, or any successor statutes thereto).

Tentative map: Tentative tract maps or tentative parcel maps conforming to the requirements of section 5-5-401 of this division and the applicable provisions of the Subdivision Map Act.

Vesting tentative map: A tentative map that shall have printed conspicuously on its face the words 'Vesting Tentative Tract Map' or 'Vesting Tentative Parcel Map' at the time it is filed and shall conform to the requirements of chapter 6 of this division and the applicable provisions of the Subdivision Map Act.

Sec. 5-5-112. Concurrent processing.

Applications for tentative and final maps may be processed concurrently with other development applications necessary to implement a particular development or project. If an applicant wishes to take advantage of concurrent processing, the applicant will be required to sign a waiver acknowledging and accepting all risks associated with such concurrent processing. This waiver shall acknowledge that should changes be required to approve the tentative or final map, and these changes require corresponding revisions to the development applications being concurrently processed, the subdivider is responsible for any additional charges and costs incurred to make such revisions. In addition, the waiver shall acknowledge that the charges accrued for the review of the original development applications prior to such revisions to the tentative or final map will not be refunded. Finally, the waiver shall acknowledge that the subdivider may be required to file revised applications to conform to the approved tentative or final map.

Sec. 5-5-113. Environmental review.

No tentative parcel or tract map filed pursuant to the provisions of this division shall be approved until an environmental review is prepared, processed, and considered in accordance with the city's local guidelines for implementation of the California Environmental Quality Act. The subdivider shall provide such additional data and information necessary and shall pay such fees as may be required for the preparation and processing of the appropriate environmental review documents.

Sec. 5-5-114. Indemnification of city.

As a condition of approval for any tentative or final map, the subdivider will be required to defend, indemnify, and hold harmless, the city and its agents, officers, and employees from any claim, action, or proceeding brought against the city or its agents, officers and employees to attack, set aside, void, or annul, an approval by an advisory agency or the city council of a subdivision pursuant to the provisions of this division and the subdivision map act. Such indemnification shall comport with the requirements of Government Code Section 66474.9 or any successor statute and the city's standard conditions.

CHAPTER 2. RESERVED

CHAPTER 3. TENTATIVE MAPS: FILING REQUIREMENTS

Sec. 5-5-301. Applicability.

This chapter shall govern the filing requirements for the submittal of tentative parcel maps and tentative tract maps, including maps for financing and/or conveyance purposes, which shall generally be referred to as 'tentative maps.' A tentative and final tract map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code or any successor statute thereto, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, unless otherwise excepted by the Subdivision Manual or the Subdivision Map Act. A tentative and final map shall also be required whenever a parcel map is required by this division or the Subdivision Map Act, unless the required is waived by the City pursuant to section 5-5-304 of this chapter.

Sec. 5-5-302. Who may file.

Any property owner who proposes to subdivide property may file a tentative map. The requirements for tentative parcel map or tentative tract map shall be as prescribed in the Subdivision Map Act. Any person who proposes to subdivide property that is owned by another person may file a tentative map for such property with the written consent of the owner.

Sec. 5-5-303. Form; contents; supplementary information.

Tentative maps shall conform with such requirements as to form, content and submittal of supplementary material as are specified in the subdivision manual. In addition to those requirements specified in the subdivision manual:

A. The Director of Community Development or designee may require additional information to accompany the submittal of a tentative map. The Director shall have the authority to include among such requirements submission of a current title report (prepared within three (3) weeks of submittal of the tentative map); geologic, seismic and hydrology reports; aerial photographs and transparent overlays; grading, site development and landscaping plans; fire

protection and fuel modification reports; sewer, water, storm drain and street improvement plans; and any other information reasonably relevant to the proposed subdivision.

B. The Director of Community Development or designee may require differing amounts of supplementary information, depending upon the type of map involved, the scope of the proposed subdivision, and the anticipated environmental impacts of the subdivision.

C. The Director of Community Development or designee may require the submission of additional information after the filing of tentative maps as necessary.

Sec. 5-5-304. Waiver of parcel map requirements.

The requirement for filing and recording a parcel map may be waived, provided that the Subdivision Committee finds the proposed division of land meets all requirements of the Subdivision Map Act and this division as to:

- 1) Area;
- 2) Improvement and design;
- 3) Floodwater drainage control;
- 4) Appropriate improved public roads;
- 5) Sanitary disposal facilities;
- 6) Water supply availability;
- 7) Environmental protection;
- 8) All other requirements of the Subdivision Map Act and any applicable provisions of this division; and
- 9) The City Engineer determines that a parcel map is not otherwise required by the Subdivision Map Act.

CHAPTER 4. TENTATIVE MAPS: PROCESSING PROCEDURES

Sec. 5-5-401. Requirements.

Tentative maps shall comply with the provisions of the Subdivision Map Act, all applicable zoning regulations, this division, the subdivision manual and any other ordinance, statute or law pertaining to the use, sale, leasing or subdivision of land.

Sec. 5-5-402. Filing; acceptance thereof.

Tentative maps shall be filed with the Director of Community Development, and shall be processed in accordance with the Subdivision Map Act and the provisions of this division and the subdivision manual. The filing of a tentative map shall not be deemed complete until each of the following has been submitted and/or completed and verified by the Director of Community Development or designee:

A. The appropriate number of maps, accompanying submittal requirements, and the appropriate filing fee or deposit are provided; and

B. An initial environmental assessment has been completed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the appropriate CEQA review process has been determined for the project.

C. For any tentative map that proposes a 'subdivision', as that term is defined in Government Code Section 66473.7 or any successor statute, one of the following conditions must be met prior to the city's approval of the map:

- 1) That there will be verification of a 'Sufficient Water Supply' as that term is defined in said Section 66473.7 of the Government Code.
- 2) That the subdivision is exempted from the Sufficient Water Supply Verification requirement by virtue of a finding under subsection (i) of Government Code Section 66473.7 or any successor statute thereto.

Sec. 5-5-403. Advisory agency actions.

A. Public meetings and hearings. An advisory agency charged with reviewing and making recommendations on a tentative map shall hold at least one public meeting on each tentative map filed, and as many additional meetings as may be necessary. The advisory agency charged with making the final decision on a tentative map application shall hold at least one public hearing on each tentative map filed, and as many additional hearings as may be necessary. The public meeting or public hearing shall be duly noticed in conformance with the provisions set forth in section 5-5-109 of this division.

B. Reports to the advisory agency.

1. Tentative parcel maps. Any reports or recommendations on tentative parcel maps that are submitted to the Subdivision Committee shall be in writing and a copy of such reports and recommendations shall also be served on the subdivider and on each tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, at least three working days prior to the public hearing.

2. Tentative tract maps.

a. Responsibility of Subdivision Committee. The Subdivision Committee shall hold at least one meeting on each tentative tract map filed, and as many additional meetings as may be necessary, with the subdivider or his or her agent. Such meetings shall be held for the purpose of reviewing technical and factual information on the proposed subdivision, forming recommendations, and forwarding a report in conjunction with the Department of Community Development for submission to the Planning Commission.

b. Contents of report. The report forwarded by the Subdivision Committee shall clearly set forth the recommendation(s) of the Subdivision Committee and shall contain such factual and technical information as the Committee may deem to be of interest or

assistance to the Planning Commission or to any other interested person, officer, department, municipality, district or agency in reviewing the tentative tract map. Any reports or recommendations on the tentative tract map that are submitted to the Planning Commission shall be in writing and a copy shall also be served on the subdivider and on each tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, at least three working days prior to the public hearing.

3. Determination of compliance. The report for tentative parcel maps and tentative tract maps to the advisory agency shall determine and verify whether the findings required by Section 5-5-109.1 of this division can be made in an affirmative manner. In addition, the report should address the following, as appropriate:

- a. Whether the tentative map complies with all applicable requirements of the zoning regulations, or with pending zoning requirements that have been adopted by the City Council but have not yet become effective, and with any applicable general and specific plans.
- b. Whether if the preliminary soils report identifies the existence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, the advisory agency may approve the subdivision or a portion thereof if it is documented that recommended corrective action is likely to prevent structural damage to each structure to be constructed. A condition to the issuance of any building permit may require that the approved recommended action be incorporated in the construction of each structure.
- c. Whether the requirements imposed upon the subdivision would not render unfeasible the development of housing for all segments of the economic community and that the effect of any actions on the map considers the housing needs of the region and is balanced against the public service needs of its residents and available fiscal and environmental resources.
- d. Whether the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.
- e. Whether the tentative map complies with all the City's local park requirements pursuant to Section 5-5-1004 of this division and the Park/Public Facility Standards Manual, as it exists at the time the application for the tentative map is deemed complete.
- f. Whether except where modifications are requested for exceptions pursuant to Section 5-5-107 of this division, the tentative map complies with all of the requirements of this division.

C. Advisory agency action. The action of the advisory agency designated as the final approval authority shall be to approve, conditionally approve or disapprove the tentative map as filed. Such action shall be final upon the expiration of the appeal period unless appealed to the City Council. The final action of the advisory agency may include conditional approval of a tentative map not in compliance with existing zoning regulations provided that said map complies with zoning regulations adopted by ordinance by the City Council but not yet effective.

Such action shall include a condition that a final map or parcel map of the subject parcel of land shall not be recorded until the appropriate zoning regulations have become effective.

D. Notice of advisory agency action. The final decision of the advisory agency to approve, conditionally approve, or disapprove the tentative map shall be reported, in writing, directly to the subdivider. This notice shall be mailed to the subdivider at his or her designated address and bearing the proper postage. The notice shall clearly set forth the decision of the advisory agency, the basis for that decision, and any conditions imposed on the application.

E. Time limits for action. Time limits specified in the Subdivision Map Act may be extended by mutual consent of the subdivider and the advisory agency.

Sec. 5-5-403.1. Consistency requirement.

A. Consistency required. A tentative map shall be consistent with the general plan, any applicable specific plan, the zoning ordinance and any other applicable provision of the municipal code in effect at the time the map is approved or conditionally approved.

B. Effect of Inconsistent Application. Whenever a subdivider files a tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance, the advisory agency shall not approve the map until the subdivider obtains the necessary change in the zoning ordinance to eliminate the inconsistency.

Sec. 5-5-404. Withdrawal of tentative map.

Any subdivider or owner of property upon which a tentative map has been filed may withdraw such map at any time prior to final action thereon. Notice of withdrawal shall be made to the Director of Community Development in writing. Upon receipt of such notice, the Director of Community Development shall notify each person, officer, department, municipality, district or agency from which a report was requested when the tentative map was filed. Upon the completion of such notification, the tentative map shall have been officially withdrawn. Any charges accrued for case processing shall be determined and the appropriate refund or balance paid.

Sec. 5-5-405. Expiration of tentative map approval; time limits for recording final map.

A. The approval or conditional approval of a tentative map shall expire thirty-six (36) months after the date the map was approved or conditionally approved or such other period as may be set by section 66452.6 of the Government Code of the state or any successor statute thereto. Prior to the expiration of said 36-month period, or any extension granted pursuant to paragraph (B) of this section, the subdivider shall cause the subdivision, or any part thereof, to be surveyed, and a final map to be prepared in accordance with the tentative map as approved, and filed in accordance with Government Code section 66452.6(d) or any successor statute.

B. Upon written application of the subdivider, extension(s) not exceeding an aggregate total of three additional years may be approved, conditionally approved or disapproved

at the sole discretion of the appropriate advisory agency or on appeal by the City Council, up to the maximum period established by section 66452.6 of the Government Code or any successor statute thereto. Such application for an extension of time shall be filed prior to the expiration date as previously approved by the advisory agency or City Council. As a condition to granting an extension of time, the advisory agency may require compliance with any additional requirements deemed necessary to carry out the spirit and intent of this division.

C. Effect of map modifications on extensions. The modification of a tentative map after approval or conditional approval, as provided in chapter 9 of this division, shall not extend the time limit for recording the final map set forth in subsection (A) of this section.

D. Failure to file final map. Failure to file the final map within the time periods set forth in this section shall automatically terminate and void the tentative map.

Sec. 5-5-406. Requirements for multiple tentative maps.

Multiple tentative maps relating to the same parcel or parcels of land, or a subset of said parcel or parcels of land, may be approved or conditionally approved where such tentative maps consist of a master tentative map ('*A map*') and subsequent development or tract level tentative maps ('*B maps*'). No subsequent tentative map ('*B map*') shall be approved unless a tentative map for the underlying master tentative map ('*A map*') has been approved for the property covered by the *B map*. Further, no final map for the subsequent tentative map ('*B map*') shall be recorded unless a final map for the underlying master tentative map ('*A map*') has been recorded for the property covered by the *B map*.

CHAPTER 5. VESTING TENTATIVE MAPS: FILING REQUIREMENTS

Sec. 5-5-501. Applicability.

Whenever a provision of the subdivision map act or this division requires the filing of a tentative parcel map or tentative tract map for a subdivision, a vesting tentative map may instead be filed, in accordance with the provisions herein. Chapters 5 and 6 of this division shall govern the filing requirements for the submittal of vesting tentative parcel maps and vesting tentative tract maps, which shall generally be referred to as 'vesting tentative maps.' To the extent that a conflict exists between the tentative map provisions set out in chapter 3 or 4 of this division and the procedures set forth in chapters 5 and 6 for vesting tentative maps, the procedures set forth in chapters 5 and 6 shall take precedence.

Sec. 5-5-502. Who may file.

The requirements as to who may file a vesting tentative map shall be the same as those set forth in section 5-5-302 of this division for tentative maps.

Sec. 5-5-503. Form; contents; supplementary information.

The requirements for filing and the form, contents and supplementary information required for and application for a vesting tentative map shall be the same as those set forth in section 5-5-303 of this division for tentative maps except as hereafter provided:

A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words 'Vesting Tentative Map.'

CHAPTER 6. VESTING TENTATIVE MAPS: PROCESSING PROCEDURES

Sec. 5-5-601. Requirements.

Vesting tentative maps shall comply with the same requirements as specified in chapter 4 for tentative maps of this division.

Sec. 5-5-602. Filing; acceptance thereof.

Vesting tentative maps shall comply with the same requirements set forth in section 5-5-402 of this division for tentative maps.

Sec. 5-5-603. Processing.

Except as provided in this chapter, vesting tentative maps shall be processed in the same manner and shall be subject to the same requirements as specified for tentative maps in chapter 4 of this division.

Sec. 5-5-604. Vesting on approval of vesting tentative map.

A. Subject to the time limits established by section 5-5-605 of this chapter, 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 time the application for such vesting tentative map is deemed complete. If a final map is timely filed and approved, the rights conferred by the approval or conditional approval of a vesting tentative map shall exist for an initial time period of one year beyond the recording of the final map, unless otherwise required by State law. Where several final maps are recorded in 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.

B. The initial time period, as mentioned above, shall be automatically extended by any time used to process a complete application for a grading permit or for design or architectural review, if the time to process the application exceeds 30 days from the date that a complete application is filed.

C. At any time prior to the expiration of the initial time period set forth in subsection (A) of this section, the subdivider may apply for a one-year extension of the vested rights. If the

extension is denied by the advisory body, the subdivider may appeal that denial to the City Council within 15 days.

D. If the subdivider submits a complete application for a building permit during the above specified time periods, the vested rights shall continue until the expiration of that permit, or any extension thereof granted by the Building Official.

E. If the subdivider allows one of the time periods as mentioned above to expire, then the vesting tentative map will be treated as if it were approved as a tentative map and processed in accordance with Section 5-5-703 of this division.

F. The vested rights shall expire if a final map is not approved prior to the expiration of the vesting tentative map.

Sec. 5-5-605. Expiration of tentative approval; time limits for recording final map.

A. The approval or conditional approval of a vesting tentative map shall expire twenty-four (24) months after the date the vesting tentative map was approved or conditionally approved or such other period as may be set by section 66452.6 of the Government Code of the state or any successor statute thereto. Prior to the expiration of said 24-month period, or any extension granted pursuant to paragraph (B) of this section, the subdivider shall cause the subdivision, or any part thereof, to be surveyed, and a final map to be prepared in accordance with the tentative map as approved, and filed in accordance with section 66452.6(d) of the Subdivision Map Act.

B. Upon written application of the subdivider, extension(s) not exceeding a total of three additional years may be approved, conditionally approved or denied at the sole discretion of the City by the advisory agency or on appeal by the City Council. Such application for an extension of time shall be filed prior to the expiration date as previously approved by the advisory agency or City Council. As a condition to granting an extension of time, the advisory agency may require compliance with any additional requirements deemed necessary if it makes one of the following findings in accordance with the provisions of Government Code Section 66498.1(c) or any successor statute:

1. A failure to do so would place the residents of the subdivision or the or the immediate community, or both, in a condition dangerous to their health or safety, or both; OR
2. The condition(s) or denial is required to comply with state or federal law.

C. Effect of map modifications on extensions. The modification of a vesting tentative map after approval or conditional approval, as provided in section 5-5-606 of this chapter, shall not extend the time limit for recording the final map set forth in subsection (A) of this section.

D. Failure to file final map. Failure to file the final map within the time periods set forth in this section shall automatically terminate and void the vesting tentative map and the vested rights associated therewith.

Sec. 5-5-606. Amendment to vesting tentative map.

Any time prior to the expiration of a vesting tentative map, the subdivider, or his or her assignee, may apply for an amendment to such map in accordance with the provisions of chapter 9 of this division.

Sec. 5-5-607. Subsequent permits, licenses and other entitlements for use.

The provisions of this chapter shall not be construed to prevent the city from conditionally approving or disapproving any subsequent application by the subdivider for a permit, license or other entitlement after the approval of a vesting tentative map; provided, such conditional approval or denial is made in accordance with the ordinances, policies and standards in effect at the time the vesting tentative map application was deemed complete as described in section 5-5-604(A) of this chapter.

CHAPTER 7. FINAL MAPS: REQUIREMENTS AND PROCEDURES

Sec. 5-5.701. Content and form.

The content and form of final maps shall be governed by the provisions of the State Subdivision Map Act and City's subdivision manual.

Sec. 5-5-702. Requirements.

A. Final map required. A final tract map shall be required for every subdivision for which a tentative tract map is required pursuant to section 5-5-301 of this division and the subdivision map act. A final parcel map shall be filed and recorded for any subdivision subject to the subdivision map act for which a tentative and final tract map is not required except as provided in section 5-5-304 of this division. Notwithstanding any other provision of this division, no parcel map shall be required for subdivisions of four parcels or less for construction of removable commercial buildings having a floor area of less than 100 square feet. All final maps shall meet all the requirements of the subdivision map act, this chapter 7, and the subdivision manual.

B. Evidence of title. The evidence of title required by this division shall be a certificate of title, a policy of title insurance, or title guarantee issued by a title company authorized by the laws of the State to write the same, showing the names of all persons having any record title interest in the land to be subdivided, together with the nature of their respective interests therein. Said evidence of title shall be current within three (3) weeks of the submittal of the final map in accordance with the provisions of this chapter.

C. Street Naming. Prior to the recordation of a final map, street names shall be secured and approved in accordance with the City's policy on street naming and numbering as adopted by the City Council.

D. Evidence of sufficient water supply. For any parcel map that proposes a 'subdivision,' as that term is defined in Government Code Section 66473.7 or any successor statute, one of the following conditions must be met prior to the city's approval of the map:

- 1) That there will be verification of a 'Sufficient Water Supply' as that term is defined in said Section 66473.7 of the Government Code.
- 2) That the subdivision is exempted from the Sufficient Water Supply Verification requirement by virtue of a finding under subsection (i) of Government Code Section 66473.7 or any successor statute thereto.

E. Survey. Final maps shall be based on a field survey in conformity with the Professional Land Surveyors' Act unless such requirement is waived by the City Engineer.

F. Dedications and Easements. If dedications or easements (or offers of dedication or easements) are required, they shall be made by certificate on the final map unless use of a separate instrument for such dedication is approved by the City Engineer.

Sec. 5-5-703. Filing process.

A. Final maps, together with any required improvement agreements and security, shall be submitted to the City Engineer prior to the expiration of the tentative map approved for such subdivision. In conjunction with his or her approval of final maps, the City Engineer shall have the authority to accept or reject dedications and offers of dedication that are made by certificate on such map. The City Engineer shall transmit approved final maps to the County Recorder.

B. Upon receipt of the final map, the City Engineer shall submit copies to the appropriate City departments for review and preliminary determination as to:

1. Compliance with any conditions imposed on the approval of the tentative map which are tied to recordation of the map; and
2. Substantial conformance with the approved tentative map and any approved alterations thereof.
3. Compliance of any improvement agreement(s) and security with the requirements of the Subdivision Map Act, Chapter 12 of this division (commencing with Section 5-5-1201) and the subdivision manual.

C. Each officer or department responsible for checking compliance of the final map shall report in writing to the City Engineer as to the compliance or noncompliance of the final map, improvement agreement(s) and security with laws as to matters coming under their jurisdiction, together with a statement of the changes necessary thereon to cause such map to comply with the law.

D. The final map, improvement agreement(s), security and any written comments provided to the City Engineer pursuant to subdivision C shall be considered by the City Engineer for final approval or disapproval.

Sec. 5-5-704. Certification and approval by city engineer.

A. After receiving a completed final map, improvement agreement(s) and security, the City Engineer shall notify the City Council at its next regular meeting that he/she is reviewing the map for final approval, together with any required improvement agreement(s) and security.

B. Following the notification referenced in Section A, the City Clerk shall provide notice of any pending approval or disapproval by the City Engineer of any final map, improvement agreement(s) or security, which notice shall be attached and posted with the City Council's regular agenda and mailed to interested parties who have requested such notice.

C. The City Engineer shall check the final map as to correctness of surveying, data, plans, profiles and specifications of improvements, certificates or offers of dedications or vacations, acceptance of offers of dedications or vacations, and acknowledgements and such other matters as required to insure compliance with the provisions of the law, the provisions of this chapter, and the requirements of the tentative map, including all conditions and mitigation measures contained within the resolution of approval. The City Engineer shall also check the improvement agreement(s) and security to assure their correctness and compliance with the provisions of the law, the provisions of this chapter, and the requirements of the tentative map.

D. If a final map, improvement agreement(s) and/or security, fails to meet any of the requirements or conditions imposed by this division or the Subdivision Map Act, the map, improvement agreement(s) and/or security may be approved if, in the determination of the City Engineer, the failure to meet the requirement or condition is the result of technical and inadvertent error in the original requirement or condition, and it does not materially affect the validity of the map.

E. If the final map, improvement agreement(s) and/or security is in the correct form prescribed by the State Subdivision Map Act and the City's subdivision manual and the matters shown hereon are sufficient, their correctness shall be certified on the map and the map, improvement agreement(s) and/or security shall be approved by the City Engineer in the form prescribed by the State Subdivision Map Act and the City's subdivision manual. The City Engineer shall approve or disapprove the final map, improvement agreement(s) and/or security within ten days following the noticed meeting of the City Council referenced in Paragraph B.

F. The City Engineer shall provide written notice of the approval or disapproval of the final map, improvement agreement(s) and/or security to the applicant and any other interested party who requested notice. Such notice shall describe the right to appeal the City Engineer's decision. The applicant or any interested party may appeal the decision of the City Engineer to the City Council pursuant to Section 5-5-110 of this Division.

Sec. 5-5-705. Copy of final map to City.

After recordation of the final map, the subdivider shall forward one electronic copy in PDF (portable document format) of the recorded final map to the City Engineer.

Sec. 5-5-706. Multiple final maps.

Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if the subdivider, at the time the tentative map is filed, informs the City in writing of the subdivider's intention to file multiple final maps on the tentative map, or after the filing of the tentative map the subdivider and the City concur in the filing of multiple final maps. In providing the notice, the subdivider shall not be required to define the number or configuration of the proposed multiple maps. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the tentative map. Each final map which constitutes a part or unit of the approved or conditionally approved tentative map shall have a separate subdivision number.

Sec. 5-5-707. Special requirements for master maps.

A final map shall be recorded for all master tentative maps ('*A maps*') approved pursuant to chapter 4 of this division before any subsequent tentative map ('*B map*') relating to the same parcel or parcels of land shall be recorded.

CHAPTER 8. [RESERVED]

CHAPTER 9. CORRECTION AND AMENDMENT OF SUBDIVISION MAPS

Sec. 5-5-901. Revision of tentative map prior to approval.

After a tentative map has been filed in accordance with the provisions of this division, no significant revisions thereto initiated by the subdivider shall be permitted prior to approval of the final map, except upon the filing of a new tentative map and the withdrawal of the previously filed map, unless the subdivider agrees that the time for action on the tentative map, as specified in the Subdivision Map Act, recommences upon acceptance by the Director of Community Development of the revised map. Nothing in this Section 5-5-901 shall be interpreted to apply to revisions to a tentative map required by City staff or the Advisory Agency as part of the review process for the tentative map in question.

Sec. 5-5-902. Revision of tentative map after approval.

A. After approval or conditional approval of a tentative map, any revised map shall comply with all applicable zoning, subdivision and other City regulations in effect at the time such revised map is filed, except as set forth in section 5-5-403(C) of this division. Any

revisions to the approved tentative map will require a public hearing in accordance with the provisions of section 5-5-109 of this division.

B. Except as provided in section 5-5-406 of this division, the approval or conditional approval of any revised tentative map shall supersede and nullify all currently active approved tentative maps that are applicable to the same parcel of land.

Sec. 5-5-903. Changes in information on tentative map after approval.

After approval or conditional approval of a tentative map, if any change is made by the subdivider in the information shown on, or supplied with, the tentative map, such change shall be submitted to the advisory agency in writing and approved by it prior to the filing of the final tract or parcel map. Such changes do not require a public hearing, and shall be reviewed by the advisory agency as part of a public meeting.

Sec. 5-5-904. Changes in conditions of approval of tentative map.

After the conditional approval of a tentative map and prior to recordation of the final tract or parcel map, the subdivider may request, and the advisory agency may approve, revisions in the conditions of approval. In reviewing such changes, the advisory agency shall conduct a public hearing subject to the requirements of section 5-5-109. Any such revisions shall not affect the time limit for recording a final tract or parcel map unless an application for extension is concurrently requested, as provided in section 5-5-405.

Sec. 5-5-905. Amendment of final map.

A. After a final tract or parcel map is recorded in the office of the county recorder, it may be amended by a certificate of correction or an amending map for any of the following purposes:

- (1) To correct an error in any course or distance shown thereon; or
- (2) To show any course or distance that was omitted therefrom; or
- (3) To correct an error in the description of the real property shown on the map; or
- (4) To indicate monuments set after the death, disability, retirement from practice or replacement of the engineer or surveyor charged with responsibilities for setting monuments; or
- (5) To show the proper location of any monument which has been changed in location or character, or originally was shown at the wrong location or incorrectly as to its character; or
- (6) To correct any additional information filed or recorded pursuant to Section 66434.2 of the Government Code or any successor statute, if the correction does

not impose any additional burden on the present fee owners of the real property and does not alter any right, title, or interest in the real property reflected on the recorded map; or

- (7) To correct any other type of map error or omission as approved by the city engineer which does not affect any property right. As used in this section, the term 'error' does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final tract or parcel map; or
- (8) (a) To modify conditions if the approval body of the final tract or parcel map, upon considering the recommendations of the advisory agency which approved the underlying tentative map, finds that:
 - i. There are changes in circumstances which make any or all of the conditions of such map no longer appropriate or necessary;
 - ii. The modifications do not impose any additional burden on the present fee owner of the property;
 - iii. The modifications do not alter any right, title or interest in the real property reflected on the recorded map; and
 - iv. The map as modified conforms to the required findings of approval specified in Section 5-5-109.1 of this division.
- (b) Any modification to conditions on the final map pursuant to paragraph (a) of this clause (8) shall require a public hearing in accordance with the provisions of section 5-5-109 of this division, and the hearing shall be confined to consideration of and action on the proposed modification.

B. Form and contents. The amending map or certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor. The form and content of the amending map shall conform to the requirements of section 5-5-701 of this division for a final parcel or tract map. The amending map or certificate of correction shall set forth in detail the corrections made and the names of the present fee owners of the property affected by the correction.

C. Submittal and approval by city engineer. The amending map or certificate of correction, complete as to final form, shall be submitted to the City Engineer for review and approval. The City Engineer shall examine the amending map or certificate of correction and if the only changes made are those permitted this chapter, the City Engineer shall certify that fact on the amending map or certificate of correction. The City Engineer shall examine each certificate of correction for compliance with the provisions of this division, the subdivision map act, and the subdivision manual, endorse a statement on it of his or her examination and certification, and present it to the county recorder for recordation within twenty (20) working days after its submittal. If the submitted certificate fails to comply with the provisions of this division, the subdivision manual, or the subdivision map act, the City Engineer shall return it within the same twenty (20) working days to the person who presented it, together with a written statement of the changes necessary to make it conform to the requirements of this division, the

subdivision manual or the subdivision map act. The licensed land surveyor or registered civil engineer submitting the certificate of correction may then make the necessary changes and resubmit the certificate of correction to the City Engineer for approval. If the resubmitted certificate is approved, the City Engineer shall present it to the county recorder for recordation within ten (10) working days.

D. Filing with county recorder. The amending map or certificate of correction certified by the City Engineer shall be filed in the office of the county recorder as provided in section 5-5-703 of this division. Upon such filing, the county recorder shall index the names of the fee owners and the appropriate subdivision designation shown on the amending map or certificate of correction in the general index and map index, respectively. Thereupon, the original map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map.

CHAPTER 10. DEDICATIONS; RESERVATIONS

Sec. 5-5-1001. General dedication requirements for public use or benefit.

As a condition of approval of a tentative map, the advisory agency may require the subdivider to dedicate or make an irrevocable offer to dedicate to the public, the City of Irvine or to other such public agency as may be appropriate, all real property both on and off site required for public use or benefit, including but not limited to the following:

- A. Local streets and arterial highways;
- B. Alleys;
- C. Trails, paths and pedestrian ways;
- D. Rights-of-way for drainage and erosion-control facilities;
- E. Flood-control facilities;
- F. Parks;
- G. Open space;
- H. Easements for landscaping maintenance;
- I. Public utility easements; and
- J. Other public easements.

Sec. 5-5-1002. Transfer of ownership required for private use or benefit.

The advisory agency may require that the items listed in section 5-5-1001 be deeded for private use or benefit to a homeowners' association or other responsible body.

Sec. 5-5-1003. Vehicular access rights.

A. Vehicular access rights refers to the right of persons to gain entry or exit with a vehicle to or from a street or driveway to or from abutting land.

B. The advisory agency may impose a requirement that any dedication or offer of dedication of a street shall include a release and relinquishment of direct vehicular access rights to or from such street from any property shown on a subdivision map as abutting thereon, and that if the dedication is accepted, such release and relinquishment shall become effective in accordance with the provisions of the Subdivision Map Act with respect to the release and relinquishment of direct access.

Sec. 5-5-1004. Park dedication.

A. Requirements:

1. As a condition of approval of a tentative map, the subdivider shall dedicate land, and/or improvements/amenities, and/or pay a fee for the purpose of developing new or rehabilitating existing park or recreational facilities to serve the subdivision. This requirement shall apply to all subdivisions except those exempted by section 66477 of the Government Code (sometimes referred to hereinafter as the 'Quimby Act') or any successor statute.

2. Except as provided in subsection A.3. below, if the proposed subdivision contains 50 parcels or less, the subdivider shall not be required to dedicate any land for park and recreational purposes without his or her consent, but shall pay a fee in accordance with subsection D.2. below.

3. When a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.

B. Terms defined: The following definitions shall govern the meaning of words in this section unless from the context in which the word is used, a different meaning is clearly intended.

1. Fair market value: The estimated per acre value of entitled land with basic infrastructure abutting the property in the proposed project as determined by the Planning Commission based upon an appraisal by a qualified appraiser. Basic infrastructure to the site shall include rough grading, installation of streets, curbs and gutters, and installation of trunk line utilities. Off-site basic infrastructure improvements costs are not eligible for park credit since they are considered in the land appraisal. Items potentially eligible to receive park dedication credits (i.e., minimum improvements, recreational amenities, and associated improvement costs) are not included as part of the appraisal process. Only development projects seeking credits for park dedication in-lieu fees, improvements, and/or amenities shall undergo an independent fair market value land appraisal process specified in the City of Irvine park/facility standards manual. In the event the applicant disagrees with the fair market value determination, the applicant shall use the appeal process specified in the park/facility standards manual. All appraisal costs shall be paid by the applicant prior to the recordation of any final map or issuance of any grading or building permit.

2. Improvements:

- a. Minimum improvements: Improvements as are deemed necessary by the City to develop land for park and recreation facilities. Such improvements may include but are not limited to site grading, automatic irrigation systems, adequate drainage, lawn, shrubs, trees, concrete walkways and walkway lighting.
- b. Recreational amenities: Park improvements which provide a recreational opportunity for the user, such as ball fields, trails, play/tot lots, and community buildings as described by the schedule of improvements in the Park/Public Facility Standards Manual. To receive park dedication credit, the amenities must be developed to City design standards outlined in the park/facility standards manual.
- c. Improvement costs: Costs that are associated with the development and construction of minimum improvements and/or recreational amenities. These costs must be directly attributable to the park project to be eligible for park credit as described in the schedule of improvement values in the park/facility standards manual

3. Park: A parcel or contiguous parcels of land which is/are owned, operated, and maintained by a public agency or private association and which provides recreational land and facilities for the benefit and enjoyment of the residents and visitors of the City. The City designates parks in the following classifications:

- a. Community parks: Parks that serve a minimum population of 10,000 and more than one planning area. Community parks are preferred to be a minimum of 20 acres in size, excluding encumbrances that limit design opportunities, such as eucalyptus windrows, creek beds and/or washes, detention basins, easements, greenbelts, and school grounds. Typical facilities include community centers, athletic facilities, large multi-use swimming pools, picnic areas, day care centers, and cultural centers. Community parks are owned and maintained by the City. Siting of community parks shall be in accordance with criteria established in the community park site identification and evaluation section of the community parks master plan.
- b. Public neighborhood parks: Parks that serve a minimum population of 2,500. These parks are to be a minimum of four acres in size, excluding encumbrances that limit design opportunities, such as eucalyptus windrows, creek beds and/or washes, detention basins, easements, greenbelts, and school grounds. Typical facilities include active and passive open space, playground equipment, sports fields and picnic areas. Public neighborhood parks are owned and maintained by the City. No public park shall be located within a residential gated community. Public

neighborhood park sites shall be publicly accessible by two existing or proposed public streets and visible to the general public. If possible, public neighborhood park sites should be adjacent to a school and/or public trail.

- c. Private neighborhood parks: Those parks that serve the immediate subdivision/development or specific planned community in which they are located and are a minimum of one-third acre in size. Typical facilities include passive and active play areas, swimming pools, spas, tennis courts and clubhouses. Private neighborhood parks are owned and maintained by a homeowner's association. Private neighborhood parks larger than one acre in size located within a gated community must remain accessible to pedestrians and bicyclists of the general public. Except to the extent otherwise required by law, including but not limited to the Quimby Act, no access requirement prescribed herein shall have the effect of superseding a homeowner association's right to restrict the use of private neighborhood parks under its ownership. Private neighborhood parks one acre or less in size located within a gated community are not required to provide pedestrian, bicyclist or vehicle access.

C. Park dedication standards: All standards for park dedication shall comply with the Quimby Act (State of California Government Code section 66477), the California Subdivision Map Act and the City of Irvine general plan - parks and recreation element.

The developer of residential subdivisions shall dedicate park land and/or fees in lieu, at the rate of five acres per 1,000 population, apportioned as follows:

Two acres -- Community parks

Three acres -- Neighborhood parks

Where:

The public/private distribution of neighborhood park land shall be left to the discretion of the Planning Commission upon the recommendation of the Community Services Commission during the approval of the park plan.

D. Manner of compliance: The requirements of subsections A and C may be complied with by the provision of park land, park improvements/recreational amenities, the payment of a park fee, or combination of park land, fees, and/or improvements/amenities in accordance with the provisions of this section.

1. When the requirements of subsections A and C are complied with solely on the basis of providing park land, the minimum amount of land to be provided shall be based on the dedication standard and the density classifications and persons per dwelling unit included in the following table:

Dwelling Units per Net Acre	Average Number of Persons per Dwelling Unit	Acres per Dwelling Unit
0 to 1.0	3.25*	0.0163*
1.1 to 6.5	2.94	0.0146
6.6 to 12.5	2.57	0.0128
12.6 to 31.0	2.29	0.0115
31.1 to 50.0	1.30	0.0065

* There were no developed units in the Estate category at the time of the 2000 Census. Therefore, the data was left unchanged.

Notwithstanding any calculation made pursuant to the figures provided in this table, the amount of land required for dedication shall not exceed the statutory maximum of five acres per 1,000 persons.

2. Whenever the requirements of subsections A. and C. are complied with solely on the basis of the payment of park fees, the amount of such fees shall be computed by multiplying the number of proposed dwelling units by the acres per dwelling unit shown in the table in subsection D.1. and by multiplying the resultant acreage amount by the fair market value of land being developed.
3. Whenever the requirements of subsections A. and C. are complied with by both the provision of park land and payment of a park fee, the amount of the park fee shall be computed by determining the required amount of park land in accordance with the provisions of subsection D.1. and subtracting the amount of park land actually provided. The remainder shall be converted to a fee in accordance with the provisions of subsection D.2.

E. Disposition of land or fees:

1. The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.
2. All park fees shall be paid directly to the City Cashier prior to the issuance of any residential building permits for the building site or sites from which fees are to be derived. These fees are to be used only for the purpose of developing new or rehabilitating existing park or recreational facilities to serve the subdivision.
3. The Director of Community Services shall include in the strategic business plan and the annual budget how, when, and where the land or fees, or both, which were dedicated to the city to develop park and recreational facilities will be used to serve the residents of the subdivision. Any fees collected under subsections D.2. and 3. of this chapter shall be committed within five years after the payment of such fees or the issuance of building permits on one half

of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

4. A park phasing plan is required as part of the park plan when more than one park is proposed in a subdivision. The park phasing plan shall specify when each park shall be developed to best serve the residents of the subdivision. This schedule will be required as a condition of subdivision map approval.

F. Credits: All parks must comply with the most current, applicable national and state codes, regulations, and standards. All public park improvements/recreational amenities (park dedication credit or no park dedication credit) and private park improvements/recreational amenities receiving park dedication credits must comply with the most current, applicable City codes and standards in the Park/Public Facility Standards Manual.

The subdivider may be eligible to receive credit for park and recreational improvements and apply that credit toward park dedication requirements under the following provisions:

1. Public parks: The value of all eligible minimum improvements, recreational amenities, and improvement costs for the development of public parks shall be a credit against the payment of fees or dedication of land established by this section and the Park/Public Facility Standards Manual. Public park credit shall be granted only when pedestrian, bicyclist, and vehicle access are maintained in perpetuity.
2. Private neighborhood parks: Private land and associated recreational amenities/improvement costs for park and recreational purposes in a proposed development may be eligible to be credited against the requirement for dedication of park land, as set forth in subsection D. Such park land and recreational amenities are to be privately owned and perpetually maintained and operated by the future residents or owner of the development. Eligibility of private park land and associated recreational amenities/improvement costs for park dedication credit shall be subject to approval by the Planning Commission upon recommendation of the Community Services Commission in conjunction with the approval of a park plan. In no event shall such amount of credit exceed the value of the amenities. The value of the amenities to be credited will be determined on the same cost basis as prescribed in subsections B.1., 2. and D.1., 3. Evaluation of private neighborhood park land, recreational amenities, and improvement costs for park dedication credit shall be based on the following criteria:
 - a. That the private park land meet the minimum size requirement of one-third acre;

- b. That the proposed private park land is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location of the private park land;
 - c. That the private neighborhood park shall meet the pedestrian, bicyclist and vehicular access requirements as prescribed in subsection B.
 - d. That the following areas or subdivision design features are ineligible for private park credit: Leasing offices, yards, court areas, setbacks, village edges, landscaped village entries, greenbelts (paseos), meandering streams, eucalyptus windrows and circulation improvements such as bicycle, hiking and equestrian trails;
 - e. That the location of the land provides convenient access to housing and schools;
 - f. That the perpetual private ownership and maintenance of the land is adequately provided for by a recorded written agreement;
 - g. That the use of the private park land is perpetually restricted for park and recreational purposes which cannot be defeated or eliminated without the consent of the City Council and in no event without providing equivalent park and recreational space elsewhere in the development;
 - h. That the proposed amenities be suitable to meet the recreation needs of the residents the park is to serve;
 - i. That the amenities accepted for full credit for private parks shall be those amenities typically found in public parks as described in section 5-5-1004B.3; and
 - j. That for private parks in excess of one acre, access to the public (excluding vehicular access) shall not be prevented to the extent as described in subsection B.3.
3. Banking park credits: Park dedication credits may be eligible to be banked in the form of acres under the following circumstances:
- a. Community parks: Park dedication credit for a community park may be banked and applied towards other community park sites within nearby planning area(s) as determined during approval of the park plan.
 - b. Neighborhood parks: When the timing of park development is not synchronized with residential development within a planning area, neighborhood park dedication credits may be eligible to be banked, as determined during approval of the park plan, if the following conditions are met:
 - (i) Banked public neighborhood park credits may only be applied towards any neighborhood park site in the planning area within one-half mile from the units which generated the dedication.
 - (ii) Banked private neighborhood park credits may only be applied towards private parks within the subject tract map boundaries.

(iii) Banked private neighborhood park credits generated by gated residential developments may only be applied towards private parks within the privacy gates of the units which pay for the park's maintenance.

4. Use of Quimby Act fees:

- a. Developers of in-fill housing projects with 50 or less units may comply with park dedication requirements solely by payment of in-lieu fees. Neighborhood park in-lieu fees shall be used at the nearest public neighborhood park. Community park in-lieu fees shall be used at the nearest community park(s).
- b. Developers of residential projects needing to meet park dedication requirements must select one of the following to satisfy their obligation. For the private park requirement, the developer shall either construct park improvements/recreational amenities at new or existing private parks or pay in lieu fees to the City which shall be applied towards public parks and/or amenities. The in-lieu fees shall be applied towards public parks and/or amenities. The in-lieu fees shall not be granted to existing private homeowner associations. The disposition of City in-lieu fees shall be included in the annual strategic business plan and budget processes.

5. Urban plazas and courtyards: Urban plazas and courtyards are ineligible for park dedication credit. An urban plaza or courtyard is an area such that the subject land and water is not covered with buildings or structures. The area may have been created as part of the urban building or landscaping design process and be between buildings. The area may or may not be landscaped. Such areas provide limited recreational opportunities and primarily serve passive and circulation uses.

G. Dedication standard reductions: In order to encourage the construction of low- and moderate-income housing, the city has adopted the following policy:

1. The developer of new units affordable for households of low and moderate income, as defined in the City of Irvine General Plan - Housing Element, may be allowed to reduce the dedication standard to a minimum of three and one-half acres per 1,000 population, upon review of the Community Services Commission and approval by the Planning Commission during the approval of the park plan. The distribution of the three and one-half acres shall be as follows: One and one-half acres - community parks, and two acres - neighborhood parks. The public/private distribution of neighborhood park land shall be determined during the approval of the park plan.
2. Dedication standard reduction requests shall be subject to the park plan processing procedures as described in Zoning Ordinance section 2-22-3.

Approval of a request for this reduction shall be subject to the applicant's provision of documentation regarding the following criteria:

- a. That the reduction in park dedication will help lower the cost of construction of the units planned for low-or moderate-income households.
- b. That the new rental units will be guaranteed as rentals for low-income households for a minimum of ten years.
- c. That projects for family units will be located within one-half mile of a publicly maintained park and/or school playground.

H. Appeals:

1. Any person may appeal a determination of the Planning Commission regarding the interpretation of this division. Appeals shall be filed with the City Clerk and shall be accompanied by a letter stating the reasons for the appeal. Any such appeals shall be filed within 15 calendar days from the date of determination.

2. An appeal shall be accompanied by a fee/deposit as required by City Council resolution. An appeal by a member of the City Council shall not be subject to the payment of a deposit/fee.

3. The City Clerk shall schedule the appeal for a hearing within 60 days of receipt of the appeal. Notice of the time and place the City Council will consider the appeal shall be mailed by the City Clerk to the applicant and to the person who filed the appeal (if other than the applicant).

4. The City Council shall hold at least one public hearing on any appeal in accordance with Zoning Ordinance chapter 2-5.

5. The City Council may affirm, reverse or modify the previous decision. The decision of the City Council shall be final.

Sec. 5-5-1005. Elementary school site dedications.

A. Requirements. As a condition of approval of a tentative map, a subdivider who develops or completes the development of one or more subdivisions within a school district within the City maintaining an elementary school may be required to dedicate to the school district such lands as the City Council shall deem to be necessary for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate elementary school service.

B. Procedure. The requirements of dedication shall be imposed at the time of approval of the tentative subdivision map. If within 30 days after the requirement of dedication is imposed by the City the appropriate district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to 60 days after filing the subdivision map or any portion of the subdivision.

C. Payments to subdivider for school site dedications. The school district shall, if it accepts the dedication, repay to the subdivider or his or her successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

1. The cost of any improvements to the dedicated land since acquisition by the subdivider;
2. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication;
3. Any other costs incurred by the subdivider in the maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

D. Exemptions. The provisions of this division shall not be applicable to a subdivider who has owned the land being subdivided for more than ten years prior to the filing of the tentative subdivision maps.

Sec. 5-5-1006. Reserved.

Sec. 5-5-1007. Reservations.

A. Requirements. As a condition of approval of a tentative map, the subdivider may be required to reserve sites, appropriate in area and location for parks, recreational facilities, fire stations, libraries or other public uses according to the standards and formula contained in this section.

B. Standards and formula for reservation of land. Where a park, recreational facility, fire station, library or other public use is shown on an adopted specific plan or adopted general plan containing a community facilities element, recreation and parks element or a public building element, the City may require the subdivider to reserve such sites as the City may determine to be in accordance with the definite principles and standards contained in the specific plan or general plan applicable thereto, subject to the following conditions:

1. The reserved area must be of such size and shape as to permit the balance of property within which the reserved land is located to develop in an orderly and efficient manner.
2. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible.
3. The reserved area shall conform to the applicable adopted specific plan or general plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.

C. Procedure. The public agency for whose benefit an area has been reserved shall at the time of approval of the final tract or parcel map enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements unless such period of time is extended by mutual agreement.

D. Payment. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against the reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

E. Termination. If the public agency for whose benefit an area has been reserved does not enter into such a binding agreement within the timeframe established by the conditions of approval for the tentative map, the reservation of such area shall automatically terminate.

Sec. 5-5-1008. Individual household telephone service.

As a condition of approval of a tentative map, the advisory agency may impose a requirement that the design of a subdivision shall provide for the installation of required infrastructure to make available individual household telephone services to each residential parcel in the subdivision.

CHAPTER 11. FEES IN LIEU OF DEDICATION OR IMPROVEMENT

Sec. 5-5-1101. Flood control.

The subdivider shall pay to the Orange County Flood Control District a fee established by the district for engineering and inspection of any required level flood control improvements or drainage works.

Sec. 5-5-1102. Drainage fees.

A. Required. As a condition of approval of a final tract or parcel map or of a subdivision for which a final map is not required, any person seeking such approval shall pay drainage fees as provided herein below for the purpose of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface waters and stormwaters from local or neighborhood areas.

B. Drainage plan. By this reference, the City hereby adopts a master plan of drainage. Such master plan of drainage defines the various drainage areas included therein, contains an estimate of the total costs of constructing the local drainage facilities required thereby, and includes a map of the drainage area showing its boundaries and the location and description of such facilities.

C. Amount of fees. The fees to be paid upon the filing of a final subdivision map, or as a condition of approval of a subdivision on which a final map is not required, shall be as established by a resolution of the City Council. The fees so established shall be reviewed as necessary and shall be adjusted to reflect increases or decreases in the actual or estimated cost of construction of required facilities and administration of the master plan.

D. Findings. The City Council finds that the subdivision and development of property within the planned local drainage areas will require construction of the facilities described in the aforesaid master plan of drainage, and that said fees are fairly apportioned

within the local drainage areas both on the basis of benefits conferred on the property proposed to be divided and developed, and on the need for local drainage facilities created by such proposed division and development of other property within the local drainage areas. The City Council further finds that the fee as to any property proposed for division within a local drainage area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities and the administration of the master plan within such area, which would be assessable on such property if such costs were appropriated uniformly on a per acre basis.

E. Deposit into fund. Fees required by this chapter shall be paid into a 'Planned Local Drainage Facilities Fund.' A separate fund shall be established for each local drainage area. Money in such fund shall be expended solely for the construction or reimbursement for construction of local drainage facilities within the planned local drainage area from which the fees comprising the fund were collected or to reimburse the local agency for the cost of engineering and administrative services to form and manage the district and design and construct the facilities. At the discretion of the City Council, other adequate consideration may be accepted in lieu of the payment of fees.

Sec. 5-5-1103. Bridge crossing and major thoroughfares.

A. Purpose. The purpose of this section is to make provision for assessing and collecting fees as a condition of approval of a final tract or parcel map or as a condition of issuing a building permit for the purpose of defraying the actual or estimated costs of constructing bridges or major thoroughfares pursuant to the provisions of Subdivision Map Act. A major thoroughfare is a roadway as shown on the circulation element of the City's general plan whose primary purpose is to carry through traffic and provide a network connecting to the State highway system.

B. Circulation element. Whenever this section refers to the circulation element of the general plan or to the transportation or flood control provisions thereof, it shall mean the circulation element of the general plan and the transportation and flood control provisions thereof heretofore adopted by the City, together with any additions or amendments thereto hereafter adopted.

C. Payment of fees required.

1. Prior to approval of a final tract or parcel map which includes land within an area of benefit established pursuant to this division, the subdivider shall pay or cause to be paid any fees established and apportioned to said property pursuant to this section for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways or canyons or constructing major thoroughfares.

2. Prior to the issuance of a building permit for construction on any property within an area of benefit established pursuant to this section, the applicant for such permit shall pay or cause to be paid any fees established and apportioned pursuant to this section for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways or canyons or constructing major thoroughfares, unless such fees have been paid pursuant to subdivision C.1 of this subsection.

3. Notwithstanding the provisions of subdivisions C.1 and 2 of this section, the payment of bridge and major thoroughfare fees shall not be required to reimburse costs incurred prior to adoption of the area of benefit.

D. Public hearing. Prior to establishing an area of benefit, a public hearing shall be held by the City Council, at which time the boundaries of the area of benefit, the costs--whether actual or estimated--and a fair method of allocating the costs to the area of benefit and apportioning the fee shall be established. Notice of a hearing shall be given pursuant to section 5-5-109 of this division and in addition shall contain preliminary information related to the proposed boundaries of the area of benefit, estimated cost and the method of fee apportionment proposed.

E. Protest.

1. At any time not later than the hour set for hearing objections to the proposed bridge facility or major thoroughfare, any owner of property within the proposed area of benefit may file a written protest against the proposed bridge facility or major thoroughfare improvement, against the extent of the area to be benefited by the improvements, or against the proposed allocation of the costs of the improvement. Such protests must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify the same. If the signers are not shown on the last equalized assessment roll as the owners of such property, the protest must contain or be accompanied by written evidence that such signers are the owners of such property. All such protests shall be delivered to the City Clerk, and no other protest or objections shall be considered. Any protests may be withdrawn by the owners making the same, in writing, at any time prior to the conclusion of the public hearing.

2. If there is a written protest filed with the City Clerk by the owners of more than one-half of the area of the property within the proposed area of benefit, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, unless by a four-fifths vote of all the members of the City Council the protest shall be overruled; and the City Council shall not, for a period of one year from the filing of that written protest, commence or carry on any proceedings for the same improvements or acquisition under the provisions of this section.

3. If any majority protest is directed against only a portion of the proposed bridge facility or major thoroughfare improvement, then all further proceedings under the provisions of this section to construct that portion of the improvement protested against shall be barred for a period of one year, but the city council shall not be barred from commencing new proceedings not including any part of the improvement protested against.

F. Exemptions. Notwithstanding the provisions of section 5-5-1103C, payment of such fees shall not be required for:

1. The use, alteration or enlargement of an existing building or structure or the erection of one or more buildings or structures, accessory thereto, or both, on the same lot or parcel of land; provided, the total value, as determined by the Director of Community Development, of all such alteration, enlargement or construction completed within any one-year period does not exceed one-half of the current market value, as determined by the Director of

Community Development, of all existing buildings on such lot or parcel of land, and the alteration or enlargement of building is not such as to change its classification of occupancy as defined by section 501 of the Uniform Building Code.

2. The construction of the following accessory buildings and structures: private garages, children's playhouses, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, coops and other buildings, which are accessory to one-family or two-family dwellings.

G. Consideration in lieu of fees. Upon application by the subdivider or applicant for a building permit, the City Council may accept consideration in lieu of fees required pursuant to this section provided:

1. The City Council finds upon recommendation of the Director of Public Works that the substitute consideration has a value equal to or greater than the fee; and
2. The substitute consideration is in a form acceptable to the City Council.

Sec. 5-5-1104. Major thoroughfare and bridge fee.

A. A building permit applicant, as a condition of issuance of a building permit, shall pay a fee as hereinafter established to defray the costs of constructing bridges over waterways, railways, freeways and canyons, or constructing major thoroughfares.

B. Definitions:

1. The term 'construction' as used in this section includes preliminary studies, design, acquisition of right-of-way, administration of construction contracts, and actual construction.

2. The term major 'thoroughfare' means those roads designated as transportation corridors and major, primary, secondary, or commuter highways on the master plan of arterial highways, the circulation element of the general plan. The primary purpose of such roads is to carry through traffic and provide a network connecting to the State highways system.

3. 'Bridge facilities' mean those locations identified in the transportation or flood control provisions of the circulation element or other element of the general plan as requiring a bridge to span a waterway, a railway, freeway, or canyon.

4. 'Area of benefit' means a specified area wherein it has been determined that the real property located therein will benefit from the construction of a major thoroughfare or bridge project.

C. The provisions herein for payment of a fee shall apply only if the major thoroughfare or bridge facility has been included in an element of the City's general plan or the general plan of the County of Orange adopted at least 30 days prior to the application for a building permit and on land located within the boundaries of the area of benefit.

D. Payment of fees shall not be required unless any major thoroughfares are in addition to, or a widening or reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

E. Payment of fees shall not be required unless any planned bridge facility is a new bridge serving the area or an addition to an existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit.

F. Action to establish an area of benefit may be initiated by the City Council upon its own motion or upon the recommendation of the Director of Public Works. The City Council shall set a public hearing for each proposed area benefited. Notice of the time and place of said hearing, including preliminary information related to the boundaries of the area of benefit, estimated costs and the method of fee apportionment, shall be given in accordance with Government Code § 65091.

G. 1. This section shall apply to new construction only and existing residential areas delineated on exhibit 'A' are expressly excluded from the provisions of this section.

2. At the public hearing, the City Council will consider the testimony, written protests, and other evidence. At the conclusion of the public hearing, the City Council may, unless a majority written protest is filed and not withdrawn as specified in subsection G.4, determine to establish an area of benefit. If established, the City Council shall adopt a resolution describing the boundaries of the area of benefit, setting forth the cost, whether actual or estimated, and the method of fee apportionment. A certified copy of such resolution shall be recorded by the City Clerk with the Orange County Recorder's Office.

3. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of issuing a building permit for such property or portions thereof. Where the area of benefits includes lands not subject to the payment of fees pursuant to this section, the City Council shall make provisions for payment of the share of improvement cost apportioned to such lands from other sources.

4. Written protests shall be received by the City Clerk at any time prior to the close of the public hearing. If written protests are filed by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented by the protests to less than one-half of the area to be benefited, then the proposed proceedings shall be abandoned, and the City Council shall not, for one year from the filing of said written protests, commence or carry on any proceedings for the same improvement under the provisions of this section, unless the protests are overruled by an affirmative vote of four-fifths of its members. Any protests may be withdrawn by the owner making the same, in writing at any time prior to the close of the public meeting.

5. If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the City Council shall not be barred from commencing new proceedings not including any part of the improvement so protested against. Such proceedings shall be commenced by a new notice and public hearing as set forth in subsection F above.

6. Nothing in this section shall prohibit the City Council, within such one-year period, from commencing and carrying on new proceedings for the construction of an

improvement or portion of the improvements so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with such improvement or portion thereof.

H. Fees paid pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. If the area of benefit is one in which more than one bridge or major thoroughfare is required to be constructed a separate fund may be established covering all of the bridge projects or major thoroughfares in the area of benefit. If the area of benefit encompasses one or more bridges and one or more thoroughfares and all lands within the area of benefit are subject to the same proportionate fee for all bridges and thoroughfares, a single fund may be established to account for fees paid. Except as otherwise provided by laws, moneys in such fund shall be expended solely for the construction or reimbursement for construction of the improvements serving the area to be benefited and from which the fees comprising the fund were collected, to reimburse the City for the costs of constructing the improvement.

I. The City Council may approve the acceptance of consideration in lieu of the payment of fees established herein.

J. The City Council may approve the advancement of money from the general fund or road fund to pay the costs of constructing the improvements covered herein and may reimburse the general fund or road fund for such advances from planned bridge facility or major thoroughfare funds established pursuant to this section.

K. If the building permit applicant, as a condition of the issuance of the building permit, is required or desires to construct a bridge or major thoroughfare, the City Council may enter into a reimbursement agreement with the applicant. Such agreement may provide for payments to the applicant from the bridge facility or major thoroughfare fund covering that specific project to reimburse the applicant for costs not allocated to the applicant's property in the resolution establishing the area of benefit. If the bridge or major thoroughfare fund covers more than one project, reimbursements shall be made on a pro rata basis reflecting the actual or estimated costs of the projects covered by the fund.

CHAPTER 12. IMPROVEMENT AGREEMENTS; IMPROVEMENT SECURITY

Sec. 5-5-1201. Required.

Any improvement agreement or contract required by the Subdivision Map Act or this division shall be secured by one of the following:

A. A bond or bonds by one or more duly authorized corporate sureties in the form prescribed by the Subdivision Map Act.

B. A deposit, either with the City or a responsible escrow agent or trust company selected by the City, of cash or negotiable bonds of the kind approved for securing deposits of its public monies.

C. An irrevocable instrument of credit or letter of credit from an agency of the State, federal, or local government when any agency of the State, federal, or local government provides at least 20 percent of the financing for the portion of the act or agreement requiring security, or from one or more responsible financial institutions regulated by federal or State government and pledging that the funds are on deposit and guaranteed for payment on demand by the City.

D. A lien upon the property to be subdivided, created by contract between the owner of the property and the City, when the City finds that it is not in the public interest to require installation of the required improvement sooner than two years after the recordation of the map.

E. Any other form of security, including security interests in real property, which the City Engineer shall determine to be acceptable.

Sec. 5-5-1202. Amount.

A. The improvement security shall be provided in the amount of:

1. One hundred percent of the total estimated cost of the improvement or act to be performed conditioned upon the faithful performance of the act or agreement;
2. One hundred percent of the total estimated cost of the improvement or act to be performed securing payment to the contractor, the subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act;
3. The amount determined by the City Engineer necessary to guarantee or warranty the work for a period of one year following completion or acceptance thereof against any defective work or labor done, or defective materials furnished in the performance of the improvement agreement;
4. The improvement security shall include costs and reasonable expenses and fees, including reasonable attorneys' fees, which may be incurred by the City in successfully enforcing the obligation secured.

B. The improvement security shall also secure the faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed ten percent of the original estimated cost of the improvement.

Sec. 5-5-1203. Special assessment proceeding; reduction.

In the event the required subdivision improvements are financed and installed pursuant to special assessment proceedings, the subdivider may apply to the City Engineer for a reduction in the amount of the improvement security required hereunder up to an amount corresponding to the amount of faithful performance and labor and material bonds required by the special

assessment act being used. The City Engineer may grant such reduction if he/she finds that such bonds have been in fact provided and that the obligations secured thereby are substantially equivalent to that required by this chapter.

Sec. 5-5-1204. Release.

The improvement security required hereunder shall be released in the following manner:

A. Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work subject to the provisions of paragraph B hereof.

B. The City Engineer may release a portion of the security in conjunction with the acceptance of the performance of the act or work as it progresses, upon application therefor by the subdivider; provided, however, that no such release shall be for an amount less than 30 percent of the total improvement security given for faithful performance of the act or work and that the security shall not be reduced to an amount less than ten percent of the total improvement security given for faithful performance until final completion and acceptance of the act or work. In no event shall the City Engineer authorize a release of the improvement security which would reduce such security to an amount below that required to guarantee the completion of the act or work and any other obligation imposed by this division, the Subdivision Map Act (Government Code § 66410 et seq.) or the improvement agreement.

C. Security given to secure payment to the contractor, his or her subcontractor and to persons furnishing labor, materials or equipment shall, after passage of the time within which claims of lien are required to be recorded pursuant to article 3 of chapter 2 of title 15 of part 4 of division 3 of the Civil Code, (commencing with Civil Code § 3114) and after acceptance of the work, be reduced to an amount not less than the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the city. If no such claims have been recorded, the security may be released in full.

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

E. The release provisions of this section shall not apply to the amount of the security deemed necessary by the City Engineer to cover costs and reasonable expenses on fees, including reasonable attorneys' fees, which may be incurred by the city in successfully enforcing an obligation secured.

Sec. 5-5-1205. Forfeiture.

Upon the failure of the subdivider to complete any improvement, acts or obligations within the time specified, the City Engineer may, upon notice in writing of not less than ten days served upon the person responsible for the performance thereof or upon notice in writing of not less than 20 days, served by registered mail addressed to the last-known address of such person, determine that the subdivider is in default and may cause the improvement security or such

portion thereof as is necessary to complete the work or act and any other obligations of the subdivider secured thereby to be forfeited to the City.

**CHAPTER 13. SUPPLEMENTAL IMPROVEMENTS;
REIMBURSEMENT AGREEMENTS**

Sec. 5-5-1301. Supplemental improvements--Required.

The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number, or length for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision map; and thereafter to dedicate such improvements to the public. Supplemental length may include minimum sized off-site sewer lines necessary to reach a sewer line in existence at that time. In the event the subdivider is required to install such improvements, the city shall enter into an agreement with the subdivider to reimburse the subdivider for that portion of the costs of such improvements, including an amount attributable to interest, in excess of the construction required for the subdivision.

Sec. 5-5-1302. Same--Reimbursement agreement, funding procedures.

A. No charge, area of benefit or local benefit district shall be established unless and until a public hearing in accordance with the provisions of section 5-5-109 of this division is held thereon by the City Council and the City Council finds that the fee or charge and the area of benefit or local benefit district is reasonably related to the cost of such supplemental improvements and the actual ultimate beneficiaries thereof.

B. In addition to the notice required above, written notice of the hearing shall be given to the subdivider and to those who own property within the proposed area of benefit as shown on the latest equalized assessment role, and the potential users of the supplemental improvements insofar as they can be ascertained at the time. Such notices shall be mailed by the City Clerk at least ten days prior to the date established for hearing.

Sec. 5-5-1303. Same--Drainage, sewerage, bridges and major thoroughfares.

If the City has adopted a local drainage or sanitary sewer plan or map as required for the imposition of fees therefor, or has established an area of benefit for bridges or major thoroughfares as provided in this division, the City may impose a reasonable charge on property within the area benefited and may provide for the collection of said charge as set forth in this division. The City may enter into reimbursement agreements with a subdivider who constructs said facilities, bridges or thoroughfares; and the charges collected by the City therefor may be utilized to reimburse the subdivider as set forth herein.

CHAPTER 14. LOT LINE ADJUSTMENTS

Sec. 5-5-1401. Applicability.

This chapter shall govern applications by persons owning two or more adjacent parcels who propose to adjust the boundaries between said parcels in a manner so that any land taken from one parcel will be added to an adjacent parcel. No tentative or final map will be required for such lot line adjustments provided all of the following criteria are satisfied:

1. Four or fewer parcels are involved;
2. No greater number of parcels will result from the lot line adjustment.
3. The design and configuration of the parcels created by the lot line adjustment are in substantial conformance with the design and configuration of the existing legally established parcels; may apply for a lot line adjustment.

Sec. 5-5-1402. Requirements.

A. Applications for a lot line adjustment and the review thereof shall conform with such requirements as to form, content and process as specified in the subdivision manual.

B. Applications for lot line adjustments shall be prepared by a registered civil engineer or licensed land surveyor.

C. Existing property lines can be based on a survey of record. The adjusted lot line(s) shall be monumented.

D. Applications for lot line adjustments shall be reviewed by the City Engineer, who shall approve or disapprove the proposed lot line adjustment. In accordance with the provisions of Government Code Section 66412(d) or any successor statute, conditions may not be imposed on the approval of a lot line adjustment except to the extent necessary to:

- (i) make the resulting lots conform to the applicable general or specific plan, any applicable coastal plan, and the existing zoning and building ordinances;
- (ii) to require prepayment of real property taxes prior to the approval of the lot line adjustment; or
- (iii) to facilitate the relocation of existing utilities, infrastructure, or easements.

Sec. 5-5-1403. Recordation.

No approved lot line adjustment shall be final until a deed reflecting the lot line adjustment has been recorded with the office of the County Recorder in accordance with the provisions of section 66412(d) of the Government Code or any successor statute.

CHAPTER 15. REVERSIONS TO ACREAGE

Sec. 5-5-1501. Applicability.

Subdivided real property may be reverted to acreage pursuant to the provisions of the Subdivision Map Act, this chapter and the subdivision manual.

Sec. 5-5-1502. Content and form.

Petitions for reversions to acreage shall conform with such requirements as to form and content as are specified in the subdivision manual. If the land to be reverted consists of four or less contiguous parcels under the same ownership, a parcel map may be filed for the purpose of reverting the land to acreage. The fee for processing reversions shall be as established by resolution of the City Council.

Sec. 5-5-1503. Requirements.

Petitions for reversions to acreage shall document the following:

A. Evidence of title to the real property; and

B. Either:

1. Evidence of the consent of all of the owners of an interest(s) in the property; or
2. Evidence that none of the improvements required to be made have been made within two years from the date the final tract or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
3. Evidence that no lots shown on the final tract or parcel map have been sold within five years from the date such final map was filed for record; and

C. Evidence of nonuse of or lack or necessity of streets or easements proposed to be vacated or abandoned.

Sec. 5-5-1504. Approval process.

A. If the petition proposes a parcel map for the reversion, the reversion to acreage shall be forwarded to the Subdivision Committee for review and recommendation to the City Council.

B. If the petition involves a final tract map, the reversion to acreage shall be forwarded to the Subdivision Committee and Planning Commission for review and recommendation to the City Council.

C. A public hearing shall be held before the City Council on reversions to acreage. Notice of the public hearing shall be given as provided in section 5-5-109 of this division.

CHAPTER 16. MERGERS

Sec. 5-5-1601. Purpose.

The purpose of this chapter is to establish the procedures and standards for the merger of contiguous parcels of land that were created under the provisions of the subdivision map act or any prior state law regulating the division of land.

Sec. 5-5-1602. Mergers, general.

Pursuant to the provisions of the subdivision map act, two contiguous parcels under common ownership may be merged without reverting to acreage upon application by the owner of record. An appropriate instrument approved by the City Engineer shall be recorded to evidence the merger, provided the City Engineer determines that there are no dedications or offers of dedication required to be abandoned as a result of the merger, that no additional dedications will be required as a result of the merger, that there are no fees, deposits or improvement security that would be required to be returned as a result of the merger, and that the merger is otherwise consistent with the purposes of this division, the zoning ordinance and the general plan.

Sec. 5-5-1603. Mergers initiated by city.

A. Criteria. Pursuant to the subdivision map act and the requirements of this chapter, the city may initiate the merger of two or more contiguous parcels or units of land held by the same owner if any one of the contiguous parcels or units does not conform to the standards for minimum parcel or lot size established by the applicable provisions of the zoning ordinance, and if all the following requirements are satisfied:

- (1) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.
- (2) With respect to any affected parcel, one or more of the following conditions exists:
 - (a) The parcel comprises less than 5,000 square feet in area at the time of the determination of merger.
 - (b) The parcel was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - (c) The parcel does not meet current standards for sewage disposal and domestic water supply.
 - (d) The parcel does not meet slope stability standards.

- (e) The parcel has no legal access that is adequate for vehicular and safety equipment access and maneuverability.
- (f) Development would create health or safety hazards.
- (g) The parcel is inconsistent with the general plan, any applicable specific plan, or the zoning ordinance other than minimum lot size or density standards.

B. Notice of intention to determine status. The City Engineer shall mail, by certified mail, a notice of intention to determine status to the current record owner of the property. The notice shall state that the affected parcels may be merged, and the owner may request a hearing on the determination of status before the City Engineer to present evidence that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record at the office of county recorder on the same day that the notice is mailed to the property owner.

C. Hearing on determination of status. The owner of the affected property may file a written request for a hearing with the Subdivision Committee within 30 days after the recording of the notice of intention to determine status. Upon receipt of the request, the clerk of the Subdivision Committee shall set a time, date and place for a hearing and notify the owner by certified mail. The hearing shall be conducted not more than 60 days following the receipt of the owner's request, but may be postponed or continued past 60 days by mutual consent of the city and the property owner. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements of this chapter.

D. Determination of merger. At the conclusion of the hearing, the Subdivision Committee shall determine whether the affected parcels shall be merged or not and shall notify the owner of the determination in writing.

- (1) If the Subdivision Committee makes a determination that the parcels are to be merged, the City Engineer shall record a determination of merger within 30 days of the Committee's determination unless the owner files an appeal.
- (2) If, within the 30-day period following the recording of the notice of intention to determine status, the owner did not file a request for hearing, the Director of Community Development and City Engineer shall make a determination that the affected parcels are to be merged or are not to be merged. If the Director of Community Development and City Engineer determine that the parcels shall be merged, the City Engineer shall record a determination of merger within 90 days following the mailing of the notice of intention to determine status if no hearing.
- (3) The determination of merger shall specify the name of the record owners and a description of the property.
- (4) If the city determines that the parcels shall not be merged, the City Engineer shall record a release of the notice of intention to determine status and shall mail a clearance letter to the owner of record.

Sec. 5-5-1604. Mergers initiated by property owner.

A. Request for determination. Upon written application by the owner to the City Engineer, and payment of required fees, the Director of Community Development and City Engineer shall determine whether the affected parcels shall be merged and shall notify the owner of the determination. If the Director of Community Development and City Engineer determine that the parcels shall not be merged, the owner may file a written request for an appeal in accordance with the provisions of section 5-5-110 of this division. If the city council, on appeal, determines that the parcels shall be merged, a determination of merger shall be recorded.

B. Waiver of right to hearing. If the merger of contiguous parcels or units is initiated by the record owner(s), the owner(s) may waive the right to a hearing before the City Engineer and to all notices required by this chapter. Upon receipt of the waiver, the City Engineer shall record a notice of intention to determine status, a waiver of right of hearing and notice, and a notice of merger simultaneously.

Sec. 5-5-1605. Compliance with minimum requirements.

The lot to be created by the merger shall conform to the minimum requirements set forth in article 3 of this chapter and to the minimum requirements set forth in the city's zoning provisions.

Sec. 5-5-1606. Unmerged parcels.

A property owner may apply to the city for a determination that any parcels or units of land for which a notice of merger had not been recorded on or before January 1, 1984, are deemed not to have been merged under Section 66451.30 of the Government Code or any successor statute. If the Director of Community Development or designee determines that the parcels meet the standards specified in said Section 66451.30, the city shall issue the owner, and record with the county recorder, a notice of the status of the parcels and a declaration that the parcels are not merged.

CHAPTER 17. ENFORCEMENT

Sec. 5-5-1701. General.

The provisions of this division shall be enforced in accordance with the provisions of the Subdivision Map Act and the subdivision manual, as applicable.

Sec. 5-5-1702. Certificate of compliance.

A. Applicability. Any owner of real property may request a determination by the City as to whether such real property complies with the provisions of the Subdivision Map Act and the City of Irvine Subdivision Ordinance.

B. Procedure. Requests for a certificate of compliance shall be processed and reviewed in compliance with the provisions and procedures set forth in the subdivision manual.

C. Approval. City Engineer.

D. Recordation. Certificates of compliance shall be filed for record with the office of the County Recorder. The certificate of compliance shall identify the real property and shall state that it complies with applicable provisions of the Subdivision Map Act, the City's subdivision ordinance, and other local ordinances.

Sec. 5-5-1703. Conditional certificates of compliance.

A. Applicability. If the City Engineer determines that real property does not comply with the provisions of the Subdivision Map Act or the City's subdivision ordinance, an owner of real property may request a conditional certificate of compliance.

B. Procedure. Request for a conditional certificate of compliance shall be processed and reviewed in compliance with the provisions and procedures set forth in the subdivision manual.

C. Approval: Subdivision Committee. The Subdivision Committee may impose conditions to the conditional certificate of compliance, subject to the provisions of the Subdivision Map Act.

D. Recordation. Conditional certificates of compliance shall be filed for record with the office of the County Recorder. Such certificate shall serve as notice to the applicant who has applied for the certificate, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.”