

## Title 18

### SUBDIVISIONS

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## Chapter 18.04

### SUBDIVISION POLICY AND PROCEDURE\*

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\* For provisions of the statutory Subdivision Map Act, see Bus. and Prof. Code § 11500; for statutory authority for cities to regulate division of land which is not subdivision, see Bus. and Prof. Code § 11540.1; for statutory exclusions of land from subdivision, see Bus. and Prof. Code § 11700, et seq.

#### **18.04.010 Statutory authority.**

This chapter is enacted pursuant to the authority granted by Section 66421 of the Government Code of the state of California and in accordance with the limitations of Section II of Article XI of the Constitution of the state, the general laws of the state, and Section 66410, et seq., of the Government Code of the state, known as the Subdivision Map Act. The provisions of this chapter are in addition to the regulations of said Subdivision Map Act and are supplemental thereto, consistent with and not in conflict with the provisions of said act. In the event of any conflict arising between the provisions of

the certified local coastal program (LCP) and the subdivision ordinance or other legal authorities applying to the subdivision ordinance, the LCP shall control. (Ord. 2100 § 1, 1985).

#### **18.04.020 Purpose, intent and scope of provisions.**

The purpose of this title, and any rules, regulations, standards or specifications adopted pursuant thereto, is to control and regulate the division or consolidation of land within the city as well as such land as may be hereafter annexed to the city and to provide for a clear and expeditious procedure for this purpose. Said rules and regulations adopted pursuant to this title as well as the regulations contained herein shall be applicable to the resubdivision of land or the alteration of the size and shape of any existing parcel of record. It is the specific intent of the city council to establish by local ordinance requirements for the recordation of a final subdivision map when land is to be divided into five or more parcels, or a parcel map where land is to be divided into less than five parcels, in conformity with the authorization of the State Subdivision Map Act, with the exception of those divisions of land as set forth herein. It is further the purpose of these regulations to require the subdivider to properly install streets and drains in accordance with the provisions of the State Subdivision Map Act and the standards and specifications adopted by the city; to require the subdivider to do the original work of placing the streets in a proper condition before the maintenance thereof is taken over by the city and to relieve the taxpayers of the city to this extent of the burden that would otherwise exist; to provide for the regulation and control of the design and improvement of a subdivision with a proper consideration of its relation to adjoining areas and the effect said subdivision would have on such areas; to require the establishment of open spaces and recreational areas in accordance with rules and regulations that presently exist or may hereafter be adopted; to provide for the designation and acquisition of sites for necessary public facilities to serve residential areas that are developed as the result of the subdivision of land; in the coastal zone, as defined in Public Resources Code Section 30103, to require full compliance with the provisions of the certified local coastal program; and to prevent fraud and exploitation in the sale of subdivisions or parts thereof in the interests of protecting the public, which has been declared to be the public policy of the state of California. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.102).

**18.04.030 Criteria for division and development of land – Generally.**

The subdivider shall adhere to the following criteria set forth in CVMC 18.04.040 through 18.04.060 in the preparation of a subdivision map or a parcel map for the division of land, as more specifically defined in this title or other provisions of this code. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.104).

**18.04.040 Criteria for division and development of land – Adherence to general plan, zoning ordinance and, where applicable, local coastal program required.**

The general plan of the city, as presently adopted or as it may hereafter be amended, is accepted as a guide for the use of all land within the boundaries of the city and for those properties located in the unincorporated area wherein land use is defined in said general plan. All land shall be subdivided and developed in accordance with the provisions and regulations of the comprehensive zoning ordinance of the city as it may be applied to the property subject to subdivision at the time of the filing of a subdivision map, or in accordance with such zoning as may later be applied to the property as a condition of a zoning ordinance incorporating land into a particular zone subject to the filing of a subdivision map. In the coastal zone, as defined in Public Resources Code Section 30103, the certified local coastal program shall constitute the standard for all use of land. No subdivision approval shall be given to any project located in the coastal zone which is found to be in conflict with the certified local coastal program. The type and intensity of land use as shown in the Bayfront Land Use Plan shall determine the types of streets, roads, highways, utilities, and public services that shall be provided by the subdivider. For lands within the coastal zone, the subdivider shall obtain a coastal development permit, as prescribed in Chapter 19.83 CVMC, in addition to the other requirements of this code. (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.104(1)).

**18.04.050 Criteria for division and development of land – Street design and alignment and environmental protection.**

In designing and aligning streets within the subdivision, consideration shall be given to the previously established street and highway network contiguous to the proposed subdivision, the effect of

the extension of said streets and alignment thereof in undeveloped land surrounding the subdivision, provision for uniformity of street widths, and for the total program of properly relating street alignments and street names. Preservation of the privacy and safety of streets in residential areas shall be encouraged by the minimizing of through traffic in such areas. The number of intersections on through streets and highways shall be reduced to a minimum consistent with the basic needs of ingress and egress while insuring adequate access to all areas. Intersections shall be so designed to provide for the greatest safety, both for pedestrians and motorists. Provision shall be made for assuring adequate light, air and privacy on all parcels of property, regardless of the land use. The trees, topography and other natural cover of the land shall be respected, and streets shall be designed so as to prevent excessive grading and scarring of the landscape. In the coastal zone, as defined in Public Resources Code Section 30103, the design and alignment of streets shall be consistent with the provisions of the certified local coastal program. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.104(2)).

**18.04.060 Criteria for division and development of land – Community facilities to be provided – Procedure.**

The subdivision procedures contained in this title and other requirements and regulations adopted by ordinance and incorporated in this code or by resolution of the city council shall provide necessary land and development thereof for parks, open space, schools, playgrounds and other required public facilities serving said subdivision. This title establishes procedures for the referral of proposed subdivision maps to those boards, bureaus and other governmental agencies and utility companies, both public and private, so that the extension of community facilities and utilities may be accomplished in an orderly manner coincident with a subdivision of land and in accordance with such standards as may be adopted in the general plan for the city. In order to facilitate the acquisition of land areas required to implement this policy, the planning commission may recommend that land be reserved by the subdivider for a certain period of time and subject to such conditions as prescribed herein, to permit the acquisition by the appropriate public agency of said land for open space, parks, playgrounds, and schools and other public purposes. The council may, under such conditions and circumstances as provided in this code, require that

land be dedicated or fees be levied to accomplish this purpose. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.104(3)).

**18.04.070 Subdivider – Responsibilities generally.**

The subdivider shall prepare maps consistent with the design standards contained herein and accomplish improvements consistent with the improvement standards of the city and shall process said maps in accordance with the regulations set forth herein. The subdivider shall fully cooperate in the provision and development of areas for required public facilities. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.105(1)).

**18.04.080 Director of planning – Responsibilities generally.**

The director of planning shall stamp on the map the date and time received and be responsible for the review, the expeditious processing and analysis of the planning aspect of tentative maps, and prompt referral thereof to other governmental boards, bureaus and agencies, and affected utility companies, both public and private. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.105(2)).

**18.04.090 Director of public works – Responsibilities generally.**

The director of public works shall be responsible for acknowledging receipt of final maps and reporting to the city council as to whether the proposed improvements are consistent with the regulations contained herein and shall recommend or conditionally recommend to the city council the acceptance of all such improvements. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.105(3)).

**18.04.100 Planning commission – Responsibilities generally.**

The planning commission shall act as the “advisory agency” to the city council, and is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions and the conformance of such subdivisions with the general plan and this title, and for the coastal zone as defined in Public Resources Code Section 30103, the certified local coastal program. The planning commission shall report its actions and recommendations concerning the tentative map to the council and the subdivider. The council shall act thereon and report its action to the subdivider. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.105(4)).

**18.04.110 Maps – Filing and recordation required.**

The subdivider of land shall file a tentative map in the case of a major subdivision, or a preliminary parcel map in the case of a minor subdivision, with the planning department and, as provided in this title, shall procure the recordation respectively of a final subdivision map or a parcel map with the county recorder which shall, in all respects, be in full compliance with the provisions of this code. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.106).

**18.04.120 Provisions to be construed as restatements and continuations.**

The provisions of this title, insofar as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.111(2)).

**Chapter 18.05****EXEMPTION FROM PROVISIONS OF  
STATE SUBDIVISION MAP ACT AND  
PARCEL MAP REQUIREMENTS**

## Sections:

18.05.010 Shopping center exemption – State Subdivision Map Act and parcel map requirements.

**18.05.010 Shopping center exemption – State Subdivision Map Act and parcel map requirements.**

A. In all cases wherein financial arrangements or leasehold agreements are entered into regarding portions of approved shopping centers, the requirements of the State Subdivision Map Act and parcel map requirements specifically contained therein are hereby waived.

B. It shall be the policy of the city to require that no division of land or buildings within such shopping centers shall be allowed, and that any leasing or financing of portions of the premises shall not constitute a division of land or allow for any alienation of such property in a shopping center unless specifically approved by the city council of the city of Chula Vista. All financing or leasing arrangements shall be subject to the approval of the city, and shall be conditioned by specific agreements that no sale of said property into separate ownership, either by negotiation, foreclosure or operation of law, may be undertaken without the filing of an appropriate subdivision or parcel map. (Ord. 2100 § 1, 1985; Ord. 1838 § 1, 1978).

**Chapter 18.08****DEFINITIONS**

## Sections:

18.08.010 Definitions generally.  
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 18.08.030 Block.  
 18.08.040 City manager.  
 18.08.050 Coastal Commission.  
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 18.08.300 Subdivision, tentative.  
 18.08.310 Usable park land.  
 18.08.320 Vesting tentative map – Vesting tentative parcel map.

**18.08.010 Definitions generally.**

Whenever any words or phrases used in this title are not defined herein, but are defined in the Government Code or Public Resources Code of the state of California, or in the zoning ordinance or certified local coastal program of the city, such definitions are incorporated herein and shall apply to such words and phrases used herein as though set forth herein in full, unless the context clearly indicates a contrary intention. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.020 Alley.**

“Alley” means a street providing only secondary access to abutting property. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.030 Block.**

“Block” means an area of land within a subdivision, which area is entirely bounded by streets, highways, or ways, except alleys, or the exterior boundary or boundaries of the subdivision. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.040 City manager.**

“City manager” means the city manager of Chula Vista or his duly authorized representative. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.050 Coastal Commission.**

“Coastal Commission” means the California Coastal Commission as defined in Public Resources Code Section 30105. (Ord. 2100 § 1, 1985).

**18.08.060 Coastal zone.**

“Coastal zone” means that land and water area of the city of Chula Vista as defined in Public Resources Code Section 30103 and that is more particularly delineated in Map Number \_\_\_\_ of the maps adopted by the California Coastal Commission on March 27, 1984. (Ord. 2100 § 1, 1985).

**18.08.070 Commission.**

“Commission” means the planning commission of Chula Vista. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.080 Council.**

“Council” means the city council of Chula Vista. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.090 Cul-de-sac.**

“Cul-de-sac” means a street open at one end only, and providing at the other end special facilities for the turning around of vehicular traffic. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.100 Director of planning.**

“Director of planning” means the director of planning of Chula Vista or his authorized representative. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.110 Director of public works.**

“Director of public works” means the director of public works of Chula Vista or his duly authorized representative. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.120 Freeway, major road and collector road.**

“Freeway,” “major road” and “collector road” means any vehicular route so designated on the general plan and shall be for the purpose of collecting and carrying large volumes of traffic. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.130 Frontage road.**

“Frontage road” means a street contiguous to a freeway, major road, or collector road, separated therefrom by a dividing strip and providing access to abutting property. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.140 General plan.**

“General plan” means the general plan of the city, adopted September 22, 1964, and any amendments thereto. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.150 Local coastal program.**

“Local coastal program” means the City of Chula Vista Bayfront Local Coastal Program, which consists of the land use plan as certified by the Coastal Commission in March, 1984, and the specific plan and other implementing actions as certified by the Coastal Commission. (Ord. 2100 § 1, 1985).

**18.08.160 Lot.**

“Lot” means a recorded parcel or portion of land separated from other parcels or portions by description, as on a subdivision map, record of survey map, parcel map or by metes and bounds, for purpose of sale, lease or separate use as of the effective date of the ordinance codified herein or as subsequently created in accordance with this title. The term “lot” shall further include any parcel which, at the time of annexation to the city, is a parcel of record. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.170 Map Act.**

“Map Act” means the Subdivision Map Act of the state of California. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.180 Map, final subdivision.**

“Final subdivision map” means a map prepared in accordance with the provisions of this title and the Subdivision Map Act of the state, which map is designed to be placed on record in the office of the San Diego County recorder. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.190 Map, parcel.**

“Parcel map” means a map and/or the process of dividing or consolidating land under the conditions set forth in Chapter 18.20 CVMC for the purpose of sale, lease, transfer or financing, whether immediate or future, by any person. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.200 Map, preliminary parcel.**

“Preliminary parcel map” means a map made for the purpose of showing the design of a proposed parcel map and the existing conditions in and around it, and need not be based upon a detailed survey of the property. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.210 Standard specifications.**

“Standard specifications” means standard specifications and standard drawings prepared by the director of public works and approved by resolution of the city council. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.220 Street, residential and industrial service street.**

“Residential street” and “industrial service street” mean a street intended wholly or principally for local traffic, or service to abutting property. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.230 Street, residential collector.**

“Residential collector street” means a street intermediate in importance between a residential street and a collector road and which has the purpose of collecting traffic from local streets and carrying it to a major road. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.240 Subdivider.**

“Subdivider” means any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this title to cause land to be divided into a subdivision for himself or for another, and while used here in masculine gender and singular num-

ber, it shall be deemed to mean and include the feminine or neuter gender and plural number whenever required. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.250 Subdivider’s engineer.**

“Subdivider’s engineer” means any individual or firm retained by the subdivider, and who is duly qualified to perform the duties of the engineer of work. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.260 Subdivision.**

“Subdivision” means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements or railroad rights-of-way. “Subdivision” includes a condominium project, as defined in Section 1350 of the Civil Code; a community apartment project, as defined in Section 11004 of the Business and Professions Code; or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. As used in this section, “agricultural purposes” means the cultivation of food or fiber or the grazing or pasturing of livestock. (Ord. 2100 § 1, 1985).

**18.08.270 Subdivision, major.**

“Major subdivision” means any real property, improved or unimproved, or portion thereof, shown on the latest adopted San Diego County tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease or financing, whether immediate or future, by any subdivider, into five or more parcels. Any division made solely for the purpose of street widening shall not be a subdivision, nor shall any land given under eminent domain proceedings or threat thereof. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.280 Subdivision manual.**

“Subdivision manual” means the manual of procedure entitled Subdivision Manual, pertaining to the division or consolidation of land as prepared by the director of public works and approved by resolution of the city council, including amendments to

said manual which may be made from time to time. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.290 Subdivision, minor.**

“Minor subdivision” means any real property, improved or unimproved, or portion thereof, shown on the latest adopted San Diego County tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease or financing, whether immediate or future, by any subdivider, into four or less parcels, or the division of land into any number of parcels where the following conditions prevail:

A. The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway, and no dedications or improvements are required by the governing body;

B. Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway;

C. Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the city as to street alignments and widths;

D. Any parcel or parcels of land divided into lots or parcels, each of a gross area of 40 acres or more or each of which is a quarter-quarter section or larger. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.300 Subdivision, tentative.**

“Tentative subdivision” means a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it, and need not be based upon a detailed final survey of the property. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.310 Usable park land.**

“Usable park land” means land which meets the following minimum requirements and is determined to be acceptable by the director of parks and recreation:

A. Graded in conformance with a plan approved by the city;

B. All street improvements installed, or bonded for;

C. Turf and/or turf and D.G.;

D. All utilities required by the city, extended to the property line;

E. Irrigation system. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.103).

**18.08.320 Vesting tentative map – Vesting tentative parcel map.**

“Vesting tentative map” means a tentative map for a residential subdivision which conforms with the requirements of Chapter 18.13 CVMC and confers upon the subdivider certain rights established by this title.

“Vesting tentative parcel map” means a vesting tentative map prepared in conjunction with a parcel map. (Ord. 2134 § 1, 1985).

## Chapter 18.12

### TENTATIVE MAPS\*

#### Sections:

- 18.12.010 Filing required – Copies – Time – Instructions.
- 18.12.015 Vesting tentative maps.
- 18.12.020 Fees.
- 18.12.030 Preparation by registered engineer.
- 18.12.040 Compliance with subdivision manual specifications required.
- 18.12.050 Director of planning – Duties and responsibilities.
- 18.12.060 Subdivision and development committee – Membership – Powers and duties.
- 18.12.070 Director of public works – Duties and responsibilities.
- 18.12.080 Planning commission – Review and report duties.
- 18.12.090 City council – Approval or disapproval authority.
- 18.12.100 Public hearing when – Notice required.
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- 18.12.140 Expiration of tentative map and extension of time for filing final map – Application required – Public hearing.
- 18.12.150 Planning commission – Approval or disapproval of one-lot condominium projects – Appeal.

\* For statutory provisions relating to tentative maps, see Bus. and Prof. Code § 11550, et seq.

#### **18.12.010 Filing required – Copies – Time – Instructions.**

Each subdivider of either a major or a minor subdivision shall file with the planning department such number of copies of the tentative map as may be required in the subdivision manual. The planning department shall make available to the subdivider or his representative a copy of the subdivision manual and such other instruction sheets providing information relative to the preparation of said tentative map. The time of filing of a tentative map

shall be construed to be the time at which the same, together with the required data, is received in the office of the director of planning, who shall indicate the date of filing upon all copies of the tentative map and accompanying data. Two copies of a preliminary title report on the property to be subdivided shall accompany the tentative map. The tentative map shall depict the property proposed to be subdivided and shall further depict all lands in or under option to the subdivider and/or the owner of the property proposed to be subdivided. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.201).

#### **18.12.015 Vesting tentative maps.**

The vesting tentative map may be filed and processed in the same manner and subject to the same requirements as a tentative map, except as provided in Chapter 18.13 CVMC. (Ord. 2134 § 2, 1985).

#### **18.12.020 Fees.**

Fees shall be paid in accordance with CVMC 18.28.020 through 18.28.090. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.202).

#### **18.12.030 Preparation by registered engineer.**

The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a civil engineer registered in the state of California. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.203).

#### **18.12.040 Compliance with subdivision manual specifications required.**

The tentative map shall be drawn to such size and scale and contain such information as set forth in the subdivision manual. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.204).

#### **18.12.050 Director of planning – Duties and responsibilities.**

Within two working days of the filing of a tentative subdivision map, the director of planning shall transmit the requested number of copies of said map together with accompanying data to such public agencies and public and private utilities as may be concerned. Each of the public agencies and utilities may, within 10 days after the map has been received by such agency, forward to the commission a written report of its findings and recommendations thereon. Within 14 days after submission, the director of planning will hold a conference on the tentative map with the subdivider and the subdivision and development committee. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.205(1)).

**18.12.060 Subdivision and development committee – Membership – Powers and duties.**

The subdivision and development committee shall consist of the director of planning or designated members of his staff and the director of public works or designated members of his staff. Said committee shall make such recommendations to the subdivider as seem proper regarding such tentative map, and shall recommend consultations by the subdivider with such organizations, including public and private utilities, as it shall designate and shall report its conclusions and findings to the subdivider within seven days of said conference. This procedure is not required in the processing of a parcel map. However, consultation with the director of planning prior to the preparation of a preliminary parcel map is recommended. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.205(2)).

**18.12.070 Director of public works – Duties and responsibilities.**

The director of public works shall prepare a written report of recommendations on the tentative map in relation to the requirements of this chapter and other applicable regulations of the city or public and private utilities, and shall submit the same to the planning commission within 21 days after receipt of the map. In the coastal zone, the report of the public works director shall also state how the tentative map complies with the requirements of the certified local coastal program and shall be submitted to the redevelopment agency rather than the planning commission for review. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.205(3)).

**18.12.080 Planning commission – Review and report duties.**

The planning commission shall consider the tentative map as submitted by the subdivider together with the recommendations prepared by the director of public works and the director of planning. The director of planning may, with a minimum of three working days' notice, require that all or any part of the boundaries and/or streets of a proposed subdivision be flagged at the site to facilitate any field review of the planning commission. The planning commission shall report, in writing, on the map of any subdivision submitted to it within 50 days after the tentative map has been filed and the report shall recommend approval, conditional approval or disapproval. (Exemption: See CVMC 18.12.150 for one-lot condominiums.) The number, size and configuration of lots to be created and the alignment

and width of streets and easements shall be clearly depicted upon the tentative map prior to approval by the planning commission. Conditions to make the map approvable which involve modifications to lots in terms of number, size or configuration, or to streets in terms of alignment or width, may be set forth by the commission for the guidance of the subdivider. However, when such conditions are substantial, the committee may require that these changes be incorporated upon a revised tentative map and returned to the director of planning who shall have the authority to approve the revised tentative map on behalf of the planning commission if the map is clearly in conformity with the conditions established by the commission. The director of planning may, at his discretion, require that the revised map be submitted to the commission for approval in any instance where the map is not clearly in conformity with such conditions. (Ord. 2091 § 1, 1984; Ord. 1369, 1971; prior code § 28.205(4)).

**18.12.090 City council – Approval or disapproval authority.**

Within 10 days or at its next regularly scheduled meeting after receipt of the report of the planning commission on the map, or upon appeal, the city council shall act thereon. If the city council finds that the proposed map complies with the requirements of this chapter, it shall approve the map. If the council finds that the proposed map does not meet the requirements of this chapter, it shall conditionally approve or disapprove said map. In the coastal zone, the proposed map shall in addition meet the requirements of the certified local coastal program and not result in the creation of a parcel or lot proposed for development that is totally located within an environmentally sensitive habitat area or flood hazard area. (Ord. 2100 § 1, 1985; Ord. 2091 § 1, 1984; Ord. 1369, 1971; prior code § 28.205(5)).

**18.12.100 Public hearing when – Notice required.**

If the subdivision and development committee shall determine that a tentative map is possessed of sufficient public or community interest to justify the holding of a public hearing by the commission prior to action being taken on the map, it may request the director of planning to set such hearing before the planning commission. In the event that a public hearing is held, notice shall be mailed to the subdivider and to the owners of all property within 300 feet of the exterior boundaries of the property involved at least 10 days prior to the date of the hearing. The last known name and address of each

owner as shown on the records of the county assessor may be used for the aforementioned notice. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.205(6)).

**18.12.105 Public hearing on subdivisions in the coastal zone – Notice required.**

At least 10 calendar days before any public hearing on a proposed subdivision in the coastal zone, notice shall be given of the time, date, and place of such hearing, including a general description of the area to be affected, and the street address, if any, of the property involved. Said notice shall be published at least once in a newspaper of general circulation in the city. In addition, notice of the hearing shall be given by mail or delivery to all persons, including businesses, corporations, or other public and private entities, shown on the last equalized assessment roll as owning real property within 300 feet of the property which is the subject of the proposed change, as well as all residents within 100 feet of the property which is the subject of the proposed change, the California Coastal Commission, and any person who has filed a written request with the city clerk or secretary of the redevelopment agency. Such a request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year. The redevelopment agency may impose a reasonable fee on persons requesting such notice for purpose of recovering the cost of such mailing. Substantial compliance with these provisions shall be sufficient, and technical failure to comply shall not affect the validity of any action taken pursuant to the procedures of this chapter or the certified local coastal program. (Ord. 2100 § 1, 1985).

**18.12.110 City clerk to give notice of council determination.**

The city clerk shall notify the subdivider, in writing, of the action taken by the city council. In the coastal zone, the city clerk shall provide notice within seven calendar days of the final decision on the application for a tentative map. Such notice shall include conditions of approval, if any, written findings to support the decision, and the procedures for filing an appeal to the Coastal Commission, if applicable, and shall be sent by first class mail to the subdivider, the Coastal Commission, and any person who specifically requested notice of final decisions on subdivision applications. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.205 (7)).

**18.12.120 Variance or suspension of requirements granted when – Public hearing required.**

In approving a tentative map, the planning commission or council may grant a suspension of any of the subdivision requirements set forth or referred to in this code, except underground facilities, which may be waived only by the city council; provided, such suspensions are not inconsistent with state law. A variance from the lot area, frontage, width, depth and front yard or setback requirements of the various zones set forth in this code may also be granted by the commission or the council. Any such suspension or variance shall be based upon a sufficient showing that there are special circumstances or conditions affecting the property in question and that such suspension or variance, if granted, will not be materially detrimental to the general welfare of adjacent persons or property, and such other findings for suspension or variance as may be required in other sections of this code. If such suspension or variance is requested, a public hearing shall be conducted as provided in this chapter. In the coastal zone, the city council may grant a variance from the requirements of the certified local coastal program and this chapter only if it does not affect environmentally sensitive habitat or public access to and along the Bayfront, will not otherwise create adverse environmental effects on coastal resources, and written findings based on substantial evidence are adopted in support thereof. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.206).

**18.12.130 Documents and data – Filing required.**

One copy of the map and accompanying data, together with the planning commission's report and a record of the city council's action with conditions of approval, if any, shall be filed in the office of the city clerk and retained until recordation of the final map or maps encompassing the total area included in the tentative map. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.207).

**18.12.140 Expiration of tentative map and extension of time for filing final map – Application required – Public hearing.**

A. The approved or conditionally approved tentative map shall expire in 36 months in accordance with the total authorized period of the present, or as-amended requirements of Section 66452.6 of the Subdivision Map Act, unless it is extended in

accordance with the provisions of this section. Within such time period or the period of any extension thereof, the subdivider may cause a final map to be prepared and submitted to the city council for approval or disapproval in accordance with the tentative map as approved or conditionally approved and in accordance with the Subdivision Map Act and the provisions of this title.

B. The subdivider may request an extension of the approved or conditionally approved tentative map by written application to the director of planning and building. Such application shall be filed at least 30, and not more than 90, days before the approval or conditional approval is due to expire. The application shall state the reasons for the requested extension and at any time within 90 days of the expiration of the map. The director of planning and building shall determine whether a public hearing is required based on changing conditions in the area. After conducting a public hearing or reviewing the requested extension, the planning commission may approve or deny the requested extension. An extension shall not exceed 36 months as provided in Section 66452.6 of the Subdivision Map Act. In the event the planning commission denies a subdivider's application for extension or refuses to extend the tentative map for the full period as authorized by the Subdivision Map Act, the subdivider may within 15 days appeal to the city council. Following the meeting or the hearing on an appeal from the decision of the planning commission, the city council shall grant or deny the extension. (Ord. 2790, 1999; Ord. 2100 § 1, 1985; Ord. 2008 § 1, 1982; Ord. 1369, 1971; prior code § 28.208).

**18.12.150 Planning commission – Approval or disapproval of one-lot condominium projects – Appeal.**

The planning commission shall act upon tentative maps for one-lot condominium projects. If the planning commission finds that the proposed map complies with the requirements of this chapter, it shall approve the map. If the commission finds that the proposed map does not meet the requirements of this chapter, it shall conditionally approve or disapprove said map.

The decision of the planning commission is final unless appealed to the city council within 10 days after said decision is filed with the office of the city clerk. The appeal shall be filed with the office of the city clerk on a form prescribed for such purpose and accompanied by a fee as presently listed in the master fee schedule, as well as all necessary maps, exhibits and other documents. (Ord. 2091 § 1, 1984).

**Chapter 18.13**

**VESTING TENTATIVE MAPS**

Sections:

- 18.13.010 Authority.
- 18.13.020 Filing and processing.
- 18.13.030 Rights conferred.
- 18.13.040 Consistency with zoning and general plan.

**18.13.010 Authority.**

This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the state of California – Subdivision Map Act, and is intended to implement the provisions of that chapter. (Ord. 2134 § 3, 1985).

**18.13.020 Filing and processing.**

A. Whenever this title requires the filing of a tentative map or tentative parcel map for a residential development, the subdivider may file a vesting tentative map or vesting tentative parcel map subject to the provisions of this chapter.

B. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face “vesting tentative map.” If the map is a vesting tentative parcel map, the words “vesting tentative parcel map” shall appear conspicuously on its face.

C. In addition to the other information required by this title to be shown on or provided with a tentative map or tentative parcel map, a vesting tentative map or vesting tentative parcel map shall show or be accompanied by the following information in a form satisfactory to the director of planning and the city engineer:

1. The height, bulk and location of proposed buildings.

2. The design and specifications of all public facilities including, but not limited to, on- and off-site sewer, water, drainage, roads, and other improvements. The subdivider shall submit detailed geological, drainage, flood control, soils, traffic, or other reports deemed necessary by the city engineer or the director of planning to permit complete review of the design and improvements for the subdivision. The subdivider, for subdivisions over five units, shall also submit a fiscal impact report prepared by an independent economic analyst, analyzing the projected impacts the development will have on services; the report shall include marketing information and a cost benefit analysis for the project.

3. Detailed final grading plans showing existing and proposed finished grades at two-foot intervals.

4. Information on the uses to which the buildings will be put and general architectural renderings of the buildings.

5. Detailed landscape plans.

D. Notwithstanding any other provisions of this code to the contrary, all vesting tentative maps, regardless of the number of lots, shall be considered by the city council after a report and recommendation by the planning commission.

E. Notwithstanding any provisions of this code to the contrary, all vesting tentative parcel maps shall be referred to the planning commission for consideration. The decision of the planning commission shall be final unless the decision is appealed to the city council pursuant to applicable provisions of this code.

F. Notwithstanding any provisions of this code to the contrary, the time for filing a final map for a vesting tentative map shall not be extended. Failure to file a final map within the time period established by this code for tentative maps shall terminate all proceedings, and no final map or parcel map for all or any part of the property included within the vesting tentative map shall be filed without first processing a new map pursuant to this title.

G. Notwithstanding any provision of this code to the contrary, the time for filing a parcel map for a vesting tentative parcel map shall not be extended. Failure to file a parcel map within the time period established by this code shall terminate all proceedings, and no final map or parcel map for all or any part of the property included within the vesting tentative map shall be filed without first processing a new map pursuant to this title.

H. A vesting tentative map or vesting tentative parcel map shall not be approved or conditionally approved unless the city council or planning commission, whichever is the final decision making body, finds on the basis of studies and reports submitted by the subdivider that all public facilities necessary to serve the subdivision or mitigate any impacts created by the subdivision will be available for the entire time that the vesting tentative map or vesting tentative parcel map is valid, plus any time during which the rights conferred by CVMC 18.13.030 exist. (Ord. 2134 § 3, 1985).

### **18.13.030 Rights conferred.**

A. Approval or conditional approval of a vesting tentative map or vesting tentative parcel map shall confer a right to proceed with residential

development in substantial compliance with the ordinances, policies and standards described in Section 66474.2 of the Government Code. However, if Section 66474.2 is repealed, the approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map or vesting tentative parcel map was approved or conditionally approved. Any disputes whether a development substantially complies with the approved or conditionally approved map, or with ordinances, policies or standards described in this subsection, shall be resolved by the city council.

B. Notwithstanding subsection (A) of this section, the permit or entitlement for development may be conditionally approved or denied if at the time of the issuance of the permit approval or entitlement, it is determined by the issuing authority or the city council on appeal that:

1. A failure to condition or deny the permit or entitlement would place the residents of the subdivision or of the immediate community or both in a condition dangerous to their health or safety; or

2. The condition or denial is required in order to comply with state or federal law.

C. The rights conferred by a vesting tentative map or vesting tentative parcel map shall expire if:

1. A final map or parcel map is not approved prior to the expiration of the vesting tentative map or the vesting tentative parcel map.

2. The applicant has requested, and the city has approved, a change in the type, density, bulk or design of the development unless an amendment to the vesting tentative map or vesting tentative parcel map has been approved.

D. Upon the filing of a final map or a parcel map for a vesting tentative map or a vesting tentative parcel map, the rights conferred by subsection (A) of this section shall continue for one year. Where several final maps or parcel maps are recorded on various phases of a project covered by a single vesting tentative map or vesting tentative parcel map, this period shall begin for each phase when the final map or parcel map for that phase is recorded.

E. The time period set forth in subsection (D) of this section shall be automatically extended by any time used for processing a complete application for a grading permit if such processing exceeds 30 days from the date a complete application is accepted.

F. The subdivider may apply to the city council for a one-year extension of the rights conferred by subsection (D) of this section at any time before the

time period set forth in subsection (D) expires. An extension may be granted only if the council finds that the map still complies with the requirements of this chapter. The city council may approve, conditionally approve, or deny the extension in its sole discretion.

G. If the subdivider submits a complete application for a building permit during the periods of time set forth in subsections (D) through (F) of this section, the rights referred to therein shall continue until the expiration of that building permit or any extension of that permit.

H. Upon the expiration of the time limit specified in subsections (A), (D), (E), (F) or (G) of this section, all rights conferred by this section shall cease and the project shall be considered as the same as any subdivision which was not processed pursuant to this chapter.

I. Notwithstanding subsection (A) of this section, the amount of any fees which are required to be paid either as a condition of the map approval or by operation of any law shall be determined by application of the law or policy in effect at the time the fee is paid. The amounts of the fees are not vested upon approval of the vesting tentative map or tentative parcel map. (Ord. 2134 § 3, 1985).

#### **18.13.040 Consistency with zoning and general plan.**

No vesting tentative map or vesting tentative parcel map shall be approved if the proposed map or the design or improvement of the proposed development is not consistent with the applicable general, specific or master plans or with applicable provisions of CVMC Title 19. If development of the project for which a vesting tentative map or vesting tentative parcel map requires any permits or approvals pursuant to CVMC Title 19, those permits or approval shall be processed concurrently with the vesting tentative map or vesting tentative parcel map. A vesting tentative map or vesting tentative parcel map shall not be approved if all other discretionary permits or approvals have not been approved either prior to or concurrently with the approval of the map. (Ord. 2134 § 3, 1985).

## **Chapter 18.16**

### **FINAL MAPS\***

#### Sections:

- 18.16.010 Filing required – Time – Preparation specifications – Fee.
- 18.16.020 Documents to be included – Required generally.
- 18.16.030 Documents to be included – Closures.
- 18.16.040 Documents to be included – Grading plans.
- 18.16.050 Documents to be included – Improvement plans.
- 18.16.060 Documents to be included – Design data.
- 18.16.070 Documents to be included – Report and guarantee of clear title.
- 18.16.080 Documents to be included – Title sheet.
- 18.16.090 Documents to be included – Engineer’s estimate.
- 18.16.100 Improvement agreement – To be filed with security instruments – Exception.
- 18.16.110 Deeds and easements – Filing time – Preparation.
- 18.16.120 Certificates and documents regarding taxes and assessments.
- 18.16.130 Engineer’s estimate of improvement costs – Contents – Scope.
- 18.16.140 Director of public works – Examination and determination duty.
- 18.16.150 City council determination authority – Requirements to be met.
- 18.16.160 Action following council approval – Recordation required.
- 18.16.170 Preparation to be in compliance with subdivision manual.
- 18.16.180 Monumentation requirements.
- 18.16.190 Construction prerequisites – Requirements generally.
- 18.16.200 Construction prerequisites – Plans, specifications, estimates and soil report.
- 18.16.210 Construction prerequisites – Improvement agreement.
- 18.16.220 Construction prerequisites – Security arrangements – Generally.
- 18.16.230 *Repealed.*
- 18.16.240 *Repealed.*
- 18.16.250 *Repealed.*
- 18.16.260 Construction prerequisites – Security arrangements – Posting required prior to endorsement of certificates.

- 18.16.270 Construction prerequisites – Security arrangements – Applicability to parcel maps.
- 18.16.280 Construction prerequisites – Completion and payment required before presentation.
- 18.16.290 Work prior to improvement agreement – Special permit required.
- 18.16.300 Security arrangements – Progress payments.
- 18.16.310 Security arrangements – Release of surety.
- 18.16.320 Security arrangements – Forfeiture of surety – Liability of subdivider when.
- 18.16.330 Security arrangements – Maintenance bond required.
- 18.16.340 Improvement security required by reason other than subdivision of land – Applicability of this chapter.

\* For statutory provisions regarding form and content of final maps, see Bus. and Prof. Code § 11567.

**18.16.010 Filing required – Time – Preparation specifications – Fee.**

Within 18 months after approval of the tentative map, or an extension of said approval, the subdivider may cause the subdivision or any unit thereof shown in the tentative map to be surveyed and a final map thereof prepared by a registered civil engineer or licensed surveyor, in conformation with the tentative map as approved or conditionally approved and with the requirements set forth in this chapter. Six blue-line or black-line prints of the final map and such other copies as may be required for checking and approval shall be submitted to the director of public works, together with a checking fee as set forth in CVMC 18.28.020 through 18.28.090. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.301).

**18.16.020 Documents to be included – Required generally.**

At the time of submitting the final map to the director of public works, the subdivider shall submit therewith the documents listed in CVMC 18.16.030 through 18.16.090. The final map shall not be considered as filed until all documents listed are completed and submitted except as specifically noted. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.302).

**18.16.030 Documents to be included – Closures.**

Closures of the various lots and blocks, in number and in form approved by the director of public works, shall accompany a closure of the subdivision boundary. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.302(1)).

**18.16.040 Documents to be included – Grading plans.**

Detailed plans, soil reports, geologic reports and other data shall be included if required under the grading ordinance of the city. In the coastal zone, detailed grading plans, soil reports, liquefaction reports, geologic reports, and other data required by the certified local coastal program shall be included at the time of submittal of the final map to the director of public works. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.302(2)).

**18.16.050 Documents to be included – Improvement plans.**

Detailed plans, cross-sections, profiles and specifications in the number specified by the director of public works of the improvements to be installed as required by the provisions of this chapter and by the standard specifications, and of all other improvements proposed to be installed by the subdivider in, on, over or under any street right-of-way, easement or parcel of land dedicated by the map or previously dedicated, shall be included. All such plans shall be prepared in accordance with the requirements of the director of public works. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.302(3)).

**18.16.060 Documents to be included – Design data.**

Complete design data, assumptions and computations, in accordance with sound engineering practice, shall be submitted to substantiate hydraulic and structural designs. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.302(4)).

**18.16.070 Documents to be included – Report and guarantee of clear title.**

A. The final map shall be accompanied by a report, prepared by a duly authorized title company, naming the persons whose consent is necessary to the preparation and recordation of said map and to the dedication of the streets, alleys and other public places and environmentally sensitive habitat areas shown on the map and certifying that, as of the date of the preparation of the report, the persons

therein named are all the persons necessary to give clear title to said subdivision.

B. In lieu of the certificate required hereinabove, there may be filed with the director of public works a subdivision guarantee from a title company which guarantees that the parties named therein are the only parties having any record title interest in the land subdivided.

C. When such a subdivision guarantee is used, the owner's certificate shall bear the signatures of all parties owning any record title interest in the land subdivided, except those which have been omitted pursuant to Section 11587 of the Subdivision Map Act. The names of any parties who own interests described in Section 11587 of the Subdivision Map Act and who have not signed the owner's certificate, together with a description of their respective interests and the reasons why they have not signed the certificates.

D. In addition to the subdivision title guarantee provided for herein, evidence satisfactory to the city attorney shall be submitted prior to the approval by the city of the final map showing that title insurance has or will be issued covering the property subject of the map. (Ord. 2100 § 1, 1985; Ord. 1391 § 1, 1972; Ord. 1369 § 2, 1971; prior code § 28.302(5)).

#### **18.16.080 Documents to be included – Title sheet.**

The title sheet may be submitted no less than 10 days prior to city council consideration of the final map. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.302(6)).

#### **18.16.090 Documents to be included – Engineer's estimate.**

The subdivider's engineer's estimate shall be submitted following the initial review of the final map and improvement plans by the city. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.302(7)).

#### **18.16.100 Improvement agreement – To be filed with security instruments – Exception.**

The subdivision improvement agreement, as set forth in CVMC 18.16.190 through 18.16.280, shall be fully executed and submitted for the approval of the city attorney at least eight days prior to city council consideration of the final map. The security instruments, as required herein, should be filed concurrently with the subdivision improvement agreement; provided, however, such security instru-

ments may be filed with the city clerk not later than 60 days from the date of approval and acceptance of the final map, but the final map shall not be recorded or released to the map applicant for recordation until all security instruments have been properly filed. Failure to comply with this provision, and specifically failure to provide the required security instruments within 60 days of map approval, shall automatically void council approval of the final map, and the final map must be resubmitted to the council for reapproval prior to recordation or release. In no event shall said map be recorded prior to the submission of necessary security instruments. (Ord. 2592 § 2, 1994; Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.303).

#### **18.16.110 Deeds and easements – Filing time – Preparation.**

Deeds for one-foot control lots, easements for the installation of off-site public improvements, and in the coastal zone, for public accessway, drainage, and scenic easements shall be submitted in duplicate in fully executed form at least 11 days prior to council, or in the coastal zone, redevelopment agency, consideration of the final map. Deeds for one-foot control lots shall leave sufficient space in legal description for insertion of the appropriate record map number following recordation of the subject map. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.304).

#### **18.16.120 Certificates and documents regarding taxes and assessments.**

Prior to the filing of the final map with the council, the subdivider shall file the certificates and documents set forth in Article 8 of the State Subdivision Map Act or any amendments thereto relating to taxes and assessments. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.305).

#### **18.16.130 Engineer's estimate of improvement costs – Contents – Scope.**

The subdivider's engineer's estimate of improvement costs shall include all public improvements within and immediately adjacent to the proposed subdivision, and shall include all grading and slope planting costs unless such work is to be performed under separate grading permit. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.306).

**18.16.140 Director of public works – Examination and determination duty.**

Upon receipt of the final map and other data submitted therewith, the director of public works shall refer said map and data to the appropriate departments, which shall examine them to determine:

A. That the subdivision as shown is substantially the same as it appeared on the approved tentative map, and any approved alterations thereof;

B. That all provisions of law and of this chapter applicable at the time of approval of the tentative map have been complied with; and

C. That the map is technically correct.

If the director of public works, upon review of reports by other departments, so determines the above criteria, he shall certify thereto on said map. If the director of public works does not so determine, he shall advise the subdivider of the changes or additions necessary to enable him to make such determination, and shall afford the subdivider an opportunity to make such changes or additions. The director of public works shall submit his report to the city council within 20 days following the submission of the final map and accompanying documents by the subdivider. Said report shall be considered as submitted when the same has been filed with the city clerk. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.307).

**18.16.150 City council determination authority – Requirements to be met.**

A. In the event that all improvements required or conditions imposed as conditions of approval under the provisions of this chapter or by law are not completed before the filing of the final map, the council shall enter into an agreement for the installation of improvements with the subdivider. In such case, when the agreement and bond, deposit, instrument of credit or alternative form of security have been approved by the city attorney as to form and by the director of public works as to sufficiency, the council may consider the final map. All signatures except those of the city clerk, city attorney, title company, clerk of the board of supervisors and the county recorder shall be affixed to the title sheet at least eight days prior to council consideration of the final map. The abstract of title certificate may be executed at any time prior to council consideration of the final map. The bond and agreement provided for in this section shall be filed with the city clerk within 60 days from date of approval and acceptance of the final map. If compliance is not so had, then the council approval

shall be automatically void and a final map must be resubmitted to the city council.

B. The council shall approve said map if it is determined to be in conformity with the requirements of this chapter and the conditions of approval of the tentative map. If it is not in conformity, it shall be disapproved, and the council shall advise the subdivider of its disapproval and the reason or reasons therefor. The city council shall take action as provided herein within 10 days or at its next meeting following the submittal of the report by the director of public works unless the time for taking action shall have been extended by mutual consent of the city council and the subdivider. (Ord. 2625 § 1, 1995; Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.308).

**18.16.160 Action following council approval – Recordation required.**

Upon approval by the city council of the final map, and receipt of the necessary recording fee, the city clerk shall cause the map to be transmitted to the county recorder. No final map shall have any force or effect, and no title to any property described in any offer of dedication thereon shall pass, until recordation of the final map. The subdivider shall present to the recorder evidence that, upon the date of recording as shown by public records, the parties consenting to the recordation of the map are all the parties having a record title interest in the land subdivided, whose signatures are required by the provisions of Article 7 of the State Subdivision Map Act; otherwise the map will not be recorded. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.309).

**18.16.170 Preparation to be in compliance with subdivision manual.**

The final map shall conform in size, material, scale and content with the requirements as set forth in the subdivision manual. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.310).

**18.16.180 Monumentation requirements.**

Monumentation shall conform with the requirements as set forth in the subdivision manual. The map shall show fully and clearly what monuments have been or are to be set. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.311).

**18.16.190 Construction prerequisites – Requirements generally.**

Prior to any construction of improvements and/or land development required, the subdivider

shall have complied with and performed the following requirements, set forth in CVMC 18.16.200 through 18.16.280. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312).

**18.16.200 Construction prerequisites – Plans, specifications, estimates and soil report.**

The subdivider shall file with the director of public works detailed plans and specifications for all public improvements or land development together with a detailed cost estimate approved by the director of public works and an estimate of time reasonably necessary to complete the same. In addition, the subdivider may be required to file detailed soil reports which shall be approved by the director of public works prior to commencement of any work. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312(A)).

**18.16.210 Construction prerequisites – Improvement agreement.**

The subdivider shall enter into a contract with the city to make, install and complete within the time fixed, but in no case more than two years from the date of execution of said contract, all improvements and/or land development in accordance with approved plans. In the coastal zone, all required public facility improvements, resource restoration, or resource enhancement shall be implemented to the maximum extent feasible either prior to or concurrently with the approved subdivision development. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312(B)).

**18.16.220 Construction prerequisites – Security arrangements – Generally.**

The subdivider shall file surety to guarantee completion of improvements with the improvement agreement as follows:

A. Bonds. All bonds shall be executed by a surety company authorized to transact a surety business in California, and shall be approved as to form by the city attorney, and shall include:

1. A faithful performance bond in an amount deemed sufficient by the director of public works to cover up to 50 percent of the total cost of all required on-site and adjacent off-site improvements including 25 percent of grading and slope planting expenses as applicable.

2. A labor and material bond in a like amount.

3. A monumentation bond in an amount stipulated by the subdivider's engineer to cover the cost of placing lot corners and other related monuments.

B. Cash Deposits. In lieu of the faithful performance and labor and material bonds, the subdivider may submit cash deposits under the conditions hereinafter described. Total cash deposit surety shall contain:

1. A faithful performance cash deposit in an amount deemed sufficient by the director of public works to cover 50 percent of the total cost of all required on-site and adjacent off-site improvements including 25 percent of grading and slope planting expenses as applicable.

2. A labor and material cash deposit in a like amount.

3. A monumentation cash deposit in an amount stipulated by the subdivider's engineer to cover the cost of placing lot corners and other related monuments. Upon approval by the city engineer of the required monument-setting work, and upon subdivider's request, such cash deposit may be released as payment directly to the engineer or surveyor performing such work.

Disbursements from cash deposits shall be made in accordance with a separate agreement between the subdivider and the city. The required book-keeping fee(s) shall be submitted with each such bond. Disbursements from a cash deposit filed with an approved escrow agency shall be made in accordance with a separate agreement between the subdivider and the city. Disbursements from a cash deposit in any instance shall not be permitted unless and until authorized in writing by both the subdivider and the director of public works.

C. Instruments of Credit. In lieu of the faithful performance and labor and material bonds or cash deposits, the subdivider may submit instruments of credit under the conditions hereinafter described. Such instruments of credit shall be issued by a financial institution subject to regulation by the state or federal government in a form and content as approved by the city attorney, and shall pledge that the funds necessary to meet the performance are on deposit and guaranteed for payment and agree that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument. An instrument of credit shall be accompanied by a current statement of assets and a resolution of the board of directors of the responsible organization authorizing the issuance and the amount of the letter. An instrument of credit shall be accompanied by a statement setting forth the date upon which the responsible organization was established. Instruments of credit shall provide surety as follows:

1. A faithful performance instrument of credit in an amount deemed sufficient by the director of public works to cover 50 percent of the total cost of all required on-site and adjacent off-site improvements including 25 percent of grading and slope planting expenses as applicable.

2. A labor and material instrument of credit in a like amount.

3. A monumentation instrument of credit in an amount stipulated by the subdivider's engineer to cover the cost of placing lot corners and other related monuments.

D. Other. Subject to the prior approval of the city council, in its sole discretion, in lieu of a surety bond, cash deposit or instrument of credit, alternative forms of security may be acceptable; provided, that: (1) in the determination of the city engineer, the costs of completing the improvements being secured for a project do not exceed \$5,000,000; (2) in the determination of the finance director, the proposed security is backed by a guaranty and/or pledged assets with a net value equal to at least 50 times the estimated cost of the improvements being secured; and (3) in the determination of the city attorney, there exists adequate remedies to access such security in the event that the party obligated to construct such improvements defaults on such obligation. The form of such security and the terms and conditions upon which such security may be accepted are subject to the approval of the city attorney and the city engineer. Such conditions shall include, at a minimum: (a) the right of the city to require that conventional replacement security be submitted for any uncompleted secured improvements at the time a certificate of occupancy is issued for the project; and (b) developer's agreement to pay the city's attorneys' fees and costs if the city must enforce its remedies under the alternative security arrangement.

E. Endorsement of Certificates. The city clerk and city attorney shall not endorse or sign their respective certificates contained on the final map unless and until improvement security as hereinabove specified has been posted.

F. Applicability to Parcel Maps. The improvement security requirements stipulated above are applicable to any parcel map for which the installation of any public improvements or grading is a condition of approval. (Ord. 2625 § 1, 1995; Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312 (C)).

**18.16.230 Construction prerequisites – Security arrangements – Bonds.**

*Repealed by Ord. 2625 § 2, 1995.* (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312(C)(1)).

**18.16.240 Construction prerequisites – Security arrangements – Cash deposits.**

*Repealed by Ord. 2625 § 2, 1995.* (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312(C)(2)).

**18.16.250 Construction prerequisites – Security arrangements – Instruments of credit.**

*Repealed by Ord. 2625 § 2, 1995.* (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312(C)(3)).

**18.16.260 Construction prerequisites – Security arrangements – Posting required prior to endorsement of certificates.**

The city clerk and city attorney shall not endorse or sign their respective certificates contained on the final map unless and until improvement security as hereinabove specified has been posted. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312 (C)(4)).

**18.16.270 Construction prerequisites – Security arrangements – Applicability to parcel maps.**

The bond requirements stipulated above are applicable to any parcel map for which the installation of any public improvements or grading is a condition of approval. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312(C)(5)).

**18.16.280 Construction prerequisites – Completion and payment required before presentation.**

No final map shall be presented to the council for acceptance until the requirements of CVMC 18.16.190 through 18.16.270 have been approved and until all water, sewer or other charges established by the council and pertaining to the property being subdivided have been paid. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.312 (D)).

**18.16.290 Work prior to improvement agreement – Special permit required.**

A. Should the subdivider desire to do certain work prior to entering into an agreement with the city to install and complete all subdivision improvements and land development work, he may make an application to do so under a special permit. This application shall be accompanied by detailed plans describing the work which is proposed. The director of public works may issue a special permit to the subdivider or his contractor upon application of the applicant; provided, a bond has been posted in an amount which would assure the rehabilitation of the land, including grading and planting, in the event the subdivision map does not record. The performance bond and contractor's qualifications shall be as provided in this code.

B. When the special permit is for all work required in connection with the subdivision and the work has been completed, the agreement as designated in CVMC 18.16.190 through 18.16.280 will not be required.

C. This section shall not apply in the coastal zone. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.313).

**18.16.300 Security arrangements – Progress payments.**

Progress payments may be made to the subdivider from any deposited money or instrument of credit which the subdivider may have made in lieu of providing a surety bond; provided, however, that no such progress payment shall be made for more than 90 percent of the value of any installment of work; and provided, that the aggregate amount thus paid is not in excess of 50 percent of the total amount posted as improvement security. No progress payments from cash deposits shall be made except upon joint certification by the director of public works and the subdivider that work covered thereby has been completed. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.314(1)).

**18.16.310 Security arrangements – Release of surety.**

A. Improvement security given for faithful performance of the agreement shall be released upon the performance of the act secured or final completion and acceptance of the required work.

Notwithstanding the foregoing, the Director of Public Works may approve the partial release of the faithful performance security after the completion of all improvements in accordance with

approved plans, to the satisfaction of the City Inspector in an amount not to exceed 75 percent of the dollar amount of the original security for faithful performance, provided the remaining balance of such security for faithful performance equals or exceeds the estimated cost, as determined by the Director of Public Works, in his sole discretion, to complete the outstanding work required under the subdivision improvement agreement and/or any supplemental subdivision improvement agreement.

B. The 50 percent labor and material bond shall be retained to secure payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or material for 35 days after completion and acceptance of the work. Following such 35-day period, this labor and material security may be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to the city. (Ord. 3132 § 2, 2009; Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.314(2)).

**18.16.320 Security arrangements – Forfeiture of surety – Liability of subdivider when.**

In the event the subdivider fails to complete all improvement work in accordance with the provisions of this chapter and the improvement agreement, and the city shall have to complete same, the city shall call on the surety for reimbursement or shall appropriate from any cash deposit funds for reimbursement. If the amount of the surety bond, cash deposit or instrument of credit exceeds all costs and expenses incurred by the city, it shall release the remainder of such bond, cash deposit or instrument of credit, and if the amount of the surety bond, cash deposit or instrument of credit shall be less than the cost and expense incurred by the city, the subdivider shall be liable to the city for such difference. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.314(3)).

**18.16.330 Security arrangements – Maintenance bond required.**

The subdivider shall guarantee all public improvements for a period of one year from the date of final acceptance and shall correct any and all defects or deficiencies arising during said period as a result of the acts or omissions of the subdivider, his agents or employees. The subdivision guarantee shall be backed by a bond or cash deposit in the amount of 15 percent of the surety posted for improvements. The city shall provide

written notice of the defect or deficiency. In any instance where the subdivider fails to take action within the specified time, or when immediate action is required to protect the public health, safety and/or welfare, the city may cause the work to be performed and call on the surety for reimbursement. The maintenance bond shall be submitted prior to final acceptance by city. In the coastal zone, the maintenance bond shall guarantee all public improvements, including such habitat restoration or enhancement work as is required by the certified local coastal program, for a period of one year from the date of final acceptance or until the habitat restoration or enhancement has permanently established itself, whichever is greater. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.314(4)).

**18.16.340 Improvement security required by reason other than subdivision of land – Applicability of this chapter.**

To the extent consistent with other applicable provisions of this code, and all other applicable laws or regulations, the standards for performance, security obligations, and other requirements set forth in this chapter with respect to subdivision improvements shall also apply, under circumstances approved by the city attorney and the city engineer, to any and all other work or improvements constructed within the city requiring completion guaranties in favor of the city. (Ord. 2625 § 3, 1995).

**Chapter 18.20**

**PARCEL MAPS**

Sections:

- 18.20.010 Preliminary and final parcel maps generally.
- 18.20.020 Use of procedure for division or consolidation – Conditions.
- 18.20.030 Preliminary parcel map – Application – Fee.
- 18.20.040 Preliminary parcel map – Documents required.
- 18.20.050 Preliminary parcel map – Certification.
- 18.20.060 Compliance with certain specifications required.
- 18.20.070 Preliminary parcel map – Grounds for disapproval.
- 18.20.080 Appeals from determinations – Procedure.
- 18.20.090 Determination modification authority.
- 18.20.100 Preliminary parcel map – Extension of approval.
- 18.20.110 Final parcel map – Filing time – Number of copies – Preparation – Certification required.
- 18.20.120 Final parcel map – Form required.
- 18.20.130 Final parcel map – Review – Certification of approval.
- 18.20.140 Final parcel map – Recordation.
- 18.20.150 Required easements for subsequent purchasers to be shown when.

**18.20.010 Preliminary and final parcel maps generally.**

The provisions contained herein shall require the subdivider of land to file a preliminary and final parcel map which shall, in all respects, be in full compliance with the provisions of this code. The director of planning and the director of public works are authorized to make all of the findings necessary and approve both the preliminary and final parcel map; provided, however, that any person has the right to appeal the decision on either map to the planning commission. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.401).

**18.20.020 Use of procedure for division or consolidation – Conditions.**

The parcel map procedure may be used to create a division or consolidation of land as defined herein, if the director of planning finds that one or

more of the following circumstances of division or consolidation exists:

A. A division of a lot or parcel into not more than four parcels, each of which complies with the minimum lot dimensions of the zone in which it is located; provided, a determination has been made by the director of public works that no public dedications or improvements are, or will be, needed at the time the map is to be filed;

B. A division of a lot into two parts, the parts thus obtained to be used to increase the size of the adjoining lots;

C. Adjustment of the boundaries between two lots;

D. Consolidation of lots or portions of lots into not more than four parcels;

E. A consolidation of remnants of lots remaining after property is taken for public use; provided, that the resulting parcel has a minimum lot area as established in the adopted zoning ordinance for the city relating to the zone in which the lot is located;

F. A parcel of land divided into two or more parcels, each having a gross area not less than 20 nominal acres and each abutting upon an improved public street or highway;

G. A parcel of land divided into two or more parcels each having a gross area of not less than 40 nominal acres;

H. Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial development, and which has the approval of the city council as to street alignments and widths.

Lots referred to in subsections (A) through (E) of this section shall be lots as defined in CVMC Title 19. No existing building or structure shall be made substandard in respect to yard or other zoning requirements specified in this code, nor shall any existing easement in favor of the public be rendered impractical by the creation of a parcel on a parcel map. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.401(A)).

**18.20.030 Preliminary parcel map – Application – Fee.**

The applicant for a parcel map shall file an application with the director of planning on a form prescribed by the city. The application shall be accompanied by a fee as set forth in CVMC 18.28.020 through 18.28.090, which will not be refundable, together with sufficient copies of a preliminary parcel map prepared in accordance with the requirements set forth in the subdivision man-

ual. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.402(A)).

**18.20.040 Preliminary parcel map – Documents required.**

The following documents shall accompany the preliminary parcel map at time of submission:

A. A legal description of the original parcel or parcels of record upon which the division or consolidation is proposed;

B. A statement setting forth the complete name and address of each of the owners of each original parcel of record involved;

C. Mathematical closures of each parcel to be created and, if feasible, of each original parcel of record. Record information concerning adjacent property shall be shown upon the parcel map to the extent that such information has a direct bearing upon the parcels being created. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.402(B)).

**18.20.050 Preliminary parcel map – Certification.**

If the director of planning and the director of public works determine that the preliminary parcel map meets the requirements of this chapter, they shall certify to this fact on the face of the preliminary parcel map within 21 days after receipt of the map, and failure to do so shall be deemed certification and the city clerk shall so certify. In the coastal zone, the preliminary parcel map shall also meet the requirements of the certified local coastal program. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.403).

**18.20.060 Compliance with certain specifications required.**

Parcel maps approved under circumstances set forth in CVMC 18.20.020(A) or (H) shall comply with the requirements specified in CVMC 18.36.010. All parcel maps shall conform to the subdivision design requirements of the subdivision manual and, in addition, requirements may be imposed as a condition of approval, such as those hereinbelow enumerated. Requirements shall be in written form, a copy of which shall be delivered to the applicant with the approved parcel map.

A. Proof may be required that there are adequate utilities including water, gas, electricity, communication and sewerage for the proposed use of the land or that they will be provided.

B. All lots created shall be staked at all corners and points of curvature by a licensed surveyor or registered civil engineer. Performance guarantees

relative to delayed staking shall be posted in accordance with Section 11592 of the State Subdivision Map Act and all staking shall be accomplished within 30 days following recordation of the parcel map or acceptance of the improvements, whichever is applicable.

C. Submission of a report by a duly authorized title company naming the person whose consent is necessary to the preparation and recordation of the parcel map may be required.

D. The applicant shall execute an agreement with the city to insure that all necessary improvements are installed and all drainage and grading requirements are met. In those cases where it is either infeasible or impractical, as determined by the planning commission, to presently install improvements, such installation may be deferred in accordance with the provisions of CVMC 12.24.070. (Ord. 2100 § 1, 1985; Ord. 1561 § 1, 1974; Ord. 1369 § 2, 1971; prior code § 28.404).

#### **18.20.070 Preliminary parcel map – Grounds for disapproval.**

The director of planning or the planning commission may disapprove any preliminary parcel map which is sought to be submitted as a parcel map for any of the following reasons:

A. When the land involved is subject to flooding, sliding, slipping or other similar hazards as determined by the director of public works.

B. When said map does not conform substantially in its purpose and design to the general plan or any of the various elements thereof, or to any community, precise or specific plans which have been approved by the commission and council. The director of planning or planning commission may also disapprove any parcel map when it is found that the public health, safety or welfare justifies such action.

C. In the coastal zone, when said map does not conform in its purpose and design to the certified local coastal program. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.405).

#### **18.20.080 Appeals from determinations – Procedure.**

In the event that the applicant is dissatisfied with any determination of the director of planning and the director of public works as to whether the property division qualifies as a parcel map division, or as to any requirements or conditions which they seek to impose, then the applicant may appeal to the planning commission by filing a statement in writing with the director of planning stating his

reasons for appeal within 10 days following the determination. The matter shall be placed on the next agenda of the regular planning commission meeting. In the coastal zone, the applicant may appeal to the redevelopment agency, which, after providing public notice as provided in Chapter 18.52 CVMC, shall hear the matter on the next agenda of the regular redevelopment agency meeting. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.406).

#### **18.20.090 Determination modification authority.**

Subject to the requirements of this chapter, the commission may affirm, reverse or modify any determination of the director of planning and the director of public works with respect to the proposed parcel map. In the coastal zone, subject to the requirements of the certified local coastal program and this chapter, the planning commission may affirm, revise, or modify any determination of the director of planning and the director of public works with respect to the proposed parcel map. Notice of a final decision by the planning commission shall be provided to the applicant, Coastal Commission, and any known interested person as provided in this code. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.407).

#### **18.20.100 Preliminary parcel map – Extension of approval.**

Upon application, an extension of the approval of the preliminary parcel map, not to exceed one year, may be granted by the commission. In the coastal zone, an extension of the approval of the preliminary parcel map, not to exceed one year, may be granted by the city council. Notice of the decision shall be provided to the applicant, Coastal Commission, and any known interested person as provided in this code. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.408).

#### **18.20.110 Final parcel map – Filing time – Number of copies – Preparation – Certification required.**

Within two years, or approved extension thereof, after approval of the preliminary parcel map, a parcel map showing each new parcel or parcels created shall be filed with the director of public works. The filing shall include four blue-line prints of the subject map. The parcel map shall be prepared by a registered civil engineer or licensed land surveyor and compiled from record data or be based upon a field survey in accord with the provi-

sions of Sections 66445, 66448, and 66450 of the State Subdivision Map Act. The map shall bear certificates as prescribed below and executed by the licensed surveyor or registered civil engineer responsible for presentation of the parcel map:

This map was prepared by me or under my direction (and was compiled from record data, or/and is based upon a field survey) in conformance with the requirements of the State Subdivision Map Act at the request of [name of person authorizing the map] on \_\_\_\_\_, 20\_\_\_\_. I hereby certify that it conforms to the approved preliminary parcel map and the conditions of approval thereof; that all provisions of applicable state law and local ordinances have been complied with.

Signed and Sealed \_\_\_\_\_.

(L.S. or R.C.E. No.) \_\_\_\_\_.

(Ord. 2223 § 1, 1987; Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.409(A)).

**18.20.120 Final parcel map – Form required.**

The parcel map shall conform in size, material and content with the requirements set forth in the subdivision manual. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.409(B)).

**18.20.130 Final parcel map – Review – Certification of approval.**

Within 20 days after receiving the parcel map or within such additional time as may be reasonably necessary, the director of public works shall examine it for survey information shown thereon, compliance with the provisions of this chapter and conformity to the preliminary parcel map, and if he is satisfied that the submission is technically correct and complete, he shall place the following certification on the map:

This map has been examined this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, for conformance with the requirements of Sections 66444 and 66463 of the State Subdivision Map Act and the applicable requirements of the Subdivision Ordinance of the City of Chula Vista.

(Signed) \_\_\_\_\_  
Director of Public Works

(Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.409(C)).

**18.20.140 Final parcel map – Recordation.**

Upon certification of the parcel map and receipt of the necessary recording fee, the director of public works shall cause the map to be transmitted to the county recorder. The parcel map shall be recorded prior to sale, lease, financing or separate use of any parcel created or to the issuance of any building permit related thereto. Following recordation, the applicant shall supply one cloth-backed copy of the recorded map to the director of public works. (Ord. 2100 § 1, 1985; Ord. 1369 § 2, 1971; prior code § 28.409(D)).

**18.20.150 Required easements for subsequent purchasers to be shown when.**

In the event a private access road or drainage or utility easement for the use of subsequent purchasers is required within the boundaries of the land to be divided, pursuant to the provisions of this chapter, said easements shall be delineated on the parcel map, and said easements as delineated shall be conveyed to subsequent purchasers of the parcels created.

Said easements shall be shown on the parcel map by a dashed line and a notation that the area so delineated represents a future easement to be conveyed to subsequent purchasers pursuant to the requirements of this section. (Ord. 2100 § 1, 1985; Ord. 1511 § 1, 1973; Ord. 1369 § 2, 1971; prior code § 28.410).

## Chapter 18.24

### ADJUSTMENT PLATS

#### Sections:

- 18.24.010 Purpose and intent of provisions.
- 18.24.020 Applicable when – Scope – Boundary adjustments – Consolidations.
- 18.24.030 Application – Form and specifications.
- 18.24.040 Application – Contents required.
- 18.24.050 Fee for examination.
- 18.24.060 Approval authority – Notice of determination.
- 18.24.070 Certification – Procedure for revised adjustment plats.
- 18.24.080 Conditions for approval.
- 18.24.090 Revised adjustment plats – Time limit for filing.
- 18.24.100 Recordation of deeds required.

#### **18.24.010 Purpose and intent of provisions.**

It is the purpose of the city council to establish an adjustment plat procedure to facilitate the consolidation of lots and adjustment of boundary lines when it is determined that conditions exist as delineated herein which would eliminate the need for the preparation and filing of either a subdivision map or a parcel map as required by the Subdivision Map Act and the subdivision title of the city.

It is the intent of this chapter to simplify, insofar as possible, the creation of legal parcels or lots in the urban community and allow for the development of lots in accordance with applicable zoning and subdivision regulations without the necessity of filing subdivision or parcel maps.

This chapter does not apply in the coastal zone. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369 § 2, 1971; prior code § 28.501).

#### **18.24.020 Applicable when – Scope – Boundary adjustments – Consolidations.**

A. Notwithstanding any other provisions of this title or provisions of the Subdivision Map Act, the procedures set forth in this chapter for the use of adjustment plats or adjustment of boundary lines and consolidation of parcels shall be applicable.

B. An adjustment plat may be filed pursuant to the provisions of this section under the following situations:

1. To adjust the boundaries between two or more lots; provided, the director of planning and

the city engineer determine that the exchange of property does not:

- a. Create any new lots,
- b. Include any lots or parcels created illegally,
- c. Result in any lots which do not meet applicable zoning regulations,
- d. Impair any existing access or create a need for access to any adjacent lots or parcels,
- e. Impair any existing easements or create a need for any new easements serving any adjacent lots or parcels,
- f. Require substantial alteration of any existing improvements or create a need for any new improvements;

2. To consolidate two or more lots; provided, the director of planning and the city engineer determine that the consolidation does not:

- a. Include any lots or parcels created illegally,
- b. Result in any lots which do not meet applicable zoning regulations,
- c. Impair any existing access or create a need for access to any adjacent lots or parcels,
- d. Impair any existing easements or create a need for any new easements serving any adjacent lots or parcels,
- e. Require substantial alteration of any existing improvements or create a need for any new improvements;

3. To create not more than two lots for financing purposes; provided, that said lots shall not be sold, leased or otherwise transferred or conveyed unless and until a parcel map is approved pursuant to this title and filed in the office of the county recorder. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.502).

#### **18.24.030 Application – Form and specifications.**

Application for an adjustment plat shall be made with the planning department in accordance with the following specifications:

A. The plat shall be drawn on a form prescribed by the director of planning. Such forms are available in the planning department upon request.

B. The plat shall be drawn to a minimum scale of one inch equals 100 feet.

C. All parcels proposed for adjustment shall be shown, including all contiguous property to be retained by the owner. Property to be retained shall be designated on the plat as a separate parcel.

D. All existing lots or parcels shown on final maps, parcel maps or final division plats shall be

designated by dotted lines, and said maps shall be identified by map type and number. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.503(A)(1)).

**18.24.040 Application – Contents required.**

Each adjustment plat shall contain the following information:

- A. A plat number as issued by planning department;
- B. North arrow and scale;
- C. Name, address, telephone number and signature of owner(s);
- D. If prepared by an engineer or surveyor, his name, address, telephone number, and registration or license number;
- E. The location, width and names, if any, of all existing streets; and the location, width and purpose of all easements which lie within the boundaries of the land proposed for division;
- F. The names of the owners and the assessor's numbers, to be labeled within or adjacent to the parcels involved;
- G. The existing boundary, to be shown as a dashed line;
- H. The proposed boundary, to be shown as a solid line;
- I. Sufficient legal description of the land to define the boundaries of the ownerships involved;
- J. A vicinity map with north arrow and scale indicated;
- K. The net area of each proposed lot;
- L. The dimensions of each boundary of each proposed lot;
- M. The location of all existing buildings and structures and their uses, the distance between said buildings and structures, and the minimum distance between each building or structure, and the boundary of the proposed lot on which it is located;
- N. A statement of the existing zoning and the proposed use of each lot. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.503(A)(2)).

**18.24.050 Fee for examination.**

At the time of filing an adjustment plat, there shall be paid to the city the required examination fee(s) for each such plat. (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 1812 § 1, 1978; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.503(A)(3)).

**18.24.060 Approval authority – Notice of determination.**

Within 15 calendar days after an adjustment plat has been filed, the director of planning and the city engineer shall approve, conditionally approve, or disapprove such plat. The applicant shall be notified of the director of planning's action by written notice. Notice shall be deemed to have been given upon deposit of the notice in the United States mail. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.503(A)(4)).

**18.24.070 Certification – Procedure for revised adjustment plats.**

If the director of planning and the city engineer determine that the adjustment plat meets the requirements of this title, they shall certify on the adjustment plat that it has been approved and have it recorded in the office of the county recorder. A revised adjustment plat shall be submitted for certification when the director of planning and/or the city engineer finds that the number or nature of the changes required for approval is such that they cannot be shown clearly or simply on the original adjustment plat. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.503(A)(5)).

**18.24.080 Conditions for approval.**

Whenever applicable, the director of planning may prescribe the following requirements as conditions of approval of an adjustment plat:

- A. Parcel Boundaries. Relocation of lot lines to provide lots that comply with any applicable zoning regulations, and conform to standards of lot design specified in this title;
- B. Access. The provision of safe and adequate access to each lot or parcel within the adjustment;
- C. Inundation Line. The addition of a distinctive boundary line, clearly labeled, which delineates the limits of any area determined by the city engineer to be subject to flooding or inundation. The plat shall contain an appropriate note stating said area is subject to flooding or inundation. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.503(A)(6)).

**18.24.090 Revised adjustment plats – Time limit for filing.**

When required to prepare a revised adjustment plat, the failure to file said plat within six months from the date of approval or conditional approval of the original plat shall terminate all proceedings.

(Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.503(B)).

**18.24.100 Recordation of deeds required.**

Following approval of the adjustment plat, the applicant must have the necessary deeds prepared and recorded in the office of the county recorder. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.503(C)).

**Chapter 18.28**

**DEPOSITS AND FEES\***

Sections:

- 18.28.010 Deposits for street trees – Required – Amounts – Disposition – Labor costs.
- 18.28.020 Preliminary parcel map fee.
- 18.28.030 Tentative map fee.
- 18.28.040 Final map and improvement plan fee.
- 18.28.050 Public works inspection – Computation of fee.
- 18.28.060 Schedule of fees – Exemptions and additions.
- 18.28.080 Recordation fee.
- 18.28.090 Public works inspection – Additional payments required when.

\* CROSS REFERENCE: Street plantings, see Ch. 12.32 CVMC.

**18.28.010 Deposits for street trees – Required – Amounts – Disposition – Labor costs.**

A. The subdivider is required to install approved street trees in accordance with CVMC 18.32.110 as lots within the development are occupied. For those street trees which have not been installed at the time of acceptance of public improvements, the subdivider shall deposit with the director of finance the required deposit fee(s). For subdivisions in which full landscape improvements, including but not limited to the installation of irrigation systems and the planting of vegetation and street trees, are required in the area between the public curb line and the public sidewalk and in which the subdivider has provided sufficient surety to guarantee completion of said landscape improvements, no deposit fee is required as a prerequisite to the acceptance of public improvements.

No acceptance of public improvements shall be given until such sums, if required pursuant to this subsection (A), are received by the director of finance. Such sums shall be deposited in the public works street tree trust fund. Sums in this fund shall be used for the purchase and planting of trees at such time as the lots become occupied.

B. Costs for labor and equipment required to plant trees for which deposits have been made shall be determined by the director of public works. The director of finance shall transfer sums so determined to appropriate operating accounts upon receipt of a summary of planting costs and request for transfer of funds from the director of public works.

C. In any instance where the planting of a tree at a specific site is determined by the director of public works to be impractical or where the adjacent property owner makes practical objection to the planting of a tree, the deposit for such tree may be utilized for the purchase and planting of trees at any location within the public street system of the city. (Ord. 2824 § 1, 2000; Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 1687 § 1, 1976; Ord. 1369, 1971; prior code § 28.801).

**18.28.020 Preliminary parcel map fee.**

Prior to the submission of a preliminary parcel map with the director of planning for processing, the property owner shall pay to the city clerk the required fee(s). Said fee shall cover the entire processing of the parcel map to recordation, but shall not include checking of any required improvement plans or inspection of improvements. Required fee(s) shall also be charged for plan review and inspection of public improvements for parcel maps. (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 1812 § 1, 1978; Ord. 1369, 1971; prior code § 28.802(1)).

**18.28.030 Tentative map fee.**

Prior to the submission of a tentative map or a vesting tentative map to the planning department for processing, the property owner or subdivider shall pay to the city the required filing fee(s). (Ord. 2506 § 1, 1992; Ord. 2134 § 4, 1985; Ord. 2100 § 1, 1985; Ord. 1812 § 1, 1978; Ord. 1369, 1971; prior code § 28.802(2)).

**18.28.040 Final map and improvement plan fee.**

Prior to the submission of a final map and improvement plans or any portion thereof to the planning department and/or the director of public works for processing, the property owner or subdivider shall pay to the city the required filing fee(s). (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 1812 § 1, 1978; Ord. 1369, 1971; prior code § 28.802(3)).

**18.28.050 Public works inspection – Computation of fee.**

Following council approval of the final map but prior to the recordation of said map, the property owner or subdivider shall pay to the city the required fee(s). (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 1812 § 1, 1978; Ord. 1369, 1971; prior code § 28.802(4)).

**18.28.060 Schedule of fees – Exemptions and additions.**

A. The schedule of fees is as shown on the master fee schedule as presently designated or as may be in the future amended.

B. The fee schedule is intended to cover expense to the city involved in processing a subdivision, from checking the tentative map through acceptance of the public improvements, including inspection services. Soils and materials testing are specifically excluded from services encompassed within the subdivision fee schedule as shown on the master fee schedule.

C. On-site improvements within the public rights-of-way, as well as off-site improvements within the public rights-of-way immediately adjacent to the subdivision boundary, shall be considered as included within the fee schedule. However, review of plans and inspections required of extensive off-site improvements shall be paid as a separate and additional fee. Such fee shall be as presently designated, or as may be in the future amended, in the master fee schedule.

D. Where grading and/or slope planting is to be accomplished under the subdivision agreement, a separate and additional fee for such items only shall be collected in accordance with the master fee schedule as presently designated, or as may be in the future amended. (Ord. 2100 § 1, 1985; Ord. 1812 § 1, 1978; Ord. 1534 § 1, 1974; Ord. 1369, 1971; prior code § 28.802(5)).

**18.28.080 Recordation fee.**

Upon the filing of the final map with the city council, the property owner or subdivider shall deposit with the city clerk the required fee(s) to cover the cost of recording the map. Upon recordation of the final map, the property owner or subdivider shall submit to the city engineer one duplicate mylar print of the recorded final map together with eight blue-line prints of the recorded final map. (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 2011 § 1, 1982; Ord. 1812 § 1, 1978; Ord. 1369, 1971; prior code § 28.802(7)).

**18.28.090 Public works inspection – Additional payments required when.**

In addition to other required fee(s) relative to public works inspections, the subdivider or contractor shall pay to the city, prior to the acceptance of public improvements in any subdivision or street right-of-way or easement for public purposes, the required fee(s) for those public works inspections

undertaken outside of regular working hours or on Saturdays, Sundays and legal holidays during the course of construction of any public improvements. (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 2011 § 1, 1982; Ord. 1812 § 1, 1978; Ord. 1601 § 1, 1975; Ord. 1369, 1971; prior code § 28.802(8)).

## Chapter 18.32

### DESIGN REQUIREMENTS\*

#### Sections:

- 18.32.010 Conformance to standards required – Modifications permitted when.
- 18.32.020 Lots – To constitute practical building site.
- 18.32.030 Access to public streets – Development plan required.
- 18.32.040 Streets – Conformance to general plan required.
- 18.32.050 Streets – Minimum standards and specifications.
- 18.32.060 Streets – Pattern of development – Extensions – Stub-end streets – Intersections.
- 18.32.070 Requirements for developments adjacent to major roads.
- 18.32.080 Streets – Grades, curves and sight distances required.
- 18.32.090 Curbs, sidewalks and pedestrian ways – Principles and standards.
- 18.32.100 Hillside subdivisions and planned unit developments.
- 18.32.110 Street trees to be provided by subdivider.
- 18.32.120 Public utility facilities – Underground installation requirements.
- 18.32.130 Easements – Width.
- 18.32.140 Lots – Standards and specifications.
- 18.32.150 Nonresidential subdivisions – Conformance to general plan required.
- 18.32.160 Nonresidential subdivisions – Principles and standards for development.

\* For statutory provisions vesting control over subdivision design and improvement in the governing bodies of cities, see Bus. and Prof. Code § 11525.

#### **18.32.010 Conformance to standards required – Modifications permitted when.**

Except where modified by the council upon recommendation of the planning commission, as provided by this title, each subdivision and map thereof shall be in conformity with the standards set forth or referred to herein. In the coastal zone, any modification of any requirements of this chapter or the certified local coastal program will require filing by the city of a local coastal program amendment and approval thereof by the Coastal Commission before such modification becomes

effective. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.901(1)).

**18.32.020 Lots – To constitute practical building site.**

All subdivisions should result in the creation of lots which are developable and capable of being built upon. No subdivision should create lots which are impractical for improvement due to steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or natural physical conditions.

In the coastal zone, no lots intended for urban development shall be created so as to consist totally of land or water designated as environmentally sensitive habitat areas in the certified local coastal program. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.901(2)).

**18.32.030 Access to public streets – Development plan required.**

All lots or parcels created by the subdivision of land shall have access to a public street improved to standards hereinafter required. Private streets, common driveways, or access easements shall not normally be permitted. However, if the commission determines that the most logical development of the land requires that lots be created which cannot feasibly be served by a public street, a private access may be approved. The subdivider shall submit a development plan showing the alignment, width, grade and material specifications of any proposed private improvements, the topography and means of access to each lot, drainage and sewerage of the lots served by such private improvements, and a plan satisfactory to the director of public works for ownership and maintenance of said access and the liability for taxes thereon. Construction of these improvements as approved by the director of public works shall be completed prior to occupancy of any buildings on lots served by a private access.

In the coastal zone, all improvements shall be consistent with the provisions of the certified local coastal program. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.901(3)).

**18.32.040 Streets – Conformance to general plan required.**

The subdivision design shall conform to the concept of major streets designated in the general plan, and to any future street rights-of-way designated by the commission and approved by the council. Whenever a subdivision embraces any major street, it shall be included in said tract and shall be platted

by the subdivider in the location generally indicated or in a location specifically designated by the commission and approved by the city council.

In the coastal zone, the subdivision design shall conform to the concept of major streets designated in the certified local coastal program. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.902(A)).

**18.32.050 Streets – Minimum standards and specifications.**

A. Typical sections of various classes of streets shall be in accord with Standard Drawings 101 A, B, C, and D, entitled “Typical Street Sections.”

B. The basis for requirements for street and roadway widths and design shall be the topography of the land and density of development in terms of the proposed number of dwellings to be served by said street or roadway on an ultimate basis. Reduced right-of-way width shall, in all cases, be sufficient to accommodate utility facilities within the right-of-way.

C. Improvements as set forth in CVMC 18.36.010 shall be installed within the half of an existing street adjacent to the subdivision boundary. Substandard existing improvements shall be removed and replaced as directed by the director of public works. Where such existing street has not previously been paved, paving having a minimum width from face of curb to edge of pavement of 28 feet shall be installed.

D. Half streets, when approved, shall be constructed with a minimum paved width from face of curb to edge of pavement of 28 feet.

E. The subdivider shall dedicate all rights-of-way for streets or portions of streets as necessary within the subdivision boundary. Full width dedications within the subdivision shall have complete improvements installed, except that upon collector and major roads, paving upon each half may be a minimum of 20 feet in width from the face of curb to edge of pavement.

F. The standards set forth hereinabove are minimum, and additional on-site and/or off-site public improvements and dedications may be required.

G. In the coastal zone, the standards and specifications established in the certified local coastal program shall govern, in addition to those standards and specifications provided in subsections (A) through (F) of this section. If a conflict arises between the standards and specifications expressly established by the certified local coastal program and any standards in this chapter, the former shall govern. (Ord. 2100 § 1, 1985; Ord. 1582 § 1, 1974; Ord. 1369, 1971; prior code § 28.902(B)).

**18.32.060 Streets – Pattern of development – Extensions – Stub-end streets – Intersections.**

The street pattern in the subdivision shall provide for the most advantageous development of adjoining areas and the entire neighborhood or district. The following principles shall be observed:

A. Where appropriate to the design and terrain, proposed streets shall be continuous and in alignment with existing planned or platted streets with which they are to connect. The centerlines of streets, if not in alignment, shall be offset at least 200 feet unless otherwise approved by the director of public works for reasons of severe topography, one-way streets, or other unusual circumstances.

B. Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the commission, such extension is not necessary for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts. Where reservation for a future street is made, slope rights along the sides and end of the reserved area shall be preserved in the name of the city.

C. In the case of stub-end streets extending to the boundary of the property, a one-foot strip at the end of the stub-end street, the width of the street right-of-way, shall be deeded to the city pending the extension of said street into adjacent property. Where required, a temporary turn-around or a temporary connection to another street shall be provided by the subdivider.

D. Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors on good design permit. Streets shall be designed in a manner which will discourage the use of local streets for through traffic. Four-way intersections involving local streets shall be avoided whenever possible. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.902(C)).

**18.32.070 Requirements for developments adjacent to major roads.**

Subdivision design shall be in general accord with the concepts of the general plan, and as determined by the commission. The following principles and standards shall be observed:

A. Street design should have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the effect of heavy traffic and minimizing the interference with traffic on such streets.

B. The number of intersecting streets along major streets and collector streets should be held to a minimum. Wherever practicable, such intersections should be spaced not less than 1,000 feet on center.

C. Residential lots adjacent to a major or collector road normally will be required to be served by a residential street paralleling said major or collector road or by a series of cul-de-sacs or loop streets extending toward said major or collector road from a parallel street. Where such double frontage lots are created, improvements on such lots shall be oriented to and front upon the local street. A decorative concrete block wall, minimum height, five feet, or a comparable material approved by the planning commission, shall be required at the top of slope adjacent to the major or collector road. Landscaping and permanent irrigation shall be provided in accordance with the standards specified in the Chula Vista landscape manual and the grading ordinance.

D. When the rear of any lot borders any major or collector road, the subdivider shall be required to execute a certificate on the title sheet, deemed sufficient by the city attorney, prohibiting the right of ingress and egress from said major or collector road to said lot.

E. In the coastal zone, subdivision design shall be in conformity with the applicable provisions of the certified local coastal program and shall observe the principles and standards of subsections (A) through (D) of this section to the extent they do not conflict with the certified local coastal program. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.902(D)).

**18.32.080 Streets – Grades, curves and sight distances required.**

The subdivision manual prescribes and sets forth the standards for grades, curves and sight distances to insure proper drainage and/or for vehicle and pedestrian safety. (Ord. 2100 § 1, 1985; Ord. 1582 § 1, 1974; Ord. 1369, 1971; prior code § 28.902(E)).

**18.32.090 Curbs, sidewalks and pedestrian ways – Principles and standards.**

The following principles and standards shall apply to the design and installation of curbs, sidewalks and pedestrian ways:

A. Curbs, gutters and sidewalks shall be required in all subdivisions except as noted in subsection (B) of this section. In the coastal zone, gutter elevations shall be established at sufficient

height above mean sea level to allow for anticipated head losses throughout the drainage system.

B. The requirement for sidewalks may be omitted in whole or in part by the planning commission; provided, that the findings are made that such sidewalks are not necessary because of any one of the following:

1. The traffic count on a particular street is significantly reduced from the established standard for local streets as determined by the director of public works; or

2. The design or the topography of the subdivision and its relationship to adjoining properties and uses do not warrant the standard sidewalk requirements based upon the recommendation of the director of public works.

This subsection (B) does not apply in the coastal zone.

C. When required for access to schools, playgrounds, shopping centers, transportation facilities, other community facilities, or for unusually long blocks, the planning commission may require pedestrian ways, not less than eight feet in right-of-way and paved with Portland cement concrete, a minimum of five feet in width. Such pedestrian ways shall be bordered on each side with a six-foot high, minimum, chain-link fence and a landscaped screen in conformance with the landscaping manual of the city. In lieu of the chain-link fence, the planning commission may require the subdivider to use a masonry wall, as specified in CVMC 18.32.070(C), a minimum six feet high, where they deem it necessary for any one of the following reasons:

1. Separation of land use;
2. Acoustical buffer;
3. Promotion of an architectural theme or compatibility of the area.

D. Where sidewalks are not required, Portland cement concrete driveway aprons shall extend to the property line.

E. Section 19.91.04c of the Bayfront Specific Plan 1985 is hereby incorporated as part of this section. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.902(F)).

#### **18.32.100 Hillside subdivisions and planned unit developments.**

In either a planned unit development or a hillside subdivision or portions thereof which have an average lot size of 20,000 square feet or larger and having an average slope in excess of 10 percent prior to grading, the commission, in the exercise of its discretion, may modify the foregoing require-

ments of this chapter in a manner that will result in the best possible utilization of the land to be subdivided, giving consideration to the topography and natural cover of the land, the general character of the proposed subdivision, the proposed zoning and the desirability of minimizing grading upon the site. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.903).

#### **18.32.110 Street trees to be provided by subdivider.**

Street trees shall be provided by the subdivider in all subdivisions. Trees shall be planted within the street right-of-way, within a dedicated planting easement, or within a combination of both, having a combined width of 10 feet. Street trees shall be selected, installed and maintained in accordance with CVMC 12.28.010 and 12.28.020, et seq. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.904).

#### **18.32.120 Public utility facilities – Underground installation requirements.**

Public utility facilities within or immediately adjacent to subdivisions or parcel splits shall be undergrounded in conformity with the provisions of Chapter 15.32 CVMC. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.905).

#### **18.32.130 Easements – Width.**

Easements for drainage or sewer purposes shall be provided as necessary, in order to insure a clear air space of a minimum width of 10 feet. Easements for large structures or unusually deep structures shall be of such greater width as may be specified by the director of public works. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.906).

#### **18.32.140 Lots – Standards and specifications.**

The size, shape and orientation of lots, each of which shall constitute a practical building site, shall be appropriate to the location of the proposed subdivision and to the type of development contemplated.

The following principles and standards shall be observed:

A. The side lines of all lots, so far as possible, should be at approximately right angles to the street which the lot faces, or approximately radial to the center of the curvature if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces.

B. No lot shall be divided by a city boundary line.

C. No remnants of property, with the exception of one-foot control lots, shall be created which do not conform to lot requirements, or are not required for a private or public utility purpose.

D. The division of a lot or parcel by a tax code boundary shall be avoided.

E. Side lot lines between adjacent lots within a subdivision should be located at the top of any grading slope which may be proposed at such location.

F. Unless otherwise altered by the provisions of a planned unit development, the minimum lot depth for residential development shall be not less than 90 feet, with the following exception: Lots adjacent to freeways, major streets or collector roads shall utilize a minimum lot depth of 110 feet to provide sufficient separation from the road noise and to facilitate the usable lot area. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.908).

**18.32.150 Nonresidential subdivisions –  
Conformance to general plan  
required.**

The street and lot layout of a nonresidential subdivision shall be appropriate to the land use for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the general plan and zoning ordinance.

In the coastal zone, the street and lot layout of nonresidential subdivisions shall, in addition, be consistent with the applicable provisions of the certified local coastal program. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.909(A)).

**18.32.160 Nonresidential subdivisions –  
Principles and standards for  
development.**

In addition to the principles and standards in this title which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

A. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

B. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.

C. Special requirements may be imposed by the city with respect to street, curb, gutter and sidewalk design and construction.

D. Special requirements may be imposed by the city with respect to the installation of public utilities, including water, sewer and storm drainage.

E. Nonresidential subdivisions shall be designed to protect adjacent areas from potential nuisance from the proposed nonresidential subdivisions, including the provisions of extra depth and setback in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip, when determined necessary by the planning commission.

F. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic.

G. Nonresidential subdivisions shall take into account and specifically designate all private areas proposed for vehicular circulation and parking, for pedestrian circulation, and for buffer strips and other landscaping.

H. Buffer strips shall consist of landscaped areas which are designed to shield and otherwise soften the effect of the nonresidential subdivision on nearby residential areas. Said buffer strips shall be improved to standards as specified in the Chula Vista zoning ordinance.

I. In the coastal zone, the provisions of the certified local coastal program shall apply to nonresidential subdivisions in addition to the principles contained in subsections (A) through (H) of this section. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.909(B)).

## Chapter 18.36

### IMPROVEMENTS\*

#### Sections:

- 18.36.010 Minimum requirements for parcel map divisions.  
 18.36.020 Acceptance and approval authority.  
 18.36.030 Public utility facilities – Installation time.

\* For statutory provisions vesting control over subdivision design and improvement in the governing bodies of cities, see Bus. and Prof. Code § 11525.

CROSS REFERENCES: Excavations, see Ch. 15.04 CVMC. Street obstructions, see Ch. 12.12 CVMC.

#### **18.36.010 Minimum requirements for parcel map divisions.**

The subdivider shall improve or agree to improve all streets, thoroughfares, public ways or public or private easements within the development and adjacent thereto, as required to serve the development. No grading or improvement work shall be commenced until either an appropriate subdivision improvement agreement, land development permit, or street encroachment permit has been approved and any necessary bonds posted. Improvements shall be installed to line and grade and in accordance with the standard drawings and specifications of the city and/or as determined by the director of public works. Street structural sections shall be designed in accord with the “Standardized Method of Street Structural Design,” as prepared by the director of public works. The minimum improvements which the subdivider shall normally be required to agree to install, at his own cost, in the creation of a parcel or parcels shall include the following:

A. Grading, curbs and gutter, paving and drainage structures necessary for the proper use and drainage of the development, streets, highways and/or public safety;

B. Site grading and drainage, taking into consideration the drainage pattern of adjacent improved or unimproved property and making drainage provisions adequate for total ultimate development of the natural tributary area. Runoff quantities to be anticipated shall be derived from the drainage study as herein defined, or by such other method as may be approved by the director of public works. Alternate methods shall be fully substantiated by the engineer of work. Grading shall be in full con-

formity with the provisions of the appropriate ordinances of the city, with the exception that the work may be performed under the terms of the subdivision agreement and no land development permit shall be required in such cases. Drainage facilities and concepts shall conform to the provisions of CVMC Title 14, relating to the control of drainage areas and watercourses;

C. Street name and traffic control signs;

D. Sidewalks, except as provided in CVMC 18.32.090(B);

E. Fire hydrants and a water system with mains of sufficient size and capacity to provide future extension to adjacent property and having a sufficient number of services to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection;

F. Sanitary sewer facilities and connections for each lot. Sewer mains, whose size and depth shall be adequate to serve adjacent and upstream properties, shall extend to the boundaries of the parcel map or subdivision;

G. Street lighting facilities shall be installed per city standards;

H. Street trees;

I. Underground utilities as required by this code;

J. Provision shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the California State Public Utilities Commission for the establishment and improvement of such crossings;

K. Mid-block pedestrian ways, where required, shall be in conformance with CVMC 18.32.090(C);

L. Improvements on private access easements shall be required as determined by the director of public works.

In the coastal zone, the minimum improvements which the subdivider shall be required to install, at his or her own cost, in the creation of a parcel or parcels shall be consistent with the applicable provisions of the certified local coastal program, in addition to subsections (A) through (L) of this section. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1001).

#### **18.36.020 Acceptance and approval authority.**

The director of public works shall have the authority and responsibility to accept public improvements and approve site grading relative to subdivision of land, whether through the subdivision process or the parcel map process. Completion

of all improvements and/or grading as contemplated by the subdivision improvement agreement, the land development permit or the street encroachment permit is a condition of approval and acceptance. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1002).

**18.36.030 Public utility facilities – Installation time.**

All underground facilities including individual lot services to the property line shall be completed prior to installation of sidewalk, cross-gutter or street pavement. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1003).

**Chapter 18.40**

**DEDICATIONS\***

Sections:

- 18.40.010 Purpose and intent of provisions.
- 18.40.020 Prerequisite to approval of final map or parcel map.
- 18.40.030 Title policy or certificate required.
- 18.40.040 Drainage facilities dedication required when.
- 18.40.050 Watercourses for storm drainage required when.
- 18.40.060 Future streets.
- 18.40.070 Rights-of-way in process of condemnation.
- 18.40.080 Access for fire protection required when.
- 18.40.090 Public utility easements.
- 18.40.100 Rejected dedication offers to remain open for later acceptance.
- 18.40.110 New subdivisions – Connections required.
- 18.40.120 Access right limitations required when.
- 18.40.130 New subdivisions – Public facility sites required.
- 18.40.140 New subdivisions – Street continuations.
- 18.40.150 Streets or alleys lying along boundaries – Partial dedication when.
- 18.40.160 Half streets or alleys – Dedication required when.
- 18.40.170 Access to major canyon areas.
- 18.40.180 Coastal zone – Public shoreline access dedication required when.

\* For statutory provisions vesting control over subdivision design and improvement in the governing bodies of cities, see Bus. and Prof. Code § 11525.

CROSS REFERENCES: Open Space, see Ch. 17.08  
CVMC. Residential Construction Tax, see Ch. 3.32  
CVMC.

**18.40.010 Purpose and intent of provisions.**

It is the purpose and intent of the provisions of this chapter and, for the coastal zone, of the certified local coastal program to require the reservation or dedication of land directly benefiting the regulated subdivision in order to provide for the necessary public facilities and conservation of coastal resources including, but not limited to, sites for parks, recreational areas, and shoreline public

accessways; open space; environmentally sensitive habitat areas; and schools, libraries, fire stations and police substations. In addition to requirements for reservation and dedication of lands, provision is made herein for the payment of fees in lieu thereof for the acquisition of lands outside of the regulated subdivision, which lands will provide equivalent sites for the purposes set forth herein to benefit said regulated subdivision. In each case it is the intent that the subdivision will receive the direct benefit upon which the exaction was postulated. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1101).

**18.40.020 Prerequisite to approval of final map or parcel map.**

All parcels of land intended or needed for public use shall be dedicated to the city or offered for dedication before a final map or parcel map is approved. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(1)).

**18.40.030 Title policy or certificate required.**

All dedications and offers of dedication shall be accompanied by a certificate of title or policy of title insurance, issued by a title company authorized by the laws of the state to write the same, showing the names of all persons having a recorded interest in the land to be dedicated or offered for dedication. Such certificate or policy shall be submitted to the director of public works at the time the final map or parcel map is submitted for examination and certification. After the final map is recorded, or if dedications and offers of dedication are by separate instrument, after such instrument or instruments are recorded, a policy of title insurance shall be issued for the benefit and protection of the city. Any expense involved in complying with the provisions of this section shall be borne by the subdivider. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(2)).

**18.40.040 Drainage facilities dedication required when.**

If an improved drainage facility is determined to be necessary for the general use of lot owners in the subdivision or for local neighborhood drainage needs, the subdivider shall dedicate an adequate right-of-way for such facility. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(3)).

**18.40.050 Watercourses for storm drainage required when.**

If a subdivision is traversed by a watercourse, channel, stream, creek or swale, the subdivider shall dedicate an adequate right-of-way for storm drainage purposes. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(4)).

**18.40.060 Future streets.**

Wherever it is determined that a street is necessary for the future subdivision of the property as shown on the subdivision map or for adjoining property, but that the present dedication and construction of such street is not warranted, the subdivider shall conditionally offer such street for dedication. The widths and locations of such streets shall be determined by the director of public works. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(5)).

**18.40.070 Rights-of-way in process of condemnation.**

If an easement for a right-of-way required under the provisions of this chapter is in the process of condemnation by the city at the time of the filing of a final map or parcel map, the subdivider shall offer the right-of-way for dedication. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(6)).

**18.40.080 Access for fire protection required when.**

In areas where, in the opinion of the fire chief, there will be a fire hazard to the watershed or any other properties, unobstructed easements not less than 15 feet wide to provide access for fire protection equipment shall be dedicated from the public street to the subdivision boundary. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(7)).

**18.40.090 Public utility easements.**

Sanitary sewer, storm drain, and other public utility easements required by the city council within the subdivision shall be dedicated. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(8)).

**18.40.100 Rejected dedication offers to remain open for later acceptance.**

If, when the final map or parcel map is approved, any streets, paths, alleys, or storm drainage easements are rejected, the offer of dedication shall remain open and the council may, by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys or storm drain easements

for public use, which acceptance shall be recorded in the office of the county recorder. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1102(9)).

**18.40.110 New subdivisions – Connections required.**

New subdivisions shall connect to a dedicated and improved (or bonded for) street and shall make provision for dedication of necessary public rights-of-way, including streets, pedestrian ways and utility easements, within or adjacent to the subdivision. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(1)).

**18.40.120 Access right limitations required when.**

Where it is in the interest of the public safety or welfare to limit the access to any street or highway, the subdivider may be required to waive direct access rights or easement of access to any such street or highway from any property shown on the final map as abutting thereon. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(2)).

**18.40.130 New subdivisions – Public facility sites required.**

Tentative maps for new subdivisions shall indicate sites for required public facilities, including, but not limited to, sites for libraries, fire stations and police substations. The required sites shall be offered to the city for immediate purchase, or under exclusive option for a period of two years from the date of execution, at current unsubdivided land fair market values on said date of execution plus interest and any necessary costs incurred by the subdivider, from date of execution to date of exercise of said option, which are beneficial to the city. Such agreements shall be executed prior to city approval of the final map or parcel map, and shall be a condition of such approval. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(3)).

**18.40.140 New subdivisions – Street continuations.**

New subdivisions shall make the provision for the continuation of existing streets in adjoining or adjacent subdivisions insofar as these may be necessary for public requirements. Streets shall be extended to the boundary of the subdivision to provide suitable access to adjoining property. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(4)).

**18.40.150 Streets or alleys lying along boundaries – Partial dedication when.**

A street or alley lying along the boundary of a subdivision may be dedicated less than the full required width, but in no case less than one-half the required width, if it is practical to require the dedication of the remaining width when the adjoining property is subdivided. Such portion of a street shall be distinctly designated upon the map or plat as being a portion only of a street, and not the street in full width. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(5)).

**18.40.160 Half streets or alleys – Dedication required when.**

Whenever there already exists a dedicated and recorded half street or alley on an adjoining plat, the other half must be dedicated on the proposed plat to complete the street or alley right-of-way. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(6)).

**18.40.170 Access to major canyon areas.**

Where practicable, access shall be provided to major canyon areas via streets, alleys or other public ways as may be necessary to provide for future development and public safety. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(7)).

**18.40.180 Coastal zone – Public shoreline access dedication required when.**

As a condition of a final map or parcel map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for public shoreline access easements consistent with the certified Bay-front local coastal program land use plan. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.1103(8)).

**Chapter 18.44****COVENANTS, PLANNED  
UNIT DEVELOPMENTS AND  
CONDOMINIUM SUBDIVISIONS**

## Sections:

18.44.010 Declaration required – Contents – Scope of applicability.

**18.44.010 Declaration required – Contents – Scope of applicability.**

A. Purpose and Intent. It is the purpose of the city council in adopting the requirements contained in this section to provide and insure an alternate method of enforcement of certain maintenance requirements and other police power regulations imposed upon planned unit developments, condominiums or other subdivisions wherein a homeowners' association has been established. It is the intent of the council to limit their enforcement role to such areas of public concern and to leave all issues of a private nature to the enforcement procedures provided to the owners of units within such subdivisions.

B. Requirement for City's Enforcement Rights. The subdivider of any planned unit development or condominium subdivision shall be required to file with the city a declaration of conditions, covenants and restrictions, naming the city as a party to such declaration and authorizing the city to enforce the terms and conditions of said declaration insofar as said enforcement applies to areas of public concern such as, but not limited to, the maintenance of open spaces and common areas and the adherence to other ordinance regulations of the city. The subdivider of any subdivision may file a similar declaration. The declaration shall be subject to the approval of the city council concurrent with the approval of the final map of the subdivision. Said requirement shall also be applicable to any multiple dwelling unit projects converted to such form of ownership. (Ord. 2100 § 1, 1985; Ord. 2029 § 1, 1983; Ord. 1487 § 1, 1973; prior code § 28.1301).

**Chapter 18.48****VIOLATIONS AND REMEDIES**

## Sections:

- 18.48.010 Purpose and intent of provisions.  
 18.48.020 Legally created parcels – Required for granting of certain permits – Criteria for determination.  
 18.48.030 Notice of violation – Required when – Contents – Effect.  
 18.48.040 Certificate of compliance – Request for determination authorized.  
 18.48.050 Certificate of compliance – Application procedure – Documents to be submitted – Fee.  
 18.48.060 Voidability of deeds or contracts violating provisions.  
 18.48.070 Failure to comply and illegal division of land deemed misdemeanor – Penalty.  
 18.48.080 Noncomplying lots – Filing map subsequent to division permitted when.  
 18.48.090 Property outside corporate limits – Compliance required when.  
 18.48.100 Unlawful subdivisions – Statutory authority for restraint or enjoinder.

**18.48.010 Purpose and intent of provisions.**

In accordance with the provisions of the Subdivision Map Act, it is the purpose and intent of the city council to establish procedures for placing purchasers of illegally split lots on notice that such lot split occurred in violation of the Subdivision Map Act and the requirements of this title, and to provide for a means of certifying that the real property does comply with the provisions of the Subdivision Map Act and this title. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.601).

**18.48.020 Legally created parcels – Required for granting of certain permits – Criteria for determination.**

No building permit, grading permit nor any other permit may be issued, nor any approval granted necessary to develop any property, unless and until said property has been determined to have been legally created, or if the city council finds that development of such real property is contrary to the public health or the public safety; provided further, such permits may be denied if the applicant was the owner of the real property at the same time of the violation or currently owns the property with

the knowledge of the violation as provided through a notice of violation pursuant to the procedures set forth herein.

For a parcel to be considered a legally created parcel, its specific boundaries must have been established or set forth by one of the following means:

- A. A recorded subdivision map or parcel map;
- B. A deed describing the parcel by a metes-and-bounds description recorded prior to November 26, 1971 (four or less lots);
- C. A record of survey recorded prior to August 7, 1955;
- D. A licensed survey or a miscellaneous map recorded prior to August 4, 1943;
- E. Any of the above means combined with a city-approved and recorded boundary adjustment plat. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.602(A)).

**18.48.030 Notice of violation – Required when – Contents – Effect.**

If the director of planning becomes aware of any parcel which has not resulted from a legal division or consolidation of property in compliance with the Subdivision Map Act and applicable city codes, he will send to the property owner, or owners, of said property written notice notifying them of the violation. This written notification will advise the property owner(s) that:

A. The director of planning has determined that subject property together with other contiguous property has been divided or has resulted from a division in violation of the Subdivision Map Act and applicable city codes;

B. No building permit, grading permit nor any other permit may be issued, nor any approval granted necessary to develop said property, unless and until a parcel map (subdivision map) is filed, approved and recorded in full compliance with the Subdivision Map Act and provisions of the Chula Vista city code adopted pursuant thereto. It is the responsibility of the person or persons (the seller) who divided this property in violation of the Subdivision Map Act and this code to submit the required parcel map (subdivision map);

C. The director of planning will cause a notice of violation to be recorded in the office of the county recorder within 15 days of notification to property owner(s) which will describe the violation and the property and name the owner(s) thereof. This notice when recorded will be constructive notice of the violation to all successors in interest of said property;

D. Section 66499.32 of the Subdivision Map Act (Business and Professions Code) contains provisions for certain persons to rescind the sale of legally created parcels and/or to bring an action to recover any damage suffered by reason of such division. Such section also provides that any such action or rescission must be initiated within one year of the date of the discovery of such violation;

E. If subject property was purchased through a licensed real estate salesman or broker within the past three years and it is felt that the property was misrepresented, the Department of Real Estate desires that they be notified. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.602(B)).

**18.48.040 Certificate of compliance – Request for determination authorized.**

In accordance with Section 66499.35 of the Business and Professions Code, any person owning real property may request and the city shall determine whether said property complies with the provisions of the Subdivision Map Act and of this title, and thus, constitutes a legal and buildable lot. (Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.603).

**18.48.050 Certificate of compliance – Application procedure – Documents to be submitted – Fee.**

A. Application.

1. Application for a certificate of compliance shall be made with the planning department in accordance with the following specifications:

- a. The plat shall be drawn on a form prescribed by the director of planning. Such forms are available in the planning department upon request;
- b. The plat shall be drawn to a minimum scale of one inch equals 100 feet.

2. Each plat shall contain the following information:

- a. A plat number, as issued by the planning department;
- b. North arrow and scale;
- c. Name, address, telephone number and signature of owner(s);
- d. If prepared by an engineer or surveyor, his name, address, telephone number, and registration or license number;
- e. A vicinity map with north arrow and scale indicated;
- f. Sufficient legal description of the land to define the boundaries of the ownership involved and the tax assessor's parcel number(s);

g. The boundaries, to be shown as a solid line, with bearings (directions) and distances labeled along boundaries;

h. The net share of subject parcel;

i. The location, width and names, if any, of all existing streets providing access to the property and the location, width and purpose of all easements which lie within or immediately adjacent to the exterior boundaries of the parcel;

j. Full identification of all referenced maps, by map type and number;

k. The location of all existing buildings and structures and their uses, the distance between such buildings and structures, and the distance between each building or structure and the boundary of the lot;

l. A statement of the existing zoning and any proposed zoning.

B. The request for certification shall also include:

1. A legible copy of the current owner's grant deed;

2. Documentation of recorded access to the subject property unless abutting a public street;

3. The required filing fee(s). (Ord. 2506 § 1, 1992; Ord. 2100 § 1, 1985; Ord. 1540 § 2, 1974; Ord. 1369, 1971; prior code § 28.604).

#### **18.48.060 Voidability of deeds or contracts violating provisions.**

Any deed of conveyance, sale or contract to sell made contrary to the provisions of this title is voidable at the sole option of the grantee, buyer or person contracting to purchase; his heirs; personal representative; or trustee in solvency or bankruptcy within one year after the date of execution of the deed of conveyance, sale or contract to sell; but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or devisee. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.107).

#### **18.48.070 Failure to comply and illegal division of land deemed misdemeanor – Penalty.**

Those parcels of land which are subdivided contrary to the provisions of this title shall not constitute legal building sites and no permit shall be issued for the installation of fixtures or equipment or for the erection, construction, conversion, establishment, alternation or enlargement of any build-

ing, structure or improvement thereon unless and until a map as required by CVMC 18.04.110 shall have been filed, approved in accordance with the requirements of this title, and recorded, and any person who subdivides or causes to be subdivided land without complying in all respects with the provisions of this title shall be subject to prosecution for a misdemeanor as defined hereinafter. Any offer to sell, contract to sell, sale or deed of conveyance made contrary to the provisions of this title is a misdemeanor, and any person, firm or corporation, upon conviction thereof, shall be punishable by a fine of not more than \$500.00, or imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.108).

#### **18.48.080 Noncomplying lots – Filing map subsequent to division permitted when.**

The purchaser, or his successor in interest, of a lot which is the result of a division of land that did not comply with the provisions of this title may file a subdivision or parcel map as required in this code, which shall comply in all respects with the provisions of this title. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.109(1)).

#### **18.48.090 Property outside corporate limits – Compliance required when.**

All plats of property situated outside the corporate limits which require action by the commission and the Director of Public Works prior to annexation shall comply with the foregoing regulations insofar as applicable, subject to the limitations of Section 11531 of the Subdivision Map Act of the state of California. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.109(2)).

#### **18.48.100 Unlawful subdivisions – Statutory authority for restraint or enjoinder.**

The City or any person, firm or corporation may file a suit in the superior court to restrain or enjoin any attempted or proposed subdivision or sale in violation of this title pursuant to the authority of Section 66499.33 of the Subdivision Map Act of the state. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.110).

**Chapter 18.52****APPEALS**

## Sections:

18.52.010 Procedure – Time limit for commencement.

**18.52.010 Procedure – Time limit for commencement.**

Any action or proceeding to attach, review, set aside, void or annul the decision of the City Council concerning a subdivision, or any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached hereto in a court of competent jurisdiction, shall not be maintained by any person unless such item or proceeding is commenced within 180 days after the date of such decision. Thereafter, all persons are barred from any action of proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations.

For subdivisions located in the coastal zone, any person, including an applicant for a coastal development permit or the Coastal Commission, who is aggrieved by the decision or action of the City Council shall have a right to judicial review of such decision or action by filing a petition or writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure within 60 days after the decision or action has become final. For purposes of this section, the term “aggrieved person” means any person who, in person or through a representative, appeared at the public hearing of the redevelopment agency, or who, by other appropriate means prior to the hearing, informed the redevelopment agency of the nature of his or her concerns. (Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 18.1201).

**Chapter 18.54****FLOODPLAIN REGULATIONS**

(Recodified as Chapter 14.18 CVMC by Ord. 3097)