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DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 200
SACRAMENTO, CA
95814-2998

January 12, 1993

BUILDING INSPECTIONS
916-449-5716

PLANNING
916-449-5604

City Council
Law and Legislative Committee
Sacramento, California

Honorable Members In Session:

SUBJECT: M91-050

- A. Amendment to the Sacramento City Code, Chapter 40, Subdivision Regulations, Sections 40.101 through 40.1800
- B. Amendment to the Zoning Ordinance Section 3.E.19 relating to lot dimensions

LOCATION: City-wide

STAFF RECOMMENDATION:

The City Planning Commission and Planning staff recommend the Law and Legislative Committee approve the attached amendment to the Sacramento City Code Chapter 40, Subdivision Regulations.

CONTACT PERSON:

Will Weitman, Principal Planner, 264-5604
Bridgette Williams, Associate Planner, 264-5604
Terry Moore, Supervising Engineer, 264-7210

FOR COUNCIL/LAW AND LEGISLATIVE COMMITTEE MEETING OF:

January 19, 1993

SUMMARY

The City Planning Division and Public Works Department staff is proposing a major revision of the City's Subdivision Ordinance Regulations, Chapter 40, of the Sacramento City Code. This amendment would update the current subdivision regulations and streamline the map process. This amendment would confer final approval authority for Tentative Maps to the Planning Commission. Planning staff and the Planning Commission recommends the Law and Legislative Committee support this request.

BACKGROUND

On December 17, 1992, the Planning Commission recommended approval of an amendment to Sections 40.101 through 40.1800 of the Sacramento City Code, Chapter 40, relating to Subdivision Regulations. The purpose of this chapter is to regulate and control the division of land within the City of Sacramento and to supplement the provisions of the Subdivision Map Act concerning design, improvement, and survey data of subdivision; the form and content of all required maps provided by the Subdivision Map Act; and the procedure to be followed in securing the official approval of the City regarding the maps.

An "Ad Hoc Subdivision Update Committee" was formed to overhaul the City's Subdivision Ordinance. This Committee consisted of staff from the City Planning Division, Public Works Department, and the City Attorney's Office.

The primary goals of the subdivision ordinance revision process were to streamline, to the extent reasonable and appropriate, the process for handling subdivision maps, lot line adjustments, mergers and other entitlements governed by the Subdivision Map Act or Subdivision Ordinance and to make the necessary amendments to bring the ordinance current with the Subdivision Map Act, as well as current engineering and development practices. Key amendments to the City Subdivision Ordinance include the following:

1. Approval of tentative maps will be the responsibility of the Planning Commission. Under the current ordinance, the City Council acts as the approving authority for all maps (save and except maps for corner lot duplexes), with the Planning Commission first hearing the maps and making recommendations. Under the proposed ordinance, the Planning Commission will take final action on all maps, except vesting tentative maps. As to vesting tentative maps, the Planning Commission will hear and make recommendations to the City Council, which will take final action on the maps. The City Council will also hear appeals of any maps which the Planning Commission has the authority to approve.

The majority of projects for which a map is sought do not require Council entitlements. The primary effect of this amendment will be to reduce the number of hearings required for map approval from two to one.

It should be noted that the City is in the process of establishing a Zoning Administrator position. It is anticipated that responsibility for some of the smaller, simpler maps and other entitlements under the subdivision ordinance will likely be transferred to the Zoning Administrator. Processing of entitlements by the Zoning Administrator should be simpler and quicker.

2. The size of the Subdivision Review Committee which reviews and makes recommendations on all maps, as well as certain other entitlements, has been reduced from nine members to three members. The three members are the Director of Public Works, the Director of Planning and Development, and the Director of Utilities. Previously, the Committee included the Planning Director, City Engineer, Traffic Engineer, Fire Marshall, Manager of Water and Sewer, Director of Recreation and Parks, City Attorney, Chief of Police, and the County Health Officer. The number proved inappropriate and difficult to gather. The departments and agencies that previously participated as voting members of the Subdivision Review Committee will be provided notice of the maps, and their input will be sought; however, they will be limited to commenting on the project, rather than having a vote.
3. A procedure for handling owner-applications for mergers of contiguous parcels under common ownership is specifically included. Previously, these matters were handled as lot line adjustments, although there was some question as to the validity of this approach. The process for handling mergers is similar to the lot line adjustment process, and entails a single hearing before the Planning Commission. The Planning Commission, however, recommended that lot line adjustments and mergers be handled by the Zoning Administrator.
4. The technical requirements for maps have been revised to reflect current engineering and development practices.

The revised Subdivision Ordinance was sent to B.I.A. and several engineering firms for review and comment. In September, 1992, the Planning staff held a public meeting to answer questions and/or address any concerns relating to the revisions made in the Subdivision Ordinance regulations. Only two representatives from engineering firms were present at the public meeting. The B.I.A. also sent a letter in support of the revised Ordinance.

As part of the Subdivision Ordinance amendments, staff is also amending Section 3.E.19 of the City's Zoning Ordinance by eliminating the language indicating that lot dimensions shall not be reduced below the minimum requirement. Currently, a variance is required to reduce a lot below the minimum requirement. In addition, a Subdivision Modification is required when lots are substandard in width, size or depth. Requiring both a Subdivision Modification and Variance is redundant and costly to the applicant; therefore, staff is recommending deletion of Section 3.E.19 requiring a Variance.

The Environmental Coordinator has determined that the proposed amendments and updates will not have a significant adverse effect on the environment, and has filed a Negative Declaration.

FINANCIAL CONSIDERATIONS:

None

POLICY CONSIDERATIONS:

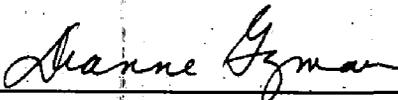
None

Respectfully Submitted



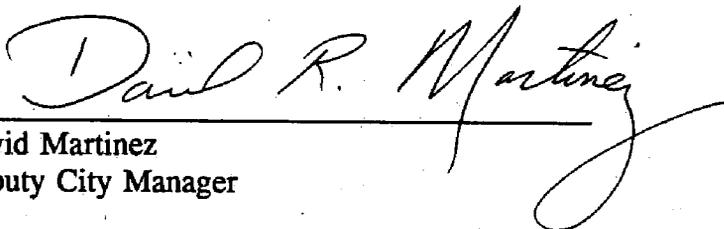
Gary Stonehouse

Approved By:



Dianne Guzman

Recommendation Approved:



David Martinez
Deputy City Manager

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE AMENDING CHAPTER 40
OF THE SACRAMENTO CITY CODE
RELATING TO SUBDIVISION REGULATIONS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 40 of the Sacramento City Code is amended to read as set forth in Exhibit A, attached hereto.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

EXHIBIT A

CHAPTER 40

SUBDIVISION REGULATIONS

Article I. General

§ 40.101 Title and Reference.

This chapter is adopted pursuant to Article XI, Section 7 of the California Constitution, and to supplement and implement the Subdivision Map Act, Government Code §§66410, et seq., and may be cited as the Subdivision Ordinance of the City of Sacramento.

§ 40.102 Relationship to General Plan and Other City Land Use Regulations.

The regulations established by this chapter are designed to assist in the systematic implementation of the General Plan, specific and community plans, the Zoning Ordinance, and other land use regulations, and to provide for public needs, health and safety, convenience, and general welfare.

Neither the approval nor conditional approval of the tentative map shall constitute or waive compliance with any other applicable provisions of the City Code or other applicable ordinances or regulations adopted by the City, nor shall any such approval authorize or be deemed to authorize a violation or failure to comply with other applicable provisions of the City Code or other applicable ordinances or regulations adopted by the City. Nothing in these regulations shall be construed to permit the premature or haphazard subdivision of lands in violation of the applicable zoning and land use regulations.

§ 40.103 Purpose.

It is the purpose of this chapter to regulate and control the division of land within the City of Sacramento and to supplement the provisions of the Subdivision Map Act concerning the design, improvement, and survey data of subdivisions, the form and content of all required maps provided by the Subdivision Map Act, and the procedure to be followed in securing the official approval of the City regarding the maps. To accomplish this purpose, the regulations contained in this chapter are determined to be necessary to preserve the public health, safety and general welfare; to promote orderly growth and development and to promote open space, conservation, protection and proper use of land; and to ensure provision for adequate traffic circulation, utilities, and other services of the City.

§ 40.104 Definitions.

Alley: A public way, other than a street or highway, providing a secondary means of vehicular access to abutting property.

Building Site: Same as lot, as defined herein.

CEQA: The California Environmental Quality Act, Public Resources Code §§21000, et seq.

City Code: The Sacramento City Code.

Commission: The Planning Commission of the City of Sacramento.

Council: The Council of the City of Sacramento.

County: The County of Sacramento.

Director of Planning and Development: The Director of the Planning and Development Department of the City of Sacramento, or the duly authorized representative of said Director.

Director of Public Works: The Director of the Public Works Department of the City of Sacramento, or the duly authorized representative of said Director.

Director of Utilities: The Director of the Department of Utilities of the City of Sacramento, or the duly authorized representative of said Director.

Drip Line: A line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

Dwelling Unit: A group of rooms or a single room with kitchen facilities occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone, irrespective of the age of the occupant or occupants.

EIR: An environmental impact report prepared pursuant to the requirements of CEQA, Public Resources Code §§21000, et seq.

Final Map: A map showing a subdivision of five or more parcels for which a tentative and final map are required by the Subdivision Map Act and this chapter, prepared in accordance with the provisions of the Subdivision Map Act and this chapter, and designed to be filed for recordation in the office of the County Recorder.

Fire Protection: Such fire hydrants and other protective measures as may be reasonably required by the Fire Marshal of the Fire Department for protection of property to be located within a subdivision.

Flood Hazard: A hazard to land or improvements due to seasonal inundation or to overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

Freeway: A highway defined as a "freeway" in Section 23.5 of the Streets and Highways Code of the State of California.

Frontage Road or Service Road: A street lying adjacent and approximately parallel to and separated from a freeway or other public street and which affords access to abutting property.

General Plan: The General Plan of the City of Sacramento.

Geological Hazard: A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements due to the movement, failure or shifting of earth.

Inundation: Pondered water or water in motion of sufficient depth to damage property due to the presence of the water or to deposits of alluvium.

Lot: A parcel of land which is identified on a final map or parcel map recorded in the office of the County Recorder with a separate and distinct number or letter.

Lot Line Adjustment: A division of land consisting of the relocation of an interior lot line between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.

Merger: The joining of two (2) or more contiguous parcels of land under one ownership into one (1) parcel.

Mobile-Home Lot: Any area designated, designed or usable for the occupancy of one mobile home on a temporary, semi-permanent or permanent basis.

Multiple-Family Dwelling Unit: A building or portion thereof designed for occupancy by three or more families living independently of each other, but under one roof.

Negative Declaration: A negative declaration prepared pursuant to the requirements of CEQA, Public Resources Code §§21000 *et seq.*

Parcel Map: A map showing a subdivision of four or less parcels, as required by the Subdivision Map Act and this chapter, prepared in accordance with the provisions of the Subdivision Map Act and this chapter and designed to be filed for recordation in the office of the County Recorder.

Pedestrianway: A right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind. A pedestrianway may be located within or without a street right-of-way, at grade, or grade separated from vehicular traffic.

Planned Development: A subdivision consisting of one or more planned developments as said term is defined in Business and Professions Code §11003.

Planning Director: The Director of the Planning Division of the Planning and Development Department of the City of Sacramento, or the duly authorized representative of said Director.

Planning Division: The Planning Division of the Planning and Development Department of the City of Sacramento.

Post-Subdivision Modification: A subdivision modification for which a request is filed after approval of the tentative map.

Private Road Easement: A parcel of land not dedicated as a public street, over which a private easement for road purposes is proposed to be or has been granted to the owners of property contiguous or adjacent thereto which intersects or connects with a public street, or a private street; in each instance the instrument creating such easement shall be or shall have been duly recorded or filed in the office of the County Recorder.

Public Way: Any street, highway, alley, pedestrianway, equestrian or hiking trail, biking path, channel, viaduct, subway, tunnel, bridge, easement, right-of-way, or other way in which the public use has a right of use.

Revised Tentative Map: A tentative map filed for approval under Section 40.607 showing a revised arrangement of the streets, alleys, easements or lots or a modification of the boundary of property for which a tentative map has been previously approved.

Roadway: That portion of a right-of-way for a street, highway or alley designed or used to accommodate the movement of motor vehicles.

Single-Family Dwelling Unit: A detached building designed exclusively for occupancy by one family.

Specific Plan: The term "Specific Plan" shall include any Community Plan, a plan for a specific portion of the City or a plan for a specific municipal function of the City which has been approved by the Planning Commission and adopted by the City Council.

Street, Collector: A street which collects and distributes vehicular traffic moving between major streets and minor streets and which generally provides direct access to abutting properties.

Street, Cul-de-Sac: A street which is designed to remain permanently closed at one end with the closed end terminated by a vehicular turnaround. For the purposes of these regulations, the length of a cul-de-sac street shall be measured from the center line of the intersecting street along the center line of the cul-de-sac to the center of the radius of the turnaround.

Street, Major: A street carrying the vehicular traffic of minor and collector streets to and from freeways, the central business district and other major streets, with protected intersections at grade; and generally providing direct access to abutting property.

Street, Minor: Any street other than a collector street, major or freeway providing direct access to abutting property and serving local as distinguished from through traffic.

Subdivision: 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. Property shall be considered as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. 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 State Civil Code, a community apartment project, as defined in Section 11004 of the Business and Professions Code, and the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. "Subdivision" includes any division of land by gift or inheritance, but excludes a division for probate homestead. Any conveyance of land to a governmental agency, public entity, public utility, or subsidiary of a public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels.

Subdivision Map Act: Subdivision Map Act shall mean the Subdivision Map Act of the State of California, Government Code §§66410 et seq., inclusive, as that Act currently provides or is subsequently amended.

Subdivision Modification: A request by a subdivider for modifications to the requirements or standards imposed by these subdivision regulations filed prior to the approval of the tentative map.

Subdivision Review Committee: A committee comprised of the Director of Public Works, the Director of Utilities, and the Director of Planning and Development, or their designees.

Tentative Map: A map made for the purpose of showing the design improvements of the proposed subdivision and the existing conditions in or around it. "Tentative map" shall include a tentative map prepared in connection with the parcel map pursuant to the provisions of Article VIII, Subdivisions of Four or Less Parcels, of this chapter.

Two-Family Dwelling Unit: A detached building designed exclusively for occupancy by two families living independently of each other, but under one roof.

Vehicular Access Rights: The right or easement for vehicular access of owners or occupants of abutting lands to a public way.

Vesting Tentative Map: A vesting tentative map shall mean a tentative map which shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed, in accordance with Subsection 40.905, and is thereafter processed in accordance with these provisions.

Water Supply: Such water supply and distribution facilities as are necessary to provide a reliable and adequate water supply for appropriate residential, commercial and industrial use and for public and private fire protection purposes.

Zoning Administrator: The Zoning Administrator of the City of Sacramento, appointed pursuant to Chapter 56 of the Sacramento City Code.

Zoning Ordinance: The Comprehensive Zoning Plan of the City of Sacramento, Ordinance No. 2550, Fourth Series, and revisions thereto.

§§ 40.105 to 40.200 Reserved.

**Article II. Responsibilities of City Council,
Planning Commission and Committees**

§ 40.201 Responsibilities.

(a) **City Council.** The City Council shall be responsible for:

- (1) the approval, conditional approval, or denial of vesting tentative maps and requests for extensions of time for vesting tentative maps;
- (2) the approval, conditional approval, or denial of final maps and parcel maps;
- (3) the approval of improvement agreements for all subdivisions; and
- (4) the approval, conditional approval, or denial of reversions to acreage.

The City Council shall act as the appeal board for hearing appeals of Planning Commission action as provided in this chapter. The City Council shall also act as the appeal board for hearing appeals of Subdivision Review Committee action as provided in this chapter.

(b) **Planning Commission.** The Planning Commission shall be responsible for:

- (1) the approval, conditional approval, or denial of tentative maps and subdivision modifications for all subdivisions except vesting tentative maps;
- (2) the approval, conditional approval, or denial of all post subdivision modifications;
- (3) making recommendations to the City Council on approval, conditional approval or denial of vesting tentative maps; and
- (4) The approval or denial of requests for extensions of time for tentative maps other than vesting tentative maps.

The Planning Commission shall act as the appeal board for hearing appeals of Subdivision Review Committee action as provided in this chapter.

(c) **Subdivision Review Committee.** The responsibilities of the Subdivision Review Committee shall include the following:

- (1) To make investigations and report on the design and improvement of all proposed subdivisions and to make recommendations thereon to the Planning Commission.

- (2) To recommend approval, conditional approval, or disapproval of the design of proposed subdivisions and the kinds, nature and extent of on-site and off-site improvements required in connection therewith.
 - (3) To recommend approval, conditional approval, or denial of tentative maps of all proposed subdivisions of land, and requests for extensions of time for tentative maps.
 - (4) To recommend modifications of the requirements of these regulations in accordance with the provisions of Article XIII (Subdivision Modifications).
 - (5) To recommend disapproval of a tentative map for non-compliance with the requirements of these regulations, the Subdivision Map Act, or the standards, rules or regulations adopted by the Commission pursuant to these regulations.
 - (6) To review and make recommendations concerning proposed subdivisions in the unincorporated territory of the County of Sacramento and County of Yolo in accordance with Section 66453 of the Subdivision Map Act when it has elected to do so.
 - (7) To review and make recommendations for reasonable modifications or waivers of the requirements of these regulations as they apply to the development of designated infill sites.
 - (8) Such additional powers and duties as prescribed by law and by these regulations.
- (d) **Zoning Administrator.** The Zoning Administrator shall be responsible for the approval, conditional approval or denial of lot line adjustments and mergers of contiguous parcels under common ownership without reversion.

§§ 40.202 to 40.300 Reserved.

Article III. Maps Required

§ 40.301 General.

For the purposes of this chapter, the specific requirements for tentative, final, and parcel maps shall be governed by the provisions of this article.

§ 40.302 Division of Land - Five (5) or More Parcels.

A tentative map and a final map shall be required for all divisions of land where the land will be divided into five (5) or more parcels, five (5) or more condominiums, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where:

- (a) The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or
- (b) Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway; or
- (c) The land consists of a 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 governing body as to street alignments and widths; or
- (d) Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter (1/4) of a quarter (1/4) section.

A parcel map shall be required for those subdivisions described in subdivisions (a), (b), (c) and (d), unless waived by the Planning Commission in accordance with the provisions of Section 40.815 of this chapter.

§ 40.303 Division of Land - Four (4) or Less Parcels.

A tentative map and a parcel map shall be required for all divisions of land into four (4) or less parcels, except that parcel maps shall not be required for:

- (a) Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the State Public Utilities Code, which are created by short-term leases terminable by either party on not more than thirty (30) days' notice in writing.
- (b) Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the Department in

individual cases, upon substantial evidence, that public policy necessitates a parcel map.

(c) Parcel maps waived in accordance with the provisions of Section 40.815.

§§ 40.304 to 40.400 Reserved.

Article IV. Lot Line Adjustments

§ 40.401 General.

A lot line adjustment may be approved by the Zoning Administrator in accordance with the following procedures. Except as provided otherwise herein, the other provisions of this chapter shall not be applicable to any lot line adjustment approved in accordance with this Article.

The procedure provided by this Article is an alternative to the procedures provided by Articles VI, VII and VIII of this chapter. Nothing stated herein shall be construed to prevent an applicant from filing a tentative map, a final map or parcel map for any lot line adjustment.

§ 40.402 Application.

- (a) An application for a lot line adjustment shall be filed with the Planning Director and shall include the following information, materials and documents:
 - (1) Drawings specifying the location of the existing lots, the proposed lot line adjustment, and the boundaries and dimensions of the proposed new lots;
 - (2) A legal description satisfactory to the Director of Public Works;
 - (3) Such additional information as the Planning Director may require pursuant to Sections 40.604(c) and 606, considering the magnitude of the adjustment; its relation to existing buildings, structures, and landscaping; the present use and zoning of the property; location and extent of public improvements; its relation to adopted plans for the area; and compliance with the Subdivision Map Act or other ordinances and plans of the City.
- (b) The application shall be accompanied by a filing fee established by resolution of the City Council.

§ 40.403 Process for Reviewing Lot Line Adjustment.

- (a) **Application Processing:**
 - (1) Within thirty (30) days of receiving an application for a lot line adjustment, the Planning Division shall inform the applicant whether the application is complete and accepted for filing. If incomplete, the Planning Division shall advise the application as to the deficiencies in the application.
 - (2) Within ten (10) days after an application has been found to be complete and accepted for filing, the Planning Director shall transmit copies of the application and, where applicable, copies of drawing, statements and other data required to accompany the application or required subsequent to the filing of the application, to members of the Subdivision Review

Committee and to such other public or private agencies or departments as the Director determines may be affected by the proposed lot line adjustment.

(b) **Zoning Administrator Hearing and Action:**

- (1) **Notice of Public Hearings:** Within a reasonable period of time after the application is accepted as complete, the Planning Director shall set the matter for hearing before the Zoning Administrator. The notice and hearing requirements for processing a tentative map application set forth in Section 40.609 shall apply to the processing of lot line adjustments.
- (2) **Action by the Zoning Administrator.** The Zoning Administrator may approve or conditionally approve a lot line adjustment by adopting a resolution, or may disapprove the proposed lot line adjustment.

§ 40.404 Findings.

The Zoning Administrator shall approve a lot line adjustment sought pursuant to this Article if it finds:

- (a) That the lot line adjustment will not result in the abandonment of any street or utility easement of record, and that, if the lot line adjustment will result in the transfer of property from one owner to another owner, the deed to the subsequent owner expressly reserves any street or utility easement of record;
- (b) That the lot line adjustment will not result in the elimination or reduction in size of the access way to any resulting parcel, or that the application is accompanied by new easements to provide access which meet all the City requirements regarding access to parcels in the location and of the size as those proposed to be created; and
- (c) That the resulting parcels conform to the requirements of the City's Building Code and the City's Zoning Ordinance.

§ 40.405 Appeals.

The applicant or any interested person adversely affected by any Zoning Administrator action on a lot line adjustment may, within ten (10) days after the decision, appeal the decision to the Planning Commission by filing an appeal in writing with the Planning Director. The appeal shall be considered by the Planning Commission at a public hearing after notice has been given pursuant to Section 40.609(a).

The decision of the Planning Commission on an appeal of the Zoning Administrator's decision on a lot line adjustment may be appealed to the City Council at any time within ten (10) days after the decision of the Planning Commission. The procedures governing appeals of Planning Commission action on tentative map applications, contained in Section 40.610, shall govern

appeals of Planning Commission decisions on appeals of Zoning Administrator's decisions on lot line adjustments.

§ 40.406 Recording.

Pursuant to Government Code Section 66412(d), the lot line adjustment shall be reflected in a deed, which shall be recorded.

§§ 40.407 to 40.500 Reserved.

**Article V. Mergers of Contiguous Parcels
Under Common Ownership Without Reversion**

§ 40.501 Purpose.

The purpose of this Article is to provide a simplified procedure to allow for the removal of previously approved parcel lines and the merger of contiguous parcels under common ownership at the request of the property owner, pursuant to Section 66499.20-3/4 of the Government Code. The procedure provided by this Article is an alternative to the procedures provided by Articles VI, VII and VIII of this chapter. Nothing stated herein shall be construed to prevent an applicant from filing a tentative map, a final map or a parcel map for any merger.

§ 40.502 Merger of Parcels Authorized.

Pursuant to Government Code Section 66499.20-3/4, the Zoning Administrator is authorized to approve the merger requested by the property owner of contiguous parcels under common ownership without reversion to acreage, upon making the findings and utilizing the procedures set forth in this article.

§ 40.503 Application.

- (a) An application for a merger pursuant to this Article shall be filed with the Planning Director and shall include the following information, materials and documents:
 - (1) Drawings specifying the location of the existing lots, the proposed merger and the boundaries and dimensions of the proposed new lot;
 - (2) A legal description satisfactory to the Director of Public Works;
 - (3) Such additional information as the Planning Director may require pursuant to Sections 40.604(c) and 40.606 considering the magnitude of the adjustment; its relation to existing buildings, structures, and landscaping; the present use and zoning of the property; location and extent of public improvements; its relation to adopted plans for the area; and compliance with the Subdivision Map Act or other ordinances and plans of the City.
- (b) The application shall be accompanied by a filing fee established by resolution of the City Council.

§ 40.504 Process for Reviewing Mergers.

- (a) The procedures for reviewing lot line adjustments shall apply to applications pursuant to this Article to merge contiguous parcels under common ownership.

- (b) **Zoning Administrator Hearing and Action:** The notice and hearing requirements for lot line adjustments shall apply to merger applications pursuant to this Article.

§ 40.505 Findings.

The Planning Commission shall not approve any merger of parcels pursuant to this Article unless it makes all of the following findings:

- (a) That all existing streets and/or utility easements of record are reserved;
- (b) That the resulting parcel conforms to the requirements of this chapter, the City's General Plan, the City's Comprehensive Zoning Ordinance, and the City's Building Code.

§ 40.506 Appeals.

The applicant or any interested person affected by any Zoning Administrator action on a merger of contiguous parcels under common ownership may appeal that decision to the Planning Commission. The procedures governing appeals of Zoning Administrator action on lot line adjustments, contained in Section 40.405, shall govern appeals of decisions on mergers made pursuant to this Article.

The decision of the Planning Commission on an appeal of the Zoning Administrator's decision on a merger of contiguous parcels under common ownership may be appealed to the City Council at any time within ten (10) days after the decision of the Planning Commission. The procedures governing appeals of Planning Commission action on tentative map applications, contained in Section 40.610, shall govern appeals of Planning Commission decisions on appeals of Zoning Administrator's decisions on mergers of contiguous parcels under common ownership.

§§ 40.507 to 40.600 Reserved.

**Article VI. Tentative Maps -
Five (5) or More Parcels**

§ 40.601 Purpose.

The purpose of this Article is to establish the City's regulations, standards and procedures for consideration of tentative subdivision map applications for subdivision of five (5) or more parcels. It should be recognized that other agencies may have regulations, standards and procedures for tentative subdivision maps.

§ 40.602 Tentative Map Required.

For every subdivision of five (5) or more parcels, the subdivider shall file with the City a tentative map prepared in accordance with the provisions of this article.

§ 40.603 Preliminary Design Evaluation.

- (a) **Preliminary Design Plan:** A subdivider may present for consideration by the Subdivision Review Committee a preliminary design plan for informal design evaluation by the Subdivision Review Committee before filing the tentative map application. The preliminary design plan should include, at a minimum, the following information:

- (1) Street layouts indicating location and type;
- (2) Basic lot design and size;
- (3) Land use;
- (4) Existing natural and/or manmade features on or adjacent to the site;
- (5) Existing and proposed topography on or adjacent to the site.

- (b) Within thirty (30) days of the filing of the preliminary design plan, the Subdivision Review Committee shall evaluate the plan to determine whether the preliminary design plan complies with the following:

- (1) City of Sacramento General Plan;
- (2) Any applicable Specific Plans;
- (3) Zoning Ordinance;
- (4) Adopted public improvement standards;
- (5) Other applicable standards and regulations.

The determination(s) of the Subdivision Review Committee pursuant to this section are preliminary in nature, and are neither binding nor appealable.

- (c) A subdivider may not request preliminary design evaluation and seek to process a tentative map application for the same subdivision at the same time. A subdivider may withdraw a request for preliminary design evaluation at any time and thereafter file an application for a tentative map.

- (d) **Fees.** A fee, prescribed by City Council resolution, shall be required for evaluation of all preliminary design plans.

§ 40.604 Submission of Tentative Map Application.

A subdivider seeking approval of a tentative map for a subdivision of five (5) or more parcels shall file an application for tentative map approval consistent with the requirements of this chapter. The application shall consist of the following elements:

- (a) A tentative map, consistent with the requirements of Sections 40.605 and 40.606.
- (b) A completed City application packet, including an environmental checklist.
- (c) Additional reports, plans and data. The following drawings, statements and other data, and as many additional copies thereof as may be required, shall be filed on or with the tentative map:
 - (1) A vicinity or key map of appropriate scale and covering sufficient adjoining territory so as to clearly indicate nearby street patterns, major access streets, property lines, other adjacent properties in the subdivider's ownership, and other significant features which will have a bearing upon the proposed subdivision and its location and relationship to surrounding areas.
 - (2) A statement of existing and proposed zoning and existing and proposed uses of the property with the approximate areas of the proposed uses by type and the total area of the subdivision.
 - (3) A preliminary Soil Investigation and Geological Reconnaissance Report by a registered civil engineer specializing and recognized in soil mechanics and foundation engineering for every subdivision for which a final map is required. Submission of this preliminary report may be waived by the Director of Public Works if soil conditions in the proposed subdivision are known to him.

If the preliminary soils report indicates the presence of critically expansive soils or other soil problems, including seepage which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the Director of Public Works as a condition precedent to consideration of the tentative map by the Subdivision Review Committee. The soils investigation shall be done in the manner provided in Section 66491 of the Subdivision Map Act.

- (4) A preliminary grading plan. Submission of the preliminary plan may be waived by the Director of Public Works when he or she determines that the submission of said plan is not required for proper grading, flood hazard mitigation and erosion control of the proposed subdivision.

- (5) Applications for any modification that may be proposed, together with supporting drawings and statements and such other data as may be required by the provisions of Article XIII (Subdivision Modifications).
 - (6) All other data required as a prerequisite to approval of the tentative map, including plans, reports, fees or other requirement.
 - (7) With respect to tentative maps for residential condominium conversion projects, a special permit for such conversion project approved pursuant to Section 28 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series. The Planning Director or designated representative may waive this requirement if at the time of the filing of the tentative map the subdivider, in writing, irrevocably offers to the advisory agency and City Council to extend the time limits specified in the Subdivision Map Act for reporting and acting upon the tentative map by said bodies. The extension shall be for such periods of time as are reasonably necessary to permit the processing, review, and final action on the special permit concurrently with the tentative map.
- (d) Fees. A fee, prescribed by City Council resolution, shall be required for consideration of all tentative map applications.

§ 40.605 Preparation and Form of Tentative Map.

The tentative map shall be clearly and legibly drawn and shall be drawn to scale by or under the direction of a registered civil engineer or licensed land surveyor. The scale of the map shall be at least one inch equals 100 feet. If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each. No single sheet shall exceed 72 inches in length and 54 inches in width.

The Director of Public Works or designated representative may, in his or her sole discretion, waive the requirements that the tentative map be prepared by a registered civil engineer or licensed land surveyor if the tentative map submitted is clearly and legibly drawn, drawn to scale, and satisfies the requirements of Sections 40.604 and 40.606. The decision to waive or not waive the foregoing requirement shall be final and not subject to appeal.

§ 40.606 Information on Tentative Map.

The tentative map shall contain the following information in addition to such information as is required by the Subdivision Map Act:

- (a) Proposed subdivision name, if any.
- (b) Names, addresses and telephone numbers of the record owner and subdivider of the land.

- (c) Name, address and telephone number of the person, firm or organization that prepared the map, and the applicable registration or license number.
- (d) Date of preparation, north point and scale of the map. If based on a survey, the date of the survey.
- (e) Boundaries of the subdivision with sufficient information to locate the property.
- (f) Subdivision name of adjacent subdivisions, if any, and property lines sufficient to show their relationship to the proposed subdivision.
- (g) Contour lines at intervals of not more than one foot unless waived prior to submission by the Director of public works or designated representative. Topographic information shall be sufficient to fully show the configuration of the land and any and all depressions that present drainage problems, and shall extend beyond the tract boundaries where necessary to show drainage conditions on surrounding property which may affect the subdivision. Topographic survey shall not be waived in areas within the 100-year flood hazard boundary as shown on the most current FIRM.
- (h) The approximate location and general description of any trees and shrubs, and their drip lines if known, with notations as to their retention or destruction; and any vernal pools or wetlands located on the property to be subdivided. The general description of trees and shrubs should include an indication as to their size (diameter) and type, if known.
- (i) The location of all railroad rights-of-way and grade crossings; approximate locations of all existing wells, abandoned wells and sumps; and an indication of any physical restrictions or conditions in the subdivision which affects the use of the property.
- (j) The location of all structures on the site or on adjacent properties; the distances between structures to be retained and existing or proposed street and lot lines; and notations concerning all structures which are to be removed.
- (k) The location and width of proposed building setback lines.
- (l) The locations shown by hatched lines of existing utilities in and adjacent to the subdivision; the size and invert elevation of sanitary and storm sewers; the size of water mains; and, if sewers and water mains are not in or adjacent to the subdivision, the direction and distance to the nearest sewer and water main with size and invert elevation of sewer and size of main, and the proposed method of providing sewage disposal.
- (m) The location of all potentially dangerous areas, including geologically hazardous areas and areas subject to inundation or flood hazard; the location, width and directions of flow of all water courses and flood control channels within and

adjacent to the property involved; and the proposed method of providing storm water, drainage and erosion control. In areas subject to 100-year flood hazard, base flood elevation and floodway boundary shall be indicated.

- (n) The locations, widths and names or designations of all existing or proposed streets, alleys, pedestrianways and other rights-of-way, whether public or private, within and adjacent to the subdivision; the radius of each center line curve; and any planned line for street widening or for any other public project in and adjacent to the subdivision.
- (o) The lines and approximate dimensions of all lots, and the number assigned to each lot; the total number of lots; and the approximate area of the average lot.
- (p) The total area in square footage or acreage to the nearest one-tenth acre of each lot proposed to be utilized for other than single-family or two-family housing.
- (q) The boundaries of existing and proposed public areas in and adjacent to the subdivision, with the nature of each indicated thereon with the acreage thereof. If land is to be offered for dedication for park or recreation purposes or for purpose of providing public access to navigable waters, it shall be so designated.
- (r) Any modification being requested in accordance with the requirements of Article XIII (Subdivision Modifications) which is shown on the tentative map shall be clearly labeled and identified as to nature and purpose.
- (s) If separate final maps are to be filed on portions of the property shown on the tentative map, the subdivision boundaries which will appear on said final maps and the sequence in which said final maps will be filed.

§ 40.607 Filing of Tentative Map Application.

The subdivider shall file with the Planning Division the tentative map application and twenty (20) additional copies thereof, or such additional number of copies as specified by the Planning Division. A tentative map application shall not be considered as having been filed unless and until it complies with all provisions of this article, and the drawings, statements and other data required to accompany the tentative map have been submitted in a form acceptable to the Planning Director.

§ 40.608 Tentative Map Process.

- (a) Within thirty (30) days of receiving a tentative map application, the Planning Division shall inform the applicant whether the application is complete and accepted for filing. If incomplete, the Planning Division shall advise the applicant as to the deficiencies in the application.
- (b) Within ten (10) days after an application has been found to be complete and accepted for filing, the Planning Director shall transmit copies of the tentative

map and, where applicable, copies of drawings, statements and other data required to accompany the tentative map or required subsequent to the filing of the tentative map, to members of the Subdivision Review Committee and to such other public or private agencies or departments as the Director determines may be affected by the proposed subdivision for report and recommendation to the Planning Commission or City Council.

- (c) **Subdivision Review Committee Review:** Within a reasonable period of time following the release of a negative declaration for public review or following a determination by the Environmental Coordinator that the project is exempt from the requirements of CEQA, or within a reasonable period of time following the preparation and release of the final EIR for a project for which an EIR has been prepared, the Planning Director shall schedule the project for a public hearing before the Subdivision Review Committee. The Subdivision Review Committee shall consider the project and prepare a recommendation to the Planning Commission or the City Council. The recommendation shall include the determination of the Subdivision Review Committee on the conformance of the tentative map to the standards, rules and regulations of this chapter, and to the requirements of all applicable specific plans and ordinances of the City. The Subdivision Review Committee shall also advise the Planning Commission and the City Council on the requirements, if any, of other City departments and the applicable requirements of the County, special districts, State and other public and private agencies affected by the proposed subdivision.
- (d) **Planning Director Report:** At the time of the submission of his or her report to the Planning Commission or the City Council on the project, the Planning Director shall incorporate within his or her report the recommendations made by the Subdivision Review Committee.

§ 40.609 Tentative Maps Other Than Vesting Tentative Maps.

- (a) **Notice of Public Hearings.** Within a reasonable period of time following consideration by the Subdivision Review Committee of an application for a tentative map other than a vesting tentative map, the Planning Director shall prepare a report with recommendations, and shall set the matter for hearing before the Planning Commission. A copy of the Director's report shall be forwarded to the subdivider at least five (5) days prior to the public hearing. At least ten (10) calendar days before the public hearing, a notice shall be given of the time, date, and place of the hearing, including a general explanation of the matter to be considered and a general description of the area affected, and the street address, if any, of the property involved. The notice shall be published at least once in a newspaper of general circulation, published and circulated in the City.

In addition to notice by publication, the Director shall give notice of the hearing by mail or delivery to the subdivider, the owner of the subject real property, if different from the subdivider, and to all persons, including businesses,

corporations, or other public or private entities, shown on the last equalized assessment roll as owning real property within five hundred (500) feet of the property which is the subject of the proposed application. The Director shall also give notice of the hearing by mail or delivery to each agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the subdivision, whose ability to provide those facilities and services may be significantly affected. A proposed conversion of residential real property to a condominium, community apartment, or stock cooperative project shall be noticed in accordance with Section 66451.3 of the Subdivision Map Act and Section 28 of the Comprehensive Zoning Ordinance of the City of Sacramento.

In the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the City shall also give notice by mail or delivery to the owner of the property as shown on the last equalized assessment roll. In addition, notice shall be given by mail or personal delivery to any person who has filed a written request with the City. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year.

The Director may give such other notice that the Director deems necessary or advisable.

Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in this article.

- (b) **Action.** The Planning Commission shall approve, conditionally approve or deny the tentative map within fifty (50) days of the date of certification of the EIR, adoption of a negative declaration, or a determination by the Planning Commission that the project is exempt from the requirements of CEQA, and the Planning Director shall thereafter report the decision of the Planning Commission to the subdivider. In reaching a decision upon the tentative map, the Planning Commission shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources. Except as provided otherwise by the Subdivision Map Act, failure to act within the above-specified time limits shall not be deemed or considered approval of the tentative map.
- (c) **Approval.** The tentative map may be approved or conditionally approved by the Planning Commission if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific or community plan, and all applicable provisions of this Code. The Planning Commission may require as a condition of its approval that the payment by the subdivider of all development fees required to be paid at the time of the application for, or issuance of, a building permit or other similar permit shall be made at the rate for such fees in effect at the time of such application or issuance.

- (1) **Tentative Maps for Projects Requiring City Council Approval of Entitlements: Conformance to General Plan, Community Plan, and Zoning:** Each tentative map shall be designed in compliance with the existing General Plan, applicable specific or community plan, if any, and zoning designation of the property; provided that, where an amendment to the General Plan or the applicable specific or community plan or a change in zoning is also being requested as part of the project for which the tentative map is sought, and the tentative map will be consistent with the General Plan, specific or community plan or zoning if the City Council approves such amendment or change, the tentative map may be approved, subject to inclusion of a condition on the tentative map requiring approval of the general plan or specific or community plan amendment or zone change prior to recordation of the final map.

The Planning Commission may modify or delete any of the conditions of approval recommended in the Department's report. The Planning Commission may add additional requirements as a condition of its approval.

- (d) **Denial.** The tentative map may be denied by the Planning Commission on any of the grounds provided by the Subdivision Map Act or this Code. Except as otherwise required by State or federal law, the Planning Commission shall deny approval of the tentative map if it makes any of the following findings:
 - (1) That the proposed map is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this Code;
 - (2) That the site is not physically suitable for the type of development;
 - (3) That the site is not physically suitable for the proposed density of development;
 - (4) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the Planning Commission may approve such a tentative map if any environmental impact report was prepared with respect to the project and a finding was made pursuant to Section 21081(c) of CEQA that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;
 - (5) That the design of the subdivision or the type of improvements are likely to cause serious public health problems;
 - (6) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this

connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Planning Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or

- (7) Subject to Section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use. (Section 66474.)

§ 40.610 Appeals of Planning Commission Action.

The subdivider or any interested person adversely affected by any Planning Commission action with respect to the tentative map may, within ten (10) days after the decision, file an appeal in writing with the Planning Director. The City Council shall consider the appeal within thirty (30) days after the date of filing of the appeal, unless the appellant consents to a continuance. Within ten (10) days following the conclusion of the hearing, the City Council shall render its decision. The appeal shall be a public hearing after notice has been given according to Section 40.609(a). The Council may sustain, modify, reject, or overrule any recommendations or rulings of the Planning Commission and may make any findings which are consistent with the provisions of the Subdivision Map Act or this chapter.

§ 40.611 Vesting Tentative Maps

- (a) **Notice of Public Hearings Before Planning Commission.** Within a reasonable period of time following consideration by the Subdivision Review Committee of a vesting tentative map, the Director shall prepare a report with recommendations, and shall set the matter for hearing before the Planning Commission. A copy of the report of the Planning Director shall be forwarded to the subdivider at least three (3) days prior to the public hearing. Notice of the hearing before the Planning Commission shall be provided in the same manner as specified in Section 40.609(a).
- (b) **Recommendation by Planning Commission.** The Planning Commission shall make such recommendations as it deems appropriate on the vesting tentative map application, as well as any other entitlements before it.
- (c) **Notice of Hearing Before City Council.** The City Clerk shall set the matter for public hearing before the City Council within thirty (30) days following the date on which the Planning Commission makes a recommendation or takes other

action. Notice of the hearing before the City Council shall be given in the same manner specified in Section 40.609(a) for hearings before the Planning Commission.

- (d) **Action by the City Council.** The City Council shall approve, conditionally approve, or deny the vesting tentative map within fifty (50) days of the date of certification of the EIR, adoption of a negative declaration, or a determination by the City Council that the project is exempt from the requirements of CEQA, and the Planning Director shall thereafter report the decision of the City Council to the subdivider. Except as otherwise provided by the Subdivision Map Act, failure to act within the above-specified time limits shall not be deemed or considered approval of the vesting tentative map.
- (e) **Approval by City Council.** The vesting tentative map may be approved or conditionally approved by the City Council if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, and all applicable provisions of this Code. The City Council may require a condition of its approval that the payment by the subdivider of all development fees required to be paid at the time of the application for, or issuance of, a building permit or other similar permit shall be made at the rate for such fees in effect at the time of such application or issuance.

The City Council may modify or delete any of the conditions of approval recommended in the Department's report. The City Council may add additional requirements as a condition of its approval.

- (f) **Denial by City Council.** The vesting tentative map may be denied by the City Council on any of the grounds provided by the Subdivision Map Act or this Code. Except as otherwise required by State or federal law, the City Council shall deny approval of the vesting tentative map if it makes any of the following findings:
- (1) That the proposed map is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this Code;
 - (2) That the site is not physically suitable for the type of development;
 - (3) That the site is not physically suitable for the proposed density of development;
 - (4) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the City Council may approve such a vesting tentative map if any environmental impact report was prepared with respect to the project and a finding was made pursuant to Section 21081(c) of CEQA that

specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;

- (5) That the design of the subdivision or the type of improvements are likely to cause serious public health problems;
- (6) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the City Council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or
- (7) Subject to Section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use.

§ 40.612 Withdrawal of Tentative Map.

Requests for withdrawal of any tentative map shall be submitted to the Planning Director in writing unless made at a public hearing on the tentative map.

§ 40.613 Resubmittal of Application.

No application for a tentative map approval shall be accepted, nor any hearings held thereon, for an application for the same or substantially same tentative map which has been previously denied until a period of one year has elapsed from the date of the final denial of the application by the body having final jurisdiction of the matter.

§ 40.614 Tentative Map Revision.

Any revised tentative map shall be deemed a new tentative map and shall be processed in conformance with the requirements of these regulations in effect at the time such revised map is filed, including any changes in street standards which have become effective since the original tentative map was filed. The approval or conditional approval of any revised tentative map shall void all prior approved tentative maps.

§ 40.615 Conditional Approval When Critical Soil Problems Exist.

In every subdivision for which a soils investigation of each lot has been required by the Director of Public Works, the City Council may approve the subdivision or portion thereof where the critical soils problem exists if it finds the corrective action recommended in the soils investigation is likely to prevent structural damage to each structure to be constructed thereon. As a condition of the approval of the tentative map, the City Council may require the director of the building inspections division to withhold the issuance of any building permit for development of said lots until the approved recommended corrective action is incorporated into the plans for the construction of each such structure.

§ 40.616 Expiration.

The approval or conditional approval of a tentative map shall expire twenty-four (24) months from its approval by the Planning Commission or City Council, whichever occurs last, unless the expiration date is extended in accordance with the provisions of Section 40.617. However, if the filing of multiple final maps is authorized pursuant to Section 40.712 and the subdivider is required to spend \$125,000.00 or more to construct, improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map (excluding improvements of public rights-of-way which abut the boundaries and are reasonably related to the development of the property), or if the tentative map is on property subject to a development agreement authorized by Sections 65864 et seq. of the Government Code, then each filing of a final map shall extend the expiration date in accordance with Section 66452.6(a) of the Subdivision Map Act.

§ 40.617 Extension.

- (a) **Request by Subdivider.** A subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Planning Division. The application shall be filed not less than thirty (30) days before the map is to expire, and shall state the reasons for requesting the extension.
- (b) **Review by Subdivision Review Committee.** Within a reasonable period of time following submission of an application for an extension, the Planning Director shall schedule the application for an extension for a public hearing before the Subdivision Review Committee. The Subdivision Review Committee shall consider the extension application and make a recommendation to the Planning Commission.
- (c) **Planning Commission Hearing and Action**
 - (1) **Notice:** Following consideration of the application by the Subdivision Review committee, the Planning Director shall prepare a report with the recommendation on the application for an extension, and shall set the matter for hearing before the Planning Commission at its next regularly

scheduled meeting. The matter shall be noticed in the same manner as a tentative map application, as specified in Section 40.609.

- (2) **Action by the Planning Commission:** The Planning Commission shall approve, conditionally approve, or deny the application for an extension of the expiration date, and shall make findings supporting its decision.

- (d) **Time Limit of Extension.** The time at which the tentative map expires may be extended by the Planning Commission for a period not exceeding a total of three (3) years or such additional time as may be authorized by the Subdivision Map Act.

- (e) **Appeal of Extension.** The subdivider or any interested person adversely affected may appeal any action of the Planning Commission on the extension to the City Council in accordance with Section 40.610, except that any appeal shall be filed within fifteen (15) days after the action by the Planning Commission.

§§ 40.618 to 40.700 Reserved.

**Article VII. Final Subdivision Maps -
Five (5) or More Parcels**

§ 40.701 Timing.

Within 24 months of the date of approval or conditional approval of the tentative map, or within any further time period for which an extension has been granted, the subdivider may cause the proposed subdivision or any part thereof to be surveyed and a final map to be prepared and recorded in accordance with the provisions of this article and the Subdivision Map Act.

§ 40.702 Preparation and Form of Final Map.

The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor in the manner required by the Subdivision Map Act, and shall conform to all of the following provisions:

- (a) The general form and layout of the map, including but not limited to the size and type of lettering, and the drafting and location of acknowledgements, shall be as determined by the Director of Public Works.
- (b) The scale of the map shall be one inch equals 100 feet, unless otherwise permitted by the Director of Public Works, but in any case the map shall show clearly all details of the subdivision.
- (c) All dimensions shall be shown in feet and hundredths of a foot. No ditto marks shall be used.
- (d) If more than three sheets are necessary to show the entire subdivision, an index map shall be included on one of the sheets.
- (e) The subdivision designation, scale and north point shall be shown on each sheet except the endorsement sheet.
- (f) A title sheet, designated as page number one of the final map, shall be provided; except that, where the size of the subdivision permits, in lieu of a separate title sheet, the information required to be shown thereon may be shown on the same sheet as the map of the subdivision.
- (g) The final map shall be so made and shall be in such condition when filed that legible prints and negatives can be made therefrom.

§ 40.703 Title Sheet of Final Map.

The title sheet shall contain the following information:

- (a) Title followed by the words "City of Sacramento."

- (b) Below the title shall be a subtitle consisting of a description of all property being subdivided to such map or maps or property shown thereon as shall have been last previously recorded or filed in the County Recorder's office, or shall have been last previously filed with the County Clerk pursuant to a final judgment in any action in partition, or shall have been previously filed in the office of the County Recorder under authority of the Subdivision Map Act or by reference to the plat of any United States survey. The description shall also include reference to any vacated area with the number of the ordinance vacating said area.
- (c) The subtitle of maps filed for the purpose of reverting subdivided land to acreage shall consist of the words "A reversion to acreage of _____."
- (d) References to tracts and subdivisions in the description must be worded identically with original records, and references to book and page of record must be complete.
- (e) Affidavits, certificates, acknowledgments, endorsements, acceptances, dedications and notarial seals required by law and by these regulations.
- (f) The basis of bearings used in the field survey, making reference to some recorded subdivision map or other record acceptable to the Director of Public Works.

§ 40.704 Certificates on Final Map Title Sheet.

The title sheet of the final map shall contain those certificates required by the Subdivision Map Act. The form of the certificate shall be approved by the City Attorney.

§ 40.705 Information on Final Map.

The final map shall substantially conform to the tentative map approved or conditionally approved by the Council (including all approved modifications) and shall contain the following information:

- (a) The boundary line of the subdivision shall be designated by a bold border line.
- (b) All areas shown on the map which do not constitute a part of the subdivision shall be labeled "Not a part of this subdivision," or "N.A.P.O.T.S." All lines delineating such areas shall be dashed.
- (c) All survey data and information required by Section 40.1112 (Survey Data and Information to be Shown on Final Map or Parcel Map).
- (d) All lots or parcels intended for sale or reserved for private purposes and all parcels offered for dedication to the City or any other public agency for any purpose with all dimensions, boundaries and courses clearly shown and defined in every case.

Dimensions of lots shall be as total dimensions, corner to corner in addition to point to point dimensions.

- (e) All lots shall be numbered consecutively, without omissions or duplications, throughout the subdivision starting with the number "1", except units of a total development, which shall be numbered consecutively throughout the development. Only parcels offered for dedication other than for streets or easements shall be designated by letters; provided, however, in single-family subdivisions the parcels intended for other than single-family use may be designated by letters. Each numbered lot shall be shown entirely on one sheet.
- (f) The location and total width of all streets, alleys, pedestrianways, equestrian and hiking trails and biking paths; the names of streets, and the width on each side of center line of each street, the width of the portion of the street, alley, pedestrianway, equestrian and hiking trail, and biking path being dedicated, and the width of the existing dedication, if any, within the subdivision.
- (g) The location and widths of any other rights-of-way within the subdivision.
- (h) Building setback lines, if they differ from the standard requirements established by the City's Zoning Ordinance.
- (i) All necessary data including width and side lines of all public easements to which the lots of the subdivision are subject. Each easement shall be clearly labeled and identified as to nature and purpose and, if already of record, its recorded reference given. If any easement is not definitely located on record, a statement concerning the easement shall appear on the title sheet. Easements shall be denoted by fine, dashed lines.
- (j) All limitations on rights of access to and from streets and lots and other parcels of land.
- (k) The lines of any natural water course, channel, stream, creek or body of water in or adjacent to the subdivision.
- (l) The location, width and name of any street and the location and width of any alley, pedestrianway, equestrian or hiking trail, biking path, railroad right-of-way or other right-of-way adjacent to the subdivision.
- (m) Any City boundary crossing or adjoining the subdivision clearly designated and tied in.
- (n) In areas subject to 100-year flood hazard, base flood elevation or depth of flow and floodway boundary shall be indicated or a separate document shall be recorded with the final map indicating floodway boundary and base flood elevation or depth of flow.

§ 40.706 Statements, Documents and Other Data to Accompany Final Map.

The following statements, documents and other data, and as many additional copies thereof as may be required, shall be filed with the final map:

- (a) The names, addresses and telephone numbers of the record owners and subdivider and persons preparing the final map.
- (b) A guarantee of title or letter from a title company certifying that the signatures of all persons whose consent is necessary to pass a clear title to the land being subdivided and all acknowledgments thereto appear and are correctly shown on the proper certificates and are correctly shown on the final map, both as to consents for the making thereof and the affidavit of dedication.
- (c) A traverse sheet in a form approved by the Director of Public Works giving lot areas, latitudes, departures and coordinates and showing the mathematical closures.
- (d) The engineer or surveyor under whose supervision the survey has been made shall furnish the Director of Public Works field notes as required by Article XI (Surveys and Monuments).
- (e) The complete plans, profiles, cross sections, specifications and applicable permits for the construction and installation of improvements as required by Article XII (Subdivision Improvements).
- (f) A final grading plan. Submission of a final grading plan may be waived by the Director of Public Works when he determines that the submission of said plan is not required for proper grading, flood hazard mitigation and erosion control of the subdivision.
- (g) The agreement to make improvements and the security for such improvements as required by Article XII (Subdivision Improvements).
- (h) All protective covenants, conditions, restrictions or affirmative obligations in the form in which the same are to be recorded when approval thereof by an officer of the City has been required as a condition of approval of the tentative map.
- (i) Any offer of dedication by separate instrument and accompanying title report as may be provided or required as a condition of approval of the tentative map. The dedication instrument and title report shall conform to the requirements of Section 40.706 (Statements, Documents and Other Data to Accompany Final Map) and shall be processed in accordance with the provisions of Section 40.811 (Processing of Parcel Map) that relate to instruments of dedication and accompanying title reports.

Whenever an offer of dedication by separate instrument accompanies a final map, the final map shall not be accepted for filing by the Director of Public Works unless and until the real estate supervisor notifies the Director of Public Works that said offer of dedication has been approved for recordation as provided in Section 40.812.

- (j) All other data required by law or as a condition of approval of the tentative map, including plans, reports, agreements, permits, fees, security or other requirements.

§ 40.707 Filing Fee.

The final map shall be accompanied by a filing fee as established by resolution of the City Council.

§ 40.708 Survey of Final Map.

A complete and accurate survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor in accordance with the provisions of Article XI (Survey and Monuments).

§ 40.709 Filing of Final Map.

The subdivider shall cause all certificates to be executed except those to be executed by the Director of Public Works, the City Clerk and the County Recorder, and shall file with the Director of Public Works the original tracing of the final map and as many prints thereof as may be required.

§ 40.710 Action by the Director of Public Works.

Upon acceptance of the final map and accompanying documents, fees and materials for filing, the Director of Public Works or his designee shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required by the City Council, and if found to be complete, technically correct, in conformity with improvement plans and specifications, and in compliance with the requirements of these regulations, planned street lines and other applicable specific plans and ordinance, shall execute the Director of Public Works' certificate on the map and shall file the map and accompanying materials with the City Clerk. No final map shall be certified until the required improvements have been installed or agreed to be installed in accordance with Article XII (Subdivision Improvements).

Should the map or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified. If the defect is the result of a technical and inadvertent error which, in the opinion of the Director of Public Works or his designee does not materially affect the validity of the map, the Director of Public Works or his designee may waive the defect and execute his certificate of approval.

The Director of Public Works or his designee may refuse to approve the recording of a final map governing only a portion of a tentative map when, in the process of checking the final map he determines that said portion does not by itself provide adequate or satisfactory access, design or improvements and therefore does not conform to the design and improvement of the subdivision as indicated by the approved tentative map.

The Director of Public Works or his designee must act on the final map within the time period prescribed by the Subdivision Map Act.

§ 40.711 Council Action.

The Council shall act upon the final map in the manner authorized and prescribed by the Subdivision Map Act.

§ 40.712 Multiple Final Maps.

Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if:

- (a) the subdivider, at the time the tentative map application is filed, provides notice of the subdivision boundaries which will appear on said final maps and the sequence in which said final maps will be filed, in accordance with Section 40.606(s). In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps; or
- (b) after filing of the tentative map application, the subdivider and the Planning Director and the Director of Public Works concur in the filing of multiple final maps.

The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. Each final map which constitutes a part, or unit, of the approved or conditionally approved tentative map shall have a separate subdivision number. The subdivision improvement agreement executed by the subdivider shall provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.

§§ 40.713 to 40.800 Reserved.

Article VIII. Parcel Maps - Four or Fewer Parcels

§ 40.801 Applicability.

The regulations contained in this article shall apply to the subdivisions described in subdivisions (a), (b), (c) and (d) of Section 66426 of the Subdivision Map Act and all other subdivisions as to which a final map or parcel map is not otherwise required by the Subdivision Map Act; provided, however, that no parcel map need be filed for a subdivision of four or less fewer parcels resulting from a conveyance of land to a government agency, public entity or public utility when said subdivision has been approved in accordance with Section 40.814.

§ 40.802 Tentative Map Required - Improvements.

Before land may be divided by a parcel map, a tentative map shall be submitted. Except as otherwise provided in this article, the tentative map shall be processed and acted upon by the Subdivision Review Committee, Planning Commission and City Council in accordance with the provisions of Article VI (Tentative Map - Five or More Parcels) of these regulations.

In the case of a division of land of four or fewer parcels, dedications and improvements required in connection with the approval of the tentative map shall be limited to the dedication of right-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created.

§ 40.803 Filing of Parcel Map.

Within twenty-four (24) months of the date of approval or conditional approval of a tentative map, the subdivider may cause a parcel map to be prepared and recorded in accordance with the tentative map as approved and in accordance with the provisions of this article and the Subdivision Map Act.

§ 40.804 Termination of Proceeding.

Failure to record a parcel map within 24 months of the date of approval or conditional approval or conditional approval of a tentative map, or within any extended period of time granted by the City Council in accordance with Section 40.805, shall terminate all proceedings. Before a parcel map may be thereafter recorded, a new tentative map shall be filed in accordance with this article.

§ 40.805 Time Extension.

- (a) **Request by Subdivider.** Subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Planning Department. The application shall be filed not less than thirty (30) days before the map is to expire, and shall state the reasons for requesting the extension.

- (b) **Review by Subdivision Review Committee.** Within a reasonable period of time following submission of an application for an extension, the Planning Director shall schedule the application for an extension for a public hearing before the Subdivision Review Committee. The Subdivision Review Committee shall consider the extension application and make a recommendation to the Planning Commission.
- (c) **Planning Commission Hearing and Action**
- (1) **Notice:** Following consideration of the application by the Subdivision Review committee, the Planning Director shall prepare a report with the recommendation on the application for an extension, and shall set the matter for hearing before the Planning Commission at its next regularly scheduled meeting. The matter shall be noticed in the same manner as a tentative map application, as specified in Section 40.609.
- (2) **Action by the Planning Commission:** The Planning Commission shall approve, conditionally approve, or deny the application for an extension of the expiration date, and shall make findings supporting its decision.
- (d) **Time Limit of Extension.** The time at which the tentative map expires may be extended by the Planning Commission for a period not exceeding a total of three (3) years or such additional time as may be authorized by the Subdivision Map Act.
- (e) **Appeal of Extension.** The subdivider or any interested person adversely affected may appeal any action of the Planning Commission on the extension to the City Council in accordance with Section 40.610, except that any appeal shall be filed within fifteen (15) days after the action by the Planning Commission.

§ 40.806 Preparation and Form of Parcel Map.

The parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor and shall conform to the requirements of the Subdivision Map Act and to all of the following provisions:

- (a) The general form and layout of the map, including but not limited to the size and type of lettering, drafting and location of acknowledgements, shall be determined by the Director of Public Works.
- (b) The scale of the map shall be one inch equals 40 or as otherwise permitted by the Director of Public Works, but in any case the map shall show clearly all details of the subdivision.
- (c) All dimensions shall be shown in feet and hundredths of a foot. No ditto marks shall be used.

- (d) If more than 3 sheets are necessary to show the entire subdivision, an index map shall be included on one of the sheets.
- (e) The parcel map number, scale and north point shall be shown on each appropriate sheet.
- (f) A title sheet, designated as page number one of the parcel map, shall be provided; except that, where the size of the subdivision permits, in lieu of a separate title sheet, the information required to be shown thereon may be shown on the same sheet as the map of the subdivision.
- (g) The parcel map shall be so made and shall be in such condition when filed that legible prints and negatives can be made therefrom.

§ 40.807 Title Sheet of Parcel Map.

The title sheet shall contain the following information:

- (a) Title, consisting of the words "Parcel Map" and followed by the parcel map name, if any, conspicuously placed at the top of the sheet.
- (b) Below the title shall be subtitle consisting of a description of all property being subdivided by reference to such map or maps of the property shown thereon as shall have been last previously recorded or filed in the County Recorder's office, or shall have been last previously filed with the County Clerk pursuant to a final judgment in any action in partition, or shall have been previously filed in the office of the County Recorder under authority of the Subdivision Map Act or by reference to the plat of any United States survey. The description shall also include reference to any vacated area with the number of the ordinance vacating said area, followed by the words "City of Sacramento, California," followed by the month and year of recording.

References to tracts and subdivisions in the description must be worded identically with original records and references to book and page of record must be complete.

- (c) Following the description shall be the name of the engineer or surveyor preparing the map and the sheet numbering.
- (d) Affidavits, certificates, acknowledgments, endorsements, acceptances, and notarial seals required or authorized by the Subdivision Map Act and by these regulations. The Surveyor's statement, City Engineer's statement, City Clerk's statement, and Recorder's statement shall be shown on Sheet 1.
- (e) Where a field survey is required, the basis of bearings used in the survey, making reference to some recorded subdivision map or other record acceptable to the Director of Public Works.

§ 40.808 Information on Parcel Map.

The parcel map shall substantially conform to the tentative map approved or conditionally approved by the City Council (including all approved modifications) and shall contain the following information and such additional information as stated in Section 40.705 (Information on Final Map) as may be required by the Director of Public Works:

- (a) The boundary line of the subdivision shall be designated by a bold border inside the boundary line. Such border shall be of such density to appear on a blue line print of the map without obliterating any figures, lines or other data.
- (b) Where a field survey is required, all survey data and information required by Section 40.1112 (Survey Data and Information to be Shown on Final Map or Parcel Map).
- (c) All lots or parcels intended for sale or reserved for private purposes with all dimensions, boundaries and courses clearly shown and defined in each case.
- (d) Each parcel shall be identified by a number.
- (e) The location and width of streets, alleys, pedestrianways, and other easements and the portions thereof dedicated or offered for dedication to the City, including their recording references; the names of streets.
- (f) The lines of public easements to which the lots are subject shown in fine, dashed lines; the lines, bearings and dimensions of easements deeded to the City.
- (g) All limitations on rights of access to and from streets and lots and other parcels of land.

§ 40.809 Statements, Fees, Documents and Other Data to Accompany Parcel Map.

The following statements, filing fees, documents and other data, and as many additional copies thereof as may be required, shall be filed with the parcel map:

- (a) The names, addresses and telephone numbers of the record owners, subdivider and persons preparing the parcel map.
- (b) A filing fee as established by resolution of the City Council.
- (c) An irrevocable offer of dedication of property for streets, alleys, pedestrianways, equestrian or hiking trails, biking paths, drainage channels, sewers, other easements or for any public purpose or future public purpose when the dedication is not made by certificate on the parcel map. The offer shall be on a form approved by the City Attorney and the Director of Public Works for recordation in the office of the County Recorder, and shall be in such terms as to be binding

on the owner, his heirs, assigns or successors in interest, and shall continue until the City Council accepts or rejects such offer.

- (d) A guarantee of title or letter from a title company doing business in the City, approved by the Director of Public Works certifying that the signatures of all persons signing offers of dedication and the certificate required by subdivision (f) of Section 66445 of the Subdivision Map Act and signing all acknowledgments thereto appear and are correctly shown.
- (e) Where a field survey has been made, the engineer or surveyor under whose supervision the survey was made shall furnish the Director of Public Works with a traverse sheet in a form approved by the Director of Public Works giving latitudes, departures and coordinates and showing the mathematical closure.
- (f) The plans, profiles, cross sections, specifications, and applicable permits for the construction and installation of improvements as required by Article XII (Subdivision Improvements).
- (g) A final grading plan. Submission of a final grading plan may be waived by the Director of Public Works when he determines that the submission of said plan is not required for proper grading, flood hazard mitigation and erosion control of the subdivision.
- (h) The agreement to make improvements and the security for such improvements as required by Article XII (Subdivision Improvements).
- (i) All protective covenants, conditions, restrictions or affirmative obligations in the form in which the same are to be recorded when the approval thereof by an officer of the City has been made a condition of approval of the tentative map.
- (j) All other data required by law or as a condition of approval of the tentative map, including plans, reports, agreements, permits, fees, security or other requirement.

§ 40.810 Survey of Parcel Map.

Where the subdivision creates four (4) parcels or less, the parcel map may be compiled from available record data when the Director of Public Works determines that sufficient survey information exists on filed maps and when the location of any boundary of the parcel map, either by monuments or possessory lines, is certain.

All other parcel maps shall be based upon a field survey made in accordance with the provisions of Article XI (Surveys and Monuments) of these regulations.

§ 40.811 Processing of Parcel Map - Filing.

The subdivider shall cause the surveyor's statement to be executed and shall file with the Director of Public Works as many prints of the original tracing of the parcel map as may be

required. A parcel map shall not be considered as having been filed unless and until it complies with all provisions of this article and the statements, filing fees, documents and other data required to accompany the parcel map have been submitted in a form acceptable to the Director of Public Works.

Where offers of dedications of land are to be made in conjunction with the parcel map and are not made by statement on the parcel map, the subdivider shall transmit the instrument of dedication and the accompanying title report to the Director of Public Works. Said instrument shall include a plat showing the area being dedicated. In such cases, the parcel map shall not be considered as having been filed unless and until the offer of dedication has been approved for recordation as provided in Section 40.812.

§ 40.812 Separate Dedications.

Dedications may be required to be made by separate instrument. After receiving the instrument of dedication and accompanying title report, the Director of Public Works shall approve or disapprove the instrument of dedication as to its suitability for recordation. After approving an offer to dedicate, the Director of Public Works shall record the offer in the office of the County Recorder.

If said offer of dedication is subsequently rejected by the Council, the Director of Public Works shall issue a release from such offer, which shall be recorded in the office of the County Recorder.

§ 40.813 Action by the Director of Public Works.

Upon acceptance of the parcel map and accompanying documents, fees and materials for filing, the Director of Public Works shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required by the advisory agency and Council, and if found to be complete, technically correct, in conformity with the improvement plans and specifications, and in compliance with the requirements of these regulations, planned street lines, other applicable specific plans and ordinance, shall execute the Director of Public Works' certificate on the map and shall file the map with the City Clerk for submission to the City Council for approval and acceptance of dedications. No final map shall be certified until the required improvements have been installed or agreed to be installed in accordance with Article XII (Subdivision Improvements).

Should the map or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified.

§ 40.814 Waiver of Parcel Map - Conveyance to Public Body.

A parcel map need not be filed for a subdivision of four or less parcels resulting from a conveyance of land to a governmental agency or public entity if a tentative map for that subdivision has been approved by the advisory agency. No tentative map of such a subdivision

shall be approved unless the advisory agency finds and determines that the proposed division of land complies with the requirements of the regulations and the Subdivision Map Act as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply available, and environmental protection. Action by the advisory agency on a tentative map filed for approval under this section shall be final, subject only to the right of appeal to City Council as provided in Section 66452.5 of the Subdivision Map Act. Approval of the tentative map shall authorize the subdivision of land depicted in the tentative map without the filing of a parcel map.

§ 40.815 Waiver of Parcel Map.

The requirement for filing a parcel map may be waived by the Planning Commission for projects not requiring City Council approval and by the City Council for those projects requiring City Council approval. An application for waiver of the parcel map shall be filed at the time of filing of the tentative map.

The parcel map may be waived only if the Planning Commission or City Council determines that all of the following conditions are satisfied:

- (a) Findings: The parcel map may be waived only if the Planning Commission or City Council makes the following findings:
 - (1) The subdivision conforms to all requirements of this chapter, other provisions of the City Code, provisions of the Subdivision Map Act, and other applicable laws, regulations and standards, including, but not limited to, those with respect to area, improved public roads, sanitary disposal facilities, water supply availability and environmental protection.
 - (2) The subdivision conforms to the General Plan and any applicable specific or community plan;
 - (3) The parcel map is not necessary to ensure the accuracy of the description of property, location of property lines, and monumenting of property lines.

- (b) Conditions: In addition to the foregoing requirements of this section, the following conditions must be satisfied before a certificate of compliance for the property may be recorded:
 - (1) The subdivider must comply with Section 40.810 and the requirements of the Subdivision Map Act.
 - (2) Property descriptions, drawings showing bearings and distances, and closure calculations must be submitted.
 - (3) A preliminary title report or letter from a title company showing that the subdivider is the owner of the subject property must be submitted.

(4) A filing fee established by resolution by the City Council must be paid.

§§ 40.817 to 40.900 Reserved.

**Article IX. Vesting Tentative
Maps - General Provisions**

§ 40.901 Citation and Authority.

This ordinance is enacted under the authority granted by Chapter 4.5 (commencing with subsection 66498.1) of Division 2 of Title 7 of the government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the Vesting Tentative Map Ordinance.

§ 40.902 Purpose and Intent.

It is the purpose of this ordinance to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act (Government Code Subsections 66410-66499.58) and the Subdivision Ordinance. Except as otherwise set forth in the provisions of this ordinance, the provisions of the Subdivision Ordinance shall apply to the Vesting Tentative Map Ordinance.

To accomplish this purpose, the regulations outlined in this ordinance are determined to be necessary for the preservation of the public health, safety, and general welfare, and for the promotion of orderly growth and development.

§ 40.903 Consistency.

No land shall be subdivided and developed under a vesting tentative map for any purpose which is inconsistent with the Subdivision Map Act.

§ 40.904 Application.

- (a) Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Subdivision Ordinance, requires the filing of a tentative map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.
- (b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction or work preparatory to construction.

§ 40.905 Filing and Processing.

A vesting tentative map shall be filed in the same form and have the same contents as set forth in the Subdivision Ordinance for a tentative map. The vesting tentative map shall be subject to the additional minimum requirements set forth in subdivision (b) below. The subdivider shall be provided written notice at the time the proposed vesting tentative map is determined to be complete by the Planning Director. The vesting tentative map, accompanying data and reports

shall be processed in the same manner as set forth in the Subdivision Ordinance for a tentative map, except as hereinafter provided:

- (a) At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."
- (b) At the time a vesting tentative map is filed, the subdivider shall also supply the following information:
 - (1) Plans for all public works improvements to be constructed as a condition of the subdivision, prepared by a registered civil engineer in accordance with City standards and approved by the Director of Public Works.
 - (2) Plans for all site development, including, but not limited to, grading drainage facilities and miscellaneous structures, prepared by a registered civil engineer in accordance with City standards and approved by the Director of Public Works.
 - (3) Geological studies in such form as acceptable to the Director of Public Works and the Building Inspections Superintendent, which shall include detailed soils reports, seismic analysis, bank stabilization, and other factors pertinent to the particular site location.
 - (4) Specific information on the uses to which the proposed buildings will be put.
 - (5) The height, size, and location of all buildings, building setbacks, number of stories, and driveway locations.
 - (6) Architectural plans satisfactory for review by the Planning Director, including site plans, floor plans, exterior elevations and necessary structural calculations, energy calculations, and information necessary for building permit plan checks.
 - (7) Landscape plans, including planting and irrigation details and drawings and specifications as prepared by a licensed landscape architect or contractor satisfactory for review by the Planning Director.
 - (8) Traffic reports and analysis, in a form approved by the Director of Public Works.
 - (9) Acoustical report, prepared by a licensed engineer in a form acceptable to the Planning Director following the guidelines of the noise element of the general plan.
 - (10) Sewer, water, storm drainage, road and other studies required to complete the plans.

- (11) Flood control information and statements showing compliance with flood hazard regulations.
- (12) Existing and proposed overhead and underground utility improvement details.
- (13) A tree preservation plan. If there are no trees on the site, a statement to that effect should appear on the vesting tentative map. The tree preservation plan shall accurately identify all existing trees as to species, trunk size and dripline. Trees that are proposed for removal shall be marked "TO BE REMOVED." Any provisions for tree preservation, transplanting, or new planting shall be identified.
- (14) In those circumstances where a development plan review is required by ordinance, development agreement, special permit, or by a condition of previous approval, such review application and all exhibits necessary for the review shall be submitted concurrently with the application for a vesting tentative map.
- (15) In those circumstances where the project requires concurrent discretionary approval as set forth in the City of Sacramento Zoning Ordinance of the Sacramento City Code, all exhibits necessary for such application shall be submitted concurrently with the application for a vesting tentative map.
- (16) Such other exhibits that fully depict features of the development which the developer desires review for the purpose of approval concurrently with the vesting tentative map.

The Planning Director may request, and the applicant shall promptly furnish, information as may reasonably be necessary to enable the Director to evaluate the vesting effect which would follow from approval of the map.

- (c) In the case of a vesting tentative map, the application shall be filed concurrently with any plan amendments, rezoning, PUD designations, special permits, or other entitlements necessary to make the vesting tentative map comply with all applicable plans and ordinances. Vesting tentative maps may not be approved with the condition that the necessary entitlement(s) be subsequently approved.

§ 40.906 Development Rights Upon Approval.

The approval of a vesting tentative map by the City Council shall confer a vested right to apply for permits needed to proceed with development and have the City exercise its discretion to approve, disapprove, or approve such permits with conditions, on the basis of ordinances, policies, and standards in effect at the time the application was determined to be complete pursuant to Subsection 65943 of the Government Code.

- (a) This ordinance does not enlarge, diminish, or alter the power of the City Council to deny approval of the requested project or any part thereof, or to impose conditions on the approval of a project.
- (b) Nothing in this ordinance removes, diminishes, or affects the obligation of any subdivider or local agency to comply with the conditions and requirements of any state or federal laws, regulations, or policies.
- (c) In the event that Subsection 66474.2 of the Government Code is repealed, any subsequent approvals of vested maps shall confer a vested right to proceed with development in substantial compliance with ordinances, policies, and standards in effect at the time the vesting map is approved or conditionally approved, rather than at the time the application was determined to be complete.
- (d) Notwithstanding this ordinance, the City Council or agencies thereof may condition or deny a permit, extension or entitlement, including, but not limited to, final maps and building permits, if it determines any of the following:
 - (1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - (2) The condition or denial is required in order to comply with state or federal law.

§ 40.907 Administration of Vested Rights.

In administering an approved vesting tentative map, the following shall be applicable:

- (a) Approval of a vesting tentative map applies only to actions considered and approved by the City Council. If the vesting tentative map was approved with conditions, the approval is subject to those conditions. If related applications for discretionary permits were approved in conjunction with the vesting tentative map, the approvals are subject to applicable ordinances, policies, and standards granting those entitlements, including any conditions thereof.
- (b) The rights conferred by approval of a vesting tentative map shall last one (1) year from recordation of the final map.
- (c) When several final maps are recorded on various phases of a project covered by a single vesting tentative map, the initial "vesting period" shall begin for each phase on the date the final map for that phase is recorded.
- (d) Extension by Moratorium or Stay: Vesting rights shall automatically be extended by any time used by a City department for processing a complete application for a grading permit or for design or architectural review, if the time used by the City exceeds thirty (30) days from the date a complete application is filed.

- (e) Automatic Extension: Vesting rights shall automatically be extended by any time used by a City department for processing a complete application for a grading permit or for design or architectural review, if the time used by the City exceeds thirty (30) days from the date a complete application is filed.

§ 40.908 Termination of Vested Rights.

Vested rights that have been conferred shall end on the occurrence of the following, whichever comes first:

- (a) A final map is not recorded within one (1) year of approval of the vesting tentative map.
- (b) If a final map is recorded, the vesting rights shall end one (1) year after the date of final map recordation.
- (c) The expiration of a building permit, including extension, issued pursuant to a vesting tentative map, and issued during the time vesting rights are valid.

§§ 40.909 to 40.1000 Reserved.

Article X. Subdivision Design Standards

§ 40.1001 General Design Standards - General.

The size, design, character, grade, location and orientation and configuration of lots within a proposed subdivision and improvements required in connection therewith shall be consistent with the density and uses authorized for the area by the general plan, the applicable specific plan, the zoning ordinance, and other land use regulations.

The density, timing or sequence of development may be restricted by considerations of safety, traffic access or circulation, the slope of the natural terrain, the physical suitability of the site (including soil conditions), the nature or extent of existing development, the availability of public utilities, environmental habitat or wildlife preservation or protection, or other provisions of this chapter.

All subdivisions shall result in lots which can be used or built upon. No subdivision shall create lots which are impractical for improvement or use due to steepness of terrain, location of water courses, size, shape, inadequate frontage or access or building area or other physical condition.

§ 40.1002 General Access Requirements.

Each local street providing access to lots within a subdivision shall connect directly or through one or more minor streets to a collector street or major street.

Each route of access to collector streets or major streets and its point of connection therewith shall be adequate to safely accommodate the composition and volume of vehicular traffic generated by the land uses which it serves.

In determining the adequacy of a route of access, the deployment of fire equipment or other services under emergency conditions shall be considered.

A tentative map which makes use of a local street which passes through a predominately residential neighborhood as a route of access to industrial, commercial or other subdivisions generating traffic which would conflict with the residential character of the neighborhood may be denied.

The terms "local street", "collector street", and "major street" shall have the meanings specified in the General Plan of the City of Sacramento.

§ 40.1003 Existing Streets and Unsubdivided Land.

Streets shall be laid out to conform to the alignment of existing streets in adjoining subdivisions and to the logical continuation of existing streets where the adjoining land is not subdivided.

The realignment of streets in contemplation of the development or use of adjoining property and the provision of streets or dead-end street extensions to facilitate the subdivision of adjoining property may be required.

Permanently dead-ended streets (except cul-de-sacs as defined in these regulations) are prohibited. When a street is temporarily dead-ended a barricade or temporary turning area or temporary connection to another street may be required. Permanent turnarounds may be required at the end of dead-end streets where the future extension of the street is remote.

§ 40.1004 Provisions for Resubdivision.

Where property is subdivided into lots substantially larger than the minimum size required by these regulations or by the zoning districts in which the subdivision is located, whichever is most restrictive, streets and lots shall be required to be laid out so as to permit future resubdivision in accordance with the provisions of these regulations.

§ 40.1005 Waiver of Access Rights.

A frontage road, or through or side-on lots, or other types of limited access layout may be required where a subdivision adjoins or contains an existing or proposed freeway or major street. To accomplish the purpose of this section, waivers of vehicular and pedestrian access rights to the freeway or major street may be required.

Waivers of vehicular and pedestrian access rights may also be required to prevent a local or collector street which passes through a predominantly residential neighborhood from being used as a route of access to industrial, commercial or other subdivision generating traffic which would conflict with the residential character of the neighborhood.

§ 40.1006 Intersections.

All streets shall intersect or intercept each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it intersects or intercepts.

Street alignment shall provide for streets entering opposite each other to have their center lines directly opposite. Where this is not possible, street jogs shall have a minimum center line offset of 120 feet. No jogs shall interrupt the continuity of a major or collector street.

§ 40.1007 Local Streets.

Local streets shall be laid out so that their use by through traffic shall be discouraged. Maps of proposed subdivisions containing excessively long, straight residential streets, conducive to high-speed traffic, shall be denied. Curvilinear streets shall be encouraged. Maps of proposed subdivisions containing excessively long, straight residential streets, conducive to high-speed traffic, shall be denied.

§ 40.1008 Cul-de-Sac Streets.

A cul-de-sac street created by the proposed subdivision shall not exceed 500 feet in length. A proposed cul-de-sac may be reduced in length or may be eliminated in order to provide for the efficient circulation of traffic, the future development of the neighborhood street system or the deployment of emergency services.

§ 40.1009 Right-of-Way Widths and Improvement Design.

All street and alley rights-of-way and the location of improvements therein shall be designed to conform to adopted street standards, except where a modification is expressly permitted by Article XIII (Subdivision Modifications), or where a special cross-section is required to conform to an adopted planned street line or an applicable specific plan. For any street for which the Sacramento Bikeway's Master Plan indicates that an on-street bikeway shall be provided, and the width of such street was established prior to the adoption of said Bikeway's Master Plan, such width shall be increased by 10 feet in order to provide the bikeways in accordance with the Bikeway Master Plan and to retain the design applicable to the previously adopted width of the street.

§ 40.1010 Grades.

Grades of all streets shall be consistent with adequate surface drainage requirements and the approved grading plan of the proposed subdivision.

§ 40.1011 Curve Radii.

All curves shall have sufficient length to avoid the appearance of an angle point. Reverse curves shall be connected by tangents of length approved by the Director of Public Works or designated representative. The center line radii of curves shall be as large as possible, but not less than the following:

<u>Designations</u>	<u>Radius, ft</u>	<u>Designations</u>	<u>Radius, ft</u>
1. Minor Local	200	5. Collector	600
2. Local	250	6. Major	1,000
3. Industrial	300	7. Divided Major (4-lane)	1,000
4. Minor Collector	400	8. Divided Major (6-lane)	1,500

§ 40.1012 Street Names.

Proposed street names shall be reviewed and approved by the Director of Public Works.

§ 40.1013 Alleys.

Alleys shall not be permitted in a single-family development except where a subdivision modification is approved.

§ 40.1014 Pedestrianways.

Improved pedestrianways not less than 10 feet in width may be required where needed for traffic safety or for access to schools, playgrounds, shopping facilities, other community facilities or scenic easements.

§ 40.1015 Equestrian, Hiking and Biking Trails and Paths.

Equestrian, hiking trails and biking paths shall be provided in locations established by the general or specific plans. Adequate access points for the public, maintenance and emergency vehicles and parking facilities shall be provided as necessary.

§ 40.1016 Utility Easements Other Than Inside Front Property Line.

Utility easements shall be 5 feet in width across the rear of all lots in double tiers where required to locate utilities. In the case of single tier lots, the easement shall be 10 feet in width. Where easements are required on side lot lines, they shall be 5 feet in width on each side of the lot line. When water mains are required to reach fire hydrants, the easements shall be 3 feet in width. Anchor easements shall be 5 feet in width and 20 feet in length. A utility easement of 7½ feet in width adjacent to and along the exterior boundaries of a subdivision may be required in place of or in addition to those easements of the type and width hereinabove described in this section.

§ 40.1017 Utility Easements Inside Front Property Line.

Easements inside the front property line shall be provided and shall be a minimum of twelve and one-half (12½) feet in width for utilities, electroliers, street trees and similar such uses.

§ 40.1018 Other Easements.

Easements for storm drains or flood control channels, slope rights and other public uses shall be provided at such locations and to such widths as determined necessary by the City Council upon the recommendation of the advisory agency. In making its recommendation the advisory agency shall be guided by the recommendation of the Director of Public Works or designated representative.

Open space, public access, riverfront recreational and scenic easements shall be provided at such locations and to such widths as are necessary to accomplish the objectives, policies and programs of the General Plan and in accordance with the purposes and policies of these regulations, any other applicable specific plan of the city, and the requirements of the Subdivision Map Act.

§ 40.1019 Easements for Centralized Mail Services.

Where determined by the Planning Commission to be necessary to promote the public health, safety or welfare, easements for centralized postal service facilities shall be provided in residential subdivisions.

§ 40.1020 Block Size.

Blocks shall be designed to allow for adequate building sites for the type of use proposed; to allow for convenient pedestrian and vehicular circulation, access, traffic control and safety; and with regard to limitations created by topography.

The width of the blocks shall ordinarily be sufficient to allow for 2 tiers of lots. Block lengths shall not exceed 1500 feet, except in planned developments and similar projects where longer blocks have been approved by the Commission in connection with overall design approval of the project or in other subdivisions where unusual topographic or other conditions exist.

§ 40.1021 Block Corners.

At intersections, all block corners shall have minimum 20-foot radius curves at property lines. Greater radii or cut-offs may be required where necessary for traffic safety.

§ 40.1022 Lots - Width and Area for Single and Two-Family Uses.

The minimum width and area of all lots proposed for single-family and two-family residential uses (other than those within a planned development or as otherwise allowable under the City Zoning Ordinance) shall conform to the following restrictions:

- (a) Interior lots shall have a minimum width of 52 feet at the front building setback line.
- (b) Corner lots shall have a minimum width of 62 feet at the front building setback lines.
- (c) Lot depth shall not exceed 160 feet and shall not be less than 100 feet in depth.
- (d) Interior lots shall have an area of not less than 5,200 square feet.
- (e) Corner lots shall have an area of not less than 6,200 feet.
- (f) Side lot lines shall be normally at right angles or radial to street lines.
- (g) Corner lots subdivided for halfplex development shall have a combined area of 6,200 square feet, a minimum width of 62 feet at the front building set-back line, and a minimum depth of 100 feet.

§ 40.1023 Lots - Width and Area in "A" and "A-OS" Zones.

Lots in the "A" Agricultural Zone shall not be less than 5 acres in size and lots in "A-OS" Agricultural Open Space Zone shall not be less than 20 acres in size.

§ 40.1024 Lots - Width and Area in Other Zones.

Except as otherwise provided in Sections 40.1022 and 40.1023, the area, depth and width of properties proposed in all other zones (existing or proposed in connection with the subdivision) shall be reasonably adequate to provide for the off-street service and parking facilities required by the type of zone and development proposed. In no event shall the lot area be less than 5,200 square feet for an interior lot of 6,200 square feet for a corner lot; provided, however, lots

within a planned development may be of lesser size but shall otherwise comply with the density standards for the zoning regulations which will be applicable to the subdivision.

§40.1025 Lot Size Compatible With Nearby Lots.

When determined necessary to promote the general welfare, and assure the orderly development of a community, residential lots within a proposed subdivision may be required to be increased in size so as to more closely conform to the size of existing nearby lots fronting on the same street.

§ 40.1026 Flag Lots.

Flag lots for any proposed usage may be approved if the following findings are made:

- (a) Either the flag lot is required by topographic conditions, or there is no alternative design for the development of the interior portions of excessively deep parcels; and
- (b) The flag lot will not be detrimental to public health, safety or welfare.

§ 40.1027 Lots - Access to Two Parallel Streets Prohibited.

Lots proposed for single-family and two-family uses shall not have access to two parallel streets.

§ 40.1028 Lots Adjoining City Limits.

No lot shall be divided by a city or county boundary line.

§ 40.1029 Property Remnants.

Remnants of property which do not conform to lot requirements or are not required for a public or private utility or other public use or approved access purpose shall not be created by or left in a subdivision.

§ 40.1030 Lot Drainage.

All lots shall be graded to provide adequate, positive drainage. Provision shall be made for proper erosion control, including the prevention of sedimentation or damage to off-site property.

§ 40.1031 Open Space Ownership and Maintenance.

All areas within a subdivision designated or planned as open space or for use for park or recreation purposes shall be either:

- (a) Designated as a separate parcel or parcels and dedicated to the City for park and recreation purposes.

- (b) Designated as a separate parcel or parcels and maintained as common open space within an approved planned development, condominium or community apartment project.
- (c) Contained within the various lots of the subdivision and maintained by the owners of such lots.

§ 40.1032 Storm Drain Facilities.

Storm drains shall be designed in conformance with general drainage standards adopted by the Director of Utilities or designated representative.

§ 40.1033 Private Streets in Planned Developments, Condominiums, or Community Apartment Projects.

Where access to lots or structures within a planned development, condominium or community apartment project is to be provided by a system of private streets, the width, design and configuration of said street system shall be adequate to permit the safe deployment of fire equipment or other services under emergency conditions.

§ 40.1034 Protection of Natural Resources.

The configuration/of lots and the design of improvements required by this article shall to the extent reasonable under the circumstance preserve indigenous natural resources such as, but not limited to, native trees, shrubs, wildlife and their habitat.

§ 40.1035 Flood Plain Management.

The design of all subdivisions shall provide adequate drainage to reduce exposure to flood damage and shall in all respects conform to the requirements of Chapter 9, Article XXVI, Floodplain Management Regulations and the National Flood Insurance Program Regulations set forth in Subchapter B of Title 44 of the Code of Federal Regulations Parts 59 and 60.

All final subdivision improvement plans will provide the elevation of the proposed building site. If the site is filled above the base flood, the final pad elevation shall be certified by a qualified registered professional engineer or surveyor and provided to the local administrator.

All subdivision proposals shall be consistent with the need to minimize flood damage.

All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

§§ 40.1036 to 40.1100 Reserved.

Article XI. Surveys and Monuments

§ 40.1101 Survey and Procedure and Practice.

The procedure and practice of all survey work done on any subdivision, whether for preparation of a final map or parcel map, shall conform to the standard practices and principles of land surveying, the Land Surveyor's Act of the State of California, and the provisions of this article.

§ 40.1102 Traverse.

The traverse of the exterior boundaries of the tract computed from field measurements of the ground must close within a limit of error of one foot to 20,000 feet of perimeter before balancing survey.

§ 40.1103 Survey Data.

When required by the Director of Public Works, the engineer or surveyor making the survey shall show references, ties, locations, elevations and other necessary data relating to monuments set in accordance with the requirements of these regulations.

If exterior boundary monuments are to be set after recordation of the final map or parcel map, as provided by Section 40.1106 (Boundary Monuments), the Director of Public Works shall require, prior to accepting such map for filing, the reference of said monuments to a sufficient number of adjacent reference points to accurately set each boundary monument after recordation of said map, the setting of only a portion of the boundary monuments, or the submission of complete field notes as evidence of a thorough survey.

§ 40.1104 Grid monuments.

Wherever the Director of Public Works has established a system of coordinates which is within a reasonable distance of the subdivision boundary, as determined by the Director of Public Works, the field survey shall be tied into such system.

§ 40.1105 Monuments.

In making the survey of the subdivision, the engineer or surveyor shall set sufficient permanent monuments so that the survey, or any part thereof, may be readily retraced.

At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. At least one (1) exterior boundary line shall be monumented prior to recording the final map. Other monuments shall be set as required by the Director of Public Works.

§ 40.1106 Boundary Monuments.

Monuments shall be set on the exterior boundary of the subdivision at all corners, angle points,

beginnings and ends of curves and at intermediate points approximately 1,000 feet apart. The locations of inaccessible points may be established by ties and shall be so noted on the final map or parcel map.

All exterior boundary monuments shall be set prior to recordation of the final map or parcel map unless extensive grading operations or improvement work makes it impractical to set such monuments. In the event any or all of the boundary monuments are to be set after recordation of the final map or parcel map, prior to the submission of such map to the Director of Public Works for filing, the engineer or surveyor making the survey shall, in addition to furnishing field notes showing the boundary survey as required by Section 40.1103 (Field Notes), furnish evidence acceptable to the Director of Public Works to substantiate his reasons for deferring the setting of such monuments until after recordation of such map.

§ 40.1107 Interior Monuments.

Interior monuments shall be set along street and alley center lines at the beginnings and ends of curves, at points of intersection with lines of other existing and proposed streets and alleys, and at the points of intersection with the exterior boundary lines. Interior monuments may be set after the final map or parcel map is recorded. Interior monuments shall consist of Parker-Kalon Nails as described in Section 40.1109 (Monument Type and Positioning), except where Concrete Survey monuments are required by the Director of Public Works.

§ 40.1108 Deferred Monuments.

In the event any or all of the required monuments are to be set after recordation of the final map or parcel map, the engineer's or surveyor's certificate shall specify the date, established by the Director of Public Works, by which the monuments will be set, and the field notes thereon furnished, and the subdivider shall, prior to the submission of such map to the Director of Public Works for filing, furnish to the Director of Public Works a cash deposit in an amount established by resolution of the City Council for each boundary and interior monument to be deferred. After deferred monuments have been set, written notice shall be given to the Director of Public Works as per Section 66497 of the Subdivision Map Act, and the cash deposit, if any, shall be returned to the subdivider. In the event the deferred monuments are not set within the period of time specified on the engineer's or surveyor's certificate, or within any approved extended period of time, and provided that all improvement work has been completed, the Director of Public Works shall, by written notice, forthwith direct the engineer or surveyor of record to, within sixty (60) days of the date of such directive, set such monuments and furnish such field notes as were agreed to be set and furnished on said certificate. If the engineer or surveyor fails to comply with said directive within the specified time, and if no request for an extension of time has been submitted in writing and granted within such time, the Director of Public Works shall, without further notice, submit a written complaint and request for disciplinary action against said engineer or surveyor to the State Board of Registration for Civil and Professional Engineers.

§ 40.1109 Monument Type and Positioning.

Boundary monuments shall consist of one inch (1") diameter iron pipes, 18" long. Temporary interior monuments for construction purposes shall consist of 2" x 2" x 8" long wood hubs with

cup tacks. Permanent interior monuments shall consist of 1/4" diameter Parker-Kalon nails, 1-1/2" long. All monuments shall be set securely to ground level. Concrete survey monuments shall be in accordance with the most recent design procedure manual of the City of Sacramento.

§ 40.1110 Monument Identification Marks.

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

§ 40.1111 Replacement of Destroyed Monuments.

Any boundary monument set as required herein which is disturbed or destroyed before acceptance of all improvements by the City, and any interior monument which is disturbed or destroyed before being located and referenced by the City of Sacramento at the time of construction, shall be replaced by the subdivider's engineer or surveyor.

**§ 40.1112 Survey Data and Information to be Shown
on Final Map or Parcel Map.**

The following survey data and information shall be shown on each final map or parcel map for which a field survey was made pursuant to the provisions of these regulations:

- (a) The basis of bearing used in the field survey, making reference to a recorded subdivision map or other record acceptable to the Director of Public Works.
- (b) Stakes, monuments (together with their precise position) or other evidence found on the ground to determine the boundaries of the subdivision.
- (c) Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers and page of record or by section, township and range or other proper designation.
- (d) All information and data necessary to locate and retrace any point or line without unreasonable difficulty.
- (e) The location and description of any required monuments to be set after recordation of the final map, and the statement that they are "to be set."
- (f) Bearing and length of each lot line, block line and boundary line and each required bearing and distance.
- (g) Length, radius and bearings of terminal radii of each curve and the bearing of each radial line to each lot corner on each curve.
- (h) The center lines of any street or alley in or adjoining the subdivisions, profiles, estimated costs and specifications.

The form, layout, scale and other particulars of the plans, and number of copies to be provided, shall be in accordance with the requirements of the Director of Public Works.

§§ 40.1113 to 40.1200 Reserved.

Article XII. Subdivision Improvements

§ 40.1201 Improvements Required.

The subdivider shall construct or install all improvements in streets, alleys, pedestrianways, biking paths, channels, easements and other rights-of-way as are necessary for the general use of residents of the subdivision and to meet local traffic and drainage needs in accordance with the provisions of this article.

§ 40.1202 Improvement Plans and Permits Required.

Improvement plans shall be completed by the subdivider, and accepted by the Director of Public Works, prior to the acceptance of the final map or parcel map for filing by the Director of Public Works.

Plans shall conform to improvement standards adopted by the City Council pursuant to subdivision (f) of Section 66462 of the Subdivision Map Act. The final map shall not be deemed to be submitted for approval until the preparation of said plans is completed and said plans have been accepted by the Director of Public Works.

§ 40.1203 Preparation and Form of Improvement Plans.

Improvement plans shall be prepared by or under the direction of a registered civil engineer and shall show full details of all improvements required to be installed by the provisions of these regulations, and of all other improvements proposed to be installed by the subdivider within any street, alley, pedestrianway, easement or other public area or right-of-way. Full details shall include cross sections, profiles, estimated costs and specifications.

The form, layout, scale and other particulars of the plans, and number of copies to be provided, shall be in accordance with the requirements of the Director of Public Works.

§ 40.1204 Commencement of Improvement Work.

Prior to the commencement of grading, construction, or installation of any improvements within any street, alley, pedestrianway, easement or other public area or right-of-way, improvement plans shall have been accepted by the Director of Public Works and other affected departments or divisions.

§ 40.1205 Construction and Installation Standards.

Improvements shall be constructed and installed in accordance with the accepted plans and in accordance with the applicable standards, specifications and permit procedures established by these regulations, the City Code, or resolutions of the City Council.

Improvements shall be constructed and installed to permanent line and grade satisfactory to the Director of Public Works.

§ 40.1206 Utility Line Installation Standards.

In all portions of a subdivision, utility lines, including but not limited to electrical, natural gas, telephone, cable television and street lighting service lines, shall be placed underground; provided, however, that incidental, appurtenant equipment such as transformers, terminal boxes and meter cabinets may be placed above ground when, in the opinion of the Director of Public Works, it is impractical under the circumstance of a given case to place same underground.

§ 40.1207 Temporary Improvements.

In addition to permanent improvements, temporary improvements may be required to be made prior to or concurrent with permanent improvements.

§ 40.1208 Inspection of Improvement Work.

All improvements shall be constructed under the inspection of the Director of Public Works, and the subdivider shall cause all such improvement work to be inspected at such times as are established and required by the Director. Subdivider shall pay City a fee to defray City's costs in making such inspection, the rate of which shall be determined by resolution of the Council.

§ 40.1209 Coordination of Improvement Work.

All work and improvements contemplated by and performed pursuant to these regulations shall be accomplished so as to minimize interference with and coordinate with other construction activities or developments of or on behalf of the City and nearby private development.

**§ 40.1210 Improvements Waived - Clarifying Records
or Reversion to Acreage.**

If it is determined by the Director of Public works that the subdivision has been submitted only for the purpose of clarifying records by consolidating existing lots and metes and bounds parcels, or for the purpose of absorbing vacated streets or alleys by reversion to acreage, or both, the City Council may, upon recommendation of the Director of Public Works, waive all or a portion of the improvements which otherwise would be required.

§ 40.1211 Improvement Requirements.

The improvements required by this article as conditions of approval of the final map or parcel map may include, but are not limited to, the following:

- (a) Grade and fill to a grade acceptable to the Public Works Director and construct all necessary grade crossings, culverts, bridges and other related works.
- (b) Construct and install all drains, drainage facilities, channel improvements and other drainage works required to provide adequate drainage for the subdivision and to protect all lots and adjacent land from flood or overflow by storm or flood waters in accordance with the accepted plans for drains and drainage works.

- (c) Construct and install concrete curbs, gutters and sidewalks on both sides of every street and on the proximate side of each existing or dedicated street bordering the subdivision. If a street is an extension of a turnaround or temporary turnaround, the bulbed portion shall be removed and required improvements be installed.
- (d) Install or provide for the installation of water mains, sanitary sewer, storm drains, necessary appurtenances and all laterals required to serve each lot.
- (e) Relocate or provide for the relocation of any underground or overhead utility, including irrigation lines and traffic signal lines, the relocation of which is necessitated by development of the subdivision.
- (f) All underground utilities, sanitary sewers, storm drains and other facilities installed in streets or alleys shall be constructed prior to the paving of such street or alley. Service connections for all underground utilities and sanitary sewers shall be laid at such lengths to avoid disturbing the street or alley improvements when service connections thereto are made.
- (g) Install asphalt concrete pavement, base material and seal coat in all existing or dedicated streets or portions thereof.
- (h) Install concrete sidewalks; concrete pavement in all existing or dedicated alleys, pedestrianways and bikeways; provided, however, pedestrianways and bikeways may be improved with asphaltic concrete pavement with the consent of the Director of Public Works.
- (i) Provide for the planting of residential street trees of the species, condition, size, and in the location prescribed by the Director of Parks and Community Services at an appropriate future date by payment of a fee to the City in the sums established by resolution of the City Council for each interior residential lot and for each corner residential lot within the subdivision. Trees shall be planted by City forces, or at the discretion of the Director of Parks and Community Services, by private contractors. The Director of Parks and Community Services shall give consideration to the provision of solar access, to the extent feasible, to residential dwellings at the time of selecting and planting of street trees.
- (j) Install or provide for the installation of street lighting facilities of approved design and illumination in the locations and manner approved by the Director of Public Works.
- (k) Based on the estimate of the traffic engineer of the costs, provide a deposit for the purpose of paying the City its actual costs incurred for installing warning devices and traffic signal equipment where required by traffic conditions related to the subdivision. Based on fees set from time to time by resolution of the City Council, provide a deposit for payment of the City for installation of initial signs required for the subdivision by normal City signing practices.

- (l) Construct and install street barricades in accordance with standard specifications, guardrails, retaining walls, and safety devices where required as a condition of approval of the tentative map.
- (m) Construct such acceleration and deceleration lanes and traffic channelization devices in streets as are deemed necessary by the Director of Public Works and are required as a condition of the approval of the tentative map.
- (n) Construct a six-foot woven wire fence or masonry wall along subdivision boundary line, where such boundary line is adjacent to or across a public street, alley or pedestrianway from an open and unfenced canal, storm channel, railroad, quarry, airport or other facility deemed possibly hazardous in the sole discretion of the Director of Public Works.
- (o) Construct a sound reduction barrier where required by the General Plan, applicable specific plans, or mitigation measures incorporated into the project during the CEQA process. The barrier shall be designed in accordance with standard specifications.
- (p) Improve biking paths with adequate fencing designed in accordance with standard specifications.
- (q) Construct improvements required and included as mitigation measures pursuant to CEQA.

§ 40.1212 Oversizing Improvements; Reimbursement.

As a condition of approval of a tentative map, it may be required that improvements installed by the subdivider for the benefit of the subdivision be of a supplemental size, capacity or number for the benefit of property not within the subdivision, and that said improvement be dedicated to the public. If such a condition is imposed, provision for reimbursement to the subdivider in the manner provided by Section 66486 of the Subdivision Map Act shall be contained in the subdivision improvement agreement.

§ 40.1213 Improvement Agreement.

If the required improvements are not satisfactorily completed before a final map or parcel map is filed with the Director of Public Works, the subdivider shall enter into an agreement with the City to make all improvements as may be required upon approval of such map. The requirements of such improvement agreement shall not be waived under any circumstances.

The purpose of the improvement agreement includes, among other considerations, eliminating and avoiding the harmful effects of premature subdivision which leaves property undeveloped and unproductive. Therefore, commencement of construction of the improvements under the agreement shall not be a condition precedent to the enforcement and requirement of specific performance under said agreement.

The benefit of the subdivision improvement agreement inures solely to the City of Sacramento and shall not be construed to benefit any third parties not signatory to said agreement, including, but not limited to the following: lot purchasers; subcontractors; laborers; and suppliers.

§ 40.1214 Form, Filing and Term of Improvement Agreement:

The improvement agreement shall be in writing, shall be approved as to form by the City Attorney, and shall be secured and conditioned as provided in this article. An acknowledged abstract of said agreement shall be recorded simultaneously with the final map or the parcel map.

The improvement agreement, and acknowledged abstract thereof, shall be complete, subject to Council approval, and on file with the Director of Public Works before the final map or parcel map is accepted for filing. The term of each improvement agreement filed pursuant to the provisions of this section shall begin on the date of filing and end upon the date of completion or fulfillment of all terms and conditions contained therein to the satisfaction of the Director of Public Works.

§ 40.1215 Minimum Agreement Provisions.

Said agreement shall include the following provisions as minimum terms and conditions of the agreement:

- (a) Mutually agreeable terms to complete all required improvements at the subdivider's expense.
- (b) A provision that the subdivider shall comply with all requirements of these regulations, of the City Code, and of other applicable laws, and with all terms and conditions of required improvement permits.
- (c) A statement indicating a period of time, satisfactory to the Director of Public Works, within which the subdivider shall complete all improvement work.
- (d) A provision that if the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the City may, at its option, complete the required improvement work and the subdivider and his surety shall be firmly bound under a continuing obligation for payment of the full cost and expense incurred or expended by the City in completing such work.
- (e) Provision for the repair and replacement of defective material and workmanship of said improvements by the subdivider for a period of twelve (12) months after the improvements have been accepted by the Director of Public works.
- (f) Provision for the inspection of all improvements of the subdivision by the Director of Public Works for a period of twelve (12) months after said improvement acceptance date.

- (g) A provision guaranteeing payment to the City for all engineering and inspection costs and fees and all other incidental expenses incurred by the City.
- (h) A description of all lands within the exterior boundaries of the subdivision.

§ 40.1216 Additional Agreement Provisions.

The improvement agreement may also include the following provisions and such other additional terms and conditions as may be required upon approval of the tentative map or as are determined necessary by the Director of Public Works to carry out the intent and purposes of these regulations:

- (a) Provision for the repair, at the subdivider's expense, of any damage to public streets which may reasonably be expected to result from hauling operations necessary for subdivision improvements required by these regulations, including the importing or exporting of earth for grading purposes.
- (b) Mutually agreeable terms to acquire public easements which are outside the boundaries of the subdivision at the subdivider's expense.
- (c) Mutually agreeable terms to improve, at some undetermined future date, easements offered and reserved for future public use at the subdivider's expense; and providing that such improvements shall be secured by separate cash bond in the manner prescribed by Sections 40.1217 and 40.1218; and further providing that only the requirements of this provision shall not delay the release of any other improvement security provided pursuant to the aforementioned sections.
- (d) Provision for reimbursement to be paid the subdivider under the provisions of Section 66486 of the Subdivision Map Act.
- (e) Provision for the setting of required monuments after the recordation of the final map or parcel map.
- (f) Provision for the method of payment of any fees imposed by this article.
- (g) Provision for guarantee and warranty of the work, for a period of one year following completion and acceptance thereof, against any defective work or labor done or defective materials furnished, in the performance of the agreement with the City or the performance of the act.

§ 40.1217 Improvement Security Required.

- (a) **General:** Except as provided otherwise in subsection (b), a subdivider shall secure the improvement agreement entered into pursuant to Section 40.1216 in the following amounts:

- (1) **Performance Security:** An amount determined by the City Council to be one hundred percent (100%) of the total estimated cost of the construction or installation of the improvements or of the acts to be performed, securing the faithful performance and completion of the improvements or acts to be performed; and
 - (2) **Payment Security:** An amount determined by the City Council to be not less than fifty percent (50%) nor more than one hundred percent (100%) of the total estimated cost of the improvement or required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of the improvements or the performance of the required acts; and
 - (3) **Warranty Security:** An amount determined by the City Council to be necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials or equipment furnished.
- (b) **Non-profit California Corporations:** Pursuant to Section 66499.3 of the Subdivision Map Act, entities that are California non-profit corporations, funded by the United States of America or one of its agencies, or funded by the State of California or one of its agencies, are exempt from the requirements of subsections (1) and (2) of subsection (a) above, provided they meet and fulfill the alternative security requirements specified in Section 66499.3(c) of the Subdivision Map Act.

§ 40.1218 Form, Filing and Term of Improvement Security.

The improvement security shall be conditioned upon the faithful performance of the improvement agreement and shall be in one of the forms provided in Section 66499 of the Subdivision Map Act.

A surety bond to secure the faithful performance of the agreement shall substantially conform to the form set forth in Section 66499.1 of the Subdivision Map Act. A surety bond to secure payment to the contractor, subcontractor, and persons furnishing labor, materials or equipment shall substantially conform to the form set forth in Section 66499.2 of said Act.

Improvement security shall be filed with the Director of Public Works, together with the improvement agreement, before the Director of Public Works accepts the final map or parcel map for filing. The form of the improvement security shall be subject to the approval of the City Attorney.

§ 40.1219 Liability for Alterations or Changes.

The liability upon the security given for the faithful performance of the agreement shall include the performance of any changes or alterations in the work; provided that all such changes or alterations do not exceed ten percent (10%) of the original estimated cost of the improvement.

**§ 40.1220 Release of Improvement Security - Assessment
District Proceedings.**

If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and payment bond required by the special assessment act being used, the improvement security of the subdivider may be reduced by the Director of Public Works by the amount corresponding to the amount of such bonds furnished by the contractor.

§ 40.1221 Release of Improvement Security.

- (a) **Performance Security.** The performance security shall be released only upon completion or fulfillment of all terms and conditions of the improvement agreement and acceptance by the Director of Public Works. Such acceptance shall occur when the certificate of completion is signed by the Director of Public Works. If a warranty security is not submitted, performance security shall be released twelve (12) months after acceptance of improvements and correction of all warranty deficiencies.
- (b) **Payment Security.** Security given to secure payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment may, six (6) months after the completion and acceptance of the improvements by the Director of Public Works, be reduced to an amount equal to the amount of all claims therefor filed and of which notice has been given to the City. The balance of the security shall be released upon the settlement of all claims and obligations for which the security was given.
- (c) **Warranty Security.** The warranty security shall be released upon satisfactory completion of the warranty period, provided that all warranty deficiencies have been corrected.

Pursuant to Government Code Sections 66499.7 and 66499.9, the release of improvement security as set forth above shall not apply to any costs, reasonable expenses or fees, including reasonable attorneys' fees.

§§ 40.1222 to 40.1300 Reserved.

Article XIII. Subdivision Modifications

§ 40.1301 Modification Authority.

The Planning Commission or City Council may, in accordance with the provisions of this article, grant, conditionally grant, or deny requests by a subdivider for modifications to the requirements or standards imposed by these regulations; provided, however, that no modifications may be made to any requirement imposed by the Subdivision Map Act; and further provided, that nothing herein shall be construed as altering or conflicting with the powers and duties of the Planning Director or Planning Commission to authorize variances from the regulations and requirements of the Zoning Ordinance. Modifications may be recommended to the Planning Commission or City Council by the Subdivision Review Committee. A minor change in the design of a subdivision which is not violative of the requirements or standards imposed by these regulations shall not be deemed to be a "modification" as the term is used herein.

Where a modification is sought from the requirements or standards imposed by these regulations, and the same requirement is imposed by the City's Zoning Ordinance, a separate variance under the Zoning Ordinance shall not be required.

§ 40.1302 Required Findings and Conditions.

Before granting any modification, the Planning Commission or City Council shall make all the following findings:

- (a) That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations.
- (b) That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification.
- (c) That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity.
- (d) That granting the modification is in accord with the intent and purposes of these regulations and is consistent with the General Plan and with all other applicable specific plans of the City.

In granting a modification, the Planning Commission or City Council may impose such conditions as are necessary to protect the public health, safety or welfare, and assure compliance with the General Plan, with all applicable specific plans, and with the intent and purposes of these regulations.

§ 40.1303 Modification Filing Time.

Modification requests shall either be filed with the tentative map or shall be filed during the period of time between approval of the tentative map and recordation of the final map or parcel map.

For the purposes of this article, modifications filed prior to the approval of the tentative map shall be referred to as "subdivision modifications," and modifications filed after approval of the tentative map shall be referred to as "post-subdivision modifications."

Action by the Planning Commission or City Council on any post-subdivision modification shall not extend the time for filing the final map or parcel map with the Director of Public Works.

§ 40.1304 Filing Applications: Form and Content.

Applications for any modifications shall be filed, in writing, by the subdivider in the City Planning Department upon a form and in the number of copies required for that purpose.

Each application shall state fully the nature and extent of the modification required, the specific reasons therefore, and the facts relied upon. The application shall clearly show that the modification is necessary and is consistent with each of the findings required by Section 40.609 or 40.611. A fee shall be established by resolution of the City Council and shall accompany each application for a modification.

§ 40.1305 Referrals.

The Planning Director shall transmit copies of the modification application for review and comment to members of the Subdivision Review Committee and to such other public or private agencies or departments affected by the proposed modification as the Director deems appropriate.

§ 40.1306 Consideration and Approval of Modifications.

- (a) **Subdivision Review Committee Consideration.** Any modification shall be considered by the Subdivision Review Committee, which shall make a recommendation on the requested modification. A subdivision modification shall be noticed in the same manner as the tentative map application, and shall be considered by the Subdivision Review Committee at the same meeting as it considers the tentative map application. A post subdivision modification shall be noticed in the same manner as a tentative map over which the Planning Commission has final authority.

Upon conclusion of the meeting, the Subdivision Review Committee shall within 30 days, or at the time it takes action on the tentative map, make a recommendation to the Planning Commission or City Council based upon the evidence and testimony produced before it, together with the results of its investigations. If the modification is recommended, a statement of any conditions

attached thereto shall be forwarded to the subdivider and to the Planning Commission or City Council. If disapproval is recommended, the subdivider and the Planning Commission or City Council shall be furnished with the statement of reasons for such denial.

(b) **Planning Commission or City Council Approval**

- (1) **Subdivision Modifications:** A subdivision modification shall be approved by the Planning Commission, unless it is sought as part of a tentative map requiring City Council approval, in which case it shall be approved by the City Council. The Planning Commission shall make a recommendation on those subdivision modifications requiring City Council approval.

A request for a subdivision modification shall be considered by the Planning Commission or the City Council at the scheduled hearing on the tentative map. Notice of the hearing before the Planning Commission or the City Council shall be given in the manner prescribed in Section 40.609 for tentative maps. Notice of the time, place and purpose of the meeting shall also be given to the subdivider and any other interested person or party who has requested in writing to be so notified.

- (2) **Post Subdivision Modifications:** A post subdivision modification shall be approved by the Planning Commission. Notice of the hearing before the Planning Commission shall be given in the manner prescribed in Section 40.609 for tentative maps. Notice of the time, place and purpose of the meeting shall also be given to the subdivider and any other interested person or party who has requested in writing to be so notified.

§ 40.1307 Planning Commission or City Council Action.

Upon conclusion of the meeting, the Planning Commission or the City Council shall make a determination based upon the evidence and testimony produced before it, together with the results of its investigations.

A copy of the written findings and a complete statement of any conditions of approval shall be placed on file with the Secretary of the Planning Commission or in the office of the City Clerk and copies thereof furnished to the subdivider.

§§ 40.1308 to 40.1400 Reserved.

Article XIV. Reversions

§ 40.1401 General.

Subdivided property may be reverted to acreage, and merged and unmerged, pursuant to the provisions of the Subdivision Map Act and this article.

§ 40.1402 Initiation of Reversion Proceedings.

Proceedings to revert subdivided property to acreage may be initiated by petition of all owners of record of the property or by the City Council.

- (a) **By Owners:** In the case of initiation by the owners, the petition shall be submitted to the Planning Division and shall contain the following information:
- (1) Evidence of title to the real property.
 - (2) Sufficient data to allow the City Council to make the findings required in Section 40.1204:
 - (3) A final or parcel map consistent with the requirements of Article VII (Final Maps) or Article VIII (Parcel Maps) and which delineates dedications which will not be vacated and dedications required as a condition to reversion. Final or parcel maps shall be conspicuously designated with the title, "The Purpose of this Map is a Reversion to Acreage."
 - (4) Such other additional data as required by the Planning Director or the Director of Public Works.

Each petition for reversion to acreage shall be accompanied by a nonrefundable filing fee as established by resolution of the City Council.

- (b) **By City Council:** The City Council may, by resolution, initiate proceedings to revert property to acreage. The City Council shall direct the Planning Division to obtain the necessary information to initiate and conduct the proceedings.

§ 40.1403 Review of Petition.

The notice, hearing and procedural requirements for review of a tentative map requiring City Council approval shall be followed in connection with the review of a proposed reversion to acreage; provided that, upon the conclusion of the hearing before the City Council, the City Council may approve the reversion to acreage and take final action on the proposed final or parcel map.

§ 40.1404 Findings for Reversion.

Subdivided property may be reverted to acreage only if the City Council finds that:

- (a) Dedications or offers of dedication to be vacated or abandoned by the reversions to acreage are unnecessary for present or prospective public purposes; and
- (b) Either:
 - (1) All owners of an interest in the real property within the subdivision have consented to reversion; or
 - (2) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
 - (3) No lots shown on the final map or parcel map have been sold within five years from the date such map was filed for record.

§ 40.1405 Conditions for Reversion.

The City Council may require as conditions of the reversion:

- (a) The owners dedicate or offer to dedicate streets, public rights of way or easements;
- (b) The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the purposes or provisions of the Subdivision Map Act or this chapter.
- (c) Such other conditions of reversion as are necessary to accomplish the purposes or provisions of the Subdivision Map Act or this chapter or necessary to protect the public health, safety or welfare.

§ 40.1406 Filing With County Recorder.

Upon approval of the reversion to acreage, the City Clerk shall transmit the final or parcel map, together with the City Council resolution approving the reversion, to the County Recorder for recordation. Reversion shall be effective upon the final map being filed for record by the County Recorder.

§ 40.1407 Merging and Resubdividing Without Reversion.

Except as provided in Article V for merger of contiguous parcels under common ownership, subdivided lands may be merged and resubdivided without reverting to acreage by complying

with the applicable requirements for the subdivision of land as provided by this chapter and the Subdivision Map Act.

§ 40.1408 Requirements for Parcel Mergers and Unmergers.

Except as provided otherwise in this Article, the requirements for the merger and unmerger of parcels shall be as set forth in the Subdivision Map Act (Government Code Sections 66499.11 *et seq.*).

§§ 40.1409 to 40.1500 Reserved.

Article XV. Fees -- Bridges or Major Thoroughfares

§ 40.1501 Fees - Bridges or Major Thoroughfares.

There may be required the payment of fees for the purpose of defraying the cost of constructing bridges or major thoroughfares in accordance with the conditions set forth in Chapter 4, Article 5 of the Subdivision Map Act.

§ 40.1502 General Conditions.

- (a) Facilities to be constructed shall conform to the general plan and for bridges to the transportation, circulation or flood control provisions thereof which identify railways, freeways, or streams for which bridge crossings are required, and in the case of major thoroughfares, to the provisions of the circulation element which identifies those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the State highway system.
- (b) Major thoroughfares to be constructed shall be those that are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time the boundaries of the area of benefit are established.
- (c) Bridges to be constructed shall be an original bridge serving the area or an addition to any existing bridge facility serving the area at the time the boundaries of the area of benefit are established. No fees shall be collected or expended to reimburse the cost of constructing existing bridge facilities.
- (d) In establishing the property liable for payment of fees under this section, there may be included in the area of benefit land in addition to that which may be the subject of any subdivision map or building permit application being considered concurrently with the proceedings to create a benefiting district.
- (e) In determining the method of fee apportionment for major thoroughfares, land which abuts the proposed improvement shall not be allocated higher fees than land not abutting the improvement unless the abutting property is provided direct usable access to the major thoroughfare.

§ 40.1503 Resolution of Intention to Form District.

Whenever the Council deems it necessary to form a district representing an area of benefit under the provisions of this article, the Council shall by resolution declare its intention to form such a district to establish fees for the construction of bridges or major thoroughfares. The resolution of intention shall state the following:

- (a) the time and place of the public hearing;
- (b) the boundaries of the area of benefit;

- (c) the description of the proposed improvements;
- (d) the estimated cost of the construction of the proposed improvements, including right-of-way design and contract administration;
- (e) the estimated advance or contribution of funds by City;
- (f) the method of fee apportionment;
- (g) the estimated fee which will be established as a condition of approval of final subdivision maps or for issuance of building permits; and
- (h) the method and time for filing of protests.

§ 40.1504 Notice of Hearing.

Notice of hearing shall be given by publishing a copy of the resolution of intention once at least ten (10) days prior to the time fixed for the hearing in the City official newspaper. Such notice shall also be given by mailing a copy of said resolution of intention at least fifteen (15) days before the time fixed for the hearing to each owner of land within the proposed improvement district as shown on the last equalized County assessment roll.

§ 40.1505 Public Hearing.

At the time and place fixed in the resolution of intention, the Council shall hear any owner liable for the payment of fees who may appear and present testimony material to the matters set forth in the resolution of intention. Also, the Council shall hear and pass upon all written protests filed by the owners of land within the proposed improvement district. Written protests must be filed with the City Clerk prior to the time of the hearing and must contain a description of the property in which each signer thereof is interested. Each description must be in sufficient detail to clearly identify the same. If the signers of the protests are not shown on the last equalized assessment roll as the owners of such property, the protest must contain or be accompanied by written evidence that such signers are the owners of such property. The hearing may be continued from time to time by the Council.

§ 40.1506 Majority Protests.

- (a) If within the time when a protest may be filed under the provisions of this section there is a written protest filed with the City Clerk by the owners of more than one-half of the area of the property to be benefitted by the improvements, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefitted, then the proposed proceedings shall be abandoned and the Council shall not, for one (1) year from the filing of that written protest, commence or carry on any proceedings for the same improvements or acquisition under the provision of this section. Protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of the public hearing.

- (b) If any majority protest is directed against only a portion of the improvements, then all further proceedings under the provisions of this section to construct that portion of the improvements so protested against shall be barred for a period of one year, but the City Council shall not be barred from commencing new proceedings not including any part of the improvements or acquisition so protested against. Nothing in this section shall prohibit the City Council, within such one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds by the affirmative vote of four-fifths of its members that the owners of more than one-half of the area of the property to be benefitted are in favor of going forward with such portion of the improvements or acquisition.

§ 40.1507 Resolution of District Formation.

- (a) If a majority protest is not filed, or if filed and protests are withdrawn such that less than a majority protest exists at the conclusion of the hearing, the Council shall by resolution determine whether or not it is deemed necessary to form the district representing an area of benefit and establish the fees therefore. A certified copy of the resolution designating a benefitting district shall be recorded by the City in the office of the Sacramento County Recorder. The apportioned fees specified in said resolution shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final subdivision map or as a condition of issuing a building permit for new construction of a building.
- (b) Any action or proceeding to attack, review, set aside, avoid or annul the resolution forming the district, designating the area of benefit and establishing the fees therefor, or any of the proceedings, acts or determinations taken, done or made prior to the adoption of such resolution shall not be maintained by any person unless such action or proceeding is commenced within sixty (60) days after the date of adoption of such resolution. Thereafter, all persons are barred from any such action or proceeding or from raising as a defense any defense of invalidity of such resolution or of such proceedings, acts or determinations.
- (c) Any defect, error or informality in the publication or mailing of notices of the hearing, or of the land owner or person interested in the land to receive the notice shall not invalidate any proceedings conducted or resolution adopted pursuant to this section.

§ 40.1508 Fees Collected.

- (a) Fees paid pursuant to this article shall be deposited in a planned bridge facility or major thoroughfare fund. A separate fund shall be established for each planned bridge facility project or major thoroughfare project. If the benefit area is one in which more than one bridge is required to be constructed, a fund may be so established covering all of the bridge projects in the benefit area.

- (b) Moneys in such funds shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefitted and from which the fees comprising the fund were collected, or to reimburse the City for the cost of constructing the improvement.
- (c) A resolution adopted pursuant to this article may provide for the dedication of land or construction of improvements in lieu of the payment of fees.

§ 40.1509 Advance or Contribution of City Funds.

- (a) The City may advance money from its general or other fund to pay the cost of constructing all or a portion of the improvement and may reimburse the general or other fund for such advance from planned bridge facility or major thoroughfare funds established to finance the construction of such improvements.
- (b) Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the Council shall make provision for payment of the share of the improvement cost apportioned to such land from sources other than the planned bridge facility or major thoroughfare fund.

§ 40.1510 Reimbursement to Subdivider or Developer.

Whenever a subdivider or land developer is required to pay a fee for the construction of a bridge or improvement of a major thoroughfare as a condition precedent to the acceptance of a final subdivision map or as a condition of issuing a building permit and the facility is, or is to be, dedicated to the public, the Council may contract with the subdivider or land developer for the construction of the bridge or improvement of a major thoroughfare, and reimburse the subdivider or land developer for the cost of constructing the facility from the fees collected from the benefitting district.

§§ 40.1511 to 40.1600 Reserved.

**Article XVI. Regulation for Dedication
of Land, Payment of Fees, or Both,
for Park and Recreational Purposes**

§ 40.1601 General Requirement.

As a condition of approval of a final subdivision map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City, for park or recreational purposes at the time and according to the standards and formula contained in this article.

§ 40.1602 General Standards.

It is hereby found and determined that the public interest, convenience, health, welfare and safety require that five (5) acres of property for each one thousand (1,000) persons residing within the City be devoted to local recreation and park purposes.

§ 40.1603 Standards and Formulas for Dedication of Land.

Where a recreational or park facility has been designated in the General Plan or a specific plan, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local recreation or park facility sufficient in size and topography to serve the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following standards and formula: Where the City requires the dedication of land, the subdivider or owner shall dedicate land for local recreational or park facilities according to the formula $D \times F = A$ in which:

D	=	the number of dwelling units
F	=	a "factor" herein described
A	=	the buildable acres to be dedicated.

A buildable acre is a typical acre of the subdivision, with a slope less than 10%, and located in other than an area on which building is excluded because of flooding, public rights-of-way, easements, or other restrictions.

The factors of .0149, .0112, and .0088 are constants which, when multiplied by the number of dwelling units permitted in the subject area, will produce five (5) acres per thousand population. Unless the subdivider enters into an agreement with the City for a lower density, the number of dwelling units shall be calculated as follows:

- (a) When a rezoning application accompanies the tentative map, density shall be calculated according to the highest density of the zoning designation applied for; provided, that when rezoning to the R-1A Zone is requested for individual lots in a predominately single-family subdivision in order to develop halfplex units on the lots and the development of the halfplex units will not cause the density of the

subdivision to exceed the maximum density allowed in the R-1 Zone, the number of dwelling units shall be based on single-family density;

- (b) When the tentative map is not accompanied by a rezoning application, density shall be calculated according to the highest density of the existing zoning designation or existing specific plan density designation, whichever allows the highest density; provided, however, that upon completion of build-out, if the actual number of dwelling units built is less than the highest density permitted in the applicable zone, then the subdivider may, within five (5) years after payment of the fee, apply for a refund, without interest, of the difference between the fee actually paid and a fee calculated on the basis of the actual density.

The factors referred to above are as follows:

FS	=	.0149	relating to single-family dwelling units
FT	=	.0112	relating to two-family dwelling units
FM	=	.0088	relating to multiple-family dwelling units
Fmh	=	.0088	relating to mobile-home dwelling units

The subdivider shall: (1) provide full street improvements, including but not limited to curbs, gutters, street paving, traffic control devices, street lights, and sidewalks, to land which is dedicated pursuant to this section; (2) provide for chain link fencing meeting City standards along the property line of that portion of the subdivision contiguous to the dedicated land; (3) provide improved surface drainage through the site; and (4) provide other improvements which the City Council determines to be essential to the acceptance of the land for recreational purposes.

§ 40.1604 Formula for Fees in Lieu of Land Dedication.

- (a) If there is no park or recreational facility designated in the City's recreation and park plan to be located in whole or in part within the proposed subdivision to serve the needs of the residents of the subdivision, and/or where the City Council requires the payment of in lieu fees, the subdivider shall, in lieu of dedication of land, pay a fee equal to the value of the land prescribed for dedication in Section 40.1603 hereof and in an amount determined in accordance with the provisions of Section 40.1605 hereof, such fee to be used for recreational and park facilities which will serve the residents of the area being subdivided.
- (b) If the proposed subdivision contains fifty (50) parcels or less, the subdivider shall pay a fee equal to the land value of the portion of the local park required to serve the needs of the residents of the proposed subdivision as prescribed in Section 40.1603 hereof, and in an amount determined in accordance with the provisions of Section 40.1605.

§ 40.1605 Calculation of In Lieu Fees; Appraisal.

When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value as described below, plus 20% for off-site improvements such as utility line extensions, curb, gutter and pavement and street lights.

- (a) The amount to be paid shall be a sum calculated pursuant to the following formula:

$$A \times V = M$$

where

- A = the amount of land required for dedication as determined in Section 40.1603.
- V = fair market value (per acre) of the property to be subdivided, as established by an appraisal;
- M = the number of dollars to be paid in lieu of dedication of land, to which shall be added 20% for off-site improvements.
- (b) For purposes of calculating the in-lieu fee under this section, the subdivider shall cause an appraisal of the property to be subdivided to be made. The appraisal shall be made at the subdivider's expense by an active MAI, SREA or SRPA member in good standing of the Appraisal Institute, or an active ASA (Urban Real Property) member in good standing of the American Society of Appraisers, and shall meet the standards observed by a competent member of the professional organization. The appraiser shall appraise the land at its unencumbered (free and clear) value, as if at the approved tentative map stage of development and as if any assessments or other encumbrances to which the property is subject had been paid off in full prior to the date of appraisal. The fair market value shall be for the gross tentative map area. Factors to be considered during the evaluation shall include the following:
1. Approval of and conditions of the tentative subdivision map;
 2. The General Plan;
 3. Zoning and density;
 4. Property location;
 5. Off-site improvements facilitating use of the property;
 6. Site characteristics of the property;
 7. Existing encumbrances (e.g., existing streets, canals) which have the effect of reducing usable gross tentative map area.

The appraisal shall value the property as of a date no earlier than 90 days prior to the recording of the final map, or the payment of the fee, whichever occurs later. The appraisal shall clearly state the fair market value (V) of the property in dollars per gross acre. Three (3) copies of the appraisal shall be delivered to the Public Works Development Services Section for distribution.

§ 40.1606 Use of Fees.

Fees collected pursuant to this article shall be used and expended solely for the acquisition, improvement, and expansion of the public parks, playgrounds and recreational facilities reasonably related to serve the needs of the residents of the proposed subdivision. Said fees may also be used for the development of recreational areas and facilities on public school grounds which provide a desirable recreational site and immediate access to a public street.

§ 40.1607 Subdivisions Not Within the General Plan.

Where the proposed subdivision lies within an area not then but to be included within the City's General Plan, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, in accordance with the adopted park and recreational principles and standards of the City's General Plan and in accordance with the provisions of this article.

§ 40.1608 Determination of Land or Fee.

Whether the City accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

- (a) Recreation and parks plan, and element of the City's General Plan;
- (b) Topography, geology, access and location of land in the subdivision available for dedication;
- (c) Size and shape of the subdivision and land available for dedication;
- (d) Feasibility of dedication;
- (e) Compatibility of dedication with the City of Sacramento's Recreation and Park Plan; and
- (f) Availability of previously acquired park property. The determination of the City Council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

§ 40.1609 Time Schedule for Use of Land/Fees.

Any fee collected under the ordinance shall be committed within five (5) years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed

and paid to the then-record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

§ 40.1610 Credits.

- (a) The City may grant credits for privately owned and maintained open space or local recreation facilities, or both, in planned developments as defined in Section 11003 of the Business and Professions Code, condominiums as defined in Section 783 of the Civil Code, and other common interest developments. Such credit, if granted in acres, or comparable in lieu fees, shall not exceed twenty-five percent (25%) of the dedication or fees, or both, otherwise required under this article, and shall be subtracted from the dedication or fees, or both, otherwise required under this article, provided:
- (1) Yards, court areas, setbacks, and other open space areas required to be maintained by this title and other regulations shall not be included in private open space and local recreation credit;
 - (2) Provision is made by written agreement, recorded covenants running with the land, or other contractual instrument that the areas shall be adequately maintained;
 - (3) The use of private open space or recreation facilities is limited to park and local recreation purposes and shall not be changed to another use without the express written consent of the City Council.
- (b) Land or facilities, or both, which may qualify for credit towards the land dedication or in lieu fee, or both, will generally include the following types of open space or location recreational facilities; provided, however, that credit for each of the following categories shall not exceed five percent (5%) of the dedication or fees, or both, otherwise required under this article:
- (1) Open spaces, which are generally defined as parks, extensive areas with tree coverage, low land along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation, golf courses, or open areas on the site in excess of twenty thousand (20,000) square feet.
 - (2) Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts or similar hard-surfaced areas especially designed and exclusively used for court games.
 - (3) Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving, or both, including decks, lawned area, bathhouse, or other facilities developed and used exclusively for swimming and diving.

- (4) Recreation buildings, designed and primarily used for the recreational needs of the residents of the development.
 - (5) Special areas, which are generally defined as areas of scenic or natural beauty, historic sites, hiking, riding or motorcycle/bicycle trails, including pedestrian walkways separated from public roads, planting strips, lake site or river beaches, improved access or right-of-way in excess of requirements, and similar type open space or recreational facilities which, in the sole judgment of the City of Sacramento, qualifies for a credit.
- (c) The City Council shall grant credit for land dedicated and/or fees paid pursuant to this article under a previously approved final subdivision map or parcel map in the event a new map is submitted for approval. Such credit shall be subtracted from the dedication and/or fees required under this article for the new map; provided, that in no event shall the City be required to return any fees paid or any land dedicated as a condition of a previously approved final map pursuant to this section.

§ 40.1611 Computation of Credit.

The categories for credit for private open space and facilities described in Section 40.1610 shall be given equal weight, each category not to exceed twenty percent (20%) of the total which may be granted by the City. The City Council may, however, upon petition of the subdivider, grant additional credit for each of the above categories if there is substantial evidence that:

- (1) The open space or recreational facilities is above average in aesthetic quality, arrangement or design; or,
- (2) The open space or recreational facility is clearly proportionately greater in amount or size than required by this title or usually provided in other similar types of development; or,
- (3) The open space or recreational facility is situated so as to compliment open space or local recreational facilities in other private or public developments.

§ 40.1612 Procedure.

- (a) At the time of the hearing on the tentative subdivision map, the Planning Commission shall recommend to the City Council, after reviewing the report and recommendation from the Planning Director or his designee, that land be dedicated or fees be paid, or both, by the subdivider for park or recreational purposes as a condition of approval of the subdivision map. The recommendation by the Planning Director or his designee shall include the following where applicable:
 - (1) The amount of land to be dedicated;

- (2) That a fee be charged in lieu of dedication;
 - (3) That both dedication and a fee be required;
 - (4) That a credit be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 40.1610;
 - (5) The location of the park land to be dedicated;
 - (6) The approximate time when development of the park or recreation facility shall commence.
- (b) At the time of its hearing on the tentative subdivision map, the Planning Commission or City Council shall determine the amount of land required to be dedicated under this article and Section 40.1603, whether or not a fee is to be charged in lieu of any or all of the required dedication, whether a credit is to be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 40.1610; and the location of the park land to be dedicated, if any. In making its determination, the City Council shall be guided by the standards contained in this article where applicable.
- (c) At the time of the filing of a final subdivision or parcel map including the same amount of land as included in the applicable tentative map, the subdivider shall dedicate the land and/or pay the fees, as previously determined by the Planning Commission or the City Council. Open space covenants for private park or recreational facilities shall be submitted to the City Council prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map.

§ 40.1613 Exemptions.

The provisions of this Article shall not apply to subdivisions:

- (a) Not used for residential purposes. Provided, however, that a condition shall be placed on the approval of such subdivision that if a building permit is requested for construction of a residential structure or structure on one or more of the parcels within four (4) years of the filing of the map, the owner of each such parcel shall be required to pay an in-lieu fee pursuant to this article, calculated as of the date the building permit is issued; as a condition to the issuance of a building permit; a note to this effect shall be placed on the final map.
- (b) To permit separate ownership of two or more existing residential dwelling units when all such units are more than five (5) years old and no new units are added.

All land offered for dedication to local park or recreational purposes shall have access to at least one existing or proposed public street. This requirement may be waived by the Planning Commission or the City Council if the Planning Commission or the City Council determines that public street access is unnecessary for the maintenance of the park area or use thereof by the residents.

§ 40.1615 Sale of Dedicated Land.

If, during the ensuing times between dedication of land for park purposes and the commencement of first-stage development, circumstances arise which indicate that another site would be more suitable for local park or recreational purposes serving the subdivision and the neighborhood (such as gift or park land or change in school location) by mutual agreement of the subdivider or owner and the City Council, the land may be sold upon the approval of the City Council with the resultant funds being used for the purchase of a more suitable site.

§ 40.1616 Phased Maps.

- (a) At the time of the filing of a final subdivision or parcel map including less land than was included in the tentative map, the Planning Director or his designee shall recalculate the amount of land required to be dedicated in accordance with this Article, based on the land included in the proposed final subdivision or parcel map.
- (b) If the City Council determined at the hearing on the tentative map that the requirements of this article would be satisfied by the payment of a fee and/or that land located within the proposed final subdivision or parcel map be dedicated and the amount of such land is equal to or smaller than the amount of land required to be dedicated pursuant to (a) of this section, the subdivider shall dedicate the land and/or pay the fees at the time of filing the final subdivision or parcel map.
- (c) If the City Council determined at the hearing on the tentative map that the requirements of this article would be satisfied by the dedication of land located outside the proposed final subdivision or parcel map or the amount of land required to be dedicated at the time of approving the tentative map exceeds the amount required to be dedicated pursuant to (a) of this section, the Planning Director or his designee shall recommend that the subdivider:
 - (1) dedicate full title to part of the parksite; or
 - (2) dedicate an undivided partial ownership interest in entire parksite; or
 - (3) dedicate as specified in (c)(1) or (c)(2) of this section and enter into an agreement with the City to reserve the undedicated portion; or
 - (4) solely pay in-lieu fees; and/or

- (5) be granted credit(s) in accordance with Section 40.1610 and 40.1611.

If the subdivider concurs with the recommendation of the Planning Director, the subdivider shall dedicate the land and/or pay the fees in accordance with the recommendation prior to filing the final subdivision or parcel map. Open space covenants for private park or recreational facilities shall be submitted to the City Council prior to the approval of the final subdivision map or parcel map and shall be recorded at the same time as the final map.

If the subdivider objects to the recommendation of the Planning Director, the City Council shall determine at a public hearing the land to be dedicated, whether a fee is to be charged, and whether any credits shall be granted. Prior to filing the final subdivision or parcel map, the subdivider shall dedicate the land and/or pay the fees, as determined by the City Council. Open space covenants for private park or recreational facilities shall be submitted to the City Council prior to the approval of the final subdivision map or parcel map and shall be recorded at the same time as the final map.

(d) Nothing in (c) of this section shall be construed to:

- (1) require the dedication of land located outside the proposed final subdivision or parcel map; or
- (2) prohibit a subdivider from dedicating land in excess of the amount required to be dedicated pursuant to (a) of this section.

§§ 40.1617 to 40.1700 Reserved.

Article XVII. Enforcement

§ 40.1701 Enforcement - Generally.

Except as otherwise provided herein, the Planning Director is authorized and directed to enforce these regulations and the Subdivision Map Act for subdivisions within the City. The City Attorney is authorized on behalf of the City of Sacramento to file a suit in a superior court of competent jurisdiction to restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in violation of the Subdivision Map Act, these regulations, or the conditions and term of approvals granted thereunder.

§ 40.1702 Illegal Subdivisions - Notices.

Whenever the City has knowledge that real property has been divided in violation of the Subdivision Map Act or these regulations, the Director of Public Works shall, upon receipt of information of such violation, file the notices required by Section 66499.36 of the Subdivision Map Act and thereafter follow the procedures set forth in that section.

§ 40.1703 Certificate of Compliance.

Applications for certificates of compliance shall be filed with the Director of Public Works, who shall be responsible for their issuance and recordation. The form of the application and requirements for a certificate of compliance shall be prescribed by the Director of Public Works. A non-refundable fee in the amount established by resolution of the City Council for each lot or parcel for which a certificate is sought shall accompany the application.

§ 40.1704 Illegal Subdivisions.

No board, commission, officer or employee of the City shall issue any certificate or permit, or grant any approval necessary to develop any real property within the City which has been divided, or which resulted from a division, in violation of the provisions of the Subdivision Map Act or of these regulations.

§§ 40.1705 to 40.1800 Reserved.