

## **Article VI. Subdivision Regulations**

- 30-73. Purpose and Intent.
- 30-74. Definitions.
- 30-75. General Provisions.
- 30-76. Tentative Maps.
- 30-77. Vesting Tentative Maps.
- 30-78. Final Maps.
- 30-79. Parcel Maps.
- 30-80. Waiver of Parcel Map.
- 30-81. Lot Line Adjustment.
- 30-82. Map Corrections and Amendments.
- 30-83. Urban Lot Splits.
- 30-84. Reversion to Acreage.
- 30-85. Reserved.
- 30-86. Subdivision Design Standards.
- 30-87. Improvements and Dedications.
- 30-88. Reserved.
- 30-89. Enforcement.

## **ARTICLE VI. SUBDIVISION REGULATIONS**

### **30-73. PURPOSE AND INTENT.**

#### **30-73.1 Purpose and Intent.**

This article shall be known as the Subdivision Ordinance of the City of Alameda. The subdivision ordinance shall regulate and control the design and improvement of subdivisions of land within the city and supplement the provisions of the Subdivision Map Act of the State of California set forth at Government Code Section 66410 et seq. concerning the design and improvement of subdivisions, the form and content of all maps provided for by the Subdivision Map Act, and the procedure to be followed in securing the approval of the City regarding the maps.

The purpose and intent of this article is to:

- a. Promote the public health, safety and general welfare;
- b. Promote orderly growth and development within the city;
- c. Coordinate lot design, street patterns, rights-of-way, traffic circulation, utilities and public facilities with the general plan and any specific plans;
- d. Assure that areas dedicated for public purposes will be properly improved initially so as not to be a future burden upon the community;
- e. Preserve natural resources and prevent environmental damage;
- f. Maintain suitable standards to ensure adequate, safe building sites;

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g. Prevent hazard to life and property.

### **30-73.2 Applicability.**

These subdivision regulations apply to all parts of subdivisions lying wholly or partially within the City of Alameda and to the preparation of maps required by the Subdivision Map Act.

### **30-74 DEFINITIONS.**

Words and phrases used in this article, unless otherwise defined, shall have the same meaning as they do in Chapter 1 of Division 2 of Title VII of the Subdivision Map Act which is part of the Government Code of the State of California, the Condominium Act, Title 6, Chapter 1, of the Civil Code of the State of California, and the zoning regulations of the City of Alameda.

*Advisory agency* means a designated official or an official body charged with the duty of making investigations and reports on the design and improvement of subdivisions, the imposing of requirements or conditions, or having the authority under this article to approve, conditionally approve or disapprove maps.

*Certificate of compliance* means a certificate that is issued by the City stating that a specific property complies with applicable provisions of the Subdivision Map Act and this Subdivision Ordinance.

*Common interest development* means a common interest development as defined in Civil Code Section 4100 (including a residential condominium, planned development, stock cooperative, or community apartment project) or any other ownership type in which an undivided interest in common in a portion of a parcel is held together with a separate interest in space. For the purposes of this chapter, common interest developments include all condominiums, community apartment projects and stock cooperatives.

*Condominium* means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on the real property.

*Condominium conversion* means the conversion of any existing building into a common interest development as defined in Civil Code Section 4100 (including a residential condominium, planned development, stock cooperative, or community apartment project) or into any other ownership type in which an undivided interest in common in a portion of a parcel is held together with a separate interest in space. Condominium conversions shall conform to the requirements of Section 30-8.

*Day* means calendar day unless specifically enumerated differently.

*Final map* means a map showing a subdivision prepared in accordance with the provisions of this article and the Subdivision Map Act and designed to be recorded in the office of the Alameda County Recorder.

*Improvement* means: (a) Any streets, storm drainage facilities, utilities, and landscaping to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private

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streets, highways, ways, and easements, as are necessary for the general use of or to serve the lot owners in the subdivision, and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map or parcel map thereof. (b) "Improvement" also includes any other specific improvements or type of improvements, including but not limited to infrastructure and all related appurtenances, bridges, utilities, pedestrian ways, bikeways, equestrian trails, landscaping and irrigation, and related facilities, the installation of which, either by or by a combination thereof, the subdivider, public agencies, private utilities, or any other entity approved by the city, is necessary to ensure consistency with, or implementation of, the general plan, zoning or any applicable specific plan.

*Improvement agreement* means an agreement entered into by the city and the subdivider to ensure and provide security for the construction of required subdivision improvements or other improvements required by conditions of approval when those improvements have not been completed prior to approval of a final map or parcel map.

*Owner* means the individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be divided or subdivided to commence and maintain proceedings to do so under the provisions of this article.

*Parcel map* means a map showing a subdivision of four or fewer parcels, prepared in accordance with the provisions of this article and the Subdivision Map Act and designed to be recorded in the office of the Alameda County Recorder. A parcel map also means a map showing a subdivision of five (5) or more parcels under the final map exemption in Government Code Sections 66426 (a) through (e).

*Reversion to acreage* means the voiding of a previous subdivision in order to revert the platted lots contained therein back to the original parcel or parcels which existed prior to the subdivision.

*Subdivider* means a person, firm, corporation, partnership, or association, who proposes to divide, divides or causes to be divided real property into a subdivision for him or herself or for others.

*Subdivision* means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, as 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, and as further defined in Section 66424 of the Subdivision Map Act. 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 herein or in Section 4125 or 6542 of the Civil Code; a community apartment project, as defined in Section 4105 of the Civil Code; or the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Section 4190 or 6566 of the Civil Code. Subdivision includes any division of land by gift, inheritance, or court-ordered partitioning.

*Tentative Map* means a map showing a subdivision of five (5) or more lots, prepared in accordance with the provisions of this article and the Subdivision Map Act and for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.

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*Unit* means those elements of a condominium or other development where ownership is divided into individual and common areas, which are not owned in common with other owners in the project.

*Vesting tentative map* means a tentative map for a residential subdivision that shall have printed conspicuously on its face the words "VESTING TENTATIVE MAP" at the time it is filed in accordance with Section 30-77 and is thereafter processed in accordance with the provisions of this article. Furthermore, vesting tentative map refers to a map which meets the requirements of subdivision (a) of Section 66424.5 and Section 66452 of the Subdivision Map Act. When the city approves or conditionally approves a vesting tentative map, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect on the date the city has determined that the application for approval of the vesting tentative map is complete pursuant to Section 65943 of the Government Code.

### **30-75 GENERAL PROVISIONS.**

#### **30-75.1 Compliance Required.**

- a. It shall be unlawful for any individual, firm, association, trust or any other legal entity, as principal, agent, or otherwise to offer to sell, to contract to sell, or to sell any division or subdivision of land or any part thereof in the City, unless and until all of the requirements hereinafter provided have been complied with.
- b. No land shall be subdivided for any purpose that is inconsistent with the city's general plan or any applicable specific plan of the city or that is not permitted by the zoning regulations of this Chapter or other applicable provisions of the Alameda Municipal Code. It is the intent of this article to comply in every regard to the latest edition of the Subdivision Map Act. If any provision of this title is in conflict with the Subdivision Map Act, the provisions in the Subdivision Map Act shall prevail.
- c. This article shall not apply to actions exempted by Government Code Section 66412 and any others specifically exempted by the Subdivision Map Act, except that the procedures for the application, review and approval of lot line adjustments shall be as outlined in Section 30-81.

#### **30-75.2 Certificate of Compliance.**

- a. A person owning real property or a buyer under a contract of sale may request a certificate of compliance from the City Engineer indicating whether the real property complies with the provisions of the Subdivision Map Act and this chapter. A written application for a certificate of compliance shall be accompanied by a current preliminary title report showing the legal owner of the property.
- b. If the City Engineer determines that the real property complies with the provisions of the Subdivision Map Act and this chapter, the City Engineer shall file a certificate of compliance for recording with the Alameda County Recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with the provisions of the Subdivision Map Act and this chapter.

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- c. If the City Engineer determines that the real property does not comply with the provisions of the Subdivision Map Act or this chapter, the City Engineer may, as a condition to granting a certificate of compliance, impose conditions in accordance with Section 66499.35(b) of the Subdivision Map Act. Upon the City Engineer's making such a determination and establishing such conditions, the City Engineer shall file a conditional certificate of compliance for record with the Alameda County Recorder. The certificate shall serve as notice to the property owner and any successor that the fulfillment and implementation of such conditions shall be required before subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions is not required until the City issues a permit or other grant of approval for development of the property.
  - d. A recorded final map or parcel map constitutes a certificate of compliance with respect to the parcels of real property described on the map.
  - e. The applicant for a certificate of compliance shall pay the City a fee to cover the reasonable cost of processing the application as set forth in the Master Fee Resolution.

### **30-75.3 Exceptions.**

Exceptions to the standards set forth in this article may be approved to address special circumstances or physical conditions affecting the property to be subdivided. Application for any such exception shall be made by a petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be submitted with the tentative map or parcel map. In order to grant the exception(s), the following findings shall be made as part of the approval of a tentative map or parcel map:

- a. That there are special circumstances or conditions affecting the property.
- b. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- c. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity of the property.

### **30-75.4 Contiguous Lots.**

Contiguous lots held by a common owner of record, irrespective of lien holders or mortgage holders, whether or not created by plat map or subdivision map, shall be merged as one (1) lot for purposes of this article and compliance with the provisions of this article shall be required before redivision thereof unless exempted by the provisions of the Subdivision Map Act.

### **30-75.5 Time Extensions.**

The time limits specified in this article for reporting and acting on maps may be extended by mutual consent of the City and applicant.

### **30-75.6 Waiver of Technical Error.**

A map which fails to satisfy the provisions of this article as the result of technical and inadvertent error may be approved if the Advisory Agency or City Council determines that the error does not materially affect the conformity of the map to this article.

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## **30-76 TENTATIVE MAPS.**

### **30-76.1 Applicability.**

A tentative tract map and final map shall be required for all divisions of land creating five (5) or more parcels, five (5) or more condominiums as defined in California Civil Code Section 783, 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 City.
- b. The condominium conversion qualifies for a parcel map or parcel map waiver pursuant to Section 30-8.
- c. 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.
- d. 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 City as to street alignments and widths.
- e. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter section.
- f. The land is being subdivided solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.
- g. A parcel map shall be required for the subdivisions described in subsections a through f of this section unless the parcel map is waived by the City Engineer in accordance with Section 30-80 Waiver of Parcel Map.

### **30-76.2 Tentative Map Application.**

- a. *Tentative Map Application.* All tentative map applications shall be filed with the Planning Director. The form and contents of the tentative map and the number of copies required for the application shall be prescribed by the Planning Director and in accordance with the application submittal requirements for tentative maps in this Section. The Planning Director may authorize modification of map requirements on the determination that the map contains sufficient information to be evaluated adequately.

### **30-76.3 Tentative Map Form and Contents.**

- a. *General:* A tentative map shall be based upon a field survey made in conformity with the Land Surveyors Act, shall be prepared by or under the direction of a land surveyor or a civil engineer registered in the State of California who is authorized to perform land surveying, shall be legibly drawn, shall include a description of the real property being

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subdivided and the names, addresses, telephone numbers, and email addresses of the persons preparing and filing the map, and shall conform to the requirements of this section and the Subdivision Map Act.

- b. *Map Sheets*: The size of each sheet shall be eighteen inches (18") by twenty-six inches (26"). A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch (1"). The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this. The number of each sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. The subdivision number shall be shown on each sheet. One (1) or more reduced sets of the map sheets may also be required to be submitted, as specified by the Planning Director.
- c. *Scale, North Arrow and Basis of Bearings*: Each sheet shall include a scale and north arrow, and the basis of bearings shall be shown on at least one sheet based on previously recorded final maps, parcel maps, or records of survey in the vicinity of the site. The basis of bearings shall be approved by the City Engineer.
- d. *Boundaries and Monuments*: The exterior boundaries of the land included within the subdivision shall be clearly indicated by distinctive symbols. The map shall show the definite location of the subdivision, and its relation to surrounding surveys. City boundaries that cross or join the subdivision shall be clearly designated. The location of all existing and proposed monuments shall be shown based on the required survey. The map shall include a sufficient legal description, including all bearings, tract and lot identification, and distances, of the land as to define the boundaries of the area to be divided, including and describing all monuments found or set. The engineer or surveyor shall set sufficient durable monuments to conform to the standards described in California Business and Professions Code Section 8771 so that another engineer or surveyor may readily retrace the survey.
- e. *Linear, Angular and Radial Data*: Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of monument lines, street centerlines, the boundary lines of the subdivision, the boundary lines on every lot and parcel which is a part of the subdivision, and ties to existing monuments used to establish the boundary. Bearing and distance of all straight lines, and arc length, radius, total central angle and radial bearings of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the map.
- f. *Parcels*: The location of each parcel shall be shown, including the exact layout, bearings, dimensions and area of each parcel. New lot lines shall be shown as solid lines, and original lot lines shall be dashed lines. Each parcel shall be numbered or otherwise designated. Each parcel must be shown completely on one (1) sheet; if more than one (1) sheet is required to show a parcel, the first sheet shall contain a small-scale, undimensioned map of the entire parcel. The location of any remainder of the original parcel shall be shown, but if such remainder has a gross area of five (5) acres or more, then it need not be shown as a matter of survey, but only by reference to the existing record boundaries of such remainder. Lot size and width shall be in conformance with the requirements of the applicable zoning district.

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- g. *Streets*: The locations, names, and widths from curb to curb and for the total right-of-way of all existing adjacent streets and the width of all proposed streets within the subdivision shall be shown. Each proposed street shall be named or otherwise designated, and a cross-sectional drawing including total right-of-way, travel lanes, parking lanes, bike lanes, sidewalks, planting strips and other features of each shall be provided on the map.
  - h. *Easements*: The widths and locations of all existing and proposed easements for drainage, sewers, and public utilities shall be shown. Easements for roads or streets, paths, stormwater drainage, sanitary sewers, emergency vehicle access lanes, or other public use as may be required, shall be dedicated to the public for acceptance by the City or other public agency, and the use shall be specified on the map.
    - 1. All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance, such as the County Recorder's serial number and date, or book and page of official records.
    - 2. Easements not disclosed by the records in the office of the County Recorder and found by the surveyor or engineer to be existing shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.
    - 3. The sidelines of all easements of record shall be shown by dashed lines on the final map with the widths, lengths and bearings of record. The width and location of all easements shall be approved by the City Engineer.
  - i. *Buildings and Improvements*: The location of buildings and improvements and their relationship to the existing and proposed lot lines shall be shown, along with preliminary grading, drainage, utility and similar plans.
  - j. *Adjoining Properties*: All adjoining property shall be identified by subdivision number, or name when not identified by official number, and by reference to the book and page number of the filed map showing such subdivision. If no such subdivision is adjacent, the adjoining property shall be identified by the name of the owner and by reference to the recorded deed by book and page number for the last recorded owner of such adjacent property.
  - k. *Owners' Consent*: The tentative map shall indicate the names and mailing addresses of all parties having any record title interest in the real property to be subdivided, and shall include a certificate, signed and acknowledged by all such parties, consenting to the preparation and recordation of the final map, except as provided in Section 66436 of the Subdivision Map Act.

#### **30-76.4 Tentative Map Accompanying Data and Reports.**

The tentative map shall be accompanied by the following data and reports as may be required by the Planning Director or City Engineer:

- a. *Title Report*: A preliminary title report showing the legal owners at the time of filing the tentative map shall be submitted with the tentative map.
- b. *Soils Report*: The Planning Director or City Engineer may require the preparation of a preliminary soils report. If a preliminary soils report indicates the presence of



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critically expansive soils or other soil problems which, if not corrected, could lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot within the subdivision. The Planning Director or City Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate or unsatisfactory. The preliminary soils report may be waived if the Planning Director or City Engineer determines that, due to knowledge of the soil qualities in the subdivision, no preliminary analysis is necessary.

- c. *Geotechnical Report:* A geotechnical report that evaluates seismic hazards and recommends appropriate mitigation measures, prepared in compliance with the requirements of the State Seismic Hazard Mapping Act, shall be submitted with the tentative map. The report shall identify mitigation measures that will be incorporated in design of the subdivision to mitigate hazards from liquefaction and other seismic hazards subject to approval by the Planning Director or City Engineer.
- d. *Environmental Site Assessment:* The Planning Director or City Engineer may require the preparation of a Phase I environmental site assessment to determine the probable existence of any hazardous waste on the property, including contamination of soil, groundwater, or surface water. Such report shall be based on reasonably available knowledge of the property, including, but not limited to, historical use of the property, prior releases, visual and other surveys, records, consultant reports, and regulatory agency correspondence. The exact form and content of the report shall be as specified by the Planning Director or City Engineer. If the report concludes that hazardous waste may exist on the property, further evaluation and/or remediation may be required as a condition of approval of the tentative map.
- e. *Environmental Review:* The subdivider shall provide additional data and information as may be required for the City's preparation and processing of environmental documents pursuant to the California Environmental Quality Act.
- f. *Utility Service:* A letter from the agency proposed to provide sewer and water service, electrical, gas and communications services to the proposed subdivision indicating and committing that service can be provided to the proposed subdivision.
- g. *Other Reports:* Any other data or reports may be required by the Planning Director or City Engineer such as fire access and waste management service when deemed necessary due to scale of the proposed subdivision or presence of potential hazardous or environmentally sensitive condition.

#### **30-76.5 Tentative Map Completeness Review and Referral.**

- a. *Determination of Complete Application.* Within thirty (30) days of acceptance of a tentative map application filing, the Planning Director shall determine whether an application is complete and shall notify the applicant of the determination in writing.
- b. *Referral.* Within five (5) days of the Planning Director's determination that a tentative map application is complete, the Planning Director shall forward copies of the application to the City Engineer, other affected City departments, public agencies and utilities, including the California Department of Transportation, Alameda Unified School District, and the East

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Bay Municipal Utility District. The affected public agencies and utilities may, in turn, forward to the Planning Director their findings and recommendations within fifteen (15) days of receiving the City's notification.

- c. *City Engineer Review.* The City Engineer shall review the form and contents of the tentative map and accompanying data and reports pursuant to the requirements of this chapter and any additional requirements established by the City Engineer, and shall convey comments to the subdivider. The subdivider shall make corrections and/or additions until the map is acceptable to the City Engineer and prior to consideration of the map by the Advisory Agency.

### **30-76.6 Tentative Map Review by the Planning Board.**

- a. *Advisory Agency.* The Planning Board is hereby designated as the Advisory Agency with respect to the review and approval of tentative maps as provided in the Subdivision Map Act. The Planning Board shall have all the powers and duties with respect to making investigations and reports on the design and improvement of proposed divisions of land requiring the preparation of a tentative map.
- b. *Recommendation.* The Planning Board shall review and decide on the Tentative Map within fifty (50) days of filing, certification of an environmental impact report, adoption of a negative declaration, or a final determination that the project is exempt from the requirements of the California Environmental Quality Act. The Planning Board shall approve, conditionally approve, or deny the tentative map based on the findings in subsection c.
- c. *Findings:* A tentative map shall be denied if any of the following findings are made, and shall otherwise be approved:
  - 1. The proposed map is not consistent with applicable General Plans and Specific Plans.
  - 2. The design or improvement of the proposed subdivision is not consistent with applicable General Plans and Specific Plans.
  - 3. The site is physically not suitable for the type of development.
  - 4. The site is not physically suitable for the proposed density of development.
  - 5. The design of the subdivision or proposed improvement is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, unless an Environmental Impact Report was prepared and a finding was made regarding overriding considerations.
  - 6. The design of the subdivision or improvement will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
  - 7. The design of the subdivision or the type of improvements is likely to cause serious public health problems.

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8. For a proposed subdivision with more than five hundred (500) dwelling units, water will not be available and sufficient to serve the proposed subdivision in accordance with Section 66473.7 of the Subdivision Map Act.
  9. The discharge of waste from the proposed subdivision into the sewer system will violate regional water quality control regulations in accordance with Section 66474.6 of the Subdivision Map Act.
- d. *Public Hearing.* The Planning Board shall hold a public hearing on the tentative map pursuant to Section 66451.3 of the Subdivision Map Act and subsection 30-22.4.a. and b. of the Alameda Municipal Code. The decision of the Planning Board is subject to appeal and call for review pursuant to AMC Section 30-25 Appeals and Calls for Review.
  - e. Staff reports on tentative maps shall be served on the subdivider at least three (3) days prior to the public hearing.
  - f. The subdivider shall provide all notices required by the Subdivision Map Act for condominium projects and similar projects.
  - g. *Conditions of Approval.* Conditions necessary to make the findings required by this section or to meet the requirement of these subdivision regulations or the Subdivision Map Act may be imposed on the approval of a tentative map.

#### **30-76.7      Passive or Natural Heating or Cooling.**

The design of a subdivision for which a tentative map is required pursuant to Section 66426 of the Government Code of the state of California shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in accordance with Section 66473.1 of the Government Code. For the purposes of this section, feasible means capable of being accomplished in a successful manner within a reasonable period of time, considering economic, environmental, social, and technological factors. This section does not apply to condominium projects which consist of the subdivision of space in an existing building when no new structures are added.

#### **30-76.8      Public Access to Water.**

- a. No tentative map or final map shall be approved for any subdivision fronting on the shoreline which does not provide or have available public access by fee or easement from public highways to land below the ordinary highwater mark on any bay shoreline within the subdivision unless the City Council finds that reasonable public access is otherwise available within a reasonable distance. Such a finding shall be set forth on the face of the tentative and final maps. Reasonable shall be determined according to the standards set out by Section 66478.11 of the Subdivision Map Act.
- b. Public access routes provided by the subdivider shall be expressly designated on the tentative and final map along with the name of the agency to which they are dedicated.
- c. The governing body must accept such dedication within three (3) years of the approval of the final map or same shall be deemed abandoned.

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- d. In determining the reasonableness of public access reference is hereby made to the provisions of the Subdivision Map Act.

### **30-76.9 Tentative Map Expiration.**

Except as otherwise provided by Section 66452.6 of the Subdivision Map Act, a tentative map shall expire two (2) years after the date of its approval unless an application for a final map is filed pursuant to the requirements of this chapter within that period. However, the expiration date shall be extended in accordance with Section 66452.6(a) of the Subdivision Map Act if the filing of multiple final maps is authorized and if the subdivider is required to provide off-site improvements in the amounts specified in Section 66452.6(a) of the Subdivision Map Act.

### **30-76.10 Tentative Map Extensions.**

- a. *Request by Subdivider:* The subdivider may request an extension of the expiration date of the approved tentative map by written application to the Planning Director prior to expiration of the map. If such a request is filed, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. To grant the extension, the Planning Director shall provide a written determination that the following findings are true:
  - 1. That the subdivider has clearly documented that it has made a good faith effort to complete the subdivision process.
  - 2. That it is in the best interest of the City of Alameda to extend the tentative map.
  - 3. That there are no substantial changes to the project, no substantial changes to the circumstances under which the project is undertaken, and no new information of substantial importance that would require any further environmental review pursuant to the California Environmental Quality Act.
- b. *Time Limit of Extension:* Time extensions may be for a period of up to two (2) years. In no case shall the expiration of the tentative map extend more than six (6) years from the date of its original approval, except as otherwise provided by the Subdivision Map Act. After that time, a new tentative map application shall be required.
- c. *Appeal of Decision:* The decision of the Planning Director is subject to appeal and call for review pursuant to AMC Section 30-25 Appeals and Calls for Review.

### **30-76.11 Tentative Map Corrections and Amendments.**

- a. *Minor Changes.* Minor changes to an approved tentative map may be approved by the Planning Director and City Engineer upon application by the subdivider or on the City's initiative prior to action on a final map provided that:
  - 1. No lots, units or building sites or structures are added.
  - 2. Changes are consistent with the intent of the original tentative map approval.
  - 3. There are no resulting violations of the Alameda Municipal Code.

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- b. *Substantive Changes.* Amendments of the tentative map that, in the opinion of the Planning Director and City Engineer, are not minor shall be referred to the Planning Board for review, subject to the procedures for processing a tentative map as set forth in this article.
  - c. *Expiration Date.* Any approved amendment shall not alter the expiration date of the tentative map.

## **30-77 VESTING TENTATIVE MAPS.**

### **30-77.1 General.**

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan or not permitted by the zoning regulations or other applicable provisions of the Municipal Code.

### **30-77.2 Applicability.**

- a. This section shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Alameda Subdivision Regulations, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provision 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.

### **30-77.3 Filing Procedure.**

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the Alameda Subdivision Regulations 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. In addition to the data and reports required by Section 30-76.4 above, a vesting tentative map shall be accompanied by the following plans and reports when deemed necessary by the Planning Director or City Engineer:
  - (a) Height, size and location of buildings;
  - (b) Sewer, water, storm drain and road details clearly delineating public and private facilities;
  - (c) Information on the uses to which the buildings will be put;
  - (d) Detailed grading plans and preliminary stormwater sizing calculations;
  - (e) Geological studies;
  - (f) Flood control information;

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(g) Architectural plans.

- c. Upon filing a vesting tentative map, the subdivider shall pay the fees required by the Master Fee Resolution for the filing and processing of a tentative map.

#### **30-77.4 Vesting of Development Rights.**

- a. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period and shall be subject to the same extensions established by the subdivision regulations for the expiration of the approval or conditional approval of a tentative map.
- b. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinance, policies and standards in effect at the time the vesting tentative map is deemed complete pursuant to Section 65943 of the Government Code.
- c. Notwithstanding subsection b., a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:
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.
- d. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in paragraph a. above. If the final map is approved, these rights shall last for the following periods of time:
1. An initial time period of two (2) years beyond the recording of the final map. Where multiple final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
  2. The initial time period set forth in subparagraph 1. shall be automatically extended by any time used for processing a complete application for discretionary approvals for the proposed development, including, but not limited to, General Plan or zoning amendments, planned development approvals, conditional use permits, variances, design review or grading permits if such processing exceeds thirty (30) days from the date a complete application is filed.
  3. A subdivider may apply to the Planning Board for a one (1) year extension at any time before the initial time period set forth in subparagraph 1. expires. If the extension is denied, the subdivider may appeal that denial to the City Council within fifteen (15) days.
  4. If the subdivider submits a complete application for a building permit prior to the expiration of the final map, the rights referred to herein shall continue until the expiration of such building permit or the expiration of any extension of that permit.

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### **30-77.5 Development Inconsistent with Zoning Regulations.**

- a. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning regulations in existence at that time, that inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider, or subdivider's designee, obtaining the necessary change in the zoning regulations to eliminate the inconsistency. If the change in the zoning regulations is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding subsection 30-77.4.b., confer the vested right to proceed with the development in substantial compliance with the change in the zoning regulations and the map, as approved.
- b. The rights conferred by this subsection shall be for the time periods set forth in subsection 30-77.4.d.
- c. Notwithstanding any provision of this section, a property owner or designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in subsections 30-77.4.b. and 30-77.4.c., and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

### **30-78 FINAL MAPS.**

#### **30-78.1 Final Map Application.**

A final map conforming to the approved tentative map shall be filed with the City Engineer for approval after all the required certificates on such map have been signed and, where necessary, acknowledged.

#### **30-78.2 Final Map Form and Contents.**

The form and content of a final map shall conform to the requirements of this section and Section 66443 of the Subdivision Map Act, and shall be the same as that of a tentative map, as set forth in Section 30-76.3, except as follows:

- a. *Permanence.* A final map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
- b. *Monuments.* At least one (1) exterior boundary line shall be marked with a standard City monument prior to recording the final map. Other monuments shall be set as required by the City Engineer at or on approved offsets from the following locations:
  1. The intersection of street centerlines;
  2. Beginning and end of curves or intersection of tangents on centerlines; and

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3. Other locations as required by the City Engineer.
- c. *Abandonment of Streets and Easements.* The filing of the final map shall constitute abandonment of all public streets and public easements not shown on the map provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified on the map by the City Engineer. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.
- d. *Engineer's/Surveyor's Certificate.* The final map shall contain a statement by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey upon which the final map is based to be retraced.
- e. *City Engineer's Certificate.* The final map shall include a statement to be signed by the City Engineer confirming that they have examined it and found it to be technically correct, consistent with the approved tentative map, and in compliance with these subdivision regulations and the Subdivision Map Act.
- f. *Planning Director's Certificate.* The final map shall include a statement to be signed by the Planning Director confirming that they have examined it and found it to comply with the tentative map as approved by the City Council, indicating the date of such approval, and indicating that the map complies with the General Plan and all other requirements of this chapter.
- g. *City Clerk's Statement.* The final map shall include a statement to be signed by the City Clerk confirming that the City Council has received the map and determined it to comply with the tentative map, the subdivision map act and the local subdivision ordinance, and accepted for dedication and maintenance any land, improvements, easements or utilities.
- h. *Additional Information.* The City may require additional information to be recorded simultaneously with the final map. Whenever additional information is made by a separate document, there shall appear on the final map a reference to the separately recorded document. This reference shall be completed by the Alameda County Recorder according to Section 66468.1 of the Subdivision Map Act. Additional information may include the following:
1. Covenants, codes and restrictions.
  2. Regulatory agreements.
  3. Property maintenance agreements.
  4. Utilities to be accepted for public maintenance.
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5. Other documents or agreements required by as conditions of approval on the tentative map.
  6. Additional survey and map information including, but not limited to, building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, and archaeological sites. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of the recording, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records, or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.

### **30-78.3 Final Map Accompanying Data and Reports.**

The final map shall be accompanied by the following data or reports as may be required by the City Engineer:

- a. *Title Report.* A title report, showing the legal owners at the time of filing the final map, shall be submitted with the final map, accompanied by copies of all deeds and easement descriptions referenced in the report.
- b. *Guarantee of Title.* A guarantee of title, in a form acceptable to the City Engineer and City Attorney, shall be issued by a competent title company to and for the benefit and protection of the City and shall continue up to the instant of recording of the final map, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all public easements being offered for dedication, and all acknowledgments thereto, appear on the proper certificates and are correctly shown on the map, both as to consents to the making thereof and affidavits of dedication where necessary.
- c. *Deeds and Maps.* The final map shall be accompanied by copies of deeds for all adjoining property and copies of all maps referenced in the title report.
- d. *Easements.* The final map shall be accompanied by written evidence of rights of entry or permanent easements across private property outside of the subdivision that permit or grant access to perform necessary construction work or permit the maintenance of any public sewer, water, electric and/or other facility.
- e. *Improvement Plans and Agreement.* Improvement plans and an improvement agreement, if applicable, shall accompany the final map.
- f. *Soils Report.* If the Planning Director or City Engineer required a preliminary soils report with the filing of the tentative map, and if the preliminary soils report indicated the presence of critically expansive soils or other soil problems which, if not corrected, could lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot within the subdivision. The Planning Director or

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City Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate or unsatisfactory.

- g. *Geotechnical Report*. Any updates to the geotechnical report that evaluates seismic hazards and recommends appropriate mitigation measures, prepared in compliance with the requirements of the State Seismic Hazard Mapping Act, including mitigation measures that will be incorporated in design of the subdivision to mitigate hazards from liquefaction and other seismic hazards and recommendations for cross-sections of right of way improvements.
- h. *Traverse Closures*. Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines shall be submitted with the final map.
- i. *Hydrology and Hydraulic Calculations*. Complete hydrology and hydraulic calculations of all storm drains shall be submitted with the final map if determined necessary by the City Engineer.
- j. *Covenants, Conditions and Restrictions*. If required by the City, the submittal of the final map for a common interest development within the meaning of California Civil Code Section 1350 et seq. shall include the proposed declaration of covenants, conditions and restrictions containing the provisions described in California Civil Code Section 1353, and all other governing documents for the subdivision. The submittal of the final map for all subdivisions other than a common interest development shall include any proposed declaration of covenants, conditions and restrictions. All documents shall be subject to review and approval by the Planning Director, City Engineer, and City Attorney.
- k. *Electronic Copy*. The final map shall be submitted in an approved electronic format as required by the City Engineer.
- l. *Other Reports*. Any other data or reports deemed necessary by the City Engineer shall be submitted with the final map.

#### **30-78.4 Multiple Final Maps.**

- a. *Notice of Intention to File Multiple Final Maps*. Multiple final maps relating to an approved tentative map may be filed prior to the expiration of the tentative map if the subdivider, at the time the tentative map is filed, informs the Planning Director in writing of the subdivider's intention to file multiple final maps on the tentative map, or after the filing of the tentative map the subdivider and Planning Director concur in the filing of multiple final maps. In providing the notice, the subdivider shall not be required to define the number or configuration of the proposed multiple maps.
- b. *Filing of Multiple Final Maps*. The filing of a final map on a portion of an approved tentative map shall not invalidate any part of the tentative map. Each final map that constitutes a part of the approved tentative map shall have a separate subdivision number, and shall be subject to any reasonable conditions imposed pursuant to Section 30-76.6.g. The public improvement agreement executed by the subdivider shall provide for the

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construction of improvements as required to constitute a logical and orderly development of the whole subdivision.

### **30-78.5 Final Map Review and Approval.**

- a. *Review by City Engineer and Planning Director.* The subdivider shall submit the final map, signed by all parties required to execute the statements on the map, to the City Engineer and Planning Director for review. The subdivider shall make any corrections and/or additions as required by the City Engineer and/or Planning Director until the final map meets the requirements of the approved tentative map and related City requirements.
- b. *Approval by City Council.* Upon the City Engineer's determination that the final map meets the requirements of the approved tentative map and related City requirements, the City Council shall consider the map at its next regular meeting for which public notice can be given pursuant to Section 66451.3 of the Subdivision Map Act.
  1. If any dedications are required as part of the subdivision, the certificate for dedications shall be included on the map, and the City Council shall accept, accept subject to improvement, or reject any offer of dedication. The City Clerk shall certify or state on the map the action by the City Council. Acceptance of offers of dedication on a final map shall not be effective until the final map or a resolution of acceptance is filed in the Alameda County Recorder's office.
  2. If the Council determines that the final map is in conformity with the approved tentative map, the requirements of this article and the General Plan, and the Council has not made findings pursuant to Section 66474 of the Subdivision Map Act, it shall approve the final map.
  3. When the subdivider shall have filed with the City Clerk the agreement and bond, or have made the deposit described in Section 30-87.8 hereof, such agreement and bond may be approved by the Council as to form and as to sufficiency.
  4. Disapproval for failure to meet or perform the requirements or conditions of this article applicable to the subdivision at the time of the approval of the tentative map shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed.
  5. A final map for a subdivision created from the conversion of residential property to condominiums shall not be approved unless the City Council finds that each tenant has been given one hundred twenty (120) days' notice as required by subsection 30-8.6.a. of this chapter and has also been notified of the right to acquire the unit as required by subsection 30-8.6.b. of this chapter.
  6. Condominium projects and similar projects shall be approved only upon the findings required by Section 66427.1 of the Subdivision Map Act.
  7. No map shall have any force or effect until it has been approved by the City Council, and no title to any property described in any offer of dedication shall pass until the map has been recorded in the office of the County Recorder.

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- c. *Final Certification.* When the City Engineer and Planning Director are satisfied that the final map meets the requirements of this chapter and the City Council has approved the final map, the Planning Director, City Engineer and City Clerk shall certify the map by signing the certificates contained on the final map.

### **30-78.6 Final Map Recordation.**

Except as provided in Section 66493 of the Subdivision Map Act, upon certification of the final map and acceptance of any dedications by the City Council, the map shall be forwarded to the Alameda County Recorder or to a title company or other authorized agent that the subdivider has designated for transmittal to the County Recorder. If any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall be processed in accordance with Section 66493 of the Subdivision Map Act. If the subdivider dedicates property to the City, a certificate concerning the dedication as provided in Section 30-87.14 shall also be prepared and forwarded for recording, and a copy of the certificate shall be attached to the final map.

## **30-79 PARCEL MAPS.**

### **30-79.1 Applicability.**

- a. A parcel map shall be required for all divisions of land into four (4) or fewer parcels, except no parcel map shall be required for the following:
  - 1. Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by either party on not more than thirty (30) days' notice in writing).
  - 2. 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 that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this section, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license.

### **30-79.2 Parcel Map Filing.**

All parcel map applications shall be filed with the Planning Director, accompanied by an application form provided by the Director, data and reports as set forth in Section 30-79.4, and the applicable fee as set forth in the Master Fee Resolution. A parcel map application shall be accepted for filing only when the Planning Director determines that:

- a. All maps and information required by these subdivision regulations and the Subdivision Map Act have been submitted, checked and accepted as complete.
- b. All information required to conduct environmental review in compliance with the California Environmental Quality Act has been submitted.
- c. The required fees and deposits as set forth in the Master Fee Resolution have been paid.

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### **30-79.3 Parcel Map Form and Contents.**

The form and content of a parcel map shall be the same as that of a final map, as set forth in Section 30-78.2, except as follows:

- a. *Owners' Consent.* When a parcel map involves the division of land into four (4) or fewer parcels and dedications or offers of dedications are not required, the statement shall be signed and acknowledged by the subdivider only. If the subdivider does not have a record title ownership interest in the property to be divided, the subdivider shall provide the City with satisfactory evidence that the persons with record title ownership have consented to the proposed division. For purposes of this subsection, "record title ownership" means fee title of record unless a leasehold interest is to be divided, in which case "record title ownership" means ownership of record of the leasehold interest.

### **30-79.4 Parcel Map Accompanying Data and Reports.**

The parcel map shall be accompanied by the same data and reports as may be required by the Planning Director or City Engineer for a tentative map pursuant to Section 30-76.4 and a final map pursuant to Section 30-78.3.

### **30-79.5 Parcel Map Review and Referral.**

- a. *Determination of Complete Application.* Within thirty (30) days of acceptance of a tentative map application filing, the Planning Director shall determine whether an application is complete and shall notify the applicant of the determination in writing.
- b. *Referral.* Within five (5) days of the Director's determination that a tentative map application is complete, the Director shall forward copies of the application to the City Engineer, other affected City departments, public agencies and utilities, including the California Department of Transportation, Alameda Unified School District, and the East Bay Municipal Utility District. The affected public agencies and utilities may, in turn, forward to the Director their findings and recommendations within 15 days of receiving the City's notification.

### **30-79.6 Parcel Maps Review by City Engineer.**

The City Engineer shall review the form and contents of the parcel map and accompanying data and reports pursuant to the requirements of this chapter and any additional requirements established by the City Engineer and shall convey comments to the subdivider and the Planning Director. The subdivider shall make corrections and/or additions until the map is acceptable to the City Engineer.

### **30-79.7 Parcel Maps Action.**

- a. *Advisory Agency.* The Planning Director is hereby designated as the Advisory Agency with respect to the review of parcel maps as provided in the Subdivision Map Act. The Planning Director shall have all the powers and duties with respect to making investigations and reports on the design and improvement of proposed divisions of land requiring the recordation of a tentative map. The Planning Director may approve, conditionally approve, or deny parcel maps at the recommendation of the City Engineer.

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- b. *Action Required.* The Planning Director shall approve, conditionally approve, or deny a parcel map within fifty (50) days after certification of an environmental impact report, adoption of a negative declaration or determination that the project is exempt from the requirements of the California Environmental Quality Act.
  - c. *Findings.* A parcel map shall be denied if any of the following findings are made, and shall otherwise be approved:
    - 1. The proposed map is not consistent with applicable General Plans and Specific Plans.
    - 2. The design or improvement of the proposed subdivision is not consistent with applicable General Plans and Specific Plans.
    - 3. The site is not physically suitable for the type of development.
    - 4. The site is not physically suitable for the proposed density of development.
    - 5. The design of the subdivision or proposed improvement is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, unless an Environmental Impact Report was prepared and a finding was made regarding overriding considerations.
    - 6. The design of the subdivision or improvement will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
    - 7. The design of the subdivision or the type of improvements is likely to cause serious public health problems.
  - d. *Conditions of Approval.* Conditions necessary to make the findings required by this section or to meet the requirement of these planning regulations or the Subdivision Map Act may be imposed on the approval of a parcel map.

### **30-79.8 Parcel Map Appeals.**

The Planning Director's decision on a parcel map may be appealed or called for review to the City Council pursuant to Section 30-25, except that any call for review or appeal shall be heard by the City Council within 45 days of the filing of the appeal or call for review. If there is no regular meeting of the City Council within the next 45 days for which notice can be given pursuant to Section 66451.3 of the Subdivision Map Act, the matter may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of the appeal or call for review filing, whichever period is shorter.

### **30-79.9 Parcel Map Certification.**

- a. *Final Certification by City Engineer and Planning Director.* When the City Engineer and Planning Director are satisfied that the parcel map meets the requirements of this chapter and the Planning Board has approved the parcel map, the Planning Director and City Engineer shall certify the map by signing the certificates contained on the parcel map.

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- b. *Acceptance of Dedications by City Engineer.* If any dedications are required as part of the subdivision, the City Engineer shall accept, accept subject to improvement, or reject any offer of dedication prior to recordation of the parcel map. The City Engineer shall certify the acceptance by signing a statement to this effect on the parcel map. Any certificate for dedications prepared pursuant to Section 30-87 shall be included on the map.

### **30-79.10 Parcel Map Recordation.**

Except as provided in Section 66493 of the Subdivision Map Act, upon certification of the parcel map by the City Engineer and Planning Director, and acceptance of any dedications by the City Engineer, the map shall be forwarded to the Alameda County Recorder or to a title company or other authorized agent that the subdivider has designated for transmittal to the County Recorder. If any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the parcel map shall be processed in accordance with Section 66493 of the Subdivision Map Act. If the subdivider dedicates property to the City, a certificate concerning the dedication shall also be prepared and forwarded for recording, and a copy of the certificate shall be included on the parcel map.

### **30-80 WAIVER OF PARCEL MAP.**

The Planning Director may waive the requirement for filing a parcel map as provided below and in section 30-8.

- a. A subdivider wishing to request a waiver of the parcel map requirement shall submit a waiver request in writing to the Planning Director.
- b. *City Engineer Review.* The City Engineer shall review the request and shall convey comments to the Planning Director.
- c. *Determination of Complete Application.* Within thirty (30) days of acceptance of a parcel map waiver application filing, the Planning Director shall determine whether an application is complete and shall notify the applicant of the determination in writing.
- d. *Referral.* Within five (5) days of the Director's determination that a parcel map waiver application is complete, the Director shall forward copies of the application to the City Engineer, other affected City departments, public agencies and utilities, including the California Department of Transportation, Alameda Unified School District, and the East Bay Municipal Utility District. The affected public agencies and utilities may, in turn, forward to the Director their findings and recommendations within 15 days of receiving the City's notification.
- e. The Planning Director shall act upon the application for a parcel map waiver within sixty (60) days after the waiver application is deemed complete.
- f. The Planning Director shall determine whether the proposed division of land complies with the requirements of this article, the zoning ordinance, and State law as to all of the following, and approve the waiver if so:
  - 1. Area;
  - 2. Improvement and design;

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3. Drainage;
  4. Improved public roads;
  5. Sanitary facilities;
  6. Water supply;
  7. Environmental protection; and that
  8. No public improvement will be necessary or desirable as a consequence of the proposed division.
- f. Notwithstanding subsection e. above, the Planning Director and City Engineer shall grant a parcel map waiver if the proposed division of land was conveyed to or from a governmental agency, the land has existing improvements including functioning sanitary facilities; water supply, ingress and egress, and the proposed division is necessary to implement conveyance of real property interests under the Federal McKinney Act or the Base Closure Community Redevelopment and Homeless Assistance Act of 1994.

### **30-81 LOT LINE ADJUSTMENT.**

- a. A lot line adjustment between four (4) or fewer adjoining parcels, where land taken from one (1) parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, may be approved by the Planning Director under the following circumstances.
  1. The adjustment is for the creation of a new property line and/or to facilitate the transfer of land from one (1) lot to adjoining lots, including the merger of two (2) or more lots into one (1) lot.
  2. Each of the lots remaining after the adjustment shall meet all the requirements for a lot (area, width, etc.) and for development regulations for any existing or approved structures (yards, access, etc.) as set forth in the City zoning regulations, including any exceptions authorized by ministerial development regulations and State law.
  3. No street improvements or other subdivision improvements are required.
- b. The lot line adjustment application shall include the following:
  1. Legal descriptions and a plat map of the parcels prior to and after the adjustment,
  2. An exhibit showing all existing structures and easements in relation to the existing and proposed lot lines,
  3. Title report(s), and
  4. Any additional information necessary to review the application, as determined by the City Engineer or Planning Director.
- c. The legal description and plat map shall be prepared by a licensed land surveyor.
- d. The original drawings or reproducible copies of deed record drawings shall be kept in the City Engineer's files.
- e. The deed describing the transfer shall be recorded with the County Recorder.



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- f. A fee shall be paid at the time of application of a lot line adjustment map as set forth in the Master Fee Resolution.

## **30-82 MAP CORRECTIONS AND AMENDMENTS.**

### **30-82.1 General.**

After a final map or parcel map is recorded, it may be amended by a certificate of correction or by an amending map. Corrections of errors and omissions may be approved by the City Engineer pursuant to subsection 30-82.3. Modifications to a map due to changes that make any or all of the conditions of the map no longer appropriate or necessary shall require a map amendment pursuant to subsection 30-82.4.

### **30-82.2 Application, Form and Contents.**

The certificate of correction or amending map shall be prepared by or under the direction of a land surveyor registered in the State of California or by a civil engineer registered in the State of California who is authorized to perform land surveying. The form and contents of an amending map shall conform to the requirements for the form and contents of a final map as set forth in Section 30-78.2. An amending map shall set forth in detail the corrections made and show the names of the owners of the property affected by the correction or omission as of the date of the filing or recording of the original recorded map.

### **30-82.3 Certificate of Correction.**

- a. *Purposes.* The City Engineer may approve a certificate of correction for any of the following purposes:
  - 1. To correct an error in any course or distance shown on the map.
  - 2. To show any course or distance that was omitted from the map.
  - 3. To correct an error in the description of the real property shown on the map.
  - 4. To indicate monuments set after the death, disability, retirement from practice, or replacement of the engineer or surveyor charged with responsibilities for setting monuments.
  - 5. To show the proper location of any monument that has been changed in location or character, or that was originally shown at the wrong location or incorrectly as to its character.
  - 6. To correct any additional information filed or recorded pursuant to Section 66434.2 of the Subdivision Map Act if the correction does not impose any additional burden on the present owners of the property and does not alter any right, title, or interest in the real property reflected on the recorded map.
  - 7. To correct any other type of map error or omission as approved by the City Engineer that does not affect any property right, including, but not limited to, lot numbers, acreage, street names, and identification of adjacent record maps.

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- b. *Procedure.* The certificate of correction shall be submitted to the City Engineer for review and approval, accompanied by the required fee as set forth in the Master Fee Resolution. The City Engineer shall examine the certificate of correction and, if the only changes are those set forth in subsection a. of this section, the City Engineer shall certify to this fact on the certificate of correction. The City Engineer shall have twenty (20) working days to examine the certificate of correction for compliance with this Article, endorse a statement on it of their examination and certification, and present it to the County Recorder for recordation. If the City Engineer determines that the certificate of correction fails to comply with this Article, the City Engineer shall return the certificate to the applicant with a written statement of the changes necessary. The City Engineer shall have ten (10) working days after resubmission and approval of the amended certificate of correction to present it to the County Recorder for recordation.

### **30-82.4 Map Amendment.**

The City Council shall consider amendment to a final map and the Planning Director shall consider amendments to a parcel map. The City Council or Planning Director shall consider the amendments at a public hearing with notice given pursuant to section 66451.3 of the Subdivision Map Act and shall deny the request unless it makes all of the following findings, in which case it shall approve the request:

1. There are changes in circumstances that make any or all of the conditions of the map no longer appropriate or necessary.
2. The amendments do not impose any additional burden on the fee owners of the real property.
3. The amendments do not alter any right, title, or interest in the real property reflected on the recorded map.
4. The final map as amended conforms to the findings of Section 30-76.6(c), or the parcel map as amended conforms to the findings of Section 30-79.7(c).

A decision of the Planning Director to approve a parcel map amendment may be appealed to or called for review by the City Council pursuant to Section 30-25.

The City Engineer shall certify the amending map as approved by the City Council or Planning Director.

The amending map certified by the City Engineer shall be filed in the office of the Alameda County Recorder. After the County Recorder takes the actions required by Section 66472 of the Subdivision Map Act, the original map shall be deemed to have been conclusively so corrected and shall impart constructive notice of all the corrections in the same manner as though set forth on the original map.

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## **30-83 URBAN LOT SPLITS**

### **30-83.1 Applicability.**

The provisions of this Section shall apply within the R-1 zoning district to subdivision meeting the requirements of Section 30-4.1.b.2 and 30-4.1.d.2.

### **30-83.3 Parcel Map.**

A parcel map or parcel map waiver application shall be required for all proposed urban lot splits. The form of the parcel map or parcel map waiver associated with an urban lot split shall conform to the requirements of the Subdivision Map Act. The parcel map or parcel map waiver shall be filed with the Planning Director for examination for conformance to this title and the Subdivision Map Act.

### **30-83.4 Urban Lot Split Standards.**

A parcel map or parcel map waiver for an urban lot split shall conform to the requirements of sections 30-4.1.b.2 and 30-4.1.d.2 and all the of following:

- a. *Flag Lots.*
  1. A flag lot shall be allowed with an urban lot split in a situation where a conventional lot would not allow for a second lot of at least one thousand two hundred (1,200) square feet.
  2. The portion of the flag lot constituting the access corridor shall be excluded when determining compliance with minimum lot size and maximum lot coverage requirements.
  3. The maximum width of the access corridor of the flag lot shall be twenty (20) feet, except where greater width is required for Fire Department access.
  4. New flag lots shall not be created from existing flag lots.
- b. *Easements.* Public utility, service and/or access easements shall be provided within the subdivision where required for public utility purposes, in accordance with this title.
- c. *Dedications.* Notwithstanding the requirements of this chapter, dedications of rights-of-way or the construction of off-site improvements for the parcels being created shall not be required.
- d. *Improvements Required.* The following improvements shall be required of all urban lot splits. The design and layout of such improvements shall conform to the generally acceptable engineering standards and to such objective standards as approved by the City Engineer that are in effect at the time of the parcel map application submittal.
  1. Sanitary Sewers. Each unit or lot within the urban lot split shall be served by the City's sanitary sewer system.

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2. **Water Supply.** Each unit or lot within the urban lot split shall be served by an approved domestic water system.
  3. **Utilities.** All new utilities within the urban lot split shall be placed underground except those facilities exempted by the Public Utilities Commission regulations and as otherwise provided in this Article.
  4. **Storm Drainage.** Stormwater runoff from the urban lot split shall be collected, conveyed and treated by an approved storm drain system consistent with city standards.
- e. ***Affidavit of Principal Residence.*** Pursuant to Section 30-4.1d.2, prior to approval of the parcel map or parcel map waiver, the applicant shall sign an affidavit, on a form approved by the City Attorney, stating that the applicant intends to occupy the primary dwelling unit or an SB 9 unit as their principal residence for a minimum of three (3) years from the date of the approval of the subdivision. This requirement shall not apply if the applicant is a community land trust or a qualified nonprofit corporation as provided in Sections 402.1 and 214.15 of the California Revenue and Taxation Code.
  - f. ***Deed Restriction on Further Subdivision.*** To implement Section 30-4.1d.2, the parcel map or parcel map waiver created pursuant to an urban lot split shall contain a note on the map, and respective deed restrictions shall be recorded with the Alameda County Recorder's Office, indicating that parcels resulting from the urban lot split were created using the provisions of this chapter and Government Code Section 66411.7, and that no further subdivision of the parcels is permitted.
  - g. ***Conflicting Provisions.*** The proposed urban lot split shall comply with all other applicable objective requirements of the Subdivision Ordinance and the Subdivision Map Act (Government Code Section 66410 et seq.) except as otherwise provided for in this article. In the event of a conflict between the requirements of this chapter and the requirements contained elsewhere in this Municipal Code, the provisions of this chapter shall apply to the review and approval of urban lot splits created hereunder.

### **30-83.5 Ministerial Approval.**

Notwithstanding any other requirement under this chapter, the City shall ministerially review and approve applications for an urban lot split, without public notices, public hearings or discretionary review.

### **30-84 REVERSION TO ACREAGE.**

- a. Reversions shall be processed pursuant to Article 1, Chapter 6 of the Subdivision Map Act.
- b. Maps filed for the purpose of reverting subdivided land to acreage shall be conspicuously designated with the title "The Purpose of this Map is a REVERSION TO ACREAGE."

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**30-85 RESERVED.****30-86 SUBDIVISION DESIGN STANDARDS.****30-86.1 General Requirements.**

In addition to meeting the specific requirements of this title, the design of the subdivision shall, to the satisfaction of the advisory agency, conform to the land use, circulation and other policies of the city's general plan and its component elements and any other officially adopted specific plan or land development policy, and shall conform to the zoning ordinance, officially adopted standards for streets and roads, grading, erosion and siltation control, seismic safety, and design standards adopted by utilities, fire protection, sanitary and flood control districts in which the land division is located. The size and alignment of streets and walks and the location and configuration of sites for lots, schools, parks, and similar facilities shall be coordinated with the anticipated requirements of the future population and the physical characteristics of the land.

**30-86.2 Street Alignment.**

The centerlines of all streets and highways which are to be extended shall be the continuation of the centerlines of existing streets and highways on adjacent and contiguous property. In cases in which the straight continuations are not desirable, the centerlines may be continued by curves tangent at the intersection with the boundaries of the proposed subdivision to the centerlines of existing streets or highways.

**30-86.3 Street and Alley Grades and Widths.**

- a. Grades of all streets and alleys shall be established so that the subdivision is properly drained and shall conform as nearly as possible to the natural topography of the property. Minimum street grade is one-half of one percent (0.5%) except where otherwise approved by the City Engineer. Maximum street grade is twelve percent (12%) except where otherwise approved by the City Engineer.
- b. Where a subdivision adjoins unsubdivided land, provision may be made for reasonable future access to the acreage.
- c. The widths of streets shall be based on the width of streets of which they are a continuation, but shall not be less than those approved by the City Engineer or established right-of-way lines unless otherwise approved under a master plan (Section 30-4.20) or planned development (Section 30-4.13).
- d. Minimum right-of-way widths of streets which are to be accepted into the city road system shall be as shown on the city's standard plans or established right-of-way lines. Easements for construction and maintenance of slopes in excavation or embankments outside the limits of street dedication may be required where topographical conditions make easements desirable.

**30-86.4 Parcels.**

- a. Parcels shall be designed to meet or exceed the minimum standard for area, lot width, lot depth, and lot frontage specified for the zoning district in which the subdivision is located.

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- b. Parcels, and the grading thereof, shall be of a size and shape to accommodate the uses that reasonably could be expected to occur under applicable zoning with consideration given to the limitations of topography and soil conditions, and the need for providing access, privacy and preserving natural features of significance.
  - c. Parcels shall be designed to provide, to the extent feasible, for future passive or natural heating or cooling opportunities within the subdivision.

### **30-86.5 Grading.**

Subdivision grading shall conform with the intent, general requirements and lot design requirements of this chapter, shall be consistent with recommendations contained in the soils and geologic investigation reports prepared for the proposed subdivision, and subject to review and approval by the City Engineer, and shall specifically conform with all City design standards.

### **30-86.6 Erosion and Siltation Control.**

Erosion and sediment control facilities shall control and contain erosion-caused sediment deposits and provide for the safe discharge of sediment-free stormwater into existing storm drain facilities and natural watercourses. Drainage across interior property lines will not be permitted except in special circumstances approved by the City Engineer after establishment of approved easements. Construction grading and erosion control shall be conducted in such a manner as to prevent sedimentation or other damage to off-site property. Drainage, sedimentation and erosion control measures shall be shown on the subdivider's improvement plans.

- a. *Slopes.* The faces of cut and fill slopes shall be prepared and maintained to control against erosion.
- b. *Debris Basins.* Debris basins shall be installed whenever and wherever necessary to protect the subdivision and the properties below the subdivision from erosion and sedimentation.
- c. *Temporary Debris Basins.* Temporary debris basins shall be installed prior to commencing grading operation and shall be maintained until the permanent erosion and sediment control measures have been installed and are fully effective.
- d. *Erosion and Sediment Control Measures.* These measures shall be consistent with the recommendations contained in the preliminary soils investigation report and the report evaluating the geological conditions present, to the extent reviewed and approved by the City Engineer.

### **30-86.7 Flood Hazards and Sea Level Rise Mitigation.**

- a. Where a subdivision is proposed which lies partially or totally within an area designated on a map prepared by a governmental agency as having a special flood hazard or subject to sea level rise inundation, the subdivider shall make provisions to minimize damage to structures and improvements, including those of public utilities. The subdivider shall provide adequate drainage to reduce exposure to such hazards and shall make site improvements and design water supply and sanitary sewage systems to minimize infiltration of floodwaters into the systems and prevent discharges of sewage and other

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contaminants into flood waters. The stormwater system and the flood protection structures shall be designed and implemented to protect the project site from inundation based on the conservative scenario of a high tide during a 100-year stormwater event in combination with sea level rise.

- b. Where a subdivision is proposed which lies partially or totally within an area designated on a map prepared by a governmental agency as subject to sea level rise inundation, all residential structures shall be located at or above the 100-year tidal elevation plus 36 inches for sea level rise considerations. Site located along a shoreline shall also accommodate future adaptive measures for potential future sea level rise in excess of 36 inches. Future adaptive measures shall involve expanding the coastal region of the site with raised levees or floodwalls.

### **30-86.8 Exceptions to Design Standards.**

The Planning Director, City Engineer, Planning Board and City Council may, in the exercise of reasonable judgment, grant exceptions to the requirements of this section, for street alignment, grades, widths, lengths, block design, lot width and lot frontage, and to all subjects referred to in this Section, as determined warranted by topographic limitations, soil or geological conditions, or other site-specific conditions that warrant special consideration as recommended by the City Engineer.

## **30-87 IMPROVEMENTS AND DEDICATIONS**

### **30-87.1 Duty of Subdivider to Improve Streets.**

The subdivider may be required to improve all streets, highways, public ways and easements which are a part of the subdivision, as well as improvements that may not be part of the subdivision but are affected by the subdivision.

### **30-87.2 Required Improvements.**

- a. The required improvements may include:
  - 1. Land grading and improvement.
  - 2. Street, alley and walkway grading and paving.
  - 3. Bikeways and Trails.
  - 4. Curbs, gutters, sidewalks, monuments and landscaping.
  - 5. Fencing barriers, header boards and warning devices.
  - 6. Sanitary sewers, storm drains and appurtenances.
  - 7. Street lighting systems.
  - 8. Fire hydrants and fire alarm system.
  - 9. All public utility systems.
  - 10. Street and walkway tree planting and landscaping.

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11. Bulkheads, seawalls, retaining walls or other methods of land retention and sea level rise adaptation.

12. Traffic signals, traffic control, regulatory, warning and guide devices.

- b. The City may require additional improvements which it deems necessary, or may grant exceptions to any of the above items that are obviously not applicable in any particular division of land.
- c. The City may require such off-site improvements as are necessary for local needs and allowed by law.

### **30-87.3 Standards for Improvements.**

All improvements shall be constructed in accordance with standard engineering practice and in accordance with standard plans and specifications approved by the city.

### **30-87.4 Improvement Plans.**

Before beginning any construction or installation of improvements, a complete set of plans, profiles, cross sections, and other drawings for all improvements, together with a complete set of detailed specifications for the work, shall be submitted to the City Engineer for review and approval. All work shall be according to city standards and specifications. The City Engineer shall be furnished, without cost, one (1) or more complete sets of the signed plans as required. No work shall commence without approved, signed plans.

### **30-87.5 Inspection by City Engineer.**

The City Engineer shall have the right to enter upon the site of the work for the purpose of inspecting the same and shall be furnished with samples of materials as may be required for the making of tests to determine the acceptability of the materials. The subdivider shall pay to the city the actual cost for the inspection of the work and checking materials in accordance with the Master Fee Resolution.

### **30-87.6 Completion of Improvement.**

Upon completion of improvements, the subdivider shall provide as-built drawings in the form required by the City Engineer prepared by a civil engineer registered by the state of California and electronic files compatible with the city's GIS system showing the subdivision as it has been completed. The subdivider shall also provide recorded conditions, covenants and restrictions documents, and other documents pertinent to the development as reasonably determined by the City Engineer.

### **30-87.7 Supplemental Improvement Capacity.**

- a. *Requirement to Supplement.* As a condition of approval of a tentative map, there may be imposed a requirement that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number or length for the benefit of property not within the subdivision and that those improvements be dedicated to the public, subject to the reimbursement agreement provisions of Sections 66486 and 66487 of the Subdivision Map Act.



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- b. *Reimbursement Agreement.* If such a requirement is imposed, the city shall enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of those improvements, including an amount attributable to interest, in excess of the construction required for the subdivision. The City Engineer shall determine the method for payment of the costs, which may include:
1. The collection from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, a reasonable charge for such use.
  2. The contribution to the subdivider of that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and the levy of a charge upon the real property benefited to reimburse the city for such costs, together with interest thereon, if any, paid to the subdivider.
  3. The establishment and maintenance of local benefit districts for the levy and collection of such charge or costs from the property benefited.

### **30-87.8 Improvement Agreements.**

- a. *General.* If the improvements required by Section 30-87.2 are not completed prior to the filing of the parcel map or final map, the subdivider shall enter into an improvement agreement with the City for the construction of the required improvements. Such agreement is subject to the approval of the City Manager as recommended by the City Engineer and approved as to form by the City Attorney. The agreement shall provide for:
1. Construction of all improvements according to the approved plans and specifications on file with the City Engineer.
  2. Specified times for completion of improvements.
  3. Right by City to require changes to the plans and specifications in accordance with the development requirements and to require the subdivider to pay for the modifications.
  4. Payment of applicable fees as set forth in the Master Fee Schedule.
  5. Improvement security in accordance with Section 66499 et seq. of the Subdivision Map Act.
  6. Posting of a performance bond for one hundred percent (100%) of the value of the improvements, at prevailing wage, and, upon completion and acceptance by the City of the improvements, a one (1) year warranty bond guaranteeing the constructed improvements from defects.
  7. Release and indemnification of the City from all liability incurred by the development and payment of all reasonable attorney's fees that the City may incur because of any legal action arising from the development.

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8. Any other provisions required by the City as reasonably necessary to comply with the requirements of this chapter.

- b. *Deferred Agreements.* An agreement may be made between the subdivider and the City to defer the construction of public improvements until such time as the improvements are necessary to preserve the general purposes of this title. No such agreement shall be valid until and unless it is secured by a good and sufficient surety bond or cash deposit adequate to cover all the costs and administrative expenses of the improvements in the event of default. If the subdivider or subsequent owner of the subdivision desires to construct the improvements, the City will release the deposit to the subdivider or subsequent owner of the subdivision after the improvements are constructed, inspected, and accepted as complete by the City.

### **30-87.9 Completion and Acceptance of Improvements.**

- a. *Completion.* The subdivider shall complete the subdivision improvements within twelve (12) months from the recording of the parcel map or final map, or at a time approved by the City Engineer, not to exceed twenty-four (24) months from the recording of the parcel map or final map, unless an extension is granted by the City Manager. If the subdivider fails to complete the improvements within the specified time, the City may, by resolution of the City Council and at its option, cause any or all uncompleted improvements to be completed and the parties executing the surety or sureties shall be firmly bound for the payment of all necessary costs. All improvements are subject to inspection by the City Engineer to ensure that they have been completed in accordance with the improvement agreement.
- b. *Acceptance.* Upon completion of the improvements required by the provisions of this article, the subdivider or his authorized agent shall file a complete set of record drawings in hard copy and electronic format with the City Engineer. Such record drawings shall be certified as to accuracy and completeness by the subdivider's engineer of record. Upon the receipt and acceptance of such record drawings for major subdivisions, the City Engineer shall recommend to the City Manager the formal acceptance of the improvements.
- c. *Acceptance of a Portion of Improvements.* When requested by the subdivider in writing, the City may consider acceptance of a portion of the improvements as recommended by the City Engineer. The improvements will be accepted by the City only if it finds that it is in the public interest and such improvements are for the use of the general public. Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements imposed by this chapter. Acceptance of a portion of the improvements shall be in accordance with subsection b.

### **30-87.10 Dedications.**

When required as a condition for approval of a tentative map or parcel map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision that is needed for:

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- a. *Streets, Alleys and Other Public Rights-of-Way or Easements.* Streets and alleys, as shown in the General Plan, including access rights and abutters' rights, drainage, public utility easements and other public easements, as deemed necessary by the City Engineer. The waiver of direct access rights, as provided by Section 66476 of the Subdivision Map Act, may be required if the City determines that the public interest necessitates such a waiver.
  - b. *Bicycle Paths.* Bicycle paths, Bay Trail, and/or the Cross Alameda Trail as shown in the General Plan for the use, safety, and benefit of the residents of the subdivision for the purpose of connecting the subdivision to other neighborhoods in the city.
  - c. *Transit Facilities.* Local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items that directly benefit the residents of the subdivision.
  - d. *Drainage Facilities.* Storm drain rights-of-way or easements as deemed necessary by the City Engineer.

**30-87.11      Dedication for Transit Facilities.**

- a. The City Council may require dedication or irrevocable offer of dedication of land within the subdivision for local transit facilities such as bus turnouts, benches, shelters and similar items which directly benefit the residents of the subdivision if either, the tentative map shows the potential for two hundred (200) dwellings or more if developed to the maximum density or the subdivision contains one hundred (100) acres, and the Council finds that transit services are or will within a reasonable time period be made available to such subdivision.
- b. Such irrevocable offers may be terminated as provided in the Subdivision Map Act.

**30-87.12      Acceptance of Dedications.**

- a. *Action Upon Approval of Map.* At the time the City approves a final map or parcel map, the City shall also accept, accept subject to improvement, or reject any offer of dedication. The City Engineer shall certify or state on the map the City's action.
- b. *Rescission of Rejection.* If, at the time the final map or parcel map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities which directly benefit the residents of a subdivision, or storm drainage easements are rejected by the City, the offer of dedication shall remain open and the City may at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, public utility easements, rights-of-way for local transit facilities or storm drainage easements for public use, which acceptance shall be recorded in the office of the Alameda County Recorder.
- c. *Termination of Offers.* Offers of dedications may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by California Streets and Highways Code Division 9, Part 3 (commencing with Section 8300).

**30-87.13      Recordation of Dedications.**

The City shall record a certificate with the Alameda County Recorder for any dedication for public purpose or for making public improvements or constructing public facilities, other than

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for open space, parks, or schools. The certificate shall be included on the map and shall contain the name and address of the subdivider dedicating the property, a legal description of the real property being dedicated, and a statement that the City shall reconvey the property to the subdivider if the City determines that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities.

### **30-88 RESERVED.**

### **30-89 ENFORCEMENT.**

#### **30-89.1 Prohibition.**

The prohibitions in Government Code Section 66499.30 shall apply to the sale, lease, financing, construction or occupancy of any parcel or parcels of real property in the city of Alameda until and unless all applicable requirements of this title and the Subdivision Map Act have been complied with.

#### **30-89.2 Penalty.**

Penalties for violation of this title or the Subdivision Map Act shall be as provided in Government Code Section 66499.31.

#### **30-89.3 Remedies for Violations.**

Remedies and procedures for violations shall be as set forth in Government Code Sections 66499.32, 66499.33, 66499.34 and 66499.36.

#### **30-89.4 Certificate of Compliance.**

- a. A person owning real property or a buyer under a contract of sale may request a certificate of compliance from the City Engineer indicating whether the real property complies with the provisions of the Subdivision Map Act and this chapter. A written application for a certificate of compliance shall be accompanied by a current preliminary title report showing the legal owner of the property.
- b. If the City Engineer determines that the real property complies with the provisions of the Subdivision Map Act and this chapter, the City Engineer shall file a certificate of compliance for recording with the Alameda County Recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with the provisions of the Subdivision Map Act and this chapter.
- c. If the City Engineer determines that the real property does not comply with the provisions of the Subdivision Map Act or this chapter, the City Engineer may, as a condition to granting a certificate of compliance, impose conditions in accordance with Section 66499.35(b) of the Subdivision Map Act. Upon the City Engineer's making such a determination and establishing such conditions, the City Engineer shall file a conditional certificate of compliance for record with the Alameda County Recorder. The certificate shall serve as notice to the property owner and any successor that the fulfillment and implementation of such conditions shall be required before subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such

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conditions is not required until the City issues a permit or other grant of approval for development of the property.

- d. A recorded final map or parcel map constitutes a certificate of compliance with respect to the parcels of real property described on the map.
- e. The applicant for a certificate of compliance shall pay the City a fee to cover the reasonable cost of processing the application as set forth in the Master Fee Resolution.

### **30-89.5 Judicial Action.**

Challenges to actions taken pursuant to this title shall be governed by Government Code Sections 66499.37 and 66499.38.

### **30-89.6 Effect of approval or conditional approval of map.**

Neither the approval nor conditional approval of any map shall constitute or waive compliance with any other applicable provision of the Alameda Municipal Code nor shall any such approval authorize or be deemed to authorize a violation or failure to comply with any other applicable provisions of the code.