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# EXHIBIT 1 – CLEAN VERSIONS OF PROPOSED AND EXISTING SUBDIVISION REGULATIONS

## PROPOSED SUBDIVISION REGULATIONS (pp. 1 – 41)

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### 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 implement 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;

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- 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;
  - 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 proposed divisions of real property, the imposing of requirements or conditions thereon, 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.

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*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 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 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. "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 party or parties 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 tentative and final map exceptions in Sections 66426 (a) through (e) of the Subdivision Map Act and as otherwise provided by this ordinance and the Subdivision Map Act.

*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 party or parties 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

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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 or units, 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.

*Tentative Parcel Map* means a map showing a subdivision of four (4) or fewer lots or units, 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.

*Unit* means those elements of a condominium or other development, where ownership is divided into individual areas 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 (b) 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 deemed complete pursuant to Section 65943 of the Government Code, subject to the exception in Section 66474.2(b) of the Subdivision Map Act.

## **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 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.

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- c. This article shall not apply to actions exempted by Section 66412 of the Subdivision Map Act and any other actions 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.
- 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 Schedule.

### **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

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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.

## **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 any one of the following occurs:

- a. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body.
- b. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway.

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- c. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the City as to street alignments and widths.
  - d. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter section.
  - e. The land is being subdivided solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.
  - f. A parcel map shall be required for the subdivisions described in subsections a. through e. of this section unless the parcel map is waived by the Planning Director in accordance with Section 30-80 Waiver of Parcel Map.

### **30-76.2 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 exceptions to 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 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

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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.
- 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



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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*: A preliminary soils investigation and report prepared by a registered civil engineer shall be required for every subdivision. The report shall evaluate seismic hazards and recommend appropriate mitigation measures, prepared in compliance with the requirements of the State Seismic Hazard Mapping Act. 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.

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- c. *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.
  - d. *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.
  - e. *Utility Service*: The subdivider shall provide 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.
  - f. *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 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.

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

- a. *Advisory Agency.* Except for those projects that are subject to ministerial approval pursuant to Government Code section 66499.41 and other similar sections when projects shall be reviewed and acted upon by the City Engineer, 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. *Action on Map.* The Advisory Agency 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, whichever is later. The Planning Board shall approve, conditionally approve, or deny the tentative map based on the findings in subsection c.
- c. *Findings for Denial:* A tentative map shall be denied if any of the following findings are made:
  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 improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
  6. The design of the subdivision or type of improvements 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. *Findings for Approval.* The following findings must be made prior to approval of a tentative map:
  1. For a proposed subdivision with more than five hundred (500) dwelling units, water will be available and sufficient to serve the proposed subdivision in accordance with Section 66473.7 of the Subdivision Map Act.

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2. The discharge of waste from the proposed subdivision into the sewer system will not violate regional water quality control regulations in accordance with Section 66474.6 of the Subdivision Map Act.
  3. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in accordance with subsection 30-76.7, and provides public access to water in accordance with subsection 30-76.8.
  4. The city has considered the effects on housing needs of the region in which the local jurisdiction is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources.
- e. *Public Hearing.* The Advisory Agency shall hold a public hearing on the tentative map pursuant to Section 66451.3 of the Subdivision Map Act. The decision of the Planning Board is subject to appeal and call for review pursuant to AMC Section 30-25 Appeals or Calls for Review.
1. Staff reports on tentative maps shall be provided to the subdivider at least three (3) days prior to the public hearing.
  2. The subdivider shall provide all notices required by the Subdivision Map Act for condominium projects and similar projects.
- f. *Conditions of Approval.* The City may impose reasonable conditions to subdivision map approvals that derive from the City's general police power, including its authority to regulate design and improvement of subdivisions, specific statutory authorization contained in the Subdivision Map Act and related statutes, the CEQA environmental review process, and local authority to impose conditions to implement provisions of general and specific plans.

### **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 Subdivision Map Act shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in accordance with Section 66473.1 of the Subdivision Map Act. 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

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bay shoreline within the subdivision unless the Planning Board 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. Reasonableness 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 the offer shall be deemed rejected.

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

Except as otherwise provided by Section 66452.6 of the Subdivision Map Act, a tentative map shall expire three (3) years after the date of its approval unless an application for a tentative map extension is filed pursuant to the requirements of this chapter within that period. Notwithstanding any automatic extension period authorized in the Subdivision Map Act, the City may, upon the subdivider's application filed before the tentative map expiration date, extend the tentative map's life for an additional period or periods not to exceed six years in accordance with subsection 30-76.10.

### **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 have been satisfied:
  - 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's health, safety, and general welfare 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 cumulative extension of the tentative map exceed six (6) years, except as otherwise provided by the Subdivision Map Act. After that time, a new tentative map application shall be required.

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- 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 or 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 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.
  - 4. Any approved amendment shall not alter the expiration date of the tentative map.
- b. *Substantive Changes*. Amendments of the tentative map that, in the opinion of the 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.

### **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 parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.
- b. If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

#### **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

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set forth in the Alameda Subdivision Regulations and Subdivision Map Act 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;
  - (g) Architectural plans.
- c. Upon filing a vesting tentative map, the subdivider shall pay the fees required by the Master Fee Schedule 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 application is deemed complete pursuant to Section 65943 of the Government Code, subject to the exception in Section 66474.2(b) of the Subdivision Map Act.
- 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:

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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. A decision on the request is subject to appeal and/or call for review as established in AMC Section 30-25.
- e. If the subdivider submits a complete application for a building permit prior to the recordation 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.

### **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.**



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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 66433 et seq. of the Subdivision Map Act, and shall be the same as that of a tentative map, as set forth in Section 30-76.3 Tentative Map Form and Contents, 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
  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

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- 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 Planning Board, 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.
    - 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:

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- 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. Additionally, the soils report shall evaluate seismic hazards and recommend appropriate mitigation measures, prepared in compliance with the State Seismic Hazard Mitigation Act. The Planning Director or City Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate or unsatisfactory.
  - g. *Traverse Closures.* Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines shall be submitted with the final map.
  - h. *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.
  - i. *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

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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.

- j. *Electronic Copy.* The final map shall be submitted in an approved electronic format as required by the City Engineer.
- k. *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 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.* The subdivider shall submit the final map, signed by all parties required to execute the statements on the map, to the City Engineer for review. The subdivider shall make any corrections and/or additions as required by the City Engineer 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.

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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 substantial compliance with all conditions of approval attached to the tentative map, and in conformity with the approved tentative map, the requirements of this article and the General Plan, it shall approve the final map.
  3. If improvements required as conditions to the tentative map have not yet been completed when the final map is approved, the subdivider shall enter into a subdivision improvement agreement, guaranteed by adequate security, for the completion of the improvements. When the subdivider shall have filed with the City Clerk the agreement and bonds, or have made the deposit described in Section 30-86.8 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 final 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 final map has been recorded in the office of the County Recorder.
- 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

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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 30-86.13 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 tentative parcel map and parcel map shall be required for all divisions of land into four (4) or fewer parcels or units, and divisions of land identified in Section 66426 of the Subdivision Map Act, except no tentative parcel map or parcel map shall be required for the following:

- a. 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).
- b. Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to 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 Tentative Parcel Map Application.**

All tentative parcel map applications shall be filed with the Planning Director, accompanied by an application form provided by the Director. The form and contents of the tentative parcel 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 exceptions to map requirements on the determination that the map contains sufficient information to be evaluated adequately. The tentative parcel map application shall include payment of applicable fees as set forth in the Master Fee Schedule.

#### **30-79.3 Tentative Parcel Map Form, Contents, Accompanying Data and Reports.**

The tentative parcel map form and contents shall be the same as for a tentative map pursuant to Section 30-76.3 and shall be accompanied by the same data and reports

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as may be required by the Planning Director or City Engineer for a tentative map pursuant to Section 30-76.4.

#### **30-79.4 Tentative Parcel Map Review and Referral.**

- a. *Determination of Complete Application.* Within thirty (30) days of acceptance of a tentative parcel 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 parcel 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 Bay Municipal Utility District. The affected public agencies and utilities may, in turn, forward to the Planning Director their findings and recommendations within 15 days of receiving the City's notification.

#### **30-79.5 Tentative Parcel Map Action.**

- a. *Advisory Agency.* The Planning Director is hereby designated as the Advisory Agency with respect to the review of tentative 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 parcel map. The Planning Director may approve, conditionally approve, or deny tentative parcel maps at the recommendation of the City Engineer.
- b. *Action Required.* The Planning Director shall approve, conditionally approve, or deny a tentative 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 tentative 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.

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5. The design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
  6. The design of the subdivision or the type of improvements is likely to cause serious public health problems.
  7. The design of the subdivision or type of improvement will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- d. *Conditions of Approval.* The City may impose reasonable conditions that derive from the City's general police power, including its authority to regulate design and improvement of subdivisions, specific statutory authorization contained in the Subdivision Map Act and related statutes, the CEQA environmental review process, and local authority to impose conditions to implement provisions of general and specific plans.

### **30-79.6 Tentative Parcel Map Expiration and Extensions**

Except as otherwise provided by Section 66452.6 of the Subdivision Map Act, a tentative parcel map shall expire three (3) years after the date of its approval. The subdivider may request an extension of the expiration date of the approved tentative parcel 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 have been satisfied:

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's health, safety, and general welfare 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.

Time extensions may be for a period of up to two (2) years. In no case shall the expiration of the tentative parcel 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 parcel map application shall be required.

### **30-79.7 Tentative Parcel Map Appeals.**



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The Planning Director's decision on a tentative parcel map may be appealed or called for review to the Planning Board pursuant to Section 30-25 Appeals or Calls for Review, except that any call for review or appeal shall be heard by the Planning Board within 45 days of the filing of the appeal or call for review. If there is no regular meeting of the Planning Board 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.

### **30-79.8 Parcel Map Application**

A parcel map conforming to the approved tentative parcel map shall be filed with the City Engineer for approval after all of the required certificates on such map have been signed and, where necessary, acknowledged. The parcel map application shall include payment of applicable fees as set forth in the Master Fee Schedule.

### **30-79.9 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:

*Owners' Consent.* When a parcel map involves the division of land into four (4) or fewer parcels or units 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.

### **30-79.10 Parcel Map Review by the 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.

### **30-79.11 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, 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 30-86 shall be included on the map.

### **30-79.12 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.

- a. *Application.* A subdivider wishing to request a waiver of the parcel map requirement shall submit a waiver request in writing to the Planning Director and pay fees per the Master Fee Schedule.
- 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. *Action.* The Planning Director shall act upon the application for a parcel map waiver within sixty (60) days after the waiver application is deemed complete.
- e. *Findings.* 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;
  - 3. Drainage;

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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.

### **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 and City Engineer 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 and shall be reviewed by the City Engineer for technical correctness
- d. The original drawings or reproducible copies of deed record drawings shall be kept in the City Engineer's files.
- e. The deed(s) describing the transfer shall be recorded with the County Recorder.
- f. A fee shall be paid at the time of application of a lot line adjustment map as set forth in the Master Fee Schedule.

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## **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

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to, lot numbers, acreage, street names, and identification of adjacent record maps.

- 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 Schedule. 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.**

- a. 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 30-79.5(c).
- b. A decision of the Planning Director to approve a parcel map amendment may be appealed to or called for review by the Planning Board pursuant to Section 30-25.
- c. The City Engineer shall certify the amending map as approved by the City Council or Planning Director.
- d. 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 MINISTERIAL APPROVALS**

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

The provisions of this Section shall apply within the R-1 Residential District to subdivisions meeting the requirements of Section 30-4.1.b.2 and 30-4.1.d.2 for two-family dwellings and for other ministerial approvals required by law, including but not limited to Sections 66411.7, 66499.40 and 66499.41 of the Subdivision Map Act.

### **30-83.2 Parcel Map.**

A tentative parcel map and parcel map shall be required for all proposed urban lot splits and similar mandatory ministerial subdivisions and shall conform to the requirements of the Subdivision Map Act. The tentative parcel map and parcel map shall be filed with the Planning Director for examination for conformance to this title and the Subdivision Map Act.

### **30-83.3 Urban Lot Split Standards.**

A tentative parcel map and parcel map for an urban lot split and similar mandatory ministerial subdivisions shall conform to the requirements of sections 30-4.1.b.2 and 30-4.1.d.3 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 minimum width of the access corridor of the flag lot shall be five (5) feet and 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.

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- d. *Improvements Required.* The following improvements shall be required of all urban lot splits and similar mandatory ministerial approvals. 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.
  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.* For projects being considered pursuant to Section 30-4.1d.3, Lot Splits, prior to approval of the parcel map, the applicant shall sign an affidavit, on a form approved by the City Attorney, stating that the applicant intends to occupy one of the units 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.* For projects being considered pursuant to Section 30-4.1d.3, Lot Splits, the parcel map 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 Section 66411.7 of the Subdivision Map Act, and that no further subdivision of the parcels is permitted.
- g. *Conflicting Provisions.* The proposed urban lot split or similar mandatory ministerial approval 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.

### **30-83.4 Ministerial Approval.**

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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. No appeal or call for review may be filed on the action of the Planning Director.

### **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."

### **30-85 SUBDIVISION DESIGN STANDARDS.**

#### **30-85.1 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 sidewalks 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.

#### **30-85.2 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.

#### **30-85.3 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.



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- 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.

#### **30-85.4      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.
- 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.

#### **30-85.5      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.

#### **30-85.6      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.

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- 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*. Erosion and sediment control 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.

### **30-85.7 Flood Hazards and Sea Level Rise Mitigation.**

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 (FEMA) or subject to sea level rise inundation as predicted in an adopted plan, the subdivider shall make provisions to minimize damage to structures and improvements, including those of public utilities, in accordance with accepted practice. 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 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.

### **30-85.8 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.

## **30-86 IMPROVEMENTS AND DEDICATIONS**

### **30-86.1 Duty of Subdivider to Improve Streets.**

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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 reasonably affected by the subdivision.

### **30-86.2 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.
  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.

### **30-86.3 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.

### **30-86.4 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 prepared by a civil engineer registered by the State of California and submitted to the City Engineer for review and approval. All work shall be according to City standards and specifications. The City

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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.

**30-86.5 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 Schedule.

**30-86.6 Completion of Improvements.**

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.

**30-86.7 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.
- 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.

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### **30-86.8 Improvement Agreements.**

- a. *General.* If the improvements required by Section 30-86.2 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. Posting of a labor and materials bond for one hundred percent (100%) of the value of the improvements, at prevailing wage, shall be required to guarantee payment to the subdivider's contractor, subcontractors, and to persons furnishing labor, materials or equipment for the construction or implementation of the improvements.
  8. Indemnification, hold harmless, and defense (with counsel acceptable to the City) of the City from and against any claim, action or proceeding against the City to attack, set aside, void or annul an approval of the City concerning the subdivided property or any portion thereof.
  9. 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

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subdivision after the improvements are constructed, inspected, and accepted as complete by the City.

### **30-86.9 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.
- d. *Reduction in Performance Bond.* The City Engineer may authorize in writing a partial release of the performance bond in conjunction with the acceptance of a portion of improvements. The amount of the reduction shall be determined by the City Engineer, however, in no event shall the City Engineer authorize a release of the improvement security which would reduce the security to an amount below that required to guarantee the completion of the improvements and any other obligation imposed by this ordinance, the Subdivision Map Act, or the improvement agreement.

### **30-86.10 Dedications.**

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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:

- 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.

#### **30-86.11 Dedication for Transit Facilities.**

- a. The Planning Board 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 Planning Board 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.

#### **30-86.12 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 Clerk shall certify or state on the final map the City's action and the City Engineer shall certify or state on the parcel 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,

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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).

### **30-86.13 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 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.

### **30-87 ENFORCEMENT.**

#### **30-87.1 Prohibition.**

The prohibitions in Section 66499.30 of the Subdivision Map Act 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.

#### **30-87.2 Penalty.**

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

#### **30-87.3 Remedies for Violations.**

Remedies and procedures for violations shall be as set forth in Sections 66499.32, 66499.33, 66499.34 and 66499.36 of the Subdivision Map Act.

#### **30-87.4 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.



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- 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 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 Schedule.

### **30-87.5 Judicial Action.**

Challenges to actions taken pursuant to this title shall be governed by Sections 66499.37 and 66499.38 of the Subdivision Map Act.

### **30-87.6 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.

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## **EXISTING SUBDIVISION REGULATIONS (pp. 42 – 65)**

### **ARTICLE VI. REAL ESTATE SUBDIVISION REGULATIONS**

#### ***30-73 PURPOSE.***

This article is adopted for the following purposes:

- a. To establish minimum permissible regulations for the division and subdivision of land into two (2) or more parcels.
- b. To provide a guide for owners in the property division of their land, and for the Planning Board in its consideration of proposed land divisions.
- c. To serve as a means of implementing the Official Alameda General Plan, and accomplishing the portions of the General Plan which apply to the properties proposed for division or subdivision under the regulations of this article.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

#### ***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.

*Division of land* shall mean the division of any real property or condominium project, improved or unimproved, or portion thereof shown on the latest equalized County assessment roll as a lot or contiguous lots, which is divided for the purpose of sale or lease, whether immediate or future, by any subdivider into two (2) or more parcels; provided that this article shall not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, or commercial building, gas leases or leases of land for agricultural purposes, or the financing or leasing of commercial or industrial buildings on a single lot. Nothing in this definition shall be construed as authorizing divisions of land made prior to the date of this article not in conformance with the prior ordinance and applicable State laws.

*Latest equalized County assessment roll* shall mean the roll as of September 1, 1973 and as it may be changed by division of land in conformance with this article and applicable State laws.

*Map Act* shall mean the Subdivision Map Act of the State of California, and amendments thereto.

*Owner* shall mean 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.

CHAPTER XXX - DEVELOPMENT REGULATIONS  
ARTICLE VI. - REAL ESTATE SUBDIVISION REGULATIONS  
30-74 DEFINITIONS.

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*Unit* shall mean 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.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.; Ord. No. 1850 N.S.; Ord. No. 2077 N.S.)

### **30-75 ADVISORY AGENCY.**

#### **30-75.1 Designated.**

The City Planning Board, hereinafter referred to as the Planning Board, is hereby designated as the Advisory Agency, with respect to subdivisions, as provided in the Subdivision Map Act of the State of California, and is hereby charged with the duty of making investigations and reports on the design and improvement of proposed divisions of land requiring the recordation of a subdivision final map or parcel map and with the approval of property division maps.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

#### **30-75.2 Powers and Duties.**

The Planning Board shall have all the powers and duties with respect to the design and improvement of preliminary plans, tentative and final maps, parcel maps, and the procedure relating thereto, subject to the powers of the City Council, which are specified by law and by this article.

(Ord. No. 1728 N.S.)

### **30-76 GENERAL PROVISIONS.**

#### **30-76.1 Compliance Required.**

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.

(Ord. No. 1728 N.S.)

#### **30-76.2 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.

(Ord. No. 1783 N.S.; Ord. No. 1902 N.S.; Ord. No. 2077 N.S.; Ord. No. 2200 N.S.)

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### **30-76.3 Time Extensions and Temporary Staff.**

- a. The time limits specified in this article for reporting and acting on maps may be extended by mutual consent of the City and applicant.
- b. At the time an application is filed hereunder the City shall determine whether or not it is able to meet the time limits specified herein for reporting and acting on maps. If the City determines it cannot meet those time limits, it shall, upon request of and at the applicant's expense, engage temporary help to process the map if qualified persons are available who can process the map faster than existing staff.

(Ord. No. 2051 N.S.)

### **30-76.4 Subdivision Conference.**

Prior to the filing of a map, the subdivider may request a conference with the Planning Director for a general discussion of his plan and of the subdivision standards and requirements of the City.

(Ord. No. 1728 N.S.; Ord. No. 2051 N.S.)

## ***30-77 PRELIMINARY PLAN.***

### **30-77.1 Filing Procedure.**

- a. Prior to the filing of a tentative map, or parcel map, the subdivider shall submit to the Planning Board, a preliminary plan showing the following information:
  - 1. Approximate design and dimensions of streets and lots, proposed school, park and other public areas, existing and proposed uses of land for residential, commercial or industrial purposes, and the relationship of the foregoing to existing adjoining developments, zoning and the General Plan.
  - 2. Topographic and water features, proposals for homeowner organizations and covenants of restrictions, proposed home size and cost ranges, proposed variations in setbacks, plans and elevations, and orientations of residential structures.
  - 3. Proposals for treatment of utility installations and special features such as reservations for hospitals and churches.
  - 4. Proposals for the size and shape, dimension and functions of water areas.
- b. An approved Planned Development shall constitute the preliminary plan where such approval is required.
- c. Where approval is required for condominium conversion under Section 30-8, that approval shall constitute the preliminary plan.
- d. Maps which cannot be filed for any reason hereunder may, at the discretion of the Planning Board, be reviewed as preliminary plans in conjunction with zoning approvals applicable thereto.

(Ord. No. 1728 N.S.; Ord. No. 1793 N.S.; Ord. No. 1850 N.S.; Ord. No. 1918 N.S.)

### **30-77.2 Planning Board Review.**

The Planning Board shall review the preliminary plan and make such suggestions as will provide guidance to the subdivider in the preparation of a well designed and acceptable division of land.

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## ***30-78 TENTATIVE AND PARCEL MAPS.***

### **30-78.1 Information Required for Tentative Map.**

The tentative map of a subdivision shall be twenty-two inches by thirty inches (22" x 30") in size and drawn to a scale of one inch equals not more than fifty feet (1" = 50') and shall be prepared by a licensed land surveyor or a registered civil engineer and shall contain the following information:

- a. The tract number or other description as established by the recorder of the County of Alameda, State of California.
- b. A description and delineation sufficient to define the location and boundaries of the tract. Political subdivision lines and important survey lines shall be shown.
- c. Date, north point and scale.
- d. Names and addresses of present owners of record and recording data.
- e. Name and address of the subdivider.
- f. Name and address of the registered engineer or licensed surveyor who prepared the map.
- g. Elevations and/or contours sufficient to determine the general slope of the land and the high and low points thereof.
- h. The locations, names, widths and approximate grades of all ways, roads, streets, highways and railways, existing and proposed within the tract and within the surrounding adjacent lands.
- i. The tract, block and lot names and/or numbers of adjoining subdivisions of record or names of individual lot owners.
- j. The dimensions, locations and purposes of all existing and all proposed streets and sidewalks, easements, walkways, water areas, bulkheads, seawalls, retaining walls or other earth retaining methods, within the tract or adjacent to the tract.
- k. The locations and sizes of sanitary sewers, culverts, and drainage structures, existing and proposed in the tract and adjacent to the tract.
- l. The locations of all water, gas and electric lines, and of all fire hydrants, fire alarm systems, street lights, and any other necessary utilities existing or proposed within the tract or adjacent thereto.
- m. Approximate lot layout and dimensions of each lot. Lots shall be numbered.
- n. The dimensions and locations of any existing buildings which are to remain on the property.
- o. If any portion of any land within the boundaries of a proposed subdivision or adjacent thereto is subject to overflow, inundation or flooding by storm or tidal waters, that portion of the land shall be clearly indicated.
- p. A subdivider's statement to appear upon, or to accompany the Map fully describing the following:
  1. Existing use or uses of the property.
  2. Proposed use or uses of the property.
  3. The improvements and public utilities proposed to be made or installed, and the time at which such improvements are proposed to be completed.

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4. Public areas proposed for dedication, reservation or limited use.
  5. Tree planting and landscaping.
  6. A statement enumerating all items (if any) that are not in conformance with the current City building and zoning codes.
  7. A written request, and reasons therefor, for any exceptions to the provisions of this article, which are deemed necessary to the subdivision by the subdividers.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

### **30-78.2 Information Required for Parcel Map.**

The map of the division of land into four (4) or less parcels shall show the information required by the Map Act and the City Engineer. The City Engineer may require additional information, which does not affect record title interest, in the form of additional map sheets. These additional sheets shall be recorded simultaneously with the parcel map in accordance with the provisions of Section 66434.2 of the Subdivision Map Act. In the event street construction, improvement or widening, dedication, or reservations for public purposes are required, the City Council may give conditional approval to a parcel map presented under this subsection, the approval being conditioned by and contingent upon the construction of any street, or the improvement or widening thereof, as required by the City Council, and the requisite offering for dedication or reservation of the same for public purposes; or upon the execution by the person, firm or corporation seeking to file the parcel map of an agreement substantially in conformance with subsection 30-85.3 of this Code, together with the filing of the bond required in that section. In either case, the City Council may set time limitations within which the street construction, improvements, dedications or reservations for public use must be accomplished.

(Ord. No. 1728 N.S.; Ord. No. 2374 N.S.)

### **30-78.3 Filing of Tentative Map or Parcel Map With Planning Board.**

- a. Four (4) copies of a proposed tentative map or parcel map of the proposed division of any land, together with the additional data required, shall be submitted to the Secretary of the Planning Board.
- b. Repealed.
- c. Upon submittal of a proposed tentative map or parcel map, the Secretary of the Planning Board shall transmit three (3) copies to the City Engineer who shall, within five (5) working days, examine it to determine if it is suitable for review. A map shall be determined suitable for review when it appears to contain all required information in the required form. If the City Engineer finds that the map is not suitable for review, the City Engineer shall return it to the Planning Director with a brief summary of its deficiencies. The Planning Director shall return the map to the subdivider with the summary and/or a summary of the Planning Director's findings of deficiency. If additions to the map are required the subdivider shall resubmit the map. If the City Engineer and the Planning Director find that the map is suitable for review the Planning Director shall issue to the subdivider a memorandum that proposed tentative map or parcel map is suitable for review (MSFR).
- d. After the MSFR is issued the subdivider may submit, to the Secretary of the Planning Board, forty (40) copies of the proposed tentative map or thirty-four (34) copies of the proposed parcel map of the proposed division of land together with a duplicate tracing of such map. The City Engineer shall determine whether the map conforms to all local and State regulations. If no corrections, additions or changes are initiated by the subdivider without fourteen (14) working days of either the submittal of the map or the latest correction,

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addition, or change thereto initiated by the subdivider, the City Engineer shall issue to the subdivider a memorandum that proposed tentative map or parcel map is suitable for filing (MSFF).

- e. After the MSFF is issued the subdivider shall file with the Secretary of the Planning Board the tentative or parcel map, together with the copies enumerated in paragraph d., at least seventeen (17) working days prior to the Planning Board meeting at which consideration of the map is desired. Upon filing of a tentative map or parcel map, the Secretary of the Planning Board shall transmit copies to other departments and agencies concerned. Each department or agency receiving a copy shall examine the map to ascertain if the proposed division of land conforms to its standards and requirements, and shall, within five (5) working days, submit a written report thereon to the Planning Director who shall submit, seven (7) working days prior to the date of the meeting at which consideration of the map is requested, a written report to the Planning Board, including the comments and recommendations of all departments and agencies concerned.
- f. No maps may be filed until necessary zoning approvals have been secured and an environmental impact report, if required, has been certified for the project covered by the application.
- g. Tentative or parcel maps which the Planning Board authorizes for review by the staff and the Board as part of preliminary plans, pursuant to Section 30-77 of this article meet the procedural requirements of paragraphs a. through e. of this subsection if the City Engineer and City Planning Director issue to the subdivider a memorandum that the tentative map or parcel map is suitable for filing pursuant to Section 30-77 of this article. The memorandum shall be issued only if all reviews and reports required pursuant to paragraphs a. through f. of this subsection have been completed. If said memorandum is issued the tentative or parcel map shall be filed at least eight (8) working days prior to the date of the Planning Board meeting at which consideration of the map is desired. In the event that the subdivider is permitted to submit a map pursuant to Section 30-77 of this article, the subdivider shall pay, in addition to the fees required by paragraph b. of this subsection, the costs of all staff time required to review changes required on the map or supporting documents as result of the changes made by the subdivider or the Planning Board in either the PD or other zoning applications or zoning approval required, pursuant to subsection 30-77.1a. and b. and paragraph f. of this subsection, before maps can be filed under this subsection. The costs for engineering staff shall include all reasonable engineering costs expended by the City Engineer's office, including overhead. The costs for planning staff shall be set by City Council Resolution.

(Ord. No. 2652 N.S. § 5; Ord. No. 1728 N.S.; Ord. No. 1850 N.S.; Ord. No. 1931 Ex. A No.'s 8, 9 and 10; Ord. No. 2579 N.S. § 8)

### **30-78.4 Consideration of Tentative Map or Parcel Map.**

- a. The Planning Board shall consider tentative maps or parcel maps of proposed divisions of land as to their excellence of design and improvement, suitability of existing and proposed land use relationship, conformity with zoning and other standards and regulations, and conformity with the various elements of the General Plan.
- b. The Planning Board may require that the subdivider reserve, or may suggest the desirability of his dedicating suitable areas for the schools, parks, and playgrounds and other public sites which will be required for the use and service of the persons who will occupy the subdivision under the plan of proposed property uses. The Planning Board shall suggest such measures as will make for desirable community development.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

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### **30-78.5 Action on Tentative Map or Parcel Map.**

- a. The Planning Board shall, within fifty (50) days from the date of filing, or instead, if an EIR has been certified, within forty-five (45) days of the certification, determine and file its report with the City Council whether the tentative map or parcel map meets proper standards for design and improvement and meets engineering and other standards of the City, presents an acceptable comprehensive plan, and conforms to the elements of the General Plan, and upon such determination, shall recommend approval, conditional approval, or disapproval of the map. The Board shall not recommend the approval of a tentative map if it makes any of the following findings:
  1. That the proposal is not consistent with applicable General Plans and Specific Plans.
  2. That the design or improvement of the proposed subdivision is not consistent with applicable General Plans and Specific Plans.
  3. That the site is not physically suitable for the type of development.
  4. That the site is not physically suitable for the proposed density of development.
  5. That 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.
  6. That 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. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
- b. The Planning Board shall transmit a report of its action on a tentative map to the City Council, which shall set a date to hear the report at the next regular meeting of the Council following the filing of the Board's report. The hearing shall be held within thirty (30) days thereafter.
- c. The Planning Board shall transmit a report of its action on a parcel map to the City Council which shall act upon request of the subdivider within a reasonable time after Planning Board action. Approval of a parcel map shall expire unless the map is recorded within six (6) months of final approval.
- d. The Council may overrule or modify any ruling of the Planning Board in regard to the tentative map or parcel map and make such findings as are not inconsistent with the provisions of the Subdivision Map Act or of this article.
- e. The time limits prescribed herein for acting on tentative maps or parcel maps may be extended by the mutual consent of the subdivider and the Planning Board or City Council.
- f. The City Council shall find that a tentative map or parcel map is consistent with the General Plan.
- g. No tentative map shall be approved if either the Planning Board or City Council makes findings pursuant to paragraph a. of this subsection.
- h. The City Council shall determine whether the discharge of waste from the subdivision into the sewer system would violate regional water quality control regulations. In the event that the Council finds that proposed discharge would result in such violation, it may disapprove the map.
- i. Staff reports or recommendations of tentative maps shall be served on the subdivider at least three (3) days prior to a hearing thereon.
- j. At least one (1) public hearing shall be held on the map noticed pursuant to subsection 30-22.4a. and b. of the Alameda Municipal Code.



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- k. The subdivider shall provide all notices required by the Subdivision Map Act for condominium projects and similar projects. (Government Code Sections 66427.1, 66451.3, 66452.3 and 66452.8.)

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.; Ord. No. 2051 N.S.; Ord. No. 2200 N.S.)

### **30-78.6 Waiver of Parcel Map.**

The requirement of a parcel map may be waived by the City Council under subsection (a) or (b) below.

- a. If the City Council finds that the proposed division of land complies with the requirements of this article and State law as to all of the following:
1. Area;
  2. Improvement and design;
  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 to consequence of the proposed division; or
- b. 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.

(Ord. No. 1835 N.S.; Ord. No. 2842 N.S. § 1)

## ***30-79 VESTING TENTATIVE MAPS.***

### **30-79.1 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.

(Ord. No. 2434 N.S. § 1)

### **30-79.2 Definitions.**

- a. As used in this section.

*Vesting tentative map* shall mean a tentative map for a residential subdivision, as defined in the Alameda Subdivision Regulations, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 2-1 of the California Government Code, and is thereafter processed in accordance with the provision hereof.

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- b. All other definitions set forth in the Alameda Subdivision Regulations are applicable.

(Ord. No. 2434 N.S. § 1)

### **30-79.3 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.

(Ord. No. 2434 N.S. § 1)

### **30-79.4 Filing Procedure.**

- a. 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:
  - 1. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."
  - 2. At the time a vesting tentative map is filed a subdivider shall also supply the following information:
    - (a) Height, size and location of buildings;
    - (b) Sewer, water, storm drain and road details;
    - (c) Information on the uses to which the buildings will be put;
    - (d) Detailed grading plans;
    - (e) Geological studies;
    - (f) Flood control information;
    - (g) Architectural plans.
- b. Upon filing a vesting tentative map, the subdivider shall pay the fees required by the subdivision regulations for the filing and processing of a tentative map.

(Ord. No. 2434 N.S. § 1)

### **30-79.5 Approval of Map and Vested 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 described in Government Code Sec. 66474.2. However, if Sec. 66474.2 of the Government Code is repealed, the approval or

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conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

- c. Notwithstanding paragraph 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 resident 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 one (1) year. Where several 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 a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filled.
  - 3. A subdivider may apply 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 during the periods of time specified in subparagraphs 1.3., the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

(Ord. No. 2434 N.S. § 1)

### **30-79.6 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 his or her 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 30-79.5b., 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 30-79.5d.
- c. Notwithstanding any provision of this section, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in subsections 30-79.5b. and 30-79.5c., and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

(Ord. No. 2434 N.S. § 1)

### ***30-80 PRELIMINARY SOIL REPORT.***

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### **30-80.1 Report Required.**

Prior to the submission of the final map as provided hereinbelow in Section 30-81 or prior to the subdivider's request for City Council consideration of the parcel map as provided in subsection 30-78.5c, the subdivider shall file with the City Engineer a preliminary soil report, prepared by a registered civil engineer, based upon adequate test borings or excavations for every division of land. The City Engineer may waive such soil report if he shall determine that, due to his knowledge or the knowledge of his department of the soil qualities of the land, no preliminary analysis is required.

(Ord. No. 1728 N.S.)

### **30-80.2 Soil Investigation.**

If the preliminary soil report indicates the presence of critically expansive soils or other soil problems, which if not corrected, would lead to defects in structures erected thereon, a soil investigation of each lot shall be prepared by a registered civil engineer. The investigation shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil. The report shall be filed with the City Engineer.

(Ord. No. 1728 N.S.)

### **30-80.3 Approval of Soil Investigation.**

The City Engineer shall approve the soil investigation if in his judgment he determines that the recommended corrective action is likely to prevent structural damage to each dwelling to be constructed on each lot. Any subdivider aggrieved by the City Engineer's determination may appeal therefrom to the Board of Appeals provided for in the Alameda Building Code, and the decision of the Board shall be final. Any building permit issued for any dwelling proposed to be built on the lot shall be conditioned upon the incorporation of the approved recommended corrective action in the construction of such dwelling.

(Ord. No. 1728 N.S.)

## ***30-81 FINAL MAP.***

### **30-81.1 Filing Procedure.**

- a. Within twenty-four (24) months after approval, or conditional approval of the tentative map by the City Council, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final map to be prepared in accordance with the tentative map as approved. Original tracings and twelve (12) prints of the final map shall be filed with the City Engineer.

An extension of time, not to exceed an additional twelve (12) months, for filing of the final map may be granted by the City Council providing written application is made by the subdivider prior to the expiration of the approved or conditionally approved tentative map. Extensions of time shall not exceed one (1) year in the aggregate. In the case of a reversion to acreage, no survey need be made unless deemed necessary by the City Engineer.

- b. At the time of filing of the final map with the City Engineer, the subdivider shall also file therewith the following:

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1. An instrument conveying all easements required by public purposes and specifying limitations to the uses thereof.
  2. The instrument prohibiting traffic over the side line or end of a freeway, parking or street, when and if the same is required.
  3. Calculation and traverse sheets used in computing the distances, angles and courses shown on the final map, and ties to existing and proposed monuments.
  4. Complete plan, profile and detailed drawings of the improvements drawn to a scale of one inch equals forty-nine (1" = 49') feet as designated by the City Engineer.
  5. Specifications for required improvements as designated by the City Engineer.
  6. A written request for the City Council to consider approval of the final map.
- c. Checkprints of the final map shall be submitted and approved through the office of the City Engineer prior to acceptance of the map for signature by the City Engineer.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.; Ord. No. 2200 N.S.)

### **30-81.2 Survey Control.**

- a. The survey of a final map or parcel map shall be tied into and completed in the system of coordinates as established by the City Engineer. All adjoining properties shall be identified by lot, block and tract designation, and/or property owners.
- b. Sufficient data must be shown to fully describe every curve, lot, block and boundary line. No ditto marks shall be used. Lots containing one (1) acre or more shall show net acreage to nearest one-hundredth (1/100).

(Ord. No. 1728 N.S.)

### **30-81.3 Monuments.**

- a. Whenever the City Engineer has established the monument line of a street or alley, adjacent to or in the proposed division of land, such date shall be shown on the final map or parcel map, indicating all monuments found and reference to a map. If the points were reset by tires, the fact shall be stated.
- b. The map shall show the location and description of all monuments found in making the survey for the subdivision map or parcel map, and shall include bearings and distances of straight lines and radii and arc length for all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.
- c. Monuments shall be installed at street intersections, between street intersection, where necessary to preserve the street alignment and the angle points along the exterior boundaries where necessary.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

### **30-81.4 Final Map and Parcel Map Requirements.**

In addition, the final map or parcel map shall be prepared in full compliance with the following requirements:

- a. The map shall show the line of high water in case the area includes or is adjacent to areas subject to periodic inundation by floor or tidal waters.

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- b. The boundary of the tract shall be designated by a distinctive symbol as specified by the Subdivision Map Act and as required by the Alameda County Recorder's office.
  - c. Streets and Other Rights-of-way. The map shall show the monument and side lines of all streets, the total width of all streets, the width of the portion being dedicated and the width of existing dedication, and the widths each side of the monument line, also the width of railroad rights-of-way, appearing on the map.
  - d. The map shall show the side lines of all easements to which any lots are subject. Easements for storm drains, sewers, utilities and other purposes shall be clearly denoted.
  - e. City boundary lines crossing or abutting the subdivision shall be clearly designated and referenced.
  - f. The map of a condominium shall show surface units.
  - g. The final map shall particularly define, delineate and designate all lots or parcels intended for private purposes; all parcels offered for dedication for any purpose, public or private; and any private streets permitted under the provisions of this article, with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication, but not accepted shall be so designated.
  - h. The map shall show all other data that is or may be required bylaw.
  - i. As required by the City Engineer, additional information, not affecting record title interest, in the form of additional map sheets, shall be recorded simultaneously with the final or parcel map in accordance with the provisions of Section 66434.2 of the Subdivision Map Act. These additional map sheets shall indicate their relationship to the final or parcel map, and shall contain a statement that the additional information is for information purposes, describing conditions as of the date of filing, and are not intended to affect record title interest.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.; Ord. No. 2374 N.S.)

### **30-81.5 Covenants of Restrictions.**

Two (2) copies of revised covenants of restrictions shall be filed with the final map or parcel map.

(Ord. No. 1728 N.S.)

### **30-81.6 Final Map Certificates.**

The following certificates and acknowledgements and all others now or hereafter required by law shall appear on the final map:

- a. *Owner's Certificate.* A certificate signed and acknowledged by all parties having any record title interest in the land subdivided consenting to the preparation and recordation of the map unless exempted by the Map Act. This certificate shall include any offers of dedication of land shown on the final map and intended for public purposes. This certificate may also include required easements intended for private purposes.
- b. *Engineer's (Surveyor's) Certificate.* A certificate by the engineer or licensed surveyor responsible for the survey and final map. The signature of such engineer or surveyor, unless accompanied by his seal, must be attested. The certificate shall give the date of the survey and state that the survey and final map were made by him or under his direction and that the survey is true and complete as shown; that the monuments are of the character and occupy the positions indicated, or that they will be set in such

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positions at such time as agreed upon, and that the monuments are or will be sufficient to enable the survey to be retraced.

- c. *City Engineer's Certificate.* A certificate by the City Engineer stating that he has examined the final map and that it is in substantial conformity with the approved tentative map and any approved alterations thereof, that the map complies with the Map Act and this article, and is technically correct.
- d. *City Clerk's Certificate.* A certificate for execution by the City Clerk stating that the City Council approved the final map and accepted or rejected the offers of dedication.
- e. All other affidavits, certificates, acknowledgments, endorsements, and notarial seals as are required by law and this article.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

### **30-81.7 Parcel Map Certificates.**

The following certificates and acknowledgments and all others now or hereafter required by law shall appear on the parcel map:

- a. *Owner Certificate.* A certificate signed and acknowledged by all parties having any record title interest in the land subdivided consenting to the preparation and recordation of the map. This certificate may include any offers of dedication of land intended for public purposes. This certificate may also include provisions for required easements intended for private purposes.
- b. *Surveyor's (Engineer's) Certificate.* A certificate by a registered civil engineer or licensed surveyor responsible for the survey and parcel map. The certificate shall be in the form specified by the Map Act, Section 66449(a).
- c. *City Engineer's Certificate.* A certificate by the City Engineer as specified by the Map Act, Section 66450.
- d. *Recorder's Certificate.* A certificate by the County Recorder as specified by the Map Act, Section 66449(b).
- e. All other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law and this article.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

### **30-81.8 Action on Final Map.**

- a. *Approval by City Engineer.* Upon receipt of the final map and other data submitted therewith, the City Engineer shall examine them to determine that the subdivision as shown is substantially the same as it appears on the approved tentative map, and any approved alterations thereof, that all provisions of this article and of any ordinance applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct. If the map is found to be technically correct and in conformance with regulations and with the approved tentative map, the City Engineer shall certify the map and transmit it to the City Clerk.
- b. *Approval by City Council.* At the meeting at which it receives the map or, at its next regular meeting thereafter, the City Council shall consider the map and any offers of dedication. If the Council shall determine that the map is in conformity with the approved tentative map, the requirements of this article and the General Plan and has not made findings pursuant to Section 66474 of the Map Act, it shall approve the Map. When the subdivider shall have filed with the City Clerk the agreement and bond, or have made the deposit described in subsection 30-85.3 hereof, such agreement and bond may be approved by the Council as to

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form and as to sufficiency. 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.

- c. Receives the map, as used in paragraph b. hereof, shall mean the first succeeding regular meeting of the City Council at which such map, offers, and any necessary documents in connection with consideration of the map, may duly appear upon the Council's regular agenda for such meeting.
- d. 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.
- e. 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 30-8.6a of this chapter and has also been notified of the right to acquire the unit as required by subsection 30-8.6b of this chapter.
- f. Condominium projects and similar projects shall be approved only upon the findings required by Section 66427.1 of the California Government Code.

(Ord. No. 1728 N.S.; Ord. No. 1850 N.S.; Ord. No. 2051 N.S.)

### **30-82 LOT ADJUSTMENT MAP.**

- 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 both the City Engineer and Planning Director.
  - 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. The portion of the lot remaining after the creation of the new parcel shall meet all the requirements for a lot (area, width, etc.) as set forth in the City zoning regulations.
  - 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.
- f. A fee shall be paid at the time of application of a lot line adjustment map. The fee shall be set by City Council Resolution.

(Ord. No. 1728 N.S.; Ord. No. 1850 N.S.; Ord. No. 2374 N.S.; Ord. No. 2378 N.S.; Ord. No. 2579 N.S. § 5)



(Ord. No. 3255 N.S., § 8, 11-19-2019)

### **30-83 REVERSION TO ACREAGE.**

- a. Reversions shall be processed pursuant to Article 1, Chapter 6 of the 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."

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

### **30-84 DESIGN STANDARDS.**

#### **30-84.1 General Regulations of Street Design and Improvement.**

- a. *Streets and Highways.* The street and highway design shall conform both in width and alignment to any General Plan of streets and highways approved by the City Council and rights-of-way for any streets and highways indicated shall be dedicated. The street and highway design shall conform to any proceedings affecting the division of land which may have been initiated or approved, by the City Council, or approved by the Council upon initiation by other legally constituted bodies of the City, County or State.
- b. *Alignment of Streets and Highways.* All streets shall, so far as practicable, be in alignment with existing adjacent streets by continuations of the center lines thereof or by adjustments by curves.
- c. *Intersections.* Street center lines shall be required to intersect one another at an angle as near to the right angle as is practicable by tangents not less than one hundred (100') feet in length.
- d. *Extensions, Cul-De-Sacs.* Where necessary to give access to, or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the land being divided and the resulting dead-end or cul-de-sac streets may be approved without a turn-around. In all cases, unless specifically excepted, a turn-around having a minimum curb to curb diameter of sixty-six (66') feet shall be required. No cul-de-sac street shall exceed six hundred (600') feet in length.
- e. *Intersection Corner Rounding.* Whenever a major street or State highway intersects any other street or highway, the property lines at each block corner shall be rounded with a curve having a radius of not less than twenty (20') feet. A greater curve radius may be required if streets intersect at other than right angles.
- f. *Curve Radii.* The center line curve radii on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval by the City Engineer.
- g. *Grades of Streets and Highways.* No major or secondary street shall have a grade of more than three (3%) percent. No other street shall have a grade of more than five (5%) percent, unless, because of topographical conditions or other exceptional conditions, the City Council determines that a steeper grade is necessary. No street or highway shall have a grade of less than one-tenth of one (.1%) percent.
- h. *Reserved Strips.* Reserved strips controlling the access to public ways shall be deeded unconditionally to the City of Alameda.
- i. *Widths.* Streets and highways shall not be of lesser widths than those set forth hereunder:
  - 1. Major street or highway: Right-of-way eighty-eight (88') feet; curb to curb sixty-four (64') feet.

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2. Secondary street or highway: Right-of-way sixty-four (64') feet;
  3. Residential street: Right-of-way sixty (60') feet; curb to curb forty (40') feet.
  4. Cul-de-sac street less than three hundred fifty (350') feet in length. Right-of-way fifty-two feet; curb to curb thirty-six (36') feet. Three hundred fifty (350') to six hundred (600') feet in length: right-of-way sixty (60') feet; curb to curb thirty-six (36') feet.
  5. Service Roads. As specified in each particular case, by Planning Board.
  6. Private Ways. As specified in each particular case, by Planning Board.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

### **30-84.2 Service Roads and Off-Street Parking.**

When lots proposed for commercial or industrial uses front on any major or secondary street or highway, the subdivider may be required to dedicate and improve a service road to provide ingress and egress to and from such lots, or in lieu thereof; if approved by the Planning Board, the subdivider may dedicate for public use and improve an area adjacent to such lots for off-street parking purposes.

When any lots proposed for residential use front on a freeway, State highway or parkway, the subdivider may be required to dedicate and improve a service road at the front of such lots. In addition to any requirements for a service road, the Planning Board may require adequate off-street parking areas for all lots proposed for commercial or industrial use.

(Ord. No. 1728 N.S.)

### **30-84.3 Non-Access and Planting Strips.**

When conditions require that the rear or side lines of any lots border a major highway or parkway, the subdivider may be required to execute and deliver to the City, an instrument which allows the City to prohibit the right of ingress and egress to such lots, across the sidelines of such highway or parkway. When the rear or sidelines of any lots border any freeway, State highway or parkway, the subdivider may be required to dedicate, fence, and improve a planting strip adjacent thereto with approved landscaping; provided, however, no such dedication, improvement or fencing shall be required when the abutting freeway, state highway or parkway, has been independently fenced and improved.

(Ord. No. 1728 N.S.)

### **30-84.4 Alleys.**

When lots are proposed for commercial or industrial uses, alleys at least twenty-four (24') feet in width may be required at the rear thereof with adequate ingress and egress for truck traffic, and improved to City standards.

(Ord. No. 1728 N.S.)

### **30-84.5 Street Names.**

All street names must be approved by the Planning Board. No duplication of street names shall be permitted.

(Ord. No. 1728 N.S.)

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### **30-84.6 Easements.**

The subdivider may be required by the Planning Board to grant easements not less than six (6') feet in width along each side of a rear lot line, and not less than five (5') feet in width along each side of side lot lines for public utility, sanitary sewer and drainage purposes, provided easements of lesser width may be allowed when approved by the City Engineer. after conferring with affected public utility systems. All power installations shall be subject to rules and regulations promulgated by the Bureau of Electricity.

(Ord. No. 1728 N.S.)

### **30-84.7 Underground Utility Facilities.**

- a. All electric, telephone, cable communications and all other utility facilities within the boundaries of the proposed subdivision or division of land shall be placed, installed and maintained underground except:
  1. Transformers, terminal cabinets, sectionalizing device cabinets, meter cabinets, pedestals, concealed ducts and other facilities necessarily appurtenant to such utilities;
  2. Poles or posts which support street lighting systems, fire alarm devices or traffic control signal apparatus;
  3. Power transmission lines having a capacity in excess of two thousand (2,000 kva) kilovolt amperes;
  4. Express sections of power or communication lines which pass through a division of land in which utilities are installed underground to reach a location where utilities are installed aboveground, if the written consent of the Bureau of Electricity thereto be filed with the Planning Board.
- b. The subdivider shall be responsible for compliance with this section and shall make the necessary cost and other arrangements with each public utility, including the Bureau of Electricity, for such underground installation in conformance with such utility's approved rules and regulations. Evidence of such arrangements shall be supplied to the City Engineer by the subdivider before the final map is submitted to the Council.

(Ord. No. 1728 N.S.)

### **30-84.8 Lots.**

- a. Sizes and shapes of lots shall conform to any zoning regulations or zoning approvals applicable to the proposed subdivision.
- b. Where no width requirements for lots are established by the zoning regulations, no interior lot shall be less than fifty (50') feet in width and no corner lot shall be less than sixty (60') feet in width.
- c. *Side Lines.* The side lines of all lots insofar as possible, shall be at right angles to street or radial or approximately radial to curved streets and to the center points of cul-de-sac turning circles.
- d. *Divided Lots.* No lot shall be divided by a City boundary line.
- e. *Interior Lots.* Interior lots having double frontage will not be approved.

(Ord. No. 1728 N.S.)

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### **30-84.9 Walkways.**

The subdivider may be required to dedicate and improve paved, landscaped and fenced walkways not less than twelve (12') feet wide through blocks in excess of six hundred (600') feet in length; or to provide access to schools, parks or other public areas by paved, landscaped and fenced walkways not less than twenty (20') feet in width.

(Ord. No. 1728 N.S.)

### **30-84.10 Water Areas.**

- a. Water areas within the proposed subdivided area shall be reviewed by the Planning Board as to proper design and improvement, form and dimensions, and relationship to street and lot design and proposed and existing land uses in the proposed subdivided area and adjoining areas.
- b. Improvement plans for water areas shall include the following, which shall be subject to Health Department and Engineering Department approval;
  1. Scale plan of water areas, indicating proposed depths of water; normal water levels; slopes and types of bank retention; types, locations, dimensions, and grades of water conduits.
  2. Data as to storm drainage area and runoff volumes under normal and extreme conditions, water area capacity for storm drainage storage, details of water level controls and pumping, methods of flushing and filling said water areas.
  3. Data as to water quality, methods of controlling insects, water growth and vegetation.
  4. Proposed method of maintenance and operation of water areas, including control points and other features and methods of access.
  5. Proposed restrictions and covenants governing the use of such water areas.
  6. Proposed easements of rights-of-way to be dedicated for storm drainage or other public purposes.

(Ord. No. 1728 N.S.)

### **30-84.11 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 high water 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 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.
- d. In determining the reasonableness of public access reference is hereby made to the provisions of the Map Act.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

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### **30-84.12 Erosion Control.**

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.

(Ord. No. 1728 N.S.)

## ***30-85 IMPROVEMENTS.***

### **30-85.1 Installation.**

- a. The subdivider shall install at his own expense, or cause to be installed, and dedicate if applicable, the following improvements within the proposed division of land in accordance with the recommendation of the Planning Board or the Standard Subdivision Improvement Specifications of the City of Alameda:
  1. Land grading and improvement.
  2. Street, alley and walkway grading and paving.
  3. Curbs, gutters, sidewalks, monuments and landscaping.
  4. Fencing barriers, header boards and warning devices.
  5. Sanitary sewers, storm drains and appurtenances.
  6. Street lighting systems.
  7. Fire hydrants and fire alarm system.
  8. All public utility systems.
  9. Street and walkway tree planting and landscaping.
  10. Bulkheads, seawalls, retaining walls or other methods of land retention.
  11. Traffic signals, traffic control, regulatory, warning and guide devices.
  12. Where the application contains two hundred (200) or more parcels or units, such bicycle paths as the Planning Board finds necessary.
- b. The Planning Board may recommend additional improvements which it deems necessary, or may recommend deletion of any of the above set out items, which are obviously not applicable, in an%, particular division of land.
- c. The City Council may require such off-site improvements as are necessary for local needs.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.; Ord. No. 1850 N.S.)

### **30-85.2 Requirements and Bonds.**

- a. All required improvements shall be installed by the subdivider in accordance with the Standard Subdivision Improvement Specifications of the City of Alameda established by the City Engineer and on file in his office and shall be subject to inspection by the City Engineer, and approval by the City Council.

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- b. If the subdivider elects to continue with the project after receiving approval of the tentative map or the parcel map from the Planning Board, complete plans, profiles and specifications of the improvements shall be drafted by the engineer employed by the subdivider and completed to the satisfaction of the City Engineer.

The original tracings of the improvement plan drawings drawn on twenty-two by thirty (22" x 30") inch sheets and as modified and certified by the subdivider's engineer to "as built" improvement construction plans, which substantially represent actual conditions at the time of the acceptance of the improvements by the City Council, shall become the property of the City and shall be filed with the City Engineer.

- c. All reasonable office and engineering costs expended by the City Engineer's office, including overhead, in connection with checking the improvement plans and specifications and final map or parcel map and doing work associated with the construction and inspection of improvements, shall be paid for by the subdivider, who shall be billed monthly for the services and expenses, and shall pay all the expenses before the City Engineer will affix his signature to the certificate on the final map or parcel map; provided, however, that the subdivider shall deliver to the City Engineer an approved reasonable time schedule relating to the time of construction of the improvements; should the time schedule be adhered to by the subdivider, then, and in that event, the office and inspection costs for the improvement portion of the work only, shall not exceed ten (10%) percent of the actual cost of the improvements as attested by a certification of the subdivider as to the actual cost of improvements. In the event the subdivider does not pay the monthly bills within a reasonable time, the City Engineer shall have the right to refuse further service to the subdivider until such time as the matter is adjusted to the satisfaction of the City Council. During such period no work shall be performed by the subdivider after receiving notice from the City Engineer.

(Ord. No. 1728 N.S.)

### **30-85.3 Agreement and Bond for Improvements.**

- a. Before approval by the City Council of the final map or parcel map, the subdivider shall execute and file an agreement between himself and the City specifying the period within which he shall complete all improvement work in accordance with the approved tentative map or parcel map, the Standard Subdivision Improvement Specifications, and to the satisfaction of the City Engineer and providing that if he shall fail to complete such work within the specified period the City may complete the work and recover all costs and expenses thereof from the subdivider or his successors in interest. The agreement shall also provide for checking the improvement plans, the inspection of all improvements by the City Engineer and reimbursement of the City for the cost of such checking and inspection, and delivery to the City Engineer original drawings of "as built" improvement plans and polyester base film reproductions of the recorded maps. The agreement may also provide: (1) for the construction of the improvements in units, (2) for an extension of time under conditions therein specified, (3) for the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the City Engineer to be at least the equivalent of the improvements specified in said agreement and required to be constructed by the subdivider, and (4) for progress payments to the subdivider from any deposit money which the subdivider may have filed in lieu of a surety bond, as provided by the next succeeding subsection.
- b. The subdivider shall also file with the agreement such good and sufficient improvement security as the City Council deems sufficient in the form of cash deposits, bonds of duly authorized corporate securities or acceptable instruments of credit. The improvement security shall be not less than fifty (50%) percent nor more than one hundred (100%) percent of the total estimated cost of the improvement, conditioned upon the faithful performance of the agreement, an additional amount within the same limitations securing labor and materials, and an amount necessary to guarantee and warranty the work for a period of one (1) year

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following the completion and acceptance thereof against defective work, labor or materials. Bonds shall also be approved by the City Attorney as to form.

- c. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this ordinance and the City shall have completed same, or if the subdivider shall fail to reimburse the City for the cost of inspection, the City shall call on the surety for reimbursement, or shall appropriate from any cash deposits funds for reimbursement.
- d. Improvement security may be released or reduced in whole or in part as to faithful performance upon certification by the City Engineer of final completion and acceptance of the work or portions thereof or upon acceptance of work as it progresses under rules established by the City Council and as to labor and materials, six (6) months after completion and acceptance of actions, may be reduced after six (6) months to an amount not less than the total claims on which the action has been filed. The guarantee and warranty against defective work, labor or materials furnished shall not expire for one (1) year after completion and acceptance of the improvements.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

### ***30-86 DEDICATIONS.***

#### **30-86.1 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 Map Act.

(Ord. No. 1783 N.S.)

### ***30-87 MISCELLANEOUS PROVISIONS.***

#### **30-87.1 Exceptions.**

- a. The Planning Board may recommend that the City Council authorize conditional exceptions to any of the requirements and regulations set forth in this article unless the requirement or regulation would otherwise require a zoning variance or other zoning approval. 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 to the Planning Board with the tentative map or the parcel map. In order for the property referred to in the petition to come within the provisions of this subsection, it shall be necessary that the Planning Board find the following facts with respect thereto:
  - 1. That there are special circumstances or conditions affecting the property.
  - 2. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

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3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.
  - b. In recommending such exceptions, the Planning Board shall secure substantially the objectives of the regulations to which exceptions are requested, and shall act to protect the public health, safety, convenience and general welfare.
  - c. In recommending the authorization of any exception under the provisions of this subsection, the Planning Board shall report to the City Council its findings with respect thereto and all facts in connection therewith and shall specifically and fully set forth the exception recommended and the conditions designated.
  - d. Upon receipt of the report, the City Council may approve the tentative map or parcel map with the exceptions and conditions the City Council deems necessary to substantially secure the objectives of this article.

(Ord. No. 1728 N.S.)

### **30-87.2 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.

(Ord. No. 1850 N.S.)

### **30-87.3 Permit Restrictions.**

- a. No permit or any other approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this article or the Map Act shall be issued or granted, except as provided in paragraph b., if the Planning Board finds that development of the real property is contrary to the public health or safety.
- b. The official responsible for issuing the permit or granting the approval (paragraph a.) may issue the permit or grant the approval where no possible health or safety problem is involved. In all other cases the official shall forward the matter to the Planning Director who shall set a hearing before the Planning Board.
- c. The Planning Board may attach such conditions to permits or approvals for the development of the real property as would have been applicable to the division of the property at the time the current owner of record acquired the property.
- d. A certificate of compliance shall be filed where permits or approvals have been granted pursuant hereto.
- e. The provisions of this subsection shall not alter any other requirements imposed by law and proceedings hereunder may be combined with other proceedings required for the development of the property.

(Ord. No. 1728 N.S.)

### **30-87.4 Appeal.**

- a. Any interested person adversely affected may appeal to the City Council from any decision, determination or requirement of the Planning Board or City Engineer by filing a notice thereof in writing with the Clerk within ten (10) calendar days after such decision. The notice shall set forth in detail the action and grounds upon which the appellant deems himself aggrieved.

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- b. The City Clerk shall report the filing of such notice to the Planning Board and the City Engineer. A written report shall be submitted to the City Council by the agency or person whose decision, determination, or requirement is being appealed.
  - c. The City Council within thirty (30) days of the filing of such an appeal, shall hold a public hearing on the appeal, and any such hearing may, for good cause, be continued by consent of the City Council and the subdivider. Following the hearings, within seven (7) days, the City Council shall declare its findings and affirm or modify the decision, determination or requirement appealed from and enter any such order or orders as are in harmony with the spirit and purpose of this article and the law regarding subdivisions.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.; Ord. No. 2077 N.S.)

### ***30-88 VIOLATIONS AND PENALTIES.***

#### **30-88.1 Notice of Violation and Certificate of Compliance.**

- a. Whenever the City Engineer or Building Official has knowledge that real property has been divided in violation of the provisions of this article or the Map Act, the official shall file with the County Recorder the notice prescribed by the Map Act.
- b. Upon request of the owner of real property for a determination of compliance with the provisions of this article and the Map Act, the City Engineer shall make such determination and file such certificates of compliance as are required by the Map Act. Where the Map Act authorizes conditional approval of certificates of compliance, the matter shall be referred to the Planning Board pursuant to subsection 30-15.3.

(Ord. No. 1728 N.S.)

#### **30-88.2 Penalties.**

Any person who willfully violates any of the provisions or fails to comply with any of the mandatory requirements of this article is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not to exceed five hundred (\$500.00) dollars or by imprisonment in the City and/or County Jail for not to exceed six (6) months or by both fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal equitable or summary remedy to which the City of Alameda or other political subdivision, or any person may otherwise be entitled, and the City of Alameda or any other political subdivision or person may file a suit in the Superior Court of the County of Alameda to restrain or enjoin any attempted or proposed subdivision or sale in violation of this article.

(Ord. No. 1728 N.S.)