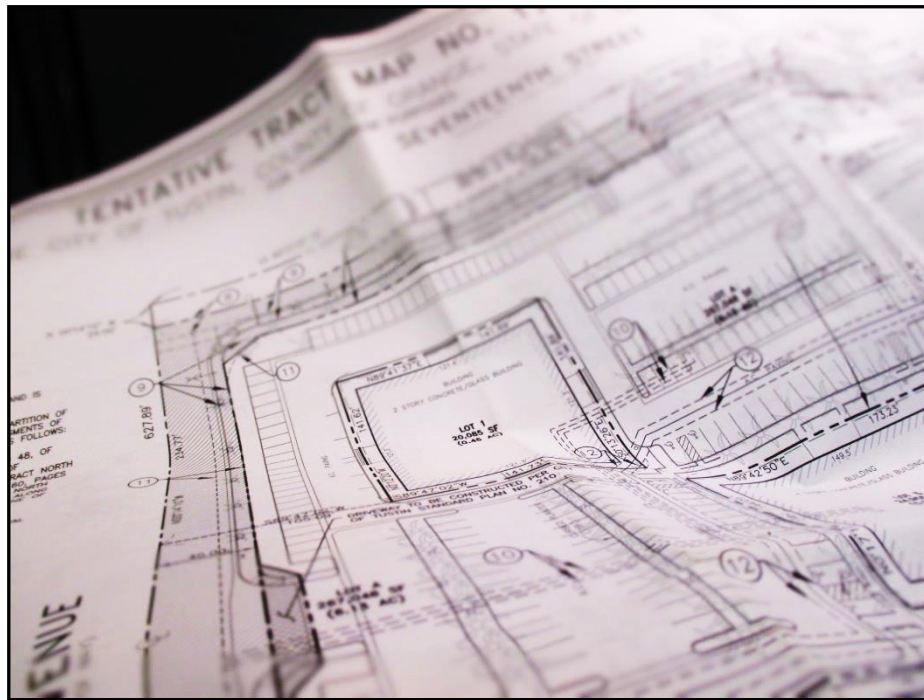




# CITY OF TUSTIN



# Subdivision Manual



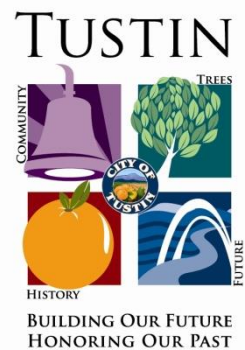
## Community Development Department

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September 2015





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# 1.0 INTRODUCTION AND GENERAL PROVISIONS

## 1.1 Authority

The Tustin Subdivision Manual ("Manual") is authorized by Section 9311e of the Tustin City Code ("Subdivision Code") and is a formal policy document to formulate rules, procedures, and interpretations as may be necessary to administer the Subdivision Code, pursuant to Ordinance No. 1430. The Community Development Director (Director) is authorized to incorporate further amendments into the Subdivision Manual, provided such amendments are consistent with the Subdivision Map Act and the Subdivision Code.

## 1.2 Scope and Purpose

The purpose of the Manual is to identify the standards, procedures, materials, exhibits, and documents required for the processing of subdivisions and other mapping functions regulated by the Subdivision Code. The goal of this Manual is to facilitate the timely processing of subdivision applications by providing a single, up-front, informational source for the City's submittal and processing requirements.

If any portion of this Manual is found to be in conflict with the provisions of the Subdivision Code, the Subdivision Code shall prevail.

In order to provide more contexts, items that are outside of the jurisdiction of the City, such as the assignment of subdivision numbers, the processing of Final Maps through the Orange County Surveyor's office or the recording of Final Maps through the Orange County Recorder's Office are briefly addressed in this Manual. The subdivision applicant must be aware that County of Orange processes and procedures for subdivision project review may be changed at any time and vary from what is described in this Manual. It is the responsibility of the subdivision applicant to research and verify County of Orange subdivision review and processing procedures.

### WEB LINKS

County of Orange Public Works  
[www.ocpublicworks.com](http://www.ocpublicworks.com)

Orange County Clerk - Recorder  
[www.ocrecorder.com](http://www.ocrecorder.com)

Orange County Assessor  
[www.ocgov.com/gov/assessor](http://www.ocgov.com/gov/assessor)

Orange County Surveyor  
[www.ocsurveyor.com](http://www.ocsurveyor.com)

## 1.3 Review and Approval Bodies

The following advisory agencies, as that term is used in the Subdivision Map Act, are hereby authorized to discharge and administer the duties set forth in the Subdivision Code as follows:

### A. City Council

The Tustin City Council has the responsibility and authority to conduct public hearings, and approve, conditionally approve or disapprove any subdivision application involving multiple, interrelated discretionary actions, petitions for reversion to acreage, and Subdivision Code modifications. The City Council shall also review and uphold or deny appeals from actions taken in compliance with Section 9321b (Authority for Subdivision Decisions) of the Subdivision Code.

### B. Planning Commission

The Planning Commission shall conduct public hearings; approve, conditionally approve, or disapprove tentative maps; review and recommend to the City Council actions, findings and conditions pertinent to any subdivision application involving multiple, interrelated discretionary actions; and review and uphold or deny appeals from actions taken in compliance with Section 9321b (Authority for Subdivision Decisions) of the Subdivision Code.



### **C. Director of Community Development**

The Director of Community Development, or designee, shall be responsible for:

1. Processing of tentative maps, final maps, reversion to acreage maps, and amended maps;
2. Determining if proposed subdivision improvements comply with the Subdivision Code;
3. Reviewing final maps for substantial conformance with the approved tentative maps and conditions of approval;
4. Establishing design and construction standards for private improvements;
5. Processing and approving subdivision private improvement plans;
6. Processing and approving proposed street names;
7. Inspecting, approving and accepting subdivision private improvements;
8. Processing and approving, conditionally approving, or disapproving lot line adjustments, parcel mergers, final maps, certificates of compliance, requests for extension of a tentative map, and the waiver of Subdivision Code requirements; and,
9. Interpreting all provisions of the Subdivision Code.

### **D. City Engineer**

The City Engineer, or designee, shall be responsible for:

1. Determining if the proposed subdivision improvements comply with the Subdivision Code;
2. Examining and certifying that final maps are in substantial conformance with the approved tentative maps and conditions of approval;
3. Reviewing and approving subdivision public improvement plans;
4. Establishing design and construction details, standards and specifications for public improvements;
5. Preparing and approving subdivisions, monument bonds and agreements;
6. Inspecting, approving and accepting subdivision public improvements;
7. Accepting dedications and conveyances of real property and interests in real property offered at no cost to the City; and,
8. Amending the City of Tustin's "Street Design Manual and Standard Plans."

### **E. Director of Parks and Recreation**

The Director of Parks and Recreation, or designee, shall be responsible for determining if the proposed park land dedications and/or recreation improvements related to a subdivision comply with the Subdivision Code.





## F. County of Orange

Several agencies within the County of Orange have a role in the subdivision process and are summarized below.

### 1. County Surveyor

The County Surveyor assigns subdivision map numbers, reviews maps for boundary determination, reviews other property information and property history, reviews and signs Final Maps, and process the map to the County Recorder for recordation.

### 2. Tax Collector

The Tax Collector receives the signed Final Maps from the subdivider’s Title Company and reviews the subdivision map for verification of tax payment or bond and signs the certificate if all payment or bond requirements have been met.

### 3. County Recorder

The County Recorder receives the Final Map from the County Surveyor and records the map documents. The County Recorder also receives evidentiary documentation of land use actions for recordation.

## 1.4 Authority for Subdivision Process

Table 1 (Review Authority) identifies the City official or body responsible for reviewing and making decisions on each type of application for divisions of land required by the Subdivision Code.

**TABLE 1: Review Authority**

Type of Application	Decision Body	Appeal Body
<b>Code Interpretation</b>	Director	Planning Commission <sup>1</sup>
<b>Certificate of Compliance</b>	Director	Planning Commission <sup>1</sup>
<b>Final Maps</b>	Director	City Council
<b>Lot Line Adjustments</b>	Director	Planning Commission <sup>1</sup>
<b>Parcel Mergers</b>	Director	Planning Commission <sup>1</sup>
<b>Reversion to Acreage</b>	City Council <sup>2</sup>	--
<b>Tentative Maps, including Vesting</b>	Planning Commission	City Council
<b>Extension of Tentative Map</b>	Director	Planning Commission <sup>1</sup>
<b>Public Acceptance of Dedications or Improvements</b>	City Engineer	Planning Commission <sup>1</sup>
<b>Subdivision Code Waiver</b>	Director	Planning Commission <sup>1</sup>

<sup>1</sup> The Planning Commission's decision may be appealed to the Council.

<sup>2</sup> The Planning Commission shall make recommendations to the City Council.



## **1.5 Disclaimer**

This Manual provides objective and standardized criteria for the submittal and processing of applications for projects regulated by the City's Subdivision Code and the Subdivision Map Act, as amended. Substantial compliance with the technical provisions of the Manual is required for the acceptance and consideration of applications governed by the Subdivision Code. Decisions to approve or deny Tentative Maps and certain other applications are discretionary actions that are based on assessments of the general welfare and interests of the community. Therefore, compliance with this Manual cannot guarantee approval of these types of projects, nor assure that the Community Development Department and Public Works Department will support an application.

## **2.0 DEFINITIONS**

Definitions applicable to this Manual are provided in Section 9341 of the Subdivision Code.

The following phrases and acronyms are used throughout the document:

- California Environmental Quality Act – CEQA
- Computer aided design and drafting – CADD
- Tustin City Code - TCC

## **3.0 RELATIONSHIP TO OTHER DOCUMENTS**

This Subdivision Manual serves as the City's instruction manual for private developers and others, providing information on applicability, processing, map format, timing, outside agency review and other requirements. The Manual is provided to identify the application procedures for subdivisions and other mapping functions authorized by the Subdivision Code. Authority, applicability, requirements, and standards for subdivision and lot design, however, are provided in the following documents.

### **3.1 Subdivision Map Act**

The Subdivision Map Act is the California State regulation that includes the authority, limitations and applicability of the Act, as well as a description of the process, review requirements, exemptions, etc. applicable to subdivision proposals.

#### **WEB LINKS**

City of Tustin Grading Manual  
<http://www.tustinca.org/civicax/filebank/blobdload.aspx?BlobID=23107>

Construction Standards for Private Streets, Storm Drains, and On-Site Private Improvements  
<http://www.tustinca.org/civicax/filebank/blobdload.aspx?BlobID=23112>

Standard Plans and Design Standards for Public Works Construction  
<http://www.tustinca.org/civicax/filebank/blobdload.aspx?BlobID=24150>

#### **WEB LINKS**

City of Tustin Subdivision Code  
[https://www.municode.com/library/ca/tustin/codes/code\\_of\\_ordinances](https://www.municode.com/library/ca/tustin/codes/code_of_ordinances)

City of Tustin General Plan  
<http://www.tustinca.org/civicax/filebank/blobdload.aspx?BlobID=23071>

City of Tustin Zoning Map  
<http://www.tustinca.org/civicax/filebank/blobdload.aspx?BlobID=24694>



## **3.2 Subdivision Code**

The City's Subdivision Code regulates the subdivision process for properties within the City's boundaries and/or City Sphere of Influence, as applicable. The Subdivision Code contains the requirements, restrictions, approval authority, approval process and post approval process as it applies to the City.

## **3.3 Tustin General Plan Land Use Element**

The Tustin General Plan Land Use Element specifies general land use policies and density limitations (i.e. dwelling units per acre, floor area ratio) for properties within the City and shown on the General Plan Land Use Map. Copies of the various General Plan elements and Land Use Map are available on the City's website or at-cost from the Community Development Department.

## **3.4 Zoning Code (TCC 9211 et seq.)**

The Zoning Code specifies allowed uses and development standards (i.e. minimum parcel size, minimum parcel width) for the City's various zoning districts shown on the official Zoning Map. Copies of the applicable Zoning Code standards are available at-cost from the Community Development Department or free on the City's website.

## **3.5 Planned Community Documents**

Zoning districts identified on the Zoning Map with the prefix "PC" are governed by development standards that supplement or supersede the Zoning Code. Copies of the applicable Planned Community documents are available at-cost from the Community Development Department.

## **3.6 Grading Manual**

The City of Tustin Grading Manual is a compilation of rules, procedures and interpretations necessary to carry out the provisions of the Tustin City Code relating to grading, excavation and physical site modifications. The Grading Manual is available at-cost from the Community Development Department/Building Division or free on the City's website.

## **3.7 Construction Standards for Private Streets, Storm Drains, and On-Site Private Improvements**

This document provides comprehensive design standards for privately owned and maintained infrastructure improvements and is available on the City's website or at-cost from the Community Development Department.

## **3.8 Standard Plans and Design Standards for Public Works Construction**

This document provides comprehensive design standards for public infrastructure improvements and is available on the City's Website or at-cost from the Public Works/Engineering Department.



## 4.0 “WHAT DO I FILE?” – APPLICATION AND MAP TYPES

The Subdivision Code identifies the mapping requirements for various types of allowable land subdivisions. The following is a summary of most common map types:

**Lot Line Adjustment:** Projects involving minor shift of existing lot line(s) of four (4) or fewer adjoining parcels, where no greater number of parcels will result from the Lot Line Adjustment.

**Parcel Map:** Projects involving subdivision of four (4) or fewer parcels.

**Tract Map:** Projects involving subdivision of five (5) or more parcels, five (5) or more condominiums as defined in Section 783 of the California Civil Code, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where a parcel map is required pursuant to Section 9323b.1 of the Subdivision Code.

**Vesting Parcel Map:** Projects involving subdivision of four (4) or fewer parcels that includes a vested right to proceed with development in accordance with the regulations, standards and requirements in effect at the time of approval.

**Vesting Tract Map:** Projects involving subdivision of five (5) or more parcels, five (5) or more condominiums as defined in Section 783 of the California Civil Code, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where a parcel map is required pursuant to Section 9323b.1 of the Subdivision Code, that includes a vested right to proceed with development in accordance with the regulations, standards and requirements in effect at the time of approval.

**Reversion to Acreage:** Projects involving reverting properties, which were legally subdivided, back into acreage.

**Parcel Mergers:** Projects involving merging two (2) or more contiguous parcels, under one (1) ownership, if any of the parcels is substandard.

**Certificates of Compliance:** Projects involving requests for Waiver of Subdivision Requirements in relation to tentative or final maps requests and lot line adjustments.

Application forms may be obtained from the Community Development Department in City Hall and through the City’s website.

### WEB LINKS

Instructions for Filing a Development Application

<http://www.tustinca.org/civicax/filebank/blobdload.aspx?BlobID=23127>

Development Application Form

<http://www.tustinca.org/civicax/filebank/blobdload.aspx?BlobID=23126>

Environmental Assessment Form

<http://www.tustinca.org/civicax/filebank/blobdload.aspx?BlobID=23128>

Development Application Checklist

<http://www.tustinca.org/civicax/filebank/blobdload.aspx?BlobID=23127>

Planning Fee Schedule

<http://www.tustinca.org/civicax/filebank/blobdload.aspx?BlobID=22808>



## **5.0 GENERAL APPLICATION AND PROCESSING INFORMATION**

The following section provides general information and guidance for reviewing and processing subdivision requests.

### **5.1 Application Filing and Fees**

Applications for divisions of land are to be filed with the Community Development Department by the property owner or another person with the written consent of the property owner. An application is considered acceptable for submittal when:

- A.** All necessary forms, materials and exhibits have been provided and accepted as adequate; and
- B.** All necessary application fees and/or deposits have been accepted.

Administrative staff shall input the application information into the project tracking software. The staff assigned to the project shall create a Work Order Number in Springbrook so that staff time and expenses may be tracked.

### **5.2 Initial Application Review / Environmental Assessment**

#### **A. Review for Completeness**

The Department shall review all applications for accuracy before they are accepted as complete.

1. The applicant shall be informed, in letter form, whether the application is complete and ready for the public hearing stage or is incomplete and that additional information and/or revisions must be provided.
2. The application shall be in compliance with this the Subdivision Code, all other applicable Codes, Specific Plans, General Plan and the City's "Standard Drawings and Improvement Design Standards" in effect as of the filing date or includes an application that proposes actions that, if approved, would correct any noncompliance.
3. Additional information may be required by the City staff as may be deemed reasonably necessary for environmental review of the project in compliance with the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA) and/or the Federal Clean Water Act.
4. The submitted application must be deemed complete within six (6) months after the first filing with the Community Development Department, otherwise it shall be deemed withdrawn unless an extension is granted by the Director.

#### **B. Referral of Application**

At the Director's discretion, applications may be referred to any public agency that may be affected or have an interest in the proposed subdivision.

#### **C. Environmental Assessment**

During project review, the application shall also be reviewed as required by CEQA or any other applicable environmental review requirement.

### **5.3 Concurrent Processing**

When a proposed division of land or decision body action requires more than one land use entitlement approval, all applications shall be processed concurrently as interrelated applications for a project and shall not be bifurcated unless otherwise authorized by the Director upon the request of the applicant. The highest designated



decision body for all such applications shall take final action on the multiple applications. For example, any division of land determined by the Department to be inconsistent with the General Plan would require concurrent consideration of a General Plan Amendment application to eliminate the inconsistency. In this case, the City Council would be the body to decide on the project because it involves a General Plan Amendment request.

## **5.4 Noticing Materials**

Applicants for subdivision projects that require public hearings shall provide the necessary noticing materials described below.

### **A. 300-foot Radius Map**

1. Size: Maximum 11" x 17"
2. Scale: Not less than 1" = 200'
3. Contents:
  - a. Designation of the subject property by either shading or other conspicuous graphical method;
  - b. All of the area within a 300' radius from the exterior property lines of the subject property;
  - c. A line indicating the 300' radius;
  - d. Identification of the Assessor's Parcel Number for all properties, including the subject property, entirely or partially within the 300' radius;
  - e. Streets, street names, north arrow, and graphic scale;
  - f. A title block in the lower right corner containing the name and address of the applicant(s) and date of map preparation.

### **B. Mailing Labels**

1. Size: 8½" x 11" pre-gummed mailing label sheet
2. Quantity: Two (2) sets
3. Contents: This list shall contain the Assessor's Parcel Number, owner's name and mailing address of the subject property and of each property identified entirely or partially within the 300' radius of the subject property. This list must be typed or legibly printed on the pre-gummed labels. The order of the labels on the sheet(s) must be in numeric order by Assessor's Parcel Number.

*Sample Label*

123-456-78  
 Johnny Owner  
 12345 E. Main Street  
 Tustin, CA 92780

## **5.5 Notice of Public Hearing**

Whenever a public hearing or meeting is scheduled to be held, notice of the time and place of the hearing or meeting shall be given at least ten (10) calendar days before the hearing. The notice may be via direct mailings, publication in the local newspaper, and/or posted on the subject property. The notice must contain the following:

- A general description of the location of the proposed subdivision;
- The identity of the hearing body; and
- A general explanation of the matter to be considered.

A proposed conversion of residential real property to a condominium, community apartment, or stock cooperative project shall be noticed in accordance with Sections 66452.17 through 66452.20 of the Subdivision Map Act.



Additional noticing time may be required to comply with noticing requirements of CEQA. In the event of a conflict between required noticing times, the longer time shall be given.

The Community Development Department may give such other notice that it deems necessary or advisable. Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in the Subdivision Code.

The decision body shall consider any input received from any interested party, including any reports from affected agencies, utilities or School Districts prior to approving, conditionally approving, or disapproving an application for division of land. Notwithstanding the foregoing, it should be noted that the Subdivision Map Act or other state codes may require additional notice for certain applications.

## **5.6 Appeals**

The subdivider, or any other interested party, may appeal any action of the decision body to the appeal body as identified in 9321b (Authority for Subdivision Decisions). Appeals shall be filed with the City Clerk during normal business hours within ten (10) calendar days of the date of the decision and be accompanied by a deposit or fee as required by City Council resolution or ordinance.

For information regarding submitting and processing appeals, see Section 13.1 of this Manual.

## **5.7 Tracking Time and Review Cost**

City staff shall keep track of the amount of time spent reviewing the proposed subdivision and shall record the hours in their timesheet by including the project's Springbrook Work Order number as part of the time period entry. The Work Order feature will help keep track of staff time and cost for the project by linking the cost to the project's deposit account.

The staff planner will monitor the expenses incurred on the project, including consultant costs and noticing costs. The deposit account balance should be reviewed at the beginning of the review process for project submittals or resubmittals. If the planner estimates that the remaining deposit balance will not cover subsequent reviews, the planner shall request additional deposit funds before too much staff time is spent on the project. It is also good procedure to review the account balance after a review is completed so that the planner will have more current and incremental balance information that correspond with specific stages of the project.

At the close of the entitlement process, the planner shall provide a breakdown summary of department costs and submit a journal entry request to the Finance Department to transfer the appropriate funds to the respective general fund accounts.

If the planner finds that staff and consultant costs have exceeded the deposit amount, the planner shall prepare an invoice for the outstanding balance to be paid by the applicant. The planner shall write a letter to the applicant informing them of the outstanding balance and attach a summary of staff review costs, including consultant costs, and inform them that the Finance Department will send an invoice.

If there is a balance remaining, the planner shall process a refund of the remaining balance to the applicant or original payee. In order to process a refund, the planner must submit an approved check request and support documentation to the Finance Department.



## **6.0 LOT LINE ADJUSTMENT (TCC 9322)**

A Lot Line Adjustment is required for the minor shift or rotation of an existing lot line provided that the adjustment of the lot boundary line or lines between four (4) or fewer existing adjacent lots and that a greater number of lots is not created.

### **6.1 Purpose**

The purpose of this section is to provide information and instruction for the submittal and processing of a complete application in compliance with subsection 9321.c (Application Filing and Fees) for a lot line adjustment of four (4) or fewer parcels in compliance with the Subdivision Map Act, all applicable zoning regulations, the Subdivision Code and the Manual.

### **6.2 Applicability**

Projects involving four (4) or fewer adjacent parcels may utilize the lot line adjustment process. Projects involving more than four (4) parcels may not be processed through lot line adjustments. This section applies to the submittal and processing of Lot Line Adjustments in accordance with Section 9322 of the Subdivision Code.

### **6.3 Submittal Requirements**

The Community Development Department will accept lot line adjustment applications upon submittal of the following:

#### **A. Application Form**

Applicants must refer to the "Instructions for Filing a Development Application" document prior to submitting a Development Application form. The instructions provide information on the documents, forms, plans and signatures required at submittal in order for staff to accept the application for filing.

The application form may be obtained from the Community Development Department in City Hall or the City website. The application form shall be signed by the applicant and property owner and notarized. If the subject property is owned by a corporation, the applicant shall provide copies of the company resolution or minutes of the meeting identifying the name and title of the signing officer(s).

#### **B. Accompanying Documents, Data and Reports**

##### ***1. Legal Descriptions (Exhibit "A")***

A legal description of each parcel after the proposed adjustment shall be provided. The legal descriptions shall be wet-signed and stamped by a California Registered Civil Engineer or Licensed Land Surveyor.

##### ***2. Lot Line Adjustment Map or Plat (Exhibit "B")***

The Lot Line Adjustment map must be drawn in black ink on an 8½" x 11" form consistent with current conventions. The map must be clear and readable. The map shall include the following information:

- a. Graphic map scale and north arrow.
- b. The location of the subject property in relation to existing adjacent streets.
- c. The existing and proposed lot layout for all parcel lines based upon record mapping. Show bearings and distances for all parcel lines. A heavy solid line shall be used for the distinctive or resulting project boundary, solid lines for the proposed property lines, and light dashed lines for existing property lines to be adjusted or remaining unadjusted.





- d. Pre-adjustment and post-adjustment numbering for each parcel. The lettering style shall be clearly differentiated between the pre-adjustment and post-adjustment parcel numbers (typically shadow or dashed-line and solid line, respectively).
- e. Gross area of each proposed parcel.
- f. California Registered Civil Engineer or Licensed Land Surveyor wet signature and stamp.

### **3. Site Plan and Existing Buildings/Structures**

Since only certain information can be on the recordable lot line adjustment map, a separate site plan may be required if one or more properties are developed or approved to be developed to verify compliance with other applicable City ordinances, such as the Zoning Code and Building Code. The following information shall be included on the site plan:

- a. The location and width of all existing or proposed easements or rights-of-way, whether public or private, for roads, emergency access, drainage, utilities, sewers or flood control purposes. Label the easements as existing or proposed and indicate to whom the easement is granted.
- b. The location of any aboveground or underground structures, driveways and vehicular access paths on the site. Distances from proposed property lines to the structures shall be dimensioned on the site plan.

The requirement for a site plan may be waived by the Community Development Director if consistency with the Zoning Code and Building Code can otherwise be determined.

### **4. Preliminary Title Report**

One or more preliminary title reports covering all parcels affected by the proposed lot line adjustment shall be provided. The report(s) shall be dated within thirty (30) days of the date that the lot line adjustment application is submitted. If processing time exceeds six (6) months, an updated title report shall be provided and shall be updated for every succeeding six-month processing time period. Grant deeds or property profiles in lieu of title reports will not be accepted.

### **5. Fees**

Lot line adjustment application fees and/or deposits are paid to the Community Development and Public Works Departments at the time of application submittal. Fees are based on the latest fee schedule in effect at the time of submittal.

### **6. Traverse/Closure Sheets**

Land surveyor traverse/closure documentation.

### **7. Deeds**

Draft of new grant deed(s) reflecting the proposed lot line adjustment.

## **6.4 Processing**

### **A. Submittal**

Lot line adjustment applications shall be submitted to the Community Development Department. The Community Development Department will assign a lot line adjustment number to the application, enter the project into the tracking software and undertake formal review and processing of the request.



## **B. Initial Review**

The Community Development and Public Works Departments shall review the Lot Line Adjustment application for completeness. Within thirty (30) days of submittal, the applicant shall be notified in writing as to whether the application is deemed complete or if additional or corrected information or materials are required.

Each application shall be analyzed by the Community Development Department in conjunction with the Public Works Department to ensure that the application is consistent with the purpose and intent of the Subdivision Code (TCC Section 9322D), the Subdivision Map Act and the City's Subdivision Manual. Application review shall be limited to a determination of the following:

1. Four (4) or fewer existing, adjoining parcels are involved;
2. No greater number of parcels will result from the lot line adjustment;
3. The parcels resulting from the lot line adjustment will conform to the Tustin General Plan, and any applicable specific plan, zoning and building ordinances; and
4. Any associated utility or access easements are not impacted.
5. All impacted owners, and any other party holding a beneficial interest in the subject properties, are represented and in agreement to the adjusted property lines.

## **C. Environmental Review**

As part of the review of the lot line adjustment, the Planning staff of the Community Development Department will analyze the subdivision application for compliance with the California Environmental Quality Act (CEQA).

By themselves, minor land divisions such as lot line adjustments are exempt from CEQA requirements (Class 15). If staff determines that the project is exempt from CEQA, either categorically or statutorily, staff will prepare and file a notice of exemption for the lot line adjustment application. County Recorder filing fees shall be paid by the applicant.

If staff determines that the project involves other proposals, components or elements and is not exempt from CEQA, staff will then prepare an initial study to determine if the project may have a significant effect on the environment. The Community Development staff shall make one of the following environmental determinations for the proposed subdivision:

1. Negative declaration (no significant effect)
2. Mitigated negative declaration (significant effects mitigated)
3. Previous Environmental Impact Reports (no new impacts)
4. Addendum to Previous Environmental Impact Report (minor technical changes/additions necessary)
5. Supplemental Environmental Impact Report (new impacts identified)
6. Environmental Impact Report (new projects/significant impacts identified)

Each of these environmental determinations is bound by specific processing procedures and associated time frames, which are detailed in the State CEQA Guidelines. The applicable procedure will be explained to the applicant once staff determines the appropriate environmental review for the project. It is important to note, however, that the environmental review occurs concurrently with the subdivision review; no action can be conducted by the approving body until the requirements for environmental review have been completed.



## **D. Revision**

Once the comments from the reviewing bodies have been forwarded to the applicant, the applicant is responsible for resubmitting a revised application with corrections. The amount of time necessary for revisions is at the applicant's discretion; however revised exhibits and forms should be resubmitted within six (6) months of the Letter of Incomplete issuance date or the project may be considered withdrawn.

To expedite review of the revised application, the applicant should accompany resubmittal of the application materials with correspondence identifying the following:

1. Corrections/revisions that have been made and concur with the City's comments.
2. Corrections/revisions that have not been made because of disagreement with the City's comments (accompanied with an explanation of the applicant's position).
3. New items or revisions not related to a correction.
4. Back-up documentation where required to support any action or representations made on the forms and exhibits.

If the initial lot line adjustment had major revisions, the staff planner will redistribute the revised exhibits and forms to the reviewing bodies for comment. City staff may request that the planner transmit all submitted revisions for review even if they did not have comments on the previous submittal. The staff planner will then proceed with analysis and proposed recommendations. Review and approval of the lot line adjustment shall be in accordance with the following:

1. No conditions or exactions shall be imposed on the approval of a lot line adjustment except to conform the proposal to the City's General Plan, zoning and building ordinances, and/or to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure or easements.
2. No tentative or final map shall be required as a condition to the approval of a lot line adjustment.
3. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.

## **E. Approval Process**

Upon determining that a complete application has been submitted and that the application complies with the Subdivision Map Act, Subdivision Code and Manual, the Community Development Director shall approve, conditionally approve or disapprove the proposed lot line adjustment.

## **F. Appeals**

For information regarding submitting and processing appeals, see Section 13.1 of this Manual.

## **G. Recording Lot Line Adjustment**

An approved lot line adjustment shall be reflected in new deed(s) and a Certificate of Compliance, which shall be recorded with the office of the County Recorder in accordance with the provisions of Section 66412(d) of the Government Code. The new deed(s) and Certificate of Compliance, reflecting the lot line adjustment, must be recorded concurrently with the lot line adjustment and within six (6) months of approval, otherwise the approval may be considered expired.

In order to ensure that the lot line adjustment, new deed(s) and Certificate of Compliance are recorded in a timely manner, the City shall be responsible for recording the documents. The applicant must submit a cash deposit to the City to cover any and all recordation costs.



## **H. Time Extension**

The applicant may request an extension of the expiration date of the approved or conditionally approved lot line adjustment by filing a written request with the Department and paying applicable fees as established by City Council resolution. The filing of such application automatically extends the expiration date until the lot line adjustment is recorded or the extension expires, whichever occurs first.

The Director shall determine whether sufficient evidence was provided in the application that there are no changed circumstances and/or that the applicant has made a good faith effort to record the lot line adjustment.



## 7.0 TENTATIVE PARCEL AND TRACT MAPS (TCC 9323 & 9324)

### 7.1 Purpose

The purpose of this section is to provide information and instruction for the submittal and processing of a complete application in compliance with TCC Section 9321.c (Application Filing and Fees) for tentative maps and vesting tentative maps for the subdivision of land in compliance with the Subdivision Map Act, all applicable zoning regulations, the Subdivision Code and the Manual.

### 7.2 Applicability

Each application shall be consistent with the provisions of this section, and the Subdivision Map Act and Subdivision Code. Proposed divisions of land shall comply with the following requirements:

#### **A. Tentative Parcel Map Applicability**

##### **1. Criteria**

A tentative parcel map shall be required for all subdivisions creating four (4) or less parcels or where:

- a. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the City;
- b. 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;
- 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; or
- e. The land being subdivided is solely for the creation of any environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

##### **2. Exceptions**

A tentative parcel map shall not be required for the following:

- a. Subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the State Public Utilities Code, which are created by short-term leases (terminable by either party on not more than 30 calendar days' notice in writing).
- b. Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a finding is made by the Director in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this subsection, land conveyed to or from a governmental agency shall include a fee interest, an easement or a license.

#### **B. Tentative Tract Map Applicability**

##### **1. Criteria**

A tentative tract map shall be required for all subdivisions creating:



- a. Five (5) or more parcels;
- b. Five (5) or more condominiums as defined in Section 783 of the California Civil Code;
- c. A community apartment project containing five (5) or more parcels; or
- d. For the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where a parcel map is required pursuant to TCC Section 9323b.1.

## **2. Exceptions**

A tentative tract map shall not be required for the following:

- a. The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks.
- b. Mineral, oil or gas leases.
- c. Land dedicated for cemetery purposes under the Health and Safety Code.
- d. The leasing or licensing of a portion of a parcel, or the granting of an easement, use permit, or similar right on a portion of a parcel, to a telephone corporation as defined in Section 234 of the Public Utilities Code. That this right is exclusively for the placement and operation of cellular radio transmission facilities, including, but not limited to, antennae support structures, microwave dishes, structures to house cellular communications transmission equipment, power sources and other equipment incidental to the transmission of cellular communications, if the project is subject to discretionary action by the advisory agency or legislative body.
- e. Leases of agricultural land for agricultural purposes. As used in this subdivision, "agricultural purposes" means the cultivation of food or fiber, or the grazing or pasturing of livestock.
- f. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other local agency ordinances regulating design and improvement.
- g. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- h. The construction, financing or leasing of dwelling units pursuant to California Government Code Section 65852.1 or second units pursuant to Section 65852.2, but tentative tract map requirements shall be applicable to the sale or transfer, but not leasing, of those units. Subdivisions of four (4) parcels or less for construction of removable commercial buildings having a floor area of less than 100 square feet. (California Government Code Sections 66412, 66412.1, 66412.2 and 66412.5.)

## **C. Dedications, Reservations and Development Fees**

Subdivision Maps may be subject to dedication requirements as stipulated in the Subdivision Ordinance.

1. Parkland dedication shall be required for residential subdivisions pursuant to current City Code requirements.
2. Other dedications, reservations and/or fees may be required for, but not limited to, the following:
  - a. Local infrastructure and transportation facilities
  - b. Bridges and major thoroughfares
  - c. Supplemental improvement capacity



- d. Drainage
- e. School facilities and school fees
- f. Sewer fees
- g. Reimbursement to telephone and/or cable utilities for undergrounding or relocation.

Further information regarding dedications, reservations and development fees is provided in Section 12 of this Manual.

## **D. Waiver of Tentative Map Requirements**

Any subdivider may, upon formal application, request the waiver of one (1) or more of the requirements for a tentative or final map for the following activities:

1. Division of real property or interests therein created by probate, eminent domain procedures, partition, civil judgments or decrees.
2. Divisions of real property resulting from the conveyance of land or any interest therein to or from the City, public entity or public utility for a public purpose, such as school sites, public building sites, or rights-of-way or easements for streets, sewers, utilities, drainage, etc.
3. The unmerger, in accordance with the Subdivision Map Act and the Subdivision Code, of real property which has been merged pursuant to the Subdivision Code, the Subdivision Map Act or any prior ordinance of the City.
4. Where tenants purchase a mobile home park subject to the provisions of Section 66428.1 of the Subdivision Map Act.

Waivers must also have Certificates of Compliance. Certificates of Compliance requirements are listed in TCC Section 9313a and discussed in Section 11: Certificates of Compliance in this Manual.

## **7.3 Submittal Requirements**

This section applies to the submittal and processing of Tentative Parcel Map and Tentative Tract Map applications, including Vesting Tentative Map applications, in accordance with the Subdivision Code (TCC Sections 9323 and 9324).

### **A. Application Form**

Tentative Map applications shall be submitted to the Community Development Department/Planning Division. Initial submittals for Tentative Map applications shall include all application forms, materials, and exhibits identified in the Department's "Instructions for Filing a Development Application" document.

### **B. Accompanying Documents, Data and Reports**

The Tentative Map application shall be accompanied by the following data and reports. The Community Development Department may also require additional materials, exhibits, data, or information as deemed necessary to accomplish the purposes of the Subdivision Map Act and the Subdivision Code.

#### ***1. Legal Descriptions (Exhibit "A")***

A legal description of each parcel, before and after the proposed subdivision, shall be provided. The legal descriptions shall be wet-signed and stamped by a California Registered Civil Engineer or Licensed Land Surveyor.



## **2. Soils, Geology, and Seismicity Report**

A preliminary soils and geology report prepared in accordance with the California Building Code and City's Grading Manual shall be submitted. If the report indicates the presence of critically expansive soils, high groundwater or other soil problems which, if not corrected, would lead to structural defects, the soils report accompanying the Final Map shall contain an investigation of each lot within the subdivision. The geotechnical report should also address infiltration requirements under low impact developments, as applicable. A soils, geology, and seismicity report previously approved for the site may be used if it is less than one (1) year old. Previously prepared reports which are more than one (1) year old may be submitted with a statement of adequacy from a Registered Civil Engineer, subject to the approval of the Building Official.

## **3. Preliminary Water Quality Management Plan (WQMP)**

Unless exempt, applicants shall prepare and include a Preliminary Water Quality Management Plan as part of the application submittal. Guidelines for the Preliminary Water Quality Management Plan are available from the Public Works Engineering Division or on the City's website.

## **4. Preliminary Title Report**

One or more preliminary title reports covering all parcels affected by the proposed subdivision shall be provided. The report(s) shall be dated within thirty (30) days of the date that the application is submitted. If the processing time exceeds six (6) months, an updated title report shall be provided and shall be updated for every succeeding six-month processing time period. Grant deeds or property profiles in lieu of title reports will not be accepted.

## **5. Fees**

Application fees are paid at the time of application submittal. Fees are based on the current applicable fees in effect at the time of application submittal.

## **6. "Will Serve" Letter**

Will serve letters from the respective utility agencies stating that services can be provided to the proposed project.

## **7. County Filing Fee (Recordation Fee)**

A cashier's check payable to the Orange County Clerk in the amount stated in the current County recording fee schedule. This fee is required by the Orange County Clerk to allow the City to file the appropriate environmental documentation related to the project. Failure to allow the City to file the appropriate environmental determination could lengthen the statute of limitations under which an interested party could challenge the environmental determination.

## **8. Multiple Final Maps / Phased Maps**

If the subdivider intends to file multiple final maps after the tentative map has been approved, a written notice of the intent must be submitted with the tentative map application. The staging and processing of multiple or phased maps must address access, public safety, and utility services for the interim between the maps.

The subdivider must also consult the County Surveyor regarding processing multiple final maps or phased maps.

## **C. Form and Content**

The Tentative Map shall be prepared in a manner acceptable to the Community Development Department and shall be prepared by a registered civil engineer or licensed land surveyor. The Tentative Map shall be clearly and legibly drawn and contain the following information, unless waived by the Community Development Director. The





Community Development Department may also require additional materials, exhibits, data, or information as deemed necessary to accomplish the purposes of the Subdivision Map Act and Subdivision Code.

**1. Map Size**

The minimum Tentative Map size shall be eighteen (18) inches by twenty-six (26) inches. The maximum Tentative Map size shall be thirty-six (36) inches by forty-eight (48) inches, unless a larger scale is necessary to include all of the map area on one sheet in accordance with the scale requirements in Subsection 2 below.

**2. Map Scale**

The Tentative Map shall be drawn to an engineer’s scale large enough to clearly show the details of the plan thereon. The minimum scale shall be one (1) inch equals fifty (50) feet.

**3. Graphic and Linear Representation**

Proposed lines and features on the Tentative Map shall be represented as follows:

- a. Tract boundary: Heavy, double-width solid line;
- b. Proposed streets, lot lines, and City boundaries: Heavy solid line;
- c. Existing lot lines: Light solid line;
- d. Easements: Light dashed line and labeled as to intended use. Identify if existing or proposed, public or private, and remaining or to be quitclaimed;
- e. Water lines, sewers, storm drains, etc.: Heavy dashed line and labeled as to intended use. Identify if existing or proposed and remaining or to be removed; and
- f. Existing contours: Light dashed line with elevations denoted.
- g. Areas that are excluded from the subject subdivision shall be identified on the map as “Not A Part” or “Remainder” with descriptions of the area.

**4. Title Block**

A title block shall be provided and include the following information:

- a. A tentative map number;
- b. Names, addresses, telephone numbers and e-mail addresses of the property owner or owners of record and the person or firm that proposed the map;
- c. Name, address, and telephone number of the registered civil engineer or licensed surveyor (with R.C.E. or L.S. number) who prepared the map; and,
- d. Date of Tentative Map preparation.

**Title Block Example**

		DON BARRIE & ASSOCIATES 1240-B NORTH JEFFERSON STREET ANAHEIM, CA 92801 (714) 666-1721	COX COMMUNICATIONS www.cox.com												
OWNER: Landholding Co. 8456 Main Street Anytown, CA 91234 Tel: (714) 555-1234 owner@123mail.net		CIVIL ENGINEER: 123 Engineering Civil Engineers 1234 Main Street Anytown, CA 91234 Tel: (714) 123-4567 Fax: (714) 987-6543 engineer@123mail.net	<table border="1"> <tr> <th colspan="2">REVISIONS</th> </tr> <tr> <th>NO.</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	REVISIONS		NO.	DATE								
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NO.	DATE														
CITY OF TUSTIN TENTATIVE PARCEL MAP 2000-123			SHEET 1 OF 4												
APPROVED: _____		PREPARED: 2012-09-10 REVISED: 2013-06-28 PRINT: 2013-07-01													



### **5. Descriptive Information**

The Tentative Map shall include a north arrow, graphic scale, total number of numbered and lettered lots, gross site area, net site area and contour interval. The gross and net density shall be identified (i.e. dwelling units per acre for residential projects, floor area ratio for commercial/industrial projects).

### **6. Location and Boundary Delineation**

The following items shall be represented on the tentative map:

- a. The Tentative Map boundary lines shall be measured to the centerline of any existing abutting local public street or any existing or proposed arterial highway. However, if any portion of the street or highway is not owned in fee by the subdivider, the owner of such street or highway must be identified on the map, but approval for filing is not required from such owner. The final map boundary lines shall be to the limits of fee ownership within such streets or highways which shall be deemed to be in conformance with the tentative map;
- b. The vicinity map showing roads, adjoining subdivisions, towns, creeks, railroads, and other data sufficient to locate the proposed subdivision and show its relation to the community;
- c. A legal description of the land to be subdivided;
- d. A description of the tentative map boundary in sufficient detail to describe the approximate location of the boundary lines. This description may be shown on a separate sheet accompanying the tentative map; and,
- e. The names and/or numbers of adjacent subdivisions and the names of owners of adjacent unplatted land.

### **7. Supplemental Information**

The following items shall be represented on the tentative map:

- a. Proposed Lots
  - 1) The approximate lot layout and the approximate dimensions of each lot and each building site. Engineering data shall show the approximate finished grading of each numbered and/or lettered lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale, the number of each lot, and the elevation of adjacent parcels;
  - 2) A consecutively numbered lot number for each proposed building site with the highest number circled to quickly identify the total number of numbered lots;
  - 3) An alphabetical (lettered) identification for each parcel not proposed as a building site and a summary table identifying each lettered lot with an explanation as to its intended use, ownership, and maintenance responsibility;
- b. The width and approximate locations of all existing and proposed easements or rights-of-way, whether public or private, for roads, drainage, sewers, flood control, slope maintenance or recreation purposes;
- c. Drainage and Hydrology
  - 1) The locations of all areas subject to inundation or flood hazard and the locations, widths and directions of flow of all watercourses and flood control channels;



- 2) The drainage area tributary to the subdivision and statements setting forth in detail, but not quantitatively, the manner in which storm runoff will enter the subdivision, the manner in which it will be carried through the subdivision, the manner in which disposal beyond the subdivision boundaries will be assured and, where applicable, with reference to any duly adopted Master Plan of Drainage;
  - 3) Areas for dedicated retention or detention should be designated with setback dimensions.
- d. Existing and proposed topography and structures on the proposed site and within one hundred (100) feet of the proposed site, including but not limited to:
- 1) Existing and proposed contours at two (2) foot intervals if the existing ground slope is less than ten percent (10%) and at no less than five (5) foot intervals for existing ground slopes equal or greater than ten percent (10%). Contour intervals shall not be spread more than one hundred fifty (150) feet apart. Existing contours shall be represented by dashed lines or by screened lines. A separate grading plan may be submitted;
  - 2) Type, circumference and drip line of existing trees with a trunk diameter of four (4) inches or more. Any trees proposed to be removed shall be so indicated;
  - 3) The location and outline of existing structures identified by type. Structures to be removed shall be so marked;
  - 4) Existing lot lines; and
  - 5) Turning radius requirements for safety equipment and trash vehicles.
- e. The location of any excavations within the subdivision or within two hundred (200) feet of any portion of the subdivision, the location of any existing wells, cesspools, sewers, culverts, storm drains and underground structures within the subdivision, and a statement noting whether or not such uses are to be abandoned, to be removed or to remain;
- f. A statement as to the intention of the subdivider in regard to slope planting and erosion control;
- g. Use or uses proposed in the tentative map as specified by applicable or pending zoning district regulations. If for multiple family dwelling uses (including condominium and community apartment projects), the proposed number of units shall be stated;
- h. Existing and proposed circulation improvements:
- 1) Type and extent of existing street improvements adjacent to the subdivision and diagrams of existing street sections;
  - 2) Type and extent of proposed street improvements and diagrams of typical street sections;
  - 3) Approximate radius of all center line curves on highways, streets, alleys, and vehicular access ways;
  - 4) The locations, widths, approximate grade, direction and percentage of draining flow of all existing and proposed street and highway improvements including street intersections, medians, driveways and alleys, curbs and gutters, sidewalks and pavement edges within the proposed tract. Existing conditions within two hundred (200) feet of the boundaries of the proposed parcel or tract map shall be provided. Said locations may be shown either in plan or by reference to a cross-section shown on the tentative map;
- i. Proposed method of sewage disposal, the name of the sewerage agency and the capacity of the collector and the sewage treatment facility;



- j. Name of proposed water supplier;
- k. Type of other utilities which are proposed to serve the subdivision, including but not limited to gas, electricity, communications and cable television including the name of the utility company or agency that will provide the service, and a notation as to whether the utilities will be aboveground or underground;
- l. A statement certifying to one (1) of the following and signed by the subdivider or authorized agent that:
  - 1) The subdivider is the property owner of record; or,
  - 2) The property owner of record consents to the filing of the tentative map.
- m. The park location, dimensions, net area and access if a park is to be provided or a statement setting forth, in detail, how the requirements of parkland dedication (TCC Section 9331d) are to be accomplished;
- n. The height, area and configuration of man-made slopes shall be clearly shown. All slope areas shall be shown by type;
- o. A copy of any restrictive covenants proposed shall be appended to the tentative map;
- p. A "Revision Block" shall be placed on each revised tentative map and all changes shall be clearly indicated;
- q. If the subdivider plans to develop the site in phases, the proposed phases and their proposed sequence of construction shall be shown;
- r. The subdivider shall specify if multiple maps are to be filed;
- s. The subdivider shall specify any deviation from City standards and the justification for such deviation; and
- t. A list of reference maps and documents for the existing boundary.

## **7.4 Processing**

### **A. Submittal**

Tentative map applications shall be submitted to the Community Development Department. The Community Development Department will assign a case number to the application, enter the project into the tracking software and undertake formal review and processing of the request.

### **B. Initial Review**

At the time of application submittal, a staff planner will review and analyze the subdivider's request. The staff planner will review the initial application submittal to determine whether all required materials and filing fees have been submitted, including application and filing fee for the Orange County Fire Authority (OCFA) review process. Processing of the application will not commence until the staff planner determines that the application is ready to be received for review and processing.

Once the subdivision application is received by the City, a staff planner will be assigned to the project to review and process the application. The staff planner will distribute copies of the tentative map to the following reviewing bodies for comment, with comments due no more than two (2) weeks from transmittal:

- Community Development/Building Division



- Public Works/Engineering
- Orange County Fire Authority
- Police
- Parks and Recreation
- Other departments as deemed applicable
- Other jurisdictions as deemed applicable

The reviewing bodies will review each tentative map on two levels: (1) technical corrections (e.g. incorrect map information, format changes, missing data); and (2) project issues (e.g. subdivision layout, impact upon services, infrastructure capacity, park location, maintenance responsibilities). Their comments will be submitted to the staff planner, who will review and consolidate the comments, resolve any internal conflicts or inconsistencies and transmit the comments in writing to the applicant.

The staff planner will consolidate the review comments into a "Letter of Incomplete" that states the application is incomplete and that the applicant must address the comments provided in the letter. The Letter of Incomplete must be transmitted to the applicant no more than thirty (30) calendar days from application submittal.

### **C. Environmental Review**

As part of the review of the tentative map, the Planning staff of the Community Development Department will analyze the subdivision application for compliance with the CEQA. If staff determines that the project is exempt from CEQA, either categorically or statutorily, staff will prepare and file a notice of exemption for the tentative map application.

If staff determines that the project is not exempt from CEQA, staff will then prepare an initial study to determine if the project may have a significant effect on the environment. The Community Development Department staff shall make one (1) of the following environmental determinations for the proposed subdivision:

1. Negative declaration (no significant effect)
2. Mitigated negative declaration (significant effects mitigated)
3. Previous Environmental Impact Reports (no new impacts)
4. Addendum to Previous Environmental Impact Report (minor technical changes/additions necessary)
5. Supplemental Environmental Impact Report (new impacts identified)
6. Environmental Impact Report (new projects/significant impacts identified)

Each of these environmental determinations is bound by specific processing procedures and associated time frames, which are detailed in the State CEQA Guidelines. The applicable procedure will be explained to the applicant once staff determines the appropriate environmental review for the project. It is important to note, however, that the environmental review occurs concurrently with the subdivision review; no action can be conducted by the approving body until the requirements for environmental review have been completed.

### **D. Revision**

Once the comments from the reviewing bodies have been forwarded to the applicant, the applicant is responsible for resubmitting a revised map with corrections. The amount of time necessary for revisions is at the applicant's discretion; however revised project plans should be resubmitted within six (6) months of the Letter of Incomplete issuance date or the project may be considered withdrawn.

To expedite review of the revised map, the applicant should accompany resubmittal of the map application materials with correspondence identifying the following:



1. Corrections/revisions that have been made which concur with the City's comments.
2. Corrections/revisions that have not been made because of disagreement with the City's comments (accompanied with an explanation of the applicant's position).
3. New items or revisions not related to a correction.

If the initial tentative map had major revisions, the staff planner will redistribute the revised map to the reviewing bodies for comment. City staff may request that the planner transmit all submitted revisions for review even if staff did not have comments for the previous submittal. The staff planner will then proceed with project processing.

## **E. Deem Application as Complete or Incomplete**

If staff still has comments on the project, the staff planner will prepare and transmit another Letter of Incomplete within thirty (30) days of the last submittal.

Any outstanding items required to make the application complete shall be submitted to the Community Development Department within six (6) months of the date of notification. If items are not submitted during this time period, the application, at the discretion of the Community Development Department may be deemed withdrawn.

Once all of the requested information is submitted and determined to be adequate, the application can be deemed complete. The staff planner will schedule the project approximately eight weeks from the date of completeness for a public hearing before the Planning Commission and prepare and transmit a "Letter of Completeness" to the applicant indicating the tentative hearing date and potential conditions of approval.

At this point, the planner shall also instruct the subdivider to submit a cashier's check payable to the Orange County Clerk in the amount equal to the current filing fees for the County. This fee is required by the Orange County Clerk to allow the City to file the appropriate environmental documentation related to the project. Failure to allow the City to file the appropriate environmental determination could lengthen the statute of limitations under which an interested party could challenge the environmental determination.

## **F. Approval Process**

### **1. Review by Other Agencies**

Within five (5) days of a tentative map being deemed complete, the staff planner shall transmit a copy of the proposed tentative map to applicable outside agencies. The outside agencies have fifteen (15) days to submit written comments to the City. Typical outside agencies may include, but are not limited to, the following:

- City of Irvine
- City of Orange
- City of Santa Ana
- County of Orange Health Department
- Orange County Public Works Department
- Orange County Fire Authority
- Orange County Flood Control District
- Orange County Transportation Authority
- Utility Agencies (i.e. gas, electric, water, sewer, cable, telephone)
- Regional Water Quality Board
- South Coast Air Quality Management District
- Department of Transportation (Caltrans)
- School Districts
- Community College Districts



Regarding school districts, the City shall transmit a copy of the tentative map by certified mail to the governing board of the affected school districts. Failure to respond shall be deemed an approval pursuant to TCC Section 9321f2.

All comments received from other agencies shall be summarized in the staff report, attached as part of the public record and provided to the applicant. Critical corrections or proposed conditions of approval should be discussed with the applicant prior to their inclusion as part of any action to approve, conditionally approve or deny the application.

## **2. Who reviews and approves the map**

The Planning Commission is the body that acts as the final decision maker on tentative maps unless the proposed subdivision needs other entitlement approvals requiring City Council action. In this case, the City Council will be the final decision maker of the application (TCC 9321e).

The decision body will hold a public hearing on each tentative map filed. This public hearing is held for the purpose of reviewing the tentative map, taking public testimony on the map and rendering action.

## **3. General dedication requirements for public use or benefit**

As a condition of approval of a subdivision map, the decision body may require the subdivider to dedicate or make an irrevocable offer of dedication to the public, through the appropriate public agency, of all real property both on and offsite as required for public use or benefit. Any condition requiring dedication shall specify whether the real property shall be dedicated by easement or in fee title, and shall also be so identified upon the tentative and final tract or parcel map.

## **4. Required findings for approval**

A tentative map shall be approved or conditionally approved only if the decision body can make the following findings:

- a. That the proposed map is consistent with applicable general and specific plans and the zoning ordinance.
- b. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
- c. That the site is physically suitable for the type of development.
- d. That the site is physically suitable for the proposed density of development.
- e. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage nor substantially and unavoidably injure fish and wildlife or their habitat.
- f. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.
- g. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
- h. That any discharge of waste from the proposed subdivision into an existing sewer system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board, Santa Ana Region, pursuant to Division 7 of the Water Code of the State of California.
- i. That the requirements of the California Environmental Quality Act have been satisfied.



- j. For subdivisions of 500 or more units, sufficient water supply will be available to serve the proposed subdivision.

### **5. Required findings for Vesting Tentative Maps**

In addition to the findings set forth in Section 7 of this Manual, a vesting tentative map shall be approved or conditionally approved only if the decision body can make the following additional finding:

“That the proposed vesting tentative map is consistent with all applicable plans, ordinances, and policies in effect at the time the map is approved or conditionally approved, or the subdivider is concurrently processing an application to eliminate the inconsistency.”

## **G. Appeals**

For appeal information, see Section 13.1 of this Manual.

## **H. Post Approval Requirements**

### **1. County Filing Fee**

Staff will forward the CEQA determination or Notice of Exemption to the County Recorder and filing fee within five (5) days of the project approval. Failure of the City to file the appropriate environmental determination could lengthen the statute of limitations under which an interested party could challenge the environmental determination.

### **2. Final Map Recordation**

Final maps shall be submitted for review in accordance with Section 8.4 of this Manual and in compliance with the tentative map conditions of approval.

## **I. Time Extensions of Approved Maps**

### **1. Applicability**

This section applies to the submittal of time extensions in accordance with Section 9323e.3 of the Subdivision Code.

The Community Development Director is authorized to approve a time extension of not more than thirty-six (36) months from the original expiration date, unless superseded by the Subdivision Map Act.

### **2. Submittal Requirements**

Requests for time extensions should be submitted to the Community Development Department prior to the expiration date of the approved Tentative Map. A timely request shall consist of the following items:

- a. Letter of Request – A written request shall be provided by the project applicant stating the reasons that a time extension is needed. The letter of request must demonstrate that a good faith attempt was made to record the subdivision prior to the tentative map expiration date.
- b. Fees – Time extension fees are based on the latest fee schedule in effect at the time of submittal for an extension of time request.

### **3. Processing**

The filing of such a time extension request automatically extends the map until the map is recorded or until the extension expires, whichever comes first. The Director shall determine whether sufficient evidence was provided in the application that there are no changed circumstances and/or that the subdivider has made a good faith effort to establish the subdivision.





Extension(s) not exceeding an aggregate total of thirty-six (36) months may be approved, conditionally approved or disapproved. No extension shall be granted that would extend the tentative map more than six (6) years beyond the date of the resolution adopted by the decision making body approving or conditionally approving the tentative map unless otherwise authorized by State Law. As a condition to granting an extension of time, the Director or, upon appeal, the City Council may require compliance with any additional requirements deemed necessary to carry out the spirit and intent of this Subdivision Code. The period of extension specified in this section shall be in addition to any extension authorized by Government Code Section 66452.6(a). The Director's decision is final unless appealed.

## **7.5 Correction and Amendment of Tentative Map**

Prior to final map approval, the City or the subdivider may request amendments to the approved tentative map, including vesting tentative maps, or conditions of approval. The Director shall determine whether a proposed amendment is a substantial or a minor amendment.

### **A. Substantial Changes Proposed to an Approved Tentative Map**

Substantial changes proposed to an approved tentative map shall only be permitted upon the filing and responsible decision maker approval of a new tentative map.

### **B. Changes in Conditions of Approval, Minor Corrections, and Amendments to an Approved Tentative Map**

If the applicant wishes to change conditions of approval and/or implement minor corrections and amendments to an approved tentative map, an application and filing fee must be submitted and may be approved by the Director. The following findings must be applicable:

1. No lots, units, or building sites or structures are added;
2. The changes are consistent with the intent and spirit of the original tentative map approval; and
3. There are no resulting violations of the Tustin General Plan, Zoning Code, applicable Specific Plan, the Subdivision Code or the Subdivision Map Act.

A correction or amendment of a map shall be indicated on the tentative map. An approval of a request for minor corrections and amendments shall not alter the expiration date of the tentative map unless an application for extension is concurrently approved.



## **8.0 FINAL PARCEL AND TRACT MAPS (TCC 9325)**

### **8.1 Purpose**

The purpose of this section is to provide guidance on filing final maps and complying with requirements.

### **8.2 Applicability**

This section applies to the submittal of final parcel maps and final tract maps in accordance with the Subdivision Code (TCC 9325).

### **8.3 Submittal Requirements**

#### **A. Application Form**

Final map applications shall be submitted to the Community Development Department/Planning Division. Initial submittals for final map applications shall include all application forms, materials and exhibits identified in the Department's "Instructions for Filing a Development Application."

#### **B. Accompanying Data and Reports**

The following items shall be completed or provided and accepted as adequate prior to Director approval:

##### ***1. Improvement Plans***

The subdivider has either completed the required improvements, or completed the final design and entered into an agreement with the City committing to do the required improvements as required by the Subdivision Code and conditions of the tentative map.

##### ***2. Title Report***

A certificate of title, a policy of title insurance or title guarantee issued by a title company authorized by the State to write the same, showing the names of all persons having any record title interest in the subject subdivision site, together with the nature of their respective interests in the property. The title report must be current within three (3) weeks of final map submittal.

##### ***3. Survey and Monuments***

Field survey in conformity with the Professional Land Surveyor's Act and the Subdivision Code. Durable monuments shall be installed to conform with the Business and Professions Code and the Subdivision Code. Subdivision monumentation bonds and agreements may be required.

##### ***4. Tax Certificate***

A certificate from the County Tax Collector stating that all taxes or special assessments collected as taxes due have been paid or that a tax bond or other adequate form of security assuring payment of all taxes or special assessments which are a lien, but not yet payable, has been filed with the County.

##### ***5. Dedications and Easements***

Dedications or easements made by certificate on the final map unless use of a separate instrument for such dedication has been approved by the City Engineer.

##### ***6. Traverse Closures***

Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines have been accepted as adequate.



### **7. Governing Documents**

A draft copy of Conditions, Covenants, and Restrictions (CC&Rs) and related organizational documents consistent with Section 13.2 of this Manual.

### **8. Guarantee of Title**

A guarantee of title, in a form acceptable to the City Attorney, issued by a competent title company to and for the benefit and protection of the City in accordance with the Subdivision Code.

### **9. Improvement Agreement**

A public improvement agreement and bonds in the event that required improvements have not been completed prior to the presentation of the final map.

### **10. Street Names**

A list of proposed street names for approval by the Director and/or the Tustin Street Naming Committee.

### **11. CADD Format Maps**

Provide final map and plans in computer aided design and drafting (CADD) format consistent with CADD conventions and guidelines established by the City Engineer.

### **12. Liability Agreement and Insurance**

A hold-harmless agreement obligating the subdivider to hold the City and its officers, agents and employees harmless from any liability for damages or claims resulting from the subdivision.

### **13. Fees and Deposits**

Fees and deposits based on the latest fee schedule in effect at the time of submittal. Final map application fees and deposits are paid to the Community Development Department at the time of application submittal.

### **14. Corrections**

Any and all corrections should be incorporated into the final map and acceptable to the City Engineer.

The City Engineer or City Attorney may require additional materials, exhibits, data, or information as deemed necessary to accomplish the purposes of the Subdivision Map Act and the Subdivision Code.

## **C. Final Map Form and Content**

The final map shall be prepared in a manner acceptable to the City Engineer and County Surveyor's Office and shall be prepared by a registered civil engineer or licensed surveyor. The final map shall be clearly and legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on polyester based film and shall contain the following information, unless waived by the City Engineer.

### **1. Map Size**

The size of each sheet shall be eighteen (18) inches by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch.

### **2. Map Scale and Number of Sheets**

The scale of the map shall be not less than 1" = 50' or as may be necessary to show all details clearly and with enough sheets to accomplish this end. The particular number of the 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. When four (4) or more sheets, including the certificate sheet, are used, a key sheet shall be included.

### **3. Graphic and Linear Representation**

Proposed lines and features on the final map shall be represented as follows:

- a. The boundary of the subdivision shall be designated by a heavy black line in such a manner as not to obliterate figures or other data; and
- b. All printing or lettering on the map shall be of one-eighth ( $\frac{1}{8}$ ) inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.

### **4. Map Title**

Each sheet shall have a title showing the subdivision number and name and the location of the property being subdivided with reference to maps which have been previously recorded, or by reference to the plat of a United States Survey. The following words shall appear in the title, "City of Tustin, Orange County."

### **5. Descriptive Information**

There must appear on each map sheet the scale (written and graphic), the north arrow, the basis of bearings based on Zone II of the California Coordinates and the equation of the bearing to true north. The basis of bearings shall be approved by the City Engineer.

### **6. Location and Boundary Delineation**

The following items must be identified on the Final Map:

- a. 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. Arc length, radius and 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.
- b. The location and description of all existing and proposed monuments shall be shown. Standard City monuments shall be set at or on the following locations:
  - 1) The intersection of street centerlines;
  - 2) Beginning and end of curves or intersection or tangents on centerlines; and
  - 3) At other locations as may be required by the City Engineer.
- c. All adjoining subdivisions shall be identified by subdivision number or name when not identified by official number, and reference to the book and page of the filed map showing such subdivision; and, if no subdivision is adjacent, then by the name of the owner and reference to the recorded deed by book and page number for the last record owner.
- d. City boundaries which cross or adjoin the subdivision shall be clearly designated.
- e. All easements and restrictions applicable to the subject properties.
- f. A list with documentary references for all signature omissions shall be provided on the cover sheet or second sheet.

### **7. Supplemental Information**

The following items shall be represented on the final map:



- a. All certificates and acknowledgements shall be made as required by the Subdivision Map Act and shall appear only once on the cover sheet and second sheet if needed. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester based film, the ink surface shall be coated with a suitable substance to assure permanent legibility;
- b. Numbered lots shall begin with the number one (1) in each subdivision and shall continue consecutively with no omissions or duplications except where contiguous lands, under the same ownership, are being subdivided in successive units, in which event lot numbers may begin with the next consecutive number following the last number in the preceding unit. Each lot shall be shown entirely on one (1) sheet of the final map;
- c. Lettered lots shall begin with the letter A in each subdivision and shall continue consecutively with no omissions or duplications except where contiguous lands, under the same ownership, are being subdivided in successive units, in which event lettered lots may begin with the next consecutive letter following the last letter in the preceding unit. Each lot shall be shown entirely on one (1) sheet of the final map;
- d. The names of all existing streets, alleys, or highways adjoining the subdivision and proposed streets within the subdivision once approved by the Community Development Department;
- e. Easements and dedications for roads or streets, paths, alleys, utilities, local transit facilities, storm water drainage, sanitary sewers or other public use as may be required shall be dedicated to the public for acceptance by the City or other public agency, and the use shall be specified on the map; and,
- f. 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, e.g. recorder's serial number and date or book and page of official records.

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.

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.

## **8.4 Processing**

### **A. Submittal**

Final map applications shall be submitted to the Community Development Department. The Community Development Department will assign a case number to the application and undertake formal review and processing of the request.

### **B. Multiple Final Maps**

In order to file multiple final maps, the subdivider must, at the time of tentative map application, notify the Director in writing of the subdivider's intention to file multiple final maps. If a written letter of intent was not submitted at the time of tentative map submittal, processing of multiple final maps may be filed only with the concurrence of the Director.



Each final map shall have a separate parcel or tract map number, as obtained from the Orange County Surveyor. Subdivision improvement agreements executed by the subdivider shall provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.

### **C. Initial Review**

1. Final maps are simultaneously reviewed by the City and the Orange County Surveyor's Office. The applicant is responsible for making separate submittals of final maps to the County for checking.
2. The Community Development and Public Works Departments shall review final maps for completeness and substantial compliance with the applicable tentative maps and conditions of approval. Within thirty (30) calendar days of submittal, the applicant shall be notified by the Community Development Department as to whether the maps are acceptable or if corrections are required.
3. The City Attorney, Community Development Department and Public Works Department shall review the draft CC&Rs for adequacy in form, content, and consistency with project conditions of approval. In most cases, the applicant will be notified within thirty (30) calendar days of resubmittal as to whether the draft CC&Rs are acceptable or if revisions are required.

### **D. Environmental Review**

Approvals for final map applications are granted by the Community Development Director, which is considered a ministerial action. Under CEQA regulations, ministerial actions are categorically exempt from the CEQA process.

### **E. Revision**

Once the comments from the reviewing bodies have been forwarded to the applicant, the applicant is responsible for resubmitting a revised map with corrections. The amount of time necessary for revisions is at the applicant's discretion; however revised plans should be resubmitted within six (6) months of the Letter of Incomplete issuance date or the project may be considered withdrawn.

To expedite review of the revised map, the applicant should accompany resubmittal of the map application materials with correspondence identifying the following:

1. Corrections/revisions that have been made which concur with the City's comments.
2. Corrections/revisions that have not been made because of disagreement with the City's comments, accompanied with an explanation of the applicant's position.
3. New items or revisions not related to a correction.

If the initial final map had major revisions, the staff planner will redistribute the revised map to the reviewing bodies for comment. City staff may request that the planner transmit all submitted revisions for review even if the staff did not have comments for the previous submittal. The staff planner will then proceed with analysis and processing.

### **F. Approval Process**

1. Upon substantial completion of final map checking and public improvement plans, the Community Development Department, with assistance from the Public Works Department, will prepare the documentation for the bonds and agreements for the deferral of any improvements required pursuant to Section 9332 of the Subdivision Code. Pursuant to Section 9332a, the Community Development Director will not approve a Final Map until the subdivider either completes the required improvements or enters into an agreement and post applicable bonds with the City to guarantee the completion of such improvements.



2. In conjunction with Community Development Director approval of a final map, the City Engineer shall have the authority to accept, accept subject to improvement or reject any offer of dedication. If at the time the final map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities or storm drainage easements are not accepted by the City Engineer, the offer of dedication shall remain open. The City Engineer may at any later date, and without further action by the subdivider, rescind the action and accept and open the streets, paths, alleys, rights-of-way for local transit facilities, or storm drainage easements, the acceptance of which shall be recorded in the office of the County Recorder.
3. After all corrections to the final map have been made and deemed acceptable to the County and the City Engineer, all improvement agreements have been signed and subdivision bonds executed, the CC&Rs have been approved as to form and all applicable conditions of the tentative map have been satisfied, the Community Development Department will review the final map for the Community Development Director's consideration. Upon notification that the application is complete and approved, the applicant shall provide the Community Development Department with a PDF file of the completed map and associated plans.
4. Upon receiving evidence that the applicant has complied with the conditions of approval for recordation imposed upon the tentative map approval and all applicable provisions of the Subdivision Code and Subdivision Map Act, the Community Development Director will approve the final map and shall document the decision in writing with the findings upon which the decision is based.

## **G. Post Approval Requirements and Recordation Process**

1. Upon Community Development Director approval of the final map, the applicant shall comply with the Post Approval Procedures (TCC 9325e) and the following steps below to record a final map. The subdivider shall be responsible for paying any review and/or recordation fees required for this process.
  - a. After the Director approves the final map, in accordance with the Subdivision Code and Section 8.4F of this Manual, staff will instruct the subdivider to submit the final map on mylar to the project planner.
  - b. The planner shall route the mylar maps to the Public Works Department for review. The Community Development Department and Public Works Departments will review the map for compliance with the final map conditions of approval.
  - c. If the map is acceptable and in compliance with the conditions of approval, the Director of Community Development and City Engineer shall sign the mylar maps and return them to the staff planner assigned to the project. The original maps and any required duplicates shall be signed by all parties required to execute the certificates on the map. Original signatures shall appear on the original and required duplicates.
  - d. The staff planner will then route the mylar maps to the City Clerk and attach a cover letter or memorandum with other pertinent information, such as project contacts, etc., stating that the final map is in compliance.
  - e. The City Clerk shall then execute the appropriate certificate on the certificate sheet and contacts the subdivider's Title Company to instruct them to send a Title Company Officer to pick up the map from the City Clerk's office.
  - f. The Title Company takes the signed mylar maps to the County Tax Collector for official signature, then to the County Surveyor for official signature.



- g. The subdivider's bonded Title Company will be responsible for processing the signed final maps through the County of Orange processes and obtaining the necessary surveyor signatures, tax collector certificates, etc.
  - h. The County Surveyor will forward the completed and approved final maps to the County Recorder for recordation.
  - i. After the Final Map is recorded, the applicant shall submit two (2) full-size hard copies of the recorded maps and PDF copy to the Community Development Department.
  - j. The Community Development Department shall forward the copies to the Public Works Department for filing/archiving.
2. In addition to the full size plans specified in Section 9325b.12 of the Subdivision Code, the approved version of all final development plans including, but not limited to, final maps, right-of-way maps, records of survey, public works improvements, private infrastructure improvements, final grading plans, and site plans shall also be submitted to the Public Works Department/Engineering Division in computer aided design and drafting (CADD) format. The acceptable formats shall be Intergraph DGN or AutoCAD DWG file format, but in no case less than DXF file format. The City of Tustin CADD conventions shall be followed in preparing plans in CADD, and these guidelines are available from the Public Works Department Engineering Division.
  3. The CADD files shall be submitted to the City at the time the plans are approved, and updated CADD files reflecting "as built" conditions shall be submitted once all construction has been completed. The Subdivision Bonds will not be released until the required CADD files have been submitted to the Engineering Division.

## **H. Appeals**

For appeal information, see Section 13.1 of this Manual.

## **I. Timing and Time Extension**

Final maps should be submitted at least ninety (90) days prior to the expiration date of the tentative map to allow for review, processing, and recording prior to the expiration of the tentative map.

If the final map has not been recorded at least thirty (30) days prior to the expiration of the tentative map, and the tentative map qualifies for a time extension in accordance with Section 9323e of the Subdivision Code and Section 66452.6(a) of the Subdivision Map Act, the applicant is advised to apply for an extension of time (Section 9323e.3 of the Subdivision Code and Section 7.4.I of this Subdivision Manual).

If a map is not recorded with the County Recorder prior to the expiration date of the tentative map, and no time extension is granted, the approval of the tentative map shall automatically become null and void. A new tentative map application and full payment of application fees shall be required for further consideration of the subdivision proposal.

## **8.5 Correction and Amendment of Final Map**

### **A. Applicability**

After a final map is filed in the office of the County Recorder, the map may be amended by a certificate of correction or an amending map for any of the following purposes:

1. To correct an error in any course or distance shown thereon;
2. To show any course or distance that was omitted therefrom;





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 or character of any monument which has been changed in location or character, or originally was shown at the wrong location or incorrectly as to its character;
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 fee owners of the real 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 County Surveyor or City Engineer that does not affect any property right, including, but not limited to, lot numbers, acreage, street names, and identification of adjacent record maps. As used herein, "error" does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final map; or
8. To modify conditions of approval if the Director finds that:
  - a. There are changes in circumstances which make any or all of the conditions of such map no longer appropriate or necessary;
  - b. The modifications do not impose any additional burden on the present fee owner of the property;
  - c. The modifications do not alter any right, title or interest in the real property reflected on the recorded map; and
  - d. The map as modified conforms to the required findings of approval specified in Section 9323c of the Subdivision Code.

## **B. Amending Map / Certificate of Correction**

Proposed amendments or corrections that meet descriptions 1 through 7 in Section 8.5A above shall be reviewed by the City Engineer and the Community Development Department and certified by the Community Development Director.

The amending map or certificate of correction shall be prepared by a registered civil engineer or licensed land surveyor. The form and contents of the amending map shall conform to the requirements of the Subdivision Map Act, Subdivision Code and the Manual.

When approved, the amending map or certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction on the date of the filing or recording of the original recorded map.

The City Engineer shall examine the amending map or certificate of correction within twenty (20) working days of submittal for compliance with the provisions of the Subdivision Map Act, Subdivision Code and the City's Subdivision Manual. The City Engineer shall either certify the map or certificate and continue processing the map and certificate of correction in accordance with Section 8.4I of this Manual, or provide a written statement of the changes necessary to make it conform to the requirements of the Subdivision Map Act, Subdivision Code, or the Subdivision Manual. If the resubmitted corrections are approved, the process shall continue in accordance with Section 8.4I of this Manual.



### **C. Modification to Conditions of Approval**

Proposed amendments or corrections that meet description #8 in Section 8.5A shall be processed through a public hearing process.

Modifications to conditions of approval shall be set for public hearing before the responsible decision maker consistent with the noticing provisions. The hearing by the responsible decision maker shall be confined to consideration of, and action on, the proposed modification. Decisions by the responsible decision maker may be appealed pursuant to TCC Section 9321h and Section 13.1 of this Manual.

### **D. Post Approval Process**

Upon filing of the amending map or certificate of correction by the City Engineer, the County Recorder shall index the names of the fee owners and the appropriate subdivision designation shown on the amending map or certificate of correction in the general index and map index respectively. Thereafter, the original map shall be deemed to have been conclusively corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map.



## **9.0 REVERSIONS TO ACREAGE (TCC 9326)**

### **9.1 Purpose**

The purpose of this section is to provide guidance on filing and processing applications for reversions to acreage of approved subdivisions.

### **9.2 Applicability**

This section shall apply to final maps and include reversions to acreage initiated by either the property owner or the City.

### **9.3 Submittal Requirements**

Proceedings to revert subdivided property to acreage may be initiated by resolution of the City Council or with the submission of a formal application by all of the owners of record of the property.

#### **A. Application Form**

Reversion to Acreage applications shall be submitted to the Community Development Department. Initial submittals for reversion to acreage applications shall include the Development Application Form and Environmental Information Form.

#### **B. Accompanying Documents and Reports**

##### ***1. Preliminary Title Report***

One (1) or more preliminary title reports covering all parcels affected by the proposed reversion to acreage shall be provided. The report(s) shall be dated within thirty (30) calendar days of the date that the petition is submitted. If the processing time exceeds six (6) months, an updated title report shall be provided and shall be updated for every succeeding six-month processing time period. Grant deeds or property profiles in lieu of title reports will not be accepted.

##### ***2. Evidence of Authority to File***

The applicant shall submit adequate documentation establishing their authority to file the proposed reversion to acreage. At least one of the following shall be provided:

- a. Evidence of the consent of all of the owners holding an interest in the property. Each record owner must sign a letter of authorization form prescribed by the Community Development Department. All authorization forms shall be wet-signed and notarized.
- b. Evidence that none of the improvements required to be made have been made within two (2) years from the date the final map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later. The form of such evidence shall be determined by the City Engineer.
- c. Evidence that no lots shown on the final tract or parcel map have been sold within five (5) years from the date such final tract or parcel map was filed for record. The form of such evidence shall be determined by the Director.

##### ***3. Noticing Materials***

Reversions to acreage are subject to a noticed public hearing before the City Council. Noticing materials shall be provided as described in Section 5.4 of this Manual.



#### **4. Final Map**

The final map shall be prepared as prescribed under Section 8.0 et al of this Manual, with the following language added to the title: "THE PURPOSE OF THIS MAP IS A REVERSION TO ACREAGE." Submittal in CADD format shall also be required in accordance with Section 8.4G.2 of this Manual.

#### **5. Fees**

Application fees and/or deposits for reversion to acreage final maps are paid to the Community Development and Public Works Departments at the time of application submittal. Fees are based on the latest fee schedule in effect at the time of submittal.

## **9.4 Processing**

### **A. Submittal**

Reversion to acreage submittals shall be submitted to the Community Development Department. Upon receipt of a reversion to acreage submittal, the Community Development Department will undertake formal review and processing of the request.

### **B. Initial Review**

The Community Development and Public Works Departments will review the reversion to acreage application for completeness. Within thirty (30) days of submittal, the applicant shall be notified as to whether the application is complete or if additional or corrected information or materials are required.

### **C. Environmental Review**

Reversion to acreage applications are categorically exempt from CEQA requirements unless the project involves potential harm to the environment.

As part of the review of the reversion to acreage application, the Planning staff of the Community Development Department will analyze the application for compliance with the California Environmental Quality Act (CEQA). If staff determines that the project is exempt from CEQA, either categorically or statutorily, staff will prepare and file a notice of exemption for the application.

If staff determines that the project is not exempt from CEQA, staff will then prepare an initial study to determine if the project may have a significant effect on the environment. The Community Development staff shall make one of the following environmental determinations for the proposed subdivision:

1. Negative declaration (no significant effect)
2. Mitigated negative declaration (significant effects mitigated)
3. Previous Environmental Impact Reports (no new impacts)
4. Addendum to Previous Environmental Impact Report (minor technical changes/additions necessary)
5. Supplemental Environmental Impact Report (new impacts identified)
6. Environmental Impact Report (new projects/significant impacts identified)

Each of these environmental determinations is bound by specific processing procedures and associated time frames, which are detailed in the State CEQA Guidelines. The applicable procedure will be explained to the applicant once staff determines the appropriate environmental review for the project. It is important to note, however, that the environmental review occurs concurrently with the subdivision review; no action can be conducted by the approving body until the requirements for environmental review have been completed.



## **D. Revision**

Once the comments from the reviewing bodies have been forwarded to the applicant, the applicant is responsible for re-submitting a revised map with corrections and supporting documentation. The amount of time necessary for revisions is at the applicant's discretion; however revised project plans should be resubmitted within six (6) months of the Letter of Incomplete issuance date or the project may be considered withdrawn.

To expedite review of the revised map, the applicant should accompany resubmittal of the map application materials with correspondence identifying the following:

1. Corrections/revisions that have been made which concur with the City's comments.
2. Corrections/revisions that have not been made because of disagreement with the City's comments and accompanied with an explanation of the applicant's position.
3. New items or revisions not related to a correction.

If the initial map had major revisions, the staff planner will redistribute the revised map to the reviewing bodies for comment. City staff may request that the planner transmit all submitted revisions for review even if staff did not have comments on the previous submittal. The staff planner will then proceed with analysis and processing.

## **E. Deem Application as Complete**

Once the application is determined to be complete, the Community Development Department will schedule the proposal for a public hearing on an upcoming Planning Commission agenda, then a City Council agenda following receipt of a recommendation on the matter by the Planning Commission. Noticing of the public hearings will be given in compliance with TCC Section 9321g (Public Hearings). Upon notification that the application is complete, the applicant shall provide the Community Development Department with PDF files of the map sheets.

## **F. Approval Process**

The Planning Commission will consider the reversion to acreage request and make a recommendation to the City Council.

The City Council will approve, conditionally approve or deny the request by adoption of a resolution prepared by the Community Development Department. An approval resolution may include conditions supported by the findings required by the Subdivision Code and Section 66499.16 of the Subdivision Map Act.

## **G. Appeals**

City Council decisions are final and cannot be appealed.

## **H. Post Approval Process**

Upon City Council approval of the final map for reversion to acreage, the applicant shall comply with the following post approval procedures:

1. City Engineer Signature: The original maps and any required duplicates shall be signed by all parties required to execute the certificates on the map. Original signatures shall appear on the original and required duplicates. Upon receipt of the certificates and submittals, the City Engineer shall sign the appropriate certificates and transmit the original map to the City Clerk.
2. Filing with the County Recorder: Upon approval of the final map by the Director, and signature by the City Engineer, the City Clerk shall execute the appropriate certificate on the certificate sheet and transmit the map, or have an authorized agent forward the map, to the County Recorder.



## **10.0 PARCEL MERGER (TCC 9327)**

A parcel merger is the joining of two (2) or more contiguous parcels of land under single ownership into one (1) parcel. A parcel merger can be filed if at least one of the parcels in question is substandard with respect to the minimum lot size requirements specified in the Zoning Code. Other minimum criteria for parcel mergers are enumerated in Section 9327 of the Subdivision Code; if these criteria cannot be met, a lot line adjustment or Tentative and Final Tract/Parcel Map would be required to legally merge the parcels.

### **10.1 Purpose**

The purpose of this section is to provide processing instructions for parcel merger projects to bring substandard lots into conformity.

### **10.2 Applicability**

This section applies to the submittal and processing of Parcel Mergers in accordance with this section and the Subdivision Code. The terms "parcel merger" and "lot merger" are interchangeable. If a parcel merger is required as a condition of approval for a land use application (i.e. Design Review, Conditional Use Permit, etc.), the merger request shall be processed as an owner-initiated application.

### **10.3 Submittal Requirements**

The Community Development Department will accept parcel merger applications only upon submittal of the following.

#### **A. Application Form**

Parcel merger applications shall be submitted to the Community Development Department/Planning Division. Initial submittals for parcel merger applications shall include all application forms, materials and exhibits identified in the Department's "Instructions for Filing a Development Application."

#### **B. Accompanying Documents, Data and Reports**

##### ***1. Waiver of Right of Hearing and Notice***

Public hearings are not required for the consideration of parcel merger requests. The property owner(s) may sign a Waiver of Right of Hearing and Notice to facilitate a shorter processing schedule.

##### ***2. Preliminary Title Report***

One (1) or more preliminary title reports covering all parcels affected by the proposed Parcel Merger shall be provided. The report(s) shall be dated within thirty (30) days of the date that the Parcel Merger application is submitted. If processing time exceeds six (6) months, an updated title report shall be provided and shall be updated for every succeeding six-month processing time period. Grant deeds or property profiles in lieu of title reports will not be accepted.

##### ***3. Fees***

Parcel merger application fees and deposits are paid to the Community Development and Public Works Departments at the time of application submittal. Fees are based on the latest fee schedule in effect at the time of submittal.



## C. Form and Content

### 1. Legal Descriptions (Exhibit "A")

A legal description of the parcel resulting from the proposed merger shall be provided. The legal description shall be wet-signed and stamped by a California Registered Civil Engineer or Licensed Land Surveyor.

### 2. Parcel Merger Map (Exhibit "B")

The Parcel Merger Map must be drawn in black ink on an 8½" x 11" form consistent with current conventions. The map must be clear and readable. The map shall include the following information:

- a. Graphic map scale and north arrow.
- b. The location of the subject property in relation to existing adjacent streets.
- c. The existing and proposed lot layout. Show bearings and distances for all parcel lines. A heavy solid line shall be used for the project boundary, solid lines for the proposed property lines and light dashed lines for existing property lines to be deleted.
- d. Numbering for each parcel prior to the proposed merger, drawn in light dashed lines.
- e. Gross area of each parcel prior to the proposed merger.
- f. California Registered Civil Engineer or Licensed Land Surveyor wet signature and stamp.

### 3. Site Plan

Since only certain information can be on the recordable Parcel Merger map, a separate site plan may be required if one (1) or more properties are developed or approved to be developed to verify compliance with other applicable City ordinances, such as the Zoning Code and Building Code. The following information shall be included on the site plan.

- a. The location and width of all existing or proposed easements or rights-of-way, whether public or private, for roads, drainage, sewers or flood control purposes. Label the easements as existing or proposed and indicate to whom the easement is granted.
- b. The location of any aboveground or underground structures, driveways, and vehicular access paths on the site. Distances from proposed property lines to the structures shall be dimensioned on the site plan.

The requirement for a site plan may be waived by the Community Development Director if consistency with the Zoning Code and Building Code can otherwise be determined.

## **10.4 Processing of Mergers Initiated by the Property Owner**

### A. Submittal

Application for parcel mergers initiated by property owners shall be delivered in person to the Community Development Department. Upon receipt of a parcel merger application, the Community Development Department will undertake formal review and processing of the request.

### B. Initial Review

The Community Development and Public Works Departments shall review the parcel merger application for completeness. Within thirty (30) days of submittal, the applicant shall be notified if the application is complete, or if additional or corrected information or materials are required.



In addition to reviewing the application for completeness, the Community Development Department, in consultation with the Public Works Department, shall determine that the proposed parcel merger complies with the following requirements of the Subdivision Code (TCC Section 9327b.1 and 2):

1. At least one (1) of the affected parcels or units of land is undeveloped with any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure other than an accessory structure that is also partially sited on a contiguous parcel or unit of land.
2. With respect to any affected parcel or unit of land, one (1) or more of the following conditions exists:
  - a. The parcel comprises less than five thousand (5,000) square feet in area at the time of the determination of merger;
  - b. The parcel was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
  - c. The parcel does not meet current standards for sewage disposal and domestic water supply;
  - d. The parcel does not meet slope stability standards;
  - e. The parcel has no legal access that is adequate for vehicular and safety equipment access and maneuverability;
  - f. The parcel's development would create health or safety hazards; or,
  - g. The parcel is inconsistent with the General Plan and any applicable specific plan, other than minimum lot size or density standards.

### **C. Environmental Review**

Parcel Mergers are typically exempt from CEQA requirements unless the merger is part of a larger project scope.

As part of the review of the parcel merger application, the Planning staff of the Community Development Department will analyze the application for compliance with CEQA. If staff determines that the project is exempt from CEQA, either categorically or statutorily, staff will prepare and file a notice of exemption for the parcel merger application.

If staff determines that the project is not exempt from CEQA, staff will then prepare an initial study to determine if the project may have a significant effect on the environment. The Community Development Staff shall make one of the following environmental determinations for the proposed application:

1. Negative declaration (no significant effect)
2. Mitigated negative declaration (significant effects mitigated)
3. Previous Environmental Impact Reports (no new impacts)
4. Addendum to Previous Environmental Impact Report (minor technical changes/additions necessary)
5. Supplemental Environmental Impact Report (new impacts identified)
6. Environmental Impact Report (new projects/significant impacts identified)





Each of these environmental determinations is bound by specific processing procedures and associated time frames, which are detailed in the State CEQA Guidelines. The applicable procedure will be explained to the applicant once staff determines the appropriate environmental review for the project. It is important to note, however, that the environmental review occurs concurrently with the parcel merger review; no action can be conducted by the approving body until the requirements for environmental review have been completed.

#### **D. Revision**

Once the comments from the reviewing bodies have been forwarded to the applicant, the applicant is responsible for resubmitting a revised map with corrections. The amount of time necessary for revisions is at the applicant's discretion; however revised project plans should be resubmitted within six (6) months of the Letter of Incomplete issuance date or the project may be considered withdrawn.

To expedite review of the revised map, the applicant should accompany resubmittal of the map application materials with correspondence identifying the following:

1. Corrections/revisions that have been made which concur with the City's comments.
2. Corrections/revisions that have not been made because of disagreement with the City's comments (accompanied with an explanation of the applicant's position).
3. New items or revisions not related to a correction.

If the initial application had major revisions, the staff planner will redistribute the revised application to the reviewing bodies for comment. City staff may request that the planner transmit all submitted revisions for review even if staff did not have comments for the previous submittal. The staff planner will then proceed with analysis and processing.

#### **E. Approval**

Once the parcel merger application is determined to be complete, the Community Development Department will simultaneously file the following with the County Recorder:

1. Notice of Intention to Determine Status;
2. Waiver of Right of Hearing and Notice, when applicable;
3. If a Waiver of Right of Hearing and Notice is not signed, the filing of a Notice of Intention to Determine Status must be made before the filing of a Notice of Merger; and
4. Notice of Merger, including the names of the record owners and legal description of the property.

#### **F. Appeals**

For appeal information, see Section 13.1 of this Manual.

#### **G. Post Approval Requirements**

Pursuant to Subdivision Map Act 66451.12, the parcel merger will become effective upon recordation of the Notice of Merger.

In order to ensure the parcel merger is recorded, the City shall be responsible for recording the document. The applicant shall be responsible for any and all recordation costs.

The staff planner shall prepare a letter to the applicant indicating that the requested merger has been approved and recorded.



## **10.5 Processing of Mergers Initiated by the City**

### **A. Notice of Intention to Determine Status**

Prior to a notice of merger initiated by the City, the Community Development Director shall prepare a Notice of Intention to Determine Status and file the notice with the County Recorder. County filing fees shall be paid by the City, if applicable.

#### ***1. Contents of Notice of Intention to Determine Status***

The notice shall state that the affected parcels or units of land may be merged pursuant to the Subdivision Code.

#### ***2. Timing***

- a. Within thirty (30) days of notice date, the property owner may request a Planning Commission hearing to present evidence that the property does not meet criteria for a merger.
- b. The Notice of Intention to Determine Status shall be filed with the County Recorder by the Director on the same days as the notice is mailed to the property owner.

#### ***3. Determination when no hearing is requested***

- a. If the property owner does not file a request for hearing, the Director shall make a determination that the parcels are or are not to be merged.
- b. If the parcels are determined to be merged, the Community Development Director shall file a Notice of Merger with the County Recorder within ninety (90) days after the mailing of the Notice of Intention to Determine Status, unless the decision is appealed.

### **B. Hearing on Determination of Status**

#### ***1. Hearing Date***

Upon request by the current owner for a hearing by the Planning Commission regarding the parcel merger, the Community Development Department shall set a time, date and place for the hearing. The hearing shall take place within sixty (60) days following the receipt of the owner's request, or postponed or continued by mutual consent of the Community Director and property owner.

#### ***2. Notice of Hearing***

The Community Development Department shall notify the current owner of the hearing via certified mail.

#### ***3. Hearing***

- a. The property owner shall be given the opportunity to present evidence that the affected properties do not meet requirements for a merger.
- b. The Planning Commission shall consider the evidence presented and make a determination on whether the affected parcels are to be merged or not. The Community Development Department shall notify the owner of the Planning Commission determination by letter sent via certified mail.

#### ***4. Determination of Merger***

- a. Parcels are to be merged: The Community Development Director shall file a Notice of Merger with the County Recorder and notify the property owner within thirty (30) days of the Planning Commission's action.



- b. Parcels are not to be merged: A Release of Notice of Intention to Determine Status shall be filed with the County Recorder within thirty (30) days of the Planning Commission determination, unless appealed, and a clearance letter shall be delivered to the owner via certified mail.



## **11.0 CERTIFICATES OF COMPLIANCE (TCC 9333B)**

### **11.1 Purpose**

The purpose of this section is to provide information and instruction on filing and processing a Certificate of Compliance request. A Certificate of Compliance is usually requested by the property owner or their agent in association with a contract of sale for the real property.

### **11.2 Applicability**

This section applies to the submittal and processing of Certificate of Compliance applications in accordance with the Subdivision Code. Each Certificate of Compliance application may correspond to only one (1) parcel of record.

When a waiver from the requirement for a Tentative or Final Map has been approved by the Community Development Director in accordance with the Subdivision Code (TCC 9313c), a Certificate of Compliance shall be required and must be applied for in accordance with this Manual. A Certificate of Compliance recorded for such purposes shall include a Tax Certificate in accordance with Section 9325b.5 of the Subdivision Code. In addition, such a Certificate of Compliance may also include, as a prerequisite to development, conditions for payment of parkland dedication and other fees allowed by law.

### **11.3 Submittal Requirements**

The following items shall be submitted to the Community Development Department at the time of application submittal for a Certificate of Compliance:

#### **A. Application Form**

For Certificate of Compliance applications initiated by property owner, the property owner or authorized agent must submit a completed Development Application Form to the Community Development Department. Upon receipt of an application submittal, the Community Development Department will undertake formal review and processing of the request.

#### **B. Accompanying Documents, Data and Reports**

##### ***1. Preliminary Title Report***

One or more preliminary title reports covering the parcel included in the Certificate of Compliance shall be provided. The report(s) shall be dated within thirty (30) days of the date that the Certificate of Compliance application is submitted. If processing time exceeds six (6) months, an updated title report shall be provided and shall be updated for every succeeding six-month processing time period. Grant deeds or property profiles in lieu of title reports will not be accepted.

##### ***2. Legal Description***

A legal description with graphical exhibits for the subject property shall be provided on a separate sheet of 8½" x 11" plain white paper, mechanically printed in black type to ensure legible, recordable copies.

##### ***3. Fees***

Certificate of Compliance application fees and plan check deposits are paid to the Community Development and Public Works Departments at the time of application submittal. Fees are based on the latest fee schedule in effect at the time of submittal.



## **C. Form and Content**

A map (2 copies), legibly drawn in black ink to an engineer's scale with the graphic scale shown on the map, shall be provided. The following information shall be included on the map:

1. The boundaries of the subject parcel with dimensions;
2. The gross area of the subject parcel;
3. The location, width and names of all on-site or adjacent streets and roads;
4. The location and width of all on-site or adjacent, existing or proposed easements or rights-of-way, whether public or private. Label the easements as existing or proposed and indicate to whom the easement is granted;
5. The location, size and type of all existing on-site or adjacent utilities;
6. The location and use of any aboveground or underground structures, driveways and vehicular access paths on the site. Distances from proposed property lines to the structures shall be dimensioned on the site plan;
7. Vicinity map;
8. Name, address, telephone number and signature of current property owner;
9. Name, address and telephone number of the person preparing the map;
10. Current zoning on the property; and,
11. Current Assessor's Parcel Number(s).

## **11.4 Processing**

### **A. Submittal**

Upon receipt of a Certificate of Compliance application, the Community Development Department will forward a copy of the map, legal description and supporting documents to the Public Works Department for review and comment.

### **B. Initial Review**

Within thirty (30) days of submittal, the Community Development Department will determine whether or not the subject property complies with the provisions of the Subdivision Map Act and the Subdivision Code. During the same time period, the Public Works Department will notify the Community Development Department if corrections to the map exhibits and/or legal description are needed.

1. If the real property complies with the provisions of the Subdivision Map Act and the Subdivision Code and all necessary map and legal description corrections have been made by the applicant, the Community Development Department will file a Certificate of Compliance with the County Recorder and the applicant shall pay applicable filing fees. The Certificate of Compliance shall identify the real property and shall state that the subject property complies with the provisions of the Subdivision Map Act and the Subdivision Code.
2. If the real property does not comply with the provisions of the Subdivision Map Act or the Subdivision Code, the Director may file a Conditional Certificate of Compliance in accordance with Section



66499.35(b) of the Map Act. A Conditional Certificate of Compliance will specify conditions that must be fulfilled prior to the subsequent issuance of permits or other land use entitlements. A Conditional Certificate of Compliance will serve as a deed restriction recorded against the title of the subject property. The applicant shall pay any applicable fees associated with recording the deed restriction.

3. If the Community Development Director finds that development of the subject property is contrary to the Subdivision Map Act and/or public health or safety (such as location within a flood plain), a Certificate of Compliance shall not be issued and no further action shall be taken unless such finding is appealed to the Planning Commission.

### **C. Environmental Review**

Applications for Certificate of Compliance are typically categorically exempt from the CEQA process, unless the application is associated with broader projects.

As part of the review of the application, the Planning staff of the Community Development Department will analyze the application for compliance with CEQA. If staff determines that the project is exempt from CEQA, either categorically or statutorily, staff will prepare and file a notice of exemption for the tentative map application.

If staff determines that the project is not exempt from CEQA, staff will then prepare an initial study to determine if the project may have a significant effect on the environment. The Community Development Staff shall make one of the following environmental determinations for the proposed subdivision:

1. Negative declaration (no significant effect)
2. Mitigated negative declaration (significant effects mitigated)
3. Previous Environmental Impact Reports (no new impacts)
4. Addendum to Previous Environmental Impact Report (minor technical changes/additions necessary)
5. Supplemental Environmental Impact Report (new impacts identified)
6. Environmental Impact Report (new projects/significant impacts identified)

Each of these environmental determinations is bound by specific processing procedures and associated time frames, which are detailed in the State CEQA Guidelines. The applicable procedure will be explained to the applicant once staff determines the appropriate environmental review for the project. It is important to note, however, that the environmental review occurs concurrently with the subdivision review; no action can be conducted by the approving body until the requirements for environmental review have been completed.

### **D. Revision**

Once the comments from the reviewing bodies have been forwarded to the applicant, the applicant is responsible for resubmitting a revised application with corrections. The amount of time necessary for revisions is at the applicant's discretion; however revised applications should be resubmitted within six (6) months of the Letter of Incomplete issuance or the project may be considered withdrawn.

To expedite review of the revised application, the applicant should accompany resubmittal of the application materials with correspondence identifying the following:

1. Corrections/revisions that have been made which concur with the City's comments.
2. Corrections/revisions that have not been made because of disagreement with the City's comments (accompanied with an explanation of the applicant's position).



3. New items or revisions not related to a correction.

If the initial application had major revisions, the staff planner will redistribute the revised application to the reviewing bodies for comment. City staff may request that the planner transmit all submitted revisions for review. The staff planner will then proceed with analysis and processing.

**E. Approval**

When it can be determined that the property is in compliance with applicable requirements, the director will approve the application and issue a certificate of compliance.



## **12.0 DEDICATIONS, RESERVATIONS AND DEVELOPMENT FEES**

### **12.1 Purpose**

This section addresses requirements for dedications, reservations and development fees including applicability, procedure and recordation.

### **12.2 Applicability**

This section applies to subdivision projects, which through the nature and scope of the project, are required to provide dedications, reservations and development fees as appropriate to the project.

### **12.3 Dedication of Streets, Alleys, Bicycle Paths and Other Public Rights-of-way or Easements**

The subdivider may be required, as a condition of approval of a tentative map, to dedicate or make an irrevocable offer of dedication of real property for public use or benefit including street and alleys, drainage, public greenways, parks, bicycle paths, trails, scenic easements and other public easements. The subdivider may also be required to improve all said dedications, at no cost to the City.

### **12.4 Waiver of Direct Access Rights**

The City may require, as a condition of approval of a tentative map, that dedications or offers of dedication also include a waiver of direct access rights to any such street from any property within or abutting the subdivision.

### **12.5 Dedications / Fee Title**

All dedications of property to the City for public purposes shall be made in fee title, except that, at the City's discretion, a grant of an easement may be accepted for the following:

- A. Open space easements
- B. Scenic easements
- C. Public utility easements

All dedications in fee and grants of easement shall be free of liens and encumbrances, except as deemed acceptable by the City in accordance with the Subdivision Code.

### **12.6 Parkland Dedication and In Lieu Fees**

#### **A. Purpose**

The purpose of Parkland Dedication requirements is to implement the Conservation / Open Space / Recreation Element policies in the General Plan by requiring subdividers to provide land or pay in lieu fees to provide open space and recreation opportunities for the residents in the new subdivision.

#### **B. Applicability**

Parkland Dedication requirements are applicable to real property subdivisions, as defined by the Subdivision Map Act.

#### **C. Exception**

Parkland dedications or in lieu fees are not required for the following:

1. Industrial subdivisions





2. Commercial subdivisions
3. Condominium projects or stock cooperatives in existing apartment buildings that are more than five (5) years old and no new dwellings are added.
4. Subdivisions containing less than five (5) parcels and not used for residential purposes.

#### **D. Waiver**

Parkland dedication fees may be waived by the City Council in its discretion upon the submission and approval of agreements for specific projects designed and guaranteed for low income, senior and handicapped citizen occupants.

#### **E. Standards and formula for land dedication**

The City requires three (3) acres of usable park land for every one thousand (1,000) residents. Subdividers must use the parkland acreage ratio requirements based on density ranges provided in the Subdivision Code. Alternate acreage ratio requirements may be applicable provided the ratio requirements are established in an adopted Specific Plan, or Disposition and Development Agreement.

#### **F. Fees in lieu of dedication**

##### ***1. Applicability***

Where there is no public park or recreation facility required, the subdivider shall pay a park fee if one of the following apply:

- a. The subdivision is less than fifty (50) parcels.
- b. Project is a conversion of an existing apartment complex to multiple-owner occupancy not exempted in the Subdivision Code.

##### ***2. Fee Calculation***

Park fees are calculated based on the following:

- a. Per unit basis.
- b. Reflects value of land required for park purposes.
- c. Land value amount is based on the fair market value that would otherwise be required for dedication.
- d. Fair market value shall be determined by a Master Appraisal Institute (MAI) appraiser acceptable to the city and at the expense of the subdivider. If the subdivider objects to the fair market value as determined by the MAI appraiser, an appeal may be made to the Planning Commission and the subdivider shall have the burden of proof in contesting the appraised value.
- e. The determination shall consider the value of buildable acre of land at the time the final map is to be recorded. If more than one (1) year elapses between the appraisal and recording of the final map, the City will require a new appraisal be prepared at the expense of the subdivider.

##### ***3. Voluntary Parkland Dedication***

In projects involving subdivisions of fifty (50) parcels or less, the subdivider may voluntarily dedicate land for park and recreation purposes and the land is acceptable to the responsible decision maker.



## **G. Combination of Dedication and Fees**

When the subdivider elects to provide a combination of parkland and payment of a park fee, the amount of the park fee shall be computed by determining the required amount of parkland in accordance with the Subdivision Code and subtracting the amount of parkland actually provided. The remainder shall be converted to “fee” on a per unit basis.

## **H. Credit for Private Open Space**

The responsible decision maker may approve private space for park and recreational purposes and credit the space towards the park requirement provided the following circumstances apply:

1. The space be privately owned and maintained by the future subdivision residents.
2. The responsible decision maker finds that it is in the public interest to approve such private open space.
3. The use is restricted for park and recreational purposes via recorded covenants.
4. The proposed open space is adaptable for park and recreational use purposes.
5. The proposed open space is in substantial accordance with the Recreational Element of the General Plan.
6. The open space is minimum one (1) acre in size and provides at least one (1) of the following basic park elements:
  - a. Recreational open spaces – areas for active recreational pursuits such as soccer, baseball, softball, football, etc. and at least one (1) acre of maintained turf with less than five (5) percent slope.
  - b. Court areas – courts for tennis, badminton, basketball, shuffleboard or similar hard-surfaced areas design exclusively for court games.
  - c. Recreational swimming areas – fenced areas devoted primarily to swimming, diving or both and include decks, lawn area, bathhouses. The facility must have a minimum fifteen (15) square feet of water surface area for each three (3) percent of the subdivision population. The minimum water surface area is eight hundred (800) square feet per pool. The required deck or lawn area is a minimum of twice the area of the pool.
  - d. Recreational buildings and facilities – facilities designed and primarily used for the recreational needs of subdivision residents. Partial credit may be awarded for sites with facilities that do not incorporate the required basic element or are less than one (1) acre in size when deemed beneficial to the community.
7. The computed credit value for private common areas shall not exceed twenty-five percent (25%) of the required public land dedication or in lieu fees.

## **I. Credit for Public Park and Recreational Facility Improvements**

Single-purpose commercial recreation facilities are not eligible for credit.



## **J. Choice of Land Dedication, Improvement, Fees or Combination**

### **1. Procedure**

- a. At the time of tentative map filing, the subdivider shall indicate in writing whether the subdivider desires to dedicate property for parkland purposes, improve existing parkland, pay an in lieu fee or a combination thereof. If the subdivider proposes to dedicate land, the land area shall be identified on the tentative map.
- b. At the time of tentative map approval, the responsible decision maker shall determine whether to require a dedication of land, payment of in lieu fees, accept improvement or combination thereof.
- c. Where dedication is required, it shall be accomplished in accordance with the provision of the Subdivision Map Act and Subdivision Code. Where fees are required, it shall be deposited prior to approval of the final map. The subdivider shall submit open space covenants for private park or recreational facilities for review and approval prior to final map approval. The covenants shall be recorded contemporaneously with the final map.

### **2. Determination by the responsible decision maker shall be based on the following:**

- a. The Conservation/Open Space/Recreation Element of the General Plan;
- b. Topography, geology, access and location of land in the subdivision available for dedication; and
- c. Size and shape of the subdivision and land available for dedication. The determination of the Planning Commission as to whether land shall be dedicated, fees charged, dedicated land improved or any combination thereof shall be final and conclusive, unless appealed to the City Council. In no event may the dedications, amount of fees or value of improvements exceed the subdivider's dedication requirements as set forth in Section 9331.d.2 (Standards and Formula for Land Dedication) unless the subdivider voluntarily agrees. On subdivisions involving fifty (50) lots or less, only the payments of fees shall be required. The determination of the City Council is final.

## **12.7 Reservations**

### **A. Applicability**

The subdivider may be required to reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses.

### **B. Standards for Reservation of Land**

The reserved areas must be of such size and shape as to permit the balance of the subdivision property to develop in an orderly and efficient manner. The reserved area shall be consistent with the General Plan and/or adopted specific plan.

### **C. Procedure**

The public agency to benefit from the land reservation shall enter into a binding agreement to acquire the reserved area within two (2) years after the completion and acceptance of all improvements. The agreement shall be entered into at the time of final map approval. The deadline for the public agency to acquire the reserved area may be extended by the Director upon mutual agreement with the subdivider.

### **D. Payment to Subdivider**

The purchase price for the reserved area shall be the market value at the time of the tentative map filing plus taxes against the reserved area from the date of the reservation and other costs incurred by the subdivider in the maintenance of the reserved area.



## **E. Termination**

If the public agency does not enter into a binding agreement in accordance with the Subdivision Code, the reservation of the area shall automatically terminate.

## **12.8 Local Transit Fees**

### **A. Applicability**

1. The subdivision has the potential for two hundred (200) units or more if developed to the maximum density shown on the General Plan or contains one hundred (100) acres or more; and
2. The City finds that transit services are or will, within a reasonable time period, be made available to the subdivision.

### **B. Requirement**

A subdivider may be required to dedicate or make an irrevocable offer of dedication of land within the subdivision for local transit facilities such as shelters, benches, bus turnouts, landing pads, park-and-ride facilities, and similar items that directly benefit the residents of the subdivision. The irrevocable offer may be terminated as provided in the Subdivision Code and Subdivision Map Act.

Only the payment of in lieu fees may be required in subdivisions involving subdivision of airspace in existing buildings into condominium projects, stock cooperatives or community apartment projects.

## **12.9 Bridges and Major Thoroughfares**

The subdivider, as a condition of approval, shall pay fees reflecting the actual or estimated cost of constructing bridges or major thoroughfares as it relates to the subdivision project and circulation impacts resulting from the project.

### **A. Payment of Fees Generally**

1. Prior to filing a final map that includes land within an area of benefit, the subdivider shall pay or cause to be paid any fees established and apportioned to such property for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways or canyons or constructing major thoroughfares.
2. At the time a building permit is issued for construction on any property within an area of benefit established, the applicant for such permit shall pay or cause to be paid any fees established and apportioned for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways or canyons or constructing major thoroughfares, unless such fees have been paid pursuant to the Subdivision Code.
3. Notwithstanding the provisions of the above subsections:
  - a. Payment of bridge fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of adoption of the boundaries of the area of benefit.
  - b. Payment of major thoroughfare fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the area of benefit.



## **B. Consideration in Lieu of Fees**

Upon application by the subdivider or applicant for a building permit, the City Council may accept consideration in lieu of the payment of fees required. In order to accept consideration in lieu of fees, the City Council must find that, upon recommendation of the City Engineer, the substitute consideration has a value equal to or greater than the fee and that the substitute consideration is in a form acceptable to the City Council.

## **C. Public Hearing**

The City Council, in a public hearing, may establish the area of benefit, the costs, a fair method of allocation of costs to the area of benefit and fee apportionment and the fee to be collected.

## **D. Exemptions**

In some cases, payment of fees shall not be required for the following:

1. The use, alteration or enlargement of an existing building or structure and/or the erection of one (1) or more buildings or structures accessory thereto on the same lot or parcel of land as long as the total value, as determined by the Building Official, of all such alteration, enlargement or construction completed within any one (1) year period does not exceed one-half ( $\frac{1}{2}$ ) of the current market value, as determined by the Building Official, of all existing buildings on such lot or parcel of land, and the alteration or enlargement of the building does not change its occupancy classification.
2. The following accessory buildings and structures: private garages, children's playhouses, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, coops and other buildings that are accessory to one-family or two-family dwellings.

## **E. Protest**

1. Any person may file a protest against the proposed bridge facility, major thoroughfare or against the extent of the area to be benefitted by the improvements. The written protest must be submitted to the City Clerk no later than the hour set for hearing objections to the proposed bridge facility or major improvement.

The written protest must contain a description of the property sufficient to identify such property. If the signers are not shown on the last equalized assessment roll as the owners of such property, the protest must contain or be accompanied by written evidence that such signers are the owners of such property. All such protests shall be delivered to the City Clerk and no other such protests shall be considered. Any protest may be withdrawn, in writing, by the owners making such protests, at any time prior to the conclusion of the public hearing.

2. If there is a written protest filed with the City Clerk by the owners of more than one-half ( $\frac{1}{2}$ ) of the area of the property to be benefitted by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half ( $\frac{1}{2}$ ) of that to be benefitted, then the proposed proceedings shall be abandoned, unless by a four-fifths vote of all the members of the City Council the protest shall be overruled; and the City Council shall not, for one (1) year from the filing of that written protest, commence or carry on any proceedings for the same improvement, or that portion thereof so protested against, under the provisions of this section.

## **12.10 Supplemental Improvement Capacity**

The City may impose requirements for improvements to be installed that 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.



## **A. Applicability**

The City may impose improvement requirements to be installed by the subdivider as a condition of approval of a tentative map.

If the required supplemental size, capacity, number or length is solely for the benefit of property not within the subdivision, the City shall enter into an agreement to reimburse the subdivider in accordance to the Subdivision Code and Subdivision Map Act.

## **B. Process**

### **1. Public Hearing**

Prior to imposing a charge or establishing an area of benefit or local district for supplemental improvement capacity, a public hearing must be noticed and held by the City Council in accordance with Government Code Section 65091 and the City Council finds that the charge, area of benefit or local benefit district is reasonably related to the cost of such supplemental improvements and the actual ultimate beneficiaries.

### **2. Notice of Public Hearing**

In addition to the notice required by Government Code Section 65091, the City shall provide written notice of hearing to those who own property within the proposed area of benefit as shown on the last equalized assessment roll, and the potential users of the supplemental improvements insofar as they can be ascertained at the time.

### **3. Method of Payment**

The Council shall determine the method for payment of the costs required by a reimbursement agreement such as, but not limited to, the following:

- a. Collection from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, of a reasonable charge for such use.
- b. Contribution to the subdivider of that part of the cost of improvements attributable to the benefit of real property outside the subdivision and the levy of a charge upon the real property benefitted to reimburse the City for such costs.
- c. Establish and maintain a local benefit district for the levy and collection of such charge or costs from the property benefitted.

## **12.11 Interim School Fees**

The State Government Code allows School Districts and the City to address overcrowding in schools by requiring the subdivider to dedicate land, pay in lieu fees or a combination of both in order to allow the school to provide interim school facilities that can accommodate students from the new subdivision.

### **A. Action by School Districts**

The School District may, from time to time, adopt a notice of findings that conditions of overcrowding exists and that reasonable methods for mitigation have been evaluated and no feasible method for reducing overcrowding exists.

The notice of findings shall specify the mitigation measures considered by the school district, including a completed application to the Office of Public School Construction for preliminary determination of eligibility under the Leroy F. Greene State School Building Lease-Purchase Law of 1976, and include a schedule for land use of fees required by Section 65976 of the Government Code.



## **B. Action by City Council**

### **1. Process**

- a. The notice of findings and schedule for land use of fees shall be made available to the public for sixty (60) calendar days after the date of receipt by the City.
- b. Following the completion of the public review period but not later than 150 calendar days of the receipt of the notice of findings and schedule for land use of fees, the City Council shall either concur or not concur, or may extend the period to concur or not to concur for one 30-day period.

Failure to act within the prescribed time period shall not be deemed as an act of City Council concurrence in the notice of findings.

If the City Council concurs in the notice of findings, the City Council shall not approve an ordinance rezoning property to a residential use, grant a discretionary permit for residential use, or approve a tentative subdivision map for residential purposes, unless the City Council makes one of the following findings:

- a. That there are specific overriding fiscal, economic, social, or environmental factors, which in the judgment of the City Council would benefit the City, thereby justifying the approval of a residential development; or,
- b. That the dedication of land, the payment of fees in lieu thereof, or a combination of both, for classroom and related facilities for elementary or high schools are being required as a condition to the approval of a residential development, in accordance with the provisions of Section 65974 of the Government Code.

The decision concerning whether to require the dedication of land, payment of fees of an appropriate combination shall be determined after consultation with the affected school district(s) concerning the needs of the school district(s) as they relate to the impacted school or schools.

The amount of any fee shall be in accordance with the provisions of Chapter 4.9 (commencing with Section 65995) of the Government Code, prescribed by resolution of the City Council, and shall be collected at the time of issuance of a building permit.

## **12.12 Reimbursement for Undergrounding or Relocation (Telephone, Cable)**

It may be necessary, as part of a tentative map approval, to replace, underground or permanently or temporarily relocate existing telephone or cable facilities. In such circumstances, the subdivider shall reimburse the telephone or cable companies for the replacement, undergrounding or relocation of the facilities.



## 13.0 MISCELLANEOUS PROVISIONS

### 13.1 Appeals

The subdivider, or any other interested party, may appeal any action of the decision body to the appeal body.

Appeals shall be filed with the City Clerk during normal business hours within ten (10) calendar days of the date of the decision and be accompanied by a deposit or fee as required by City Council resolution or ordinance. Neither the applicant nor any enforcing agency may rely upon the decision, approval, or denial or other action appealed from, until the appeal has been resolved. Failure to file a written appeal in accordance with the Subdivision Code shall constitute a waiver thereof.

#### **A. Submitting an Appeal**

Unless otherwise stated in the Subdivision Code under the specific subdivision type, the appellant must submit an appeal within ten (10) calendar days of the date of the decision. The following items must be provided:

1. Written appeal statement, specifying the decision appealed from, the specific action or relief sought by the appellant in the appeal and reasons why the action taken by the decision body should be modified or reversed.
2. Appeal fee or deposit, as required by City Council resolution or ordinance.

#### **B. Process**

1. The appeal period ends ten (10) days after the date of the decision to be appealed. The appellant must submit the appeal and fee to the City Clerk during business hours.
2. The timely filing of a written appeal shall automatically stay all actions and put in abeyance all approvals for permits that may have been granted.
3. The appeal hearing shall be scheduled to take place within thirty (30) days of the receipt of the appeal and noticed as a public hearing. The hearing date may be held later than thirty (30) days after the receipt of the appeal so long as both the property owner/applicant and Director agree to a later hearing date.
4. If there is no regular meeting of the appeal body within the next thirty (30) days, the appeal may be heard at the next regular meeting for which notice can be given, or within sixty (60) days from the date of appeal, whichever period is shorter.
5. The hearing shall be *de novo* and the appeal body may approve, approve with conditions, disapprove or remand the matter to the decision body for further proceedings in accordance with directions of the appeal body. A decision of the City Council on such appeal shall be final.

### 13.2 Covenants, Conditions & Restrictions (CC&Rs)

Prior to approval of a Final Map, all organizational documents for the project including Covenants, Conditions & Restrictions (CC&Rs) and any other deed restrictions shall be submitted to the Community Development Department and approved by the City Attorney. Costs for such review shall be borne by the subdivider. A copy of the final documents shall be submitted to the Community Development Department after recordation. Typical CC&R provisions include, but are not limited to, the following:

- A. The City shall be included as a party to the CC&Rs for enforcement purposes of those CC&R provisions in which the City has interest, as reflected in the following provisions. However, the City shall not be obligated to enforce the CC&Rs.





- B. The requirement that property association or homeowner association bylaws be established.
- C. Provisions for effective establishment, operation, management, use, repair and maintenance of all common areas and facilities including landscaped areas and lots, walls and fences, private roadways (i.e. walks, sidewalks, trails) and paseos.
- D. Membership in any Homeowners Association shall be inseparable from ownership in individual lots.
- E. Architectural controls shall be provided and may include, but not be limited to, provisions regulating exterior finishes, roof materials, fences and walls, accessory structures such as patios, sunshades, trellises, gazebos, awnings, room additions, exterior mechanical equipment, television and radio antennas, except satellite earth station antennas, may be permitted as provided by law.
- F. Maintenance standards shall be provided for applicable items listed in Section C above in the CC&Rs. Examples of maintenance standards are shown below:
  - 1. All common area landscaping and private areas visible from any public way shall be properly maintained. All trees and shrubs shall be trimmed so they do not impede pedestrian traffic along the walkways. Trees shall be pruned so they do not intrude into neighboring properties and shall be maintained so they do not have droppings or create other nuisances to neighboring properties. All trees shall also be root pruned to eliminate exposed surface roots and damage to sidewalks, driveways and structures.
  - 2. All private roadways, sidewalks and paseos shall be maintained to ensure safe conditions for users. Significant pavement cracks, pavement distress, excessive slab settlement, abrupt vertical variations and debris on travel ways should be removed or repaired promptly. Pedestrian access at the main project entry shall remain open and accessible to the public at all times.
- G. Residents shall not store or park any non-motorized vehicles, trailers or motorized vehicles that exceed seven (7) feet high, seven (7) feet wide, and/or nineteen (19) feet long in any parking space, driveway or private street area except for purposes of loading, unloading, making deliveries or emergency repairs except that the Homeowners Association may adopt rules and regulations to authorize exceptions. There shall be no parking of any kind on driveways that are less than nineteen (19) feet in length.
- H. Garage parking spaces shall be maintained open and available for vehicle parking. Additional unassigned guest spaces shall also be permanently provided.
- I. All utility services serving the site shall be installed and maintained underground.
- J. The Association shall be required to file the names, addresses, and telephone numbers of at least one (1) member of the Association Board and, where applicable, a Manager of the project before January 1<sup>st</sup> of each year with the City of Tustin Community Development Department for the purpose of contacting the association in the case of emergency or in those cases where the City has an interest in CC&R violations.
- K. Disclosure information related to aircraft noise, train, traffic, etc. impacting the subdivision, as approved by the City of Tustin Community Development Department, shall be provided to property owners.
- L. The Association shall be responsible for establishing and following procedures for providing entry gate access to the public utilities for maintenance of their facilities within the project area, subject to those agencies' approval.
- M. No amendment to alter, modify, terminate or change the Homeowners Association's obligation to maintain the common areas and the project perimeter wall (include if the wall is located on private property) or other CC&R provisions in which the City has an interest, as noted above, or to alter, modify,



terminate or change the City's right to enforce maintenance of the common areas and maintenance of the project perimeter wall, shall be permitted without the prior written approval of the City of Tustin Community Development Department.

- N. Disclosure to all future homeowners and purchasers of property that surrounding properties may be developed in accordance with City ordinances in a manner which may partially or totally obstruct views from the owner's unit, and that the City of Tustin makes no claim, warranty, or guarantee that views from any unit will be preserved as development of surrounding properties occurs.
- O. Maintenance of all slopes and drainage devices on individual lots within fenced yard areas shall be the responsibility of the individual property owner.
- P. Disclosure to all future homeowners of the specific location and type of structures which will be located within the public utility easement.
- Q. Individual property owners shall park vehicles in garage spaces. Storage of personal items may occur in the garages only to the extent that vehicles may still be able to be parked within the required garage spaces.
- R. A section for the Water Quality Management Plan, if required, that discusses the development's obligations for maintaining and managing onsite water quality restrictions, outreach and education.

### **13.3 Concurrent Processing of Other Applications**

When a proposed division of land or decision body action requires more than one land use approval, all applications shall be processed concurrently as interrelated permits for a project and shall not be bifurcated unless otherwise authorized by the Director upon the request of the applicant. The highest designated decision body for all such applications shall take final action on the multiple applications. For example, any division of land determined by the Department to be inconsistent with the General Plan would require concurrent consideration of a General Plan Amendment application to eliminate the inconsistency.

### **13.4 Concurrent Processing of Tentative Maps Inconsistent with Existing Zoning or General Plan Designation.**

When a tentative map that is inconsistent with the applicable zoning district regulations is filed in compliance with the provisions of the Subdivision Code and this Manual, the application will be accepted if the following criteria apply.

- A. The tentative map is filed concurrently with or subsequent to the filing or initiation of a Zone Change, Code Amendment, and/or General Plan Amendment; and
- B. The tentative map is in compliance with the zoning regulations that would become effective if the proposed Zone Change, Code Amendment, and/or General Plan Amendment is adopted.

### **13.5 Condominium Maps**

Tentative and final maps for condominiums, condominium conversions, community apartment projects, and stock cooperatives shall be filed and processed in accordance with Section 7 of this Manual, unless waived pursuant to Section 9313 of the Subdivision Code. The purpose of such a subdivision shall be clearly and conspicuously stated on the Map.

### **13.6 Model Complex Construction Prior to Map Recordation**

Prior to release of building permits, including grading permits, all conditions of approval for the subject project shall be complied with. However, building permits for model home construction prior to approval of a Final Map



may be granted provided that approvals have been obtained from the Community Development, Public Works, and Fire Departments. Model homes shall not be granted Certificates of Occupancy for dwelling purposes until the Final Maps have been recorded for the properties on which the model homes are located.

### **13.7 Reciprocal Access**

If a subdivision or lot line adjustment will create a situation requiring reciprocal access for vehicular, pedestrian, and/or other purposes and no other governing documents are proposed, a Covenant of Easement, or other type of deed restriction approved by the City Attorney shall be recorded to ensure that reciprocal access is maintained in perpetuity.

Covenants of Easement shall follow the form and content prescribed by the City Attorney. Prior to approval of a Final Map or Lot Line Adjustment, a draft Covenant of Easement shall be submitted to the Community Development Department for review and approval by the City Attorney. Costs for such review shall be borne by the subdivider. A copy of the final Covenant of Easement shall be submitted to the Community Development Department after recordation.