



Article 9 Subdivisions

Contents of Article

Chapter 9.1 Introduction to Article 9

- 9.1.10 Purpose of this Article
- 9.1.20 Conformity with the La Habra Heights General Plan
- 9.1.30 General Requirements Based upon Number of Lots

Chapter 9.2 Subdivision Ordinance Application and Responsibilities

- 9.2.10 Purpose of this Chapter
- 9.2.20 General Requirements
- 9.2.30 Application
- 9.2.40 Modification of Requirements of this Chapter
- 9.2.50 Responsibilities
- 9.2.60 Map Required
- 9.2.70 Lot Line Adjustments
- 9.2.80 Subdivision Process Responsibility Summary
- 9.2.90 Fees and Deposits

Chapter 9.3 Subdivision of Four or Fewer Parcels (Parcel Maps)

- 9.3.10 Purpose of this Chapter
- 9.3.20 Waiver of Requirement for a Tentative Parcel Map or Final Parcel Map
- 9.3.30 Reserved
- 9.3.40 Waiver of Submittal Requirements for a Parcel Map

Chapter 9.4 Tentative Maps

- 9.4.10 Purpose of this Chapter
- 9.4.20 General Requirements
- 9.4.30 Preparation, Processing, Review, and Approval of Tentative Maps
- 9.4.40 Expirations and Extensions
- 9.4.50 Minor Changes to Approved Tentative Maps

Chapter 9.5 Vesting Tentative Maps

- 9.5.10 Purpose of this Chapter
- 9.5.20 Consistency
- 9.5.30 Definitions
- 9.5.40 Application
- 9.5.50 Filing and Processing
- 9.5.60 Expiration
- 9.5.70 Vesting on Approval of Vesting Tentative Map
- 9.5.80 Development Inconsistent with Zoning - Conditional Approval
- 9.5.90 Applications Inconsistent with Current Policies

Chapter 9.6 Final Maps

- 9.6.10 Purpose of this Chapter
- 9.6.20 General Requirements for Final Maps
- 9.6.30 Requirements for the Submittal of Final Maps for City Approval
- 9.6.40 Review and Approval of Final Maps



Chapter 9.7 Dedications and Reservations

- 9.7.10 Purpose of this Chapter
- 9.7.20 Dedication of Streets, Alleys and Other Public Rights-of-Way or Easements

Chapter 9.8 Subdivision Improvements

- 9.8.10 Purpose of this Chapter
- 9.8.20 Improvements Required
- 9.8.30 Design
- 9.8.40 Preparation of Improvement Plans
- 9.8.50 Revisions to Approved Plans
- 9.8.60 Improvement Agreement
- 9.8.70 Improvement Security Agreements
- 9.8.80 Construction of Improvements
- 9.8.90 Inspection of Constructed Improvements
- 9.8.100 Completion of Improvements
- 9.8.110 Acceptance of Improvements
- 9.8.120 Supplemental Improvement Capacity

Chapter 9.9 Reversions to Acreage

- 9.9.10 Purpose of this Chapter
- 9.9.20 Initiation of Proceedings
- 9.9.30 Contents of Petition
- 9.9.40 Submittal of Petition
- 9.9.50 City Council Approval
- 9.9.60 Filing with County Recorder

Chapter 9.10 Parcel Mergers

- 9.10.10 Purpose of this Chapter
- 9.10.20 Mergers Not Required
- 9.10.30 Mergers Required
- 9.10.40 Notice of Intention to Determine Status
- 9.10.50 Hearing on Determination of Status
- 9.10.60 Determination of Merger
- 9.10.70 Determination When No Hearing is Requested
- 9.10.80 Request to Merge by Property Owner
- 9.10.90 Unmerged Parcels
- 9.10.100 Request for Determination by Owner
- 9.10.110 Fee for Mergers and Unmergers

Chapter 9.11 Corrections and Amendments to Filed Maps

- 9.11.10 Purpose of this Chapter
- 9.11.20 Requirements
- 9.11.30 Form and Contents
- 9.11.40 Submittal and Approval by the Community Development Director
- 9.11.50 Filing with the County Recorder
- 9.11.60 Fee

Chapter 9.12 Enforcement of Subdivision Article Provisions

- 9.12.10 Purpose of this Chapter
- 9.12.20 Prohibitions
- 9.12.30 Remedies
- 9.12.40 Certificate of Compliance



- 9.12.50 Notice of Violation
- 9.12.60 Penalties
- 9.12.70 Judicial Action



Chapter 9.1 Introduction to Article 9

9.1.10 Purpose of this Article

This Article is adopted to supplement and implement the Subdivision Map Act of the Government Code and may be cited as the Subdivision Ordinance of the City of La Habra Heights. The purpose of this Article is to regulate and control the division of land within the City of La Habra Heights.

9.1.20 Conformity with La Habra Heights General Plan

No land shall be subdivided and developed for any purpose that is not in conformance with the City of La Habra Heights General Plan or an adopted specific plan. The type and intensity of land use as shown on the City of La Habra Heights General Plan shall determine the type of streets, roads, highways, utilities and public services that shall be provided.

9.1.30 General Requirements Based upon Number of Lots

- A. **Ten (10) or More Lots.** A Specific Plan is required for any subdivision that contains sufficient acreage to be divided into ten (10) or more legal lots and any other properties for which a specific plan is required pursuant to Article 7.
- B. **Five (5) or More Lots.** Subdivisions containing five (5) or more legal lots require a Tentative Map and a Final Map. The applicant may also wish to obtain a Vesting Tentative Map. For procedures, see corresponding Chapters with identical names.
- C. **Four (4) or Fewer Lots.** Subdivisions containing four (4) or fewer legal lots require a Parcel Map. The applicant may also wish to obtain a Tentative Map and/or a Vesting Tentative Map. See corresponding Chapters for procedures.



Chapter 9.2 Subdivision Ordinance Application and Responsibilities

9.2.10 Purpose of this Chapter

This Chapter establishes the applicability of, and procedural responsibilities for, the Subdivision Ordinance of the City of La Habra Heights.

9.2.20 General Requirements

All new Subdivisions and Lot Line Adjustments must adhere to the following performance standards related to the maintenance of community and neighborhood character, privacy, and views:

- A. **Maintenance of Community and Neighborhood Character.** The Subdivision or Lot Line Adjustment shall maintain community and neighborhood character, views and neighbor privacy.
- B. **Minimizing Environmental Impact.** The Subdivision or Lot Line Adjustment shall have a minimal impact on natural terrain, hydrologic character and natural surroundings including ridgelines.
- C. **Natural Setting.** Future development that may occur as part of the Subdivision or Lot Line Adjustment shall blend in with, and conform to, the natural setting.
- D. **Conformance with the General Plan and any Applicable Specific Plan.** The Subdivision or Lot Line Adjustment shall conform to the City of La Habra Heights General Plan and any applicable specific plan requirements.
- E. **Infrastructure.** The Subdivision or Lot Line Adjustment shall consider the required infrastructure including, but not limited to, access roads, driveways, sewers and wastewater treatment facilities, storm water drainage, and other utilities and must demonstrate that the infrastructure needs can be met consistent with existing community and neighborhood character.
- F. **Avoidance of Impacts.** The Subdivision or Lot Line Adjustment shall be designed to avoid significant impacts pursuant to the local and State environmental requirements.
- G. **Drainage.** The Subdivision or Lot Line Adjustment shall not adversely alter nor interrupt existing drainage patterns and/or watercourses.
- H. **Multiple Lot Design.** The Subdivision or Lot Line Adjustment shall be planned and configured to conform to multiple lot development standards provided in Article 7 so as to avoid the uniformity typically seen in conventional tract development.
- I. **No Variances or Modifications Allowed.** The parcels resulting from Subdivision or Lot Line Adjustment shall be planned and configured to conform with La Habra Heights Development Code without recourse to a Standards Modification or Variance as prescribed Article 7.

9.2.30 Application

The regulations of this chapter apply to all subdivisions within the City of La Habra Heights and to the preparation of subdivision maps and to other maps required by the Subdivision Map Act. Each subdivision in the City shall be made and each map shall be prepared and presented for approval as provided for and required by this Chapter. This Chapter does not apply to:



1. Mineral, oil or gas leases.
2. Land dedicated for cemetery purposes under the State Health and Safety Code.
3. A lot line adjustment between two or more existing adjacent parcels where the land taken from one parcel is added to an adjacent parcel and where a greater number of parcels than originally existed is not created, provided the lot line adjustment is approved by the City.
4. Any separate assessment under Section 2188.7 of the State Revenue & Taxation Code for community apartment or cooperative housing projects.
5. The leasing of land for agricultural purposes, cultivation or pasturing of livestock.
6. The leasing of, or grant of easement to, a parcel of land, or any portion or portions of land, for financing, erection, and sale or lease of a wind-powered electrical generation device which is subject to discretionary action by the City.

9.2.40 Modification of Requirements of this Chapter

Whenever, in the opinion of the Planning Commission, the land in any subdivision is of a size or shape or is subject to title limitations of record, or is affected by topographical location or conditions or is to be devoted to a use such that is impossible or impracticable in the particular case for the subdivider to fully conform to the regulations of this Chapter, the Planning Commission may make modifications that are reasonably necessary or expedient in conformity with the Subdivision Map Act. For subdivisions of four (4) or fewer units the authority to modify resides with the Community Development Director.

9.2.50 Responsibilities

This Section designates responsibilities for implementing and approving a Subdivision.

- A. **Community Development Director.** The Community Development Director is responsible for:
 1. Processing all maps and collecting all required deposits and fees.
 2. Managing the Community Development Department in carrying out the responsibilities imposed upon it by this Article, including, but not limited to, direction to and review of City Landscape Architect analysis of plans and/or directing review of any portion of the proposed project by other appropriate professionals to verify conformance to this Code or to address specific health and safety concerns.
 3. Investigating proposed subdivisions for conformance with the General Plan, Specific Plans and Zoning Ordinance of the City, and reporting findings and recommendations for approval or conditional approval where required.
 4. Stating, as Secretary of the Planning Commission, that the Planning Commission has approved, conditionally approved or denied any Tentative Map.
 5. Approving Parcel Maps for subdivisions resulting in fewer than five (5) parcels, unless such subdivision is sent to the Planning Commission.
 6. The discretionary waiver of required contents of the map and application materials.
- B. **City Engineer.** The City Engineer shall be responsible for:



1. Establishing design and construction details, standards and specifications.
 2. Determining if the proposed subdivision improvements comply with the development provisions of this Article and the Subdivision Map Act.
 3. Reporting findings and recommendations for approval, or conditional approval, of the Tentative Map to the Community Development Director for any subdivision.
 4. Processing Final Maps, reversion to acreage maps and amended maps; processing and approving subdivision improvement plans, lot line adjustments, mergers, and certificates of compliance.
 5. Examining and determining that Final Maps are in substantial conformance with the approved Tentative Map.
 6. Inspecting and approving subdivision improvements.
 7. Accepting dedications and improvements for any subdivision and offsite dedications located outside a subdivision boundary that require a separate grant deed.
 8. Recording any notice of completion of private subdivision improvements when such are not to be maintained by the City.
- C. **City Attorney.** The City Attorney shall be responsible for approving, as to form, all Subdivision Improvement Agreements.
- D. **Planning Commission.** The Planning Commission shall be responsible for approving, conditionally approving, or denying the Tentative Map for all subdivisions not adjudicated by the Community Development Director and reporting its action to the City Council, and for hearing appeals of map decisions made by the Community Development Director.
- E. **City Council.** The City Council shall have final jurisdiction over the approval of Final Maps, of any Subdivision Improvement Agreements and the acceptance by the City of lands and/or improvements as may be proposed for dedication to the City. The City Council shall act as the appeal board for hearing appeals of Planning Commission decisions on Tentative Maps.

9.2.60 Map Required

A Tentative or Vesting Tentative, and Final Map shall be required for all divisions of land unless expressly provided otherwise. The land before division must contain a minimum of two acres or more pursuant to Article 7.

9.2.70 Recording

Whenever a Tentative, Vesting Tentative or Final Map or any other document regarding the division of land pursuant to this Article is recorded with the County Recorder, the resolution or other writing issued by the City evidencing the approval of such document, including any conditions, shall also be recorded.

9.2.80 Lot Line Adjustments

Lot line adjustments are permitted so long as the following conditions are met:



1. No additional parcels or building sites have been created, and the parcels can be developed without requiring a Variance or Standards Modification as described in Article 7.
2. The adjustment does not create the potential to further divide either of the two parcels into more parcels than would have been otherwise possible.
3. The adjustment conforms to Article 7 including provisions therein regarding minimum lot size, lot dimension or lot design, or any other applicable provision of this Code, and
4. There is no resulting violation of the La Habra Heights Municipal Code.

9.2.90 Subdivision Process Responsibility Summary

The reviewing authority for subdivision applications shall be: the Community Development Director for lot line adjustments and for subdivisions that do not require a Tentative Map, the Planning Commission for Tentative and Vesting Tentative Maps, and the City Council, after a recommendation by the Planning Commission, for all other subdivisions.

9.2.100 Fees and Deposits

All persons submitting maps as required by this Article shall pay all fees and/or deposits as provided by the City's resolution establishing fees and charges. The processing fees shall not exceed the actual cost to the City to administer the provisions of the Subdivision Map Act. A deposit that is to be applied towards this fee shall be required.



Chapter 9.3 Subdivision of Four or Fewer Parcels

9.3.10 Purpose of this Chapter

Subdivisions of four or fewer parcels follow the same procedures as Chapter 9.4 (Tentative Maps) related to the form, content, submittal and filing, and employ the same standards and findings for approval as subdivisions of more than four parcels. The limited exceptions to the Tentative Map procedures for processing subdivisions of four or fewer parcels are provided in this Chapter.

9.3.20 Reserved

9.3.30 Waiver of Submittal Requirements for a Parcel Map

The Community Development Department may waive any of the submittal requirements for a subdivision of four or fewer parcels if the location and nature of the proposed subdivision or existing documentation demonstrate that a waiver is justified. The Community Development Department may require other drawings, data or information as deemed necessary.



Chapter 9.4 Tentative Maps

9.4.10 Purpose of this Chapter

The purpose of this Chapter is to establish the procedures for the preparation, review and approval of Tentative Maps.

9.4.20 General Requirements

The preparation, processing, review and approval of Tentative Maps follow the provisions of this Chapter.

9.4.30 Preparation, Processing, Review, and Approval of Tentative Maps

The preparation, processing, review, and approval of Tentative Maps must conform to the requirements of this section, unless expressly provided otherwise in this Article or the Subdivision Map Act.

- A. **General.** The form, contents, submittal and approval of a Tentative Map shall be governed by the provisions of this Chapter. Any application for a Tentative Map shall be subject to the provisions of Article 7 in addition to those of this Article.
- B. **Form and Contents.** 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 Community Development Department may require additional information or the Planning Commission may waive any of these requirements if the location and nature of the proposed subdivision or existing documentation demonstrates that additional requirements or a waiver is justified.

The Tentative Map shall be clearly and legibly drawn on a single twenty-four inch by thirty-six inch (24" x 36") sheet and contain the following:

1. A title showing the subdivision number, subdivision name and type of subdivision.
2. The name and address of legal owner, subdivider and person preparing the map, including registration or license number. Applications by other than the legal owner shall be accompanied by a notarized document signed by the owner stating that the applicant is authorized to act on the owner's behalf.
3. A legal description sufficient to define the boundary of the proposed subdivision.
4. Date, north arrow, scale, contour interval, and source and date of existing contours.
5. The existing and proposed land uses, General Plan designation, and Zoning designation.
6. A vicinity map showing streets, highways, adjacent jurisdictions, adjoining subdivisions, and other data sufficient to locate the proposed subdivision and show its relation to the community.



7. The existing topography and existing and proposed development features of the proposed site and areas to at least one hundred (100) feet beyond proposed subdivision boundary, including but not limited to:
 - a. Existing contours at two (2) foot intervals in areas proposed for disturbance by grading and at not less than five (5) foot intervals for previously disturbed areas or areas remaining in their natural, undisturbed state. Contour intervals shall not be more than one hundred and fifty (150) feet apart. Existing contours shall be represented by dashed lines or by screened lines;
 - b. Type, circumference and dripline of existing trees as defined in Article 7. Any trees proposed to be removed must be indicated;
 - c. The approximate location and outline of existing structures identified by type. Structures that are to be removed shall be so marked;
 - d. The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each watercourse;
 - e. The location, pavement and right-of-way width, grade and name of existing streets and the widths, location and identity of all existing easements;
 - f. The location and size of existing public or private sanitary waste system (including septic systems), water mains and storm drains and the location of fire hydrants. The approximate slope of existing sanitary waste system and the location of storm drains, existing overhead utility lines on peripheral streets, fire hydrants, and street lights (if provided) shall be indicated;
 - g. The approximate location of the 60, 65 and 70 CNEL (Community Noise Equivalent Level) contours, if any;
 - h. Information and analyses showing that the resultant parcels can be developed without recourse to Standards Modifications or Variances as specified in Article 7.

8. The proposed improvements, including, but not be limited to, the following:
 - a. The location, grade, centerline radius and arc length of curves, pavement, right-of-way width, and name of all streets. Typical sections of all streets shall be shown. Proposed private streets shall be indicated;
 - b. The location, width and purpose of all easements;
 - c. The angle of intersecting streets if such angle deviates from a right angle by more than four (4) degrees;
 - d. The approximate lot layout and the approximate dimensions of each lot and of each building site. Engineering data shall show the approximate finished grade of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut-and-fill slopes to scale, and the number of each lot;
 - e. The proposed contours at two (2) foot intervals in areas proposed for disturbance and not at less than five (5) foot intervals for previously disturbed



areas and areas remaining in their natural, undisturbed state. A separate grading plan may be submitted;

- f. Any proposed trails for private or public use and public access areas;
- g. Any proposed common areas and areas that are proposed to be dedicated as public open space;
- h. The location and size of sanitary waste systems (including septic systems and percolation fields), water mains and storm drains and the location of fire hydrants. The proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.
- i. The name or names of any geologist or soils engineer or hydrologist whose services were required in the preparation of the design of the Tentative Map.
- j. Information and analyses showing that the resultant parcels can be developed without recourse to Standards Modifications or Variances as specified in Article 7.

- 9. Markings to show existing and proposed parcels. Lots shall also be surveyed and staked to show the existing and proposed parcels.

C. **Waiver.** The Planning Commission may waive any of the Tentative Map requirements if the location and nature of the proposed subdivision or existing documentation demonstrate that a waiver is justified. The Community Development Department may require other drawings, data or information as deemed necessary.

D. **Accompanying Data and Reports.** The Tentative Map shall be accompanied by the following data or reports:

- 1. A list of potential street names for any unnamed street.
- 2. A preliminary soils report that indicates the presence of expansive soils or other soil conditions which, if not corrected, could lead to structural defects. The soils report accompanying the Final Map shall contain an investigation of each lot within the subdivision. The City Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate or unsatisfactory. The preliminary soils report may be waived if the City Engineer determines that, due to knowledge of the soils and geology of the subdivision, no preliminary analysis is necessary.
- 3. A preliminary title report, showing the legal owners at the time of filing the Tentative Map.
- 4. If the subdivision lies within a geologic hazard area, as shown on maps on file in the Community Development Department or elsewhere, a preliminary engineering geology and/or seismic safety report shall be prepared. If the preliminary engineering geology and/or seismic safety report indicates the presence of geologic hazards or seismic hazards which, if not corrected, could lead to structural defects, an engineering geology and/or seismic safety report shall accompany the Final Map and shall contain an investigation of each lot within the subdivision. For parcels within a geologic hazard area as defined by the Alquist-Priolo Act, prior to approval of any subdivision, the subdivider shall demonstrate compliance with the Act. For any parcel where a fault line is known to exist, no subdivision shall be approved unless the map



to be recorded includes a notation identifying the location of the fault and the location of any area around the fault where building is restricted. Further, if local information indicates need for additional geologic or geotechnical investigations, such may be required.

5. The subdivider shall provide additional data and information and deposit and pay such fees as may be required for the preparation and processing of environmental review documents.
 6. If applicable, the subdivider shall submit any information required under Chapter 9.5.
 7. Information sufficient to refute the findings in subsection K.
 8. Any other data or reports deemed necessary by the Community Development Director.
- E. **Submittal to Community Development Department.** The Tentative Map shall be considered for filing only when all required data and reports have been submitted and accepted by the Community Development Department. The applicant shall file with the Community Development Department the number of Tentative Maps the Director may deem necessary.
- F. **Determination of Complete Application.** The Community Development Department shall determine whether the application is complete within thirty (30) days after receipt of the application and shall notify the applicant of its determination in writing. The application shall be determined as complete on the date a written "Certificate of Application Status", showing a complete application, is prepared by the Community Development Department and mailed to the applicant.
- G. **Community Development Department and Public Agency Review.** The Community Development Department shall forward copies of the Tentative Map to any affected public agencies to obtain their findings and recommendations. The following requirements must be met:
1. Public agencies and utilities shall state that the subdivision can be adequately served.
 2. Within five (5) days after the Tentative Map application is determined to be complete, the Community Development Department shall send a notice of the filing of the Tentative Map to any requesting local agency or the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located. The notice shall contain information about the location of the proposed subdivision, the number of units, density, and any other information that would be relevant to the affected agency or school district. The agency or school district may review the notice and may send a written report to the Planning Commission. The report shall indicate the impact of the proposed subdivision on the agency or affected school district and shall make recommendations as the agency or district deems appropriate. In the event the agency or school district fails to respond within a fifteen (15) day period from receipt of notice of the Tentative Map, the failure shall be deemed approval of the proposed subdivision by the agency or school district. The Planning Commission shall consider the report from the agency or school district in approving, conditionally approving or denying the Tentative Map.
 3. Upon completion of review and preparation of any proposed conditions of approval by the Community Development Department and prior to the date the Tentative Map is



scheduled for Planning Commission action, the Community Development Department may hold a subdivision conference on its own initiative. A subdivision conference shall be held if requested by the subdivider. Advance written notice of the subdivision conference shall be given to the subdivider or agent. The results of the subdivision conference and other relevant information and recommendations shall be reported to the Planning Commission and provided to the subdivider at least three days prior to any hearing or action on the map by the Planning Commission.

4. Any requests for exceptions to the various conditions to be considered by the Planning Commission shall be filed, in writing, with the Community Development Director not later than the first working day following the subdivision conference.

H. **Notice of Hearing.** Upon the determination of a complete application, completion of any subdivision conference and receipt of the Community Development Department's report and recommendations, the matter shall be set for public hearing pursuant to the following requirements:

1. At least ten (10) calendar days before the public hearing, a notice shall be given of the time, date and place of the hearing including a general explanation of the matter to be considered and a general description of the area affected, and the street address, if any, of the property involved.
2. The notice shall be posted at least ten (10) days prior to the hearing in at least the three (3) public places in the City, specified by City Council resolution as the locations for posting of notices.
3. In addition to notice by posting, the Community Development Department shall give notice of the hearing by mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within five hundred (500) feet of the subject of the proposed application.
4. In the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the City shall also give mailed notice to the owner of the property as shown on the last equalized assessment roll.
5. In addition, notice shall be given by first class mail to any person who has filed a written request with the Secretary of the Planning Commission. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year. The City may impose a reasonable fee on persons requesting the notice for the purpose of recovering the cost of the mailing.
6. 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 article.
7. At least three (3) days prior to the public hearing, a copy of the Community Development Department report to the Planning Commission shall be delivered to the subdivider.

I. **Planning Commission Action.** The following requirements govern the deliberation of a Tentative Map:



1. The Planning Commission shall approve, conditionally approve or deny the Tentative Map and shall report its decision to the City Council and the subdivider within fifty (50) days after certification of any required environmental impact report, adoption of a negative declaration or a determination by the City that the project is exempt from the requirements of the California Environmental Quality Act. If applicable, the Planning Commission shall also approve, conditionally approve or deny any other permits or approvals in accordance with Article 7 requested concurrently.
 2. The approval, conditional approval, or denial shall be based on the ordinances, policies, and standards in effect on the date of notification to the subdivider of the determination that the application is complete. If the City has initiated formal proceedings and published notice of an ordinance or resolution amending ordinances, policies, and standards applicable to the subdivider's project prior to a complete application, the amended ordinances, policies, and standards in effect on the date of Tentative Map approval shall apply. If the subdivider requests changes in applicable ordinances, policies, and standards, and if they are adopted, the changes shall apply.
 3. If no action is taken by the Planning Commission within the time limit specified, the Tentative Map application shall be deemed to be approved by the Planning Commission if it complies with other applicable provisions of the Subdivision Map Act, this Chapter, other City ordinances and the General Plan, and it shall be the duty of the City Clerk to certify the approval. The appeal period shall begin on the date of such certification.
- J. **Planning Commission Approval.** The Planning Commission may approve or conditionally approve the Tentative Map if it finds that:
1. The proposed subdivision, together with the provisions for its design and improvement, are consistent with the General Plan and any applicable specific plans adopted by the City of La Habra Heights and all applicable provisions of this Municipal Code and if the Tentative Map provides, to the extent feasible, for future passive or natural heating or cooling opportunities;
 2. The subdivision design, plan and site conform to Article 7 including provisions therein regarding minimum lot size, lot dimension and lot design; and
 3. The parcels created can be developed without a Variance or Standards Modification as specified in Article 7.

The Planning Commission may add to, modify or delete any of the conditions of approval recommended in the Community Development Department's report, except conditions required by City ordinance or by the City Engineer, related to public health and safety or to standards approved by the City Engineer.

Whether or not such a condition is explicitly listed as a condition of approval, every approved Tentative Map shall be deemed to include a condition requiring the subdivider to defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City Council, Planning Commission, or City Staff concerning a subdivision.



- K. **Planning Commission Findings for Denial.** The Tentative Map may be denied by the Planning Commission on any of the grounds provided by this code or the Subdivision Map Act. The Planning Commission shall deny approval of the Tentative Map if it makes any of the following findings:
1. That the proposed map is not consistent with the La Habra Heights General Plan, any applicable Specific Plan, or any applicable provision of this Code;
 2. That the design or improvement of the proposed subdivision is not consistent with the La Habra Heights General Plan, any applicable Specific Plan or any applicable provision of this Code, including but not limited to the provisions of Chapter 7.14;
 3. That the site is not physically suitable for the type of development;
 4. That the site is not physically suitable for the proposed density of development;
 5. There is an insufficient water supply available pursuant to the requirements of Government Code Section 66473.7;
 6. That the land is subject to a contract under the Williamson Act, and the resulting parcels following subdivision would be too small to sustain their agricultural use, except if one of the findings provided in Government Code Section 66474.4(c) can be made;
 7. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Planning Commission may approve such a Tentative Map if an environmental impact report was prepared with respect to the project and a finding is made pursuant to Public Resources Code Section 21081(a) that specific economic, social or other considerations make infeasible the mitigation measures and project alternatives identified in the environmental impact report;
 8. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;
 9. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The Planning Commission may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the Planning Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
- L. **Call for Review by City Council.** A member of the City Council may *Call for Review* of the Planning Commission decision concerning the Tentative Map application pursuant to the procedure set forth in Article 8.
- M. **Extension of Time for Planning Commission or City Council Action.** The time limits set forth above for acting on the Tentative Map may be extended by mutual consent of the subdivider and the Planning Commission or the City Council, for a time period not to exceed an additional twelve (12) months or as otherwise provided in the Government Code Section 66452.6.



- N. **Appeals of Planning Commission Action.** Any action by the Planning Commission with respect to the tentative map may be appealed to the City Council, by the subdivider, any tenant of the subject property or any other interested person. The appeal must be filed with the City Clerk within the (10) days after the action. City Council shall consider the appeal within thirty (30) days unless the subdivider consents to a continuance. This appeal shall be a public hearing after notice has been given pursuant to 9.4.30.H. In addition, notice shall be given to the subdivider, the appellant and the Planning Commission as appropriate. Upon conclusion of the public hearing, the Council shall, within seven (7) days, render its decision. The City Council's review on appeal shall not be limited to the issues stated in the appeal. The City Council may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make such findings as are consistent with the provisions of this Chapter or the Subdivision Map Act.
- O. **Other Permits or Approvals.** No tree removal, grading, or other activity requiring a permit or approval under this Code may be conducted without applying for and obtaining such approval.

9.4.40 Expirations and Extensions

This section governs the procedures and requirements governing the expiration or extension of a Tentative Map.

- A. **Expiration.** The approval or conditional approval of a Tentative Map shall expire twenty-four (24) months after the date of approval. However, the expiration date shall be extended in accordance with the Subdivision Map Act and if the subdivider is required to provide off-site improvements in the amounts as specified in Section 66452.6(a) of the Subdivision Map Act. An extension to the expiration date may be approved as provided in Section 9.4.30.M.
1. The period of time specified shall not include any period of time during which a development moratorium is in effect pursuant to the Subdivision Map Act.
 2. The period of time specified above shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a Tentative Map only if a stay of the time period is approved by the City Council. The subdivider may request a stay in the time period of the Tentative Map. Such a request shall be made in writing to the Community Development Director within ten (10) days of the service of the initial petition or complaint upon the City, the subdivider shall, in writing, to the Community Development Director, request a stay in the time period of the Tentative Map. Within forty (40) days after receiving the request, the City Council shall either stay the time period for up to five (5) years or deny the requested stay. The request for the stay shall be via hearing with notice to the subdivider and to the appellant, and upon conclusion of the hearing, the City Council shall, within ten (10) days, declare its findings.
 3. Expiration of an approved or conditionally approved Tentative or Vesting Tentative Map shall terminate all proceedings and no Final or Parcel Map of all or any portion of the real property included within the Tentative Map shall be filed without first processing a new Tentative Map. If the signed Final Map and Subdivision Agreement between the applicant and the City have been delivered to the Community Development Director prior to the expiration of the Tentative Map, processing, approval and recording may occur after the expiration date of the Tentative Map.
- B. **Request by Subdivider for an Extension.** The subdivider may request an extension of the expiration date of the approved or conditionally approved Tentative Map by written application



to the Community Development Department prior to expiration of the map. The map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

- C. **Community Development Director or Planning Commission Action.** The Community Development Director shall review and act upon the request for extension or submit the application for the extension, together with a report, to the Planning Commission for approval, conditional approval or denial at the next scheduled Planning Commission meeting. A copy of the Community Development Director's report shall be forwarded to the subdivider prior to the Planning Commission meeting on the extension. The resolution adopted by the Planning Commission approving or conditionally approving an extension shall specify the new expiration date of the Tentative Map.
- D. **Time Limit of Extension.** The expiration date may be extended pursuant to this section for a period or periods totaling no more than an additional twelve (12) months for a total of three (3) years.
- E. **Conditions of Approval.** As a condition of the extension of a Tentative Map, the Community Development Director or Planning Commission may impose new conditions or revise existing conditions on the approved Tentative Map as recommended by the Community Development Department in its report or as it may find necessary.
- F. **Appeal.** If the subdivider's application for an extension is denied, the subdivider may appeal to the Planning Commission or City Council as appropriate within fifteen (15) days after the Planning Commission has denied the extension.
- G. **Fee.** The fee for processing an extension application shall be the actual cost to the City to administer the provisions of the Subdivision Map Act. A deposit that is to be applied towards this fee shall be required.

9.4.50 Minor Changes to Approved Tentative Maps

Minor changes to the Tentative Map may be approved by the Community Development Director and the City Engineer upon application by the subdivider or on its own initiative, provided:

1. No lots, units or building sites are added.
2. Such changes are consistent with the intent and spirit of the original Tentative Map approval.
3. There are no resulting violations of the La Habra Heights Municipal Code.
4. The amendment shall be indicated on the approved map and signed by the Community Development Director and the City Engineer.
5. Amendments of the Tentative Map that the Community Development Director determines are not minor shall be presented to the Planning Commission for approval. Processing shall be in accordance with Section 9.4.30. Any approved amendment shall not alter the expiration date of the Tentative Map.



Chapter 9.5 Vesting Tentative Maps

9.5.10 Purpose of this Chapter

The purpose of this Chapter is to establish procedures necessary for the implementation of the Vesting Tentative Map statutes, pursuant to Government Code Section 66498.1, et seq.

9.5.20 Consistency

No land shall be subdivided and developed pursuant to a Vesting Tentative Map for any purpose that is inconsistent with the La Habra Heights General Plan, any applicable specific plan or not permitted by this Article, or other applicable provisions of the Municipal Code.

9.5.30 Definitions

A *Vesting Tentative Map* shall mean a Tentative Map as defined in this Article that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 9.5.50, and is thereafter processed in accordance with the provisions hereof. Except as otherwise set forth in this Article, the provisions of this Article relating to Tentative Maps shall also apply to Vesting Tentative Maps.

9.5.40 Application

Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Article, requires the filing of a Tentative Map or Tentative Parcel Map, a Vesting Tentative Map may instead be filed. If a subdivider does not seek the rights conferred by this Chapter, the filing of a Vesting Tentative Map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

9.5.50 Filing and Processing

A Vesting Tentative Map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this Article for a Tentative Map except as hereinafter provided:

1. At the time a Vesting Tentative Map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."
2. At the time a Vesting Tentative Map is filed a subdivider shall also supply the following information
 - a. A statement that the Vesting Tentative Map is consistent with the current zoning of the land, or that an application has been filed for rezoning or *prezoning* the land which will be processed concurrently with the Vesting Tentative Map. If a use permit is required, the permit shall be processed prior to or concurrently with the Vesting Tentative Map.
 - b. A tentative utility plan indicating the location of all public utilities and facilities including, but not limited to, facilities for water, sewer, electric, gas, cable, and street lighting to be installed to serve the subdivision and any facilities which currently exist within the boundary of the subdivision.



- c. The height, size, location, architectural plans and use of all buildings to be constructed within the subdivision.
- d. Grading plans based on actual field surveys.
- e. Wild fire prevention plan and/or noise analysis with suggested mitigation measures if required by the City's General Plan or any specific plan.
- f. Required approval letters from other agencies where applicable and feasible.
- g. When required by the Community Development Department, feasibility studies, traffic studies, economic analyses, or other future impact studies.
- h. Landscaping plans.
- i. Any other studies required because of the peculiarities of the subdivision.

All Vesting Tentative Map submittals must be accurate and complete, and must satisfy all requirements of the Community Development Department.

9.5.60 Expiration

The approval or conditional approval of a Vesting Tentative Map shall expire at the end of the same time period and shall be subject to the same extensions established by this Article for the expiration of the approval or conditional approval of a Tentative Map.

9.5.70 Vesting on Approval of Vesting Tentative Map

The approval or conditional approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in the Subdivision Map Act. However, if Government Code Section 66474.2 is repealed, the approval or conditional approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the application for the Vesting Tentative Map was deemed complete. The applicant shall obtain a copy of the applicable land use ordinances and policies in effect at the time the application was complete, and provide such copy to the City. Notwithstanding the preceding, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision, or the immediate community, or both, in a condition dangerous to their health or safety, or both.
2. The condition or denial is required in order to comply with state or federal law.
3. The rights referred to herein shall expire if a Final Map is not approved prior to the expiration of the Vesting Tentative Map as provided in Section 9.5.60. If the Final Map is approved and recorded, these rights shall last for the following periods of time:
 - a. An initial time period of one (1) year after recording. Where several Final Maps are recorded on various phases of a project covered by a single Vesting Tentative Map, this initial period shall begin for each phase when the Final Map for that phase is recorded. All such Final Maps must be recorded within the time period set forth in Section 9.5.60 or the Vesting Tentative Map approval shall expire for those parcels for which Final Maps are not timely recorded.



- b. The initial time period set forth in subsection 3.a shall be automatically extended by any time used for processing a complete application for a grading permit or for design review, if such processing exceeds thirty (30) days from the date a complete application is filed.
 - c. A subdivider may apply for a one-year extension at any time before the initial time period set forth in subsection 3.a expires. The request for extension shall be submitted in writing to the Secretary of the Planning Commission. The Planning Commission shall review any request for extension and an extension may be granted for a maximum period of one (1) year. An appeal from a denial of extension must be made in writing to the City Clerk within fifteen (15) days. The City Council shall schedule a hearing within thirty (30) days of receipt of the notice to appeal. The City Council shall deny a request for extension unless it finds that changes to any City ordinances, policies, or standards that were adopted subsequent to the time of filing the Vesting Tentative Map are not necessary to protect the public health, safety or welfare or if the City Council finds that the extension is not beneficial to the public health, safety or welfare.
4. If the subdivider submits a complete application for a building permit during the periods of time specified in Section 9.5.70.3 and the building permit is approved, the rights referred to herein shall continue until the expiration of that permit, or any granted extension of that permit.

9.5.80 Development Inconsistent with Zoning - Conditional Approval

Whenever a subdivider files a Vesting Tentative Map for a subdivision whose intended development is inconsistent with the zoning in existence at that time, that inconsistency shall be noted on the map. The City shall deny such a Vesting Tentative Map if the City finds the Vesting Tentative Map to be inconsistent with the zoning of the property, or proposed zoning ordinance which is being processed concurrently with the vesting tentative map. If a change in the zoning or use permit is obtained, the approved or conditionally approved Vesting Tentative Map shall, notwithstanding Section 9.5.70, confer the vested right to proceed with the development in substantial compliance with the change in the zoning, and the map as approved. The rights conferred by this section shall be for the time periods set forth in Section 9.5.70.

9.5.90 Applications Inconsistent with Current Policies

Notwithstanding any provision of this Chapter, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies and standards described in 9.5.70 and 9.5.80, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.



Chapter 9.6 Final Maps

9.6.10 Purpose of this Chapter

The purpose of this Chapter is to establish the procedures for the preparation, review, and approval of Final Maps.

9.6.20 General Requirements for Final Maps

The form, contents, accompanying data and filing of the final map shall conform to the provisions of this section.

- A. **Survey Required.** An accurate and complete survey of the land to be subdivided shall be made by a Registered Civil Engineer or licensed land surveyor. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the Final Map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures. At the time of making the survey for the Final Map, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and Professions code so that another engineer or surveyor may readily retrace the survey. At least one exterior boundary line shall have monuments set prior to recording the Final Map. Other monuments shall be set as required by the City Engineer.
- B. **Form.** The form of the Final Map shall conform to the requirements of the Subdivision Map Act which includes the following:
 1. The Final Map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester-base film.
 2. Statements, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester-base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
 3. 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 inch.
 4. The scale of the map shall be not less than 1" = 100' or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end.
 5. The particular number of the sheet and the total number of sheets comprising the Final Map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.
 6. When four (4) or more sheets including the statement sheet are used, a key sheet shall be included. All printing or lettering on the map shall be of a height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.
 7. The final form of the Final Map shall be as approved by the City Engineer.
- C. **Contents.** The contents of the Final Map shall conform to the requirements of the Subdivision Map Act and to the following:



1. 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.
2. Each sheet shall have a title showing the subdivision number and name and the location of the property being subdivided with reference to maps that 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 La Habra Heights, Los Angeles County."
3. The following statements shall appear only once on the cover sheet.
 - a. A statement, signed and acknowledged by all parties having record title interest in the land subdivided, consenting to the preparation and recordation of the map and offering for dedication to the public certain specific parcels of land or easements. Exceptions are those parties having rights of way, easements or interests that cannot ripen into a fee, or as provided in the Subdivision Map Act.
 - b. A statement, signed and acknowledged by any trustee of record at the time of City Council approval of the Final Map, consenting to the recording of the map and any offers of dedications.
 - c. The notary acknowledgment for the owner's and trustee's statements shall be deemed complete for filing without the official seal of the notary, so long as the name of the notary, the county of the notary's principal place of business, and the notary's commission expiration date are typed or printed below or immediately adjacent to the notary's signature in the acknowledgment.
 - d. A statement by the engineer or surveyor responsible for the survey and Final Map shall appear on the map. The statement shall give the date of the survey, state that the survey and Final Map were made by or under the direction of the engineer or surveyor, and that the survey is true and complete as shown. The statement shall also state that all the monuments are of the character and occupy the positions indicated, or that they will be set in such positions on or before a specified later date. The statement shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced. The statement shall state that the Final Map complies with the Subdivision Map Act and the provisions of this Chapter and that the map substantially conforms to the conditionally approved map.
 - e. When a soils report, a geologic report, or soils and geologic reports have been prepared specifically for the subdivision, such fact shall be noted on the Final Map, together with the date of such report or reports, and the name of the engineer making the soils report and geologist making the geologic report.
 - f. A statement by the City Engineer stating the map has been examined and that it is in accord with the Tentative Map and any approved alterations thereof, complies with the Subdivision Map Act and the provisions of this Chapter and is technically correct.
 - g. A statement by the Secretary of the Planning Commission stating that the Tentative Map was approved by resolution of the Planning Commission. The date and number of the resolution shall appear in the statement.



- G. **Street Names.** The names of all streets, or highways within or adjoining the subdivision shall be shown.
- H. **Easements.** Easements for roads or streets, equestrian trails, storm water drainage, sanitary waste systems, 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. 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 but found by the surveyor or engineer, 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.
- I. **Additional Information.** The City may require additional information to be recorded simultaneously with the Final Map. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of the recording, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records, or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet. Whenever additional information is made by separate document, there shall appear on the Final Map a reference to the separately recorded document completed by the Los Angeles County recorder according to the Subdivision Map Act.

9.6.30 Requirements for the Submittal of Final Maps for City Approval

The subdivider shall submit prints of the Final Map to the City Engineer for checking. The preliminary prints shall be accompanied by the following data, plans, reports and documents in a form as approved by the City Engineer.

- A. **Improvement Plans.** Improvement plans as required by Chapter 9.7;
- B. **Geotechnical Hazards Report.** A Geotechnical Hazards report prepared in accordance with the La Habra Heights Municipal Code;
- C. **Title Report.** A title report showing the legal owners at the time of submittal of the Final Map;
- D. **Improvement Agreement.** In the event sewer, water, drainage, grading, paving, or other improvements required pursuant to Section 9.7 have not been completed prior to the presentation of the Final Map, an agreement in accordance with the requirements of Chapter 9.7 shall be filed for the improvement thereof. The subdivider shall secure the performance of the agreement in accordance with the requirements of Chapter 9.7.
- E. **Deeds for Easements or Rights-of-Way.** Deeds for easements or rights-of-way required for road or drainage purposes that have not been dedicated on the Final Map must be provided.
- F. **Rights of Entry.** Written evidence acceptable to the City in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of any improvements to be constructed.



- G. **Traverse Closures.** Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines.
- H. **Hydrology and Hydraulic Calculations** Complete hydrologic and hydraulic calculations of all storm drains;
- I. **Governing Documents.** If required by the City, the submittal of the Final Map or Parcel Map for a common interest development within the meaning of Section 1350 et seq. of the California Civil Code shall include the proposed Declaration of Covenants, Conditions and Restrictions containing the provisions described in Section 1353 of the Civil Code and all other governing documents for the subdivision. The submittal of the Final Map or Parcel Map for all subdivisions other than a common interest development shall include any Declaration of Covenants, Conditions and Restrictions proposed in connection therewith. All documents shall be subject to review and approval by the City Engineer and approval as to form by the City Attorney.
- J. **Guarantee of Title.** A guarantee of title, in a form acceptable to the City Engineer and City Attorney, shall be issued by a competent title company to and for the benefit and protection of the City and shall be continued complete up to the instant of recording of the Final Map, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all public easements being offered for dedication, and all acknowledgments thereto, appear on the proper certificates and are correctly shown on the map, both as to consents to the making thereof and affidavits of dedication where necessary.
- K. **Other Information.** Any additional data, reports or information as required by the City Engineer.

9.6.40 Review and Approval of Final Maps

The following requirements shall be applicable in the review and approval of Final Maps.

- A. **Review by City Engineer.** The City Engineer shall review the Final Map and the subdivider's engineer or surveyor shall make corrections and/or additions until the map is acceptable to the City Engineer.
- B. **Acceptance by City.** The subdivider's engineer or surveyor shall submit the original tracing of the map, corrected to its final form and signed by all parties required to execute the statements on the map, to the City Engineer. The City Engineer and Community Development Director shall sign the appropriate statements and transmit the original to the City Clerk. The City Clerk shall transmit the Final Map to the City Council at its next meeting.
- C. **Approval by City Council.** The following requirements apply to the approval of a Final Map by the City Council.
 - 1. The City Council shall approve or disapprove the Final Map at the meeting at which it receives the map or at its next regular meeting after the meeting at which it receives the map.
 - 2. The City Council shall approve or disapprove the Subdivision Improvement Agreement prior to approving or disapproving the Final Map.
 - 3. The City Council shall approve the Subdivision Improvement Agreement and the Final Map if they conform to the approved or conditionally approved Tentative Map,



the provisions of this code which were applicable at the time of approval or conditional approval of the Tentative Map and the provisions of the Subdivision Map Act.

4. If the City Council approves the Final Map, it shall at the same time accept, accept subject to improvement, or reject any offer of dedication. The City Clerk shall certify on the final map the action by the City Council. If at the time the Final Map is approved, any offer of dedication, including but not limited to streets, paths, alleys, public utility easements, rights-of-way for local transit facilities, or storm drainage easements are not accepted by the City Council, the offer of dedication shall remain open and the City Council may, by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open or use the streets, equestrian trails, storm drainage easements, or other dedications, which acceptance shall be recorded in the office of the County Recorder.
 5. The City Council may accept any dedications lying outside the subdivision boundary that require a separate grant deed. The acceptance shall be recorded in the office of the county Recorder. If the Subdivision Improvement Agreement and Final Map are approved by the City Council, it shall instruct the Mayor to execute the agreement on behalf of the City. If the Subdivision Improvement Agreement and/or Final Map are unacceptable, the Council shall make its recommended corrections, instruct the City Engineer to draft a new agreement and/or revise the Final Map and defer approval until an acceptable agreement and/or Final Map have been resubmitted.
 6. The City Council shall not postpone or refuse approval of a Final Map because the subdivider has failed to meet a Tentative Map condition requiring construction of off-site improvements on land which neither the subdivider or the City has sufficient title or interest to permit the improvements to be made. In this case the City shall follow procedure set forth in Chapter 9.7.
- D. **Denial by City Council.** The City Council shall deny the Final Map if it finds that the final map is not in substantial compliance with the previously approved Tentative Map
- E. **Filing with the County Recorder.** Upon approval of the Final Map by the City Council, the City Clerk shall execute the appropriate statement on the map and forward the map, or have an authorized agent forward the map, to the County Recorder. If the subdivider dedicates property in fee for public purposes to the City, the City Clerk shall also prepare and forward for recording a certificate concerning the dedication as provided in the Subdivision Map Act.



Chapter 9.7 Dedications and Reservations

9.7.10 Purpose of this Chapter

The purpose of this Chapter is to establish the procedures for the preparation, review, and acceptance of Subdivision Map dedications and reservations.

9.7.20 Dedication of Streets, Alleys and Other Public Rights-of-Way or Easements

As a condition of approval of a Tentative or Parcel Map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets and alleys, including access rights and abutters' rights, drainage, public greenways, scenic easements, public utility easements, and other public easements. In addition, the subdivider shall improve or agree to improve all streets and alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements. Improvements shall be in accordance with Chapter 9.8.



Chapter 9.8 Subdivision Improvements

9.8.10 Purpose of this Chapter

The purpose of this Chapter is to establish the procedures for all required on and off-site subdivision improvements.

9.8.20 Improvements Required

The subdivider shall construct all required improvements both on and off site according to standards approved by the City including, but not limited to, the *Street Standards and Standard Specifications and Plans*. No Final Map shall be presented to the Council or Parcel Map to the Community Development Director or Planning Commission for approval until the subdivider either completes the required improvements, or enters into an agreement with the City agreeing to do the work.

Required improvements may include:

- A. **Frontage Improvements.** The frontage of each lot shall be improved to its ultimate adopted geometric section, including street structural section, driveway approaches, transitions and, if required, curbs and sidewalks.
- B. **Storm Drainage.** Storm water runoff from the subdivision shall be collected and conveyed by an approved storm drain system. The storm drain system shall be designed for ultimate development of the watershed. The storm drain system shall provide for the protection of abutting and off-site properties that would be adversely affected by any increase in runoff attributed to the development. On- or off-site storm drain improvements or impoundments may be required to satisfy this requirement.
- C. **Sanitary Sewers.** Each unit or lot within the subdivision shall be served by a community sewer collection system or an individual septic system.
- D. **Water Supply.** Each unit or lot within the subdivision shall be served by an approved domestic water system.
- E. **Utilities.** Each unit or lot within the subdivision shall be served by gas (if required), electric, telephone and cable television facilities. All existing and proposed utilities within the subdivision and along either side of peripheral streets shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations.
- F. **Off-Site Improvements.** If the subdivider is required to construct off-site improvements on land in which neither the City or the subdivider have sufficient title or interest to allow construction, the City shall, within 120 days of recording the Final Map acquire by negotiation or commence condemnation of the land. If the City fails to meet the 120-day time limit, the condition for the construction shall be waived. Prior to approval of the Final Map, the City may require the subdivider to enter into an agreement to complete the off-site improvements at the time the City acquires title or interest in the land. The subdivider shall pay the cost of acquiring off-site land or an interest in the land required to construct the off-site improvements.

9.8.30 Design

The design and layout of all required improvements both on and off site, private and public, shall conform to generally acceptable engineering standards, to the City's *Street Standards and Standard*



Plans and Specifications, and to such standards as approved by the City Engineer. The following requirements will be applicable to the design of any required improvements:

- A. **Energy Conservation.** The design of a subdivision for which a Tentative Map is required pursuant to Chapter 9.3 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.
- B. **Cable Service.** The design of a subdivision for which a Tentative Map or Parcel Map is required shall provide appropriate cable systems an opportunity to construct, install and maintain, on land identified on the map as dedicated or to be dedicated to public utility use, any equipment necessary to extend cable services to each residential parcel in the subdivision. For the purposes of this section, "appropriate cable systems" means those systems franchised or licensed to serve the geographical area in which the subdivision is located.
- C. **Access.** The subdivision shall abut upon or have an approved access to a public street. Each unit or lot within the subdivision shall have an approved access to a public or private street. Street layout shall be designed to provide for future access to, and not impose undue hardship upon, property adjoining the subdivision. Reserve strips, or non-access at the end of streets or at the boundaries of subdivisions, shall be dedicated unconditionally to the City when required.

9.8.40 Preparation of Improvement Plans

The following requirement shall apply to the preparation of improvement plans.

- A. **General Requirements.** Improvement plans shall be prepared under the direction of and signed by a Registered Civil Engineer licensed by the State of California. Improvement plans shall be processed according to the time limits set in the Subdivision Map Act. Improvement plans shall include, but not be limited to, grading, storm drains, landscaping, streets and related facilities.
- B. **Form and Content.** Plans, profiles and details shall be legibly drawn, printed or reproduced on 24" x 36" sheets. A border shall be made on each sheet providing 1/2" at top, bottom and right side and 1-1/2" on the left side. A suitable title block shall be placed in the lower right corner or along the right edge and provide adequate space for approval by the City Engineer and for approval of plan revisions. Plan and profiles shall be drawn to the scale of 1" = 40' or larger unless approved by the City Engineer. Details shall be drawn to such scale that clearly shows the facility being constructed. The scales for various portions of the plans shall be shown on each sheet. Additional content and form requirements include the following:
 - 1. A vicinity map shall be shown on the first sheet of all sets of plans.
 - 2. A north arrow shall be shown on each sheet when applicable.
 - 3. Plans shall be laid out to orient north to the top or left edge of the sheet unless approved otherwise by the City Engineer.
 - 4. All lettering shall be 1/8" minimum or typed print of legible size.
 - 5. If the plans include three or more sheets, a cover sheet showing the streets, lots, easements, storm drains, index and vicinity map shall be included.



6. The form of all plans shall conform to additional requirements as may be established by the City Engineer.
 7. The final form of all plans shall be approved by the City Engineer.
- C. **Contents.** The improvement plans shall show complete plans, profiles and details for all required improvements to be constructed, both public and private, including common areas. Reference may be made to City of La Habra Heights, Los Angeles County or State Standard Plans in lieu of duplicating the drawings.
- D. **Supplementary Plans and Calculations.** Hydrology, hydraulic plans and calculations, bond estimates, and any structural calculations as may be required, shall be submitted with the improvement plans to the City Engineer. All calculations shall be legible, systematic and signed and dated by a Registered Civil Engineer licensed by the State of California and in a form approved by the City Engineer.
- E. **Review by the City Engineer.** The subdivider shall submit the improvement plans and all computations to the City Engineer for review. Upon completion of the review, one set of the preliminary plans, with the required revisions indicated, will be returned to the subdivider's engineer.
- F. **Approval by the City Engineer.** After completing all required revisions, the subdivider's engineer shall transmit the originals of the improvement plans to the City Engineer for signature. Upon finding that all required revisions have been made and that the plans conform to all applicable City ordinances, design review requirements and conditions of approval of the Tentative Map, the City Engineer shall sign and date the plans. The originals will be returned to the subdivider's engineer. Approval of the improvement plans shall not be construed as approval of the sanitary waste system, water, or gas and electric construction plans. Approval by the City Engineer shall in no way relieve the subdivider or the subdivider's engineer from responsibility for the design of the improvements and for any deficiencies resulting from the design thereof or from any required conditions of approval for the Tentative Map.

9.8.50 Revisions to Approved Plans

The following requirements are applicable to the revision of approved improvement plans.

- A. **By Subdivider.** Requests by the subdivider or the engineer for revisions to the approved plans appearing necessary or desirable during construction shall be submitted in writing to the City Engineer and shall be accompanied by drawings showing the proposed revision. If the revision is acceptable, the originals shall be submitted to the City Engineer's office for initialing. The originals shall be returned to the subdivider's engineer and prints of the revised plans shall be immediately transmitted to the City Engineer. Construction of any proposed revision will not be permitted to commence until the revised plans are received by the Community Development Department.
- B. **By City Engineer.** When revisions are deemed necessary by the City Engineer to protect public health and safety, or as field conditions may require, a request in writing shall be made to the subdivider and engineer. The subdivider's engineer shall revise the plans and transmit the originals to the City Engineer for initialing within the time specified by the City Engineer. Upon receipt of the initialed originals, the subdivider's engineer shall immediately transmit prints of the revised drawings to the City Engineer. Construction of all or any portion of the improvements may be halted by order of the City Engineer until prints of the revised drawings have been submitted. The subdivider may appeal revisions required by the City Engineer to



the City Council by filing an appeal with the City Clerk within two working days following receipt of the request to revise the plans.

- C. **Plan Checking and Inspection Costs for Revisions.** Cost incurred by the City for the checking of plans or calculations or inspection as a result of revisions to the approved plans shall be borne by the subdivider at actual cost. A deposit, when required, shall be submitted with the revised prints and applied toward the actual costs.

9.8.60 Improvement Agreement

The *Improvement Agreement* shall be prepared and signed by the City Engineer and approved as to form by the City Attorney. The agreement shall provide for:

1. Construction of all improvements according to the approved plans and specifications on file with the City Engineer;
2. Completion of improvements within the time specified by Section 9.8.100;
3. Right by City to modify plans and specifications and to require the subdivider to pay for modifications;
4. Warranty by subdivider that construction will not adversely affect any portion of adjacent properties;
5. Payment of inspection fees in accordance with the City's resolution establishing fees and charges;
6. Payment of in-lieu fees for the undergrounding of utilities where, in the determination of the City, the undergrounding of utilities on the site is impossible or impracticable;
7. Payment of in-lieu fees for park land dedication;
8. Payment of drainage district or area fees;
9. Improvement security as required by this article;
10. Maintenance and repair of any defects or failures and causes thereof;
11. Release and indemnification of the City from all liability incurred by the development and payment of all reasonable attorney's fees that the City may incur because of any legal action arising from the development;
12. Any other deposits, fees or conditions as required by City ordinance or resolution and as may be required by the City Engineer; and
13. Any other provisions required by the City as reasonably necessary to effectuate the purpose of this code.

9.8.70 Improvement Security Agreements

This Section governs the requirements regarding *Improvement Security Agreements*.

- A. **General.** Any improvement agreement, contract or act required or authorized by the Subdivision Map Act or this chapter, for which security is required, shall be secured in accordance with the Subdivision Map Act and as provided in this Section. No Final Map or



Parcel Map shall be signed by the City Engineer or recorded until all improvement securities required by this section have been received and approved.

- B. **Form of Security.** The form of security shall be one or the combination of the following at the option and subject to the approval of the City.
1. Bond or bonds by one or more duly authorized corporate sureties. The provisions of the bond or bonds shall be in accordance with the Subdivision Map Act.
 2. An instrument of credit or certificate of deposit from one or more financial institutions subject to regulation by the State or Federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.
 3. A deposit, either with the City or a responsible escrow agent or trust Company, at the option of the City, of money or negotiable bonds of the kind approved for securing deposits of public money.
- C. **Amount of Security.** A performance bond or security in the amount of one hundred percent (100%) of the estimated construction cost to guarantee the construction or installation of all improvements shall be required of all subdivisions. An additional amount of fifty percent (50%) of the estimated construction cost shall be required to guarantee the payment to the subdivider's contractor, subcontractors and to persons furnishing labor, materials or equipment for the construction or installation of improvements. The foregoing shall not apply to a California nonprofit corporation when funded by a government agency if the corporation complies with Section 66499.3(c) of the Subdivision Map Act. The estimate of improvement costs shall be as approved by the City Engineer and shall provide for:
1. Not less than five (5) percent nor more than ten (10) percent of the total construction cost for contingencies;
 2. Increase for projected inflation computed to the estimated midpoint of construction;
 3. All utility installation costs or a statement acceptable to the City Engineer from the utility company or companies that adequate security has been deposited to ensure installation; and
 4. In addition to the full amount of the security, there shall be included estimated costs and reasonable expenses and fees, including attorney's fees, which may be incurred in enforcing the obligation secured.
- D. **Cash Bond.** The subdivider shall deposit with the City not less than Three Thousand Dollars (\$3,000.00) cash for subdivisions of four or fewer parcels, and Five Thousand Dollars (\$5,000.00) for other subdivisions, or an additional amount as required by the City Engineer, not to exceed one (1) percent of the construction cost.
- E. **Warranty Security.** Upon agreement for the subdivision improvements by the City, the subdivider shall provide security in the amount required by the City Engineer to guarantee the improvements throughout the construction period until completion and acceptance of the improvements pursuant to Government Code section 66499.7 and Civil Code section 3114 et seq. The amount of the warranty security shall be not less than ten (10) percent of the cost of the construction of the improvements, including the cash bond that shall be retained as permitted pursuant to applicable state law. In hillside areas, the warranty security shall be not less than fifty (50) percent of the construction cost of improvements.



- F. **Reduction in Performance Security.** The City Engineer may authorize in writing the release of a portion of the security in conjunction with the acceptance of the satisfactory completion of a part of the improvements as the work progresses upon application by the subdivider, but in no case shall the security be reduced to less than ten (10) percent of the total improvement security given for faithful performance. The amount of reduction of the security shall be determined by the City Engineer; however, in no event shall the City Engineer authorize a release of the improvement security which would reduce security to an amount below that required to guarantee the completion of the improvements and any other obligation imposed by this ordinance, the Subdivision Map Act, or the Improvement Agreement.
- G. **Release of Performance Security.** Performance security shall be released after acceptance of the improvement by the City Council or City Engineer and when an approved warranty security has been filed with the City Engineer. If warranty security is not submitted, performance security shall be released twelve (12) months after acceptance of improvements and correction of all warranty deficiencies.
- H. **Release of Labor and Materials Security.** Security given to secure payment to the contractor, subcontractors, and to persons furnishing labor, materials or equipment may, six (6) months after the completion and acceptance of the improvements by the City Council or City Engineer, be reduced to an amount equal to the amount of claims therefor filed and of which notice has been given to the City Council. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.
- I. **Release of Warranty Security.** The warranty security shall be released upon satisfactory completion of the warranty period provided that all deficiencies appearing on the final deficiency list for the subdivision have been corrected and not less than twelve (12) months have elapsed since the acceptance of the improvements by the City Council, or as otherwise permitted by applicable state law.

9.8.80 Construction of Improvements

The construction methods and materials for all improvements shall conform to the standard specifications of the City as adopted by Council Resolution. The general provisions of the City's Standard Specifications shall apply to the developer where applicable. Construction shall not commence until approved by the City Engineer.

9.8.90 Inspection of Constructed Improvements

The following requirements apply to the inspection of improvements constructed as part of a subdivision.

- A. **General.** All improvements are subject to inspection by the City Engineer or authorized personnel in accordance with the City's Standard Specifications.
- B. **Pre-construction Conference.** Prior to commencing any construction, the developer shall arrange for a pre-construction conference with the City Engineer.
- C. **Final Inspection and Deficiency List.** Upon completion of the subdivision improvements, the developer shall apply in writing to the City Engineer for final inspection. The City Engineer shall schedule a preliminary final inspection. A deficiency list shall be compiled during the inspection, noting all corrections or any additional work required. If the number of items is excessive or the subdivision appears incomplete, the preliminary final inspection may be halted and rescheduled to a date determined by the City Engineer. When the preliminary final



inspection has been completed, a copy of the deficiency list shall be transmitted to the subdivider for correction. Upon having completed all corrections or additional work as outlined in the deficiency list, the developer shall state in writing that all corrections have been completed satisfactorily and request a final inspection. The City Engineer shall then make a final inspection. Upon finding that all items on the deficiency list have been corrected and receipt of as-built improvement plans, the subdivision improvements shall be placed on the City Council agenda for acceptance or accepted by the City Engineer in the manner provided by this Chapter. The completion of corrections indicated by the deficiency list shall not relieve the developer from the responsibility of correcting any deficiency not shown on the list that may be subsequently discovered.

9.8.100 Completion of Improvements

This Section indicates the requirements that govern the completion of improvements.

- A. **Subdivisions of Five or More Parcels.** Improvements shall be completed within twenty-four (24) months, or such time as approved by the City Engineer, not to exceed a period of thirty-six (36) months, from the date of approval of the Final Map, unless an extension is granted by the City Council or City Engineer. Should the subdivider fail to complete the improvements within the specified time, the City Council may, by resolution, cause any or all uncompleted improvements to be completed and the parties executing the surety or sureties shall be firmly bound for the payment of all necessary costs.
- B. **Subdivisions of Four (4) or Fewer Parcels.** Completion of improvements will not be required until such time as a permit or other grant approval for the development of any parcel within the subdivision is applied for. The completion of the improvements may be required prior to a specified date when the City Engineer finds completion of such improvements to be necessary for public health or safety or for the orderly development of the surrounding area. The specified date, when required, shall be stated in the Subdivision Improvement Agreement and shall not exceed thirty-six (36) months after a permit or other approval for the development of any parcel within the subdivision is approved. The City Engineer shall determine if all improvements shall be completed prior to occupancy of any specified unit within the subdivision.
- C. **Extensions.** The completion date may be extended by the City Council for subdivision of five (5) or more parcels and by the Planning Commission for subdivision of four (4) or fewer parcels, upon written request by the subdivider and the submittal of adequate evidence to justify the extension. The request shall be made not less than thirty (30) days prior to expiration of the Subdivision Improvement Agreement. The subdivider shall enter into a Subdivision Improvement Agreement extension with the City. For subdivisions of five (5) or more parcels, the agreement shall be prepared and signed by the City Engineer, approved as to form by the City Attorney, executed by the subdivider and surety and transmitted to the City Council for its consideration. If approved by the City Council, the Mayor shall execute the agreement on behalf of the City. For subdivisions of four (4) or fewer parcels, the agreement shall be prepared by the City Engineer, approved as to form by the City Attorney, executed by the subdivider and the provider of the surety and executed by the Community Development Director on behalf of the City. In consideration of a Subdivision Improvement Agreement extension, the following may be required:
 1. Revision of improvement plans to provide for current design and construction standards when required by the City Engineer;



2. Revised improvement construction estimates to reflect current improvement costs as approved by the City Engineer;
3. Increase of improvement securities in accordance with revised construction estimates; and/or
4. Inspection fees may be increased to reflect current construction costs but shall not be subject to any decrease or refund. The City Council, or the City Engineer for subdivisions of four (4) or fewer parcels, may impose additional requirements as recommended by the City Engineer or as it may deem necessary as a condition of approving any time extension for the completion of improvements. The costs incurred by the City in processing the agreement shall be borne by the subdivider at actual cost.

9.8.110 Acceptance of Improvements

This Section provides the requirements that govern the acceptance of construction improvements for a subdivision.

- A. **General.** When all improvement deficiencies have been corrected and as-built improvement plans submitted, the subdivision improvements shall be considered by the City for acceptance. Improvements for subdivisions of five (5) or more parcels may be accepted by the City Council. The City Engineer shall be responsible for the acceptance of improvements for subdivisions of four (4) or fewer parcels. Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that public improvements have been accepted for public use. If there are no improvements dedicated to the public, the City Engineer shall record a notice of completion of subdivision improvements with the County Recorder.
- B. **Acceptance.** After all improvements are accepted and public improvements dedicated on the Final Map, the City Clerk shall record an acceptance of public improvements with the County Recorder. The City Engineer shall file the acceptance of improvements dedicated on Parcel Maps with the County Recorder.
- C. **Acceptance of a Portion of the Improvements.** When requested by the subdivider in writing, the City may consider acceptance of a portion of the improvements. Acceptance will only occur if the City finds that it is in the public interest and such improvements are for the use of the general public. The City Engineer shall file the acceptance of improvements dedicated on Parcel Maps with the County Recorder.

9.8.120 Supplemental Improvement Capacity

As a condition of approval of a Tentative Map, there may be imposed a requirement that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number or length for the benefit of property not within the subdivision and that those improvements be dedicated to the public. However, when such supplemental size, capacity, number or length is solely for the benefit of property not within the subdivision, the City shall, subject to the provisions of Sections 66486 and 66487 of the Subdivision Map Act, enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements. The City Council shall determine the method for payment of the costs required by a reimbursement agreement, which method may include, but shall not be limited to, the following:



1. The collection from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, a reasonable charge for such use.
2. The contribution to the subdivider of that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and the levy of a charge upon the real property benefited to reimburse the City for such costs, together with interest thereon, if any, paid to the subdivider.
3. The establishment and maintenance of local benefit districts for the levy and collection of such charge or costs from the property benefited.
4. No charge, area of benefit or local benefit district shall be established unless and until a public hearing is noticed and held thereon by the City Council in accordance with the provisions of Section 9.4.30.H 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 thereof.
5. In addition to the notice required by subsection 4 above, written notice of the hearing shall be given 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. Notice shall be served by mail by the City Clerk at least ten (10) days prior to the date established for the hearing.



Chapter 9.9 Reversions to Acreage

9.9.10 Purpose of this Chapter

The purpose of this Chapter is to establish the procedures by which subdivided property may be reverted to acreage. Any such reversion is subject and pursuant to the provisions of this Article and the Subdivision Map Act. This Chapter shall apply to Final and Parcel Maps.

9.9.20 Initiation of Proceedings

Reversions to acreage may be initiated by the following:

- A. **By Owners.** Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the City Engineer. The petition shall contain the information required by Section 9.8.30 and such other information as required by the City Engineer.
- B. **By City Council.** The City Council, at the request of any person or on its own motion may, by resolution, initiate proceedings to revert property to acreage. The City Council shall direct the City Engineer to obtain the necessary information to initiate and conduct the proceedings and to file a Notice of Intent to Revert to Acreage with the County Recorder for recording.

9.9.30 Contents of Petition

The petition shall contain but not be limited to the following:

1. Evidence of title to the real property;
2. Evidence of the consent of all of the owners of an interest in the property;
3. 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;
4. Evidence that no lots shown on the Final or Parcel Map have been sold within five (5) years from the date such Final or Parcel Map was filed for record;
5. A Tentative Map in the form prescribed by Chapter 9.4 of this Article;
6. A Final or Parcel Map in the form prescribed in Chapter 9.3 or 9.6 of this Article, which delineates dedications that will not be vacated and dedications required as a condition to reversion. Final or Parcel Maps shall be conspicuously designated with the title, "The Purpose of this Map is a Reversion to Acreage";
7. A deposit as required by the City Engineer toward processing and plan checking costs in accordance with the City's resolution establishing fees and charges.

9.9.40 Submittal of Petition

The Final or Parcel Map for the reversion together with all other data as required by this article shall be submitted to the City Engineer for review. Upon finding that the petition meets with all the requirements of this chapter and the State Subdivision Map Act, the City Engineer shall submit the



Final or Parcel Map, together with a report and recommendations of approval or conditional approval of the reversion to acreage, to the City Council for its consideration.

9.9.50 City Council Approval

A public hearing shall be held by the City Council on all petitions for initiations for reversions to acreage. Notice of the public hearing shall be given as provided in Section 9.4.30.H. The Community Development Director may give other notice that he or she deems necessary or advisable. The City Council may approve a reversion to acreage only if it finds that:

1. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and
2. Any of the following:
 - a. All owners of an interest in the real property within the subdivision have consented to reversion or
 - b. None of the improvements required to be made have been made within two years from the date the Final or Parcel Map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later or
 - c. No lots shown on the Final or Parcel Map have been sold within five (5) years from the date such map was filed for record.

As conditions of the reversion, the City Council shall require:

1. The owners dedicate or offer to dedicate streets, public rights-of-way or easements;
2. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if necessary to accomplish any of the provisions of this Chapter or the Subdivision Map Act.
3. Any other conditions as are necessary to accomplish the purposes of this chapter or necessary to protect the public health, safety or welfare.

9.9.60 Filing with County Recorder

Upon approving the reversion to acreage, the City Engineer shall transmit the Final or Parcel Map, together with the City Council resolution approving the reversion, to the County Recorder for recordation. Reversion shall be effective upon the Final Map being filed for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the Final or Parcel Map for reversion shall be of no further force and effect.



Chapter 9.10 Parcel Mergers

9.10.10 Purpose of this Chapter

The purpose of this Chapter is to establish the procedures for parcel mergers.

9.10.20 Mergers Not Required

Except as otherwise provided in this Article, two or more contiguous parcels or units of land which have been created under the provisions of this Article or the Subdivision Map Act shall not merge solely by virtue of the fact that the contiguous parcels are held by the same owner. No further proceedings under this chapter shall be required for the purpose of sale, lease or financing.

9.10.30 Mergers Required

Two or more contiguous parcels or units held by the same owner shall be considered as merged if any one of the contiguous parcels or units held by the same owner does not conform to the standards for minimum parcel size, under Article 7, and if all the following requirements are satisfied:

1. At least one of the affected parcels is undeveloped by 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.
2. With respect to any affected parcel, one or more of the following conditions exists:
 - a. Comprises less than 5,000 square feet in area at the time of the determination of merger.
 - b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - c. Does not meet current standards for sewage disposal and domestic water supply.
 - d. Does not meet slope stability standards.
 - e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
 - f. Its development would create health or safety hazards.
 - g. Is inconsistent with the General Plan and any applicable specific plan, other than minimum lot size or density standards.

To determine whether contiguous parcels have the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded. Subsection 2 shall not apply if one or more of the contiguous parcels or units complies with Section 9.10.90.

9.10.40 Notice of Intention to Determine Status

Prior to recording a notice of merger the Community Development Director shall mail, by first class mail, a notice of intention to determine status to the current record owner of the property. The notice



shall state that the affected parcels may be merged and the owner may request a hearing before the Community Development Director to present evidence that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record at the office of the Los Angeles County Recorder on the same day that the notice is mailed to the property owner.

9.10.50 Hearing on Determination of Status

The owner of the affected property may file a written request for a hearing with the Community Development Director within thirty (30) days after recording of the notice of intention to determine status. Upon receipt of the request, the Community Development Director shall set a time, date and place for a hearing and notify the owner by first class mail. The hearing shall be conducted within thirty (30) days following the receipt of the owner's request, or may be postponed or continued by mutual consent of the Community Development Director and the property owner. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements of Section 9.10.30. At the conclusion of the hearing, the Community Development Director shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of the determination.

9.10.60 Determination of Merger

If the Community Development Director makes a determination that the parcels are to be merged, a determination of merger shall be recorded within ninety (90) days of the mailing of the notice of the hearing to the owner. The determination of merger shall specify the name of the record owners and a description of the property. If the Community Development Director makes a determination that the parcels shall not be merged, a release of the notice of intention to determine status shall be recorded and a clearance letter mailed to the owner.

9.10.70 Determination When No Hearing is Requested

If the owner does not file a request for a hearing within thirty (30) days of the recording of the notice of intention to determine status, the Community Development Director may, at any time, make a determination that the parcels are or are not to be merged. If they are to be merged, a determination of merger shall be recorded within ninety (90) days of the mailing of the notice of intent to determine status.

9.10.80 Request to Merge by Property Owner

If the merger of contiguous parcels or units is initiated by the record owner(s), the owner(s) may waive the right to a hearing before the Community Development Director and to all notices required by this Chapter. Upon receipt of the waiver, the Community Development Director shall record a notice of intention to determine status, a waiver of right of hearing and notice, and a notice of merger simultaneously.

9.10.90 Unmerged Parcels

Any parcel which has merged under the provisions of any law prior to January 1, 1984, and for which a notice of merger has not been recorded prior to January 1, 1984, shall be unmerged if on that date:

1. The parcel meets each of the following criteria:
 - a. Contains at least 5,000 square feet in area.



- b. Was created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - c. Meets current standards for sewage disposal and domestic water supply.
 - d. Meets slope density standards.
 - e. Has legal access which is adequate for vehicular and safety equipment access and maneuverability.
 - f. Its unmerger and development would create no health or safety hazards.
 - g. The unmerged parcel would be consistent with the General Plan and any applicable specific plan, other than minimum lot size or density standards.
2. And, with respect to the parcel, none of the following conditions existed on or before July 1, 1981:
- a. One or more of the contiguous parcels or units of land is enforceably restricted open-space land by a contract, agreement, scenic restriction, or open-space easement.
 - b. One or more of the contiguous parcels or units of land is timberland or is land devoted to an agricultural use.
 - c. One or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made with a use permit issued by the City.
 - d. One or more of the contiguous parcels or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral extraction has been issued by the City.

9.10.100 Request for Determination by Owner

Upon written application made by the owner, the Community Development Director shall make a determination that the affected parcels have merged or are to be unmerged. If the Community Development Director determines that the parcels have not merged, the owner shall be so notified. If the Community Development Director determines that the parcels have merged and that they meet the requirements for unmerger in Section 9.10.90, a notice of status shall be issued to the owner and recorded which shall identify each parcel and declare that they are unmerged. If the Community Development Director determines that the parcels have merged and do not meet the requirements in Section 9.10.90, a notice of merger specifying the record owner and a description of the parcel shall be issued to the owner and recorded.

9.10.110 Fee for Mergers and Unmergers

The fee for processing by the City shall be in accordance with the City's resolution establishing fees and charges.



Chapter 9.11 Corrections and Amendments to Filed Maps

9.11.10 Purpose of this Chapter

The purpose of this Chapter is to establish the procedures for corrections and amendments to filed Final or Parcel Maps.

9.11.20 Requirements

A recorded Final or Parcel Map may be amended by a certificate of correction or an amending map for 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 there from;
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, replacement or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments; or
5. To show the proper location of any monument that has been changed with respect to location, or character, or originally was shown at the wrong location or incorrectly as to its character.
6. To correct any other type of map error or omission as approved by the Community Development Director, which does not affect any property right. Errors and omissions may include, but are not limited to, lots and numbers, acreage, street names and identification of adjacent record maps. Error does not include changes in courses or distances from which an error is not ascertainable from the data shown on the Final or Parcel Map.
7. To make modifications when there are changes which make any or all of the conditions of the map no longer appropriate or necessary and that such modifications do not impose any additional burden on the present fee owner of the property, and if such modifications do not alter any right, title or interest in the real property reflected on the recorded map. The modification shall be set for public hearing by the Community Development Director or Planning Commission according to Section 9.4.30.H. The Community Development Director or Planning Commission shall confine the hearing to consideration of, and action on, the proposed modification.

9.11.30 Form and Contents

The form and contents of an amending map shall be prepared by a Registered Civil Engineer or Licensed Land Surveyor and conform to the requirements of Section 9.6.20 if a Final Map, or Section 9.3.20 if a Parcel Map. The 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.

9.11.40 Submittal and Approval by the Community Development Director

The amending map or certificate of correction, complete as to Final form, shall be submitted to the Community Development Director for review and approval. The Community Development Director shall examine the amending map or certificate of correction and if the only changes made are those in Section 9.11.20, above, this fact shall be certified on the amending map or certificate of correction.



9.11.50 Filing with the County Recorder

The amending map or certificate of correction certified by the Community Development Director shall be filed in the office of the County Recorder in which the original map was filed. Upon such filing, 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. The original map shall be deemed to have been conclusively so corrected and shall impart constructive notice of all the corrections in the same manner as though set forth upon the original map.

9.11.60 Fee

The fee for checking, processing and recording the amended map or certificate of correction shall be in accordance with the City's resolution establishing fees and charges. A deposit to be applied toward this fee may be required by the Community Development Director upon submittal of the amended map or certificate of correction for his or her review.



Chapter 9.12 Enforcement of Subdivision Article Provisions

9.12.10 Purpose of this Chapter

This Chapter sets forth the procedures for enforcing the provisions of this Article.

9.12.20 Prohibitions

The following prohibitions shall apply to this Article:

1. No person shall sell, lease, or finance any parcel or parcels of real property, or commence grading or construction of any building for sale, lease or financing except for model homes, or allow occupancy, for which a Final Map is required by this Article or the Subdivision Map Act, until a map, in full compliance with the provisions of this Article and the Subdivision Map Act, has been filed with the County Recorder for record.
2. No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease, or financing except for model homes, or allow occupancy, for which a Parcel Map is required by this Article or the Subdivision Map Act, until a map, in full compliance with the provisions of this Article and the Subdivision Map Act, has been filed for record by the Recorder.
3. Conveyances of any part of a division of real property for which a Final or Parcel Map is required shall not be made by parcel number, letter or other designation, unless and until the Final or Parcel Map has been filed for record with the County Recorder.
4. Subsections 1 through 3 do not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law regulating the design and improvement of subdivisions in effect at the time the subdivision was established.
5. Nothing in Subsections 1 and 2 shall prohibit an offer or contract to sell, lease or finance real property or to construct improvements where the sale, lease or financing, or the commencement of construction, is expressly conditioned upon the approval and filing of a Final or Parcel Map.

9.12.30 Remedies

1. Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of this Article or the Subdivision Map Act, is voidable at the sole option of the grantee, buyer or person contracting to purchase, any heir, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation. The deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or devisee.
2. Any grantee, or successor in interest, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this Article or the Subdivision Map Act may, within one year of the date of discovery of such violation, bring an action in the Superior Court to recover any damages suffered by reason of the division of property. The action may be brought against the person who divided the property in violation and against any successors in interest who have actual or constructive knowledge of such division of property.



3. The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed pursuant to Section 9.13.40 or identified in a recorded Final or Parcel Map, from and after the date of recording. The provisions of this section shall not limit or affect in any way the rights of a grantee or successor in interest under any other provision of law.
4. This section does not bar any legal, equitable or summary remedy to which the City or other public agency, or any person, firm or corporation may otherwise be entitled, and the City or other public agency, or any person, firm or corporation may file a suit in the superior court of Los Angeles County, to restrain or enjoin any attempted or proposed subdivision for sale, lease or financing in violation of this Article.
5. The City shall not issue a permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this Article or the Subdivision Map Act if it finds that development of the real property is contrary to the public health or the public safety. The authority to deny a permit or approval shall apply whether the applicant was the owner of the real property at the time of the violation or whether the applicant is the current owner of the real property, with or without actual or constructive knowledge of the violation at the time of the acquisition of interest in the real property. The City, in issuing a permit or granting approval for the development of any real property illegally subdivided, may impose those additional conditions that would have been applicable to the division of the property at the time the current owner of record acquired the property. If the property has the same owner of record as at the time of the initial violation, the City may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for record, only those conditions stipulated therein shall be applicable.

9.12.40 Certificate of Compliance

1. Any person owning real property may request the Community Development Director to determine whether the real property complies with the provisions of this Article and the Subdivision Map Act.
2. Upon making a determination that the real property complies with this Article and the Subdivision Map Act, the Community Development Director shall cause a certificate of compliance to be filed for record with the County Recorder. The certificate of compliance shall identify the real property and shall state that the division of land complies with the Subdivision Map Act and this Article.
3. If the Community Development Director determines that the real property does not comply with the provisions of the Municipal Code or Subdivision Map Act, the Community Development Director may, as a condition to granting a certificate of compliance, impose conditions according to Section 9.12.30.5. Upon making a determination and establishing conditions, the Community Development Director shall file a conditional certificate of compliance for record with the County Recorder. The certificate shall serve as notice to the property owner who has applied for the certificate, a grantee of the property owner, or any subsequent transferee or assignee of the property, that the fulfillment and implementation of the conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with the conditions shall not be required until a permit or other grant of approval for development of the property is issued.
4. A recorded Final or Parcel Map shall constitute a certificate of compliance with respect to the parcels of real property described therein.



5. For the purposes of administration of this section, any parcel which conforms to the Zoning Ordinance and was shown on the County Assessor's maps as a separate parcel prior to 1978 shall be considered as a conforming parcel.
6. A fee to be charged at actual cost shall be charged to the applicant for making the determination and processing the certificate of compliance. A deposit may be required to be applied toward this fee.

9.12.50 Notice of Violation

If the Community Development Director or authorized representative has knowledge that real property has been divided in violation of the provisions of this Article or the Subdivision Map Act, a notice of intention to record a notice of violation shall be mailed by first class mail to the current owner of record. The notice shall describe the property in detail, name the owner, describe the violation(s) and state that the owner will be given opportunity to present evidence. The notice shall specify the date, time and place for a meeting at which the owner may present evidence to the Community Development Director why a notice of violation should not be recorded. The meeting shall be held no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing.

If, within fifteen (15) days of receipt of the notice, the owner fails to notify the Community Development Director of his or her objection to the recording of the notice of violation, the Community Development Director shall record it. If, after the owner presents evidence, the Community Development Director determines that the property has in fact been illegally divided, the Community Development Director shall record the notice of violation with the County Recorder. If, after the owner presents evidence, the Community Development Director determines that there has been no violation, the Community Development Director shall mail a clearance letter to the owner. The notice of violation, when recorded, shall be constructive notice of the violation to all successors in interest in the property.

9.12.60 Penalties

Each violation of this Article by a person who is the subdivider or an owner of record, at the time of the violation of property involved in the violation shall be punishable by imprisonment in the county jail not exceeding one year or in the state prison, by a fine not exceeding ten thousand dollars (\$10,000), or by both that fine and imprisonment. The City may alternatively, in its discretion, charge such a violation as a misdemeanor. Every other violation of this Article is a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Article shall be punishable by imprisonment in the county jail not exceeding six (6) months or by fine not exceeding one thousand dollars (\$1,000) or by both. Except as otherwise provided in this Article, each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Article is committed, continued or permitted by such person and shall be punishable accordingly.

9.12.70 Judicial Action

Any action or proceeding to attack, review, set aside, void or annul the decision of the Community Development Director, Planning Commission or City Council concerning a subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless the action or proceeding is commenced and service of summons effected within 90 days after the date of the decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of the decision or of the proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court except criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings.