

ORDINANCE NO. 1369

AN ORDINANCE OF THE CITY OF CHULA VISTA, AMENDING CHAPTER 28 OF THE CHULA VISTA CITY CODE BY REPEALING SECTIONS 28.1 THROUGH 28.12, AND SUBSTITUTING THEREFOR NEW SECTIONS 28.101 THROUGH 28.1201, ALL RELATING TO THE REGULATION OF SUBDIVISIONS IN THE CITY OF CHULA VISTA

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Sections 28.1 through 28.12 of the Chula Vista City Code be, and the same are hereby repealed.

SECTION II: That Chapter 28 of the Chula Vista City Code be, and the same is hereby established by substituting therefor new Sections 28.101 through 28.1201, to read as follows:

CHAPTER 28. SUBDIVISION OF LAND.

ARTICLE I. GENERAL PROVISIONS.

Sec. 28.101. Authority.

This ordinance is enacted pursuant to the authority granted by Section 11506 of the Business and Professions Code of the State of California and in accordance with the limitations of Section II of Article XI of the Constitution of the State of California, the general laws of the State of California and Section 11500 et seq. of the Business and Professions Code of the State of California known as the Subdivision Map Act. The provisions of this ordinance are in addition to the regulations of said Subdivision Map Act and are supplemental thereto consistent with and not in conflict with the provisions of said Act.

Sec. 28.102. Purpose and Intent.

The purpose of this chapter and any rules, regulations, standards or specifications adopted pursuant thereto, is to control and regulate the division or consolidation of land within the City of Chula Vista as well as such land as may be hereafter annexed to the City of Chula Vista and to provide for a clear and expeditious procedure for this purpose. Said rules and regulations adopted pursuant to this chapter as well as the regulations contained herein shall be applicable to the resubdivision of land or the alteration of the size and shape of any existing parcel of records. It is the specific intent of the City Council to establish by local ordinance requirements for the recordation of a final subdivision map when land is to be divided into five (5) or more parcels, or a parcel map where land is to be divided into less than five (5) parcels in conformity with the authorization of the State Subdivision Map Act, with the exception of those divisions of land as set forth herein. It is further the purpose of these regulations to require the subdivider to properly install streets and drains in accordance with the provisions of the State Subdivision Map Act and the standards and specifications adopted by the City of Chula Vista: to require the subdivider to do the original work of placing the

streets in a proper condition before the maintenance thereof is taken over by the City and to relieve the taxpayers of the City to this extent of the burden that would otherwise exist: to provide for the regulation and control of the design and improvement of a subdivision with a proper consideration of its relation to adjoining areas and the effect said subdivision would have on such areas: to require the establishment of open spaces and recreational areas in accordance with rules and regulations that presently exist or may hereafter be adopted: to provide for the designation and acquisition of sites for necessary public facilities to serve residential areas that are developed as the result of the subdivision of land: and to prevent fraud and exploitation in the sale of subdivisions or parts thereof in the interests of protecting the public which has been declared to be the public policy of the State of California.

Sec. 28.103. Definitions of Words and Phrases.

Whenever any words or phrases used in this chapter are not defined herein but are defined in the Business and Professions Code of the State of California, or in the Zoning Ordinance of the City of Chula Vista, such definitions are incorporated herein and shall apply to such words and phrases used herein as though set forth herein in full, unless the context clearly indicates a contrary intention.

"Alley" shall mean a street providing only secondary access to abutting property.

"Block" shall mean an area of land within a subdivision which area is entirely bounded by streets, highways, ways, except alleys, or the exterior boundary or boundaries of the subdivision.

"City Manager" shall mean the City Manager of the City of Chula Vista or his duly authorized representative.

"Commission" shall mean the Planning Commission of the City of Chula Vista.

"Council" shall mean the City Council of the City of Chula Vista.

"Cul-de-sac" shall mean a street open at one end only, and providing at the other end special facilities for the turning around of vehicular traffic.

"Director of Planning" shall mean the Director of Planning of the City of Chula Vista or his authorized representative.

"Director of Public Works" shall mean the Director of Public Works of the City of Chula Vista or his duly authorized representative.

"Final Subdivision Map" shall mean a map prepared in accordance with the provisions of this ordinance and the Subdivision Map Act of the State of California, which map is designed to be placed on record in the Office of the San Diego County Recorder.

"Freeway", "Major Road" and "Collector Road" shall mean any vehicular route so designated on the General Plan and shall be for the purpose of collecting and carrying large volumes of traffic.

"Frontage Road" shall mean a street contiguous to a freeway, major road, or collector road, separated therefrom by a dividing strip and providing access to abutting property.

"General Plan" shall mean the General Plan of the City of Chula Vista, adopted September 22, 1964, and any amendments thereto.

"Lot" shall mean a recorded parcel or portion of land separated from other parcels or portions by description, as on a subdivision map, record of survey map, parcel map, or by metes and bounds for purpose of sale, lease or separate use as of the effective date of this ordinance or as subsequently created in accordance with this ordinance. The term "lot" shall further include any parcel which, at the time of annexation to the City of Chula Vista, is a parcel of record.

"Major Subdivision" shall mean any real property, improved or unimproved, or portion thereof shown on the latest adopted San Diego County tax roll as a unit or as contiguous units which is divided for the purpose of sale, lease or financing, whether immediate or future, by any subdivider, into five (5) or more parcels. Any division made solely for the purpose of street widening shall not be a subdivision, nor shall any land given under eminent domain proceedings or threat thereof.

"Map Act" shall mean the Subdivision Map Act of the State of California.

"Minor Subdivision" shall mean any real property, improved or unimproved, or portion thereof shown on the latest adopted San Diego County tax roll as a unit or as contiguous units which is divided for the purpose of sale, lease or financing, whether immediate or future, by any subdivider, into four (4) or less parcels, or the division of land into any number of parcels where the following conditions prevail:

1. The whole parcel before division contains less than five (5) acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

2. Any parcel or parcels divided into lots or parcels, each of a gross area of twenty (20) acres or more, and each of which has an approved access to a maintained public street or highway.

3. Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the City as to street alignments and widths.

4. Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger.

"Parcel Map" shall mean a map and/or the process of dividing or consolidating land under the conditions set forth in Article 4 of this chapter for the purpose of sale, lease, transfer or financing, whether immediate or future, by any person.

"Preliminary Parcel Map" shall mean a map made for the purpose of showing the design of a proposed parcel map and the existing conditions in and around it, and need not be based upon a detailed survey of the property.

"Residential Collector Street" shall mean a street, intermediate in importance between a residential street and a collector road and which has the purpose of collecting traffic from local streets and carrying it to a major road.

"Residential Street" and "Industrial Service Street" shall mean a street intended wholly or principally for local traffic, or service to abutting property.

"Standard Specifications" shall mean standard specifications and standard drawings prepared by the Director of Public Works and approved by resolution of the City Council of the City of Chula Vista.

"Subdivider" shall mean any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this ordinance, to cause land to be divided into a subdivision for himself or for another and while used here in masculine gender and singular number, it shall be deemed to mean and include the feminine or neuter gender and plural number whenever required.

"Subdivider's Engineer" shall mean any individual or firm retained by the Subdivider, and who is duly qualified to perform the duties of the engineer of work.

"Subdivision" shall mean any real property, improved or unimproved, divided into two (2) or more parcels either as a major or a minor subdivision as defined herein, provided, however, that "subdivision" shall not include the financing or leasing of apartments, offices, stores or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall the word "subdivision" apply to mineral, oil or gas leases. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for computing the number of parcels to define a major or minor subdivision.

"Subdivision Manual" shall mean the manual of procedure entitled "Subdivision Manual" pertaining to the division or consolidation of land as prepared by the Director of Public Works and approved by resolution of the City Council of the City of Chula Vista, including amendments to said manual which may be made from time to time.

"Tentative Subdivision" shall mean a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it, and need not be based upon a detailed final survey of the property.

"Usable Park Land" shall mean land which meets the following minimum requirements and is determined to be acceptable by the Director of Parks and Recreation:

1. Graded in conformance with a plan approved by the City of Chula Vista.
2. All street improvements installed, or bonded for.
3. Turf and/or turf and D.G.
4. All utilities required by the City, extended to the property line.
5. One (1) tree per 1000 sq. ft. of land area.
6. Irrigation system.

Sec. 28.104. General Criteria for the Division and Development of Land Pursuant to this Chapter.

The subdivider shall adhere to the following criteria in the preparation of a subdivision map or a parcel map for the division of land, as more specifically defined in this chapter or other provisions of the City Code of the City of Chula Vista.

1. *General Plan and Zoning Ordinance.* The General Plan of the City of Chula Vista, as presently adopted or as it may hereafter be amended, is accepted as a guide for the use of all land within the boundaries of the City of Chula Vista and for those properties located in the unincorporated area wherein land use is defined in said General Plan. All land shall be subdivided and developed in accordance with the provisions and regulations of the comprehensive Zoning Ordinance of the City of Chula Vista as it may be applied to the property subject to subdivision at the time of the filing of a subdivision map, or in accordance with such zoning as may later be applied to the property as a condition of a zoning ordinance incorporating land into a particular zone subject to the filing of a subdivision map.

2. *Design and Alignment of Streets.* In designing and aligning streets within the subdivision, consideration shall be given to the previously established street and highway network contiguous to the proposed subdivision, the effect of the extension of said streets and alignment thereof in undeveloped land surrounding the subdivision, provision for uniformity of street widths, and for the total program of properly relating street alignments and street names. Preservation of the privacy and safety of streets in residential areas shall be encouraged by the minimizing of through traffic in such areas. The number of intersections on through streets and highways shall be reduced to a minimum consistent with the basic needs of ingress and egress while insuring adequate access to all areas. Intersections shall be so designed to provide for the greatest safety both for pedestrians and motorists.

Provision shall be made for assuring adequate light, air and privacy on all parcels of property, regardless of the land use. The trees, topography and other natural cover of the land shall be respected, and streets shall be designed so as to prevent excessive grading and scarring of the landscape.

3. *Providing Community Facilities Necessitated by the Subdivision and Development of Land.* The subdivision procedures contained in this chapter and other requirements and regulations adopted by ordinance and incorporated in this Code or by resolution of the City Council shall provide necessary land and development thereof for parks, open space, schools, playgrounds and other required public facilities serving said subdivision. This chapter establishes procedures for the referral of proposed subdivision maps to those boards, bureaus and other governmental agencies and utility companies, both public and private, so that the extension of community facilities and utilities may be accomplished in an orderly manner coincident with a subdivision of land and in accordance with such standards as may be adopted in the General Plan for the City. In order to facilitate the acquisition of land areas required to implement this policy, the Planning Commission may recommend that land be reserved by the subdivider for a certain period of time and subject to such conditions as prescribed herein, to permit the acquisition by the appropriate public agency of said land for open space, parks, playgrounds and schools and other public purposes. The Council may, under such conditions and circumstances as provided in this Code, require that land be dedicated or fees be levied to accomplish this purpose.

Sec. 28.105. Subdivision Processing; General Responsibilities.

1. *Subdivider.* The subdivider shall prepare maps consistent with the design standards contained herein and accomplish improvements consistent with the improvement standards of the City of Chula Vista and shall process said maps in accordance with the regulations set forth herein. Subdivider shall fully cooperate in the provision and development of areas for required public facilities.

2. *Director of Planning.* The Director of Planning shall stamp on the map the date and time received and be responsible for the review, the expeditious processing and analysis of the planning aspect of tentative maps and prompt referral thereof to other governmental boards, bureaus and agencies and affected utility companies, both public and private.

3. *Director of Public Works.* The Director of Public Works shall be responsible for acknowledging receipt of final maps and reporting to the City Council as to whether the proposed improvements are consistent with the regulations contained herein and shall recommend or conditionally recommend to the City Council the acceptance of all such improvements.

4. *Planning Commission.* The Planning Commission shall act as the "advisory agency" to the City Council, and is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions and the conformance of such subdivisions with the General Plan and this chapter. The Planning Commission shall report its actions and recommendations concerning the tentative map to the Council and the subdivider. The Council shall act thereon and report its action to the subdivider.

Sec. 28.106. Filing of Maps Required.

The subdivider of land shall file a tentative map in the case of a major subdivision, or a preliminary parcel map in the case of a minor subdivision, with the Planning Department and, as provided in this chapter, shall procure the recordation respectively of a final subdivision map or a parcel map with the County Recorder which shall, in all respects, be in full compliance with the provisions of this Code.

Sec. 28.107. Voidability of Deeds or Contracts Violating Chapter.

Any deed of conveyance, sale or contract to sell made contrary to the provisions of this chapter is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one (1) year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee 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.

Sec. 28.108. Failure to Comply; Illegal Division of Land.

Those parcels of land which are subdivided contrary to the provisions of this chapter shall not constitute legal building sites and no permit shall be issued for the installation of fixtures or equipment or for the erection, construction, conversion, establishment, alteration or enlargement of any building, structure or improvement thereon unless and until a map as required by Section 28.106 herein shall have been filed, approved in accordance with the requirements of this chapter, and recorded, and any person who subdivides or causes to be subdivided land without complying in all respects with the provisions of this chapter shall be subject to prosecution for a misdemeanor as defined hereinafter.

Any offer to sell, contract to sell, sale or deed of conveyance made contrary to the provisions of this chapter is a misdemeanor, and any person, firm or corporation, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00), or imprisonment in the County jail for a period of not more than six (6) months, or by both such fine and imprisonment.

Sec. 28.109. Filing Map Subsequent to Division;
Subdivisions Outside the City.

1. The purchaser, or his successor in interest, of a lot which is the result of a division of land that did not comply with the provisions of this article may file a subdivision or parcel map as required in Sections 28.106 and 28.108 herein, which shall comply in all respects with the provisions of this article.

2. All plats of property situated outside the corporate limits which require action by the Commission and the Director of Public Works prior to annexation shall comply with the foregoing regulations insofar as applicable, subject to the limitations of Section 11531 of the Subdivision Map Act of the State of California.

Sec. 28.110. Restraint of Subdivision or Sale in
Violation of this Article.

The City or any person, firm or corporation may file a suit in the Superior Court to restrain or enjoin any attempted or proposed subdivision or sale in violation of this article pursuant to the authority of Section 11542 of the Subdivision Map Act of the State of California.

Sec. 28.111. Severability; Existing Law Continued.

1. If any section, subsection, paragraph, sub-paragraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the constitutionality of the remaining portions of this chapter, and the City Council of the City does hereby expressly declare that this chapter and each section, subsection, paragraph, sub-paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more of such sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

2. The provisions of this chapter, insofar as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

ARTICLE 2. TENTATIVE MAP.

Sec. 28.201. Filing.

Each subdivider of either a major or a minor subdivision shall file with the Planning Department such number of copies of the tentative map as may be required in the Subdivision Manual. The Planning Department shall make available to the subdivider or his representative a copy of the Subdivision Manual and such other instruction sheets providing information relative to the preparation of said tentative map. The time of filing of a tentative map shall be construed to be the time at which the same, together with the required data, is received in the Office of the Director of Planning, who shall indicate the date of filing upon all copies of the tentative map and accompanying data. Two (2) copies of a preliminary title report on the property to be subdivided shall accompany the tentative map. The tentative map shall depict the property proposed to be subdivided and shall further depict all lands in or under option to the subdivider and/or the owner of the property proposed to be subdivided.

Sec. 28.202. Fees.

Fees shall be paid in accordance with Section 28.802 of this chapter.

Sec. 28.203. Preparation.

The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a civil engineer registered in the State of California.

Sec. 28.204. Compliance with Subdivision Manual.

The tentative map shall be drawn to such size and scale and contain such information as set forth in the Subdivision Manual.

Sec. 28.205. Procedure; Generally.

1. *Director of Planning.* Within two (2) working days of filing of a tentative subdivision map, the Director of Planning shall transmit the requested number of copies of said map together with accompanying data to such public agencies and public and private

utilities as may be concerned. Each of the public agencies and utilities may, within ten (10) days after the map has been received by such agency, forward to the Commission a written report of its findings and recommendations thereon. Within fourteen (14) days after submission, the Director of Planning will hold a conference on the tentative map with the subdivider and the Subdivision and Development Committee.

2. *Subdivision and Development Committee.* The Subdivision and Development Committee shall consist of the Director of Planning or designated members of his staff and the Director of Public Works or designated members of his staff. Said Committee shall make such recommendations to the subdivider as seem proper regarding such tentative map, and shall recommend consultations by the subdivider with such organizations, including public and private utilities as it shall designate and shall report its conclusions and findings to the subdivider within seven (7) days of said conference. This procedure is not required in the processing of a parcel map. However, consultation with the Director of Planning prior to the preparation of a preliminary parcel map is recommended.

3. *Director of Public Works.* The Director of Public Works shall prepare a written report of recommendations on the tentative map in relation to the requirements of this chapter and other applicable regulations of the City or public and private utilities and shall submit the same to the Planning Commission within twenty-one (21) days after receipt of the map.

4. *Planning Commission.* The Planning Commission shall consider the tentative map as submitted by the subdivider together with the recommendations prepared by the Director of Public Works and the Director of Planning. The Director of Planning may, with a minimum of three (3) working days notice, require that all or any part of the boundaries and/or streets of a proposed subdivision be flagged at the site to facilitate any field review of the Planning Commission. The Planning Commission shall report, in writing, on the map of any subdivision submitted to it within fifty (50) days after the tentative map has been filed and the report shall recommend approval, conditional approval or disapproval. The number, size and configuration of lots to be created and the alignment and width of streets and easements shall be clearly depicted upon the tentative map prior to approval by the Planning Commission. Conditions to make the map approvable which involve modifications to lots in terms of number, size or configuration, or to streets in terms of alignment or width may be set forth by the Commission for the guidance of the subdivider. However, when such conditions are substantial, the committee may require that these changes be incorporated upon a revised tentative map and returned to the Director of Planning who shall have the authority to approve the revised tentative map on behalf of the Planning Commission if the map is clearly in conformity with the conditions established by the Commission. The Director of Planning may, at his discretion, require that the revised map be submitted to the Commission for approval in any instance where the map is not clearly in conformity with such conditions.

5. *City Council.* Within ten (10) days or at its next regularly scheduled meeting after receipt of the report of the Planning Commission on the map, the City Council shall act thereon. If the City Council finds that the proposed map complies with the requirements of this chapter, it shall approve the map. If the Council finds that the proposed map does not meet the requirements of this chapter, it shall conditionally approve or disapprove said map.

6. *Public Hearing.* If the Subdivision and Development Committee shall determine that a tentative map is possessed of sufficient public or community interest to justify the holding of a public hearing by the Commission prior to action being taken on the map, it may request the Director of Planning to set such hearing before the Planning Commission. In the event that a public hearing is held, notice shall be mailed to the subdivider and to the owners of all property within three hundred feet (300') of the exterior boundaries of the property involved at least ten (10) days prior to the date of the hearing. The last known name and address of each owner as shown on the records of the County Assessor may be used for the aforementioned notice.

7. *City Clerk.* The City Clerk shall notify the subdivider, in writing, of the action taken by the City Council.

Sec. 28.206. Suspension of Requirements; Variance.

In approving a tentative map, the Planning Commission or Council may grant a suspension of any of the subdivision requirements set forth or referred to in this Code, except underground facilities which may be waived only by the City Council; provided such suspensions are not inconsistent with State law. A variance from the lot area, frontage, width, depth and front yard or setback requirements of the various zones set forth in this Code may also be granted by the Commission or the Council. Any such suspension or variance shall be based upon a sufficient showing that there are special circumstances or conditions affecting the property in question and that such suspension or variance, if granted, will not be materially detrimental to the general welfare of adjacent persons or property, and such other findings for suspension or variance as may be required in other sections of this Code. If such suspension or variance is requested, a public hearing shall be conducted as provided in this article.

Sec. 28.207. Retention in Files.

One (1) copy of the map and accompanying data, together with the Planning Commission's report and a record of the City Council's action with conditions of approval, if any, shall be filed in the Office of the City Clerk and retained until recordation of the final map or maps encompassing the total area included in the tentative map.

Sec. 28.208. Extension of Time.

Upon written application of the subdivider made within eighteen (18) months of the approval or conditional approval of the tentative map, the Commission or Council may grant an extension of time not exceeding two (2) years for filing of the final map. The application shall be filed sufficiently in advance of the expiration date to permit inclusion upon the Commission or Council agenda, and Commission or Council action prior to such expiration date. At the time of consideration by the Council of the extension of the approval or conditional approval of the tentative map, the Council shall hear the testimony of the subdivider or any witnesses in his behalf and the testimony of the representatives of the Subdivision and Development Committee or any other witnesses. Upon conclusion of the hearing or the time of consideration, unless the subdivider and Council mutually agree that additional time is needed for consideration, the Council shall, within seven (7) days, declare its findings based on the testimony and documents placed before it.

ARTICLE 3. FINAL MAP.

Sec. 28.301. Filing.

Within eighteen (18) months after approval of the tentative map, or an extension of said approval, the subdivider may cause the subdivision or any unit thereof shown in the tentative map to be surveyed and a final map thereof prepared by a registered civil engineer or licensed surveyor, in conformation with the tentative map as approved or conditionally approved and with the requirements set forth in this article. Six (6) blue line or black line prints of the final map and such other copies as may be required for checking and approval shall be submitted to the Director of Public Works, together with a checking fee as set forth in Section 28.802 of this chapter.

Sec. 28.302. Documents to be Filed with Map.

At the time of submitting the final map to the Director of Public Works, the subdivider shall submit therewith the documents listed herein. The final map shall not be considered as filed until all documents listed are completed and submitted except as specifically noted.

1. *Closures.* Closures of the various lots and blocks in number and in form approved by the Director of Public Works shall accompany a closure of the subdivision boundary.

2. *Grading Plans.* Detailed plans, soil reports, geologic reports and other data if required under the Grading Ordinance of the City.

3. *Improvement Plans.* Detailed plans, cross-sections, profiles and specifications in the number specified by the

Director of Public Works of the improvements to be installed as required by the provisions of this chapter and by the standard specifications, and of all other improvements proposed to be installed by the subdivider in, on, over, or under any street right-of-way, easement or parcel of land dedicated by the map or previously dedicated. All such plans shall be prepared in accordance with the requirements of the Director of Public Works.

4. *Design Data.* Complete design data, assumptions and computations, in accordance with sound engineering practice, shall be submitted to substantiate hydraulic and structural designs.

5. *Report and Guarantee of Clear Title.* The final map shall be accompanied by a report prepared by a duly authorized title company, naming the persons whose consent is necessary to the preparation and recordation of said map and to the dedication of the streets, alleys and other public places shown on the map and certifying that, as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to said subdivision.

6. *Title Sheet.* The title sheet may be submitted no less than ten (10) days prior to City Council consideration of the final map.

7. *Engineer's Estimate.* The subdivider's engineer's estimate shall be submitted following the initial review of the final map and improvement plans by the City.

Sec. 28.303. Agreement and Security Instruments.

The Subdivision Improvement Agreement and security instruments, as set forth in Section 28.312 of this article, shall be fully executed and submitted for the approval of the City Attorney at least eight (8) days prior to City Council consideration of the final map.

Sec. 28.304. Deeds and Easements.

Deeds for one foot (1') control lots and easements for the installation of off-site public improvements shall be submitted in duplicate in fully executed form at least eleven (11) days prior to Council consideration of the final map. Deeds for one foot (1') control lots shall leave sufficient space in legal description for insertion of the appropriate record map number following recordation of the subject map.

Sec. 28.305. Certificate Regarding Tax Lien.

Prior to the filing of the final map with the Council, the subdivider shall file the certificates and documents set forth in Article 8 of the State Subdivision Map Act or any amendments thereto relating to taxes and assessments.

Sec. 28.306. Engineer's Estimate of Improvement Costs.

The subdivider's engineer's estimate of improvement costs shall include all public improvements within and immediately adjacent to the proposed subdivision and shall include all grading and slope planting costs unless such work is to be performed under separate grading permit.

Sec. 28.307. Approval by Director of Public Works.

Upon receipt of the final map and other data submitted therewith, the Director of Public Works shall refer said map and data to the appropriate departments, who shall examine them to determine:

1. That the subdivision as shown is substantially the same as it appeared on the approved tentative map, and any approved alterations thereof;
2. That all provisions of law and of this chapter applicable at the time of approval of the tentative map have been complied with; and
3. That the map is technically correct.

If the Director of Public Works, upon review of reports by other departments, so determines the above criteria, he shall certify thereto on said map. If the Director of Public Works does not so determine, he shall advise the subdivider of the changes or additions necessary to enable him to make such determination, and shall afford the subdivider an opportunity to make such changes or additions. The Director of Public Works shall submit his report to the City Council within twenty (20) days following the submission of the final map and accompanying documents by the subdivider. Said report shall be considered as submitted when the same has been filed with the City Clerk.

Sec. 28.308. Approval by City Council.

In the event that all improvements required or conditions imposed as conditions of approval under the provisions of this chapter or by law are not completed before the filing of the final map, the Council shall enter into

an agreement for the installation of improvements with the subdivider. In such case, when the agreement and bond, deposit or instrument of credit have been approved by the City Attorney as to form and by the Director of Public Works as to sufficiency, the Council may consider the final map. All signatures except those of the City Clerk, City Attorney, Title Company, Clerk of the Board of Supervisors and the County Recorder shall be affixed to the title sheet at least eight (8) days prior to Council consideration of the final map. The abstract of title certificate may be executed at any time prior to Council consideration of the final map. The bond and agreement provided for in the preceding section shall be filed with the City Clerk within sixty (60) days from date of approval and acceptance of the final map. If compliance is not so had, then the Council approval shall be automatically void and a final map must be resubmitted to the City Council.

The Council shall approve said map if it is determined to be in conformity with the requirements of this chapter and the conditions of approval of the tentative map. If it is not in conformity, it shall be disapproved, and the Council shall advise the subdivider of its disapproval and the reason or reasons therefor. The City Council shall take action as provided herein within ten (10) days or at its next meeting following the submittal of the report by the Director of Public Works unless the time for taking action shall have been extended by mutual consent of the City Council and the subdivider.

Sec. 28.309. Action Following Council Approval.

Upon approval by the City Council of the final map, and receipt of the necessary recording fee, the City Clerk shall cause the map to be transmitted to the County Recorder. No final map shall have any force or effect, and no title to any property described in any offer of dedication thereon shall pass until recordation of the final map. The subdivider shall present to the Recorder evidence that, upon the date of recording as shown by public records, the parties consenting to the recordation of the map are all the parties having a record title interest in the land subdivided whose signatures are required by the provisions of Article 7 of the State Subdivision Map Act, otherwise the map will not be recorded.

Sec. 28.310. Preparation of the Final Map.

The final map shall conform in size, material, scale and content with the requirements as set forth in the Subdivision Manual.

Sec. 28.311. Monumentation.

Monumentation shall conform with the requirements as set forth in the Subdivision Manual. The map shall show fully and clearly what monuments have been or are to be set.

Sec. 28.312. Requirements Before Comencing Work on Public Improvements.

Prior to any construction of improvements and/or land development required, the subdivider shall have complied with and performed the following requirements:

A. *Plans and Specifications.* Subdivider shall file with the Director of Public Works detailed plans and specifications for all public improvements or land development together with a detailed cost estimate approved by the Director of Public Works and an estimate of time reasonably necessary to complete the same. In addition, the subdivider may be required to file detailed soil reports which shall be approved by the Director of Public Works prior to commencement of any work.

B. *Improvement Agreement.* Subdivider shall enter into a contract with the City of Chula Vista to make, install and complete within the time fixed but in no case more than two (2) years from the date of execution of said contract, all improvements and/or land development in accordance with approved plans.

C. *Security Arrangements for Completion of Improvements.* The subdivider shall file surety to guarantee completion of improvements with the improvement agreement as follows:

1. *Bonds.* All bonds shall be executed by a surety company authorized to transact a surety business in California, and shall be approved as to form by the City Attorney, and shall include:

(a) A faithful performance bond in an amount deemed sufficient by the Director of Public Works to cover up to fifty percent (50%) of the total cost of all required on-site and adjacent off-site improvements including twenty-five percent (25%) of grading and slope planting expenses as applicable.

(b) A labor and material bond in a like amount.

(c) A monumentation bond in an amount stipulated by the subdivider's engineer to cover the cost of placing lot corners and other related monuments. Said bond shall be drawn and utilized in conformity with Section 11592 of the Business and Professions Code of the State of California.

2. *Cash Deposits.* In lieu of the faithful performance and labor and material bonds, the subdivider may submit cash deposits under the conditions hereinafter described. Total cash deposit surety shall contain:

(a) A faithful performance cash deposit in an amount deemed sufficient by the Director of Public Works to cover fifty percent (50%) of the total cost of all required on-site and adjacent off-site improvements including twenty-five percent (25%) of grading and slope planting expenses as applicable.

(b) A labor and material cash deposit in a like amount.

(c) A monumentation cash deposit in an amount stipulated by the engineer of work to cover the cost of placing lot corners and other related monuments. The agreement relative to a cash deposit for monumentation purposes shall be drawn and utilized in conformity with Section 11592 of the Business and Professions Code.

Disbursements from cash deposits shall be made in accordance with separate agreement between the subdivider and the City. A bookkeeping fee of one percent (1%) of the total amount deposited with the City for each cash deposit bond shall be submitted with each such bond. Disbursements from a cash deposit filed with an approved escrow agency shall be made in accordance with separate agreement between the subdivider and the City. Disbursements from a cash deposit in any instance shall not be permitted unless and until authorized in writing by both the subdivider and the Director of Public Works.

3. *Instruments of Credit.* In lieu of the faithful performance and labor and material bonds or cash deposits, the subdivider may submit instruments of credit under the conditions hereinafter described. Such instruments of credit shall be issued by a financial institution subject to regulation by the state or federal government in a form and content as approved by the City Attorney, and shall pledge that the funds necessary to meet the performance are on deposit and guaranteed for payment and agree that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument. An instrument of credit shall be accompanied by a current statement of assets and a resolution of the Board of Directors of the responsible organization authorizing the issuance and the amount of the letter. An instrument of credit shall be accompanied by a statement setting forth the date upon which the responsible organization was established. Instruments of credit shall provide surety as follows:

(a) A faithful performance surety in an amount deemed sufficient by the Director of Public Works to cover fifty percent (50%) of the total cost of all on-site and adjacent off-site improvements, including twenty-five percent (25%) of grading and slope planting expenses as applicable.

(b) A labor and material surety in a like amount.

(c) A monumentation surety in an amount stipulated by the engineer of work to cover the cost of placing lot corners and other related monuments. Such surety shall be drawn and utilized in conformity with Section 11592 of the Business and Professions Code.

4. *Endorsement of Certificates.* The City Clerk and City Attorney shall not endorse or sign their respective certificates contained on the final map unless and until improvement security as hereinabove specified has been posted.

5. *Applicability to Parcel Maps.* The bond requirements stipulated above are applicable to any parcel map for which the installation of any public improvements or grading is a condition of approval.

D. No final map shall be presented to the Council for acceptance until the requirements of this section have been approved and until all water, sewer or other charges established by the Council and pertaining to the property being subdivided have been paid.

Sec. 28.313. Special Permits Issued to do Work.

1. Should the subdivider desire to do certain work prior to entering into an agreement with the City of Chula Vista to install and complete all subdivision improvements and land development work, he may make an application to do so under a special permit. This application shall be accompanied by detailed plans describing the work which is proposed. The Director of Public Works may issue a special permit to the subdivider or his contractor upon application of the applicant, provided a bond has been posted in an amount which would assure the rehabilitation of the land, including grading and planting, in the event the subdivision map does not record. The performance bond and contractor's qualifications shall be as provided in this Code.

2. When the special permit is for all work required in connection with the subdivision and the work has been completed, the agreement as designated in Section 28.312 will not be required.

Sec. 28.314. Release of Improvement Security; Maintenance Bond.

1. *Progress Payments.* Progress payments may be made to the subdivider from any deposit money or instrument of credit which the subdivider may have made in lieu of providing a surety bond; provided, however, that no such progress payment shall be made for more than ninety percent (90%) of the value of any installment of work, and provided that the aggregate amount thus paid is not in excess of fifty percent (50%) of the total amount posted as improvement security. No progress payments from cash deposits shall be made except upon joint certification by the Director of Public Works and the subdivider that work covered thereby has been completed.

2. *Release of Surety.* Improvement security given for faithful performance of the agreement may be released upon recordation of the notice of completion for the work unless provision is made for partial release as work progresses under separate written agreement. The fifty percent (50%) labor and material bond shall be retained to secure payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or material for thirty-five (35) days after completion and acceptance of the work. Following such thirty-five (35) day period, this labor and material security may be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to the City.

3. *Forfeiture of Surety.* In the event the subdivider fails to complete all improvement work in accordance with the provisions of this chapter and the improvement agreement and the City shall have to complete same, the City shall call on the surety for reimbursement or shall appropriate from any cash deposit funds for reimbursement. If the amount of the surety bond, cash deposit or instrument of credit exceeds all costs and expenses incurred by the City, it shall release the remainder of such bond, cash deposit or instrument or credit, and if the amount of the surety bond, cash deposit or instrument of credit shall be less than the cost and expense incurred by the City, the subdivider shall be liable to the City for such difference.

4. *Maintenance Bond.* The subdivider shall guarantee all public improvements for a period of one (1) year from the date of final acceptance and shall correct any and all defects or deficiencies arising during said period as a result of the acts or omissions of the subdivider, his agents or employees. The subdivision guarantee shall be backed by a bond or cash deposit in the amount of fifteen percent (15%) of the surety posted for improvements. The City shall provide written notice of the defect or deficiency. In any instance where the subdivider fails to take action within the specified time, or when immediate action is required to protect the public health, safety and/or welfare, the City may cause the work to be performed and call on the surety for reimbursement. The maintenance bond shall be submitted prior to final acceptance by City.

ARTICLE 4. PRELIMINARY PARCEL MAP AND PARCEL MAP;
REQUIRED.

Sec. 28.401. Parcel Map; General Provisions.

The provisions contained herein shall require the subdivider of land to file a preliminary and final parcel map which shall, in all respects, be in full compliance with the provisions of this Code. The Director of Planning and the Director of Public Works are authorized to make all of the findings necessary and approve both the preliminary and final parcel map; provided, however, that any person has the right to appeal the decision on either map to the Planning Commission.

A. The parcel map procedure may be used to create a division or consolidation of land as defined herein, if the Director of Planning finds that one or more of the following circumstances of division or consolidation exist:

1. A division of a lot or parcel into not more than four (4) parcels, each of which complies with the minimum lot dimensions of the zone in which it is located, provided a determination has been made by the Director of Public Works that no public dedications or improvements are, or will be, needed at the time the map is to be filed.
2. A division of a lot into two (2) parts, the parts thus obtained to be used to increase the size of the adjoining lots.
3. Adjustment of the boundaries between two (2) lots.
4. Consolidation of lots or portions of lots into not more than four (4) parcels.
5. A consolidation of remnants of lots remaining after property is taken for public use, provided that the resulting parcel has a minimum lot area as established in the adopted Zoning Ordinance for the City of Chula Vista relating to the zone in which the lot is located.
6. A parcel of land divided into two (2) or more parcels, each having a gross area not less than twenty (20) nominal acres and each abutting upon an improved public street or highway.
7. A parcel of land divided into two (2) or more parcels each having a gross area of not less than forty (40) nominal acres.
8. Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial development, and which has the approval of the City Council as to street alignments and widths.

Lots referred to in paragraphs 1 through 5 of this subsection shall be lots as defined in Chapter 33 of this Code. No existing building or structure shall be made substandard in respect to yard or other zoning requirements specified in this Code nor shall any existing easement in favor of the public be rendered impractical by the creation of a parcel on a parcel map.

B. The following situations may be processed in like manner to circumstance No. 1, above:

1. The transfer or exchange of property between owners of existing adjacent properties which does not involve the creation of any new building sites.
2. The consolidation of existing adjacent properties for utilization as a single building site.

Sec. 28.402. Preliminary Parcel Maps Procedure.

A. *Application and Fees.* The applicant for a parcel map shall file an application with the Director of Planning on a form prescribed by the City. The application shall be accompanied by a fee as set forth in Section 28.802, which will not be refundable, together with sufficient copies of a preliminary parcel map prepared in accordance with the requirements set forth in the Subdivision Manual.

B. *Documents to be Filed with Preliminary Parcel Map.* The following documents shall accompany the preliminary parcel map at time of submission:

1. A legal description of the original parcel or parcels of record upon which the division or consolidation is proposed.
2. A statement setting forth the complete name and address of each of the owners of each original parcel of record involved.
3. Mathematical closures of each parcel to be created and, if feasible, of each original parcel of record. Record information concerning adjacent property shall be shown upon the parcel map to the extent that such information has a direct bearing upon the parcels being created.

Sec. 28.403. Certification of Preliminary Parcel Map.

If the Director of Planning and the Director of Public Works determine that the preliminary parcel map meets the requirements of this chapter, they shall certify to this fact on the face of the preliminary parcel map within twenty-one (21) days after receipt of the map, and failure to do so shall be deemed certification and the City Clerk shall so certify.

Sec. 28.404. Requirements of Parcel Map Divisions.

Parcel maps approved under circumstances set forth in paragraphs No. 1 or 8 of subsection A of Section 28.401 shall comply with the requirements specified in Article 10 of this chapter. All parcel maps shall conform to the subdivision design requirements of the Subdivision Manual and, in addition, requirements may be imposed as a condition of approval such as those hereinbelow enumerated. Requirements shall be in written form, a copy of which shall be delivered to the applicant with the approved parcel map.

1. Proof that there are adequate utilities including water, gas, electricity, communication and sewerage for the proposed use of the land or that they will be provided.

2. All lots created shall be staked at all corners and points of curvature by a licensed surveyor or registered civil engineer. Performance guarantees relative to delayed staking shall be posted in accordance with Section 11592 of the State Subdivision Map Act and all staking shall be accomplished within thirty (30) days following recordation of the parcel map or acceptance of the improvements, whichever is applicable.

3. Submission of a report by a duly authorized title company naming the person whose consent is necessary to the preparation and recordation of the parcel map.

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Sec. 28.405. Disapproval of Preliminary Parcel Maps.

The Director of Planning or the Planning Commission may disapprove any preliminary parcel map which is sought to be submitted as a parcel map for any of the following reasons:

1. When the land involved is subject to flooding, sliding, slipping or other similar hazards as determined by the Director of Public Works.

2. When said map does not conform substantially in its purpose and design to the General Plan or any of the various elements thereof, or to any community, precise or specific plans which have been approved by the Commission and Council. The Director of Planning or Planning Commission may also disapprove any parcel map when it is found that the public health, safety or welfare justifies such action.

Sec. 28.406. Appeal to Commission.

In the event that the applicant is dissatisfied with any determination of the Director of Planning and the Director of Public Works as to whether the property division qualifies as a parcel map division, or as to any requirements or conditions which they seek to impose, then the applicant may appeal to the Planning Commission by filing a statement in writing with the Director of Planning stating his reasons for appeal within ten (10) days following the determination. The matter shall be placed on the next agenda of the regular Planning Commission meeting.

Sec. 28.407. Determination by Commission.

Subject to the requirements of this chapter, the Commission may affirm, reverse or modify any determination of the Director of Planning and the Director of Public Works with respect to the proposed parcel map.

Sec. 28.408. Extension of Approval on Preliminary Parcel Map.

Upon application, an extension of the approval of the preliminary parcel map, not to exceed one (1) year, may be granted by the Commission.

Sec. 28.409. Final Parcel Map Procedure.

A. *Submission of.* Within one (1) year, or approved extension thereof, after approval of the preliminary parcel map, a parcel map showing each new parcel or parcels created shall be filed with the Director of Public Works. The filing shall include four (4) blue line prints of the subject map. The parcel map shall be prepared by a registered civil engineer or licensed land surveyor and compiled from record data or be based upon a field survey in accord with the provisions of Section 11576 of the State Subdivision Map Act. The map shall bear certificates as prescribed below and executed by the licensed surveyor or registered civil engineer responsible for presentation of the parcel map:

This map was prepared by me or under my direction (and was compiled from record data, or, and is based upon a field survey) in conformance with the requirements of the State Subdivision Map Act at the request of (name of person authorizing the map) on _____, 19____. I hereby certify that it conforms to the approved preliminary parcel map and the conditions of approval thereof; that all provisions of applicable state law and local ordinances have been complied with.

Signed and Sealed _____

(L.S. or R.C.E. No.) _____

B. *Form.* The parcel map shall conform in size, material and content with the requirements set forth in the Subdivision Manual.

C. *Review and Approval.* Within twenty (20) days after receiving the parcel map or within such additional time as may be reasonably necessary, the Director of Public Works shall examine it for survey information shown thereon, compliance with the provisions of this chapter and conformity to the preliminary parcel map, and if he is satisfied that the submission is technically correct and complete, he shall place the following certification on the map:

This map has been examined this _____ day of _____, 19____, for conformance with the requirements of Section 11575 of the State Subdivision Map Act and the applicable requirements of the Subdivision Ordinance of the City of Chula Vista.

(Signed) _____
Director of Public Works

D. *Recordation.* Upon certification of the parcel map and receipt of the necessary recording fee, the Director of Public Works shall cause the map to be transmitted to the County Recorder. The parcel map shall be recorded prior to sale, lease, financing or separate use of any parcel created or to the issuance of any building permit related thereto. Following recordation, the applicant shall supply one (1) cloth-backed copy of the recorded map to the Director of Public Works.

ARTICLE 5. RESERVED.

ARTICLE 6. RESERVED.

ARTICLE 7. RESERVED.

ARTICLE 8. DEPOSITS AND FEES.

Sec. 28.801. Street Tree Deposits.

A. The subdivider is required to install approved street trees in accord with Section 28.904 as lots within the development are occupied. For those street trees which have not been installed at time of acceptance of public improvements, the subdivider shall deposit with the Director of Finance the following amounts:

1. For all interior lots having less than seventy-five feet (75') of street frontage, fifteen dollars (\$15.00) per lot.
2. For all other interior lots, twenty-five dollars (\$25.00) per lot.
3. For all corner lots whose street frontage is less than one hundred and seventy-five feet (175'), twenty-five dollars (\$25.00) per lot.
4. For all corner lots whose street frontage is one hundred seventy-five feet (175') or more, fifty dollars (\$50.00) per lot.

B. No acceptance of public improvements shall be given until such sums are received by the Director of Finance. Such sums shall be deposited in the Public Works Street Tree Trust Fund. Sums in this fund shall be used for purchase and planting of trees at such time as the lots become occupied.

C. Costs for labor and equipment required to plant trees for which deposits have been made shall be determined by the Director of Public Works. The Director of Finance shall transfer sums so determined to appropriate operating accounts upon receipt of a summary of planting costs and request for transfer of funds from the Director of Public Works.

D. In any instance where the planting of a tree at a specific site is determined by the Director of Public Works to be impractical or where the adjacent property owner makes practical objection to the planting of a tree, the deposit for such tree may be utilized for the purchase and planting of trees at any location within the public street system of the City.

Sec. 28.802. Fees; General.

1. *Preliminary Parcel Map.* Prior to the submission of a preliminary parcel map with the Director of Planning for processing, the property owner shall pay to the City Clerk a fee in the amount of fifteen percent (15%) of the amount to be computed pursuant to the schedule set forth herein. Said fee shall cover the entire processing of the parcel map to recordation, but shall not include checking of any required improvement plans or inspection of improvements. Fees for plan review and inspection of public improvements for parcel maps shall be computed pursuant to Section 27.305 of the Chula Vista City Code.

2. *Tentative Map.* Prior to the submission of a tentative map to the Planning Department for processing, the property owner or subdivider shall pay to the City a filing fee in the amount of ten percent (10%) of the amount to be computed pursuant to the schedule set forth herein.

3. *Final Map and Improvement Plans.* Prior to the submission of a final map and improvement plans or any portion thereof to the Planning Department and/or the Director of Public Works for processing, the property owner or subdivider shall pay to the City a filing fee in the amount of thirty percent (30%) of the amount to be computed pursuant to the schedule set forth herein.

4. *Public Works Inspection.* Following Council approval of the final map but prior to the recordation of said map, the property owner or subdivider shall pay to the City a fee in the amount of sixty percent (60%) of the amount to be computed pursuant to the schedule set forth herein.

5. *Fee Schedule.*

<u>No. of Lots</u>	<u>Fee</u>
Up to 10	\$400 plus \$55 per lot
11 to 50	\$950 plus \$45 per lot over 10
51 to 100	\$2,750 plus \$35 per lot over 50
101 to 200	\$4,500 plus \$20 per lot over 100
201 and up	\$6,500 plus \$15 per lot over 200

NOTE: Add surcharge of twenty percent (20%) if average lot area exceeds 15,000 square feet.

The fee schedule is intended to cover expense to the City involved in processing a subdivision from checking the tentative map through acceptance of the public improvements, including inspection services. Soils and materials testing are specifically excluded from services encompassed within the subdivision fee schedule.

On-site improvements within the public rights-of-way, as well as off-site improvements within the public rights-of-way immediately adjacent to the subdivision boundary shall be considered as included within the fee schedule. However, review of plans and inspections required of extensive off-site improvements shall be paid as a separate and additional fee. Such fee shall be in accordance with the schedule set forth in Section 27.305 of this Code.

Where grading and/or slope planting is to be accomplished under the subdivision agreement, a separate and additional fee for such items only shall be collected in accordance with Sections 29.224 and 29.225 of this Code.

6. *Termination of Work.* In the event that work on a subdivision should terminate during any one of the three (3) phases enumerated above, the Director of Public Works, in concurrence with the Director of Planning, shall have the authority to establish the percentage of work actually performed to date within the pertinent phase and the amount of refund, if any, to be made.

7. *Recording.* Upon the filing of the final map with the City Council, the property owner or subdivider shall deposit with the City Clerk a sum sufficient to cover the cost of recording the map. Upon recordation of the final map, the property owner or subdivider shall submit to the City Engineer one (1) blue line cloth back print of the recorded final map together with eight (8) blue line prints of the recorded final map.

8. *Public Works Inspections.* In addition to the fee schedule established in this section and other sections of this Code, relative to public works inspections, subdivider or contractor shall pay to the City of Chula Vista, prior to the acceptance of public improvements in any subdivision or street right-of-way or easement for public purposes, the sum of ten dollars (\$10.00) per hour for those public works inspections undertaken outside of regular working hours or on Saturdays, Sundays and legal holidays during the course of construction of any public improvements.

ARTICLE 9. SUBDIVISION DESIGN REQUIREMENTS AND STANDARDS.

Sec. 28.901. Requirements.

1. *Conformance to Standards.* Except where modified by the Council upon recommendation of the Planning Commission, as provided by Article 14 of this chapter, each subdivision and map thereof shall be in conformity with the standards set forth or referred to herein.

2. *Buildable Lots.* All subdivisions should result in the creation of lots which are developable and capable of being built upon. No subdivision should create lots which are impractical of improvement due to steepness of terrain, location of water courses, problems of sewerage or driveway grades, or natural physical conditions.

3. *Access to Public Streets.* All lots or parcels created by the subdivision of land shall have access to a public street improved to standards hereinafter required. Private streets, common driveways, or access easements shall not normally be permitted. However, if the Commission determines that the most logical development of the land requires that lots be created which cannot feasibly be served by a public street, a private access may be approved. The subdivider shall submit a development plan showing the alignment, width, grade and material specifications of any proposed private improvements, the topography and means of access to each lot, drainage and sewerage of the lots served by such private improvements and a plan satisfactory to the Director of Public Works for ownership and maintenance of said access and the liability for taxes thereon. Construction of these improvements as approved by the Director of Public Works shall be completed prior to occupancy of any buildings on lots served by a private access.

Sec. 28.902. Streets.

A. *Conformance to General Plan.* The subdivision design shall conform to the concept of major streets designated in the General Plan, and to any future street rights-of-way designated by the Commission and approved by the Council. Whenever a subdivision embraces any major street, it shall be included in said tract and shall be platted by the subdivider in the location generally indicated or in a location specifically designated by the Commission and approved by the City Council.

B. *Minimum Standards.* Typical sections of various classes of streets shall be in accord with Standard Drawings 100 A, B and C, entitled "Typical Street Sections", and in accord with the following table:

<u>Classification</u>	<u>Min. R/W Width</u>	<u>Min. T/W. Width</u>
Prime Arterial (6) Lane	126'	106' (18' Median)
Major Road (4) Lane	100'	82' (18' Median)
Collector Road (4) Lane	80'	64'
Residential Collector Street	55'	40'
Residential Street	51'	36'
Commercial-Industrial Road	72'	52'
Frontage Road	46'	30'
Two-Way Hillside Local Street	44'	32'
One-Way Hillside Local Street	36'	24'
Local Street (No Parking)	34'	24' (P.U.D. only)

The basis for requirements for street and roadway widths and design shall be the topography of the land and density of development in terms of the proposed number of dwellings to be served by said street or roadway on an ultimate basis. Reduced right-of-way width shall, in all cases, be sufficient to accommodate utility facilities within the right-of-way.

Improvements as set forth in Section 28.1001 shall be installed within the half of an existing street adjacent to the subdivision boundary. Substandard existing improvements shall be removed and replaced as directed by the Director of Public Works. Where such existing street has not previously been paved, paving having a minimum width from face of curb to edge of pavement of twenty-eight feet (28') shall be installed.

Half streets, when approved, shall be constructed with a minimum paved width from face of curb to edge of pavement of twenty-eight feet (28').

The subdivider shall dedicate all right-of-way for streets or portions of streets as necessary within the subdivision boundary. Full width dedications within the subdivision shall have complete improvements installed except that upon collector and major roads, paving upon each half may be a minimum of twenty feet (20') in width from the face of curb to edge of pavement.

The standards set forth hereinabove are minimum, and additional on-site and/or off-site public improvements and dedications may be required.

C. *Street Pattern.* The street pattern in the subdivision shall provide for the most advantageous development of adjoining areas and the entire neighborhood or district. The following principles shall be observed:

1. Where appropriate to the design and terrain, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect. The center lines of streets, if not in alignment, shall be offset at least two hundred feet (200') unless otherwise approved by the Director of Public Works for reasons of severe topography, one-way streets, or other unusual circumstances.
2. Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Commission, such extension is not necessary for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts. Where reservation for future street is made, slope rights along the sides and end of the reserved area shall be preserved in the name of the City.
3. In the case of stub-end streets extending to the boundary of the property, a one-foot (1') strip at the end of the stub-end street the width of the street right-of-way shall be deeded to the City pending the extension of said street into adjacent property. Where required, a temporary turn-around or a temporary connection to another street shall be provided by the subdivider.
4. Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors on good design permit. Streets shall be designed in a manner which will discourage the use of local streets for through traffic. Four-way intersections involving local streets shall be avoided whenever possible.

D. *Design Adjacent to Major and Collector Roads.* Subdivision design shall be in general accord with the concepts of the General Plan, and as determined by the Commission. The following principles and standards shall be observed.

1. Street design should have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the effect of heavy traffic and of minimizing the interference with traffic on such streets.
2. The number of intersecting streets along major streets and collector streets should be held to a minimum. Wherever practicable, such intersections should be spaced not less than one thousand feet (1,000') on center.
3. Residential lots adjacent to a major or collector road normally will be required to be served by a residential street paralleling said major or collector road or by a series of cul-de-sacs or loop streets extending toward said major or collector road from a parallel street. Where such double frontage lots are created, improvements on such lots shall be oriented to and front upon the local street. A decorative concrete block wall (minimum height - five feet [5']) or a comparable material approved by the Planning Commission shall be required at the

top of slope adjacent to the major or collector road. Landscaping and permanent irrigation shall be provided in accordance with the standards specified in the Chula Vista Landscape Manual and the Grading Ordinance.

4. When the rear of any lot borders any major or collector road, the subdivider shall be required to execute a certificate on the title sheet, deemed sufficient by the City Attorney, prohibiting the right of ingress and egress from said major or collector road to said lot.

E. *Grade, Curves and Sight Distances.* Grades, curves and sight distances shall be subject to approval by the Director of Public Works, to insure proper drainage and/or safety for vehicles and pedestrians. The following standards shall be observed:

1. Grades of streets shall be not less than five-tenths percent (0.5%), nor more than seven percent (7%) on major roads, ten percent (10%) on collector roads, twelve percent (12%) on residential collector streets, and fifteen percent (15%) on residential streets. Maximum grade for hillside local streets shall not exceed twenty percent (20%). Any grade segment in excess of twelve percent (12%) may not exceed three hundred feet (300') in length. For all grades of twelve percent (12%) or more, the installation of Portland Cement Concrete is required.

2. At street intersections, property lines at each block shall be rounded by an arc, the radius of which shall not be less than ten feet (10'), and shall be concentric with the curb return wherever possible.

3. The radii of curvature shall be not less than that specified in the following table. Determination of which topography classification to be used shall be subject to approval by the Director of Public Works.

Street Classification	Minimum Radius	
	Moderate Topography	Rough Topography
Major	1,000'	750'
Collector	500'	300'
Residential	200'	100'

4. Minimum required lengths of vertical curves shall be determined through application of the appropriate standard drawings as approved by the Director of Public Works.

F. *Curbs, Sidewalks and Pedestrian Ways.* The following principles and standards shall apply to the design and installation of curbs, sidewalks and pedestrian ways:

1. Curbs, gutters and sidewalks shall be required in all subdivisions except as noted in subsection 2, below.

2. The requirement for sidewalks may be omitted in whole or in part by the Planning Commission provided that the findings are made that such sidewalks are not necessary because of any one of the following:

(a) The traffic count on a particular street is significantly reduced from the established standard for local streets as determined by the Director of Public Works, or (b) The design or the topography of the subdivision and its relationship to adjoining properties and uses does not warrant the standard sidewalk requirements based upon the recommendation of the Director of Public Works.

3. When required for access to schools, playgrounds, shopping centers, transportation facilities, other community facilities, or for unusually long blocks, the Planning Commission may require pedestrian ways not less than eight feet (8') in right-of-way and paved with Portland Cement Concrete a minimum of five feet (5') in width. Such pedestrian ways shall be bordered on each side with a six foot (6') high, minimum, chain link fence and a landscaped screen in conformance with the landscaping manual of the City of Chula Vista. In lieu of the chain link fence, the Planning Commission may require the subdivider to use a masonry wall as specified in Section 28.902(D) (3), minimum six feet (6') high, where they deem it necessary for any one of the following reasons:

- (a) Separation of land use.
- (b) Acoustical buffer.
- (c) Promotion of an architectural theme or compatibility of the area.

4. Where sidewalks are not required, Portland Cement Concrete driveway aprons shall extend to the property line.

Sec. 28.903. Hillside Subdivisions and Planned Unit Developments.

In either a Planned Unit Development or a Hillside Subdivision or portions thereof which have an average lot size of 20,000 square feet or larger and having an average slope in excess of ten percent (10%) prior to grading, the Commission, in the exercise of its discretion, may modify the foregoing requirements of this chapter in a manner that will result in the best possible utilization of the land to be subdivided, giving consideration to the topography and natural cover of the land, the general character of the proposed subdivision, the proposed zoning and the desirability of minimizing grading upon the site.

Sec. 28.904. Street Trees.

Street trees shall be provided by the subdivider in all subdivisions. Trees shall be planted within the street right-of-way, within a dedicated planting easement, or within a combination of both having a combined width of ten feet (10'). Street trees shall be selected, installed and maintained in accordance with Sections 27.801 et seq. of the Chula Vista City Code.

Sec. 28.905. Public Utility Facilities, Undergrounding.

Public utility facilities within or immediately adjacent to subdivisions or parcel splits shall be undergrounded in conformity with the provisions of Chapter 34 of the Chula Vista City Code.

Sec. 28.906. Easements; Storm Drain and Sewer.

Easements for drainage or sewer purposes shall be provided as necessary, in order to insure a clear air space of a minimum width of ten feet (10'). Easements for large structures or unusually deep structures shall be of such greater width as may be specified by the Director of Public Works.

Sec. 28.907. Reserved.

Sec. 28.908. Lot Standards.

The size, shape and orientation of lots, each of which shall constitute a practical building site, shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The following principles and standards shall be observed:

1. The side lines of all lots, so far as possible, should be at approximately right angles to the street which the lot faces, or approximately radial to the center of the curvature, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces.
2. No lot shall be divided by a City boundary line.
3. No remnants of property, with the exception of one foot (1') control lots, shall be created which do not conform to lot requirements, or are not required for a private or public utility purpose.
4. The division of a lot or parcel by a Tax Code Boundary shall be avoided.
5. Side lot lines between adjacent lots within a subdivision should be located at the top of any grading slope which may be proposed at such location.
6. Unless otherwise altered by the provisions of a Planned Unit Development, the minimum lot depth for residential development shall be not less than ninety feet (90') with the following exception: Lots adjacent to freeways, major streets or collector roads shall utilize a minimum lot depth of one hundred ten feet (110') to provide sufficient separation from the road noise and to facilitate the usable lot area.

Sec. 28.909. Non-Residential Subdivisions.

A. *Conformance to General Plan.* The street and lot layout of a non-residential subdivision shall be appropriate to the land use for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the General Plan and Zoning Ordinance.

B. *Principles and Standards.* In addition to the principles and standards in this chapter which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
3. Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.
4. Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer and storm drainage.
5. Non-residential subdivisions shall be designed to protect adjacent areas from potential nuisance from the proposed non-residential subdivisions, including the provisions of extra depth and setback in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when determined necessary by the Planning Commission.
6. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic.
7. Non-residential subdivisions shall take into account and specifically designate all private areas proposed for vehicular circulation and parking, for pedestrian circulation, and for buffer strips and other landscaping.
8. Buffer strips shall consist of landscaped areas which are designed to shield and otherwise soften the effect of the non-residential subdivision on nearby residential areas. Said buffer strips shall be improved to standards as specified in the Chula Vista Zoning Ordinance.

ARTICLE 10. PUBLIC IMPROVEMENTS AND GRADING REQUIREMENTS.

Sec. 28.1001. Minimum Requirements; Subdivisions and Parcel Maps under Circumstances No. 1 and No. 8, set forth in Section 28.401.

The subdivider shall improve or agree to improve all streets, thoroughfares, public ways or public or private easements within the development and adjacent thereto, as

required to serve the development. No grading or improvement work shall be commenced until either an appropriate subdivision improvement agreement, land development permit, or street encroachment permit has been approved and any necessary bonds posted. Improvements shall be installed to line and grade and in accordance with the standard drawings and specifications of the City of Chula Vista and/or as determined by the Director of Public Works. Street structural sections shall be designed in accord with the "Standardized Method of Street Structural Design" as prepared by the Director of Public Works. The minimum improvements which the subdivider shall normally be required to agree to install, at his own cost, in the creation of a parcel or parcels shall include the following:

1. Grading, curbs and gutter, paving and drainage structures necessary for the proper use and drainage of the development, streets, highways and/or public safety.

2. Site grading and drainage, taking into consideration the drainage pattern of adjacent improved or unimproved property and making drainage provisions adequate for total ultimate development of the natural tributary area. Runoff quantities to be anticipated shall be derived from the drainage study as herein defined, or by such other method as may be approved by the Director of Public Works. Alternate methods shall be fully substantiated by the engineer of work. Grading shall be in full conformity with the provisions of the appropriate ordinances of the City of Chula Vista, with the exception that the work may be performed under the terms of the subdivision agreement and no land development permit shall be required in such cases. Drainage facilities and concepts shall conform to the provisions of Ordinance No. 1032 relating to the control of drainage areas and watercourses.

3. Street name and traffic control signs.

4. Sidewalks, except as provided in subsection F(2) of Section 28.902.

5. Fire hydrants and a water system with mains of sufficient size and capacity to provide future extension to adjacent property and having a sufficient number of services to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection.

6. Sanitary sewer facilities and connections for each lot. Sewer mains, whose size and depth shall be adequate to serve adjacent and upstream properties, shall extend to the boundaries of the parcel map or subdivision.

7. Street lighting facilities shall be installed per City standards.

8. Street trees.

9. Underground utilities as required by the Chula Vista City Code.

10. Provision shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the California State Public Utilities Commission for the establishment and improvement of such crossings.

11. Mid-block pedestrian ways, where required, shall be in conformance with Section 28.902(F) (3).

12. Improvements on private access easements shall be required as determined by the Director of Public Works.

Sec. 28.1002. Acceptance of Improvements.

The Director of Public Works shall have the authority and responsibility to accept public improvements and approve site grading relative to subdivision of land whether through the subdivision process or the parcel map process. Completion of all improvements and/or grading as contemplated by the subdivision improvement agreement, the land development permit or the street encroachment permit is a condition of approval and acceptance.

Sec. 28.1003. Installation of Utility Facilities.

All underground facilities including individual lot services to the property line shall be completed prior to installation of sidewalk, cross-gutter or street pavement.

ARTICLE 11. NEIGHBORHOOD AND COMMUNITY PUBLIC FACILITIES.

Sec. 28.1101. Purpose and Intent.

It is the purpose and intent of the provisions of this article to require the reservation or dedication of land directly benefiting the regulated subdivision in order to provide for necessary public facilities including, but not limited to, sites for parks and recreational areas, open space, schools, libraries, fire stations and police substations. In addition to requirements for reservation and dedication of lands, provision is made herein for the payment of fees in lieu thereof for the acquisition of lands outside of the regulated subdivision, which lands will provide equivalent sites for the purposes set forth herein to benefit said regulated subdivision. In each case it is the intent that the subdivision will receive the direct benefit upon which the exaction was postulated.

Sec. 28.1102. Dedications Generally.

1. *Land Intended or Needed for Public Use to be Dedicated.* All parcels of land intended or needed for public use shall be dedicated to the City or offered for dedication before a final map or parcel map is approved.

2. *Title Policy to Accompany Dedication.* All dedications and offers of dedication shall be accompanied by a certificate of title or policy of title insurance, issued by a title company authorized by the laws of the State to write the same, showing the names of all persons having a recorded interest in the land to be dedicated or offered for dedication. Such certificate or policy shall be submitted to the Director of Public Works at the time the final map or parcel map is submitted for examination and certification. After the final map is recorded, or if dedications and offers of dedication are by separate instrument, after such instrument or instruments are recorded, a policy of title insurance shall be issued for the benefit and protection of the City. Any expense involved in complying with the provisions of this section shall be borne by the subdivider.

3. *Dedication of Drainage Facilities.* If an improved drainage facility is determined to be necessary for the general use of lot owners in the subdivision or for local neighborhood drainage needs, the subdivider shall dedicate an adequate right-of-way for such facility.

4. *Dedication of Water Courses.* If a subdivision is traversed by a water course, channel, stream, creek or swale, the subdivider shall dedicate an adequate right-of-way for storm drainage purposes.

5. *Dedication of Future Streets.* Wherever it is determined that a street is necessary for the future subdivision of the property as shown on the subdivision map or for adjoining property, but that the present dedication and construction of such street is not warranted, the subdivider shall conditionally offer such street for dedication. The widths and locations of such streets shall be determined by the Director of Public Works.

6. *Dedication of Rights-of-Way in Process of Condemnation.* If an easement for a right-of-way required under the provisions of this chapter is in the process of condemnation by the City at the time of the filing of a final map or parcel map, the subdivider shall offer the right-of-way for dedication

7. *Dedication of Access for Fire Protection.* In areas where, in the opinion of the Fire Chief, there will be a fire hazard to the watershed or any other properties, unobstructed easements not less than fifteen feet (15') wide to provide access for fire protection equipment shall be dedicated from the public street to the subdivision boundary.

8. *Dedication of Public Utility Easements.* Sanitary sewer, storm drain, and other public utility easements required by the City Council within the subdivision shall be dedicated.

9. *Offer to Dedicate Rejected Streets, Paths, Alleys and Storm Drain Easements; to Remain Open.* If, when the final map or parcel map is approved, any streets, paths alleys, or storm drainage easements are rejected, the offer of dedication shall remain open and the Council may, by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys or storm drain easements for public use, which acceptance shall be recorded in the Office of the County Recorder.

1. New subdivisions shall connect to a dedicated and improved (or bonded for) street and shall make provision for dedication of necessary public rights-of-way, including streets, pedestrian ways and utility easements, within or adjacent to the subdivision.

2. *Access Rights.* Where it is in the interest of the public safety or welfare to limit the access to any street or highway, the subdivider may be required to waive direct access rights or easement of access to any such street or highway from any property shown on the final map as abutting thereon.

3. *Required Sites for Public Facilities.* Tentative maps for new subdivisions shall indicate sites for required public facilities, including, but not limited to, sites for libraries, fire stations and police substations. The required sites shall be offered to the City for immediate purchase or under exclusive option for a period of two (2) years from the date of execution, at current unsubdivided land fair market values on said date of execution plus interest and any necessary costs incurred by subdivider from date of execution to date of exercise of said option, which are beneficial to the City. Such agreements shall be executed prior to City approval of the final map or parcel map, and shall be a condition of such approval.

4. New subdivisions shall make the provision for the continuation of existing streets in adjoining or adjacent subdivisions insofar as these may be necessary for public requirements. Streets shall be extended to the boundary of the subdivision to provide suitable access to adjoining property.

5. A street or alley lying along the boundary of a subdivision may be dedicated less than the full required width (but in no case less than one-half [1/2] the required width) if it is practical to require the dedication of the remaining width when the adjoining property is subdivided. Such portion of a street shall be distinctly designated upon the map or plat as being a portion only of a street, and not the street in full width.

6. Whenever there already exists a dedicated and recorded half street or alley on an adjoining plat, the other half must be dedicated on the proposed plat to complete the street or alley right-of-way.

7. Where practicable, access shall be provided to major canyon areas via streets, alleys or other public ways as may be necessary to provide for future development and public safety.

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ARTICLE 12. APPEAL OF FINAL DECISIONS.

Sec. 28.1201. Appeal.

Any action or proceeding to attach, review, set aside, void or annul the decision of the City Council concerning a subdivision, or 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 hereto in a court of competent jurisdiction, shall not be maintained by any person unless such item or proceeding is commenced within one hundred and eighty (180) days after the date of such decision. Thereafter, all persons are barred from any action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations.

SECTION III: This ordinance shall take effect and be in full force on the thirty-first day from and after its passage and approval.

Presented by

Approved as to form by

Lane F. Cole
Lane F. Cole, Director of Public Works

George D. Lindberg
George D. Lindberg, City Attorney

ADOPTED AND APPROVED by the CITY COUNCIL of the CITY OF CHULA VISTA, CALIFORNIA, this 26th day of October, 1971, by the following vote, to-wit:

AYES: Councilmen Scott, Hobel, Hamilton, Hyde, Egdahl
NAYES: Councilmen None
ABSENT: Councilmen None

Thomas D. Hamilton
Mayor of the City of Chula Vista

ATTEST Jennie M. Selass
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, _____, City Clerk of the City of Chula Vista, California DO HEREBY CERTIFY that the above is a full, true and correct copy of Ordinance No. _____, and that the same has not been amended or repealed. DATED _____

City Clerk