CITY OF BELMONT

SUBDIVISION

ORDINANCE

2001

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SUBDIVISION ORDINANCE

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AN ORDINANCE REGULATING THE DESIGN, IMPROVEMENT AND SURVEY DATA OF SUBDIVISION AND CERTAIN OTHER DIVISIONS OF LAND AND THE FORM AND CONTENT OF TENTATIVE, FINAL AND PARCEL MAPS THEREOF: PROVIDING PENALTIES FOR THE VIOLATION HEREOF: AND DESIGNING AN ADVISORY AGENCY: SAID ORDINANCE BEING ADOPTED PURSUANT TO THE SUBDIVISION MAP ACT AS AMENDED, AND THE GENERAL POWERS OF THE CITY OF BELMONT, STATE OF CALIFORNIA.

SECTION I

SUBDIVISION REGULATION

1.1 ADOPTION

The City Council of the City of Belmont, State of California, in conformity with the provisions of the Subdivision Map Act Division 4, Part 2 of the Business and Professions Code, Chapter 2, as amended, does ordain as follows:

1.2 PURPOSE

For the purpose of promoting the public health, safety, convenience and general welfare; the design, improvement and survey data of subdivision; and the form and content of tentative, final and parcel maps thereof; and the procedure to be followed in securing official approval thereof shall be governed by the provisions of the aforesaid acts adopted by the Legislature of the State of California, and be the additional provisions of this Ordinance, and shall comply with the provisions of the General Plan and Zoning Ordinance.

[1]It is the purpose and intent of this ordinance to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and the Subdivision Ordinance. Except as otherwise set forth in the provisions of this ordinance, the provisions of the Subdivision Ordinance shall apply to the Vesting Tentative Map Ordinance.

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

[1] Added by Ord. #741, 12/16/85

1.3 ADVISORY AGENCY

The City Planning Commission is hereby designated as the Advisory Agency with respect to subdivisions as provided in the Subdivision Map Act of the State of California. The City Planning Commission shall have all the powers and duties with respect to tentative, final and parcel maps, and the procedure relating thereto, which are specified by law and by this Ordinance.

1.4 COMPLIANCE REQUIRES

It shall be unlawful for an individual, firm association, syndicate, co-partnership, agency or otherwise to offer to sell any subdivision of land or any part thereof in the City of Belmont, unless and until all the requirements hereinafter provided have been complied with.

1.5 CERTIFICATE OF COMPLIANCE

A. Application. Requests for issuance of a certificate of compliance shall be submitted, in legible and readily reproducible writing, to the Planning Department, on its standardized form accompanied by a plot plan and such supporting information as may be deemed necessary by the Director of Planning to determine compliance herewith.

B. Fees. Upon requesting issuance of a certificate of compliance, the applicant shall deposit with the Director of Planning for payment to the Treasurer of the City, cash or check in a sufficient sum to cover the fee for compliance. The schedule of fees will be that recommended by the Director of Planning and adopted by the City Council from time to time by resolution.

C. Decision. The Director of Planning shall review the request and determine whether the property or the division thereof complies with the provisions of the Subdivision Map Act and this title, and shall determine whether a certificate of compliance should be issued or a conditional certificate of compliance issued and recorded. Any certificate of compliance or conditional certificate of compliance issued shall set forth the information prescribed by Government Code Section 66499.35 and shall be filed for record with the County Recorder by the Director of Planning. If the Director of Planning determines that such property could be brought into compliance by fulfillment of certain conditions, the conditional certificate of compliance issued and recorded shall so state.

D. Map compliance. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcel of real property described therein. (Ordinance 757, 11-15-86)

SECTION II

DEFINITIONS

2.1 ARTERIAL STREET

A through street of the genera city, inter-city or city-county important, which carried traffic on two or more moving lanes between different cities, areas of the city, and county.

2.2 COLLECTOR STREET

A street which collects traffic from a Minor Street, a subdivision or other area and carries said traffic to an Arterial Street, or other Collector Street.

2.3 MINOR STREET

A street which is used primarily for access to abutting properties.

2.4 ADVISORY AGENCY

The Advisory Agency shall mean the City Planning Commission of the City of Belmont and the Advisory Agency shall be referred to in the California Subdivision Map Act.

2.5 APPEAL BOARD

The Appeal Board shall mean the City Council of the City of Belmont and the Appeal Board shall be as referred to in the California Subdivision Map Act.

2.6 AVERAGE CROSS SLOPE

The average cross slope of an area is defined to be the ratio, expressed as a percentage, of the vertical difference in elevation to the horizontal distance between two points on the perimeter of the area, with the line connecting the two points being essentially perpendicular to the contours between the two points. The Advisory Agency shall have the authority to determine the average cross slope of a subdivision and shall also be empowered to designate different portions of any subdivision as having different cross slopes. In all cases, the cross slope of an area shall be determined prior to any grading operations.

2.7 CITY COUNCIL

The City Council shall mean the City Council of the City of Belmont

2.8 DESIGN

Design refers to street alignment, grades and widths, alignment and widths of easements and rights-of-way for drainage, sanitary sewers, water, utilities and other facilities for public use or benefit, including, but not limited to park, open space and recreation sites; lot area, width, depth, shape and pattern as required in this Ordinance.

2.9 EASEMENT DEDICATED

Easement dedicated shall mean an easement dedicated to all accepted by the City, to be used for public purposes.

2.10 FINAL MAP

Final Map refers to a map prepared in accordance with Subdivision Map Act and this Ordinance, which is designed to be filed with the San Mateo County Recorder.

2.11 IMPROVEMENT

Improvement refers to such street work, drainage facilities and utilities, landscaping, parks, or other improvements to be installed, or agreed to be installed by the subdivider on the land or land appurtenant thereto, to be used for public streets, highways, ways and easements, as are necessary for the general use or benefit of the lots owners in the subdivision and the surrounding area as a condition precedent to approval and acceptance of the final map, or parcel map thereof.

Improvement also refers to such specific improvements or types of improvements the installation of which, either by the subdivider, by public agencies, by private utilities, or by a combination thereof, is necessary or convenient to insure conformity to or implementation of applicable general or specific plans of the City of Belmont.

2.12 LOT

Lot shall mean a parcel of land established, or to be established, by the Standard Subdivision Procedure or Minor Subdivision Procedure, as provided herein.

2.13 LOT WIDTH, AVERAGE

Lot Width, average – the sum of the length of the front and rear lot line divided by two. In the case of irregularly-shaped lots having four or more sides, "average lot width" shall be the sum of the length of two lines, drawn perpendicular to one side line at the widest and narrowest portions of the lot, divided by two.

2.14 LOT DEPTH, AVERAGE

Lot Depth, average – the sum of the length of the two sidelines of the lot divided by two.

2.15 LOT DEPTH

Lot depth – the horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

2.16 LOT LINE, FRONT

Lot line, front – in the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest recorded tract deed restrictions, approved as part of subdivision approval, specify another line as the front lot line.

2.17 LOT LINE, REAR

Lot line, rear – a lot line which is opposite and most distance from the front lot line and, in the case of an irregular, triangular or gore-shaped lot, a line within the lot most nearly parallel to and at the maximum distance from the front lot line, having a length of at least ten (10) feet.

2.18 LOT LINES, SIDE

Lot lines, side – any lot boundary line not a front lot line or a rear lot line.

2.19 OWNER

Owner – the individual(s), or entity(s) having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under the law of the State of California and this Ordinance.

2.20 PLANTING STRIP

Planting Strip – the strip between the curb line and the property line.

2.21 PARCEL MAP

Parcel Map refers to a map showing the division of land as described in the following cases:

A. Any parcel or parcels of land which is divided into four or less parcels;

B. The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street and no dedications or improvements are required.

C. Any parcel or parcels of land 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.

D. Any parcel or parcels of land divided into lots or parcels, each of which is forty (40) acres or more.

E. Any parcels or parcels of land having approved access to a public street which comprises part of a tract of land zoned for industrial development and which has the approval of the governing body as to street alignments and widths, provided, however, that the Advisory Agency may require the filing of a Standard Subdivision Map on such industrially-zoned land where it deems it in the public interest. Such map shall be filed and approved in accordance with law under the Standard Subdivision Procedure.

2.22 PEDESTRIAN WAY

Pedestrian Way – an easement exclusively for pedestrian use.

2.23 PERSON

Person – an individual, person, partnership or corporation.

2.24 RESERVE STRIP

Reserve strip – a strip of land not less than one foot in width deeded to the City for the purpose of regulating access to a partially dedicated or dead-end, alley, street or highway, or to any arterial street.

2.25 SUBDIVISION

Subdivision small mean any real property improved or unimproved, or portion thereof, shown on the latest equalized County Assessment Roll as a unit or as contiguous units, which is divided by a subdivider, including condominiums and community apartment projects, for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider within any period. The following, however, are not subdivisions within the meaning of the Ordinance:

A. Financing or leasing of industrial buildings, stores, offices, apartments of similar space within a building or spaces within a trailer park.

B. Mineral, Oil or Gas Leases, Cemeteries.

2.26 SUBDIVIDER

Subdivider shall mean a person(s), or entity(s) who causes land to be subdivided into any number or parcels.

2.27 TENTATIVE MAP

Tentative Map shall mean any map for the purpose of showing the design of a proposed subdivision of any kind, showing the existing conditions in and around it, prepared as required in this Ordinance and the Subdivision Map Act.

2.28 SUBDIVISION MAP ACT

Subdivision Map Act shall mean the Subdivision Map Act of the State of California, California Business and Professions Code, Section 11600, et seq.

2.29 ENTITY

A being, especially a thing which has reality and distinctness of being either in fact or for thoughts; as, to view the state as an entity.

2.30 CONDOMINIUM

Condominium is an estate in real property consisting of an undivided interest in common in a portion of a parcel in real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of such real property.

2.31 CONDOMINIUM, NEW

A new condominium shall be a condominium project which has not yet been constructed or subdivided for sale of individual units (Ordinance 551, 12-12-74)

2.32 CONDOMINIUM CONVERSION

Condominium conversion shall mean a condominium project which is presently being used a single or multiple family residences and has not yet been subdivided for sale of individual units. (Ordinance 551, 11-12-74)

2.33 CONDOMINIUM UNIT

Condominium unit shall mean the separate interest in space in a condominium, together with other separate interests in other portions of the real property which are reserved for the exclusive use of the individual owner (i.e., parking and storage spaces). (Ordinance 551, 11-12-74)

2.34 COVENANTS, CONDITIONS AND RESTRICTIONS (C. C. & R.'s)

Covenants, Conditions and Restrictions (C. C. & R.'s) shall mean the declaration of powers, obligations, responsibilities, duties, rights and restrictions which is binding upon all owners of the condominium and which provides for the orderly governing of the condominium. (Ordinance 551, 11-12-74)

SECTION III

REQUIREMENTS BY TYPE OF SUBDIVISION

Subdivision design and improvements shall be required as established in Section IV of the Ordinance.

3.1 INDUSTRIAL SUBDIVISION

A. Minimum lot area and width for industrial subdivisions shall be as stipulated in the Zoning Ordinance, but not less than six thousand (6,000) square feet and fifty (50) feet in width.

B. Street Design: Street design shall be as set forth in Section V for industrial areas.

C. Improvements: All improvements shall be as set out in Section V and VI herein, and standards adopted pursuant to this Ordinance.

D. Other regulations: All other regulations set out in this Ordinance shall be complied within the development of Industrial Subdivision.

3.2 COMMERCIAL SUBDIVISIONS

A. Minimum lot area and width for commercial subdivisions shall be six thousand (6,000) square feet and fifth (50) feet average lot width, provided that the Advisory Agency authorize reduction of the lots area of sites not more than fifty (50) per cent when the total lot size combined with land used for parking and landscaping, and accessory uses, in undivided common interest equals the required six thousand (6,000) square foot lot size.

B. Street Design: Street design shall be as set out in Section V for commercial areas.

C. Improvements: All improvements shall be as set out in Section V and VI, and the standards adopted pursuant to this Ordinance.

D. Other regulations: All other regulations set out in this Ordinance shall be complied within the development of Commercial Subdivision.

3.3 RESIDENTIAL SUBDIVISIONS

A. Minimum lot area and width shall be as stipulated in the Zoning Ordinance, but not less than six thousand (6,000) square feet, fifth (50) feet in average width, and eighty (80) feet in average depth. Corner lots shall have an average width of not less than 60 feet. The minimum lot area, width and depth may be reduced through the use of Section 5.1.

B. Street Design: Street Design shall be as set forth in Section V for residential subdivisions.

C. Improvements: All design and improvements shall be as set forth in Section V and VI.

D. Other Regulations: All other regulations set forth in this Ordinance shall be complied within the development of residential subdivisions.

SECTION IV

DESIGN STANDARDS

4.1 GENERAL PLAN CONFORMANCE

The street and highway design shall conform both in width and alignment to the Circulation Element of the General Plan or any specific plans as adopted by the City Council and right-of-way for any such street or highway indicated on said General Plan.

4.2 CONFORMANCE WITH OTHER PROCEEDINGS

The street and highway design shall conform to any proceedings affecting the subdivisions, which may have been initiated by the City Council or approved by said Council upon initiation by other legally constituted bodies of the city, county or state. If a parcel of land to be subdivided includes a portion of the right-of-way to be acquired for a public freeway or parkway, and the City Council shall determine the boundaries of the right-of-way to be acquired, the subdivided shall either dedicated or withhold from subdivision all the area included in said right-of-way.

4.3 CONTINUATION OF STREETS

All streets shall, as far as practicable, be in alignment with existing adjacent streets by continuations of the center lines thereof or by adjustments by curves and shall be in general conformity with the adopted General Plan for the most advantageous development of the area in which the subdivision lies.

4.4 INTERSECTIONS

Streets shall be required to intersect one another at an angle as near to a right angle as is practicable.

4.5 STREET SIGNS

Where necessary to give access to, or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary to the property and the resulting dead-end streets shall have a temporary turn-around. Control of access across such dead-end street shall be vested in the City by dedication of a one (1) foot non-access strip across the entire right-of-way width. In all other cases a turn-around having a minimum radius of forty-five feet (45) shall be required.

4.6 INTERSECTION CORNER ROUNDING

Whenever a major street or state highway intersections any other street or highway, the property lines at each block corner shall be rounded with a curve having a radius of not less than thirty (30) feet. On all other street intersections, the property line at each block corner shall be rounded

with a curve having a radius of not less than twenty (20) feet. In either case, a greater curve radius may be required if streets intersect other than at right angles.

4.7 CURVE RADIUS

The center line curve radius on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval by the City Engineer.

4.8 GRADES OF STREETS AND HIGHWAYS

No street or highway shall have a grade of more than fifteen percent (15) unless because of topographical conditions or other exceptional conditions, the City Engineer determines that a grade in excess thereof is necessary. The minimum grade shall be one-half percent (½%).

4.9 RESERVED STRIPS

Reserved strips controlling the access to public ways or minimizing values for special improvement assessments will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the control and disposal of the land comprising such strips is placed definitely within the jurisdiction of the City under conditions approved by the Planning Commission.

4.10 STREET AND HIGHWAY WIDTHS

Streets and highways not shown on any Circulation Element of the General Plan or not affected by proceedings initiated by the City Council or approved by the City Council upon initiation by other legally constituted governmental bodies shall not be of less width than those set forth hereunder. Increased widths may be required where the streets are to serve commercial property or where probably traffic conditions warrant such. Approval of determination of street or highway classification shall be made by the Planning Commission.

4.11 NON-ACCESS AND PLANTING STRIPS

When the rear of any lots border any arterial or collector street, highway, freeway, the subdivider may be required to execute and deliver to the City an instrument deemed sufficient by the City Attorney, prohibiting the right of ingress and egress to the rear of such lots across the side lines of such streets or highways. When the rear of any lots border any freeway, or state highway, the subdivider may be required to dedicate and improve a planting strip and masonry fence adjacent to such freeway.

4.12 STREET NAMES

Street names shall be proposed on the tentative map and approved by the Planning Commission. Names should be of historical or of local significance.

4.13 ACRE OR LARGE LOT SUBDIVISIONS

Where a parcel is subdivided into lots of one acre or more, the Planning Commission may require that the blocks shall be of such size and shape, and be so divided into lots, as to provide for the extension and opening of streets and alleys at such intervals as will permit a subsequent division of any parcel into lots.

4.14 PUBLIC UTILITY EASEMENTS

The subdivider shall grant easements not less than five (5) feet in width for the public utility, sanitary sewer and drainage purposes on each side of rear lot lines, along such lot lines, and in planting strips wherever necessary, provided easements of lesser width may be allowed when at the determination of the City Engineer for the City or the Engineer of the Water District that the purposes of easements may be accomplished by easement of lesser width and provided further that in such determination the appropriate Engineer shall prescribe the width of such easements after consultation between them. Dedication of easements shall be to the City for the purposes as may be ordered or directed by the City Council.

4.15 LOT DESIGN

The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or radial or approximately radial if the street is curved.

4.16 DIVIDED LOTS

No lot shall be divided by a city boundary line.

4.17 LOT FRONTAGE

All lots shall have a minimum fifty (50) foot frontage on a dedicated and improved street.

4.18 LOT FRONTAGE ON TWO STREETS

Lots, other than corner lots, shall not face on more than one street.

4.19 CUL-DE-SAC LOTS

Each lot on any cul-de-sac shall have a minimum frontage of thirty-five (35) feet, and shall be fifty (50) feet wide at the building front setback line.

4.20 TRAILS AND WALKWAYS

The subdivider may be required to dedicate and improve trails and walkways at least ten (10) feet width across long blocks or to provide access to schools, parks, open spaces or other public areas, and where such trails or walkways are shown on the adopted General Plan of the City of Belmont.

4.21 WATERCOURSES

The subdivider shall dedicate a right-of-way for storm drainage purposes confirming substantially with the lines of any natural watercourse or channel, stream or creek that traverses the subdivision, or at the option of the subdivider provide by dedication further and sufficient easement or construction, or both, to dispose of such surface and storm waters.

4.22 GENERAL PLAN CONFORMANCE

In all respects, the subdivision shall conform to the General Plan or specific plans of the City or any part hereof, or preliminary plans made in anticipation thereof.

4.23 LAND SUBJECT TO INUNDATION

If any portion of any land, within the boundaries shown on any such final map, is subject to overflow, inundation or flood hazard by storm waters, such fact and said portion shall be clearly shown on such final map enclosed in a border on each sheet of said map and further adequate storm drain system and/or levees, dikes and pumping systems shall be provided, and if fill is used in tideland areas it shall be a minimum of two (2) feet above high-high tide.

4.24 SPECIAL PROVISIONS FOR THE SUBDIVISION OF LAND HAVING SLOPES OF TEN (10) PERCENT OR GREATER

A. Grading. With the preliminary tentative map, a grading plan must be submitted showing the following:

1. Existing contours at a maximum interval of five (5) feet.

2. Proposed finished contours at the same interval. Finished contours shall show the following:

    a. Tops and toes of all banks.

    b. All side banks must be benched horizontally ten (10) feet for every vertical twenty-five (25) feet change in elevations.

    c. Maximum fill slopes 2 horizontal to 1 vertical.

    d. Maximum cut slope 2 horizontal to 1 vertical. Special conditions may require flatter slopes.

    e. Maximum height of a cut bank fifty (50) feet vertical; of a fill bank twenty-five (25) feet vertical.

3. Lot drainage shall be so arranged that water from upper lots does not flow across banks unless carried in a storm sewer, or as otherwise approved by the City Engineer.

4. Estimate of the yardage to be moved on the site.

5. Earth shall not be moved from the site without specific consent of the City Council. Necessity for substantial earth removal from the site must be demonstrated before any radical grading will be permitted.

6. Sufficient topsoil shall be stockpiled and returned to horizontal cut areas to cover them a minimum of eight (8) inches.

7. Fill must have a certified relative compaction of ninety-five (95) percent State of California Division of Highways Test Method 216-9.

8. Rear and side lot lines shall occur at tops of banks rather than at center or toe of bank.

9. Seeding as required.

10. Driveway to garage or carport shall not exceed eighteen (18) percent grade.

B. Streets

1. Maximum street grade shall be fifteen (15) percent.

2. Vertical and horizontal curves shall be such that a minimum of one hundred fifty feet (150) sight distance is provided at all points.

3. Horizontal curves. Minimum center line radius shall be one hundred feet (100).

4. Vertical curbs shall be required on slopes of over five (5) percent grade.

5. Cul-de-sacs:

   a. Property line radius – forty (40) feet minimum.
   b. Improvement radius – thirty (30) feet to face of curb.
   c. Minimum lot frontage at property line – forty (40) feet.
   d. Minimum lot width measured along setback line – sixty (60) feet.
   e. Minimum lots area exclusive of banks – five thousand (5,000) square feet.
   f. Length maximum – three hundred (300) feet. Over that, a turning radius of fifty (50) feet or larger is required by the Fire District.

C. Trees. In general tree shall be preserved.

1. In street area: A minimum of one per lot of variety as approved on the Tentative Map.

2. Retention of trees in street areas will be given consideration.

D. Drainage.

1. Storm drainage shall be designed by rational formula using City of Belmont rainfall curve for three (3) year storm.

2. Maximum length of gutter drainage on surfaces shall be twelve hundred (1200) feet. When gutter carries more than 2-1/2 second feet, water shall be carried in storm sewer from point of such larger flow.

E. Lighting poles. Pole shall be placed in street areas wherever possible.

F. All underground public utility installation shall be installed before preparation of subgrade for paving.

SECTION V

PLANNED UNIT DEVELOPMENT

5.1 PLANNED UNIT DEVELOPMENT SUBDIVISIONS

Where land to be subdivided has been zoned PD (Planned Unit Development) District and where a Use Permit has been granted to allow development to commence in accordance with an approved Detailed Development Plan, the standards established in Section III and IV herein may be varied to conform to the approved Detailed Development Plan. Approval of the tentative map by the Planning Commission shall include the finding that said tentative map conforms to the approved Detail Development Plan and shall constitute approval of any and all deviations from standards contained in this Ordinance.

SECTION VI

IMPROVEMENTS

6.1 STANDARD SPECIFICATION CONFORMANCE

All improvements hereinafter mentioned shall conform to the requirements of the City Engineer and to the requirements of the "City of Belmont Standard Specifications, 1972 Edition" prepared by the City Engineer, adopted by the City Council, copies of which are on file in the Office of the City Engineer. Similarly, improvements under the jurisdiction of the County Water District shall conform to its standards.

6.2 SUBMITTAL OF PLANS

Improvement work shall not be commenced until plans and profiles for such work have been submitted to and approved by the City Engineer. Such plans may be required before approval of the final map. All such plans and profiles shall be prepared on tracing cloth or Mylar in accordance with requirements of the City Engineer.

6.3 NOTIFICATION OF CITY ENGINEER

Improvement work shall not be commenced until the City Engineer has been notified in advance and if work has been discontinued for more than 24 hours for any reason, it shall not be resumed until the City Engineer has been notified.

6.4 CITY ENGINEER INSPECTION AND APPROVAL

All required improvements shall be constructed under the inspection of and to approval of the City Engineer. Cost of inspection shall be paid by the subdivider. Facilities for distribution of water shall be constructed under the inspection and to the approval of the Engineer of the Water District, including cost of inspection to be paid by the subdivider.

6.5 UTILITY CONSTRUCTION

All underground utilities, sanitary sewer and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such street, service roads, alleys, or highways. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements, when service connections thereto are made.

6.6 COMPLETION OF IMPROVEMENTS

The subdivider, his engineer and his contractor shall develop plans and complete all improvement work in accordance with the provisions of this code and to the approval of the City Engineer.

6.7 CHANGES

The subdivider shall install improvements in accordance with the general requirements set forth in this Section provided that the subdivider may apply to the City Council for changes in typical section and details if unusual conditions arise during construction to warrant such change in the interests of the City.

6.8 AS-BUILT PLANS

A map showing all improvements as built shall be filed with City Engineer upon completion of said improvements.

6.9 IMPROVEMENTS TO BE INSTALLED

A. Curb, gutter, sidewalk and walkways.

B. Water lines to serve each lot and stubbed to property line prior to paving, "W" to be marked on curb to identify stub locations.

C. Fire hydrants of a type and size approved by the Belmont Fire Protection District. Fire flows shall be as approved by the Fire District.

D. Sanitary sewers and laterals to serve each lot and stubbed to property line prior to paving, "S" to be marked on curb to identify stub location.

E. Storm sewers, drains and channel improvements.

F. Silt basins or other forms of erosion control when necessary.

G. Paved streets.

H. Ornamental and safety street lights. Underground wiring shall be required.

I. Street trees not less than one (1) tree per lot, average spacing fifty (50) feet on center of a type, size and location approved by the Parks Department. Said trees shall be maintained by the developer for a period of one (1) year, to the satisfaction of the Parks Department.

J. Street signs at all block number changes and at locations approved by the City Engineer.

K. Street end barricades, walls or facing where required.

L. Stop or Yield signs where street intersects with a major street or at other locations required by the City Engineer.

M. Utility distribution lines, including but not limited to electric, communications, street lights and cable television shall be required to be placed underground. The subdivider is

responsible for complying with requirements of this Section, and he shall make the necessary arrangements with the utility companies for the installation of such facilities. Minor exceptions to this Section may be granted by the City Engineer only when requested by the serving utility.

This Section shall apply to utility lines which do not provide service to the area being subdivided and are immediate adjacent to the subdivision.

6.10 DEDICATION OF LAND AND/OR PAYMENT OF FEES FOR PARK AND/OR RECREATION PURPOSES

A. This Section is enacted pursuant to the authority granted by Subdivision Map Act of the State of California. As a condition of approval of a final subdivision or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City for parks or recreational purposes as herein set forth.

B. It is hereby found and determined that the public interest, convenience, health, welfare and safety require that five (5) acres of property for each one thousand (1,000) persons residing within the City be devoted to local park and recreational purposes. (Ordinance 876, (1-24-94)

C. The subdivider shall dedicate land or pay fees in lieu thereof for parks and recreational facilities to serve the residents of the subdivision. The amount of land to be provided or fees paid shall be determined pursuant to the following formula:

1. The amount of land to be dedicated shall be equal to:

   The estimated number of residents of the subdivision based on the average number of persons per household by unit as disclosed by the most recent available Federal census or a census taken pursuant to Chapter 17 (commencing with Section 40200 of Part 2, Division 3 of Title 4 of the Government Code).

   Multiplied by .005 acres. (Ordinance 876, 1-24-94)

2. If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by this Ordinance.

3. Planned developments and real estate developments, as defined in Sections 11003 and 11993,1 respectively of the Business and Professions Code, not including condominium developments, shall be eligible to receive a credit, as determined by the City Council against the amount the fee imposed pursuant to this Section, for the value of private open space within the development which is usable for active recreational uses, provided that the following standards are met:

Turf Playfield	1.00 – 3.00
Swimming Pool (42' x 75') With adjacent Deck And Law Area	.25 - .50
Recreation Center Building	.15 - .25

4. Only the payment of fees shall be required in subdivisions containing fifty (50) parcels or less.

5. Whether land shall be dedicated or fees paid or both in subdivisions containing more than fifty (50) parcels shall be determined by the City Council.

D. When a fee is required to be paid in lieu of park land dedication, the amount of the fee shall be based upon the average estimated fair market value of the land which would otherwise be required to be dedicated. The fair market value shall be as determined by prevailing market rates at the time of final map or parcel map approval. If the subdivider and City do not agree on the fair market value of the property, the value shall be determined by a qualified real estate appraiser. All cost to obtain such appraisal shall be borne by the subdivider.

E. The fees paid in lieu of the dedication of property shall be used only for the purpose of providing park or recreational facilities reasonably related to serving the subdivision by way of the purchase of necessary land, or, the improving of City land for park and recreational purposes. Said fee shall be committed within five (5) years after payment or the issuance of building permits on one half of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they, without any dedications, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision. (Ordinance 757, 11-25-86)

6.11 SCHOOL SITES

Where the subdivider proposes to develop a minimum of four hundred (400) dwelling units within a single school district within a three-year period or less, the Planning Commission may required the subdivider to dedicate to the School District such land as the governing body shall deem necessary for the purpose of constructing thereon schools necessary to assure the residents of the development elementary school service. Such requirement shall be subject to the costs formula and other provisions and limitations of Section 11525.2 Article 2 of the Business and Professions Code.

6.12 OFF-SITE IMPROVEMENTS

The following off-site improvements may be required:

A. The subdivider shall pay the fee estimated by the Mid-Peninsula Water District for the improvement of any existing source of water supply and the construction of transmission lines from that supply to the proposed development.

B. The subdivider shall pay the fee estimated by the City for the development of sewage disposal facilities or for the improvement of any existing sewage disposal system and the construction of transmission lines from the proposed improvements to the site of disposal.

C. When flood zones or other lawful special purpose zones are established by the City Council, the subdivider shall pay the fee set out for the particular zone in which the subject land lies.

D. Proposed grades, drained and paved access roads.

E. The extension of any other utilities.

Requests for reimbursement shall be made in writing at the time of submitting the final map.

6.13 PLANNED DRAINAGE FEES

At the time of the filing of the final, or parcel map, and as a condition of approval of such final, or parcel map, for purposes of defraying the actual or estimated cost of constructing planned drainage facilities for the removal of surface and storm drainage waters, a per acreage fee of $5,000.00 per acre shall be paid to the City Treasurer for any portion of the Subdivision which is contained within the area described as the "Belmont Creek Drainage Area" and the "East Laurel Creek Drainage Area" in the Sanitary and Storm Sewer Element of the General Plan for the City of Belmont. For any portion of a subdivision that is les than one acre in area, the aforesaid per acre fee shall be prorated. The City Treasurer shall issue a receipt to the title of the subdivision. (Ordinance 679, 6-24-80) (Ordinance 537, 5-13-74)

6.14 MONUMENTS

A. Permanent iron pipe monuments of a type approved by the City Engineer shall be set at each boundary corner of the subdivision, along exterior boundaries at intervals of not over five hundred (500) feet, at the beginning and end of property line curves, and at any other points as may be required by the City Engineer.

B. Concrete monuments depressed below street grade with case iron ring and cover of a type approved by the City Engineer shall be set at intersections of street centerline tangents or offsets therefrom, and where such intersect on private property, at the beginning and end of centerline curve and/or offsets therefrom. The exact location of all such monuments shall be shown on the final map before approval is required.

C. Any monument or benchmark, as required by this Code, that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.

D. Monuments and benchmarks shall be set before acceptance of all improvements by the City Council.

E. A three quarter (3/4) inch iron pipe eighteen (18) inches long visibly marked or tagged with the registration number or license number of the civil engineer or land surveyor under whose direction the survey was made, shall be placed at the front corners of each lot or in lieu thereof a permanent mark shall be made or set on the top of the concrete curb along the prolongation of the site lot lines of the lot to the street.

SECTION VII

EXCEPTIONS TO REQUIREMENTS

7.1 EXCEPTION BASED HARDSHIP

There are certain parcels of land of such dimension, subject to such title restrictions, so affected by physical conditions and/or devoted to such use that it is impossible for the subdivider to conform to all the foregoing requirements when subdividing property.

7.2 APPLICATION

The Planning Commission may recommend that the City Council authorize conditional exception to any of the requirements and regulations set forth in this ordinance. Application for any such exception shall be made by a verified petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the Planning Commission shall find the following facts with respect thereto:

A. That there are special circumstances or conditions affecting said property.

B. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

C. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity in which said property is situated. (Ordinance 550, 10-17-74)

7.3 PLANNING COMMISSION ACTION

A. In recommending such exceptions, the Planning Commission shall secure substantially the objectives of the regulations to which the exceptions are granted, as to light, air and the public health, safety, convenience and general welfare.

B. In recommending the authorization of any exception under the provisions of this section, the Planning Commission shall report to the City Council its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth the exception recommended and the conditions designated. (Ordinance 550, 10-17-74)

7.4 CITY COUNCIL ACTION

Upon receipt of such report the City Council may by resolution authorize the Planning Commission to approve the tentative map with the exceptions and conditions the City Council deems necessary to substantially secure the objectives of this ordinance. (Ordinance 550, S1, 10-17-74)

SECTION VIII

TYPE OF SUBDIVISION AND PROCEDURE

8.1 GENERAL

Whether the Standard Subdivision (Section IX) or the Minor Subdivision (Section XI) procedure shall be used in subdividing property shall be determined as hereinafter provided.

8.2 STANDARD SUBDIVISION PROCEDURE

The division of any property into five or more lots.

8.3 MINOR SUBDIVISION (PARCEL MAP) PROCEDURE

The Minor Subdivision procedure shall be used in the following cases:

A. The division of any property into four or less lots in any time period.

B. The division of any property into five or more lots – where all border on a fully improved public street, and where no street stubs or improvements are required, and where the original parcel does not exceed five acres.

C. The division of any property into five or more building sites in any industrial or commercial development

D. Any division of land into parcels of twenty (20) acres or more where each parcel has an approved access on an improved public street.

E. The division of buildings into condominiums where the property on which those buildings are sited is divided into four (4) or less lots in any time period.

SECTION IX

STANDARD SUBDIVISION PROCEDURE

9.1 APPLICABILITY

Except as otherwise provided, this procedure shall apply to all subdivisions, parts of subdivisions or any division of land where prescribed under Section VIII.

9.2 TENTATIVE MAP. DATE REQUIRED AND DESIGN

The preparation of a tentative subdivision map or maps, shall comply with Section IV as to design, and shall include the following data:

A. A sketch at a minimum scale of one inch = 1,000 feet indicating the location of the proposed subdivision in relation to the surrounding area or region and showing land use in surrounding area. All to be indicated on the tentative map.

B. Name and address of record owner and subdivider.

C. Name, address and license number of licensed land surveyor, registered civil engineer or other qualified professional who prepared said tentative map.

D. Date, north point (generally up on the map) and scale. Minimum scale one inch = 100 feet. Minimum map size eighteen inches by twenty-six inches (18 x 26).

E. Name or number of proposed subdivision, and of all adjacent subdivisions; locations of, names and width of adjacent streets, highways, alleys and ways, and easements of all kinds, together with the type and location of street improvements thereon including fire hydrants and street light locations.

F. The contour of the land at intervals of one foot of elevation up to five (5) percent slope; two (2) foot intervals up to ten (10) percent slope and five (5) foot intervals over ten (10) percent slope.

G. Sufficient data to define the boundaries of the tract, or a legal description of the tract and border on reverse side of map to indicate tract boundaries. Tentative map to show probable units of final map.

H. Width, approximate location and purpose of all existing and proposed easements and adjacent easements adjoining such land.

I. The width, approximate grade and name of all streets, highways, alleys and other rights-of-way proposed within the subdivision.

J. The approximate radii of all curves.

K. All lots and condominium air spaces numbered consecutively by block throughout the entire development; the approximate dimensions of all lots; approximate lot areas shall be shown for all lots not rectangular in shape.

L. The approximate locations of areas subject to inundation by storm water overflow, and the location, width and direction of flow for all water courses existing and proposed.

M. The location and outline to scale of each existing building or structure including underground utilities within the subdivision, noting thereon whether or not such building or structure is to be removed from or remain in the development of the subdivision, and its existing and proposed future use.

N. Show approximate elevation of street intersections.

O. The location, pipe size and approximate grades of proposed sewers, water line and underground storm drains, including the proposed location of fire hydrants, street lights, gas main and power, and TV cables.

P. The location of all trees over four inches in diameter at base of tree (where stands of trees are located individual trees need not be shown, but may be shown as a group).

Q. The location of existing fences, ditches, wells, pumps, cesspools, reservoirs, sewers, culverts, drain pipes, underground structures, utility lines or sand, gravel or other excavation within two hundred (200) feet of any portion of the subdivision, noting thereon whether they are to be abandoned or used.

R. Typical street sections and details.

S. All major cross sections of all cuts and fills before and after grading to determine the scope of the work involved, including estimate of contemplated earth work. (See Section 4.24)

T. If the tentative map or the final map indicates any grading which involves a removal of earthen material from the proposed subdivision, the subdivider shall show on said tentative map the elevations of the property by contour lines indicating by solid lines original elevations not greater than five (5) feet, and by broken lines shall show the proposed elevations upon completion of the grading and excavation. The subdivider shall file with the tentative map a written application for grading and excavation if any, in conformity with the provisions of Excavation Ordinance No. 82 and the Ordinance establishing limited truck routes of the City of Belmont.

9.3 STATEMENTS

Accompanying the tentative map, or on said map, shall be statements by the subdivider as follows:

A. Statement of existing zoning and existing and proposed use or uses.

B. Statement and report on soil tests by a reputable soils engineer.

C. Statement as to intention of subdivider to control erosion and improvements to be constructed by him, as required in Section V and VI and other ordinances of the City.

D. Statement indicating building setback lines.

E. Proposed source of water supply and method of sewage disposal.

F. Proposed type of tree planting and landscaping.

G. Proposed public areas to be dedicated or scenic easements proposed.

H. Type and location of street lighting proposed in conformance with the adopted Standards of the City of Belmont.

I. Statement as to development of lots (whether for sale as lots or fully developed house and lot lease or financing purposes).

J. Preliminary title report – four copies.

K. Justification and reasons for any exceptions to provisions of this Ordinance.

L. The subdivider shall submit with the tentative map, a copy of a letter to each serving utility and agency requesting submission of utility easement requirements and a copy of the reply of each affected utility and agency.

M. A geological report shall be required in any area, so determined by the City Engineer, where there are known geological hazards.

9.4 COVENANTS

A copy of any condition, restrictive reservation or covenant existing or proposed shall be attached to the above statement.

9.5 TENTATIVE MAP, COMPLETENESS AND FILING

A. A tentative map shall be considered complete for filing with the Planning Commission after submission of the required maps or sketches, together with all supplementary data to the Director of Planning. If the tract is a portion of a larger area, which may be subdivided at a later date, the tentative map or vesting tentative map shall roughly indicate the ultimate plan for the whole area.

B. Notwithstanding the provisions of subsection A, additional actions will be required before a map will be accepted for filing when any of the following apply: (1) the intended development requires additional entitlement or permit approvals that the Planning Director determines will affect the design and improvement of the subdivision; (2) the property to be subdivided is zoned Planned Unit Development; or (3) the proposed subdivision is not exempt from the California Environmental Quality Act.

Prior to filing a tentative subdivision or tentative parcel map the applicant shall: (a) obtain the additional entitlement and permit approval affecting the design and improvement of the subdivision; (b) obtain a Use Permit to allow development to commence in accordance with a Detailed Development Plan for property zoned Planned Unit District; and (c) comply with the requirements of the California Environmental Quality Act. Alternately, for the purpose of allowing concurrent processing of an application for approval of the required permits, entitlement, and California Environmental Quality Act documents, together with the application for approval of the tentative or vesting tentative map, the applicant and Planning Director may agree in writing to waive the time limits for approval set forth in Sections 9.8, 9.8.1 and 10.4 of this Ordinance and Sections 66452.1, 66452.2 and 66458 of the Government Code.

C. Notwithstanding the provisions of Subsection (a) where the tentative map is a vesting tentative map and it is determined by the Director of Planning that the improvements shown on the vesting tentative map shall require design review approval pursuant to Section 13 of Ordinance No. 360, no vested tentative map shall be accepted for filing unless the improvements shown on said map have obtained design review approval pursuant to Section 13 of Ordinance No. 360 or the subdivider agrees with the Planning Commission, in writing, to waive the time limits for approval set forth in Section 9.8, 9.8.1 and 10.4 of this Ordinance and Section 66452.1, 66452.2 and 66458 of the Government Code for the purpose of allowing concurrent processing of an application for design review together with the application for approval of the vesting tentative map.

D. Tentative maps or vesting tentative maps shall be filed with the Secretary of the Planning Commission at the first regular Planning Commission meeting occurring after the expiration of fifteen (15) days following the determination by the Director of Planning that the tentative map or vesting tentative map and statements relating to the proposed subdivision of any land together with a fee set by resolution of the City Council. (Ordinance 634, 8-28-78) (Ordinance 757, 11-15-86)

9.6 DISTRIBUTION OF COPIES

Upon the filing with the Secretary of the Planning Commission of a tentative map and the requisite number of copies thereof, he shall forthwith transmit copies thereof to the following departments of officers: City Manager, City Planner, City Engineer, Building Official, Director of Recreation and Parks, Police Chief, City Clerk (six copies), Chief of South County Fire Authority, the Regional Water Quality Control Board, if affected, and each serving utility.

9.7 REPORTS

Within a period of not more than fifteen (15) days from the receipt thereby of a copy of a tentative maps, each officer or department to which such copy shall have been transmitted shall file with the City Planner his or its approval of such tentative map or a report showing what changes are necessary to make such map conform to the requirements of the Subdivision Map Act and of this Ordinance coming within the jurisdiction of such officer or department. If such approval or report is not made before the expiration of the fifteen-day period by any such officers or department, the map shall be deemed to be approved by him or it.

9.8 TENTATIVE MAP, ACTION BY PLANNING COMMISSION

The Planning Commission shall determine whether a tentative map is in conformity with the provisions of the State Subdivision Map Act and of this Ordinance and upon the basis shall recommend to the City Council approval, conditional approval or disapproval of said map and shall report in writing its recommendation to the City Council within fifty (50) days of the filing of said map unless the time or making said recommendation is extended by mutual consent of the subdivider and the Planning Commission. The report of the Planning Commission shall direct to be included in its report and shall be filed with the City Clerk. Failure of the Planning Commission to act within the time limits prescribed shall be deemed a recommendation to the City Council that said map be approved.

The Planning Commission shall recommend disapproval of a tentative subdivision map if it makes any of the following findings:

A. That the proposed map is not consistent with applicable general and specific plans.

B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

C. That the site is not physically suitable for the type of development.

D. That the site is not physically suitable for the proposed density of development.

E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.

F. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the City Council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to one previously acquired by the public.

This subsection shall apply only to easement of record or to easements established by judgment of a court or competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

The Planning Commission may, in addition to any other causes therefore, disapprove a tentative map because of flood and inundation hazards or slide areas and require protective improvements to be constructed as a condition precedent to approval of the map.

The Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the Commission finds that the proposed waste discharge would result in or add to violation of requirements of such board, it may disapprove the tentative map or maps of the subdivision. (Ordinance 634, 7-10-78)

9.8.1 TENTATIVE MAP ACTION BY CITY COUNCIL

At the next regular meeting of the City Council following the filing of the report of the Planning Commission with the City Clerk, the City Council shall fix the date upon which the City Council shall consider the approval, conditional approval or disapproval of the tentative map which date shall be within thirty (30) days thereafter. The City Clerk shall serve a copy of the report of the Planning Commission on the subdivider by first class mail postage prepared at least three (3) days prior to the date set for consideration of the tentative map. If no action is taken by the City Council within thirty (30) days following the first meeting of the City Council after the filing of the report of the Planning Commission, or an extension of time mutually agreed upon by the City Council and the subdivider, the tentative map shall be deemed approved as filed insofar as it complies with the State subdivision Map Act and this Ordinance and it shall be the duty of the City Clerk to certify such approval. (Ordinance 634, 7-10-78)

9.8.2. EXPIRATION OF APPROVED TENTATIVE MAP OR VESTING TENTATIVE MAP

A. An approved or conditionally approved tentative map or vesting tentative map shall expire twenty four (24) months after its approval or conditional approval. However, if the subdivider is subject to a requirement of one hundred thousand dollars ($100,000) or more to construct or improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map, the tentative map shall be subject to the time limits stated in Section 66452.6 of the Government Code.

B. Upon applicable of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the City Council for a period or periods not exceeding a total of three (3) years.

C. The period of time specified in Subsection A including any extension thereof granted pursuant to Subsection B shall not include a period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of time period is approved by the City Council pursuant to this Section. After service of the initial petition or complaint in the lawsuit upon the City, the subdivider may apply to the City Council for a stay. Within forth (40) days after receiving the application of the City Council shall either stay the time period for up to five (5) years or deny the requested stay.

D. The period of time specified in Subsection A shall not include any time during which a development moratorium imposed after approval of the tentative map, is in existence, provided however, that the length of the moratorium does not exceed five (5) years. The for the purposes of this Section, a development moratorium

9.9 IMPROVEMENT PLANS, ALL SUBDIVISIONS

After approval by the City Council of the tentative map of any subdivision, the subdivider shall furnish the following information to the Secretary of the Planning Commission. No final map shall be submitted for consideration of the City Council until the improvement plans have been approved by the City Engineer. No improvement plans shall be considered finally approved until approval of the final map by the City Council.

A. Three (3) copies of a grading plan consisting of typical cross sections and finished grades of all lots, roads, streets and highways in the proposed new subdivision.

B. Three (3) copies of plan and profile drawings of all streets, including sewer and drainage improvements; utilities may be show in plan only. All tracings or duplicate tracings shall be filed with the City Engineer. Three (3) copies of Final Improvement Plans and Specifications. Scale of plans shall be one inch = 40 feet horizontally; one inch = four feet vertical in Profile, unless otherwise approved by the City Engineer. Three (3) copies of all contract construction drawings.

C. Estimated costs of improvements to be dedicated to the City or other public agency or any other conditions of approval of the subdivision. Such estimates to be verified by the City Engineer.

D. Any other pertinent information required by the Conditional Approval of the Planning Commission, City Council, or by the City Engineer, including a soils report on previously filled areas or areas proposed to be filled; and in all street and alley rights-of-way at intervals not exceeding one thousand (1,000) feet and/or any change in soil conditions. The soils report and analysis will be in accordance with the methods approved by the State of California for "R" values, sieve analysis and said equivalent.

SECTION X

FINAL MAP

10.1 FILING

A. Prior to the expiration of an approved or conditionally approved tentative map, a final map conforming to the approved or conditionally approved tentative map may be filed with the City Clerk for approval by the City Council after all required certificates on such map have been signed and where necessary, acknowledged, and said map and documents described in subdivision (b) herein, have been approved for filing with the City Clerk by the City Engineer.

B. At the time of the filing of the final map with the City Clerk the subdivider shall also file therewith the following:

1. The instrument prohibiting traffic over the side lines of a major highway, parkway, street or freeway, when and if the same is required under Section 4.11 hereof. A dedication of a planting strip may be accepted as a satisfactory alternative.

2. A copy of the deed restriction applicable to the subdivision.

3. Sheets or drawings showing traverse closures and the computation of all distances, angles and courses shown on the final map, ties to existing and proposed monuments, and adjacent subdivisions, street corners, and/or highway stations.

C. Upon receipt of the final map and documents required by subsection (b) and payment of the map checking fee set by resolution of the City Council, the City Engineer shall examine such to determine that the subdivision as shown is substantially the same as it appeared on the tentative map and any approved alterations thereof, that all provisions of the law and of this code applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct and that he is satisfied that the map is technically correct and that all required certificates on said map, except the certificate of the City Clerk, have been signed and where necessary, acknowledged. If the City Engineer shall determine that full conformity therewith has not been made he shall advise the subdivider of the changes or additions that must be made for such purpose and shall afford the subdivider an opportunity to make sure changes or additions. If the City Engineer shall determine that fully conformity therewith has been made, he shall so certify on said map and shall transmit said map to the City Clerk for filing.

In the event a subdivision is partly in the City and partly outside the City, the County Engineer shall enter into agreement by and with the consent of their respective governing bodies, provided that the County Engineer may perform the duties prescribed for the City

Engineer in this paragraph or providing for an appointment between them on said duties. The County Engineer, when by such agreement all such duties devolve upon him, may after his performance thereof make the aforesaid certification upon said map and, when by such agreement said duties shall be sufficient, if each shall after the performance thereof, make a certification on said map, touching the duties performed by each after which the map shall be transmitted to the City. (Ordinance 634, 7-10-78)

10.2 FORM OF FINAL MAP

A. The final subdivision map shall be clearly and legibly drawn upon tracing cloth of good quality. All lines, letters, figures, certifications, acknowledgement and signatures shall be made in black India Ink. Typewriting or rubber stamps shall not be used. The map shall be so made and shall be in such condition when filed that good legible blueprints and negatives can be made there from. The size of the sheets of tracing cloth shall be eighteen by twenty six (18 x 26) inches leaving a margin of two (2) inches at the left edge and one (1) inch at the other three edges of the sheets. The scale of the final map shall be one inch = one hundred (100) feet, or larger scale if so directed.

B. When the final consists of more than two sheets, the relation of sheets shall be indicated by note. Every sheet comprising the map shall bear the scale, north point, legend, sheet number and number of sheets comprising the map.

C. Wherever the City Engineer has established a system of coordinates then the survey shall be tired into such system. The maps shall show clearly what stakes, monuments or other evidence were found on the ground to determine the boundaries of the subdivision. The adjoining corners of all adjoining subdivisions shall be identified by lot and block numbers, subdivision name and place of record, or other proper designation.

D. Sufficient data must be shown to determine readily the bearing and length of every lot line, block line and boundary line and shall be shown in feet and hundredths of a foot. No ditto marks shall be used. Lots containing one acre or more shall show total acreage to nearest hundredth. Bearing and lengths of straight lines, and radii and arc length for all curves as may be necessary to determine the location of the centers of curves and tangent points shall be shown. No lot shall be dimensioned to contain any part of an existing or proposed public right-of-way.

E. Whenever the City Engineer has established the center line of a street or alley, adjacent to or in the proposed subdivision, the data shall be shown on the final map indicating all monuments found and making reference to a field book or map. If the points were reset by ties, the course and detail of relocation data used by the City Engineer shall be stated.

F. The map shall show the location and description of all monuments found in making the survey of the subdivision.

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

1. The final map shall show the line of high water in case the subdivision is adjacent to a stream, channel or any body of water and shall also show any area subject to periodic inundation of water.

2. The boundary of the subdivision shall be designated by a blue border applied to the reverse side of the tracing and on the face of the blue line prints. Such border shall not interfere with the legibility of figures or other data.

3. Street and other rights of way. The map shall show the lines of all streets, the total width of all streets, the width of the portion being dedicated and the width of existing dedications, also the width of any railroad rights-of-way, appearing on the map.

4. The map shall show the side lines of all easements to which the lots are subject. The easements must be clearly labeled and identified and if already on record, its recorded reference given. If any easement is not definitely located of record, a statement of such easement must appear on the title sheet. Easements for storm drain, sewers and other purposes shall be denoted by dashed lines. The width of the easement and sufficient ties there to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

5. City boundary lines crossing or bounding the subdivision shall be clearly designated and referenced.

6. Lot numbers shall begin with the number "1" in each block and shall be numbered in a clockwise direction from the upper left hand corner; north shall be generally up on the map.

7. Block numbers shall begin with the number "1" continuing consecutively with omission or duplication throughout the subdivision. The numbers of letters shall be solid and of sufficient size and thickness to stand out, shall be so placed as not to obliterate any figure and shall be enclosed in a circle. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets with complete property line data.

8. The map shall also show all other data that is or may be required by law.

9. The final map shall particularly define, delineate and designate all lots and condominium air spaces intended for sale or reserved for private purposes, all parcels offered for dedication for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case. Parcels offered for dedication but not accepted shall be designed by letter.

10.3 CERTIFICATES AND TAX BOND

The following certificates and acknowledgements and all other now or hereafter required by law shall appear on the final map or shall be otherwise made: such certificates may be combined where appropriate.

A. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of said map; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map.

   1. Rights-of-way, easements or other interest none of which can ripen into a fee.

   2. Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and which signature it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signature shall be set forth on the map.

   3. Any subdivision map including land originally patented by the United States or the State of California, under patent reserving interest to either or both of these entities, may be recorded under the provision of this Code without the consent of the United States or the State of California thereto, or to dedication made thereon.

B. Dedication certificate. A certificate signed and acknowledged as offering for dedication all parcels of land shown on the final map and intended for any public use, except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

C. Engineer's certificate. A certificate by the registered civil engineer or licensed surveyor responsible for the survey and final map. The signature of such civil engineer or surveyor unless accompanied by his seal must be attested.

D. A certificate for execution by the City Engineer including his State License number.

E. A certificate for execution by the City Clerk.

F. A certificate for execution by the County Recorder.

G. Prior to the filing of the final map with the governing body, the subdivider shall file with the clerk of supervisors of the county in which any part of the subdivision is located, a certificate from the official computing redemptions in San Mateo County and the City of Belmont, showing that according to the records of his office, there are no liens against the subdivision or any part thereof for unpaid state, county, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable. As to taxes or special assessments collected as taxes not yet payable, the

subdivider shall file with the clerk of the board of supervisors mentioned, a certificate of each proper officer giving his estimate of the amount of taxes and assessments which are a lien but which are not yet payable.

H. Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall not be recorded until the owner or subdivider executes and files with the board of supervisors of the county wherein any part of the subdivision is located, a good sufficient bond to be approved by the board and by its terms made to inure to the benefit of the county and conditioned upon the payment of all state, county, municipal and local taxes and all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable. In lieu of a bond, a deposit may be made of money or negotiable bonds in the same amount, and of the kind approved for securing deposits of public money.

10.4 ACTION OF FINAL MAP

A. Upon receipt of the final map from the City Engineer, the City Clerk shall transmit the same to the City Council and shall inform the City Council of the date upon which the map was filed. The City Council shall, within a period of ten (10) days after the filing of the final map for approval or at its next regular meeting after the meeting at which it receives the map, whichever is later, approve the map if it conforms to all the requirements of the Subdivision Map Act of the State of California and of this Ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder or if it does not so conform, disapprove the map.

B. If the City Council does not approve or disapprove the map within the prescribed time, or any authorized extension thereof, and the map conforms to said requirements and rulings, it shall be deemed approved and the City Clerk shall certify the approval of the City Council thereon.

C. If at the time of approval of the final map by the City Council, any public improvements required by the City pursuant to the provisions of the Subdivision Map Act of the State of California and this Ordinance have not been completed and accepted in accordance with the standards established by the City by ordinance applicable at the time of the approval or conditional approval of the tentative map, the City Council as a condition precedent to the approval of the final map shall require the subdivider to enter into one or more of the following agreements specified by the City:

1. An agreement with the City upon mutually agreeable terms, and approved by the City Attorney as to form and the City Manager as to content, to thereafter complete such improvements at the subdivider's expense including the cost of engineering inspection and incidental expenses and to cover replacement and repair of existing streets and other improvements damaged in the development of the subdivision.

2. An agreement with the City to thereafter (i) initiate and consummate proceedings under an appropriate special assessment act for the financing and completion of all such improvements or (ii) if not completed under such special assessment act, to complete such improvements at the subdivider's expense.

3. An agreement with the Mid-Peninsula Water District specifying the period within which the subdivider shall complete all improvement work to the satisfaction of the Engineer of the Water District within his jurisdiction.

D. The City Council shall require that any agreement entered into pursuant to this section shall require that performance of the agreement be guaranteed by the security specified in Chapter 5 of the Subdivision Map Act of the State of California commencing with Section 66499 of the Government Code.

E. Upon approval or conditional approval of the final map the City Clerk shall certify the approval of the City Council thereon.

F. When the subdivider shall have filed with the City Clerk any agreement required by the City Council pursuant to this section and the security required to guarantee the performance of the agreement and shall have deposited with the City all of the payments, deposits and conveyances required by resolution of the City Council approving the final map, the City Clerk shall transmit the map to the Clerk of the County Board of Supervisors for ultimate transmittal to the County Recorder. (Ordinance 634, 7-10-78)

10.5 REVOCATION OF APPROVALS

If no lots in a subdivision for which a final map has been approved and recorded under this section prior to the effective date of the Section have been sold within five (5) years from the date of recordation of the maps or if none of the improvements required to be made have been made within two (2) years from the date of recordation, the City Council may on its own motion hold a public hearing, after notice to all property owners affected to determine whether the approval of such final map should be revoked. If it be determined that such approval should be revoked, the City Council shall by resolution revoke such approval without prejudice to the filing of a new map pursuant to this section. Such revocation shall be effective upon recordation of a certified copy of such resolution in San Mateo County and thereupon all streets, ways, and other easements dedicated or offered for dedication by such map shall be of no further force or effect.

SECTION XI

MINOR LAND DIVISION

11.1 FILING

Where required by the provisions of this Ordinance, tentative and final parcel maps, as defined and regulated in the California Subdivision Map Act, shall be prepared and filed with the Planning Commission together with a filing fee by Resolution of the City Council.

A. Design and Improvements. Division of property by this Section shall be governed as to design by Section IV and V herein.

B. Tentative parcel map information. A legible tentative map drawn to scale on a sheet eighteen by twenty six (18 x 26) inches in size, on tracing paper shall be prepared and submitted showing:

1. Name, address and phone number of record owner and person filing the map; the parcel map number of the proposed subdivision, and the name and address of the licensed land surveyor, registered civil engineer, or other qualified professional who prepared said tentative map.

2. Name and legal designation of tract or grant in which the subdivision is located and ties to adjoining streets.

3. Any other data necessary for the intelligent interpretation of the conditions existing and the location of recorded points, lines and areas shown including but not limited to:

   a. The contour of land at intervals of one (1) foot of elevation up to five (5) percent slope; two (2) foot intervals up to ten (10) percent slope and five (5) foot intervals over ten (10) percent.

   b. Sufficient data to determine boundaries of division accurately.

   c. Width, location, purpose of all existing and proposed easements.

   d. The width, grade of all streets and other rights-of-way whether proposed for dedication or existing.

   e. All lots and condominium air spaces numbered consecutively throughout the entire development; the approximate dimensions of all lots; approximate lot areas shall be shown for all lots not rectangular in shape.

   f. The approximate radii of all curves.

g. The locations of areas subject to flood or inundation.

h. Approximate elevations of street intersections.

i. The location, size, grades of proposed sewers, water lines, storm drains.

j. Location of all proposed fire hydrants, street lights, easements.

11.2 STATEMENTS

Accompanying the tentative map shall be the following:

A. A statement by the subdivider as to drainage, surfacing, or other required improvements to be constructed by him;

B. and whether proposed roads, widening or street openings are offered for separate dedication, and if so, copies of a preliminary title report on subject property shall be included;

C. statement of existing zoning and proposed use;

D. statement and report on soil tests or Geologic Report, if required by the City Engineer.

11.3 FILING AND ACTION ON TENTATIVE PARCEL MAP BY PLANNING COMMISSION

A. One reproducible and twenty (20) copies of the map and required statements and documents shall be filed with the Secretary of the Planning Commission at least fifteen (15) days prior to the time at which action by the Planning Commission is expected. The Secretary of the Planning Commission shall immediately transmit a copy of said map to the City Engineer, Building Official, Fire Chief, Police Chief, City Planner, City Clerk and to each public utility serving the general area of the proposed minor subdivision.

B. The City Planner, with the aid of the above-mentioned staff, shall review said map and shall make a report and recommendations, and present it to the Planning Commission.

C. The subdivider shall submit proof of the adequacy of the proposed easements at the time of filing the tentative parcel map, and any utility company concerned may make a report to the Planning Commission as to the adequacy of the proposed easements.

D. Any lots created by minor subdivision approved by the City shall eliminate any previously recorded lot lines which fall within said minor subdivision.

E. Partial width streets may be approved by the Planning Commission when lot owners are not able to coordinate development on adjacent lots, but in no case shall such street be less than twenty eight (28) feet of right-of-way and fourteen (14) feet of pavement.

11.4 ACTION OF TENTATIVE PARCEL MAPS

A. That the proposed map is not consistent with applicable general and specific plans.

B. That the design or improvement of the proposed subdivisions is not consistent with applicable general and specific plans.

C. That the site is not physically suitable for the type of development.

D. That the site is not physically suitable for the proposed density of development.

E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.

F. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the City Council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to one previously acquired by the public.

This section shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ordinance 634, 8-28-78)

11.5 APPEAL

A. Appeal from the action of the Planning Commission may be made by any interested person to the City Council. The appeal must be in writing and shall set forth the grounds upon which the appeal is made. The appeal must be filed within fifteen (15) days from the date of the Planning Commission decision. (Ordinance 636, 9-11-78)

11.6 RECORDATION REQUIRED

No building permit may be issued prior to recording of the parcel map creating the Minor Subdivision.

11.7 CITY COUNCIL ACTION ON APPEAL – TENTATIVE PARCEL MAP OF MINOR SUBDIVISION

The City Council shall hear any appeal within fifteen (15) days or at its next succeeding regular meeting after filing thereof. If the City Council fails to act within seven (7) days following said hearing, the action of the Planning Commission shall be deemed as final, unless this time is extended by mutual consent of the subdivider and the City Council.

11.8 LIMITATION OF APPROVAL.

A. The approval or conditional approval of a tentative parcel map shall be valid for a period of twelve (12) months from the date of approval by the Planning Commission or City Council. Such approval or conditional approval may be extended for a period not to exceed two (2) additional years by the Planning Commission upon written request, providing such request is made prior to the expiration of the one (1) year approval or conditional approval period.

B. Any failure to record a parcel map within one (1) year from the approval or conditional approval of the tentative parcel map, or any extension thereof granted, shall terminate all proceedings.

C. A parcel map shall be prepared in conformance with the approval tentative parcel map and presented to the City Clerk after a certificate has been executed by the City Engineer, and the registered civil engineer or licensed land surveyor who prepared the map, certifying compliance with all conditions of approval.

D. The parcel map shall meet all requirements of a parcel map, as set out in the California Subdivision Map Act and this Ordinance, and when improvements or dedications are required, shall be accompanied by a guaranty of title, any separate instruments of dedication or deeds and improvement agreement, all as set out in Section 10.5.

11.9 SUBMISSION OF PARCEL MAPS

A. A parcel map shall be considered complete for filing when it complies with the Subdivision Map Act and this Ordinance and the following is filed with the City Engineer: Two (2) blueline prints, original tracing or duplicate on linen or polyester base of good quality, and a filing fee as set by resolution of the City Council.

B. The City Engineer shall determine that said map is in conformity with the tentative map, the requirements of the Subdivision Map Act and this Ordinance and if it is, shall approval said map. In this case the City Engineer shall determine said map is not in conformity with the said requirements, he shall return said map to the subdivider for correction. If the map is approved, and after seals and signatures are affixed, the City Engineer shall transmit any offers of dedication or agreements to the City Council for approval and acceptance.

C. After such approval the parcel map shall be transmitted to the City Clerk for filing with the County Recorder. No building permit shall be issued until the parcel map is filed with the County Recorder for record.

SECTION II-A

LOT LINE ADJUSTMENTS

11-A-1 DEFINITION. Lot line adjustment as used herein is a lot line adjustment where the land taken from one parcel is added to an adjacent parcel and where a greater number of parcels than originally existed is not thereby created. (Ordinance 757, 11-15-86)

11-A-2 A lot line adjustment may be approved by the Planning Director provided the parcels resulting from the lot line adjustment conform to the zoning and building ordinances of the City. (Ordinance 757, 11-25-86)

11-A-3 The lot line adjustment shall be reflected in a deed or record of survey, approved by endorsement thereon by the Director of Planning and recorded in the Official Records of the County Recorder of the County of San Mateo. A copy of the deed or record of survey with the recording data endorsed thereon shall be retained by the Director of Planning. (Ordinance 757, 11-25-86)

11-A-4 Upon requesting issuance of a lot line adjustment, the applicant shall deposit with the Planning Director for payment to the City Treasurer cash or check in a sufficient sum to cover the fee for the lot line adjustment process and the recordation of the deed or record of survey. (Ordinance 757, 11-15-86)

11-A-5 No conditions or exactions shall be imposed for lot line adjustment except as may be required to:

A. Conform to the building and zoning ordinances of the City.

B. Facilitate the relocation or existing utilities, infrastructure or easements. (Ordinance 757, 11-15-86)

11-A-6 No tentative map, parcel map or final map shall be required as a condition to the approval of a lot line adjustment. (Ordinance 757, 11-25-88)

11-A-7 Denial-Action. Upon denial of any request for lot line adjustment by the Director of Planning, the applicant may apply to the Planning Commission for a lot line adjustment subject to the provisions of this section. (Ordinance 757, 11-15-88) Reference Subdivision Map Act 66412(d).

SECTION XII

EXCEPTIONS FROM ARTICLE AND SUBDIVISION ALTERNATE

12.1 EXCEPTIONS

This article shall not apply to any parcel not conforming to the provisions of this Ordinance for which a deed is of record or for which a contract of sale was in full force and effect and recorded prior to the 1972-73 Assessment Roll of the City, nor to any land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

12.2 SUBDIVSION ALTERNATE

Nothing contained in this article shall prevent any owner from processing a division of land as a subdivision.

SECTION XIII

ENFORCEMENT

13.1 CONFORMANCE TO ORDINANCE REQUIRED

No building shall be constructed nor shall a permit for the construction of a building be issued, nor shall any portion of any parcel be used when not conforming to this Ordinance.

13.2 PENALTY

A. Any offer to finance, lease, sell or contract to sell, or any financing of a division of land, lease or sale contrary to the provision of this Ordinance shall be a misdemeanor, and any person, firm, corporation, partnership or co-partnership, upon conviction thereof, shall be punishable by a fine or not more than five hundred ($500) dollars or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which the City of Belmont or other political subdivision or person, firm, corporation, partnership or co-partnership may otherwise be entitled, and the City of Belmont or any other political subdivision, or person, firm corporation, partnership or co-partnership may file an action in the Superior Court of the State of California, in and for the County of San Mateo to restrain or enjoin any attempted or proposed subdivision or sale in violation of this Ordinance.

B. Any transfer or conveyance, or purported transfer of conveyance, or agreement to transfer or convey any parcel of land without compliance with the terms of this Ordinance shall be voidable at the option of the transferee in accordance with the provisions of Sections 11540 and 11540.1 of the Business and Professions Code of the State of California, as the same may be amended from time to time.

13.3 PREREQUISITE TO BUILDING PERMIT ISSUANCE

Compliance with the provisions of this Ordinance is a condition precedent to the issuance of a building permit by the City or the erection, construction enlargement, alteration, repair, improvement, removal, conversion or demolition of any building or structure on any lot or parcel of land in the City.

13.4 PREREQUISITE TO MAINTENANCE

Compliance with the provisions of this Ordinance is a condition precedent to City maintenance of streets of all subdivisions, the improvement of which have not been accepted, and from all areas offered for dedication to the public, which have not been accepted by the City Council.

13.5 COMMENCEMENT OF CONSTRUCTION WORK

Subdivision improvement work shall not be commenced until after the final map is approved and not until after all plans and profile for such work have been submitted to and approved by the Director of Public Services.

13.6 FINAL INSPECTION OF BUILDINGS

There shall be no final inspection until curb, gutter, sidewalk, driveway approach, base rock and underground utilities are in place and all required electroliers are installed and connected to electrical circuits from the subdivision entrance to and including the lot in question. Final inspection of all residential, commercial and industrial units shall be withheld until all underground utilities, curb and gutter, sidewalk, electroliers, and required base rock are installed from an existing improved street to and including the frontage of the lot in question.

13.7 MAINTENANCE OF IMPROVEMENTS

The City defines its policy to be that the City will withhold the maintenance of streets of all subdivisions the improvements of which have not been accepted, and from all areas dedicated to the public which have not been accepted by the City Council.

SECTION XIV

ORDINANCE TITLE

14.1 ADOPTION

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

Upon the effective date of this Ordinance, Section 24 of the Belmont City Code is hereby appealed.

SECTION XV

CONDOMINIUM REGULATIONS

15.1 PURPOSE OF SECTION

In order to provide for the housing needs of all economic segments of the community, the City Council of the City of Belmont declares the purpose of this section to be the insurance of reasonable balance of rental and ownership housing in Belmont and a variety of individual choices of tenure, type, price and location of housing. (Ordinance 609, 8-8-77)

15.2 CONFORMANCE TO ORDINANCE

Any condominium project in the City of Belmont whether new or a conversion, shall be subject to the requirements and procedures applicable to subdivision as set forth in this ordinance and any additional requirements and procedures set forth in this section. (Ordinance 609, 8-8-77)

15.3 PROCEDURE

The procedure to be used in subdividing a condominium project shall be either the Standard Subdivision Procedure (Section IX), or the Minor Subdivision Procedure (Section XI), in addition to the requirements and procedure set forth in this section. The procedure used shall be determined as hereinafter provided.

A. The Standard Subdivision Procedure shall be used when the division results in the creation of five or more condominium units.

B. The Minor Subdivision Procedure shall be used when the division results in the creation of four or less condominium units. (Ordinance 609, 8-8-77)

15.4 TENTATIVE MAP, DATA REQUIRED

The following information and data shall be required accompanying of as part of the Tentative Map in addition to other requirements of this ordinance.

A. A site plan showing the building or buildings, and all common areas including proposed and/or existing recreation facilities, landscaping, community buildings, walks, drives, and other facilities to be owned and used in common.

B. A plan showing the location of all parking, storage and other areas, designated or assigned for individual use by the owners, outside of each unit and a description of how those spaces are to be owned, managed and maintained.

C. A copy of the applicant's proposed application for a subdivision permit in the event it is required to be issued by the Department of Real Estate of the State of California.

D. A copy of the proposed budget for maintenance, operation and reserves for the project, including the monthly cost to each unit. Said monthly costs shall be projected at least five (5) years into the future.

E. Twelve (12) copies of the proposed C.C.&R."s which would apply to the project. CC&R's approved by the City Council and/or Planning Commission shall be recorded by the San Mateo County Recorder at the time of recordation of the Final Subdivision or Parcel Map. As a minimum, the C.C.&R.'s shall provide for the following:

1. Statement and ownership and application of C.C.&R.'s to owners and occupants. This section shall specifically and irrevocably subject owners and occupants to the provisions of the C.C.&R.'s.

2. Section describing voting rights, vote distribution, majority, quorum and proxies. This section shall provide that the subdivider shall have all of the rights and responsibilities of an owner prior to sale of each unit.

3. Section describing the administration and responsibilities of the association. Association responsibilities shall include administration of the project, preparing and approving an annual budget, establishing and collecting monthly assessments, maintaining the project, the levying penalties for non-compliance with the C.C.&R.'s.

4. Section describing the composition, powers and duties and method of electing a Board of Directors and Association Officers.

5. Section describing the obligations of owners. This section shall include provisions for: monthly assessments, maintenance and repair of individual units, use of units, internal structural alterations, use of common areas and facilities, rights-of-entry for repair and emergency, rules of conduct.

6. Section prohibiting the dissolution of the association with dissolution of the condominiums. This section shall also prohibit sale or development of the land owned in common without prior approval of the City.

7. Section providing that the homeowners association may be permitted to terminate a management agent selected by the developer upon three month's notice.

F. A list in duplicate of the full names and addresses of each tenant occupying the building on the date of the application, a map showing the boundaries of the subject parcel and each separate lot or parcel within three hundred (300) feet of the exterior boundaries thereof, together with a list in duplicate of the names and addresses of the last know owners of each lot or parcel, insofar as they are of public record.

G. Each of the tenants of the proposed condominium conversion shall be given at least one hundred twenty (120) days' written notice of intention to convert prior to the termination of tenancy due to the conversion or proposed conversion. Said notification shall be made by the owner or applicant at the time of application, with a copy submitted to the City certifying that said notice has been provided.

H. For condominium conversions, a proposed program to accommodate tenants of apartments sought to be converted with specific reference to relocation assistance and availability of substitute accommodations. Sufficient copies of said program to supply each tenant with one (1) copy shall be submitted with the application. The Planning Department shall cause a copy of said program to be distributed to each tenant whose name appears on the list submitted pursuant to Section 15.4.f., herein.

I. Each of the tenants of the proposed condominium shall be given notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than sixty (60) days from the date of issuance of the subdivision public report unless the tenant gives prior written notice of his intention not to exercise the right.

J. A copy of the proposed first-year maintenance contract. (Ordinance 609, 8-8-77)

15.5 REVIEW PROCEDURE AND REQUIREMENTS

The following procedures shall be followed and requirements met prior to approval of any condominium project:

A. A public hearing shall be held on all condominium conversions. Noticing procedures shall be those established in Section 11.4.1 of Ordinance 360, as amended (the zoning ordinance) including notice to all tenants of the building.

B. For each condominium conversion a "preconversion report" shall be prepared by a person, persons or firm qualified in the various particular fields of analysis as specified herein. The person, persons or firm charged with the preparation of the reconversion report shall be selected and retained by the City of Belmont to prepare said report. All applications for condominium conversions shall be accompanied by a receipt showing that a deposit for the entire estimated cost of the preconversion report plus an additional twenty-five percent (25%) to off set administrative costs has been paid to the Finance Director. Said deposit and any additional deposits required shall be used to defray the entire cost of preparation of the report preparation out of said deposit together with incidental administrative costs and shall refund any unused portion of said deposit to the applicant upon completion and approval of the report. In the event the cost of said report and other fees exceed the original deposit, the applicant shall deposit an additional amount equal to the difference between the City's estimate of the total cost of the preparation of the report and the original deposit. As a minimum, the preconversion report shall address the following subjects and provide a comparison between the present

condition and design of the building or buildings with standards contained in the latest current Uniform Building Code, Mechanical Code, Electrical Code and Zoning standards, adopted by the City of Belmont.

Building Exterior
Electrical System
Energy Conservation
Emergency Rescue
Facilities for Handicapped
Fire Prevention Equipment
Glass and Glazing
Guard Rails
Insulation and Weather Stripping
Landscaping
Lighting, Interior and Exterior
Paving
Parking Facilities
Plumbing System
Recreation Facilities (e.g., swimming pools, sauna, recreation rooms)
Roofing
Sanitary Sewer System
Site and Building Drainage
Sound Insulation

C. Each condominium conversation project shall be aesthetically and structurally improved in accordance with Section 13 (Design Review) of the Belmont Zoning Ordinance. At a time prior to Tentative Map or Tentative Parcel Map consideration by the Planning Commission, the Chief Building Official shall submit the preconversion report and his analysis and recommendation to the Board of Design concerning the condition of the project and the extent of improvements proposed. The Board of Design shall submit its report and recommendation to the Planning Commission concerning the extent of improvement proposed. The Planning Commission may condition any condominium conversion by requiring any improvement deemed necessary to promote the health, safety, and general welfare of the City of Belmont.

D. Each condominium conversion shall meet all requirements of the City of Belmont Building Code and Zoning Ordinance as they currently exist on the date of application for conversion except where specific exceptions as listed in the Chief Building Official's report and recommendation have been granted by the City of Belmont (pursuant to Section XII herein). The subdivider may proposed an agreement to perform all or a part of the requirements. If approved by the City Council, such agreements shall be secured by faithful performance bonds and labor and materials bonds satisfactory to the City Attorney.

E. Each condominium conversion shall contain the following improvements prior to recordation of the parcel map:

1. Electric and gas meters shall be provided to serve each individual unit, where applicable.

2. Water shut-off valves shall be provided for each unit and each plumbing fixture.

3. Mechanical equipment intended to serve the entire building and appurtenant structures, (for example, air conditioning units, laundry facilities) shall be shock mounted to prevent noise and vibration.

F. The proposed budget for maintenance operation and reserves for each condominium project shall be reviewed as part of the preconversion report described in Section 15.5.b. The cost for review of said budget shall be borne by the applicant pursuant to the procedure established in Section 15.5b. The recommendations contained in the preconversion report pertaining to the budget shall be adhered to unless specific exceptions have been granted by the City of Belmont.

G. For condominium conversions, a provision shall be contained within the association Articles of Incorporation which specifically provides for dissolution of the condominium, liquidation and equitable distribution of all remaining assets in the event that the building is damaged due to fire or other disaster and the City Codes and Ordinances prevent the reconstruction or repair of the building in its original form or with the original number of dwelling units.

H. Prior to recordation of the Final or Parcel Map, the subdivider and subsequently the Homeowners Association shall enter into a continuing maintenance agreement with the City of Belmont, which provides for the satisfactory maintenance of the subject project.

I. Prior to the recordation of the Final Parcel Map, the subdivider shall submit 1 set of reproducible Mylar drawings and specifications of all "as built" improvements, all engineering calculations, soils reports and other information required by the City Engineer and Building Official.. As a minimum, the following information shall be provided:

1. Grading and paving plans and specifications;
2. Architectural and structural plans and specifications;
3. Heating, ventilating and air conditioning plans and specifications;
4. Plumbing plans and specifications;
5. Electrical plans and specifications;
6. All soil reports performed on the site.

The Homeowners Association shall also be provided with one Mylar set of the above items at the time of conversion. The City shall retain the information for the life of the structure. (Ordinance 609, 8-8-77)

15.6 FINDINGS

In addition to the other findings specified by this Ordinance required to be made by the Planning Commission and/or City Council, said Council and/or Commission shall deny approval of any subdivision or Parcel Map for a condominium conversion if it makes the following finding:

A. That the proposed conversion would be detrimental to the supply of alternative types of housing within the City of Belmont and that approval of the proposed map would tend to create a shortage of a particular housing type within the community. (Ordinance 609, 8-8-77)

SECTION VII

MERGER OF PARCELS

16.1 CITATION AND AUTHORITY

This Ordinance is enacted pursuant to Article 1.5 of Chapter 3 (commencing with Section 66451.10) of Division 2 of Title 7 of the Government Code of the State of California and shall be known as may be cited as the "Belmont Lot Merger Ordinance".

16.2 PURPOSE AND INTENT

It is the in this of this chapter to establish rules and procedures for city-initiated mergers of contiguous parcels in common ownership. The following regulations and procedures governing the merger of contiguous parcels within the city are hereby adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare, to provide for the orderly development of the city, and to ensure that such development complies, to the maximum extent possible, with current development standards in the city.

16.3 MERGER OF CONTIGUOUS PARCELS

Unless otherwise provided by law, whenever two or more contiguous lots, parcels or units or land are held by the same owner such lots, parcels or units may be merged pursuant to the provisions of this chapter when any one of those lots, parcels or units does not conform to the city's standards for minimum parcel size as provided in Chapter 17 of this Code and where all of the following requirements are satisfied:

A. At least one of the affected lots, parcels or units is not developed with a structure for which a building permit was issued or which was built prior to the time such permits were required, or is developed only with an accessory structures or accessory structures, or is development with a single structure other than an accessory structure, that is also partially sited on a continguous lot, parcel or unit; and

B. With respect to any affected parcel, one or more of the following conditions exists:

1. The parcel comprises less than five thousand (5,000) square feet in area at the time of the determination of merger;
2. The parcel was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
3. The parcel does not meet current standards for sewage disposal and domestic water supply;
4. The parcel does not meet slope stability standards;
5. The parcel has no legal access that is adequate for vehicular and safety equipment access and maneuverability;
6. Development of the parcel would create health or safety hazards; or

7. The parcel is inconsistent with the general plan of the city or with any applicable specific plan, other than minimum lot size or density standards.

The conditions set forth in subdivision (3) through (7) of this subsection shall be determined by the standards set forth in the ordinances, resolutions, rules and regulations of the city in effect on the date that notice of intention to determine status if recorded, including, but not limited to, the city's subdivision ordinance (Ord. No. 530), zoning ordinance (Ord. No. 360), and building and safety codes (Chapter 7 of the Belmont Municipal Code).

16.4 TREATMENT OF LOTS AFTER MERGER

After merger has occurred with respect to any contiguous lots, parcels or units of land under this chapter, such lots, parcels or units of land shall be treated as a single lot under the provisions of this code.

16.5 CONTIGUITY AND OWNERSHIP

Property shall be considered as contiguous lots, parcels or units of land only if such lots, parcels or units of land are adjoining, but not if such lots, parcels or units of land are separate by roads, streets, alleys, or by easements or natural features that the Director of Community Development deems to be similar to roads, streets and alleys in their effect on the application of the City's land use policies to the land in question. Ownership shall be determined as of the date that notice of intention to determine status is recorded pursuant to Section 17.070 of this chapter.

16.6 UNMERGER OF PARCELS

Any or all lots, parcels or units of land that may have been merged prior to January 1, 1984, by operation of law by reason of their being contiguous and under the same ownership may be unmerged and determined to be separate parcels, pursuant to the provisions of Article 1.7 of Chapter 3 of Division 2 of Title 7 of the California Government Code (commencing with Section 66451.30). The property owner shall reimburse the city for all costs it incurs with respect to the application in an amount established by resolution or ordinance of the city council.

17.7 NOTICE OF INTENT TO DETERMINE STATUS

Whenever the Director of Community Development believes that the conditions for merger pursuant to this chapter are present on any real property, he or she shall send the current record owner of such real property a notice of intention to determine status by certified mail, notifying the owner that the affected parcels may be merged pursuant to this chapter and advising that he or she may request a hearing before the City Council and may present evidence at the hearing that the property does not meet the criteria of this chapter for merger.

The notice of intention to determine status shall be submitted for recordation in the office of the County Recorder on the date that the notice is mailed to the property owner.

16.7 REQUEST FOR HEARING ON DETERMINATION OF STATUS

Whenever the Director of Community Development believes that the conditions for merger pursuant to this chapter are present on any real property, he or she shall send the current record owner of such real property a notice of intention to determine status by certified mail, notifying the owner that the affected parcels may be merged pursuant to this chapter and advising that he or she may request a hearing before the City Council and may present evidence at the hearing that the property does not meet the criteria in this chapter for merger. The notice of intention to determine status shall be submitted for recordation in the office of the County Recorder on the date that the notice is mailed to the property owner.

16.8 REQUEST FOR HEARING ON DETERMINATION OF STATUS

At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file a request for hearing on determination of status with the City Clerk.

16.9 SETTING THE HEARING

If a request for a hearing on determination of status is received within the time provided by Section 17.050 of this chapter, the Director of Community Development shall schedule a hearing not more than sixty (60) days from the date of receipt of the request for such hearing, and shall notify the property owner by certified mail of that hearing date. The hearing may be postponed or continued with the mutual consent of the City Council and the property owner, provided that the property owner also waives in writing the right to have the final determination of status completed and recorded within ninety (90) days following the mailing of the notice of intention to determine status pursuant to Section 17.070 of this chapter.

16.10 REVIEW BY CITY COUNCIL

The City Council shall hold a hearing on determination of status as provided by Section 17.090 of this chapter. The property owner may state his or her objection and may present evidence that the affected property does not meet the standards for merger specified in this chapter. At the conclusion of the hearing, the City Council shall determine if the conditions authorizing merger exist. If it determines such conditions exist, it shall determine to merge such lots, parcels or units. However, if the City Council makes the findings required for the granting of a variance pursuant to Section 14.5.1 of the Belmont Zoning Ordinance with regard to maintaining the lots, parcels or units of land as unmerged, it shall determine that no merger shall occur. The Director of Community Development shall notify the property owner of the City Council's determination by certified mail.

16.11 REVIEW OF NON-CONTESTED NOTICE OR INTENT TO DETERMINE STATUS

If the owner of the affected property does not file a request for hearing on determination of status in accordance with Section 17.080 of this chapter, the City Council may, any time after the expiration of the thirty (30) day period provided for therein, determine that the affected parcels are or are not to be merged. Notice of the determination of the City Council shall be recorded as provided by Section 17.120 of this chapter.

16.12 NOTICE TO COUNTY RECORDER

A. If the final determination of the City Council is that the affected property shall be merged, the Director of Community Development shall record the notice of merger within thirty (30) days of the final determination. The notice of merger shall specify the name(s) of the record owner(s) and shall particularly describe the real property to be merged. A merger of parcels becomes effective when the notice of merger is recorded.
B. If the final determination is that the affected parcels shall not be merged, the Director of Community Development shall, within the same time period specified for recording a notice of merger, record a release of the notice of intention to determine status and shall give notice of that action to the then-current owner of record of the affected parcels. (Ord. 973, 10-0-2001)