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DEPARTMENT OF
DEVELOPMENT SERVICES

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DEVELOPMENT ENGINEERING AND
FINANCE DIVISION

June 23, 2004

City Council
Sacramento, California

Honorable Members In Session:

SUBJECT: AN ORDINANCE AMENDING SECTIONS OF TITLE 16 OF THE CITY CODE TO ADD A DEFINITION FOR CITY MANAGER'S DESIGNEE AND TO REPLACE THE TERM DIRECTOR OF PUBLIC WORKS WITH THE TERM CITY MANAGER'S DESIGNEE, AND TO PROVIDE FOR REVIEW AND APPROVAL OF FINAL, PARCEL, MASTER PARCEL MAPS AND SUBDIVISION IMPROVEMENT AGREEMENTS BY THE CITY MANAGER'S DESIGNEE

LOCATION AND COUNCIL DISTRICT: Citywide, all council districts.

RECOMMENDATION:

This report recommends that City Council adopt the attached ordinance:

- Amending Sections of Title 16 of the City Code to add a definition for City Manager's designee and to replace the term Director of Public Works with the term City Manager's designee, and to provide for review and approval of final, parcel, master parcel maps and subdivision improvement agreements by the City Manager's designee.

CONTACT PERSONS: Jerry Lovato, Senior Engineering Technician, 808-7918
Mary Elms, Administrative Officer, 808-8241

FOR COUNCIL MEETING OF: June 29, 2004

SUMMARY:

This report recommends streamlining the City's subdivision mapping process. Under current procedures, final maps as well as parcel and master parcel maps are approved at the City Council level.

The California Subdivision Map Act (Government Code Sections 66410-66499) allows the City Council to delegate this authority to the City Manager's designated staff person(s). The attached ordinance amends Title 16 of the Sacramento Code to implement this delegation. The streamlined mapping process will save significant time and expense for the development community.

Under the current approval process, the City Council has no discretion to disapprove, alter and/or add additional conditions of approval to a final, parcel or master parcel map.

All such conditioning/alterations occur at the "tentative map" phase after which approval or disapproval of said tentative map is decided by the City's Planning Commission. The recommended action to streamline the final, parcel and master parcel map process does not affect the tentative map process.

COMMITTEE/COMMISSION ACTION:

The new mapping process was presented to the Development Oversight Commission (DOC), at the March 15, 2004 meeting. The Commission strongly endorsed the proposal and voted unanimously to approve the report. This report was presented to the Law and Legislation Committee on June 15, 2004. The Committee supported the ordinance changes and that the ordinance be forwarded for City Council approval.

BACKGROUND INFORMATION:

Over the past several months, staff in conjunction with the DOC activities have been reviewing the development approval process looking for opportunities to streamline or create efficiencies. The mapping process was identified as a key opportunity for improvement.

Currently, final maps, as well as parcel and master parcel maps are submitted to City Council for approval. By delegating this authority to the City Manager's designee, staff has determined that several weeks could be trimmed from the subdivision mapping process. Accordingly, this report recommends a series of amendments to Title 16, Subdivisions, of the City Code to authorize staff approval of final, parcel and master parcel maps and related documents.

Current Subdivision Mapping Process

To subdivide land within the City of Sacramento, the procedure for a typical subdivision may be summarized as follows:

1. A Landowner submits a "tentative" subdivision map application to the City Planning Division.
2. City staff reviews the application and develops recommended conditions of approval.

3. Planning Commission conducts a public hearing to take testimony, and votes to approve the map with the recommended staff conditions, or deny the application.
4. If the map is approved, the landowner prepares a subdivision map (final, parcel or master parcel) and submits it to the City.
5. City staff reviews the subdivision map for conformance with the approved tentative map, city standards and verifies that all conditions of approval have been satisfied by the landowner.
6. If public improvements are required, the developer may sign a subdivision improvement agreement and post security with the City to defer construction of improvements until a later date.
7. City staff prepares a Council report and forwards the subdivision map and subdivision improvement agreement (if applicable) to City Council.
8. City Council, votes to approve the subdivision map and agreement (typically on the consent calendar).
9. City Staff arranges for the approved map (and agreement) be recorded in the Official Records of the County of Sacramento.

Proposed Revisions

Under the revised ordinance, the authority to approve a subdivision map and subdivision improvement agreement would be delegated to the City Manager's designee. This would eliminate the need for Steps 7 and 8 above and thus saving 4 to 6 weeks in time and expense preparing council reports and scheduling Council items. It is projected that this streamlining initiative would eliminate the need for approximately fifty (50) council reports per year.

FINANCIAL CONSIDERATIONS:

No additional funding is being requested and implementation of these ordinance changes does not impact the General Fund.

ENVIRONMENTAL CONSIDERATIONS:

Under the California Environmental Quality Act (CEQA) guidelines, this action does not constitute a project and therefore is exempt from review.

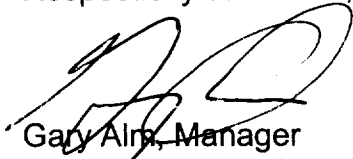
POLICY CONSIDERATIONS:

This action is consistent with the Subdivision Map Act, the Development Oversight Commissions 2004 work plan, the Sacramento Organizational Assessment Program (SOAP) initiatives and the City's Strategic Plan to promote and support economic vitality.

ESBD CONSIDERATIONS:

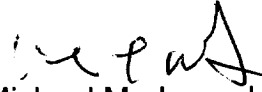
No goods or services are being procured with this action.

Respectfully submitted,



Gary Ains, Manager
Development Engineering and Finance

Approved:



Michael Medema, Interim Director
Development Services Department

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

TABLE OF CONTENTS:

- 1) Ordinance Amending City Code sections, dirty copy, pg. 5
- 2) Ordinance Amending City Code sections, clean copy, pg. 11

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTIONS OF TITLE 16 OF THE CITY CODE TO ADD A DEFINITION FOR CITY MANAGER’S DESIGNEE AND TO REPLACE THE TERM DIRECTOR OF PUBLIC WORKS WITH THE TERM CITY MANAGER’S DESIGNEE, AND TO PROVIDE FOR REVIEW AND APPROVAL OF FINAL, PARCEL AND MASTER PARCEL MAPS BY THE CITY MANAGER’S DESIGNEE

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

The term “City Manager’s designee” shall be substituted for the term “Director of Public Works” in each of the following sections: 16.08.030; 16.08.040; 16.16.020; 16.20.030; 16.24.040; 16.24.050; 16.24.160; 16.28.020; 16.28.030; 16.28.060; 16.28.090; 16.28.100; 16.28.120; 16.32.060; 16.32.070; 16.32.080; 16.32.090; 16.32.100; 16.32.110; 16.32.120; 16.32.130; 16.32.160; 16.32.180; 16.32.190; 16.32.200; 16.32.210; 16.32.230; 16.32.240; 16.36.050; 16.40.120; 16.40.180; 16.44.030; 16.44.040; 16.44.050; 16.44.060; 16.44.070; 16.44.080; 16.44.120; 16.48.020; 16.48.040; 16.48.050; 16.48.060; 16.48.080; 16.48.100; 16.48.110; 16.48.130; 16.48.140; 16.48.150; 16.48.160; 16.48.170; 16.48.180; 16.48.200; 16.48.210; 16.52.030; 16.56.020; 16.56.030.

SECTION 2

Section 16.04.040 is amended as follows:

A. A definition for “City Manager’s Designee” is added to read as follows: “City Manager’s designee” means a person authorized to practice land surveying pursuant to the Business and Professions Code, State of California, commencing with Section 8700 and/or a person authorized to practice civil engineering pursuant to the Business and Professions Code, State of California, commencing with Section 6700.

B. The definition for “Director of Public Works” is deleted.

C. The definition for “Subdivision Review Committee” is amended to read as follows: “Subdivision Review Committee” means a committee comprised of the City Manager’s designee, the Director of Utilities, and the Director of Planning, or their designees.

Except as specifically amended by subsections A-C above, the provisions of Sections 16.04.040 shall remain unchanged and in full force and effect.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

SECTION 3.

Paragraph A of Section 16.08.010 is amended to read as follows:

1. The approval, conditional approval, or denial of vesting tentative maps and requests for extensions of time for vesting tentative maps;
2. ~~The approval, conditional approval, or denial of final maps and parcel maps;~~
3. ~~The approval of improvement agreements for all subdivisions; and~~
4. 2 The approval, conditional approval, or denial of reversions to acreage. The city council shall act as the appeal board for hearing appeals of planning commission action as provided in this title. The city council shall also act as the appeal board for hearing appeals of subdivision review committee action as provided in this title.

A. City Council. The City Council shall be responsible for:

1. The approval, conditional approval, or denial of vesting tentative maps and parcel maps;
2. The approval, conditional approval, or denial of reversions to acreage. The City Council shall act as the appeal board for hearing appeals of planning commission action as provided in this title. The City Council shall also act as the appeal board for hearing appeals of subdivision review committee action as provided in this title.

Except as paragraph A is specifically amended above, the provisions of Section 16.08.010 shall remain in full force and effect.

SECTION 4.

The title of Section 16.28.060 is amended to read as follows:

The word "date" is removed from the title and the word "data" inserted in its place.

SECTION 5.

Section 16.28.100 is amended to read as follows:

Upon acceptance of the final map and accompanying documents, fees and materials for filing, ~~the director of public works~~ City Manager's designee shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required by the city council, and if found to be complete, technically correct, in conformity with improvement plans and specifications, and in compliance with the requirements of these regulations, planned street lines and other applicable specific plans and ordinance, shall execute the ~~director of public works~~ City Manager's designee certificate on the map for approval and

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

acceptance, conditional acceptance, or rejection of dedications. The City Manager's designee shall submit the map to the City Clerk for his or her certification. No final map shall be certified until the required improvements have been installed or have agreed to be installed in accordance with Chapter 16.48, Improvements, of this title.

Should the map or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified. If the defect is the result of a technical and inadvertent error which, in the opinion of the ~~director of public works or his or her designee~~ City Manager's designee does not materially affect the validity of the map, the ~~director of public works or his or her designee~~ City Manager's designee may waive the defect and execute his certificate of approval.

The ~~director of public works or his or her designee~~ City Manager's designee may refuse to approve the recording of a final map governing only a portion of a tentative map when, in the process of checking the final map he determines that said portion does not by itself provide adequate or satisfactory access, design or improvements and therefore does not conform to the design and improvement of the subdivision as indicated by the approved tentative map.

The ~~director of public works or his or her designee~~ City Manager's designee must act on the final map within the time period prescribed by the Subdivision Map Act.

SECTION 6

Section 16.28.110 is amended to read as follows:

16.28.110 Council Action Approval of final maps, execution of subdivision improvement agreements and acceptance of dedications

~~The council shall act upon the final map in the manner authorized and prescribed by the Subdivision Map Act.~~

The City Manager's designee shall notify the City Council at its next regular meeting after the City Manager's designee receives the map that the City Manager's designee is reviewing the map for final approval.

The City Clerk shall provide notice of any pending approval or disapproval by the City Manager's designee, which shall be attached and posted with the City Council's regular agenda and shall be mailed to interested parties who request notice.

The City Manager's designee shall approve or disapprove the final map within 10 days following the meeting of the City Council that was preceded by the notice in the paragraph above. The City Manager's designee is authorized to execute subdivision agreements, as permitted by Government Code section 66462(d), in accordance with the City standard subdivision agreements.

FOR CITY CLERK USE ONLY

7

ORDINANCE NO.: _____

DATE ADOPTED: _____

As permitted by Government Code section 66458(d), the City Manager's designee may also accept, accept subject to improvement, or reject dedications and offers of dedications that are made by a statement on the map.

The decisions of the City Manager's designee to approve or disapprove the final map, to execute or not to execute subdivision agreements, and to accept, accept subject to improvement, or reject dedications and offers of dedications are final unless and interested party files a written appeal and accompanying fee with the City Clerk within ten days of receipt of the City Manager's designee's decisions. The appeal will be considered by the City Council at its next available regular meeting.

The City Council shall review the delegation of authority to the City Manager's designee every five years from the effective date of this ordinance, or as soon thereafter is practical.

Except as specifically authorized by this subsection, the processing of final maps shall conform to all procedural requirements of this chapter.

SECTION 7.

16.32.120 is amended to read as follows:

Dedications may be required to be made by separate instrument. After receiving the instrument of dedication and accompanying title report, ~~the director of public works~~ City Manager's designee shall approve or disapprove the instrument of dedication as to its suitability for recordation. After approving an offer to dedicate, ~~the director of public works~~ City Manager's designee shall record the offer in the office of the county recorder.

~~If said offer of dedication is subsequently rejected by the council, the director of public works shall issue a release from such offer, which shall be recorded in the office of the county recorder.~~

SECTION 8.

Section 16.32.130 is amended to read as follows:

Upon acceptance of the parcel map and accompanying documents, fees and materials for filing, ~~the director of public works~~ City Manager's designee shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required by the advisory agency and council, and if found to be complete, technically correct, in conformity with the improvement plans and specifications, and in compliance with the requirements of these regulations, planned street lines, other applicable specific plans and ordinance, shall ~~execute the director of public works certificate on the map for approval and acceptance, conditional acceptance, or rejection of dedications.~~ The City Manager's designee shall submit the map to the City Clerk for his or her certification. No final parcel map shall be certified until the required improvements have been installed or agreed to be installed in accordance with Chapter 16.48, Improvements, of this title.

FOR CITY CLERK USE ONLY

8

ORDINANCE NO.: _____

DATE ADOPTED: _____

Should the map or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified.

SECTION 9.

Section 16.32.240 is amended to read as follows:

Upon acceptance of the master parcel map and accompanying documents, fees and materials for filing, ~~the director of public works~~ City Manager's designee shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative master parcel map and all amendments, conditions, modifications and provisions made or required by the advisory agency and council, and if found to be complete, technically correct, and in compliance with the requirements of these regulations, planned street lines, other applicable specific plans and ordinances, shall execute the ~~director of public works~~ City Manager's designee certificate on the map and shall file the map with the ~~city clerk for submission to the city council for approval and acceptance of dedications for approval and acceptance, conditional acceptance, or rejection of dedications.~~ The City Manager's designee shall submit the map to the City Clerk for his or her certification. No ~~final~~ master parcel map shall be certified until the required improvements have been installed or agreed to be installed in accordance with Chapter 16.48, Improvements, of this title.

Should the master parcel map or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified.

SECTION 10.

Section 16.48.140 is amended to read as follows:

The improvement agreement shall be in writing, shall be approved as to form by the city attorney, and shall be secured and conditioned as provided in this chapter. An acknowledged abstract of said agreement shall be recorded simultaneously with the final map or the parcel map.

The improvement agreement, and acknowledged abstract thereof, shall be complete, subject to ~~council~~ City Manager's designee approval, and on file with the ~~director of public works~~ City Manager's designee before the final map or parcel map is accepted for filing. The term of each improvement agreement filed pursuant to the provisions of this section shall begin on the date of filing and end upon the date of completion or fulfillment of all terms and conditions contained therein to the satisfaction of the ~~director of public works~~ City Manager's designee.

SECTION 11.

Section 16.48.170 is amended to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

1. Performance Security. An amount determined by the ~~city council~~ City Manager's designee to be one hundred (100) percent of the total estimated cost of the construction or installation of the improvements or of the acts to be performed, securing the faithful performance and completion of the improvements or acts to be performed; and
2. Payment Security. An amount determined by the ~~city council~~ City Manager's designee to be not less than fifty (50) percent nor more than one hundred (100) percent of the total estimated cost of the improvement or required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of the improvements or the performance of the required acts; and
3. Warranty Security. An amount determine by the ~~city council~~ City Manager's designee to be necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials or equipment furnished.

Except as paragraphs 1, 2 and 3 are specifically amended above, the provisions of Section 16.48.170 shall remain and in full force and effect.

SECTION 12.

Section 16.56.030 is amended to read as follows:

The notice, hearing and procedural requirements for review of a tentative map requiring city council approval shall be followed in connection with the review of a proposed reversion to acreage; provided that, upon the conclusion of the hearing before the city council, the city council may approve the reversion to acreage and take final action on the proposed final or parcel map.

SECTION 13.

Section 16.64.050 is amended as follows:

The words "public works development services section" is deleted and in its place is added "Development Services Department, Development Engineering and Finance Division."

Except as for the above reference paragraph is specifically amended above, the provisions of Section 16.64.050 shall remain in full force and effect.

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BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

The term “City Manager’s designee” shall be substituted for the term “Director of Public Works” in each of the following sections: 16.08.030; 16.08.040; 16.16.020; 16.20.030; 16.24.040; 16.24.050; 16.24.160; 16.28.020; 16.28.030; 16.28.060; 16.28.090; 16.28.100; 16.28.120; 16.32.060; 16.32.070; 16.32.080; 16.32.090; 16.32.100; 16.32.110; 16.32.120; 16.32.130; 16.32.160; 16.32.180; 16.32.190; 16.32.200; 16.32.210; 16.32.230; 16.32.240; 16.36.050; 16.40.120; 16.40.180; 16.44.030; 16.44.040; 16.44.050; 16.44.060; 16.44.070; 16.44.080; 16.44.120; 16.48.020; 16.48.040; 16.48.050; 16.48.060; 16.48.080; 16.48.100; 16.48.110; 16.48.130; 16.48.140; 16.48.150; 16.48.160; 16.48.170; 16.48.180; 16.48.200; 16.48.210; 16.52.030; 16.56.020; 16.56.030.

SECTION 2.

Section 16.04.040 is amended as follows:

A. A definition for “City Manager’s Designee” is added to read as follows: “City Manager’s designee” means a person authorized to practice land surveying pursuant to the Business and Professions Code, State of California, commencing with Section 8700 and/or a person authorized to practice civil engineering pursuant to the Business and Professions Code, State of California, commencing with Section 6700.

B. The definition for “Director of Public Works” is deleted.

C. The definition for “Subdivision Review Committee” is amended to read as follows: “Subdivision Review Committee” means a committee comprised of the City Manager’s designee, the Director of Utilities, and the Director of Planning, or their designees.

Except as specifically amended by subsections A-C above, the provisions of Sections 16.04.040 shall remain unchanged and in full force and effect.

SECTION 3.

Paragraph A of Section 16.08.010 is amended to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

A. City Council. The City Council shall be responsible for:

1. The approval, conditional approval, or denial of vesting tentative maps and parcel maps;
2. The approval, conditional approval, or denial of reversions to acreage. The City Council shall act as the appeal board for hearing appeals of planning commission action as provided in this title. The City Council shall also act as the appeal board for hearing appeals of subdivision review committee action as provided in this title.

Except as paragraph A is specifically amended above, the provisions of Section 16.08.010 shall remain and in full force and effect.

SECTION 4.

The title of Section 16.28.060 is amended to read as follows:

The word "date" is removed from the title and the word "data" inserted in its place.

SECTION 5.

Section 16.28.100 is amended to read as follows:

Upon acceptance of the final map and accompanying documents, fees and materials for filing, the City Manager's designee shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required by the city council, and if found to be complete, technically correct, in conformity with improvement plans and specifications, and in compliance with the requirements of these regulations, planned street lines and other applicable specific plans and ordinance, shall execute the City Manager's designee certificate on the map for approval and acceptance, conditional acceptance, or rejection of dedications. The City Manager's designee shall submit the map to the City Clerk for his or her certification. No final map shall be certified until the required improvements have been installed or have agreed to be installed in accordance with Chapter 16.48, Improvements, of this title.

Should the map or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified. If the defect is the result of a technical and inadvertent error which, in the opinion of the City Manager's designee does not materially affect the validity of the map, the City Manager's designee may waive the defect and execute his certificate of approval.

The City Manager's designee may refuse to approve the recording of a final map governing only a portion of a tentative map when, in the process of checking the final map he determines that said portion does not by itself provide adequate or satisfactory access,

FOR CITY CLERK USE ONLY

12

ORDINANCE NO.: _____

DATE ADOPTED: _____

design or improvements and therefore does not conform to the design and improvement of the subdivision as indicated by the approved tentative map.

The City Manager's designee must act on the final map within the time period prescribed by the Subdivision Map Act.

SECTION 6.

Section 16.28.110 is amended to read as follows:

16.28.110 Approval of final maps, execution of subdivision agreements and acceptance of dedications.

The City Manager's designee shall notify the City Council at its next regular meeting after the City Manager's designee receives the map that the City Manager's designee is reviewing the map for final approval.

The City Clerk shall provide notice of any pending approval or disapproval by the City Manager's designee, which shall be attached and posted with the City Council's regular agenda and shall be mailed to interested parties who request notice.

The City Manager's designee shall approve or disapprove the final map within 10 days following the meeting of the City Council that was preceded by the notice in the paragraph above. The City Manager's designee is authorized to execute subdivision agreements, as permitted by Government Code section 66462(d), in accordance with the City's standard subdivision agreement.

As permitted by Government Code section 66458(d), the City Manager's designee may also accept, accept subject to improvement, or reject dedications and offers of dedications that are made by a statement on the map.

The decisions of the City Manager's designee to approve or disapprove the final map, to execute or not to execute subdivision agreements, and to accept, accept subject to improvement, or reject dedications and offers of dedications are final unless an interested party files a written appeal and accompanying fee with the City Clerk within ten days of receipt of the City Manager's designee's decisions. The appeal will be considered by the City Council at its next available regular meeting.

The City Council shall review the delegation of authority to the City Manager's designee every five years from the effective date of this ordinance, or as soon thereafter as is practical.

Except as specifically authorized by this subsection, the processing of final maps shall conform to all procedural requirements of this chapter.

SECTION 7.

Section 16.32.120 is amended to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

Dedications may be required to be made by separate instrument. After receiving the instrument of dedication and accompanying title report, the City Manager's designee shall approve or disapprove the instrument of dedication as to its suitability for recordation. After approving an offer to dedicate, the City Manager's designee shall record the offer in the office of the county recorder

SECTION 8.

Section 16.32.130 is amended to read as follows:

Upon acceptance of the parcel map and accompanying documents, fees and materials for filing, the City Manager's designee shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required by the advisory agency and council, and if found to be complete, technically correct, in conformity with the improvement plans and specifications, and in compliance with the requirements of these regulations, planned street lines, other applicable specific plans and ordinance, shall execute the City Manager's designee certificate on the map for approval and acceptance, conditional acceptance, or rejection of dedications. The City Manager's designee shall submit the map to the City Clerk for his or her certification. No parcel map shall be certified until the required improvements have been installed or agreed to be installed in accordance with Chapter 16.48, Improvements, of this title.

Should the map or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified.

SECTION 9

Section 16.32.240 is amended to read as follows:

Upon acceptance of the master parcel map and accompanying documents, fees and materials for filing, the City Manager's designee shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative master parcel map and all amendments, conditions, modifications and provisions made or required by the advisory agency and council, and if found to be complete, technically correct, and in compliance with the requirements of these regulations, planned street lines, other applicable specific plans and ordinances, shall file the map with the City Clerk for submission to the City Manager's designee for approval and acceptance, conditional acceptance, or rejection of dedications. No master parcel map shall be certified until the required improvements have been installed or agreed to be installed in accordance with Chapter 16.48, Improvements, of this title.

Should the master parcel map or other accompanying documents, fees or materials found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified.

SECTION 10.

Section 16.48.140 is amended to read as follows:

The improvement agreement shall be in writing, shall be approved as to form by the city attorney, and shall be secured and conditioned as provided in this chapter. An acknowledged abstract of said agreement shall be recorded simultaneously with the final map or the parcel map.

The improvement agreement, and acknowledged abstract thereof, shall be complete and on file with the City Manager’s designee before the final map or parcel map is accepted for filing. The term of each improvement agreement filed pursuant to the provisions of this section shall begin on the date of filing and end upon the date of completion or fulfillment of all terms and conditions contained therein to the satisfaction of the City Manager’s designee.

SECTION 11.

Section 16.48.170 is amended to read as follows:

1. Performance Security. An amount determined by the City Manager’s designee to be one hundred (100) percent of the total estimated cost of the construction or installation of the improvements or of the acts to be performed, securing the faithful performance and completion of the improvements or acts to be performed; and
2. Payment Security. An amount determined by the City Manager’s designee to be not less than fifty (50) percent nor more than one hundred (100) percent of the total estimated cost of the improvement or required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of the improvements or the performance of the required acts; and
3. Warranty Security. An amount determined by the City Manager’s designee to be necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials or equipment furnished.

Except as paragraphs 1, 2 and 3 are specifically amended above, the provisions of Section 16.48.170 shall remain and in full force and effect.

SECTION 12.

Section 16.56.030 is amended to read as follows:

The notice, hearing and procedural requirements for review of a tentative map requiring city council approval shall be followed in connection with the review of a proposed reversion to acreage; provided that, upon the conclusion of the hearing before the city

council, the city council may approve the reversion to acreage and take final action on the final or parcel map.

SECTION 13.

Section 16.64.050 is amended as follows:

The words "public works development services section" is deleted and in its place is added "Development Services Department, Development Engineering and Finance Division."

Except as for the above reference paragraph is specifically amended above, the provisions of Section 16.64.050 shall remain in full force and effect.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

16

ORDINANCE NO.: _____

DATE ADOPTED: _____

