Subchapter Two: Subdivision and Parcel Maps

5.02.010 Application.

No person shall propose to divide, or cause to be divided, real property into a subdivision until he or she have complied with provisions of this subchapter.

[*History*: formerly § 5.201; ORD. 212, 6/8/77; ORD. 301, 8/08/84; ORD. 638, 12/14/05]

[*Reference*: Gov't Code § 66411]

5.02.020 Definitions.

Except when the context otherwise indicates, the following words and phrases shall have the respective meanings ascribed thereto whenever used in this subchapter, or in any amendments thereto hereafter enacted:

Design means and refers to (1) street alignment, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and fire-breaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the Colma General Plan. [*Reference*: Gov't Code § 66418]

Final Map means and refers to a map prepared in accordance with the approved or conditionally approved tentative map and prior to its expiration for those subdivisions described in the first paragraph of section 5.02.030 of the Colma Municipal Code. All final maps shall be prepared in accordance with the tentative map for the same subdivision and they shall conform to the requirements of Chapter 2, Article 2 of the Subdivision Map Act. [*Reference*: Gov't Code § 66456]

Improvements shall mean and refer to (a) such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof; (b) such other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the Colma General Plan. [*Reference*: Gov't Code § 66419]

Lot Line Adjustment shall mean an adjustment of the boundaries of two or more adjacent parcels which takes land from one parcel and adds it to an adjacent parcel, provided that a greater number of parcels is not thereby created.

Parcel Map shall mean and refer to a map prepared in accordance with the approved or conditionally approved tentative map and prior to its expiration for those subdivisions described in Colma Municipal Code sections 5.02.030(b) and (c). All parcel maps shall be prepared in accordance with the tentative map for the same subdivision and they shall conform to the requirements of Chapter 3, Article 3 of the Subdivision Map Act. [*Reference*: Gov't Code § 66463]

Subdivision means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. *Subdivision* includes a condominium project, as defined in Section 1350 of the Civil Code, a community apartment project, as defined in Section 11004 of the Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. As used in this section, *agricultural purposes* mean the cultivation of food or fiber or the grazing or pasturing of livestock. [*Reference*: Gov't Code § 66424]

Subdivision Map Act shall mean and refer to the provisions of Division 2 of the California Government Code, commencing at Section 66410. [*Reference*: Gov't Code § 66410]

Tentative Map shall mean and refer to a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property. [*Reference*: Gov't Code § 66424.5]

Vesting Tentative Map shall mean and refer to a map made for the purposes of showing the design and improvement of a proposed subdivision in the detail required by section 5.02.090. No map shall be considered a Vesting Tentative Map unless it bears conspicuously on its face in capital letters the words *VESTING TENTATIVE MAP*.

[*History*: formerly § 5.202; ORD. 212, 6/8/77; ORD. 301, 8/08/84; ORD. 326, 12/11/85; ORD. 364, 1/13/88; ORD. 638, 12/14/05]

5.02.030 Lot Line Adjustments.

(a) An application for a Lot line Adjustment shall include the following:

(1) A completed application;

(2) Preliminary title report on all lots whose lines are being adjusted;

(3) Current deeds for all lots whose lines are being adjusted;

(4) New legal descriptions and corresponding revised deeds;

(5) A plot plan showing the location of the old and new lot lines;

(6) A diagram showing the proposed change and the relationship between the new lot line and any existing structures on properties affected by the change;

(7) Any other information determined to be necessary for review of the proposed work; and

(8) Required fee(s).

(b) The City Engineer shall determine the completeness of the application within thirty (30) days of its submittal. Once the application has been determined complete, the City Engineer shall distribute the lot line adjustment request for review and comment to the Planning Department and other appropriate departments or agencies.

(c) Within thirty (30) days of a determination that the application is complete, the City Engineer shall either approve the lot line adjustment, approve with conditions, or deny the lot line adjustment.

(d) No tentative map, parcel map or final map shall be required as a condition to the approval of a lot line adjustment. The City Engineer may not impose conditions or exactions on the approval of a lot line adjustment except:

(1) To conform with the Subdivision Map Act, the Town's General Plan and the Town's zoning and building codes;

(2) To require the prepayment of real property taxes prior to the approval of the lot line adjustment; and

(3) To facilitate the relocation of existing utilities, infrastructure or easements.

(e) Upon approval of the application, the applicant shall provide the Town with copies of the recorded grant deeds, which reflect the approved lot line adjustment.

(f) Upon receipt by the Town of recorded deeds reflecting the new configuration, the City Engineer shall issue either a Certificate of Compliance or a Conditional Certificate of Compliance as required, indicating the Towns's acceptance and approval of the request.

(g) Appeals shall be processed in accordance with section 1.02.270 of the Colma Municipal Code.

[*History*: formerly § 5.203; ORD. 212, 6/8/77; ORD. 301, 8/08/84; ORD. 326, 12/11/85; ORD. 364, 1/13/88; ORD. 638, 12/14/05; ORD. 674, 2/11/09]

[*Reference*: Gov't Code § 66426]

5.02.040 Submission of Map to Office of Intergovernmental Management for Environmental Evaluation, and Notice of Filing Map to Governing Board of School District within the Boundaries of the Proposed Subdivision.

(a) If the proposed subdivision contains more than 50 parcels and would qualify as a "land project" as defined in Business and Professions Code Section 11000.5, the tentative map shall be submitted to the Office of Intergovernmental Management pursuant to Section 12037 of the Government Code for evaluation of the environmental impact of the proposed subdivision.

(b) Within ten (10) days of the filing of the tentative map, the City Clerk shall send a notice to the governing board of any elementary, high school or unified school district within which the proposed subdivision would be located. The notice shall state the location of the proposed subdivision, the number of units it contains, its population density and any other information which would be relevant to the affected school district. The governing board of any such district may respond to the notice with written comments within 20 working days of the date on which notice was mailed to the governing board.

[*History*: formerly § 5.204; ORD. 301, 8/08/84; ORD. 638, 12/14/05]

5.02.050 Notice to Adjacent Landowners and Others Whose Property Rights are Substantially or Significantly Affected.

Notice of the application for tentative map approval and an opportunity to be heard shall be given to all persons, businesses, corporations and other public or private entities whose property rights will be substantially or significantly affected by the proposed subdivision. In every case, the notice shall be given to all persons, businesses, corporations and public or private entities shown on the last equalized assessment roll as owning real property within 300 feet of the property which is the subject of the application. The notice shall be reasonably calculated to afford those whose rights will be affected the opportunity to protect their interests, and shall be given by at least one of the following methods:

(a) Direct mail;

(b) Posted notice on and off the site in the area where the project is to be located;

(c) Delivery by any means other than mail;

(d) Any other method reasonably calculated to provide actual notice of the hearing.

[*History*: formerly § 5.205; ORD. 301, 8/08/84; ORD. 638, 12/14/05]

5.02.060 Notice of Public Hearing.

Whenever a public hearing is held on the approval of a tentative, final or parcel map, or any other matter under the Subdivision Map Act, notice shall be given to the public at least 10 days

before the hearing. The notice shall be given by publication once in a newspaper of general circulation, printed and published in San Mateo County and circulated in the Town of Colma.

[*History*: formerly § 5.206; ORD. 301, 8/08/84; ORD. 638, 12/14/05]

5.02.070 Conversions of Real Property to Condominium Projects, Community Apartment Projects, or a Stock Cooperative, or the Conversion of a Mobile Home Park to Another Use.

Whenever a proposed subdivision involves the conversion of real property to a condominium project, community apartment project or a stock cooperative, or involves the conversion of a mobile home park to another use, the City Clerk shall certify to the Council that all provisions of the Subdivision Map Act particularly applicable to the proposed subdivision have been met.

[*History*: formerly § 5.207; ORD. 301, 8/08/84; ORD. 638, 12/14/05]

5.02.080 Procedure for Tentative Maps.

(a) A tentative map shall be filed with the City Clerk who shall submit the map to the City Planner for investigation and report on the design and improvements and the imposing of requirements and conditions thereon. If a subdivider wishes to obtain the vested rights available pursuant to Government Code sections 66498.1-66498.8, the subdivider may file a vesting tentative map pursuant to section 5.02.090.

(b) Within 30 days after the tentative map has been filed with the City Clerk, the City Planner shall determine, in writing, whether the map is complete. If the City Planner determines that the map is incomplete, the City Planner shall immediately notify the subdivider, in writing, and the subdivider may resubmit the map pursuant to Government Code Section 65943.

(c) The City Planner shall make a written report on the tentative map within fifty (50) days after determining that it is complete. If an environmental impact report is prepared for the tentative map, the 50-day period specified in this subsection shall not be applicable and the City Planner shall render his report required by this section within 45 days after certification of the environmental impact report.

(d) At its next regular meeting following the filing of the City Planner's report, the City Council shall set a meeting date at which it will consider the tentative map, which date shall be within 30 days thereafter. At such meeting, the City Council shall approve, conditionally approve, or disapprove the tentative map. A copy of the City Planner's report shall be served on the subdivider at least three (3) days prior to any hearing or action on the map.

(e) An approved or conditionally approved tentative map shall expire twenty-four (24) months after its approval or conditional approval. Upon application made by the subdivider prior to the expiration of the approved or conditionally approved tentative map, the City Council may extend for up to three (3) years the time at which the map expires. The expiration of the

approved or conditionally approved tentative map shall terminate all proceedings, and no final or parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map.

(f) Fees shall be established from time to time by the City Council of the Town of Colma by resolution.

[*History*: formerly § 5.210, ORD. 212, 6/8/77; ORD. 301, 8/08/84; ORD. 326, 12/11/85; ORD. 344, 12/10/86; ORD. 524, 1/14/98; ORD. 638, 12/14/05]

[*Reference*: Gov't Code § 66452]

5.02.090 Procedure for Vesting Tentative Maps.

(a) If a subdivider wishes to obtain the vested rights available pursuant to Government Code sections 66498.1-66498.8, the subdivider may file a vesting tentative map pursuant to this section. A vesting tentative map shall be filed with the City Clerk who shall submit the map to the City Planner for investigation and report on the design and improvements and the imposing of conditions thereon. At the time of filing the vesting tentative map shall include the following information:

(1) A detailed grading plan;

(2) A comprehensive geologic study of the site the subdivider proposes to subdivide;

(3) Building drawings for the structures to be built on the subdivision showing their height, size, location, and a statement of their use;

(4) Detailed drawings showing the sewers, storm drains, water mains and roads to be constructed;

(5) Architectural plans for the buildings to be constructed, including specification of the materials to be used;

(6) Flood control information;

(7) A list of the proposed uses of the property;

(8) A list of the zoning, planning and other regulations which affect the subject property in effect at the time of filing the vesting tentative map.

(b) Within 30 days after the vesting tentative map has been filed with the City Clerk, the City Planner shall determine, in writing, whether the map is complete. If the City Planner determines that the map is incomplete, the City Planner shall immediately notify the subdivider, in writing, and the subdivider may resubmit the map pursuant to Government Code Section 65943.

(c) The City Planner shall make a written report on the vesting tentative map within fifty (50) days after determining that the map is complete. If an environmental impact report is prepared for the vesting tentative map, the 50-day period specified in this subsection shall not be applicable and the City Planner shall render his report required by this section within 45 days after certification of the environmental impact report.

(d) At its next regular meeting following the filing of the City Planner's report, the City Council shall set a meeting date at which it will consider the vesting tentative map, which date shall be within 30 days thereafter. At such meeting, the City Council shall approve, conditionally approve, or disapprove the vesting tentative map. A copy of the City Planner's report shall be served on the subdivider at least three (3) days prior to any hearing or action on the map.

(e) Approval or conditional approval of a vesting tentative map by the City Council shall confer on the subdivider the vested right to proceed with development in compliance with the ordinances, policies, and standards specified in Government Code Section 66498.1(b) and 66474.2.

(f) The subdivider shall enjoy the rights vested in him by approval or conditional approval of the vested tentative map for a period of two years after its approval or conditional approval. Upon application made by the subdivider prior to the expiration of the approved or conditionally approved tentative map but before filing of the final map, the City Council may extend for up to three (3) years the time at which the map, and the subdivider's vested rights, expire.

(g) If the subdivider files a final map or parcel map before expiration of the period specified in paragraph (f) above, the subdivider's vested rights shall remain vested for one (1) year after the recording of the final map or parcel map. Upon application by the subdivider, the City Council may extend the subdivider's vested rights for an additional year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, the one-year initial time period shall begin for each phase when the final map for that phase is recorded.

(h) If the subdivider submits a complete application for a building permit during the period specified in paragraph (g) above, the subdivider's rights shall remain vested until expiration of that permit, or any extensions of that permit.

(i) Notwithstanding the vesting of rights by the approval or conditional approval of a vesting tentative map, the Town of Colma may condition or deny any permit, approval, extension or entitlement relating to the subdivision if it determines any of the following:

(1) A failure to do so would place the residents of the subdivision, or the immediate community, in a condition dangerous to their health or safety;

(2) The condition or denial is required, in order to comply with state or federal law.

[*History*: formerly § 5.210a; ORD. 326, 12/11/85; ORD. 344, 12/10/86; ORD. 638, 12/14/05]

5.02.100 Procedure for Final Maps.

(a) After the approval or conditional approval of the tentative map and prior to the expiration of such map, when a final map is required by section 5.02.030 above, the subdivider may cause the real property included within the map thereof prepared in accordance with the approved or conditionally approved tentative map.

(b) A final map conforming to the approved or conditionally approved tentative map may be filed with the City Council for approval after all required certificates on such map have been signed and, where necessary, acknowledged.

(c) The City Council shall, at the meeting at which it receives the map, or at its next regular meeting, approve the map if it conforms to all requirements applicable at the time of the approval or conditional approval of the tentative map or, if it does not so conform, disapprove the map.

(d) If, at the time of approval of the final map by the City Council, any public improvements required by the City Council have not been completed and accepted, the City Council, as a condition precedent to the approval of the final map, shall require the subdivider to enter into one of the following agreements specified by the City Council:

(1) An agreement with the City Council upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense;

(2) An agreement with the City Council 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.

(e) The City Council entering into any agreement pursuant to this section shall require that performance of such agreement be guaranteed by the security specified in Chapter 5 (commencing with Section 66499) of the Subdivision Map Act.

[*History*: formerly § 5.211; ORD. 212, 6/8/77; ORD. 301, 8/08/84; ORD. 638, 12/14/05]

[*Reference*: Gov't Code § 66456-66458]

5.02.110 Procedure for Parcel Maps.

(a) After the approval or conditional approval of the tentative map and prior to the expiration of such map, when a parcel map is required by sections 5.02.030(b) and (c) above, the subdivider may prepare a parcel map for all or any part of the subdivision in accordance with the approved or conditionally approved tentative map.

(b) A parcel map conforming to the approved or conditionally approved tentative map may be filed with the City Council for approval after all required certificates on such map have been signed and, where necessary, acknowledged.

(c) The City Council shall, at the meeting at which it receives the map, or at its next regularly scheduled meeting, approve the map if it conforms to all requirements applicable at the time of the approval or conditional approval of the tentative map or, if it does not so conform, disapprove the map.

(d) If, at the time of approval of the parcel map by the City Council, any public improvements required by the City Council have not been completed and accepted, the City Council, as a condition precedent to the approval of the parcel map, shall require the subdivider to enter into one of the following agreements specified by the City Council:

(1) An agreement with the City Council upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense;

(2) An agreement with the City Council 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.

(e) The City Council entering into any agreement pursuant to this section shall require that performance of such agreement be guaranteed by the security specified in Chapter 5 (commencing with Section 66499) of the Subdivision Map Act.

(f) The Council may waive the requirement of a parcel map if the Council finds that the subdivision complies with the requirements of the Subdivision Map Act and this subchapter as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection. A waiver of the requirement of a parcel map does not waive the requirement of a tentative map.

[*History*: formerly § 5.212; ORD. 212, 6/8/77; ORD. 301, 8/08/84; ORD. 638, 12/14/05]

[*Reference*: Gov't Code § 66463]

5.02.120 Extensions.

Any of the time limits specified herein may be extended by mutual agreement of the City Council and the subdivider, entered into prior to the expiration of such time limit,, except that the life of a tentative map may not be extended beyond the period specified in section 5.02.090(f); and vested rights under a final or parcel map may not be extended beyond the period provided by section 5.02.090(g).

[*History*: formerly § 5.213; ORD. 212, 6/8/77; ORD. 301, 8/08/84; ORD. 344, 12/10/86; ORD. 638, 12/14/05]

[*Reference*: Gov't Code § 66451.1]

5.02.130 No Action.

If any map is not approved, conditionally approved, or disapproved within the time limits specified herein, or any extension thereof, such map shall be deemed approved.

[*History*: formerly § 5.214; ORD. 212, 6/8/77; ORD. 301, 8/08/84; ORD. 638, 12/14/05]

[*Reference*: Gov't Code § 66452.4, 66458]

5.02.140 Security.

(a) The City Council may require the furnishing of security in connection with the performance of any act or agreement required under this subchapter.

(b) Such security shall be one of the following at the option of and subject to the approval of the City Council:

(1) Bond or bonds by one or more duly authorized corporate sureties;

(2) A deposit, either with the City Treasurer or a responsible escrow agent or trust company, at the option of the City Council, of money or negotiable bonds of the kind approved for securing deposits of public moneys;

(3) An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.

[*History*: formerly § 5.215; ORD. 212, 6/8/77; ORD. 301, 8/08/84; ORD. 638, 12/14/05]

[*Reference*: Gov't Code § 66474]

5.02.150 Findings.

(a) Prior to approval of any tentative map the City Council shall make the following findings:

(1) That the subdivision, including its provisions for design and improvements, is consistent with the applicable general and specific plan. No tentative map shall be approved without such a finding.

(2) That waste discharged from the proposed subdivision into an existing community sewer system will not result in a violation of existing requirements prescribed by a California Regional Water Quality Control Board. If the City Council does find that the discharge of waste from the subdivision will result in, or add to, a violation of the requirements of such a board, the City Council may disapprove the tentative map or maps of the subdivision.

(b) The City Council shall disapprove a map if it makes any of the following findings:

(1) That the map fails to meet or perform any of the requirements or conditions imposed by the Subdivision Map Act or this subchapter.

(2) That the proposed map is not consistent with the applicable general and specific plans.

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

(4) That the site is not physically suitable for the type of development.

(5) That the site is not physically suitable for the proposed density of development.

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

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

(8) 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 governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through, or use of, property within the proposed subdivision.

(c) The City Council may disapprove a map if it finds that the discharge of waste from a proposed subdivision would result in or add to a violation of the requirements of the Bay Area Air Quality Control Board.

(d) Notwithstanding (a) and (b) above, the City Council shall not deny approval of a final map or a parcel map if it has previously approved a tentative map for the proposed subdivision and it finds that the final map or parcel map is in substantial compliance with the previously adopted tentative map.

(e) The Council shall not disapprove a map for failure to comply with any provision of the Subdivision Map Act (Government Code Sections 66410-66499.58) or for failure to comply with any ordinance of the Town of Colma if the failure is due to a technical error.

[*History*: formerly § 5.220; ORD. 212, 6/8/77; ORD. 301, 8/08/84; ORD. 638, 12/14/05]

[*Reference*: Gov't Code § 66474]

5.02.160 Design.

The design of any subdivision shall be subject to approval of the City Council.

[*History*: formerly § 5.221; ORD. 212, 6/8/77; ORD. 301, 8/08/84; ORD. 638, 12/14/05]

[*Reference*: Gov't Code § 66411]

5.02.170 Improvements.

The City Council may require such reasonable offsite and onsite improvements as it, in its discretion, may determine.

[*History*: formerly § 5.222; ORD. 212, 6/8/77; ORD. 301, 8/08/84; ORD. 638, 12/14/05]

[*Reference*: Gov't Code § 66412]

5.02.180 Soils Report.

(a) A preliminary soils report, prepared by a civil engineer registered in this state, and based upon adequate test borings, shall be required for every subdivision for which a final map is required by this subchapter.

(b) If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, the City Council may, if it finds that the recommendations of the civil engineer preparing the report is likely to prevent structural damage, require that such recommendations be incorporated in the construction of each structure in the subdivision.

[*History*: formerly § 5.223; ORD. 212, 6/8/77; ORD. 301, 8/08/84;]

[*Reference*: Gov't Code § 66490]

5.02.190 Dedications.

The City Council may require that the subdivider dedicate, or irrevocably offer to dedicate, real property within the subdivision for streets, alleys (including access rights and abutter's rights) drainage, public utility easements and other public easements.

[*History*: formerly § 5.224; ORD. 212, 6/8/77; ORD. 301, 8/08/84; ORD. 638, 12/14/05]

[*Reference*: Gov't Code § 66475]

5.02.200 Combining Parcels of Land.

The City Council may authorize a parcel map to be filed for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership. Any public streets or public easements to be left in effect after the reversion shall be adequately delineated on the map. Any public streets or easements not delineated on the map shall be deemed abandoned.

[*History*: formerly § 5.250, ORD. 522, 12/10/97; ORD. 638, 12/14/05]