

ORDINANCE NO. 164 N. S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES PRESCRIBING RULES AND REGULATIONS GOVERNING PLATTING AND SUBDIVIDING OF LAND AND THE PREPARATION AND APPROVAL OF SUBDIVISION MAPS

THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE OF ORDINANCE.

1.1 This ordinance is enacted for the purpose of adopting subdivision regulations for the City of El Paso de Robles, State of California.

1.2 The Planning Commission of the City of El Paso de Robles, State of California, hereinafter referred to as the 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.

1.3 The Planning Commission shall have all the powers and duties with respect to tentative and final maps, and the procedure relating thereto which are specified by law and by this ordinance.

1.4 There is hereby created a Subdivision Committee to consist of the City Co-ordinator, City Attorney, and two other members to be appointed by the Chairman of the Planning Commission. Said Committee shall have the powers and duties as are specified in this ordinance.

1.5 It shall be unlawful for any individual, firm, corporation or any other legal entity, as a principal, agent, or otherwise to offer to sell, to contract to sell, or to sell any subdivision of land or any part thereof in the City of El Paso de Robles, unless and until all the requirements hereinafter provided have been complied with. This shall not be construed to prohibit the sale of any lot or parcel of land which is of record as a lot or parcel of land on the effective date of this ordinance.

SECTION 2. DEFINITIONS.

For the purpose of this ordinance, certain words and phrases are defined as follows:

2.1 "MAP ACT" shall be deemed to mean the Subdivision Map

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 Ordinance 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 above 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 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.

(e) A certificate for execution by the City Planning Commission.

(f) A certificate for execution by the City Clerk.

(g) A certificate for execution by the County Recorder.

4.32 Prior to the filing of the final map with the governing body, the subdivider shall file with the Clerk of the Board of Supervisors of the County in which any part of the subdivision is located, a certificate from the official computing redemptions in the County of San Luis Obispo and the City of El Paso de Robles, 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 by each proper officer giving his estimate of the amount of taxes and assessments which are a lien but which are not yet payable.

4.33 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 and 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 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.

#### 4.4 Action on Final Map.

4.41 Approval by City Engineer. Upon receipt of the final map and other data submitted therewith by the Planning Commission, said map and data shall be referred to the City Engineer, who 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 Ordinance 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. 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 purposes and shall afford the subdivider an opportunity to make such changes or additions. If the City Engineer shall determine that full conformity therewith has been made he shall so certify on said map and shall transmit said map to the Planning Commission. In the event a subdivision is partly in the City and partly outside the City, the County Surveyor and the City Engineer shall enter into an agreement by and with the consent of their respective governing bodies, providing that the County Surveyor may perform the duties prescribed for the City Engineer in this paragraph or providing for an apportionment between them of said duties. The County Surveyor 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 are apportioned between the County Surveyor and the City Engineer, it 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 Planning Commission.

4.42 Approval of Planning Commission. Upon return of the final map by the City Engineer or County Surveyor the Planning Commission shall examine the same to determine whether said map conforms with the tentative map and with all changes permitted and all requirements imposed as a condition to its acceptance. If the Planning Commission shall determine not to recommend said map, it shall advise the subdivider of the changes or additions that must be made for such purpose and shall accord him an opportunity to make same. If the Planning Commission shall thereupon determine that said map is in conformity therewith and determines to recommend said map, it shall certify its approval thereon and shall transmit said map to the City Clerk, together with any documents which may have been filed therewith for presentation to the City Council.

4.43 Approval by City Council. At its first regular meeting following the filing of said map with the City Clerk as

aforesaid, or within ten days following the filing thereof, the City Council shall consider said map, the plan of subdivision and the offers of dedication. The City Council may reject any or all offers of dedication. If the City Council shall determine that said map is in conformity with the requirements of this Ordinance and that it is satisfied with the plan of subdivision, it shall approve said map. When the subdivider shall have filed with the City Clerk, the agreement and bond, or made the deposit described in Section 4.5 hereof and when such agreement and bond shall have been approved by the City Attorney, as to form, and by the City Manager or Administrator, as to sufficiency, the City Clerk shall transmit the map to the Clerk of the County Board of Supervisors. When all bonds, money or negotiable bonds required under the provision of this ordinance to secure the payment of taxes and assessments which are a lien on some part of the subdivision but which are not yet payable, have been deposited with and approved by the Board of Supervisors, the Clerk of the Board shall transmit the final map to the County Recorder. If the City Council shall determine either that said map is not in conformity with the requirements of this ordinance or that it is not satisfied with the plan of subdivision, it shall disapprove said map specifying its reason or reasons therefor and the City Clerk shall in writing advise the subdivider of such disapproval and of the reason or reasons for such disapproval. Within Thirty (30) days after the City Council has disapproved any map the subdivider may file with the Planning Commission a map altered to meet the approval of the City Council. In such case the subdivider shall conform to all the requirements imposed upon him by this ordinance when filing the first final map with the Planning Commission and the same proceedings shall be had thereon as are prescribed by this ordinance upon the filing of the first final map with the Planning Commission. No map shall have any force or effect until the same has been approved by the City Council and no title to any property described in any offer of dedication shall pass until the recordation of the final map.

4.5 Agreement and Bond for Improvements.

4.51 Concurrently with the approval by the City Council of the final map the subdivider shall execute and file an agreement between himself and the City specifying the period within which he shall complete all improvement work to the satisfaction of the City Engineer, and providing that if he shall fail to complete such work within such period the City may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the City Engineer, and reimbursement of the City by the subdivider for the cost of such inspection. Such agreement may also provide (a) for the construction of the improvements in units, (b) for an extension of time under conditions therein specified, (c) for the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the City Engineer to be at least the equivalent of the improvements specified in said agreement and required to be constructed by the subdivider, and (d) for progress payments to the subdivider, or his order, from any deposit money, which the subdivider may have made in lieu of providing a surety bond and a labor and material payment bond, as provided by the next succeeding section; provided, however, that no such progress payment shall be made for more than ninety per cent (90%) of the value of any installment of work and provided that each such installment of work shall be completed to the satisfaction of the City Engineer.

4.52 The subdivider shall file with the aforesaid agreement, to assure his full and faithful performance thereof, a bond for such sum as is by the City Engineer deemed sufficient to cover the cost of said improvements, engineering, inspection and incidental expenses. The subdivider shall also file with said agreement a labor and material payment bond for the security of materialmen and laborers in a sum equal to one-half (1/2) of the cost of said improvements as estimated by the City Engineer. Such bonds shall be executed by a surety company authorized to transact a surety business in the State of California and must be satisfactory to and

be approved by the City Attorney as to form and by the City Manager as to sufficiency. In lieu of said bonds, the subdivider may deposit with the City Treasurer cash money in an amount fixed as aforesaid by the City Engineer.

4.53 In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this ordinance and the City shall have completed same, or if the subdivider shall fail to reimburse the City for the cost of inspection, engineering, and incidental expenses the City shall call on the surety for reimbursement, or shall appropriate from any cash deposits funds for reimbursement. In any such case, if the amount of surety bond or cash deposit shall exceed all cost and expense incurred by the City, it shall release the remainder of such bond or cash deposit and if the amount of the surety bond or cash deposit shall be less than the cost and expense incurred by the City the subdivider shall be liable to the City for such difference.

4.54 No extension of time, progress payments from cash deposits, or releases of surety bond or cash deposit shall be made except upon certification by the City Engineer that work covered thereby has been satisfactorily completed and upon approval of the City Council.

#### SECTION 5. GENERAL REGULATIONS AND DESIGN.

##### 5.1 Streets and Highways.

5.11 The Street and Highway design shall conform both in width and alignment to any Master Plan of Streets and Highway approved by the City Council and right-of-way for any such street or highway indicated on said Master Plan shall be dedicated.

5.12 The Street and Highway design shall conform to any proceedings affecting the subdivision, 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 subdivider shall either dedicate or withhold from subdivision all the area included in said right-of-way.

5.13 The following general conditions shall apply to street and highway design:

(a) 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 plans of the Planning Commission for the most advantageous development of the area in which the subdivision lies.

(b) Streets shall be required to intersect one another at an angle as near to a right angle as is practicable in each specific case.

(c) Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead-end streets may be approved without a turn-around. In all other cases a turn-around having a minimum radius of forty feet, shall be required.

(d) Intersection Corner Rounding. Whenever a major street or State Highway intersects any other street or highway, the property lines at each block corner shall be rounded with a curve or corner cutoff, as specified by the City Engineer. 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.

(e) 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.

(f) Grades of Streets and Highways. No street or highway shall have a grade of more than Ten per cent (10%) unless because of topographical conditions or other exceptional conditions, the City Engineer determines that a grade in excess of Ten per

cent (10%) is necessary.

(g) 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 is placed definitely within the jurisdiction of the City under conditions approved by the Planning Commission.

5.14 Streets and highways not shown on any Master Street and Highway 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, except where it can be shown by the subdivider, to the satisfaction of the Planning Commission, that the topography of the small number of lots served and the probable future traffic development are such as to unquestionably justify a narrower width. Increased widths may be required where streets are to serve commercial property or where probable traffic conditions warrant such. Approval or determination of street or highway classification shall be made by the Planning Commission.

(a) Major streets or highways--minimum right-of-way; Ninety (90) feet in commercial areas and eighty (80) feet in residential areas.

(b) Secondary streets or highways--minimum right-of-way; Sixty (60) feet. The Planning Commission may require up to Eighty (80) feet where street may become a major street at some future date.

(c) Local streets--minimum right-of-way; Sixty (60) feet.

(d) Cul-de-sac streets and service roads when not over three hundred and fifty (350) feet in length--minimum right-of-way of Fifty (50) feet.

5.15 Service Roads and Off-Street Parking. When the front of any lots proposed for commercial usage front on any major or secondary street or highway, the subdivider shall be required to dedicate and improve a service road to provide ingress or egress

to and from such lots or in lieu thereof, if approved by the Planning Commission, the subdivider shall provide and improve an area approved by the Planning Commission and adjacent to such lots, for off-street parking purposes as provided by the Zoning Ordinance of the City of El Paso de Robles as now inacted or hereafter inacted or amended. When the front of any lots proposed for residential usage front on any freeway, state highway or parkway, the subdivider shall dedicate and improve a service road at the front of such lots, unless such is already existent as a part of such freeway or parkway. In addition to any requirement for a service road, the Planning Commission may require adequate off-street parking areas for all lots proposed for commercial usage.

5.16 Non Access and Planting Strips. When the rear of any lots border any major or secondary street, highway, or parkway, 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, state highway or parkway the subdivider may be required to dedicate and improve a planting strip adjacent to such parkway or freeway.

5.17 Alleys. When any lots are proposed for commercial or industrial usage, a Twenty-four (24) feet paved alley shall be provided at the rear thereof with adequate ingress and egress for truck traffic.

5.18 Street Names. All street names shall be as approved by the Planning Commission.

5.19 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 of normal size.

5.2 Easements.

5.21 The subdivider shall grant easements not less than

Five feet (5') in width for public utility, sanitary sewer and drainage purposes on each side of rear lot lines, along side lot lines, and in planting strips wherever necessary, provided easements of lesser width may be allowed when at the determination of the City Engineer that the purposes of easements may be accomplished by easements of lesser width and provided further that in such determination the City Engineer shall prescribe the width of such easements. Five foot (5') easements for overhead wire lines, shall be provided at the rear of all lots, except where alleys are available, and in contiguous locations to permit of anchorage, line continuity, ingress and egress. Dedication of easements shall be to the City for the purpose of installing utilities, plantings, strips and for other public purposes as may be ordered or directed by the City Council.

5.3 Lots.

5.31 The size and shape of lots shall be in conformance to any zoning regulations effective in the area of the proposed subdivision and shall not be less than Fifty (50) feet in width, nor less than Five Thousand (5000) square feet in area, nor less than eighty (80) feet in depth provided that for corner lots the width shall not be less than Sixty (60) feet. The Planning Commission may recommend the granting of exception to this provision where lots are to be used for commercial or industrial purposes or where there are unusual topographic or other conditions, curved or cul-de-sac streets or other special conditions.

5.32 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.

5.33 Divided Lots. No lot shall be divided by a City boundary line.

5.34 Lots without frontage on a street will not be permitted.

5.35 Lots, other than corner lots, may front on more than one street, where necessitated by topographic or other unusual conditions. The width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required

Act of the State of California.

2.2 "OWNER" is the individual, firm or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under the Ordinance, and while used herein the masculine gender and singular number it shall be deemed to mean the feminine and neuter gender and plural number whenever required.

2.3 "SUBDIVIDER" shall mean any individual, firm, corporation or any other legal entity commencing proceedings under this ordinance, to effect a subdivision of land hereunder for himself or for another and while used here in the masculine gender and singular number it shall be deemed to mean and include the feminine or neuter gender and the plural number whenever required.

2.4 "SUBDIVISION" shall mean any land or portion thereof shown on the last preceding tax roll as a unit or as a contiguous unit which is divided for the purpose of sale, whether immediate or future, by any subdivider.

### SECTION 3. TENTATIVE MAP.

#### 3.1 Filing and Department Approval.

3.11 Five (5) copies of a tentative map and statement of the proposed subdivision of any land into five (5) or more lots shall be filed with the Secretary of the Planning Commission at least Ten (10) days prior to the meeting of said Commission, at which consideration is desired, together with a filing fee of Twenty-Five Dollars (\$25.00).

3.12 The Planning Commission shall transmit copies of the tentative map of the proposed subdivision of Five (5) or more lots to the City Engineer and may transmit copies thereof to other departments as it deems advisable. Upon receipt of a copy of such tentative map each department to whom or to which the same has been transmitted shall examine the said map to ascertain if same conforms to the requirements coming within the authoritative scope of such department, and within Five (5) days after receipt thereof, each department shall make a written report to the Planning Commission. If said map conforms to the requirements

by the provisions of this ordinance unless the general layout in the vicinity, lines of ownership, topographical conditions or location of major or secondary highways justify or make necessary a variation from this requirement.

5.4 Blocks and Walkways.

5.41 Blocks shall not exceed Eight Hundred (800) feet in length unless topographical conditions justify a variation from this requirement.

5.42 The subdivider may be required to dedicate and improve walkways across long blocks or to provide access to school, park, or other public areas.

5.5 Water Courses.

5.51 The subdivider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes conforming substantially with the lines of any natural water course or channel, stream or creek that traverses the subdivision, or at the option of the subdivider provide by dedication further and sufficient easements or construction, or both, to dispose of such surface and storm waters.

5.6 Master Plan and Zoning.

5.61 In all respects, the subdivision will be considered in relation to the Master Plan of the City and the Zoning Plan of the City, or any part thereof, or preliminary plans made in anticipation thereof.

5.7 Deed Restrictions.

5.71 A copy of the Deed Restrictions applicable to the subdivision shall be filed with the Planning Commission at the time of filing Final Map.

5.8 Land Subject to Inundation.

5.81 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.

SECTION 6. IMPROVEMENT AND BONDS.

6.1 Standards and Approval.

6.11 All improvements hereinafter mentioned shall conform to those required in the official Improvement Specifications prepared by the City Engineer, and adopted by the City Council, copies of which are on file in the office of the City Clerk and the City Engineer.

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

6.13 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.

6.14 All required underground utilities, sanitary sewers 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 laid to such length as will obviate the necessity for disturbing the street or alley improvements when service connections thereto are made.

6.2 General Requirements.

The subdivider shall furnish and install at his own expense improvements in accordance with the general requirements set forth in this section.

6.21 Streets and Highways. All streets and highways shall be graded and paved to cross sections and grades approved by the City Engineer. Streets in residential areas shall be paved with a minimum of Two inch (2") thick plant-mixed asphaltic paving constructed on a selected material base if in the opinion of the City Engineer the bearing capacity of the native soil is not

sufficient to properly support the pavement. Streets in commercial areas shall be paved with a minimum of Four inch (4") thick plant-mixed asphaltic paving, constructed on a selected material base, if required as above by the City Engineer. All streets Ninety (90) feet wide shall be paved to a width of Sixty-four (64) feet. All streets Eighty (80) feet wide shall be paved to a width of Fifty-six (56) feet. All streets Sixty (60) feet wide shall be paved to a width of Forty (40) feet. All streets Fifty (50) feet wide shall be paved to width of Thirty (30) feet. The subdivider shall improve the extension of all subdivision streets, highways, or public ways to the intercepting paving line of any County road, City street, or State highway.

6.22 Structures. Structures shall be installed as deemed necessary by the City Engineer, for drainage, access and/or public safety. Such structures to be placed to grades and to be of a design approved by the City Engineer.

6.23 Curbs and Gutters. Curbs and gutters shall be installed to grades, cross section, layout and location approved by the City Engineer. All curbs and gutters shall be of Class "A" concrete of the integral type having Eight inch (8") curb face and Twelve inch (12") minimum gutter width.

6.24 Sidewalks. Sidewalks shall be installed to grades, location, widths, and cross-section approved by the City Engineer, provided that exception to this provision may be granted by the City Council where topographical or other conditions make the installation of sidewalks impractical.

6.25 Sewers. Sanitary sewer facilities connecting with the existing City or County sewer system shall be installed to serve each lot and to grades, locations, design and sizes approved by the City Engineer. No septic tanks or cesspools will be permitted. Storm water sewers shall be installed as required by the City Engineer.

6.26 Water. Water mains and fire hydrants of design, layout and locations approved by the City Engineer, connecting to the water system serving the City of El Paso de Robles, shall be installed by the subdivider at his own expense.

6.27 Street Trees. Street trees may be required by the Planning Commission and if so shall be of a type approved by the Park Commission, and planted in locations approved by said Commission.

6.28 Street Lighting. Street lighting may be required by the Planning Commission and the design, layout and location shall be approved by the City Engineer.

6.29 Railroad Crossings. Provisions shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivisions, including the preparation of all documents, necessary for application to the California State Public Utilities Commission for the establishment and improvements of such crossing. The cost of such railroad crossing improvement shall be borne by the subdivider.

### 6.3 Monuments.

6.31 Permanent one and one-half ( $1\frac{1}{2}$ ) inch capped pipe monuments at least two and one-half ( $2\frac{1}{2}$ ) feet long, top Eighteen (18) inches underground 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.

6.32 Concrete monuments depressed below street grade with cast 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 intersects on private property, at the beginning and end of the center line curve and/or offsets therefrom. The exact location of all such monuments shall be shown on the final map before approval is requested.

6.33 Any monument, as required by this ordinance, that is disturbed or destroyed before acceptance of all improvements shall be relocated and replaced by the subdivider at his own cost and expense. A bond shall be provided by the subdivider guaranteeing the relocation and replacement of all monuments disturbed as required above.

6.34 Monuments and lot corner points shall be set before submission of the final map for City Council approval unless exception is recommended by the City Engineer and approved by the City Council, and then only when a good and sufficient bond is deposited with the City guaranteeing that said monuments and lot corners will be set within the time allotted by the City Council.

#### SECTION 7. EXCEPTIONS.

##### 7.1 Application.

7.11 The Planning Commission may recommend that the City Council authorize condition exceptions to any of the requirements and regulations set forth in this ordinance. Application for any such exception shall be made by a certified petition of the subdivider, stating fully the grounds of the applications 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.

##### 7.2 Planning Commission Action.

7.21 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.

7.22 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 exceptions recommended and the conditions designated.

### 7.3 City Council Action.

7.31 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.

## SECTION 8. APPEAL.

### 8.1 Notice.

8.11 Appeal may be made to the City Council from any decision, determination or requirement of the Planning Commission, Subdivision Committee, or City Engineer by filing a notice thereof in writing with the City Clerk within Ten (10) days after such decision or determination or requirement is made. Such notice shall set forth in detail the action and the ground by and upon which the subdivider feels himself aggrieved.

### 8.2 Report.

8.21 The city Clerk shall report the filing of such notice to the Planning Commission and City Engineer. A written report shall be submitted to the City Council by the party whose decision, determination or requirement is upon appeal.

### 8.3 Action on Appeal.

8.31 The City Council at its next regular meeting following the filing of said appeal, or within Ten (10) days following the filing thereof, shall set said appeal for hearing to be held within Ten (10) days thereafter, and such hearing may for good cause be continued by order of the City Council. Upon the hearing of said appeal the City Council may over-rule or modify the decision, determination or requirement appealed from and enter any such order or orders as are in harmony with the spirit and purpose of this ordinance, and such disposition of the appeal shall be final.

## SECTION 9. VALIDITY.

9.1 If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the re-

maining portions of the ordinance. The City Council of the City of El Paso de Robles, State of California, hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, sub-sections, clauses or phrases be declared invalid or unconstitutional.

SECTION 10. PENALTIES.

10.1 Any person, firm, corporation, partnership, or co-partnership who wilfully violates any of the provisions or fails to comply with any of the mandatory requirements of this ordinance is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed six (6) months or by both fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal, equitable or summary remedy to which the City of El Paso de Robles or other political subdivision, or any person, firm, corporation, partnership, or co-partnership may otherwise be entitled, and the City of El Paso de Robles or any other political subdivision or person, firm, corporation, partnership, or co-partnership may file a suit in the Superior Court of the State of California, in and for the County of San Luis Obispo, to restrain or enjoin any attempted or proposed subdivision or sale in violation of this Ordinance.

10.11 In addition to the penalties as provided in Section 10.1 above, no building permit will be granted by the City of El Paso de Robles or its officers for the construction of any building or structure in any land divided or sub-divided contrary to the provisions of this ordinance.

SECTION 11. REPEAL.

11.1 All ordinances or parts of ordinances in conflict herewith are, and each of them is, hereby repealed.

SECTION 12. WHEN EFFECTIVE.

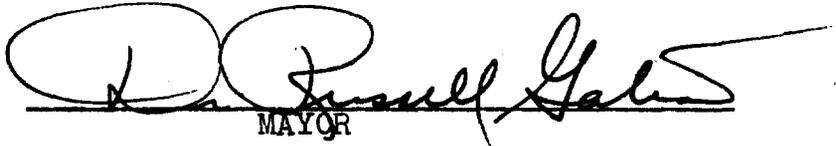
12.1 This ordinance is an ordinance affecting the public peace, health and safety and shall be in full force and effect

immediately upon the adoption thereof. The facts constituting its urgency are as follows:

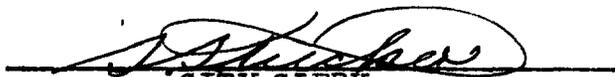
The City Council is informed that several builders are about to subdivide tracts of land in the City of El Paso de Robles.

PASSED AND ADOPTED this 17<sup>th</sup> day of December, 1951.

CITY OF EL PASO DE ROBLES

  
MAYOR

ATTEST:

  
CITY CLERK

STATE OF CALIFORNIA  
COUNTY OF SAN LUIS OBISPO  
CITY OF EL PASO DE ROBLES

} SS.

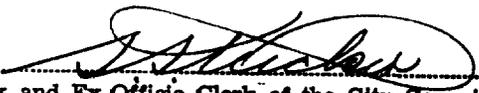
I, S. S. Tucker, City Clerk of the City of El Paso de Robles, California, do hereby certify that the foregoing Ordinance No. 164, N.S. was duly and regularly adopted, passed, and approved by the City Council of the City of El Paso de Robles, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 17th day, of December, 1951, by the following vote:

AYES: Councilmen Gates, Gerst, Ottozon, Smart and Thurlby

NOES: Councilmen None

ABSENT: Councilmen None

Dated this 17th day of December, 1951

  
City Clerk and Ex-Officio Clerk of the City Council,  
City of El Paso de Robles, State of California.

coming within its authorized scope such department shall so state within its report to the Planning Commission. If said map does not conform to such requirements or any of them, such department shall so state in said report noting therein the particulars in which said map does not conform.

3.13 Three (3) copies of the tentative map of proposed subdivision of any land into Four (4) or less lots shall be filed with the Subdivision Committee, provided, however, that the Subdivision Committee may require that all the provisions of this ordinance pertaining to subdivision of Five (5) or more lots be complied with, where it is the opinion of the Subdivision Committee that the intent is to ultimately subdivide into Five (5) or more lots.

### 3.2 Form of Tentative Map

3.21 Tentative maps shall be eighteen by twenty-six (18" x 26") inches in size and to a scale of one inch equals one hundred feet (1" = 100') unless otherwise approved by the Planning Commission, and shall be clearly and legibly reproduced.

3.22 The tentative map of a subdivision containing Five (5) or more lots shall contain the following information:

(a) The subdivision name or number, date, north point, scale and sufficient description to define the location and boundaries of the proposed subdivision.

(b) Name and address of record owner or owners of said subdivision.

(c) Name and address of the subdivider.

(d) Name, business address and number of the registered engineer or licensed surveyor, who prepared the map of said subdivision, if any.

(e) Sufficient elevations or contours to determine the general slope of the land and the high and low points thereof.

(f) The locations, names, widths, cross-sections and approximate grades of all roads, streets, highways and ways in

the proposed subdivision and along the boundaries thereof.

(g) The location and character of all existing or proposed public utility facilities in said subdivision or on said adjoining and contiguous highways, streets and ways.

(h) The approximate widths, location and purpose of all existing or proposed easements.

(i) Approximately lot lay-out and approximate dimensions of each lot and each to be numbered.

(j) The outline of any existing buildings to remain in place and their locations in relation to existing or proposed street and lot lines.

(k) Approximate location of all trees standing within the boundaries of proposed public right-of-way.

(l) Approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of all water courses.

3.23 The subdividers statement to accompany the tentative map shall be in written form and shall contain the following information:

(a) Existing use or uses of the property.

(b) Proposed use and zoning of the property. If property is proposed to be used for more than one purpose, the area, lots or lot proposed for each type of use shall be shown on the tentative map.

(c) Statement of the improvements and public utilities proposed to be made or installed and of the time at which such improvements are proposed to be completed.

(d) Provision for sewerage and sewage disposal.

(e) Public areas proposed, if any.

(f) Tree planting proposed, if any.

(g) Justification and reasons for any exceptions to provisions of this ordinance.

3.24 A copy of any restrictive covenants proposed shall be

attached to the owner's statement.

3.25 The tentative map of a subdivision containing less than Five (5) lots shall show the dimensions of the proposed lots and any other information deemed necessary by the Subdivision Committee.

### 3.3 Action on Tentative Map

3.31 The Planning Commission shall determine whether the tentative map is in conformity with the provisions of law and of this ordinance, and upon that basis within Thirty (30) days after the filing of the tentative map, approve, conditionally approve, or disapprove the same and shall report such action direct to the subdivider and shall also transmit to the City Engineer a copy of the tentative map, and a memorandum setting forth the action of the Commission thereon.

3.32 The Planning Commission may suggest to the subdivider the advisability of dedicating suitable areas for the parks, playgrounds and schools, and other public building sites that will be required for the use of the population which is intended to occupy the subdivision under the plan of proposed property uses therein. In all cases the Planning Commission shall suggest to the subdivider such measures as will make for excellence of residential, commercial, or industrial development, and the recommended zoning there.

3.33 When the proposed subdivision contains Four (4) or less number of lots, all of which face upon a dedicated and accepted city street, the Subdivision Committee shall permit the omission of the requirements for a final map, in which case, a copy of the tentative map shall be transmitted to the City Engineer and the Assessor for filing.

3.34 The Planning Commission may refuse to approve a tentative map when the only practical use which can be made of the property proposed to be subdivided, is a use prohibited by ordinance, statute, law, or other valid regulation, or if the property is deemed unhealthful or unfit for human habitation or occupancy, by the Health Department.

## SECTION 4. FINAL MAP.

### 4.1 Filing.

4.11 Except as provided in Section 3.33 and within one year after approval or conditional approval of the tentative map, the subdivider shall cause, the subdivision or any part thereof, to be surveyed and a final map thereof prepared in conformance with the tentative map as approved or conditionally approved. The tracing and three (3) black line prints of the final map shall be filed with the Planning Commission, together with a checking fee of Fifteen Dollars (\$15.00), plus Fifty cents (.50¢) per lot shown on the final map. An extension of time for filing of the final map may be granted by the City Council upon recommendation from the Planning Commission, providing written application is made by the subdivider within one year after action on tentative map.

4.12 At the time of the filing of final map with the Planning Commission, the subdivider shall also file therewith the following:

(a) In the event any dedication is to be made for the public use, a preliminary title report issued by a Title Insurance Company in the name of the owner of the land, issued to or for the benefit and protection of the City of El Paso de Robles, showing all parties whose consent is necessary of their interests therein, except where the land embraced in such subdivision is registered under the Land Registration Act (Torrens Act). If the land is so registered, a certified copy of the certificates of title shall be furnished.

(b) 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 5.16 hereof.

(c) Sheets and 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.

### 4.2 Form of Final Map.

4.21 The final subdivision map shall be clearly and

legibly drawn upon tracing cloth of good quality. All lines, letters, figures, certifications, acknowledgments 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 blue prints and negatives can be made therefrom. The size of the sheets of tracing cloth shall be eighteen by twenty-six inches (18" x 26") leaving a margin of two inches (2") at the left edge and one inch (1") at the other three edges of the sheets. The scale of the final map shall be one inch equals one hundred feet (1" = 100') or other scale as approved by the City Engineer.

4.22 When the final map consists of more than two sheets, a key map showing the relation of the sheets shall be placed on sheet one. Every sheet comprising the map shall bear the scale, North point, legend, sheet number, and number of sheets comprising the map.

4.23 Wherever the City Engineer has established a system of coordinates then the survey shall be tied into such system. The map shall show clearly what stakes, monuments or other evidence where 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.

4.24 Sufficient data must be shown to determine readily the bearing and length of every lot line, block line and boundary line. Dimensions of lots shall be given as total dimensions, corner to corner, 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 length 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.

4.25 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 Engineer shall be stated.

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

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

(a) 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 by water.

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

(c) Streets and other Rights of Way. The maps shall show the center and side lines of all streets, the total width of all streets, the width of the portion being dedicated and the widths each side of the center line, also the width of railroad rights of way, appearing on the map.

(d) 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 of 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 fine dotted lines. Building setback lines shall be indicated by dotted lines of the same width as the lines denoting street boundaries. The width of the easement and the length and bearings of the lines thereof and sufficient ties thereto 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

certificate of dedication.

(e) City boundary lines crossing or bounding the subdivision shall be clearly designated and referenced.

(f) 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.

(g) Block numbers shall begin with the number "1" continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid and of sufficient size and thickness to stand out, shall be so placed as not to obliterate any figure and shall not be enclosed in any design. Each block in its entirety shall be shown on one sheet. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets complete with center line and property line data.

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

(i) The final map shall particularly define, delineate and designate all lots 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 designated by letter.

#### 4.3 Certificates and Tax Bond.

4.31 The following certificates and acknowledgments and all other now or hereafter required by law shall appear on the final map; 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,