

## **TITLE 9 – SUBDIVISION REGULATIONS**

Articles:

### **ARTICLE 1 - GENERAL PROVISIONS**

Chapters:

#### ***Chapter 9.04 - General Provisions***

Sections:

##### **9.04.010 - Authority And Citation**

The County Subdivision Regulations are adopted to supplement and implement the Subdivision Map Act, Section 66410, et seq., of the Government Code of the State of California (hereafter “Map Act”), and may be cited as the Subdivision Regulations of the County of San Mateo.

##### **9.04.020 - Purpose**

It is the purpose of the County Subdivision Regulations to regulate and control the division of land, the movement of property lines between parcels, the removal of property lines, and the determination of parcel legality within the unincorporated territory of San Mateo County.

In addition, through these Subdivision Regulations it is the County’s intention:

1. To protect and preserve the public health, safety, and general welfare, to facilitate orderly growth and development, and protect natural resources.
2. To provide for the regulation and control of the design and improvement of subdivisions and the dedication of such improvements for public purposes in order to ensure the provision of adequate traffic circulation, utilities and services, and other infrastructure.
3. To protect the public and individuals from potential fraud and exploitation resulting from the improper division of real property.
4. To implement the goals and policies of the County General Plan, Local Coastal Program, and adopted area plans.

##### **9.04.030 - Applicability**

The requirements set forth in the Subdivision Regulations apply to all or parts of subdivisions within the unincorporated territory of the County of San Mateo. Every person, firm, corporation, partnership, or association

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seeking to subdivide land within the unincorporated territory of San Mateo County is subject to the provisions of these Subdivision Regulations, except as provided in Section 9.04.040, below.

**9.04.040 - Exclusions**

The County Subdivision Regulations do not apply to any of the following:

1. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks, or trailer parks.
2. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
3. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under any other provisions of the County Ordinance Code regulating site design and improvement.
4. The construction, financing or leasing of a second unit, authorized pursuant to Chapter 8.392 of the County Zoning Regulations, but the Subdivision Regulations do apply to the sale or transfer, but not leasing, of such units where the sale or transfer does not include the entire site upon which the second unit is located
5. Mineral, oil, or gas leases.
6. The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a wind-powered electrical generation device on the land, if the project is subject to discretionary action by the Advisory Agency or legislative body.
7. Leases of agriculturally zoned land to nonprofit organizations for the purpose of operating an agricultural labor housing project on the property if all of the following conditions apply:
  - a. The property to be leased shall not be more than five acres.
  - b. The lease shall be for not less than 30 years.
  - c. The lease shall be executed prior to January 1, 2017.
8. Land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

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9. Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party.
10. A division creating four (4) or fewer parcels for construction of removable commercial buildings having a floor area of less than one hundred (100) square feet.
11. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.
12. Unless a parcel or final map was approved by the Board of Supervisors, the conversion of a community apartment project, as defined in Section 11004 of the Business and Professions Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:
  - a. At least seventy five (75) percent of the units in the project were occupied by record owners of the project on March 31, 1982.
  - b. A final or parcel map of the project was properly recorded, if the property was subdivided, as defined in Section 9.08.010 after January 1, 1964, with all of the conditions of that map remaining in effect after the conversion.
  - c. The County certifies that the above requirements were satisfied.
13. Unless a parcel or final map was approved by the Board of Supervisors, the conversion of a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:
  - a. At least fifty one (51) percent of the units in the cooperative were occupied by stockholders of the cooperative on January 1, 1981, or individually owned by stockholders of the cooperative on January 1, 1981. As used in this paragraph, a cooperative unit is "individually owned" if and only if the stockholder of that unit owns or partially owns an interest in no more than one unit in the cooperative.
  - b. No more than twenty five (25) percent of the shares of the cooperative were owned by any one person, as defined in Section 17, including an incorporator or director of the cooperative, on January 1, 1981.
  - c. A person renting a unit in a cooperative shall be entitled at the time of conversion to all tenant rights in State or local law, including, but not limited to, rights respecting first refusal, notice, and displacement and relocation benefits.
  - d. The County certifies that the above requirements were satisfied.

#### **9.04.050 - Conformity With Other County Plans And Ordinances.**

Nothing contained in the Subdivision Regulations relieves any person from the requirement to comply with any other ordinance of the County. The provisions of these regulations shall supplement and facilitate the County Zoning and Building Regulations.

#### **9.04.060 - Consideration Of Regional Housing Needs.**

In carrying out the provisions of the Subdivision Regulations, the County shall consider the effect of actions taken pursuant to these regulations on the housing needs of the region and the housing needs in the County as expressed in the Housing Chapter of the County's General Plan and balance these needs against the public service needs of residents. When considering allocation of scarce resources such as potable water supply or sanitary sewer service, priority shall be given to projects containing affordable housing.

#### **9.04.070 - Severability**

The provisions of the Subdivision Regulations are severable. If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be invalid, the decision will not affect the remaining portions of the regulations.

#### **9.04.080 - Designation Of Advisory Agency**

##### **1. Planning Commission**

The Planning Commission is hereby designated as the Advisory Agency for all discretionary decisions under the Subdivision Regulations, except those delegated to the Director of Planning and Building or Board of Supervisors, as specified in Sections 9.04.080.2 and 3, below. The Planning Commission shall have the power to:

- a. Approve, conditionally approve or disapprove all major subdivisions.
- b. Approve, conditionally approve or disapprove minor subdivisions when:
  - (1) Located within a scenic corridor or agricultural preserve;
  - (2) An Environmental Impact Report (EIR) is required; and
  - (3) Other permits requiring Planning Commission action are involved.

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- c. Approve, conditionally approve, or disapprove, for subdivisions specified in (a) and (b), above: (1) vesting maps; (2) extensions; and (3) exceptions to design, improvement and exaction requirements.

2. Director of Planning and Building

- a. The Director of Planning and Building is hereby designated as the Advisory Agency for certain decisions under the Subdivision Regulations as specified herein. The Director of Planning and Building shall have the power to approve, conditionally approve or disapprove:
  - (1) All minor subdivisions, except those specified in Section 9.04.080.1b, above.
  - (2) For subdivisions specified in (1), above: (a) vesting tentative parcel maps; (b) extensions; and (c) exceptions to design, improvement and exaction requirements.
  - (3) Voluntary Parcel Mergers and Unmergers, Lot Line Adjustments and Certificates of Compliance in accordance with Articles 9, 10 and 11, respectively.
- b. The Director of Planning and Building is also authorized to initiate Parcel Mergers and Notices of Violation on behalf of the County in accordance with Articles 9 and 11, respectively.
- c. The Director of Planning and Building may refer any action they is authorized to take in Section 9.04.080(2) to the Planning Commission for action if it includes a related permit request for which the Planning Commission has discretionary authority, or in their opinion, it is in the public interest to refer the action.
- d. Pursuant to Section 8.04.050 of the County Zoning Regulations, the Director of Planning and Building is also the Zoning Administrator, who may appoint in writing an assistant to act as the Zoning Hearing Officer, who may exercise all of the powers of the Zoning Administrator. Such powers include those delegated to the Director of Planning and Building, as specified in Section 9.04.080(2), above.

3. Board of Supervisors

The Board of Supervisors shall have the power to approve, conditionally approve or disapprove Reversions to Acreage in accordance with Article 8.

## ***Chapter 9.08 -Definitions***

### **9.08.010 -Definitions**

1. Advisory Agency

A designated official or an official body charged with making investigations and reports on the design and improvements of proposed subdivisions of real property, imposing requirements or conditions thereon, and having the authority to approve, conditionally approve, or disapprove subdivision maps. The Advisory Agency for San Mateo County is the Board of Supervisors, Planning Commission, or the Director of Planning and Building, as set forth in Section 9.04.080 of the Subdivision Regulations.

2. Affordable Housing

Housing with a contract price or rent which is affordable by very low, low, or moderate income households; income levels are as established at periodic intervals by resolution of the Board of Supervisors.

3. Agricultural and Floricultural Non-Residential Accessory Structures and Uses

Uses and structures including barns, storage/equipment sheds, enclosures for farm animals, water wells and covers, pump houses, water storage tanks, water improvements, water pollution control facilities for agricultural purposes and other similar uses determined to be appropriate by the Director of Planning and Building.

4. Agricultural and Floricultural Uses

Activities including the cultivation of plants for food and fiber; livestock pasturing, grazing and growing; the cultivation of plants and flowers for ornamental purposes; and other similar uses determined to be appropriate by the Director of Planning and Building.

5. Alley

A public or private street primarily designed to serve as secondary access to the side or rear of properties whose principal frontage is on another street.

6. Appeal Board

A designated board or other official body charged with the duty of hearing and making determinations upon appeals with respect to divisions of real property, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements, or both, recommended or decided to be required by the Advisory Agency or official. For San Mateo County, the Planning Commission serves as the Appeal Board for determinations or decisions made by the Director of Planning and Building or Zoning Administrator; the Board of Supervisors serves as the Appeal Board for determinations or decisions made by the Planning Commission.

7. Area Plan

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A policy document that guides decisions about the physical development of a specific community or district. Area plans are also known as community or neighborhood plans and are considered to be part of the General Plan.

8. Arm's Length Transaction

A transfer of real property characterized by all the following:

- a. sale price at fair market value;
- b. transfer to someone other than a close relative (by blood or marriage) or a business associate;
- c. no retention of control or financial interest by the seller;
- d. all parties clearly act in their own self-interest and are not subject to pressure or duress from another party; and
- e. generally, a transfer not a part of or related to any conspiracy to evade the Subdivision Map Act.

9. Bikeway

A pathway designed to be used by bicycle riders.

10. Block

A unit of land bounded by streets or by a combination of streets and public land, railroad right-of-way, waterways or any other barrier to the continuity to development.

11. Board of Supervisors

The Board of Supervisors of the County of San Mateo. As the County's legislative body, the Board of Supervisors has final authority on the appeal of any subdivision decision for the unincorporated area.

12. Bridge

A structure spanning and providing passage over a waterway, railway, freeway, roadway, or canyon.

13. CEQA

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The California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq.) and the Guidelines for the Implementation of CEQA (Administrative Code Section 15000 et seq.) including all amendments thereto.

14. Certificate of Compliance

A written statement, issued by the County upon request of a property owner or vendee, stating that a parcel of real property complies with the provisions of the Map Act and the County Subdivision Regulations. A conditional certificate of compliance may be issued subject to the fulfillment of conditions necessary to bring the property into compliance with the Map Act. A recorded final map or parcel map constitutes a certificate of compliance.

15. Coastal Resources

Natural features found in the Coastal Zone, including, but not limited to, sensitive habitats, agricultural land, coastal viewsheds, and shoreline access areas. Sensitive habitats include wetlands, riparian (or stream) corridors, and endangered species.

16. Coastal Zone

A statutorily defined area extending inland from the Pacific Ocean. The Coastal Zone is subject to a set of locally administered coastal protective regulations known collectively as the Local Coastal Program (LCP).

17. Community Apartment Project

A common interest development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon.

18. Common Open Space

Land within or related to a development, which is not individually owned or dedicated for public use, but is designed and intended for the common use and enjoyment of the residents of the development and may include complementary structures and improvements.

19. Director of Planning and Building

The Director of the Planning and Building Department of the County of San Mateo. The Director of Planning and Building is also the Secretary of the Planning Commission and the Zoning Administrator and, in the absence of an appointee, the Zoning Hearing Officer. The Director of Planning and Building is responsible for the administration and enforcement of the subdivision regulations, and is empowered to hear and decide certain matters related to subdivisions, as specified in Section 9.04.080.



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20.     Condominium Project

A development consisting of condominiums. As defined in Section 1351(f) of the State Civil Code, a condominium consists of an undivided interest in common in a portion of real property together with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. A condominium may include, in addition, a separate interest in other portions of the real property.

21.     Conversion

A proposed change in the ownership interest of a parcel or parcels of land, together with the existing or added structures, from that established to the type of ownership interest defined as community apartments, stock cooperative or condominiums.

22.     County Counsel

A representative of the Office of the San Mateo County Counsel who provides advice on civil matters to the Planning and Building Department, acts as counsel to the advisory and decision-making bodies, and approves as to form any legal documents related to subdivisions.

23.     Cul-De-Sac

A local street segment which has only one outlet with the other end designed to safely accommodate the turning around of vehicles.

24.     Curb

A vertical, sloping, or flat edge of a paved roadway.

25.     Day

Any reference to day or days within this document means calendar days as opposed to working days unless specifically stated otherwise.

26.     Dedication

The transfer of land or an interest in land by its owner to public ownership, to be used for a public purpose.

27.     Density

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The level of development permitted per unit of land area, usually expressed as the number of dwelling units per acre. The General Plan and Zoning Regulations establish maximum development densities for unincorporated areas of the County. In the rural areas of the Coastal Zone which are zoned Planned Agricultural, Resource Management/Coastal Zone, or Timberland Preserve/Coastal Zone, the maximum density of development for non-agricultural uses is based on water consumption as specified in Policy 1.8 of the Local Coastal Program.

28. Density Analysis or Density Certification

An analysis of the physical and environmental constraints of a parcel in order to determine its maximum development density in accordance with the variable zoning techniques established for certain zoning districts, as set forth in the County Zoning Regulations.

29. Design

“Design” means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades; (3) location and size of all required easements and rights-of-way; (4) fire roads and fire breaks; (5) parcel size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; (9) other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the General Plan or any applicable area or specific plan.

30. Developable Area

The buildable portion(s) of a proposed or approved lot, including access roads, utility corridors and easements, and driveways as depicted on a subdivision map, within which all future development is intended to be located.

31. Development

The uses to which the land which is the subject of a map shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto. Within the Coastal Zone, “development” shall be defined as set forth in Policy 1.2 of the County’s Local Coastal Program.

32. Double Frontage Lot

A lot which has two frontages that are not contiguous to one another. A corner lot is not a double frontage parcel because its frontages are contiguous to one another.

33. Drainage System

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The drains, pipes, culverts, watercourses, water bodies, wetlands, and other improvements or features by which surface or groundwater is collected, detained, and conveyed.

34. Driveway

A paved or unpaved area used for vehicular ingress and egress from a street to a building or other structure or facility.

35. Easement

A non-possessory interest in or right over the land of another.

36. Elevation

A vertical distance above or below a fixed datum point.

37. Emergency Vehicle Access

An officially dedicated all-weather surface roadway having a width and vertical clearance capable of accommodating emergency apparatus at all times.

38. Emergency Vehicle Lane

An area within any public right-of-way, easement, or private property designated for the movement and/or temporary parking of fire apparatus.

39. Engineer

A civil engineer licensed to practice in the State of California.

40. Environmental Health Officer

The Director of the Environmental Health Division of the County Department of Health Services or designated representative.

41. Environmental Impact Report (EIR)

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A detailed report prepared pursuant to the California Environmental Quality Act (CEQA) that identifies and analyzes the types of impacts a project could have upon the environment, offers ways to avoid or mitigate the significant adverse impacts, describes and analyzes alternatives to such a project, and includes public comments received on the project.

42. Environmental Subdivision

A subdivision created for the perpetual maintenance of the property as a biotic and/or wildlife habitat.

43. Exaction

A contribution of property, improvements, or funds required of a developer as a condition of receiving subdivision approval.

44. Farm Labor Housing

Dwelling units intended to house persons or families, at least one (1) of whom derives primary income from employment in an agricultural or floricultural operation.

45. Final Map

A map showing a major subdivision as required by and prepared in accordance with the County Subdivision Regulations and the Subdivision Map Act, which is based upon an accurate and detailed survey of the property.

46. Fire Department

The contracted services of the California Department of Forestry and Fire Protection (CDF/County Fire) to provide structural fire protection and general rescue services in the unincorporated areas of the County that are not served by fire protection districts or city fire departments.

47. Fire Protection Agencies

Agencies that provide fire protection services including but not limited to the County Fire Department, fire departments of incorporated cities, and/or special districts established for provision of fire protection services.

48. Fire Protection District

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An entity, organized pursuant to Health and Safety Code Sections 13801-13885, that is responsible for providing fire protection within a specific geographic area.

49. Fire Warden

The ranger in charge of San Mateo-Santa Cruz Ranger Unit of the California Department of Forestry and Fire Protection (CDF/County Fire), or authorized representative thereof, so long as there shall be in effect an agreement for the State to provide fire protection services to the County. The County Fire Warden shall serve and be known as the San Mateo County Fire Marshal.

50. Flag Lot

A flag-shaped lot where the bulk of the property (the “flag” portion of the lot) lies at the back end of a narrow strip of land (the “pole” portion of the lot). The short dimension of the pole fronts along a public or private roadway where vehicular (and possibly utility) access to the lot is obtained. The pole serves as the lot’s sole on-site vehicular access corridor to an otherwise landlocked flag portion. The flag is the area where existing and/or future development is located. Since both the pole and the flag can contain driveway(s) and utility(s), both are “developable areas” of the lot, as defined herein.

51. Frontage

The property line or lines of a parcel abutting a public or private street, but not an alley.

52. General Plan

The General Plan of the County of San Mateo, and all adopted area plans, elements, and amendments thereto.

53. Grade

The slope of the surface of a landform expressed in percent as determined by the measured rise or fall in elevation over a specific horizontal distance divided by that horizontal distance.

a. Finished Grade

The final elevation of the ground surface after development.

b. Natural Grade

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The elevation of the ground surface in its natural state, before man-made alterations.

54. Grading

Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

55. Gutter

A shallow channel usually set along a curb or the edge of roadway pavement whose purpose is to collect and convey surface water.

56. Improvement

- a. “Improvement” refers to any 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, and easements, which are necessary for the general use of the parcel owners in the subdivision and for controlling local neighborhood traffic and drainage. Improvements are to be installed, or agreed to be installed, as a condition precedent to the approval and acceptance of a final map or the filing for record of a parcel map.
- b. “Improvement” also refers to any 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 County, or by a combination of the above, is necessary to ensure consistency with, or implementation of, the General Plan or any applicable area or specific plan.

57. Lateral Access

A strip of land running along the shoreline parallel to the water and immediately inland from the mean high tide line. Lateral access may include a beach, where contact with the water’s edge is possible, or a bluff, where only visual access is afforded. Lateral access areas may also be referred to as “shoreline destinations.”

58. Legal Parcel

A lot created by (1) a subdivision approved by the County, or (2) other means subsequently legalized by the recording of a Certificate of Compliance or a Conditional Certificate of Compliance and fulfillment of all conditions therein. The term “legal parcel” relates to how the parcel was created and not to title or ownership status.

59. Local Coastal Program (LCP)

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A set of policies and regulations administered by the County in accordance with and in furtherance of the California Coastal Act.

60. Lot

A piece of land legally established and separated from all other land as the result of a County approved and recorded final, or parcel map, and which is intended to be sold, leased, or used independently from other lots.

61. Lot Line Adjustment

A shift, rotation, or other movement of an existing property line between two or more contiguous parcels, where the land area subtracted from one or more parcels is added to one or more adjoining parcels with no resulting change in the number of parcels or amount of acreage existing prior to the adjustment. A lot line adjustment is not a mechanism for subdividing or merging parcels.

62. Major Subdivision

- a. All divisions of land that result in the creation of five (5) or more parcels, five (5) or more condominiums as defined in Section 783 of the Civil Code, or a community apartment project containing five (5) or more parcels, or the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where:
  - (1) The land before subdivision contains less than five (5) acres, each parcel created by the subdivision abuts upon a maintained public street or highway, and no dedications or improvements are required by the Board of Supervisors;
  - (2) Each parcel created by the subdivision has a gross area of twenty (20) acres or more and has approved access to a maintained public street or highway;
  - (3) The land consists of a parcel or parcels of land with approved access to a public street or highway, which is part of a tract of land zoned for industrial or commercial development, and has the approval of the Board of Supervisors as to street alignments and widths; and
  - (4) Each parcel created by the subdivision has a gross area of not less than forty (40) acres or is not less than a quarter (1/4) of a quarter (1/4) section.
- b. Regardless of the number of parcels created through land division, those subdivisions described in (1) through (4), above, are considered to be minor subdivisions as defined in this section.

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63. Major Thoroughfare

Those streets identified as “arterials” in the Transportation Chapter of the General Plan, whose primary purpose is carrying through traffic and providing a network connecting to the State highway system.

64. Merger

The joining of two or more contiguous parcels of land under one ownership into one parcel.

65. Minor Subdivision

- a. All divisions of land that result in the creation of four (4) or fewer parcels, four (4) or fewer condominiums as defined in Section 783 of the Civil Code, or a community apartment project containing four (4) or fewer parcels, or the conversion of a dwelling to a stock cooperative containing four (4) or fewer dwelling units.
- b. All divisions of land no matter how many parcels are created, which meet the following requirements:
  - (1) The land before subdivision contains less than five (5) acres, each parcel created by the subdivision abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body;
  - (2) Each parcel created by the subdivision has a gross area of twenty (20) acres or more and has approved access to a maintained public street or highway;
  - (3) The land consists of a parcel or parcels of land with approved access to a public street or highway, which is part of a tract of land zoned for industrial or commercial development, and has the approval of the Board of Supervisors as to street alignments and widths; or
  - (4) Each parcel created by the subdivision has a gross area of not less than forty (40) acres or is not less than a quarter (1/4) of a quarter (1/4) section.

66. Non Development Area

A non-development area is an area of a parent parcel or of a lot or parcel depicted on a preliminary or approved subdivision map that contains site resources, sensitive habitats, or hazards that shall not be developed so as to avoid impacts to resources to be preserved or to avoid hazards to protect public health and safety.



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67. Off-Site

Not located on the subject property of a proposed or an approved subdivision map.

68. Omitted Parcel

A five (5) or more acre portion of a parent parcel the boundaries of which are not necessarily depicted on a subdivision map, which remains undivided, and is not included as part of a subdivision for the purpose of sale, lease, or financing.

69. Open Space

Any parcel or area of land or water that is essentially unimproved and devoted to an open-space use, and which is designated on a local, regional or state open- space plan as any of the following:

- a. Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.
- b. Open space used for the managed production of resources, including, but not limited to, forestlands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.
- c. Open space for outdoor recreation, including, but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.
- d. Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, floodplains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

70. Parcel

A discrete quantity of land, described by metes and bounds, in the possession of, owned by, under title to, or recorded as the property of one or more owners with whom rests some or all the property rights associated with the particular piece of land.

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71. Parcel Map

A map showing a minor subdivision, as required by and prepared in accordance with the provisions of the County Subdivision Regulations and the Subdivision Map Act, which is based upon a field survey made in conformity with the Land Surveyors Act or compiled from recorded or filed data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map if the location of at least one (1) of these boundary lines can be established from an existing monumented line.

72. Parent Parcel

The property from which a subdivision is, or was, created. As examples, if a subdivision divides one original lot into two new lots, the original lot is the parent parcel for that subdivision; or, if a subdivision merges and re- subdivides two original lots into five new lots, the combined area of the two original lots is the parent parcel.

73. Parks Director

The Director of the Parks Department of the County of San Mateo.

74. Peripheral Street

An existing street whose right-of-way is contiguous to the exterior boundary of the subdivision.

75. Planning Commission

The Planning Commission of the County of San Mateo. The Planning Commission is empowered to hear and decide certain matters related to subdivisions, as specified in Section 9.04.080.

76. Planning and Building Department

The County of San Mateo department charged with the preparation and implementation of the County General Plan and the day-to-day administration of the County building, zoning, and subdivision regulations.

77. Public View

A range of vision from a public road or other public land or facility.

78. Public Works Director

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The Director of the Public Works Department of the County of San Mateo.

79. Record of Survey

A map, plat, report, or other documentary evidence as defined in Chapter 15 of the State Business and Professions Code.

80. Remainder Parcel

That portion of a parent parcel, the boundaries of which are not depicted on a subdivision map, which remains undivided, and is not included as part of a subdivision for the purpose of sale, lease, or financing. Any parcel labeled 'not a part' shall be deemed a remainder parcel.

81. Reservation

A portion of the acreage of the subdivision that is reserved for public uses in accordance with the requirements of Article 4, Chapter 9.92.

82. Ridgelines

The tops of hills or hillocks normally viewed against a background of other hills.

83. Rural Areas

Lands which are generally suitable for lower density/intensity land uses because they meet one or more of the following criteria: (1) used for agriculture, timber production, general open space, or as a watershed for public water supply, (2) isolated subdivided areas and commercial centers which are not adjacent to incorporated areas, (3) divided into parcels 5 acres or more next to urban unincorporated areas, and (4) subdivided areas that use on-site wastewater management systems which are adjacent to but not surrounded by incorporated areas.

a. Rural Service Centers

Small rural communities having a combination of land uses which provide services to surrounding rural areas.

b. Rural Residential Subdivisions

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Clusters of residential development subdivided into parcels that are generally less than or slightly larger than five (5) acres. Rural residential subdivisions can include vacant parcels or neighborhood commercial uses, but are predominately developed with single-family homes.

c. Rural Lands

Those rural areas outside of Rural Service Centers and Rural Residential Subdivisions. Rural lands include, but are not limited to, those generally developed to lower residential densities, agricultural activities, resource extraction, timber harvesting, resource conservation, public or private recreation or open space. Rural lands can also include institutional uses and public service uses, such as solid waste disposal sites.

84. Second Unit

A dwelling unit meeting the definition of “second unit” contained in Section 8.392.020 of the County Zoning Regulations.

85. Sensitive Habitats

Any area where the vegetative, water, fish and wildlife resources provide animal habitats that can be easily disturbed or degraded. These areas include but are not limited to: (1) habitats containing or supporting rare or unique species; (2) riparian corridors; (3) marine and estuarine habitats; (4) wetlands; (5) sand dunes; (6) wildlife refuges, reserves, or scientific study areas; and (7) important nesting, feeding, breeding or spawning areas.

86. Shoreline Access

Shoreline access is the provision of access for the general public from a public road to and along the shoreline. Shoreline access is classified into two types: vertical or lateral, as defined in this section.

87. Single-Family Dwelling

A dwelling unit meeting the definition of “dwelling, one-family (single- family residence)” contained in Section 8.04.030(35) of the County Zoning Regulations.

88. Skyline Area

The skyline area is that portion of the unincorporated area of San Mateo County lying west of the easterly boundary of the Skyline Scenic Corridor and east of the Coastal Zone boundary as established by the Coastal Act of 1976, south of State Highway 92 and north of the Santa Cruz and Santa Clara County lines, and also the portion of the unincorporated area of the County lying east of Skyline Boulevard and south of the

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southerly limits of the Town of Portola Valley but excluding lands in the vicinity of the Vista Verde and Los Trancos Woods subdivisions which were zoned for residential use on June 1, 1983. A map of the skyline area is on file in the Planning and Building Department and with the Clerk of the Board of Supervisors.

89. Skylines

The line where sky and land masses meet.

90. Specific Plan

A set of policies, standards, and implementation measures adopted by the Board of Supervisors for the systematic implementation of the General Plan or any adopted area plan for all or part of the area covered by the General Plan or area plan, as specified in Article 8, commencing with Section 65450 of the State Government Code.

91. Subdivider

A person, firm, corporation, partnership or association who proposes to divide, divides, or causes to be divided real property into a subdivision for oneself or for others, except that employees and consultants of persons or entities acting in such capacity are not subdividers.

92. Subdivision

- a. 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 gift, sale, lease, or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. "Subdivision" includes: a condominium project as defined in this section, in the Map Act, or the Civil Code; a community apartment project, as defined in this section, in the Map Act, or the Business and Professions Code; and the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in this section, in the Map Act, or the Business and Professions Code. "Subdivision" includes any division of land by gift or inheritance (probate).
- b. As used herein, property shall be considered as "contiguous units," even if it is separated by roads, streets, utility easements or railroad rights-of-way.
- c. As used herein, "agricultural purposes" means the cultivation of food or fiber, or the grazing or pasturing of livestock.

93. Subdivision Map Act

State of California Government Code Sections 66410 et seq. and herein referred to as the "Map Act."

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94. Stock Cooperative Project

A development in which a corporation is formed primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation.

95. Tentative Map

A map made for the purpose of showing the design and improvements of a proposed major subdivision and the existing conditions in and around it, which need not be based upon a detailed survey of the property.

96. Tentative Parcel Map

A map made to show the design and improvements of a proposed minor subdivision and the existing conditions in and around it, which need not be based upon an accurate or detailed final survey of the property.

97. Urban Areas

Lands which are generally suitable for urban land use because they meet one or more of the following criteria: (1) surrounded by incorporated areas, (2) adjacent to an incorporated area, generally divided into parcels 5,000 sq. ft. to five (5) acres and served by sanitary sewers, or (3) adjacent to an incorporated area and the major transportation corridors of Highways 101 and 280.

98. Wildland Urban Interface (WUI)

The area where dwelling units or other buildings are located in close proximity to undeveloped lands containing wildland vegetation prone to fire, or any land area designated WUI by the enforcing fire authority. A WUI is a focal area for human-environment conflicts, such as the destruction of homes by wildfires, habitat fragmentation, introduction of exotic species, and biodiversity decline.

99. Vertical Access

A reasonably direct connection between the nearest public roadway and the shoreline. The shoreline may be a beach, or a bluff. Passageways which provide vertical access are defined as trails.

100. Vesting Tentative Map

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A tentative map that shall have printed conspicuously on its face the words, “Vesting Tentative Map” at the time it is filed, and is processed in accordance with the provisions of Article 6 of the Subdivision Regulations, the Vesting Tentative Map Chapter.

101. Zoning Administrator

The Zoning Administrator is the Director of Planning and Building, or an appointee of the Director of Planning and Building who acts on their behalf, and who is empowered to hear and decide on certain matters related to subdivisions, as specified in Section 9.08.010.

102. Zoning Regulations

“Zoning Regulations” shall mean Part One, Division VI, of the County of San Mateo Ordinance Code.

## **ARTICLE 2 – SUBDIVISION REQUIREMENTS**

### ***Chapter 9.12 - General Provisions***

#### **9.12.010 - General Provisions**

1. Purpose and Application of Chapter

The purpose of this Chapter is to set forth the requirements and procedures for review and approval of all subdivisions, as defined in Section 9.08.010.

2. Requirement for Filing of Tentative Parcel Map and Parcel Map

The filing of a tentative parcel map and parcel map in accordance with this Chapter will be required for all minor subdivisions, as defined in Section 9.08.010..

3. Requirement for Filing of Tentative Map and Final Map

The filing of a tentative map and final map in accordance with this Chapter will be required for all major subdivisions, as defined in Section 9.08.010.

4. Waiver of Parcel Map Requirement

a. A parcel map shall not be required for any of the following.

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- (1) Subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by either party on not more than thirty (30) days notice in writing).
- (2) Any conveyance of land to or from a governmental agency, public entity, public utility, or subsidiary of a public utility for conveyance to that public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this section, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license.
- (3) For mobile homes and mobile home parks:
  - (a) When at least two-thirds of the owners of mobile homes who are tenants in the mobile home park sign a petition indicating their intent to purchase the mobile home park for purposes of converting it to resident ownership, and a field survey is performed, the requirement for a parcel map or a tentative and final map shall be waived unless any of the following conditions exist:
    - i. There are design or improvement requirements necessitated by significant health or safety concerns.
    - ii. The Advisory Agency determines that there is an exterior boundary discrepancy that requires recordation of a new parcel or tentative and final map.
    - iii. The existing parcels that exist prior to the proposed conversion were not created by a recorded parcel or final map.
    - iv. The conversion would result in the creation of more condominium units or interests than the number of tenant lots or spaces that exist prior to conversion.
  - (b) The petition signed by owners of mobile homes in a mobile home park proposed for conversion to resident ownership shall read as follows:

MOBILE HOME PARK PETITION AND DISCLOSURE STATEMENT SIGNING THIS PETITION INDICATES YOUR SUPPORT FOR CONVERSION OF THIS MOBILE HOME PARK TO RESIDENT OWNERSHIP. THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE CITY OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_, STATE OF CALIFORNIA, DESCRIBED AS \_\_\_\_\_. THE TOTAL COST FOR CONVERSION AND PURCHASE OF THE PARK IS \$\_\_\_\_ TO \$\_\_\_\_, EXCLUDING FINANCING COSTS. THE TOTAL COST TO YOU FOR CONVERSION AND PURCHASE OF YOUR OWNERSHIP



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INTEREST IS \$\_\_ TO \$\_\_\_, EXCLUDING FINANCING COSTS. IF TWO-THIRDS OF THE RESIDENTS IN THIS PARK SIGN THIS PETITION INDICATING THEIR INTENT TO PURCHASE THE MOBILE HOME PARK FOR PURPOSES OF CONVERTING IT TO RESIDENT OWNERSHIP, THEN THE REQUIREMENTS FOR A NEW PARCEL, OR TENTATIVE AND FINAL SUBDIVISION MAP IN COMPLIANCE WITH THE SUBDIVISION MAP ACT MUST BE WAIVED, WITH CERTAIN VERY LIMITED EXCEPTIONS. WAIVING THESE PROVISIONS OF LAW ELIMINATES NUMEROUS PROTECTIONS WHICH ARE AVAILABLE TO YOU.

\_\_\_\_\_  
Buyer, unit #, date

\_\_\_\_\_  
Petitioner, date

- (c) The Advisory Agency shall provide an application for waiver pursuant to this section. After the waiver application is deemed complete, the agency shall approve or deny the application within fifty (50) days. The applicant shall have the right to appeal that decision to the appropriate Appeal Board.
  - (d) If a tentative or parcel map is required, the Advisory Agency shall not impose any off-site design or improvement requirements unless these are necessary to mitigate an existing health or safety condition and no other dedications, improvements, or in-lieu fees shall be required. In no case shall the mitigation of a health or safety condition have the effect of reducing the number, or changing the location, of existing mobile home spaces.
  - (e) If the Advisory Agency imposes requirements on an applicant to mitigate a health or safety condition, the applicant and the agency shall enter into an unsecured improvement agreement. The applicant shall have a period of one year from the date the agreement was executed to complete those improvements.
  - (f) If the waiver application provided for in this section is denied by the Advisory Agency, the applicant may proceed to convert the mobile home park to a tenant-owned, condominium ownership interest, but shall file a parcel map or tentative and final map. The Advisory Agency may not require the applicant to file and record a tentative and final map unless the conversion creates five or more parcels shown on the map. The number of condominium units or interests created by the conversion shall not determine whether the filing of a parcel or a tentative and final map shall be required.
  - (g) For the purposes of this section, the meaning of "resident ownership" shall be as defined in Section 50781 of the Health and Safety Code.
- b. The Director of Planning and Building may waive the requirement for preparation of a parcel map for certain minor subdivisions as described in Section 9.08.010(65). The Director of Planning and Building must find that the proposed subdivision of land complies with the requirements of the

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Subdivision Regulations and the Map Act pertaining to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other requirements of the Subdivision Regulations and the Map Act. In any case, where the requirement for a parcel map is waived pursuant to this section, a tentative map may be required. If a tentative map is not required, the subdivider shall have the option of submitting a tentative map or a vesting tentative map.

5. Requirement for Review of Record of Survey Maps

a. Review by Director of Public Works

Record of Survey Maps or Land Surveyor's Maps as made by a licensed land surveyor or civil engineer, not made for the purpose of land subdivision but for the sole purpose of establishing boundaries of properties already of record, shall be submitted to the Public Works Director for examination and shall be subject to the requirements and charges as set forth in Section 7009.5b below. Such maps, as defined in this paragraph, do not require filing of a tentative map.

b. Requirements and Charges for Record of Survey Maps

- (1) Complete sets of black and white prints shall be furnished to the Public Works Director for checking purposes, together with traverse sheets and any other survey or mathematical data as specified in Section 9.24.010(1).
- (2) The County shall collect an initial deposit as set forth in the most recent fee schedule adopted by the Board of Supervisors. If at any time the actual costs of service exceed the amount of the deposit, no further work will be done until an additional deposit is made in an amount estimated to be necessary to complete the work. Balances remaining upon completion of work shall be refunded and balances owing shall be collected prior to recordation.

***Chapter 9.16 - Requirements For Preparation, Submittal, And Staff Review Of A  
Development Footprint Analysis***

**9.16.010 - Development Footprint Analysis Required**

Prior to submittal of a parcel map or tentative map, a development footprint analysis shall be conducted for all subdivisions not subject to the requirement to prepare a Master Land Division Plan, pursuant to Sections 8.106.150, 8.296.020, 8.314.080, 8.318.080 of the Zoning Regulations. The development footprint analysis shall comprehensively evaluate site development constraints and potential impacts. Constraints and potential impacts that shall be evaluated include, but are not limited to, preservation or removal of trees or vegetation, wildlife habitat protection, avoidance of hazards such as steep/unstable slopes, fault traces, and flood prone areas, as well as potential impacts from proposed improvements such as utility corridors, driveways, and buildings.

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1. Early Assistance Meeting

- a. Prior to submitting a Development Footprint Analysis Application, the applicant shall request an early assistance meeting with County staff to enable staff to explain the environmental and site planning issues, policies, and procedures applicable to the proposed subdivision.
- b. This early assistance meeting and the Development Footprint Analysis are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15061 (General Rule) and 15306 (Information Gathering) because the meeting and the Footprint Analysis are solely informational and have no potential to cause an effect upon the environment.
- c. The applicant shall provide staff with a preliminary plan that conveys a general understanding of the proposal.
- d. The staff shall:
  - (1) acquaint the applicant with the specific land planning, resource protection, and hazard avoidance matters, key General Plan policies, and subdivision and other regulations applicable to the proposal;
  - (2) suggest changes to the proposal that would achieve greater compliance with County requirements;
  - (3) describe any additional County expectations related to the proposal;
  - (4) explain the application, review, and decision process; and
  - (5) describe applicable fees
- e. Within ten (10) business days of the early assistance meeting, staff shall provide the applicant with a brief written summary of the main points discussed at the meeting.

2. Development Review Procedure

The development footprint review procedure evaluates the natural resources, sensitive habitats, and on-site hazards of a parent parcel to identify development constraints and opportunities. Site resources to be conserved and hazards to be mitigated, remediated, or avoided shall be depicted on a map of the parent parcel and, through consultation with County staff, shall be delineated as “non-development areas”. Resource conservation and hazard mitigation is accomplished by modifying the number, size,

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and/or configuration of proposed new lots, utility corridors, and access ways within the subdivision to avoid or minimize the intrusion of buildings, roadways, and utility infrastructure into these areas. The Development Footprint Analysis facilitates implementation of all applicable General Plan and zoning policies, and guides the preparation of certain subdivision applications.

The Development Footprint Analysis submittal consists of the following:

context map	see section 9.16.010(3)(a). below
site analysis map	see section 9.16.010(3)(b). below
non-development area map	see section 9.16.010(3)(c). below
preliminary subdivision layout	see section 9.16.010.(3)(d). below

3. Submittal Requirements

The Director of Planning and Building shall have the authority to selectively require submittal of those items listed in this Section as necessary to analyze the site-specific physical circumstances and development potential of each parent parcel proposed for subdivision. The Director of Planning and Building may, on a case-by-case basis, determine that one or more of the maps and analyses described below are unnecessary in which case the applicant may submit a preliminary subdivision layout for review following the early assistance meeting. The development footprint does not require Advisory Agency final action because it is not a form of development entitlement. The items required to analyze the site to identify resources to protect and hazards to avoid, and design the subdivision to address these are as follows:

a. Context Map

A map depicting the subject site and all parcels within a three hundred (300) foot radius, including the location, names, and widths of adjacent rights-of-way. The map scale shall be large enough to show all details clearly on a sheet size of twenty-four (24) inches by thirty-six (36) inches.

b. Site Analysis Map

A map depicting the subject site and all abutting parcels and rights- of-way within a fifty (50) foot radius, upon which an analysis of the site's natural resources and hazards shall be portrayed for the purpose of identifying areas to be protected and/or avoided. Each component listed below shall be depicted on the site analysis map and the data source for each component shall be noted on the map. The map scale shall be large enough to show all details clearly on a sheet size of twenty-four (24) inches by thirty-six (36) inches. The site analysis map may include:

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- (1) Topography. A topographic mapping of the site at one (1) foot contour intervals for sites up to five (5) acres and two (2) foot contour intervals for sites over five (5) acres in order to identify areas where the slope exceeds thirty (30) percent grade.
- (2) Geology and Soils. A mapping of the geologic, seismic, and soil conditions, including areas of landslide or fault potential.
  - (a) A preliminary geotechnical/soils report for the subdivision, prepared by a registered civil engineer in accordance with the San Mateo County Minimum Standards for Geotechnical Reports, will be required for the subdivision unless the County determines that, due to the knowledge it has as to the qualities of the soils of the parent parcel, no preliminary analysis is necessary. The preliminary geotechnical/soils report shall be submitted to the County Geologist for review. The County Geologist shall review the report and may require additional information or reject the report if it is found to be incomplete, inaccurate, or unsatisfactory.
  - (b) If a preliminary geotechnical/soils report is required, and indicates the presence of geotechnical or other hazards which, if not corrected, would lead to structural defects, a soils investigation of each resulting lot in the subdivision may be required. This soils investigation, prepared by a registered civil engineer, shall recommend the corrective action which is likely to prevent structural damage to each structure proposed for construction in the area where the soil problem exists. The County may approve the subdivision or portion thereof where these soil problems exist, if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed. The issuance of any building permit may require that the approved recommended action be incorporated in the construction of each structure.
- (3) Hydrology. A hydrologic mapping of surface drainage patterns, flow quantity from any on-site springs, and the size and location of all water courses on or abutting the property, including an analysis of the capacity to locate septic tanks or fields, when public sewerage is not available.
- (4) Fluvial and Tidal Flooding and Coastal Erosion. A mapping of the flood zones from the current Federal Emergency Management Agency for tidal and fluvial flooding including the following:
  - (a) Projected sea level rise and storm flooding for the life of the project based upon the most current science-based projection of sea level rise including a 100-year storm and wave run up.
  - (b) Projected coastal erosion based upon a detailed assessment of site geology, sea level rise, and waves.
  - (c) Projections of flooding shall be based on site and/or near shore bathymetry.

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- (5) Vegetation, Wetlands and Wildlife. A mapping of the plant communities and wildlife habitats on the site, including but not limited to sausals, wetlands, riparian corridors and identification of sensitive habitat (especially legally protected species), including: all heritage and significant trees as defined by County tree ordinance, including those located off-site but with at least twenty-five (25) percent of their drip line area overhanging the subject site, and an indication as to which trees are to be saved or removed; as well as significant indigenous vegetation, including trees smaller than those protected by ordinance, native shrubs, and groundcovers.

- (6) Fire Hazard Areas

A mapping of potential fire hazard areas based upon the most recent Fire Hazard Severity Zone (FHSZ) maps produced by the California Department of Forestry and Fire Protection (Cal Fire). Both State Responsibility Areas (SRAs) and Local Responsibility Areas (LRAs) shall be depicted, as applicable, for a particular site. All depicted responsibility areas shall be analyzed for the presence of fire hazard elements such as combustible vegetation, steeply sloping terrain, and prevailing winds, and the resulting potential fire danger to proposed development on the site. In addition, nearby historical wildland fire activity and official fire management plan(s) shall also be reflected in the analysis. The potential fire hazard shall be addressed through consideration of mitigation measures such as building location and configuration, creation of defensible space, installation of irrigation and/or sprinklers, utilization of ignition resistant construction materials, and identification of available emergency evacuation routes. Specific questions to be answered or analyses to be performed includes, but is not limited to, the following:

- (a) Are there steep slopes, deep canyons, loose soils, rugged terrain, or other physical obstacles on or contiguous to the site that could contribute to fire potential, reduce fire safety, or impede fire suppression;
- (b) What type(s) of vegetation, trees (large/small, dense/sparse, etc.), bushes/brush/undergrowth, grasses/groundcover, is present on and contiguous to the site;
- (c) If there any existing ingress/egress roads, do they currently meet or could they be improved to meet County standards for width, grade, turnouts, etc.;
- (d) Can development footprints within proposed new lots be configured to provide adequate defensible space across adjoining lots;
- (e) Who is the fire service provider and what would that entity's response times be to the site; and

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- (f) Who is the water supplier or what would be the source of water for fire suppression, what would be the means of conveyance, and can water be delivered at a fire flow that meets project requirements as determined by the County Fire Marshal.
- (7) Cultural and Scenic Resources. A mapping of cultural features, including historic artifacts, buildings and structures, tribal cultural resources, and known archeological sites, on the property. A mapping of the site's scenic landscape features and scenic corridors, shorelines, ridgelines, and skylines, as defined in the County General Plan, Local Coastal Program, and state law, and an assessment of the visibility of any future development from or within scenic corridors.
- (8) Existing Improvements. A mapping of all man-made structures and pathways, including below ground infrastructure, on the property.
- (9) Access. A mapping of the adjacent street system, including vehicular ingress and egress for the site; all existing on-site easements; and all off-site easements that border on the property.
- (10) Energy Conservation Report. An analysis of how the proposed design of the subdivision provides for future passive or natural heating or cooling opportunities.
- (11) Noise Contours. The location of the 60, 65, and 70 CNEL (Community Noise Equivalent Level) contours, as defined in the County General Plan or applicable area plan(s). The tentative map or tentative parcel map may be required to show the location of these noise contours.
- (12) Additional Information. The subdivider may be required to provide additional information, if the Director of Planning and Building determines that further information is necessary in order to adequately evaluate the proposed subdivision's compliance with the findings set forth in Section 9.20.030(3)(b), or to determine compliance with other County ordinances.
- (13) Data and Reports Required on a Case-by-Case Basis

School Facilities Report. A written statement concerning the necessity for temporary or permanent school facilities obtained from the school district(s) where the proposed subdivision is located.

c. Non-Development Area Map

Based upon the Site Analysis Map, a map showing the portion or portions of the parent parcel that may not be developed shall be prepared. A dashed line shall indicate the boundary(s) of these non-

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development area(s). A non-development area may be subdivided in that it may contain one or more proposed lot lines, or may be a separate lot, provided such lot meets all minimum requirements of the zone in which the property is located. The map scale shall be large enough to show all details clearly on a sheet size of twenty-four (24) inches by thirty-six (36) inches.

The non-development area map shall be prepared in accordance with the following general criteria:

- (1) Non-development areas should be based exclusively upon the Site Analysis Map; if other information pertinent to the creation of non-development areas is discovered by the applicant or County staff, it should be depicted on the Site Analysis Map;
  - (2) The more resources, sensitive habitats, and/or hazards, as shown on the Site Analysis Map, that occupy the same particular area of the parent parcel, the greater the likelihood that such area should be deemed a non-development area, however certain individual development constraints, such as the presence of endangered species may independently preclude development of a given area;
  - (3) Areas of the parent parcel without any resources, sensitive habitats, or hazards, as shown on the Site Analysis Map, should not be deemed non-development areas;
  - (4) If a hazard, as shown on the Site Analysis Map, can be isolated, controlled, eliminated, or otherwise remedied and the applicant proposes a plan to do so to the satisfaction of County staff, the Site Analysis Map may be revised accordingly and form a new basis for preparation of the Non- Development Area Map;
  - (5) The line demarcating a non-development area shall typically conform to the physical extent (as depicted in plan view on the Site Analysis Map) of the particular resource(s) and/or hazard(s) with which it is associated, with the following exceptions:
    - (a) For significant trees and heritage trees, the maximum permissible intrusion into the drip line area of each tree designated to remain, including any off-site significant or heritage trees required to be included on the Site Analysis Map shall be based on the report of applicant's consulting arborist, and consultation with the County's Arborist, and based on the goal of avoiding negative impacts to the health and longevity of trees to remain;
    - (b) Streams, lakes, and ponds, non-tidal wetlands, tidal wetlands, other wetlands in the Coastal Zone and other wet areas shall have a buffer area as specified in the County's Local Coastal Program for coastal areas, by other federal or state requirements including compliance with National Marine Fisheries Service Rule 4(d)<sup>1</sup>,
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or as determined by a qualified biologist, in consultation with County staff for areas outside the Coastal Zone, and shall be applied to both sides of the stream to the extent present on the site;

1. On September 8, 2000, the National Marine Fisheries Service (NMFS) adopted Rule 4(d) which prohibits the “take” of steelhead in San Mateo County. NMFS provided guidance on the activities that it believes, as a general rule, are most likely to harm listed fish.

- (c) springs, for which buffer areas and/or other means of protection shall be determined on a case-by-case basis; and
  - (d) earthquake fault lines, for which there shall be the minimum building setbacks from active and inactive faults as prescribed under current State law;
- (6) Areas smaller than one hundred (100) square feet should generally not be designated as non-development areas unless the resource or hazard with which it is associated is of critical importance and can be physically isolated on the property;
- (7) Non-development areas, regardless of size, when less than ten (10) feet from each other should be aggregated by redrawing their boundaries to create one contiguous non-development area;
- (8) The tentative and final map shall depict non-development areas associated with all trees designated for protection. These areas shall be sized, configured, and located based upon the drip lines of the trees being protected, unless modified pursuant to Section (6)(a) above, or replacement trees being planted for trees authorized for removal.
- (a) Notes on the subdivision map shall explain that no structures or landscaping that would compromise the health of protected trees may be located within the non-development areas. The notes shall prohibit grading, excavation, filling, construction, landscaping, irrigation, or other activities incompatible with tree health;
  - (b) Non-development areas associated with protected trees may be utilized for leisure, recreational, and similar purposes and may contain minor structures; and
  - (c) All trees designated for protection within a non-development area must receive reasonable care and maintenance necessary to attain the typical lifespan associated with each tree species and variety.
- (9) In all instances where questions arise or ambiguity exists regarding if or how to draw a particular non-development area boundary, the underlying purpose for preparing the Non-Development Area Map shall be the basis for clarifying the matter.

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d. Preliminary Subdivision Layout

A Preliminary Subdivision Layout shall be prepared based upon the Non-Development Area Map described above. The layout shall avoid or minimize intrusion of proposed development into the non- development areas and shall also comply with all applicable regulations of the zoning district in which the property is located. The Preliminary Subdivision Layout shall avoid hazards and resources to be protected and shall include the following:

- (1) Location of all non-development areas depicted on the Non- Development Area Map;
- (2) Location of developable areas on each lot in the subdivision, including potential area(s) for second units and related additional infrastructure on single-family detached subdivisions;
- (3) A numbered list of trees, if any, to be preserved and the location of trees to be removed, if any;
- (4) Location of all existing and proposed property lines;
- (5) Location of all vehicular ingress and egress for each proposed new lot;
- (6) Location of corridors and locations for water supply, sewerage, drainage conveyance and capture, including green infrastructure, gas, electric, and communications facilities for each proposed new lot; and
- (7) Location and type of improvements, if any, proposed on each new lot specifically for the protection of natural resources or the avoidance of natural hazards.

e. Application and Fees

The Context Map, Site Analysis Map, Non-Development Area Map, and Preliminary Subdivision Layout shall be prepared by a registered civil engineer or licensed land surveyor. A completed Development Footprint Analysis Application, available from the Planning Division, along with five (5) copies of each of the four required map exhibits, plus an application fee as set forth in the most recent fee schedule adopted by the Board of Supervisors, shall be submitted to the Planning and Building Department.

f. Application Review

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- (1) County Staff. Within thirty (30) business days of receipt of a complete Development Footprint Analysis Application, the Planning and Building Department shall forward all initial staff comments to the applicant.
- (2) Applicant Revisions. The applicant may revise the Context Map, Site Analysis Map, Non-Development Area Map, and/or the Preliminary Subdivision Layout, as necessary, based upon the comments received and resubmit all modified documents for further processing.
  - (a) If the applicant makes revisions in full compliance with all staff comments, the applicant is poised to prepare a tentative parcel map or tentative map application for review as set forth in Section 9.20.010, et seq.
  - (b) If the project is subject to the Major Pre-Application Review procedures described in Sections 8.288.010 through 8.288.040, such review at a public workshop shall be completed before a formal subdivision application may be submitted.
  - (c) Alternatively, the applicant may request one or more meetings with County staff in order to address particular comments in greater detail in an effort to finalize demarcation of the non- development areas and the preliminary layout of the subdivision. If the applicant seeks such further consultation with staff, additional County fees may be charged on a time and materials basis.

***Chapter 9.20 - Requirements For Review And Approval Of Tentative Maps And  
Tentative Parcel Maps***

**9.20.010 - Application Requirements; Form And Content Of Tentative Maps And Tentative Parcel Maps**

1. Application Requirements

Applications for review and approval of tentative maps and tentative parcel maps shall be filed with the Planning and Building Department. The application shall include the following:

a. Tentative Map or Tentative Parcel Map

Seven (7) copies of the tentative map or tentative parcel map prepared in accordance with Section 9.20.010(2). In addition, one reduced (8 1/2" x 11") copy of the map and any associated development plans shall be submitted. In addition, a complete set of maps and associated plans shall be submitted in a digitized format.

b. Application Form

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A completed application form as required by the Director of Planning and Building, available from the Planning Division, with an attached statement by the applicant setting forth grounds in support of the findings required in Section 9.20.030(3)b.

c. Environmental Information Disclosure Form

A completed Environmental Information Disclosure Form, available from the Planning Division.

d. Title Report

A preliminary title report, showing the legal owners at the time of application, and all easements, encumbrances, and other reservations of record affecting the property.

e. Owner's Concurrence

Proof of the owner's interest in the property and concurrence with the application for subdivision as required by the Director of Planning and Building.

f. Density/Slope Analysis

A copy of the completed density/slope analysis as may be required by the zoning district regulations applicable to the subject property, available from the Planning Division. This must be completed prior to submitting the subdivision application.

g. C.3 and C.6. Development Review Checklist

A completed C.3. and C.6 Development Review Checklist, available from the Planning Division. (C.6 and C.3 refer to the sections of the County's Municipal Regional Stormwater Permit (MRP) that mandate the County to impose requirements for runoff and erosion control during project construction and to require permanent project features for ongoing stormwater control, respectively. The MRP is a National Pollutant Discharge Elimination System permit issued by the San Francisco Bay Regional Water Quality Control Board. Low-Impact Development is a sustainable type of post-construction stormwater control that utilizes site design and on-site storm water management techniques to maintain the site's pre-development runoff rates and volumes. A detailed explanation of these concepts and requirements is provided in a document entitled, "C.3 Stormwater Technical Guidance", available online.)

h. Fees

The fees for tentative map or tentative parcel map review in accordance with the most recent Service Fee Schedule adopted by the Board of Supervisors.

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2. Form and Content Requirements for Tentative Maps and Tentative Parcel Maps

a. General Information

Tentative maps and tentative parcel maps must be submitted to the County Planning and Building Department for review and approval. Maps shall meet the following minimum requirements for form and content:

(1) Name and Address of Preparer

The map must be prepared by a registered civil engineer or licensed land surveyor, whose name, address, email, registration or license number, and signature must be shown on the map, along with the date of preparation. The name and license or registration number of any geologist or soils engineer who may have helped prepare the map should also be indicated.

(2) Owner and Subdivider's Name and Address

The names and addresses of both the legal owner, and the subdivider if not the same, must be shown on the map.

(3) Subdivision Name

Tentative maps shall have the proposed subdivision name stated on the map.

(4) Scale

The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end.

(5) North Orientation

The north arrow shall point up the sheet, unless a different orientation is more appropriate in a particular case, and each sheet must have a north arrow.

(6) Letter Size

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The lettering must be a minimum of 1/8" in size.

(7) Vicinity Map

A vicinity map must be included, showing adjacent properties on all sides and indicating the current record owner of such property. The location, names and widths of adjacent rights-of-way shall be shown.

(8) Assessor's Parcel Number

The current assessor's parcel number(s) of the parcel(s) to be subdivided shall be indicated.

(9) Legal Description of Property

A legal description that defines the boundaries of the proposed subdivision and establishes the legality of the parcel to be divided must be included. If the description is not printed on the map itself, then it must be in a separate, attached document.

(10) Zoning and Land Use

The map shall indicate the existing zoning district, existing and proposed land use, and any proposed zoning changes.

(11) Development Schedule

If the subdivider plans to develop the site in phases, the proposed sequence and timing of construction phases must be shown on the map.

b. Description of Existing Features and Proposed Improvements

(1) Existing and Proposed Topography

- (a) Existing and proposed topography must be shown by contours at two (2) foot intervals if the existing ground slope is less than ten percent (10%), and at not less than five (5) foot intervals for existing ground slopes equal to or greater than ten percent (10%).

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- (b) Contour lines must be labeled at least every one hundred fifty (150) linear feet along the contour line and should be continued, in general, at least fifty (50) feet beyond the boundaries of the site within urban areas, or at least one hundred (100) feet within rural areas to establish proper topographical relationships. Also, note on plan the location of reference benchmark for vertical control.
- (c) Existing contours must be represented by dashed or screened lines and proposed contours by solid lines.
- (d) The source and date of contour information must be specified.
- (e) The preliminary design of all grading should be shown, including the approximate finished grade of each lot, the elevation of proposed building pads, and the top and toe of cut and fill slopes.
- (f) Existing and proposed profiles, sight distance, and point of access shall be shown for all driveways, and compliance with all applicable County standards shall be demonstrated.
- (g) A separate grading plan may be required if necessary to clearly show all details of the existing and proposed topography.

(2) Lot Dimensions and Area

The map must show existing and proposed parcel lines and their dimensions. Existing property lines must be shown with dotted lines, proposed property lines with solid lines. The area of each parcel must be indicated, in square feet if less than one acre, and in acres (to the nearest hundredth of an acre) if one acre or larger. Each parcel should be consecutively numbered, beginning with the number one (1).

(3) Trees

The map must indicate the type (species), circumference, diameter and drip line of existing significant or heritage trees, as defined by the County Significant Tree and Heritage Tree Ordinances. Any trees proposed for conservation or removal and the location of replacement trees to be planted shall be indicated.

(4) Existing Structures

The type, location and outline of existing structures must be shown and marked as to whether they will remain or be removed.

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(5) Existing and Proposed Streets

The map must show the locations, names, widths, centerline radii, centerline slopes and angle of intersection of all existing and proposed streets within and abutting the subdivision. Existing and proposed street improvements such as pavement type, curbs, gutters or sidewalks should be indicated. Whether streets are publicly or privately maintained, or proposed to be publicly or privately maintained, should also be noted. The location of official plan lines or projected streets and highways as indicated in the State Transportation Improvement Plan, the County General Plan or any adopted area plan should be shown, if applicable.

(6) Easements

The map must show the location, width and purpose of all existing and proposed easements, including aviation easements, together with all applicable building and use restrictions as determined by the development footprint analysis required in Chapter 9.16.

(7) Existing and Proposed Utilities

The map must show the location and size of all existing and proposed utility service lines and facilities, including the following:

- (a) All provisions for water supply for domestic use, agricultural use and fire protection purposes including source (watermains, wells), quality and approximate quantity expressed as gallons per minute;
- (b) All provisions for sewage disposal, storm drainage and infiltration, flood control, and required National Pollution Discharge Elimination System (NPDES) facilities including the approximate grade and elevation of existing and proposed sewers and storm drains, location of septic systems and their expansion areas, location of the soil percolation test sites, and preliminary calculations used to select, size, and locate all proposed facilities; and
- (c) All provisions for utility services, such as gas, electricity, telephone and cable television. These utilities shall be undergrounded unless specifically prohibited by County policy or the County determines, on a case-by-case basis, that such undergrounding would have adverse environmental impacts greater than the adverse impacts of not undergrounding.

(8) Flood, Coastal Erosion, or Sea Level Rise Hazard Areas

The map must show the location of all areas of special flood hazard which are subject to inundation, storm water or tide water overflow, as illustrated on the Flood Insurance Rate Maps on file with the Planning Division. The location, width and direction of flow of each



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watercourse and the base flood level (as shown on the National Flood Insurance Program Maps prepared by the Federal Emergency Management Agency) and flooding from Sea Level Rise (using the latest available science-based projections) should also be indicated. Projections of landward erosion over the life of the development should also be shown.

(9) Recreation Area

Existing and proposed recreation areas, trails, bike paths or parks for private or public use, including proposed shoreline access points, must be shown.

(10) Common Areas and Open Space

Proposed common areas and areas to be dedicated to public open space must be shown.

(11) Non-Development Areas

All non-development areas resulting from the development footprint analysis specified in Chapter 9.16 shall be depicted on a non-development area map on a separate sheet of the tentative map submittal. Additional methods of depicting and/or describing particular non-development areas associated with a tentative map may be required on a case-by-case basis to best document and implement such areas.

**9.20.020 - Procedure For Filing And Staff Review Of Tentative Maps And Tentative Parcel Maps**

1. Transmittal to Other Agencies for Comment

- a. Within five (5) days of an application for a tentative map or tentative parcel map accepted having been deemed complete by the Planning and Building Department, the Director of Planning and Building shall forward copies of the map and any relevant accompanying data and reports to other affected public agencies including the Department of Public Works, the County Geologist, the Environmental Health Division, each utility company, and fire, school, water, and sanitation district having jurisdiction over the subject property. These agencies will be asked to review the tentative map or tentative parcel map and submit any comments and recommended conditions in writing within thirty (30) days. If an agency does not respond within the allotted time, the lack of response shall be deemed approval of the proposed subdivision. The Advisory Agency shall consider all agency recommendations received before acting on the tentative map.
- b. If the proposed subdivision is within one (1) mile of a State highway and is shown on a map filed with the County by the State Department of Transportation showing territory within which it believes subdivision activity could affect an existing or future State highway, the Advisory Agency shall send a copy of the map and accompanying data to the State Department of Transportation for comment, pursuant to Section 66455 of the Map Act.

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- c. Whenever there is consideration of an area within a proposed subdivision for a public school site, the Advisory Agency shall give the affected district(s) and the State Department of Education (CalEd) written notice of the proposed site. The written notice shall include the identification of any existing or proposed runways within the distance specified in Section 17215 of the Education Code. If the site is within the specified distance, CalEd shall notify the State Department of Transportation (CalTrans) and the site shall be investigated by CalTrans as required by Section 17215.

2. Determination of Completeness

Within thirty (30) days of application submittal, Director of Planning and Building shall notify the subdivider in writing if the application is complete, or if additional information is required. Acceptance of the application as complete shall not preclude the County from requesting that any information submitted be clarified, amplified, corrected, or supplemented if necessary to determine compliance with State law or County regulations, nor does it signify that the map complies fully with the Subdivision Regulations.

3. Environmental Review

The Director of Planning and Building will review the application, including the Environmental Information Form, to determine if the project is exempt from CEQA. If the project is not exempt, an initial study will be conducted to determine whether a negative declaration may be issued or an Environmental Impact Report (EIR) will be required. Upon making this determination, the appropriate environmental document will be prepared as prescribed in the County's CEQA Implementing Procedures.

4. Planning Division Review and Preparation of Staff Report

a. Planning Division Review

The Director of Planning and Building shall review the proposed design and improvement of the subdivision in relation to the General Plan and any applicable area plan, and in relation to all applicable zoning and subdivision regulations, taking into consideration the comments and recommendations received from other sections and agencies and the results of the environmental review. A written staff report will be prepared, detailing the proposed subdivision's compliance or non-compliance with these plans and regulations and with the findings required for tentative map or tentative parcel map approval contained in Section 9.20.030.3b.

b. Conditions of Approval

The staff report will also list recommended conditions of approval to ensure compliance with all applicable plans and regulations including, but not limited to, the regulations for exactions contained in Article 4 and those for subdivision design and improvement contained in Article 3 of the Subdivision Regulations, and any mitigation measures necessary to avoid significant environmental impacts.

**9.20.030 - Procedure And Criteria For Public Review And Action On Tentative Maps Or  
Tentative Parcel Maps**

1. Advisory Agency to Conduct Public Hearing

When all reports and environmental review procedures have been completed, and prior to any action on a tentative map or tentative parcel map application, the appropriate Advisory Agency, as specified in Section 9.04.080, shall hold a public hearing. The Planning Division staff report on the application shall be submitted to the Advisory Agency, and copies sent to the applicant and the Engineer/Surveyor who prepared the map, not later than three days prior to the hearing.

2. Noticing Requirements

- a. Notice of the public hearing shall be given not less than ten (10) days nor more than thirty (30) days prior to the date of the hearing by mailing, postage prepaid, a notice of the time and place of the hearing to the subdivider, the owner and all persons whose names appear on the latest available assessment roll of the County as owning property within three hundred (300) feet of the boundaries of the subdivision which is the subject of the application. Notice shall also be emailed, if email addresses are available. Notice of the public hearing must also be published once in a newspaper having general circulation in the County not later than ten (10) days prior to the date of the hearing.
- b. Notice of the public hearing shall be posted on the Planning and Building Department website not less than ten (10) days prior to the date of the hearing.
- c. If the number of owners to whom notice would be mailed is greater than 1,000, notice may be provided by placing a display advertisement, a minimum one-eighth page in size, in at least one newspaper of general circulation not later than ten (10) calendar days prior to the hearing.
- d. Notice of the hearing shall also be mailed to each agency expected to provide water, sewage, schools or other essential facilities or services to the subdivision. In addition, notice will be given by first-class mail to any person who has filed a written request for such notice with the Planning Commission or Zoning Administrator's Secretary.
- e. Substantial compliance with these provisions for notice shall be sufficient and a technical failure to comply will not affect the validity of any action authorized by these regulations.

3. Action Advisory Agency; Findings

a. Time Limit on Action

- (1) The Advisory Agency must take action to approve, conditionally approve, or deny the tentative map or tentative parcel map within fifty (50) days after certification of an

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environmental impact report, adoption of a negative declaration, or determination by the County that the project is exempt from the requirements of CEQA (Division 13, commencing with Section 21000 of the State Public Resources Code).

- (2) Notwithstanding (1), above, if there has been an extension of time pursuant to Section 21100.2 or 21151.5 of State Public Resources Code to complete and certify an environmental impact report for a project, the County shall approve or disapprove the project within ninety (90) days after certification of the environmental impact report.
- (3) The Advisory Agency cannot disapprove an application for a tentative, final, or parcel map in order to comply with the time limits specified herein.

b. Findings for Approval/Denial of a Tentative Map or Tentative Parcel Map

The Advisory Agency shall make findings, supported by evidence in the project record, when approving or denying a tentative map or tentative parcel map. In the case of an approval, all of the following findings must be made; in the case of a denial, only one of the following findings need not be made:

- (1) That the proposed map is consistent with applicable general and specific plans;
- (2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- (3) That the site is physically suitable for the type of development;
- (4) That the site is physically suitable for the proposed density of development;
- (5) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the above, a tentative map or tentative parcel map may be approved if an EIR was prepared for the subdivision and a finding is made pursuant to Subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make the mitigation measures or project alternatives identified in the EIR infeasible.
- (6) That the design of the subdivision or type of improvements is not likely to cause serious public health problems;
- (7) That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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- (8) In this connection, the Advisory Agency may approve a map if it is found that alternate easements, for access or for use, are otherwise available within a reasonable distance from the subdivision, will be provided, and are 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 the Advisory Agency to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
- (9) That the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by a State Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code.
- (10) That the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 ("The Williamson Act") and that the resulting parcels following a subdivision of that land would not be too small to sustain their agricultural use. For purposes of this section, land shall be presumed to be in parcels too small to sustain their agricultural use if the land is:

- (a) Less than ten (10) acres in size in the case of prime agricultural land, or;
- (b) Less than forty (40) acres in size in the case of land which is not prime agricultural land.

A subdivision of land subject to the Williamson Act, with parcels smaller than those specified above, may be approved only under the special circumstances prescribed in Section 66474.4(b) of the Map Act.

- (11) That, for a subdivision on land located in a state responsibility area or a very high fire hazard severity zone, as both are defined in Section 51177 of the California Government Code, all of the following are supported by substantial evidence in the record:
  - (a) The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code;
  - (b) Structural fire protection and suppression services will be available for the subdivision through a county, city, special district, political subdivision of the state, or another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity; or the Department of Forestry and Fire Protection by contract entered into Pursuant to Section 4133, 4142, or 4144 of these Public Resources Code; and

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- (c) To the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code as interpreted and applied by the County Fire Marshal, and any applicable County ordinance.
- (12) That, for the subdivision of land designated in the County General Plan as open space and located in a state responsibility area or a very high fire hazard severity zone, as both are defined in Section 51177 of the California Government Code, all of the following are supported by substantial evidence in the record:
  - (a) The subdivision is consistent with the open space purpose; and
  - (b) If the subdivision would result in parcels that are forty (40) acres or smaller in size, those parcels are subject to a binding and recorded restriction prohibiting the development of a habitable, industrial, or commercial building or structure, while all other structures shall comply with defensible space requirements described in Government Code Section 51182 or Section 4291 of the Public Resources Code. Any later approval to remove the aforementioned binding restriction shall make the subdivision subject to the requirements of (11) above.
- c. Findings for Approval/Denial of a Tentative Map or Tentative Parcel Map for an Environmental Subdivision

The Advisory Agency shall make findings, supported by evidence in the project record, when approving or denying an environmental subdivision. In the case of an approval, all of the following findings must be made; in the case of a denial, only one of the following findings need not be made:

- (1) That factual biotic or wildlife data, or both, are available to support approval or conditional approval of the subdivision.
- (2) That provisions have been made for the perpetual maintenance of the property as a biotic or wildlife habitat, or both, in accordance with all conditions specified by any local, state, or federal agency requiring mitigation, and that any improvement, dedication, or design required as a condition of approval shall be solely for the purposes of ensuring compliance with the conditions required by the local, state, or federal agency requiring the mitigation.
- (3) That an easement will be recorded to ensure compliance with the conditions specified by any local, state, or federal agency requiring mitigation. The easement shall contain a covenant running with the land in perpetuity that the landowner shall not construct or permit the construction of improvements except those for which the right is expressly reserved in the instrument. Where the biotic or wildlife habitat, or both, are compatible, the easement shall contain a requirement for the joint management and maintenance of the resulting parcels, provided that this requirement is not inconsistent with the purposes of

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this section and not incompatible with maintaining and preserving the biotic or wildlife character, or both, of the land.

- (4) The real property is at least twenty (20) acres in size, or if it is less than twenty (20) acres in size, the following conditions are met:
  - (a) The land is contiguous to other land that would also qualify as an environmental subdivision.
  - (b) The other land is subject to a recorded perpetual easement that restricts its use to a biotic or wildlife habitat, or both.
  - (c) The total combined acreage of the lands would be twenty (20) acres or more.
  - (d) Where the biotic or wildlife habitat, or both, are compatible, the land and the other land will be jointly managed and maintained.

d. Notice of Decision

A written notice of the decision of the Advisory Agency shall be sent to the applicant, the Engineer/Surveyor who prepared the map, and to any other person who has filed a written request to be notified of a decision. If no action is taken on a tentative map by the advisory agency within the specified time limits including any authorized extension thereto, the tentative map shall be deemed approved, insofar as it complies with other applicable requirements of the Map Act and any County regulations, and the County Clerk shall certify such approval.

4. Appeals

a. Designation of Appeal Board

The Planning Commission is hereby designated as the Appeal Board, as defined in Section 9.08.010, for determinations or decisions made by the Director of Planning and Building or Zoning Administrator pursuant to the Subdivision Regulations. The Board of Supervisors is hereby designated as the Appeal Board, as defined in Section 9.08.010, for determinations or decisions made by the Planning Commission pursuant to the Subdivision Regulations.

b. Filing an Appeal

The subdivider or any interested person adversely affected by the decision may appeal any determination or decision made pursuant to the Subdivision Regulations to the appropriate Appeal Board by filing a notice of appeal with the Planning Division within ten (10) days of the decision.

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The notice must clearly identify the decision which is being appealed and state the grounds for the appeal. The notice must also be accompanied by a filing fee in the amount established by resolution of the Board of Supervisors.

c. Schedule of Hearing; Notice

Upon the filing of the notice of appeal, the matter shall be scheduled for the next regular meeting of the Appeal Board to be held within thirty (30) days of the filing of the appeal. Notice of the hearing on the appeal shall be given in accordance with Section 9.20.030.2.

d. Action on the Appeal

The Appeal Board shall review the appeal and may affirm, reverse or modify the previous determination or decision. Where an appeal has been filed pertaining to only a portion of a determination or decision, the Appeal Board shall have the authority to review the entire matter and may affirm, reverse or modify all or any other portion of the determination or decision, even though it is not the subject of the appeal.

5. Expiration of Tentative Maps or Tentative Parcel Maps; Extension

a. Expiration of Tentative Maps or Tentative Parcel Maps

An approved or conditionally approved tentative map or tentative parcel map shall expire two (2) years from the date on which the Advisory Agency, or the Appeal Board on appeal, granted its approval or conditional approval, unless extended pursuant to Sections 9.20.030.5b or c below, or by action of the state legislature by amendment to the Map Act.

b. Special Circumstances Affecting Expiration of Tentative Maps and Tentative Parcel Maps

- (1) If the subdivider is required to expend at least two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a final map shall extend the expiration of the approved or conditionally approved tentative map by thirty-six (36) months from the date of its expiration, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than ten (10) years from its approval or conditional approval. However, a tentative map on property subject to a development agreement may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the Advisory Agency at the time of the approval or conditional approval of the tentative map.



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- (a) Commencing January 1, 2012, and each calendar year thereafter, this dollar amount shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1st. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.
- (b) "Public improvements", as used in this section, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.
- (2) The two (2) year time period specified in Section 9.20.030.5a above, does not include any period of time during which a development moratorium imposed after approval of the tentative map or tentative parcel map is in existence, or any period of time during which a lawsuit involving the approval of the tentative map or tentative parcel map is or was pending in a court of competent jurisdiction, as specified in Sections 66452.6(b) et seq. of the Map Act.

c. Extension

An extension of the expiration date may be granted by the Advisory Agency for a period or periods of time not to exceed six (6) years. The application for extension must be filed with the Director of Planning and Building prior to the expiration date, and must be accompanied by a fee in the amount established by resolution of the Board of Supervisors. If such an application is submitted prior to the expiration date, the tentative map or tentative parcel map will automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the Advisory Agency denies a subdivider's application for extension, the subdivider may appeal to the appropriate Appeal Board within fifteen (15) days from the date the Advisory Agency denied the extension.

## ***Chapter 9.24 - Requirements For Review And Approval Of Final Maps And Parcel Maps***

### **9.24.010 - Form And Content Of Final Maps And Parcel Maps**

To be considered for approval by the County, final maps and parcel maps must meet the form and content requirements specified in this section.

1. Preparation Requirements; Survey and Monument Data

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- a. The final map or parcel map shall be prepared by or under the direction of a registered civil engineer qualified to do land surveying, or a licensed land surveyor. The final map must be based upon an accurate and complete survey of the land to be subdivided made in conformity with the Land Surveyors Act. A parcel map shall be based either upon a field survey made in conformity with the Land Surveyors Act or be compiled from recorded or filed data when sufficient recorded or filed survey monumentation exists to enable the retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map if the location of at least one of these boundary lines can be established from an existing monumented line.
- b. The survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines must be shown. Such data may include, but is not limited to, the bearings and distances of straight lines, and the lengths, radii, and delta for all curves.
- c. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision must be tied into the survey.
- d. The location and description of all monuments found or placed in making the survey must be identified on the map.
- e. The allowable error of closure on any portion of the final or parcel map must not exceed 1/:10,000.

2. Form of Final Maps and Parcel Maps

- a. The final or parcel map must be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in opaque black on polyester base film. Required certificates, statements and acknowledgments must be legibly stamped or printed on the map with opaque ink. If polyester base film is used, it must be of a washable type and have a minimum thickness of four one-thousandths (0.004) of an inch. If ink is used on polyester base film, the ink surface must be coated with a suitable substance to assure permanent legibility.
- b. The size of each sheet must be eighteen (18) inches by twenty-six (26) inches.
- c. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of one inch.
- d. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.
- e. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end.

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- f. Each sheet must be numbered, the relation of one sheet to another clearly shown, and the total number of sheets used must be indicated on each sheet.
- g. All mechanical lettering must be a minimum of one-tenth inch in height and all freehand printing or lettering on the map must be of one-eighth inch minimum height. All lettering must be opaque and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings, including all reductions.
- h. A title block shall be shown on each sheet, consisting of the tract number, scale, and north arrow. The north arrow shall point up the page. In the case of a final map, the subdivision name shall also be included in the title block.

3. Title Sheet

The final or parcel map must be accompanied by a title sheet containing the information prescribed in Sections 9.24.010.3a through e, below. However, where the size of the subdivision permits, in lieu of a title sheet, the information may be shown on the same sheet as the final or parcel map itself.

- a. The title sheet must contain the title block, as described in Section 9.24.010.2h, above.
- b. Below the title block, a subtitle must appear giving a general description of the property by reference to the maps which have previously been filed or by reference to the plan of the United States survey. Reference to tracts and subdivisions in the description must be spelled out and worded identically with original records, and references to book and page of record must be complete.
- c. Statements, acknowledgments, endorsements, and acceptances of dedication required by Section 9.24.010.5 must appear on the title sheet.
- d. The title sheet should show the basis of bearings unless it is shown elsewhere on the map.
- e. If no existing street intersections are shown on the map, a vicinity map must be included.

4. Content of Final Maps and Parcel Maps

a. Parcel Dimensions, Acreage, Numbers

Dimensions of parcels must be given as total dimensions, corner to corner, and must be shown in feet and hundredths of a foot. Parcels containing one-half acre or more must show total acreage to the nearest hundredth. Each parcel must be numbered, beginning with the number one (1) in each

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subdivision and continuing consecutively with no omissions or duplications. Each parcel must be shown entirely on one sheet of the map.

b. Street Location, Widths, Names

The map must show the location of all existing and proposed streets, alleys or highways by clear delineation of the centerlines and sidelines of all street rights-of-way, the total width of such rights-of-way and the widths of each side of the centerline. The names of all existing and proposed streets within or adjoining the subdivision must be shown. Whether the streets are to be for private use or will be dedicated to the public must be specified.

c. Easements and Other Rights-of-Way

The map must show the location of all easements of record, and easements to be recorded, to which the property is or will be subject. All easements other than for streets must be denoted by fine broken lines and the purpose specified. The map must also indicate whether the easement is to be for private use or will be dedicated to the public. Easement widths, and the lengths and bearings of the lines together with sufficient ties, must be indicated to definitely locate the easement with respect to the property. For easements already existing as of record, proper record reference must be given. If any easement is found to exist but cannot definitely be located as of record, a statement to that effect must be made on the map.

d. Adjoining Properties

The parcels and blocks of all adjoining subdivisions must be identified by subdivision name and by the book and page of the filed map. If no such subdivision is adjoining, then the name of the last recorded owner of the adjoining property must be identified. Reference to the recorded deed of the owner must be made by Recorder's book and page, or by Recorder's file number if recorded after January 1, 1981.

e. City or County Boundaries

City or County boundaries which cross or adjoin the subdivision must be clearly designated.

f. Remainder Parcels

- (1) The exterior boundary of the land included within a subdivision shall be indicated by distinctive symbols and clearly designated, shall not include a remainder or omitted parcel, pursuant to Section 66424.6 of the Map Act, and such parcel shall be so labeled.
- (2) If the map includes a "remainder" parcel or similar parcel of five (5) acres or more, it does not have to be shown on the map nor does its location need to be indicated as a matter of

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survey. Instead, such remainder parcel shall be indicated by deed reference to its existing boundaries.

- (3) A parcel designated as “not a part” is considered to be a remainder” parcel for purposes of this section.
- (4) For any subdivision there shall be only one remainder parcel and it shall conform to the minimum size requirements applicable to the zoning in place on the property at the time of subdivision approval.
- (5) The remainder or omitted parcel shall not be counted as a parcel for the purpose of determining whether a subdivision is a minor or major subdivision as defined herein.

However, where a property owner seeks to subdivide a remainder parcel adjoining a parcel which the same owner has previously subdivided, the two subdivisions shall be counted together in ascertaining the total number of parcels created therefrom. Such successive subdivisions shall not enable the filing of two or more tentative parcel maps instead of a single tentative map for all the parcels involved. Successive subdivisions will not be counted together in ascertaining the total number of parcels created only if the subdivisions occur by the independent actions of different owners and meet the test of an “arm’s length transaction” as defined in Section 9.08.010.

5. Statements

The following statements must appear on the title sheet. All required signatures must be opaque:

a. Owner’s Statement; Offer of Dedication

- (1) A statement, signed and acknowledged by all parties having any record title interest in the land being subdivided, consenting to the preparation and filing of the map and offering for dedication to the public certain specific parcels of land or easements.
  - (a) The County shall specify whether the dedication is to be in fee or an easement for its specified public purpose.
  - (b) If the dedication is required to be in fee, the subdivider shall include the following language in the dedication clause on the final map or any separate instrument:

"The real property described below is dedicated in fee for public purposes: (here insert a description of the dedicated property that is adequate to convey the property)."

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- (c) If the dedication is required to be an easement, the subdivider shall include the following language in the dedication clause on the final map or any separate instrument:

"The real property described below is dedicated as an easement for public purposes: (here insert a description of the easement that is adequate to convey the dedicated property)."

- (2) The following circumstances are excepted from the statement requirement:

- (a) A lien for state, county, municipal, or local taxes or special assessments, a trust interest under bond indentures, or mechanics' liens do not constitute a record title interest in land for the purpose of this Chapter.
- (b) The signature of either the holder of beneficial interests under trust deeds or the trustee under the trust deeds, but not both, may be omitted. The signature of either shall constitute a full and complete subordination of the lien of the deed of trust to the map and any interest created by the map.
- (c) Under certain circumstances, as described in Section 66436(a)(3) and (4) of the Map Act, signatures of parties owning other types of interests may be omitted if their names and the nature of their respective interests are stated on the map.

b. Engineer's (Surveyor's) Statement

The following statement by the engineer or surveyor responsible for the survey and the final map or parcel map shall appear on the map:

"This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of (name of person authorizing map) on (date). I hereby state that all the monuments are of the character and occupy the positions indicated or that they will be set in those positions before (date), and that the monuments are, or will be, sufficient to enable the survey to be retraced, and that this final map substantially conforms to the conditionally approved tentative map.

(Signed) \_\_\_\_\_ (Date Signed) \_\_\_\_\_

R.C.E. (or L.S.) No. \_\_\_\_\_ (Seal)

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Recorder's certificate or statement.

Filed this \_\_\_\_\_ day of \_\_, 20\_\_\_\_, at \_\_\_\_\_m. in

Book \_\_\_\_ of \_\_\_\_, at page \_\_\_\_, at the request of \_\_\_\_\_.

Signed \_\_\_\_\_

County Recorder"

c. County Surveyor's Statement

A statement by the County Surveyor. The County Surveyor shall sign, date, and, below or immediately adjacent to the signature, in their registration or license number and the stamp of their, indicating that:

- (1) They have examined the map;
- (2) The subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof;
- (3) All provisions of the Map Act and the County Subdivision Regulations applicable at the time of approval of the tentative map have been complied with; and
- (4) They are satisfied that the map is technically correct.

d. Statement of Soils and Geologic Report

When a soils report, a geotechnical report, or both have been prepared specifically for the subdivision, this must be noted on the final or parcel map, together with the date of preparation of such report(s), the name of the engineer who prepared the soils report, the name of the geologist who prepared the geotechnical report and the location where the reports are on file.

e. Statement of the Clerk of the Board of Supervisors

For final maps and for parcel maps involving dedication(s) to the public, a statement for execution by the Clerk of the Board of Supervisors stating the date on which the Board of Supervisors approved the map and stating that the Board of Supervisors accepted, accepted subject to improvement or rejected on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication.

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f. County Recorder's Statement

If the County Recorder accepts the final map or parcel map for filing, such acceptance shall be certified on the face thereof. The map shall become a part of the official records of the County Recorder upon its acceptance by the County Recorder for filing.

6. Additional Information

- a. The County may require additional information to be filed or recorded simultaneously with a final map or parcel map. The additional information may be in the form of a separate document or an additional map sheet which must indicate its relationship to the final or parcel map, and must contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.
- b. Additional survey and map information may include, but need not be limited to: building setback lines, flood hazard zones, seismic lines and setbacks, septic drainfield and expansion area, non-development areas, geologic mapping, and archaeological sites.

**9.24.020 - Accompanying Data And Reports**

When the subdivider submits the final or parcel map to the Director of Public Works for checking, it must be accompanied by the following data, plans, reports and documents in a form acceptable to the County:

1. Improvement Plans

Improvement plans, along with supplementary calculations and estimates as required in Article 3 of the Subdivision Regulations.

2. Improvement Agreements and Security

Improvement agreements and security as required in Article 3 of the Subdivision Regulations.

3. Geotechnical/Soils Report

A soils report prepared in accordance with San Mateo County Minimum Standards for Geotechnical Reports if one has been prepared for the subdivision pursuant to Section Chapter 9.16.010(2)b(2).



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4. Title Guarantee

A title guarantee by a title company doing business in the County, showing the names of all persons whose consent is necessary to file the final or parcel map and for any dedication to public use, and their respective interest in the property, certified for the benefit and protection of the County that the persons named are all of the persons necessary to give clear title to the streets and other easements to be offered for dedication.

5. Deeds for Off-Site Easements or Rights-of-Way

Deeds for off-site easements or rights-of-way required for roads, drainage, sanitary sewers, water supply, or other public purposes, which have not been dedicated on the final or parcel map. Written evidence acceptable to the County must be presented in the form of rights-of-entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the proposed facilities.

6. Traverse Closures

Compute traverse closures showing the mathematical closure, within the allowable limits of error set forth in Section 9.24.010.1e, of the exterior boundaries of the property in all cases where such boundaries are irregular, and of the exterior boundaries of all irregular blocks and parcels.

7. Organizational Documents

A copy of all proposed covenants, conditions and restrictions, and all other organizational documents for the subdivision in a form as prescribed by the Civil Code of the State of California. All such documents must be reviewed and approved by County Counsel.

8. Certificates Relative to Tax and Assessment Liens

- a. Prior to the filing of a final map or parcel map, the subdivider shall file with the County Recorder a joint certification from the County Tax Collector and County Controller stating that all taxes due have been paid and that there are no liens against the subdivision or any part of it for unpaid State, County, municipal or local taxes or special assessments collected as taxes.
- b. Whenever any part of the subdivision is subject to a lien for taxes or special assessments which are not yet payable, the final map or parcel map shall not be recorded until the subdivider or owner files with the Clerk of the Board all certificates and security required under Section 66493 of the Map Act.

9. Indemnity/Hold Harmless Agreement

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- a. The subdivider must submit an indemnity/hold harmless agreement containing the following provisions:
  - (1) “Subdivider will defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul the approval of the subdivision by the County.”
  - (2) “The County will promptly notify the subdivider of any claim, action, or proceeding and will cooperate fully in the defense of such claim, action or proceeding.”
  - (3) “Nothing contained in this agreement prohibits the County from participating in the defense of any claim, action, or proceeding, if the County bears its own attorney’s fees and costs and defends the action in good faith.”
- b. The subdivider will not be required to pay or perform any settlement unless the settlement is approved by the subdivider.

**9.24.030 - Procedure For Review And Approval Of Final Maps And Parcel Maps**

1. Submittal of Final Maps and Parcel Maps to Director of Public Works

Prior to the expiration of the tentative map or tentative parcel map approval or extension pursuant to Section 9.20.030.5, the subdivider or owner must prepare a final map or parcel map of the form and content specified in Section 9.24.010 for submittal to the Director of Public Works. In addition to the original tracing of the map, the following must also be submitted:

- a. A black and white print of the final map or parcel map.
- b. The accompanying data and reports specified in Section 9.24.020.
- c. Any deposits and fees to cover the checking of the final map or parcel map as may be required by the Director of Public Works.

2. Review and Approval by the Director of Public Works

- a. The Director of Public Works will examine the final map or parcel map to determine the following:

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- (1) If the subdivision as shown is substantially the same as it appeared on the approved tentative map or tentative parcel map. If there is any discrepancy between the approved tentative map or tentative parcel map, and the final or parcel map, the determination of substantial compliance shall be made by the Advisory Agency.
    - (2) If all conditions of the tentative approval have been completed, or if incomplete, are matters which have been included in an improvement agreement with the County;
    - (3) If the map complies with the Map Act, all provisions of the Subdivision Regulations and all other provisions of law applicable at the time of approval of the tentative map or tentative parcel map; and
    - (4) If the map is technically correct and complete, including all signatures required to execute the statements on the map.
  - b. Upon the Director of Public Works' determination that all requirements listed in Sections 9.24.030 .2 (1) through (4), above, have been satisfied, they will sign the County Surveyor's Statement on the original tracing of the final map or parcel map.
  - c. The Director of Public Works or their appointed representative shall complete the review of the final map or parcel map within twenty (20) days from the time the map is submitted by the subdivider for approval.
  - d. Where a conflict exists between the documents associated with the approval of a tentative subdivision map, the order of controlling precedence shall be:
    - (1) The specific conditions of the resolution of approval as approved by the Advisory Agency.
    - (2) The tentative map as approved by the Advisory Agency.
3. Transmittal of Certain Maps to the Clerk of the Board for Consideration by the Board of Supervisors
- a. Upon approval by the Director of Public Works, the following maps shall be sent to the Clerk of the Board for further consideration by the Board of Supervisors:
    - (1) All final maps; and
    - (2) All parcel maps involving dedications to the public.

Parcel maps that do not involve any dedication to the public need not be sent to the Board of Supervisors for further consideration and may be transmitted by the Director of Public Works directly to the County Recorder in accordance with Section 9.24.040.

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- b. When transmitting the maps described in Section 9.24.030 .3 (1) and (2), above, to the Clerk of the Board, the Director of Public Works shall send the original tracing of the map, along with a mylar print of the map, and the accompanying data and reports specified in Section 9.24.020.
4. Review and Approval of Final Maps and Certain Parcel Maps by Board of Supervisors
- a. The Board of Supervisors shall review all final maps and certain parcel maps as specified in Section 9.24.030 .3a, above. The Board will, at its next available regular meeting after the filing of the final or parcel map with the Clerk of the Board, take action on the map. If the Board makes the following findings, then the final or parcel map will be approved:
    - (1) That the final map or parcel map substantially complies with the approved tentative map or tentative parcel map, respectively;
    - (2) That all conditions of the tentative approval have been completed;
    - (3) That the final map or parcel map meets the requirements of the Map Act, the Subdivision Regulations and all other local regulations applicable at the time of approval of the tentative parcel map.
  - b. At the time of approval, the Board shall accept, accept subject to improvement, or reject any offers of dedication, as prescribed in Article 4 of the Subdivision Regulations.
  - c. If for any reason the Board is unable to make the findings in Section 9.24.030 .4a (1) through (3), above, the Board of Supervisors will disapprove the final map or parcel map. At that time, the rejected map will be returned to subdivider or owner by the Clerk of the Board, with a written statement indicating the reasons for disapproval.
  - d. If the final or parcel map is approved by the Board, the Clerk of the Board of Supervisors will execute the Clerk of the Board's certificate on the title sheet of the map as specified in Section 9.24.010.5f.
  - e. The County shall not postpone or refuse approval of a final map because the subdivider has failed to meet a tentative map condition requiring the subdivider to construct or install offsite improvements on land in which neither the subdivider nor the County has sufficient title or interest, including an easement or license, at the time the final map is filed, to permit the improvements to be made.
    - (1) In such cases, unless the County requires the subdivider to enter into an agreement to complete the improvements at such time that the County acquires an interest in the land that will permit the improvements to be made, the County shall, within one hundred twenty (120) days of the filing of the final map, acquire by negotiation or commence proceedings

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pursuant to Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property under Article 3 (commencing with Section 1255.410) of Chapter 6 of that title.

- (2) If the County has not required the subdivider to enter into an agreement as specified in Section 9.24.030 .4e (1) above and if the County fails to meet the one hundred twenty (120) day time limitation, the condition for construction of offsite improvements shall be conclusively deemed to be waived. The waiver shall occur whether or not the County has postponed or refused approval of the final map.
- (3) Prior to approval of the final map the County may require the subdivider to enter into an agreement to complete the improvements pursuant to Section 66462 of the Map Act at such time as the County acquires an interest in the land that will permit the improvements to be made.
- (4) The County may require a subdivider to pay the cost of acquiring off-site real property interests required in connection with a subdivision.
- (5) "Offsite improvements", as used in this section, does not include improvements that are necessary to assure replacement or construction of housing for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code.

**9.24.040 - Procedure For Filing Of Final Maps And Parcel Maps With The County Recorder**

1. Requirements for Transmittal to County Recorder

- a. Upon approval of the final map or parcel map by the Board of Supervisors, the Clerk of the Board will send the map and all accompanying documents to the County Recorder. Parcel maps not requiring approval by the Board shall be transmitted to the County Recorder by the Director of Public Works.
- b. Whenever covenants, conditions and restrictions (CC&Rs), deeds, deferred improvement agreements or other separate documents affecting title and relating to the final map or parcel map are to be recorded, all of these documents must be executed, acknowledged and delivered to the County Recorder together with the map and any applicable recording fees.
- c. The subdivider shall present to the County Recorder evidence that, at the time of the filing of the final or parcel map in the Office of the County Recorder, the parties consenting to such filing are all of the parties having a record title interest in the real property being subdivided whose signatures are required by the Subdivision Regulations, as shown by the records in the Office of the County Recorder, otherwise the map shall not be filed.

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- d. 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 Clerk of the Board of Supervisors will not forward the final map or parcel map to the County Recorder until the owner or subdivider correctly files and deposits with the Clerk of the Board all certificates and security as required under Section 66493 of the Map Act.

2. Action by County Recorder

- a. Within ten (10) days of receiving the final map or parcel map, the County Recorder will examine it and either accept or reject it for filing.
  - (1) If the County Recorder accepts the map for filing, this will be indicated on the face of the map. The map will then be securely fastened in a book of subdivision maps or parcel maps, or in some other way that will assure that the maps will be kept together. Whenever separate documents are to be recorded concurrently with the parcel map, the County Recorder will complete the cross-referencing of such documents. The map will become a part of the official records of the County Recorder upon its acceptance for filing and when recorded shall automatically and finally establish the validity of the map.
  - (2) If the County Recorder rejects a final map or parcel map for filing, notice shall be sent to the subdivider and the Director of Public Works within ten (10) days, stating the reasons for the rejection and that the map is being returned to the Clerk of the Board for action by the Board of Supervisors. Upon receiving the map, the Clerk will place the map on the agenda of the next regular meeting of the Board at which time the Board will rescind its approval and return the map to the subdivider, unless the subdivider presents evidence that the basis for the rejection by the County Recorder has been removed. The subdivider may consent to a continuance of the matter; however, the prior approval of the Board will be deemed rescinded during any period of continuance. If corrections are made and the map is returned to the County Recorder, the County Recorder will have a new ten (10) day period to examine the map and either accept or reject it for filing.
- b. The fee for filing and indexing final or parcel maps will be as prescribed in Section 27372 of the Government Code.

**9.24.050 - Correction And Amendment Of Final Maps And Parcel Maps**

1. Amendments Permitted

- a. After a final map or parcel map is filed for record in the Office of the County Recorder, it may be amended by a certificate of correction or an amending map, for any of the following reasons:
  - (1) To correct an error in any course or distance shown on the map;

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- (2) To show any course or distance that was omitted from the map;
  - (3) To correct an error in the description of the real property shown on the map;
  - (4) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor charged with the responsibility for setting monuments;
  - (5) To show the proper location or character of any monument which has been changed in location or character, or which was originally shown at the wrong location or incorrectly as to its character;
  - (6) To correct any other type of map error or omission as approved by the Director of Public Works, which does not affect any property right. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent record maps; or
  - (7) To make modifications when there are changes in circumstances which make any or all of the conditions of the map no longer appropriate or necessary and the modifications do not impose any additional burden on the present fee owners of the real property and do not alter any right, title or interest in the real property reflected on the recorded map.
- b. As used in this section, “error” does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final map or parcel map.

2. Form and Contents of Amending Map or Certificate of Correction

The amending map or certificate of correction must be prepared and signed by a registered civil engineer or licensed land surveyor. An amending map must conform to the requirements of Section 9.24.010. The amending map or certificate of correction must show in detail the corrections made and the names of the present fee owners of the property affected by the corrections.

3. Submittal and Approval of Amending Map or Certificate of Correction

- a. Where the certificate of correction or amendment of the final map or parcel map is filed for any of the reasons listed in (1) through (6) of Section 9.24.050.1a, the amending map or certificate of correction must be submitted to the Director of Public Works for review and approval. The Director of Public Works will examine the amending map or certificate of correction and if the only changes made are those described in (1) through (6) of Section 9.24.050.1a, above, the Director of Public Works will certify to this fact on the amending map or certificate of correction.

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- (1) The Director of Public Works shall have twenty (20) working days in which to examine the certificate of correction, endorse a statement on it of their examination and certification, and present it to the county recorder for recordation.
    - (2) In the event the Director of Public Works finds the submitted certificate of correction noncompliant with respect to Section 9.24.050.1a, they shall return it within the same twenty (20) working days to the person who presented it, together with a written statement of the changes necessary to make it conform to the requirements of Section 9.24.050.1a. The licensed land surveyor or registered civil engineer submitting the certificate of correction may then make the necessary changes and resubmit the certificate of correction for approval. The Director of Public Works shall have ten (10) working days after resubmission and approval of the certificate of correction to present it to the county recorder for recordation.
  - b. Where the certificate of correction or amendment of the final map or parcel map is filed for the reason described in Section 9.24.050.1a(7), the amending map or certificate of correction must be submitted for review and approval to the Advisory Agency that originally approved the tentative map or tentative parcel map. A public hearing will be held on the proposed modification, with notice to be given in the manner prescribed in Section 9.20.030.2. The hearing will be confined to consideration of and action on the proposed modification. The modification will not be approved if the findings set forth in Section 9.20.030.3b cannot be made.
4. Filing an Amending Map or Certificate of Correction with the County Recorder
- The amending map or certificate of correction, certified and approved in accordance with Section 9.24.050.3, above, shall be filed for record in the Office of the County Recorder. At that time, the original map will be deemed to have been conclusively corrected and will impart constructive notice of all such corrections in the same manner as though set forth upon the original map. Upon recordation of a certificate of correction, the County Recorder will transmit, within sixty (60) days of recording, a certified copy to the Director of Public Works who shall maintain an index of recorded certificates of correction.
5. Fees and Costs for Processing Amending Map

**A fee for the checking, processing, indexing and recording of an amending map or certificate of correction, in such amount as established from time-to-time by resolution of the Board of Supervisors, may be required at the time the map or certificate is submitted for checking.**



## **ARTICLE 3 - DESIGN AND IMPROVEMENT REQUIREMENTS**

### ***Chapter 9.28 - General Provisions***

#### **9.28.010 - Purpose And Content Of Chapter**

1. Purpose and Content

This Chapter is intended to promote the public health, safety and welfare by regulating the design and improvement of subdivisions. The requirements and standards contained in this Chapter are intended to encourage orderly subdivision and development which is consistent with the General Plan and adopted area plans, sensitive to the surrounding environment, and properly supported by essential facilities and improvements.

2. General Requirements

- a. In determining the design and improvement requirements for each particular subdivision, the County will consider the following:
  - (1) That the type and level of improvement required should be such that the proposed subdivision and associated development will be well integrated into the surrounding natural and built environments;
  - (2) That the type and level of improvement required should be consistent with any area plan adopted by the County which contains specific policies and standards regarding services and improvements for new subdivisions; and
  - (3) That in order to minimize energy consumption and discourage urban sprawl, urban level services should be limited to urban areas, rural service centers and rural residential subdivisions, as designated by the County General Plan and further specified in this Chapter.
- b. Subdivisions must be designed and improvements installed by the subdivider in accordance with the standards set forth in this Chapter. The cost of the design and improvement work will be solely the responsibility of the subdivider or owner unless otherwise specifically provided in this Chapter. Procedures to ensure that the design and improvement requirements are correctly implemented are also established in this Chapter so that the proposed subdivision and subsequent development does not become an undue burden on the surrounding community and the County.

## ***Chapter 9.32 - Subdivision Design And Layout***

### **9.32.010 - Standard Subdivision Design Requirements**

#### **1. Subdivision Design Parameters**

To the maximum extent feasible, subdivisions should be designed to:

- a. preserve and complement the visual resources and natural topographic features of the site;
- b. minimize the removal of vegetation, including significant and heritage trees;
- c. protect both surface and groundwater resources from unnecessary alteration, depletion or degradation;
- d. minimize adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties;
- e. direct development away from areas subject to geotechnical, fire or flood hazards as designated in County General Plan Policies 15.9, 15.10, and 15.11; and
- f. direct development away from sensitive habitats as defined in Section 9.08.010.83.

#### **2. Design of Proposed Lots**

Lots shall meet the following design criteria, except as may be otherwise allowed by the Advisory Agency.

##### **a. Suitability**

All lots shall be designed to be suitable for the purpose for which they are intended and consistent with the purpose of the zoning district in which they are located.

##### **b. Size**

Minimum lot sizes shall conform to the standards established by the County Zoning Regulations, but in no case shall be less than five thousand (5,000) square feet. Excepted from this requirement are

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single-family attached residential and planned unit development for which there is no minimum lot size.

c. Dimensions

The minimum width of each lot shall conform to the requirements of the Zoning Regulations, but in no case shall be less than fifty (50) feet, exclusive of rights-of-way or easements for road purposes. The minimum depth shall be as necessary to provide the minimum lot size for the zoning district, but in no case shall be less than one hundred (100) feet, nor greater than three times the width, exclusive of rights-of-way or easements necessary for road purposes.

d. Frontage

Each lot shall have minimum frontage on a street as required by the Zoning Regulations, but in no case shall it be less than twenty (20) feet.

In the case of a corner lot or a double frontage lot, if only one frontage can be designated as the front of the lot without creating a non-conforming lot with respect to lot width and depth, then that property line shall be deemed the front lot line. If more than one frontage can be designated as the front of the lot without creating a non-conformity, either one of such property lines may be selected as the front of such lot, provided only one front lot line is designated per lot. In determining whether a lot is non-conforming with regard to width and depth, the lot width and depth shall not include any access easements.

e. Side Lot Lines

As far as is practical, the side lines of all lots shall be at right angles to the centerline of the street upon which the lot faces, or radial if the street is curved.

f. Access

Each lot created by the subdivision must have adequate routine and emergency access as prescribed in Section 9.36.010.

g. Division of Lots

No lot shall be created so as to become divided by any existing county, city, school or any other taxing district boundary line.

h. Corner Lots

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The width of corner lots shall comply with the design requirements of the zoning district in which the property is located, but shall be not less than sixty (60) feet.

i. Flag Lots

Flag lots shall meet the following criteria:

- (1) The creation of the flag lot is not prohibited by provisions of the applicable zoning or combining district and is consistent with applicable General Plan and specific plan policies;
- (2) The proposed flag lot conforms to all requirements of the applicable zoning district, except requirements relating to lot frontage;
- (3) The flag portion of the flag lot is not less than five thousand (5,000) square feet;
- (4) The access corridor is in fee ownership with the lot it accesses;
- (5) The access corridor is not utilized in the calculation of minimum lot width, minimum and maximum lot depth, or minimum lot area;
- (6) Any portion of the lot that does not meet minimum width requirements shall not contribute area toward minimum lot size; and
- (7) The access corridor has a minimum width along its entire length of twenty (20) feet.

j. Double Frontage Lots

Lots other than corner lots having double frontage and with depths of less than two hundred (200) feet shall not be approved, except where essential to provide separation of residential development from major streets or highways, or where required by unusual or excessive topographic conditions.

3. Energy Conservation

a. Natural Heating or Cooling Opportunities

- (1) The design of subdivisions shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities. Specifically, subdivisions should be consistent with the County Guidelines for Passive Solar Design and Solar Access Protection, including, but not limited to, the following provisions:

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- (a) Design street layout to maximize the number of buildings which can be oriented with south wall and roof areas facing within 22.5 degrees of true south;
  - (b) Design lot configuration and the pattern of lot layout to maximize unobstructed solar access and orientation of lots within 22.5 degrees of true south, where consistent with other development criteria;
  - (c) Provide for the location of buildings and accessory structures to maximize solar access and orientation for solar heating. Where consistent with optimum orientation for heating, building orientation should also take advantage of natural cooling;
  - (d) Locate landscaping to protect winter solar access, shield heated buildings from winter winds, and to provide shading from unwanted summer sun.
- (2) Where neither lot size, lot configuration, nor applicable zoning is sufficient to reasonably protect solar access to lots in a new subdivision, the Director of Planning and Building may recommend the dedication of solar access easements.
- (3) For the purposes of this section, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. It is not intended that compliance with the County Guidelines for Passive Solar Design and Solar Access Protection result in reduced densities or buildable lot area, or cause the removal of vegetation beyond that which might otherwise have occurred.

b. Factors Affecting Energy Conservation

In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration should be given to local vegetation and climate, topography, the configuration of the lot to be divided, the size and configuration of proposed lots and other design and improvement requirements of this Chapter. Fulfillment of this requirement will not result in a reduction of allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning regulations in force at the time the tentative map or tentative parcel map is filed.

## 9.32.020 - Design Requirements For Special Areas

### 1. Areas Containing Ridgelines and Skylines

#### a. Open Ridgelines and Skylines

Subdivision lots should be located and designed to avoid placing building sites and structures on open ridgelines and skylines when seen as part of a public view. Building sites shall only be allowed on open ridgelines and skylines when no alternative building site exists.

#### b. Forested Ridgelines and Skylines

Subdivision lots should be located and designed to avoid placing building sites and structures on forested ridgelines and skylines when seen as part of a public view. Building sites and structures may be allowed on forested ridgelines when they blend with the existing silhouette and do not necessitate the removal of tree masses which would cause a break or gap in the ridgeline silhouette.

### 2. Hazard Areas

#### a. Special Flood Hazard Areas and Coastal High Hazard Areas

Lots in subdivisions in areas of special flood hazards or coastal high hazard areas, as defined in Section 8.300.030(2) and (6) of the County Zoning Ordinance, must be designed so as to minimize the exposure of present or future occupants, private property, public improvements, utility systems and facilities to flood damage and erosion. Any building site created as a result of a subdivision in these areas must be located above the base flood elevation, as identified on the applicable Flood Insurance Rate Map (FIRM) and projected flood areas based upon the best available science-based projection of sea level rise corresponding to the life of the project.

#### b. Geologic Hazard District

Prior to approval of any subdivision in the Geologic Hazard Overlay District, and pursuant to Chapter 8.264 of the County Zoning Ordinance, a geotechnical report must be prepared by a certified engineering geologist under the direction of the County Geologist. Based on the conclusions and recommendations of the report, subdivision and development will be allowed only if it can be demonstrated that there is reasonable stability and that risk to life and property can be minimized through suitable mitigation measures including the design of lots so that homes are sited away from active faults.

c. Fire Hazard Areas

Subdivisions located within any WUI or High or Very High Fire Severity Zone shall have a fire management plan that addresses the outcome of the analysis required in Section 9.16.010.(3)(b)(6) and must be designed so that occupiable structures on individual parcels comply with Public Resources Code Sections 4290 and 4291 and California Government Code Section 51179 for defensible space around structures. Where necessary, the plan shall depict annual hazardous fuel management areas, specify the responsible management party, and include mechanisms to ensure the planned management occurs.

## ***Chapter 9.36 - Roads And Streets***

### **9.36.010 - Standard Requirements For Road And Street Design And Improvement**

1. Standard Requirements for Road and Street Design and Improvement

All lots created by a subdivision must have adequate routine and emergency access. The subdivider will be required to design and improve all roads, streets and alleys that are part of the subdivision in accordance with the standard specifications contained in either the “San Mateo County Standard Drawings for Public Improvements” or other roadway standards adopted by the Public Works Department. In locations where the foregoing are not applicable, then the standards specified in Table 3.1 shall be applied in a manner that achieves General Plan goals to avoid or minimize environmental impacts from road construction, such as tree removal or landform alteration, to serve lots created by subdividing. Roads shall be the minimum width necessary to meet the health and safety requirements of the Public Works, Fire, and other County departments.

2. Exceptions and Special Requirements

a. Exception for Topography/Special Physical Conditions

Pursuant to Article 5 , exceptions to street design and improvement requirements may be granted where the Advisory Agency finds that topography or other special physical conditions justify the modification of design standards. Where variations from the standards are allowed, they should be consistent with the County Creative Road Design Guide.

b. Special Requirements to Ensure Area Plan Compliance

In other subareas of the County for which an area plan has been adopted containing policies and standards for road design and improvements, roads within a subdivision must conform to such policies and standards.

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**URBAN STREETS**

CLASSIFICATION	CURB-TO- CURB <sup>(1)</sup>	CURBS, GUTTERS, SIDEWALKS,	R-O-W	EASEMENT WIDTH
<b><u>PUBLIC</u></b>				
Residential One-Way Loop	20'	Curbs, gutters--both sides Sidewalk--one side	40'	--
Residential Cul-De-Sac	32'	Curbs, gutters, sidewalks-- both sides	50'	--
Residential Minor	36'	Curbs, gutters, sidewalks-- both sides	50'	--
Residential Collector or Minor Commercial	40'	Curbs, gutters, sidewalks-- both sides	60'	--
Major Commercial, Industrial or Arterial	64'	Curbs, gutters, sidewalks-- both sides	80'	--
<sup>(1)</sup> The concrete valley gutter in San Mateo County Department of Public Works standard drawings for public streets is included in the travel way width.				
<b><u>PRIVATE</u></b>				
Private	20'	A.C. berms where needed to control storm runoff.		



**RURAL ROADS** <sup>(2)</sup>

	ROADWAY WIDTH	BERMS, PATHS OR SHOULDERS	R-O-W	EASEMENT WIDTH
One-Way Loop	20'	Berms and one path	40'	--
Cul-De-Sac or Minor (5 to 10 parcels each 20,000 sq. ft. to 5 acres)	20'	Berms and one path	40'	--
Cul-De-Sac or Minor (5 to 10 parcels each 5 to 40 acres)	20'	2' rocked shoulders	40'	--
Cul-De-Sac or Minor (more than 10 parcels each 20,000 sq. ft. to 40 acres)	22'	Berms and one path	50'	--
Collector	28'	Berms and one path	50'	--
		two 5' paved shoulders		

**PRIVATE**

Private (serves 2 through 4 parcels)	20'	1' graded shoulders--each side	--	20'
Private (serves 4 through 10 parcels)	20'	2' rocked shoulders--each side with turnouts	--	50'
Private (with parcels 40 acres or more)	20'	2' rocked shoulders--each side	--	50'

larger)		side with turnouts		
Private Access Within 500' of	20'	1' graded shoulders on	--	50'
Public Road		each side		
Private Access More Than 500' from Public Road	20'	2' rocked shoulders on each side turnouts	--	50'

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<sup>(2)</sup> The Advisory Agency, as specified in Section 9.04.080, shall have the authority, under 9.136.010 to approve, in consultation with the County Fire Marshal, alternative roadway widths and/or designs, provided circumstances exist, in the particular case, to justify the alternative and public health and safety will not be compromised. Appendix D of Part 9 of Title 24 of the California Code of Regulations shall be a resource in selecting appropriate fire apparatus access road design and signage for proposed projects.

c. Special Requirements for Scenic Roads

For subdivisions within designated State and County scenic roads and corridors, additional design and improvement requirements may be applied to ensure that new development is sensitive to the visual qualities and character of the scenic corridor, in accordance with General Plan Policies 4.39 to 4.68.

3. Public or Private Roads Required

- a. Adequate routine and emergency access, including for fire apparatus, must be provided by public or private roads as required by the Director of Public Works in consultation with the Advisory Agency pursuant to Section 9.44.010 et seq. In general, public roads will be required for major subdivisions, while private roads will be allowed for minor subdivisions.
- b. When private roads are used to provide the required access, they must be improved to the standards set forth in Table 3.1, and provision must be made for their permanent maintenance. To this end, the County may require as a condition of subdivision approval that a deed restriction be placed on each lot requiring participation and financial contribution to a private maintenance association, which will be responsible for the long-term maintenance of road improvements within the subdivision. This deed restriction will be noted on the final map or parcel map when recorded.
- c. In conjunction with the above, an emergency vehicle lane, as determined in consultation with the County Fire Marshal, may also be required.

4. Emergency Vehicle Access

In a subdivision containing a private roadway whose width is insufficient to be approved for on-street parking, emergency vehicle access (EVA) easements shall be provided along all such roadways. EVAs shall be approved by the County Fire Marshal and shall have the sole purpose of prohibiting vehicular parking, through signage and/or other means of notification, along or within the specified roadway. EVAs may also be placed upon private driveways located on flag lots where the County Fire Marshal determines that circumstances in the particular case warrant their application.

## **9.36.020 - Additional Road Design Requirements**

### **1. Alignment With Existing Roads**

All new roads and streets will be required, where practicable, to be in alignment with existing roads and streets. In such cases, the centerlines of existing roads and streets should be continued, provided they conform to current standards.

### **2. Street Intersections**

#### **a. Intersection Angle**

Streets will be required to intersect one another at an angle as near to a right angle as is practicable in each case. Street intersections at angles less than thirty (30) degrees will not be allowed unless necessitated by topographic conditions and an exception is granted pursuant to Article 5.

#### **b. Distance Between Intersections**

Streets entering upon opposite sides of another street must be directly opposite each other, or otherwise offset at least two hundred fifty (250) feet apart. A street opening offset of less length may be allowed if it is the only economical or practical method of developing the property for the use for which it is zoned and an exception is granted pursuant to Article 5.

#### **c. Block Corners at Street Intersections**

- (1) At street intersections, the block corners in a residential zoning district must be rounded at the property line by a radius of not less than fifteen (15) feet. In a commercial zoning district or on lots adjacent to a secondary or major highway, block corners must be rounded at the property line by a radius of not less than twenty (20) feet or more to provide at least one hundred (100) feet diagonal sight distance between intersecting street centerlines.
- (2) Where the curve radius of existing block corners at an intersection is greater than twenty (20) feet, the curve radius of new block corners created by a subdivision must conform to the radius of existing corners at the same intersection.

3. Dead-End Streets and Adjoining Acreage

Dead-end streets shall not be longer than six hundred (600) feet measured from the centerline of the nearest intersecting street. Where the subdivision adjoins acreage, streets that may be extended in the event of the subdivision of the adjoining acreage may be required to be improved through the boundary lines of the tract. Additional access easements or alternative ingress/egress routes may be required.

4. Cul-De-Sac Streets

Cul-de-sac streets shall not exceed six hundred (600) feet in length and must have a vehicle turning area at the end with a minimum diameter of seventy-five (75) feet, unless on-street parking is prohibited. A cul-de-sac of greater length may be permitted if it is the only feasible method for developing the property for the use for which it is zoned, and an exception is granted pursuant to Chapter 5. Where an exception is granted, alternative ingress/egress routes approved by the appropriate fire authority will be required, unless specifically waived by the Advisory Agency.

5. Street Grades and Curve Radii

Grades must not exceed ten (10) percent on major residential streets, or fifteen (15) percent on any street, unless the topography necessitates a steeper grade, and an exception is granted pursuant to Article 5. Centerline radii must be not less than five hundred (500) feet. Lesser radii may only be used in cases where in which sufficient evidence is presented to show that the above requirements are not practicable and an exception is granted pursuant to Article 5.

6. Alleys

Alleys twenty (20) feet wide may be required in the rear of prospective commercial property. Where two (2) alleys intersect, ten (10) foot corner cutoffs will be required.

7. Street Names and Signs

- a. Each street shown on a tentative map or tentative parcel map shall be named in accordance with Table 3.3. Proposed streets that are in alignment with existing streets should be given the same name as the existing street. In order to avoid duplication, street names shall be subject to approval by the Advisory Agency.

**TABLE 3.3**  
**STREET NAME GUIDELINES**

GENERAL DIRECTION	LONG OR CONTINUOUS THOROUGHFARES	SHORT OR DISCONTINUOUS THOROUGHFARES
North and South	Streets	Places
East and West	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Lanes

- b. The subdivider shall equip all street intersections with signposts, street name signs and traffic signs as required by the Director of Public Works. Signs must conform to the standards and specifications established by the County or, in the case of State Highways, by the State.
- c. The subdivider shall provide, to the satisfaction of the Advisory Agency, the cultural, historical, or social significance of all proposed street names not otherwise self-evident, including the rationale for each such name.

## ***Chapter 9.40 - Water Supply***

### **9.40.010 - Standard Requirements For Water Supply**

#### **1. Standard Requirement for Adequate Water Supply**

Provision shall be made for an adequate and safe supply of water to all lots in the subdivision, and no tentative map or tentative parcel map shall be approved unless the Advisory Agency is assured that such safe and adequate water supply will be provided. Therefore, all will serve letters obtained by subdividers from water suppliers shall certify that sufficient water supply is available to meet the domestic, commercial, etc. demand of the subdivision, as well as meet the fire suppression needs of the subdivision as determined by the County Fire Marshal. The requirements for water supply for each subdivision shall be established by the Advisory Agency, upon the recommendation of the Director of Planning and Building. The Director of Planning and Building's recommendation on the method of water supply required for each subdivision shall be based on the recommendation of the Environmental Health Division and the locational criteria set forth in Section 9.40.010.3.

#### **2. Methods of Water Supply**

Water shall be supplied to each lot of the subdivision by one of the following methods:

- a. Connection to a public or private utility water supply system, in which case a letter from the public or private utility company shall be submitted to the Director of Planning and Building indicating its ability to serve the proposed subdivision. All improvements shall be installed in accordance with the standards of the existing public or private utility. If the property being subdivided is not

currently within the service area of a public or private utility which maintains an existing water supply system, then the subdivider may be required to apply for annexation to or contract with the appropriate utility for service.

- b. Establishment of a mutual or private water system subject to approval by the Environmental Health Division. The creation of a new mutual or private water system will be allowed when the following can be demonstrated:

- (1) The new water system will use, as a source of supply, vertical wells or springs;
- (2) Water quality and quantity meet the standards of the Environmental Health Division and the fire suppression needs of the subdivision;
- (3) A permit from the Environmental Health Division is obtained to operate and maintain the newly created water system;
- (4) Adequate financing for the new water system is available;
- (5) Improvements are installed in accordance with Department of Public Works standards; and
- (6) Provision is made for (a) ongoing maintenance of the system, and (b) the protection of all subscribers' rights to use the system. To this end, the County may require as a condition of subdivision approval that a deed restriction be placed on each lot requiring participation and financial contribution to a private maintenance association, which will be responsible for the long- term maintenance of the water supply system within the subdivision. This deed restriction will be noted on the final map or parcel map when recorded.

- c. Service from individual wells, subject to the approval of the Environmental Health Division. When water supply is provided by wells, the use of vertical wells or springs rather than surface water will be required to serve new development. Stream infiltration galleries and horizontal wells shall not qualify as adequate sources of domestic water supply to serve the proposed subdivision. Wells must be located an adequate distance away from streams and other watercourses to minimize impacts on downstream surface waters. Well permits must be obtained from the Environmental Health Division prior to recordation of the final map or parcel map.

### 3. Locational Criteria for Determining Water Supply Requirements for Subdivisions

- a. Urban Areas

- (1) Domestic water for subdivisions located in urban areas shall be supplied by connection to an existing water supply system as set forth in Section 9.40.010.2a; or

- (2) If connection to an existing water supply system is determined by the Director of Planning and Building to be infeasible, then they may recommend that the subdivider be required to form a mutual water company for the subdivision as specified in Section 9.40.010.2.b.
- (3) In urban areas, domestic or individual wells shall be allowed to serve as a water supply source as specified in Section 9.40.010.2c, only when an exception to the requirements set forth in (1) and (2), above, is granted by the Advisory Agency pursuant to Article 5. The Director of Planning and Building will recommend that individual wells be used to supply water for subdivisions in urban areas only when they is satisfied that:
  - (a) Both connections to an existing water system and the formation of a mutual water company are infeasible;
  - (b) There is no threat to public health, safety or welfare presented by the cumulative effects of well drilling in the area; and
  - (c) Water quality and quantity, and well placement will meet the standards of the Environmental Health Division and the fire suppression needs of the subdivision.

b. Rural Areas

(1) Rural Service Centers and Rural Residential Subdivisions

Domestic water for subdivisions located in rural service centers and rural residential subdivisions as designated by the General Plan shall be supplied, whenever possible, by connection to an existing water supply system as set forth in Section 9.40.010.2a. If connection to an existing water supply system is determined by the Director of Planning and Building to be infeasible, then they may recommend, based on the number and size of lots in the subdivision that:

- (a) The subdivider be required to form a mutual water company for the subdivision as specified in Section 9.40.010.2b; or
- (b) That water be supplied for each parcel of the subdivision by individual wells as specified in Section 9.40.010.2c.

(2) Rural Lands

For subdivisions located in rural lands, as designated by the General Plan, wells will be required to serve all non-agricultural lots in the subdivision.

## ***Chapter 9.44 - Fire Protection***

### **9.44.010 - Requirements For Improvements Related To Fire Protection**

#### **1. Standard Requirement for Improvements Related to Fire Protection**

Each lot created by a subdivision must be provided safe and adequate fire protection, and no tentative map or tentative parcel map shall be approved unless the Advisory Agency is assured that such safe and adequate fire protection will be provided. The requirements for fire protection for each subdivision shall be established by the Advisory Agency in accordance with Sections 9.44.010(2) and (3), below.

#### **2. Subdivisions Within a Fire District**

For a subdivision of property located in a fire district, the subdivider must install water mains, fire hydrants, gated connections and other facilities needed to provide water supply of sufficient volume and pressure for fire protection in conformance with standards established by the fire district. In addition, the subdivider shall utilize Appendix D of Part 9 of Title 24 of the California Code of Regulations as a resource, in consultation with the County Fire Marshal, in the construction of and signage for fire apparatus access ways. Prior to the recordation of any final map or parcel map, the subdivider must furnish a letter from the fire district certifying that such improvements have been installed and are operative; or that a bond or cash deposit in an amount set by the Director of Public Works has been filed with the County Clerk guaranteeing installation of said facilities within twelve (12) months of the date of recording of the map. When a bond or cash deposit has been made, construction beyond the foundation shall not be permitted, and placement or storage of combustible construction materials on site is prohibited, unless approved mitigation to the satisfaction of the fire authority and water purveyor has been installed.

#### **3. Subdivisions Not Within a Fire District**

For a subdivision of property not included in a fire district, the subdivider shall:

- a. Install water mains, fire hydrants, gated connections and other such facilities in accordance with standards satisfactory to the Director of Public Works and the County Fire Marshal. In addition, the subdivider shall utilize Appendix D of Part 9 of Title 24 of the California Code of Regulations as a resource, in consultation with the County Fire Marshal, in the construction of and signage for fire apparatus access ways. Prior to the recordation of any final map or parcel map, the subdivider must present satisfactory evidence that these improvements have been installed and are operative; or that a bond or cash deposit in an amount set by the Director of Public Works has been filed with the County Clerk guaranteeing installation of said facilities within six (6) months of the date of recording the map. When a bond or cash deposit has been made, construction beyond the foundation shall not be permitted, and placement or storage of combustible construction materials on site is prohibited, unless approved mitigation to the satisfaction of the fire authority and water purveyor has been installed.



- b. Make provision for ongoing fire protection including, but not limited to, annexation to a fire district, or otherwise as approved by the Director of Public Works and the County Fire Marshal.

## ***Chapter 9.48 - Storm Drainage***

### **9.48.010 - Requirements For Improvements Related To Storm Drainage**

#### **1. Standard Requirements for Storm Drainage Improvements**

Each lot created by a subdivision must be adequately drained of all storm water run-off by a storm drain system that meets County standards, and no tentative map or tentative parcel map shall be approved unless the Advisory Agency is assured that adequate drainage will be provided. The subdivider will be responsible for the design and installation of a storm drainage system as specified in Section 9.48.010(2) and (3), below.

#### **2. Design Criteria**

All storm or surface waters reaching the subdivision must be collected by a storm drain or infiltration system designed to prevent longstanding or flooding waters and where appropriate conveyed to an existing storm drain system or natural watercourse as approved by the Director of Public Works. Minimum design criteria for storm drain capacity shall be that of a one-in-ten year storm or a one-in-one hundred year storm if in a FEMA flood zone. Design criteria for a storm of greater magnitude may be required if determined to be necessary by the Director of Public Works for the proposed system to be compatible with related existing and/or planned storm drain facilities. Easements for storm drain purposes shall be a minimum of ten (10) feet in width and adequate to provide for future maintenance. The storm drain system shall result in no net increase in runoff from the subdivision. Off-site storm drain improvements may be necessary to satisfy this requirement.

#### **3. Watercourses**

For a subdivision of property that is traversed by any watercourse, channel, stream or creek, the subdivider may be required to dedicate to the public rights-of-way or easements, in accordance with Chapter 9.180.020, for storm drainage purposes. Such easements should conform substantially with the lines of the watercourse and be a minimum of ten (10) feet in width. The subdivider may be required to dedicate additional rights-of-way or easements as required for structures or channel changes or both, as necessary to dispose of surface and storm waters.

## ***Chapter 9.52 - Sewage Disposal***

### **9.52.010 - Requirements For Sewage Disposal**

#### **1. Standard Requirements for Improvements Related to Sewage Disposal**

Each lot created by a subdivision must be served by a sanitary sewer or individual sewage disposal system, and no tentative map or tentative parcel map shall be approved unless the Advisory Agency is assured that safe and adequate sewage disposal will be provided. The subdivider will be responsible for the design and installation of a sewage disposal system in accordance with County standards. The type of sewage disposal system to be installed by the subdivider will be established by the Advisory Agency, upon the recommendation of the Director of Planning and Building Director of Planning and Building. The Director of Planning and Building's recommendation shall be based on the recommendation of the Environmental Health Division and the locational criteria set forth in Section 9.52.010(2) below.

2. Locational Criteria for Determining Sewage Disposal Requirements for Subdivisions

a. Urban Areas

- (1) For subdivisions in urban areas, connection to an existing sanitary sewer system shall be required, in which case a letter from the appropriate sewage collection agency shall be submitted to the Director of Planning and Building indicating its ability to serve the proposed subdivision. All improvements shall be installed in accordance with the standards of the sewage collection agency that serves the area. If the property being subdivided is not currently within the service area of a sewage collection agency, then the subdivider may be required to apply for annexation to the appropriate sewage collection agency.
- (2) Exceptions to the requirement for sanitary sewer installation in urban areas shall be allowed only if an exception is granted by the Advisory Agency pursuant to Article 5. In such cases, the use of individual sewage disposal systems to serve each lot will be permitted in accordance with the standards of the County Office of Environmental Health.

b. Rural Areas

(1) Rural Service Centers

For subdivisions located in rural service centers, as designated by the General Plan, sewage disposal shall be provided, whenever possible, by connection to an existing sanitary sewer system. If connection to an existing sanitary sewer system is determined by the Director of Planning and Building to be infeasible, then they may recommend, based on the number and size of lots in the subdivision, that sewage disposal be provided for each lot by an individual sewage disposal system in accordance with Environmental Health Division standards. In all cases, lots must be of sufficient size to safely accommodate such systems.

(2) Rural Residential Subdivisions and Rural Lands

For subdivisions located in rural residential subdivisions or rural areas, as designated by the General Plan, each lot must be served by an individual sewage disposal system that meets

the standards of the County Office of Environmental Health. In all cases, lots must be of sufficient size to safely accommodate such systems.

## ***Chapter 9.56 - Utilities***

### **9.56.010 - Requirements For Utilities**

#### **1. Standard Requirements for Utility Improvements**

Each lot within a subdivision must be served by the utilities necessary to support the intended use including gas, electricity, telephone service, and cable television service where appropriate. The subdivider will be responsible for the design and installation of such utilities in accordance with the standards of the utility agency responsible for service provision in the area.

#### **2. Undergrounding Requirements Established by Area Plans**

In order to minimize the adverse visual impact of new utility distribution and transmission structures, the subdivider may be required to install all such new distribution and transmission facilities underground in accordance with any adopted area plan that applies to the area in which the subdivision is located. Where no area plan applies, undergrounding requirements shall be as specified in 3 and 4, below.

#### **3. Minimizing Visual Impact of Utility Structures in Rural Areas**

In order to minimize the adverse visual impact of new utility distribution and transmission structures in rural areas, the subdivider will be required to install all such new distribution and transmission facilities underground unless the Director of Planning and Building determines, on a case-by-case basis, it is infeasible to do so or would cause greater environmental harm than overhead installation. In addition, existing overhead distribution lines along streets adjacent to the external boundaries of the subdivision should be placed underground when they are required to be relocated in conjunction with street improvements and utility construction for the subdivision.

Connections for all utility lines placed under streets must be extended to the right-of-way line and their locations marked upon the curb or sidewalk. All such lines must be installed prior to final street paving.

#### **4. Minimizing Visual Impact of Utility Structures in Urban Areas**

In order to minimize the adverse visual impact of new utility distribution and transmission structures in urban areas, the subdivider will be required to install all such new distribution and transmission facilities underground, except when surrounded by existing development with overhead utility lines. In addition, when undergrounding is required, existing overhead distribution lines along streets adjacent to the external boundaries of the subdivision must be placed underground when they are to be relocated in conjunction with street improvements and utility construction for the subdivision.

Connections for all utility lines placed under streets must be extended to the right-of-way line and their locations marked upon the curb or sidewalk. All such lines must be installed prior to final street paving.

5. Undergrounding Required in Scenic Corridors

a. State Scenic Corridors

- (1) New utility distribution lines to be located in State scenic corridors must be installed underground.
- (2) Existing overhead distribution lines in State scenic corridors must be installed underground where they are required to be relocated in conjunction with street improvements, or new utility construction.
- (3) Exceptions to (1) and (2) above may be approved by the Advisory Agency pursuant to Chapter 5, where it is not physically practicable to install new or existing distribution lines underground due to topographic features; however, such distribution lines must not be substantially visible from any public road or developed public trails.

b. County Scenic Corridors

- (1) New utility distribution lines to be located in County scenic corridors must be installed underground, except as provided in (2), below.
- (2) For all development within County scenic corridors, exceptions may be approved by the Advisory Agency pursuant to Chapter 5, when:
  - (a) it is not physically practicable to install new distribution lines underground due to topographic features;
  - (b) there are conflicts with agricultural or other land uses; and
  - (c) the proposed development is for farm labor housing.

6. Equipment or Facilities Exempt from Undergrounding

When undergrounding of utilities is required, all utility structures within the subdivision and along streets adjacent to the exterior boundaries of the subdivision must be placed underground except as follows:

- a. Those facilities exempted by the Public Utilities Commission regulations;
- b. Equipment accessory to underground facilities, such as pedestal-mounted terminal boxes and meter cabinets, and concealed ducts; and
- c. Surface-mounted transformers in commercial and industrial subdivisions.

## ***Chapter 9.60 - Survey Monuments***

### **9.60.010 - Standard Requirements For Setting Survey Monuments**

#### **1. Setting of Monuments Required**

In making the survey for the final map or parcel map of the subdivision, the engineer or surveyor shall set permanent monuments at all exterior boundary corners and angle points except where such monuments already exist. Monuments shall also be set at all street intersections on centerlines or offsets, at the beginnings and ends of curves or points of intersection, and otherwise as directed by the Director of Public Works. In the case of intersecting curved streets, monuments must be placed at the point of intersection of the centerlines where possible.

#### **2. Time Frame for Setting of Monuments**

##### **a. Monuments to be Set Prior to Recording of Final Map or Parcel Map**

All survey monuments must be placed by the engineer or surveyor, and inspected and approved by the Director of Public Works prior to the recording of the final map or parcel map.

##### **b. Exception for Interior Monuments**

Interior monuments to be placed within the subdivision boundaries need not be set prior to the recording of the final map or parcel map if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date. In addition, the subdivider must provide security, in an amount determined by the Director of Public Works, sufficient to guarantee the setting of the monuments or the reimbursement of the County for the cost of setting the monuments if the subdivider should fail to perform.

## ***Chapter 9.64 - Other Improvements***

### **9.64.010 - Other Improvements**

#### **1. Other Improvements May Be Required**

Other improvements including, but not limited to, grading, street lights, signs, street lines and markings, street trees and shrubs, landscaping, bicycle facilities, fences, and sidewalks may also be required as determined by the Director of Planning and Building in accordance with the Subdivision Regulations, the General Plan, or any applicable area plan.

2. Off-Site Improvements

The subdivider may be required, as a condition of tentative map or tentative parcel map approval, to construct improvements on land which the subdivider does not own when necessary to protect public health and safety. In addition, the subdivider may be required to pay the cost of acquiring off-site land or an interest in the land required to construct the off-site improvements.

## ***Chapter 9.68 - Improvement Plans And Agreements***

### **9.68.010 - Improvement Plans**

1. Improvement Plans Required

As a condition of approval of a tentative map or tentative parcel map, the subdivider will be required to submit improvement plans to the Director of Public Works for review and approval prior to beginning improvement construction or prior to approval of the final or parcel map, whichever occurs first. Improvement plans must include, at a minimum, plans for grading, storm drains, landscaping, streets and related facilities. Plans for other improvements may be required as necessary as determined by the Director of Public Works.

2. Preparation

Improvement plans must be prepared under the direction of and signed by a registered civil engineer licensed by the State of California.

3. Form

The form of the improvement plans must be as follows:

a. Sheet Size

Plans, profiles and details must be legibly drawn, printed or reproduced on 24" x 36" sheets. Each sheet must have a 1/2" border at top, bottom and right side and 1-1/2" border on the left side.

b. Title Block

A suitable title block must be placed in the lower right corner. Adequate space should also be provided in the lower right corner for approval by the Director of Public Works and for approval of plan revisions.

c. Scale

Plans and profiles must be drawn to the scale of 1" = 40' or larger unless otherwise approved by the Director of Public Works. Details must be drawn to a scale that clearly shows the facility being constructed. The scales for various portions of the plan must be shown on each sheet.

d. Vicinity Map

A vicinity map must be included on the first sheet of all sets of plans.

e. North Arrow

A north arrow must be shown on each sheet when applicable.

f. Orientation

Plans must be laid out to orient north to the top or right edge of the sheet unless approved otherwise by the Director of Public Works.

g. Lettering

All lettering must be 1/8" minimum.

h. Cover Sheet

If the plans include three (3) or more sheets, a cover sheet showing the streets, lots, easements, storm drains, index and vicinity map must be included.

i. Additional Requirements

The form of all plans must conform to additional requirements as may be established by the Director of Public Works.

4. Contents

The improvement plans must show complete plans, profiles and structural details for all required improvements to be constructed, both public and private, including common areas. Where applicable, reference may be made to the San Mateo County Standard Drawings for Public Improvements in lieu of duplicating the drawings.

5. Supplementary Plans and Calculations

Hydrology, hydraulic plans and calculations, bonds or other security estimates and any structural calculations as may be required must be submitted with the improvement plans to the Director of Public Works. All calculations must be legible, systematic, signed and dated by a registered civil engineer and in a form acceptable to the Director of Public Works.

6. Review by the Director of Public Works

The subdivider must submit the improvement plans and all computations and an engineering improvement cost estimate to the Director of Public Works for review. Upon completion of the review, one (1) set of the preliminary plans, with the required revisions indicated, will be returned to the subdivider's engineer.

7. Approval by the Director of Public Works

After completing all required revisions, the subdivider must transmit the originals of the revised improvement plans to the Director of Public Works for approval.

- a. If all required revisions have been made and the plans conform to all applicable County standards, ordinances, design requirements and conditions of the tentative map or tentative parcel map, the Director of Public Works will sign and date the plans. The originals will be returned to the subdivider's engineer who shall then return five (5) copies to the Director of Public Works.
- b. Approval by the Director of Public Works shall in no way relieve the subdivider or the subdivider's engineer from responsibility for the design of the improvements and for any deficiencies resulting from the design or from any required conditions of approval of the tentative map or tentative parcel map.

8. Review and Approval by Other Agencies

Approval of the improvement plans by the Director of Public Works should not be construed as approval of the sanitary sewer, water, gas, electric, telephone and cable television service construction plans. Verification that the construction plans for these facilities have been reviewed and approved by the appropriate agency having jurisdiction over such services and facilities will be required prior to the start of construction or prior to final map or parcel map approval, whichever occurs first.



9. Plan Checking Fees

A deposit, in an amount estimated by the Director of Public Works to be sufficient to cover all costs of reviewing the improvement plans, must be paid by the subdivider at the time the plans are submitted for checking. If the actual cost of plan checking exceeds the deposited amount, the subdivider will be required to supplement the deposit with an additional amount as determined by the Director of Public Works before the plans will be approved.

**9.68.020 - Revisions To Approved Improvement Plans**

1. By Subdivider

Requests by the subdivider for revisions to the approved improvement plans must be submitted in writing to the Director of Public Works together with engineered drawings showing the proposed revision. If the requested revision is acceptable to the Director of Public Works, the originals may be revised by the subdivider to reflect the approved change. Copies of the plans as revised must then be sent back to the Director of Public Works. Construction will not be permitted to continue until the revision has been approved, the original plans revised, and revised copies returned to the Director of Public Works.

2. By Director of Planning and Building or Director of Public Works

When revisions are deemed necessary by the Director of Planning and Building or Director of Public Works to protect public health and safety, a notice in writing will be given to the subdivider. The subdivider must revise the plans accordingly and send them to the Director of Public Works for approval. The Director will initial the originals, signifying that the change has been drawn correctly, and return them to the subdivider. The subdivider must then send copies of the revised drawings to the Director of Public Works. Construction of all or any portion of the improvements will be suspended until revised drawings have been submitted and approved, and copies returned to the Director of Public Works.

**9.68.030 - Improvement Agreements**

1. Improvement Agreement Authority

The agreement pursuant to this section may be entered into by the Public Works Director on behalf of the County and said official's action may be appealed to the Board of Supervisors which shall periodically review this delegation of authority.

2. Improvement Agreement Required; Provisions

As a condition of approval of a tentative map or tentative parcel map, the subdivider will be required to enter into a written agreement with the County prior to beginning improvement construction or prior to final map or parcel map approval, whichever occurs first. The improvement agreement will contain the following provisions:

- a. That all improvements will be constructed in accordance with the plans and specifications as previously approved by the Director of Public Works, and will be satisfactorily completed within the time limits specified in Section 9.72.010.2, or within such other time limit as determined by mutual agreement between the County and the subdivider.
- b. That the owner/subdivider must maintain the improvements in good condition and repair and guaranty the same against any defects in material and workmanship for a warranty period of one year from the date of final acceptance by the County.
- c. That upon any failure by the owner to complete or maintain the improvements or to correct any defects, the County may perform any necessary construction, maintenance or corrective work and recover the full cost and expense from the owner/subdivider, including interest from the date of notice of the cost and expense until paid.
- d. That the owner must pay to the County the cost of inspecting the improvements as required in Section 9.72.020.2.
- e. That the owner/subdivider must furnish to the County the improvement security required by Section 9.68.030.2.
- f. That the County will retain the right to modify the plans and specifications when necessary to protect the public health and safety, and the right to require the subdivider/owner to pay for such modifications.
- g. That the subdivider/owner shall ensure that construction will not adversely affect adjacent properties.
- h. That the subdivider/owner will release and indemnify the County from all liability incurred in connection with the subdivision and agree to pay all reasonable attorney's fees that the County may incur due to any legal action or other proceeding arising from the subdivision under Section 66474.9(b)(1) of the Map Act.
- i. That the County shall promptly notify the subdivider of any claim, action or proceeding arising out of the subdivision and will cooperate fully in the defense.
- j. That this agreement must be recorded in the Office of the County Recorder at the expense of the owner and shall constitute notice to all successors and assigns of the title to the real property of

the obligation set forth, and also shall constitute a lien in an amount to fully reimburse the County, including interest as above, subject to foreclosure in event of default in payment.

- k. That in the event of litigation occasioned by any default of the owner, the owner agrees to pay all costs involved, including reasonable attorney's fees, and that the same will become a part of the lien against the real property.
- l. That the terms "subdivider" and "owner" shall include not only the subdivider and the present owner of the real property but also heirs, successors, executors, administrators and assigns, it being the intent of the parties that the obligations undertaken shall run with the real property and constitute a lien against it.
- m. Any other terms, covenants, conditions or provisions as the Board of Supervisors, the Director of Public Works or the Director of Planning and Building may deem necessary or appropriate.

3. Improvement Security Required

- a. In connection with the improvement agreement specified in Section 9.68.030.1, above, the subdivider/owner will furnish to the County good and sufficient security, in one of the forms as authorized under Section 9.68.030.3, in the following amounts and for the following purposes:

- (1) Performance Security

An amount equal to one hundred percent (100%) of the total estimated cost of the improvement or of the act to be performed, as determined by the Director of Public Works, securing faithful performance of the act or agreement.

- (2) Material and Labor Security

An amount between fifty percent (50%) and one hundred percent (100%) of the total estimated cost of the improvement or of the act to be performed, as determined by the Director of Public Works, securing payment to the contractor, the subcontractors, and persons furnishing labor, materials or equipment for the improvement or the performance of the required act.

- (3) Warranty Security

An amount between fifty percent (50%) and one hundred percent (100%) of the total estimated cost of the improvement or of the act to be performed, as determined by the Director of Public Works, as continuing security for the owner's guarantee to correct any defective work done or materials furnished as may be determined during the warranty

period, which shall be for a period of one year following the completion and acceptance of the improvements by the Board of Supervisors.

- b. The estimate of improvement costs will be as approved by the Director of Public Works and shall provide for:
  - (1) Ten percent (10%) of the total construction cost for contingencies;
  - (2) Increase for projected inflation;
  - (3) All utility installation costs or a certification acceptable to the Director of Public Works from the appropriate utility company or agency that adequate security has been deposited to insure installation;
  - (4) Costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the County in successfully enforcing the obligation secured.

4. Form of Security

The security required under Section 9.68.030.2 will be one of the following, at the option of the Director of Public Works:

- (1) A performance bond, substantially in the form set forth in Government Code Section 66499.1, and a labor and material bond, substantially in the form set forth in Government Code Section 66499.2, issued by a corporate surety duly authorized to transact business in the State.
- (2) A deposit, either with the County or a responsible escrow agent or trust company, at the option of the Director of Public Works, of money or negotiable bonds of the kind approved for securing deposits of public monies.
- (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, or a letter of credit issued by such a financial institution. The form and content of such instrument or letter of credit shall be subject to approval by the County Counsel.
- (4) An instrument of credit from an agency of the State, federal or local government when any agency of such government provides at least twenty percent (20%) of the financing for the portion of the act or agreement requiring security which pledges that the funds necessary to carry out the act or agreement are on deposit and are guaranteed for payment.

- (5) A lien upon the property to be divided, created by contract between the owner and the County, if the Director of Public Works finds that it would not be in the public interest to require the installation of the required improvements sooner than two years after the recordation of the map.

Any contract or security interest in real property entered into as security for performance pursuant to paragraph (5), above, must be recorded with the County Recorder. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described in the contract or document and shall have the priority of a judgment lien in an amount necessary to complete the agreed to improvements. The recorded contract or security document must be indexed in the Grantor Index to the names of all record owners of the real property as specified on the map and in the Grantee Index to the County.

5. Reduction and Release of Improvement Security

a. Reduction in Performance Security

Upon written request by the subdivider, the Director of Public Works may recommend that the Board of Supervisors release all or any portion of the property subject to any lien or security interest created by the subdivision, or subordinate the lien or security interest to other liens or encumbrances, in conjunction with the acceptance of the satisfactory completion of a portion of the improvements, if the Board determines that security for performance is sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the completion of agreed upon improvements. The amount of reduction of the security will be determined by the Director of Public Works; however, in no case shall the security be reduced to less than ten percent (10%) of the total improvement security given for faithful performance.

b. Release of Security

(1) Performance Security

Except as provided in paragraph a., above, the performance security will be released only upon acceptance of the improvements by the County and when an approved warranty security has been filed with the Director of Public Works.

(2) Material and Labor Security

Security for the payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment will, six (6) months after the completion and acceptance of the improvements by the County, be reduced to an amount equal to the amount of all claims filed for which notice has been given in writing to the Board of Supervisors. The balance of

the security will be released upon the settlement of all claims and obligations for which the security was given.

(3) Warranty Security

The warranty security will be released upon satisfactory completion of the warranty period provided:

- (a) All deficiencies appearing on the warranty deficiency list for the subdivision have been corrected; and
- (b) Not less than twelve (12) months have elapsed since the acceptance of the improvements by the Board of Supervisors.

## ***Chapter 9.72 - Improvement Construction, Inspection And Acceptance***

### **9.72.010 - Improvement Construction**

1. Prior to Start of Construction

Before construction of improvements may begin, the subdivider must have completed the following:

- a. Improvement plans have been submitted and approved by the Director of Public Works as required in Section 9.68.010;
- b. An improvement agreement has been entered into as required in Section 9.68.030;
- c. An inspection fee has been paid as required in Section 9.72.020.2;
- d. Any additional permits that may be required by the Planning and Building Department, the Department of Public Works or an affected utility or service agency or district have been obtained;
- e. A preconstruction conference with the Director of Public Works or authorized representative has been held; and
- f. A written notice has been submitted to the Director of Public Works, notifying the County at least forty-eight (48) hours in advance that construction will begin.

## 2. Construction Time Limits and Extensions

### a. Major Subdivisions

#### (1) Standard Requirement

The subdivision improvements must be completed by the subdivider within twelve (12) months from the recording of the final map. Should the subdivider fail to complete the improvements within the specified time, the County may, at its option, complete any or all uncompleted improvements and the parties executing the surety or sureties will be firmly bound for the payment of all necessary costs.

#### (2) Exceptions

(a) At its option, the County may require completion of the improvements prior to the recording of the final map if found to be necessary for public health or safety or for the orderly development of the surrounding area.

(b) The time limit for completion may be longer or shorter than the standard twelve (12) months if agreed upon by the subdivider and the County. The mutually accepted time limit must be specified in the improvement agreement.

### b. Minor Subdivisions

#### (1) Standard Requirement

Completion of subdivision improvements will be required prior to issuance of a building permit or other grant of approval for the development of any lot within the subdivision.

#### (2) Exceptions

(a) A construction time limit may be set by mutual agreement between the County and the subdivider. This time limit should be specified in the improvement agreement.

(b) The County may require the completion of the improvements by a specified date following approval of the parcel map if the Director of Public Works finds it is necessary for reasons of public health and safety, or the required construction is a necessary prerequisite to the orderly development of the surrounding area.

### c. Remainder Parcels

- (1) A remainder parcel must:
  - (a) be accessible from an existing public or private roadway;
  - (b) be serviceable by existing off-site and/or future on-site utilities/facilities;
  - (c) be buildable in terms of available land area in sufficient quantity and with appropriate characteristics capable of accommodating a structure in keeping with the land use(s) permissible by the zoning on the property; therefore, all remainder parcels in the RM Zone must retain a density credit from the density credits previously approved for the subdivision application by the County.
- (2) Except in the PAD or the RM/CZ zoning districts, where remainder parcels are made a part of a final map or parcel map, the owner may be required to enter into an agreement with the County to construct improvements within the remainder at some future date and prior to the issuance of a permit or other grant of approval for the development of a remainder parcel. The improvements must be paid for by the owner. In the absence of an agreement, the County may require fulfillment of the construction requirements within a reasonable time following approval of the final map or parcel map and prior to the issuance of a permit or other grant of approval for the development of the remainder parcel, upon a finding that construction of improvements within the remainder is necessary for reasons of public health and safety, or the required construction is a necessary prerequisite to the orderly development of the surrounding area.
- (3) A remainder parcel may subsequently be sold without any further requirement of the filing of a parcel map or final map, but the County may require a certificate of compliance or conditional certificate of compliance.

d. Extensions

- (1) If the time limit specified for completion of improvements will not be met by the subdivider, it may be extended by the Board of Supervisors for major subdivisions and by the Director of Public Works for minor subdivisions upon written request by the subdivider and the submittal of adequate evidence to justify the extension.

The request must be made not less than thirty (30) days prior to expiration of the subdivision improvement agreement.
- (2) The subdivider must enter into a subdivision improvement agreement extension with the County. The agreement must be prepared and signed by the Director of Public Works, approved as to form by the County Counsel, and executed by the subdivider. For major subdivisions, the extension agreement should be transmitted to the Board of Supervisors for



its consideration. If approved by the Board, the President of the Board of Supervisors will execute the agreement on behalf of the County.

- (3) In exchange for consideration of a subdivision improvement agreement extension, the following may be required:
  - (a) Revision of improvement plans to provide for current design and construction standards when required by the Director of Public Works.
  - (b) Revised improvement construction estimates to reflect current improvement costs as approved by the Director of Public Works.
  - (c) Increase of improvement securities in accordance with revised construction estimates.
  - (d) Inspection fees may be increased to reflect current construction costs.
- (4) The Board of Supervisors or Director of Public Works, as the case may be, may impose additional requirements as a condition to approving any time extension for the completion of improvements.
- (5) The costs incurred by the County in processing an extension of time for improvement completion must be borne by the subdivider at actual cost plus twenty-five percent (25%) of such cost for overhead expenses.

## **9.72.020 - Inspections**

### **1. Inspections Required**

All improvements are subject to regular inspections by the Director of Public Works or authorized representative.

2. Inspection Fee

A fee will be charged to the subdivider to cover the actual costs incurred by the County for inspection of the improvement construction. Prior to the start of construction, or final map or parcel map approval, whichever occurs first, the subdivider must deposit with the County an amount estimated by the Public Works Director to be sufficient to cover all costs of such inspection. If the actual cost exceeds the deposited amount, the subdivider will be required to supplement the deposit with an additional amount as determined by the Director of Public Works before any further construction is permitted to continue.

3. Preliminary Final Inspection

- a. Upon completion of the subdivision improvements, the subdivider must apply in writing to the Director of Public Works for a preliminary final inspection. The Director of Public Works or authorized representative will schedule a preliminary final inspection.
- b. A deficiency list will be compiled during the inspection, noting all corrections or any additional work required. If the number of items is excessive or the subdivision appears incomplete, the preliminary final inspection may be halted and rescheduled on a date as determined by the Director of Public Works or authorized representative.
- c. When the preliminary final inspection has been completed, a copy of the deficiency list will be transmitted to the subdivider for correction.

4. Final Inspection

- a. Upon completing all corrections or additional work as outlined by the deficiency list, the subdivider must certify in writing that all corrections have been completed satisfactorily and request a final inspection. The Director of Public Works or authorized representative will then make a final inspection.
- b. The completion of corrections indicated by the deficiency list will not relieve the subdivider from the responsibility of correcting any deficiency not shown on the list that may be subsequently discovered during the one year warranty period.
- c. After successfully passing the final inspection, the subdivider must submit to the Director of Public Works a reproducible set of as-built improvement plans.

## **9.72.030 - Completion And Acceptance Of Improvements**

### **1. Completion**

The construction of improvements must be completed within the time limits prescribed by Section 9.72.010.2. When all improvement deficiencies have been corrected and as-built improvement plans filed, the subdivision improvements will be considered by the County for acceptance.

### **2. Acceptance**

- a. Improvements dedicated to the public must be accepted by the Board of Supervisors for both major and minor subdivisions. The Director of Public Works or other authorized representative may be responsible for the acceptance of improvements in minor subdivisions, if they are private improvements. Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that in the case of public improvements, they have been accepted for public use.

- b. Notice of Completion

If the subdivision improvements have been accepted by the County, the Director of Public Works will file with the Clerk of the Board of Supervisors a Notice of Completion to be recorded with the County Recorder.

### **3. Acceptance of a Portion of the Improvements**

When requested by the subdivider in writing, the County may consider acceptance of a portion of the improvements as recommended by the Director of Public Works. The improvements will be accepted by the County only if it is in the public interest to do so. Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements imposed by this Chapter.

## **ARTICLE 4 - EXACTIONS**

### ***Chapter 9.76 - General Provisions***

#### **9.76.010 - Purpose And Scope Of Chapter**

The purpose of this Chapter is to establish the County's requirements and procedures for subdivision exactions. In exchange for granting subdivision approval, the County will generally require certain exactions from the subdivider. Such exactions will be required to: (1) offset the additional responsibilities the County will incur as a result of subdivision and development activities; (2) protect the health, safety and welfare of the public; and (3)

implement the County General Plan and any adopted area plan. The exaction requirements set forth in this Chapter shall apply in every case where the exaction substantially advances a legitimate County interest and does not deny the owner all economically viable use of the property to be subdivided.

## ***Chapter 9.80 - Roads, Streets, And Other Public Rights-Of-Way***

### **9.80.010 - General Requirements**

As a condition of approval of a tentative map or a tentative parcel map, the subdivider will be required to dedicate or make an irrevocable offer of dedication of all land within the subdivision that is needed for streets, alleys, including access rights and abutter's rights, drainage, public utility easements and other public easements including, but not limited to, trails. In addition, the subdivider may be required to improve all such streets and easements.

### **9.80.020 - Standard Requirements**

Dedications and improvements for roads, streets, and alleys must be of sufficient size, location and type as needed to provide safe, routine and emergency access to all resulting lots of the subdivision. Dedications and improvements for public utility and other public easements must be of sufficient size, location and type as needed to meet their intended purpose. In all cases, the requirements for dedications and improvements will be consistent with the County General Plan, any applicable area plan and the design and improvement requirements contained in Article 3 of the Subdivision Regulations.

### **9.80.030 - Procedure For Dedication Of Roads, Streets, And Other Rights-Of-Way For Specified Public Purposes**

1. Dedication by Statement on Final Map or Parcel Map
  - a. Dedications of or offers to dedicate interests in real property for specified public purposes shall be made by a statement on the final map or parcel map, signed and acknowledged by all parties having record title interest in the real property being subdivided. Signatures of parties owning certain types of interest, as described in Section 66436 of the Map Act, may be omitted if their names and the nature of their respective interests are stated on the map.
  - b. If any street shown on a final or parcel map is not offered for dedication, the statement may contain a declaration to this effect. If this declaration appears on the final or parcel map and the map is approved, then use of the street or streets by the public shall be permissive only.

- c. Offers of dedication of real property for street or public utility easement purposes shall be deemed not to include any public utility facilities located on or under the real property, unless and only to the extent that an intent to dedicate the facilities is expressly declared in the statement.

2. Acceptance of Offers of Dedication

- a. At the time of final map or parcel map approval, the Board of Supervisors will accept, accept subject to improvement, or reject, on behalf of the public, any offer of dedication for public use in conformity with the terms of the offer of dedication. The action taken will be stated on the map.
- b. Acceptance of offers of dedication on a final map or parcel map will not be effective until the final map or parcel map or a resolution of acceptance is recorded in the Office of the County Recorder.
- c. The Board of Supervisors may accept into the County road system any road for which an offer of dedication has been accepted or accepted subject to improvement.
- d. The County's acceptance of offers of dedication shall not, in and of itself, constitute an agreement by the County to assume responsibility for improvement or maintenance.

3. County to Record Certificate for Dedications

- a. If property is dedicated in fee for public purposes, or for making public improvements or constructing public facilities, other than for open space, parks or schools, the County shall record a certificate with the County Recorder. The certificate shall be attached to the final or parcel map and shall contain all of the following information:
  - (1) The name and address of the subdivider dedicating the property;
  - (2) A legal description of the real property dedicated;
  - (3) A statement that the County shall reconvey the property to the subdivider if the County makes a determination pursuant to this section that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities as specified in (c), below.
- b. The subdivider may request that the County make the determination that the same public purpose for which the dedication was required still exists, after payment of a fee set by resolution of the Board of Supervisors. The determination may be made by reference to a capital improvement plan, an applicable general or specific plan requirement, the subdivision map, or other public documents that identify the need for the dedication.

- c. If the County has determined that the same public purpose for which the dedication was required does not exist, it shall reconvey the property to the subdivider or the successor in interest, as specified in (a), above, except for all or any portion of the property that is required for that same public purpose or for public utilities.
- d. If the County decides to vacate, lease, sell or otherwise dispose of the dedicated property, the County shall give at least sixty (60) days notice to the subdivider whose name appears on the certificate before vacating, leasing, selling or otherwise disposing of the dedicated property. This notice is not required if the dedicated property will be used for the same public purpose for which it was dedicated.

#### 4. Rejected Offers

##### a. Rejected Offers to Remain Open

At the time of final or parcel map approval, if any streets, alleys, public utility easements, rights-of-way for local transit facilities, or storm drainage easements are rejected subject to Section 771.010 of the Code of Civil Procedure, the offer(s) of dedication will continue to remain open. Without any further action by the subdivider, at any time the Board of Supervisors may by resolution rescind the rejection, and accept and open such dedications for public use. This acceptance will be recorded with the County Recorder.

##### b. Termination of Rejected Offers

Rejected offers of dedication that remain open as described in paragraph a, above, may be terminated and abandoned:

- (1) When the procedure prescribed for the summary vacation of streets in Part 3 of Division 9 of the Streets and Highways Code is followed; or
- (2) When an application for resubdivision or reversion to acreage of a tract is filed, if the Board of Supervisors in approving the application finds that previously rejected dedications or offers of dedication are unnecessary for present or future public purpose, then such dedications or offers will be terminated when the new final map or parcel map is recorded with the County Recorder.

#### **9.80.040 - Waiver Of Direct Street Access**

As a condition of approval of any subdivision, the County may require that dedications or offers of dedication of streets include a waiver of direct access rights to any dedicated street from any abutting property as shown on a final or parcel map. If the dedication is accepted, the waiver will become effective in accordance with the provisions contained in the owner's certificate of the final or parcel map.

## ***Chapter 9.84 - Transit Facilities***

### **9.84.010 - General Requirements**

As a condition of approval of a tentative map, the subdivider may be required to dedicate or make an irrevocable offer of dedication for all land within the subdivision that is needed for local transit facilities including, but not limited to, bus turnouts, benches, shelters, and similar items that directly benefit the residents of the subdivision. In addition, the subdivider may be required to install such transit facilities.

### **9.84.020 - Limitations And Exemptions**

#### **1. Limited Application**

The dedication and installation of transit facilities may be required of any subdivision where, by virtue of its location along or proximity to existing or planned public transit route(s), such required transit facility(s) will augment the availability or choice of transit options for residents of or visitors to the subdivision.

In addition, prior to imposing the requirement for the dedication of transit facilities, the County must find that transit services are or will be made available to the subdivision within a reasonable time period.

#### **2. Exemption**

The requirement for dedication and installation of transit facilities does not apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building that is more than five (5) years old, when no new dwelling units are added.

### **9.84.030 - Standard Requirements**

Dedications and improvements for transit facilities must be of sufficient size, location and type as necessary to meet the transit needs of the subdivision. In all cases, the requirements for dedications and improvements will be consistent with the transit-related policies of the County General Plan and any applicable area plan. The requirements will also be determined by consultation with SamTrans or other transit provider serving the area.

### **9.84.040 - Procedure For Dedication Of Transit Facilities**

Dedications of or offers to dedicate interests in real property for transit facilities shall be made in accordance with 9.80.030.

## ***Chapter 9.88 - Bikeways***

### **9.88.010 - General Requirements**

As a condition of approval of a tentative map, whenever a subdivider is required to dedicate roadways to the public, the subdivider may also be required to dedicate and improve such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision.

### **9.88.020 - Limitation**

The dedication and improvement of bikeways may be required of any subdivision with proximity to existing or planned bikeway(s) sufficient for residents or visitors to the subdivision to readily utilize such required bikeway.

### **9.88.030 - Standard Requirements**

Dedications and improvements for bikeways must be of sufficient size, location and type as necessary to serve the subdivision. In all cases, the requirements for dedications and improvements will be consistent with the County General Plan, particularly the County Bikeways Plan, and any applicable area plan.

### **9.88.040 - Procedure For Dedication Of Bikeways**

Dedications of or offers to dedicate interests in real property for bikeways shall be made in accordance with 9.80.030.

## ***Chapter 9.92 - Public Facilities***

### **9.92.010 - General Requirements**

As a condition of approval of a tentative map or a tentative parcel map, the subdivider may be required to reserve all land within the subdivision that is needed for public facilities including, but not limited to, fire stations, libraries, parks and other public uses and facilities.



### **9.92.020 - Standard Requirements**

1. Reservations for public facilities must be of sufficient size, location and type as needed to meet their intended purpose. In all cases, the location of a public use for which the land is dedicated or reserved must be supported by and consistent with the policies and standards of the General Plan and any applicable area plan.
2. Requirements for the amount and location of the land to be reserved will be further determined by consultation with the organization or agency that is responsible for the operation of the public facility in question. For example, if land is to be set aside for a fire station, the fire district having jurisdiction in the area will be consulted.
3. Reserved areas must be of such size and shape as to permit the balance of property within which they are located to develop in an orderly and efficient manner. The land to be reserved must also be designed so as to permit an efficient division and development of the reserved area in the event that it is not acquired within the time period established by 9.92.030, below.

### **9.92.030 - Procedure For Reservation Of Land For Public Facilities**

1. At the time of final map or parcel map approval, the County or other public agency for whose benefit an area has been reserved will enter into a binding agreement with the subdivider to acquire the reserved area within two (2) years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement.
2. The purchase price will be the market value of the land and any improvements at the time of the filing of the tentative map or parcel map plus the taxes against the reserved area from the date of reservation and any other costs incurred by the subdivider in the maintenance of the reserved area, including interest costs incurred on any loan covering the reserved area.
3. If the public agency for whose benefit an area has been reserved does not enter into a binding agreement to acquire the reserved area within two (2) years after the completion and acceptance of all improvements, the reservation of the area will automatically terminate.

## ***Chapter 9.96 - Park And Recreation Facilities***

### **9.96.010 - General Requirements**

As a condition of approval of a tentative map or tentative parcel map, the subdivider shall dedicate land or pay a fee in lieu of dedication for the purposes of acquiring, developing, or rehabilitating County park and recreation facilities, and/or assisting other providers of park and recreation facilities in acquiring, developing, or rehabilitating facilities that will serve the proposed subdivision. The provisions of this chapter are enacted pursuant to Section 66477 of the State Government Code and are hereby found to be consistent with the recreational policies of the General Plan.

## 9.96.020 - Exemptions

The following subdivisions are exempt from the park and recreation dedication and fee requirements:

1. Subdivisions containing less than five (5) lots and not used for residential purposes. However, a condition may be placed on the tentative approval of any such subdivision that, if a building permit is requested for construction of a residential structure or structures on one or more of such lots within four years from the date the parcel map is recorded, the fee in lieu of dedication, as prescribed in this chapter, shall be paid by the owner of each such lot as a condition to the issuance of the building permit.
2. Commercial and industrial subdivisions.
3. Condominium projects or stock cooperatives that consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old, when no new dwelling units are added.

## 9.96.030 - Standard Requirements

1. Standard

Consistent with the County General Plan, the County finds that the public health, welfare and safety require that three (3) acres of real property for each one thousand persons residing in the County be devoted to park and recreational purposes.

2. Parkland Dedication

When, based upon the recreational policies of the County General Plan or any applicable area plan, the County determines that park land is required within the proposed subdivision to serve the immediate or future needs of its residents, the subdivider will be required to dedicate land within the subdivision for park and recreational purposes. The amount of land to be dedicated will be based on the standard established in subsection 1, above, and in accordance with the following formulas:

$$\begin{array}{lclcl} \text{Parkland Demand Due to} & = & \text{Number of Persons Per} & \times & .003 \text{ Acres} \\ \text{Subdivision (acres)} & & \text{Subdivision} & & \text{Person} \end{array}$$
  
$$\begin{array}{lclcl} \text{Number of Persons Per} & = & \text{Number of Dwelling Units Per} & \times & \text{Number of} \\ \text{Subdivision} & & \text{Subdivision} & & \text{Persons Per} \\ & & & & \text{Dwelling Unit} \end{array}$$

Number of persons per dwelling is determined by using data on household size from the most recent federal census.

3. Fees In Lieu of Land Dedication

When the proposed subdivision contains fifty (50) lots or less, an in-lieu fee shall be required of the subdivider. For subdivisions with more than fifty (50) parcels, at the County's option either an in-lieu fee or dedication of land shall be required. If a fee is imposed, the amount of the fee shall be equal to the value of the amount of land which would otherwise be dedicated pursuant to 2, above, and is determined by the following formula:

$$\begin{array}{rclcl} \text{Parkland Fee} & = & \text{Parkland Demand Due to} & \times & \text{Value Per Acre of Parcel} \\ \text{(dollars)} & & \text{Subdivision (acres)} & & \text{for Subdivision (dollars/acre)} \end{array}$$

Value, per acre of parcel proposed for subdivision, is determined by using the assessed value of the parcel proposed for subdivision as shown in the most recent equalized assessment roll.

4. Credit for Private Open Space or Improvements

a. Credit for Private Open Space

Where private open space for park and recreational purposes is provided in a planned development, real estate development, stock cooperative or community apartment project and such space is to be privately owned and maintained by future residents of the development, a credit not to exceed fifty percent (50%) may be given against the requirement of dedication for park and recreation purposes or payment of in lieu fees, provided the Board of Supervisors finds that it is in the public interest to do so, and that the following standards are met:

- (1) That yards, court areas, setbacks and other open areas required to be maintained by the zoning and building regulations are not included in the computation of such private open space; and
- (2) That the private ownership and maintenance of the open space is adequately provided for by written agreement, conveyance or restrictions; and
- (3) That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the subdivision and which cannot be defeated or eliminated without the consent of the Board of Supervisors; and
- (4) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land; and

- (5) That facilities proposed for the open space are in substantial accordance with the provisions of the recreational policies of the General Plan and any applicable area plan and are approved by the Board of Supervisors.

b. Credit for Improvements

If a subdivider provides park and recreational improvements to dedicated land, the value of the improvements together with any equipment will be credited against the dedication of land or payment of fees required by this chapter.

### **9.96.040 - Procedure For Dedication Of Park And Recreation Facilities**

Dedications of or offers to dedicate interests in real property for park and recreation facilities shall be made in accordance with 9.80.030.

### **9.96.050 - Procedure For Collection And Use Of Park And Recreation Fees**

1. Fees will be conveyed or paid directly to the County Parks Director.
2. The County will deposit collected fees in a trust or other similar fund. The County or other provider to which the fees are paid will develop a schedule pursuant to the Map Act specifying how, when, and where they will use the fees.
3. The County will: (a) expend fund monies, including accrued interest, for acquiring, developing, and rehabilitating County park and recreational facilities to serve the residents of the subdivision; (b) transfer fund monies to other providers of park and recreation facilities within unincorporated San Mateo County that will serve the proposed subdivision; and/or (c) any combination thereof. In addition, fees may be used for the purpose of developing new or rehabilitating existing park or recreational facilities in a neighborhood other than the neighborhood in which the subdivision for which fees were paid is located if all of the following requirements are met:
  - a. The neighborhood in which the fees are to be expended has fewer than three acres of park area per 1,000 members of the neighborhood population.
  - b. The neighborhood in which the subdivision for which the fees were paid has a park area per one thousand (1,000) members of the neighborhood population ratio that meets or exceeds the ratio of total unincorporated County population to existing total community and neighborhood park acreage in the unincorporated County but in no event is less than three (3) acres per one thousand (1,000) persons.

- c. The legislative body holds a public hearing before using the fees pursuant to this subparagraph.
  - d. The legislative body makes a finding supported by substantial evidence that it is reasonably foreseeable that future inhabitants of the subdivision for which the fee is imposed will use the proposed park and recreational facilities in the neighborhood where the fees are used.
  - e. The fees are used within a specified radius that complies with the city's or county's ordinance adopted pursuant to subdivision (a), and are consistent with the adopted general plan or specific plan of the city or county. For purposes of this clause, "specified radius" includes a planning area, zone of influence, or other geographic region designated by the city or county, that otherwise meets the requirements of this section.
4. The fees collected will be committed within five (5) years of payment or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they will be distributed and paid, without any deductions, to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of lots within the subdivision.

## ***Chapter 9.100 - Access To Ocean Shoreline***

### **9.100.010 - General Requirements**

As a condition of approval of a tentative map or tentative parcel map for a subdivision of land located between the Pacific Ocean shoreline and the nearest public road, the subdivider is required to protect all existing access to coastal resources, and if none exist, will be required to provide reasonable public access by fee title or easement from public highways to land below the ordinary high water mark on the coastline within or at a reasonable distance from the subdivision. Where the provision of safe access is not possible, the subdivider will be required to pay an in-lieu fee.

### **9.100.020 - Limitations**

The County will not deny either a tentative map or tentative parcel map, or a final or parcel map solely on the basis that the required access is not provided through or across the subdivision itself, if the County makes a finding that reasonable access is otherwise available within a reasonable distance from the subdivision and an in-lieu fee is to be paid. This finding shall be set forth on the face of the tentative map or tentative parcel map.

### **9.100.030 - Standard Requirements**

1. Factors Considered in Determining Access Requirements

The type of public access and the level of improvement required of the subdivider will be based on the policies of the Shoreline Access Component of the County's Local Coastal Program. In particular, as prescribed in LCP Policy 10.30, the subdivider's responsibility for the provision of access will be based on following factors: (a) the size and type of the subdivision; (b) the benefit to the subdivider; the priority given to the type of development that the subdivision is intended to accommodate under the Local Coastal Program; and (d) the impact of the subdivision and subsequent development, particularly the burden the proposed subdivision/ development would place on the public right of access to and use of the shoreline.

## 2. Access or Fee Required

A subdivider will be required to provide public access where the following shoreline destinations occur: (1) beaches which are large enough to provide space for easy retreat from normal tidal action, (2) bluffs which are large enough and of a physical character to accommodate safety improvements and which provide room for public use as a vista point, and beaches and bluffs designated appropriate for public use in the Site Specific Recommendations for Shoreline Destinations Table (Table 10.6 of the Local Coastal Program).

- a. Where lateral access areas/shoreline destinations occur, as described in (a), above, public access will be required in accordance with the following:
  - (1) For all minor land divisions, the subdivider will be required to grant or dedicate vertical and/or lateral access to either a private group or a public agency which is acceptable to the County. Responsibility for improvement and maintenance of the access will be assumed by the public agency or private group to which access is granted.
  - (2) For all major subdivisions, the subdivider will be required to dedicate or grant vertical and/or lateral access to a public agency or private group which is acceptable to the County. The subdivider may also be required to improve and maintain such access.
  - (3) Any access provided shall be located so as to be safe from flooding and shoreline erosion over the life of the development, based upon a realistic, science-based projection of sea level rise. Such projection shall coincide with the life of the development.
- b. In areas where there are no shoreline destinations of the type described in paragraph a, above, and it is not possible to provide public access due to physical constraints or public safety considerations, payment of an in-lieu fee will be required.

## 3. Standard Requirements for Access

- a. When Access is Required

When public access is required pursuant to 9.100.030.2, above, then a dedication or grant of either an easement or fee interest will be requested from the subdivider as follows:

- (1) If the land is to be used only to travel to and along the shoreline, then grant/dedication of an easement only will be required; or
- (2) If the land is to be used for more intensive development of recreational facilities, then grant/dedication of fee interest will be required.

b. Grant or Dedication

Whether a grant or dedication of land is required will be determined as follows:

- (1) A grant of fee interest or easement will be required when a private agency or association acceptable to the County is currently ready to accept the grant.
- (2) An offer of dedication of a fee interest or easement will be required when a public agency acceptable to the County is currently ready to accept the dedication.
- (3) An irrevocable offer of dedication will also be required when no agency or association is available to accept the access. Until the offer is accepted by a public agency or private association acceptable to the County, or the landowner consents, the dedicated accessway should not be open to the public.
- (4) If any offer to dedicate is not accepted within the timeframes prescribed in Section 9.100.040.4a and b, as applicable, then an in-lieu fee shall be paid to the County for acquiring or improving access.

c. When Improvements are Required

- (1) When a subdivider is required to install access improvements for a major subdivision, they will be in accordance with the Shoreline Access Component of the County's Local Coastal Program.
- (2) When shoreline access will be improved, maintained and operated by the property owner, recorded deed restrictions that bind the owner and successors to allowing public access and recreation on specified portion of the property will be required as a means to insure that access will remain open to the public.

4. Standard Requirement for In-Lieu Fee

When the payment of an in-lieu fee is required, the amount of the fee will be based on the costs of access provision to other coastal land owners undertaking developments of a similar size and impact. In-lieu fees shall be commensurate with the requirements of Section 9.100.030.2 (1) or (2), as applicable.

**9.100.040 - Procedure For Securing Ocean Shoreline Access**

1. Dedication by Statement on Final Map or Parcel Map

Dedications of or offers to dedicate interests in real property for ocean shoreline access must be made by a statement on the final map or parcel map, signed and acknowledged by all parties having record title interest in the real property being subdivided. Signatures of parties owning certain types of interest, as described in Section 66436 of the Map Act, may be omitted if their names and the nature of their respective interests are stated on the map.

2. Acceptance of Offers of Dedication

- a. The Board of Supervisors will accept, accept subject to improvement, or reject an offer of dedication at the time of final or parcel map approval. The action taken will be stated on the map.
- b. Acceptance of offers of dedication on a final map or parcel map will not be effective until the final or parcel map or a resolution of acceptance is recorded in the Office of the County Recorder.
- c. The County's acceptance of offers of dedication shall not, in and of itself, constitute an agreement by the County to assume responsibility for improvement or maintenance.

3. County to Record Certificate for Dedications

If property is dedicated in fee for public purposes, or for making public improvements or constructing public facilities, other than for open space, parks, or schools, the County shall record a certificate with the County Recorder as specified in Section 9.80.030.3.

4. Rejected Offers to Remain Open; Termination of Rejected Offers

- a. In the case of any subdivision fronting upon the ocean coastline, the offer of dedication of public access route or routes from public highways to land below the ordinary high water mark (vertical access), shall be accepted by the Board of Supervisors within three (3) years after the approval of the final or parcel map.



- b. Other offers of dedication for ocean shoreline access including, but not limited to, lateral access shall be accepted by the Board of Supervisors within twenty-one (21) years after the approval of the final map or parcel map.
- c. Offers of dedication which are not accepted within the time limits specified in (a) and (b), above, will be deemed abandoned.

5. Transfer of Dedicated Access Routes

Any ocean shoreline access route provided by a subdivider as required by this chapter may be, at any time and by mutual consent, conveyed or transferred to any State or local agency by the group or agency to which the route has been dedicated. The conveyance or transfer shall be recorded with the County Recorder.

6. Grants

A grant of easement or fee interest for ocean shoreline access as required by this chapter shall be made by a separate instrument, in a form acceptable to County Counsel. The instrument must accurately describe and convey the land being offered for access to a private agency or association acceptable to the County. It must be signed by all parties that have an interest in the land conveyed and be executed by the accepting agency or association. The grant instrument must be recorded concurrently with the final or parcel map of the subdivision.

- a. If a subdivider is required to make a dedication for specified public purposes on a final map, the Advisory Agency shall specify whether the dedication is to be in fee for public purposes or an easement for public purposes.
- b. If the dedication is required to be in fee for public purposes, the subdivider shall include the following language in the dedication clause on the final map or any separate instrument:

"The real property described below is dedicated in fee for public purposes: (here insert a description of the dedicated property that is adequate to convey the property)."

- c. If the dedication is required to be an easement for public purposes, the subdivider shall include the following language in the dedication clause on the final map or any separate instrument:

"The real property described below is dedicated as an easement for public purposes: (here insert a description of the easement that is adequate to convey the dedicated property)."

7. In-Lieu Fees

- a. Fees will be paid directly to the County Director of Planning and Building.
- b. The County will deposit the collected fee into the County Coastal Access Acquisition and Improvement Fund. Fund monies will be expended to acquire and develop important access trails and shoreline destinations in accordance with the priorities established by Table 10.5 of the LCP Shoreline Access Component.
- c. The fees collected will be committed within five years of payment or, if the fees have not yet been committed, the County will make findings confirming the purpose to which the fee is to be put and demonstrating the reasonable relationship between the amount of the fee and its purpose. If these findings cannot be made, the fees will be refunded to the property owners in the subdivision on a pro rata basis.

## ***Chapter 9.104 - Access To Bay Shoreline Or Publicly Owned Lakes And Reservoirs***

### **Section 7062. General Requirements**

1. As a condition of approval of a tentative map or tentative parcel map for a subdivision of land fronting on San Francisco Bay, the subdivider will be required to provide reasonable public access by fee or easement from public highways to land below the ordinary high water mark on any bay shoreline within or at a reasonable distance from the subdivision.
2. As a condition of approval of a tentative map or tentative parcel map for a subdivision of land fronting on any lake or reservoir which is owned in part or entirely by any public agency, including the State, the subdivider will be required to provide public access from public roads to any water of the lake or reservoir upon which the subdivision borders, either within or at a reasonable distance from the subdivision.

### **Section 7063. Limitations**

1. The County will not deny either a tentative map or tentative parcel map solely on the basis that the required access otherwise required by this chapter is not provided through or across the subdivision itself, if the County makes a finding that public access is otherwise available within a reasonable distance from the subdivision. This finding shall be written on the face of the tentative map or tentative parcel map
2. The subdivider will not be required to improve any access route(s) that is primarily for the use or benefit of non-residents of the subdivision.

### **Section 7064. Standard Requirements**

Dedicated access routes must be of sufficient size and located so as to provide safe public access to land below the ordinary high water mark of the bay or to any water of a publicly owned lake or reservoir. In determining reasonable access requirements for each subdivision, the County will consider the following:

1. That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel;
2. The size of the subdivision;
3. The type of shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, fishing, boating, walking and scientific exploration;
4. The likelihood of trespass on private property and reasonable means of avoiding such trespasses; and
5. In the case of access to San Francisco Bay, any applicable policies or regulations of the San Francisco Bay Conservation and Development Commission (BCDC).

#### **Section 7065. Procedure For Dedicating Access To Bay Shoreline Or To Publicly Owned Lakes Or Reservoirs**

1. Dedication by Statement on Final Map or Parcel Map

Dedications of or offers to dedicate interests in real property for bay shoreline access, or for access to any publicly owned lake or reservoir, must be made by a statement on the final map or parcel map, signed and acknowledged by all parties having record title interest in the real property being subdivided. Signatures of parties owning certain types of interest, as described in Section 66436 of the Map Act, may be omitted if their names and the nature of their respective interests are stated on the map.

2. Acceptance of Offers of Dedication

- a. The Board of Supervisors will accept, accept subject to improvement, or reject an offer of dedication at the time of final or parcel map approval. The action taken will be stated on the map.
- b. Acceptance of offers of dedication on a final map or parcel map will not be effective until the final or parcel map or a resolution of acceptance is recorded in the Office of the County Recorder.
- c. The County's acceptance of offers of dedication shall not, in and of itself, constitute an agreement by the County to assume responsibility for improvement or maintenance.

3. County to Record Certificate for Dedications

If property is dedicated in fee for public purposes, or for making public improvements or constructing public facilities, other than for open space, parks, or schools, the County shall record a certificate with the County Recorder as specified in Section 9.80.030.3.

4. Rejected Offers to Remain Open; Termination of Rejected Offers

- a. In the case of any subdivision fronting upon the bay shoreline, the offer of dedication of public access route or routes from public highways to land below the ordinary high water mark shall be accepted by the Board of Supervisors within three years after the approval of the final or parcel map.
- b. In the case of any subdivision fronting upon any lake or reservoir which is owned in part or entirely by any public agency, including the State, the offer of dedication of public access route or routes from public highways to any water of such lake or reservoir shall be accepted by the Board of Supervisors within five years after the approval of the final map or parcel map.
- c. Offers of dedication which are not accepted within the time limits specified in (a) and (b), above, will be deemed abandoned.

## ***Chapter 9.108 - Agriculture Protection In The Planned Agricultural District***

### **9.108.010 - General Requirements**

As a condition of approval of a tentative map or tentative parcel map for any subdivision of land located within the Planned Agricultural District (PAD) and to comply with PAD requirements, the subdivider will be required to dedicate to the County an easement which limits the use of the land covered by the easement to certain agricultural and related uses.

### **9.108.020 - Exemptions**

Pursuant to LCP Policy 5.14b, the requirement to grant an agriculture protection easement does not apply to subdivisions that solely provide affordable housing, as defined in Section 9.08.010.

### **9.108.030 - Standard Requirements**

1. Prerequisites to Subdivision Approval

- a. Master Land Division Plan

Before filing a tentative map or tentative parcel map for any subdivision of land zoned PAD, the subdivider must file a Master Land Division Plan (MLDP) in accordance with Section 8.106.150.a of the County Zoning Regulations. Subdivision shall be permitted in phases, in which case all future subdivisions occurring on land for which has been approved must conform to that plan. However, MLDPs shall not be required for land divisions which solely provide affordable housing, as defined in Section 9.08.010.

b. Easements Required on Agricultural Parcels

As a condition of approval, the subdivider must dedicate to the County an easement as prescribed in Section 8.106.150.b of the County Zoning Regulations.

c. Agricultural Land Management Plan

For parcels twenty (20) acres or more in size before a subdivision application is filed, the applicant must file an Agricultural Land Management Plan (ALMP) demonstrating how, if applicable, the agricultural productivity of the land will be fostered and preserved in accordance with the requirements of Sections 8.106.010 and of the County Zoning Regulations.

2. Conditions on Subdivision Approval

a. Consistency With Master Land Division Plan and Agricultural Land Management Plan

Any subdivision of land in the PAD for which a MLDP and an ALMP, if applicable, have been approved must be consistent with such plan(s). The easement covering agricultural parcels required by the MLDP must be clearly and accurately shown on the tentative map or tentative parcel map filed for the proposed subdivision.

b. Map and Deed Notice

When a parcel on or adjacent to agricultural land is subdivided, the following statement must be included as a condition of approval on all final maps and parcel maps, and in each parcel deed:

“This subdivision is adjacent to property utilized for agricultural purposes, and residents of the subdivision may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers; and from the pursuit of agricultural operations, including plowing, spraying, pruning and harvesting, which occasionally generate dust, smoke, noise and odor. San Mateo County has established agriculture as a priority use of productive agricultural lands and residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations.”

## **9.108.040 - Procedure For Dedicating Agricultural Easement**

Dedications of or offers to dedicate interests in real property for agricultural preservation shall be made in accordance with Section 9.80.030.

## ***Chapter 9.112 - Open Space Preservation In The Resource Management/Coastal Zone District***

### **9.112.010 - General Requirements**

As a condition of approval of a tentative map or parcel map for any subdivision of land within the Resource Management/Coastal Zone District (RM/CZ), the subdivider will be required to dedicate to the County a conservation/open space easement which limits the use of the land covered by the easement to certain uses that are consistent with open space and the conservation of natural resources.

### **9.112.020 - Exemption**

Pursuant to LCP Policy 1.9b, the requirement to grant a conservation/open space easement does not apply to subdivisions that solely provide affordable housing, as defined in Section 9.08.010.

### **9.112.030 - Standard Requirements**

#### **1. Prerequisites to Subdivision Approval**

Before filing a tentative map or tentative parcel map for any subdivision of land in the RM/CZ District, the maximum density of development of the parent parcel(s) must be determined in accordance with the criteria set forth in Section 8.106.070 of the County Zoning Regulations. Any tentative map or tentative parcel map subsequently filed for parcels that have undergone the determination of maximum density must be consistent with that determination with regard to density. In addition, the subdivision must be designed to meet the Development Review Criteria contained in Chapter 8.292 of the County Zoning Regulations including, but not limited to, the requirement that development be clustered to minimize disruption of the natural landscape and that use of land subject to hazards (e.g., fire, flooding, erosion) be limited or prohibited.

#### **2. Easement Required on Residual Parcels**

As a condition of approval of a subdivision in the RM/CZ District, residual land that is undevelopable due to the limitation of density or the presence of hazards must be restricted to open space uses by an easement

containing a covenant with the County, running with the land in perpetuity, which limits the use of the land covered by the easement to uses consistent with the definition of open space provided in this chapter.

#### **9.112.040 - Procedure For Dedicating Conservation/Open Space Easement**

Dedications of or offers to dedicate interests in real property for open space preservation shall be made in accordance with Section 9.80.030.

### ***Chapter 9.116 - School Sites***

#### **9.116.010 - General Requirements**

As a condition of approval of a tentative map, a subdivider who develops or completes the development of one or more subdivisions within a school district that maintains an elementary school may be required to dedicate to the school district land needed for an elementary school site.

#### **9.116.020 - Limitation And Exemption**

1. In no case, may dedication of land be required in an amount which would make development of the remaining land held by the subdivider economically infeasible or which would exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.
2. The requirement for elementary school site dedication does not apply to a subdivider who has owned the land being subdivided for more than ten (10) years prior to the filing of the tentative map.

#### **9.116.030 - Standard Requirements**

Dedications for elementary school sites shall be of sufficient size, location and type as necessary to meet the elementary school needs of the subdivision. Dedication requirements may also take into account anticipated growth in the area which can reasonably be expected to increase demand for school services in the future. The elementary school site dedication requirements will be determined by the Board of Supervisors in consultation with the school district providing elementary school service in the area of the subdivision.

#### **9.116.040 - Procedure For Dedication Of School Sites**

1. Offer and Acceptance of Dedication

The requirement of dedication will be imposed at the time of approval of the tentative map. If within thirty (30) days after the requirement of dedication is imposed by the County the school district does not offer, in writing, to enter into a binding commitment with the subdivider to accept the dedication, the requirement will be automatically terminated. If the school district does offer, in writing, to enter into a binding commitment, the required dedication may be accepted any time before, concurrently with, or up to sixty (60) days after the recording of the final map on any portion of the subdivision.

2. Repayment to Subdivider

The school district will, if it accepts the dedication, repay to the subdivider or successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

- a. The cost of any improvements made by the subdivider to the dedicated land since acquisition by the subdivider;
- b. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication;
- c. Any other costs incurred by the subdivider in maintenance of the dedicated land, including interest costs incurred on any loan covering the land.

3. Certificate to be Recorded

- a. The school district to which the property is dedicated will record a certificate with the Office of the County Recorder. The certificate will contain the following information:
  - (1) The name and address of the subdivider dedicating the property.
  - (2) A legal description of the real property dedicated.
  - (3) A statement that the subdivider dedicating the property has an option to repurchase the property if it is not used by the school district as a school site within ten (10) years after dedication.
  - (4) Proof of the acceptance of the dedication by the school district and the date of the acceptance.
- b. The certificate must be recorded not more than ten (10) days after the date of acceptance of the dedication. The subdivider will have the right to compel the school district to record the certificate, but until the certificate is recorded, any rights acquired by any third party dealing in good faith with the school district will not be impaired or otherwise affected by the option right of the subdivider.



4. Option to Repurchase

If the school district accepts the dedication, but the land is not used by the school district as a school site within ten (10) years after dedication, the subdivider will have the option to repurchase the property from the district for the original amount paid.

## ***Chapter 9.120 - Supplemental Improvement Capacity***

### **9.120.010 - General Requirements**

1. As a condition of approval of a tentative map, the subdivider may be required to install and dedicate to the public improvements for the subdivision's benefit that contain supplemental size, capacity, number or length for the benefit of property not within the subdivision.
2. In the event the installation of supplemental improvements is required, the County shall enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of those improvements, including an amount attributable to interest, in excess of the construction required for the subdivision.

### **9.120.020 - Exemptions**

The requirement to provide supplemental improvement capacity does not apply to minor subdivisions, as defined in Section 9.08.010.

### **9.120.030 - Standard Requirements**

The subdivider will be required to install oversize improvements to be used for immediate or future benefit of property not in the subdivision when, in the opinion of the Director of Planning and Building or the Director of Public Works, it is necessary:

1. To promote public health, safety, and welfare; and
2. To allow for orderly development of the area in accordance with the General Plan.

### **9.120.040 - Procedure For Dedication And Reimbursement For Supplemental Improvements**

1. Dedication Procedure

a. Dedication by Statement on Final Map or Parcel Map

- (1) Dedications of or offers to dedicate interests in real property for roads or other specified public purposes must be made by a statement on the final map or parcel map, signed and acknowledged by all parties having record title interest in the real property being subdivided. Signatures of parties owning certain types of interest, as described in Section 66436 of the Map Act, may be omitted if their names and the nature of their respective interests are stated on the map.
- (2) Offers of dedication of real property for street or public utility easement purposes will not include any public utility facilities located on or under the real property, unless and only to the extent that an intent to dedicate the facilities is expressly declared in the statement.

b. Acceptance of Offers of Dedication

- (1) The Board of Supervisors will accept, accept subject to improvement, or reject any offer of dedication at the time of final or parcel map approval. The action taken will be stated on the map.
- (2) Acceptance of offers of dedication on a final map or parcel map will not be effective until the final or parcel map or a resolution of acceptance is recorded in the Office of the County Recorder.
- (3) The County's acceptance of offers of dedication shall not, in and of itself, constitute an agreement by the County to assume responsibility for improvement or maintenance.

c. County to Record Certificate for Dedications

If property is dedicated in fee for public purposes, or for making public improvements or constructing public facilities, other than for open space, parks or schools, the County shall record a certificate with the County Recorder as specified in Section 9.80.030.3.

d. Rejected Offers

(1) Rejected Offers to Remain Open

At the time of final or parcel map approval, if any streets, alleys, drainage or public utility easements are rejected subject to Section 771.010 of the Code of Civil Procedure, the offer(s) of dedication will continue to remain open. Without any further action by the subdivider, at any time the Board of Supervisors may by resolution rescind the rejection, and

accept and open such dedications for public use. This acceptance will be recorded with the County Recorder.

(2) Termination of Rejected Offers

Rejected offers of dedication that remain open as described in (1), above, may be terminated and abandoned:

- (a) When the procedure prescribed for the summary vacation of streets in Part 3 of Division 9 of the Streets and Highways Code is followed; or
- (b) When an application for resubdivision or reversion to acreage of a tract is filed, if the Board of Supervisors in approving the application finds that previously rejected dedications or offers of dedication are unnecessary for present or future public purpose, then such dedications or offers shall be terminated when the new final map or parcel map is recorded with the County Recorder.

2. Procedure for Reimbursement to Subdivider

a. Reimbursement Agreement

If the County requires the installation of improvements that have supplemental size, capacity, number or length, the County will enter into a reimbursement agreement with the subdivider. The agreement will be of a form acceptable to County Counsel and will specify the amount of the reimbursement, which will be that portion of the improvements equal to the difference between the amount it would have cost to install such improvements to serve the subdivision only, and the actual cost of the improvements as determined by the Director of Public Works.

b. Methods of Payment Under Reimbursement Agreement

In order to pay the costs as required by the reimbursement agreement, the County may do any of the following:

- (1) Impose a use charge on persons, including public agencies, that use the improvements;
- (2) Levy a charge upon the real property benefited outside the subdivision; and
- (3) Establish local benefit districts to levy and collect charges or costs from the outside property benefited.

## ***Chapter 9.124 - Storm Drainage And Sanitary Sewer Facilities***

### **9.124.010 - General Requirements**

As a condition of approval of a tentative map or a tentative parcel map, the subdivider may be required to pay a fee to defray the actual or estimated costs of constructing storm drainage facilities and/or sanitary sewer facilities planned for local or neighborhood areas.

### **9.124.020 - Limitation**

Before a storm drainage or sanitary sewer fee may be imposed, the County must adopt an ordinance establishing such fees at least thirty (30) days prior to the filing of the tentative map or parcel map. In addition, the ordinance must meet the criteria set forth in Section 9.124.030, below.

### **9.124.030 - Criteria For Enacting A Storm Drainage Or Sanitary Sewer Fee Ordinance**

An ordinance adopted by the Board of Supervisors to establish and impose storm drainage or sanitary sewer fees must meet the following criteria:

1. Reference to Storm Drainage or Sanitary Sewer Plan

The ordinance must refer to a storm drainage or sanitary sewer plan that conforms to the County General Plan and contains the following:

- a. A description of the drainage or sanitary sewer facilities planned, including a map showing their location and the boundaries of the area they will serve; and
- b. An estimate of the total costs of constructing the facilities.

2. Finding of Need for Facilities

The ordinance must state that the Board of Supervisors finds that subdivision and development of property within the planned local drainage or local sanitary sewer area will necessitate construction of the facilities described in the drainage or sanitary sewer plan.

3. Finding that Fees Are Fairly Apportioned

The ordinance must state that the Board of Supervisors finds that fees are fairly apportioned within the local drainage or local sanitary sewer area either on the basis of benefits conferred on property proposed for subdivision, or on the need for the facilities created by the proposed subdivision and development of other property within the area.

4. Fee Not to Exceed Pro Rata Share

The ordinance must establish that the fee may not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within the area, which would be assessable on such property if the costs were apportioned uniformly on a per-acre basis.

5. Facilities Are in Addition to Existing Facilities

The ordinance must state that the drainage or sanitary sewer facilities to be financed by the fees are in addition to existing facilities serving the area at the time the storm drainage or sanitary sewer facility plan was adopted.

## **9.124.040 - Procedure For Payment Of Storm Drainage Or Sanitary Sewer Fee**

1. Collection of Fees

- a. Fees will be conveyed or paid directly to the County Director of Public Works. If another local public agency is to provide the storm drainage or sanitary sewer facilities, the fees collected by the County may be conveyed to that agency.
- b. Fees will be deposited by the County or other storm drainage or sanitary sewer facility provider into a "planned local drainage facilities fund" or a "planned local sanitary sewer fund." Separate funds will be established for each local drainage and sanitary sewer area.

2. Use of Fees

- a. Monies in planned local drainage or sanitary sewer facilities funds will be expended solely for the construction or reimbursement for construction of local drainage or sanitary sewer facilities within the area from which the fees comprising the fund were collected. The fees may also be used to reimburse the County or other local public agency for the cost of engineering and administrative services to form the district and design and construct the facilities.
- b. The County or other local public agency providing the storm drainage or sanitary sewer facilities may advance money from its general fund to pay the costs of constructing such facilities and reimburse the general fund for such advances from the planned local drainage or sanitary sewer facilities fund for the local drainage or sanitary sewer area in which the facilities were constructed.

- c. The County or other local public agency receiving fees pursuant to this chapter may incur an indebtedness for the construction of drainage or sanitary sewer facilities, provided that the sole security for repayment of such indebtedness will be monies in the planned local drainage or sanitary sewer facilities fund for that area.

3. Disposition of Surplus Funds

After completion of the facilities and the payment of all claims from any planned local drainage facilities fund or any planned local sanitary sewer fund, the Board of Supervisors will determine by resolution the amount of the surplus, if any, remaining in any of those funds. Any surplus will be used for one or more of the following purposes:

- a. For transfer to the general fund of the County, provided that the amount of the transfer does not exceed five percent (5%) of the total amount expended from the particular fund, and provided that the funds transferred are used to support the operation and maintenance of those facilities for which the fees were collected;
- b. For the construction of additional or modified facilities within the particular drainage or sanitary sewer area; or
- c. As a refund in the manner provided in subsection 4 below.

4. Refund of Surplus Funds

Any surplus funds remaining may be refunded as follows:

- a. Surplus funds may be refunded to the current owners of property for which a fee was previously collected, in the same proportion which each individual fee collected bears to the total of all individual fees collected from the particular drainage or sewer area;
- b. Where property for which a fee was previously collected has subsequently been subdivided, each current owner of a lot must receive a share of the refund in the same proportion that the area of each individual lot bears to the total area of the property for which a fee was previously collected; and
- c. Any remaining portion of the surplus which has not been paid to or claimed by entitled persons within two years from the date either of the completion of the improvements, or the adoption by the Board of Supervisors of a resolution declaring a surplus, whichever occurs later, will be transferred to the general fund of the County.

## ***Chapter 9.128 - Bridges And Major Thoroughfares, And Other Transportation Facilities***

### **9.128.010 - General Requirements**

As a condition of approval of a final map or the issuance of a building permit, the subdivider or applicant may be required to pay a fee to defray the actual or estimated costs of constructing bridges, major thoroughfares, or other transportation facilities.

### **9.128.020 - Limitation**

Before bridge, major thoroughfare, or other transportation facilities fees may be imposed, the County must adopt an ordinance establishing such fees at least thirty (30) days prior to the filing of the subdivision map or application for building permit. The ordinance must meet the criteria set forth in Section 9.128.030, below.

### **9.128.030 - Criteria For Enacting A Bridge And Major Thoroughfare, And Other Transportation Facilities Fee Ordinance.**

An ordinance adopted by the Board of Supervisors to establish and impose bridge and major thoroughfare fees must meet the following criteria:

1. Reference to the Transportation Chapter

a. Bridges

In the case of bridges, the ordinance must refer to the transportation or flood control provisions of the Transportation Chapter of the General Plan that identify railways, freeways, waterways or canyons for which bridge crossings are required.

b. Major Thoroughfares

In the case of major thoroughfares, the ordinance must refer to the provisions of the Transportation Chapter of the General Plan which identify roads and streets as major thoroughfares.

c. Other Transportation Facilities

In the case of other transportation facilities, the ordinance must refer to the provisions of the Transportation Chapter of the General Plan, or other adopted plans and policies as may be applicable such as the Transportation Improvement Plan, Local Coastal Program, Connect the Coastside, and Climate Action Plan, that identify those transportation facilities that are required to minimize the use of automobiles and minimize the traffic impacts of new development on existing roads.

2. Description of Bridges, Major Thoroughfares, or Other Transportation Facilities to be Constructed

The ordinance must include a description of the bridge, major thoroughfare, or other transportation facilities must be in addition to or a reconstruction of any existing bridge, major thoroughfare, or other transportation facilities serving an area at the time the ordinance is adopted. In addition, the description of facilities to be constructed must include the following information:

a. Area of Benefit Boundaries

- (1) The area to benefit from the new facilities to be constructed must be clearly defined. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of any map or building permit application considered at the proceedings.
- (2) All property within the area of benefit will be subject to the fee requirement, payable as a condition of approval of a final map or parcel map, or as a condition of issuing a building permit for the property or portions of the property. Where the area of benefit includes lands not subject to the payment of fees pursuant to this chapter, the County will make provision for payment from other sources of the share of improvement costs apportioned to those lands.

b. Construction Cost Estimate

- (1) An accurate estimate of the costs of construction, as approved by the Director of Public Works, must be included in the description.
- (2) The term "construction" as used in this chapter includes design, acquisition of real property and/or right-of-way, administration of construction contracts, and actual on-site fabrication and/or assembly.

c. Method of Fee Apportionment

- (1) The method of fee apportionment must be described. The fee may be apportioned to land within the area of benefit according to the degree of benefit conferred on such property or by such other method considered by the Board of Supervisors to be fair and reasonable.



- (2) In the case of major thoroughfares, the method of fee apportionment shall not provide for higher fees on land which abuts the proposed improvement except where the abutting property is provided direct usable access to the major thoroughfare.

3. Requirement for Public Hearing

- a. A public hearing is required prior to adoption of the ordinance by the Board of Supervisors. If there is more than one area of benefit involved, a public hearing must be held for each area of benefit.
- b. Notice for the public hearing must be given pursuant to Government Code Section 65091 and will include preliminary information related to the boundaries of the area of benefit, estimated cost, and the method of fee apportionment. These issues must be discussed and established at the public hearing.
- c. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be incorporated in a resolution of the Board of Supervisors, a certified copy of which shall be recorded with the County Recorder.

4. Provision for Protest

- a. The ordinance must provide for written protests to be filed with the Clerk of the Board prior to the close of the public hearing on the proposed bridge, major thoroughfare, or other transportation facilities project.
- b. If such a protest is filed by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings will be abandoned, and the Board of Supervisors will not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this chapter.
- c. If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this chapter to construct that portion of the improvement shall be barred for a period of one year, but the Board of Supervisors may commence new proceedings which exclude that part of the improvement or acquisition protested against. Nothing in this section prohibits the Board, within that one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with that portion of the improvement or acquisition.
- d. Nothing in this chapter precludes the processing and recordation of maps in accordance with other provisions of the Subdivision Regulations if the proceedings are abandoned.

**SECTION 7089. PROCEDURE FOR PAYMENT OF BRIDGE, AND MAJOR THOROUGHFARE, AND OTHER TRANSPORTATION FACILITIES FEES**

**1. Collection of Fees**

- a. Fees will be conveyed or paid directly to the County Director of Public Works.
- b. Fees will be deposited by the County in a planned bridge facility, major thoroughfare, or other transportation facilities fund. A fund will be established for each planned bridge facility, planned major thoroughfare project, or other planned transportation facilities project. If the benefit area is one in which more than one bridge, major thoroughfare, and/or other transportation facility is required to be constructed, a fund may be so established covering all such projects in the benefit area.

**2. Use of Fees**

- a. Money in the fund will be expended solely for the construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the County for the cost of constructing the improvement.
- b. The County may advance money from the general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund for any advances from planned bridge facility, major thoroughfare, or other transportation facilities funds established to finance the construction of those improvements.
- c. The County may incur an interest-bearing indebtedness for the construction of bridge facilities, major thoroughfares, or other transportation facilities. However, the sole security for repayment of that indebtedness must be monies in planned bridge facility, major thoroughfare, or other transportation facilities funds.

***Chapter 9.132 - Groundwater Recharge Facilities***

**9.132.010 - General Requirements**

As a condition of approval of a final or parcel map or the issuance of a building permit, the subdivider or applicant may be required to pay a fee to defray the actual or estimated cost of constructing recharge facilities for the replenishment of the underground water supply.

**9.132.020 - Limitation**

Before a groundwater recharge facility fee may be imposed, the County must adopt an ordinance establishing such fees at least thirty (30) days prior to the filing of the tentative map or parcel map, or application for a building permit. In addition, the ordinance must meet the criteria set forth in Section 9.132.030.

### **9.132.030 - Criteria For Enacting A Groundwater Recharge Facility Fee Ordinance**

An ordinance adopted by the Board of Supervisors to establish and impose groundwater recharge facility fees must meet the following criteria.

1. Reference to Groundwater Recharge Facility Plan

a. Contents of Plan

The ordinance must refer to a groundwater recharge facility plan that contains the following:

- (1) A discussion of the availability of surface water in the area;
- (2) A description of the recharge facility planned for the area;
- (3) The boundaries of the area of benefit;
- (4) An estimate of the total cost of constructing the facilities planned; and
- (5) A fair method of allocating the costs within the area of benefit and the apportionment of fees within the area.

b. Consultation With Water Agency

In developing a groundwater recharge facility plan, the County will consult with the water agency which furnishes water to the area to be benefited. The water agency must formally and in writing approve the plan before it is adopted by the County.

c. Procedure for Adopting Plan

- (1) Public Hearing Required; Notice

- (a) Before a groundwater recharge facility plan is adopted, a public hearing will be held by the Board of Supervisors for the proposed area of benefit.
- (b) Notice of the hearing will be given pursuant to Government Code Section 65091 and will include preliminary information concerning the groundwater recharge facility plan including the proposed boundaries of the area of benefit, the availability of surface water, the planned facilities for the area of benefit, estimated costs, and the proposed method of fee apportionment. The proposal contained in the notice will be jointly prepared and agreed upon by the County and the water agency responsible for furnishing water to the proposed area of benefit. The water agency may participate in the hearings.

(2) Provision for Protest

- (a) If prior to the close of the public hearing, a written protest is filed with the Clerk of the Board, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of the property to be benefited, then the proposed proceedings will be abandoned, and the Board of Supervisors will not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this chapter.
- (b) Any protests may be withdrawn in writing by the owner who made the protest, at any time prior to the conclusion of a public hearing held on the plan.
- (c) If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this section as to that portion of the improvement shall be barred for a period of one year. The Board of Supervisors, however, may commence new proceedings which do not include the area, acquisitions, or improvements which were the subject of the successful protest. Nothing in this section prohibits the Board of Supervisors, within that one-year period, from commencing and carrying on new proceedings for that portion of the improvement protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with that portion of the improvement or acquisition.

(3) Adoption of Plan

- (a) The plan, as adopted by the County and approved by the water agency, will be incorporated in a resolution of the Board of Supervisors and a certified copy of the plan will be recorded with the County Recorder. The apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or a parcel map, or as a condition of issuing a building permit for the property or portions of the property.
- (b) Where the area of benefit includes lands not otherwise subject to the payment of fees pursuant to this section, the Board of Supervisors will make provision for payment of the share of improvement costs apportioned to that land by other means.

2. Construction of Facilities

- a. Subsequent to the adoption of a plan, the County may do one of the following with regard to the construction, operation and maintenance of the groundwater recharge facilities:

- (1) The County may itself construct, operate or maintain the facilities;
- (2) The County may designate the water agency responsible for furnishing water to the area of benefit as the agency to construct, operate or maintain the facilities; or
- (3) The County may create another agency to construct, operate or maintain the facilities as may be authorized by State law.

In the event any agency other than the County is designated to construct, operate or maintain the facilities, the services rendered will be pursuant to a written agreement entered into between the County and the other agency.

- b. Recharge facilities will not be constructed unless the water agency approves the design of the facilities to be constructed and has reached an agreement with the County establishing the terms and conditions under which the water will be furnished. If the water agency finds that the facilities have been constructed in accordance with the approved design, the agency shall furnish water for the groundwater recharge facilities.

- c. If the water agency is an irrigation district or other entity obligated by law to apportion water among the landowners within the area of benefit, the water agency will receive credit upon the obligation for any water delivered for groundwater recharge under the agreement and will be relieved of any further obligation to deliver the amount of water for which it has received such credit to the landowners or lands within that area.
- d. Nothing contained in this section entitles the County or other local agency to collect a fee from a landowner who presently receives and continues to receive and use their pro rata share of surface water from the agency responsible for that area, or from a landowner who has not applied for approval of a final or parcel map or a building permit.

## **9.132.040 - Collection Of Fees**

### **1. Collection of Fees**

- a. Fees will be paid directly to the County Director of Public Works. If another local public agency is to provide the groundwater recharge facilities, the fees collected by the County may be conveyed to that agency.
- b. Fees will be deposited by the County or other groundwater recharge facility provider into a planned recharge facility fund. A separate fund will be established for each area of benefit.

### **2. Use of Fees**

- a. Monies in such funds will be expended solely for the construction or reimbursement for construction of the groundwater recharge facilities serving the area from which the fees comprising the fund were collected. The fees will not be expended to reimburse the cost of recharge facilities in existence prior to the adoption of the groundwater recharge facility plan for that area.
- b. The County or other local agency providing the groundwater recharge facilities may advance money from its general fund to pay the cost of constructing the improvement and may reimburse the general fund for those advances from planned recharge facility funds collected to finance the construction of these improvements.
- c. The County or other local agency receiving fees pursuant to this chapter may incur an indebtedness for the construction of recharge facilities, provided that the sole security for repayment of that indebtedness must be money in the planned recharge facility funds.
- d. A credit for fees paid as authorized by this section will be applied against any assessment levied by the County to construct the planned recharge facilities.

## ARTICLE 5 – EXCEPTIONS

### *Chapter 9.136 - General Provisions*

#### **9.136.010 - AUTHORIZATION TO GRANT EXCEPTION**

The Advisory Agency, as specified in Section 9.04.080, is authorized to grant exceptions to any of the design and improvement requirements set forth in Article 3. In lieu of exceptions to the exaction requirements set forth in Article 4 there are “exemptions” or “limitations” included in those provisions. The granting of an exception is not a matter of right and in no event may such exception be granted unless the Advisory Agency is able to make the findings prescribed in Section 9.144.010. The intent for establishing exception provisions and granting and exception request is to facilitate the proposed development in a way that protects environmental resources or avoids natural or man-made hazards more effectively than straightforward application of standard subdivision design requirements.

### *Chapter 9.140 - Application Procedure For Exceptions*

#### **9.140.010 - Application; Fees; Examples Of Exceptions**

1. An application for an exception shall be filed with the Director of Planning and Building on such form as they shall prescribe and shall state fully the grounds for the exception, and any other data relevant to the findings set forth in Section 9.144.010. The application shall be filed at the same time that the tentative map or tentative parcel map is filed, and shall be processed concurrently and in the same manner as prescribed in Article 2.
2. At the time the application is filed, the subdivider will be required to pay an application processing fee in the amount established by the most recent Planning Service Fee Schedule adopted by the Board of Supervisors.

#### **3     Examples of Exceptions**

##### **a.     Exceptions to Parcel Design Requirements**

Exceptions to the parcel design requirements contained in Section 9.32.010.2 may be granted when site conditions or other circumstances exist including, but not limited to, the following:

- (1) The parcels contain or are adjacent to steep hillsides, rivers, creeks, wetlands, or springs, significant or heritage trees, or sensitive plant or wildlife habitat;

- (2) The parcels are zoned for or otherwise enforcibly restricted for nonresidential purposes;
- (3) The proposed development consists of clustered housing, townhomes, condominiums, or mixed-use development; or
- (4) The site being subdivided is a corner lot as defined by Section 8.04.030(76) of the Zoning Regulations (i.e., a lot not greater than one hundred (100) feet in width and located at the junction of two (2) or more intersecting streets), is located outside of the Coastal Zone, and is outside of areas designated on the California Department of Forestry and Fire Protection's Fire Severity Zone Maps as Very High Risk, High Risk, and Medium Risk within State Responsibility Areas and Very High Risk within Local Responsibility Areas.

b. Limitations on the Granting of Exceptions

- (1) There shall be no exceptions to: the design requirements for the special areas (ridgelines and skylines, flood hazard areas, and Geologic Hazard Overlay District) contained in Section 9.32.020; the standard requirements for water supply contained in Section 9.40.010 ; and the requirements for sewage disposal contained in Section 9.52.010.
- (2) Exceptions to the standard requirements for improvements contained in Sections 9.36.010, 9.36.020, 9.44.010, 9.48.010, and 9.56.010 may be granted when unique site conditions or other circumstances exist that justify approval of the exception, provided such exception will advance implementation of General Plan policies and Zoning Regulations, are reasonable, and will achieve the same level of efficacy as the corresponding standard requirements.

## ***Chapter 9.144 - Approval Of Request For Exception; Findings***

### **9.144.010 - Findings Required**

The Advisory Agency, as specified in Section 9.04.080, may grant an exception to the requirements of the Subdivision Regulations if the following findings are made:

1. That there are special circumstances or conditions affecting the property, or the exception is necessary for the preservation and enjoyment of substantial property rights of the owner/subdivider;
2. That the exception enhances or is appropriate for the proper design and/or function of the subdivision;
3. That the exception facilitates or guarantees preservation of sensitive habitats or natural or scenic resources, will not negatively impact adequate infrastructure capacity, will not have any adverse cumulative impacts; or will avoid natural or man-made hazards; and



4. That the granting of the exception will not be detrimental to the public health, safety or welfare or injurious to other property or uses in the area in which the property is situated.

#### **9.144.020 - Conditions**

Any exception may be granted subject to any reasonable conditions which are deemed necessary to achieve the purposes of the Subdivision Regulations.

## **ARTICLE 6 – VESTING TENTATIVE MAP**

### ***Chapter 9.148 – General Provisions***

#### **9.148.010 - Purpose**

The purpose of this Chapter is to establish a procedure for the approval of vesting tentative maps that will provide certain statutorily vested rights to a subdivider as set forth in Chapter 9.152, below.

### ***Chapter 9.152 - Rights Conferred By A Vesting Tentative Map***

#### **9.152.010 - Right To Proceed In Accordance With Specified Standards**

1. Applicable Standards Are Those in Effect When Application Determined Complete

In determining whether to approve or disapprove an application for a vesting tentative map, the County shall apply only those ordinances, policies, and standards applicable to subdivisions that are in effect on the date the County determines that the application is complete pursuant to Government Code Section 65943. Approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with those ordinances, policies, and standards applicable to subdivisions that are in effect on the date the County determines that the application is complete.

2. Exceptions

- a. In the event Section 66474.2 of the State Government Code is repealed, approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards applicable to subdivisions that are in effect at the time the vesting tentative map is approved or conditionally approved.

- b. If the subdivision applicant requests changes in applicable ordinances, policies or standards in connection with the same development project, any ordinances, policies, or standards adopted pursuant to the applicant's request shall apply.
- c. Section 9.152.010.1, above, shall not apply if the County, before it has determined an application for a vesting tentative map to be complete pursuant to Government Code Section 65943, has done both of the following:
  - (1) Initiated proceedings by way of ordinance, resolution, or motion; and
  - (2) Published notice in the manner prescribed in subdivision (a) of Section 65090 containing a description sufficient to notify the public of the nature of the proposed change in the applicable general or specific plans, or zoning or subdivision ordinances.

Instead, if the County does both of the above, it may apply any ordinances, policies, or standards applicable to subdivisions that are enacted or instituted as a result of those proceedings which are in effect on the date the County approves or disapproves the vesting tentative map.

3. Subdivider to Comply With State and Federal Law

The rights conferred by this section shall relate only to the imposition by the County of conditions or requirements created and imposed by local ordinances. Nothing in this section removes, diminishes, or affects the obligation of any subdivider to comply with the conditions and requirements of any state or federal laws, regulations, or policies and does not grant the County the option to disregard any state or federal laws, regulations, or policies.

## **9.152.020 - Right To Condition Approvals**

1. County May Condition Subsequent Approvals

- a. Notwithstanding Section 9.152.010, the County may condition or deny a subsequent permit, approval, extension, or entitlement if it determines any of the following:
  - (1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
  - (2) The condition or denial is required, in order to comply with state or federal law.

- b. Consistent with Section 9.152.020.1a, above, an approved or conditionally approved vesting tentative map shall not prevent the County from imposing reasonable conditions on subsequent approvals or permits necessary for the development and authorized by the ordinances, policies, and standards described in Section 9.152.010.

2. County to Protect Public Health and Safety

This Chapter does not enlarge, diminish, or alter the types of conditions which may be imposed by County on a development, nor in any way diminish or alter the power of the County to protect against a circumstance dangerous to the public health or safety.

### ***Chapter 9.156 - Requirements For Vesting Tentative Maps***

#### **9.156.010 - Application Requirements; Form And Content Of Vesting Tentative Maps**

1. When a Vesting Tentative Map May be Filed

- a. In all cases where a tentative map or tentative parcel map is required or authorized pursuant to the County Subdivision Regulations, an applicant for a subdivision may, at the applicant's option, file a vesting tentative map. Such vesting tentative map shall be in a form specified in this section, and shall be subject to the provisions of this Chapter.
- b. If a subdivider does not seek the rights conferred by this Chapter, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

2. Application Requirements; Form and Content

a. Application Requirements

Applications for review and approval of vesting tentative maps shall be filed with the Planning and Building Department. Vesting tentative maps shall meet all of the application requirements for tentative maps as set forth in Section 9.20.010.

In addition, at the time a vesting tentative map is filed, it shall have conspicuously printed on its face the words "Vesting Tentative Map."

b. Additional Information Required for Vesting Tentative Map

- (1) When processing a vesting tentative map, the County may require any information that relates to ordinances, resolutions, policies, or standards for the design, development, or improvement of the project upon which vested rights will be conferred.
- (2) Additional information may also be required for a vesting tentative map where necessary:
  - (a) To permit the County to make the determination whether an environmental impact report or negative declaration is required pursuant to Section 21080 of the Public Resources Code (CEQA); or
  - (b) To comply with federal or state law.

#### **9.156.020 - Procedure For Filing And Staff Review Of Vesting Tentative Maps**

A vesting tentative map application shall be filed and processed in the same manner as a tentative map or tentative parcel map, in accordance with Section 9.20.020.

#### **9.156.030 - Procedure And Criteria For Public Review And Action On Vesting Tentative Maps**

Public review and action on a vesting tentative map application shall be in accordance with Section 9.20.030.

### ***Chapter 9.160 - Time Limits On Rights Conferred By Vesting Tentative Maps; Extensions***

#### **9.160.010 - Rights To Expire Unless Final Or Parcel Map Approved**

The rights conferred by this Chapter shall expire if no final map or parcel map is approved prior to the expiration of the vesting tentative map. If the final or parcel map is approved, the rights conferred by this Chapter shall be subject to the periods of time set forth below:

1. The rights conferred by a vesting tentative map as provided by this Chapter shall last for an initial time period of one year beyond the recording of the final or parcel map.
2. Where several final or parcel 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 or parcel map for that phase is recorded.

## **9.160.020 - Extensions**

1. At any time prior to the expiration of the initial time period provided by Section 9.160.010 the subdivider may apply to the Advisory Agency for a one-year extension. If the Advisory Agency finds that the extension will have an adverse impact on the public health, safety or general welfare, then the request for extension shall be denied. The subdivider may appeal the denial directly to the Board of Supervisors in accordance with Section 9.20.030.4.
2. The initial time period specified in Section 9.160.010 shall be automatically extended by any time used by the County for processing a complete application for a grading permit, or for design or architectural review, if the time used by the County to process the application exceeds 30 days from the date that the application is determined to be complete.
3. If the subdivider submits a complete application for a building permit during the initial time period specified in Section 9.160.010 the rights conferred by this Chapter shall continue until the expiration of the building permit, or any extension of that permit granted by the County.

## ***Chapter 9.164 - Amendment Of Vesting Tentative Maps; Special Approvals***

### **9.164.010 - Amendments**

If the ordinances, policies, or standards described in Section 9.152.010 are changed subsequent to the approval or conditional approval of a vesting tentative map, the subdivider, or their assignee, at any time prior to the expiration of the vesting tentative map, may apply for an amendment to the vesting tentative map to secure a vested right to proceed under the changed ordinances, policies, or standards. An application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.

### **9.164.020 - Special Approvals**

1. Effect of Inconsistent Zoning on a Vesting Tentative Map
  - a. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The County may deny such a vesting tentative map or approve it conditioned on the subdivider, or their designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained prior to expiration of the vesting tentative map, the approved or conditionally approved vesting tentative map shall confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

b. The rights conferred by this section shall be for the time periods set forth in Section 9.160.010.

2. Exceptions to Standards May be Granted

Notwithstanding any provision of this Chapter, a property owner or their designee may seek subsequent approvals or permits for development which depart from the ordinances, policies, and standards described in Section 9.152.010, and the County may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

## **ARTICLE 7 – CONVERSION TO CONDOMINIUMS**

### ***Chapter 9.168 - General Provisions***

#### **9.168.010 - Purpose And Content**

The purpose of this Chapter is to set forth the County's requirements for the conversion of residential real property, including mobile home parks, into a condominium project, community apartment project or a stock cooperative project.

### ***Chapter 9.172 - Conversion Prohibited***

#### **9.172.010 - Conversion Prohibited**

##### No Application for Conversion Accepted

In order to maintain the existing supply of rental housing and prevent displacement of residents, no application for subdivision shall be accepted, filed, processed, reviewed, or approved for the conversion of residential real property, including mobile home parks, into a condominium project, a community apartment project or a stock cooperative project within the unincorporated area of San Mateo County until such time as:

1. The vacancy rate, as determined each year by the State of California Department of Finance (DOF) for all housing units in San Mateo County, has increased 1% or more from the January 1, 1981, DOF estimated vacancy rate of 3.15%, indicating that there is no longer a housing shortage in the County; and
2. The Board of Supervisors amends this ordinance to permit and regulate conversions; or unless

3. The residents of a mobile home park petition to purchase their mobile home park for purposes of converting it to resident ownership per Section 66427.5 of the Map Act and in compliance with Section 9.12.010.4a(3).ARTICLE 8 – REVERSION TO ACREAGE.

## **ARTICLE 8 – REVERSION TO ACREAGE**

### ***Chapter 9.176 - General Provisions***

#### **9.176.010 - Purpose And Content Of Chapter**

The purpose of this Chapter is to establish the County's requirements and procedures for reverting subdivided real property to acreage.

### ***Chapter 9.180 - Requirements For Reversions To Acreage***

#### **9.180.010 - Application Requirements; Form And Content**

1. Reversion Initiated by Board of Supervisors or Property Owners

A reversion to acreage may be initiated by the Board of Supervisors on its own motion or by petition of all of the owners of record of the real property within the subdivision.

2. Application Requirements

If a reversion to acreage is initiated by the property owners, an application shall be filed with the Planning and Building Department in accordance with Section 9.20.010. However, in place of a tentative map or tentative parcel map as required by Section 9.20.010.1a an application for reversion to acreage shall include a final map or parcel map which meets the requirements specified in Section 9.24.010. The final or parcel map shall clearly delineate dedications which will not be vacated and will remain in effect, and dedications which are a condition to reversion. The map shall also be accompanied by evidence of non- use or lack or necessity of any streets or easements which are to be vacated or abandoned. The application shall include any additional data, as required by the Director of Planning and Building, which would enable the Board of Supervisors to make all of the determinations and findings required by this Chapter.

#### **9.180.020 - Procedure For Filing And Notice Of Reversions To Acreage**

1. Reversion Initiated by Board of Supervisors

- a. Prior to conducting a hearing or taking action on a reversion to acreage initiated by the Board of Supervisors, the Director of Planning and Building shall mail by certified mail to all current record owners of the property a notice of reversion, notifying the owner(s) that the affected property is the subject of a proposed reversion to acreage pursuant to the standards specified in this chapter, and advising the owner(s) that a public hearing on the proposed reversion will be held by the Board of Supervisors not sooner than ninety (90) days from the date of the notice. Where there is an indication that the notice sent by certified mail may not have been received by the owner(s), the County shall further attempt to notify the current property owner(s) by any reasonable means available, and the public hearing on the proposed reversion to acreage will be held no sooner than one hundred twenty (120) days from the date of the notice.
- b. In addition to the notice required pursuant to (a), above, notice of the hearing on the proposed reversion to acreage shall be given in accordance with Section 9.16.010(3).

2. Reversion Initiated by Property Owners

An application for a reversion to acreage initiated by property owners shall be filed and processed in the manner prescribed in Section 9.20.010. The application shall be considered by the Board of Supervisors at a public hearing. Notice of the hearing shall be given in the time and manner specified in Section 9.20.030.2.

a. Abandonment of an Environmental Subdivision by Reversion

After recordation, a subdivider may abandon an environmental subdivision only by reversion to acreage, provided all the following conditions exist:

- (1) None of the lots created by the environmental subdivision has been sold or exchanged.
- (2) None of the lots are being used, set aside, or required for mitigation purposes pursuant to Section 9.20.030.3c.
- (3) Upon abandonment and reversion to acreage, the easement for biotic and wildlife purposes is extinguished.

If the environmental subdivision is abandoned and reverts to acreage, all local, state, and federal requirements shall apply.

**9.180.030 - Procedure And Criteria For Public Review And Action**



1. Required Findings and Conditions of Reversions

a. Required Findings

Subdivided real property may be reverted to acreage only if the Board of Supervisors finds that:

- (1) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or future public purposes; and
- (2) Either:
  - (a) All owners of an interest in the real property within the subdivision have consented to reversion; or
  - (b) None of the subdivision or site improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
  - (c) No lots shown on the final map or parcel map have been sold within five (5) years from the date such map was filed for record.

b. Conditions Applicable to Reversions Initiated by Property Owners

- (1) As conditions of a reversion to acreage initiated by property owners, the Board of Supervisors may require:
  - (a) Dedications or offers of dedication only if necessary for the purposes specified by Article 4 of the County Subdivision Regulations.
  - (b) Retention of previously paid fees only if necessary to accomplish the purposes of the Map Act, the County Subdivision Regulations or any other County regulations.
  - (c) Retention of any portion of required improvement security or deposits only if necessary to accomplish the purposes of the Map Act or the County Subdivision Regulations.
- (2) No tax bond shall be required in reversion proceedings.

2. Reversion Effective Upon Recording of Map

A reversion to acreage shall be effective at the time the final map or parcel map is filed for record by the County Recorder. All dedications and offers of dedication not shown on the map at the time of recording shall be of no further force or effect.

3. Return of Fees and Deposits/Release of Security

When a reversion is effective, all fees and deposits shall be returned to the current owner of the property and all improvement security released, except those retained pursuant to Section 9.180.010.2b.

### ***Chapter 9.184 - Alternative Reversion Procedures***

#### **9.184.010 - Merger And Resubdivision Without Reversion**

1. Merger and Resubdivision Without Reversion

Subdivided lands may be merged and resubdivided without reverting to acreage by complying with all the applicable requirements for the subdivision of land as provided by the Map Act and the County Subdivision Regulations. Any streets or easements to be left in effect after the resubdivision shall be adequately delineated on the map.

2. Credit for Fees Previously Paid

Any unused fees or deposits previously made pursuant to the County Subdivision Regulations pertaining to the property shall be credited pro rata towards any requirements for the same purposes which are applicable at the time of resubdivision.

3. Recording of Map: Effect

The final or parcel map shall be reviewed and approved by the County pursuant to Section 9.24.030 and transmitted to the County Recorder in accordance with Section 9.24.040. The filing of the final map or parcel map shall constitute legal merging of the separate parcels into one parcel and the resubdivision of such parcel, and shall also constitute abandonment of all streets and easements not shown on the map. The real property shall thereafter be shown with the new parcel boundaries on the assessment roll.

#### **9.184.020 - Merger Of Parcels Under Common Ownership Without Reversion**

Contiguous parcels under common ownership may be merged without reverting to acreage in accordance with Section 9.200.010. An instrument evidencing the merger shall be recorded.

## **ARTICLE 9 – PARCEL MERGERS**

### ***Chapter 9.188 - General Provisions***

#### **9.188.010 - Purpose And Content**

The purpose of this Chapter is to set forth the County's requirements for the merger and unmerger of parcels. The provisions of this Chapter may be amended by the Board of Supervisors following compliance with the notice of adoption requirements of Section 66451.20 of the California Government Code.

#### **9.188.020 - Authority For Merger**

##### **1. Contiguous Parcels Not Deemed Merged Solely by Common Ownership**

Except as otherwise provided in this Chapter, two or more contiguous parcels or units of land which have been created under the provisions of the Map Act, any prior law regulating the division of land, or the County Subdivision Regulations, or which were not subject to such provisions at the time of their creation, shall not be deemed merged by virtue of the fact that such contiguous parcels or units are held by the same owner, and no further proceeding under the provisions of the Map Act or the Subdivision Regulations shall be required for the sale, lease, or financing of such contiguous parcels or units, or any of them.

##### **2. Authority for Merger**

Chapter 3, Article 1.5 of the Map Act and this Chapter shall provide the sole and exclusive authority for County initiated merger of contiguous parcels.

### ***Chapter 9.192 - Requirements For Parcel Mergers After July 1, 1984***

#### **9.192.010 - Conditions Under Which Contiguous Parcels May Merge**

##### **1. Criteria for Parcel Merger**

Contiguous parcels held by the same owner may be merged if any one of the contiguous parcels does not conform to the standards for minimum parcel size set forth by the County Zoning Regulations, and if all of the following requirements are met:

- a. The owner of the affected parcels has been notified of the proposed merger as provided in Section 9.192.020.2a and is given the opportunity for a public hearing as provided for in Section 9.192.020.3.
- b. At least one of the affected parcels is not developed with any structure for which a building permit was issued by the County, or for which a building permit was not required at the time of construction; or is developed only with an accessory structure or accessory structures; or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit of land; and
- c. With respect to any affected parcel, one or more of the following conditions exist:
  - (1) Comprises less than five thousand (5,000) square feet in area at the time of the determination of merger.
  - (2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
  - (3) Does not meet current standards for sewage disposal and domestic water supply.
  - (4) Does not meet slope stability standards.
  - (5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
  - (6) Its development would create health or safety hazards.
  - (7) Is inconsistent with the County's General Plan and any applicable area plan, other than minimum parcel size or density standards.
- d. The applicant has obtained a Certificate of Compliance for the affected parcels.

## 2. Exceptions

Section 9.192.010.1c above, shall not apply if one of the following conditions exists:

- a. On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement as defined as set forth in Section 421 of the Revenue and Taxation Code; or
- b. On July 1, 1981, one or more of the contiguous parcels or units of land is zoned TPZ or TPZ/CZ in accordance with Chapters 8.142 and 8.146 respectively, of the San Mateo County Zoning Regulations, or is subject to a Williamson Act (agricultural preserve) contract as defined in Section 51201(b) of the California Government Code; or
- c. On July 1, 1981, one or more of the contiguous parcels or units of land is located within two thousand (2,000) feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to the use permit issued by the local agency; or
- d. On July 1, 1981, one or more of the contiguous parcels or units of land is located within two thousand (2,000) feet of a future commercial mineral extraction site as shown on the plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the County; or
- e. Within the Coastal Zone, one or more of the contiguous parcels or units of land has, prior to July 1, 1981, been identified or designated as being of insufficient size to support residential development and where the identification or designation has either (a) been included in the land use plan of the County's Local Coastal Program, or (b) prior to the adoption of such land use plan, been made by formal action of the California Coastal Commission pursuant to the provisions of the California Coastal Act in a coastal development permit decision or in an approved land use plan work program or an approved issue identification on which the preparation of a land use plan pursuant to the provisions of the California Coastal Act is based.

3. Clarification of Terms Used in this Section

- a. For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that the Notice of Intention to Determine Status is recorded.
- b. For the purposes of this section, "mineral resource extraction" means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining activity.

**9.192.020 - PROCEDURE FOR PARCEL MERGERS**

1. Recordation of Notice

A merger of parcels becomes effective when the Director of Planning and Building causes to be filed for record with the County Recorder a Notice of Merger specifying the names of the record owners and particularly describing the real property to be merged.

2. Notice of Intention to Determine Status

- a. Prior to recording a Notice of Merger, the Director of Planning and Building shall mail by certified mail to the current record owner of the property a Notice of Intention to Determine Status, notifying the owner that the affected parcels may be merged pursuant to the standards specified in this chapter, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger.
- b. The Notice of Intention to Determine Status shall be filed for record with the County Recorder on the date that notice is mailed to the property owner.

3. Hearing on Determination of Status

- a. At any time within thirty (30) days after recording of the Notice of Intention to Determine Status, the owner of the affected property may file with the Director of Planning and Building a request for a hearing on determination of status. Where there is an indication that the notice sent, pursuant to Section 9.192.020.2, may not have been received by the owner, the owner shall have an additional thirty (30) days to request a hearing. During that time the County shall further attempt to notify the owner by any reasonable means available.
- b. Upon receiving a request for a hearing on determination of status from the owner of the affected property pursuant to (a), above, the Director of Planning and Building shall fix a time, date and place for the hearing, and shall so notify the property owner by certified mail. The hearing shall be conducted not more than sixty (60) days following receipt of the property owner's request for the hearing, but may be postponed or continued with the mutual consent of the County and the property owner.
- c. At the hearing, the property owner shall have the opportunity to present any evidence that the affected property does not meet the standards for merger as specified in this chapter. At the conclusion of the hearing, the Director of Planning and Building shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of their determination.

4. Determination of Merger or Non-Merger

- a. If the Director of Planning and Building determines that parcels should be merged, a Notice of Merger shall be recorded within thirty (30) days after the conclusion of the hearing.

- b. If in accordance with the above procedures the Director of Planning and Building determines that the subject property shall not be merged, a release of the Notice of Intention to Determine Status shall be recorded and a clearance letter shall be mailed to the then current owner of record.
- c. The decision of the Director of Planning and Building may be appealed in accordance with Section 9.20.030.4.

5. Procedure When No Hearing Requested

If, within the sixty (60) day period specified in Section 9.192.020.3a, the owner does not file a request for a hearing, the Director of Planning and Building may, thereafter, make a determination that the affected parcels are to be merged or are not to be merged. When no hearing is requested, a Notice of Merger shall be recorded no later than ninety (90) days following the mailing of the Notice of Intention to Determine Status.

### ***Chapter 9.196 - Unmerger Of Parcels***

#### **9.196.010 - Requirements For Unmerger; No Notice Of Merger Recorded Prior To January 1, 1984**

The provisions of this section shall apply only to parcels which have merged prior to January 1, 1984, and for which a Notice of Merger was not recorded on or before January 1, 1984.

1. Application Requirements

A written request for unmerger shall be filed with the Planning and Building Department. The request shall be signed by all owners of the property and accompanied by any such data, documents or maps as may be required by the Director of Planning and Building to establish proof of ownership and to illustrate or legally describe the parcels to be unmerged.

In addition, the application shall be accompanied by a fee in the amount established by the most recent Planning Service Fee Schedule adopted by the Board of Supervisors.

2. Criteria for Unmerger; No Notice of Merger Recorded Prior to January 1, 1984

Any parcels or units of land for which a Notice of Merger had not been recorded on or before January 1, 1984, shall be deemed not to have merged if on January 1, 1984, the following two conditions are met:

- a. The parcel meets each of the following criteria:
  - (1) Comprises at least five thousand (5,000) square feet in area.
  - (2) Was created in compliance with applicable laws and ordinances in effect at the time of its creation.
  - (3) Meets current standards for sewage disposal and domestic water supply.
  - (4) Meets slope density standards.
  - (5) Has legal access which is adequate for vehicular and safety equipment access and maneuverability.
  - (6) Development of the parcel would create no health or safety hazards.
  - (7) The parcel would be consistent with the applicable General Plan and any applicable area plan, other than minimum parcel size or density standards.
- b. And, with respect to such parcel, none of the conditions listed in Section 9.192.010.2 exist.

3. Determination of Unmerger

- a. Based on information contained in the application submitted, the Director of Planning and Building shall determine if the parcels meet the criteria set forth in Section 9.196.010.2 above.
- b. Upon a determination that the parcels meet the standards specified in Section 9.196.010.2 the Director of Planning and Building shall issue to the owner and record with the County Recorder a notice of the status of the parcels which shall identify each parcel and declare that the parcels are unmerged pursuant to this section.
- c. If the Director of Planning and Building determines that the parcels do not meet the criteria specified in Section 9.196.010.2, above, the Director of Planning and Building shall issue to the owner and record with the County Recorder, a Notice of Merger as provided in Section 9.192.020.1.
- d. The decision of the Director of Planning and Building may be appealed in accordance with Section 9.20.030.4.



## **9.196.020 - Requirements For Unmerger; Notice Of Merger Recorded Prior To January 1, 1984**

The provisions of this section shall apply to parcels which have merged prior to January 1, 1984, for which a Notice of Merger was recorded on or before January 1, 1984, where the parcel owner contends that the criteria for merger under the merger ordinance in effect at the time of merger were not met.

### **1.     Application Requirements**

A written request for unmerger shall be filed with the Planning and Building Department. In addition to the application requirements set forth in Section 9.196.010.1, the applicant shall submit evidence to support at least one of the criteria set forth in Section 9.196.020.2 below.

### **2.     Criteria for Unmerger; Notice of Merger Recorded Prior to January 1, 1984**

Any parcels or units of land for which a Notice of Merger was recorded before January 1, 1984, shall be deemed not to have merged if one of the following three facts is demonstrated:

- a.     That in fact there was no contiguity of ownership;
- b.     That in fact the merged parcels met the minimum parcel size for the zoning district at the time of merger; or
- c.     That in fact there was a primary structure on a merged parcel for which a building permit had been issued.

### **3.     Determination of Unmerger**

- a.     Based on information contained in the application submitted, the Director of Planning and Building shall determine if the parcels meet the criteria set forth in Section 9.196.020.2, above.
- b.     Upon a determination that the parcels meet the criteria specified in Section 9.196.020.2, above, the Director of Planning and Building shall issue to the owner and record with the County Recorder a notice of the status of the parcels which shall identify each parcel and declare that the parcels are unmerged pursuant to this section.
- c.     If the Director of Planning and Building determines that the parcels do not meet the criteria specified on Section 9.196.020.2 above, the parcels shall remained merged in accordance with the Notice of Merger recorded.

- d. The decision of the Director of Planning and Building may be appealed in accordance with Section 9.20.030.4.

### **9.196.030 - Conditions For Continued Merger Of Specified Parcels**

If any parcels or units of land merged under a valid local merger ordinance which was in effect prior to January 1, 1984, but for which a Notice of Merger had not been recorded before January 1, 1988, and one or more of the merged parcels or units of land is within one of the categories specified in paragraphs (a) to (e), inclusive, of Section 9.192.010.2 the parcels or units of land shall continue to be merged subject to the provisions for unmerger contained in State Government Code Sections 66451.301 and 66451.302.

## ***Chapter 9.200 - Voluntary Mergers***

### **9.200.010 - Voluntary Mergers Authorized**

Pursuant to Government Code Section 66499.20.3, upon request of the legal owner of contiguous parcels, the Director of Planning and Building may approve the merger of the parcels without reverting to acreage.

#### **1. Application Requirements**

A written request for voluntary merger shall be filed with the Planning and Building Department. The request shall be signed by all owners of the property and accompanied by any such data, documents or maps as may be required by the Director of Planning and Building to establish proof of ownership, parcel legality, and to illustrate or legally describe the proposed merger configuration. In addition, the application shall be accompanied by a fee in the amount established by the most recent Planning Service Fee Schedule adopted by the Board of Supervisors.

#### **2. Criteria for Review and Action**

The Director of Planning and Building shall approve the application for merger if the merger of parcels will not result in a greater density of development than that which is currently allowed by the County Zoning Regulations.

#### **3. Conditions; Recording of Notice of Merger**

- a. In approving the request for merger, the Director of Planning and Building may impose reasonable conditions.

- b. Once the conditions of the merger have been satisfied, a Notice of Merger shall be recorded with the County Recorder. The form and content of the notice shall be as required by the Director of Planning and Building. The filing of the Notice of Merger shall constitute legal merger of the affected parcels.

## **ARTICLE 10 – LOT LINE ADJUSTMENTS**

### ***Chapter 9.204 - General Provisions***

#### **9.204.010 - PURPOSE OF CHAPTER**

The purpose of this Chapter is to set forth the County's requirements and procedures for lot line adjustments. All lot line adjustments, as defined in Section 9.08.010, are subject to approval by the County pursuant to this Chapter consistent with Section 66412(d) of the Map Act.

### ***Chapter 9.208 - Requirements For Lot Line Adjustments***

#### **9.208.010 - Application Requirements; Form And Content**

##### **1. Application Requirements**

Applications for review and approval of lot line adjustments shall be filed with the Planning and Building Department. The application shall include the following:

##### **a. Lot Line Adjustment Site Plan**

Five (5) copies of a site plan showing the proposed lot line adjustment prepared in accordance with Section 9.208.010.2. In addition, one reduced (8 1/2" x 11") copy of the site plan shall be submitted. In addition, a site plan shall be submitted in a digitized format.

##### **b. Application Form**

A completed application form as required by the Director of Planning and Building.

##### **c. Environmental Information Disclosure Form**

A completed Environmental Information Disclosure Form, available from the Planning Division.

##### **d. Title Report**

A preliminary title report of each parcel involved showing the legal owners at the time of filing the lot line adjustment application, and all easements, encumbrances, and other reservations of record affecting the property.

e. Owner's Concurrence

Proof of the owners interest in the property and concurrence with the application for lot line adjustment.

f. Parcel Legality

Evidence, as required by the Director of Planning and Building, that the lots involved have been legally created.

g. Fees

The fees for processing the lot line adjustment application, in accordance with the most recent Planning Service Fee Schedule adopted by the Board of Supervisors.

2. Form and Content Requirements for Lot Line Adjustment Site Plans

The lot line adjustment site plan shall meet the following requirements for form and content:

- a. Not less than 8.5 x 11 inches in size, drawn in ink (or blueprint) to an accurate scale;
- b. Existing property lines shown as solid lines, proposed property lines as dashed lines;
- c. Existing easements, identified by their recording data;
- d. Date of map preparation, scale of map and north arrow included;
- e. Existing and proposed area of each parcel given in square feet if less than one acre, in acres if one acre or larger;
- f. Location of existing structures and driveways shown, as well as the location of potential building sites and driveways;

- g. Location of any septic tanks, drainfields and expansion areas, and the location of any water wells and related water lines shown;
- h. Contour lines shown at no more than ten (10) foot intervals;
- i. Assessor's parcel numbers and the names of all property owners for all parcels involved;
- j. Name and address of preparer of site plan.

3. Special Requirements

- a. Where the average slope of the property involved in a lot line adjustment exceeds twenty percent (20%), a Negative Declaration fee shall also be collected at the time of application.
- b. For all lot line adjustments within the Coastal Zone, the filing of a Coastal Development Permit Application and fee is required.
- c. For all lot line adjustments proposed within the Planned Agricultural District (PAD), a Planned Agricultural Permit application will also be required.

## **9.208.020 - Criteria And Procedure For Review Of Lot Line Adjustment Application**

1. Criteria for Review of Lot Line Adjustment

Review of a lot line adjustment application shall include a determination of whether or not the parcels resulting from the lot line adjustment conform to the County General Plan and any applicable specific plan, the Local Coastal Program, and County zoning and building regulations. For example, a lot line adjustment application shall be evaluated with regard to the following criteria:

- a. Conformity with applicable General Plan, specific plan, LCP, and Zoning and Building Regulations, although existing legal non-conforming situations may continue provided they are not aggravated by the lot line adjustment;
- b. Suitability of building sites created by the lot line adjustment;
- c. Provision for adequate routine and emergency access;
- d. Provision for adequate water supply and sewage disposal;

- e. Avoiding or minimizing impacts upon scenic corridors, wetlands, coastal resources, or authorized coastal development.

2. Transmittal to Other Agencies for Comment

Once the application for a lot line adjustment is accepted by the Planning and Building Department, the Director of Planning and Building will forward copies of the site plan and any relevant accompanying data and reports to other affected public agencies including the Departments of Public Works and Environmental Health, and each fire, utility and sanitation district having jurisdiction over the subject property. These agencies will be asked to review the lot line adjustment application and, within thirty (30) days, return their comments and any recommended conditions in writing.

3. Determination of Completeness

Within thirty (30) days of application submittal, the Director of Planning and Building shall notify the applicant in writing if the application is complete, or if additional information is required. Acceptance of the application as complete shall not preclude the County from requesting that any information submitted be clarified, amplified, corrected, or supplemented if necessary to determine compliance with State law or County regulations, nor does it signify that the map complies fully with the Subdivision Regulations.

4. Environmental Review

The Director of Planning and Building will review the application, including the Environmental Information Form, to determine if the project is exempt from CEQA. If the project is not exempt, an initial study will be conducted to determine whether a negative declaration may be issued or an Environmental Impact Report (EIR) will be required. Upon making this determination, the appropriate environmental document will be prepared as prescribed in the County's CEQA Implementing Procedures.

## ***Chapter 9.212 - Procedure And Criteria For Action On Lot Line Adjustment Application***

### **9.212.010 - Notification And Decision By Director of Planning and Building**

1. Director of Planning and Building to Act on Lot Line Adjustment Application

The Director of Planning and Building has the authority to approve or deny a lot line adjustment application in accordance with this Chapter, except as provided in Section 9.04.080.2.

2. Notification of Adjacent Property Owners

Owners of properties adjacent to parcels involved in the lot line adjustment, and owners of properties adjacent to any private road serving the properties involved in the lot line adjustment shall be notified of the application for lot line adjustment at least ten (10) days prior to action on the application by the Director of Planning and Building.

3. Criteria for Decision by Director of Planning and Building

Upon receipt of any recommendations from other agencies and/or comments from the public, and upon completion of the Director of Planning and Building's analysis of the application, the Director of Planning and Building shall render a decision on the lot line adjustment application. If the Director of Planning and Building determines that the parcels resulting from the adjustment will meet the criteria set forth in Section 7126.1, the application shall be approved. A letter of decision shall be sent, informing the applicant of the Director of Planning and Building's decision and of the right of appeal in accordance with Section 9.20.030.4.

## **9.212.020 - Conditions**

1. Standard Condition for All Lot Line Adjustments

a. For Parcels of Record Involving Parallel Line Adjustments Only

For parcels of record that involve only parallel line adjustments, the applicant will be required to submit legal deeds for the property to be transferred, completely signed and ready to record, and written legal descriptions of the entire new configuration of all parcels involved in the lot line adjustment. The deeds and legal descriptions reflecting the approved lot line adjustment shall be reviewed by the Department of Public Works prior to being filed for record with the County Recorder.

b. For Parcels Not of Record, Acreage, and Multi-Directional Adjustments

In accordance with Section 8762 of the State Business and Professions Code, for parcels not of record, acreage and lot line adjustments involving multi-directional adjustments, the applicant will be required to submit a Record of Survey map and numerical closure sheets for all parcels, in addition to the deeds and legal descriptions to be recorded as specified in Section 9.212.020.1a above.

c. Parcel Map Optional

For those lot line adjustments described in Section 9.212.020.1b above, the applicant has the option to record a parcel map in accordance with Article 2, Chapter 9.20 of the Subdivision Regulations, in lieu of submitting the items specified in Section 9.212.020.1b. However, no parcel map, final map, or



tentative map shall be required as a condition to the approval of a lot line adjustment that has obtained all other required approvals.

2. Other Conditions

When approving a lot line adjustment, the Director of Planning and Building may impose conditions to ensure conformance with the Zoning or Building Regulations, or this Chapter, or which would facilitate the relocation of existing utilities, infrastructure, or easements.

3. Conditions of Approval to be Satisfied Prior to Recording of Deeds and Legal Descriptions

The deeds and legal descriptions shall not be recorded until all conditions of approval have been met or bonded for as appropriate. The Planning and Building department shall charge a recording fee, as set forth in the most recent fee schedule adopted by the Board of Supervisors, and record the deed and the lot line adjustment.

## **ARTICLE 11 – ENFORCEMENT AND REMEDIES**

### ***Chapter 9.216 - General Provisions***

#### **9.216.010 - PURPOSE OF CHAPTER**

The purpose of this Chapter is to set forth the County's provisions for enforcement of the Subdivision Regulations.

### ***Chapter 9.220 - Prohibition, Enforcement And Penalty***

#### **9.220.010 - Prohibited Transactions**

1. No Sale, Lease or Finance Prior to Full Compliance

- a. No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or finance, except for model homes, or allow occupancy thereof, for which a final map or parcel map is required by the Map Act or by the County Subdivision Regulations, until the final or parcel map is in full compliance with the Map Act and the County Subdivision Regulations and has been filed for record by the County Recorder.

- b. Conveyances of any part of a division of real property for which a final or parcel map is required by the Map Act or the County Subdivision Regulations shall not be made by parcel or block number, initial or other designation, unless and until the final or parcel map has been filed for record by the County Recorder.

2. Exceptions

- a. Section 9.220.010.1, above, does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law (including the County Subdivision Regulations), regulating the design and improvement of subdivisions in effect at the time the subdivision was established.
- b. Nothing contained in Section 9.220.010.1a, above, shall be deemed to prohibit an offer or contract to sell, lease or finance real property, or to construct improvements thereon where the sale, lease or financing, or the commencement of construction is expressly conditioned upon the approval and filing of a final subdivision map or parcel map, as required under the Map Act.
- c. Nothing in Sections 9.220.010.1 and 9.220.010.2a and 2b shall in any way modify or affect the provisions of Section 11018.2 of the State Business and Professions Code which states that no person shall sell or lease, or offer to sale or lease, any lots or parcels in a subdivision without first obtaining a public report from the State Real Estate Commission.

**9.220.020 - Enforcement**

1. Notice of Intention to Record Notice of Violation

Whenever the County has knowledge that real property has been divided in violation of the provisions of the Map Act or of the County Subdivision Regulations, a "Notice of Intention to Record a Notice of Violation" shall be sent by certified mail to the current owner of record of the property. The notice shall:

- a. Describe the real property in detail;
- b. Name the owner(s) of the property;
- c. State that an opportunity will be given to the owner to present evidence at a meeting to be conducted by the Director of Planning and Building;
- d. Specify a time, date, and place for the meeting at which the owner may present evidence as to why the notice should not be recorded;

- e. Contain a description of the violations; and
- f. Contain an explanation as to why the subject property is not lawful under Section 9.220.020.3.

2. Meeting to Present Evidence; Decision by Director of Planning and Building

- a. The meeting specified in Section 9.220.020.1 above, shall take place no sooner than 30 days and no later than sixty (60) days from date of mailing of the Notice of Intention to Record a Notice of Violation.
- b. If, after the owner has presented evidence, it is determined that there has been no violation, the County shall mail a clearance letter to the then current owner of record.
- c. If, however, after the owner has presented evidence, the Director of Planning and Building determines that the property has in fact been illegally divided, the Director of Planning and Building shall record the Notice of Violation with the County Recorder.
- d. If, within fifteen (15) days of receipt of the Notice of Intention, the owner of the real property fails to inform the County of their objection to recording the Notice of Violation, the Director of Planning and Building shall record the Notice of Violation with the County Recorder.
- e. Whenever the Director of Planning and Building determines that a single division or a series of divisions by a land divider constitutes willful, knowledgeable violation of the Map Act or the County Subdivision Regulations, they shall refer the matter to the District Attorney.
- f. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. The County Recorder shall index the names of the fee owners in the general index.

3. Lawful Parcels Created Before March 4, 1972

For purposes of this section, a subject parcel shall be conclusively presumed to have been lawfully created under any of the following circumstances:

- a. The parcel was created between July 20, 1945, and March 4, 1972, and there was compliance with the County Subdivision Ordinance; or
- b. The parcel was created prior to August 15, 1946, and resulted from a division of land in which fewer than five (5) parcels were created; or

- c. The parcel was created prior to March 4, 1972, and any subsequent purchaser acquired that parcel for valuable consideration without actual or constructive knowledge of a violation of the Map Act or of the County Subdivision Ordinance. Owners of parcels or units of land purchased without knowledge of a violation, as described above, shall be required to obtain a Certificate of Compliance or a Conditional Certificate of Compliance pursuant to Section 9.224.020 prior to obtaining a permit or other grant of approval for development of the parcel or unit of land. The presumption declared above shall not be operative when determining whether the parcel or unit of land complies with the provisions of the Map Act and the County Subdivision Regulations, as required pursuant to Section 9.224.020.

### **9.220.030 - Violations, Penalties**

Each violation of the Map Act by a person who is the subdivider, or an owner of record at the time of the violation, of property involved in the violation is subject to those penalties set forth in Government Code Section 66499.31 and applicable fines and remedies prescribed in Chapter 1.40 of the County Ordinance Code.

## ***Chapter 9.224 -Certificates Of Compliance And Other Remedies***

### **9.224.010 - Development Approvals On Non-Compliant Parcels**

#### **1. Permits and Approvals to be Withheld by County**

- a. No permit shall be issued or approval granted where such permit or approval is necessary to develop any real property, where such property has been divided or has resulted from a division in violation of the provisions of the Map Act or of the County Subdivision Regulations, if the person or body having authority to issue such permit or grant such approval finds that development of such real property is contrary to the public health or safety.
- b. The authority to deny such a permit or such approval shall apply whether the applicant for such permit was the owner of record at the time of such violation or whether the applicant is either the current owner of record or a vendee of the current owner of record pursuant to a contract of sale of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of their interest in such real property.

#### **2. Parcel Legality to be Determined by Director of Planning and Building**

The applicant shall demonstrate to the satisfaction of the Director of Planning and Building that any parcel complies with the Map Act and the County Subdivision Regulations prior to the issuance of any permit or grant of approval to:

- a. Develop a previously undeveloped parcel;

- b. Increase residential density; or
- c. Significantly increase intensity of commercial, industrial or agricultural uses.

3. Conditions of Approval if Permit to Develop Granted

If the person or body having authority to issue an approval or permit necessary to develop any real property finds that development of such real property is not contrary to the public health or safety, such approval or permit may be granted after the requirements of Section 9.224.020 have been satisfied, subject only to those conditions which would have been applicable to the division of the property at the time the applicant acquired their interest in such real property, and which has been established at that time by the Map Act or by the County Subdivision Regulations, except as follows:

- a. Where the applicant was the owner of record at the time of the initial violation of the provisions of the Map Act or of the County Subdivision Regulations, who, by a grant of the real property created a parcel or parcels in violation of the Map Act or of the County Subdivision Regulations, and such person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation of the Map Act or of the County Subdivision Regulations, then conditions may be imposed as would be applicable to a current division of the property.
- b. If a Conditional Certificate of Compliance has been filed for record pursuant to Section 9.220.020.3, only such conditions stipulated in that certificate shall be applicable to parcel legality.
- c. Compliance with the conditions of the Conditional Certificate of Compliance is not required until the time which a permit or other grant of approval for development of the property is issued by the County.

### **9.224.020 - Legalization Of Parcels; Certificates Of Compliance**

Development approvals or permits, such as a rezoning, design review, natural resource permit, PAD permit, Resource Management district permit, Timberland Preserve Zone permit, use permit, land clearing permit, grading permit, and building permit, require the issuance of a Certificate of Compliance confirming the parcel's legal status, except as provided expressly below.

In accordance with this section, any person owning real property or a vendee of that person pursuant to a contract of sale of the real property may request, and the County shall determine, whether the real property complies with the provisions of the Map Act and of the County Subdivision Regulations. The requested determination is a Certificate of Compliance. Certificates of Compliance may be either unconditional (Type A) or conditional (Type B). Application may be made to obtain a Certificate of Compliance to verify the legality of a parcel or to legalize a parcel.

1. Parcels Not Requiring Certificate of Compliance

The following shall not require a Certificate of Compliance; however, an unconditional Certificate of Compliance (Type A) may be issued upon request by, and with a completed application and fee from, the property owner.

a. Lot Line-Adjusted Parcels

Where the boundary of a parcel has been altered pursuant to a County-approved and recorded lot line adjustment, said parcel need not be issued a Certificate of Compliance.

b. Parcels Depicted on Approved Subdivision Maps

A parcel depicted as a lot on a subdivision map approved and recorded by the County on or after July 20, 1945 shall be deemed a legal lot without the need for issuance of any Certificate of Compliance.

c. Proposed Subdivisions and Proposed Lot Line Adjustments

Where a parcel is part of a currently proposed subdivision or lot line adjustment, said parcel shall not be subject to obtaining a Certificate of Compliance.

d. The following may occur on parcels when performed in full compliance with all other permitting requirements, without the need for the prior issuance of a Certificate of Compliance. Nothing in this subsection shall be interpreted to authorize an activity or a form of development that would otherwise be prohibited by or require authorization under any other law, rule, ordinance or regulation.

(1) Application for merger

(2) Non-structural forms of development

(3) Habitat or environmental restoration

(4) Structures not constituting a principally permitted use in the zoning district, such as fences, water wells, roads, and other improvements deemed by the Director of Planning and Building not to substantially alter the vacant condition of the land.

2. Determination of Conditional or Unconditional Certificates

a. Previously or Currently Developed Parcels

Any parcel(s) currently developed or that had development which was subsequently demolished shall be issued an unconditional Certificate of Compliance (Type A) upon a complete application, provided that:

- (1) The development was a principally permitted use under the zoning regulations in place on the property when the development first occurred; and
- (2) Substantial development was performed in reliance upon a building permit or was built prior to the County's practice of issuing building or planning permits.

b. Parcels Depicted on Approved Subdivision Maps

- (1) A parcel depicted as a lot on a subdivision map approved and recorded by the County prior to July 20, 1945 shall be issued a unconditional Certificate of Compliance (Type A) upon complete application demonstrating that the current parcel boundaries match those depicted on the approved subdivision map and the parcel was conveyed separately from adjoining lands prior to July 20, 1945.
- (2) A parcel depicted as a lot on a subdivision map approved and recorded by the County prior to July 20, 1945 shall be issued a conditional Certificate of Compliance (Type B) upon a complete application demonstrating that the current parcel boundaries match those depicted on the approved subdivision map and the parcel was first conveyed separately from adjoining lands on or after July 20, 1945.

3. Application Requirements

Applications for a Certificate of Compliance may request a determination of the legal status of more than one parcel per application. All applications shall be filed with the Planning and Building Department and shall include the following:

- a. A completed application form as required by the Director of Planning and Building;
- b. A catalog of land divisions. Each parcel proposed for legalization shall have submitted, in separate application packets, a catalog of prior land divisions of the subject parcel, and previous parcels of which it was a part, from the present day back to the last legal parcel and at a minimum covering the timeframe back to July 20, 1945. In order to establish the location and date of each land division in question, the submittal shall be made substantially in a form provided by the Director of Planning and Building, and shall include:

- (1) The date of each transaction purportedly dividing the land, along with the name(s) of the grantor and grantee;
  - (2) A document reference to deed, maps or other document in the official records of the County Recorder of such transaction;
  - (3) Legible reproductions of each deed, map, or other referenced document;
  - (4) A reproduction of the page of the Assessor's map book for the vicinity depicting the parcel boundaries resulting from each land division, and the boundaries of prior land divisions of the same land;
  - (5) A chain of title that traces, chronologically, the deed conveyances of the subject parcel(s) (comprised of the original lot(s) of record) as well as all contiguous parcels (except those located across a public roadway or those already developed by the time of the application), starting from when the subject subdivision was first recorded up through present day.
- c. Fees in accordance with the most recent Planning Service Fee Schedule adopted by the Board of Supervisors.

#### 4. Procedure and Standards for Staff Review

An application for a Certificate of Compliance shall be processed as follows:

- a. Planning staff shall evaluate the application to ascertain whether the parcel's history is such that it is entitled to a Certificate of Compliance by:
  - (1) Searching County property records to confirm the parcel's geographic location and physical configuration.
  - (2) Comparing the legal description found in the County parcel data to the legal description contained in the grant deed(s) listed in the chain of title submitted by the applicant.
- b. If the chain of title establishes that the parcel in its current configuration was first divided by any means from all adjacent land prior to July 20, 1945, or by other permissible means under the Map Act, staff shall prepare and record an unconditional Certificate of Compliance (Type A). In the Coastal Zone, a Certificate of Compliance (Type A) shall not require a Coastal Development Permit unless:
  - (1) the land division occurred after the effective date of coastal permit requirements for such division of land (i.e., either under Proposition 20 or the Coastal Act of 1976; and



- (2) a coastal development permit has not previously been issued for such division of land.
- c. If the chain of title establishes that the parcel in its current configuration was first divided from all adjacent lands subsequent to July 20, 1945, staff shall prepare, bring to hearing when necessary, and record a conditional Certificate of Compliance (Type B) after having proposed conditions of legalization, if necessary. In the Coastal Zone, a Certificate of Compliance (Type B) shall require a Coastal Development Permit per Policy 1.29 of the County's Local Coastal Program.
  - (1) For substandard size parcels, where a chain of title shows that the first separate conveyance of such a parcel would not have been allowed under the zoning district's current minimum lot size requirements, a Certificate of Compliance (Type B), if issued, shall include a condition requiring said parcel to be merged with its parent parcel if under common ownership or, alternatively, a condition prohibiting new development on said parcel.
  - (2) For conforming parcels, where a chain of title shows that the first separate conveyance of such a parcel would have been in compliance with the County General Plan and Zoning Regulations in effect at the time or currently, a Certificate of Compliance (Type B) shall be issued without conditions, and such determination may be made without being brought to a hearing except in the Coastal Zone where a Coastal Development Permit is required per Policy 1.29 of the County's Local Coastal Program.
- d. Where an applicant seeks separate legalization for two or more adjoining parcels and the chain of title indicates they have never been separately conveyed, staff shall not issue separate Certificates of Compliance, and the owner may either apply for a single Certificate of Compliance for the entirety of the contiguous ownership or may apply for a subdivision. If the owner applies for a single Certificate of Compliance, the parcels shall be considered merged upon approval of the Certificate of Compliance.

e. Previously Merged Parcels

Any parcel resulting from a merger, either voluntary or involuntary, shall, upon complete application, be issued a Certificate of Compliance (Type A or Type B) for the parcel as merged. Owners of previously merged parcels who wish to reestablish the separate legal status of the original parcels may apply for unmerger and may not apply for a Certificate of Compliance for either of the original parcels.

f. Merging a Vacant Parcel with a Developed Parcel

When merging an undeveloped parcel with a parcel developed with a principally permitted use (per Section 9.224.020.1a, the undeveloped parcel may be merged without the necessity of first obtaining a Certificate of Compliance if the merger application demonstrates that the applicant owns no adjoining properties and the merger does not result in a new division of land. The resulting parcel shall obtain the legal status of the previously developed parcel.

If the applicant owns adjoining parcels, and the merger as proposed would result in a substandard parcel under the zoning in place on the property, as many contiguous parcels as necessary must be included in the merger to either achieve zoning compliance or decrease the zoning deficiency, in that order.

g. Proposed Development

Lot validity is required prior to issuance of development permits on the subject parcel. Applicants may apply for both Certificate of Compliance and development permit(s) simultaneously; however, no development permit shall be issued until a Certificate of Compliance is issued. Concurrent application is at the applicant's risk.

5. Contents of Certificates of Compliance

a. Type "A" (per Government Code Section 66499.35(a))

- (1) The County-issued document granting approval of a Type A Certificate of Compliance shall contain the following:
  - (a) Applicant name(s) and address(es);
  - (b) Assessor's parcel number(s);
  - (c) Legal description (lot and block from grant deed);
  - (d) Copy of the parcel boundary map; and
  - (e) A statement that the division of the property complies with applicable provisions of the Map Act and of the County Subdivision Regulations.
- (2) The Certificate of Compliance shall be signed by the Director of Planning and Building, notarized, and filed for record with the County Recorder as set forth in Section 9.224.020.6d below.

b. Type "B" (per Government Code Section 66499.35(b))

- (1) The County-issued document granting approval of a Type B Certificate of Compliance shall contain the following:

- (a) Applicant name(s) and address(es);
  - (b) Assessor's parcel number(s);
  - (c) Legal description (lot and block from grant deed);
  - (d) Copy of the parcel boundary map;
  - (e) A statement that the division of the property complies with applicable provisions of the Map Act and of the County Subdivision Regulations; and
  - (f) Condition(s) of approval as set forth in Section 9.224.020.6b below.
- (2) The Certificate of Compliance shall be signed by the Director of Planning and Building, notarized, and filed for record with the County Recorder.

6. Procedure for Public Review and Action

a. Director of Planning and Building to Conduct Public Hearing

An application for a conditional Certificate of Compliance (Type B) shall be considered by the Director of Planning and Building, or their designee, at a public hearing. Notice of the hearing shall be given in the time and manner specified in Section 9.20.030.2.

b. Conditions of Approval

The Director of Planning and Building, at their discretion, may impose:

- (1) Any conditions which would have been applicable to the division of the property at the time the applicant acquired their interest in the property; except
- (2) Where the applicant was the owner of record at the time of the initial violation of the Map Act or the County Subdivision Regulations and is the current owner of record of one or more of the parcels which were created as a result of the approval in violation of the Map Act or County Subdivision Regulations, then the Director of Planning and Building may impose any conditions which would be applicable to a current subdivision of the property.
- (3) Compliance with the condition of a Conditional Certificate of Compliance is not required until the time at which a building permit or other grant of approval for development of the property is issued by the County.

- (4) In addition, the Director of Planning and Building may defer placing those conditions on a Certificate of Compliance which relate to future development of the property, such as access and utility improvements, to such time that specific development is proposed on the property.

c. Appeals

The Director of Planning and Building's action and/or the conditions imposed thereon may be appealed in accordance with Section 9.20.030.4.

d. Recording

After expiration of the appeal period, a Conditional Certificate of Compliance shall be filed by Planning staff for record with the County Recorder. The Conditional Certificate of Compliance shall serve as notice to the property owner or vendee, who has applied for the Certificate of Compliance, a grantee(s) of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of the condition(s) shall be required prior to County issuance of a building permit or other grant of approval for development of the property.

## **9.224.030 - Other Remedies**

1. Conveyance Voidable by Grantee

Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of the Map Act or of the County Subdivision Regulations is voidable in the same manner and to the extent provided in Section 66499.32 of the Map Act.

2. Other Legal Action Not Barred

The County Subdivision Regulations do not bar any legal, equitable or summary remedy to which any aggrieved local agency or other public agency, or any person, firm, or corporation may otherwise be entitled, and any such local agency or other public agency, or such person, firm, or corporation may file a suit in the superior court if any real property is attempted to be subdivided or sold, leased or financed in violation of the Map Act or of the County Subdivision Regulations, to restrain or enjoin any attempted or proposed subdivision or sale, lease, or financing in violation of the Map Act or the County Subdivision Regulations.

***(Prior Code Division VI Part 2: Ord. 4798, 12/12/2017)***