CHAPTER 29.

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Article I. In General.

Sec. 29-1. Definitions.
The following words and phrases shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:
ADVISORY AGENCY. The planning commission of the city is designated as the “Advisory Agency” as the term is used in the subdivision map act, and is charged with the duty of approving, conditionally approving, or denying tentative maps and parcel maps.
COMMERCIAL SUBDIVISION. “Commercial subdivision” means such portion of any subdivision, including the whole thereof, as lies within any commercial zone, as defined in the zoning code of the city.

DESIGN. “Design” refers to street alignment, grades and widths, alignment and widths of easements and rights-of-way for drainage and sanitary sewers, and minimum lot area and width.

FINAL MAP. “Final map” refers to a map prepared in accordance with the provisions of the subdivision map act, and those of this code, which map is designated to be placed on record in the office of the recorder of the county.

IMPROVEMENT. “Improvement” refers to only such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land dedicated or to be dedicated for streets, highways, public ways and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map thereof.

INDUSTRIAL SUBDIVISION. “Industrial subdivision” means such portion of any subdivision, including the whole thereof, as lies within an industrial zone, as defined in the zoning code of the city.

PLANNED RESIDENTIAL UNIT DEVELOPMENT. “Planned residential unit development” means an arrangement of residential units meeting the minimum standards of development of the zoning district in which proposed; however, such development need not meet the standards of lot area, lot width, lot depth and yard requirements of the comprehensive zoning ordinance of the city.

PLANNING COMMISSION. “Planning commission” means the planning commission of the city.

SUBDIVISION MAP ACT. “Subdivision map act” means California Government Code, Title 7, Division 2 (Subdivisions), Sections 66460 et seq.

TENTATIVE MAP. “Tentative map” refers to a map made for the purpose of showing the design of a proposed subdivision.
and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

OTHER DEFINITIONS: For other pertinent definitions see Sections 66416 through 66424 of the subdivision map act.
(Ord. No. 2779, § 2 (part); Ord. No. 2826, § 1.)

Sec. 29-2. Scope—Adoptive authority.

Pursuant to authority conferred by Sections 66410 to 66499.58 of the California Government Code, cited as the "subdivision map act," and in addition to any other regulations provided by law, the regulations contained in this chapter are established and shall apply to all subdivisions or parts of subdivisions hereafter made of land wholly or partly within the city, and to the preparation of subdivision maps thereof for approval. Each subdivision and each part thereof lying within the city shall be made, and each such map thereof shall be prepared and presented for approval, as provided in this chapter.
(Ord. No. 2779, § 2 (part.).)

Sec. 29-3. Judicial review of councilmanic decisions.

Control of the design and improvement of subdivisions is vested in the city council, but in all matters concerning such design and improvement, any decision by the council is subject to judicial review.
(Ord. No. 2779, § 2 (part.).)

Sec. 29-4. Applicability of subdivision map act generally.

The design, improvement and survey data of subdivisions, the form and content of maps thereof, and the procedure to be followed in securing official approval, shall be governed by the provisions of the subdivision map act and by the additional provisions of this chapter.
(Ord. No. 2779, § 2 (part.).)

Sec. 29-5. Jurisdiction restricted to city limits.

The city council has jurisdiction only to approve a map of a subdivision, or part thereof, as may lie within the incorporated area of the city.
(Ord. No. 2779, § 2 (part.).)
Sec. 29-6. Validity of conveyance contrary to chapter provisions.

Any deed of conveyance, sale or contract to sell made contrary to the provisions of this chapter is voidable at the option of the grantee, buyer or persons contracting to purchase, his heirs, person representative, or trustee in insolvency or bankruptcy, within one year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or devisee. Nothing contained in this section shall be deemed to render void or voidable any trust, deed, mortgage or other encumbrance in the hands of a bona fide holder for value. (Ord. No. 2779, § 2 (part).)

Sec. 29-7. Tax imposed—Generally.

Every person engaging in the activity of subdividing land into lots so that the lots may be conveyed shall pay a tax in the amount of one hundred dollars for each lot resulting from such activity. (Ord. No. 2779, § 2 (part); Ord. No. 2968, § 1.)

Sec. 29-8. Same—Payment.

The tax imposed by Section 29-7 shall be due and payable at the time the council of the city, or any board or officer of the city, gives final approval to any map or any other document under any applicable law or ordinance. The payment of such tax shall not be a condition to final approval. The proceeds of the tax shall be placed in the sewer construction fund of the city. (Ord. No. 2779, § 2 (part); Ord. No. 2968, § 2.)

Article II. Standards and Design.

Sec. 29-9. Separate map for divided parcels.

A parcel to be subdivided shall not be platted in a single map or tract if such parcel is divided into two or more parts by any land
other than streets, alleys, railroads or flood-control rights-of-way.
(Ord. No. 2779, § 2 (part).)

Sec. 29-10. Lots—Size—Dividing by boundary—Comprehensive zoning ordinance.
Minimum residential lot size and dimensions shall conform to the comprehensive zoning ordinance of the city. All lots shall front on a highway or public or private street. Where a parcel is first subdivided into acre tracts, the blocks shall be of such a size and shape, and be so divided as to provide for the extension and opening of major and secondary highways, and for the extension and opening of main streets and alleys at such intervals as will permit a subsequent division of any parcel into lots of normal size.
No lot shall be cut by the boundary of an incorporated city, Torrens Title boundary or loan line (that is to say, a mortgage or deed of trust description boundary line). (Ord. No. 2779, § 2 (part); Ord. No. 3583 § 1.)
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Sec. 29-11. Streets-Right-of-way width.

Arterial streets shall have a minimum right-of-way width of one hundred feet with a minimum paved travel way from curb to curb of not less than eighty feet in width, unless specified by the city engineer.

Collector streets shall have a minimum right-of-way width of eighty feet with a minimum paved travel way from curb to curb of not less than sixty-four feet in width, unless specified by the city engineer.

Industrial streets shall have a minimum right-of-way width of sixty feet with a minimum paved travel way from curb to curb of not less than forty-eight feet unless specified by the city engineer.

Residential streets shall have a minimum right-of-way width of sixty feet with a minimum paved travel way from curb to curb of not less than forty feet, unless specified by the city engineer. (Ord. No. 2779, § 2 (part).)

Sec. 29-12. Same—Alignment.

All streets, as far as possible, shall be required to be in alignment with existing adjacent streets or their proper projection and shall be in general conformity with the most advantageous development of the area affected by such subdivision. (Ord. No. 2779, § 2 (part).)

Sec. 29-13. Same—Curve radii.

The centerline curve radii on all streets and highways shall be subject to the approval of the city engineer. (Ord. No. 2779, § 2 (part).)

Sec. 29-14. Same—Intersection angle.

All street and highway intersections shall be at an angle as near a right angle as practicable. (Ord. No. 2779, § 2 (part).)
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Sec. 29-15. Same—Turning area for dead-end streets.
Dead-end streets must be provided with a cul-de-sac at the dead-end, as specified by the city engineer. (Ord. No. 2779, § 2 (part); Ord. No. 3628, § 1.)

Sec. 29-16. Same—Rounded corner.
All block corners and "T" alley intersections shall be rounded or cut off. (Ord. No. 2779, § 2 (part).)

Sec. 29-17. Same—Grade.
No street or highway shall have a grade of more than seven percent unless, because of topographical or other exceptional conditions, the city engineer determines that a grade in excess of seven percent is necessary. (Ord. No. 2779, § 2 (part).)

Sec. 29-18. Same—Part width.
Except to give drainage outlet to what otherwise would be dead-end streets, or where, in the opinion of the city engineer, extraordinary conditions make a strict enforcement impracticable, part-width streets shall not be accepted by the city council for dedication.
Subject to the provisions of Sections 29-11 and 29-12 of this code, any land intended to be a part of the ultimate width of a street, lying along and adjacent to the boundary of any lot, tract or subdivision, shall have a width not less than one half of the full width required for any such street by the provisions of this chapter. (Ord. No. 2779, § 2 (part).)

Sec. 29-19. Alleys.
Alleys at least twenty feet in width shall be required in the rear of all lots used or intended to be used for multiple residential (not including two-family use), commercial or other less restrictive use. However, the requirements of this section may be waived by the
council where, following application to the planning commission for such waiver, and recommendation by the planning commission to the city council, it is found and determined that the public interest, safety and welfare do not require the installation of an alley by reason of the topography and arrangement of related streets and highways.

In other cases, the provisions for alleys shall be optional with the subdivider, but subject to the approval of the city council. However, such alley shall not be less than twenty feet in width. (Ord. No. 2779, § 2 (part).)
§ 29-20. Easements.

Where alleys are not provided, and where underground service is not provided in public streets, easements not less than five feet in width shall be provided within the subdivision for public utility purposes on each side of rear lot lines and along side lot lines where necessary. Easements of lesser width may be permitted when approved by the city council and the planning commission. Easements for storm drains and flood control shall be provided where necessary.

The side lines of all easements shall be shown by fine dotted lines. If any easement already of record cannot be definitely located, a statement of the existence, the nature thereof and its recorded references must appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement shall be arrowed or so shown that the map will clearly indicate the actual lengths of lot lines, the widths of all easements and sufficient ties thereto definitely, to locate them with respect to the subdivision. All easements must be clearly labeled and identified. If an easement shown on the map is already of record, its recorded references shall be given. If an easement is being dedicated by the map, it shall be set out in the owner's certificate of dedication. (Ord. No. 2779, § 2 (part).)

§ 29-21. Setback lines.

Building setback lines shall be governed by the zoning ordinance of the city. (Ord. No. 2779, § 2 (part).)


Blocks shall not exceed one thousand three hundred feet in length between street lines, except where topographical conditions or previous surrounding layout require longer blocks, or acre subdivisions justify or require a variation from this requirement. (Ord. No. 2779, § 2 (part).)

§ 29-23. Same—Width.

The width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required by the

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provisions of this chapter, unless the surrounding layout, lines of ownership or topographical conditions justify or make necessary a variation from this requirement. (Ord. No. 2779, § 2 (part).)

Sec. 29-24. Reserved strips.
Reserved strips controlling the access to streets or other public rights-of-way from adjoining property will be approved by the city council when such strips are necessary for the protection of the public welfare or of substantial property rights, and when the control and disposal of the land comprising such strips are placed entirely within the jurisdiction of the city under conditions approved by the city council. (Ord. No. 2779, § 2 (part).)

Sec. 29-25. Extension of major street—Existing specifications to be observed.
Whenever the tentative map of a proposed subdivision shows any street, boundary line or otherwise as being a continuation or extension of an existing major street, such street, boundary line or otherwise shall be imposed to the same width and specifications as those existing streets of which they may be a continuation or extension. (Ord. No. 2779, § 2 (part).)

Sec. 29-26. Boundary line streets—Conditions of acceptance generally.
Subject to the provisions of Section 29-18 of this code, a boundary line street may be accepted by the city council for dedication, provided, the side line of such street, lying along and adjacent to any other property, is separated from such other property by a reserved strip that shall be not less than one foot in width and in compliance with the provisions of Section 29-24 of this code. (Ord. No. 2779, § 2 (part).)
Article III. Required Improvements.

Sec. 29-27. Street paving.
All streets shall be graded and paved to the lines and grades approved by the city engineer and in accordance with the requirements of the standards and specifications approved by the city council. (Ord. No. 2779, § 2 (part).)

Sec. 29-28. Curbs and sidewalks.
Cement curbs and sidewalks shall be constructed upon all streets in such subdivision in accordance with specifications approved by the city engineer. However, the location of sidewalks shall conform to that of contiguous areas and be at the discretion of the city council and planning commission. (Ord. No. 2779, § 2 (part).)

Sec. 29-29. Easements.
Whenever in the discretion of the city engineer the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the city engineer. (Ord. No. 2779, § 2 (part).)

Sec. 29-30. Utilities.
Service mains for gas and water shall be laid and all service connections stubbed into each lot. (Ord. No. 2779, § 2 (part).)

Sec. 29-31. Underground utilities.
Utility lines, including but not limited to electric communications, street lighting and cable television, shall be required to be placed underground. The subdivider is responsible for complying with the requirements of this section, and he shall make the necessary arrangements with the utility companies for the installation of such facilities. For the purpose of this section, appurtenance and associated equipment such as, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed above ground. The city council, after review and
§ 29-32  Pomona City Code  § 29-34.1

recommendation by the planning commission, may waive the requirements of this section if topographical, soil or any other conditions make such underground installations unreasonable or impractical.

This section shall not apply to utility lines which do not provide service to the area being subdivided. (Ord. No. 2779, § 2 (part.).)

Sec. 29-32. Sewers—Generally.
Sanitary sewer facilities and connections to each lot shall be laid in all cases. The determination of method shall be made by the city engineer based upon the city's master sewer plan and the economic practicability of extending sanitary sewer lines to certain areas to be served by the sanitary sewer system of the city. (Ord. No. 2779, § 2 (part.).)

Sec. 29-33. Fire hydrants.
Gate valves, extensions and risers extending thirty inches above the finished grade of the gutter shall be installed for fire hydrants. The size and location shall be approved by the chief of the fire department. (Ord. No. 2779, § 2 (part.).)

Sec. 29-34. Lighting.
Poles, posts, wires, pipes, conduits, tunnels, lamps and other necessary appliances for the purposes of lighting streets, places or public ways, property or rights-of-way owned by the city shall be required in all subdivisions. Specifications for such lighting shall be in accordance with standard public works specifications of the city prepared by the city engineer and approved by the city council. (Ord. No. 2779, § 2 (part.).)

Sec. 29-34.1. Street light maintenance and energy fee.
Every person engaging in the activity of subdividing land in the city shall pay a subdivision street light maintenance and energy fee as follows: sixty dollars per street light installed as a condition of the subdivision. The proceeds of the fee shall be placed in the general fund. (Ord. No. 2971, § 1.)
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Sec. 29-35. Street nameplate signs.

In a subdivision where two streets intersect, a street nameplate sign or notices adequately mounted describing the name of a street shall be required on the diagonally opposite sides of the intersection so that there will be a minimum of two street nameplate signs. At a "T" intersection there shall be one street nameplate sign. Such signs and their installation shall be
§ 29-36  Subdivisions  § 29-38

in accordance with standard specifications of the city. (Ord. No. 2779, § 2 (part.).)

Sec. 29-36. Tree planting.
The planting of trees, shrubs and other ornamental vegetation shall be required in each subdivision zoned for residential use. The type of tree or shrub shall be designated by the park superintendent based upon the soil condition and the width of the parkway. The specifications for such planting shall be in accordance with the standard public works specifications of the city prepared by the city engineer and approved by the city council. (Ord. No. 2779, § 2 (part.).)

Sec. 29-37. Filing plans, profiles, specifications—Installation.
The plans, profiles and specifications of all improvements required by the provisions of this article as well as of other improvements proposed, shall, at no cost to the city, be filed by the subdivider in the office of the city engineer at least ten days prior to the time of submitting to the engineer the final subdivision map. Such plans and profiles shall show full and complete details of the proposed improvements, which shall be according to the standards of the city. Such plans, profiles and specifications shall be approved by the city engineer before the final map is filed with the city council. All improvements shall be installed to the approval of the city engineer. (Ord. No. 2779, § 2 (part.).)

Sec. 29-38. Inspection—Fee.
The city engineer shall from time to time, as construction of improvements on any subdivision progresses, make such inspection as may be necessary for him to make the required certificates. The city council shall, at the time of filing and before approving the tentative map of any subdivision, determine the proper and reasonable fee to be collected from the subdivider for such inspection. (Ord. No. 2779, § 2 (part.).)
§ 29-39 Pomona City Code § 29-42

Article IV. Maps.

Sec. 29-39. General plan conformance—Time for, or waiver of report.
(a) A report as to conformity to the general plan, which is required pursuant to Section 65402 of the government code as the result of a proposed division of land, may be included as part of and at the same time as the action taken by the advisory agency on such division of land.
(b) Such report is not required for a proposed subdivision which involves:
(1) The disposition of the remainder of a larger parcel which was acquired and used in part for street purposes,
(2) Acquisitions, dispositions or abandonments for street widening, or
(3) Alignment projects, provided the advisory agency expressly finds that any such disposition for street purposes, acquisitions, dispositions or abandonments for street widening, or alignment projects is of a minor nature. (Ord. No. 2779, § 2 (part).)

Sec. 29-40. Citation and authority.
The ordinance codified in this chapter is adopted to supplement and implement the subdivision map act and may be cited as the subdivision ordinance of Pomona, California. (Ord. No. 2779, § 2 (part).)

Sec. 29-41. Definitions.
The words and phrases in Sections 29-42 through 29-44 shall have the meaning respectively ascribed to them. (Ord. No. 2779, § 2 (part).)

Sec. 29-42. Same—Subdivider.
"Subdivider" means a person, firm, corporation, partnership or associate who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others. (Ord. No. 2779, § 2 (part).)
§ 29-43 Subdivisions § 29-43.5

Sec. 29-43. Same—Subdivision.
"Subdivision” means the division of any improved or unimproved land, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. “Subdivision” includes a condominium project, as defined in Section 1350 of the California Civil Code, or a community apartment project, as defined in Section 11004 of the California Business and Professions Code. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels. (Ord. No. 2779, § 2 (part).)

Sec. 29-43.5. Subdivision map required; exceptions.
A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the California Civil Code, or a community apartment project containing five or more parcels, except where:

(a) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or

(b) Such parcel created by the division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway; or

(c) The land consists of a parcel or parcels of land having approved accesses to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or

(d) Each parcel created by the division has a gross area of not less than forty acres or is not less than a quarter of a quarter section.
§ 29-44  Pomona City Code  § 29-45

A parcel map shall be required for those subdivisions described in subdivisions (a), (b), (c), and (d), unless waived under Section 29-45.5. (Ord. No. 2984, § 1 (part).)

Sec. 29-44. Same—Advisory agency.
(a) Tentative Maps. The Planning Commission shall constitute the “Advisory Agency” for Tentative Maps and shall have the duty of approving, conditionally approving or denying said maps.

(b) Parcel Maps. The Planning Commission shall constitute the “Advisory Agency” for Parcel Maps and shall have the duty of approving, conditionally approving or denying said maps. (Ord. No. 2779, § 2 (part); Ord. No. 2826, § 2.)

Sec. 29-45. Filing of parcel map.
A parcel map shall be filed and recorded for any subdivision for which a tentative and final map is not required by the subdivision map act, except for:
(a) Subdivisions created by short-term leases (terminable by either party on not more than thirty days' notice in writing) of a portion of an operating right-of-way of a railroad corporation defined as such by Section 230 of the California Public Utilities Code. However, upon a showing made to the Director of Public Works, based upon substantial evidence that public policy necessitates such a map, this exception shall not apply. Such maps shall meet all the requirements of the subdivision map act and of this chapter and shall show all dedications or offers of dedication thereon. The Director of Public Works may require that such dedications or offers of dedication be made by deed in lieu of or in addition to appearing on the map.

(b) A lot line adjustment between two or more existing legal adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater or lesser number of parcels than originally existed is not thereby created, provided that the city
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engineer, or designee, determines that the lot line adjustment does not:

1. Increase or decrease the gross area of any parcel by more than fifty percent;
2. Impair any existing access or create a need for any new easements serving any adjacent parcels;
3. Reduce the gross area, width, or building setback of any parcel below the minimum required by the Zoning Ordinance; and
4. Require substantial alteration of public rights-of-way and other existing improvements or create a need for any new improvements.

Provided the city engineer makes the foregoing determinations, final approval of the lot line adjustment shall be made by the city council, unless a project related to the subject lot line adjustment has been previously considered by the planning commission. (Ord. No. 2779, § 2 (part); Ord. No. 3352, § 1; Ord. No. 3707, § 2.)

Sec. 29-45.5. Waiver of parcel map.

A parcel map shall be required for all subdivisions creating four or less parcels but this requirement may be waived by obtaining the approval of the Planning Commission upon an affirmative finding that the proposed division of land meets all city requirements as to (1) area, (2) improvements and design, (3) flood water drainage control, (4) appropriate improved public roads, (5) sanitary disposal facilities, (6) water supply availability, (7) environmental protection, and (8) all other requirements of the Subdivision Map Act and any applicable provisions of the Pomona City Code. A request for waiver of parcel map may be applied for only when the Depart-
ment of Community Development and the Department of Public Works have given written confirmation items (1) through (7), above, exist to the satisfaction of these two departments. The subdivider shall file a tentative map, drawings and such other information on any of the foregoing subjects as may be required by the planning commission and pay a fee of two hundred fifty dollars. Dedication or offers of dedication shall be made by deed. (Ord. No. 2984 § 1 (part).)

Sec. 29-46. Tentative map processing fee.
Every person submitting a tentative map shall pay a processing fee in an amount prescribed by resolution of the city council. (Ord. No. 2779, § 2 (part).)

Sec. 29-47. Public hearings.
Whenever a public hearing is held pursuant to the provision of the subdivision map act, notice of the time and place thereof, including a general description of the location of the subdivision or proposed subdivision, shall be given at least ten days before the hearing. Such notice shall be given by publication once in the Progress Bulletin newspaper or by posting the notice in at least three public places. Any interested person may appear at such a hearing and shall be heard. (Ord. No. 2779, § 2 (part).)

Sec. 29-48. Filing of tentative map.
Tentative maps shall be filed with the planning division and shall be processed in accordance with the subdivision map act and the provisions of this chapter. The subdivider shall file as many copies of the tentative map as may be required by the planning division of the city. (Ord. No. 2779, § 2 (part).)

Sec. 29-49. Expiration of tentative or parcel map approval.
(a) Expiration. The approval or conditional approval of a tentative or parcel map shall expire twenty-four months from the date the map was approved or conditionally approved.

(b) Extension. The person filing the tentative or parcel map may request an extension of the tentative or parcel map approval or conditional approval by written application to the
planning commission, which application shall be filed at least thirty days before the approval or conditional approval is due to expire. The application shall state reasons for requesting the extension. In granting the extension, new conditions may be imposed and existing conditions may be revised.

(c) Time Limit on Extensions. An extension or extensions of tentative or parcel map approval or conditional approval shall not exceed an aggregate of three years.

(d) Effect of Map Modification on Extension. Modification
§ 29-50  Subdivisions  § 29-50

of a tentative or parcel map after approval or conditional approval shall not extend the time limits imposed by this section.

(c) Failure to file a tentative or parcel map with the county recorder before it expires shall terminate all proceedings. Any subdivision of the same land shall require the filing of a new map.

(Ord. No. 2779, § 2 (part); Ord. No. 3107, § 1; Ord. No. 3220, § 1.)

Sec. 29-50. Merger of contiguous parcels.

Pursuant to Section 66499.20 ¾ of the Subdivision Map Act, the owner of contiguous parcels may request a merger of the parcels, without reverting to acreage, to be recorded by a document approved by the city engineer as to form and content properly describing the merged parcels.

(a) Application Requirements. Applications for requests as defined above must be submitted to the city engineer and shall include the following:

1. Adequate evidence of title to the real property involved;
2. A statement of the reasons for the proposed merger;
3. The information required for a parcel map, unless certain information requirements are waived by the city engineer;
4. Any other information deemed necessary by the city engineer or city planner;
5. The required filing fee, as established by city council resolution.

(b) Review and Approval. Requests for merger by document, as defined above, shall be reviewed and approved by the city engineer or designee, except that lot mergers associated with projects which have not been previously considered by the planning commission shall be submitted to the city council for final approval.

(c) Filing With County Recorder. Following approval, the owner or an authorized representative shall file, with the Los Angeles County Recorder, a certificate of compliance. Such certificate of compliance shall be approved by the city engineer as to form and content.

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(d) Appeal of Decision. The owner of the affected parcels or any other directly affected party may file a written appeal of lot mergers acted upon by the city's engineer to the planning commission within ten days of receipt of the decision. The appeal procedure shall be as specified in Section 29-51 of this chapter. (Ord. No. 3707, § 3.)

Sec. 29-51. Appeals.

(a) The subdivider may appeal any action of the planning commission with respect to a tentative map and parcel map to the city council, as provided by California Government Code Section 66452.5. Such appeal and the hearing thereon shall be conducted in the manner provided by Government Code Section 66452.5(a) and (b).

(b) Any interested person adversely affected by a decision of the planning commission may file a complaint with the city council concerning such decision. Any such complaint shall be filed with the city clerk within fifteen days after the action which is the subject of the complaint. The city council may in its discretion reject the complaint within fifteen days or set the matter for public hearing. If the city council rejects the complaint, the complainant shall be notified of such action. If the matter is set for hearing, the hearing shall be conducted and notice thereof given, as provided by Government Code Section 66451.3.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, any interested person may appeal any decision of the planning commission relative to the provisions of Government Code Sections 66473.5, 66474, 66464.1 and 66474.6, to the city council. Such appeal and the hearing thereon shall be conducted in the manner provided by Government Code Section 66452.5(a) and (b). (Ord. No. 2779, § 2 (part); Ord. No. 2826, § 3.)

Sec. 29-52. Waiver of direct access to streets.

The planning commission may impose a requirement that any dedication or offer of dedication of a street shall include a waiver
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of direct access rights to such street from any property shown on a
final map as abutting thereon, and that if the dedication is accepted,
such waiver shall become effective in accordance with the provisions
of the waiver of direct access. (Ord. No. 2779, § 2 (part).)

Sec. 29-53. Requirements of school site dedications.
As a condition of approval of a final map, a subdivider who
develops or completes the development of one or more subdivisions
within the Pomona unified school district or Claremont unified
school district shall dedicate to the school district such lands as the
city council deems necessary for the purpose of constructing thereon
schools necessary to assure the residents of the subdivision adequate
school service. (Ord. No. 2779, § 2 (part).)

Sec. 29-54. Procedure.
The requirement of dedication shall be imposed at the time of
approval of the tentative map. If within thirty days after the require-
ment of dedication is imposed by the city or county, the Pomona
unified school district or Claremont unified school district does not
offer to enter into a binding commitment with the subdivider to
accept the dedication, the requirement shall be automatically termi-
nated. The required dedication may be made any time before, con-
currently with, or up to sixty days after the filing of the final map
on any portion of the subdivision. (Ord. No. 2779, § 2 (part).)

Sec. 29-55. Payments to subdivider for school site dedication.
The Pomona unified school district or Claremont unified school
district shall, if it accepts the dedication, repay to the subdivider or
his 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 to the dedicated land

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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 the
maintenance of such dedicated land, including interest costs
incurred on any loan covering such land. (Ord. No. 2779, § 2
(part).)

Sec. 29-56. Exemptions.
The provisions of this chapter shall not be applicable to a
subdivider who has owned the land being subdivided for more
than ten years prior to the filing of the tentative maps. (Ord.
No. 2779, § 2 (part).)

Sec. 29-57. Requirements for reservations.
As a condition of approval of a map, the subdivider shall
reserve sites appropriate in area and location for parks,
recreational facilities, fire stations, libraries or other public uses
according to the standards and formula contained in this
chapter. (Ord. No. 2779, § 2 (part).)

Sec. 29-58. Standards and formula for reservation of land.
Where a park, recreational facility, fire station, library or
other public use is shown on an adopted specific plan or
adopted general plan containing a community facilities element,
recreation and parks element and/or a public building element,
the subdivider may be required by the city to reserve sites as so
determined by the city in accordance with the definite
principles and standards contained in the above specific plan or
general plan. The reserved area must be of such size and shape
as to permit the balance of the property within which the
reservation is located to develop in an orderly and efficient
manner. The amount of land to be reserved shall not make
development of the remaining land held by the subdivider
economically unfeasible. The reserved area shall conform to the
adopted specific plan or general plan and shall be in such
multiples of streets and parcels as to permit an efficient division

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of the reserved area in the event that it is not required within the prescribed period. (Ord. No. 2779, § 2 (part).)

Sec. 29-59. Procedure.
The public agency for whose benefit an area has been reserved shall at the time of approval of the final map or parcel map enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement. (Ord. No. 2779, § 2 (part).)

Sec. 29-60. Payment.
The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation, and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area. (Ord. No. 2779, § 2 (part).)

Sec. 29-61. Termination.
If the public agency for whose benefit an area has been reserved does not enter into such a binding agreement, the reservation of such area shall automatically terminate. (Ord. No. 2779, § 2 (part).)

Sec. 29-62. Requirements for dedication regulations for streets, alleys, drainage, public utility easements and other public easements.
As a condition of approval of a map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets, alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements. In addition, the subdivider shall improve or agree to improve all streets, alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements. (Ord. No. 2779, § 2 (part).)
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Sec. 29-63. Payment of fees required for drainage and sewer facilities.

Prior to filing of any final map or parcel map, the subdivider shall pay or cause to be paid any fees for defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas or sanitary sewer facilities for local sanitary sewer areas established pursuant to Section 66483 of the Government Code. (Ord. No. 2779, § 2 (part).)

Sec. 29-64. Improvement security—Required.

Any improvement agreement, contract or act required or authorized by the Subdivision Map Act, for which security is required, shall be secured in the manner provided for in Section 66499 of the Subdivision Map Act. (Ord. No. 2779, § 2 (part).)

Sec. 29-65. Same—Amount.

The improvement security shall be in the amount set forth or authorized in Section 66499.3 of the Subdivision Map Act.

The security bond shall be:

(a) Fifty percent for labor and material;
(b) Fifty percent for faithful performance;
(c) Five thousand dollars for survey;
(d) Ten percent for one-year guarantee and warranty of work.

If the improvement security is other than a bond or bonds furnished by duly authorized corporate surety, an additional amount may be included as determined by the city council as necessary to cover the cost and reasonable expenses and fees, including reasonable attorney’s fees, which may be incurred by the city in successfully enforcing the obligation secured.

The improvement security shall also secure the faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed ten percent of the original estimated cost of the improvement. (Ord. No. 2779, § 2 (part); Ord. No. 2893, § 1; Ord. No. 2905, § 1.)

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Sec. 29-66. Same—Release.

The improvement security required hereunder shall be released in the following manner:

(a) Security given for faithful performance of and act or agreement shall be released upon the final completion and acceptance of the act or work subject to the provisions of subparagraph (b) thereof.

(b) Security given to secure payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment, may, six months after the completion and acceptance of the act or work, be reduced to an amount equal to the amount of all claims therefor filed and of which notice has been given to the legislative body, plus an amount reasonably determined by the city engineer to be required to assure the performance of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.

(c) No security given for the guaranty or warranty of work shall be released until the expiration of the period thereof.

(Ord. No. 2779, § 2 (part).)

Sec. 29-67. Soils report.

(a) A preliminary soils report, prepared by a civil engineer registered in this state and based upon adequate test borings, shall be submitted to the city engineer for every subdivision.

(b) A preliminary soils report may be waived by the city engineer, providing the city engineer finds that due to the knowledge the city has as to the qualities of the soils in the subdivision, no preliminary analysis is necessary.

(c) If the city has knowledge of, or the preliminary soils report indicates, the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the city engineer. Such soils investigation shall be done by a civil engineer registered in this state, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be

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constructed in the area where such soils problem exists.
The planning commission may approve the subdivision or portion thereof where such soils problems exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed, and a condition to the issuance of any building permit may require that the approved recommended action be incorporated in the construction of each structure. (Ord. No. 2779, § 2 (part).)

Sec. 29-68. Reversions to acreage by final map or parcel map.
Subdivided property may be reverted to acreage pursuant to provisions of this chapter. (Ord. No. 2779, § 2 (part).)

Sec. 29-69. Initiation of proceedings—By owners.
Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the city engineer. The petition shall contain the information required by Section 29-71, and such other information as required by the city engineer. (Ord. No. 2779, § 2 (part).)

Sec. 29-70. Same—By city council.
The city council at the request of any person or on its own motion may by resolution initiate proceedings to revert property to acreage. The city council shall direct the city engineer to obtain the necessary information to initiate and conduct the proceedings. (Ord. No. 2779, § 2 (part).)

Sec. 29-71. Data for reversion to acreage.
Petitioners shall file the following:
(a) Evidence of title to the real property; and
(b) Evidence of the consent of all of the owners of interest[s] in the property; or
(c) Evidence that none of the improvements required to be made within two years from the date the final map or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or

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(d) Evidence that no lots shown on the final or parcel map have been sold within five years from the date such final or parcel map was filed for record;

(e) A tentative map in the form prescribed by the subdivision map act; or

(f) A final map in the form prescribed by the subdivision map act which delineates dedications which will not be vacated and dedications required as a condition to reversion. (Ord. No. 2779, § 2 (part).)

Sec. 29-72. Fees.

Petitions to revert property to acreage shall be accompanied by a fee as established by the city council. If the proceedings are initiated pursuant to Section 29-70, the person or persons who requested the city council to initiate the proceedings shall pay the fee. Fees are not refundable. (Ord. No. 2779, § 2 (part).)

Sec. 29-73. Proceedings before the city council.

A public hearing shall be held before the city council on all petitions for initiations for reversion to acreage. Notice of the public hearing shall be given as provided in Section 66451.3 of the Government Code. The city engineer may give such other notice that he deems necessary or advisable.

The city council may approve a reversion to acreage only if it finds and records in writing that:

(a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

(b) Either:

(1) All owners of an interest in the real property within the subdivision have consented to the reversion; or

(2) None of the improvements required to be made have been made within two 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 later; or

(3) No lots shown on the final or parcel map were filed for record.

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The city council may require as conditions of the reversion: 
(a) The owners dedicate or offer to dedicate streets or 
easements; 
(b) The retention of all or a portion of previously paid 
subdivision fees, deposits or improvement securities if the same 
are necessary to accomplish any of the provisions of this 
chapter. (Ord. No. 2779, § 2 (part.).)

Sec. 29-74. Return of fees, deposits—Release of securities. 
Except as provided in Section 29-72, upon filing of the final 
map for reversion of acreage with the county recorder, all fees 
and deposits shall be returned to the subdivider, and all 
 improvement securities shall be released by the city engineer. 
(Ord. No. 2779, § 2 (part.).)

Sec. 29-75. Delivery of final map. 
After the hearing before the city council and approval of the 
reversion, the final map shall be delivered to the county 
recorder. (Ord. No. 2779, § 2 (part.).)

Sec. 29-76. Effect of filing reversion map with the county 
recorder. 
Reversion shall be effective upon the final map being filed for 
record by the county recorder. Upon filing, all dedications and 
offers of dedication not shown on the final map for reversion 
shall be of no further force and effect. (Ord. No. 2779, § 2 
(part.).)

Sec. 29-77. Final map—Monuments. 
At the time of making the survey for the final map, the 
engineer or surveyor shall set sufficient durable monuments to 
conform with the standards described in Section 8771 of the 
Business and Professions Code so that another engineer or 
surveyor may readily retrace the survey. 
He shall also set additional monuments as required by the 
city engineer. 
All monuments necessary to establish the exterior boundaries 
of the subdivision shall be set or referenced prior to recordation
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of the final map. (Ord. No. 2779, § 2 (part).)

Sec. 29-78. Environmental impact.
No parcel or tentative map filed pursuant to the provisions of this chapter shall be approved until an environmental impact analysis report is prepared, processed and considered in accordance with the provisions of the approved guidelines for the preparation of environmental impact reports. The subdivider shall provide such additional data and information, and deposit and pay such fees as may be required for the preparation and processing of environmental review documents. (Ord. No. 2779, § 2 (part).)

Sec. 29-79. Grading and erosion control.
Every map approved pursuant to this chapter shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in the Uniform Building Code, 1973 edition. (Ord. No. 2779, § 2 (part).)

Article V. Vesting Tentative Map.

Sec. 29-80. Citation and authority.
The ordinance codified in this article is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the state of California (hereinafter referred to as the vesting tentative map statute), and may be cited as the Pomona vesting tentative map ordinance. (Ord. No. 3294, § 1 (part).)

Sec. 29-81. Purpose and intent.
It is the purpose of this article to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the Subdivision Map Act and the Pomona subdivision ordinance. Except as otherwise set forth in the provisions of this article, the provisions of the subdivision ordinance shall apply to the vesting tentative map ordinance.

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To accomplish this purpose, the regulations outlined in this article are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. (Ord. No. 3294, § 1 (part).)

Sec. 29-82. Consistency.
No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan and any specific plan of the city of Pomona or not permitted by the zoning chapter or other applicable provisions of the Pomona Municipal Code. (Ord. No. 3294, § 1 (part).)

Sec. 29-83. Definitions.
(a) A "vesting tentative map" shall mean a "tentative map" for a residential subdivision, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 29-85, and is thereafter processed in accordance with the provisions hereof.
(b) All other definitions set forth in the Pomona subdivision ordinance are applicable. (Ord. No. 3294, § 1 (part).)

Sec. 29-84. Application.
(a) This article shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Pomona subdivision ordinance, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.
(b) If a subdivider does not seek the rights conferred by the vesting tentative map statute, 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. (Ord. No. 3294, § 1 (part).)
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Sec. 29-85. Filing and processing.
(a) A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the Pomona subdivision ordinance for a tentative map except as hereinafter provided.

(1) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

(2) At the time a vesting tentative map is filed a subdivider shall also supply the following information.
(b) Detailed development plans shall be submitted for the review and approval by the city. These plans shall include the following:
   (1) Site plan;
   (2) Floor plan;
   (3) Elevations indicating architectural design materials and colors:
   (4) Grading plans indicating areas of cut and fill amounts of each and including a cross-section of the building profile delineating its relationship to both the existing and graded contours of the site;
   (5) Structural plan for all structures;
   (6) Landscape and irrigation plans for the complete site;
   (7) Soil study and geological reports;
   (8) Flood control information;
   (9) On-site and off-site sewer, water, street light, traffic signal, storm drains and public/private road detail plans;
   (10) Traffic generation and circulation study, including existing driveways and street intersections that may influence the development. (Ord. No. 3294, § 1 (part).)

Sec. 29-86. Fees.
(a) Upon filing a vesting tentative map, the subdivider shall pay the following filing fee: five hundred dollars plus fifty dollars per lot or unit. (Additional plan check fees, in accordance with the city’s set fee schedules will be required at the time plans are submitted for review and approval).

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(b) The city council may update filing fees by resolution. (Ord. No. 3294, § 1 (part).)

Sec. 29-87. Expiration.
The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period established by the Pomona subdivision ordinance for the expiration of the approval or conditional approval of a tentative map. (Ord. No. 3294, § 1 (part).)

Sec. 29-88. Vesting on approval of vesting tentative map.
(a) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Gov. Code Sec. 66474.2.
(b) Notwithstanding subsection (a), a permit, approval extension, or entitlement may be made conditional or denied if any of the following are determined:
   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.
(c) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 29-87. If the final map is approved and the development is not pursued to completion, these rights shall last for the following periods of time:
   1. An initial time period of two years;
      Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
   2. The initial time period set forth in subsection (c)(1) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty days, from the date a complete application is filed.

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(3) A subdivider may apply for a one-year extension at any time before the initial time period set forth in subsection (c)(1) expires.

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions (1) through (3) of this subsection the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit. (Ord. No. 3294, § 1 (part).)

Sec. 29-89. Development inconsistent with zoning—Conditional approval.

(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. Pomona may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 29-88(a), 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 29-88(c). (Ord. No. 3294, § 1 (part).)

Sec. 29-90. Application inconsistent with current policies.

Notwithstanding any provisions of this article, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Sections 29-88(a) and 29-89, and the city may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. No. 3294, § 1 (part).)

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