

*A. J. H. 8*

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AN ORDINANCE PROVIDING LOCAL REGULATIONS FOR THE SUBDIVISION OF LAND WITHIN THE CORPORATE LIMITS OF THE TOWN OF SAN ANSELMO, AND FOR THE PREPARATION AND PRESENTATION OF SUBDIVISIONS MAPS THEREOF.

THE CITY COUNCIL OF THE TOWN OF SAN ANSELMO, DOES ORDAIN AS FOLLOWS:

SECTION 1. "SUBDIVISION" DEFINED:

For the purposes of this ordinance the word "subdivision" shall mean a tract of land composed of five (5) or more lots of one acre or less in area, provided that when any person within one (1) calendar year divides any tract into five (5) or more parts of one (1) acre or less in size, such tract shall be deemed a subdivision.

SECTION 2.

For the purposes of this ordinance wherever the term "Map act" is used, said term shall be deemed to mean that certain act of the Legislature of the State of California enacted by Statutes of 1929, Chapter 837, page 1790 and approved by the Governor, June 17th, 1929, as amended.

SECTION 3. SINGLE PARCEL ON MAP.

No land shall be subdivided on any single map when such land is separated or divided into two or more parcels or portions by any other parcel of land other than a street, alley, railroad, right of way, or flood control right of way, and when such land is so separated each separate parcel or portion thereof, if subdivided, shall be subdivided as a separate parcel and shown on a separate subdivision map.

SECTION 4. LOT DIMENSIONS AND FRONTAGE.

Each lot in any subdivision hereafter made shall have an area of not less than five thousand (5000) square feet, a minimum width of forty-five (45) feet, and a minimum depth of one hundred (100) feet. Each lot shall have a frontage on a highway or street, except where any City boundary line, Torrens Title Line, or the boundary of a subdivision make necessary a lot with less frontage. The requirements of this Section regarding lot dimensions shall be considered minimum requirements and exception shall be made only as provided in Section 13 hereof. In all cases where possible, or practical, the side lines of lots shall be at a right angle to the street upon which such lots face.

SECTION 5. ARRANGEMENT OF STREETS.

All streets, as far as is practical, shall be in alignment with existing streets on either side of said subdivision, and in general conformity with the most advantageous development of the area.

SECTION 6. STREET AND ALLEY WIDTHS.

The minimum widths for streets shall be forty (40) feet, and the minimum width for alleys shall be fifteen (15) feet, except in cases where in the opinion of the City Council, the

1 topography or special conditions make a street or alley of such  
2 width impossible or impractical, such lesser width as is deemed  
3 suitable or adequate by said City Council may be provided.

4 SECTION 7. INTERSECTION ANGLE.

5 Any Highway or street intersecting any other highway or  
6 street shall do so at an angle at as nearly right angles as is  
7 practical.

8 SECTION 8. DEAD END STREETS.

9 Each highway or street shall extend through to the bound-  
10 ary line of such subdivision; provided, that where a through  
11 highway or street is impossible or impractical a dead end street  
12 may be provided in the event that an adequate turning place is  
13 provided at the dead end thereof.

14 SECTION 9. STREET GRADE.

15 No highway or street shall have a grade of more than six  
16 (6%) per cent, EXCEPT FOR SHORT STRETCHES WHERE THE TOPOGRAPHY  
17 MAKES IT impracticable to keep within such grade, and in no event  
18 shall such grade exceed ten (10%) per cent, except where evidence  
19 which is satisfactory to the said City Council, is given that a  
20 lower grade is not possible.

21 SECTION 10. SETBACKS IN LIEU OF HIGHWAY WIDTHS.

22 Whenever, in the opinion of the City Council, the topo-  
23 graphy within such proposed subdivision or the density of pop-  
24 ulation to be served by any highway in such proposed subdivision  
25 is such as to make any highway or street of the width required  
26 by this ordinance unnecessary, said Council may approve highways  
27 or streets of lesser width in the event that front, side or rear  
28 setback lines and utility easements and building lines, or either,  
29 are provided in lieu of such highway or street width.

30 SECTION 11. BASEMENTS FOR UTILITIES AND FOR LIGHT AND  
31 AIR (BUILDING SET-BACK LINES).

32 Where alleys are not provided, easements of not less than  
five (5) feet in width shall be provided on each side of all rear  
lot lines, and side lines where necessary, for poles, wires, con-  
duits, storm and sanitary sewers, gas, water and heat mains. Base-  
ments of greater width may be required along lot lines or across  
lots where necessary in the opinion of the City Council for the  
extension of mains, sewers and similar utilities and for light and  
air (building set-back lines).

SECTION 12. CORNER RADIUS.

Lots on street intersections and at all other points  
likely to be dangerous, in the opinion of the City Council, shall  
have a radius of not less than fifteen (15) feet at the street  
corners.

SECTION 13. MODIFICATIONS.

Whenever, in the opinion of the City Engineer or Street  
Superintendent, the land involved in any such subdivision is of

1 such size or shape, or is subject to such title limitation of re-  
2 cord or is affected by such topographical location or conditions,  
3 or is to be devoted to usage, that it is impossible or impracti-  
4 cal in the particular case for such subdivider to fully conform  
5 to such regulation, such officer or officers may recommend such  
6 modification thereof as, in the opinion of such officer, is rea-  
7 sonably necessary or expedient;

8 Provided, that in the case of each such modification such  
9 officer shall first find that a special, individual reason makes  
10 strict letter of such provision impossible or impractical of ob-  
11 servance and that such modification is in conformity with the spi-  
12 rit and purpose of said map act and of this ordinance; and

13 Provided, further, that such officer recommending any  
14 such modification shall transmit to said City Council, with the  
15 map of such subdivision, his report in writing setting forth each  
16 such modification authorized by such officer and the fact relied  
17 upon by him for the authorization of such modification.

18 The City Council may approve, adopt, reject or amend such  
19 recommendations as, in its opinion, seems warranted.

#### 20 TENTATIVE MAPS

#### 21 SECTION 14. FILING OF TENTATIVE MAPS.

22 Prior to the preparation of any subdivision map, the sub-  
23 divider shall cause one original tentative map and one duplicate  
24 to be filed with the City Council of the Town of San Anselmo,  
25 and one duplicate thereof with the City Engineer, said map to be  
26 prepared by a registered engineer or a licensed surveyor. Such  
27 tentative map shall show and contain the following matters;

- 28 (a) The Tract number, name or designation.
- 29 (b) Sufficient legal description of the land as to de-  
30 fine the boundaries of the proposed tract.
- 31 (c) Name and address of record owner, subdivider and en-  
32 gineer.
- 33 (d) The locations, names and existing widths of all ad-  
34 jacent and proposed highways, streets or ways.
- 35 (e) The width and approximate grades of all highways,  
36 streets and ways within such proposed subdivision.
- 37 (f) The approximate widths and locations of all proposed  
38 easements for drainage, sewers, or other public utility purposes,  
39 or for light and air (building set-back lines).
- 40 (g) Approximate radius of all curves.
- 41 (h) The approximate lot layout, and the approximate di-  
42 mensions of each lot.
- 43 (i) Approximate locations of all areas subject to inund-  
44 ation or storm water overflow, and the locations, widths and di-  
45 rections of flow of all water courses.
- 46 (j) Source of water supply, if any.
- 47 (k) Proposed methods of sewage disposal, if any.
- 48 (l) Use of property proposed.
- 49 (m) Proposed public area, if any.
- 50 (n) Approximate contours where topography controls the  
51 layout.
- 52 (o) Date, North point and scale.
- 53 (p) A blank space of not less than eight and one-half  
54 (8½) inches by eleven (11) inches for certificates and approvals.

55 Provided, however, that if it is impossible or impracti-  
56 cal to place upon said tentative map any matter hereinabove in  
57 this section required, such matter or information shall be furn-  
58 ished in a written statement which shall be submitted with such  
59 map.

1                    SECTION 15. REPORTS ON TENTATIVE MAP.

2                    Within a period of not more than thirty (30) days from  
3 the receipt thereof, said City Engineer shall file with the City  
4 Council his approval of such tentative map, or a report showing  
5 what changes are necessary in order to make such map conform to  
6 the requirements of said Map Act and of this Ordinance. If such  
7 approval or report is not made before the expiration of such thir-  
8 ty (30) day period, such map shall be deemed to be approved by  
9 said City Engineer.

10                    Said City Council shall approve or disapprove such ten-  
11 tative map within thirty (30) days after the filing thereof. Said  
12 action shall be endorsed upon the face of the tentative map, all  
13 as provided in said Map Act.

14                    SECTION 16. SURVEY AND FINAL MAP - TIME LIMIT.

15                    Such subdivider, subsequent to the approval of such ten-  
16 tative map, shall proceed within the time provided by law to cause  
17 such subdivision to be surveyed accurately in accordance with said  
18 map and any and all alterations and changes therein, and within  
19 such time shall file with the City Engineer a final map of such  
20 subdivision, conforming in all particulars with the provisions of  
21 said Map Act and with this Ordinance. After acceptance and record-  
22 ation of said final map, the subdivider shall file with the City  
23 Engineer two blue-line or brown-line prints of said recorded map.

24                    SECTION 17. PERMANENT MONUMENTS.

25                    In making said survey, the Engineer or Surveyor shall set  
26 permanent monuments at or near each boundary corner of such sub-  
27 division, and along the boundary lines at intervals of not more than  
28 one thousand (1000) feet. Each such monument shall be not less sub-  
29 stantial than an iron pipe of two (2) inch outside diameter, not  
30 less than two and one-half (2½) feet in length, centered with plug  
31 and tack, and driven at least two (2) feet into the ground. For  
32 the purposes of this Ordinance, a lead and tack set in permanent  
concrete or masonry shall be considered as a permanent monument.  
The depths of the top of each such monument, whether above, below  
of flush with the surface of the ground, shall be shown upon such  
final map. Each such monument shall be subject to inspection and  
approval by the City Engineer before such final map is transmitted  
to the City Council for approval.

SECTION 18. SURVEY PROCEDURE AND PRACTICE.

                  The procedure and practice of all survey work done upon  
any such subdivision shall conform to the accepted standards of the  
engineering profession.

SECTION 19. HIGHWAY NAMES.

                  Each highway, street or way shown on said final map,  
which is to be dedicated and which is a continuation, or is in the  
line of prolongation, of any existing dedicated highway, street or  
way, shall be given the same name as such existing highway, street  
or way of which the same is a continuation or prologation. The  
proposed name of each other highway, street or way shown on said  
map shall be submitted to City Engineer for his approval; no name  
may be approved which is a duplication of, or so nearly the same  
as to cause confusion with, the name of any existing highway, street

1 or way located in said City or in the nearby vicinity thereof.

2 SECTION 20. WIDTHS OF RIGHTS-OF-WAY.

3 There shall be shown upon such final map the center line  
4 of each highway, street or way, the total width thereof, the width  
5 of that portion to be dedicated, and in the case of any existing  
6 highways, streets or ways, the width thereof, and the width of each  
7 highway street or way on each side of the center line thereof.

8 The width of each railroad right-of-way, flood control  
9 or drainage channel, and of each other easement appearing thereon,  
10 shall be shown on such final map.

11 SECTION 21. EASEMENT LINES.

12 Upon such final map shall be shown the center line or  
13 side lines of each easement to which the lots in such subdivision  
14 are subject. In the event that such easement is not definitely  
15 located of record, a statement showing the existence of such ease-  
16 ment shall be placed on the title sheet of such map.

17 SECTION 22. (a) EASEMENT DESIGNATION.

18 Each easement for any storm drain, sewer or for light and  
19 air (set-back line) shall be designated on said final map by fine  
20 dotted lines.

21 (b) EASEMENT BEARINGS ON LOT LINES.

22 Distances and bearings on the side lines of lots which  
23 are cut by such easement shall be arrowed or so shown that said  
24 final map will indicate clearly the actual length of each lot line.

25 (c) EASEMENT WIDTHS AND TIES.

26 The width of such easement or the lengths and bearings of  
27 the lines thereof and sufficient ties thereto to definitely lo-  
28 cate such easements with respect to said subdivision shall be shown  
29 on such final map.

30 (d) EASEMENT IDENTIFICATION.

31 Each such easement shall be clearly labeled and identified  
32 and, if already of record, its record reference shall be shown  
thereon; if not of record a statement of such easement shall be  
placed on the title sheet of such final map.

33 (e) EASEMENT DEDICATIONS.

34 If such easement is being dedicated by such final map  
35 it shall be properly set out in the owner's certificate and dedi-  
36 cation on such map.

37 (f) EASEMENT NOTES AND FIGURES.

38 All notes or figures pertaining to each such easement  
39 shall be smaller and lighter than those relating to the subdivis-  
40 ion itself.

41 SECTION 23. CITY BOUNDARY LINES.

42 Upon such final map shall be shown each city boundary  
line crossing or adjoining such subdivision and such line shall be  
clearly designated and tied in.

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SECTION 24. NATURAL WATER COURSE DEDICATION.

In the event that such subdivision is traversed by any major water course, channel, stream, or creek, such subdivider shall dedicate a right-of-way for storm drainage purposes, the side lines thereof conforming substantially to the high water lines of major flow of such water course, channel, stream, or creek; or, at the option of such subdivider, he may provide a dedication of other easements and construction, or either, sufficient to dispose of such surface and storm water, including the satisfactory disposal thereof in the adjoining property. Rights-of-way for streets or highways may be required by said City Council in connection with such dedications or easements, and vice versa;

Provided, however, that in the case of any reversion to acreage map or any map prepared solely for the purpose of defining existing boundary lines, no right-of-way or easement mentioned in this section shall be required.

SECTION 25. HIGHWAY DEDICATION.

Except as otherwise provided in this ordinance, all streets highways and ways in any such subdivision, and shown on the final map thereof, shall be offered for dedication for public use.

SECTION 26. HIGHWAY IMPROVEMENT.

Such subdivider shall improve or agree to improve all land dedicated for streets, highways or other public ways. Such improvements shall include such grading, surfacing, sidewalks, curbs, culverts, bridges, drains, stairways or permanent subdivision monuments, or other structures or improvements as said City Council may deem to be necessary for the public use and safety.

It shall be the duty of the City Engineer to make his recommendations to the Council as to the type and the extent of improvement to be required to be constructed.

All such improvements shall be installed to grade, which grade shall be approved by the City Engineer. Plans and profiles for such improvement shall be furnished to said City Engineer as herein provided, and such plans and profiles shall be subject to the approval of said City Engineer before any such final map shall be approved. Such plans and profiles shall show full details of of the proposed improvements and shall be in accordance with the standards of the Town of San Anselmo, as adopted by said City Council.

If any such improvement work be not completed to the satisfaction of said City Council before such streets, highways or other ways are dedicated, such subdivider shall, prior to the approval by said City Council of such final map, enter as contractor into an agreement with the City Council, whereby, in consideration of the acceptance by said City Council of the dedications offered on such map, such subdivider, as such contractor, agrees to furnish all equipment and material necessary to complete such work within the time specified in such agreement.

Such agreement shall be accompanied by a faithful per-

1 formance bond guaranteeing the faithful performance of such work,  
2 in a penal sum equal to the estimated cost thereof, as estimated  
3 by said City Engineer, together with a material and labor bond  
4 in a sum equal to one-half of such estimated cost. Such bonds  
5 shall be furnished by a surety company authorized to write the  
6 same in the state of California, and shall be subject to the ap-  
7 proval of, and acceptance by, said City Council.

8 SECTION 27. CONSTRUCTION.

9 If any section, subsection, subdivision, sentence, clause  
10 or phrase of this Ordinance is for any reason held to be invalid  
11 or unconstitutional, such decision shall not affect the validity  
12 of the remaining provisions of this Ordinance. The legislative  
13 body of the Town of San Anselmo hereby declares that it would  
14 have enacted this Ordinance, and each section, subsection, sub-  
15 division sentence clause and phrase thereof, irrespective of the  
16 fact that any one or more other sections, subsections, subdivis-  
17 ions, sentences clauses or phrases thereof be declared invalid or  
18 unconstitutional.

19 SECTION 28. LIGHT, WATER AND OTHER IMPROVEMENTS.

20 In the event that street lights, water mains, sanitary  
21 sewers or storm drains are to be installed as a part of the im-  
22 provement of such subdivision, plans, profiles, specifications  
23 and all necessary details of the proposed construction shall be  
24 submitted to said City Engineer not later than the time of filing  
25 such final map for checking and shall be approved by said City  
26 Engineer before such map shall be transmitted to said City Council  
27 for approval. Such plans, profiles and specifications shall show  
28 full details of the proposed improvement, which shall conform to  
29 the standards of said Town of San Anselmo as adopted by said City  
30 Council.

31 SECTION 29. FEES.

32 All improvements to land dedicated for streets, highways  
33 or other public ways, in any subdivision, including grading, sur-  
34 facing, sidewalks, curbs, gutters, culverts, bridges, sewers,  
35 drains, stairways, or permanent subdivision monuments, shall be  
36 inspected by the City Engineer, and for such service of inspection  
37 said City Engineer shall receive as an inspection fee, a sum e-  
38 qual to three and one-half ( $3\frac{1}{2}$ ) per cent of the total cost of any  
39 such work or improvement to be paid by the Town of San Anselmo.  
40 At the time of the filing of any final subdivision map, as here-  
41 inabove provided, the subdiviver shall pay to the Town of San An-  
42 selmo, as an inspection fee, a sum equal to three and one-half  
43 ( $3\frac{1}{2}$ ) per cent of the estimated total cost of the work or improve-  
44 ment in this section hereinabove mentioned.

45 SECTION 30.

46 This Ordinance shall take effect thirty (30) days after  
47 the date of its adoption and prior to the expiration of fifteen  
48 (15) days from the passage thereof shall be published at least  
49 once in the San Anselmo Herald, a weekly newspaper of general cir-  
50 culation, published and circulated in the Town of San Anselmo, and  
51 thenceforth and thereafter the same shall be in full force and e-  
52 ffect.

1 The foregoing ordinance was duly and regularly introduced  
2 at a regular meeting of the City Council of the Town of San Ansel-  
3 mo held in said Town on the 13<sup>th</sup> day of July, 1937, and was  
4 thereafter at an adjourned regular meeting of said city council,  
5 held in said Town, on the 10<sup>th</sup> day of August, 1937, duly  
6 passed and adopted by the following vote:

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AYES: COUNCILMEN  
NOES: COUNCILMEN  
ABSENT: COUNCILMEN

*Franchin, Carroll, Millard, White & Lynch*  
*none*  
*none*

SIGNED AND APPROVED THIS 10<sup>th</sup> day of August, 1937.

ATTEST:

*F. L. Brown*

Clerk

*W. L. Lynch*

Mayor of the Town of  
San Anselmo.